

# Towards a Police State in America: Will the “October Surprise” Come on November 7th?

By [Gar Smith](#)

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In the weeks leading up to the November election, rumors of an “October Surprise” surfaced just as predictably as the arrival of negative political ads. Would the White House announce that Osama bin Laden had been captured or killed? Would a “terrorist threat” (real or trumped up) spook the nation into voting Republican? Rep. Dennis Kucinich, former US Senator Gary Hart and retired USAF war strategist Col. Sam Gardiner all warned of an imminent US attack on Iran. Hart, a former presidential candidate, specifically warned that the attack would occur “before the November elections.”

The Internet crackled with predictions: A US naval strike force, headed by the USS Eisenhower, would be in position to attack Iran by October 22 — the night of a new moon. A “false flag” attack on a US ship (the aging and soon-to-be-retired USS Enterprise was the reputed target) would be staged by (a) covert US forces, (b) Iraqi surrogates or (c) Israeli intelligence, and blamed on Iran, thereby providing an excuse for attacking Tehran — and another reason for voting Republican.

Why didn’t the feared “October Surprise” materialize? Some observers credit Russian warnings, the influence of European governments, China’s strategic pas-de-deus with nuclear North Korea, or Iran’s massive “The Blow of Zolfaghar” military exercise < a response to US-UK “war games” being staged off Iran’s southern coast.

Another brake on US plans to expand the theater of war may have come on October 10, when insurgent rockets ignited the Pentagon’s biggest ammo dump in Iraq < Forward Operating Base Falcon. The explosions rocked Baghdad for 13 hours, destroying much of the base and much of the stored ammunition, artillery, rockets and bombs. (Neither the Pentagon nor the US media seems eager to provide any details about what appears to constitute one of the worst military disasters in US history.)

Now, with pre-election “attack” and “false flag” scenarios fading, a new concern is beginning to coalesce < fed by a series of alarming actions the White House has taken to further dismantle Constitutional balance and expand the powers of the president.

Some conspiracy buffs now wonder whether the real “October Surprise” could be the November 7 election itself.

## Stolen Elections and Civil Unrest

On November 4, The Washington Post’s Tom Toles inked a two-panel editorial cartoon. The first panel shows George W. Bush proclaiming: “If the Democrats win, the terrorists win.” One member of the Bush’s audience replies, “That does it. He’s finally sunk as low as he can

go,” while another observer adds: “Don’t count on it.” In the second panel, Bush concludes: “Therefore, anyone voting for a Democrat is an enemy combatant” and the complaining citizen is seen being hauled off by two trench-coated goons.

But it’s no laughing matter. Bush now has such powers.

If the upcoming elections are characterized by massive fraud and manipulation, Bush could be facing the kind of angry mobs that one typically associates with the last reel of a Frankenstein flick. But, if protests become too large and rancorous, Bush now claims the authority to declare a national emergency, quarantine the demonstrators and round-up any perceived “enemies of the state.” Frankenstein never had it so good.

In mid-October, with every poll indicating that the Republicans stood to lose control of the Congress and, possibly the Senate, the Washington Post noted that George W. Bush and Karl Rove remained “almost inexplicably upbeat.” When reporters asked Rove why he was so optimistic that the Republicans would retain control of the House and Senate, Rove smiled and replied, “I’ve done the math.”

In September, Robert F. Kennedy, Jr. looked at the math < and the aftermath < of America’s past elections in a Rolling Stone cover story entitled “Will the Next Election Be Hacked?” Kennedy noted that 80% of the 2006 midterm election ballots cast in America’s 180,000 precincts will be counted by electronic boxes that leave no paper trail. Worse, three of the four companies that provide these machines < Diebold, Election Systems & Software (ES&S) and Hart InterCivic < have ties to Republican Party interests.

According to author and election watchdog Lynn Landes, in early voting in Texas, Arkansas, Florida and Missouri, “touch-screen machines are reportedly flipping votes from Democratic candidates to Republicans.” Vote-flipping was first noted when the machines were used in the 2000 presidential election, Landes says, “and it always appears to favor Republicans over Democrats.”

After the 2002 elections, it was discovered that Diebold officials installed an unauthorized patch on the memory cards of 5,000 machines in Georgia’s two strongest Democratic precincts. A Diebold consultant told Kennedy that the patch would have made it possible to rig the election by putting a select candidate “ahead by three or four percent.” In addition, the patches could “include a built-in delete that erases itself after it’s done.”

Six days before the election, Democratic incumbent Max Cleland, a decorated veteran who lost both legs in Vietnam, was leading his Republican challenger by five percentage points. On election day, Cleland’s challenger was declared the winner by 53% of the vote.

On October 30, 2006, the Miami Herald reported the problems encountered by Gary Rudolf, the head of the African -American Research Library and Cultural Center: “[Rudolf] touched the screen for gubernatorial candidate Jim Davis, a Democrat, but the review screen repeatedly registered the Republican, Charlie Crist.” It took three tries to correctly register a vote for the Democrat.

The Herald also heard from Jean Marek, a 60-year-old Democrat from Hollywood, Florida who “was also stunned to see Charlie Crist on her ballot review page after voting.” And when Miami resident Mauricio Raponi tried to vote a straight Democratic ticket, the Herald reported, “each time he hit the button next to the candidate, the Republican choice showed

up.”

Election supervisors told the Herald that the electronic screens frequently “slip out of sync.” Nonetheless, when the machines fail, they are not taken out of service: they are “recalibrated” using a 15-step procedure outlined in a poll-workers manual. Broward County Elections spokeswoman Mary Cooney told the Herald that it was “not uncommon” for the machines to miscount votes but she insisted that she was “not aware of any serious problems.”

The Department of Homeland Security’s computer safety team has recently warned that Diebold’s black boxes contain “an undocumented backdoor account” that could allow “a malicious user [to] modify votes.”

So what is likely to happen if it appears that the third critical election in a row has been “stolen”? There most likely will be massive, angry demonstrations in the streets and a march on Washington denouncing the Bush regime for defrauding democracy. And, if the outpourings of anger grow large enough, they could be characterized as displays of “insurrection, domestic violence, unlawful combination, or conspiracy” — i.e., precisely the kind of civil disorder that Bush can now cite as a “public emergency,” thereby justifying the use of his new powers to declare “martial law.”

The March towards Martial Law October 26, George W Bush quietly authorized a provision revising the Insurrection Act (10 U.S.C.331 -335), which places limits on the President’s ability to deploy troops inside the United States. Senator Patrick Leahy (D-Vermont) has warned that this action suggests the president is preparing to declare federal martial law. The Insurrection Act and the Posse Comitatus Act (18 U.S.C.1385), have set strict prohibitions on military involvement in domestic law enforcement. Bush is seeking to undo those prohibitions.

On October 17, Bush put his signature on the “John Warner Defense Authorization Act of 2007” (H.R.5122). Public Law 109-364 (as sit is now known) received little fanfare. Signed in a private Oval Office ceremony, this law gave Bush the power to declare a “public emergency” and station troops anywhere in America to “suppress public disorder.” The law also gives Bush the power to take command of state-based National Guard units over the objections of state governors and local authorities.

On the same day, Bush signed the Military Commissions Act of 2006, which abolishes the legal protection of habeas corpus, authorizes the president to detain and jail anyone (even US citizens) without charge and subject them to harsh interrogation that may or may not involve torture.

“In a sense, the two laws complement one another,” notes Frank Morales in an essay from *Toward Freedom*. “One allows for torture and detention abroad, while the other seeks to enforce acquiescence at home, preparing to order the military onto the streets of America.”

A close look at the Pentagon’s \$500-billion-plus Defense Authorization Act reveals several disturbing additions. Section 1076 covers “Use of the Armed Forces in Major Public Emergencies.” Section 333, refers to “Major public emergencies; interference with State and Federal law” and states that “the President may employ the armed forces, including the National Guard in Federal service, to restore public order and enforce the laws of the United States when, as a result of a natural disaster, epidemic, or other serious public health

emergency, terrorist attack or incident, or other condition in any State or possession of the United States, the President determines that domestic violence has occurred to such an extent that the constituted authorities of the State or possession are incapable of (“refuse” or “fail” in) maintaining public order, “in order to suppress, in any State, any insurrection, domestic violence, unlawful combination, or conspiracy.”

The law also facilitates militarized police round-ups and detention of protesters, so called “illegal aliens,” “potential terrorists” and other “undesirables” for detention in facilities already contracted for and under construction by Halliburton. That’s right. Under the cover of a trumped-up “immigration emergency” and the frenzied militarization of the southern border, detention camps are being constructed right under our noses, camps designed for anyone who resists the foreign and domestic agenda of the Bush administration.

The “Journal of Counterterrorism & Homeland Security International” has reported that Halliburton subsidiary KBR [Kellog, Brown & Root] has been awarded an Indefinite Delivery/Indefinite Quantity (IDIQ) contract to support US Immigration and Customs Enforcement (ICE) facilities “in the event of an emergency” The five-year, \$385 million contract would pay KB&R to construct “temporary detention and processing capabilities to augment existing ICE Detention and Removal Operations” in the event of an emergency influx of immigrants into the US, or to support the rapid development of new programs.” [Emphasis added.]

Connecting the dots, Morales finds “a tell-tale sign of a rapidly consolidating police state in America.”

The de-facto repeal of the Posse Comitatus Act constitutes a historic assault on American democratic tradition and jurisprudence. The 1878 Act is the only US criminal statute that outlaws the use of military troops against the American people under the cover of “law enforcement.” Morales calls the act “the best protection we’ve had against the power-hungry intentions of an unscrupulous and reckless executive.” And yet, Morales marvels, “despite the unprecedented and shocking nature of this act, there has been no outcry in the American media, and little reaction from our elected officials in Congress.”

Senator Patrick Leahy (D-Vermont) was one of the few to warn that the 2007’s Defense Authorization Act’s contained “changes to the Insurrection Act, which will make it easier for this or any future President to use the military to restore domestic order WITHOUT the consent of the nation’s governors.

“We certainly do not need to make it easier for Presidents to declare martial law,” Leahy declared.

On September 29, Leahy committed these concerns to the Congressional Record when he warned that the language of the Authorization Bill “subverts solid, longstanding posse comitatus statutes that limit the military’s involvement in law enforcement, thereby making it easier for the President to declare martial law.” Leahy charged that the provision had been “slipped in as a rider with little study.” Leahy complained that “congressional committees with jurisdiction over these matters had no chance to comment, let alone hold hearings on, these proposals.”

“The implications of changing the (Posse Comitatus) Act are enormous,” Leahy noted. “Using the military for law enforcement goes against one of the founding tenets of our

democracy. We fail our Constitution, neglecting the rights of the States, when we make it easier for the President to declare martial law and trample on local and state sovereignty.”

Title XIV of the new law, “Homeland Defense Technology Transfer Legislative Provisions,” authorizes the Secretary of Defense “to create a Homeland Defense Technology Transfer Consortium” to expedite the shipment of the latest “crowd control” weapons and other “less-than-lethal” technologies from the Pentagon to local police.

### **Operation Falcon: A Trial Run for Political Detention?**

In what may be another sign of worse times to come, only weeks before the midterm elections, the Department of Justice (DoJ) announced news of “Operation Falcon,” a massive federal-and-state police operation that swept up thousands of Americans identified as “the country’s most dangerous sex offenders and gang members and gang members from the streets.”

This marked the third time in two years that there has been a major mobilization of state and local police (acting under Federal marching orders) to track down, seize and arrest US citizens.

**FALCON I** < From April 4-10, 2005, Operation FALCON (Federal and Local Cops Organized Nationally) broke into homes and apartments and seized 13,851 individuals in a crack-down that Attorney General Alberto Gonzales called “a record breaking, historic event made possible by hundreds of deputy marshals and the 3,100 (daily average) officers, detectives, troopers, investigators, deputy sheriffs, and special agents from 959 separate agencies.”

Mike Whitney, writing for CounterPunch, had a different take on the event, calling it a “massive roundup of 10,000 American citizens” in a “clandestine dragnet that involved hundreds of state, federal and local law-enforcement agencies”. It was the largest criminal-sweep in the nation’s history.” The DoJ claimed the \$900,000 operation nabbed sex offenders, murderers, armed robbers and gang members, but these “heavy hitters” accounted for only 10% of the overall arrests. What crimes had the other 90% committed? According to Whitney, “the US Marshall’s office issued no public statement to the press as to whether the 10,000 people arrested in operation Falcon have been processed or released.”

**FALCON II** < (April 17-23, 2006) Between April 17-23, 2006, the DoJ staged another massive sweep, arresting 9,037 citizens in 27 states < mostly west of the Mississippi River, and the territories of Guam and Northern Mariana Islands.

**FALCON III** (October 22-28) < During the week of October 22- 28, 2006, DoJ’s third, and largest, police-state sweep covered the eastern half of the US. But it did not generate the same amount of media attention as the earlier operations. By now, such massive police sweeps had come to seem routine. The DoJ reported that FALCON III had resulted in “the arrest of 10,773 fugitives and the clearance of 13,333 warrants.”

According to a DoJ press release, “A total of 1,063 different agencies participated < 30 federal, 103 state, 430 county sheriffs/departments, 482 police departments, and 18 foreign agencies. Within the Marshals Service, 48 districts participated, including the Districts of Columbia and Puerto Rico. In all, each day more than 3,000 law enforcement officers worked together tirelessly during this record setting operation.”

According to the DoJ’s web site, the “foreign agencies” included federal police officers from

Mexico, Canada, Jamaica, El Salvador, Sweden, Korea, the Dominican Republic, Poland and the Republic of China.

One has to wonder why it was deemed essential that members of the Korean National Police and Sweden's Rikspolisstyrelsen needed to participate in the mass-arrests of thousands of US citizens. Is there, perhaps, some NATO-like quid-pro-quo that obligates US troops to respond to mass-arrest situations inside these countries should the need arise? Could Falcons I, II, and III be dress rehearsals for something bigger? There is, after all the disturbing \$385 million federal contract that KBR recently received to build "detention centers" to "support the rapid development of new programs."

Just another November Surprise.

*Gar Smith is Editor Emeritus of Earth Island Journal, editor of The-Edge.org at [www.The-Edge.org](http://www.The-Edge.org) and co-founder of Environmentalists Against War.*

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