

“War on Terror” Advocate to Head Homeland Security

Obama to nominate former Defense Department general counsel Jeh Johnson as new DHS chief.

By [Stephen Lendman](#)

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Obama intends to nominate former Defense Department general counsel Jeh Johnson as new DHS chief.

He's responsible for endorsing some of Washington's most lawless policies. His rap sheet reveals great cause for concern. More on him below.

Post-9/11, police state terror followed. Obama expanded it.

It's unprecedented in size, scope and ruthlessness.

DHS is America's Gestapo. The November 25, 2002 Homeland Security Act established it. Twenty-two federal agencies were combined under one authority.

They include Immigration and Customs Enforcement (ICE), Transportation Security, the Secret Service, FEMA, National Protection and Programs Directorate, and the Coast Guard among others.

DHS concentrates unprecedented executive branch military and law enforcement empowerment. It's a rogue agency. It's insidious. It's a police state apparatus writ large. It's a dagger at the heart of freedom.

Its four main mandates include:

- border and transportation security;
- emergency and disaster preparedness;
- developing nuclear, chemical and biological weapons countermeasures; and
- centralizing storage and analysis of potential threat information.

US Northern Command (NORTHCOM) was established months earlier (April 25, 2002). Doing so was unprecedented.

For the first time, America's mainland, Alaska, Canada, Mexico, Gulf waters, Florida straits, and portions of the Caribbean were militarized. Troops may be deployed on US streets.

Doing so violates core 1807 Insurrection Act and 1878 Posse Comitatus Act principles.

They prohibit using federal and National Guard forces for domestic law enforcement except as constitutionally allowed or expressly authorized by Congress in times of insurrection or other national emergency.

No longer. Usurped diktat authority lets presidents claim emergency powers, declare martial law, suspend the Constitution, and deploy federal and/or National Guard troops on US streets to suppress whatever is called disorder.

Fundamental freedoms are endangered. First Amendment ones matter most. Without them all others are at risk. They include free expression, assembly, religion, and right to petition government for redress.

Police state ruthlessness defines today's America. International, constitutional and US statute laws no longer matter. They lie in history's dustbin.

Diktat power replaced them. No one any longer is safe. Doing the right thing is dangerous. Guilt by accusation is policy.

Anyone can be arrested, held uncharged, and detained indefinitely. Due process, judicial fairness, and other civil rights no longer protect.

If confirmed, Johnson will replace Janet Napolitano. She reflected the worst of repressive governance. Throughout her tenure, she violated fundamental rule of law principles.

She terrorized Latino immigrants. She waged war on Occupy Wall Street. She obstructed FOIA requests.

She advanced America toward full-blown tyranny. Expect Johnson to pick up where she left off. His record gives pause for concern.

His legal career combined private and government service. From 1989 - 1991, he was GHW Bush's Assistant US Attorney for the Southern District of New York.

From 1998 - 2001, he was Clinton's Air Force Department general counsel. He's currently a Paul, Weiss, Rifkind, Wharton & Garrison partner.

His former Defense Department responsibilities included legal review and approval of all military related operations.

An unnamed senior Obama administration official said:

"The president is selecting Johnson because he is one the most highly qualified and respected national security leaders, having served as the senior lawyer for the largest government agency in the world."

"During his tenure at the Department of Defense he was known for his sound judgment and counsel."

It includes defending military commission prosecutions. They're for so-called "unprivileged enemy belligerents." Bush called them "unlawful enemy combatants."

Francis Boyle called this designation a “quasi-category to create an anti-matter universe of legal nihilism where human beings (including US citizens) can be disappeared, detained incommunicado, denied access to attorneys and regular courts, tried by kangaroo courts, executed, tortured, assassinated and subjected to numerous other manifestations of State Terrorism.”

Johnson supports all of the above. Doing so qualifies him to head DHS. He endorses targeted assassinations by drones or other means.

He defends lawless NSA spying. He champions waging war on terror at home and abroad.

On November 30, 2012, he addressed the [Oxford Union](#) in London. He titled his talk “The Conflict Against Al Qaeda and its Affiliates: How Will It End?”

He claimed credit for working with Congress “to enact the Military Commissions Act (MCA) of 2009.” It renewed its initial 2006 authorization.

It scrapped habeas protection. It granted sweeping police state powers. They’re unchanged today. MCA states:

“(N)o (civil) court, justice, or judge shall have jurisdiction to hear or consider any claim or cause for action whatsoever...relating to the prosecution, trial, or judgment of a military commission (including) challenges to the lawfulness of (its) procedures...”

With or without evidence, “Any person is punishable who aids, abets, counsels, commands, procures,” or in any way provides “material support” to alleged terrorists.

Charged suspects are guilty by accusation. Enhanced interrogations (aka torture) are authorized.

So is denying detainees international law protections. Presidents can authorize military commissions at their discretion.

Torture coerced confessions are admissible. Hearsay and secret evidence is permitted. Kangaroo court justice follows.

Johnson vowed to keep fighting Al Qaeda. “(W)e are taking the fight directly to AQAP (Al Qaeda on the Arabian Peninsula),” he said.

He omitted explaining that Washington uses Al Qaeda and similar groups strategically as enemies and allies.

He called targeting Al Qaeda “a new kind of war. It is an unconventional war against an unconventional enemy.”

He implied that old rules don’t apply. Waging war on Al Qaeda won’t “end in conventional terms,” he said.

The most “unconventional” tactics are used. Fundamental rule of law principles are violated doing so.

On February 16, 2012, [New York City Bar](#) President Samuel Seymour wrote Johnson, saying:

“(W)e write to express our concern with the Order Governing Written Communications Management for Detainees Involved in Military Commissions, dated December 27, 2011.”

“The Association is alarmed at the dramatic impingement on the attorney-client privilege resulting from the procedures set forth in the Order.”

“The sanctity of the attorney-client privilege is fundamental to our system of justice.”

“If the Order is implemented, (it) will be gravely undermined.”

“We urge the appropriate authority to vacate the Order and (replace it with) a (proper) legal framework.”

It’s in stark contrast to civil proceedings. It’s fundamentally unfair and unjust.

Seymour’s letter was comprehensive. It was lengthy. It ran nine pages.

He concluded saying “the Association believes the Written Communications Order is problematic because it invades the attorney-client privilege, inappropriately inserts outsiders into the defense team, and reverses the presumption that the privilege should be respected, all on a blanket basis and without any particularized showing of need.”

“We believe the Order threatens to undermine the proper functioning of the adversary system and” helps delegitimize military commission prosecutions.

On March 18, 2013, Johnson spoke at the [Center on National Security at Fordham Law School](#).” He titled his address “A ‘Drone Court:’ Some Pros and Cons.”

He claimed “appropriate lethal force” made America’s homeland safer. It’s never been less safe.

He advocates drone killings. He asked what about establishing a drone court? He’s comfortable about an authority acting as judge, jury and executioner.

He wants it kept within the executive branch. Targeted assassination authorizations aren’t suited for judicial review. Quick action is needed to implement them.

Doing so violates core international, constitutional and US statute laws. Johnson didn’t explain. Nor that drones mostly kill innocent civilians.

A tiny fraction of deaths are so-called “high value targets.” Innocent men, women and children comprise most others. It doesn’t matter.

Johnson calls “targeted lethal force” justifiable. “The essential mission of the US military is to capture or kill an enemy,” he said.

In a February 2012 [Yale Law School](#) address, he called US citizens fair game.

“Belligerents who also happen to be US citizens do not enjoy immunity where non-citizen belligerents are valid military objectives,” he said.

“(U)nder well-settled legal principles, lethal force against a valid military objective, in

an armed conflict, is consistent with the law of war and does not, by definition, constitute an 'assassination.' "

America's domestic "war on terror" will be in good hands with Johnson. Expect freedom to suffer another major body blow. Perhaps it won't survive his tenure. Ends justifying means alone matters.

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