



9/11

*Discrimination* in Response

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## THE ESSENCE

“If we give up our essential rights for some security,  
we are in danger of losing them both.”

Benjamin Franklin (1706–90),  
American statesman, scientist, thinker and publisher.

\*

„This is a government of the people, by the people and for the people no longer. It is a  
government of corporations, by corporations and for the corporations.”

Rutherford B. Hayes (1822–92),  
19th President of the United States (1877–81).

\*

“In the counsel of government, we must guard against the acquisition of unwarranted influence,  
whether sought or unsought, by the military-industrial complex. The potential for the disastrous  
rise of misplaced power exists and will persist. We must never let the weight of this combination  
endanger our liberties or democratic processes ...”

Dwight D. Eisenhower (1890–1969),  
34th President of the United States (1953–61).

\*

„We must be prepared to stop rogue states and their terrorist clients before they are able to  
threaten or use weapons of mass destruction against the United States and our allies and friends.“

George W. Bush (1946– ),  
43rd President of the United States (2000– ).

\*

“A lie can go halfway around the world before the truth even gets its boots on.”

Mark Twain (1835–1910),  
U.S. writer, humorist, and lecturer.

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## CONTENTS

|   |           |
|---|-----------|
| <b>PREFACE</b> .....  | <b>v</b>  |
| <b>I. INTRODUCTION</b> .....                                | <b>1</b>  |
| <b>II. THE UNITED STATES</b> .....                          | <b>8</b>  |
| <b>A. The Governmental Process</b> .....                    | <b>9</b>  |
| <b>B. Before the 9/11 Threshold</b> .....                   | <b>15</b> |
| <b>C. Multilateralism and a Discrimination Record</b> ..... | <b>21</b> |
| <b>D. The White House</b> .....                             | <b>28</b> |
| <b>E. Assault on Civil Liberties</b> .....                  | <b>35</b> |
| <b>F. Presidential Perceptions of Security</b> .....        | <b>40</b> |
| <b>G. Racism, Islam and the Media</b> .....                 | <b>46</b> |
| <b>III. WAR WITHOUT BORDERS</b> .....                       | <b>55</b> |
| <b>IV. AFGHANISTAN: THE “PIPE-LINE STATE”</b> .....         | <b>63</b> |
| <b>V. IRAQ: THE “OIL STATE”</b> .....                       | <b>69</b> |
| <b>VI. U.S. ALLIES</b> .....                                | <b>81</b> |
| <b>VII. CONCLUSIONS</b> .....                               | <b>90</b> |

## PREFACE

I had the pleasure to know Professor Türkaya Ataöv, the author of this book, during my close association with the international NGO community in Geneva in the 1970s. I had then also joined “The International Organization for the Elimination of All Forms of Racial Discrimination” (shortly known as EAFORD), founded at an international conference and led by such elected Executive Council members as the Honorable Abdullah Sharfelddin, the former President of the Libyan Bar, and Dr. Anis al-Qasem, the distinguished Palestinian jurist. I feel duty-bound to mention the names of deceased colleagues, all in the same council as myself, like Rabbi Elmer Berger, a great humanist of Jewish faith, John Reddaway, a British intellectual and a former high-ranking public servant with a sense of fairness for all, and, last but not least, Dr. Fayez A. Sayegh, who had won the respect and admiration of all, friend and foe alike, in the United Nations, among colleagues who served the dignified cause of struggle against discrimination. It is also my duty to commemorate the name of the late Mansour al-Kikhya, the former Libyan Minister of Foreign Affairs and a founder of the Arab Organization of Human Rights (AHOR), who sadly disappeared on 10 December 1993, while a member of EAFORD’s Executive Council, attending AHOR’s Tenth Anniversary meetings in Cairo.

During these years I have observed Professor Ataöv as a leading analyst of human rights violations, including scores of discriminatory policies and behavior. He was a participant in drafting EAFORD’s strategy that led to the latter’s world recognition. The book in your hand may well be the first long study, at least when it was finished and submitted for reviews and publication, on the subject of discrimination related with the response to the September 11 attacks. It dwells on the most crucial facts that stand to influence the agenda of international relations for the 21st century. The structural impacts of the attacks and the responses may equal the full force of the demise of the Communist group of states about two decades ago on the working of politics in the United States and in the international arena.

Professor Ataöv analyzes the perceptions and the policies of the United States Administration, and the latter’s adverse effects on multilateralism, the authority of the United Nations, and the validity of international law. He accounts how civil liberties are sacrificed ostensibly for security and why a discriminatory approach is adopted targeting principally the Muslims and the Middle Eastern peoples. He underlines at best the colorlessness and at worst the repugnant role of the American mainstream media and the startling apathy of the elected representatives of the people, who are legitimately expected to play a balancing role in protecting

liberties and discouraging the executive branch from driving nations into the abyss of illegitimate wars waged under false threats.

The author urges the democratic opposition to discharge its role of criticism and mobilization of public opinion. He advises the media to preserve credibility by affirming its independence and resisting official versions of events as well as the censorship imposed by the power elite in more than one way. The unauthorized war on Iraq and the host of improper consequences that followed drove the author to call for the improvement of international humanitarian law and its sanctions machinery.

Professor Ataöv remains hopeful, however, since aggressive policies have also led to a worldwide anti-war movement and brought together trade unions, intellectuals, human rights and women rights activists, youth organizations, churches, environmentalists, artists, and others in spontaneous response to official but misleading designs. At this point it should be instructive to remember that the majority of the U.N. Security Council members opposed the same designs, no matter how skillfully formulated and disguised they may be, and virtually isolated the United States from the whole international community. A component part of the same design is the U.S. support to Israel, one of the most lawless states in the world and the only one in the Middle East that possesses weapons of mass destruction. The latter is very much on record for repeated violations of international law and human rights standards.

This latest work of Professor Türkkaya Ataöv is a valuable contribution to the study of our contemporary world, especially in the light of discriminatory responses to the 9/11 attacks. The response proved to be more destructive in material, legal, and moral perspectives than the purportedly original cause.

ABDERRAMANE YOUSOUFI  
Former Prime Minister of Morocco  
Casablanca, 22 October 2003

## I. INTRODUCTION

So many books and articles now start with the assumption that the world changed on 11 September 2001, and that the responses to this catastrophe stand for the real beginning of the 21st century. Undeniably, no one had ever used huge jetliners as ‘missiles’ against such tall buildings before. No one had been able to execute a set of coordinated acts of terrorism in a single day, and within a few minutes. The morning of 9/11<sup>1</sup> was a brilliant end-of-summer day with a touch of coolness in the air. In painful contrast with the softness of the sky, the death toll was 2,998 (over 350 of whom were firefighters) when two hijacked planes hit the World Trade Center in New York and a third crashed into the Pentagon. An unfamiliar sense of vulnerability pervaded the nation. Deep fears persisted throughout the country of more terrorist attacks involving even more sinister forms. The alarm of the average American was exacerbated by the specter of biological terrorism.<sup>2</sup> The American people were wounded to the core.

The world was rocked almost as hard as the United States. Viewers everywhere were glued to their televisions. Governments condemned the attacks, and virtually every levelheaded person around the globe was grief-stricken and bitter over the loss of innocent individuals, mostly Americans, but also from many other nationalities.<sup>3</sup> The targets may be symbolical of capitalism and militarism, but the attack itself was a crime against humanity. The phrase “we are all Americans” (originally, in French: *nous sommes tous Américains*) echoed largely with sympathy (and only at times with bitter irony) around the globe. This phrase first appeared in the Paris daily **Le Monde**,<sup>4</sup> perhaps a surprising but well-timed affirmation of solidarity for a standard beacon of the left-of-center. Though without a unity of command, it was a heart-warming sentiment, not a typical after-dinner speech. It reflected more emotion than Kennedy’s “*Ich bin ein Berliner*”. The **Economist** ran a cover picture of a smoke-shrouded Manhattan skyline with the words “the day the world changed.”<sup>5</sup> There was near universal condemnation of the attacks. For the first time, NATO countries invoked Article 5 of the treaty, which deems an attack on one as an attack on all. It was still true that the American superpower, as some commentators noted, by its unbearable potency, had roused the innate violence of others. However, no one would now share the oft eloquently-phrased 19th century justifications of anarchism.

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<sup>1</sup> The date of the crime is shortened for practical purposes throughout this monograph, and no disrespect is meant with this contraction. 9/11 also happens to be the anniversary of the conviction of Ramzi Yousef for the first World Trade Center bombing.

<sup>2</sup> However, only the United States weapons program was capable of producing anthrax of a high quality.

<sup>3</sup> Official figure, released a year later, lists a total of 37 nationalities, but quite a few articles mention “close to” 80.

<sup>4</sup> 13 September 2001.

<sup>5</sup> 15 September 2001.

Eventually, terrorism had penetrated America's geographical shield, making 'Fortress America,' all of a sudden, a concept "relegated to history books".<sup>6</sup> Since the afternoon of the same day, Americans could no longer foster the illusion that what happens elsewhere would not affect them. Reciprocally, in view of the capabilities of the United States, the consequences of whatever occurred in that land would be felt in the rest of the world.

The United States, which had been a world power since the Spanish-American War of 1898, had led at least half of the world in an anti-Soviet drive after 1945 and headed towards swaying over virtually the whole globe with the disintegration of the Communist bloc. While the man in the street minded his own business, decision-makers at the official level presumed, during the greater part of the 20th century, that events abroad involved American interests in one way or another. The 9/11 tragedy and the chain responses that followed signalled unprecedented transformations in the international order. The world seemed destined to change, though not necessarily in the manner described in official pronouncements and by the overwhelming majority of the media commentators in the United States.

In any case, the amount of information and specialized works, erudite or otherwise, multiplied rapidly. There exist now inspiring publications on a score of controversial issues. Quite a few of scholarly outputs challenge the official presentation of incidents and phenomena; for instance, the history of relations between the United States Government and Osama bin Laden, the alleged mastermind behind the 9/11 attacks.<sup>7</sup> Some of these publications dwell on how the U.S. Government financed the Afghan *Mujahedeen* through the CIA, and how the American intelligence community received multiple warnings of the attacks. A handful of veteran journalists, who have interviewed Osama bin Laden or covered notorious stories, followed the trail from the first cell in America to the one that carried out the most devastating terrorist assault in history.<sup>8</sup> There were always investigators in the right place but waved off the correct trail over and over again. Ironically, one of the men who had been most aware of the threat, John O'Neill, who left the FBI to become Chief of Security at the World Trade Center, died there on that awful day. Similar intelligence came from Canada, the Cayman Islands, Egypt, France, Germany, India, Israel, Italy, Jordan, Kazakhstan, Libya, Morocco and Russia.

Standard operating procedures collapsed on 9/11. The threat was not totally ignored, however. Some precautions were taken in certain selected respects, but nothing was done for the

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<sup>6</sup> Congresswoman (ret.) Helen Delich Bentley, "Foreword" in Yossef Bodansky, **Bin Laden: the Man Who Declared War on America**, New York, Forum, 2001, p. vi.

<sup>7</sup> I had referred to such hazardous affiliation in a book printed and released shortly before the 9/11 attack. Türkaya Ataöv, **Kashmir and Neighbours: Tale, Terror, Truce**, Aldershot, UK, etc., Ashgate, 2001, pp. 138, 149-151.

<sup>8</sup> For instance: John Miller and Michael Stone with Chris Mitchell, **The Cell: Inside the 9/11 Plot, and Why the FBI and the CIA Failed to Stop It**, New York, Hyperion, 2002.

safety of the general public. Although the official authorities had been monitoring the crisis at least as the first tower was hit, there is sufficient evidence that the action was considered only after the attack on the Pentagon materialized. Some of the skeptics continue to deride the notion that the George W. Bush Administration had advance warning of the disaster, but it is a “forbidden truth”<sup>9</sup> that especially the money trail reaches oil tycoons, defense contractors and some statesmen in the United States as well as corrupt rulers or men of influence in other countries. Prominent American politicians, including George H.W. Bush (the elder), are either paid consultants or former top executives of the largest defence contractors in the nation, some of whom enjoyed joint investments and shared profits with the bin Laden family. The Carlyle Group and the bin Ladin clan stood to profit from jumps in U.S. defence spending due to ties to American banks.<sup>10</sup>

The policy, now deemed to be ill-conceived, of creating an “Islamic force” to mire the Soviets into the “Afghan trap” apparently turned against its creators.<sup>11</sup> A war on Afghanistan was planned prior to the bloody experience on American soil. Many commentators also argue that the U.S. squandered an international consensus on Iraq and used the inspections process for entirely American goals.<sup>12</sup> Although Washington’s official policy toward Iraq is to bring about a “regime change” in Baghdad, the larger goal of the U.S. invasion conveys the impression of global projection of power through assertion of dominance over the oil-rich Middle East. U.S. military plans may be related to the strategic and economic domination of Central Asia and the Caspian region as well.

The military-industrial complex, against which a former chief executive, President Dwight D. Eisenhower, had warned the American public in his Farewell Address, has been contemplating interventions in Central Asia and the Middle East for about a decade. The wars on Afghanistan and Iraq were planned independently of the 9/11 attacks, which provided a pretext

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<sup>9</sup> Jean-Charles Brisard and Guillaume Dasquié, **Forbidden Truth: U.S.-Taliban Secret Oil Diplomacy and the Failed Hunt for Bin Laden**, tr. Lucy Rounds, New York, Thunder’s Mouth Press/Nation Books, 2002.

<sup>10</sup> **Wall Street Journal**, 27 September 2001.

<sup>11</sup> Agence France Presse, 14 January 1998, 12 December 2000; **Le Nouvel Observateur**, Paris, 15-21 January 1998, p. 76; **Worker’s World**, 12 March 1998, <http://www.globalresearch.ca/articles/BRZ1104.html>. 5 October 2001. The CIA’s military-intelligence operation in Afghanistan was launched prior, not in response, to the Soviet intervention. President Jimmy Carter signed the first directive for secret aid to the opponents of the Kabul regime on 3 July 1979. This aid was laid to induce a Soviet military intervention. The “Afghan trap,” in the words of Zbigniew Brzezinski, was to be the Soviet’s ‘Vietnam War.’ Carter further signed (1985) the National Security Decision Directive 166 authorizing stepped-up covert military aid to the *Mujahideen*. Consequently, the United States, the Wahabi fundamentalists, Pakistan’s intelligence (ISI) and the Golden Crescent drug trade supported the Islamic *jihād* against the Soviets. Pakistan’s ISI provided support to several secessionist Islamic insurgencies in Kashmir, which is a federated state within the Indian Union. It has also covertly shored up the Pakistan-based groups (*Lashker-e-Taiba* and *Jaish-e-Muhammed*), which realized the terrorist attacks (December 2001) on the Indian Parliament. Washington is also suspected of promoting the secession of the Uigur (Chinese Turkistan) region of China.

<sup>12</sup> For instance: Scott Ritter, **Endgame: Solving the Iraq Crisis**, New York, Simon and Schuster, 2002.

to rationalize military invasions. The “Great Game” of the 19th century, a race to control Central Eurasia, is now being repeated under American direction. This is not a world organized around American ‘leadership,’ but on American ‘preeminence’ enforced by aggressively deployed military might.

This monograph does not intend to delve full-toned into any of the above aspects related to the 9/11 tragedy or offer adequate comments on the following questions. Considering that more than half of the world’s one-hundred largest economies are now corporations (the rest being nation-states) and that the sales of one or two leading companies are greater than the GDP of sub-Saharan Africa, are we sufficiently aware of the “silent takeover”<sup>13</sup> and the growing dominance of big business? What is the background of rapport between defence contractors and wars or common vibrations shared by some of them with groups of foreign financial networks? In what way is the Silk Road Strategy Act, adopted by the U.S. Congress (10 March 1999), a framework for the development of America’s business empire along the extensive geographical corridor from the Mediterranean and the Balkans to Central Asia? What are the links between the Carlyle Group, the Unocal Corporation (formerly Union Oil of California, one of the biggest U.S. oil companies where Vice-President Cheney enjoyed the highest executive position), the bin Laden clan and the Bush family? What is the significance of the initial negotiations between Unocal and the Taliban regime in Afghanistan? What are the detailed facts of Afghanistan as a land bridge for the southbound oil pipeline from the (former Soviet) republics of Central Asia across Pakistan? What were the previous Administrations told about terrorist threats? Why was the investigation of known bin Laden associates blocked? How were the 9/11 murderers financed? Why did the CIA fail to place two of the hijackers on the terrorist watch list? Do the airlines, or some of them, place profits ahead of security precautions? Why did the attacks occur? Can they be attributed to the failure of American foreign policy, especially in the Middle East? Were the terrorists signaling their intent to ensure that the 21st century would not be an American century? Did the chief of Pakistan’s extensive military intelligence apparatus (Lt. Gen. Mahmood Ahmad of the Inter-Service Intelligence, ISI) lose his job because of the evidence showing his links to the presumed leader (Muhammad Atta) of the 9/11 attacks? Was the removal of General Ahmad, who was later appointed to the distinguished position of Governor of Punjab bordering India’s frontier, a “routine reshuffling”? Why did a local CIA agent meet Osama bin Laden, supposedly “public enemy number one” during his stay (4-14 July 2001), about a month prior to the attacks, at a Dubai American hospital and return to Washington the day after the Al-Qaeda leader left for Quetta in Pakistan? What happened to America’s defense

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<sup>13</sup> Noreena Hertz, **The Silent Takeover: Global Capitalism and the Death of Democracy**, London, William Heinemann, 2001.

measures? Who should be blamed for the devastation? Will there be another attack? Is the government ready for the next one? Did the attack on American soil open the door for a more aggressive U.S. foreign policy? When was the invasion of the Iraqi oil fields first planned? To what year in the past can it be taken – 1991, 1989, 1972, 1963 or 1958?

These and other interwoven and relevant questions are not part of the main theme of this brief analysis. They are topics of a wider scheme. This publication is meant to treat discrimination in response, especially its racial variety. Some complementary points raised above have been covered at least partially in other volumes.<sup>14</sup> Short references here to manifold features of the event aim at nothing more than to sketch a general framework.

On the other hand, this publication intends to focus mainly on the uncurbed surveillance of the American people and selected groups. It also touches on the consequences and influences of such policies on the United Kingdom, Australia, and Israel. It includes concise comments on unjustified actions related to the Afghan and Iraqi wars. The core is still the alarming new state of affairs in the United States, where two compelling issues are interrelated – the threat to the constitutional rights of all Americans and to the liberties of selected groups. Hence, cases of human rights and discrimination confront us. This book also reserves some space for Israel, which pursues a policy of terror against the Palestinians under the pretext of survival.

The attention stays on the United States, whose interests, attitudes, and actions affect all. The leadership of this country has led many commentators to observe that its decision-makers are seeking to reintroduce into the 21st century the unfashionable imperial rule, moreover on a global spectrum. Indicators such as the merger of economic and geopolitical interests, the bearing of a colossal military might on weak foes, the control of conquered targets for reaching other objectives, and engaging jingoism at home bring to mind the typical trademarks of 19th century imperialism.

Even a fleeting *coup d'oeil* over America's response to political violence uncovers repeated encroachments on constitutional principles. Although this breach of rights does not bring an enigma unique to the United States, the Washington Administration subverts liberties in the name of security. Political violence imperils security as well as democracy, but does not a similar menace emanate from violent response that undermines, as Benjamin Franklin prophetically noted more than two centuries ago, the very foundations of both?

The Spanish *conquistadores* felt free to enslave and exterminate the natives of the New World. The captains of merchant capital sold black slaves. The Western industrialists rested on the ideology of racial superiority. Today's White House rhetoric of “demonization” is also a

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<sup>14</sup> For instance: Nafeez Mosaddeq Ahmed, **The War on Freedom: How and Why America Was Attacked? September 11, 2001**, Joshua Tree, CA, Tree of Life Publications, 2002.

racist trend with many attributes of discrimination and exclusion. Individuals and groups originally from the Middle East, Arab countries, Asia and Islamic environment are fast pushed to a new status of *Untermenschen*.

As a presidential candidate, George W. Bush seemed to eulogize a “humble” foreign policy, but when he became the chief executive, his guidelines and management made Lyndon B. Johnson (U.S. President [1963–1969] of Vietnam War [1955–1975] fame) look like a pacifist. The radical U.S. policy of world dominance now threatens to push the globe into a fresh stage of conflict. Its corollary of converging largely unaccountable power in the hands of the executive, poses a threat both to world peace and to the American constitutional system. The 9/11 attacks helped usher in a new stage of world history, inducing many commentators to describe subsequent events, citing Samuel P. Huntington’s theory, as an actual “clash of civilizations”.<sup>15</sup>

The number of the Afghan civilians killed was greater than the 9/11 victims. President Bush and his group falsely blamed Saddam Hussein’s Iraq for the same tragedy and misleadingly accused that regime of being a threat to America and to global peace. The U.S. crusade against both was less motivated by fears of terrorism and weapons of mass destruction (WMD) than by the desire to have unhindered access to oil, to reshape the region and to make Israel more secure. This scheme of an ‘unholy alliance’ may be further classified as follows: The centers of financial support for this metamorphosis are the leading corporations. The driving goal is the appetite to command world raw materials and markets as well as to gain control over every avenue that would make such supremacy possible. The pivot of action is the U.S. President, to whom the Congress surrendered its own right to declare war. The main political instrument is the Republican Party, which enjoys ascendancy in the highest elected national offices. The performing device to be used is the American armed forces. The strategy at home is restriction of civil liberties and concentration of thrust mainly on selected groups. Although waging war ought to be subject to much scrutiny, the U.S. Government treats the press, in the process, as an inconvenience and an informed public as dispensable. The Bush Administration, which told its citizens and the world peoples that it brought democracy to Afghanistan and Iraq, actually pushed its own choices towards seats of power and moreover cut loose so much of what is left of representative government in the United States itself.

Mostly young Muslim and Arab males, their numbers expressed in four digits, were detained allegedly in connection with the 9/11 investigations. The overwhelming majority, unrelated to any terrorist act, are under custody or in prison for minor immigration violations, such as overstaying a visa. The authorities are applying their new powers mostly to non-citizens

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<sup>15</sup> John B. Judis, “First Step or Last Gap?” *The American Prospect*, 13/1 (1-14 January 2002), pp. 10-11.

and especially to those coming from the Middle East. Next are the citizens from the same region. The discriminated “them” are not necessarily only those with darker skin. They may be American citizens with Islamic background, poor people at the doors of Britain or Australia, and Muslim or Christian Palestinians in the Occupied Territories. Detentions, questioning, arrests and expulsions remind one of Captain Renault’s command, in the celebrated Hollywood movie *Casablanca*, to “round up the usual suspects.”

The attack, the two wars and the discrimination in response were ‘revolutionary’ in many respects. The wars destroyed two governments, aimed to cause other upheavals in the entire region, and signified the eradication of the existing world order in favor of a new one dominated by the United States. The American response also threatens the American constitutional order and makes discrimination a more menacing problem than before. One can only agree with the U.N. High Commissioner for Human Rights (Mary Robinson) that the war on terror should not violate fundamental human freedoms and undermine legitimate rights.<sup>16</sup> One cannot endorse “anti-terrorism measures” that cast out hard-won human values. This short study intends to review the new repressive norms and how they can be fought against.

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<sup>16</sup> **The Guardian**, London, 30 November 2001.

## II. THE UNITED STATES

“I believe in the division of labor. You send us to Congress; we pass laws under which you make money ... and out of your profits, you further contribute to our campaign funds to send us back again to pass more laws to enable you to make more money”.

Senator Boies Penrose (PA, R.), 1896

It should be rather well-known that the governmental process in the United States cannot be understood only by studying its Constitution. The latter, produced more than two centuries ago, was adopted by the votes of less than two-thousand men. Had the Constitutional Convention been held later, say in the 19th century, a very different text might have come into existence. The notion of “U.S. interests” was already twisted to refer to those of the most powerful “corporations”, to mean monopoly capital, defended by the military. The Pentagon now recruits many of its executives from the defence industry. The trend has been more military spending and less democracy.

Even before 9/11, there were wide-spread human rights violations and various kinds of discrimination in the United States. The Bush Sr. Administration proposed legislation designed to authorize secret proceedings enabling the deportation of some foreign nationals. The number of men and women behind bars before 9/11 exceeded two million and close to half of them were Blacks. The U.S. was one of the very few countries that failed to ratify forward-looking international covenants.

If unchecked by other constitutional forces, the present White House may evolve into dictatorial rule. The Chief Executive is not the only person, however, who decides why, when, how, and where the reshaping of the American scene and of the world should take place. Among groups of high officials and advisors, the “neoconservatives”, or the neocons for short, now constitute an integral part of a new sweeping drive also emphatically endorsed by the President. They are the hawks who mold the U.S. platform by insisting on a show or use of force in general and in accordance with an undue Israeli influence in particular. Their program, ignored before the year 2000, became official policy after 9/11. Having attracted others who occupy critical seats in the decision-making process, the neocon agenda entails domestic and international objectives, a process that amounts to rejection of the democratic gains of the American people since the 1930s and stresses U.S. dominance over the globe.

The “war on terrorism”, embarked upon by President Bush and frantically upheld by the neocons, turned out to be a new Cold War if judged by the justifications for new domestic and foreign policies. The official proclamations, executive orders, and legislative acts on the heels of each other, ostensibly to defend freedom and security, constitute like corporate globalization,

integral parts of an all-embracing theme of U.S. dominance over the planet. If the evidence for searched-for links or weapons cannot be found, they must be “buried very deep”. Such steps as the Patriot Act (2001), Executive Order 13233 (2001), the Homeland Security Act (2002), and the complimentary steps such as the Freedom Corps, strike some commentators as attempts to mobilize the people to serve the existing power structure. A controversial Executive Order authorizes, for instance, special military tribunals with no requirement of due process and no rules for proof beyond reasonable doubt but with power to execute any non-citizen, or anyone, without the right to effective appeal. Also, tighter controls after the creation of the new Department of Homeland Security encourage guards to shoot, beat, and torture more freely than ever. Incited by the official stand, there have also been anti-Muslim, anti-Arab, and anti-Asian hate crimes. In addition to two wars in a row, more military interventions may follow with the repetition of the excuse of safeguarding American security. More fighting but less freedom and justice may be accompanied in the process by the ideas of American supremacy, couched in concepts like limitations on state power, respect for private property and removal of all economic barriers.

What happened in the meantime to the average person's “right to know” about what is really going on? The ownership or control of the media in the leading democratic countries by the press and the broadcasting barons prove that the rhetoric of individualism has actually crushed individualism. In the United States, as in the majority of the Western societies, many national newspapers, magazines, radio networks, and television channels are owned by magnates who are also dominant in the world of finance and elsewhere. Consensus, on the other hand, is not necessarily the equivalent of patriotism.

## **A. The Governmental Process**

### *The Constitution and Big Business:*

Just as it is enigmatic to comprehend the practical running of the United Nations simply by reading its Charter, a perusal of the text of the American Constitution does not open all the doors to an understanding of politics in that country. Elected representatives in the United States, in fact in many “democracies,” play less and less of a role in decision-making. The military-industrial complex and the security services, whose top officials (more of the former than the latter) occupy salient positions, constitute a “shadow government” that determines the basic choices of policy and action. While they are in the foreground of powerful groups that have taken over the reins of foreign policy in consultation with Wall Street, civilian political institutions,

including the Congress, have increasingly become a façade and the President a figurehead – but quick on the trigger. The military, the global banks, financial institutions, the oil giants and the opinion-forming media figure prominently among the powers behind the system. They are generally in liaison with the IMF, the World Bank, and the WTO as much as with NATO. The theories of Hamilton and Jefferson belong to the period when the new government was in the process of formation.<sup>1</sup> The Constitution, written in 1787 by 55 men (actually signed by 39, many of whom were slave-holders), was adopted in only 13 states by a couple of thousand males. Apart from the defects in the document, the Framers could not foresee the future of the American Republic. Two more centuries had to pass before the astounding declaration in 1776 “that all Men are created equal” would come to mean „all persons.“ The Bill of Rights, composed of the first ten amendments<sup>2</sup> to the Constitution, was ratified by 11 states by 1790, but Georgia and Connecticut did not come around until as late as 1939.<sup>3</sup>

The sanctity of individual initiative had already transformed itself into the preponderance of big business by the end of the American Civil War (1861-65). It was none other than President Abraham Lincoln, born in a log cabin, largely self-taught and earning the nickname 'Honest Abe,' who observed just before his assassination, that corporations were „enthroned,“ that “corruption in high places” would follow, and that “money power” would endeavor to prolong its reign. He warned that wealth would be aggregated “in a few hands” and the republic would be „destroyed.“<sup>4</sup> Practically every American teenager has knowledge of Lincoln’s memorable “government of the people, by the people, for the people” description in the Gettysburg Address (1863).<sup>5</sup> Rutherford B. Hayes, the candidate of the corporations during the 1876 presidential elections, stated nevertheless that this was “a government of the people, by the people, for the people no longer” but one “of corporations, by corporations and for the corporations.”<sup>6</sup> This second diametric portrayal only 13 years later is not well publicized. Bringing to mind the controversy around the results of the presidential elections in the year 2000, Hayes’s Democratic opponent (Samuel J. Tilden) had won a larger popular vote but the Republican managers

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<sup>1</sup> Lynton K. Caldwell, **The Administrative Theories of Hamilton and Jefferson: Their Contribution to Thought on Public Administration**, Chicago, University of Chicago Press, 1944.

<sup>2</sup> Now, 27 Amendments.

<sup>3</sup> Robert A. Dahl, **How Democratic is the American Constitution?** New Haven, Yale University Press, 2001, pp. 2, 8, 22-23.

<sup>4</sup> David C. Korten, **When Corporations Rule the World**, West Hartford, Conn. and San Francisco, CA., Kumarian Press and Berret-Koehler Publishers, 1995, p. 58.

<sup>5</sup> Dudley Miles and Robert C. Pooley, **Literature and Life in America**, Chicago, etc., Scott, Foresman and Co., 1948, p. 117.

<sup>6</sup> Korten, **op. cit.**, p. 58.

contested the electoral vote returns in four states, and a special Electoral Commission awarded the election to Hayes.<sup>7</sup>

It was none other than the United States that started one of the first imperialist wars: the Spanish-American War (1898). “One of the shortest and least costly wars in history” elevated this north American state, which took over most of the colonies of the senile Spanish monarchy and embarked upon dollar expansion, to the status of a “world power.”<sup>8</sup> It was only reasonable that Social Darwinism<sup>9</sup> should have been the mode of thinking of that era. Wealth was a sign of natural superiority and poverty indicated unfitness. It was adaptable for *laissez faire* capitalism and political conservatism. William Graham Sumner (1840-1910), who had provided the Social Darwinist roots of this perspective a century ago, argued that the free market was a law of nature and that those with the most skill and the most ability to compete would rise to the top. The accumulation of capital in the hands of one person or one center was a requisite for the development of the United States. Sumner deplored the agitation against big business and regarded the evolution of the trusts as a natural phenomenon.<sup>10</sup>

It was also a matter-of-course that the forces of conservatism and progress be locked in struggle throughout the history of the United States. There have been mass movements directed mainly against the monopolies that had seized control of the nation’s economic and political life. Lester Frank Ward (1841-1913), who challenged Sumner’s basic assumptions even in the latter’s day, argued that nature could not be the moral standard one must follow. The free market on its own led to inequalities that could be corrected only through governmental action. Latent talent could be called forth by a stimulating social environment and a general education in the sciences. It was the task of the governments to try to abolish poverty and develop a national system of general education.<sup>11</sup>

Even earlier than Franklin D. Roosevelt’s (FDR, 1882-1945) “New Deal”, the unemployed, the sick, and the elderly looked at the government as a provider of sanctuary. The unceasing conflict between two main forces may be seen during the War of Independence, the Civil War, the agrarian movements of the 19th century, the Progressivist actions of the early 20th

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<sup>7</sup> As part of a secret compromise reached with the Southerners, Hayes withdrew the remaining federal troops from the South, ending “Reconstruction” and ensuring white supremacy. He used federal troops, instead, against workers in the 1877 railroad strikes.

<sup>8</sup> Julius W. Pratt, **A History of United States Foreign Policy**, 2nd ed., Englewood Cliffs, N. J., Prentice-Hall, 1965, p. 212.

<sup>9</sup> Social Darwinism applied the proposals of Charles Darwin with regard to plants and animals to individuals, groups and races as if they were subject to the same laws of natural selection. Social Darwinists such as Herbert Spencer and Walter Bagehot in Britain and William Graham Sumner in the U.S. held that humans also struggled in accordance with the theory of “survival of the fittest.”

<sup>10</sup> William Graham Sumner, **Social Darwinism: Selected Essays**, William E. Leuchtenburg and Bernard Wishy, eds., Englewood Cliffs, N. J., Prentice-Hall, 1963.

<sup>11</sup> Lester Frank Ward, **Lester Ward and the Welfare State**, Indianapolis, Bobbs-Merrill, 1967.

century, the mass democratic movements of the FDR era, and the upswing of the civil rights movements of much later years. Even Theodore (Teddy) Roosevelt's (1858-1919) "Square Deal," supposedly the ideal of peaceful coexistence between big business and the labor unions announced right after the 1902 coal strike, and Woodrow Wilson's (1856-1924) "New Freedom," which included some progressive measures, were steps of the administrations to meet some of the anti-monopolist criticism. President Wilson wrote in 1913 that a comparatively small number of men controlled the raw materials, the water power, the railroads, the prices, and the larger credits of the country. He added: "The masters of the government of the United States are the combined capitalists and manufacturers."<sup>12</sup>

The modest protective net, constructed since the New Deal, to safeguard the individual against the disparities of the unregulated market, has been cut back. The rationale for the "openness of the American economic order" was provided by the Chicago School of Economics and popularized by the Friedmans.<sup>13</sup> Jimmy Carter deregulated trucking and airlines and Ronald Reagan the banks and the communications industries. Bill Clinton's Banking Reform Act knocked down the walls between banking, insurance and brokerage enterprises and contributed to the ever-greater concentration of power in the financial world. According to some observers, there is little the American Government can do to protect itself from the pressures of such organized power.<sup>14</sup> The agenda behind Bush's declaration of an "axis of evil," providing justification for direct military interventions, further shifts production from the civilian into the military sphere and consequently wealth into the hands of defence contractors and away from civilian needs.<sup>15</sup>

### *Money and Corruption:*

The "culture of money" dominates the American scene, especially Washington, as never before.<sup>16</sup> It now threatens to rule over the whole globe. It has already undermined values, changed the spirit of public service, and subdued the original objectives of politics. The acquisition of money, not only for political and related ambitions but also for its own sake, is the preeminent goal. Private interests had tried to influence administration and legislation throughout

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<sup>12</sup> Leo Huberman, **We, the People**, New York, Monthly Review Press, 1960, p. 245.

<sup>13</sup> Milton and Rose Friedman, **Free to Choose: a Personal Statement**, New York, Harvest/Harcourt Brace Jovanovich Publishers, 1979.

<sup>14</sup> Harvey Fergusson, **People and Power**, New York, William Morrow and Co., 1947, p. 101.

<sup>15</sup> Michel Chossudovsky, "Financial Scams and the Bush Family," Centre for Research on Globalization, <http://www.globalresearch.ca/articles/CH0202C.html>. 18 February 2002.

<sup>16</sup> Elizabeth Drew, **The Corruption of American Politics: What Went Wrong and Why**, Woodstock, New York, The Overlook Press, 2000, pp. 61f.

the American history. Never before had they played such a permeating, even global, role, towering above similar attempts of the past.

Much of what happens as governmental power is derived from corporate money. The management of power is built around the coordinated and enduring corporate institution that is ruthless against its rivals and critics, not excluding the regulatory state. A wide variety of activities help to enhance money-concentrated interests. Enterprises such as perpetual urban renewals enrich them more and more while costs and taxes are transferred onto the shoulders of the individual consumer. Although the economic, production, and environmental crimes of monopoly capital dwarf other crimes through damage to health, safety and habitat, statistics leave their crimes out. Pollution, harmful food, and unsafe products, much of which is the result of money-earning schemes, are silent forms of violence immune from correction. The free market's "invisible hand", supposedly guaranteeing self-regulatory mechanisms, offers deliberately fragile products or services not carried out but nevertheless charged for. That hand is in reality a fist symbolizing money power and exerting its colossal weight on political, legal, social, military, educational and international areas. Giant corporations interlocked with great banks sit astride the economy, controlling politics as well as the purse, safety, and health of the average person. The monopoly of money power is deep in all industries from city-building to medicine and from defense industries to education, permanently bringing its own values to all those activities. Especially the electoral process and its consequences are within its reach. Some politicians are dependent on them.<sup>17</sup>

An American author, who believes that money is not the only factor that determines the outcome of an election, admits, nevertheless, that financial contributions are "related to the activity of lawmakers during the legislative process – in committees, where the details of the bills are written."<sup>18</sup> Hence, political corruption is "just another form of influence within the halls of government."<sup>19</sup> Money may not be the only factor in every election, or it may be necessary, but not sufficient, to carry the electorate with whom the candidate's message may not resonate. But most candidates, except billionaires like H. Ross Perot, cannot communicate their messages without capital reserved only for that purpose. Moreover, presidential nominees need massive financial support. Under the circumstances, it is no exaggeration to say that the American political system is not essentially driven by votes, but by the enormous quantity of electoral

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<sup>17</sup> For a well-documented exposé revealing the incorporated rulers of the United States, and, indeed, much of the world: Morton S. Cohen and Jerry S. Cohen, **America, Inc.: Who Owns and Operates the United States**, New York, The Dial Press, 1971.

<sup>18</sup> Anthony Gierzynski, **Money Rules: Financing Elections in America**, Boulder, Colorado, Westview Press, 2000, p. 9.

<sup>19</sup> Peter de Leon, **Thinking About Political Corruption**, Armonk, New York and London, UK, M.E. Sharpe Inc., 1993, p. 30.

expenses.<sup>20</sup> That is also true of candidates who pretend to have a mass base. Consequently, it should not have been unexpected to witness a precipitous decline in voting turnout during the last four decades.<sup>21</sup>

At times, some would-be electors are not able to exercise their right to go to the polls. For instance, five months before the 2000 presidential elections, Governor Jeb Bush of Florida (the younger brother of the Republican candidate George W. Bush) moved to purge 57,700 people from the voter rolls, on grounds that they were criminals not allowed to cast a ballot. Most were innocent of crimes, but the majority was ‘guilty’ of being Black or Hispanic. An investigative reporter, Greg Palast, wrote this piece of news initially for **The Guardian** and its Sunday sister paper **The Observer** and later for a book.<sup>22</sup> Palast asserts that Governor Jeb Bush blocked thousands of legal voters, overwhelmingly Democrats, from registering. In the months leading up to the balloting, Florida Secretary of State Katherine Harris, coordinating with Governor Jeb Bush, ordered local election supervisors to erase thousands of African and Hispanic Americans from the voter rolls. The Governor of Texas was declared the winner in Florida and thereby of the Presidency by a plurality of 537 votes over the Democratic nominee (Al Gore).<sup>23</sup>

The Congress of the United States is advertised as a democratically-elected legislature equipped with many constitutional powers and separated structurally from the executive and judicial branches of government. On the other hand, the practical operation of the Congress frequently strikes some analysts, for instance a veteran senator and a former mayor (Joseph S. Clark), as a place “where democratic government is breaking down”.<sup>24</sup> Vested-interest lobbies, including the powerful pro-Israeli pressure groups that always influenced official American behaviour and certainly the events after the 9/11 attacks, frequently function as the greatest menaces to the democratic process. Both chambers in the U.S. Congress have significant partisan and policy biases.<sup>25</sup> The representational “errors” are not in different directions. The Republican majorities parallel the choices of the Republican chief executive in the White House. In addition, neither represents the minorities adequately within their own ranks.

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<sup>20</sup> Thomas Ferguson, “Blowing Smoke: Impeachment, the Clinton Presidency, and the Political Economy”, **The State of Democracy in America**, William J. Crotty, ed., Washington, D. C., Georgetown University Press, 2001, p. 235.

<sup>21</sup> M. Margaret Conway, “Political Mobilization in America,” *ibid.*, p. 31.

<sup>22</sup> Greg Palast, **The Best Democracy Can Buy**, New York, Penguin Group, A Plume Book, 2003, pp. 1-81. The author put the original figure of purged voters as 8,000 but raised it to “over 90,000” after reinvestigation (pp. 12-13).

<sup>23</sup> Bush entered the White House by a single vote (5-4) on the Supreme Court.

<sup>24</sup> Joseph S. Clark, **Congress: the Sapless Branch**, New York, Harper, 1965, pp. 22-23.

<sup>25</sup> Donald R. Matthew, “Does Congress Represent the American People?” Crotty, *op. cit.*, p. 112.

The country is paying a high price for the decline in the quality of the politicians in Washington, D.C., a fact largely unknown by the citizens. Running for office is based on polling and Political Action Committee (PAC) money. If the candidate gets the latter, one is propelled into the House of Representatives, and then to the Senate, where some anticipate running for the presidency. Quite a bit of the time spent in Congress is a chase for the means to finance the next elections. Every vote of the politician affects fund-raising. The system compromises the individual. The campaign for the reform bill, designed to limit financial contributions to elections, suffered one confrontation after another because the legislation would ostensibly violate the guarantee of free speech under the First Amendment.<sup>26</sup>

## **B. Before the 9/11 Threshold**

### *Exit Legal Heritage:*

The 9/11 attacks sparked a debate, although not as all-inclusive and meticulous as one would prefer, about the tension between security and freedoms. The question generally posed is whether or not the government will keep its citizens secure within the confines of the due process and allow checks and balances to limit its powers. Its ability to respect freedoms before the attacks may provide a hope for what lies ahead. If they were threatened even before that September morning, there is more reason not to furnish the authorities with unchecked additional powers.

There exist enough data to convince one that there were human rights violations and discrimination in the United States before 9/11. Both increased significantly as anti-terrorist measures multiplied. A U.S. national security commission argued that “multicultural fragmentation” seriously undermined “American identity.”<sup>27</sup> Violation and discrimination, prevailing before 2001, continued under the new administration. New restrictions were introduced affecting all citizens, but especially the vulnerable groups. Overwhelming evidence for the period before the attacks confirms the stunning proportion of Afro-Americans and Hispanics

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<sup>26</sup> There are individual politicians like Don Edwards, longtime chairman of the Civil and Constitutional Rights Subcommittee of the House Judiciary Committee, who played a leading role in the campaign to abolish the House Un-American Activities Committee and who committed a lifetime to the defence of the First Amendment; Tom Emerson, a distinguished Yale scholar in the field of Constitutional Law and a courageous defender of free speech during the 1950s hysteria; Frank Wilkinson, who helped to found what is today the National Committee Against Repressive Legislation (NCARL), and himself a victim of the HUAC; Harvard’s Vern Countryman, Royal Professor of Law Emeritus; civil liberties pioneers such as Alexander Micklejohn and James Imbrie; Kit Gaghe, the Executive Director of the National Coalition to Protect Political Freedom; and others.

<sup>27</sup> The United States Commission on National Security/21st Century, **New World Coming: American Security in the 21st Century**, Washington, D.C., 1999, p. 127.

entangled in the criminal justice system. These groups were arrested, convicted, and received harsher sentences than whites for the same crimes. There was intimidation even against the moderate members of the Miami Cuban exile community.<sup>28</sup> Police brutality, in the form of unjustified shootings, unnecessarily rough treatment of detainees, and fatal choking, was one of the most serious human rights violations in the United States.<sup>29</sup>

Security agencies poured stupendous resources into investigating all major opposition movements from anti-Vietnam War activists to women's rights advocates and created fear among those who sought change of official policies through peaceful means. The "Church Committee" of the Senate (named after its chairman Frank Church, Idaho, D.) in the 1970s found that the FBI was playing havoc with many groups that did not occupy themselves in illegal activities. Harassment of certain groups or individuals bred or intensified paranoia among these circles. For instance, when some Arabs who had immigrated to the United States and became active in the Palestinian cause, or Arab-Americans who differed slightly from the official position during the Gulf War of 1991, were 'interviewed' for their stand, they were scared to admit to their associates that they were being investigated. Some of them became targets of racial harassment by neighbors. The interviews and the attacks, both violating the First Amendment, would be only harsher after 9/11. A principle of democracy, on the other hand, is to differentiate between dissent and disloyalty.

Departing from two centuries of law in the United States, the George H.W. Bush Administration proposed (1991) legislation in Congress to authorize secret proceedings enabling the expulsion of foreign nationals accused of terrorism.<sup>30</sup> This radical departure from the accumulation of American legal theory and practice threatened to place that country in the company of others it had so sharply criticized year after year. Neither the elder Bush's proposal to try foreigners, nor the younger Bush's bid in a similar vein attracted sufficient public attention. Father and son adhered to a broad definition of "terrorism" that could include such activities as admitting members to a legitimate organization. Government agencies may detain or arrest a person without even bothering to show that the individual is dangerous. These schemes contemplated secret trials to deport non-citizens, including aliens who enjoy permanent residence permits, and have American citizens as relatives.

Some bills introduced by the Congress or the President, during the past decade, contributed to the erosion of basic due process. The Clinton Administration, which ended in

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<sup>28</sup> Human Rights Watch, **Dangerous Dialogue**, New York, 1994.

<sup>29</sup> Human Right Watch, **Shielded from Justice: Police Brutality and Accountability in the United States**, New York, 1998.

<sup>30</sup> Human Rights Watch, **Secret Trials in America?** New York, 1991 (largely based on the Memorandum of 20 May 1991, by the American Civil Liberties Union and the Center for Constitutional Rights, Washington, D.C.).

2000, failed to embrace international human rights standards at home. Passed and approved in accordance with the constitutional procedure, restrictions on freedom placed certain individuals within narrower confines and deepened the accelerated trend for more restraints.

*An Uphill Battle:*

Mounting a campaign in the late 1980s to curb excesses of federal intelligence-gathering agencies proved to be an uphill battle. Powerful law enforcement instruments vigorously resisted challenges to their control over dissenters. The National Committee Against Repressive Legislation (NCARL) began its activities in 1975 to restrain federal abuses that threatened First Amendment rights and turned (1985) to an earlier organizing success, namely the 1964 project to abolish the House Un-American Activities Committee, whose continued existence conflicted with better known American values. The law professors' petition (1988) to Congress suggested legislation that would prevent the FBI and other federal law enforcement agencies from undertaking investigations that threaten the exercise of First Amendment rights.<sup>31</sup> An astounding total of 590 law professors from 147 law schools including twenty deans, signed the petition.<sup>32</sup> Soon thousands of others from the civil liberties organizations, unions, the Organization of American Historians, the workers' PEN and other social units added their names, bringing the number to more than 10,000 signatures.

When the petition was circulating, the FBI had approved several thousand separate covert actions; numerous groups concentrating on civil liberties, citizen rights, labor union activities, and similar actions were infiltrated and harassed. It inhibited free expression of ideas, weakened many civic organizations, and intimidated leaders. The standards for mail openings, phone taps, and searches without warrant were much lower than "probable cause". The concept of and routine references to 'foreign intelligence agents' were kept so broad that sometimes even peaceful domestic groups were included in them. Infiltrators rose to leadership in such groups. The rights of free speech and association were thus compromised.

Since the petitioners shared the belief that the nation's institutions ought to have the opportunity to function as they were meant to, they urged for a bill to prevent a growing process that would not only restrict a right but also cause an ultimate lack of faith in a democratic society. Their petition aimed to ensure that the federal law enforcement agencies not use their powers to intrude upon political activities protected by the U.S. Constitution. However, when two

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<sup>31</sup> David Cole and James X. Dempsey, **Terrorism and the Constitution: Sacrificing Civil Liberties in the Name of National Security**, New York, The New Press, 2002, pp. 189-201.

<sup>32</sup> Among them: Henry Steele Commager, Carole Goldberg, Geoffrey R. Stone, Thomas G. Krattenmaker, Elizabeth Bartholet, Haywood Burns, Anthony G. Amsterdam, John B. Quigley, Jr., C. Edwin Baker, Frank Askin, John Dej. Pemberton, Jr., and Douglas Laycock.

Congressmen introduced legislation known as the FBI First Amendment Protection Act, only a portion of the bill was enacted into law, and even that language was repealed in due time. Although these initiatives must have had an impact on public awareness, abuses continued.

*The 1996 Acts:*

During the Cold War era, the McCarran-Walter Act (1952),<sup>33</sup> which prevented many critics of American foreign and defence policies from entering the United States, guided the immigration policy, but the Immigration Act of 1990 allowed foreigners not engaged in terrorist activities or supporting a terrorist entity themselves to come to the country and contact like-minded American citizens. Only six years would pass before the tide changed again. Between 1996 and 2001, the government accused some aliens, permanent residents and citizens (mostly Muslims originally from the Middle East and North Africa) of questionable associations with groups designated as terrorist, but generally released them after some time of detention.

The Anti-terrorism and Effective Death Penalty Act, also known as the Anti-Terrorism Act (1996), conceded the use of secret evidence to deport immigrants, imposed new restriction on *habeas corpus* appeals and limited federal court review of state court convictions. It made it a crime to lend support to the legal activities of a group that the U.S. Secretary of State had specified as terrorist. “Guilt by association”, the scourge of the McCarthy years (the 1950s), was reintroduced and elevated to the status of federal law. Some targeted persons could be chastised, not for a violent conduct, but for otherwise acceptable activities of a disfavored group. The Secretary of State could define a foreign group as a terrorist organization that threatened the national defence, foreign relations, or economic interests of the United States. A previous list included the Popular Front for the Liberation of Palestine, but no group led by Osama bin Laden. Although the decision of the Secretary of State to specify a group as terrorist could be challenged in a federal court, the terms of judicial review being very limited, the designation was, practically speaking, unreviewable. All support, except medicine and religious materials, even for the peaceful activities of such a group became a crime. This charge was lifted only when the name of the organization was removed from the list. But backing a splinter group not yet designated as a terrorist organization was permissible. The 1996 Act empowered the Department of Justice to deport non-citizens on grounds of “secret evidence.” While foreign students, tourists and special workers enjoyed no right to a hearing, aliens with permanent resident permits were entitled to a hearing but expected to prove that there was no basis for their detention. This

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<sup>33</sup> Arthur S. Link, **American Epoch: a History of the United States Since the 1890s**, New York, Alfred A. Knopf, 1962, p. 648.

legislation actually failed to punish acts of violence, but discriminated against selected groups and represented an assault on civil liberties.

The year 1996 saw the passage of similar acts. The Illegal Immigration Reform and Immigrant Responsibility Act (1996) hindered the chance of asylum seekers to utilize their internationally protected right to seek and enjoy asylum and undermined the prohibition on the expulsion or return of refugees as expressed in international human rights treaties and U.S. law. Although individuals escaping prosecution are generally deprived of the chance to procure proper documents, the official American attitude was to treat them as lacking legitimate claims. The power of the federal courts to review the decisions of the Immigration and Naturalization Service (INS) was also curtailed. The same year witnessed the Prison Litigation Act (1996) as another hurdle worsening the treatment of inmates.

It is important to underline that almost all of the accused belonged to one or the other U.S. Muslim community, often Palestinians, and that the classified ‘evidence’ proved to be untrustworthy in legal terms. Federal officials told some of the detainees that they would be released if willing to offer information on others in the same community. The accused and counsels could not see the classified charges, and the ignorance of the official interviewers about the subject, frequent errors in translation and far-fetched interpretations at times caused long solitary confinements. Irresponsible investigations on the part of the federal employees reached such a point that President Bush, Sr. publicly expressed doubts as to the value of secret evidence.<sup>34</sup>

#### *Purpose and Practice:*

Before 9/11, the number of convicted persons was more than two million, and the rate of incarceration reached 690 inmates per 100,000 residents in America, the highest in the world (with the exception of Rwanda in Africa).<sup>35</sup> Although African Americans constituted slightly over 12% of the population, close to half of federal and state prisoners were Blacks. In eleven states, they were between 12 and 26 times greater than those of whites.<sup>36</sup> In seven states, they constituted 80-90% of all drug offenders sent to prison.<sup>37</sup> Alabama was followed by other states in reintroducing “work groups” from among inmates; Arizona and Indiana jails even formed women’s chain gangs.<sup>38</sup> Prisoners spent years in small, often windowless cells, for 23 hours a day.

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<sup>34</sup> **The New York Times**, 12 October 2000, p. A23.

<sup>35</sup> Human Rights Watch, **World Report: 2001**, New York, 2001, p. 431.

<sup>36</sup> **Idem.**

<sup>37</sup> A general analysis: Human Rights Watch, **Punishment and Prejudice: Racial Disparities in the War on Drugs**, New York, 2000.

<sup>38</sup> Human Rights Watch, **World Report: 1998**, New York, 1999, p. 362.

Even before 9/11, discrimination was not merely a matter of colour. The basis is exploitation, which predominantly shows itself as racism in the United States. American workers, white or not, are spied on, harassed, threatened, suspended, fired, deported or victimized in various means by employers in reprisal for their exercise of the right to freedom of association. When it comes to migrant children working on farms, they often labor twelve-hour days and are exposed to dangerous pesticides that cause cancer and brain damage.<sup>39</sup> Minority youths are more likely to be sent to adult courts than their white counterparts.

Before and during the XXVI Olympic Games (1996), Atlanta, the host city in Georgia, epitomized itself as “the modern capital of human rights”. In spite of this attempt to convey to others a democratic image, the Human Rights Watch found in its special report<sup>40</sup> that public policies and state officials contravened fundamental human rights principles. Georgia’s death penalty law led to capital punishment primarily for Afro-Americans and the poor. Drug laws were also disproportionately enforced against Blacks, who received 98% of the life sentences. Georgia legislators had also enacted laws that limited free expression and privacy on-line.

Execution is an irrevocable violation of the right to life, and if miscarriages of justice occur, that can never be corrected. Texas, where President Bush served as governor (1994-2000), accounts for a large percentage of executions each year. Governor Bush refused to acknowledge the extensively documented lack of adequate legal representation for capital defendants in Texas and refused to oppose the execution of youthful offenders and even mentally handicapped persons.<sup>41</sup>

The United States was, even before 9/11, one of only five countries in the world that executes juvenile offenders. That amounts to being a “world leader in executing juveniles.”<sup>42</sup> The INS violated, contrary to international law as well as its own regulations, the rights of hundreds of unaccompanied children by arresting and deporting them. This comes from an agency charged with protecting their rights.<sup>43</sup> Even the conditions in which American children were confined violated numerous international human rights standards including the U.N. Convention on the Rights of the Child and the U.N. Rules for the Protection of Juveniles Deprived of Their Liberty.<sup>44</sup>

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<sup>39</sup> Human Right Watch, **Fingers to the Bone: United States Failure to Protect Child Farm Workers**, New York, 2000.

<sup>40</sup> **Modern Capital of Human Rights? Abuses in the State of Georgia**, 6, New York, 1996, 208 pp.

<sup>41</sup> The United States is the only democracy whose laws permit the execution of persons with severe mental disability. Twenty-five U.S. states still allow capital punishment for persons who probably suffered such retardation since birth. Human Rights Watch, **Beyond Reason: the Death Penalty and Offenders with Mental Retardation**, New York, 2001.

<sup>42</sup> Human Rights Watch, **A World Leader in Executing Juveniles**, New York, 1995.

<sup>43</sup> Human Rights Watch, **Slipping Through the Cracks**, New York, 1997.

<sup>44</sup> For instance: Human Rights Watch, **Children in Confinement in Louisiana**, New York, 1995.

Inmates in American jails experienced nightmares, deep depression, shame, loss of self-esteem, and attempted to commit suicide. More than 20,000 prisoners were housed in special super-maximum security units, which had to be subjected to human rights standards implicit in treaties signed by the United States.<sup>45</sup> There was continuous video monitoring. In California, guards staged gladiator-style fights among inmates. “Correctional officials” often responded with inhuman disciplinary measures. Some prisoners died on account of allergic reaction to pepper spray.<sup>46</sup> State authorities have permitted even physically and psychologically devastating abuse and widespread prisoner-on-prisoner sexual abuse in men’s prisons.<sup>47</sup> To be a woman prisoner in U.S. state prisons was, and still is, a terrifying experience.<sup>48</sup> Victims of rape were rented, sold or even auctioned off. These instances should reveal a pattern before and after the 9/11 attacks.

### C. Multilateralism & a Discrimination Record

#### *Alone or With Others?*

Bearing in mind the central theme of this monograph, specifying even the highlights of U.S. relations with multilateral institutions in general or the U.N. in particular, may be unnecessary. It should be well-known that as that country magnified its power, it felt free to treat some international organizations and conventions with neglect or constraint.<sup>49</sup> No appeal to universal ideals, but particular objectives frequently defined as “national interests”, will convince those involved that they make allowance for a U.N. role. Consequently, only the U.S. representatives have been able in the past (and today) to counter world institutions. Washington, which no longer needs a friendly U.N. for anti-Soviet policies, appointed as its Permanent Representative none other than John D. Negroponte, sufficiently known for his cover up of human rights atrocities committed by U.S. allies during Central America’s Contra wars, when he was ambassador in Honduras.<sup>50</sup> No member country damaged this organization as much as the

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<sup>45</sup> Human Rights Watch, **Out of Sight: Super-Maximum Security Confinement in the U.S.**, New York, 2000.

<sup>46</sup> In California alone, 32 people lost their lives (1993-97) when sprayed with the chili pepper extract. **World Report: 1998, op. cit.**, p. 363.

<sup>47</sup> Human Rights Watch, **No Escape: Male Rape in U.S. Prisons**, New York, 2001.

<sup>48</sup> Human Rights Watch, **All Too Familiar**, New York, 1996.

<sup>49</sup> Kishore Mahbubani, “The United Nations and the United States: an Indispensable Partnership”, **Unilateralism and U.S. Foreign Policy: International Perspectives**, David M. Malone and Yuen Foong Khong, eds., Boulder, Colorado and London, Lynne Rienner Publishers, 2003, pp. 139-152. The author argues, nevertheless, that the U.N. may serve, after 9/11, U.S. national interests if strengthened rather than weakened.

<sup>50</sup> Phyllis Bennis, **Before and After: U.S. Foreign Policy and the September 11th Crisis**, Northampton, New York, Interlink Publishing Group, 2003, pp. 91-93. John D. Negroponte, whose past threatened his confirmation as U.S. Ambassador first to Mexico and then to the U.N., became in May 2004 Bush’s new Iraq viceroy. His appointment to Mexico lingered for months, and only the 9/11 attacks saved his nomination for the U.N. The

United States. The conflict is not only a matter of inflated bureaucracy, squandering of funds, unpaid dues, arms control, peacekeeping, world trade or global environment, but a clash of interests and values. Washington's policy is to try to make all international organizations, including the U.N., compliant to its own policies.

The Security Council is the organ of the selected few enjoying a veto privilege; the General Assembly represents the governments of the nation-states and the NGOs are closer to the peoples of the world. There are still masses whose voices are not heard anywhere. Although the resolutions of the NGOs cannot hurt the United States either legally or practically, Washington's angry reactions were aimed in the past mainly at the Third World agenda, but now at some permanent members of the Security Council as well. Iraq is not the only case where the U.S. engaged in armed action without the authorization of the Council. That country is reluctant to sign even conventions that protect the global commons. For instance, the present administration does not show interest in ratifying the Kyoto Protocol, related to the catastrophic global warming, and which President Bill Clinton had signed back in 1998.

The United States has never been comfortable with the constraints of multilateralism. Today, away from world bodies which the United States cannot control, brings to mind the bold attitude of the Republican-led Senate *vis-à-vis* the League of Nations. That statement does not suggest the repetition of the same aftermath, but one cannot ignore the impact of the present-day tremendous power inducing that country, more than ever, to act alone.<sup>51</sup>

#### *Treaties and the U.S.:*

A perusal of the official position of the American Government with respect to the principal international human rights treaties, most of them prohibiting one or the other form of discrimination, reveals that this country either failed to sign or ratify some conventions or was on record for serious shortcomings in terms of compliance with a number of others

It has not signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the International Covenant on Civil and Political Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, and the International Convention on the Protection of the Rights of All

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Honduran military had committed human rights abuses, many of which were officially sanctioned. Trained by the CIA, they tortured and killed Nicaraguan civilians. When the State Department rigged its Honduras human rights report to Congress, the latter was deliberately misled. Negroponte's latest appointment to Baghdad shows that he escaped, once again, his haunted past and that his bad reputation was laundered like dirty money.

<sup>51</sup> On retreat from multilateralism: Stewart Patrick, "Multilateralism and Its Discontents: the Causes and Consequences of U.S. Ambivalence," **Multilateralism and U.S. Foreign Policy: Ambivalent Engagement**, Stewart Patrick and Shepard Forman, eds., Boulder, Colorado and London, Lynne Rienner Publishers, 2002, pp. 1-44.

Migrant Workers and Members of Their Families. The U.S. administrations did not sign core International Labour Organization conventions that protect basic labour rights. It has signed but not ratified the International Convention on Economic, Social, and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child. The United States is the only country that has not ratified the last-mentioned treaty.<sup>52</sup> For a long time, Somalia was the second U.N. member that had not signed it, but the signature (not ratification) of that African country came in 2000.

There are significant defects in the American record in terms of compliance with a number of these treaties. The signatories are expected to submit periodic reports to the monitoring U.N. committees, which will indicate compliance, shortcomings or abuse of rights. The submission of reports should be timely and cite specific relevant practices and not mere recitations of U.S. law that ought to, but do not always, protect people from treatment prohibited under international standards.

American reports were not forwarded to the committees on time. Some statements in the reports contrasted with the provisions of the conventions signed. For instance, the U.N. committee monitoring the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment urged the United States to enact legislation making torture a federal crime. U.S. adherence to the International Convention on the Elimination of All Forms of Racial Discrimination came much later (1994) than its inauguration (1966). Moreover, the first compliance report of the U.S. was submitted five years later. The U.N. committee responsible for the assessment of such reports expressed concerns about U.S. failure to live up to key provisions of the convention and continuing racial discrimination.

Two reasons may be offered for the deficiencies in the U.S. reports. The American officials had too limited an understanding of the treaty's scope and failed to implement it. Secondly, legislation with the announced intent of prohibiting racial discrimination was not so in practice. As the U.N. committee concerned observed, there existed racial discrimination in employment, housing, education and health care, disproportionately high incarceration rates of Afro-Americans and Hispanics, police brutality notably against minority groups and foreigners, unequal treatment in the criminal justice system, racial bias in death penalties, and felony disenfranchisement, particularly affecting minorities after serving criminal sentences.

The initial American report admitted the persistence of racism, racial discrimination, and *de facto* segregation in the country. Although the report acknowledged the dramatically disproportionate incarceration rates for minorities and admitted that police brutality targeted

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<sup>52</sup> The Clinton Administration did sign ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

those belonging to minorities, it did not question whether the criminal laws violated the convention on racial discrimination or acknowledge that the federal government was obliged to ensure freedom from segregation. American administrations held that the constitutional prohibitions on racial discrimination met obligations under the convention and that racial disparities in law were constitutional as long as they were not undertaken with discriminatory intent. The convention, however, prohibits policies or practices that have the effect of discrimination regardless of purpose.

It was only a few days prior to the 9/11 attacks that the United States abruptly withdrew from the U.N. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (September 2001), held in Durban (South Africa). The official explanation was that it opposed references to Zionism in draft documents. The American Government was at least as disturbed over calls for reparations on account of severe racial discrimination at home. The new Bush Administration had already demonstrated its initial lack of support by failing to contribute significant funding for the conference.

Further, by dismissing the binding obligations of the Kyoto Protocol, the United States felt free to thrust the burden of fighting global warming on the rest of the world. Not satisfied with rejecting the Comprehensive Test Ban Treaty, it publicly announced that it will test new types of nuclear weapons and moreover use them on non-nuclear countries if necessary. Withdrawing from the Anti-ballistic Missile Treaty, it kept developing a space-based missile system which will enable it to strike others with nuclear weapons without the fear of reprisal. It threatened the U.N. that it would reduce that organization to an insignificant role if it fails to abide by American preferences. It did not sign the treaty banning anti-personnel mines.

#### *The World Court and the U.S.:*

The United States is the only country condemned by the International Court of Justice for unlawful use of force. That government announced, in response, that it was not bound by the World Court's decision. It also vetoed a Security Council resolution calling on all states to observe international law. It voted against similar General Assembly resolutions.

The International Court of Justice found (1986) that the United States had – as the Nicaraguan (Daniel Ortega) Government charged – financed, trained, equipped, armed and organized the Contras (the “Opposers” of the Sandinistas, who had brought down the Somoza

regime).<sup>53</sup> Although several Congressional decisions stated that no funds could be used by the CIA or the Department of Defense to furnish military equipment, training, or other support to any group to overthrow the Nicaraguan Government, initially Carter and later Reagan allocated funds for covert operations, forged the remnants of the former dictator's guards into a fighting force, set up training bases on American soil, helped bomb Nicaraguan economic installations, and mined that country's major port. U.S. claim against Nicaragua that the latter was harboring terrorists and that Washington's response was one of self-defence was rejected by the World Court. The U.S. was merely endeavoring to excuse itself for support to the Contras and mining of ports of another state. The World Court explicitly stated that the right of self-defence could be invoked only if there was an armed attack by or on behalf of a state.

In spite of the Congressional decisions, the White House evaded these laws by funding the Contras through the covert sale of arms to Iran and passing the proceeds to the Contras, and through carrying Contra cocaine and marijuana in the CIA-owned aircraft (Southern Air Transport) for the U.S. drug market. While Reagan approved the expenditure necessary for building a force to carry out covert action, a so-called Core Group was formed in Washington with representatives from the Department of State and of Defense, the CIA and the National Security Council, the chain of command descending to the CIA station chief and to the U.S. Ambassador in Honduras (John Negroponte, later U.S. Permanent Representative to the U.N.). All these officials and others who exercised any degree of control over the Contra forces knew, or at least should have known, that the Contras were perpetrating large-scale atrocities against the civilian population of Nicaragua and that willful killing, torture, inhuman treatment, unlawful deportation, and extensive destruction not justified by military necessity contradicted the four Geneva Conventions (1949) and the U.S. Department of the Army Field Manual **The Law of Land Warfare**. Such offenses comprised crimes against peace, crimes against humanity and war crimes. The Reagan Administration refused to discharge even its most elementary obligation to suppress such grave breaches. It indicated that it would pay no attention to the World Court's decision in favour of Nicaragua and terminated the government's acceptance of the Court's compulsory jurisdiction.

When Nicaragua was subjected to violent assaults by the United States, which killed tens of thousands of people, its effects on the people were at least as severe as those of the 9/11 tragedy. The government in Managua "did not respond by setting off bombs in

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<sup>53</sup> Francis A. Boyle, "Determining U.S. Responsibility for Contra Operations Under International Law," **The American Journal of International Law**, 81 (1987), pp. 86-93; F. A. Boyle, "International Crimes Against Nicaragua", unpublished manuscript, University of Illinois at Urbana-Champaign, College of Law, 1986, 10 pp.; John Quincy, **The Ruses for War: American Interventionism Since World War II**, Buffalo, New York, Prometheus Books, 1992, pp. 177-183.

Washington...[but] went to the World Court."<sup>54</sup> Mere rejection of the compulsory jurisdiction of the World Court does not crown America's action with legality. In fact, the United States, even before the armed interventions in Afghanistan and Iraq, ostensibly related with 9/11, has been notorious for arbitrary use of force.<sup>55</sup>

*The International Criminal Court and the U.S.:*

Twelve years later, the United States was one of the seven countries that opposed the adoption of the final text of the Rome Statute, which established the International Criminal Court (ICC).<sup>56</sup> The decision of 120 states over the opposition of the American Government was a serious diplomatic defeat for the latter. The rest of the world considered the creation of such a permanent court as desirable and necessary. The ICC statute touched on a kind of world order, based on an almost universally agreed-upon project. The United States disclosed, on the other hand, a different type of order that allowed it to act unilaterally.

As Hans Köchler authoritatively argues,<sup>57</sup> the creation of the ICC may be considered as a "genuine revolution in the system of modern international law". The Rome Statute<sup>58</sup> of the ICC (adoption: 17 July 1998; entry into force: 1 July 2002) should strike one as a "qualitatively new step in the development of international criminal justice." This is a permanent and an independent judicial entity advancing beyond the traditional confines of national, regional and international *ad hoc* procedures and tribunals. It purports to apply the standards of humanitarian international law overriding political influence. Since its authority is not subordinated to the executive power of any state or of the U.N. Security Council (SC), and consequently the principle of separation of powers is apparently observed in the wording of the Statute, the ICC may be perceived as an independent supranational institution. Although it does not directly encroach upon the domain of state sovereignty, it possesses jurisdiction over crimes committed on the territory of a signatory, irrespective of the citizenship of the suspects, who may even be high-ranking state officials. The Statute being free of national or regional bias, the ICC is meant to

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<sup>54</sup> David Barsamian, "The United States is a Leading Terrorist State: an Interview with Noam Chomsky", **Monthly Review**, New York, 53/6 (November 2001), p. 15.

<sup>55</sup> Max Hilaire, **International Law and the United States Military Intervention in the Western Hemisphere**, The Hague, Kluwer Law International, 1997.

<sup>56</sup> Rome Statute of the International Criminal Court, 17 July 1998, as corrected by the procès-verbaux of 10 November 1998 and 12 July 1999, U.N., multilateral treaties deposited with the Secretary-General, Treaty-I-XVIII-10. Also: Georg Nolte, "The United States and the International Criminal Court", **Unilateralism and U.S. Foreign Policy, op. cit.**, pp. 71-93.

<sup>57</sup> Hans Köchler, **Global Justice or Global Revenge? International Criminal Justice at the Crossroads**, Wien and New York, Springer-Verlag, 2003, pp. 12-19, 24-30, 45-49, 185-229, 235-248, 261-266.

<sup>58</sup> The Rome Statute was adopted (1998) with 120 votes in favour, 7 against (China, Iraq, Israel, Qatar, Sri Lanka, Sudan and the United States), and 21 abstentions. Opened for signature until 31 December 2000, Israel and the United States, among the seven states that had voted against, signed the treaty on the last day. Ratification status as of mid-2003: 139 signatories.

exercise universal jurisdiction on a non-discriminatory basis. It is not designed to be a part of the system of international power politics.

The five permanent members of the SC have no influence over the composition of the Court. The judges are elected for nine years, at least 18 of them as representatives of the principal legal systems, geographical areas and genders, by secret ballot by the Assembly of States Parties, and are prohibited to pursue other occupations. The prosecutor is also elected by secret ballot by the same body. Removal of functionaries is possible only on account of serious misconduct or an inability to exercise the required responsibilities.

Although the creation of the ICC represents an improvement in the state of international law, there evolved later a role of an “external will” when the United States rejected the authority of the Court, sought immunity for its own citizens if suspected for crimes committed on the territory of a State Party, signed special bilateral agreements exempting military personnel from the host country’s jurisdiction, and pursued a policy to empower the permanent members of the SC to decide on the fate of a prosecution referred to the Court by the SC.

The Rome Statute was signed unenthusiastically by the out-going President Clinton only on the last day (31 December 2000), leaving ratification to be the problem of the new Chief Executive but warning, nevertheless, that it is not advisable to give it a stamp of approval. President Bush turned his back, during his first months in office, to several international agreements or would-be agreements. The Senate had already rejected the Comprehensive Test Ban Treaty during the Clinton presidency. Madeleine Albright had allowed to languish for a long time without any action the protocol verifying compliance with the Biological Weapons Convention. It had been obvious even during the Clinton years that the Senate would reject the Kyoto Protocol that was to reduce the emission of greenhouse gases but would also affect prospects of economic growth. Bush simply put out of the way such agreements that would face opposition in the Congress. As the overall U.S. policy jeered more and more towards high-handed unilateralism, the signature on the Rome Statute was withdrawn to all intents and purposes. The United States, not only rejected the authority of the ICC, but also pressured other governments to withhold ratification.<sup>59</sup>

The American Servicemembers’ Protection Act (ASPA, 2 August 2002)<sup>60</sup> aimed to allow the Armed Forces of the United States to pursue military operations in foreign lands without the risk of criminal prosecution by the ICC. Originally passed as an amendment to the Foreign

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<sup>59</sup> Although signed by 139 states, including the United States, the Rome Statute was ratified by 90 signatories as of mid-2003.

<sup>60</sup> United States, American Servicemembers’ Protection Act of 2002, Public Law 107-206. 2 August 2002, Supplemental Appropriations Act for Further Recovery from and Response to Terrorist Attacks on the United States, Title II.

Relations Authorization Act (2001), the adoption of ASPA signified once more that the United States challenged the development of international criminal justice through an independent and a permanent court. By virtue of the articles of ASPA, no U.S. governmental entity, including courts, may collaborate with the ICC, no military aid be extended to countries (except NATO members, other major allies and Taiwan) that have ratified the Rome Statute, and no participation in peace-keeping missions may be affected unless the countries involved are either non-States Parties to the Rome Statute or have reached bilateral agreements with the United States guaranteeing American personnel immunity from prosecution.

Although the Rome Statute does not offer any privileges to the permanent members of the SC in the appointment of judges or prosecutors, the SC may interfere, nevertheless, indirectly in the so-called “deferral” of an investigation, effectively granting immunity to the U.S. personnel. This new procedure initiated by the United States but brought about by the SC resolution 1422 (2002),<sup>61</sup> is the first step to compromise the independence of the Court in favor of power politics.

#### **D. The White House**

##### *The President:*

All school books in the United States state that when the people inaugurate a president, they give him the power of the highest public office. A keen analyst who explores the power of the man in the White House, or how one gets it, keeps it and uses it, tried to decipher what kind of a person was most likely to succeed at this job.<sup>62</sup> The problem of a man who seems to be on top when looked at from below and from outside is how to be there in fact as well as name. The President is the Chief of State, Chief Executive, Chief Legislative Advocate, Chief Diplomat, Commander-in-Chief of the Armed Forces, and Party Chief. He plays all these roles at once. Whatever he does in one capacity affects others. He heads the highest offices one can think of in the American political system.

The titles of two chapters of James Bryce (1838-1922), however, in his impressive two-volume compendium, first published in 1888, were as follows: “Why Great Men Are Not Chosen Presidents?”<sup>63</sup> and “Why the Best Men Do Not Go Into Politics?”<sup>64</sup> Bryce, a Gladstonian

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<sup>61</sup> United Nations, Security Council Resolution 1422 (2002), adopted at the 4572nd meeting on 12 July 2002.

<sup>62</sup> Richard E. Neustadt, **Presidential Power**, New York, A Signet Book, 1964. Senator J.F. Kennedy reportedly studied the Columbia University professor’s book before he entered the White House.

<sup>63</sup> James Bryce, **The American Commonwealth**, Vol. I, Chicago, Charles H. Sergel and Co., 1891, p. 73.

<sup>64</sup> **Ibid.**, p. 65.

Liberal immersed in that experience, tried to observe the American scene, in the 1880s, through sedate British eyes. Alexis de Tocqueville (1805-59) had described an almost ideal democracy (**De la démocratie en Amérique**)<sup>65</sup> after having undertaken a nine-month study trip (1831) to the United States. Apart from his erroneous remarks that slavery was retreating during the Jacksonian era, his repetitive commentaries describing the Mayflower Compact and what followed it bestowed on America a virtual patent on democracy, an appraisal now shared by President Bush.<sup>66</sup> De Tocqueville's **Writings on Empire and Slavery**,<sup>67</sup> which argue in favour of imperial expansion to secure economic growth and tranquility at home, also come to terms with the Bush outlook. Although both works have classic quality, not only the difference between the French and the British heritages but also the change in the American setting compelled both men to diverge.

Noting that the proportion of first-rate ability drawn into politics was smaller in America than in most European countries, Bryce observed that when the choice in the New World, where much of the best ability went into business, lay between a brilliant person and a safe man, the latter was preferred. The average American, who had a lower conception of the qualities requisite to make a statesman, did not object, in his opinion, to mediocrity. Coming from a Victorian background and mingling in the United States with editors, bankers and industrialists, Bryce was almost totally uninformed about the emerging trade union movement, but he saw the conspicuous failure of American democracy in the cities, where the extremes of wealth and poverty were already most flagrant. Slums surrounded the palaces of the rich, politicians encouraged houses of ill-fame, and criminal gangs went undisturbed by police interference. He found politics to be less interesting than in Europe. Much of the practical ability, which in the Old World went to parliamentary politics or to the civil administration of the state, found a place in business, particularly in the financial world. More and more material growth absorbed the energy of the people. Hence, Bryce concluded, a neglect of the details of politics such as this had never ensued before.

Whether “great” or “petty,” whether “more or less a king...[or] more or less a prime minister”,<sup>68</sup> the presidency in the White House is an *American* institution with no foreign counterparts with which it can be compared. American presidents, like other personalities, do not exist in a vacuum. They live and act in relation with land, time and circumstances. Lincoln could not have issued the Declaration of Emancipation if he had lived in Washington's time or in the

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<sup>65</sup> Recent edition: **Democracy in America**, tr. Arthur Goldhammer, New York, Library of America, 2004.

<sup>66</sup> For their relevance today: Michael A., Ledeen, **Tocqueville on American Character: Why Tocqueville's Brilliant Exploration of the American Spirit Is as Vital and Important Today as It Was Nearly Two Hundred Years Ago**, New York, St. Martin's Press, 2000.

<sup>67</sup> Tr. Jennifer Pitts, Baltimore, Johns Hopkins University Press, 2001.

<sup>68</sup> Harold J. Laski, **The American Presidency: an Interpretation**, New York and London, Harper, 1940, p. 11.

South. It was the 1933 crash that motivated FDR to other alternatives. All presidents reflect their surroundings and drift with the stream, for better or for worse.<sup>69</sup>

If the president is unchecked by a spiritless Congress, a docile minority party, a submissive Supreme Court, and largely servile media, he may well institute “one-man rule” in his own right. His rule may be more alarming when tax cuts further endow the already rich with more resources, shifting the burden to workers and the elderly and sending the sons and daughters of the destitute to war. When war comes, the first casualty may be “truth,” as Senator Hiram Warren Johnson (1866-1945, CA., R.) is purported to have said more than eight decades ago (1918).<sup>70</sup> Some owe their fortune to such ventures and calculate to gain even more from their outcome. These may be the set of circumstances in which a president may find himself. He will not be the only one, however, confronted by the same conditions.

#### *Men in the Shadow:*

Is President Bush the only person deciding how to reshape the country and the world? He reportedly reveals to intimate listeners that he is guided by God. It was none other than the Pope, the head of the Catholic Church, who stated, during the preparations for war, that such a pursuit would be far removed from representing Divinity. It is only natural that the person occupying the White House should have advisors, federal secretaries and high-ranking bureaucrats at his side. If there are criticisms of American policies, fault-finding leveled at the Chief Executive will only neglect the role of others, some of whom are in the White House portal and some in the shadow. There are a number of groups, on the other hand, who offer their own alternatives of action.

One of them is the “neoconservative” group (the neocons). Although not the only group shaping the imperatives of today’s domestic and foreign policies, they appear to be increasingly influential. The Department of State remains, on the whole, a more traditional, or ‘careful,’ Republican conservative outpost with some influence on Bush, Jr., but the latter is drawn more

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<sup>69</sup> During his election campaign for the White House, Governor Bush described himself as a “fiscal, family and a compassionate conservative.” During the next election year (2004) he prepares to renew the same image. President Bush is certainly a conservative. He reduced the taxes of the rich and left the federal budget in deficit, and upheld the interests of the wealthy families. As to his “compassion”, which connotes protection of the unemployed, hungry, homeless and ill, all evidence proves the contrary.

<sup>70</sup> However, this statement was not recorded. It has also been attributed to Arthur Ponsoby, who wrote in **Falsehood in Wartime** (1928): “When war is declared, truth is the first casualty.” Samuel Johnson might have had the first word: “Among the calamities of war may be jointly numbered the diminution of the love of truth, by the falsehoods which interest dictates and credibility encourages.” (**The Idler** magazine, 11 November 1758.) The death of Senator Johnson, staunchly isolationist, occurred on the same day the U.S. dropped its first atomic bomb on Hiroshima (6 August 1945.)

often to the neocon perspective than any other. Far from being a marginal group, most neocon alternatives in foreign policy are endorsed by the president.

Who are the neocons? Are they a close-knit group of individuals with the crucial nooks of the decision-making machinery in their hands? Did they come about in 2000, with ideas that the United States should bring ‘democracy’ to the Middle East? Their first generation may be termed as a ‘clique’ of a dozen or more individuals, when they broke away from the Democratic Party some four decades ago. The second generation turned to be unswerving Republicans. They are not the same people who gathered around the Chief Executive as figurines of the Texan business establishment. Nor are they analogous to the former chief executive officers (CEO) like Richard B. Cheney or Donald H. Rumsfeld. Some of the neocons had even backed John McCain, candidate Bush’s rival in the Republican Party.

The major historians of American conservatism<sup>71</sup> identified four strains in post-1945 American conventionalist thought. They may be summarized as the traditionalist wing (best represented by the late Russell Kirk), the libertarians (who single out the market as a solution to all problems), the fusionists (whose patron saint Reagan molded cultural conservatism with capitalism), and the “neoconservatives”. Just as there are politicians who bridge some of these differences, some right-wingers are seriously at war with each other. While Bush, as Governor of Texas, could blend Christian Right with traditional country club Republicanism, the notion that the nation-state ended runs counter to age-old patriotism.

Irving Kristol, the co-author of **Neo-Conservatism**,<sup>72</sup> is widely considered to be a key founder of this “movement”. His son, William Kristol, is the editor of **The Weekly Standard** that serves the same purpose. The journals **Commentary** and **The Public Interest** are also associated with the neocons. A group of leading conservative foundations subsidizes the research of rightist American intellectuals.<sup>73</sup> This group is also intimately clustered around the American Enterprise Institute (AEI). It is no exaggeration to assert that the neocons, quite a few of whom are Jewish, have ‘hijacked’ American foreign policy and led it in a certain direction. They mold Washington’s international affairs with an undue pro-Israeli twist. When they were only one of the potential groups likely to influence the foreign platform, candidate Bush stressed a “humble” policy for the country. Even during the early days of his presidency, the principal concern of

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<sup>71</sup> For instance: Paul Gottfried and Thomas Fleming, **The Conservative Movement**, Boston, Twayne, 1988; Sara Diamond, **Roads to Dominion: Right-Wing Movements and Political Power in the United States**, New York, The Guilford Press, 1995; George Nash, **The Conservative Intellectual Movement in America**, New York, Basic Books, 1996.

<sup>72</sup> Irving and Arving Kristol, **Neo-Conservatism: the Autobiography of an Idea**, Chicago, Ivan R. Dee, Publisher, Elephant Paperback, 1999.

<sup>73</sup> National Committee for Responsive Philanthropy, **Moving a Public Policy Agenda: the Strategic Philanthropy of Conservative Foundations**, Washington, D.C., 1997.

Condoleezza Rice, the presidential national security advisor and also a former board member for various corporations (Chevron, Charles Schwab, J.P. Morgan, Carnegie, Rand), was to cultivate ties with the other leading powers.<sup>74</sup>

Who are the leading neocon personalities? Dr. Paul Wolfowitz, Deputy Secretary of Defense, who taught international relations (Johns Hopkins, Yale, National War College), acted as ambassador (Indonesia), and served as Assistant Secretary of State. Stephen A. Cambone, the director of Program Analysis and Evaluation at the Pentagon, is a ballistic missile expert and also worked in the private sector (SRS Technologies). Douglas J. Feith is the Under-Secretary of Defense for Policy, or Pentagon's number three. He contributed chapters to a number of books, one entitled **Israel's Legitimacy in Law and Practice**. I. Lewis Libby is Assistant to the President and Cheney's Chief of Staff. John R. Bolton, who was senior vice-president of the AEI, is Under-Secretary of State for Arms Control and International Security. Richard Perle, a former Assistant Secretary of Defense, is a consultant at the Pentagon and a resident fellow of the AEI. He resigned as the chairman of the Defense Policy Board after being widely criticized for advising a bankrupt company (Global Crossing) on how to gain approval for a joint-venture sale to business concerns in Hong Kong and Singapore. A Kissinger biography refers to him as an official passing classified information to Israel.<sup>75</sup> Marc Grossman, a career Foreign Service Officer and the former Deputy Special Adviser to Carter, is State Department's Under Secretary for Political Affairs. Commerce Secretary Donald Evans was the CEO of Tom Brown Inc., a natural gas company operating in Texas, Colorado and Wyoming.

Messrs. Cheney, Rumsfeld and Ashcroft were not originally members of the neocon group. The Vice-President had a carrier as a businessman (CEO of the Halliburton Co.), politician (Congressman), and statesman (White House Chief of Staff and Secretary of Defense). He directed Operation Just Cause (Panama) and Operation Desert Storm (Iraq). Even he, now the most influential neocon supporter, had thrown his weight, under President Bush, Sr. (much to Wolfowitz's consternation) on the scale in favor of keeping Saddam in power (1991) and had been critical of Israel's settlement policy. Wolfowitz's plea that the U.S. ought to deal with Iraq immediately after the 9/11 attacks had likewise fallen on deaf ears.

Donald H. Rumsfeld, twice Secretary of Defense, was CEO/Chairman of three leading companies (Searle, General Instrument, Gilead Sciences), politician (Congressman) and Assistant

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<sup>74</sup> A Chevron tanker was named after her, who coordinated her views with the neocon group. Condoleezza Rice, "American Foreign Policy in the 21st Century," Los Angeles, World Affairs Council, 15 January 1999; Condoleezza Rice, "Promoting the National Interest," **Foreign Affairs**, New York, 79/1 (January/February 2000), pp. 45-62.

<sup>75</sup> Seymour M. Hersh, **The Price of Power: Kissinger in the Nixon White House**, New York, Summit Books, 1983, p. 322.

to the President. The undertakings of U.S. Attorney General John Ashcroft,<sup>76</sup> who had considered running for the Republican presidential nomination and has some chance for a higher office in 2004, are done with presidential blessing. Ashcroft declared that his department was “the role model for justice the world over.”<sup>77</sup> But the model is losing confidence at home and among the allies. Some American police chiefs are resisting ill-defined plans for open-ended trawl among citizens and young men from the Middle East. A number of Western European countries will not extradite Al-Qaeda suspects if they will face military tribunals or the death penalty in the United States.<sup>78</sup>

The neocons do not represent a cabal. They are part of a broader movement, a consensus rooted in the needs of the American ruling strata. The latter’s objective is to control, not only the world’s oil resources, but the global market via military force if necessary.

#### *What Do the Neocons Want?*

Neo-conservatism is a redesigned form of Social Darwinism. The views of the neocons before 9/11 were the same as today but not many in the administration paid much attention to them. They were intrinsically shared, however, by wider Republican circles since the end of the Cold War era. The shift of interest to the Middle East and away from Europe could be traced to the diehard conservatives of Ronald Reagan and even of Barry M. Goldwater.<sup>79</sup> The neocons are “thinking big”, however.<sup>80</sup> Theirs is the vision of an unfettered American colossus.

The common roots of conservatism tie present-day neocons with those reactionary groups who could not accept even FDR’s New Deal of the 1930s. The prevalent base of all eventually brought together the traditional conservatives like Cheney and Rumsfeld, the neocons, the leading weapons industries, the Texan business concerns, and the Israeli interests under a broader covering. The Defence Planning Guidance, drawn up by Wolfowitz and Libby and forwarded to Clinton in 1992 by Cheney, raised the concept of ‘preemptive’ strikes and

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<sup>76</sup> Nancy Chang, “How Democracy Dies: the War on Our Civil Liberties”, **Lost Liberties: Ashcroft and the Assault on Personal Freedom**, ed., Cynthia Brown, New York and London, New Press, 2003, pp. 33-51.

<sup>77</sup> “Ashcroft Justice”, **The Nation**, Philadelphia, 273/20 (17 December 2001), p. 3.

<sup>78</sup> When Ashcroft was a senator (Missouri, R.), he made the following statement at a Senate judicial sub-committee: “A citizenry armed with both the right to possess firearms and to speak freely is less likely to fall victim to a tyrannical government than a citizenry that is disarmed from criticizing government or defending themselves”. Quoted in: Peter Schrag, “Ashcroft’s Hypocrisy: It’s Double-Standard Time at the New Model Justice Department”, **The American Prospect**, 13/1 (1-14 January 2001), pp. 24-25. A few years later, he defended the Bush Administration’s assertion of sweeping new powers, coming close to accusing his critics of something like treason.

<sup>79</sup> Senator Goldwater (1909-98) established himself as a strong conservative, calling for a harsh diplomatic stance toward the USSR and charging the Democrats with creating a quasi-socialist state at home. His 1964 presidential bid was doomed by the charge that his extremist views might prompt war with the Soviets.

<sup>80</sup> For instance: Lawrence F. Kaplan and William Kristol, **The War over Iraq: Saddam’s Tyranny and America’s Mission**, San Francisco, Encounter Books, 2003.

recommended the raising of the country's military might to a pitch that could not be challenged by any power. Their ideas were once more stated in the Project for the New American Century (3 June 1997).<sup>81</sup> Rumsfeld's letter to Clinton in 1998 urged the removal of Saddam Hussein. These suggestions became official U.S. policy in the National Security Strategy of 2002.<sup>82</sup>

According to the neocon thinking, the United States must act decisively, and not necessarily with other states, against "potential dangers." With no specific provocations from Baghdad, Iraq might not have been an imminent threat, but the Saddam regime could "some day" provide terrorists, in the neocon opinion, with the WMDs. For many neocons, not only deposing Saddam Hussein had long been the essential first step on the road; his overthrow would be a way to demonstrate American resolve and ability to send a shot across the bow of some other states, and also a sign of where the U.S. might go from there.<sup>83</sup> According to the White House, Iran was intervening in Iraq's domestic affairs.<sup>84</sup> President Bush, who registered that Syria possessed WMDs as well and supported terrorism, had no plans to attack that country, which, nevertheless, had to change its regime. North Korea, on the other hand, had to throw up its arms and disarm. Negotiations towards them all had to be conducted from a position of strength. As the staunchest supporters of Sharon's policies, eliminating Israel's rivals and giving Israel more security, were parts of this general neocon policy. In any case, if the United States acted resolutely enough, others, no matter how reluctant, would eventually follow.

The neocons judged some multilateral institutions, the United Nations included, as conglomerations that limit America's power. The neocons may lead others in this feeling of insolence but one cannot reproach only them for this disdain. America's search for release from the U.N., though not from NATO, is prior to the neocon rise. Bringing to mind Senator Henry Cabot Lodge's (1850-1924) opposition to the League of Nations, the neocons of today disapprove of commitments that could constrain American actions. They would rather marginalize the U.N., if not ignore it completely.

The 9/11 attacks revolved the widespread but unspecified likeminded groups and individuals into a distinct prevalence. While the traditional Republicans offered little or no alternative, President Bush, himself a recalcitrant politician, held fast to most of the neocon

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<sup>81</sup> <http://www.newamericancentury.org>

<sup>82</sup> White House, **The National Security Strategy of the United States of America**, Washington, D.C., September 2002.

<sup>83</sup> The neocons, who charge Iran – on account of its support for Hezbollah in Lebanon – with harbouring Al-Qaeda, lose sight of the vicious campaign of Al-Qaeda and the Taliban against the Shi'a in Afghanistan and Pakistan.

<sup>84</sup> Iran's experiment with democracy had come to a tragic end, on account of the 'courtesy' of Washington: Stephen Kinzer, **All the Shah's Men: an American Coup and the Roots of Terror in the Middle East**, Hoboken, New Jersey, J. Wiley and Sons; 2003. Also: Kermit Roosevelt, **Countercoup: the Struggle for the Control of Iran**, New York, McGraw-Hill, 1979.

agenda. His reference to the “axis of evil”, in his State-of-the Union address in January 2002, ruminates the type cast in neocon imagery. Bush and the neocons see the world in terms of ‘good’ and ‘evil’ and argue that the United States should use force to defeat the latter. Contrary to the neocon pipe dream, however, the options are not only a “humane future” built on the basis of unapologetic and assertive American objectives on the one hand, and “a chaotic Hobbesian world” on the other. It is American interest, not a bleeding-heart sensitivity to the well-being of others, that motivated some Democrats and a few moderate Republicans, to oppose the rush to war in Iraq. Even this fair option struck the neocons as a ‘blame-America-first’ mindset. Such strong leaning by Bush toward the neocons almost ruptured NATO and widened the distance between Washington and the closest hemispheric neighbours, Canada and Mexico.

Although the neocons are part of a broader coalition that includes other groups, even departments and councils, there exist only shades of difference as to the means and costs, and not the ends of policy. There is no subtle incompatibility between the neocons and the Department of State or the National Security Council. If some circles representing various interest groups or academic fora offer proposals other than those of think-tanks working for the government, such different presentations do not necessarily signify democratic debate. A highly organized network, whose decisions about what represents a danger to corporate interests, increasingly seems to rule over the Americans. The American people at large, which the decision-makers take into account only as one factor, are not part of the discussion. All U.S. presidents take polls seriously, not to fulfill what people want, but to decide “which arguments will be the most persuasive.”<sup>85</sup> Almost every level of U.S. Government, including the Congress, except some groups among diplomats and officers, supports the new policy of interventions and changes. Bush, Jr.’s ultimate goal, however, is to evade his father’s fate, and that needs to focus upon the next elections, that is, the economy of the country. On the other hand, among the net results of the war in Iraq may be more Shi’a-dominated fundamentalist influence, along with more U.S. casualties. He may be entering the new election campaign with the prospects of such a “victory.”

## **E. Assault on Civil Liberties**

### *The Bush Trend:*

The origin of the Bush trend can be traced back to the extreme right’s grand ambition of reducing the prerogatives of the federal government to the level of the pre-New Deal days, and turning the clock back to the President William McKinley era (1897-1901). Conservative Republicanism conceives a reconstituted American society, in which the government will be

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<sup>85</sup> Dick Morris, **Behind the Oval Office**, Los Angeles, Renaissance Books, 1999, p. 10.

taken out of their lives. A radical program, to be put into operation step by step, entails the following: narrowing governmental activity, eliminating federal taxation of private capital; permanently insulating private wealth from graduated income tax; weakening the collective power of the trade unions; strengthening business enterprise against obligations such as environmental protection; and withdrawing federal aid to housing, health care, assistance to the poor, and the like.

In the opinion of one of the country's premier political and economic commentators and onetime Republican strategist, George W. Bush's behaviour is rooted in the "dynasty's four-generation evolution and concomitant pattern of deception, dissimulation, and disinformation."<sup>86</sup> Four generations of Bushes, beginning with the association between Samuel P. Bush and George Herbert Walker, solidified their position via Wall Street, the Senate, the CIA, the vice-presidency and the White House. They exhibited policy favoritism to the top 1 percent, and were involved in scandals related to arms dealings. The same analyst asserts that the Bush family has been using its financial and social empire to subvert American democracy. The Bush partisanship promotes the upper-income groups via blessings to the energy sector, defense industries, the Pentagon, and the CIA. Its long-time involvement with global armaments include Prescott Bush's links to wartime Nazi Germany.

In addition to the inter-relationship of the Bush dynasty and the rising military-industrial-security complex, George W. Bush emerged as a born-again favorite of conservative evangelical and fundamentalist voters. The Chief Executive is now also the *de facto* head of the Religious Right. Polls report that close to half of U.S. Christians believe in Armageddon. Repeatedly resorting to Biblical language about good and evil and casting himself as the prodigal son, George W. Bush displays an unparalleled personal pietism, to the extent of putting on airs as the leader of the American Religious Right. He has been given, in his own vision, a God-inspired historic task to lead us – in the wrong direction.

Not all of these objectives may be attained during Bush's presidential term. Neither is the agenda solely the creation of the Bush presidency. Senator Barry M. Goldwater, the Republican from Arizona, lit the first flame in 1964 when he chose to run in the presidential race against Lyndon B. Johnson. A grand wave came (1980) with Ronald Reagan, under whose wings the conservatives shared governing power. The Republican majority in the House of Representatives gave them control of Congress for the first time in generations. President Bush enjoys now command over all the three branches of the federal government. He has what Reagan lacked – a

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<sup>86</sup> Kevin Phillips, **American Dynasty: Aristocracy, Fortune, and the Politics of Deceit in the House of Bush**, New York, Viking, 2004, *idem*.

Reaganite Congressional majority. The votes of the extreme conservatives encouraged Bush to sign, *inter alia*, the death warrants of many social welfare programs.

The 9/11 attacks laid at America's feet the unique occasion to reassert, more obvious than ever, its dominance and the acceptance of the free market ideology almost everywhere. Terrorism is usually defined as a weapon of the weak. There is some truth in the assumption that it "stems from the failure of its perpetrators to develop sufficient strength to present their case in a conventional manner".<sup>87</sup> But terrorism may also be the tool of the strong. The Bush Administration's response to terrorism with executive measures constitutes the most serious threat to civil liberties at home. In his now well-known and saber-rattling speech (29 January 2002),<sup>88</sup> President Bush stated that the price of freedom and security was high and that they were ready to pay for them. One result of this determination was that the new surveillance by police officers, secret service agents, security experts, the phone tappers, the data-base specialists, the computer experts, immigration functionaries, customs officials, and the like, inaugurated a new era of monitoring and reporting on millions of people. The United States was even ready to make use of Britain's long experience with the IRA.<sup>89</sup>

The extreme right wing is using the "war on terrorism" platform to advance its own agenda. The prevailing "neo-patriotism" turns into a mask hiding the marginalization of the poor, the coloured, and some religious/ethnic groups. Consequently, some 13 million people are reportedly on the terror watch list.<sup>90</sup> The Administration is inclined to label, and thus delineate, even peace activists, civil libertarians and global justice demonstrators as terrorist sympathizers.<sup>91</sup>

After 9/11, national security became the pretext for rolling back workers' rights as well. The basic rights to organize, to bargain collectively and to strike under international norms are routinely violated because labor laws have loopholes and are impotently enforced.<sup>92</sup> As part of the new anti-union interventions, however, the Bush Administration threatened action against longshore strikes on the assumption that all commercial cargo, not just military material, was important for security. A thousand Justice Department workers were barred from union membership on the basis of their job responsibilities. About 30,000 airport screeners, largely immigrants and people of colour, were fired. Officials failed to protect the wellbeing of some

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<sup>87</sup> Türkaya Ataöv, "Terrorism versus Liberation Movements in International Law", **A.Ü. Siyasal Bilgiler Fakültesi Dergisi**, XLII/1-4 (Ocak-Aralık 1987), p. 17.

<sup>88</sup> The White House, the Office of the Press Secretary, **The President's State of the Union Address**, 29 January 2002.

<sup>89</sup> **Daily Telegraph**, 8 November 2001. It may be appropriate to remember here that the European Court of Human Rights found (1971) Britain guilty of torturing internees. In fact, Britain was found guilty of more violations than all the other European Union members combined.

<sup>90</sup> Patricia J. Williams, "New America," **The Nation**, 12 May 2003, p. 10.

<sup>91</sup> Patricia J. Williams, "By Any Means Necessary", **ibid.**, 273/17 (26 November 2001), p. 11.

<sup>92</sup> Human Rights Watch, **Unfair Advantage**, New York, 2000.

black postal workers who inhaled anthrax while working in mail centers in the Washington, D.C. area. Strong official winds encouraged private citizen attacks on Muslims from the Middle East, even on Sikhs and others of South Asian descent. Various xenophobia acts, including harassment, violent attacks, threats, vandalism and occasional murder occur in streets and on university campuses.

There is cause for worry about academic freedom in some American universities.<sup>93</sup> The American Council of Trustees and Alumni issued (November 2001) a report entitled “Defending Civilization: How Our Universities Are Failing America, and What Can Be Done About It?” Reproducing statements from over a hundred university and college professors who spoke against the way President Bush aimed to conduct war on terrorism, the report described these academics as the “weak link” in America’s response to the attacks. Several faculty members and staff workers<sup>94</sup> faced disciplinary action. Dr. Sami Al-Arian, a pro-Palestinian professor of computer sciences at the University of South Florida and one who had never been arrested or charged with any crime before, was the first post-9/11 academic casualty of the war on terrorism. He received threats, and was suspended (with pay) by the university’s president (Judy Genshaft).<sup>95</sup> Some campuses are on the cutting edge of intolerance. If an academic center is divided in terms of views, it only shows that its head is erect with dignity. The political decision-makers in the federal capital should not dictate what cannot be said on a university campus. Another danger worthy of notice is the phantom of populist violence stirred by media demagoguery, as observed in Dr. Al-Arian’s case.

The sword of Damocles started to hang over the heads of the future generations in still another respect. Tax cuts that led to the slashing of higher-education budgets left more than a quarter of America’s young people, mostly from the working classes, Afro-Americans and Latinos, facing the impossibility of enrolling in the country’s state colleges and universities. While the latter freeze hiring, retire full-time faculty earlier than usual, replace them with low-paid part-time teachers, and offer fewer courses, many children of low-wage families will drop out or look for one or more odd jobs to meet education costs. The schools’ answers to recession and loss of government support are to raise tuition and cut down scholarships. Since the lives and the future of particular groups of youngsters will be affected, these measures represent another kind of

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<sup>93</sup> David Glenn, “The War on Campus: Will Academic Freedom Survive?” **The Nation**, 273/18 (3 December 2001), pp. 11-14.

<sup>94</sup> For instance, Professor Richard Berthold at the University of New Mexico, Professor Ken Hearlston at UCLA, four teachers at the University of North Carolina, and librarian Johnnie Hargis of the City University of New York.

<sup>95</sup> Bill Berkovitz, “Witch-hunt in South Florida, Pro-Palestinian professor is first casualty of post-9/11 conservative correctness”, Centre for Research on Globalization, Ontario; <http://globalresearch.ca/articles/BER112A.html>, dated 13 December 2001.

discrimination, and the losers will be not only the poor and the coloured, but also American democracy.

*Behind Bars:*

Several hundred immigrants were rounded up immediately after the 9/11 attacks.<sup>96</sup> Within two months the figure exceeded one-thousand, one detainee dying in custody and only four named as suspected members of Al-Qaeda. Initially, not only the reasons for their detention, but even their names were labeled “classified information”. The U.S. Immigration and Naturalization Service (INS) housed, even before 9/11, more than 60% of the 15,000 detainees, including asylum seekers, who are supposedly protected by refugee law and deserve special treatment. The complaints of the asylum seekers were incomplete information from the INS regarding their status, inadequate access to legal assistance, mixing with criminals while under custody, poor physical conditions, mistreatment and isolation from families.

Most of them are held in local jails throughout the country, which are inappropriate for their non-criminal status. Even unaccompanied children are detained in such places, which independent monitors and lawyers have difficulty to reach. Some detainees are held indefinitely because they are ‘stateless.’ This form of detention differs little from an open-ended criminal sentence. Many detainees fear that they are entirely forgotten there and left at the mercy of local jail officials, who sometimes administer electric shock to shackled persons. The authorities frequently leave unanswered many questions about locations and treatment. Conditions were bad enough before 9/11 but later there were more detentions without charges and searches without warrants, longer sentences, harsher conditions and reduced rights for the detainees.

Allegations of police abuse include unjustified shootings, beatings and tough treatment in general. Most prisons, expanded recently, are ripe with violence, perpetrated by guards and gangs, causing injury or death. Security personnel or correctional officers use chains, manacles, isolation, natural light deprivation, electric stuns, several restraint devices,<sup>97</sup> and humiliation, all inconsistent with a free society. Torture, which wrecks the tortured but also corrupts the society that tolerates it, is illegal under international covenants, signed and ratified by the United States. Widespread sexual abuse of women continues.<sup>98</sup> Rape is common, some prisoners becoming ‘slaves’ of their rapists. The degrading treatment brakes the spirit of the individuals who develop organic and

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<sup>96</sup> The actual number climbed in time. All persons behind bars, including inmates, topped two millions, or one for every 143 Americans.

<sup>97</sup> There are cases of inmates, whose limbs are tied to the four corners of a bed frame with an additional strap across the chest, left unable to move for days and forced to urinate and defecate on themselves.

<sup>98</sup> For instance: Human Rights Watch, **All Too Familiar: Sexual Abuse of Women in U.S. State Prisons**, New York, 1996; \_\_, **Nowhere to Hide: Retaliation Against Women in Michigan State Prisons**, New York, 1998.

mental health problems. The police officers observe the habitual ‘code of silence’ and do not cooperate with investigators even if their superiors urge them to do so. Inadequate internal investigations, lack of wide prosecutions and weak public interest encourage the police to harbor no fear from punishment. While conditions remain inhuman, the U.S. Supreme Court exempts them from meaningful judicial scrutiny. Legal protection for prisoners, who keep complaining to researchers about abuse, keeps shrinking.

Presently, executions in Texas make up about half of the total in all the states, which generally carry out capital punishment at a record pace. The United States continues to be one of a handful of countries that execute people for convictions on the basis of criminal acts committed before the age of eighteen. The irreversible nature of capital punishment becomes, on the other hand, more self-evident when one remembers that so many prisoners have been released from death row on grounds of innocence.

## **F. Presidential Perceptions of Security**

### *The USA Patriot Act:*

It should be granted that no terrorist attack was as monstrous and destructive as the one on 9/11. The crumbling down of the Twin Towers and the walls of the Pentagon was followed by the anthrax scare. The authorities were quick in condemning the acts and declaring that they needed secret evidence much more than before to fight the new “war on international terrorism”. As the Taliban were steadily falling back under the assault of the coalition and opposition forces, the White House launched series of its own attacks at home, described by some as likely to last longer than any war the American Government may be planning for the future.

The military-industry-intelligence-police establishment decided on “anti-terrorist legislation”, rubber-stamped by the Congress. The contents of the bill, sent (19 September 2001) to Congress, had been offered (1996) by the Clinton Administration, in large part as portions of the Anti-terrorism and Effective Death Penalty Act. When the Patriot Bill came to Congress, all fell silent except Senator Russell Feingold<sup>99</sup> of Wisconsin, who cited assaults on liberty starting with the Alien and Sedition Acts (1798) of John Adams (1797-1801) and the suspension of *habeas corpus* during the Civil War, down to the internment of Japanese-, German-, and Italian-Americans during World War II and the McCarthyite blacklisting of supposed communist sympathizers in the 1950s, and finally reaching the surveillance of anti-war protestors, including

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<sup>99</sup> Statement of U.S. Senator Russell Feingold on the Anti-terrorism Bill from the Senate floor, 25 October 2001; <http://www.senate.gov/-feingold/releases/01/10/102501at.html>.

Dr. Martin Luther King, Jr., during the Vietnam War. He emphasized that the Justice Department was making extraordinary use of its power to arrest “material witnesses”<sup>100</sup> not charged with any crime. He reminded the Senate that passengers on a Northwest Airlines flight in Minneapolis insisted that three Arab men, who had already cleared security, be removed from the plane. He emphasized that these pieces of the past should not become prologue.<sup>101</sup> He targeted the Bush measure as “a truly breathtaking expansion of police power”.

The Attorney General provided the text of the bill the following Wednesday after the 9/11 attacks and urged Congress to enact it by the end of the week. The pressure to move it quickly, without proper deliberation, was relentless until adoption shortly after. Legislators did not have the time to obtain, much less read, a copy of the long text of the act. The Congress enacted the USA Patriot Act virtually without any committee debate in the Senate or oppositional criticism in the House. It was passed (21 October) in record time.<sup>102</sup> The President signed it a fortnight later (26 October).

The clumsily-titled Patriot Act,<sup>103</sup> a law of 342 pages, opened a new chapter in the life of the nation. Its radical features may be summarized as follows: It eliminates the barriers between the law enforcement and intelligence agencies, enabling the latter to have access to domestic investigating tools. It empowers the intelligence agencies to conduct secret searches in cases not related to terrorism, widening their access in the process, to an extensive range of records and conferring on them the fearful authority of criminal grand juries. It sanctions government personnel to pursue searches, including wiretaps, without the necessity to explain the probable cause that the targeted person may be engaged in terrorist or criminal activity. It accepts guilt by association in the case of immigrants, broadening the scope of offense beyond that of the 1996 Act. It enables executive detention on suspicion that a person may be a participant in a crime or a provider of support to an organization deemed to be terrorist. It gives the government the opportunity to deny entry to aliens and the exercise of free speech, bringing back a despised relic of the McCarthy era.

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<sup>100</sup> The FBI arrested, among others, as a “material witness” the San Antonio radiologist Albader Al-Hazmi, who has a name like two of the hijackers, and who tried to book a flight to San Diego for a medical conference. The government held him incommunicado after his arrest.

<sup>101</sup> When President Lincoln had issued a proclamation ordering the arrest and military trial of any persons discouraging volunteer enlistments, or resisting militia drafts, the Wisconsin Supreme Court was among the first to rule that the President had exceeded his authority. When the Postmaster General revoked the mailing privileges of a newspaper (the **Milwaukee Leader**) because he felt that some of its articles, which called the President an aristocrat and the draft oppressive, the Supreme Court upheld the action over dissents by Justices Brandeis and Holmes. FDR signed orders to incarcerate more than 110,000 Japanese-originated, some 11,000 German-originated, and 3,000 Italian-originated U.S. citizens.

<sup>102</sup> The House passed it by a wide margin of 356 to 66. In the Senate, only Senator Russell Feingold cast an opposition vote.

<sup>103</sup> “Patriot” is an acronym based on President Bush’s “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism” Act.

Some of the articles, providing more funds to strengthen immigration controls at the borders or expediting the hiring of translators at the FBI, will help law enforcement more effectively counter the threat of terrorism. But enacting in haste by elected representatives sweeping new powers directly affecting civil liberties of the people can only be termed as dangerous. The interpretation of domestic terrorism is now large enough to include any activity that can lead to influence the policy of a government by “intimidation or coercion”.<sup>104</sup> The new Act “criminalizes peaceful anti-globalization protests.”<sup>105</sup> A protest blocking a street or a demonstration against the World Trade Organization (WTO) may be made to fit within the definition of “domestic terrorism”.

It brought the law enforcement and the intelligence agencies closer together, permitting the latter to make use of domestic criminal law investigating tools. Although the Congress that established (1947) the Central Intelligence Agency (CIA) limited its concern to foreign liaisons only, it can now share the information collected by the law enforcement agencies. While the CIA operated in secrecy, pursuing at times rumors and unreliable reports, the criminal justice system had to judge information contestable by all concerned, including the accused, in public court. The transactions of the two clashed right from the beginning. In spite of this conceptual divide, the CIA<sup>106</sup> is now blessed, through the law enforcement facilities, with the advantage of grand jury powers but without protection for the innocent of the criminal system. This new Act enhances the role of the security agencies without providing meaningful checks to prevent abuses, wastes resources for the unfruitful investigation of innocent people, and alienates selected communities.

The FBI agents discontinue, under this Act, the time-honored custom of knocking on the door of the site to be searched and notify the owner that a search will be conducted. They can now enter any home or office during the absence of the owner or while the person is asleep, can take or copy things and not inform the target that they had paid a secret visit. It gives the Attorney General unprecedented powers to detain non-citizens if he has “reasonable grounds” to believe that they have been engaged in a terrorist act or endangered national security. Aliens who cannot be deported may be held in custody indefinitely, until the Attorney General decides that such persons no longer pose a threat. In democratic regimes, guilt has to be established by an accountable procedure. Suspect profiling, unsustained by evidence, is substitution of a presumption of guilt for the presumption of innocence. The new policy of detention, on the

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<sup>104</sup> Michael Ratner, “Moving Toward a Police State (Or Have We Arrived?)”, **Global Outlook**, 1 (Spring 2002), p. 35.

<sup>105</sup> Michel Chossadovsky, **War and Globalisation: the Truth Behind September**, II, Ontario, Canada, Global Outlook, 2002, p. 9.

<sup>106</sup> The annual budget of the CIA (more than \$30 billion) exceeds the combined budgets of many Third World countries.

other hand, may license “a shadow intelligence force that can hold people until they literally rot in jail –or prove themselves innocent without the ‘coaching’ of lawyers.”<sup>107</sup>

The USA Patriot Act also imposes ‘guilt by association,’ which is an alien concept to the traditions of a free society and those of the First Amendment. It renders immigrants deportable for innocent links with any organization blacklisted by the U.S. Secretary of State. It authorizes the Attorney General to detain or arrest non-citizens, sometimes indefinitely and on mere suspicion, refusing to disclose even the most basic information about them as to their names, whereabouts and reason for imprisonment. Under the circumstances, the following assessment is not an overstatement: “Never in our history has the government engaged in such a blanket practice of secret incarceration”.<sup>108</sup> The Act makes aliens deportable for any kind of associational activity with an organization designated as terrorist, the contribution of medicine or religious materials constituting no exceptions. Under its terms, a non-citizen having come to the United States to help pursue peace negotiations for an establishment once characterized as terrorist is deportable. The same would theoretically apply to presenting children’s books to the library of a school promoted by an organization recognized as terrorist. This Act, thus, expands the limits of guilt by association.

Although the Fourth Amendment lets the government conduct searches and wiretaps, this assent is not a *carte blanche*, but conditioned to the existence of a probable cause of the person’s engagement in criminal activity. The Act neglects this constitutional requirement on the grounds that the investigation has a foreign intelligence intention. The Foreign Intelligence Surveillance Act (FISA) allows for a restricted exception to the probable cause if foreign intelligence gathering is involved. But an “agent of a foreign power” is so broadly understood now that a member of a foreign human rights organization may fall within that interpretation. Realistically, the changes that the Act brought permit intelligence gathering activities to focus mostly on Muslims and Arabs. The new rules can potentially affect all citizens and non-citizens. All of these targets have little chance to dispute the reasoning of the search.

Personnel acting on behalf of a government agency may collect vast amount of information and many other things, such as books, papers, documents, records and the like with the assumption that all of this material is part of the fight against terrorism. Such personnel may now demand a documentary account about any investigated person from a bank, hotel, hospital or university arguing that the information is necessary for anti-terrorist struggle. If a person on American soil can be investigated in this manner for supporting the idea of an independent and

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<sup>107</sup> Patricia J. Williams, “The Enemy Within”, **The Nation**, 276/4 (3 February 2003), p. 9.

<sup>108</sup> David Cole, “National Security State,” **The Nation**, 273/20 (17 December 2001), p. 5.

sovereign Palestinian state, the Patriot Act gives the government enormous powers that may be abused in the future, in any case, more legal competence that had led to mistreatment in the past.

The planners and the executors of the 9/11 attacks may (or may not) be young Arab men, and Osama bin Laden as well as the Al-Qaeda members may all be Muslims. This assessment should not imply, however, that the security agencies should focus their attention on individuals who appear to be Arabs or Muslims. The interviews of thousands of young men, virtually all Arabs or Muslims, either planned or realized in piecemeal fashion, constitute ethnic/religious profiling that several police departments in the United States have already refused to go along with. Granted that the response to the 9/11 attacks needs to be most solemn and unremitting, the overwhelming majority of those with Arab or Muslim appearance join others in condemning the terrorist act. An ethnic/religious association cannot be a clue to future behaviour of members of the groups in question. One result of such discriminating generalization is to allow the actual offenders, who do not fit the stereotyped profile, to escape or to walk freely in the midst of the American people.

#### *White House Immunity:*

President Bush issued (13 November 2001) a controversial Executive Order authorizing the use of special military tribunals to try non-citizens accused of involvement in terrorism. If the President determines that “there is reason to believe” that certain non-citizen civilians in the United States are engaged in acts of terrorism, military committees may try them swiftly and secretly, with no presumption of innocence nor protection against forced confessions, and convict them, including a death sentence by a two-thirds majority, with no right to effective appeal. The same persons would otherwise be subject to regular criminal trials with full due process safeguards. Apart from the discussion whether such tribunals would be good or bad, there exists sufficient argument that the White House has no authority to create them and that no available law supports their installation.<sup>109</sup>

The Geneva Conventions protect “enemy soldiers”, who cannot be prosecuted at all. The category of “unlawful combatant”, first mentioned by the Supreme Court in *Ex parte Quirin* when dealing with a group of Germans who landed in civilian clothes on American soil for sabotage, is a broad concept allowing anyone to be prosecuted in a special tribunal. All suspects for crimes on American soil are subject to prosecution in the federal courts. The U.S. President and the Congress do not enjoy the legal prerogative to suspend the constitutional guarantee that the

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<sup>109</sup> For a view by a Columbia University School of Law professor that such military tribunals “haven’t got a legal leg to stand on”: George P. Fletcher, “War and the Constitution”, **The American Prospect**, 13/1 (1-14 January 2002), pp. 26-29.

prosecution of suspects for crimes committed on American soil should come before the federal courts. The Sixth Amendment mandates the right to a jury trial that applies in all criminal cases. With no right for the defendants to confront the evidence, to object to illegally obtained records, or to appeal for a public trial, the military becomes prosecutor, judge, jury, court of appeal and executioner. The military tribunals are devoid of procedural checks designed to protect the innocent. Even an American court martial requires a unanimous vote on a death sentence. Some Western European countries, which assert that they have identified people with connections to the 9/11 attack, now refuse to extradite suspects to the United States on grounds that they may be sentenced to capital punishment in such summary proceedings.

The Chief Executive who now occupies the White House also removed former Presidents' papers from the public domain. Following up his earlier decision to send his own gubernatorial files to his father's presidential library at Texas A&M University, George W. Bush suppressed public access to the papers of former presidents and information on the White House. Osama bin Laden's terrorism should not hand out to Bush an excuse to close off avenues of inquiry to those who seek to question his and his predecessors' policies. Bush's Executive Order 13233 invalidates the Presidential Records Act (1978) and eviscerates public access to the country's history. His attempt would allow all papers to stay as classified. Thus, official documents, likely to contradict Bush, Sr. on Iran-Contra crimes may remain classified for a long time. This new order creates a new category of executive privilege. It infringes the American Constitution and the laws of every democratic state.

There is another move for expanded White House secrecy. President Bush, who wishes to put a Republican appointee in charge of the National Archives (including the White House documents), pushed down a Clinton appointee (John Carlin) and nominated Allen Weinstein, criticized in the past for failing to abide by accepted norms of openness.<sup>110</sup> As the custodian of the nation's history, the national archivist is crucial in a democratic society and should see that documents are available to all. Bush's discreet moves to drop the current archivist and to seek ways to avoid hearings in the Senate prevent the American people to have a more reliable custodian of their history.

The Homeland Security Act (25 November 2002) created a new Department of Homeland Security supposedly to ensure that the efforts to defend the country are "comprehensive and united".<sup>111</sup> The new department is officially designated to analyze threats,

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<sup>110</sup> Allen Weinstein, **The Haunted Wood: Soviet Espionage in America – the Stalin Era**, New York, Random House, 1998.

<sup>111</sup> The White House, Office of the Press Secretary, **President Bush Signs Homeland Security Act**, 25 November 2002.

guard borders and airports, protect critical infrastructure and coordinate the response for future emergencies. Dozens of agencies charged with homeland security are now located within one Cabinet department, which will have nearly 170,000 employees. Former Governor Tom Ridge (Pennsylvania), who had previously organized White House security, became the first Secretary of Homeland Security. The new department will evaluate all intelligence information collected by the CIA, the FBI, the National Security Agency and others. The state and local governments are expected to turn to one federal agency for information.

Although Bush stated several times (for instance, in August 2003) that he is doing everything he can to protect the homeland, the report (June 2003) of the Council on Foreign Relations differed by emphasizing that the country is “dangerously ill-prepared to handle a catastrophic attack on American soil.”<sup>112</sup> Most fire departments are short on essentials, no police department has the necessities against an attack by WMDs, most public health laboratories lack just about everything needed to respond to a biological or chemical attack, the Coast Guard received around \$300 million in funding instead of the expected three times as much, the government expenditure on security for maritime containers does not exceed a mere \$10 million, the number of employees in the bio-defense programs are critically low, and there exist no security standards for chemical plants.

Most of the infrastructure is in the hands of commercial interests, ruled by profit urge, and the Bush Administration does not believe in a strong federal role in homeland security. Consequently, the proposal of Senator Robert Byrd and his Democrat associates to add \$1.75 billion to the Department of Homeland Security budget was defeated. The White House and the aviation industry blocked legislation moved by Representative Edward Markey (Mass., D.) to require screening of all cargo.

## **G. Racism, Islam and the Media**

### *Racism, Once Again:*

The 1960s witnessed racial progress in the United States. But no large-scale initiatives were launched afterward. The White and Black remained “separate, hostile, unequal”.<sup>113</sup> Without affirmative action, racism returned “with a vengeance”.<sup>114</sup> Through the ill-use of the concepts of

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<sup>112</sup> David Corn, “Homeland Insecurity,” **The Nation**, 22 September 2003, pp. 26-28.

<sup>113</sup> Andrew Hacker, **Two Nations: Black and White, Separate, Hostile, Unequal**, New York, Charles Scribner’s Sons, 1992.

<sup>114</sup> Cornel West, **Race Matters**, Boston, Beacon Press, 1993, p. 95.

patriotism and loyalty, dissent is now significantly restricted, and members of chosen ethnic or religious groups are maltreated. The attack on the rights and liberties of some citizens, immigrants and visitors, because they “look Asian” takes one’s breath away. Racial minorities are disproportionately affected by over-incarceration. Blacks and Hispanics, who represent only 24% of the total U.S. residents, account for 62.6% of all state or federal prisoners.<sup>115</sup> Afro-Americans who welcome policemen sometimes end up being as scared of them as of the neighborhood thugs. Assessing the extent of discrimination in American society, a U.N. committee report noted that there was a correlation between race and the imposition of the death penalty. The U.N. Commission on Human Rights adopted a resolution urging the United States to abolish the death penalty, particularly for juveniles and prisoners with mental disorders. Race plays an impermissible role in death penalty decisions when one considers that 80% of federal defendants who faced capital charges were members of minorities.<sup>116</sup> Capital trials were persistently fraught with error and injustice. More than two of every three death penalty sentences were overturned on appeal.

The 9/11 attacks inspired tighter control of national borders. Some American television networks depicted frequent incidents revealing racially-motivated use of excessive force against border crossers. U.S. Border Patrol agents indulge in various kinds of unjustified behaviour, including shootings, while enjoying impunity for their actions.<sup>117</sup> 9/11 merely resurrected the anti-immigration movement. During the last decade or so, a few thousand migrants have died trying to cross the U.S.-Mexican border. It was the Clinton era’s “border control” strategy<sup>118</sup> that sealed off urban crossing points like El Paso and San Diego, forcing the migrants to try their luck through the deadly desert of southern Arizona, where even dirty water is available only in the *charcas* (dried cattle ponds). Cattle die there, and the Mexicans get diarrhea and then dehydrate faster, leading to quick death. No matter what some Mexicans may say about *Derechos Humanos*, this policy of funneling migrants to their deaths continues. The Bush Administration merely increased the patrol agents and their budgets.

On the other hand, the special visas granted to some foreigners, who are lured to the United States with false promises but actually held in servitude, working for long hours and abused, leave them vulnerable to various kinds of discrimination.<sup>119</sup> Thousands of migrant

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<sup>115</sup> Human Rights Watch, **World Report: 2002**, New York, 2002, p. 490.

<sup>116</sup> Human Rights Watch, **World Report: 2001**, New York, 2002, p. 429.

<sup>117</sup> Human Rights Watch, **Crossing the Line: Human Rights Abuses Along the U.S. Border with Mexico Persist Amid Climate of Impunity**, New York, 1995, 37 pp.; \_\_\_, **Brutally Unchecked: Human Rights Abuses Along the U.S. Border with Mexico**, New York, 1992, 88 pp.

<sup>118</sup> When California Governor Pete Wilson chose to sail along with the anti-immigration fever in his state, Clinton, eager for reelection, saw electoral advantage in putting this item at the top of his agenda.

<sup>119</sup> Human Rights Watch, **Hidden in the Home**, New York, 2001.

domestic workers, mostly Hispanic women, with temporary visas and allowed to serve U.S.-based foreign diplomats, international personnel, foreign businessmen and some American families, are exploited through working up to 19 hours per day and paid less than \$300 per month. Not even permitted to talk to other people, they face physical and psychological abuse. Their “special” status does not protect them against violations of human rights. An alternative is to change jobs but their visas tie them to their employers and ban legal change of work.

*Muslims in America:*

The Bush Administration is trying to fan out a “preventive” law-enforcement strategy, the tenor of which is to lock up mainly Muslim or Arab suspects for any immigration charge such as the failure to file a notice of change of address within ten days of moving, in order to search for evidence of more serious crimes. Extending such a development nation-wide, involving every police officer in this procedure, will affect the safety of all. While the security agencies now seem to be after a host of innocent Muslims and Arabs, terrorists who exhibited no visible ethnic or religious appearances realized the 9/11 attacks.

Muslims, who started coming to the United States in the 1870s, now number about five to six millions. The Islamic world includes about 55 states, with a total population of one-and-a-half billion. Out of these states, 22 identify themselves as Arabs on the basis of language and culture. There may be some common thread in the Islamic world but only a part of it, just like a part of the West, may be terror-inclined. In any case, Islam and terrorism cannot be used interchangeably. The reality is that the Islamic world is multi-lingual and culturally diverse. Part of that world is rich in resources, principally oil, and has enormous geostrategic value. The geopolitical writings of J. Halford McKinder and Nicholas J. Spykman are still relevant.

Islam, the religion of some Arab Americans, is a fast growing faith in the United States. North America, where there are now a few thousand sects, has always been a society of various ethnic and religious groups. Muslims, who are just one of them, are nevertheless more numerous than some Christian denominations. Most Muslims living or working in the United States are not Arabs. Afro-Americans presently constitute about 40% of the Muslims; 25% are Indo-Pakistanis; and the rest are Arabs, Afghanis, Africans, and Turks or Turkic peoples from the Caucasus or Central Asia, such as the Azeris, Uzbeks, Turkmens, Tatars and others. There are about 1,200 mosques and Islamic centers in the United States.<sup>120</sup> Almost three-fourths of foreign-born Arab

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<sup>120</sup> Yvonne Haddad, **Muslim Communities in North America**, Albany, State University of New York Press, 1994; Jeffrey D. Schultz, John G. West, and Iain Maclean, eds., **Encyclopedia of Religion in American Politics**, Phoenix, Arizona, Oryx Press, 1999, pp. 128-129.

Americans<sup>121</sup> immigrated after 1965, due in the past to the Immigration Act of that year that extended the quota system. The first Arab groups, mostly Christians from Syria and Lebanon, had come in the late 1800s. Those who immigrated after the Second World War were the displaced Palestinians, dispossessed Egyptians after President Gamel Abdel Nasser's nationalizations, and escaping Syrians following the *coups d'état* in their country. Now, Arab-Americans trace their ancestry all the way from Morocco in the north-western corner of Africa to Oman in the south-eastern part of Arabia facing the Indian Ocean. Quite a few American citizens of Arab descent are not Muslims, but Christians. Over two-thirds live in ten states, and one-third are congregated in the metropolitan areas of California, New York and Michigan. Less than three percent of all immigrants still keep coming from the Arab countries.

Arab-Americans faced maltreatment, slander and victimization. Initially, they suffered name-calling such as "towel heads" and "camel jockeys" but in 1991, the year of Operation Desert Storm, they became targets of hate crimes. They were suspected for the attacks (1995) at the Oklahoma City federal building, and finally labeled as real or potential terrorists after 9/11. The stereotype in American minds is that they were either oil billionaires or terrorists.

One should also observe that Islam emerged as a new set of religious beliefs and a tool of racial justice in the Afro-American experience.<sup>122</sup> The "Nation of Islam" began (1930) in Detroit (Michigan) as a small Black-nationalist Islamic movement led by W.D. Fard, believed to be only four years later, a victim of police brutality. Elijah Muhammad, his successor, led the Black American Muslim group until 1975.<sup>123</sup> The goals of the group were: end to racial violence, police brutality and racial separatism; equal opportunity and justice for Blacks and Whites; Black economic and community development; and equitable but racially separate educational institutions for Black Muslim children. Elijah Muhammad's books<sup>124</sup> offered messages for Black rights and development. These publications and **Muhammad Speaks**, a newspaper covering anti-colonial struggles in Asia and Africa, rendered inspiration for the 'Black Power' movement. Malcolm X diverged from the accustomed route when the old guards' agenda seemed undaring

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<sup>121</sup> "The Arabs," **Civil Rights in America: 1500 to the Present**, Jay A. Sigler, ed., Detroit, Gale, 1998, pp. 253-254.

<sup>122</sup> Richard Brent Turner, **Islam in the African-American Experience**, Bloomington, Indiana University Press, 1997. Also by the same: "Nation of Islam," **Civil Rights in the United States**, Waldo E. Martin, Jr., and Patricia Sullivan, eds., Vol. 2, New York, Macmillan, 2000, pp. 538-539. Others: C. Eric Lincoln, **The Black Muslims in America**, Grand Rapids, Mich., W.B. Erdmans; Trenton, New Jersey, Africa World Press, 1994; Aminah Beverly McCloud, **African American Islam**, New York, Routledge, 1995.

<sup>123</sup> Claude Andrew Clegg, **An Original Man: the Life and Times of Elijah Muhammed**, New York, St. Martin's, 1997.

<sup>124</sup> **Message to the Black Men in America**, Chicago, Muhammad Mosque of Islam No. 2, 1965; **The Fall of America**, Chicago, Muhammad Mosque of Islam No. 2, 1973.

and uncreative.<sup>125</sup> Louis Farrakhan led a revived Nation of Islam, endorsed (1984) the Black presidential candidate Rev. Jesse Jackson, and organized (1995) the ‘Million Men March.’<sup>126</sup>

As far as the Muslims in America are concerned, some of them are “now effectively living under martial law”.<sup>127</sup> Millions of them are non-citizen residents. Previously, the tradition had been to authorize only the Immigration and Naturalization Service (INS) to enforce the intricate immigration law, which entails specific knowledge and experience. To enter immigration information about selected groups into the National Criminal Information Center database and allow local police to arrest foreign nationals will create new problems.<sup>128</sup> A new (17 September 2001) interim INS rule increased the period of administrative detention for non-citizens from 24 to 48 hours, after which they may be released or held under “extraordinary circumstances.” A few thousand immigrants, mostly young Arab men, are being interrogated although there is no evidence of their connection with the 9/11 attacks.<sup>129</sup> A Human Rights Watch report<sup>130</sup> documents anti-Muslim and anti-Arab hate crimes, including murder, assault, arson and vandalism, in the United States immediately after the 9/11 attacks.

The divide between aliens and citizens is a thin one. A U.S. citizen may be arrested “for having, say, the wrong Palestinian friend to dinner...then be held incommunicado, denied the right to know the evidence...and...be sentenced to death in secret by a military tribunal”.<sup>131</sup> The Justice Department’s new rule (31 October 2001) gives *carte blanche* to the government to monitor communications between inmates in federal custody and their attorneys. The term “inmate” includes all those held as “witnesses, detainees or otherwise.” Subjecting client-attorney communications to official surveillance jeopardizes the right to counsel. Although monitoring is conceivable if the Attorney General harbors “reasonable suspicion” that the inmate would use communications to “further or facilitate” acts of terrorism, the confidentiality of the client-attorney relations is abrogated.

Some specialists on the judicial system and sections of the American public started debating the President’s power to take citizens into custody as if they were “enemy combatants”.

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<sup>125</sup> Harold Bloom, ed., **Alex Haley and Malcolm X’s The Autobiography of Malcolm X**, New York, Chelsea House Publisher’s, 1965, 1998.

<sup>126</sup> Ernest Allen, Jr., “Religious Heterodoxy and Nationalist Tradition: the Continuing Evolution of the Nation of Islam,” **The Black Scholar**, San Francisco, 26 (Fall-Winter 1996), pp. 2-34.

<sup>127</sup> Patricia J. Williams, “More Juice?” **The Nation**, 273/21 (24 December 2001), p. 11.

<sup>128</sup> However, under the Tenth Amendment, which prevents the federal government from dictating its program to state and local officials, dozens of police departments expressed concern over that kind of enforcement.

<sup>129</sup> For instance, Gaza-born Mazen Al-Najjar, who arrived (1981) in the United States from the United Arab Emirates and who earned a doctorate from the University of South Florida, was a “convenient guinea pig” and a civil liberties *cause célèbre* when he was arrested twice. While the charge was never made public, he insisted that he hated violence and was never a paramilitary. Bruce Shapiro, “Alien’s Law,” **The Nation**, 273/20 (17 December 2001), p. 6; <http://our.world.compuserve.com/homepages/usazerb/322.htm>

<sup>130</sup> Human Rights Watch, **We Are Not the Enemy**, New York, 2002.

<sup>131</sup> Christopher Hitchens, “Johnnie Walker Blackened”, **The Nation**, 274/2 (21 January 2002), p. 10.

For instance, the sad situations of José Padillo and Yasser Hamdi, both U.S. citizens, who were arrested and held incommunicado for long periods, caused a number of judicial decisions. When a New York City federal judge ordained that the government let Citizen Padilla freely communicate with his lawyers, the executive branch seemed displeased on grounds that his contacts with counselors might curtail the ability of the officials to coerce information from them. This was an attempt to excuse the violation of the right to counsel by committing another violation, or coercing a citizen for “confessions.” The Bush Administration put one block after another between the detained citizens, immigrants or visitors, mainly from the Middle East, and their lawyers, if any, in order to pursue a coercive incommunicado interrogation.<sup>132</sup> This is ethnic profiling.

### *Whither the Media?*

“Whither the media in democracies?”<sup>133</sup> is an oft heard refrain. Criticism of the American press, broadcasting and televising, especially for its coverage of international issues, is hardly new. The editorial formulas, largely inspired by governments and monopoly capital, that homogenize and Americanize analysis no less than news coverage need to be demystified.<sup>134</sup> The issue is one of a democratic media free from press barons as well as state persecution. The life of modern society is unthinkable without the media, which exercises a potent influence on the moulding of public opinion, even human personality. The line of reasoning along the doctrine of “market competition” and “comforting entertainment” developed by ideologues and implemented by bosses, are attractive tags covering up the real thrust.

Traditionally, the call for the liberty of the press was strongest in the Western societies. John Milton’s **Areopagitica** defended press freedom, the Utilitarians viewed state censorship as contrary to the principle of maximizing the happiness of the greatest number, J. S. Mill, in **On Liberty**, insisted that truth could be attained through unrestricted public discussion, and C.L. Montesquieu argued, in **L’Esprit des lois**, that a free press helped to liberate England from despotism. But these pleas were advanced against state regulation of publishing. There was, however, a wide gap between the utopia of liberty and the reality of the press. The abstraction that public opinion would freely circulate in the so-called unbiased medium of the market and that there existed a link between private ownership of the media and the liberty of expression failed to grasp how market competition might create market censorship and how the liberty of

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<sup>132</sup> The U.S. Supreme Court ruled that such questioning overriding free will is unconstitutional.

<sup>133</sup> John Keane, **The Media and Democracy**, Cambridge, U.K., Polity Press, 1991.

<sup>134</sup> On how the American media sells wars, death, assassinations, epidemics and famine: Susan D. Moeller, **Information Fatigue**, New York and London, Routledge, 1999.

the press might actually be restricted. The media is free if it does not depend on either the power of government or the power of money. It was market ‘competition’ that created the initial press barons in the leading democratic countries. They started to own most of the process and monopolized opinion.

The menace from the state is not altogether absent either. The hand of the government may still be detected in the media world. Even the democratic state does persuade or coerce some writers to behave in a certain manner. To avoid the impending pressure, some contributors may exercise an auto-control, and legal or illegal action may follow in the case of persistent non-conformists. The wrong-doing of the decision-makers may be covered up on grounds of “security”. While truthful media representatives may be forced eventually to choose another means of livelihood and the owners threatened by withholding enormous amounts of advertising money, the public may be deceived with distorted tales.

The United States reached a highly controlled management of the press, especially when it came to freedom of expression about wars.<sup>135</sup> Some well-informed American journalists, who frankly advocate a policy of U.S. global domination, admit that there is a contradiction between the democratic principles that the country professes and the empire it seeks.<sup>136</sup> The ‘solution’ apparently lies in deception.

American newsmen were allowed easy access to the battlefields during the Second World War. But the Reagan Administration established the precedent for total censorship in the Grenada invasion (1983), during which members of the press were not permitted to accompany the American forces. Likewise, the main source of information for the journalists during the invasion of Panama (1989) turned out to be the CNN broadcast of Pentagon briefings. The American media, generally speaking, has been unfair towards the Palestinians, from the very beginning of their conflict with the Israeli rulers. The U.S. Department of Defense issued (1991) rules for news media personnel sent to cover Operation Desert Storm. The official curbs were so effective that the American television networks relied on reports from Israel and other foreign sources.<sup>137</sup> Soft journalism on Vice-President Dan Quayle’s visit or planes refueling in mid-air was the result of such press controls.<sup>138</sup>

Starting with the first Iraqi War of 1991, only reporters who are members of a ‘pool’ selected by military officials would cover hostilities; they would stay with a military affairs ‘escort’

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<sup>135</sup> Human Rights Watch, **Freedom of Expression and the War** (United States, Vol. 3, No. 1), New York, 1991.

<sup>136</sup> For instance: Robert Kaplan, “Supremacy by Stealth: Ten Rules for Managing the World”, **Atlantic Monthly**, 292/1 (July-August 2003), p. 65.

<sup>137</sup> Patrick J. Sloyan, “The War You Won’t See”, **Washington Post**, 13 January 1991.

<sup>138</sup> Sydney H. Schanberg, “We Need to See the War, Not Spokesmen”, **Newsday**, 18 January 1991; Neil A. Lewis, “Government’s Strict Orders Limit Reports”, **The New York Times**, 18 January 1991.

at all times; and their dispatches were to be subject to a 'security review' by military officials before release. Each of these rules obstructs the public's right to know. At times, the pool enabled the military to exclude the media from any coverage, or at least to favour those whose dispatches would be favourable to their war effort. The escort was a restraint on all to speak freely, and the security review restricted what they wished to write. This is the Pentagon's field censorship that protects the military from criticism.<sup>139</sup>

This policy went hand in hand with the interrogation of some fellow Americans, immigrants and visitors based on their membership in an ethnic, religious or racial group or their presumed sympathy for a cause. This is a new and a harsher abridgement of rights, seen during the First World War harassment of German immigrants, the Second World War internment of Japanese-Americans, and the 1980 deportation of Iranian students. The actions of the security agencies since 1991 presume the disloyalty of millions of Americans, mostly of the Muslim faith or from the Middle East area.

The press barons occasionally display some behaviour calculated to impress the public that they seek objectivity and truth. For instance, Jayson Blair, the inexperienced Afro-American reporter of **The New York Times** was accused of inventing sources and quotes. Indeed, he damaged the paper's image. He pretended to be an eyewitness from sites he had never gone. But so many American journalists have so much in common with Blair. Such manipulators come from all colors of the rainbow. They all know the preconceptions of the rulers and the editors. What makes them different from Blair and therefore acceptable is that the exaggerations and misinformation of others are encouraged by the powers that be and, moreover, justify wars. For instance, an experienced and white 'star reporter' (Judith Miller) from the same daily mentioned in several front-page stories<sup>140</sup> that the WMDs were the main reason for war. She produced credulous reports referring to an unnamed Iraqi scientist with proof both of WMDs and of Saddam's connections with Al-Qaeda and Syria. Her headlines were often daring and stimulating enough to be picked up by other writers, and certainly supportive of extreme measures such as invasions abroad and anti-democratic deeds at home. Her front-page stories were trumpeted widely. She enjoyed access to high-level but unreliable sources, often disputed by the CIA, but helpful to the Administration. She and the Administration shared a friendly flight of fancy. Miller and others like her sold to the public the Bush contention that the Baath regime constituted a

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<sup>139</sup> Sydney H. Schanberg, "Pentagon-Pasteurized News Tastes Bad", **Newsday**, 11 January 1991.

<sup>140</sup> For instance: "US Aides Say Iraqi Truck Could Be a Germ-War Lab" (8 May 2003); "GI's Search, Not Alone, In the Cellar of Secrets" (9 May 2003); "Trailer Is a Mobile Lab Capable of Turning Out Bioweapons, a Team Says", (11 May 2003); "Radioactive Material Found at a Test Site Near Baghdad" (12 May 2003); "US Analysts Link Iraq to Germ Arms" (21 May 2003)... Also see her (Pulitzer Prize) bestseller book: **Germs: Biological Weapons and America's Secret War**, New York, Simon & Schuster, 2002.

grave threat to the U.S. and the world. For the Administration, she was a vehicle to break any story that needed circulation.

Journalists may have to hide their source to protect the origin of information from unfair reaction. Some also do so to keep the intentional government leakage in the dark. But the profession of journalism is much more than that. Jayson Blair is only one among the many whose damage reaches beyond their paper's image. Democratic regimes have an important stake in sustaining political tolerance that is, securing the rights of all. Limiting the ability of some to fully participate in politics will have serious consequence not only for those excluded.<sup>141</sup> It is wrong to assume that some individuals or groups do not "deserve" basic constitutional protections. Due process is not a reward bestowed only on those who deserve it. American democracy is on display, however, on the streets of several U.S. cities through the actions of its citizens who believe that rights don't have to be earned, but that they are impartial prerogatives of all, including those whose liberties or lives may be taken away by court decisions. H.D. Thoreau, the celebrated American thinker and essayist, spent only a single day (1846) in jail for refusing to pay the poll tax in protest against the American war on Mexico. His objection did not stop the war but inflamed defiance of injustice.

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<sup>141</sup> George E. Marcus, "The Enduring Dilemma of Political Tolerance in American Political History," **The State of Democracy in America**, *op. cit.*, pp. 114-115.

### III. WAR WITHOUT BORDERS

#### *The American Century?*

During the comparatively short history of the United States, the government and the people of that country had self-confidence in the benefits of their political and economic system, or in democratic capitalism. The end of the Second World War could only stiffen this faith. After all, its cities were unscathed by bombs, it was empowered by atomic weapons which no other state then possessed, and a popular culture from Hollywood movies to Coca-Cola had permeated various corners of the earth. It is an incomplete conception of the U.S. grand strategy during the Cold War decades as merely comprising “containment” of the Soviet bloc. What was then presented as “defensive” became largely offensive after the demise of the communist states. The overall objective was to extend American supremacy as much as possible. With the end of the Cold War, the United States adhered to a better-defined grand strategy. Those who charted America’s course did so with a clear purpose, that is, to stretch out the American *imperium*.<sup>1</sup> Whether the euphemisms used were primacy, preeminence, hegemony, superpower or *hyperpuissance* (à la French), the objective was an integrated international order based on capitalism, with the United States as the enforcer of its norms.

Today, the United States remains immensely powerful by almost all conventional measures. It is the only state with the capacity to project that power globally. Starting with the “unipolar moment”<sup>2</sup> that came with the exhaustion of the Soviet bloc, the United States commands a very favourable position in financial assets, production capacity, hi-tech information, military might, diplomatic leverage and cultural influence. With the world’s largest national economy, occupying the position of the most influential actor in the international financial and trading systems, and harboring a greater concentration of scientific and technological expertise than any other nation, it is the world’s sole superpower. Its influence is also mammoth in “soft power”, or popular culture.<sup>3</sup> Although still far from exercising hegemony in all facets of world affairs, it is the single most influential nation-state militarily, economically, politically, technologically and culturally. Among these facets, military power emerged as never before as the preferred instrument of statecraft. Taking advantage of this overriding military superiority, the United States pursues a policy of world-wide expansion. Apart from combative

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<sup>1</sup> Andrew J. Bacevich, **American Empire: the Realities and Consequences of U.S. Diplomacy**, Cambridge, Harvard University Press, 2002. Its subject is U.S. foreign policy during the administrations of George H.W. Bush and Bill Clinton, with a coda encompassing George W. Bush’s first year as president.

<sup>2</sup> Charles Krauthammer, “The Unipolar Moment,” **Foreign Affairs**, 70/1 (1990-91), pp. 22-33.

<sup>3</sup> Joseph Nye, “Soft Power”, **Foreign Policy**, Washington, D.C., 80 (Fall 1990), pp. 153-171.

dominance, it sells half of all the weapons in the international arms market.<sup>4</sup> Even those who grant that the world is militarily unipolar, but that perhaps one could speak of an economically multipolar balance of power, contend that the United States is presently the closest to a hegemonic power, both in offensive weaponry and monetary capacity, that the modern system has ever experienced.<sup>5</sup>

With the headquarters of the key institutions of the post-war international system, such as the U.N., the World Bank and the IMF, in New York or in Washington, the United States fared better than its rivals in building an “American century”. Henry R. Luce (1898-1967), one of the most powerful figures of U.S. journalism who wanted to galvanize his fellow citizens into action through imagination, energy and commitment to liberal ideals, had popularized the notion of an “American century” in a 1941 **Life** editorial.<sup>6</sup> Whether or not contemporary globalization is a synonym for the “American century”, many writers<sup>7</sup> noted that no other country has been more influential in world affairs since Luce’s noteworthy article.

The consensus was that the country had to “remain active” in the new era.<sup>8</sup> Divergence from this position was not a respectable opinion.<sup>9</sup> Free market “solutions” were the guides of globalization, even though they dramatically widened inequality and exerted “destructive impact” on character and community of the United States.<sup>10</sup> International norms and rules would only become an “extension of the norms and rules of domestic political behaviour”.<sup>11</sup> These notions form a neo-imperial vision in which “the United States arrogates to itself the global role of setting standards, determining threats, using force, and meting out justice”.<sup>12</sup> A **Wall Street Journal**

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<sup>4</sup> International Institute for Strategic Studies, **The Military Balance: 2000-2001**, London, 2000, pp. 288-289; Thom Shanker, “Global Arms Sales Rise Again and the U.S. Leads the Peak”, **The New York Times**, 20 August 2001, p. A3.

<sup>5</sup> Thanh Duong, **Hegemonic Globalisation: U.S. Centrality and Global Strategy in the Emerging World Order**, Aldershot, U.K., Ashgate, 2002.

<sup>6</sup> Henry Luce, “The American Century”, **Life**, 17 February 1941. Reprint: **Diplomatic History**, Cambridge, MA., 23 (Spring 1999), pp. 159-171.

<sup>7</sup> For instance: Donald White, **The American Century: the Rise and Decline of the United States as a World Power**, New Haven, Yale University Press, 1996; David Slater and Peter J. Taylor, eds., **The American Century: Consensus and Coercion in the Projection of American Power**, Oxford, Blackwell Publishers, 1999; Olivier Zunz, **Why the American Century?** Chicago, University of Chicago Press, 1999.

<sup>8</sup> William S. Cohen, “U.S. Must Remain Active in Post-Cold War Foreign Affairs”, Foreign Policy Association, New York, 2 April 1998.

<sup>9</sup> Patrick J. Buchanan, a self-professed non-conformist, questioned the extension of military commitments to the post-Cold War era in: **A Republic, Not an Empire**, Washington, D.C., Regnery, 1999.

<sup>10</sup> James Arnt Aune, **Selling the Free Market: the Rhetoric of Economic Correctness**, New York and London, The Guilford Press, 2001, p. 3.

<sup>11</sup> Bruce M. Russett, **Grasping the Democratic Peace: Principles for the Post Cold War World**, Princeton, Princeton University Press, 1993, p. 137. Also: Kristian Skrede Gleditsch, **All International Politics is Local: the Diffusion of Conflict, Integration, and Democratization**, Ann Arbor, The University of Michigan Press, 2002.

<sup>12</sup> G. John Ikenberry, “America’s Imperial Ambition,” **Foreign Affairs**, 61/5 (September-October 2002), pp. 44-60.

editor<sup>13</sup> favours “presidential wars,” that is, military action of the Chief Executive short of a formal declaration of war. His belief in force as the basic solution to all questions is shared by a number of reviewers of his book. While one of them considers his presentation as containing “a thoughtful list of lessons”;<sup>14</sup> another one finds it a timely contribution “to America’s strategic self-awareness”;<sup>15</sup> and still another commends him for the courage to call America’s policy “new imperialism.”<sup>16</sup> The post-Vietnam era military leadership is now criticized for being too focused on minimizing casualties, a cautiousness disapproved of as “body bag syndrome” and judged to be America’s “greatest strategic weakness.”<sup>17</sup>

It may be “premature,” on the other hand, to declare the American century.<sup>18</sup> American power, great though it is, is “not necessarily sufficient.”<sup>19</sup> In practice, it may prove to be inadequate. The future steps in foreign policy will require the conscious support of a wider public that will be moved less by swift military activities than its own economic prosperity. The increasing reliance on military force (in Somalia, Haiti, Bosnia, Kosovo, Afghanistan and Iraq) indicates the erosion of economic dominance, instead of assurance of confidence. As hardships mount, propaganda of patriotism will find it more and more difficult to hide the domestic problems or the deepening crisis behind military adventurism. Moreover, the acts of the most powerful country on earth may not be enough for changes abroad. While disparities in wealth create global strains, the values associated with capitalist internationalism provoke hostility in parts of the world that witnessed the plunge of some key Asian economies from miracle to crisis. The wars in Afghanistan and Iraq did not end, but aggravated, the resentment directed at the United States. The road of “openness” married to American power may well be strewn with landmines.

#### *Opportunity and Temptation:*

A great opportunity emerged for the Bush Administration, however, from out of the wreckage of the World Trade Center and the Pentagon. The administration proceeded to exploit the terrorist attack for its own purposes, that is, to pursue a policy of American supremacy. The

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<sup>13</sup> Max Boot, **The Savage War of Peace: Small Wars and the Rise of American Power**, New York, Basic Books, 2002. The title of the book, “Savage Wars of Peace”, is taken from Rudyard Kipling’s poem entitled “The White Man’s Burden”, a tribute to U.S. conquest of the Philippines.

<sup>14</sup> Brian Urquart, “Is There a Case for Little Wars?” **New York Review of Books**, 10 October 2002.

<sup>15</sup> Thomas Donnelly, “The Past as Prologue: an Imperial Manual”, **Foreign Affairs**, 81/4 (July-August 2002), pp. 165-170.

<sup>16</sup> H.W. Brands, **Washington Post**, 12 May 2002.

<sup>17</sup> Max Boot, “Winning Still Requires Getting Bloody,” **Wall Street Journal**, 14 November 2001.

<sup>18</sup> Roberto Rabel, ed., **The American Century? In Retrospect and Prospect**, Westport, Conn. and London, Praeger, 2002, p. 6.

<sup>19</sup> Michel Mandelbaum, “The Inadequacy of American Power”, **Foreign Affairs**, 81/5 (September-October 2002), pp. 61-73.

enduring hunger to control Afghanistan and Iraq was fitted into the context of the war on terrorism. The decision-makers did not hesitate to exploit the public's anxieties caused by the traumatic event. Bush employed a dependency-creating language. His phrases were abstract and empty, but calculated to instill in the citizen a feeling of perpetual crisis. Using pessimistic language, he scared the electorate and drove them to helplessness. Fear can be useful in the hands of an executive that plans to exploit it. The Eastern Bloc having succumbed, terrorism may now serve as the new "enemy." Studies of international relations as well as clinical practice show that "enemies" are needed as much as allies.<sup>20</sup> As part of his dominating linguistic techniques, he himself, instead, was the person capable of producing results. This trend looks more like a strategy to make people lose confidence in their ability to participate in governance. Creating a negative mood, he is very far removed from FDR's famous dictum: „... the only thing we have to fear is fear itself.“

While the climate of fear was a fertile breeding ground for the weakening of civil liberties and the vilification of minorities, the campaign against terror intensified the unilateralist tendencies in American foreign policy. Granted that the 9/11 attacks were a malignant expression of opposition to the United States, they produced, among others, two inter-related chain reactions. They weakened the faltering economy, the share of recession reaching an inexorable momentum, and they posed a particular threat to "openness", essential for American expansion. For many Americans, the principle of free markets, under Washington's direction, is a key priority for security. Of course, "openness" never obliged the United States to surrender its prerogative to tame the "American Lake" (the Caribbean).<sup>21</sup> Some denounce world-wide free enterprise and others accept it with greater or lesser degrees of enthusiasm, but for the American decision-makers it is a precondition for their prosperity and preeminence. It is as if the "indispensable nation", so described by Clinton and Albright, is 'guiding history' towards its 'intended destination.'

The Bush Administration's divergence, to a great extent, from 'traditional expansion' may be better explained in connection with a threatening economic crisis. The liberal capitalist system, is suffering, especially in the American scene, from overproduction. Supply far exceeds demand. When that happens, investments are suspended, production holds back, equipment sits idle, workers are laid off, and unemployment rises – and so do all sorts of serious tensions.

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<sup>20</sup> Namik D. Volkan, **The Need to Have Enemies and Allies**, Northvale, New Jersey and London, Jason Aronson Inc., 1994.

<sup>21</sup> For instance, U.S. armed interventions in the Caribbean during the last one-hundred years: W. McKinley (Cuba, Puerto Rico), T. Roosevelt (Panama, the Dominican Republic, Cuba), W.H. Taft (Nicaragua), W. Wilson (Mexico, Haiti, the Dominican Republic), C. Coolidge (Nicaragua), D.D. Eisenhower (Guatemala), J.F. Kennedy (Cuba), L.B. Johnson (the Dominican Republic), R. Reagan (Grenada, Nicaragua, El Salvador), G. Bush (Panama), and B. Clinton (Haiti).

Technology simply produces more of many things that people can possibly buy. Such over-capacity is an ailment that crops up again and again under the conditions of monopoly capital but is also seen in the “young tigers” of Southeast Asia, Argentina, and Brazil.

As capital owners continually expand their productive capacity to reach the topmost profits possible, the amount of created goods outstrips the ability of those who need to purchase them. As the demand drops, investments likewise have to decline. The bottom line is recession. Even if some workers volunteer to labour for reduced wages, neither the comparative fall in unemployment figures, nor the slight climb in the purchasing power of the consumer signifies a remedy of the abysmal crisis. Both production and employment will still remain below the actual capacity of the economy. The United States has been running a serious monthly trade deficit for some time. It did not face, however, a fate similar to those encountered by Argentina or Brazil. The U.S. dollar is being used for payments by other countries, and when it felt the need to pay its debt, the solution rested, thanks to the supremacy of the American national currency, not on radical structural adjustments that the IMF demands from some other countries, but on the printing of Treasury bonds, that is, borrowings from the capital market.

There was no other international currency, in the past, competing with the U.S. dollar, but the euro emerged on 1 January 1999, as the medium of exchange of the European Union (EU). The latter looked stable, offered a chance to diversify financial means, and satisfied those willing to use it as a weapon. Some countries pondered over switching to the euro; Iraq was one of them. The more countries converted to it, the more the U.S. dollar would lose its ruling position. The U.S. would no longer be in the driver’s seat. Its opposition to an Asian Monetary Fund or developments in the direction of a common currency especially for some East Asian states may also be traced to the same concern.

The American policy-makers resorted to war in Afghanistan and Iraq proclaiming in the process that their ultimate objective is “peace”; as their reliance on military power reaches new heights, what they mean is *Pax Americana* maintained by American arms. Armed mastery over most of the world’s oil wealth offers that country the opportunity to shake down, as the despot deciding the destination of the stockpile, any state, including allies and friends. All European partners, except the U.K. that exports the North Sea oil, are susceptible to threats. The U.S. checks China, a potential rival, and its “Shanghai Group” (Russia, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan). The U.S. can, then, call the shots as to in whose currency the oil trade will be conducted, what its price will be in the international market, and who will carry it, how and where.

President Bush's official trip (7-12 July 2003)<sup>22</sup> to Africa aimed to develop oil trading relations especially with West Africa, which provides 15% of U.S. oil imports.<sup>23</sup> Nigeria, which possesses impressive petroleum reserves with special sulphur-free value, contemplates withdrawing from OPEC and enhancing "strategic alignment" with the U.S., as the Institute for Advanced Strategic and Political Studies, an Israeli lobby group, prophesied earlier.

On 14 September 2001, the Congress handed President Bush a broad mandate to use "all necessary and appropriate force" against the perpetrators of the 9/11 attacks.<sup>24</sup> Operation Enduring Freedom, which began on 7 October 2001, initially targeting Al-Qaeda and the Taliban regime, was the first shot in America's war on terror. An open and an integrated world, under U.S. direction, was at its core.

### *Let Them Eat Cake:*

America has now become the greatest power in all recorded history. Not an empire in a formal sense, but imperialism "as exercised"<sup>25</sup>, an "imperial democracy"<sup>26</sup> or an "empire as a way of life,"<sup>27</sup> so described by a number of American writers. The self-styled "war on terrorism" resembles one of conquest, not confined to Afghanistan and Iraq but extending, at least in terms of access and supremacy, to Central Asia, the Middle East and beyond. Occupation armies, special forces and/or intelligence agencies are active, overtly or covertly, in many of them. It is no wonder that the American Administration is deeply interested in the election campaigns everywhere. The strategists that it sends abroad, for instance to Israel (Doeg Schoen), Russia (Dick Dresner) or Bosnia (Dick Holbrooke), become more than advisors to selected candidates as well as regular channels reporting directly to the White House.<sup>28</sup> If there are democratically-elected leaders who effectively dismantle a well-entrenched political class, animate the longing of a people for social justice and challenge the hegemony of a superpower, they may fall like President Salvador Allende in Chile (1973) or face an attempted coup like President Hugo

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<sup>22</sup> <http://pretoria.usembassy.gov/wwwhpo1.html>.

<sup>23</sup> Official information sheets state that the priorities in Bush's discussions with the African leaders were HIV/AIDS, destabilizing conflict, and trade-led economic growth.  
[http://www.wsws.org/articles/2003/feb2003/sav-f13\\_prn.shtml](http://www.wsws.org/articles/2003/feb2003/sav-f13_prn.shtml).

<sup>24</sup> The vote in the Senate was 98-0. It was 420-1 in the House, where Barbara J. Lee (California, D.) cast the sole dissenting vote.

<sup>25</sup> Reinhold Niebuhr, **Reinhold Niebuhr on Politics**, New York, Scribner, 1960, p. 294. The author's service (1892-1971) as a pastor in the industrial city of Detroit made him a critic of capitalism. His influential writings include: **Man and Immoral Society**, **The Nature and Destiny of Man**, **The Self and the Dramas of History**.

<sup>26</sup> Ernest R. May, **Imperial Democracy: the Emergence of America as a Great Power**, New York, Harcourt, Brace and World, 1961.

<sup>27</sup> William Appleman Williams, **Empire As a Way of Life**, New York, Oxford University Press, 1980. A standard biography of the author: Paul M. Buhle and Edward F. Rice-Maximin, **William Appleman Williams: the Tragedy of Empire**, New York, Routledge, 1995.

<sup>28</sup> Morris, **op. cit.**, pp. 256-258.

Chávez of Venezuela (2002).<sup>29</sup> The United States also announces that it wants a “reformed” Islam, and that it can work only with a “reformed” Palestinian Government.

A report entitled “Rebuilding America’s Defenses: Strategy, Forces and Resources” and prepared by a group (Richard Perle being the driving force), called Project for the New American Century, promises global hegemony on the basis of a new grand strategy. It suggests a “worldwide command-and-control system” to change or check regimes in China, Iran, Iraq, Libya, North Korea, Syria and elsewhere. It advocates smaller (tactical) nuclear weapons and new methods of electronic and biological attacks that can target people of certain races and ethnicity. Interventions, even “peace-keeping” missions, should be under American, not U.N., leadership. Such U.S. preeminence does not tolerate the restraints of an international organization or the rivalry of another great power. American forces, to be increased in the Middle East and Southeast Asia, should fight decisive wars even after Saddam Hussein passes from the scene. U.S. Space Forces should be created, and the “star wars program” should be given priority.

The interventions in Afghanistan and Iraq were the opening salvos of the subjugation of an entire area. The U.S. decision-makers are, not only after a “regime change” in Kabul and Baghdad, but the radical conversion of the region. They unleash wars “to secure oil”<sup>30</sup> under cover of anti-terrorism. A leading intellectual in the world of the arts (Peter Ustinov) defined war, in his own witty style, as “the terrorism of the rich.”

The cruelty that accompanied the interventions is expected to terrify the neighbours. The protection of civilians during armed conflicts remains one of the most profound challenges in the realisation of modern international humanitarian law. However, civilians are still the main victims of war. Military weapons are too frequently aimed at them.<sup>31</sup> This is what happened in Afghanistan and Iraq. The targets are not only the governments, but, more importantly, the anti-imperialist masses below.

A new “great game” is underway in the Middle East and Central Asia.<sup>32</sup> The United States now has bases in Afghanistan, Kyrgyzstan, Pakistan, Sri Lanka, Tajikistan and Uzbekistan, with

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<sup>29</sup> Daniel Hellinger, “Political Overview: the Breakdown of *Puntifijismo* and the Rise of *Chávismo*”, **Venezuelan Politics in the Chávez Era: Class, Polarization, and Conflict**, Boulder, Co. and London, Lynne Rienner Publishers, 2003, pp. 46-51.

<sup>30</sup> Mo Mowlam, “The Real Goal is the Seizure of Saudi Oil”, **The Guardian**, 5 September 2002.

<sup>31</sup> International Committee of the Red Cross, **Arms Availability and the Situation of Civilians in Armed Conflict**, Geneva, 1999; Mireille Hector and Martine Jellema, eds., **Protecting Civilians in 21st Century Warfare**, The Hague, The Netherlands Red Cross, 2001.

<sup>32</sup> Use of the phrase “great game”, referring to the 19th century rivalry of Britain and Russia over Central Asia, is attributed to Rudyard Kipling. The analogy became useful once more: M.E. Ahrari (with James Beal), **The New Great Game in Muslim Central Asia**, McNail Paper 47, Washington, D.C., National Defense University, Institute for National Strategic Studies, 1996; Dianne L. Smith, **Central Asia: a New Great Game?** Carlisle Barracks, PA., Strategic Studies Institute, 1996; Ian Cuthbertson, “The New ‘Great Game’”, **World Policy Journal**, New York, XI/4 (Winter 1994-95), pp. 31-43.

military advisors in Georgia. Secretary of State Colin Powell's following remark, made at the House International Relations Committee, underlines this privilege, awesome as much as phenomenal: "[The United States] will have a continuing interest and presence in Central Asia of a kind that we could not have dreamed of before."<sup>33</sup> Within the framework of altered relations, newly acquired bases increased as the former Soviet republics became frontline states in Operation Enduring Freedom. Public distrust, coupled with other reasons such as instability, may pose considerable challenges for the military.<sup>34</sup>

Motivation of direct control through military presence over most of the world's oil reserves is accompanied by the desire to prevent others to rival its global hegemony.<sup>35</sup> Not only should no other state equal the power of the United States, but no competitor should even be allowed a larger regional role. Even the whole continent of Europe should be subordinate to U.S. interests. Consequently, no "European only" security arrangement should emerge, and NATO should remain as a useful channel for Washington's influence. The greatest strength of the United States is no longer the dollar, but military force.

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<sup>33</sup> Vernon Loeb, "Footprints in Steppes of Central Asia," **The Washington Post**, 9 February 2002, p. A9.

<sup>34</sup> Elizabeth Wishnick, **Growing U.S. Security Interests in Central Asia**, Carlisle, PA., U.S. War College, Strategic Studies Institute, 2002.

<sup>35</sup> Patrick E. Tyler, "U.S. Strategy Plan Calls for Insuring No Rivals Develop," **The New York Times**, 8 March 1992, p. 1.

#### IV. AFGHANISTAN: THE “PIPE-LINE STATE”

##### *Toward Strike:*

The war terminology prevailed in the official Washington circles only after a seventy-two hours debate on the terrorist attack.<sup>1</sup> The threats and wars in Afghanistan and Iraq had no basis in international law. How any state may resort to force is sufficiently elaborated in Articles 39-51 of the U.N. Charter. States may take the field only in self-defense, even then in a strictly limited sense, that is, until the Security Council avails itself of the necessary measures to maintain international peace and security. Moreover, the state engaged in legitimate self-defence is also expected to inform the Security Council of the steps it takes. Unilateral self-defence, although justifiable, is of a transitory nature. It is a self-help until the international community can act through its appropriate organs. An attacked party may defend itself just before the legal arm of the community comes to its aid. This provisional prerogative does not give a party the right to continue with the response if the attack has come to an end. Certainly, it does not offer the privilege of overthrowing other governments and installing new ones. A legal shield does not bestow liberty into one's own hands and allow one to administer it in the way one sees fit.

Focusing on Afghanistan, neither of the two Security Council resolutions<sup>2</sup> on that country, both taken between the terrorist assault on 9/11 and the American attack (7 October), authorizes the use of force. Neither military response, nor Afghanistan is mentioned in them. There are references, however, to administrative, legislative and judicial measures to check and subdue terrorism. The resolutions do not repeat the familiar reference to the use of “all necessary means,” as Resolution 678 of 29 November 1990 did while authorizing the Second Gulf War (1991). Resolution 661 of 6 August 1990 had affirmed the right of “self-defence in response to the armed attack by Iraq against Kuwait.” Many other Security Council resolutions, pertaining to the Kuwaiti crisis, a clear case of self-defence, underlined other options such as diplomatic initiatives and sanctions.

Even if the criminal who engineered the 9/11 attacks was really Osama bin Laden, who seemed to be connected with Afghan soil as well as with economic magnates and intelligence services elsewhere, the former government in Kabul, archaic and repressive as it was, did not plan or execute this assault. No evidence, acceptable in a court, linking the 9/11 affair to the official decision-makers in Kabul had been made public knowledge. Osama bin Laden may have lived or hid, sometime or even most of the time, in parts of Afghanistan, but such domicile is no

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<sup>1</sup> Bob Woodward, **Bush at War**, New York, Simon and Schuster, 2002, p. 42.

<sup>2</sup> SR 1368 of 12 September 2001 and SR 1373 of 28 September 2001.

proof that the official government of that country has carried out acts of armed force against the United States.

In the case of Afghanistan, none of the non-military options were honestly tried. The United States, which rejected the Taliban's offers of negotiations, postponed the intervention long enough to prepare for it. Some families of the 9/11 victims appealed, at times arrested for such behaviour, to the decision-makers to prevent the administration from launching a war in their name. If Osama bin Laden had been extradited, the main justification for war would no longer hold.

*The Empire Responds:*

The United States rallied, nevertheless, its enormous military might and poured it on the poorest people of the earth simply because they were being ruled by the fierce and unenlightened Taliban, initially brought to power by none other than the American Administration and its client state (Pakistan) in South Asia. Sophisticated U.S. war planes gained supremacy against the nonexistent Afghan air defenses. The Pentagon did not go much beyond the use of air power. Afghans fought Afghans, with U.S. planes supporting one group of the combatants.

The U.N. Special Rapporteur on the Right to Food, the U.N. High Commissioner of Human Rights and the Food and Agricultural Organization forewarned that bombings would cause a human debacle, which did occur while millions of Afghans dragged themselves toward the countryside, many getting killed by bombs, thirst, hunger or land mines. The destitute Afghani civilians were further starved when the United States asked Pakistan to stop the convoys that provided much of the food to them.<sup>3</sup> The U.S. military put low value on Afghan civilian lives. Carpet-bombing, a very disproportionate display of force, killed innocent people, "uncivilized Asian tribes" in the eyes of the attackers, but who had nothing to do with the events of 9/11. Recruits were killed while trying to surrender, and wounded prisoners were shot. There were summary executions. Some were machine-gunned in the presence of U.S. military personnel. The latter used the so-called 'vacuum' bomb, which sucks oxygen from confined areas and kills through depletion of lungs.

The atrocities committed by the "Northern Alliance,"<sup>4</sup> America's allies in Afghanistan, or the local opposition to the Taliban, were reportedly outrageous. The fractious warlords of the

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<sup>3</sup> **The New York Times**, 16 September 2001.

<sup>4</sup> The Clinton Administration had opposed the Northern Alliance, backed by Russia, and had upheld the Taliban eventually bringing them to power (1996). In early 1997, Unocal entertained the Taliban leaders in Houston, Texas acquainting them with some aspects of the 1,040 mile and 42-inch diameter pipeline that would ship one million barrels of oil per day. Unocal's partner, Delta Oil Corporation of Saudi Arabia, was owned by Khalid bin Mahfouz, whose sister was Osama's wife. This consortium had business ties with the bin Laden and the Bush

Northern Alliance, which had made Afghanistan the world leader in the production and sale of illicit drugs, were elevated to the stature of “freedom fighters” under U.S. auspices. Just as the narrow-minded Taliban had been intolerant toward the rest, the Northern Alliance, exhibiting comparable bigotry and cast in the same mold, showed no mercy to the Taliban forces.

Half-buried clues in the gray-beige sand of a Dasht-e Leili hill in northern Afghanistan led to the discovery of about a thousand Taliban and Al-Qaeda prisoners, who suffered “death by container”, apparently with the knowledge of some American soldiers.<sup>5</sup> The prisoners, a mix of Afghans, Pakistanis, Arabs and Chechens, remnants of the bloody outbreak in the prison fort of Qala-e Jangi in Mazar-e Shereef, were on their way to Sheberghan, but packed like cattle in sealed cargo containers and left to asphyxiate. “Death by container” has been an inexpensive way of mass murder, resorted to by many fighting groups earlier. When the convoys of the dead arrived, prying eyes were kept away, and as the bulldozers were at work, the soldiers of the Northern Alliance blocked the roads preventing cars, donkey carts, even pedestrians from penetrating. The American troops were present when the mass graves were discovered. They were at the Sheberghan prison from the beginning. The Red Cross has grave concerns about the treatment of prisoners by U.S. forces and their allies.

With the collapse (November 2001) of the Taliban regime, ethnic Pashtuns faced abuses such as killings, beatings, sexual violence, extortion and looting, on account of their earlier close association with the fallen regime.<sup>6</sup> Some Uzbeks, Tajiks and the Hazara took advantage of the vulnerability of the disarmed Pashtuns. The Taliban, whose leadership consisted mostly of Sunni Pashtuns, had committed at least two massacres of the Hazara, a Shi’a Muslim ethnic group.<sup>7</sup> The U.S. public exhibited little interest in the loss of Afghan civilians, who were greater in number than the innocent victims of the 9/11 attacks. A few thousand died instantly, others later from injuries or from hunger and cold. They were not accidental deaths. Even prisoners were killed. The rules of war were not applied uniformly.

#### *After the Taliban:*

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families. The last two were also associated through the Carlyle Group, principally a weapons holding and a generous contributor to Bush’s electoral campaign. The Unocal-Taliban honeymoon was interrupted when Osama, who had his headquarters on Afghani soil, allegedly bombed American targets in East Africa, followed by U.S. missile attacks in Afghanistan. But even after the mutual bombings, however, Laila Helms (the daughter of Senator Jesse Helms) and Christina Rocca (from the State Department and formerly a CIA official with contacts with the Islamic fundamentalists) did their best to restart the former negotiations and revive the accord abruptly cut off.

<sup>5</sup> Babak Dehghanpishah, John Barry and Roy Gutman, “The Death Convoy of Afghanistan,” **Newsweek**, 26 August 2002, pp. 22-30.

<sup>6</sup> Human Rights Watch, **Paying for the Taliban’s Crimes**, New York, 2002.

<sup>7</sup> Human Rights Watch, **Massacres of the Hazaras in Afghanistan**, New York, 2001.

That the Taliban finally fell from power is a cause for rejoicing. It is almost inconceivable for a future government in Kabul to be as repressive and cruel as the Taliban. Whoever takes the reins of government has no alternative but to be better – for instance, in terms of the position of women. Laura Bush and Cherie Blair, not known for particular feminist views or action, spoke about women’s rights immediately after the fall of the Taliban.<sup>8</sup> That war was not about freeing women, however, but to install an executive that would agree with the United States on the construction of two pipelines to deliver Caspian oil and natural gas to American hands via Pakistan. Had women’s rights been the aim of America’s Afghan policy, Presidents Carter, Reagan and Bush would never have financed the *Mujahedeen*, whose treatment of the fair sex was known from the very beginning. There exist some other allied Muslim countries, whose women are segregated by law. There are also Catholic societies where abortion is illegal even if done to save the mother’s life.

The Caspian Sea, Kazakhstan, Turkmenistan and Uzbekistan possess large reserves of oil and natural gas. The U.S. Silk Road Strategy Act (10 March 1999) asserts that there are “strong political, economic and security ties among the countries of the South Caucasus and Central Asia”, which are all subjected to open market economies.<sup>9</sup> This Act opens up an almost boundless region to American corporations. It also intends to prevent the right of the former Soviet republics situated on the Eurasian corridor to develop close relations, not only with Russia and China, but also with Turkey, Iran and Iraq. The U.S. oil company Chevron, where Bush’s National Security Advisor Condoleezza Rice was very influential for years, is active in Kazakhstan. The United States is now in control of the pipeline scheme through Afghanistan to Pakistan. The American oil giants have also increased their control over the rich oil reserves of Azerbaijan.<sup>10</sup>

At the end of the war, Washington gained access to new military bases, adding Central Asia to other regions where it had assumed primacy.<sup>11</sup> “War on terrorism” helped to expand America’s war economy and its military machine. The Eurasian corridor is militarized with American bases, soldiers and weapons to control the oil and gas reserves and to protect the companies. The U.S. military-industrial complex is developing, in the meantime, the most

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<sup>8</sup> Katha Pallitt, “After the Taliban,” **The Nation**, 273/20 (17 December 2001), p. 10.

<sup>9</sup> “To Amend the Foreign Assistance Act of 1961 to Target Assistance to Support the Economic and Political Independence of the Countries of the South Caucasus and Central Asia,” U.S. Congress, Silk Road Strategy Act, 106th Congress, 1st Session, 10 March 1999.

<sup>10</sup> The initial stride of a consortium led by BP-Amoco was the 1994 contract involving the development of the oil fields near Baku.

<sup>11</sup> The geopolitical dynamics and the military dimensions of the Caspian region had occupied the agenda even before the war: Graham Fuller, “Geopolitical Dynamics of the Caspian Region,” **Caspian Crossroads Magazine**, III/2 (Fall 1997); Robert V. Baryiski, “The Caspian Oil Regime: Military Dimensions,” **ibid.**, I/2 (Spring 1995).

advanced weapons systems to achieve dominance in relation to Russia, China and the European Union.

The militarization of the Eurasian corridor also aims at the competing French-Belgian-Italian interests. The Franco-Belgian consortium Total-Fina-Elf, associated with Italy's ENI, a player in Kazakhstan's Kashagan oil fields with investments in Iran, collides with the dominant Anglo-American oil consortia operating in the Eurasian corridor since the mid-1990s and now in Iraq as well. Unocal also cast out an Argentinean corporation (Bridas), which had earned (1992) exploration rights in Turkmenistan and which filed a \$15 billion lawsuit. After a Texas court dismissed the case, the Argentinean corporation was forced to sell most of its shares to Amoco (American Oil Corporation). The latter and BP united (1998) their operations, which made Britain the closest ally of the United States. The BP-Amoco and Unocal are now influential in the White House, the Congress, the Caspian and along the charted pipeline route with a terminal at the Arabian Sea.

Hamid Karzai, who had been on Unocal's payroll and who had collaborated with the Taliban earlier, was designated as the head of the interim government and later as president in Kabul.<sup>12</sup> Bush's Special Envoy to Kabul, Zalmay Khalizad, later Undersecretary of Defence and National Security Council member, had also worked for Unocal. Part of their role was to be 'brokers' for the pipeline deal on behalf of the American oil giants. Unocal had developed a plan, as early as the mid-1990s, to build an oil and a gas pipeline route from the Caspian region through Afghanistan and Pakistan.

The hand that installed a new government in the Afghan capital incarcerated alleged Taliban and Al-Qaeda fighters at the Guantánamo military base in Cuba, thousands of miles away from Afghanistan. They were neither given a prisoner of war status and thereby denied the protection of the Geneva Conventions (1949), nor protected by the U.S. Constitution and laws, all having been interned outside American sovereign territory. The American Administration was not bound by international or domestic law. The prisoners were brought in orange suits, bound, blindfolded, shaved and caged. Their small cells have no protection from the weather. The description of these Afghans as the "worst of the worst" is far removed from the legal dictum that one is innocent until proven guilty. Drawing a blank on the homicides in a U.S. army prison in Afghanistan and other prisoners, carried all the way to Cuba and to the dark corner of legal oblivion without a prisoner of war status, Rumsfeld invoked later in Iraq the Geneva Conventions on the treatment of POWs.

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<sup>12</sup> Karan Talbot, "U.S. Energy Giant Unocal Appoints Interim Government in Kabul," **Global Outlook**, 1(Spring 2002), p. 70.

Opium production in Afghanistan and Pakistan before the Afghan-Soviet War had been limited to small regional markets, but grew to make the borderlands of these two countries heroin laboratories and the world's top heroin producers. Opium trade, somewhat diminished under the Taliban, was restored following the 2001 Afghan War. It is now experiencing an uphill swing. The geopolitical control over drugs, which brings multi-billion dollar revenues, is as strategic as oil pipelines.

The United States profited by the 9/11 attacks to gain control over the Caspian and Central Asian oil and natural gas as well as their export routes through Afghanistan and Pakistan. The pipeline route left out both Russia and Iran. Yet, the "war on terror" was in its early stages, and it would be taken to other targets.

## V. IRAQ: THE “OIL STATE”

### *The Siege:*

The United States, which devastated a defenseless country, first with heavy aerial attacks in 1991, followed by a dozen years of sanctions and another direct attack in 2003, bears primary responsibility for the consequences of all the three offensives. The Iraqi action in Kuwait violated Article 39 of the U.N. Charter; it was an armed aggression on the territory of a neighbour. One may put aside, for the time being, the Iraqi case, which received next to no hearing. Even then, Baghdad’s action would be described as hostile. The sudden, massive and overwhelming invasion of a small neighbour with well-armed troops was an assault on the Kuwaiti’s sense of well-being and individual as well as corporate identity. Their value system and strongly-held beliefs, such as “Arab brotherhood”, were shaken. Anniversaries and other reminders will reawaken memories of that trauma. If they cannot successfully mourn the tragedy that has befallen them, the feelings surrounding it will be passed on to the next generations.<sup>1</sup>

But this assessment of the Iraqi offensive would be incomplete without a reminder of U.S. Ambassador April Glaspie’s talk (25 July 1990) with Saddam Hussein, to whom she is quoted to have said that Iraq’s border disagreement with Kuwait did not interest the American Government.<sup>2</sup> This strikes one as a calculated ‘green light.’ Operation Desert Storm (1991) impoverished Iraq in more ways than one. Few questioned the disproportion of thousands of sorties against a land roughly the size of a small American state. Few discussed why the bombing of Iraq’s water and electrical supplies, roads and bridges, and other civilian targets was thought to be “necessary” for war purposes. B-52 carpet bombing was a mass murder technique. The American mainstream media neither questioned the over-use of military power, nor reported on company profits, nor brought to light dozens of U.N. resolutions on Palestine or the fact that Israel, the only nuclear power in the Middle East, possessed 200 such high-density bombs. The effects of the Pentagon’s use of radioactive weapons with depleted uranium (DU) on human beings, soil, water, plants and animals should also be remembered.<sup>3</sup> Its consequences, such as the dramatic rise in cancer rates, other illnesses and birth deformities, plague all veterans of the conflict, whether Iraqis or Americans.<sup>4</sup>

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<sup>1</sup> W. Nathaniel Howell, “‘The Evil That Men Do...’: Societal Effects of the Iraqi Occupation of Kuwait”, **Mind and Human Interaction**, Charlottesville, VA., VI/4 (November 1995), pp. 150-169.

<sup>2</sup> Phyllis Bennis, **Calling the Shots: How Washington Dominates Today’s UN**, New York, Interlink Publishing Group, Inc., 1996, pp. 23-24.

<sup>3</sup> John Catalinotto and Sara Flounders, eds., **Metal of Dishonor: Depleted Uranium, How the Pentagon Radiates Soldiers and Civilians with DU Weapons**, rev. ed., New York, International Action Center, 1999.

<sup>4</sup> The A-10 jet plane can fire 4,000 rounds of DU-fortified 30-caliber shells per minute. In 1991, it did fire 940,000 30-millimeter DU shells in Iraq.

The war against Iraq did not end with the ceasefire on 28 February 1991, but continued with a twelve-year-old siege, during which the tightest economic sanctions in history were imposed on a defeated country. The embargo, a twelve-year war, killed more than a million innocent people. Iraq was devastated first by direct attack and then by sanctions.<sup>5</sup> Since the end of the East-West conflict, the U.N. Security Council, principally on account of American sway in it, used economic sanctions as a measure to enforce its resolutions. These enforcement devices were initiated in respect to Iraq.<sup>6</sup> The United Nations resorted to economic sanctions twelve times since 1990 and only twice before that, beginning with the San Francisco Conference (1945). Apart from this amassing, squeezed into a few years and targeting only one country, sanctions on Iraq were most comprehensive, encompassing every imported and exported item. Iraq could not export or import any goods, without U.N. permission. Knowing fully that it would cause widespread epidemics and lead to the deaths of half a million children, the United States minimized humanitarian goods as well from entering the country,<sup>7</sup> and thus used sanctions “as a weapon of mass destruction.”<sup>8</sup> Iraq was a directly targeted country and its citizens were consequently dragged to the point of impoverishment. Many other countries, not targeted officially by the sanctions regime, were also affected adversely.<sup>9</sup>

American influence prevailing in the U.N. Security Council, the sanctions were not removed, in spite of several recommendations from various qualified civic societies, authoritative NGOs, competent academic bodies and concerned intellectuals. The United States unfailingly obstructed, postponed or discouraged the entry even of equipment related to food and medicine. Almost everything for the country’s infrastructure and crucial needs such as electricity, water treatment, fire-fighting equipment, yogurt production accessories, dentistry kits, printing apparatus, and educational tools including simple pencils failed to receive U.S. endorsement. The American delegates in the U.N. prevented any form of economic development within Iraq and

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<sup>5</sup> An anthology, authored by prominent writers and practitioners, on the inhuman campaign of sanctions: Anthony Arnove, ed., **Iraq Under Siege: the Deadly Impact of Sanctions and War**, Cambridge, Mass., South End Press, 2000. Also: Ramsey Clark et al., **Challenge to Genocide: Let Iraq Live**, New York, International Action Center, 1998; Ramsey Clark, **The Fire This Time: U.S. War Crimes in the Gulf**, 3rd pr., New York, International Action Center, 2002.

<sup>6</sup> Hans Köchler, ed., **Economic Sanctions and Development**, Vienna, International Progress Organization, 1997.

<sup>7</sup> The views of an academic who studies the ethics of international relations: Joy Gordon, “A Peaceful, Silent, Deadly Remedy: the Ethics of Economic Sanctions”, **Ethics and International Affairs**, New York, 13 (1999), pp. 123-142; \_\_, **A Peaceful, Silent, Deadly Remedy: the Ethics of Economic Sanctions**, Cambridge, Mass., Harvard University Press.

<sup>8</sup> Joy Gordon, “Cool War: Economic Sanctions as a Weapon of Mass Destruction”, **Harper’s Magazine**, New York, 305/1830 (November 2002), pp. 43-49.

<sup>9</sup> For instance, neighbouring Turkey (among 22 countries): Türkaya Ataöv, “Embargoes and the Non-Targeted Countries: the Case of Turkey”, **Economic Sanctions and Development**, *op. cit.*, pp. 23-50. On how neighbouring Hungary was affected by sanctions imposed on the former Yugoslav republics: Türkaya Ataöv, **Az Embargók és az Érintett Harmadik Országok: Törökország Esete**, Budapest, Akaprint, 1998.

took issue with contracts likely to serve this end, eventually blocking all such projects. Much of the equipment needed for clean water, transportation or electricity such as pipes, water tankers, truck tires, and sterilizers was blocked for alleged 'dual use.'

A Food and Agricultural Organisation (FAO) study (1995) asserted that more than half a million Iraqi children had died on account of the sanctions. Madeleine Albright's appalling response to such a figure that the price was "worth it" helped to depict sanctions as a murderous assault on minors. The actual number of children killed by sanctions may be lower<sup>10</sup> than generally assumed, but the alternative figures are still shocking. The Oil for Food Programme, a limited emergency measure, could be introduced only in 1996, allowing the restricted sale of oil and the contracted purchase of humanitarian goods. Iraq's annual per capita income from these fixed sales was less than what the U.N. spent on food for dogs employed in the de-mining undertakings in the same country. Although some of the spare parts for basic hospital essentials were released by UNMOVIC,<sup>11</sup> the United States prevented their entry on the argument that they might be used for dual purposes. While medical equipment contracts were blocked, there were epidemics of cholera, typhoid, dysentery, hepatitis, and diphtheria, long eradicated in Iraq. Such obstruction skyrocketed child and infant deaths. When aggressiveness of this magnitude unavoidably brought severe criticism, the United States pushed through the so-called "smart sanctions" designed to mask American role by putting all goods that the U.S. challenged in a category automatically on hold in the name of the Security Council. When the Russian Federation initially vetoed it, the United States placed holds on almost every contract that the Russian companies had with Iraq. Baghdad even periodically halted limited oil sales as a means of protesting sanctions that violated its sovereignty.

The maintenance of sanctions, in spite of humanitarian and legal arguments to the contrary, had devastating consequences for individual and collective rights in Iraq, primarily the rights to life, freedom, human integrity, standard of living, health, food, housing, medical care, education and other social services. Great numbers of Iraqis died because no Security Council resolution met the minimum needs of the civilian population, particularly for food and medicine. Constant American interference and deliberate delay motivated by political intentions inflicted more and more harm on ordinary people.<sup>12</sup> This was the case in spite of the decision of the World Conference on Human Rights (Vienna, 1993) that food cannot be used as a tool for political pressure.

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<sup>10</sup> David Cortright, "A Hard Look at Iraq Sanctions," **The Nation**, 273/10 (3 December 2001), pp. 20-24.

<sup>11</sup> The United Nations Monitoring, Verification and Inspection Commission.

<sup>12</sup> Neama Faris, "The Impact of Economic Sanctions on the Human Rights Situation in Iraq", **Economic Sanctions and Development**, *op.cit.*, pp. 51-64.

The U.S. Administration hoped that the sanctions, which lasted more than twice the World War II period, would force Saddam's top military aides to bring him down. There were frequent American official appeals to the Iraqi people to overthrow the Baath government. The sanctions killed so many people but could not topple the regime. The siege was followed by another fire.

*The Target:*

The Bush team manipulated post-9/11 emotions. The U.S. President's addresses in the Congress and other public places, before and after the war against the Taliban, contained statements in favour of expanding this armed conflict into a vast, open-ended campaign against terrorist groups and "rogue" states – like Iraq. When Bush met three members of the Iraqi opposition in exile in the Oval Office, he exhibited, nevertheless, considerable ignorance about the country he was about to invade. For instance, he learned there and then that the Iraqi Muslims were either Shi'a or Sunni.<sup>13</sup> He frequently offered target lists of those guilty for secretly manufacturing nuclear, biological and chemical weapons. In a speech before the U.N. Security Council, no other than the U.S. Secretary of State Colin Powell also referred to an "overwhelming...detailed...persuasive...incontrovertible...sober...factual...credible...and massive array of evidence", supposedly based on eyewitnesses, detainees, senior defectors and intelligence sources.<sup>14</sup> The American mass media asserted that only the most gullible could deny that the Baghdad regime was harboring WMDs. The skeptics, on the other hand, demanded proof. They were expected to have it after so many White House announcements and Powell's U.N. speech. The proof is still lacking. Although Saddam Hussein, to be ousted or killed, occupied the top of the list, the American hawks argued for a wide range of punitive military strikes. They informed the listeners that far more extended operations than the ones in Afghanistan were envisioned.

The Saddam Hussein regime did not pose an immediate threat to international peace and security; neither did it pose a menace to America's protection. But the ball had started rolling. For instance, the American and British patrolling of the so-called 'no-fly zones,' instituted in the north (1991) and the south (1992), as acts of imperial arrogance, were unauthorized by any Security Council resolution. The justification first given for a future military intervention in Iraq was alleged connection to terrorism on American soil or anthrax attack that followed. But when such excuses could not hold water, Baghdad's refusal to allow the U.N. inspectors to search for weapons of mass destruction inside Iraq was put forward. In spite of the latter accusation, it was the Clinton Administration that had withdrawn (1998) them on account of the 'Desert Fox'

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<sup>13</sup> Andrew Cockburn, "The Mess in Mesopotamia," **The Nation**, 1-8 September 2003, pp. 42-44.

<sup>14</sup> [www.commondreams.org](http://www.commondreams.org).

bombing campaign. Similarly, attempts to link Iraq to the 9/11 attacks hinged on a supposed meeting in Prague between an Iraqi intelligence agent and Muhammad Atta, the suspected hijacker. The Czech authorities were quick to declare that they saw no direct evidence of such a meeting.<sup>15</sup> In an interview, the first of its kind in ten years, Saddam Hussein denied any link between his regime and Al-Qaeda.<sup>16</sup> He accused Washington of creating a pretext for a war that was really about oil. He emphasized that the destruction of his regime was a prerequisite to control oil. Indeed, there had been a long-term hostility between his secularist regime and the fundamentalist terrorist groups. This accusation had to be dropped altogether.

Two-thirds of the U.S. public was led to believe, nevertheless, that Saddam Hussein helped the terrorists in their attacks.<sup>17</sup> About half entertained the notion that most or some of the hijackers were Iraqis. Many also shared the suspicion that the Baghdad regime was hiding various kinds of weapons of mass destruction (WMD). Not a day passed without a front-page announcement of their discovery, followed the next day by its retraction printed as a short statement somewhere in the back pages. Allegations that Saddam Hussein had tried to purchase uranium from Niger for a nuclear weapons program instantly turned into a scandal. Muhammad Al-Baradei, the Director General of the IAEA, told the U.N. Security Council that he knew almost immediately that the documents were phony. One of the letters was signed by a Niger Minister of Foreign Affairs, who had been out of office for more than a decade. Other documents, supposedly detailing a transaction, were also false.

The Pentagon's Office of Special Plans received "information" from Ahmad al-Chalabi, the spokesman of the opposition to Baghdad who assured that the Iraqis were to welcome American soldiers, and passed it on to Defense Secretary Rumsfeld and to the White House. This Pentagon office was led by Abram Shulsky, another neocon who shared Chalabi's belief that the Iraqis would welcome the Americans with open arms. Sharon's secret unit under his direct surveillance, which paralleled Shulsky's unit in the Pentagon, prepared intelligence reports on Iraq in English (not Hebrew) and passed them on to the Washington office.

Scott Ritter, an American citizen who spent seven years in Iraq as an arms inspector for the U.N. and who resigned in protest mainly of American interventions into his investigations, not only describes how some Iraqi guards and officials at times tried to foil the work of his

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<sup>15</sup> Rahul Mahajan, **The New Crusade: America's War on Terrorism**, New York, Monthly Review Press, 2002, p. 131.

<sup>16</sup> Helen Kennedy, "Saddam Denies Al-Qaeda Link," **Daily News**, London, 5 February 2003, pp. 8-9.

<sup>17</sup> The Pew Research Center report quoted in: Norman Solomon and Reese Erlich, **Target Iraq: What the News Media Didn't Tell You**, New York, Context Books, 2003, p. 43.

personnel, but also criticizes his own government for trying to use the inspection process for uniquely American goals.<sup>18</sup> The direct control of oil topped the list of American objectives.

Charges of WMDs looked like Lyndon B. Johnson's manufactured Gulf of Tonkin incident.<sup>19</sup> Americans were sent to fight a war fueled by misinformation and deceit, a betrayal of trust between the rulers and the ruled. It is an issue more serious than Watergate. As the close to the four-week "cake walk" towards Baghdad demonstrated in another way, the anti-war movement was right about the resort to force being unnecessary for the country's security. Before and after the war in Iraq, a network of American citizens reached out and helped spread the message of peace and justice as an alternative to war and suffering. When war came,<sup>20</sup> young Afro-Americans were again sent abroad, in numbers above their proportion in the general population, ostensibly "to bring liberties" which they hardly enjoy at home. Shoulder to shoulder with young white Americans, with whom they cannot always easily sit together in their mother country, they were expected to kill under the slogan of "preemptive and preventive war."<sup>21</sup>

The American Government and public know from the tragic 9/11 experience that the wholesale murder of innocent people, civilians and bystanders, cannot be forgotten. Destroying Iraq, with bombs or sanctions, has the same effect on the innocent citizens of that country that had nothing to do with the 9/11 attacks.

#### *After Saddam Hussein:*

In spite of the rallies of the protestors, there has been little open discussion in the American media whether war on Iraq, on the basis of "preemptive" or "preventive" self-defence, was necessary and its immediate and far-reaching consequences would be.<sup>22</sup> No binding instrument of the international community delivers into the hands of a superpower the right to intervene in cases where no designated culprit of an attack is signalled out. It was none other than

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<sup>18</sup> Scott Ritter, **Endgame: Solving the Iraq Crisis**, New York, Simon and Schuster, 2002.

<sup>19</sup> South Vietnamese naval forces under U.S. direction raided (30 July 1964) two islands in the Gulf of Tonkin, north of the 17th parallel. The destroyer USS *Maddox* sailed into the Gulf, and the South Vietnamese raided again. The American destroyer frightened the North Vietnamese torpedo boats off, and President Johnson ordered the USS *C. Turner Joy* to help protect the first destroyer. South Vietnam attacked (3 August) once more. *Maddox* mistook sonar reflections as enemy torpedoes, the error nevertheless immediately corrected. President Johnson, however, announced an "open aggression." **The New York Times**, 5 August 1964, p. A1.

<sup>20</sup> The reasons for the invasion of Iraq: Research Unit for Political Economy, **Behind the Invasion of Iraq**, New York, Monthly Review Press, 2003, pp. 55-107.

<sup>21</sup> Patricia J. Williams, "Taking the Cake," **The Nation**, 28 April 2003, p. 13. According to a Gallup poll (April 2003), only 29% of Afro-Americans, who are 12% of the population, supported the invasion of Iraq. They make up at least one-fourth of the army, their unemployment rate is above 10%, and they feel war-inspired budget cuts more than the other groups.

<sup>22</sup> Among a few exceptions: James Fallows, "The Fifty-First State?" **The Atlantic Monthly**, Boston, 290/4 (November 2002), pp. 53-64; Robert D. Kaplan, "A Post-Saddam Scenario", **ibid.**, pp. 88-90. Even a **Wall Street Journal** article (Brent Scowcroft, "Don't Attack Saddam," **ibid.**, 15 August 2002) warned against attacking Iraq.

the United States Ambassador to the U.N. (Jeane Kirkpatrick) who spoke against Israel, after the latter's aerial attack and destruction (1981) of Iraq's Osirak nuclear reactor on grounds of "preemptive" or "preventive" self-defence. The British representative (Sir Anthony Parsons) also stated: „...[T]he Israeli attack...was not a response to an armed attack on Israel by Iraq. There was no instant or overwhelming necessity for self-defence. Nor can it be justified as a forcible measure of self-protection.“<sup>23</sup> Moreover, peaceful means to solve a conflict have to be exhausted before resort to other alternatives.

The editorials of the hawkish neocon publications considered dissent from the war alternative as unpatriotic. The critics of the White House wars were accused of being "anti-American." For some time, the President presumed immunity from criticism by associating it with "unpatriotic" behaviour. The faultfinders, some of whom later failed to stick to their original objections, included the Edward Kennedy wing of the Senate Democrats, the Nancy Pelosi faction of the House Democrats, the majority of the Democratic grass-roots activists, the liberal columnists, and some intellectuals in the teaching and artistic professions. For instance, Barbara Lee, one of the thirty-two House co-sponsors of a resolution demanding that President Bush furnish information on costs and post-war plans prior to military engagement, said that attack on Iraq defied American and international law.<sup>24</sup> Some questioned the reasons and the timing of the war. When the "regime change" in Iraq dominated the headlines in the media, Senator John Kerry (Mass., D. and later the Democratic Presidential candidate for the 2004 elections), a decorated Vietnam veteran, interjected: "[W]e need a regime change in the United States".<sup>25</sup> Two career Department of State officials resigned from service, stating in their letters that most of their colleagues disagreed with the war that such policies were incompatible with American values and interests, and that unjustified use of force was giving birth to an "anti-American century."

The war on Iraq was illegal, unprovoked and counter-productive. The Bush Administration threw away the sympathy of the world. The campaign again killed many Iraqis, soldiers and civilians. No evidence of Iraqi links to Al-Qaeda have been uncovered, and no WMDs, supposedly the *casus belli*, were found. The oft-repeated arguments for the invasion – Saddam's possession of WMDs and link to al-Qaeda—were downright false. The Bush Administration was determined, instead, to remove Saddam. The claimed justification for the

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<sup>23</sup> Anthony Clark Arend, "International Law and the Preemptive Use of Military Force", **The Washington Quarterly**, 26/2 (Spring 2003), pp. 95-96. Traditional international law requires that there should be "an imminent danger of attack" before preemption is permitted. As stated in relation to the *Caroline* incident (1837), necessity for such self-defence should be "instant, overwhelming, and leaving no choice of means, and no moment of deliberation". But the state should respond in a manner proportionate to the threat. The U.N. Charter forbids the threat or use of force, unless authorized by the Security Council and in self-defence (Art. 51).

<sup>24</sup> John Nichols, "Antiwar America," **The Nation**, 7 April 2003, p. 6.

<sup>25</sup> John Nichols, "The War Democrats," **The Nation**, 28 April 2003, p. 10.

attack and invasion have not been established. A strong military pressure in Iraq would help to transform the entire Middle East to the advantage of both the United States and Israel. While the U.S. Administration waged wars abroad, government agencies at home detained or arrested some dissenters who sought only to exercise their democratic rights and targeted mostly immigrants, Blacks and the poor. The corollaries as well as the anticipation of the war reach, therefore, beyond the Iraqi framework. They are also related to the disposition of the American society and the international order. The Bush Administration opened a new chapter in American history that undermined the country's idolized values as much as the aspirations of the world community.

The "reconstruction" of Iraq must be, foremost, a matter for the people of this occupied land, possibly in cooperation with the United Nations, and not for Uncle Sam's military command. Assigning no role to the United Nations, Washington's neocons conceive a fully privatized and foreign-owned Iraq, where the key decisions were made by the occupiers. The war was, not only for oil, but also for water, roads, trains, buildings, ports, bridges, phones, and the art treasures. Irreversible economic decisions had already been made even when the bombs were falling on Iraq, whose starved people were expected to support the occupation regime. Not only a handful of local opportunists, but foreign soldiers as well helped themselves to 'souvenirs,' some of which reportedly appeared on the market in leading Western cities.<sup>26</sup> The so-called "liberated Iraq" is on its way to becoming the most sold country.

The deans of Middle Eastern archeology and Mesopotamian civilization, who met (July 2003) in London, heard many who recounted that the memorable cities of antiquity (such as Babylonia, Ur, Uruk, Nineveh, Nippur, Larsa, Girsu, Eridu and the like), all thousands of years old, had now become "military bases".<sup>27</sup> The non-replaceable relics of the creative genius of these ancient people, whether the Sumerians or the Assyrians, all of which belong to the common heritage of mankind, have fallen victim to plunder. Even the doors of the Archeological Museum in Baghdad are missing. The nation's capital lost about 4000 paintings, two-thirds of the books in the National Library, and parts of the archives. As Elizabeth Stone and Margarete van Ess elaborated in the same conference, the historical sites of southern Iraq were also savagely looted. When an American professor, Jerrold Cooper, asked a "key" participant, a certain Colonel Matthew Bogdanos, a Manhattan prosecutor appointed to investigate the theft of Iraq's archeological treasures, whether or not the American soldiers took part in the steal and spoil, he reacted by stating that he was not even going to bother to reply when so many American parents

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<sup>26</sup> For the magnificence of a ransacked museum: Faraj Basmachi, **Kunud al-Mathaf al-Iraqi (Treasures of the Iraq Museum)**, Baghdad, Ministry of Information, Directorate General of Antiquities, 1972.

<sup>27</sup> Told by Gül Pulhan, Turkish archeologist who participated in the London conference, to: Zeynep Oral, "Antik Kentler Askeri Üs," **Cumhuriyet**, 1 Ağustos 2003, p. 6; \_\_\_, "Talan Kimin Umurunda?" **ibid.**, 2 Ağustos 2003, p. 6.

were expecting their children to come back safely home. The immediate appointment of a Pentagon-branded coordinator (ret. Gen. Jay Garner), and later (6 May 2003) a civilian counterpart (Amb. Paul Bremer) for reconstruction or of shady businessmen with no roots in Iraq to form a hand-picked interim government brings anger rather than 'democracy.' Garner, who apparently knows how to arrange military contracts rather than how to build democracy, has allegiances to neocon hawks and Israeli right-wingers. His visit to Israel on behalf of the Jewish Institute for National Security Affairs coincided with his statement that blamed the Palestinians for the violence in the Occupied Territories. He served SY Coleman and its parent companies for logistical work in Iraq and missile systems in Israel.

Ambassador Bremer, with a 23-year State Department career, was associated, prior to being in Iraq, with the Marsh Crisis Consulting Co., Kissinger Associates, Air Products and Chemicals, Inc., and Akzo Nobel NY. Bremer, who banned thousands of senior Baath Party officials from government jobs, dissolved the army, and put a few hundred-thousand people out of work without pensions and re-employment programs, rolled out the red carpet for American firms. Although a U.S.-appointed governor of Iraq, he is not an expert on that country, but a specialist in eliminating non-American competition and assisting, as a one-man IMF there, U.S. multinationals to benefit from a war. Iraq is now an engine of growth for American corporations. More than sixty, including Cheney's Halliburton, the Pentagon's MCI, Perle's Global Crossing, Menlo Worldwide of California, and the SSA, received no-bid contracts. The U.N. Security Council approved (22 May 2003) a resolution lifting trade sanctions. It ended the economic strangulation but placed the prize definitely in American hands.

While most of the taxes in the United States are paid by those least able to afford them, a group of American companies are selected to rebuild what the military destroyed in Iraq. Distribution of awards as well as tax breaks for the wealthy occur while the education programs, health clinics, veterans' benefits, support for the elderly and environmental protection suffer cuts. While corporations like Cheney's Halliburton set up offshore tax dodges, firefighters, so many of whom sacrificed themselves on 9/11, are expected to work overtime without pay. Pfc. Jessica Lynch, whose "heroism" soon proved to be a soap bubble, could not afford the schooling she had in mind in her hometown (Wirt County, Palestine, W. Virginia), where the unemployment rate is high, unless she participated in an invasion of Iraq. But after she found herself among her countrymen (following the treatment she got in the hands of Iraqi doctors), she was showered with book contracts, TV appearances and Hollywood offers.<sup>28</sup> The costs of the wars in

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<sup>28</sup> Some American papers and TV stations (**Los Angeles Times**, **Washington Post**, CNN, ABC) reported that the 19-year-old Private Lynch fought fiercely and shot several enemy soldiers after the latter ambushed her supply team, fired her weapon until she ran out of ammunition, kept firing even after she was wounded, emptied

Afghanistan and Iraq continue, however, to prevent many other U.S. citizens from pursuing their educational aims.

Contrary to what President Bush and the neocons have asserted, (save a group of Baghdadis who helped American soldiers to bring down a Saddam statue) the Iraqis did not welcome the foreign soldiers in a way the GIs were met with open arms in Paris in 1944. Not only the Iraqis are becoming increasingly bitter, but also their country is attracting terrorists like a magnet. A big-name among the American generals questions the ability of the U.S. soldiers in occupation duties.<sup>29</sup> The reality instead seems to be as follows: there is popular disgust with the occupiers; the guerilla hit-and-run operations are increasing, the U.S. casualty list is lengthening; the last Baath-distributed rations are exhausted; epidemics are spreading; the Kurds and the Turcomans in the north and the Shi'a and the Sunni in the cities clashed, and the radicals are waiting for their turn in favour of an Islamic theocracy.

The United States openly encouraged the Shi'a in the south and the Kurds in the north to revolt against the central government in Baghdad. The blood of any kind of strife will be in the hands of those who encourage them to act as client groups. Similar conflicts in the past and in contemporary times offer enough examples to indicate the possibility of new tragedies. At the end of the first year of occupation of Iraq, some believed that American presence there would leave some ugly footprints no matter how long the stay may be.

Then came the photographs of Abu Ghraib, displaying tortured Iraqi prisoners under most humiliating conditions. That behaviour represented more than the sadism of just "six rotten apples." The Bush Administration will continue to portray ongoing systematic and wide-spread torture as a few "exceptional cases." Some of the culprits already stated that they were following instead orders from above.<sup>30</sup> The scandal represents a profound defeat of the United States. What if the six or a few more are punished? Lieut. William Calley spent only three days in prison for the 16 March 1968 mass slaughter of 347 unarmed Vietnamese civilians in My Lai (pronounced

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her weapon before being stabbed and was finally taken prisoner. These papers also reported that the American soldiers, who planned her rescue, took blaze of gunfire from buildings but forced entry into the hospital and brought her safely to their own base. There is another, more convincing, version of the young supply clerk's 'capture and rescue' story. She did not fire at all, nor was she shot at or stabbed. The Iraqi doctors treated her because she had some injuries on account of the accident her vehicle had. They looked after her as best as they could and planned to deliver her to American forces the day the assault on the hospital took place. No one fired at the 'rescue team' because all guards had already abandoned the buildings that very morning. Jessica was made into a Rambo because the military needed an 'American hero,' and good war news sold better.

<sup>29</sup> Wesley Clark, **Winning Modern Wars: Iraq, Terrorism and the American Empire**, New York, Public Affairs, 2003.

<sup>30</sup> Seymour M. Hersh, "Torture at Abu Ghraib," **The New Yorker**, 17 May 2004; [http://www.newyorker.com/fact/content/?040510fa\\_fact](http://www.newyorker.com/fact/content/?040510fa_fact)

“Me Lie”), one of the nine hamlets near the village of Song My.<sup>31</sup> Bush, who had referred to Saddam Hussein’s tortures as “evil”,<sup>32</sup> initially put forward an understatement by saying that he “didn’t like it a bit.”<sup>33</sup> The war in Iraq has now turned into a brutal and corrupt occupation. All Gen. Richard Myers, the Chairman of the Joint Chiefs of Staff, could do was to ask the media to postpone showing the pictures. On top of the facts that Saddam was not behind the 9/11 attacks, that he had no links to Al-Qaeda, and that no WMDs ever existed in that country, the U.S. presence brought further tyranny and brutality to the Iraqi people.<sup>34</sup> How long will the occupiers believe their own lies? Many Iraqis are now willing to die for the objective of forcing the foreign soldiers to leave.

As evident in the previous cases, the military justice system of the countries involved in Iraq cannot investigate in an objective manner the war crimes and crimes against humanity committed by their own personnel. Most appropriately, the International Progress Organization, a Vienna-based NGO with U.N. affiliation, proposed the establishment by the General Assembly of an International War Crimes Commission for Iraq.<sup>35</sup> The U.N. Security Council does not have the legal authority to establish such a commission. Even if it had, the veto privileges of the U.S. and the U.K., two of the leading occupiers in Iraq, would prevent this organ to act in an impartial and effective way. Article 22 of the U.N. Charter, on the other hand, gives the General Assembly to form commissions to document such crimes.<sup>36</sup> Murder, torture, rape, unlawful confinement and inhuman treatment contradict the Geneva Conventions relative to the POWs (Art. 129) and on the protection of civilians (Art. 146). The personnel of the U.K. and those of the other European members of the “coalition” may be prosecuted under Articles 7 and 8 of the Rome Statute in case they fail to carry out their responsibilities in a just manner. The American personnel, whose government has not ratified the Rome Statute, cannot be subject to jurisdiction under the International Criminal Court. The League of Arab States and the Organization of the

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<sup>31</sup> [http://www.fact-index.com/m/my/my\\_lai-massacre.html](http://www.fact-index.com/m/my/my_lai-massacre.html). When a young soldier (Tom Glen) wrote a detailed letter with horrifying allegations accusing not just individuals but entire units of the U.S. military of routine brutality against Vietnamese civilians, Colin Powell white-washed the letter. Journalist Seymour Hersh broke the story in the *Cleveland Plain Dealer* (12 and 20 Nov. 1969). On 17 March 1970, the U.S. Army charged fourteen officers with suppressing information related to the incident. Twenty-two documents laid the groundwork for a four-part series in the *Toledo Blade* (October 2003). There was not a front-page story in leading American papers.

<sup>32</sup> His words: “If this is not evil, then evil has no meaning.”

<sup>33</sup> The White House, Office of the Press Secretary, **President Bush Welcomes Canadian Prime Minister Martin to White House**, 30 April 2004, p. 2.

<sup>34</sup> The execution of an American citizen (Nick Berg) by a group of black-hooded persons brings to mind a statement attributed to Omar Mukhtar, a national hero of Libya during the latter’s resistance to Mussolini’s occupation. When Mukhtar’s associates brought him an enemy prisoner, an Italian lieutenant, and suggested his immediate execution, their leader promptly objected. When reminded that this was what the occupiers had been doing for a long time, his reply: “*Len yakounu kutwa lena!*” (They are not our teachers).

<sup>35</sup> IPO file://D:\I.P.O-ORG\int-war-crimes-commission-iraq.htm

<sup>36</sup> For over a year or so, the reports of the International Committee of the Red Cross, Amnesty International and the Human Rights Watch have not been successful in stopping the systematic commission of such crimes.

Islamic Conference are also under the obligation of initiating similar prosecution by appropriate organs.

First the new Spanish Foreign Minister announced that Spain would withdraw its troops. The revelation by a senior Polish government official that his country's soldiers would also leave came a day after the Spanish announcement. Then, Dominican Republic, Honduras, Nicaragua and Kazakhstan also made it known that they would also withdraw. Bulgarian and South Korean troops were pulled back to their bases. New Zealand is withdrawing its engineers. The Netherlands, Norway and Thailand may be next. In addition, there is a mutiny in the U.S.-controlled Iraqi army. They refuse to join the occupiers to kill other Iraqis. And not only the soldiers. Some members of the Iraqi Governing Council resigned, other Iraqis working as translators or in other jobs are not showing up for work. Mutiny is jumping to the ranks of the U.S. military.<sup>37</sup>

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<sup>37</sup> For instance: Privates Brandon Hughey and Jeremy Hinzman applied for refugee status in Canada, and Sgt. Camilio Majia refused to return to Iraq.

## VI. U.S. ALLIES

*U.K. – “The Oldest Democracy”:*

The United States and the United Kingdom frequently find a source of pride in describing their closeness as one of a “special relationship”. It is not surprising that consternation in the former is also felt in the latter. The Anglo-American trans-Atlantic bridge will guarantee the dominance of the U.S. military-industrial complex, aided by British contractors. It was especially after 9/11 that the U.K. steered a course that entrusted the security agencies with enormous powers. The bills, including even those submitted earlier than that date, passed without adequate Parliamentary debate and public perusal. The use of police powers before and after 9/11 raised serious human rights concerns. Refugee groups being frequently under special surveillance, quite a bit of the misconduct of the authorities was related to racial violence and a response to it.

A number of Parliamentary acts reflected this trend. Rushed through the House of Commons, they gave the security services complete freedom to tackle anyone suspected of being a terrorist. Even the Criminal Justice Act (1967), passed more than three decades ago, and attached to the idea of terrorism, was made available to the MPs only a few hours before the debate. Likewise, the Commons also passed a controversial text like the Prevention of Terrorism Act (Temporary Provisions, 1989, replacing the previous Act of 1984), which also gave the security forces excessive powers, without proper discussion. While the authorities denied some of the basic rights to those arrested under this Act, serial killers were treated in accordance with the ordinary criminal justice system. Racial violence and police misconduct increased with every passing year.<sup>1</sup> The Immigration and Asylum Act (1999), which demonizes refugees and asylum seekers, brought back another avenue of discrimination into the British system. Moreover, the recorded figures were below the actual level of violence. The police, who did not respond to racist incidents on account of either a lack of professionalism or bias, sometimes arrested the victim.

The reports of the U.N. Committee on the Elimination of Racial Discrimination noted that, not only some British whites, including members of radical nationalist parties, perpetrated crimes against ethnic minority groups, but police brutality that caused serious ill-treatment of non-whites, and deaths in custody appeared to be racially-motivated. The U.S. State Department’s U.K. report also cited numerous human rights concerns with respect to Northern Ireland, including the use of plastic bullets, restrictions on due process rights, the murders of the

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<sup>1</sup> Human Rights Watch, **World Report: 1996-1997**, New York, 1998, pp. 214-215.

Catholic defense lawyers Patrick Finucane and Patrick Shenagan, and abuse of police powers.<sup>2</sup> There are various kinds of censorship in the British media when it comes to the Irish issue and certain minority groups. The Terrorism Act (2000), which replaced the Prevention of Terrorism Act (1989) and the Northern Ireland (Emergency Provisions) Act (1996), extended most of the emergency powers that applied in Northern Ireland, and broadened police powers to investigate and detain. Close to the total of those held under all those Acts until the year 2001 could not be charged with any offence, and almost all of the intelligence reports on the Iraqis and Palestinians detained during the Gulf War of 1991 were inaccurate.<sup>3</sup> Consequently, even before 9/11, the U.K. had “one of the highest levels of racially-motivated violence and harassment in Western Europe.”<sup>4</sup>

In response to the terrorist attacks on 9/11 that killed British citizens as well, the U.K.’s (Labour) Home Secretary David Blunkett introduced (11 November 2001) new legislation aiming to incorporate a wider definition of terrorism into British law, thereby allowing for the indefinite internment of foreign nationals. In the opinion of the British Government, there existed a terrorist threat to the U.K. from persons “suspected of involvement in international terrorism.” The legislation was debated only for an hour-and-a-half. The House of Lords objected to the projected procedure of detaining certain persons indefinitely and without charge. While legal safeguards against detention were provided through the Special Immigration Appeal Commission (SIAC), there was no such proposal in the project of the Home Secretary, who altered the text to meet the Lords’ criticism, by elevating the rank of the SIAC to that of a superior court and by-passing the actual requirement of judicial review.

As a result, the Anti-terrorism, Crime and Security Bill became law in a month’s time (15 December 2001).<sup>5</sup> This Act includes extended powers of stop, search, arrest, detention, interception of communications, access to private computers, surveillance of selected groups, and internment without trial. It considers suspicion only to be enough for detention, with no right of disclosure of information provided by the security services. In practice, it brings the unlimited deprivation of liberty for suspects who cannot be removed from the country, and the right to retain for ten years fingerprints of asylum seekers and refugees. When some arrests were made immediately after the passage of the Act, the detainees had no access, for some time, to lawyers or to their families. The non-citizens do not have to carry out terrorist acts in that country. They

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<sup>2</sup> For instance: U.S. Department of State, **Country Reports on Human Rights Practices for 1999**, the U.K. section.

<sup>3</sup> Liz Fekete, “All in the Name of Security,” **Beyond September 11: an Anthology of Dissent**, Phil Scraton, ed., London and Sterling, Virginia, Pluto Press, 2002, pp. 102-107.

<sup>4</sup> Human Rights Watch, **World Report: 1998**, New York, 1999, p. 293.

<sup>5</sup> U.K., Home Affairs Select Committee, **The Anti-terrorism, Crime and Security Bill: First Report**, London, H.M.S.O., 2001.

may be detained indefinitely, solely on the accusation of the intelligence service, and are denied the right to see all the evidence against them.<sup>6</sup>

While the new war in Iraq (2003) was unpopular in the U.K. and divided the Labour Party and the nation, discrimination threatened, in this land of “oldest democracy”, to become a part of popular culture and racist application of new laws a policy of the government. There seems to be also a British culture of official secrecy, put to test lately by the death of Dr. David Kelly. He was the government expert on Iraq’s chemical and biological weapons. His body was found in a wood shortly after a controversial BBC report that questioned the validity of the file on Iraq’s WMDs. PM Tony Blair’s assertion that Saddam Hussein would launch them within a matter of forty-five minutes having fallen much behind acceptable argumentation, his government’s popularity sank to its lowest point.

The relationship between Britain and the United States may be described, then, as the former playing the role of a minor executor of the latter’s policies in exchange for “special” access of British companies to the American market.

#### *Australia – “Land of Fortune”:*

The historic indigenous Australians do not celebrate anniversaries of the European colonization (26 January 1778) of their continental island. That date reminds them of warfare, massacres, land expropriation and long non-citizen status in their own country. While the original European settlers were convicts, notorious guards from British prisons and their relatives, white Australia has its own history, characterized by a dramatic growth of economic activity, expansion of responsible government and development of an Australian identity.<sup>7</sup> In the eyes of the newcomers, it was a “land of fortune.”<sup>8</sup>

Although the majority of the population is now of European stock, Australia is a more complicated society than is at first apparent. Deep divisions of class, region, race, ethnicity, and religion lie beneath the surface. The indigenous populations, the Aborigines<sup>9</sup> and Torres Straits Islanders,<sup>10</sup> constitute only slightly over 1.4% of the total population. The original Aboriginal population, who had lived in Australia for at least 50,000 years, was perhaps a million in 1778,

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<sup>6</sup> For instance, dozens of British officers, avoiding prayer areas, stormed the Finsbury Park mosque and some neighbouring houses, in search of ricin (a powerful natural poison that causes fatal respiratory failure in a few hours after inhaling), but found no evidence of its existence. “London Mosque Raided...,” **USA Today**, 21 January 2003, p. 7A.

<sup>7</sup> D. Home, **The Australian People: Biography of a Nation**, Sydney, Angus and Robertson, 1976.

<sup>8</sup> J. Aitken, **Land of Fortune: a Study of the New Australia**, London, Secker and Warburg, 1976.

<sup>9</sup> Sherman Stone, **Aborigines in White Australia**, Adelaide, Heinemann Educational Books, 1974; K. Suter and K. Stearman, **Aboriginal Australians**, London, Minority Rights Group, 1988.

<sup>10</sup> J. Beckett, **Torres Straits Islanders: Custom and Colonialism**, Cambridge, Cambridge University Press, 1987.

and the Islanders had been residents in the north of Queensland for more than 10,000 years. Wars, massacres and disease diminished them. Their history, since white colonization, has been dominated by dispossession, poverty, displacement, disease and genocide.

It is no coincidence that the general Australian election of 10 November 2001, after the 9/11 attacks, brought to power John Howard, the country's arch-conservative politician, who linked asylum seekers with terrorism during his election campaign. A champion of economic globalization based on free markets, but himself facing the high probability of defeat in the election, he appealed to the electorate on race and immigration issues, sacrificing in the process the two-decades old multiculturalism and replacing it with the 'white Australia' image. He linked the appearance of a boat on the horizon, carrying a few hundred poor people from Afghanistan, to an illusory threat to national security. The 9/11 attacks had apparently strengthened Howard's hand. A handful of people, who had experienced massacres at home, were presented as possible terrorists to Australian public opinion for no other reason than that they were Asian Muslims.

When a Norwegian ship (the *Tampa*), built to carry about thirty people, had to rescue more than 430 Afghani asylum seekers drifting in the Indian Ocean, it was forced, when Canberra refused their entry to Australian waters, to leave most of them on New Zealand soil and the rest in Nauru, a small (20 sq. km.) coral atoll occupied by a Micronesian population of 10,500 (1994). Although a policy of biculturalism, encompassing the *Pakeha* (white settlers) and the *tangata whenua* (the people of the land, or the Maori<sup>11</sup>), now operates in New Zealand, the original islanders lack the requisite land and capital.<sup>12</sup> Even before the entry of the Afghanis, the Asian groups were already disadvantaged. The development of the original inhabitants, the Maoris, will be difficult. Coming to the other small island, the Micronesian population is mainly employed in phosphate mining,<sup>13</sup> the sole element of the island's economy. About two-thirds of the workers in Nauru are migrants, who live in a single compound in depraved conditions. The wages are low, long-term residence is discouraged, and many will leave when mining ends. New Zealand and Nauru were no lands of fortune for the Afghani asylum seekers.

Australia could have been a better sanctuary for them. But after 9/11, some mosques and similar Muslim targets had been attacked. While the Australian Prime Minister asserted that some of these asylum seekers could be terrorists, quite a few of them were Hazaras, mostly women and children, who had escaped the two massacres committed in early 2001 by the Taliban forces in the central highlands of Afghanistan. Constituting 16% of Afghanistan's population prior to the

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<sup>11</sup> R. MacDonald, **The Maori of Aotearoa New Zealand**, London, Minority Rights Group, 1990.

<sup>12</sup> R. Maaka, "The New Tribe: Conflicts and Continuities in the Social Organization of Urban Maori," **The Contemporary Pacific**, Honolulu, 6/2 (1994), pp. 311-336.

<sup>13</sup> C. Weeramantry, **Nauru: Environmental Damage under International Trusteeship**, Melbourne, Oxford University Press, 1992.

massacres, the Hazaras lost most of their fertile land to the dominant Pashtuns<sup>14</sup> and were forced either to move to the dry mountain areas or to migrate. The Hazaras are a Shi'a Muslim ethnic group that had been the target of previous massacres and other serious human rights violations by armed Taliban.<sup>15</sup>

Under Australian laws, asylum seekers may be incarcerated in specific centers pending government decision as to their applications. Such stations are situated in remote corners, where detentions often last so long that protests include suicides, hunger strikes and riots leading to the use of tear gas and water cannon in response. Temporary visas stretch to three years before the holders can apply to be classified as permanent residents. In the meantime, fatal shootings by the police increased. Peaceful protestors can now be regarded as “enemies within”. Amendments to the Australian Defence Act enable the federal government, moreover, to authorize troops to interfere with political demonstrations and industrial disputes.

*Israel – “The Jewish State”:*

Although Washington's policy in the Middle East cannot be explained solely in terms of the big guns of the Jewish lobby and Israel's connections to American politics, their interests coincide especially since the war in Iraq. The political and economic pursuits of the U.S. and the Israeli Governments frequently paralleled each other in ways more than one. Their close alliance harmed, during this process, both American and world interests. The present U.S. Administration has grown even closer to the most extremist government in Israel's history. Post-Rabin Israel, which expects the clock to stop and turn back, is at odds with all neighbours and the world. The overwhelming behaviour is such that it is as if Israel is the only nation God favours.<sup>16</sup> Under Sharon's leadership, Israel is increasingly acting like a rogue state. The assassinations of Sheikh Yassin and his successor show that the government has chosen the path of escalation. The Israeli Government wants to exploit the terror issue politically, not necessarily to fight it effectively. A large number of American religious fanatics believe in turn that the rebirth of Israel was a deific notice heralding the second coming of the Messiah. None other than Arthur Miller, the distinguished author, playwright and Jewish-American intellectual, stressed in his speech during

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<sup>14</sup> R.G. Wirsing, **The Baluchis and Pathans**, London, Minority Rights Group, 1987.

<sup>15</sup> Human Rights Watch, **Massacres of Hazaras in Afghanistan**, New York, 2002, 12 pp.

<sup>16</sup> For such biblical convictions turning into big-time profit, see the books of the Left Behind series (with 40 million sales), especially Tim LaHaye and Jerry B. Jenkins' **Armageddon: the Cosmic Battle of the Ages**. The series also represent a cultural phenomenon well beyond a matter of printing.

the literary achievement award ceremony in Jerusalem, that “a new birth of humanistic vision is necessary if the Jewish presence is to be seen as worth preserving.”<sup>17</sup>

On the other hand, the war to tear down the Saddam regime, originally conceived in cooperation with Israel’s Benjamin Netanyahu, was expressed in a document (1996) authored by the leading Jewish-American hawks who finally engineered the armed intervention. President Bush gave Prime Minister Ariel Sharon, who was transformed, “after an impulsive, scandal-plagued military and political career”<sup>18</sup> and who jumped at the opportunity created by 9/11,<sup>19</sup> into a grand-fatherly elder statesman, more or less a blank check to do whatever he wanted. Israel, which possesses thermonuclear weapons<sup>20</sup> with a sophisticated delivery system, made veiled threats against its Arab neighbours and waged a ‘war’ against the Palestinian people with the knowledge of the American Government. Especially after the invasion of Iraq, Israel is aligned with the U.S-British military axis.

To concede that some groups and individuals have not been able to free themselves from an anti-Semitic mind-set is one thing, but to consider Israel, by virtue of its Jewish character, to be above criticism is altogether another. Not every reference to the Jews, simply by using that adjective/noun, is anti-Semitic. Jewish individuals may differ from each other like day and night. Moreover, there have been many distinguished Jewish critics of Zionism and Israel.<sup>21</sup> During Israel’s ‘war’ on the Palestinians (2000-03), there has been stubborn active resistance against the army’s repression by a number of Jewish organizations like “Courage to Refuse,” “New Profile,” “Women in Black”, “Rabbis for Human Rights,” “Israeli Committee Against House Demolitions,” and “Ta’ayush.” While they all seek a thoroughgoing reevaluation of Israel’s militarized consciousness, the last-mentioned is organized as a Jewish-Palestinian partnership focusing on active and non-violent struggle.

Many of those protesting Israelis drove convoys into the Occupied Territories with supplies of desperately needed food and got savagely maltreated for that. The refusal of a number of valiant Israeli soldiers to serve outside the 1967 borders also deserves admiration. The proceedings of the Nuremberg trials (1945-46) demonstrate that a soldier is not expected to obey a superior’s cruel or immoral orders. Israeli soldiers cannot be forced to fire on civilians, uproot their orchards or bulldoze public offices or dwellings.

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<sup>17</sup> Arthur Miller, “Why Israel Must Choose Justice”, speech at the Jerusalem Prize ceremony honouring literary achievement in the field of freedom of the individual in society, 25 June 2003.

<sup>18</sup> Hillel Schenker, “Israel’s Dangerous Crossroads”, *The Nation*, 276/4 (3 February 2003), p. 22.

<sup>19</sup> Sharon also promoted the equation of “Arafat equals bin Laden.”

<sup>20</sup> John Steinbach, “Israeli Weapons of Mass Destruction: a Threat to Peace”, Centre for Research on Globalisation, 3 March 2002; <http://www.globalresearch.ca/articles/STE203A.html>, 3 March 2002.

<sup>21</sup> Hatem I. Hussaini, “Jewish Critics of Zionism,” *Zionism and Racism*, London and Worcester, International Organization for the Elimination of All Forms of Racial Discrimination, 1977, pp. 223-230; Gary V. Smith, “Le Sionisme politique: une critique juive,” *Sionisme et racisme*, Paris, le Sycomore, 1979, pp. 269-283.

Therefore, with due respect to the visions and actions of sizable democratic groups in Israel that untiringly advocated coexistence with the Palestinians, the pipe dream of the official decision-makers may well be to transfer them wholesale to neighbouring Jordan. Should such a forcible expulsion occur, it will dwarf all previous atrocities since the Deir Yasin tragedy or the most recent destruction caused in the leading Palestinian cities and towns. Some Israeli Cabinet members openly call for ethnic cleansing of the Palestinians. Further calculations may be that if some Arab states show signs of interference, Israeli military might, on the basis of American-funded and American-built weapons, will override such opposition. Israeli leadership received almost unfaltering support from the White House for assaults on the Palestinians.

Suicide bombings on the part of some Palestinians, which put to death innocent civilians such as school children, deserve condemnation.<sup>22</sup> The Palestinian law enforcement personnel arrested some, but not all, militants for involvement in attacks against Jewish civilians and were at times powerless to restrain demonstrators, especially when the size of the crowd and the number of the injured grew. The Israeli grievances attracted Western attention at the expense of official Israeli crimes. Just as Bush's campaign for "war against terrorism" covered his quest for hegemonic globalization, Israel described its inhuman punitive policies as necessary for its security.<sup>23</sup>

It is difficult to disagree with the following judgement of a former head of Palestinian Preventive Security in Gaza (Muhammad Dahlan), as told to an Israeli reporter: "[T]he biggest factory for such suicide bombers is your [Israeli] policy."<sup>24</sup> The Israeli armed forces systematically destroyed the structures of Palestinian economic and political life. Almost every leading Palestinian city and many towns, villages and refugee camps came under attack. The Israelis resorted to excessive lethal force against unarmed Palestinian demonstrators. They launched heavy attacks on the official headquarters of President Yasser Arafat, pulling down buildings and killing people. Apart from the presidential headquarters, Palestinian public institutions such as hospitals and schools sustained damages, running water was obstructed, electricity cut out and sewage systems damaged. Israel sealed off many Palestinian residential areas by placing blocks on

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<sup>22</sup> Human Rights Watch, **Erased in a Moment: Suicide Bombing Attacks Against Israeli Civilians**, New York, 2002. The editors of this report state that this publication is "based on field research, expert and witness interviews, and examination of public documents." The material consulted included those that Israel says were "seized by the Israel Defense Forces (IDF) from Palestinian Authority offices in April-May 2002 and at other times," along with extensive commentary by official Israeli analysis. The PA dismissed them as "fabrications".

<sup>23</sup> For the details of infringement on liberties, one may look at quite a few Human Rights Watch (New York) publications (including its yearbooks), various articles in the **Journal of Palestine Studies** (a quarterly on Palestinian affairs and the Arab-Israeli conflict and published by the University of California Press) and **Palestine and the UN** (New York, monthly bulletin by the Permanent Observer Mission of Palestine to the United Nations).

<sup>24</sup> "Reaping the Whirlwind," **The Nation**, 273/21 (24 December 2001), p. 4.

exit roads. Closures, blockades, curfew raids, killings and arrests prevented the development of a Palestinian economy. One of the official aims seems to link the Occupied Territories to Israel's economy even stronger than before. The Israeli military arsenal used every kind of sophisticated arms such as helicopters, rockets and tanks. Some of the munitions used against the civilians were strong enough to penetrate concrete walls, and were, therefore, against the very Israeli army regulations. The authorities coerced, sometimes tortured, civilians to assist military personnel. The targeting of Palestinian medical personnel who were treating wounded persons was a breach of domestic and international law as well as of U.N. principles.

Such policies should be described as a racist extension of colonialist schemes on the Occupied Territories, where the occupiers have definite legal obligations. That country is a signatory to the Fourth Geneva Conventions (1949), whose Article 33 prohibits collective punishment. It is also a party to the Convention on the Rights of the Child (1990), which requires the protection of minors in armed conflicts. Some of the Jewish settlers attack Palestinian civilians, raid homes, plunder markets, block roads, and destroy agricultural land. In general terms, the Israeli military are guilty of disproportionate use of lethal force, bloodshed among non-combatants, assassinations of selected individuals, treating minors as targets, hostage-taking, and ill-treatment during interrogations.

*Others:*

The Canadian legislation reproduced the general features of the U.S. anti-terrorism laws.<sup>25</sup> It broadly replicated the clauses of the U.S. anti-terrorist laws. In two months, over 800 people disappeared into the detention system without being allowed to contact families or lawyers.<sup>26</sup> The horrors of Canada's legislation (under Bill C-36) include the principle that if the state decides that a terrorist act was committed and that a person was in any way associated with it, that individual would be guilty irrespective of the fact that whether or not one intended to do the criminal act or actually did it or not. In other words, the intention (*mens rea*) and the fact (*actus reus*) of doing the crime were both eliminated as criteria. Similarly, the right to remain silent, confidentiality between client and lawyer, the right to a full defence and the whole concept of a fair trial were also gone. Anyone in Canada who associates with a person or organization accused of being a 'terrorist' would be defined as a terrorist. Within such a broad definition, even lawyers who defend persons accused of being terrorists may themselves be classified as such. Canadian legislation now allows the confiscation of property or bank accounts on the basis of accusations

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<sup>25</sup> Constance Fogal, "Globalisation and the Destruction of the Rule of Law", **Global Outlook**, 1 ( Spring 2002), pp. 36-37.

<sup>26</sup> *Ibid.*, p. 36.

of being a terrorist. Canada as well, then, returned to a system of arbitrary detention or arrest, accepting summarized police allegations as evidence. Accusation equals guilt, and the concept of “innocent until proven guilty” is gone.

The anti-terrorist legislation in some European Union countries has not been as drastic as that adopted in the United States and Canada. Although the Greens in the German coalition government were instrumental in towing down the first draft of the legislation brought to the Bundestag, the first text grants, nevertheless, new powers to the police and makes deportations easier. Irrespective of the differences among themselves as to the issues of terrorism, security and individual liberties, 34 countries from Europe, Asia and the Americas, in addition to the United States, contributed a total of about 22,000 troops to the “stability operations” in Iraq. As recorded above, some of these countries are withdrawing their troops.

## VII. CONCLUSIONS

The “11th of September” was a tragic date. We live in a world of violence with signs of its increase. Terrorist acts are crimes, irrespective of the stimuli behind them. Those who plan or execute destructive acts should be apprehended, tried and punished in accordance with criminal laws. The next generation may remember 9/11, however, not only for the human drama on the very American soil but also as the debut of the U.S. fall into a lawless world it helped create. No doubt, the law enforcement agencies should get their hands on the tools to stop the terrible threat of terrorism, but they must have only the tools that relate to the task. The democracies especially should not allow it to slip from their memory that rights and liberties are for all, the rulers and the ruled, and at all times, whether in war or in peace. The haste with which some governments have passed recent legislation dealing with security and terrorism has already brought into being a dangerous procedure. It is unfortunate that such bills do not strike the right balance between empowering law enforcement and safeguarding freedoms. Especially the proposals in their original form, some details of which are partly rejected by the nations’ representatives, engender the impression that the chief executives of the home departments take advantage of the emergency situations to get approved what they had wanted for a long time. The test of democracy, on the other hand, is the treatment of people in difficult times.

The American decision-makers in the three federal branches of government will be failing short of performing their constitutional duties of checks and balances if they do not protect civil liberties in the wake of attacks and draw back from effective precautions to discourage misguided anger against certain groups of people. Above all, the legislative bodies have to protect the public from presidents or prime ministers who commit the nation to combat under false pretenses. There is an old Greek aphorism: “Those whom the gods would destroy they first make mad with power”. Although the contemporary U.S. power position is at an advantage if it is individually compared with its main contenders like China, Russia, Germany, France or Japan,<sup>1</sup> America’s global hegemony is declining. While the use of armed force has been habitually a part of hegemony, military power depends, in the final analysis, upon the economic resources at the disposal of the state. The United States is steering towards less ability to control economic and political events abroad.

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<sup>1</sup> Duong, *op. cit.*

Some particulars may be cited as follows:<sup>2</sup> Whereas in 1950 it supplied half of the world's gross product, the percentage now is around one-fifth. While 47% of the world's stock of direct investment in the other countries was American in 1960, only 21% of the same was true around 2000. The majority of the largest banks in the world are non-U.S. banks. Only less than one-fourth of the top corporations ranked by foreign-held assets are presently American. For the first time since 1945, there exists another universally accepted payment and liquidity unit (the Euro), causing the further erosion of the U.S. dollar. The Euro-zone has a bigger share of global trade than the U.S. sphere. The United States has a deficit in its trade in goods, and foreign investment in American soil is growing faster than American investment abroad. The United States also suffered a number of defeats in the hands of the World Trade Organization panel that ruled in favour of Japan (Fuji Film), the EU (U.S. Foreign Sales Corporation) and others (steel tariffs). Airbus Industrie (AI), as a four-nation European consortium challenging Boeing, captured 30% of new aircraft orders worldwide. The EU announced the launching of its own satellite navigation system (Galileo), ending American monopoly (Global Positioning System). Europe is challenging the United States even in Latin America. Three-fifth of the largest foreign companies doing business in that continent are European. A Peruvian proposal for a South American trade area, uniting Mercosur (the world's third largest trade group after the EU and NAFTA) and the Andean Community of five countries, is a counterweight against the United States. China is eroding American economic dominance in Asia. Even Britain ignores the boycott of Cuba. Thus, in spite of its military supremacy, America is much less impregnable.

The hawks may be intoxicated with the power of the state and of their own, and others, such as the opposition parties, may largely relinquish their right to question and criticize. The media will only be surrendering much of its integrity if it fails to inquire behind official stories, and accepts government versions as facts. This is one way of losing in practice the very values the governments say that they are defending. Consequently, while much of the new "anti-terrorist" legislation will amount to burying some people alive, it may be precisely those restraints on freedoms and the discriminatory practices that will create the next generation of terrorists. If the pleas of the discriminated are not listened to, some among them may repeatedly resort to violence.

A prominent advocate of open societies labors the point that turning the hunt for individual terrorists into full-fledged wars creates innocent victims, some of whom are bound to

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<sup>2</sup> Richard B. Du Boff, "U.S. Hegemony, Continuing Decline, Enduring Danger", *Monthly Review*, 55/7 (December 2003), pp. 1-15.

become perpetrators.<sup>3</sup> An oft-repeated warning is that nuclear weapons should not fall into the hands of terrorists. But they are already in the hands of the most powerful states, principally the U.S., which possesses them since the use of the atomic bomb on Hiroshima. It should constantly be kept in mind that the Nuclear Non-Proliferation Treaty (1968) is directed at nuclear disarmament, including the big five, and hence the latter deserves a lot more attention. The Bush Administration bolsters, on the other hand, the arsenal in tactical weapons and seeks to militarize the space in order to control the entire globe.

The present U.S. Administration campaign against terrorism runs the risk of convincing fewer and fewer governments and people because of its own human rights record and willingness to overlook the abuses of some of its allies. Fighting abroad may have been pursued effectively, but the battle on American soil to sustain security without sacrificing liberties seems to have been lost. Osama bin Laden does not represent so many millions of resident aliens in the United States. Warrantless monitoring of attorney-client conversations, secret immigration trials and unreviewable military tribunals have little to do with security. Open-ended detention in undisclosed quarters, unidentified informants, less than unanimous decisions to convict, capital punishment without the right to effective appeal, and ethnic profiling are serious inroads to liberty at home.

To monitor the members of selected religions, ethnic groups or ideological dissenters with the theoretical assumption that some of them may be, now or in the future, connected with a terrorist organization is neither justifiable, nor effective. Security agencies should keep track of acts of violence, not of the outward appearance of an individual with clues to being from a particular region of the world. They should remember that the initial stereotyped guesses for the Oklahoma City bombing never came true. The U.S. Government should review, as required by the Convention on the Elimination of All Forms of Racial Discrimination, its existing laws and practices to cast out discrimination. In contrast to the withdrawal from the world conference (South Africa) on racism, it should participate in such meetings to review all aspects of its record, failures as well as progress. The U.N. High Commissioner for Refugees (UNHCR) may also

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<sup>3</sup> George Soros, **The Bubble of American Supremacy: Correcting the Misuse of American Power**, New York, Public Affairs, 2004, pp. 19-22. The Jews, who experienced a holocaust, resorted to terrorism against the British and the Arabs. Some of the latter, who suffered occupation and expulsion, also became perpetrators. Prime Minister Yitzhak Rabin, who tried to reverse this vicious circle, was assassinated (1995) by extremists. (For a presentation arguing that Yigal Amir, who had an intelligence background, did not shoot the fatal bullets at Rabin but that he was murdered from within his own political circle, see: Barry Chamish, "The Rabin Murder Cover Up," **You Are Being Lied To**, ed., Russ Kick, New York, The Disinformation Company, 2001, pp. 147-151.) The war on terrorism claimed innocent civilian Afghans and Iraqis, some of whom are now resorting to force. The notion of victims turning into perpetrators was popularized by: Erich Fromm, **The Anatomy of Human Destructiveness**, New York, Holt, Rinehart and Winston, 1973; Lonnie H. Athens, **The Creation of Dangerous Violent Criminals**, New York, Routledge, 1989.

strengthen its Guidelines on the Detention of Asylum Seekers and urge some governments to bring their detention policies in line with international standards.

Global support for the war on terrorism is diminishing partly because the U.S. often neglects human rights in the conduct of its armed interventions. The need for credible sources of information about the reasons, executions and the outcomes of the wars, carried out abroad in the name of the nation, will not be diminished. The government should rescind its regulations or practice of requiring reporters to travel in “pools”, be escorted by military personnel and submit writings prior to publication. International humanitarian law should be developed in order to improve the protection of civilians from the effects of hostilities. The accountability of states engaged in combat need to be clarified. Obligations should arise from injuries to civilians, even when caused by attacks upon seemingly legitimate military objectives. The release of radioactivity or pollution from combat damage should be prevented. Protocols should be added to the existing international treaties to help clear the explosive remnants of war.

American muscle led the coalition, endorsed by U.N. sanction, in the 1991 Gulf War. In the aftermath of 9/11, the government in Kabul was overthrown with the support of the international community. The newly-installed Afghan regime rules in the capital, however, with the backing of U.S. bodyguards and foreign troops. The initial enthusiasm over the downfall of the Taliban regime has dissipated. The Taliban are reasserting themselves. The war in Iraq, however, was an operation built on a house of cards. In response to it, the people of the world created the most broadly based peace movement in history. Never before have so many trade unions, intellectuals, women’s groups, youth organizations, churches, environmentalists, and artists supported the anti-war drive with millions of people participating in innumerable rallies and demonstrations. The campaign of the “other superpower”, that is, the peoples of the United States and of the whole globe, was authentically novel. It was the portrait of a world resisting the war. The three permanent and the six non-permanent members of the U.N. Security Council refused to succumb to superpower pressure. A Gallup poll showed that overwhelming majorities in Argentina, Bosnia, Nigeria and Switzerland, whose governments had supported the war, opposed it. The Turkish Grand National Assembly turned down a ‘bribe,’ in keeping with more than 90% of public opinion, and refused the passage of American forces through its territory. The Pope described it as a threat to the destiny of humanity. The “coalition of the willing” was one of a few governments only. As the war started, the White House had accomplished an unprecedented isolation worldwide.

Repeated stories about the weapons of mass destruction, based on the inaccurate or false “evidence” provided by the Pentagon’s Office of Special Plans and supported by a similar group

established in Sharon's office, misled the American people. While the Pentagon office and the White House pushed the dissenting CIA reports aside, Sharon's group was formed outside of MOSSAD. Further, the WMDs, not found in Iraq, should be eliminated throughout the region, including Israel. Double standards, especially on an issue forwarded as a cause of war, cannot be allowed to prevail. Moreover, the non-proliferation regime is destined to break down if the nuclear great powers refuse to disarm.

In the abstract, the United Nations is the proper institution to generate and enforce a comprehensive strategy against terrorism, in accordance with the rule of law. The problem of terrorism stands out as the most serious challenge to U.N.'s supreme authority in enforcing uniform legal principles for all, including the most powerful entities. No state or individual may seek exemption from the application of equitable laws. The terrorist of one party cannot be accepted as the freedom fighter of the other, or *vice-versa*. The legitimacy, even the mere existence, of a world organization like the United Nations, will depend on its consistent commitment to the supremacy of the rule of law. As a leading thinker and legalist emphasizes,<sup>4</sup> the imperatives are a genuine reform of the U.N. Organization and the enforcement of unified legal instruments of law. While the existing legal standards and conventions are combined to create a universal system of norms, particular interests should be neutralized in the process of creating an international convention, an international arbiter should supervise sanctions and penalties, and the veto privilege of the permanent members of the SC should be abolished.

The previous assessments of the CIA and NESAs (the State Department's Bureau of Near Eastern and South Asian Affairs) that postwar Iraq would be ungovernable are coming true.<sup>5</sup> Postwar U.S. casualties now surpass the casualties of the war itself. Washington is facing the prospect of a lengthy insurgency. Iraq is engulfed in economic and political chaos. Not only the former Baath Party members who are coalescing into new political formations, but many others assess the present administration in Baghdad as an occupying force backed by 'quisling' groups. When the U.S. Chief Executive, who equates freedom with American values, principally with free enterprise, says that freedom will prevail, he means that the United States will prevail. At the same time, doing the honours to American presence in Iraq as "liberation", the occupation is becoming a disaster. The quaint idea that the U.S. can bring democracy to Iraq by military occupation echoes the following famous line of Colonel Purdy in John Patrick's "Teahouse of the August Moon": "My job is to teach these natives democracy, and they are going to learn democracy, even if I have to shoot every one of them!"

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<sup>4</sup> For conditions favouring a consistent anti-terrorist U.N. policy: Köchler, *op. cit.*, pp. 345-349.

<sup>5</sup> Judgement by Melvin Goodman, a former CIA analyst with the Center for International Policy. Robert Dreyfuss, "More Missing Intelligence," **The Nation**, 7 July 2003, p. 5.

The war was a mistake, and now the United States should leave. The earlier assertion that Washington would bring democracy to Iraq is totally discredited. Instead, it suppressed various legitimate groups clamoring for direct elections, closed down newspapers and murdered journalists, allowed many relatives of Iraqi Governing Council members to rig contracts, and underrated the torture of prisoners. American presence, now symbolizing brutality, corruption and Israeli occupation of Palestinian land, is a direct provocation for more opposition and cause for more violence. The price for “staying the course” in Vietnam had created about two million Vietnamese and 58,000 Americans dead. The Iraqis are now united in their hostility to foreigners. Under the circumstances, the United States should be prevented from playing a leading role in the future of Iraq. There is no chance for stability if foreign occupation continues.

The credibility of the United Nations will be further diminished if its appearance in Iraq does not go beyond “internationalizing” foreign occupation. Iraq needs an international mission that does not reign over its territory, does not call the signals for all reconstruction schemes, does not claim the country’s wealth as its own and does not distribute its assets to profiteers. Peacemaking in Iraq, on the other hand, should be the most important task of the United Nations. It should be a legitimate entity for the reconstruction of peace and tranquility among the Iraqis, who are the only people, entitled to own the country. This international body should reenter Iraq not as the political arm of U.S. occupation, but as the defender of the country’s independence. It should go in with a peacekeeping force, preferably composed of Arab contingents, only if the United States pulls out completely. Its immediate tasks should include putting in trust whatever amount is left in reconstruction funds to be utilized by an elected Iraqi Government, and the disposal of the control of the Chalabi family in almost all aspects of life in the country.

The present U.S. Administration shows no signs of facing up to its errors. The Constitution cannot be that of the “American Empire,” and there is no such thing as “superpower democracy”. The former is supposed to signify limitations on power, and the latter involves the participation of citizens in governance. Unlimited power and aggressive aggrandizement can only bring to mind a fascist-like state. The new wave of objection to the Patriot Act, and its offspring Patriot Act II in preparation, is coming even from some formerly conservative Republican politicians. Events offer the Democratic Party, or its democratic wing, an opportunity in the next elections. The present (2003) budget deficit of \$375 billion will climb in the coming years. Even if the Republican strategists start the economy “going” before the elections, the nation will pay a heavy price for the fiscal policy of the Bush Administration. The

question is not to defeat a candidate or one of the political parties, but to pursue a different vision for U.S. role in world affairs.

Only a regime change in Washington can solve the mounting problems of the United States, including the most pressing one in Iraq. Judging from the election campaign, even the Democratic alternative does not go far enough to realize in Iraq a prompt shift from occupation to democratic sovereignty. Senator John Kerry, the Democratic presidential candidate, should define himself in more convincing terms. Is he going to be the conventional senator favouring free trade or a politician with a wider vision and playing to win? He has been twice a hero – first, as a soldier in Vietnam, and later, as a protestor against the war. Himself injured, he rescued a wounded comrade, and asked, during testimony before the Senate Foreign Relations Committee (23 April 1971): “How do you ask a man to be the last man to die for a mistake?”<sup>6</sup> He told stories that they had cut off heads, raped, shot at civilians, razed villages, and poisoned food stocks. When he voted for war in Iraq, however, the consequence was that many Iraqis and Americans once again died for a mistake. Although Kerry had initially questioned whether the Bush Administration had sufficient evidence to invade Iraq, the war resolution that he eventually supported gave the White House open-ended and undefined powers. Although his vote hardly makes him a Bush lite, his *carte blanche* for war should haunt him if he ever becomes the Chief Executive. In the meantime, well-organized groups around him, including the Pentagon and the CIA officials, will not fail to inform him repeatedly of the “continuing threats” to U.S. security

As a senator with close to two decades of voting record, he almost always supported the multinationals. He occasionally expressed concerns over human rights, injuries to the workers, global warming and environment, but he ultimately sided with the “free traders”. The appellation of “Republican” by a few Democrats may be termed a misjudgment when one remembers that he pushed for a Senate inquiry on the link of the CIA-backed Nicaraguan *contras* to drug trafficking, released a report on the Bank of Credit and Commerce International accusing this establishment and its affiliates like the CIA of corrupt criminal operations, took fourteen trips to Vietnam to establish that there was no evidence proving any American remains alive in captivity there, and was left as one of the very few who wanted to remove the special interest money out of American politics.

Although these parts of his public service should also be taken into account, he should fill in the blanks which concern the American people most. They worry over budget deficits, unemployment, inadequate wages, the loss of good jobs, healthcare, education, retirement security, and the like. Substantial number of voters believe that the country is on the wrong track.

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<sup>6</sup> <http://www.johnkerry.com/about/>

Apart from responding to a series of GOP attacks, Kerry needs to prove that he can fight back and that he has his own alternatives for action. Voters expect him to produce recipes for more secure jobs, better wages, commitment to education, and less prices for drugs. The American people are not going to vote in consideration of Washington's dictatorial allies in desert emirates. They are interested in politicians who can champion the goals and values of the average citizen.

Under the present circumstances, the celebrated philosophical treatise of Karl Popper<sup>7</sup> (1902-94) on "open society" will need another volume on the United States as a threat to it. Politics abhors a vacuum. If no one cultivates hope, someone will nourish fear. The challenge is not a mere change of government. Its alternative has to know how to succeed. A mere replacement of the administration may not be enough to undo the damage. The United States should learn to respect world public opinion, resort to diplomacy, and use peaceful means to solve disputes, not conduct war. The present war on terrorism, built on false pretenses, is more likely to bring about a permanent state of war. The remedy is not to go to the mainstream, but to bring the mainstream to what is fair and true.

Whatever the immediate outcome of the military engagement in Iraq, the repetition of such actions elsewhere will embroil the United States, and the world at large, in one bloody conflagration after another. Such interventions may provoke hostile reactions from at least some sections of the local peoples, leading to new violent outbreaks and probable other discriminations in response. Every new resort to force will alienate one ally or partner after another in the global anti-terrorism coalition. Great powers of the past were brought down by the irresistible resolve of peoples. Another "superpower", a broadly based international movement for peace and justice, now engages millions of people in every country around the globe.

The energy of millions of protestors all over the world against U.S. hegemonic globalization can be channeled into a democratic and peace-oriented alternative through a citizen-elected Global Parliamentary Assembly (GPA).<sup>8</sup> Granted that masses of people from practically all countries, deprived from direct links among themselves, united with each other in rejecting superpower dominance and war, protest only, however, did not alter the course of events. The drive of a single power toward global domination need to be countered by a global movement, cutting across regions and cultures, to establish a legitimate parliament, whose citizen-elected members could exert influence on government. Representing citizens, and not the states, it will help bring especially the non-governmental organizations (NGOs) closer, inform world public about threats to people, advise governments, and offer a democratic outlet to the alienated fellow beings who would otherwise turn to violence. Governments, the United Nations and terrorist

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<sup>7</sup> Karl Popper, **The Open Society and Its Enemies**, 2 vols., Princeton, N. J., Princeton University Press, 1963.

<sup>8</sup> Richard Falk and Andrew Strauss, "Toward a Global Parliament", **The Nation**, 22 September 2003, pp. 28-29.

groups cannot close their ears to the agendas, discussions, decisions, advice and influence of a body elected separately by citizens. As Kant observed earlier, it is easy for the rulers to resort to the war option, but the peoples will naturally want to stay out of it.

Israel, the only WMD-armed state in the Middle East, should make its policies consistent with international humanitarian law and human rights standards. Its security forces should abide by basic principles, codes and conventions (for instance, the U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the U.N. Code of Conduct for Law Enforcement Officials, the U.N. Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment). The U.S. should also ensure that the military equipment it has supplied to Israel is not used in a way infringing such accepted standards. The Israelis and the Palestinians have to resume where they left off at Camp David and the subsequent talks, which may eventually include discussions over one democratic and secular state for Palestine/Israel. If the Israeli Government continues the pursuit to associate its sanguinary coercion of the Palestinians with America's "war on terrorism", the turbulence in parts of the world, including the Arab and the Islamic countries, may indeed bring about a "clash of civilizations".

Today's 'clash' is not between the East and the West, but between democratic secularism and freedoms on the one hand, and authoritarian religious fundamentalism, coupled with the suppression of dissidents, on the other. Seen from this perspective, there is a similarity between the narrow concepts of 'religious' zealots, whether Muslims or not, and the official American discrimination in response to the 9/11 attacks. Democracy is a way of life, not a mere periodic procedure of electing a government. Its essence lies in the thought and practice of separating the few who resort to terrorism from the many who utilize their right to differ from official policies. Freedom of speech remains a valuable asset for allowing both personal self-expression and a channel for non-violent exchange of ideas. Dissent via peaceful means is a democratic mechanism for social change, which the law enforcers should not try to suppress. The democracies should continue to recognize the well-grounded legality of due process. Secret detentions and secret trials need to be discontinued, and the way to public scrutiny be reopened. Immigrants, asylum seekers, and even citizens from Muslim, Arab, Middle Eastern and South Asian countries should not be expected to bear the brunt of abuse.

The struggle for democracy and against discrimination is a 'war' worth fighting for. The American law professors' petition to Congress, eventually signed by over 10,000 intellectuals, needs to be taken up again and utilized with open-mindedness in putting statutory limitations on the security agencies. To damage or destroy freedoms in order to attack the terrorists is to lose

the war, rhetorically pursued to protect them. Domestic tranquility can be secured without sacrificing the blessings of liberty. The war on terrorism will be lost if liberties are sacrificed. Let us give the Devil the benefit of law, at least for our own safety's sake.

## **9/11: DISCRIMINATION IN RESPONSE**

**by TÜRKKAYA ATAÖV**

*Türkkaya Ataöv*, a distinguished professor of international relations, treats the discriminatory aspect of the U.S. Administration's response to the September 11 terrorist attacks on American soil. Granted that the tragedy was deservedly condemned almost universally, the focus of the response fell, at least partially, on the uncurbed surveillance of the American people and certain selected groups. The author proves, perhaps for the first time in book length, that two compelling issues are interrelated – the threat to the constitutional rights of all Americans and to the liberties of selected groups.

*Türkkaya Ataöv* is the author of several other works, including books/booklets printed by the Geneva, London, Montreal, Paris, and Washington, D.C. bureaus of the „International Organization for the Elimination of All Forms of Racial Discrimination,“ an affiliate of the U.N. (UNESCO and ECOSOC). The author, who has central executive duties in similar international groups, is the recipient of academic or governmental awards, including one from the University of Bophuthatswana of the Republic of South Africa, which honours (1993) him for „his contribution to African scholarship and research and his service to the African phenomenon which spans some thirty years.“

The Honorable *Abderrahmane Yousoufi*, the former Prime Minister of Morocco, in his „Preface“ to the book, describes the research as „a valuable contribution to the study of our contemporary world.“ He maintains that the „response proved to be more destructive, in material, legal and moral perspectives, than the purportedly original cause.“