

One year since September 11: an unprecedented assault on democratic rights

By the WSWs Editorial Board
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Any objective consideration of the political changes that have taken place since the attacks of September 11, 2001 must lead to the conclusion that the tragic events of that day were the starting point for a vast change in American domestic as well as foreign policy.

Neither the eruption of US militarism abroad, however, nor the assault on civil liberties at home can be explained merely from the events, however horrific, of a year ago. Rather, the shock of thousands of civilian deaths was exploited by the Bush administration to force through policies that had long been demanded by the most right-wing sections of America's ruling elite.

In the space of just one year, this administration has carried out the most sweeping assault on democratic rights in the country's history. What is involved is not merely a strengthening of police powers, but the dismantling of constitutional protections against tyranny that date back to the American Revolution. The very structure of the government is being radically altered, transforming the relationship between not only its three branches—executive, legislative and judicial—but between the people and the armed power of the police and military.

Even the mainstream media is unable to ignore these changes. An editorial published in the *New York Times* September 10 is fairly typical of the warnings and criticisms being raised by sections of what passes for the liberal establishment in the US. Entitled "The War on Civil Liberties," the editorial takes exception to some of the more extreme measures enacted since September 11.

At the same time, the newspaper argues that these domestic measures are somehow at odds with the Bush administration's "war on terrorism." "We must fight the enemies of freedom abroad without yielding to those at home," the *Times* intones.

Such proclamations only highlight the combination of hypocrisy and self-delusion that characterizes the *Times* and the desiccated liberalism it epitomizes. The notion that one can defend democratic rights at home while supporting US militarism and aggression abroad is false to the core. The police-state measures undertaken within the US by the Bush administration and its drive to war, from Afghanistan to Iraq and beyond, are two sides of the same policy, pursued by the same political forces, in the interests of the same financial elite.

The remnants of American liberalism are in a state of denial. They continue to treat the offensive against democratic rights as an aberration or misunderstanding. They seek to obscure from the American people the fact that a fundamental shift has taken place in the direction of dictatorial forms of rule.

The attacks on democratic rights of the past year are not mistakes committed in the heat of the moment following September 11. They are systematic and, if one takes the Bush administration at its word, permanent. They are to last just as long as the never-ending global war on terrorism.

Essential constitutional protections against illegal searches, arbitrary arrests and imprisonment without trial have been abrogated, and the

government has asserted the right to seize and hold incommunicado both immigrants and US citizens whom it deems to be threats to national security.

It is only necessary to review some of the more important measures enacted over the past year to appreciate the depth and breadth of the assault on basic rights.

The USA Patriot Act, pushed through a compliant Congress with virtually no debate barely a month after the attacks, revoked restrictions on FBI domestic spying imposed by Congress following the post-Watergate revelations of widespread criminal abuse by federal agents against government critics.

The new law left immigrants with little or no rights—subject to exclusion based on their political views, expulsion on the grounds of legal political association, and detention on no more than the say-so of a federal agent.

The Patriot Act expanded police powers against the population as a whole, giving the FBI far greater leeway to tap phones and electronic communications. Attorney General John Ashcroft amplified this power in an order issued last fall undermining the constitutional right to legal counsel. Ashcroft's fiat allows agents to monitor phone calls between lawyers and their clients, given "reasonable suspicion" that the conversations could touch on terrorism.

Requests for "roving" wiretaps that could result in the monitoring of pay phones throughout entire neighborhoods where alleged terrorists live are now approved by a Foreign Intelligence Surveillance Court in secret proceedings.

Under the Patriot Act, schools are once again required to turn over student records, which had been made confidential in 1974 in response to revelations of FBI spying on anti-war protesters. Libraries must turn over lending records for anyone the FBI claims is a terrorist suspect. Agents can also demand "business records," including newspaper subscription lists, bookstore receipts and even journalists' unpublished notes and photographs.

In June, Ashcroft refused to respond to questions from the House Judiciary Committee, including queries as to how many American citizens had been subjected to surveillance under the Patriot Act, how many times the Justice Department had demanded library, bookstore or newspaper subscription records, and how many wiretaps had been obtained.

By executive order, Bush set up military tribunals to try non-citizens alleged to have ties with terrorism, depriving them of basic legal protections.

It was revealed earlier this year that the Bush administration had established a secret "shadow government," consisting of 75 to 150 members of the executive branch deployed in fortified bunkers outside of Washington, ostensibly to ensure "continuity" in the event of a more devastating terrorist attack.

Initiated in the immediate aftermath of the devastation at the World Trade Center and the Pentagon, the arrangement was made permanent

without any public notice. Congress—including House Speaker Dennis Hastert and Senate President Pro Tem Robert Byrd, who are third and fourth in the line of succession in the event of the deaths of the president and vice president—was likewise left in the dark.

The administration is proceeding to ram through the creation of a Homeland Security Department, a new super police agency that will combine all or parts of 22 existing government offices, with 170,000 employees and a total budget of \$37.4 billion.

In short, the administration has put in place the framework for a dictatorial regime, able to rule in secret, without any constitutional checks and balances and resting on the power of the police and military. The judicial and legislative branches of government, endowed by the Constitution's framers with coequal powers to those of the executive, are being effectively reduced to the status of rubber stamps.

Taking advantage of the shocked reaction to the terrorist attacks and first targeting the most vulnerable sections of the population—Muslim immigrants from the Middle East and Central Asia—the government moved rapidly to overturn essential democratic rights. For millions of immigrants, habeas corpus—the guarantee that no one may be imprisoned indefinitely without charges—was cast aside, as were the rights of those arrested to see a lawyer and face trial.

In the first few months after the attacks, federal authorities used immigration statutes as a legal fig leaf to jail more than 1,200 people without trial on supposed suspicion of involvement in terrorism. None have been charged with any terror-related crime, and most have been summarily deported.

A 95-page report issued last month by Human Rights Watch charged the Bush administration with “a stunning disregard for the democratic principles of public transparency and accountability” in its response to September 11. “The country has witnessed a persistent, deliberate and unwarranted erosion of basic rights against abusive governmental power,” it added.

Entitled “Presumption of Guilt,” the report said that the 1,200 immigrants rounded up after the attacks were jailed solely on the basis of their religion or national origin, denied their rights and subjected in many cases to abuse and brutality. One detainee, Tony Olai, a citizen of the Ivory Coast, told the human rights organization that he was beaten in a Florida detention center until he was “begging for my life” and bleeding from the nose, mouth and ears. Others described how they were repeatedly assaulted by inmates in local jails, while guards looked on.

While immigrants have thus far borne the brunt of the attacks on democratic rights, the government has swiftly moved to extend its police-state powers to cover US citizens as well. Two American citizens—Yaser Esam Hamdi and Jose Padilla—are now being held indefinitely as “enemy combatants” in military brigades. They have not been charged, they have been denied legal counsel, and the government says it has no intention of bringing them to trial.

An “enemy combatant,” as defined by the US Justice Department, is anyone so designated by the president. While Hamdi was captured in Afghanistan, Padilla was picked up by federal agents at O'Hare Airport in Chicago, establishing the precedent that any US citizen can be grabbed off the street and held without charges and without the government even acknowledging that he or she is in custody.

Last month, the *Wall Street Journal* reported that the government has cleared areas of the Goose Creek, South Carolina military prison where Padilla is being held to prepare for the jailing of other American citizens. The paper quoted a senior official as saying the brig “now has a special wing that could be used to jail about 20 US citizens if the government were to deem them enemy combatants.” Other mothballed military facilities are available if the number of detainees continues to rise.

Justice Department officials have stated that a secret committee is to be established for the purpose of deciding which citizens should be arrested

and sent to these detention facilities. The standards for determining who poses a sufficient threat for such treatment are spelled out under FBI guidelines for criminal terrorist investigations.

“The nature of the conduct engaged in by a [terrorist] enterprise will justify an inference that the standard [for initiating a criminal investigation] is satisfied, even if there are no known statements by participants that advocate or indicate planning for violence or other prohibited acts.”

Under the USA Patriot Act, terrorism is so broadly defined as to include merely “intimidating” the government. In other words, any opponent of US foreign or domestic policy whose words are deemed “intimidating” by Bush or US Attorney General John Ashcroft can be seized by federal agents, thrown into a military cell and held there indefinitely without the right to a hearing or a lawyer.

While the administration's assertion of unprecedented police-state powers has met with meek acquiescence from the Democrats in Congress and a general green light from the judiciary, a series of recent court decisions have pointed to the far-reaching constitutional violations contained in its actions.

Last month, a three-judge federal appeals panel in Ohio handed down a decision describing the Bush administration's secret deportation hearings as a threat to the constitution and democracy. The court was ruling on a suit brought by four Michigan newspapers and Congressman John Conyers over the exclusion of the press and the public from secret hearings on the deportation of Rabih Haddad, a Muslim clergyman from Ann Arbor, Michigan.

“Democracies die behind closed doors,” wrote Judge Damon J. Keith for the panel. “When government begins closing the doors, it selectively controls information rightfully belonging to the people. Selective information is misinformation.”

Calling the Justice Department procedures “profoundly undemocratic,” he concluded: “A government operating in the shadow of secrecy stands in complete opposition to the society envisioned by the framers of our Constitution.”

The Foreign Intelligence Surveillance Court recently found that Ashcroft and the Justice Department had repeatedly violated the Constitution in conducting surveillance and searches. The court cited 75 applications for surveillance involving serious abuses, including false information from FBI agents. It specified that one agent be permanently barred from appearing before the court.

The international implications of the assault on democratic rights in the US were stressed by outgoing United Nations Human Rights Commissioner Mary Robinson, the former president of Ireland. In angry press interviews, Robinson has made it clear that she has been driven out of her post as the result of intense US pressure on the UN.

Robinson earned the Bush administration's wrath by denouncing US violations of the Geneva Conventions in its war in Afghanistan. She condemned Washington's refusal to grant prisoner-of-war status to Taliban and Al Qaeda prisoners who are being held incommunicado at the Guantanamo naval base in Cuba. Likewise, she accused the US of failing to prevent its proxies in the Northern Alliance and other anti-Taliban forces from massacring Taliban prisoners.

The undemocratic actions taken by Washington, Robinson said, were understood by regimes throughout the world as “a green light to pursue repressive policies, secure in the belief that any excesses will be ignored.”

Citing the measures of the Bush administration in the first six weeks after the attacks on the trade center and the Pentagon, the *World Socialist Web Site* commented on November 7, 2001: “If the average American had been shown on September 10 a picture of the United States as it is today, the response would likely have been: ‘This is not the America I know. This looks more like a police state.’”

A year after the attacks, this process is far more advanced. While

promoted as an inevitable response to the terrorism of September 11, the immense strengthening of police powers sought and obtained by the Bush administration is consistent with the agenda pushed by the FBI, the CIA and the extreme right for years.

Democrats as well as Republicans have embraced the Bush administration's policies, and not a single prominent national politician has raised a significant protest over the mass jailing of immigrants or the threat to send citizens deemed "enemy combatants" to detention camps.

Why has the government gone so far in prosecuting its war on democratic rights in the wake of September 11? These actions cannot credibly be explained as a necessary means of defense in the "war on terrorism." Neither in World War II nor in the Cold War did US administrations go so far in restricting civil liberties or arrogating unlimited power to the executive branch. In the first case, US forces were forced to fight on two fronts against powerful imperialist enemies in Germany and Japan. In the second case, Washington confronted a nuclear-armed Soviet Union. Today, the supposed enemy is a rag-tag band of terrorists operating out of the poorest countries on the planet.

The source of these attacks lies within changes in the social fabric of the US itself. They are the product of a vast increase in social inequality and the resulting decay of the American political system, reflected in the erosion of popular support for both of the two major parties.

So wide has the social gulf grown between the thin layer of multimillionaires and billionaires who control both parties and the broad mass of the population that within the political establishment there is no real constituency for the defense of basic democratic rights. Rather, civil liberties and constitutional principles are widely viewed within the ruling elite as obstacles to the pursuit of unpopular policies that it supports, including war and the destruction of essential social benefits such as Social Security and Medicare.

With the Bush administration, this tendency has emerged full-blown. This is a government brought to power in 2000 through the suppression of the popular vote in an unprecedented violation of democratic norms. Its assumption of power represented the continuation and deepening of the political conspiracies that nearly succeeded in bringing about an extra-constitutional coup d'état, through the impeachment of Clinton on charges stemming from a sexual liaison.

Since last September 11, it has become increasingly clear that the most serious danger facing American working people is not terrorist bombs, but an unelected government bent on amassing unprecedented powers of repression in the service of a financial aristocracy. The past year has underscored the inseparable connection between the defense of democratic rights and the fight against imperialist war—and the economic system that breeds it. Basic rights can be defended only in the struggle for international socialism.

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