

DEMOCRACY IS IN DANGER

EL ROTO

BY GARRETT EPPS

"We cannot defend freedom abroad by deserting it at home. Cassius was right: 'The fault, dear Brutus, lies not in the stars, but in ourselves.'"

~EDWARD R. MURROW

"God," says the proverb, "looks after fools, drunkards and the United States of America." Seldom in our lifetimes has our country seemed to need help from a higher power as much as it does now.

As our national leaders lurch through the collapse of our intervention in Iraq, we have been rocked as a nation by the news that American military personnel and "contractors" at the Abu Ghraib prison in Iraq have been engaged in grotesque and criminal abuse of Iraqi detainees in their custody.

The moral basis of our intervention in Iraq is in ruins: We found no weapons of mass destruction; we found no Iraqi ties to international terror; and the freedom and democracy we promised the Iraqi people are called into question by tactics of torture and abuse worthy of the Baathist regime we displaced. It is difficult to find even a spark of hope in the deepening gloom.

Yet in the midst of the darkness, it is possible that what Abraham Lincoln called the "better angels of our nature" have intervened to show us the difficult way out of this national disaster. The hideous news from Abu Ghraib, by a coincidence that would seem ridiculous in a work of fiction, burst upon the nation at a crucial time.

Our Supreme Court is pondering whether to write into law the principle that an American President may, with the stroke of a pen, imprison American citizens and foreign nationals without any guarantee of due process. Our nation's founders fashioned these guarantees out of bitter experience to protect us from tyranny and our government from a slide into dictatorship.

"To see what is front of your nose," George Orwell once wrote, "takes a constant effort." The connection between Abu Ghraib and the cases pending in the Supreme Court is so obvious we may overlook it.

Already our leaders are spinning the revelations with either the old "bad apples" excuse — "the shameful actions of a few," said White House spokesman Scott McClellan — or, even worse, the nondescript denial of a Hollywood starlet caught shoplifting — "What took place in prison does not represent the America I know," President Bush primly told an Arab TV station.

Those who embrace such easy explanations are deliberately turning away from the central lesson of American history. The entire genius of American democracy lies in the principle that no one — no matter how virtuous or kind — can be trusted with absolute power over other human beings.

When the fog of politics and war have cleared, I predict the criminals of Abu Ghraib will be revealed as very ordinary men and women — who joined the military to serve and protect their country and bring honor to our democracy; men and women who lost their moral compasses, as others have done throughout history, when no one was watching to keep them honest.

Since the 9/11 attacks, American officials have repeatedly asked us to trust our government. Federal officials need the authority to order secret surveillance without meaningful court review, we have been told. Military authorities must be allowed to detain those captured in Afghanistan without a hearing — or even any meaningful international inspection of military detention facilities.

The President can order any American citizen — whether arrested abroad or here at home — held indefinitely without access to a lawyer or a hearing in front of a neutral magistrate. In arguments in the Guantamano case in April, government lawyers told the Supreme Court that no civilian court, even the highest court, could ever exercise jurisdiction over the government's treatment of prisoners held incommunicado at the U.S. base there — no matter whether the United States is at war or not.

STRANGE FRUIT

The grotesque scale of vengeance exacted upon Iraqis for the murders of four American civilian security men who were grenaded in a car, their bodies mutilated by an Iraqi mob, still sends a shudder through the American psyche, now complicated by the tortures of Iraqi prisoners.

The four Americans killed and dismembered in Iraq were mercenaries hired by the Pentagon to provide armed security to corporate personnel. They were ex-military men who worked for a mercenary outfit named "Black Water," which was formed by former U.S. Navy Seals.

The American media generally referred to the four dead security guards as "contractors" — as if they were building something, a new euphemism that the Pentagon is especially good at. More likely they might be compared, with minimal doublespeak, to the infamous Contras of Nicaragua our government sponsored to its eternal scandal. Or in gang parlance, they were simply hired goons.

Genuine American military personnel — USMC and Army grunts in particular — have spent more than a month killing and dying to avenge the dead mercenaries who might very well have worked for the other side if the pay scale was higher; they were certainly paid considerably more than the people immersing themselves in bloodshed to avenge them.

The U.S. media initially carried enraged depictions of the Iraqis responsible for killing and dismembering the dead mercs as "savages" and "cowards." I was reminded by those pharisaical slurs of the lynchings of black men in the American South for nearly a century after the Civil War, and the mobs that included children who mutilated (and often burned) their victims before and after death.

~MICHAEL McCUSKER



"GUANTAMANO, EXPERIMENTAL CENTER FOR NEW DEMOCRACIES"

Deputy Solicitor General Paul Clement solemnly told the court: "The interrogation process itself provides an opportunity for an individual to explain that this has all been a mistake."

Perhaps, with the news from Abu Ghraib, the justices will be moved to consider the willed blindness of that argument. In this country, we do not trust interrogators to decide guilt or jailers to specify due process — not because they are evil, but because power is never to be left to its own devices when human beings are helpless before it.

The framers learned that lesson from the conduct of the king's soldiers; the founding generation learned it again during what Jefferson called "the reign of witches" sparked by the Alien & Sedition Acts; later generations learned it again during the "Red Raids" of 1919, the internment of innocent Japanese in 1942, the Cold War persecutions of dissenters, the covert FBI campaigns against the civil rights and antiwar movements.

Ironically, Bush even reflected these lessons in explaining why no one has yet been punished. "We have a presumption of innocence until you're guilty in our system," he told Al-Arabiya TV. One wonders if his words were relayed to Jose Padilla.

Power often begins with good intentions. But hidden from law, it swiftly turns arrogant and brutal — not sometimes, not usually, but always.

"Democracies die behind closed doors," Judge Damon Keith of the Sixth Circuit Court of Appeals wrote in 2002. Democracies die inside secret detention camps as well, and in military brigades and interrogation rooms and anywhere ordinary people are given power without accountability. They also die when the powerful plot wars in secret and lie about their costs in treasure and blood.

As a people, we know this; we have learned it the hard way. We have written the lesson into law and we have taught it to the rest of the world. And yet, once again, our leaders are singing the siren song of trust and secrecy, and our judges may be tempted to listen.

"If men were angels, no government would be necessary," James Madison warned us at the dawn of the republic. Abu Ghraib teaches us once again that we are not angels, and only the law's engines of distrust keep us faithful to our history and our ideals.

If the news from Iraq reminds us of this lesson before we blunder further at home and abroad, perhaps our better angels are in some mysterious ways, at work again.

Garrett Epps is a law professor at the University of Oregon and a former reporter for *The Washington Post*. He wrote this article for *The Oregonian*.

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IRAQI TITRATION

BY CHRIS NIELSEN

Recent news of atrocities committed against the 8000+ Iraqi so-called war criminals bring to mind a number of things:

First of all, why are these people being incarcerated? According to the Orwellian mantra from the Bush regime (aka the Fourth Reich), the invasion of Iraq was theoretically done to liberate Iraq — although the real reason was to finish Daddy Bush's war and at the same time make every member of the Bush family and Dick Cheney filthy rich.

Regarding Bush and his Reich brothers and sister, who are all posing for news cameras, their intent is clear: to make the public believe they know nothing and ordered nobody to torture Iraqi prisoners.

Ask any soldier or veteran from any war and they will tell you that nobody in the military acts on their own — including so-called "contractors." The current military hierarchy in the United States starts with G. Dubya and flows downhill to the contractors, who are nothing short of hired mercenaries.

Ask any veteran, and he or she will tell you that during a war the main objective is annihilating the enemy. All else, such as the human rights of civilians and particularly of war prisoners, simply don't matter.

One of the most annoying and disturbing aspects of the rhetoric from the Bush media regime is the way language is being manipulated in order to make the invasion of Iraq more palatable. Reich Sister Condy Rice, who is appearing more and more like a "fembot" in an old Star Trek episode, has been reading carefully written news releases. These are being prepared by an entire staff of writers whose main objective is to ingest raw reports of events in Iraq (such as atrocities and torture) and then titrate out watchwords chosen to deceive. Mercenaries are "contractors" who sound like drywallers working alongside Jimmy Carter building Habitat for Humanity tract houses in suburban Baghdad. Body bags are "transport tubes."

This skewed, sugar-coated rhetoric from the Bush regime is gobbled up by mainstream media, which is too weak to report truthfully what is going on both in Iraq and in the off-White House. Too many newspapers are currently plastering their front pages with sad-faced soldiers and sobbing wives posing in front of carefully draped American flags. The real story isn't that men and women are going off to war, but that they don't refuse or even question why they are going.

Blaming the current atrocities in Iraq only on low-level enlisted personnel is like putting the whole Iran-Contra mess of the 1980s on Oliver North. Actually the only parallel to the Bush mis-administration is Pol Pot's denial of odious mass murder in Cambodia in the 1970s.

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