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America, Welcome to Martial Law?

by Sultan Muhammad
(Wednesday October 18 2006)

"Will Americans push for the repeal of the Military Commissions Act and avert Martial Law? Will Americans say no to the unilateral power grab of President Bush? Or will we continue to allow our rights to be openly subverted by the smokescreen politics of fear mongering."

Moments ago President Bush signed the Military Commission Act into law, stating "This bill provides legal protections that ensure our military and intelligence personnel will not have to fear lawsuits filed by terrorists simply for doing their jobs.

[The] legality of the system I established was challenged in the court, and the Supreme Court ruled that the military commissions needed to be explicitly authorized by the United States Congress. And so I asked Congress for that authority, and they have provided it."

The Act passed the House on September 29th with 96% of Republicans supporting and 83% of Democrats opposing legislation that allows American citizens to be labeled "enemy combatants," incarcerated, and tortured. Senator Arlen Specter warned before he inexplicably voted for the bill that the Act would "take our civilization back 900 years."

Amidst a whirlwind of political sloganeering, mudslinging campaigns, and a Congressional scandal, the public debate concerning the recent passing of the Military Commissions Act of 2006 has remained eerily silent.

Are Mark Foley's pedophilic perversions more important than the human rights of world citizens and the freedoms of the American people? Will Americans continue to be distracted by a media fixated on the lurid emails of a pervert while the Bill of Rights is under attack?

Without doubt Foley and those responsible for concealing his depravity deserve to be held fully accountable. However, press saturation on this saga has diverted attention from the most egregious affront to civil liberties since the Patriot Act.

Senator Patrick Leahy of Vermont strongly opposed the Act stating, "this legislation is cutting down laws that protect all 100 of us, and now almost 300 million Americans. It is amazing the Senate would be talking about doing something such as this, especially after the example of Guantanamo. We can pick up people intentionally or by mistake and hold them forever."

Bruce Ackerman, a Yale professor of law and political science, says the Act "authorizes the President to seize American citizens as enemy combatants [and] once thrown into military prison, they cannot expect a trial by their peers or any other of the normal protections of the Bill of Rights."

Ackerman elaborates further, stating, "Ordinary Americans would be required to defend themselves before a military tribunal without the constitutional guarantees provided in criminal trials."

Law professor Marty Lederman explains the "really breathtaking subsection is subsection (ii), which would provide that UEC [Unlawful Enemy Combatant] is defined to include any person 'who, before, on, or after the date of the enactment of the Military Commissions Act of 2006, has been determined to be an unlawful enemy combatant by a Combatant Status Review Tribunal or another competent tribunal established under the authority of the President or the Secretary of Defense.'

Read literally, this means that if the Pentagon says you're an unlawful enemy combatant -- using whatever criteria they wish -- then as far as Congress and U.S. law is concerned, you are one, whether or not you have had any connection to 'hostilities' at all."

For legal residents who are not citizens, the Military Commissions Act is far more dangerous. The Act "encourages the justices to uphold mass detentions without the semblance of judicial review," says Ackerman, entirely denying immigrants access to federal habeas corpus.

"Habeas corpus does not give you any new rights, it just guarantees you have a chance to ask for your basic freedom," states Leahy, that is "gone for the 12 million lawful, permanent residents who live and work among us, to say nothing of the millions of other legal immigrants and visitors who we welcome to our shores each year.

[Gone] for another estimated 11 million immigrants the Senate has been working to bring out of the shadows with comprehensive immigration reform." The Act, he says, "not merely suspend[s] the great writ of habeas corpus, it would eliminate it permanently. We do not have to worry about nuances, such as how long it will be suspended. It is gone."

The Military Commissions Act is not a speculative notion. It is law, already being implemented and now codified. Consider Jose Padilla, held since May 2002 and designated an "enemy combatant" by President Bush.

Padilla was detained at the Chicago O'Hare airport in plain clothes without a weapon. In August major charges against him were dropped, yet he still remains in custody due to the indictment exposing him to multiple punishments for a single alleged crime.

Consider the recent release of 17 innocent detainees from Guantanamo Bay, who are now free but had been held as long as four years. The Associated Press reported, that Shah, a doctor from the eastern province of Paktia whose hands shook when he spoke said, "for four years they put me in jail in Cuba for nothing, [We] all were arrested because of false reports, and the Americans, without investigating, they arrested innocent people."

Rahman, another released detainee, was once kept awake for 38 hours while being questioned about terrorist ties. "The last time they tortured me like that was four months ago. They were kicking us all the time, beating us with their hands," he said.

If there is any question that there is a concrete potential for the repeat of a mass detention program profiling Muslim Americans and peoples of immigrant communities, as with the World War II Japanese internment program, consider the \$385 million dollar contract awarded to Kellogg, Brown and Root - a Halliburton subsidiary - to construct detention and processing facilities on American soil; again, significant news that we did not get in mainstream media.

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