

CONTEXT

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Global Eye Master Plan

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The United States long ago ceased to be anything like a living, thriving republic. But it retained the legal form of a republic, and that counted for something: As long as the legal form still existed, even as a gutted shell, there was hope it might be filled again one day with substance.

But now the very legal structures of the Republic are being dismantled. The principle of arbitrary rule by an autocratic leader is being openly established, through a series of unchallenged executive orders, perverse Justice Department rulings and court decisions by sycophantic judges who defer to power -- not law -- in their determinations. What we are witnessing is the creation of a "commander-in-chief state," where the form and pressure of law no longer apply to the president and his designated agents. The rights of individuals are no longer inalienable, nor are their persons inviolable; all depends on the good will of the Commander, the military autocrat.

President George W. Bush has granted himself the power to declare anyone on earth -- including any U.S. citizen -- an "enemy combatant," for any reason he sees fit. He can render them up for torture, he can imprison them for life, he can even have them killed, all without charges, with no burden of proof, no standards of evidence, no legislative oversight, no appeal, no judicial process whatsoever except those that he himself deigns to construct, with whatever limitations he cares to impose. Nor can he ever be prosecuted for any order he issues, however criminal; in the new American system laid out by Bush's legal minions, the Commander is sacrosanct, beyond the reach of any law or constitution.

This is not hyperbole. It is simply the reality of the United States today. The principle of unrestricted presidential power is now being codified into law and incorporated into the institutional structures of the state, as the web log Deep Blade Journal reports in a compendium of recent outrages against liberty.

For example, last Friday, a panel of federal judges -- including John Roberts, nominated for the Supreme Court this week -- upheld Bush's claim to dispose of "enemy combatants" any way he pleases, The Washington Post reports. In a chilling decision, the judges ruled that the Commander's arbitrarily designated "enemies" are nonpersons: Neither the Geneva Conventions nor American military and domestic law apply to such garbage. Bush is now free to subject anyone he likes to his self-concocted "military tribunal" system, a brutal sham that retired top U.S. military officials have denounced as a "kangaroo court" that tyrants around the world will cite in order to hide their oppression under U.S. precedent.

The kowtowing court ruling ignores the fact that the Geneva Conventions -- which lay down strict guidelines for the handling of any person detained by military forces, regardless of the captive's status -- have been

incorporated into the U.S. legal code, Deep Blade points out. They cannot be abrogated by presidential fiat. And anyone who commits a "grave breach" of the Conventions by facilitating the killing, torture or inhuman treatment of detainees (e.g., stripping them of all legal status and subjecting them to rigged tribunals) is subject to the death penalty under U.S. law.

This is why the Bush Faction labored so mightily to advance the absurd fiction that the Geneva Conventions are somehow voluntary -- while simultaneously promulgating the sinister Fuhrerprinzip of unlimited presidential authority. The fiction was a temporary sop to the crumbling legal form of the Republic, a cynical perversion of existing law to keep justice at bay until the Fuhrerprinzip could be firmly established as the new foundation of the state.

It doesn't matter anymore if the president's orders to suspend the Conventions, construct a worldwide gulag, torture captives, spy on Americans, fabricate intelligence and wage aggressive war are illegal under the "quaint" strictures of the old dispensation; the courts, packed with Bushist cadres, are now affirming the new order, the "critical authority" of the Commander, beyond law and morality, on the higher plane of what Bush calls "the path of action."

This phrase -- with its remarkable Mussolinian echoes -- was incorporated into the official "National Security Strategy of the United States," promulgated by Bush in September 2002. That document in turn was drawn largely from a manifesto issued in September 2000 by a Bush Faction group whose members included Dick Cheney, Don Rumsfeld, Paul Wolfowitz and Jeb Bush. Their detailed plan envisioned the transformation of America into a militarized state: planting "military footprints" throughout Central Asia and the Middle East, invading Iraq, expanding the nuclear arsenal, massively increasing the defense budget -- and predicating all these "revolutionary" changes on the hopes for "a new Pearl Harbor" that would "catalyze" the lazy American public into supporting their militarist agenda.

This agenda is designed, the group said, to establish "full spectrum dominance" over geopolitical affairs, assuring control of world energy resources and precluding the rise of "any potential global rival" that might threaten the unchecked wealth and privilege of the U.S. elite. The rule of law could only be a hindrance to such a scheme, hence its replacement by the Fuhrerprinzip and the "path of action."

There has been virtually no institutional resistance to this open coup d'etat. It's now clear that the American Establishment -- and a significant portion of the American people -- have given up on the democratic experiment. They no longer wish to govern themselves; they *want* to be ruled by "strong leaders" who will "do whatever it takes" to protect them from harm and keep them in clover. They have sold their golden birthright of American liberty for a mess of coward's pottage.

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Annotations

Court Rules Military Panels to Try Detainees

Washington Post, July 16, 2005

Domination by Detention

Deep Blade Journaly, July 16, 2005

Dark Passage: The Bush Faction's Blueprint for Empire

Excerpt from the book, Empire Burlesque

Ruling Lets U.S. Restart Trials at Guantanamo

New York Times, July 16, 2005

Alberto Gonzales' Tortured Arguments for Reigning Above the Law

LA Weekly, Jan. 14-20, 2005

Torture Treaty Doesn't Bar 'Cruel, Inhuman' Tactics, Gonzales Says

Knight-Ridder, Jan. 26, 2005

Bush Has Widened Authority of CIA to Kill Terrorists

New York Times, Dec. 15, 2002

Special Ops Get OK to Initiate Its Own Missions

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Coward's War in Yemen

Spiked, Nov. 11, 2002

Drones of Death

The Guardian, Nov. 6, 2002

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