

The New York Times and Bush's military tribunals

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In a November 16 editorial, the *New York Times* acknowledged the anti-democratic and authoritarian character of the Bush administration's decision to establish—by executive order—secret military tribunals to try alleged terrorists. The newspaper's editors described the tribunals as “the latest in a troubling series of attempts to do an end run around the Constitution.” The *Times* referred as well to the government's monitoring of conversations between prisoners and their lawyers and its detention of hundreds of people “without revealing their identities, the charges being brought against them or even the reasons for such secrecy.”

The editorial declared, “With the flick of a pen ... Mr. Bush has essentially discarded the rulebook of American justice painstakingly assembled over the course of more than two centuries. In the place of fair trials and due process he has substituted a crude and unaccountable system that any dictator would admire.”

The *Times* editorial undoubtedly reflects growing unease within sections of the political and media establishment over the scope and speed of the Bush administration's shredding of constitutional safeguards. Jonathan Alter of *Newsweek*, who only days before was advocating the torture of political prisoners, headlined a recent piece, “Secret Military Tribunals? When Did the United States Become Peru?”

The *Times* is fairly blunt about the reactionary essence of Bush's measures, but in a thoroughly dishonest manner, it seeks to separate his assault on democratic rights at home from the open-ended and brutal assertion of American militarism in the so-called “war on terrorism.” The newspaper does not even raise, let alone answer, the question: how a “just” war can be accompanied by the adoption of measures “any dictator would admire.”

In the defense of secret tribunals and other unconstitutional measures, Bush administration spokesmen and its supporters in the media have cited as precedent Abraham Lincoln's suspension of habeas corpus during the Civil War. Far from bolstering the case for Bush's tribunals, this comparison underscores the reactionary essence of both the war in

Afghanistan and the administration's offensive against democratic rights.

Lincoln took the emergency measures at a time when the republic proclaimed in 1776 was locked in a bloody conflict with armies massed only a short distance from Washington, D.C. The outcome of the war was by no means certain. More fundamentally, the suspension of certain rights was taken in pursuit of a struggle against the institution of slavery. As Lincoln put it in the Gettysburg Address, the Civil War was being waged to bring “a new birth of freedom.”

The war of 1861-65 was followed in short order by the passage of Constitutional amendments enormously expanding the scope of democratic rights: abolishing slavery, granting citizenship to the former slaves, proclaiming the principle of equal protection under the law and due process, and guaranteeing the freed slaves the right to vote.

The present war in Afghanistan, far from involving the defense of freedom, is a colonial-type war of conquest. Its unstated aims center on the US drive to control the oil- and natural gas-rich region surrounding the Caspian Sea. The conflict is being conducted by a government dominated by big business, in general, and big oil, in particular. It began with a government campaign of hysteria to confuse and benumb the population, and has been accompanied by the rapid-fire introduction of authoritarian measures that were obviously prepared in advance, but which were politically unthinkable before September 11.

That Lincoln's wartime measures and Bush's have diametrically opposed aims can be established with a certain degree of precision. The present attorney general of the United States is John Ashcroft, the former senator from Missouri. Ashcroft is a Christian fundamentalist, right-winger and racist. In 1998 he granted an interview to *Southern Partisan* magazine, in the course of which he observed, “Your magazine also helps set the record straight.”

Southern Partisan is a neo-Confederate publication, which defends slavery, white separatism and apartheid. It regularly

celebrates Lincoln's assassination. In a recent feature on the pro-Confederate Clement Laird Vallandigham, an Ohio Congressman and one of those tried by a military court during the Civil War, the magazine denounced Lincoln for his "unconstitutional and extralegal pronouncements" and asserted that a "police state" was his "true legacy." These are the sort of political forces backing Bush and Ashcroft and their present "anti-terrorist" campaign.

The *Times* editorial raises the issue of the Nuremberg trial of Nazi leaders, citing the words of the chief American prosecutor, Robert Jackson, who warned of tainted justice: "To pass those defendants a poisoned chalice is to put it to our lips as well." But the editorial does not take up the implications of this reference.

The right-wing defenders of military tribunals declare that Osama bin Laden and the Al Qaeda network are so monstrously evil that they do not deserve due process. Leaving aside the fact that the Bush administration has failed to provide serious evidence proving bin Laden's guilt in the September 11 atrocities, it is a historical fact that the victorious Allies in World War II found it possible to place on public trial mass murderers who—with the arsenal of an advanced imperialist state at their disposal—carried out the greatest crimes in history, including the systematic extermination of millions.

In the present case, the US government is at war ostensibly with a few thousand terrorists living in caves in Afghanistan, whose alleged crimes pale in comparison, and yet it insists on the necessity of secret military tribunals and an entire range of anti-constitutional measures never required before in history. How is this to be explained?

The Bush administration, which proceeds by methods of stealth and conspiracy as if by reflex action, has made clear that it has no interest in an investigation of the events surrounding the terrorist attacks. An open trial of bin Laden or his associates might reveal the flimsiness of the evidence against them; it might, even more to the point, shed light on connections between the Islamic fundamentalists and US intelligence forces, puncturing the government's fantastic claim that the September 11 attacks were planned and carried out without ever being detected by American intelligence.

In short, military tribunals have the virtue of secrecy and concealment, above all, from the American people.

The moves toward police-state rule along a wide front are overwhelmingly dictated by domestic concerns, not the requirements of war. The US is afflicted by a deep social crisis. The chasm between the wealthy elite and broad layers of the population will only continue to widen under conditions of slump. No section of the ruling elite or either of its parties can propose any solutions to the crisis. Their

only answer is repression and more repression. The measures ostensibly proposed for use against terrorist suspects are, in fact, directed against all internal opposition.

The *New York Times* and entire liberal establishment are complicit in this assault on democracy. Their task is to cover up the fact that the Afghan conflict is an imperialist war. The *Times* has a specific culpability. The newspaper played a criminal role in legitimizing the anti-Clinton Whitewater scandal, in endorsing the ultra-right's impeachment drive, and in refusing to expose the hijacking of the 2000 election by the Bush camp.

The *Times* lies even in the course of denouncing Bush's dictatorial measures. The November 16 editorial states: "In his effort to defend America from terrorists, Mr. Bush is eroding the very values and principles he seeks to protect, including the rule of law."

Bush is not seeking to protect democratic "values and principles," as the *Times* editors are well aware. The sinister and anti-democratic measures at home are entirely in line with the character and aim of the war: to reorganize Central Asia to the benefit of US geopolitical interests. The Bush agenda of militarism and war goes hand in hand with authoritarian forms of rule.

The *Times* editors know that Bush gained the White House by trashing "the rule of law," and that his cabinet of right-wing millionaires and allies of the fascist wing of the Republican Party is thoroughly hostile to the most elementary democratic principles.

The newspaper wishes to register its complaint and influence the Bush administration to pursue a somewhat less brazen and reckless course. It fears the consequences. The editorial suggests that Bush is making a mistake, that his police-state measures are an aberration that need correcting. This is also a lie.

The transformation of the US political system in the direction of dictatorship, and external policies of militarism and neo-colonialism, are two sides of the same phenomenon—the crisis of American capitalism, which simultaneously produces the breakup of US democracy and the volcanic eruption of American imperialism internationally.



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