

Northern Command chief backs domestic use of US military

Peter Daniels
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US Air Force General Ralph E. Eberhart, head of the newly established Northern Command, says he supports giving greater domestic powers to the military in the Bush administration's "war on terrorism." The Northern Command, which will begin operations October 1, will oversee all military personnel flying patrols over American cities, as well as those patrolling waters up to 500 miles off the US coast.

The Bush administration has called on lawyers in the Justice and Defense Departments to review the Posse Comitatus Act of 1878, which strictly limits the military's ability to participate in domestic law enforcement. The Posse Comitatus—or "force of the country"—legislation was enacted at the end of the post-Civil War Reconstruction period, when the US military oversaw civil rule in states of the former Confederacy. The law has not been fundamentally amended since, and any changes would require Congressional approval.

General Eberhart told the *New York Times*: "My view has been that Posse Comitatus will constantly be under review as we mature this command, as we do our exercise, as we interact with FEMA [Federal Emergency Management Agency], FBI, and those lead federal agencies out there.... There are some situations where there's no other alternatives, and federal forces have to be used to secure the safety and security of our people."

Calling into question Posse Comitatus is among the most sinister elements of Bush's proposals for a new Department of Homeland Security. This review of the 125-year-old law could pave the way for the authorities to more easily establish martial law, wiping out basic civil liberties of citizens and non-citizens alike. The Bush administration's assault on Posse Comitatus is consistent with its efforts to weaken the core democratic principle of the subordination of the

military to civilian authority.

Homeland Security head Tom Ridge indicated the administration is seriously discussing efforts to loosen restrictions on the use of military troops on US soil. "I don't think it's out of the question," he said last Sunday in an interview with Fox News. "We need to be talking about military assets, in anticipation of a crisis event. And clearly, if you're talking about using the military, then you should have a discussion about Posse Comitatus."

Bush presented his Homeland Security proposal at a White House ceremony July 16.

On July 18 the Republican leadership of the House of Representatives presented its version of the homeland security legislation, incorporating nearly all of the White House proposals, including merging 22 federal agencies—such as the Coast Guard and FEMA—into a single department. On July 19 a special committee of the House signed off on the plan largely intact, and it now heads to the Senate.

As with the rash of anti-democratic measures instituted over the last ten months, Bush's Homeland Security proposals seize on the events of September 11 and the threat of future terror attacks as a pretext to enact measures attacking fundamental democratic principles and civil liberties.

Another proposal would establish an "intelligence threat division" in the new department. This would include so-called "red teams" that, in the words of various press accounts, would be authorized to "act like terrorists." The claim is that these techniques would assist the government to devise new means of heading off terrorism.

Other elements of the plan released by the White House include the establishment of national standards for state driver's licenses, which critics have charged

could be used to establish national identity cards; the creation of a top secret plan to protect the national infrastructure; and increased inspection of international shipping containers in foreign ports and as they enter the US.

As significant as the broad new powers proposed for the military and the executive branch of government are the methods by which they have been prepared. The “homeland security” proposals have been worked out over the past eight months in total secrecy. Administration spokesmen have given misleading information about their deliberations to Congress during this period.

One example is the testimony of Defense Secretary Donald Rumsfeld before the Senate Appropriations Committee last May. When asked by Alaska Republican Ted Stevens whether the administration planned to revise the Posse Comitatus Act, Rumsfeld replied, “No, Senator, we’re not. We’re not looking for any long-term or short-term change with respect to Posse Comitatus.” Rumsfeld’s comment was only one of a number of similar denials by the Pentagon.

Bush is demanding restrictions on the Freedom of Information Act as well, thus shielding government operations from the kind of scrutiny that was made possible by legislation in the wake of the Watergate crisis of more than a quarter century ago. The White House also wants to do away with civil service protection for employees of the planned Homeland Security Department, and seeks the power to shift already appropriated funds without consulting Congress.

The administration is proceeding with what has become its typical modus operandi—a combination of scare-mongering and secrecy that it justifies with reference to security considerations. The 100-page plan is contained in a booklet illustrated with pictures of a freeway interchange, a nuclear power plant and a Washington subway station, suggesting that new disasters are imminent. At the same time, the unprecedented secrecy is justified with the incessantly repeated mantra that the “war on terrorism” must be waged at home as well as abroad.

A senior administration official, referring to the part of the homeland security plan that involves preparations to protect critical infrastructure, including highways, pipelines, agriculture, the Internet, databases

and energy plants, told the *New York Times*, “That’s one of the big points. The whole society is vulnerable with hundreds, thousands of targets we have to protect, but the most important stuff we do won’t be released.”

The same unnamed official dismissed the White House’s deception of Congress over the past eight months. He claimed the administration had opposed proposals raised in Congress for a new Department of Homeland Security because “People were asking for a strategy, but we weren’t ready.” In early June, the White House suddenly appeared to reverse itself, announcing plans for the new department. The timing was clearly related to a series of revelations indicating advance knowledge by the government of last September’s terrorist attacks and the start of congressional hearings on the hijack-bombings.

Resistance within Congress to Bush’s plan, which is limited, centers on concerns of committee chairmen, including some Republicans, that their powers and prerogatives will be restricted. There is virtually no opposition to the proposed attacks on civil liberties and democratic rights.



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