

War, social inequality and the crisis of American democracy

Part One

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This report was given by David North, chairman of the international editorial board of the World Socialist Web Site and national secretary of the Socialist Equality Party (US), to a meeting held November 5 in Pasadena, California.

The election to be held on Tuesday will be highly significant. It will tell us something about the political environment and conditions that exist in the United States. As always, the outcome is difficult to predict because there are many variables involved. One has to measure the relationship between the immense disgust and hatred that exist toward the Bush administration and the fact that the Democratic Party does not put forward, and cannot put forward, a program that appeals to broad masses of people. So the question of turnout is very important.

But if the Democrats regain control the House of Representatives and perhaps the Senate, it will reveal the vast chasm that exists between the sentiments of millions of people who want to vote because they think they are voting against the policies being pursued by the government of the United States and the political agenda of the ruling elite that controls both political parties.

We speak of a crisis of American democracy, but what do we mean?

The very nature of the alternatives presented to us in this election manifests the crisis of American democracy. What is democracy? I believe the best definition was provided by the sixteenth president of the United States—"government of the people, for the people, by the people." How can you have that when the very mechanisms by which the personnel of the government is determined are totally hostile to any expression of the interests of the people themselves?

How does one get on the ballot? What are the alternatives before you? Twelve thousand people signed petitions to place John Burton, a candidate of the Socialist Equality Party, on the ballot for the US House of Representatives from this district, but that was insufficient according to the electoral laws.

The obstacles are immense: gerrymandering, restrictions placed on petitioning, the skullduggery of the political operatives of the Democratic Party—as we found in Illinois. In one way or another, one confronts immense challenges even in obtaining ballot access.

The result is that in a country with 300 million people—one that is extraordinarily diverse ethnically, religiously and in relation to international background, not to speak of the most fundamental distinction of all, social differentiation and economic position—all of the vast differences in American society are funneled into two political parties, both of which have existed for more than a century and a half, whose programs in no way speak to the interests and needs of millions of people.

How is this possible? When you go to the grocery store or the pharmacy, how many brands of toothpaste are there? Mouthwash, deodorant, razor

blades? But when it comes to the most important choice of all, the choice of political programs, what do you have? Two political parties which are, in a fundamental sense, identical.

What really exists is a one-party system presented as a two-party system. And, as we will examine somewhat later, the inter-relationship of the two is extremely important in terms of regulating debate within this country.

We have elections in which hundreds and hundreds of millions of dollars are spent, including millions in every congressional district. What does it cost to buy a seat in Congress today? It depends in large part on the part of the country in which the district is located. If you're running for Congress in New York City, it can be as high as \$10 million. If you're running for the Senate, it can be \$20 million, \$25 million, even \$30 million. And yet for all of that, what is the level of political discussion? What are the issues that are being examined?

This is not a small issue. There should be some relation between democracy and the education of the people, between politics and the level of political consciousness that prevails.

In 1815, two veteran politicians, somewhat past the political wars of their earlier lives, engaged in a lengthy correspondence. One of the pieces of that correspondence was a letter written by one of the parties, John Adams, the second president of the United States and one of the major leaders of the American Revolution. He was writing to an old adversary who, in the last years of the two men, became his closest friend—Thomas Jefferson.

Jefferson had posed the question in an earlier letter: what was the revolution in which we both participated and to which we had dedicated our lives and our sacred honor? Adams said something very interesting. He said the revolution was not the war. The war was a consequence of the revolution.

The real revolution did not take place after 1775. It took place before 1775—between 1760 and 1775, a period of 15 years marked by an extraordinary growth of political consciousness among the masses of colonials. The revolution took place in the minds of the people. And it was that which made possible the extraordinary development of consciousness which found its most sublime expression in Jefferson's Declaration of Independence and, later on, in the drafting of the Constitution and the Bill of Rights.

Adams actually said that if you want to trace the development of consciousness, read the newspapers, read the pamphlets, read the leaflets which were being circulated by the tens of thousands in the old colonies, and there you will see the real development of revolution.

At a somewhat later period of history, on the eve of the Civil War, the great debates between Lincoln and Douglas took place. Lincoln's contributions remain to this day an extraordinary summation of the issues

that led to the abolition of slavery in the United States.

As a matter of fact, Lincoln himself was a candidate whose political life was, to a major extent, dependent upon his ability to articulate and explain the great issues of his age. The turning point in Lincoln's candidacy actually came in February of 1860. The candidate from Illinois was invited to participate in a speaking tour. He went to Massachusetts, Pennsylvania and Connecticut, but the big meeting was to be held in New York, where the lions of the new Republican Party were going to take the measure of the provincial from Illinois.

When Lincoln appeared on stage in an ill-fitting suit—he was hardly the most handsome man in the world and wouldn't pass muster with our media today—there was something of a chuckle. Then he began to speak. He laid out in the next 90 minutes an extraordinarily comprehensive assessment of the constitutional issues posed by the slavery question.

He reviewed the position of all the founders. This was a detailed, concise, brilliant analysis, which almost overnight made it clear to everyone that Lincoln was a major force. And it transformed his candidacy into something that was credible. He became the Republican candidate and, fortunately, the president of the United States.

Look at the situation today. What issues have been discussed? What questions have been raised? Let us put it somewhat differently? What has been *suppressed*? What *can't* be discussed?

The bloodbath in Iraq

This morning the media was full of reports of the conviction of Saddam Hussein and the decision that he is to be hanged. He was convicted for putting to death hundreds of Iraqis.

Let us consider another fact that has not been widely reported or discussed. It was briefly mentioned in the press but that was about it. It was a study put out by Johns Hopkins University in October. Johns Hopkins is a major institution, and it presented a study which established, based on the most advanced statistical methods, that the number of Iraqis who have died since March 2003 as a result of the American intervention and occupation is 655,000.

Six hundred fifty-five thousand human beings have perished as a result of this country's invasion of Iraq. Six hundred fifty-five thousand!

I have heard various reports of the crimes committed by Saddam Hussein and the number of people killed. Even if one accepts the highest figure that I've seen, in the area of 150,000 to 200,000, that's less than a third of the number of people who have died in just three years as a result of the American invasion.

Six hundred fifty-five thousand people represent approximately 2.5 percent of the population of Iraq. Two-and-a-half percent of the population! Apply that percentage to the United States. A cataclysm of that scale would have cost the lives of 7.5 million Americans out of a population of 300 million.

Saddam Hussein is to be held accountable for his crimes, though I must make the point that no one can accept, if one is serious about democratic rights, the procedures that were adopted by that court. But he's been given the death penalty—a penalty that we oppose. But what shall be the punishment for those who have carried out a war, based on a violation of international law, resulting in the deaths of 655,000 people? What level of accountability shall there be?

One has an indication in the way the media responded. One would think that the report that 655,000 people had died would produce a massive shock throughout the country. Well, there were brief reports in the press. The day after the report appeared, Bush was asked at a press conference what his response was, and he simply said that the report was not credible.

There was no follow-up question, and I haven't seen a single article in the mainstream press—the *New York Times*, *Washington Post*, *Los Angeles Times*—in which the statement by Bush that the Johns Hopkins University report was not credible was subjected to critical investigation.

The editor of the *New York Times*, Bill Keller, came to the University of Michigan, and one of our reporters asked him to explain the silence of his newspaper. He just brushed it off. The story has been simply dismissed. Yet it should be the subject of the most intense discussion and debate within the United States, especially when one asks oneself: what will be the consequences? What must follow from a nation being implicated in so great a crime? Does one really think that the United States could wipe out two-and-a-half percent of a population of another country and not suffer consequences, not just in Iraq, but in our own country?

During the constitutional debates of 1787 in Philadelphia, one of the delegates, George Mason from Virginia, addressed the question of slavery. He was a slave owner, but an opponent of slavery. He said, in words that sent a chill down the spine of every delegate, "Unlike individuals, the crimes of nations are not punishable in another world, in the hereafter. The crimes of nations are punished in this world, and the form of that punishment is a national calamity."

Seventy-five years later, the nature of that calamity was revealed: the American Civil War. And Lincoln, in his great second inaugural address, invoked the words of Mason when he said that the scourge of the war was the punishment for the crime of slavery, in which both North and South had participated.

The bloodbath orchestrated by the government of the United States, with the full collaboration of the Democratic Party and the media, has definite implications. The state of American democracy, its visible disintegration before our eyes, is one of the forms being taken by the developing national calamity.

The torture of Jose Padilla

Another development occurred recently which was also barely mentioned. Just last week, November 2, the *New York Times* ran a very strange Associated Press report on page 19, entitled "Padilla's Papers Detail Charges of Mistreatment." The article began, "Jose Padilla has asserted that he was tortured during his three-and-a-half years in custody as an enemy combatant, including being threatened with execution and forced to stand for long periods. Padilla's lawyers are asking the federal judge to dismiss the terror support charges against him because he suffered from outrageous government conduct during more than 1,300 days in military custody."

Padilla, as I'm sure you all know, is the man always referred to as "the former Chicago gang member." That's his persona. The report was referring to papers filed by Padilla's lawyers one month earlier. It took one month for the *New York Times* to report that lawyers had filed papers detailing what amounts to the systematic torture of an American citizen.

In these legal papers Padilla's lawyers detail and document the most horrifying treatment. Mr. Padilla was picked up in 2002. His lawyers explain that for a period of nearly two years, this man was kept in a state of complete isolation. He saw no one. He did not know what time of day it was, he did not know what time of year it was, he did not know where he was.

He was kept in a cell 7 feet wide and 12 feet long, he had no view of anything outside of his cell, he was not allowed to see daylight. He was kept in a unit of a prison facility in which he was the only captive.

His *only human contact* for just short of two years occurred when food was shoved into his cell. He was systematically abused physically, he was

subjected to systematic and sustained sleep deprivation, he did not have any access to reading materials, he was even deprived of the right to clean himself for weeks at a time. When he was subjected to cleaning—and I use the word “subjected” advisedly—it was under the most abusive and humiliating circumstances. He did not have, for months at a time, a mattress or a pillow.

If one saw in a film the conditions under which Padilla was confined—a film about the treatment of a prisoner of some brutal totalitarian dictator—one would be horrified. Yet this is precisely what has happened to this man in the United States.

Again, what has been reported on it? Who has been questioned? His treatment has been dictated by Bush, Cheney and Rumsfeld. That is where the authority for such treatment lies. We are now living in a country where this can happen.

I should add that Padilla was injected with PCPs and LSD. Everything has been done to destroy this man mentally, under conditions in which we don't even know what he supposedly did.

Habeas corpus and the Military Commission Act of 2006

The last development that has taken place in the course of this election campaign, which should be brought to your attention, is the passage of the Military Commissions Act of 2006. This is perhaps the most significant expression of the actual state of American democratic institutions.

It is immensely important that this bill be studied and read. Not many people have—and this, in itself, is an important issue. Let me draw your attention to two wonderful studies of the American Revolution. One is called *The Ideological Origins of the American Revolution*, by Bernard Bailyn, and the other is *The Creation of the American Republic*, by Gordon Wood. Both books describe the environment that existed in the colonies—in particular, the acute sense of the danger posed to democratic rights.

The British were in some ways befuddled by the whole eruption, because the American colonials had far better conditions than were available to anyone in England. They couldn't understand why the American colonists would become so extraordinarily upset over what appeared to them to be, at most, theoretical violations of rights, not real ones.

One of the English parliamentarians who was sympathetic to the colonial cause, Edmund Burke, said that the Americans were unusual in that they augured the approach of tyranny in every “tainted breeze.” The revolutionary leader John Dickinson said the difference between Americans and other nations that had lost their freedom was that the latter were not inclined to act until it was too late, until the abuses against their freedom had already taken effect. Americans, however, detected at an early stage threats to their liberty.

One of the tragedies of our present environment is that this skill has been largely lost. And therefore laws go into effect that contribute enormously to stripping people of their democratic rights before the people are aware it has happened.

What is a military commission? How is it different from a court martial?

A court martial is a military procedure in which rules of evidence prevail. There is a defense, which the military judges respect. The defense lawyer is expected to conduct a vigorous defense of his client and not be an arm of the military brass in the courtroom.

A military commission is another matter altogether. It is basically a form of drumhead justice. In the past, it has been used under conditions in which there was a complete breakdown of civilian courts—a war or civil war situation. Someone is dragged before a military commission and

given rough justice.

A law has now been written as an extensive amendment to the uniform code of military justice which creates a class of people known as alien illegal enemy combatants who are effectively stripped of all rights. Anything can be done with them. Virtually all of the most critical rights guaranteed in the Bill of Rights are denied.

The Fourth Amendment of the United States Constitution guarantees protection against unreasonable searches and seizures. That's gone. The Fifth Amendment guarantees protection against self-incrimination. The new law, by justifying the most severe forms of interrogation, puts an end to that. The Sixth Amendment guarantees a speedy trial. That's thrown out. A man or woman can be held *indefinitely* as this law is written. The Eighth Amendment guarantees protection against cruel and unusual punishment. That's gone.

We're talking here of very serious matters, because all the rights that exist in the American Constitution and the Bill of Rights have their own extended history. They were the product of an assimilation of long historical experience.

Let us take the question of unreasonable searches and seizures. It was battled over in England for hundreds of years. And much of this, as otherwise in the Constitution, arose out of the experience of the struggle against the uncontrolled autocratic power of the king, of the monarchy.

In 1760, in arguing for a bill that would protect individuals against unreasonable searches and seizures, William Pitt defended the sovereignty of the individual against an intrusive state: “The poorest man may, in his cottage, bid defiance to all the forces of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storm may enter; the rain may enter; but the King of England may not enter; all his force dares not cross the threshold of the ruined tenement.”

The scale of the violation represented by the military commission law is summed up in two of its elements, which contain all the other violations within them. The first is an explicit statement under a section called “Habeas Corpus Matters.” It says, “No court, Justice, or judge shall have jurisdiction to hear an application for a writ of habeas corpus filed by or on behalf of an alien detained by the United States.”

What is habeas corpus? Many people do not know—which is frightening and, in some ways, an expression of the erosion that has taken place in democratic consciousness.

Habeas corpus is a writ that is the foundation of personal freedom. It means that you cannot be seized and thrown into custody without the state producing a legal justification for your incarceration. In other words, if you walk out of this meeting, a couple of guys grab you, throw you into a police van, and take you off to prison, you go into court and demand an explanation of the legal basis on which you are being held.

This new law creates a whole category of people who completely lose that right. So you're back to conditions which prevail under dictatorships, or prevailed before this right was established, not simply in the American Revolution, but before that. In fact the origins of habeas corpus go all the way back to Magna Carta in the thirteenth century, and even further to the eleventh and tenth centuries.

What are the implications of this? The real fight for habeas corpus took place in England in the seventeenth century in the struggle of Parliament against the monarchy—the Stuarts—who claimed the divine right of kings. A series of laws was ultimately passed, the petition of rights, the great Habeas Corpus Act of 1639, in which the right to have oneself defended against seizure by the state in an abuse of power was decided. It was decided in law, but then a revolution was required, ultimately resulting in the execution of the monarch, in 1649, and still another—the Glorious Revolution—in which these rights were more or less secured.

This brings me to another important point. The new law is directed against *alien* enemy combatants. “Alien” means non-citizen. I have heard people say, “Well, it's only *non-citizens*.”

From the democratic standpoint, this is entirely unacceptable. Aside from the fact that there are millions of people in the United States who are non-citizens, who have not been naturalized, habeas corpus historically has applied to all those who are in the country. To put it very simply: if someone commits a crime, he can't claim that he's excused from following the laws of the United States because he's a non-citizen.

The application of habeas corpus has great historical resonance, which I want to illustrate in two important cases.

The first was the case of a man by the name of Robert Somerset. Robert Somerset was a slave who was brought by his master from Jamaica to England. His master was sojourning in England. There was a well-advanced movement against slavery in England, and it came to the attention of opponents of the slave trade that this man, Robert Somerset, was aboard an English ship in London harbor, about to be sent back to Jamaica by his owner, who had sold him and wanted to pocket the profit.

Attorneys in London got together, produced a writ, and went into court demanding Mr. Somerset be produced and an explanation given as to the legal basis for his incarceration aboard a ship in London harbor. The owner thought this was absurd. He had documents proving Somerset was his slave and he had sold him. No big deal.

One of the first questions that came up was the validity of the contract, and there were questions at least in the judge's mind as to whether this was a valid contract—whether Mr. Somerset could have possibly been a party to his own incarceration as a slave.

Underlying the whole issue was slavery, and whether the laws of England, including habeas corpus, protected all those who were in England, even a man defined as a slave. A young attorney for Somerset made a speech in which he said, "The laws of England are too pure for a slave to breathe," meaning that in England the air was free, all men partook of it, and slavery could not be invoked as a justification in England for holding a man in prison. Somerset was released. His owner was unhappy, but that was the beginning of the removal of all those who were called "sojourner" slaves, and it resonates in our own history.

The second was the infamous case of Dred Scott, in which the argument that non-citizens were not subject to constitutional protections came up. The argument was that because Dred Scott was black, he was therefore not a citizen and thus he could not petition the court for his freedom, on the grounds that once a slave always a slave. He had no constitutional rights.

So, when the statement is now made that an alien does not have rights of habeas corpus one sees a grotesque violation of constitutional and democratic principles, and the creation of an entire category of people with, essentially, no rights. Lincoln said, "This country cannot exist half slave and half free." How can you have a constitutional system which becomes selective? All of these great historical issues are coming back and confronting us.



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