

The collapse of American democracy

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One week ago, US Attorney General Eric Holder delivered a speech asserting the right of the president to secretly order the assassination of American citizens. Citing the so-called “war on terror,” he claimed that this never-before-asserted authority was lawful under the president’s war-making powers and was not subject to judicial review.

Holder stressed that the president’s power to order extra-judicial killings was part of a range of powers including the abduction of suspected terrorists and their indefinite internment, without trial, either in civilian or military prisons. Having noted that terrorists “reside within our own borders,” he insisted that the government’s authority to use lethal force was “not limited to the battlefields of Afghanistan.”

In an attempt to give a constitutional gloss to this assertion of police-state powers, Holder made the astonishing assertion that “due process and judicial process are not one and the same... The Constitution guarantees due process, not judicial process.”

The speech was in response to pressure on the administration to provide a legal rationale for the targeted killing of three US citizens in Yemen last fall. Anwar al-Awlaki, an alleged Al Qaeda leader, was killed in a drone attack along with another US citizen, Samir Khan. Two weeks later, Awlaki’s 16-year-old son, Abdulrahman Awlaki, was killed in a separate drone attack.

One would think that such a sweeping and extraordinary speech, asserting the right of the US government to summarily kill its own citizens, would become the focus of political discussion and the topic of heated debate. In fact, the media and the political establishment virtually ignored it. None of the three

network news programs mentioned it. Articles in the major newspapers reporting the speech were relegated to the inside pages.

Last Tuesday, the day after Holder’s speech, Obama held his first White House news conference of the year. Not a single reporter asked Obama about the speech or raised the issue of presidential assassinations.

It is a measure of how far the decay of American democracy has progressed that some four decades ago the House Judiciary Committee voted to impeach Richard Nixon for “abuse of power” and “violating the constitutional rights of citizens” by ordering punitive tax audits and illegal wiretaps. Today, when the arrogation of dictatorial powers has reached the point of ordering the extra-judicial murder of citizens, there are not only no calls for impeachment, the issue is not even the subject of debate.

It took the *New York Times* six days to comment on the attorney general’s speech. What it produced in an editorial published Sunday is a statement raising objections of a minor and procedural character while endorsing Holder’s basic argument and evading any consideration of its immense and ominous constitutional implications.

“A president has a right to order lethal force against conventional enemies during conventional war,” the *Times* declares, “or against *unconventional enemies* in *unconventional wars*.” [Emphasis added]. This is a blanket endorsement of the “war on terror” and the US government’s proclaimed right under that pretext to murder those who run afoul of American imperialist interests.

The newspaper acknowledges that President Obama

“has become the first president to claim the legal authority to order an American citizen killed without judicial involvement, real oversight or public accountability.” It takes issue with Holder’s distinction between due process and judicial process, writing, “The executive acting in secret as the police, prosecutor, jury, judge and executioner is the antithesis of due process.”

But, according to the *Times*, this problem can be overcome and due process restored simply by setting up a new secret court along the lines of the Foreign Intelligence Surveillance Court (FISA), which routinely sanctions the unconstitutional surveillance of US citizens, to provide a judicial fig leaf for state murder. The *Times*’s cynicism and contempt for constitutional rights are on full display when it cites the fact that “the FISA court works with great speed and rarely rejects a warrant request” to argue that a new star chamber would not “slow a strike on a terrorist.”

Nowhere does the *Times* make a clear statement that Obama’s policies are unconstitutional and a violation of his oath of office, which commits the president to preserve, protect and defend the Constitution. The Fifth Amendment is unequivocal in outlawing such things as detention without trial, torture and extra-judicial killings. Its injunction that “No person shall be... deprived of life, liberty, or property without due process of law” is perfectly clear.

The editorial concludes by urging the administration to publish the Justice Department memo that set forth the supposed legal basis for assassinating the three US citizens in Yemen. “We cannot imagine why Mr. Obama would want to follow the horrible example set by Mr. Bush in withholding such vital information from the public,” the newspaper writes disingenuously.

This is an approach that treats such momentous questions as the shredding of the Constitution on the superficial level of personalities. In reality, such developments can only be the outcome of deep-going historical and social processes. The astonishing rapidity with which the entire edifice of constitutional checks and balances and democratic rights has collapsed over the past decade shows that this process is rooted in the

underlying contradictions of American society.

The United States is run by a plutocracy whose existence stands in violent conflict with the most basic needs of the people. Along with the social counterrevolution being carried out in its interests is a legal counterrevolution.

The adage of Lenin that imperialism is “reaction all down the line” is being confirmed every day by the spread of militarism and war, the assault on jobs and living standards, and the turn to state repression and dictatorial forms of rule. Democratic rights can be defended today only through the mass mobilization of the working class in the fight for socialism.

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