

Attorney general requests suspension of habeas corpus

# Military, Trump administration ready plans for domestic crackdown as virus spreads across US

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According to a *Politico* report published Saturday, the Trump administration, through Attorney General William Barr, is urging Congress to pass legislation that would allow for the suspension of due process during the coronavirus crisis.

The administration proposal calls for the suspension of habeas corpus, the centuries-old democratic principle protecting the right of a person under arrest to require the government prove the legality of the arrest in a hearing before a judge.

Justice Department documents call for giving the attorney general the power to override constitutional protections in federal court proceedings “wherever the district court is fully or partially closed by virtue of any national disaster, civil disobedience, or other emergency situation.” This would apply to “any statutes or rules of procedure otherwise affecting pre-arrest, post-arrest, pre-trial, trial, and post-trial procedures in criminal and juvenile proceedings and all civil process and proceedings.”

The proposal underscores the criminality of the ruling class’s response to the dangerous spread of the virus.

On the one hand, the Trump administration has responded to the devastating impact of the crisis with a policy of malign neglect, ignoring warnings, refusing to provide adequate testing and failing to produce and distribute masks and other medical equipment needed to save millions of lives. Even after having declared a “national emergency,” the ruling class has made very little money available for disease prevention and mitigation and to protect the working class from the economic fallout of mass sickness and unemployment.

On the other hand, the ruling class has made trillions available to the banks and corporations and lowered interest rates to near-zero to prop up the stock market. Now, as the administration confronts growing anger over its response

and a wave of walkouts by workers in key industries, it is preparing to defend the wealth of the rich through dictatorial forms of rule.

*Politico* cited civil rights lawyer Norman L. Reimer, who said that pursuant to the Justice Department proposal, “you could be arrested and never brought before a judge until they decide that the emergency or the civil disobedience is over.” He continued, “I find it absolutely terrifying ... That is something that should not happen in a democracy.”

The *Politico* report claims the Justice Department’s requests “are unlikely to make it through a Democratic led-House.” This is cold comfort, however, considering that the Democratic Party is currently advancing similar anti-democratic measures, such as the EARN IT Act, a bipartisan bill that would abolish end-to-end encryption. The Democrats are, moreover, the most vocal in attacking free speech and calling for internet censorship.

The Justice Department’s request for extraordinary executive powers comes as two *Newsweek* reports by William Arkin detail how the US military is preparing to potentially take control of the day-to-day governing of the country and to deploy troops on US soil.

The first *Newsweek* report, published March 18, notes that “Above-Top Secret contingency plans already exist for what the military is supposed to do if all the Constitutional successors are incapacitated” by the virus, that is, if Trump and all those in the presidential line of succession become ill or are quarantined. “Standby orders were issued more than three weeks ago to ready these plans, not just to protect Washington but also to prepare for the possibility of some form of martial law,” the report continues.

It adds: “According to new documents and military experts, the various plans—codenamed Octagon, Freejack and Zodiac—are underground laws to ensure government continuity. They are so secret that under these extraordinary

plans, ‘devolution’ could circumvent the normal Constitutional provisions for government succession, and military commanders could be placed in control around America.”

*Newsweek* also reports that should the military step in to subvert the Constitution, the commander of the US Northern Command (NORTHCOM), General Terrence O’Shaughnessy, “would in theory be in charge if Washington were eviscerated” by the virus.

The second *Newsweek* report, published March 20, states that the US military “is preparing forces to assume a larger role in the coronavirus response, including the controversial mission of quelling ‘civil disturbances.’”

The plans center on federalizing the state national guards, effectively nullifying the principle of posse comitatus, which bars the military from conducting domestic law enforcement operations.

*Newsweek* cites “a senior military planner working on coronavirus but not authorized to speak on sensitive planning matters,” who “says that deployment of federal troops in support roles is being prepared,” including to conduct traffic stops, home searches and seizures and arrests.

The report continues: “Once military forces are dispersed off bases in America, the senior planner says, they will have to contend with ‘force protection’ and will be thrust into difficult general law enforcement roles, particularly as shelter-in-place and other quarantine situations escalate.”

As necessary as quarantines and other protective measures are from a public health standpoint, the focus of the military’s response is to prepare to suppress democratic rights and put down social opposition.

*Newsweek* references an internal military plan for “Civil Disturbance Operations” called CONPLAN 3502. The plan relates to domestic military deployments in response to “riots, acts of violence, insurrections, unlawful obstructions or assemblages, group acts of violence, and disorders prejudicial to public law and order,” according to a military study, which cites as historical precedent the use of the military to crush strikes and labor protests.

According to a 2006 Homeland Security Department document not cited in the *Newsweek* report, titled “National Strategy for Pandemic Influenza,” the government has made specific preparations for the possibility of protests during a pandemic.

“Due to stresses placed upon the health care system and other critical functions, civil disturbances and breakdowns in public order may occur,” the Bush-era document reads. The pandemic security document also references CONPLAN 3502 and states: “Tasks performed by military forces may include joint patrolling with law enforcement officers;

securing key buildings, memorials, intersections and bridges; and acting as a quick reaction force.”

On February 1, Defense Secretary Mark Esper signed a secret set of Warning Orders (WARNORD) putting NORTHCOM and units deployed to the eastern seaboard on alert that they should “prepare to deploy,” including to the “National Capital Region.”

*Newsweek* reports that “now, planners are looking at a military response to urban violence as people seek protection and fight over food and, according to one senior officer, in the contingency of the complete evacuation of Washington.”

The Trump administration has invoked the Stafford Act and the Defense Production Act, but has thus far refused to exercise those provisions by which the government can force corporations to mass produce equipment needed to address the crisis.

In a *New York Times* op-ed yesterday, Massachusetts physician Daniel M. Horn wrote that “without swift action, parts of the United States will run out of ventilators in the coming weeks,” as COVID-19 cases skyrocket. Horn warned that “there appears to be no firm plan other than repurposing ventilators from surgery centers.” He added, “How can we build a nimble logistics operation that can rapidly deploy those machines the moment that a shortage appears imminent? The truth is: We have no idea.”

Instead of addressing the urgent need for mass production of medical equipment and protective gear for health care workers, the ruling class has responded to the crisis by pouring money into the stock markets and preparing to suppress social opposition. This is the response of a capitalist social order that poses a great risk to the fate of tens of millions of people.



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