OMNI US “WAR ON TERRORISM,” NEWSLETTER


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“Number of private U.S. citizens killed in terrorist attacks in 2010: 15. Number killed by falling televisions: 16.” (“Harper’s Index,” August 2012, p. 9). Our warrior leaders and their war-monger supporters have produced two wars (or is that four?) to defend “America” and “freedom” at the price of trillions of dollars and tens of thousands of innocent people.

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THE NEXT 3 ARTICLES DISCUSS Section 1021 of the National Defense Authorization Act (NDAA).
This week the ACLU and the Center for Constitutional Rights filed suit against CIA Director David Petraeus, Secretary of Defense Leon Panetta, and two top special operations forces commanders for “violating the Constitution and international law” in the drone assassination of three American citizens in Yemen, Anwar al-Awlaki, Samir Khan, and al-Awlaki’s 16-year-old son Abdulrahman (though no one claims he had anything whatsoever to do with terror campaigns).


The suit is based on the Constitution’s promise of “due process” (“[N]or shall any person... be deprived of life, liberty, or property, without due process of law”), which to the untutored eye of this non-lawyer clearly seems to involve “law.” Attorney General Eric Holder evidently thinks otherwise and has explained his reasoning when it comes to the right of the Obama administration to order such deaths: “The Constitution guarantees due process, not judicial process.” If you’re not inside the National Security Complex, it may be just a tad hard to grasp how “due process” could mean a secret process of review in the White House presided over by a president with a “kill list” (whose legal justification, laid out by the Justice Department, cannot be made public). And yet that is, as far as we can tell, indeed the claim.

It will be a surprise if this case goes far. The government is almost certain to bring to bear the usual not-quite-state-secrets-act to squelch it, with its lawyers undoubtedly claiming that any such trial could reveal damaging secrets about our expanding drone wars. Of course, U.S. drone strikes in Pakistan, Yemen, and more rarely Somalia are regularly in the news, and have been proudly cited or even boasted about by officials from the president on down, yet they remain somehow “covert” and unmentionable when it suits the administration. And since just about anything the National Security Complex does evidently now qualifies for classified status, secrecy is increasingly the convenient excuse for just about anything.

In the case of our drone wars, “covert” clearly has little to do with secrecy in any normal sense and a lot to do with lack of accountability to anyone not involved in choosing those to be killed or launching the attacks. One thing is clear: whatever the ACLU and others do, we now live in a post-legal America, a world in which no act (other than whistleblowing), however illegal, within the national security state can be successfully prosecuted in court. This has clearly been part of a process by which, since 2001, American liberties have been turned in for “safety.” Something did change after 9/11 (when “everything” was supposed to have changed) and in a speech at the University of St. Andrews in
Scotland, reproduced below in full, Noam Chomsky backs up a few centuries to lay out a vivid history of just how this happened. (To catch Timothy MacBain's latest Tomcast audio interview in which Chomsky discusses the recent shredding of the principles of the Magna Carta, click here or download it to your iPod here.) Tom http://tomdispatch.blogspot.com/2012/07/carte-blanche.html?utm_source=TomDispatch&utm_campaign=bb18b45d80-TD_Chomsky7_22_2012&utm_medium=email

Destroying the Commons
How the Magna Carta Became a Minor Carta
By Noam Chomsky

Down the road only a few generations, the millennium of Magna Carta, one of the great events in the establishment of civil and human rights, will arrive. Whether it will be celebrated, mourned, or ignored is not at all clear.

That should be a matter of serious immediate concern. What we do right now, or fail to do, will determine what kind of world will greet that event. It is not an attractive prospect if present tendencies persist -- not least, because the Great Charter is being shredded before our eyes.

The first scholarly edition of Magna Carta was published by the eminent jurist William Blackstone. It was not an easy task. There was no good text available. As he wrote, “the body of the charter has been unfortunately gnawn by rats” -- a comment that carries grim symbolism today, as we take up the task the rats left unfinished.

Blackstone’s edition actually includes two charters. It was entitled The Great Charter and the Charter of the Forest. The first, the Charter of Liberties, is widely recognized to be the foundation of the fundamental rights of the English-speaking peoples -- or as Winston Churchill put it more expansively, “the charter of every self-respecting man at any time in any land.” Churchill was referring specifically to the reaffirmation of the Charter by Parliament in the Petition of Right, imploring King Charles to recognize that the law is sovereign, not the King. Charles agreed briefly, but soon violated his pledge, setting the stage for the murderous Civil War.

Click here to read more http://www.tomdispatch.com/post/175571/tomgram%3B_noam_chomsky%2C_the_great_charter%2C_its_fate%2C_and_ours/?utm_source=TomDispatch&utm_campaign=bb18b45d80-TD_Chomsky7_22_2012&utm_medium=email#more

Criminalizing Dissent

By Chris Hedges, Truthdig

13 August 12

was on the 15th floor of the Southern U.S. District Court in New York in the courtroom of Judge Katherine Forrest last Tuesday. It was the final hearing in the lawsuit I brought in January against President Barack Obama and Secretary of Defense Leon Panetta. I filed the suit, along with lawyers Carl J. Mayer and Bruce I. Afran, over Section 1021 of the National Defense Authorization Act (NDAA). We were late joined by six co-plaintiffs including Noam Chomsky and Daniel Ellsberg.
This section of the NDAA, signed into law by Obama on Dec. 31, 2011, obliterates some of our most important constitutional protections. It authorizes the executive branch to order the military to seize U.S. citizens deemed to be terrorists or associated with terrorists. Those taken into custody by the military, which becomes under the NDAA a domestic law enforcement agency, can be denied due process and habeas corpus and held indefinitely in military facilities. Any activist or dissident, whose rights were once protected under the First Amendment, can be threatened under this law with indefinite incarceration in military prisons, including our offshore penal colonies. The very name of the law itself - the Homeland Battlefield Bill - suggests the totalitarian credo of endless war waged against enemies within "the homeland" as well as those abroad.

"The essential thrust of the NDAA is to create a system of justice that violates the separation of powers," Mayer told the court. "[The Obama administration has] taken detention out of the judicial branch and put it under the executive branch."

In May, Judge Forrest issued a temporary injunction invalidating Section 1021 as a violation of the First and Fifth amendments. It was a courageous decision. Forrest will decide within a couple of weeks whether she will make the injunction permanent.

In last week's proceeding, the judge, who appeared from her sharp questioning of government attorneys likely to nullify the section, cited the forced internment of Japanese-Americans during World War II as a precedent she did not want to follow. Forrest read to the courtroom a dissenting opinion by U.S. Supreme Court Justice Robert Jackson in Korematsu v. United States, a ruling that authorized the detention during the war of some 110,000 Japanese-Americans in government "relocation camps."

"[E]ven if they were permissible military procedures, I deny that it follows that they are constitutional," Jackson wrote in his 1944 dissent. "If, as the Court holds, it does follow, then we may as well say that any military order will be constitutional, and have done with it."

Barack Obama's administration has appealed Judge Forrest's temporary injunction and would certainly appeal a permanent injunction. It is a stunning admission by this president that he will do nothing to protect our constitutional rights. The administration's added failure to restore habeas corpus, its use of the Espionage Act six times to silence government whistle-blowers, its support of the FISA Amendment Act - which permits warrantless wiretapping, monitoring and eavesdropping on U.S. citizens - and its ordering of the assassination of U.S. citizens under the 2001 Authorization to Use Military Force, or AUMF, is a signal that for all his rhetoric, Obama, like his Republican rivals, is determined to remove every impediment to the unchecked power of the security and surveillance state. I and the six other plaintiffs, who include reporters, professors and activists, will most likely have to continue this fight in an appellate court and perhaps the Supreme Court.

The language of the bill is terrifyingly vague. It defines a "covered person" - one subject to detention - as "a person who was a part of or substantially supported al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of such enemy
forces." The bill, however, does not define the terms "substantially supported," "directly supported" or "associated forces." In defiance of more than 200 earlier laws of domestic policing, this act holds that any member of a group deemed by the state to be a terrorist organization, whether it is a Palestinian charity or a Black Bloc anarchist unit, can be seized and held by the military. Mayer stressed this point in the court Wednesday when he cited the sedition convictions of peace activists during World War I who distributed leaflets calling to end the war by halting the manufacturing of munitions. Mayer quoted Justice Oliver Wendell Holmes' dissenting 1919 opinion. We need to "be eternally vigilant against attempts to check the expression of opinions that we loathe," the justice wrote.

The Justice Department's definition of a potential terrorism suspect under the Patriot Act is already extremely broad. It includes anyone with missing fingers, someone who has weatherproof ammunition and guns, and anyone who has hoarded more than seven days of food. This would make a few of my relatives in rural Maine and their friends, if the government so decided, prime terrorism suspects.

Assistant U.S. Attorney Benjamin Torrance argued in court that the government already has the authority to strip citizens of their constitutional rights. He cited the execution of Nazi saboteur Richard Quirin during World War II, saying the case was "completely within the Constitution." He then drew a connection between that case and the AUMF, which the Obama White House argues permits the government to detain and assassinate U.S. citizens they deem to be terrorists. Torrance told the court that judicial interpretation of the AUMF made it identical to the NDAA, which led the judge to ask him why it was necessary for the government to defend the NDAA if that was indeed the case. Torrance, who fumbled for answers before the judge's questioning, added that the United States does not differentiate under which law it holds military detainees. Judge Forrest, looking incredulous, said that if this was actually true the government could be found in contempt of court for violating orders prohibiting any detention under the NDAA.

Forrest quoted to the court Alexander Hamilton, who argued that judges must place "the power of the people" over legislative will.

"Nor does this conclusion by any means suppose a superiority of the judicial to the legislative power," Hamilton, writing under the pseudonym Publius, said in Federalist No. 78. "It only supposes that the power of the people is superior to both; and that where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former. They ought to regulate their decisions by the fundamental laws, rather than by those which are not fundamental."

Contrast this crucial debate in a federal court with the empty campaign rhetoric and chatter that saturate the airwaves. The cant of our political theater, the ridiculous obsessions over vice presidential picks or celebrity gossip that dominate the news industry, effectively masks the march toward corporate totalitarianism. The corporate state has convinced the masses, in essence, to clamor for their own enslavement. There is, in reality, no daylight between Mitt Romney and Obama about the inner workings of the corporate state. They each support this section within the NDAA and the widespread extinguishing of civil liberties. They each will continue to funnel hundreds of billions of wasted dollars...
to defense contractors, intelligence agencies and the military. They each intend to let Wall Street loot the U.S. Treasury with impunity. Neither will lift a finger to help the long-term unemployed and underemployed, those losing their homes to foreclosures or bank repossessions, those filing for bankruptcy because of medical bills or college students burdened by crippling debt. Listen to the anguished cries of partisans on either side of the election divide and you would think this was a battle between the forces of light and the forces of darkness. You would think voting in the rigged political theater of the corporate state actually makes a difference. The charade of junk politics is there not to offer a choice but to divert the crowd while our corporate masters move relentlessly forward, unimpeded by either party, to turn all dissent into a crime.

NDAA Lawsuit a Struggle to Save the Constitution
Tangerine Bolen, Guardian UK, August 10, 2012, RSN
Bolen writes: "We lost nearly 3,000 people on 9/11. Then we allowed the Bush administration to lie and force us into war with a country that had nothing to do with that terrible day. Presidents Bush and Obama, and the US Congress, appear more interested in enacting misguided 'war on terror' policies that distract citizens from investigating the truth about what we've done, and what we've become, since 9/11."

AFSC DEFENDS Muhammad A. Salah, James, (September 12, 2012)
Over nine decades of working for peace, the American Friends Service Committee has seen what can happen when a government is allowed to use fear to justify denying basic rights to some vulnerable group—Japanese-Americans, Native Americans, Jews, civil rights advocates, or political dissidents. In 1942, who could defend someone of “foreign enemy ancestry?” In the 1950’s, who dared defend someone accused of being a “communist?” And today, who would speak up for someone labeled a “terrorist?”
AFSC has consistently resisted such attempts to isolate and scapegoat, and we continue to do so— this time, in a lawsuit against the U.S. government. http://afsc.org/story/eight-moments-advocacy-civil-rights-and-liberties
We are challenging the government’s power to impose arbitrary restrictions on our First Amendment rights to engage in “coordinated advocacy” with Muhammad A. Salah, a U.S. citizen living in Chicago.
He is the only U.S. citizen residing in the United States who is currently labeled a “Specially Designated Terrorist.” Once an individual is so labeled, any person or organization is prohibited from engaging in coordinated speech with him, even if only to raise important questions about the government’s conduct.
AFSC strongly objects to arbitrary limits on our right to raise public awareness about government actions we believe to be unjust.
We brought this case as a last resort, but one we are compelled to undertake, both as a matter of conscience and to protect the practice of speaking truth to power. As this case proceeds, please check
WWII, Cold War, Drug War, War on Terror, War Against Islam, Permanent War: Is It Justified?


This decisive account of the role of nonviolence in Islam and Muslim societies, both historically and in current times, chronicles an often-obscured but longstanding pacifist tradition.

From the Crusades to September 11th, the prevalent notion among non-Muslims is that Islam was largely spread by the sword and continues to be defined by violence. In fact, that belief is a distortion of the religion's tradition, of its history, and of the actions and beliefs of countless Muslims around the globe today.

"Islam" Means Peace: Understanding the Muslim Principle of Nonviolence Today provides a rebuttal to general misperceptions about the religion by documenting its rich tradition of nonviolence. To that end, the book examines the sources of Islam—the Qur'an, the main religious text of Islam, and the Hadith, the deeds and sayings of the Prophet Muhammad. It contests the prevalent notion that Islam is built on violence in part by illuminating the role of the tolerant, mystical tradition of Sufism in Islam, while at the same time examining the misunderstood place of jihad in the religion.

The book is not, however, a historical or theological treatise. Rather, it focuses on the tradition of nonviolence in modern Muslim societies. By spotlighting recent peaceful protest movements in Muslim communities, the book underscores the truly global and multicultural nature of the Islamic tradition of nonviolence. The findings here will be invaluable for Muslims and non-Muslims alike, revealing an alternative tradition both can embrace.

Features

- Voices of leading nonviolence activists, such as Nobel Peace Prize-winner Shirin Ebadi, Mubarak Awad, Gene Sharp, and rock star Salman Ahmad, that make the history of nonviolent activism immediate and up to date
- A bibliography listing a wide array of source materials

Highlights

- Highlights the important role of nonviolence in Islam and the myriad sources of inspiration for nonviolence available in Muslim holy literature, countering the pervasive stereotype of Islam as a violent religion
- Emphasizes how intrinsic Sufism—the mystical, peaceful branch of Islam—is to the religion and reveals a different history of Islam where the religion was spread peacefully, often by Sufi mystic orders
- Presents an alternative, much less violent interpretation of jihad
- Discusses the war in Kosovo and the history of nonviolent action in Pakistan and Palestine/Israel, among others, in ways that will expand the understanding
Books recommended by Noam Chomsky in the book: 9-11: Was there an alternative? (Chomsky’s answer: Yes, it was a criminal, police matter.)

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Klare: Al Qaeda to China
Obama, Oil, China
Allende to Bin Laden
Mother Jones: FBI vs. Muslims, Continued Rendition
JPN: Islamophobia Around the World
Younge: Bigotry and Europe’s Terrorists
FAIR: Perceiving “Islamic Terror” in Norway

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