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ALEXANDER COCKBURN AND JEFFREY ST. CLAIR

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Freedom in Bush Time

By Alexander Cockburn

If there's one thing defenders of civil liberties know, it's surely that assaults on constitutional freedoms are bipartisan. Just as constitutional darkness didn't suddenly fall with the arrival in the Oval Office of George Bush Jr., darkness will not dissipate with his departure and the entry of President Barack Obama.

There's no more eager and self-righteous hand reaching out to the Bill of Rights to drop it in the shredder than that of a liberal intent on legislating freedom. As illustration, simply take "freedom from hate," expressed in the great liberal drive to criminalize expressions of hate and to impose fierce punitive enhancements if the criminal had been imprudent enough to perpetrate verbal breaches of sexual or ethnic etiquette while bludgeoning his victim to death.

For years, I have reminded my left and liberal friends of a juror's constitutional right to set the law aside and issue a verdict consonant with the dictates of conscience. Each time, I sadly rediscover that most liberals mistrust juries and have no interest in an institution, which is the ultimate bedrock protector of liberty. In the wake of the O.J. Simpson verdict, I recall Michael Lind calling for the abolition of the jury as "a barbaric Viking relic." There was no hum of disapproval for this disgusting sentiment. Liberal judges are often the most eager to downsize juries from 12 and to eliminate their role in an ever-increasing spread of categories, often appealing to the *ultima ratio* of "efficiency" in administration of the justice system. This steady push to erode the role of the jury has continued steadily through every administration.

Growing up in Ireland and Britain, I gazed with envy at the United States,

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Dams, Genocide and Reparations in Guatemala

By Barbara Rose Johnston

As I turn on my computer, each day I am greeted by my desktop photo – a singular image of a skull, other bones blurred in a background of dirt, a tattered shirt and a bit of boot in the margins. The jaw and teeth are grinning into the dirt, and the back of head is clearly in view. A bullet hole is prominently figured. Number 15, reads the marker, planted adjacent to the skull. For years now, this desktop image has haunted me.

The photo was taken by the Belgian ethnologist Bert Janssens in the fall of 2001, as he documented the exhumation of a mass grave in the hills above Río Negro, a village now drowned beneath the reservoir created by the Chixoy Dam. He sent it to me as part of a massive collection of images that I used to illustrate a five-volume study written to clarify – for the government of Guatemala, the World Bank and other international financiers, and the Guatemalan people – the many varied legacies of this internationally financed dam (*The Chixoy Dam Legacy Issues Study*, www.centerforpolitical ecology.org/chixoy.html).

Built in a time of civil war, the Chixoy Dam forced residents of Río Negro and nearby villages to leave their homes and ancestral lands at gunpoint, and their protests were met with violence and massacre. Residents of other villages, coerced into civilian militia duties, wielded those guns and machetes. Guatemalan soldiers, serving as security on the dam site, directed their actions. The public utility, INDE, paid the salary of those soldiers with money loaned by the World Bank.

This particular image was part of Bert Janssens' "Xococ" series, a poignant set of photographs documenting the exhumation process: relatives watching, working,

digging, and forensic archeologists carefully recording the sad findings: a trench littered with shoes, clothing, the tattered remains of life and the grizzly evidence of the death of 107 children and 70 women. I keep it on my desktop as a way of insuring that this life and the questions behind this death do not get pushed aside. Who was this person? What were the events that led to this death and those of the many others whose remains lie in the same mass murder grave? What sort of life has resulted for those who survived?

Over a million Guatemalans were displaced during the nation's internal conflict and, according to 2006 estimates, somewhere between 400,000 and 600,000 people were killed in a campaign of state-sponsored violence against a largely Mayan population. In 1999, the United Nations-sponsored Commission on Historical Clarification (CEH) reported the findings from exhumations, forensic analysis, and witness testimony: some 83 per cent of the 42,275 named victims were Mayan civilians, 93 per cent of the atrocities committed during the conflict had been the work of the armed forces, and, as evidenced by a number of exemplary cases, massacres were the result of a policy of state-sponsored violence on a Mayan civilian population. The government of Guatemala and its military dictators were responsible for acts of genocide and other crimes against humanity.

One of the Mayan massacres investigated by the CEH is the case of Río Negro, a village that now lies under the reservoir created by the Chixoy Dam. Built in the late 1970s and early 1980s with Inter-American Development Bank and World Bank financing, designs were

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with its constitutional protections and its Bill of Rights, contrasting with the vast ad hoc tapestry of Britain's repressive laws and "emergency" statutes piled up through the centuries, as successive regimes from the Plantagenet and Tudor periods forward went about the state's business of enforcing the enclosures, hanging or transporting strikers, criminalizing disrespectful speech and, of course, abolishing the right to carry even something so innocuous as a penknife. Instructed by centuries of British occupation, my native Ireland, I have to say, took a slightly more relaxed attitude. My father once asked an Irish minister of justice, back in the 1960s, about the prodigious size and detail of the Irish statute book. "Ah, Claud," said the minister equably, "our laws are mainly for guidance."

We are thankfully near the exit door from the Bush years, after enduring appalling assaults on freedom, built on the sound foundation of kindred assaults in Clinton time – perhaps most memorably expressed in the screams of parents and children fried by U.S. government forces in the Branch Davidian compound in Waco, and in Bill Clinton's flouting of all constitutional "war powers" inhibitions on his executive decision to wage war and order his commanders to rain bombs on the civilian population of the former

Yugoslavia.

Of course, Bush forged resolutely along the path, blazed by Clinton in asserting uninhibited executive power in the ability to wage war, seize, confine and torture at will, breaching constitutional laws and international treaties and covenants, concerning treatment of combatants. The Patriot Act took bits of the Justice Department's wish list, left over from Clinton's Antiterrorism and Effective Death Penalty Act of 1996, which trashed *habeas corpus* protections.

The outrages perpetrated on *habeas corpus* have been innumerable, some of them relatively unpublicized. Take the case of people convicted of sexual felo-

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nies, such as molestation of children. Convicted and imprisoned, they reach the end of their stipulated terms and then find that they now face continued imprisonment without any specified terminus, under the rubric of "civil confinement," as fierce as any *lettre de cachet* in France's *ancien régime*.

Free speech is no longer a right. Stand alongside the route of a presidential cavalcade with a humble protest sign, and the Secret Service or local law enforcement will hale you off to some remote cage, labeled "Designated protest area." Seek to exercise your right to dispense money for a campaign advertisement or to support a candidate, and you will at once fall under the sanction of McCain/Feingold, otherwise known as the Bipartisan Campaign Reform Act of 2002.

In the case of public expressions of protest, we may expect particular diligence by the Secret Service and other agencies in the Obama years; while, perhaps, Obama's renegeing of a campaign promise to accept only public financing has stopped campaign finance reform

in its tracks. Liberals, joyously eyeing Obama's amazing \$150 million haul in his final weeks, have preserved a tactful silence on this topic, after years of squawking about the power of the corporate dollar to pollute democracy's proceedings.

Worse than in the darkest days of the Fifties, when Americans could have their passports revoked by fiat of the State Department, citizens and legal residents no longer have the right to travel freely even inside the nation's borders. Appearance on any of the innumerable watch lists, maintained by government agencies, means inability to get on a plane and probably even Amtrak, whose unmolested passengers already stand risk of being stranded *sine die* in some remote siding in the southwestern deserts for weeks on end.

Americans no longer have the right to vote, even if of appropriate age. The Indiana statute okayed by the Supreme Court requires, under Indiana's voter ID law, that persons lacking "proper" ID can only make a provisional vote, with a bureaucratic apparatus of subsequent verification. In some states, anyone carrying a felony conviction faces a lifetime ban on the right to vote.

The late Murray Kempton used to tell me that he remembered, back in 1936, Alf Landon, campaigning against FDR and specifically Social Security, used to shout to the crowds words to the effect of "Mark my words, those Social Security numbers will follow you from cradle to grave." Landon was right about that. Today, you might as well have the SS number tattooed on your forehead, along with all other significant "private" data, preferably in some bright hue so the monitoring cameras along highways and intersections can get a specific hit. "Drill, baby, drill!" has been the war cry of the government's *data mining* programs for years now, and we can expect no improvement.

Fourth Amendment protections have gone steadily downhill. Warrantless wiretappers had a field day, and Congress reaffirmed their activities in the FISA bill, for which Obama voted, in a turn around from previous pledges. Vice president-elect, Joe Biden, can claim a significant role here since he has been an ardent prosecutor of the war on drugs, used since the Harrison Act of 1914 (and even

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