

Nightmare On Main Street: More On Bush's Anti-Dissent Order

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I think we are in rats' alley
Where the dead men lost their bones
-Eliot

We wrote recently here of Bush's new executive order granting himself and his minions the arbitrary power to seize the entire assets of any American citizen < without warning, without any criminal charges whatsoever < solely by declaring that their victim somehow poses an unspecified threat to "the peace or stability of Iraq" or else is "undermining efforts to promote economic reconstruction and political reform in Iraq." In other words, Bush now claims the power to strip you of your assets if you oppose American policy in Iraq.

This latest tyrannical outburst from the Outrager-in-Chief has passed largely without notice. Even some of the Administration's fiercest critics have downplayed its significance. The always-admirable Dave Neiwert at Orcinus has been among the skeptics, on the reasonable grounds that right-wing militia groups were forever reading vast conspiracies into ordinary government decrees in the 1990s, and that one should wait for more informed legal analyses before leaping to scarifying conclusions. Fair enough < although Dave himself has done as much as anyone out there in detailing the extremism of the Bush Regime and its supporters. To his credit, Dave has kept an open mind on the question, and co-blogger at Orcinus, Sara Robinson, has taken a far darker view of the executive order.

Now Dave has featured a long < and highly disturbing < piece of informed legal analysis of the order from one of his regular commenters, attorney Den Valdron. who draws out the very dangerous implications of the order's wording in convincing detail. Perhaps most disturbing is Valdron's insight that the executive order doesn't even have to be formally invoked in order to have a chilling effect on political dissent. Just its mere existence < and the ever-present threat of social and legal obliteration that it represents < will be enough to quell all but the hardiest opponents of the Leader's criminal rampage in Iraq.

You should scoot on over to Orcinus and read
<http://dneiwert.blogspot.com/2007/07/that-executive-order.html>

"That Executive Order" in full, but below is an excerpt about the "chill factor" that Valdron identifies:

Essentially, in this Executive Order the President is assuming unbelievably vast powers to simply sidestep normal criminal or civil procedure, and to operate quite explicitly on the basis of guilt by anticipation, guilt by pre-emption, guilt by association and guilt for any reason in the mind of the decider. There is literally no limitation on authority, except that

the person's actual physical being is unaffected.

However, a person so designated by this Order could be rendered into a non-person literally instantaneously. They could be stripped of every asset, have every financial or commercial opportunity denied to them. Worse, this literally creates a power to shun. Anyone who employs this person, who hires them, who pays them for work, lends them money to tide them over, who rents them an apartment, or allows them to sleep on the couch, who drops them a few coins as they panhandle would be liable to becoming subject to this order. The only protection would be to fire this person, to not hire them, to not pay them, to not lend them money, evict them from your apartment, kick them off the couch, and look away if you see them begging on the street.

If the potential implications of this make you think of Jews in Nazi Germany, think again. The Jews pre-war had it good compared to the potential of this.

The most disturbing thing is that this Executive Order need not be actually used. Consider it as a weapon of intimidation. Most Americans are not rich. Most people live in apartments, they may have a house that the bank owns, they may have a car they're making payments on, they struggle with credit card debt, live paycheck to paycheck. We all live in these little islands of stability that can be so easy to disrupt.

So imagine that you are a dedicated, committed, politically active person. You're donating to the Green Party, perhaps active in local politics, going to demonstrations...Then one day, a person from the treasury department comes to visit. He shows you this executive order, and he tells you that you have been identified by your actions and associations as being a 'significant risk to commit acts of violence.' He says that by their lights, you may already be deemed to have committed acts of violence. He tells you that it has been concluded that these acts of violence undermine the Iraqi government and the reconstruction campaign...

You protest of course. He says it doesn't matter, these are the findings of the Secretary of the Treasury under the executive order. You challenge him to prove what act of violence they think you are about to commit. He replies that there's no particular act, only that you're a 'significant risk.'

Then he tells you, in very clear terms, what they can do. That they can and will take your house. That they can and will take your car and your bank account. That you will be fired from your job. That you will find it impossible to get another job, or find another place to live. That anyone who helps you will be similarly punished, so no one will help you. He tells you that if this isn't enough, they are prepared to take the same tactic against your parents, your children, your girlfriend, your friends, based on their association with you making them a 'significant risk of committing violence' or of 'providing support to you.'

He asks you if you are prepared to see your life erased? Are you really that brave? Do you really want to lose your job, your home, your nest, your savings, your income, your retirement...And if you are that brave, are you really prepared to see this done to your girlfriend, your parents, whoever is close to you...

You could take it to court and fight it, of course. All you need is a lawyer that will work for free, because you won't be able to pay him. And he'll have to be a lawyer willing to risk winding up in the same situation you'll be in. Fighting it will take two or three years. That's a long time to spend eating out of dumpsters and sleeping on heating grates. It's possible of

course, that you'll win and be vindicated. Or you could lose.

Are you feeling lucky?

So most people in that situation, what would they do? They'll just shut their mouths, stop making waves, they'll do their jobs, collect their paycheques and mind their own business. They'll stay out of trouble.

But sometimes, when they see the Sheriff driving down the street to evict someone, when there's a hiccup in their credit card, when they get a call from the bank, or a call into their boss's office... well, they'll get a cold sweat running down their backs, and their stomach will flutter, and they'll search their memories for anything that they might have done wrong, maybe said the wrong thing to the wrong person, had the wrong friend, went to the wrong place... And of course, most times, it'll turn out to be nothing. They'll recover from the scare, their life will go on. But the fear will remain somewhere, and the cold sweat, and the only choice they have will be to be good little citizens.

This is the dystopian thug-state that the Bush Administration is building before our eyes < often in broad daylight, with little or no pretense of masking their lust, their obsession, with authoritarian power. Yet every institution in American civic life that might act as a bulwark against these tyrannical encroachments seems completely paralyzed < or else thoroughly complicit in this monstrous mutation. Bush and his cronies are effecting a wholesale revolution in the American state, despite being one of the most discredited and widely despised administrations in the country's history. It's like a long and vivid nightmare, where you watch some hideous, filth-encrusted beast gnawing your child to pieces, in agonizing slow motion, while you stand mysteriously frozen on the spot, unable to move or scream.

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