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Egypt and the Destruction of Civil Liberties in America

There are lots of things wrong with the conviction and incarceration of 54-year-old Mustafa Kassem, who died last week in Egypt.

Kassen was an American citizen who drove a taxi in New York City. He had two children. In 2013, the Egyptian military ousted the democratically elected president of the country, which reestablished its omnipotent control over the government and the nation. In the process of killing hundreds of protestors, Egyptian authorities arrested Kassem in a nearby shopping center where he was exchanging money before returning home to the United States.

According to an article in the New York Times entitled “U.S. Citizen Dies in Egyptian Jail After Lengthy Hunger Strike,” after Kassem’s arrest Egyptian soldiers beat him mercilessly. They then jailed him. He remained incarcerated for five years before being accorded a trial. He was a diabetic and had a heart condition, but was accorded only limited medical care.

In 2018, five years after he was arrested, Kassem was convicted in a mass trial involving hundreds of other defendants. He began a liquids-only hunger strike and then passed away last week.

Like the United States since the end of World War II, Egypt is a national-security state. That means that, like the United States, its government is characterized by a powerful military-intelligence establishment with vast powers within the national governmental apparatus. The difference between the two systems is that while the U.S. government has three other branches of government — the executive, legislative, and judicial — the

Egyptian national-security establishment wields 100 percent omnipotent control over the government and, consequently, the nation.

The U.S. Constitution called a different type of governmental structure into existence — a limited-government republic. The last thing that Americans of that time would have approved was a national-security state form of governmental structure similar to the one in Egypt or the United States today. That's because they didn't trust vast and powerful military-intelligence establishments, which they called "standing armies." They figured that such establishments end up destroying the freedom and well-being of the citizenry.

James Madison, the father of the Constitution, expressed the common sentiment of Americans, when he stated:

A standing military force, with an overgrown Executive will not long be safe companions to liberty. The means of defence agst. foreign danger, have been always the instruments of tyranny at home. Among the Romans it was a standing maxim to excite a war, whenever a revolt was apprehended. Throughout all Europe, the armies kept up under the pretext of defending, have enslaved the people.

To ensure that the federal government would lack the power to do to people what the Egyptian government has done to Mustafa Kassem, our ancestors demanded the enactment of the Fourth, Fifth, Sixth, and Eighth Amendments, to supplement the guarantee of habeas corpus in the original Constitution.

Those amendments guarantee that if the federal government targets a person for punishment, it must comply with certain procedural restrictions on its power. These include due process of law, which mean formal notice of charges and a trial, which, at the option of the defendant, can be trial in which a jury of regular citizens in the community, not a judge, determines guilt. Other procedural rights include the right to an attorney, the right to confront and cross-examine adverse witnesses, the right to remain silent, the right to speedy trial, and the right to be free of cruel and unusual punishments.

There is something important to note: Our ancestors made sure that those procedural guarantees extended to everyone, not just American citizens. Thus, if a foreign citizen was visiting the United States and targeted by federal officials, he would be treated just like U.S. citizens were treated.

All that changed with the conversion of the federal government to a national-security state after World War II and especially after the 9/11 attacks. The national-security establishment, which consists of the Pentagon, an enormous and permanent military

establishment, the CIA, and the NSA, quickly acquired the most power in the overall governmental structure. That power was solidified after the 9/11 attacks.

That phenomenon is reflected by the fact that the U.S. national-security state does much the same thing that the Egyptian national-security state does. Consider, for example, the Pentagon's and CIA's torture and prison camp in Cuba. It mirrors how things operate in Egypt.

At Guantanamo Bay, there is no right to a speedy trial. While Kassem had to wait 5 years for a "trial," there are inmates at Gitmo who have been incarcerated for more than 10 years without trial. If trials are ever held, hearsay evidence and evidence acquired by torture can be used to secure a conviction. Trial is by military tribunal rather than by a jury of regular citizens. Attorney-client communications are secretly monitored by the authorities. Many of the proceedings are held in secret. Confessions can be coerced. Defendants can be tortured, both before and after conviction.

Here's something else to consider: The U.S. national-security state also now wields the power to round up American citizens, place them in military dungeons or detention centers, torture them, and even assassinate them without a trial.

Like in Egypt, the federal courts permit it to happen. So long as the Pentagon and the CIA relate their mistreatment of people to "national security" and "terrorism," the federal courts step aside, or even worse, confirm and uphold the constitutionality of the tyranny.

Finally, perhaps it should be worth pointing out that the Egyptian military dictatorship is a close partner and ally of the U.S. government. Just last year alone, the U.S. government sent these goons \$1.4 billion in U.S. taxpayer-funded largess with which to line their pockets and fortify their dictatorial rule. And why not? Don't birds of a feather flock together?

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