

The Caligulan American justice system—U.N. intervention is necessary

By John Stanton and Wayne Madsen

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March 6, 2002—The U.S. justice system (courts, enforcement agencies, rule and law making bodies) was the last venue of hope for America's censored, oppressed, disenfranchised, and falsely accused. Indeed, the authors of the U.S. Constitution recognized that the third branch of government, the judicial branch, must be the stable and incorruptible anchor of American government and society as the other two branches—executive and legislative—would be subject to the whim and whimsy of special interests and the public whose opinions would invariably reflect those special interests. But what was once the envy of the world is now gangrene on the public body of a once proud nation, and it is the site of squalor, death, exploitation, rape, abuse, experimentation, and profit and loss.

At this critical moment in U.S. history when the American justice system is needed to stem the tide of American totalitarianism, it finds itself incapable of doing so. What a tragic commentary on a once novel and enlightened system that ended segregation, gave the convicted rights, ensured a free press and dissent, enforced a women's right-to-choose, and checked the imperious power of the executive branch. Now, however, it is extraordinarily politicized and corrupted at every level, and wealthy ideologues, corporations and defendants with money to burn far too easily manipulate it. It is a system that is suspect by the general public and daily mocked by shows like Judge Judy. High school students in America know that the right amount of money and influence can buy a favorable decision, a legislative loophole, timeshare at a low security Federal Prison Camp, and even the US presidency as the election of 2000 demonstrated.

With the collapse of the American justice system, the United States stands on the precipice of the totalitarian state. Indeed, the evidence is there to show that the US is in the initial stages of some form of mutated capitalist totalitarianism. And in one of the most stunning bits of irony, the very system of justice that steered the country away from dalliances in State totalitarianism, is leading America there.

The War on Drugs—based on ill-conceived presidential directives, legislation passed by a deaf, dumb and blind Congress, and public paranoia and panic fueled by self-serving interests—increased the U.S. prison population by approximately 3 million people between 1990 and 2000; the collateral damage being innocents behind bars, ruined reputations, federal interagency squabbles and further erosion of the Bill of Rights. The War on Terrorism, designed with equal simplemindedness and expediency, seems destined to perform in similar fashion and will undoubtedly produce fresh crops of productive inmates for the American justice system. Scylla and Charybdis, those quaint legends of yore, have now been replaced by the War on Drugs and the War on Terrorism. The notorious Roman emperor Caligula would have marveled at the viciousness of these monstrous creations and relished the opportunity to wield these weapons against the population.

Drugwarfacts.org reports 89 percent of police departments have paramilitary units, and 46 percent have been trained by active duty armed forces. The most common use of paramilitary units is serving drug-related search warrants (usually no-knock entries into private homes). Twenty percent of police departments use paramilitary units to patrol urban areas. The U.S. National Guard currently has more counter-narcotics officers than the DEA has special agents on duty. Each day, the National Guard is involved in 1,300 counterdrug operations and has approximately 4,000 troops on duty. Without warning or prior notification to civilian authorities, the U.S. military will “mock” invade communities across America, often causing panic, and in some cases, death.

On February 25, 2002, in North Carolina, for example, undercover U.S. Army personnel—engaged in a training exercise—attempted to disarm an on-duty civilian deputy sheriff. The officer shot them both. Why would the military attempt to disarm a civilian law enforcement officer? On March 13, 1999, without notification to the bulk of its customers, on orders from the U.S. military, Alabama Power cut off power to Anniston, Alabama, so that 800 military personnel could mount an assault on the local town and airport. The power company told the populace it was “for repair purposes” and not that it was part of a military exercise. Finally, on March 16-17, 1999, Operation Laser Cup was conducted against residents in Beaver and Westmoreland counties in Pennsylvania. Twelve Black Hawk, Pave Low, and MH6 helicopters “attacked” an area near a local mine in support of special operations troops in search of certain materials.

The local enforcement offices of both counties were overwhelmed with 911 calls from panicked citizens, and, according to reports, a fire truck and ambulance were unnecessarily dispatched during the ensuing panic. According to one exasperated local official, “I would prefer they [the military] notify us so we can tell the people who call. *But [the military] doesn't have to tell us anything. They're federal and we're county. There's nothing we can do about it.*”

According to groups as diverse as the Christian evangelical Operation Starting Line and Human Rights Watch, the American Panopticon houses 6 million people in some form of “correctional supervision-incarceration, probation or parole.” Roughly 2 million of those are behind bars in infamous Supermax prisons and the rancid facilities that pass as federal, state and local penitentiaries. According to Linda Evans and Eve Goldberg in their work titled “Prison Industrial Complex and the Global Economy,” those numbers give the U.S. the horrific distinction of having the “highest per capita incarceration rate in the history of the world.”

The disproportionate number of minorities’ living and working in the American Panopticon is nothing short of criminal. Clearly, the system targets these individuals from the moment they are born into hunger and poverty in cities and towns across the U.S. According to drugwarfacts.org, the incarceration rate for African-American women was 205 per 100,000, and for African-American men 3,457 per 100,000. The rate of incarceration for Hispanic women is 60 per 100,000, and for Hispanic men the rate is 1,220 per 100,000. The rate of incarceration for white women is 34 per 100,000, and for white men the rate is 449 per 100,000. The United States spent a whopping \$146,556,000,000 in 1999 to incarcerate and monitor its 6 million captives.

Yet you’d be silly to opine that that \$146 billion was a waste of money. Corporations ranging from pharmaceuticals to telecommunications view the American justice system as a productive

source of labor and a test bed. Even the Pentagon is a customer. In 2000, UNICOR's slave labor force accounted for net sales to the private and public sectors of roughly \$600 million dollars (UNICOR is a subsidiary of the US Department of Justice). The products they produce are as diverse as guided missile components for the Pentagon and clothing for the likes of Eddie Bauer. The electronics guiding the missiles used against American opponents and innocents in Afghanistan and Colombia, and the upscale apparel in the shop window or on your back, could be the product of U.S. slave labor.

The Bush administration's frenzy to privatize traditional government responsibilities has seen a concurrent increase in profits for corporations that have gotten into the private prison business. The biggest corporate predator is Wackenhut Corporation, a company that owes its very existence to the maniacal former FBI Director J. Edgar Hoover. Founded in 1954 by former FBI agent George Wackenhut, Sr., the company got its kick start from Hoover who was convinced a private company could get away with things the FBI was constitutionally barred from doing.

Wackenhut has spun off a prison industry subsidiary, Wackenhut Corrections, an operation that, according to *The Washington Times*, earned \$562.1 million during 2001, an increase of \$27 million over its 2000 revenues. While many companies saw the bottom drop out of their stock values, since September 11, Wackenhut Corrections saw its stock price dramatically increase. And there is little reason to wonder why. Wackenhut has a virtual monopoly on U.S. immigration detention centers—the places where more and more suspicious aliens will be interred as America spirals downward into a post-constitutional Kafkaesque society.

Currently, Wackenhut runs 36 detention, prison, and juvenile facilities in the United States, including Immigration and Naturalization Service detention centers in the Borough of Queens, New York, and Aurora, Colorado. The lion's shares of Wackenhut prisons—12—are in George W. Bush's home state of Texas. And perhaps seeing some sort of perverse benefit in combining Pavlovian tenets with criminal incarceration, Wackenhut has embarked on running psychiatric hospitals throughout the United States, a frightening prospect when considering the company was founded as a virtual front operation in order to engage in political surveillance and chicanery on behalf of a sheepish J. Edgar Hoover, himself a known deviant. The most worrisome prison operated by Wackenhut is the Taft Correctional Institution in rural Kern County, California. It is a 1,767-bed, low security Federal Correctional Institution (FCI), which is adjacent to a separate 512-bed minimum security Federal Prison Camp—and the 380,000 square foot facility has a lot of room for expansion. The federal government supplements the camp with UNICOR slave labor factories.

Adolf Hitler certainly saw the benefit in having minimum-security prison camps like the one in Kern County. The ghetto camp in Terezin (Theresienstadt), Czech Republic, was one such camp. It was used by the Nazis to fool International Red Cross inspectors who were naturally more interested in the welfare of famous political prisoners like former French Premier Leon Blum, German Lutheran Pastor Martin Niemoller, and Czech feminist leader Milana Horokova, than in the plight of non-notable prisoners like the hundreds of thousands who were dispatched, via their stay in Theresienstadt, to their ultimate fate in Nazi death camps.

Wackenhut plans to open other private prisons throughout the United States. And it is, by no means, alone in that respect. Other private prison corporations seeing tremendous profits in incarcerating Americans include Correctional Corporation of America (CCA) and Correctional

Services Corporation (CSC). CCA operates 64 prison facilities in 21 states. The company saw a near threefold increase in revenue from 2000 to 2001. CSC boasts 13 prisons and 33 juvenile centers in 18 states and Puerto Rico. CSC specializes in military boot camp-style “Shock Incarceration” facilities—camps that engage more in sociopolitical re-engineering of drug-dependent inner city minority youth than in traditional norms of juvenile rehabilitation.

Considering the fact that the Bush administration installed John P. Walters as Director of the Office of National Drug Control Policy, investors can look upon private prisons and their population as a growth industry—a definite “buy” in Wall Street parlance. Walters told the neo-conservative *Weekly Standard* that “what really drives the battle against law enforcement and punishment, however, is not a commitment to treatment, but the widely held view that (1) we are imprisoning too many people for merely possessing illegal drugs, (2) drug and other criminal sentences are too long and harsh, and (3) the criminal justice system is unjustly punishing young black men. These are among the great urban myths of our time.” However, the greatest urban myth is that the United States is winning the so-called “War on Drugs.”

Like his predecessor, Gen. Barry McCaffrey, Walters seems more interested in recruiting more slave laborers for America’s prison-industrial complex. Consider the fact that last year, the U.S. sprayed twice as much herbicide on Colombia’s coca fields than in the previous year. The net result was, according to the State Department, an increase in coca production. However, the Central Intelligence Agency, oddly charged with determining the production output of a narcotic for which it has a sordid history of trafficking and distributing, stalled on issuing its own Colombian production report. Perhaps that is because in its own “wilderness of mirrors” it must show a decrease in production to demonstrate its phony war is working. With such cooked books, the future for America’s yet-to-be imprisoned youth looks very bleak indeed.

And the Caligulan madness doesn’t end there.

In “The Prison as Laboratory,” Silja J.A. Talvi quotes the Nuremberg Code of 1947: “The voluntary consent of the human subject is absolutely essential.” The code was drafted in direct response to the sheer barbarity of Nazi-era medical experiments on Jews and other captive groups. “[The] person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, over-reaching or other ulterior form of constraint or coercion.

Yet in a convenient disassociation from the ethical implications of the Nuremberg Code, the United States became the only nation in the world to officially sanction the use of prisoners in experimental clinical trials. From the ’40s through the early ’70s, American doctors regularly injected and infected inmates with malaria, typhoid fever, herpes, cancer cells, tuberculosis, ringworm, hepatitis, syphilis and cholera in repeatedly failed attempts to “cure” such diseases. Doctors in prisons pulled out prisoners’ fingernails and inflicted flash burns to approximate the results of atomic bomb attacks and even conducted various “mind-control” experiments using isolation techniques and high doses of LSD, courtesy of the CIA . . . While those practices were outlawed in the 1970s, Talvi reports that there is evidence that inmate experimentation may be resuming again.

Considering Bush’s own Texas gubernatorial record of carrying out more executions than any of his predecessors (and his appointment of suspected human rights abusers to positions of power in

the US State Department and Pentagon), the situation for America's burgeoning prison population—and the general populace—can only get worse. His glibness on the death penalty and death in general (on Bin Laden—"Dead or alive;" on a tax increase—"[Not] over my dead body") could easily result in America's condemned being harvested for their organs—something for which we currently condemn China.

With recent revelations that the Bush administration set about to create a secret shadow government in two underground bunkers near Washington (assumed to be one operated by the Federal Emergency Management Agency [FEMA] at Mount Weather, Virginia, and another operated by the Defense Department at Raven Rock Mountain [Site R], near Waynesboro, Pennsylvania), it is worth looking at the history of U.S. government list keeping and plans to incarcerate political subversives.

And that history, ironically or perhaps not, involves Wackenhut. In 1977, the U.S. Privacy Protection Study Commission discovered that Wackenhut had compiled a list of 2.5 million U.S. citizens it considered to be "subversive." In addition to people who had been subpoenaed to appear before the now-defunct (soon to be resurrected?) House Un-American Activities Committee, it contained the names of individuals culled from newspaper clipping services and Wackenhut's own private investigative business.

In 1977, President Jimmy Carter signed Executive Order 12148 which transformed the Federal Emergency Preparedness Agency into the Federal Emergency Management Agency (FEMA). FEMA was to become responsible for coordinating federal civil defense and other emergency relief activities within the USA. However, when Ronald Reagan took over the presidency in 1981, he named his old California National Guard chief, retired General Louis Giuffrida, as his emergency czar. Giuffrida had a tainted image as California's National Guard commander. He drew up lists of "militant Negroes" who were to be rounded up in emergencies.

He designed "Operation Cable Splicer," which kept track of political dissidents in California, especially anti-Vietnam War protesters. When Giuffrida took over the reins at FEMA, he began to embark on similar projects. FEMA began to store some 12,000 names it had obtained from the FBI's domestic intelligence files. FBI Director William Webster was so outraged at this interference in FBI matters he forced FEMA to turn the list back to the FBI. FEMA's surveillance lists may have included at least 100,000 U.S. citizens who were assumed to be potential threats to security. These included the names of environmentalists, survivalists, and tax protesters (in 2002, these are the new terrorists).

Wackenhut is reportedly a major contractor to FEMA. With FEMA now running a shadow government, there is a real possibility that the "subversive" lists for which both FEMA and Wackenhut have an affinity are once again being dusted off and updated. The USA PATRIOT Act, drawn up in a frenzy only matched in history by the scrapping of the German Constitution in the wake of the Reichstag Fire, certainly criminalizes a range of what can be construed as "political crimes against The State. The State's prison-industrial complex, therefore, stands to benefit from a whole new population of "criminal."

And what does Congress say about Bush setting up a shadow government? It never knew about it! According to The Washington Post, Senate Majority Leader Tom Daschle said he "had not been informed about the role, location or even the existence of the shadow government." House

Minority Leader Richard Gephardt said he “was unaware of the administration’s move.” Senator Robert Byrd, the Senate President pro tempore, third in line to succeed the President, was also not informed. Aides to House Speaker Dennis Hastert, second in succession, also expressed bewilderment.

The Bush-Cheney “regime,” that being the only descriptor that comes to mind for it, is playing fast and loose with the U.S. Constitution, demonstrating that they are not upholding the oath of office they took on January 20, 2001. America must come out of its catatonic state. It is time to recall the words of Russian novelist Aleksandr Solzhenitsyn in his famous book, “The Gulag Archipelago”:

“And how we burned in the camps latter, thinking: What would things have been like if . . . during periods of mass arrests, as for example in Leningrad, when they arrested a quarter of the entire city, people had not simply sat there in their lairs, paling with terror at every bang of the downstairs door and at every step on the staircase, but had understood they had nothing left to lose and had boldly set up in the downstairs hall an ambush of half a dozen people with axes, hammers, pokers, or whatever else was at hand? After all, you knew ahead of time that those bluecaps were out at night for no good purpose. And you could be sure ahead of time that you’d be cracking the skull of a cutthroat. Or what about the Black Maria sitting out there on the street with one lonely chauffeur—what if it had been driven off or its tires spiked? The Organs would very quickly have suffered a shortage of officers and transport and, notwithstanding all of Stalin’s thirst; the cursed machine would have ground to a halt! If . . . if . . . We didn’t love freedom enough. And even more . . . we had no awareness of the real situation. We spent ourselves in one unrestrained outburst in 1917, and then we hurried to submit. We submitted with pleasure! . . . We purely and simply deserved everything that happened afterward.”

The United Nations must recognize that one of its founding members is drifting dangerously towards totalitarianism—a prospect that endangers the peace and freedom of the entire world. Perhaps it’s time it intervenes.

John Stanton is a Virginia-based writer on national security affairs and Wayne Madsen is a Washington, DC-based investigative journalist who writes and comments frequently on civil liberties and human rights issues.

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