America’s Civil War Has Begun with Balkanization to Follow

Soon after taking office, President Trump issued an executive order banning legal residents of the United States and unnamed “others” based on their place of birth in seven nations cited as “dangerous.” All named nations are predominately Muslim but make up only a small minority of Islamic nations.

In broad but supportable terms, most terror attacks in the United States are domestic, notably Evangelical Christian and politically rightwing extremist or “alt-right.”

Other attackers are primarily from Saudi Arabia, Kuwait, Pakistan, Nigeria but include Yemeni and Somali’s as well. Trump wasn’t totally wrong but was rather about 95% wrong.

The United States has very large populations from Iran, Syria and Iraq, where community roots go back a century and more. For those who study American immigration and the growth and urbanization of America, these Islamic populations began building in America’s cities in concert with Jewish immigration waves stimulated by Imperial Russian persecution and later by the holocaust.

The largest waves were German, Italian, Irish and internal migration brought about by industrialization and, though seldom admitted, racial persecution.

As nearly 40% of America was “Hispanic” territory anyway, I will choose to shelve that discussion, not because it isn’t of significance but rather because it deserves independent analysis and consideration we will not be able to give.

The end result has been a “less than cohesive” America where competing ethnic groups have “melded” in different ways and with differing degrees of success. This process has been limited to areas that are politically “blue states,” where attitudes on racial issues, women’s rights and sexual preference have liberalized or humanized where contact levels and community values have been subject to the pressures of daily life.

Generally speaking, and we are saying this hypothetically as well, as there are almost no African American’s or Jews or Muslim’s in Wyoming, residents of that state are more willing to hold onto century old hatreds that daily contact would have dispelled. This is very much a “red state” phenomenon.

Conversely, racial prejudice in blue states based on very real differences that remain between African American communities and “white” suburbs has instilled what might be called “red state attitudes” into the industrialized areas that might be expected to be “liberalized.”

In a similar vein, were one to deal with that hypothetical “Wyoming,” nearly identical prejudices exist against Native
Americans, and all such prejudices are driven by stereotypes, and are exploited for political and economic gain.

This is part of the game that has been tearing America apart for two centuries, a game whose roots have always been in slavery, jingoism, isolationism and the economic abuse and exploitation of immigrant populations.

Where a great difference is seen is in the Arab/Iranian/Jewish immigration, and to a less noticeable, general “Asian” immigration as well, India, China, Korea, Vietnam and Japan, now a significant factor as well.

Truth be told, the Islamic and Jewish communities and the Asian sub-groups as well have assimilated, not into urban ghettos but rather into cultural, commercial and professional sectors, where they have become almost equally preeminent.

African immigration has followed suit. The negative factor isn’t to America but to the world where America’s standard of living and opportunities has attracted ambitious and capable people.

Where Americans can view this “melding,” and few can do this simply because America is a nation of limited contact, no public transport, a nation of private homes and decentralized communities, startling realities defy stereotypes.

In metropolitan Detroit, for instance, where Arab and Jewish communities are a century old and number over 1 million, there is and never has been any stress or level of confrontation, quite the opposite. Near equally mixed Jewish-Arab business groups power civic life while cultural and academic follow as well. This has also provided a “landing zone” for other ethnic and minorities groups as well.

This dynamic is what has pushed the economic growth of the United States and secured her survival in the face of deindustrialization since 1980.

It is also what has made Donald Trump so frightening.

In 1863, congress suspended habeas corpus under provisions allowed by the Constitution of the United States of America, Article One, Section 9, clause 2, and in accordance with the Habeas Corpus Suspension Act 1863, a law signed by President Lincoln in response to the ongoing civil war. The specific language is below, the only language in the US Constitution that allows due process to be mitigated for legal residents and citizens of the United States, or at least until 2001.

"The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it."

This was the first application of Martial Law, a term not used in the constitution but rather described through habeas corpus, the heart of Magna Carta and the basis of all English common law, on which American jurisprudence is based. It all comes from Runnymede-on-the-Thames 801 years ago when executive branch power was mitigated through parliamentary control, the general theory of republican government that existed until overturned in 2001 by Senator Arlen Specter, Attorney General John Ashcroft and President George W. Bush.

They did it, not Trump, they assumed that government would attract “better types,” which they quite wrongly, as history has long proven, deemed themselves to be, they are the ones that created the mechanism for what is now only a natural progression based on their desire for totalitarianism.

How this happened is described by Jeffrey Toobin for the New Yorker:

"Shortly after September 11, 2001, and the American invasion of Afghanistan, Specter proposed that Congress develop a set of rules for handling the prisoners—the so-called “enemy combatants”—who were captured there. Along with Richard J. Durbin, the Illinois Democrat, Specter introduced the Military Commission Procedures Act of 2002, which would have established a system of trials for the alleged Al Qaeda detainees, with defendants guaranteed, among other things, the presumption of innocence and the right to counsel. “The whole idea never really went anywhere,” Specter told me. “Nobody was much interested in it.”

The Bush Administration, believing that the treatment of the detainees was a matter that belonged under the exclusive control of the executive branch, was disdainful of attempts by Congress to address the issue. “I went down to Guantánamo with a group of senators shortly after it opened, and Dave Addington was also on the trip,” Lindsey Graham, the Republican senator from South Carolina, recalled,
referring to Vice-President Dick Cheney’s counsel, who has been a leading advocate in the Administration for a broad view of Presidential power. “As we were flying back to the States, I pulled Dave aside on the plane and said, ‘You really need to come over and draft some legislation with us, and, if you do that, the Supreme Court will be much more likely to uphold what we do. It would be better to work in concert with each other when it comes to wartime decision-making about how you try and interrogate a prisoner.”

What you will read next is the crux of the issue, not Trump at all but the position Trump is using legally and the position, as of this writing, that two levels of Federal Court has found unconstitutional. Toobin continues:

“I remember Dave had a copy of the Constitution he carried around with him,” Graham went on. “He took it out, and he said the Administration didn’t need congressional authorization for what it was doing. The President had the inherent authority to handle the prisoners any way he wanted. And I said, ‘That may be a good legal argument, but it’s not a good political argument. The more united the nation, the better it is for everyone.’ But Dave said, ‘Thanks but no thanks.’ And after that we never had much dialogue.” Or, as Specter put it, “We still had discussions with the Department of Defense—perhaps in part because the general counsel was interested in a judgeship—but they didn’t go anywhere.”

This is just how easy it is, how a standard for Martial Law was established outside constitutional authority, how the legislative branch of government simply walked away from the role given them in Article one of the constitution, the very heart of that document, the language that defined the United States as a republic.

This is the nature of Trump’s Muslim ban, though restricting itself to a religious minority singled out, based on administration claims that inadequate vetting intelligence exists to allow continued not only refugee immigration but continued residency by “legals” who incidentally and inadvertently traveled outside the United States during a capriciously selected 90-day period.

It is this level of senselessness, the kind of idiocy George W. Bush exhibited with consistency, when framed by Trump’s claims that his election alone is “national emergency enough,” no civil war like Lincoln, no massive domestic terror attack like 9/11, simply a flurry of tweets stimulated by boredom and a bit of bipolar disorder or worse, it has simply gone too far.

None of it would be possible without the unconstitutional degradation of rights the Bush cabal would have pushed for even without 9/11. The goal has always been open totalitarianism for America to replace the uncertainty of a political system still partially responsive to the electorate.

With Bush it was the shadowy “neocons” taking over, a far softer threat to individual freedoms when framed without the misogyny, race hatred and cronyism now infecting Washington. As things crumble around Trump, he continues to disappoint even his most ardent supporters at his lack of “presidentialness” and grasp of reality.

Simply put, Martial Law and the overthrow of the United States was not going to work without a charismatic leader, one thing America has been rather short of, and a credible external enemy that the tired boogeyman of Islamic extremism falls short of.

Yet it was Martial Law, the only applicable legal term to describe mitigation of due process and equal protection, delivered at the hands of a “twittering serial fabricationist” that confronts America. Though it may not seem such, this might just be a stroke of luck.

Gordon Duff is a Marine combat veteran of the Vietnam War that has worked on veterans and POW issues for decades and consulted with governments challenged by security issues. He’s a senior editor and chairman of the board of Veterans Today, especially for the online magazine “New Eastern Outlook.”