

# One Day We'll All Be Terrorists

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By Chris Hedges

Syed Fahad Hashmi can tell you about the dark heart of America. He knows that our First Amendment rights have become a joke, that habeas corpus no longer exists and that we torture, not only in black sites such as those at Bagram Air Base in Afghanistan or at Guantánamo Bay, but also at the federal Metropolitan Correctional Center (MCC) in Lower Manhattan. Hashmi is a U.S. citizen of Muslim descent imprisoned on two counts of providing and conspiring to provide material support and two counts of making and conspiring to make a contribution of goods or services to al-Qaida. As his case prepares for trial, his plight illustrates that the gravest threat we face is not from Islamic extremists, but the codification of draconian procedures that deny Americans basic civil liberties and due process. Hashmi would be a better person to tell you this, but he is not allowed to speak.

This corruption of our legal system, if history is any guide, will not be reserved by the state for suspected terrorists, or even Muslim Americans. In the coming turmoil and economic collapse, it will be used to silence all who are branded as disruptive or subversive. Hashmi endures what many others, who are not Muslim, will endure later. Radical activists in the environmental, globalization, anti-nuclear, sustainable agriculture and anarchist movements—who are already being placed by the state in special detention facilities with Muslims charged with terrorism—have discovered that his fate is their fate. Courageous groups have organized protests, including vigils outside the Manhattan detention facility. They can be found at [www.educatorsforcivilliberties.org](http://www.educatorsforcivilliberties.org) or [www.freefahad.com](http://www.freefahad.com). On Martin Luther King Day, this Jan. 18 at 6 p.m. EST, protesters will hold a large vigil in front of the MCC on 150 Park Row in Lower Manhattan to call for a return of our constitutional rights. Join them if you can.

The case against Hashmi, like most of the terrorist cases launched by the Bush administration, is appallingly weak and built on flimsy circumstantial evidence. This may be the reason the state has set up parallel legal and penal codes to railroad those it charges with links to terrorism. If it were a matter of evidence, activists like Hashmi, who is accused of facilitating the delivery of socks to al-Qaida, would probably never be brought to trial.

Hashmi, who if convicted could face up to 70 years in prison, has been held in solitary confinement for more than 2½ years. Special administrative measures, known as SAMs, have been imposed by the attorney general to prevent or severely restrict communication with other prisoners, attorneys, family, the media and people outside the jail. He also is denied access to the news and other reading material. Hashmi is not

allowed to attend group prayer. He is subject to 24-hour electronic monitoring and 23-hour lockdown. He must shower and go to the bathroom on camera. He can write one letter a week to a single member of his family, but he cannot use more than three pieces of paper. He has no access to fresh air and must take his one hour of daily recreation in a cage. His “proclivity for violence” is cited as the reason for these measures although he has never been charged or convicted with committing an act of violence.

“My brother was an activist,” Hashmi’s brother, Faisal, told me by phone from his home in Queens. “He spoke out on Muslim issues, especially those dealing with the wars in Iraq and Afghanistan. His arrest and torture have nothing to do with providing ponchos and socks to al-Qaida, as has been charged, but the manipulation of the law to suppress activists and scare the Muslim American community. My brother is an example. His treatment is meant to show Muslims what will happen to them if they speak about the plight of Muslims. We have lost every single motion to preserve my brother’s humanity and remove the special administrative measures. These measures are designed solely to break the psyche of prisoners and terrorize the Muslim community. These measures exemplify the malice towards Muslims at home and the malice towards the millions of Muslims who are considered as non-humans in Iraq and Afghanistan.”

The extreme sensory deprivation used on Hashmi is a form of psychological torture, far more effective in breaking and disorienting detainees. It is torture as science. In Germany, the Gestapo broke bones while its successor, the communist East German Stasi, broke souls. We are like the Stasi. We have refined the art of psychological disintegration and drag bewildered suspects into secretive courts when they no longer have the mental and psychological capability to defend themselves.

“Hashmi’s right to a fair trial has been abridged,” said Michael Ratner, the president of the [Center for Constitutional Rights](#). “Much of the evidence in the case has been classified under [CIPA](#), and thus Hashmi has not been allowed to review it. The prosecution only recently turned over a significant portion of evidence to the defense. Hashmi may not communicate with the news media, either directly or through his attorneys. The conditions of his detention have impacted his mental state and ability to participate in his own defense.

“The prosecution’s case against Hashmi, an outspoken activist within the Muslim community, abridges his First Amendment rights and threatens the First Amendment rights of others,” Ratner added. “While Hashmi’s political and religious beliefs, speech and associations are constitutionally protected, the government has been given wide latitude by the court to use them as evidence of his frame of mind and, by extension, intent. The material support charges against him depend on criminalization of association. This could have a chilling effect on the First Amendment rights of others, particularly in activist and Muslim communities.”

Constitutionally protected statements, beliefs and associations can now become a crime. Dissidents, even those who break no laws, can be stripped of their rights and imprisoned without due process. It is the legal equivalent of preemptive war. The state can detain and prosecute people not for what they have done, or even for what they are planning to

do, but for holding religious or political beliefs that the state deems seditious. The first of those targeted have been observant Muslims, but they will not be the last.

“Most of the evidence is classified,” Jeanne Theoharis, an associate professor of political science at Brooklyn College who taught Hashmi, told me, “but Hashmi is not allowed to see it. He is an American citizen. But in America you can now go to trial and all the evidence collected against you cannot be reviewed. You can spend 2½ years in solitary confinement before you are convicted of anything. There has been attention paid to extraordinary rendition, Guantánamo and Abu Ghraib with this false idea that if people are tried in the United States things will be fair. But what allowed Guantánamo to happen was the devolution of the rule of law here at home, and this is not only happening to Hashmi.”

Hashmi was, like so many of those arrested during the Bush years, briefly a poster child in the “war on terror.” He was apprehended in Britain on June 6, 2006, on a U.S. warrant. His arrest was the top story on the CBS and NBC nightly news programs, which used graphics that read “Terror Trail” and “Web of Terror.” He was held for 11 months at Belmarsh Prison in London and then became the first U.S. citizen to be extradited by Britain. The year before his arrest, Hashmi, a graduate of Brooklyn College, had completed his master’s degree in international relations at London Metropolitan University. His case has no more substance than the one against the seven men arrested on suspicion of plotting to blow up the Sears Tower, a case where, even though there were five convictions after two mistrials, an FBI deputy director acknowledged that the plan was more “aspirational rather than operational.” And it mirrors the older case of the Palestinian activist Sami Al-Arian, now under house arrest in Virginia, who has been hounded by the Justice Department although he should legally have been freed. Judge Leonie Brinkema, currently handling the Al-Arian case, in early March, questioned the U.S. attorney’s actions in Al-Arian’s plea agreement saying curtly: “I think there’s something more important here, and that’s the integrity of the Justice Department.”

The case against Hashmi revolves around the testimony of Junaid Babar, also an American citizen. Babar, in early 2004, stayed with Hashmi at his London apartment for two weeks. In his luggage, the government alleges, Babar had raincoats, ponchos and waterproof socks, which Babar later delivered to a member of al-Qaida in south Waziristan, Pakistan. It was alleged that Hashmi allowed Babar to use his cell phone to call conspirators in other terror plots.

“Hashmi grew up here, was well known here, was very outspoken, very charismatic and very political,” said Theoharis. “This is really a message being sent to American Muslims about the cost of being politically active. It is not about delivering alleged socks and ponchos and rain gear. Do you think al-Qaida can’t get socks and ponchos in Pakistan? The government is planning to introduce tapes of Hashmi’s political talks while he was at Brooklyn College at the trial. Why are we willing to let this happen? Is it because they are Muslims, and we think it will not affect us? People who care about First Amendment rights should be terrified. This is one of the crucial civil rights issues of our time. We ignore this at our own peril.”

Babar, who was arrested in 2004 and has pleaded guilty to five counts of material support for al-Qaida, also faces up to 70 years in prison. But he has agreed to serve as a government witness and has already testified for the government in terror trials in Britain and Canada. Babar will receive a reduced sentence for his services, and many speculate he will be set free after the Hashmi trial. Since there is very little evidence to link Hashmi to terrorist activity, the government will rely on Babar to prove intent. This intent will revolve around alleged conversations and statements Hashmi made in Babar's presence. Hashmi, who was a member of the New York political group Al Muhajiroun as a student at Brooklyn College, has made provocative statements, including calling America "the biggest terrorist in the world," but Al Muhajiroun is not defined by the government as a terrorist organization. Membership in the group is not illegal. And our complicity in acts of state terror is a historical fact.

There will be more Hashmis, and the Justice Department, planning for future detentions, set up in 2006 a segregated facility, the Communication Management Unit, at the federal prison in Terre Haute, Ind. Nearly all the inmates transferred to Terre Haute are Muslims. A second facility has been set up at Marion, Ill., where the inmates again are mostly Muslim but also include a sprinkling of animal rights and environmental activists, among them Daniel McGowan, who was charged with two arsons at logging operations in Oregon. His sentence was given "terrorism enhancements" under the Patriot Act. Amnesty International has called the Marion prison facility "inhumane." All calls and mail—although communication customarily is off-limits to prison officials—are monitored in these two Communication Management Units. Communication among prisoners is required to be only in English. The highest-level terrorists are housed at the Penitentiary Administrative Maximum Facility, known as Supermax, in Florence, Colo., where prisoners have almost no human interaction, physical exercise or mental stimulation, replicating the conditions for most of those held at Guantánamo. If detainees are transferred from Guantánamo to the prison in [Thomson, Ill.](#), they will find little change. They will endure Guantánamo-like conditions in colder weather.

Our descent is the familiar disease of decaying empires. The tyranny we impose on others we finally impose on ourselves. The influx of non-Muslim American activists into these facilities is another ominous development. It presages the continued dismantling of the rule of law, the widening of a system where prisoners are psychologically broken by sensory deprivation, extreme isolation and secretive kangaroo courts where suspects are sentenced on rumors and innuendo and denied the right to view the evidence against them. Dissent is no longer the duty of the engaged citizen but is becoming an act of terrorism.

*Chris Hedges, whose column is published on Truthdig every Monday, spent two decades as a foreign reporter covering wars in Latin America, Africa, Europe and the Middle East. He has written nine books, including "Empire of Illusion: The End of Literacy and the Triumph of Spectacle" (2009) and "War Is a Force That Gives Us Meaning" (2003).*