

**OPPORTUNISM,
CRIME, AND THE
STATE**

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IT IS CHARACTERISTIC OF the state to be opportunistic. This is not simply true historically, but in contemporary society as well.

Worse, this opportunism tends to be in conflict with the harmony of society and the securing of its Liberty.

YESTERDAY

A GOOD EXAMPLE FROM history is Ancient Rome.

Rome, according to prevailing mythology, was said to have located a problem: not enough women in the city-state. It is then said that Rome located a solution: invade Sabine and kidnap *their* women.

Of course in real life, taking such impulsive steps without considering the likely or possible consequences will inevitably lead to unintended consequences, such as a general distrust of the Roman polis and perhaps even a subsequent invasion and elimination thereof.

But according to the prevailing mythology, Rome was opportunistic enough to turn its poorly-thought out solution into a greater benefit for the state—by convincing the Sabines that if Rome is so successful at such attacks, it would be in the Sabellic interest to ally itself with Rome. Thus began the Roman empire.

Early Roman history is largely mythological, as early Rome did not keep good records. But it is fairly safe to say

that the opportunistic approach of taking brash action on a whim and hoping for the best is not a safe strategy for any common person. That is akin to placing one's money in a stock without knowing anything about it.

It is not good for the common person when she does it, and it is not good for society when the state does it.

TODAY

IT SHOULD NOT BE surprising that states still employ opportunism today, usually to strengthen and cement their own power. Thus, when some catastrophe comes along, like the illegal slaughter of thousands of innocent Americans back in September of 2001, the state will not think twice about using the tragedy to grow itself at the expense of society.

As we all know, the U.S. government, in pursuit of its so-called “War on Terror,” has engaged in acts of torture and what *New Yorker* writer Jane Mayer calls “deliberate cruelty.” This usage is a prime example of the opportunism of the state. But to understand it, we must look at how the opportunity arose.

MILITARY OPPORTUNISM AND THE WHITE HOUSE

AN EDITORIAL BY *THE Boston Globe* today tells of a report by the Senate Armed Services Committee. This report concluded that “senior officials in the United States government solicited information on how to use aggressive techniques, redefined the law to create the appearance of their legality, and authorized their use against detainees.”

Why would the state do such a thing? Because the opportunity to strengthen its power through inspiring fear in citizens of other nations had presented itself. The state, in short, did it because—it could.

An editorial from *The New York Times* gives even more detail on the involvement of top White House officials, and says “the Senate Armed Services Committee has made what amounts to a strong case for bringing criminal charges against former Defense Secretary Donald Rumsfeld; his legal counsel, William J. Haynes; and potentially other top officials, including the former White House counsel Alber-

to Gonzales and David Addington, Vice President Dick Cheney's former chief of staff.”

Says the *Globe*,

While the Bush administration has said that it authorized aggressive interrogation methods only after field officers complained that conventional approaches were not working, the committee found that the impetus for harsher practices *came from officials in Washington*. As early as December 2001, in the early weeks of the war in Afghanistan, Defense Department officials looked to a decades-old military training program for information on these techniques. The program had been designed to prepare US personnel for the use of the interrogation methods in case they were captured by Cold War enemies. (Emphasis added.)

The report also tells us that until 2001, soldiers received training dealing with illegal torture solely to train them in the event that they themselves were to get captured and tortured. After the opportunity of 2001, these methods immediately began being used by U.S. military and at the behest of senior officials who openly ignored criticism that their activity was illegal. These interrogation practices included “forced nudity, painful stress positions, sleep deprivation, extreme temperatures, and the use of threatening dogs.”

UNINTENDED CONSEQUENCES OF OPPORTUNISM

AS THE *TIMES* CORRECTLY points out,

These policies have deeply harmed America's image as a nation of laws and may make it impossible to bring dangerous men to real justice. The report said the interrogation techniques were ineffective, despite the administration's repeated claims to the contrary.

Alberto Mora, the former Navy general counsel who protested the abuses, told the Senate committee that “there are serving U.S. flag-rank officers who maintain that the first and second identifiable causes of U.S. combat deaths in Iraq—as judged by their effectiveness in recruiting insurgent fighters into combat—are, respectively, the symbols of Abu Ghraib and Guantánamo.”

Criminal conduct, even when committed by the state, is not without consequences. But, unfortunately, the negative consequences resulting from the state's unethical actions regularly hurt the people. Thanks to the state posturing itself as being above the law, those criminals that have found

themselves in positions of power are all the less likely to face penalties than they would were they common citizens like us.

PROSECUTION FOR THOSE WHO COMMITTED CRIMES FROM A POSITION OF POWER?

WITH ALL THAT HAS BEEN brought to light, one would hope for those who exploited their positions of power to be tried. After all, nobody should be above the law.

But do not expect any action from the Democrats or Republicans. They are far too committed to the *status quo* to do what is right.

As Dave Lindorff writes for *CounterPunch*,

A month before he takes office, it has become the conventional wisdom in our conventional media that Barack “No Drama” Obama will not seek or even allow any prosecution of Bush administration officials for crimes committed over the past eight years—not even for authorizing and promoting the illegal use of torture on captives of America’s wars on Iraq, Afghanistan and “terror.”

Lindorff presents a necessary criticism of the *Times*, saying

that they're giving Mr. Obama a free pass.

There is no mention of the obvious point that if crimes have been committed—and in the case of the authorizing of torture, which is banned by both international treaties to which the US is a signatory, and by US law, which folded the torture bans into the US Criminal Code for good measure, they clearly have been—the president and his incoming attorney general have a sworn obligation to prosecute them. That's what "preserve, protect and defend the Constitution" means, after all.

Mr. Lindorff's analysis here is excellent. He makes a strong case in his article, saying that Bush and Cheney should be impeached, and that if Mr. Obama fails to prosecute torture violations, then he, too, is a criminal.

NO PROGRESS FROM THE STATE

STATIST GOVERNMENT DOES not work.

It does not prevent crime—in fact, it actively engages in it.

It does not make us safer. Instead, it makes us more vulnerable by jumping blindly into ill-advised activity, with no thought about the unintended consequences—the blow-back—of its actions to the people it allegedly serves.

Statist government does what it wants, and what it wants is power. Individuals here and there within the government may care about the consequences of statist action, but the state itself has no mind, no general will, and cannot effectively or efficiently determine the best course of action to promote harmony.

This is because the state uses coercion to achieve all of its goals, and coercion is never the producer of harmony. It produces anger at best and retaliation at worst, and without even the benefit of providing a hint of security.

Turning to the same statist system that has failed us time and time again will never yield the results we want. But it *will* yield the results the state wants: the opportunity for more power.

So when the state comes and tells you that an emergency has arisen, that it needs more power to “protect” you, beware that this is yet another case of statist opportunism. And the unintended consequences may affect you and your family the most.

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