

For What it is worth... What If?

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Science Fiction is well known for posing "what if" questions. In classical Science Fiction you pick a science fact and ask what if X was really Y... and then chase down the resulting consequences... to people, to the environment, to reality. When you create characters that deal with that alternate reality you have the framework for a story.

Politics also poses some interesting "what if" questions. And along those lines, let's try a little thought experiment. Try to imagine the following...

What If?

What if an American President suspended the writ of Habeas Corpus*ⁱ

...and ordered the military to arrest those who criticized his policies and actions

...and thousands were arrested and imprisoned.

What if those critical of the President included the mayor of a major US City*ⁱⁱ

...and the President ordered his arrest.

What if those critical of the President included members of a state legislature*ⁱⁱⁱ

...and the President ordered them arrested.

What if those critical of the President included an ex-member of Congress*^{iv}

...whom the Military arrested, tried and convicted.

What if those critical of the President included the Chief Justice of the US Supreme Court, a Justice who challenged the President by pointing out that the President lacked the Constitution Right to his actions...

...and the President ordered his arrest*^v.

What if the President ordered the military to control communication lines, arrest editors and shut down newspapers *^{vi}

...to silence those who disagreed?

What if some of those arrested were tried and convicted before a military tribunal? *vii

What if the federal government interfered with the elections...

...by arresting known members of the opposing party? *viii

What would be your reaction?

Would you say, “What a bunch of malarkey... It can’t happen here”?

Guess what?

It did.

It’s history.

And no it was not President Bush.

It was Lincoln.

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ⁱ The writ of Habeas Corpus is a legal proceeding in which an individual held in custody can challenge the propriety of that custody under the law. In effect, the writ creates a gap between despotism and freedom by requiring the government to show the legitimacy of the detention. Without it, citizens can be jailed indefinitely without charges or trial. The writ is specifically mentioned in the US Constitution in Article One Section Nine and is based on English Common Law.

President Lincoln suspended the writ of Habeas Corpus in Maryland in 1861. In 1862 Lincoln suspended the writ throughout the entire North. The suspension did not include an end date, but the writ of Habeas Corpus was restored in 1866.

Refs:

- http://www.supremecourthistory.org/02_history/subs_history/02_c05.html
- http://www.civil-liberties.com/pages/did_lincoln.htm
- <http://www.civilwarhome.com/pulito.htm>
- <http://www.members.cox.net/rayhbanks/Pages230-234>

ⁱⁱ Refs: <http://www.etymonline.com/cw/maryland.htm>

ⁱⁱⁱ Refs:

- <http://www.civilwarhome.com/baltimoreriot.htm>
- <http://www.etymonline.com/cw/maryland.htm>

^{iv} Refs: <http://www.etymonline.com/cw/habeas.htm>; James A. Garfield, later President of the US, said in defense of Milligan (who had been arrested) that the government's argument was that "martial law alone existed in Indiana; that it silenced not only the civil courts, but all the laws of the land, and even the Constitution itself; and that during this silence the executor of martial law could lay his hand upon every citizen; could not only suspend the writ of habeas corpus, but could create a court which should have the exclusive jurisdiction over the citizen to try him, sentence him, and put him to death."

^v Refs:

- http://en.wikipedia.org/wiki/Ex_parte_Merryman
- <http://www.civilwarhome.com/pulito.htm>
- <http://www.lewrockwell.com/dilorenzo/dilorenzo75.html>
- Justice Taney said the president's course showed he lacked "a proper respect for the high office he fills He certainly does not faithfully execute the laws if he takes upon himself the legislative power, by suspending the writ of habeas corpus, and the judicial power also, by arresting and imprisoning a person without due process of law." <http://www.etymonline.com/cw/habeas.htm>

^{vi} Refs: <http://mistersnitch.blogspot.com/2005/08/bad-press-for-president.html>

^{vii} Refs: <http://www.etymonline.com/cw/habeas.htm>

^{viii} Refs: <http://www.etymonline.com/cw/maryland.htm>