US Senate backs military detention of American citizens

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The US Senate voted Thursday night to approve a military funding bill that codifies into law the criminal state practices begun under Bush—and continued under Obama—in the name of the "global war on terror."

It explicitly authorizes the military's indefinite detention without trial of American citizens and mandates that all non-citizens charged as terrorists—including those arrested on US soil—be detained indefinitely by the military rather than brought to trial in a civilian court.

The legislation was part of the National Defense Authorization Act, which provides $662 billion to finance the US military machine and its multiple wars abroad. The act passed the Democratic-controlled body by an overwhelming margin of 93 to 7, underscoring once again that there exists no serious constituency for the defense of democratic rights within any section of the American ruling elite or its two big business parties.

Thrown out by this legislation is the right guaranteed under the Sixth Amendment to the Constitution for all those accused of a criminal offense to a "speedy and public trial, by an impartial jury," and the core provision of the Fifth Amendment declaring that no person shall be deprived of liberty "without due process of law." It legalizes the abrogation in practice over the past decade of the bedrock principle of habeas corpus, which requires that the state bring a detained individual before an independent court and show just cause for imprisonment.

The bill also bars the use of any funds authorized for the Pentagon to shut down the infamous prison camp at Guantanamo Bay, Cuba and restricts the release of anyone currently detained there. It thus permanently enshrines within US law an institution that has turned the United States into a pariah nation around the globe.

Finally, more than a decade after the September 11, 2001 terrorist attacks on New York City and Washington, it renews the Authorization of the Use of Military Force (AUMF) rammed through Congress in the immediate wake of those attacks, while granting even more sweeping powers to the executive branch than were included in the original legislation.

Specifically, the AUMF, passed in September 2001 authorized the use of force against "those nations, organizations or persons" determined by the US president to have "planned, authorized, committed or aided" the 9/11 attacks or found to be harboring those responsible.

The legislation incorporated into the Pentagon spending bill goes much further. It authorizes the use of force as well as extra-constitutional imprisonment against anyone who is "a part of or substantially supported Al Qaeda, the Taliban or associated forces that are engaged in hostilities against the United States or its coalition partners."

What is involved here is the legislative endorsement of what George W. Bush once described as "the wars of the 21st century," i.e., endless acts of military aggression conducted under the banner of a perpetual "war on terrorism" in which the entire planet—including US soil—is deemed a battlefield.

What are the "associated forces" referred to and who are Washington's unnamed "coalition partners"? These terms are undefined and deliberately vague, serving to provide a legal fig leaf for US wars in Somalia, Yemen and elsewhere. Experience has proven that the determination of what forces are defined as "associated" with Al Qaeda and terrorism depends entirely on US geo-strategic interests. Thus, ex-Al Qaeda associates are hailed as "freedom fighters" and utilized to carry out regime-change in Libya, while elsewhere, forces with no substantive connection to the terrorist network are demonized and attacked.

And what does it mean to "substantially support" Al Qaeda or the Taliban? Does it include writing articles, making statements or organizing demonstrations against US wars waged on the pretext of combating these forces?

In 1918, the socialist leader Eugene V. Debs was

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thrown into prison under the draconian Sedition Act for delivering a speech opposing the First World War and calling for the working class to take power and carry out the socialist transformation of society. Even then, however, the government had to try him before a jury. The legislation passed Thursday renders such democratic niceties superfluous. Now such an offense would be punishable by disappearance into a military-run concentration camp.

Senator Lindsey Graham (Republican from South Carolina), one of the most vociferous backers of the legislation, left no doubt as to its significance. He declared: "If you're an American citizen and you betray your country, you're going to be held in military custody and you're going to be questioned about what you know, and you're not going to be given a lawyer if our national security interests dictate that you not be given a lawyer."

The American Civil Liberties and various liberal groups have praised the White House for threatening to veto the legislation and have urged Obama to act. The reality, however, is that the Democratic president is not opposing the bill based upon reservations regarding its sweeping anti-democratic content. On the contrary, like the Bush administration, the Obama White House has already assumed the powers of military detention codified in the legislation.

It has gone significantly further than its predecessor, asserting the right to assassinate US citizens, with the president ordering their deaths without presenting a shred of evidence against them. It has implemented this supposed "right" in the drone missile murder of Anwar al-Awlaki, the New Mexico-born Muslim cleric, as well as others over the past year. If the White House is willing to murder US citizens without charges or trials, it has no principled basis for objecting to their military imprisonment and indefinite incarceration.

The Obama administration's concern is not with constitutional rights, but rather with preserving its extra-constitutional, quasi-dictatorial presidential powers to carry out war and repression without any interference by the legislative branch.

A White House statement on the legislation complains that it would "micromanage the work of our experienced counterterrorism professionals, including our military commanders, intelligence professionals" and other "operatives in the field." It insists that it "would be a mistake for Congress to overrule or limit the tactical flexibility of our Nation's counterterrorism professionals."

As Senator Carl Levin of Michigan, the Democratic sponsor of the legislation, made clear in the debate, the Obama administration intervened in the process to demand that language in the original version of the bill that excluded US citizens and lawful residents from being indefinitely detained by the military without charges be removed. The White House saw this restriction as an unacceptable limitation of its powers, including its asserted power to order the military to "disappear" American citizens for alleged offenses that are never made public.

The Senate legislation serves only to expose the already existing structure of police-military dictatorship that has been erected behind the decaying facade of American democracy over the past decade, as well as the full complicity of both major parties in this process.

The nationwide police violence and repression unleashed against the Occupy Wall Street protests have provided a glimpse of the real character of a government that is of the rich, by the rich and for the rich. Under the conditions of unprecedented social inequality, joblessness and social misery that sparked these protests, even the most rudimentary forms of democratic government become untenable. Naked state repression is required to impose the dictates of the financial elite.

The defense of democratic rights today is inseparable from the struggle for social equality, and both stand in irreconcilable conflict with the US ruling elite and all of its institutions, including the Democratic Party and the Obama administration. This struggle can be successfully waged only through the independent political mobilization of the working class, the sole social force capable of carrying out the socialist transformation of society and ending the conditions of inequality, war and repression spawned by capitalism.

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