

# Obama signs police state legislation

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President Barack Obama signed the National Defense Authorization Act (NDAA) into law on New Year's Eve. The bill provides a massive \$662 billion for the US war machine and makes unprecedented inroads into democratic rights, authorizing the US military to seize individuals anywhere in the world and hold them in a military detention facility indefinitely, without a trial or any other legal recourse.

Congressional Democrats and Republicans ratified the NDAA in a series of House and Senate votes in November and December that beat back nearly all efforts to set limits to the presidential power to arrest and imprison without trial or charge. As Republican Senator Lindsey Graham emphasized during the congressional debate, the legislation defines the entire world to be part of the battlefield against Al Qaeda, including the territory of the United States itself, making every human being on the planet, including every American citizen, a potential prisoner of the American military.

The NDAA effectively revokes the oldest democratic right, *habeas corpus*, which bars arbitrary imprisonment by requiring that the government present evidence to a judge or court to justify taking a person into custody. This right was first asserted in England during the Middle Ages and finally established and codified in the course of the English Revolution of the 17<sup>th</sup> century, which shattered the arbitrary power of the monarchy and established the supremacy of parliament.

Under the new law, the president of the United States can designate any individual, whether an American citizen, resident alien, or citizen of any other country, to be arrested and detained for life by the US military. The law defines a "covered person" in the following terms: "A person who was 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, including any person who has committed a belligerent act or has directly supported such hostilities in aid of such enemy forces."

This goes far beyond terrorists linked to the 9/11

attacks, the purported target of the Bush and Obama administrations' "war on terror," to include anyone defined by the president as "engaged in hostilities against the United States or its coalition partners." This could include Kurdish separatists in Turkey (a US NATO ally), Palestinian protesters in Israel, the West Bank or Gaza, and anyone engaged in resisting the ongoing US wars in Afghanistan, Pakistan, Yemen and Somalia, or any future wars initiated by Obama or his successors.

It could include youth in Tahrir Square fighting the Egyptian military dictatorship (the second largest recipient of US military aid and a key US ally), workers on strike against the governments of Greece, Spain or Italy (all NATO allies), or those opposed to the stationing of US military forces anywhere in the world, including Obama's latest deployment of 2,500 US Marines in Australia.

It could well include domestic opponents of US military action, including opponents of the repressive actions of the military-intelligence apparatus at home. There have been repeated attempts by spokesmen for the political right to smear antiwar groups and the Occupy Wall Street protesters as allies of terrorists—and therefore potential targets for military incarceration.

First under Bush and then under Obama, the US government has advanced, with full sanction by the federal courts, an extremely broad reading of what constitutes "material support" to include anyone who engages in political activity that is in any way aligned with the actions of a supposedly "terrorist" organization. In several cases, the US government has even brought "material support" prosecutions against human rights activists who have advised nationalist movements fighting US-backed governments on how to shift from guerrilla war to electoral politics.

The American Civil Liberties Union denounced Obama's signing of the legislation. Obama "will forever be known as the president who signed indefinite detention without charge or trial into law," ACLU Executive Director Anthony Romero said in a statement. "Any hope

that the Obama administration would roll back the constitutional excesses of George Bush in the war on terror was extinguished today,” he added.

Obama sought to conceal the implications of this massive attack on democratic rights by claiming to oppose the applicable provisions of the bill even as he was signing them into law. The weasel-worded statement issued by the White House only underscores the duplicity of the Obama reelection campaign, in which the Democratic president will seek to appeal to youth, minorities and popular antiwar sentiment, while carrying out policies even more militaristic and anti-democratic than those of the Republican Bush.

In the signing statement, Obama claims to have “serious reservations with certain provisions that regulate the detention, interrogation, and prosecution of suspected terrorists.” He continues: “I want to clarify that my Administration will not authorize the indefinite military detention without trial of American citizens. Indeed, I believe that doing so would break with our most important traditions and values as a Nation.”

The language is carefully crafted. Obama admits that the NDAA represents a repudiation of the democratic traditions associated with the American Revolution and the Civil War. He makes an extremely limited promise—no military detention without trial of a US citizen—which does not bind any successor and which he can break just as easily as he broke his promise to close the Guantanamo Bay concentration camp.

The promise is an easy one to make, since even the Bush administration abandoned its lone attempt to carry out “indefinite military detention without trial of American citizens,” in the case of Jose Padilla, turning him over to the federal courts rather than risk a Supreme Court ruling on the issue.

But in signing the law, Obama has asserted his right to carry out such indefinite detention of an American citizen in the future, and thus the right of any future president to do so. This amounts to giving a green light to the abrogation of *habeas corpus*, with the dimensions of the breach in democratic rights dependent solely on the arbitrary whim of the executive power.

Even more ominously, Obama has already asserted an even more drastic power—the “right” to assassinate any American citizen designated by the president as an “enemy combatant,” without trial or charge. The White House authorized the drone missile assassination of Anwar al-Awlaki four months ago, claiming the US-born Islamic preacher was a leader of Al Qaeda in the Arabian

Peninsula. A few weeks later, the CIA murdered Awlaki’s 16-year-old son, also a US citizen, with the same weapon.

Much of the White House signing statement criticized the NDAA’s detention provisions as too restrictive of the executive branch, essentially declaring that Obama wanted the flexibility to decide on military or civilian detention facilities and judicial processes on a case-by-case basis. An aide, speaking to the press in Hawaii, where Obama is vacationing, said that the president would be “making sure that none of these congressional provisions impede the ability of the counter-terrorism and law enforcement and military professionals who are keeping this country safe.”

The White House statement specifically criticized “unwarranted restrictions on the executive branch’s authority to transfer detainees to a foreign country.” The Obama administration has continued the practice of “extraordinary rendition” in which individuals are seized by the US military or intelligence services overseas and transferred to third countries for torture and interrogation.

Obama also objected to any limitation on US military flexibility in transferring prisoners in Afghanistan to the custody of the Afghan government—another instance in which prisoner interrogation and torture have been “outsourced.”

There is an intrinsic connection between the main purpose of the NDAA—to authorize and fund the Pentagon’s operations for fiscal year 2012—and the sections on military detention of prisoners both inside and outside the United States. The legislation includes new US sanctions against Iran aimed at choking off the country’s oil exports, an act of economic warfare, while financing the worldwide operations of American imperialism. It demonstrates that militarism and aggressive war abroad go hand in hand with authoritarianism and dictatorship at home.



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