

# Obama signs Pentagon bill maintaining Guantanamo and military detention

Bill Van Auken  
5 January 2013

For the second year in a row, President Barack Obama has signed into law a Pentagon funding bill that allows for the indefinite military detention of anyone, including American citizens, without charges, while barring the shutdown of the Guantanamo Bay prison camp.

The signing of the National Defense Authorization Act of 2013 Wednesday puts paid to the predictions by the administration's liberal and pseudo-left supporters that Obama, freed of re-election concerns, would pursue a more "progressive" political course in his second term. As in 2012, this legislation enshrines a sweeping assault on core constitutional principles and democratic rights.

The legislation's provisions underscore the link between the eruption of American militarism abroad and the lurch toward police-state measures at home.

It provides \$633 billion for Washington's worldwide military operations, including \$88.5 billion for overseas "contingency operations," the bulk of it going to fund the continuing war and occupation in Afghanistan. It increases funding for the military's Special Operations Command (USSOCOM) to \$10.5 billion in preparation for new interventions across the planet.

And it includes provisions demanding the acceleration of preparations for US wars, including new punishing economic sanctions against Iran and a mandate for the US to make "visible" preparations for war against the country. In relation to the US-fomented sectarian civil war in Syria, the new law demands that the President submit plans for the implementation of a "no-fly" zone, which would require a full-scale US-NATO military intervention, as in Libya in 2011.

Also included in this year's act is an amendment that effectively overturns the Smith-Mundt Act of 1948. This is Cold War era legislation that barred the US

government from disseminating propaganda aimed at the American people.

Just as with the 2012 NDAA, Obama had threatened, as recently as November, to veto the Pentagon funding act over restrictions that effectively bar any move to close down the infamous US prison and torture center at Guantanamo or transfer its inmates to the US for trial or any other reason. And, just as last year, the US president backed off of this threat, implementing policies drafted by the Republican right.

The shutdown of Guantanamo within one year was Obama's key promise formally promulgated on his first day in the White House. Four years later, 166 detainees remain imprisoned there, the vast majority of them for a decade without having been accused of any crime, much less brought to trial.

While as a candidate Obama had criticized his predecessor, George W. Bush, for routinely issuing "signing statements" that declared his objections to bills that he signed into law, rather than vetoing them, he did precisely that in relation to the 2013 NDAA.

Obama's signing statement stressed that he was enacting the bill because of his determination to "ensure that the United States will continue to have the strongest military in the world" overrode any of his objections.

As to the character of these objections, all of them centered on aspects of the legislation perceived as infringements on the unfettered executive power of the president as "commander-in-chief."

Among the specific objections was the legislation's "unwarranted restrictions on the executive branch's authority to transfer detainees to a foreign country," which could potentially hinder the administration's continuing use of "rendition" to abduct and secretly imprison alleged terrorist suspects in foreign jails for

protracted interrogation.

Obama also voiced opposition to a section of the law that provides whistle-blower protections for employees of outside military contractors who provide information revealing Pentagon abuses, mismanagement and corruption. Reiterating his administration's extreme defense of state secrecy, Obama wrote that he would ensure that no such revelations would compromise "information that is properly privileged or otherwise confidential."

Significantly, absent from this year's signing statement was a hypocritical clause inserted last year expressing reservations about the NDAA's sweeping provisions for military detention without charges or trial.

"My Administration will not authorize the indefinite military detention without trial of American citizens," Obama wrote last year. "Indeed, I believe that doing so would break with our most important traditions and values as a Nation."

In signing the 2012 NDAA, he also claimed he had "worked tirelessly to reform or remove" the provisions he opposed.

This year, he remained silent on any commitment to these "traditions and values" and on the entire subject of future military detention. There was also no claim that he had fought tirelessly or otherwise to have offending provisions removed. Clearly, the language inserted last year in an attempt to mollify liberal and "left" supporters in advance of the 2012 presidential election was seen as no longer necessary.

If anything, this year's legislation has clarified even further the scale of the assault on democratic rights that has been signed into law.

In a closed-door meeting of Senate and House conferees, an amendment unanimously passed by the Senate providing limited protections to US citizens and permanent residents against indefinite military detention was stripped from the legislation without explanation. The amendment applied only to such citizens and residents abducted within the US, not to those grabbed overseas. It also left open that such detentions would be permissible given the possibility of a trial before a drum-head military tribunal and provides that an Act of Congress would be sufficient to abrogate the Constitution and the age-old right of *habeas corpus*, allowing the US military to arrest and

effectively "disappear" US citizens within the US itself.

Nonetheless, even this amendment was ultimately ruled as overly restrictive on the use of military detention.

The vague and expansive language of the law enacted by Obama now permits the military to secretly grab virtually anyone deemed by the president to be an "enemy of the state" and throw them into Guantanamo or any other military prison to be held indefinitely without charges or trial.

It allows indefinite military detention to be employed against anyone, including US citizens, on the basis of unproven and secret charges that they have provided support to al Qaeda, the Taliban or "associated forces," committed a "belligerent act" or given "aid" to "enemy forces."

With none of these terms defined, indefinite detention could be justified in cases ranging from antiwar protesters to journalists whose writings are deemed unduly sympathetic to Washington's many enemies. Workers on strike could be accused of committing a "belligerent act," as could someone viewed as overly critical of the US government.

What is involved here is not, as Obama's liberal critics would have it, merely political cowardice or a "failure to lead." As president, Obama has "led" in the direction demanded by America's ruling financial aristocracy and the military-intelligence complex. He has continued and deepened the crimes of the Bush administration, creating an apparatus of state assassinations as a virtual fourth branch of the US government.

It is not an accident that the president enacts legislation enshrining military detention without charges in law as his administration and the Congress prepare to make the working class pay for the economic crisis through savage cuts to social programs and a historic reduction in living standards. The ruling class anticipates social upheavals and is preparing accordingly.



To contact the WSWS and the  
Socialist Equality Party visit:

**[wsws.org/contact](http://wsws.org/contact)**