

Final Curtain: Obama Signs Indefinite Detention of Citizens Into Law As Final Act of 2011

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President Barack Obama rang in the New Year by signing the NDAA law with its provision allowing him to indefinitely detain citizens. It was a symbolic moment to say the least. With Americans distracted with drinking and celebrating, Obama signed one of the greatest rollbacks of civil liberties in the history of our country . . . and citizens partied only blissfully into the New Year.

Ironically, in addition to breaking his promise not to sign the law, Obama broke his promise on signing statements and attached a statement that he really does not want to detain citizens indefinitely.

Obama insisted that he signed the bill simply to keep funding for the troops. It was a continuation of the dishonest treatment of the issue by the White House since the law first came to light. As [discussed earlier](#), the White House told citizens that the President would not sign the NDAA because of the provision. That spin ended after sponsor Sen. Carl Levin (D., Mich.) went to the floor and disclosed that it was the White House and insisted that there be no exception for citizens in the indefinite detention provision.

The latest claim is even more insulting. You do not “support our troops” by denying the principles for which they are fighting. They are not fighting to consolidate authoritarian powers in the President. The “American way of life” is defined by our Constitution and specifically the Bill of Rights. Moreover, the insistence that you do not intend to use authoritarian powers does not alter the fact that you just signed an authoritarian measure. It is not the use but the right to use such powers that defines authoritarian systems.

The almost complete failure of the mainstream media to cover this issue is shocking. Many reporters have bought into the spin of the Obama Administration as they did the spin over torture by the Bush Administration. Even today reporters refuse to call waterboarding torture despite the long line of cases and experts defining waterboarding as torture for decades. On the NDAA, reporters continue to mouth the claim that this law only codifies what is already the law. That is not true. The Administration has fought any challenges to indefinite detention to prevent a true court review. Moreover, most experts agree that such indefinite detention of citizens violates the Constitution.

There are also those who continue the long-standing effort to excuse Obama’s horrific record on civil liberties by either blaming others or the times. One successful myth is that there is an exception for citizens. The White House is saying that changes to the law made it unnecessary to veto the legislation. That spin is facially ridiculous. The changes were the

inclusion of some [meaningless rhetoric](#) after key amendments protecting citizens were defeated. The provision merely states that nothing in the provisions could be construed to alter Americans' legal rights. Since the Senate clearly views citizens are not just subject to indefinite detention but even execution without a trial, the change offers nothing but rhetoric to hide the harsh reality. The Administration and Democratic members are in full spin — using language designed to obscure the authority given to the military. The exemption for American citizens from the *mandatory* detention requirement (section 1032) is the screening language for the next section, 1031, which offers no exemption for American citizens from the authorization to use the military to indefinitely detain people without charge or trial.

Obama could have refused to sign the bill and the Congress would have rushed to fund the troops. Instead, as confirmed by Sen. Levin, the White House conducted a misinformation campaign to secure this power while portraying Obama as some type of reluctant absolute ruler, or as Obama maintains a reluctant president with dictatorial powers.

Most Democratic members joined their Republican colleagues in voting for this unAmerican measure. Some Montana citizens are [moving to force the removal of these members](#) who they insist betrayed their oaths of office and their constituents. Most citizens however are continuing to treat the matter as a distraction from the holiday cheer.

For civil libertarians, the NDAA is our Mayan moment. 2012 is when the nation embraced authoritarian powers with little more than a pause between rounds of drinks.

So here is a resolution better than losing weight this year . . . make 2012 the year you regained your rights.

Here is the signing statement attached to the bill:

THE WHITE HOUSE
Office of the Press Secretary
FOR IMMEDIATE RELEASE
December 31, 2011
Statement by the President on H.R. 1540

Today I have signed into law H.R. 1540, the “National Defense Authorization Act for Fiscal Year 2012.” I have signed the Act chiefly because it authorizes funding for the defense of the United States and its interests abroad, crucial services for service members and their families, and vital national security programs that must be renewed. In hundreds of separate sections totaling over 500 pages, the Act also contains critical Administration initiatives to control the spiraling health care costs of the Department of Defense (DoD), to develop counterterrorism initiatives abroad, to build the security capacity of key partners, to modernize the force, and to boost the efficiency and effectiveness of military operations worldwide.

The fact that I support this bill as a whole does not mean I agree with everything in it. In particular, I have signed this bill despite having serious reservations with certain provisions that regulate the detention, interrogation, and prosecution of suspected terrorists. Over the last several years, my Administration has developed an effective, sustainable framework for the detention, interrogation and trial of suspected terrorists that allows us to maximize both our ability to collect intelligence and to incapacitate dangerous individuals in rapidly

developing situations, and the results we have achieved are undeniable. Our success against al-Qa'ida and its affiliates and adherents has derived in significant measure from providing our counterterrorism professionals with the clarity and flexibility they need to adapt to changing circumstances and to utilize whichever authorities best protect the American people, and our accomplishments have respected the values that make our country an example for the world.

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