

# How Congress Has Signed Its Own Arrest Warrants in the NDAA Citizen Arrest Act

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I never thought I would have to write this: but—incredibly—Congress has now passed the [National Defense Appropriations Act](#), with Section 1021, which allows for the military detention of American citizens. The section is so loosely worded that any American citizen could be held without due process. The language of this bill can be read to assure Americans that they can challenge their detention — but most people do not realize what this means: at Guantanamo and in other military prisons, one's lawyer's calls are monitored, witnesses for one's defense are not allowed to testify, and one can be forced into nudity and isolation. Incredibly, ninety-three Senators voted to support this bill and now most of Congress: a roster of names that will live in infamy in the history of our nation, and never be expunged from the dark column of the history books.

They may have supported this bill because—although it's hard to believe—they think the military will only arrest active members of Al Qaida; or maybe, less naively, they believe that 'at most', low-level dissenting figures, activists, or troublesome protesters might be subjected to military arrest. But they are forgetting something critical: history shows that those who signed this bill will soon be subject to arrest themselves.

Our leaders appear to be supporting this bill thinking that they will always be what they are now, in the fading light of a once-great democracy — those civilian leaders who safely and securely sit in freedom and DIRECT the military. In inhabiting this bubble, which their own actions are about to destroy, they are cocooned by an arrogance of power, placing their own security in jeopardy by their own hands, and ignoring history and its inevitable laws. The moment this bill becomes law, though Congress is accustomed, in a weak democracy, to being the ones who direct and control the military, the power roles will reverse: Congress will no longer be directing and in charge of the military: rather, the military will be directing and in charge of individual Congressional leaders, as well as in charge of everyone else — as any Parliamentarian in any society who handed this power over to the military can attest.

Perhaps Congress assumes that it will always only be 'they' who are targeted for arrest and military detention: but sadly, Parliamentary leaders are the first to face pressure, threats, arrest and even violence when the military obtains to power to make civilian arrests and hold civilians in military facilities without due process. There is no exception to this rule. Just as I traveled the country four years ago warning against the introduction of torture and secret prisons - and confidently offering a hundred thousand dollar reward to anyone who could name a nation that allowed torture of the 'other' that did not eventually turn this abuse on its own citizens — (confident because I knew there was no such place) — so today I warn that one cannot name a nation that gave the military the power to make civilian arrests and hold citizens in military detention, that did not almost at once turn that power

almost against members of that nation's own political ruling class. This makes sense — the obverse sense of a democracy, in which power protects you; political power endangers you in a militarized police state: the more powerful a political leader is, the more can be gained in a militarized police state by pressuring, threatening or even arresting him or her.

Mussolini, who created the modern template for fascism, was a duly elected official when he started to direct paramilitary forces against Italian citizens: yes, he sent the Blackshirts to beat up journalists, editors, and union leaders; but where did these militarized groups appear most dramatically and terrifyingly, snapping at last the fragile hold of Italian democracy? In the halls of the Italian Parliament. Whom did they physically attack and intimidate? Mussolini's former colleagues in Parliament — as they sat, just as our Congress is doing, peacefully deliberating and debating the laws. Whom did Hitler's Brownshirts arrest in the first wave of mass arrests in 1933? Yes, journalists, union leaders and editors; but they also targeted local and regional political leaders and dragged them off to secret prisons and to torture that the rest of society had turned a blind eye to when it had been directed at the 'other.' Who was most at risk from assassination or arrest and torture, after show trials, in Stalin's Russia? Yes, journalists, editors and dissidents: but also physically endangered, and often arrested by militarized police and tortured or worse, were senior members of the Politburo who had fallen out of favor.

Is this intimidation and arrest by the military a vestige of the past? Hardly. We forget in America that all over the world there are militarized societies in which shells of democracy are propped up — in which Parliament meets regularly and elections are held, but the generals are really in charge, just as the Egyptian military is proposing with upcoming elections and the Constitution itself. That is exactly what will take place if Congress gives the power of arrest and detention to the military: and in those societies if a given political leader does not please the generals, he or she is in physical danger or subjected to military arrest. Whom did John Perkins, author of *Confessions of an Economic Hit Man*, say he was directed to intimidate and threaten when he worked as a 'jackal', putting pressure on the leadership in authoritarian countries? Latin American parliamentarians who were in the position to decide the laws that affected the well-being of his corporate clients. Who is under house arrest by the military in Myanmar? The political leader of the opposition to the military junta. Malalai Joya is an Afghani parliamentarian who has run afoul of the military and has to sleep in a different venue every night — for her own safety. An on, and on, in police states — that is, countries with military detention of civilians — that America is about to join.

US Congresspeople and Senators may think that their power protects them from the treacherous wording of Amendments 1031 and 1032: but their arrogance is leading them to a blindness that is suicidal. The moment they sign this NDAA into law, history shows that they themselves and their staff are the most physically endangered by it. They will immediately become, not the masters of the great might of the United States military, but its subjects and even, if history is any guide — and every single outcome of ramping up police state powers, unfortunately, that I have warned for years that history points to, has come to pass — sadly but inevitably, its very first targets.

*Author, social critic, and political activist **Naomi Wolf** raises awareness of the pervasive inequities that exist in society and politics. Wolf's New York Times bestseller, *The End of America: A Letter of Warning to a Young Patriot*, is an impassioned call to return to the aspirations and beliefs of the Founders' ideals of liberty. The New York Times called the*

documentary version “pointedly inflammatory.” Her latest book, *Give Me Liberty: A Handbook For American Revolutionaries*, includes effective tools for citizens to promote civic engagement and create sustainable democracy.

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