

Obama Rings in the New Year By Signing Bill Allowing Indefinite Detention of Americans

By [Washington's Blog](#)

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Obama [signed the NDAA](#) – including a provision allowing the [indefinite detention of Americans](#) – on New Year's eve.

Obama issued a “signing statement” with the bill, which – at first blush – appears to say he won't indefinitely detain Americans. Specifically, Obama wrote:

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.

But a closer reading shows that the signing statement is just smoke and mirrors.

Specifically, it was Obama – *not* Congress – who [originally requested](#) that an exception for American citizens be removed from the bill. As such, his professed reluctance is wholly disingenuous.

Moreover, Obama signed a bill which would allow future presidents to indefinitely detain U.S. citizens, and his signing statement in no way limits their power to run roughshod over our rights.

As the ACLU [notes](#):

The statute contains a sweeping worldwide indefinite detention provision. While President Obama issued a signing statement saying he had “serious reservations” about the provisions, the statement only applies to how his administration would use the authorities granted by the NDAA, and would not affect how the law is interpreted by subsequent administrations. The White House had threatened to veto an earlier version of the NDAA, but reversed course shortly before Congress voted on the final bill.

“President Obama's action today is a blight on his legacy because he will forever be known as the president who signed indefinite detention without charge or trial into law,” said Anthony D. Romero, ACLU executive director. “The statute is particularly dangerous because it has no temporal or geographic limitations, and can be used by this and future presidents to militarily detain people captured far from any battlefield. The ACLU will fight worldwide detention authority wherever we can, be it in court, in Congress, or internationally.”

Under the Bush administration, similar claims of worldwide detention authority

were used to hold even a U.S. citizen detained on U.S. soil in military custody, and many in Congress now assert that the NDAA should be used in the same way again. The ACLU believes that any military detention of American citizens or others within the United States is unconstitutional and illegal, including under the NDAA. In addition, the breadth of the NDAA's detention authority violates international law because it is not limited to people captured in the context of an actual armed conflict as required by the laws of war.

"We are incredibly disappointed that President Obama signed this new law even though his administration had already claimed overly broad detention authority in court," said Romero. "Any hope that the Obama administration would roll back the constitutional excesses of George Bush in the war on terror was extinguished today. Thankfully, we have three branches of government, and the final word belongs to the Supreme Court, which has yet to rule on the scope of detention authority. But Congress and the president also have a role to play in cleaning up the mess they have created because no American citizen or anyone else should live in fear of this or any future president misusing the NDAA's detention authority."

In addition, Obama has [claimed the power to assassinate American citizens without any trial or charge](#). Obama's signing statement doesn't even *pretend* to limit that power.

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