

# Orwell and Beyond: Legislating Tyranny in America

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*Obama won't prosecute CIA torturers, Wall Street crooks, other corporate criminals, lawless war profiteers, or other venal high-level civilian or government officials.*

*Instead, expect him to sign into law (or at least tacitly approve) indefinite military detentions of US citizens allegedly associated with terrorist groups, with or without corroborating evidence.*

Post-9/11, US freedoms and other democratic values dramatically eroded. Enactment of police state provisions in the FY 2012 National Defense Authorization Act comes closer to ending them entirely.

On December 5, the ACLU headlined, "Indefinite Detention, Endless Worldwide War and the 2012 National Defense Authorization Act (NDAA)," saying:

Enactment of this measure will authorize "the military to pick up and imprison people, including US citizens, without charging them or putting them on trial."

Secretly with no hearings, both Houses are rushing to complete a "joint version" before leaving for Christmas break. "Fundamental American values and freedoms are on the line." Given the stakes, they're perilously hanging by a thread.

On December 13, the Center for Constitutional Rights (CCR) urged Obama to veto NDAA in its present form. Otherwise, he'll "be responsible for signing into law one of the greatest expansions of executive power in our nation's history, allowing the government to lock up citizens and non-citizens without the right to fair trials."

Indefinite detentions violate core democratic freedoms, including fundamental Bill of Rights ones already gravely eroded.

On November 27, 1941, Franklin Roosevelt issued Proclamation 2524, declaring December 15 Bill of Rights Day to commemorate its 150th 1791 ratification.

At the time, he hailed "America('s) charter of personal liberty and human dignity," including "freedom of religion, freedom of speech, freedom of the press, freedom of assembly, and the free right to petition the Government for redress of grievances."

Although American freedom then was far less than he claimed, today it hangs by a thread and may pass entirely any time for any reason.

In response to global imperial wars, corporate favoritism, unbridled private sector criminality, and political corruption at the highest levels, causing economic crisis conditions

at home, thousands began protesting nationwide for social justice.

In response, militarized police confront them violently as NDAA heads for enactment to stop anyone from challenging US hegemony and corporate power by throwing them indefinitely in military dungeons to rot.

Equity and justice are fast eroding entirely to advance America's imperium. On May 26, the House passed HR 1540, 322 - 96. Doing so took a giant step toward abolishing freedom entirely.

On December 1, the Senate's S. 1867 followed suit, 93 to 7. Both versions assure no one anywhere is now safe, including law-abiding US citizens.

Enactment means anyone anywhere, including US citizens, may be indefinitely held without charge or trial, based solely on suspicions, baseless allegations or none at all.

No reasonable proof is required, just suspicions that those detained pose threats. Under subsection (b)(1), indefinite detentions can follow mere membership (past or present) or support for suspect organizations.

Presidents will have unchecked authority to arrest, interrogate and indefinitely detain law-abiding citizens if accused of potentially posing a threat.

Constitutional, statute and international laws won't apply. Presidential diktats will replace them.

US military personnel will be authorized to arrest and indefinitely detain anyone globally, including US citizens. No one anywhere will be safe.

Due process, civil protections, and judicial fairness will be null and void. Presidents could order anyone arrested and imprisoned for life without charge or trial. Abuse of power will replace rule of law protections. It can happen in days.

Ahead of their holiday break, leaders from both Houses are meeting secretly to resolve final language differences before sending NDAA to Obama to sign.

Promising a veto, he lied. He broke every major promise made. This one's no exception at a time he can go either way, given enough congressional votes to override him.

Moreover, Senate bill sponsor Carl Levin said administration officials, in fact, lobbied against language excluding US citizens from indefinite military detentions without trials or due process. According to Levin:

"The language which precluded the application of Section 1031 to American citizens was in the bill that we originally approved....and the administration asked us to remove (it) which says that US citizens and lawful residents would not be subject to this section."

"It was the administration that asked us to remove the very language which we had in the bill which passed the committee. (W)e removed it at the request of the administration....It was the administration which asked us to remove the very language, the absence of which is now objected to."

In other words, Obama wants US citizens indefinitely detained in military prisons whether or not charged. He fully supports police state repression. Only his disingenuous rhetoric says otherwise.

Earlier by Executive Order, he authorized indefinite detentions with or without military commission trials for persons designated national security threats. Intended specifically for Guantanamo detainees, it could be stretched to include anyone.

In addition, he authorized CIA operatives and Special Forces death squads to kill targeted US citizens abroad. As a result, they may be hunted down and murdered in cold blood for any reason or none at all.

Outspoken Muslim cleric Anwar al-Awlaki, a US citizen living in Yemen at the time, was killed for opposing Washington's imperium, not alleged or committed crimes. His murder comes perilously close to replicating assassinations at home, whether covertly or openly.

In fact, administration lawyers called US citizens legitimate targets if deemed national security threats, with or without corroborating evidence. As a result, indeed no one's safe, whether or not NDAA passes in its current form.

According to CIA counsel Stephen Preston and Pentagon lawyer Jeh Johnson, US citizens at war with America have no immunity. Executive branch officials, not courts, will decide guilt or innocence issues.

In other words, anyone voicing opposition to America's imperium risks being targeted for arrest, detention or assassination.

With regard to Obama's NDAA position, his White House November 17 Statement of Administration Policy said:

"The Administration supports Senate passage of (NDAA) for Fiscal Year (FY) 2012."

"Section 1031 attempts to expressly codify the detention authority that exists under the Authorization for Use of Military Force (Public Law 107-40) (the "AUMF"). The authorities granted by the AUMF, including the detention authority, are essential to our ability to protect the American people from the threat posed by al-Qaida and its associated forces...."

"Because the authorities codified in this section already exist, the Administration does not believe codification is necessary and poses some risk....While the current language minimizes many of those risks, future legislative action must ensure (against) unintended consequences that could compromise our ability to protect the American people."

Senate bill S. 1867, Section 1031, affirms the "authority of the armed forces of the United States to detain covered persons," including US citizens.

Section 1032 requires suspects held in military custody, outside constitutionally mandated civil protections, without habeas rights, due process, and other judicial procedures.

Obama may object to legislative language, not its intent. As a result perhaps, wiggle room wording changes may assuage his concerns, while leaving sweeping indefinite military detention authorization unchanged.

In other words, presidents henceforth may order anyone indefinitely detained in military prisons uncharged, including US citizens.

#### A Final Comment

Even before 9/11, Washington began militarizing police forces nationwide. Sophisticated weapons and training are provided, including military robots, M-16 assault rifles, helicopters, armored vehicles, grenade launchers, and other weapons previously used only by military forces.

In 1997, the so-called 1033 Program (formerly the 1208 Program) let the Defense Secretary “transfer, without charge, excess US Department of Defense (DoD) personal property (supplies and equipment) to state and local law enforcement agencies (LEAs).”

As a result, they’ve been supplied with land, air and sea vehicles, weapons, computer equipment, body armor, fingerprint equipment, night vision equipment, radios and televisions, first aid equipment, tents, sleeping bags, photographic equipment, and more.

In 2011 alone, about \$500 million in military related hardware was supplied. Next year’s amounts are expected to increase fourfold. Doing so coincides with OWS crackdowns.

More than ever, America is being militarized to quash popular social justice protests at a time equity and justice are fast disappearing. Moreover, military forces may intervene if local cops need help.

Post-9/11, police state terrorism was institutionalized. It’s being hardened more than ever to crush dissent.

Constitutional, statute, and international law protections no longer apply. Planned tyranny will replace them, leaving no one safe anywhere henceforth.

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