

Police State USA and the NDAA: Creating American Terrorists

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Defenders of the recently passed National Defense Authorization Act, which declares the entire world to be a “battlefield” against terrorism and authorizes the U.S. military to detain indefinitely anyone suspected of being a terrorism supporter, have claimed that the White House will only use its new power carefully and with due process. Opponents note that the White House has never hesitated to use any new authority, no matter how outrageous, and that the trend of law enforcement and security agencies is to expand on powers granted, not to rein them in or limit them.

The track record of the Obama administration on civil liberties is particularly bad, as it has broadened its definition of war powers, reneged on its promise to close Guantanamo Prison, and supported numerous dubious terrorism prosecutions. It has also become adept at silencing critics through the repeated exploitation of the state-secrets privilege, which effectively dismisses any case accusing the government of abuse or malfeasance.

So let us accept that the government now has the power to send a team of military police to anyone’s home in any state in the Union and can demand that that person surrender without any recourse to a lawyer or judicial due process. The military can then detain the individual incommunicado for any length of time and can presumably send him to Guantanamo for special confinement, claiming that the reason for the detention is support of terrorism, which can be almost anything, including a letter to the editor of the local paper complaining about the goonery of the Transportation Security Administration. Once in detention, the suspect only has such options as are granted to him by the military. He cannot see a lawyer, cannot invoke habeas corpus or other constitutional privileges, cannot confront any witnesses against him, and cannot challenge any information prejudicial to him even if it is hearsay or fabricated. In other words, the accused can be arrested for no reason and held indefinitely without any protections that enable him to push back against being detained. Most people would consider a criminal justice system that permits such detention ipso facto a police state.

Now let us accept for a moment that the White House and Justice Department are well-intentioned and will not use their newfound authority to detain anyone in a questionable fashion. The expanded powers will only be used to detain foreign terrorists who are caught in flagrante, more or less. That would be fine, perhaps, but for one small problem. Because the definition of a terrorism supporter has become enormously elastic, it can be stretched to include anything. If the whole world has become a battlefield, speaking out or acting against powerful vested interests can be dangerous because those interests can turn around and exploit the system to label one a terrorist. And once you are labeled a terrorist, your

constitutional rights vanish and you might as well sit around and wait for that knock on the door — or, rather, for the door to be kicked in.

That is what House Resolution 3131 is all about. It is titled, in part, “To direct the secretary of state to submit a report on whether any support organization that participated in the planning or execution of the recent Gaza flotilla attempt should be designated as a foreign terrorist organization....” The bill then goes on to assert that the two flotillas in 2010 and 2011 opposing Israel’s blockade of Gaza were terrorist actions. But the only problem is that it relies on information from the Israeli Intelligence and Information Center to do so, meaning that Congress is deferring to a foreign government organization to make a judgment that directly impacts that selfsame government. And the Israelis are not shy about calling someone a terrorist, if it suits the narrative they are trying to present. They describe a Turkish organization involved in the first flotilla in 2010, known by its acronym IHH, as linked to al-Qaeda and Hamas based on evidence that no one else in the world accepts, apart from Congress, that is. The Turkish vessel Mavi Marmara was clearly aiming to take on the Israeli navy, armed to the teeth with “100 metal rods, 200 knives, 50 wooden clubs, and a telescopic sight for a gun.” In reality, the rods were torn from the ships rails when the heavily armed Israeli commandos boarded at night from helicopters. The knives were pocket knives and utility knives from the vessel’s galley, and the clubs were broken from deck chairs to repel the attackers. I will not speculate on the telescopic sight, but there was not a real weapon anywhere on board. The Israelis killed nine Turks, shooting several in the head at close range, including an American citizen. Congress has yet to express its outrage at the Israeli action — quite the contrary — and Hillary Clinton’s State Department has been silent, apart from warning the subsequent 2011 flotilla that the American embassy would do nothing to protect U.S. citizens aboard.

Regarding the second flotilla of July 2011, HR 3131 goes on to state that “Greek authorities boarded ships and took into custody several individuals, including Captain John Klusmire of the ship Audacity of Hope as it violated Greek Coast Guard orders by setting sail without permission.” Klusmire is a U.S. citizen who was not breaking any American law, it should be noted. He was later released by the Greek authorities.

The bill concludes with its “Sense of Congress,” surely an oxymoron if there ever was one: “the secretary of state shall submit ... a report on whether any support organization that participated in the planning or execution of the recent Gaza flotilla attempt should be designated as a foreign terrorist organization ... [to] include information on ... the sources of any logistical, technical, or financial support for the Gaza flotilla ships, including the Audacity of Hope, that were to set sail from Greece on July 1, 2011.”

I personally know a number of organizations that provided material or financial support to one or both of the Gaza flotillas. I also personally know that none of those organizations support violence against the state of Israel and that the people behind them believed then and now that they were exercising their constitutional rights in speaking out and acting nonviolently against what they and most of the world regard as an illegal and immoral blockade of Gaza. But, if the bill passes in Congress, a bureaucrat in the U.S. Department of State will now be able to call those people and their associated groups “terrorists,” and Hillary Clinton will be able to confirm that judgment to Congress. Next step is the MPs at the door.

If people cannot see what a slippery slope all of this is, they not thinking very clearly. HR

3131 is admittedly still sitting in congressional committee, but it has some very powerful sponsors, including Ileana Ros-Lehtinen of Florida, who heads the Foreign Affairs Committee and is a rabid supporter of Israel. The bill not only indicts whole groups of people exercising their constitutional rights and labels them “terrorists,” it even names one American who was, at the time, breaking no U.S. law. Klusmire’s only crime was to “set sail without permission” — in Greece. It was clearly a bogus charge manufactured to suit by a vulnerable Greek government desperately needing international loans and under pressure from the United States and Israel.

Klusmire’s real crime was to oppose a powerful interest group, the Israel Lobby. To do so these days is to invite a charge of terrorism support with the option of being arrested by the Pentagon and locked up somewhere at the pleasure of the president of the United States. How low have we sunk, Mr. Obama? You portray yourself as a man of honor and a defender of constitutionalism, but you have opened the gates to lawlessness and authoritarian rule. And even if you are as benign as you depict yourself, you have provided the legal tools for those who might follow you — the Gingriches, the Perrys, the Bachmanns, and the Santorums — to possibly do much, much worse.

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