



Written by [Jack Kenny](#) on December 15, 2011

Indefinite Imprisonment Moves Toward Final Passage

The White House has dropped the threat of a veto of the military authorization bill that would declare the entire world, including the U. S., "homeland," a battlefield and permit the imprisonment of terror suspects, including American citizens, indefinitely and without trial.



The administration had threatened a veto of earlier versions of the the National Defense Authorization Act of 2012, passed by the House and the Senate, arguing that provisions in the bills would open the door for the military to perform policing functions inside the United States, and that they would infringe on executive branch powers, the [New York Times](#) reported. But a White House statement issued Wednesday said adjustments made by a House-Senate conference committee had allayed those concerns. "As a result of these changes, we have concluded that the language does not challenge or constrain the president's ability to collect intelligence, incapacitate dangerous terrorists, and protect the American people, and the president's senior advisors will not recommend a veto," according to the statement.

Among other things, the conference committee bill allows the administration the option of trying terror suspects in civilian courts instead of before a military commission. The White House had also objected to a provision in the earlier versions requiring that non-citizens suspected of ties to al-Qaeda be kept in military custody. But the conference satisfied that objection by expanding the president's ability to make exceptions, the *Times* reported.

But the bill, approved by the House on Wednesday by a vote 283 to 18, retains provisions that allow for indefinite imprisonment without trial. The authorization, drafted in the Senate by John McCain (R-Ariz., picture above) and Carl Levin (D-Mich.) would permit the holding without charge of anyone, including an American citizen arrested in the United States, who is suspected of being a member of Al Qaeda or its allies, or of having "substantially supported" them. The bill has been sent to the Senate for final approval. In previous deliberations, co-sponsor Levin said on the Senate floor that a provision to exempt American citizens from the indefinite imprisonment authorization contained in Section 1031 was in the original bill approved by the Armed Services, but was later removed at the administration's request.

"The initial threat of veto was apparently nothing more than political theater on the part of the White



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House," wrote columnist John Glaser on [Antiwar.com](#). But Paul Craig Roberts, Assistant Secretary of the Treasury during the Reagan administration, has suggested a possible reason why the Obama administration objected to the provision mandating the confinement of foreign military suspects in military prisons. The regime objects to military detention, said Roberts, because:

"These rights would interfere with the regime's ability to send detainees to CIA torture prisons overseas. This is what the Obama regime means when it says that the requirement of military detention denies the regime 'flexibility.'"

But it is hardly certain that either the administration or the Congress would be constrained by the Geneva Conventions, to which the United States is a signatory, given their clear indifference to the Constitution of the United States. Amendment Four's ban on "unreasonable searches and seizures," the Fifth Amendment guarantee that no person "shall be deprived life, liberty or property without due process of law," and the Sixth Amendment guarantee of a right to "a speedy and public trial" may be denied to Americans arrested, either abroad or in "the homeland," if the provisions of Section 1031 of the National Defense Authorization Act are enacted and enforced.

If the Senate passes the conference bill, Barack Obama, who frequently criticized the George W. Bush administration over violations of civil liberties, may go down in history as the President who signed away the Bill of Rights.

"If President Obama signs this bill," said Laura W. Murphy, director of the ACLU Washington Legislative Office, "it will damage both his legacy and America's reputation for upholding the rule of law." The last time Congress passed indefinite imprisonment legislation, she noted, was in the early days of the Cold War. "President Truman had the courage to veto that bill. We hope that the president will consider the long view of history before codifying indefinite detention without charge or trial."



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