



# NDA

NATIONAL DEFENSE AUTHORIZATION ACT

OCCUCARD #6



EXPOSING AND OPPOSING THE CORPORATE STATE

**O**n December 31, 2011, President Obama signed into law the National Defense Authorization Act (NDAA) for 2012. Along with allocating \$662 billion for the wars in Iraq and Afghanistan, Section 1021 of the Act authorized the military to detain, indefinitely and without trial, anyone deemed to be a terrorist or supporter of terrorism, including any U.S. citizen. It defines as subject to military detention anyone who has “substantially supported al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of such enemy forces.”

The law’s vague definition of those subject to detention as well as its application to U.S. citizens have fueled widespread concern and condemnation. The Act’s sponsors claim the provision codifies powers that Congress approved shortly after 9/11 in the joint resolution entitled *Authorization for Use of Military Force Against Terrorists (AUMF)*, but Section 1021 clearly broadens the definition of those subject to detention. Where the AUMF allowed only for the detention and rendition of “enemy combatants,” Section 1021 introduces “associated forces” and anyone who has “committed a belligerent act” or “substantially supported” terrorism. Obama dismissed the public’s concerns at the same time the Senate voted to reject an amendment that would have excluded U.S. citizens from the provision.

Although Obama issued a signing statement saying he would not personally authorize the military to detain American citizens using the new law, his statement does not apply to future administrations, and it is not legally binding. Given that the administration recently defended the military assassinations of four U.S. citizens, including Anwar al-Awlaqi and his 15-year-old son, can Obama’s promise be trusted?

The NDAA specifically redefines the “battlefield” in the War on Terror to include U.S. soil. Why now? “I suspect the real purpose of the bill is to thwart internal, domestic movements that threaten the corporate state,” writes former *New York Times* war correspondent, Chris Hedges, who is leading a suit against the Obama administration over the NDAA’s indefinite detention provision. “I spent many years in countries where the military had the power to arrest and detain citizens without charge. I have been in some of these jails. I have friends and colleagues who have ‘disappeared’ into military gulags. I know the consequences of granting sweeping and unrestricted policing power to the armed forces of any nation.” In response to *Hedges v. Obama*, a federal district judge issued a permanent injunction against the law’s indefinite detention powers in September 2012, on the grounds of unconstitutionality. A higher court stayed the ruling, however, after an appeal by Defense Secretary Panetta. As of June, 2013 the Supreme Court has refused to lift the stay, pending a further hearing by the US Second Court of Appeals.

The militarization of police, the expansion of the State’s surveillance and security apparatus, and the broadening of the U.S. military’s role to include domestic operations against U.S. citizens are urgent reasons to accelerate the growth of popular movements of **education, protest** and **civil disobedience**.

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