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Occupiers, Tea Partiers find common ground against National Defense Authorization Act

Claire Schaeffer-Duffy | Feb. 6, 2012 NCR Today

For those who despair that the American political scene is irredeemably polarized, here is a small, intriguing tale of hope. Occupy Worcester in Massachusetts and the Worcester Tea Party have found a common cause in opposing the National Defense Authorization Act (NDAA). On Friday, the two groups demonstrated in the city's federal building as part of a national day of protest against the act, which passed Dec. 31, 2011.

The Occupiers and Tea Partiers rightly fear the NDAA marks yet another erosion of our civil liberties. The bill allows for the use of military detention and military trial for any person -- U.S. citizen or foreigner -- suspected of terrorism.

Writing for the political newsletter *Counterpunch*, military veteran Brian Trautman called the bill "one of the greatest threats to civil liberties in our nation's history":

> "Under Section 1021 of the NDAA, foreign nationals who are alleged to have committed or merely 'suspected' of sympathizing with or providing any level of support to groups the U.S. designates as terrorist organization or an affiliate or associated force may be imprisoned without charge or trial 'until the end of hostilities.' ... But because the 'war on terror' is a war on a tactic, not on a state, it has no parameters or timetable. Consequently, this law can be used by authorities to detain [forever] anyone the government considers a threat to national security and stability -- potentially even demonstrators and protesters exercising their First Amendment rights."

Trautman goes on to note that while "the law does not explicitly target U.S. persons, it neither excludes nor protects them" and "allows for open-ended executive judgment with regard to the handling of U.S. persons."

The NDAA also makes it impossible, or very difficult, to close Guantanamo. It prohibits the transfer or release of detainees to the United States for any reason, including criminal trial, and requires the Secretary of Defense to make onerous certifications before any detainee can be transferred to a foreign country.

Although the NDAA gives the administration the authority to waive the certification requirement, it is doubtful these waivers will be used unless there is public pressure to do so. Until then, the bill effectively codifies an indefensible arrangement: indefinite detention even for those the United States has found to be innocent.

Of the remaining 171 prisoners in Guantanamo, 89 -- more than half -- have been cleared by a joint review team made up of members of the military, the CIA, the FBI and the National Security Council. Among the cleared is Shaker Aamer, a British resident and father of four. He remains behind bars because Secretary of Defense Leon Panetta has yet to certify Great Britain, that hotbed of terrorism, as a safe place for Aamer's return.

President Barack Obama's signature on the NDAA came with caveats. His administration "will not authorize the indefinite military detention without trial of American citizens," nor will he "mandate military custody" where law enforcement provides the better means for dealing with a terrorist.

But these are *his* caveats and are not binding on subsequent administrations. It would have been more courageous for the president to veto the bill altogether. As television host and political commentator Rachel Maddow recently noted, we "now live in a country where, technically at least, the military has a role to play in civilian law enforcement."

Occupy Worcester organized Friday?s anti-NDAA demonstration. Yes, there was a bit of an online brouhaha on each side about whether or not to allow members of the other group to attend, but in the end, both groups were there.

Worcester Tea Partiers acknowledged the differences they and the Occupiers have in goals and tactics but said "this issue is so important that these differences should be put aside and we should stand together as citizens to protest this attempt to circumvent the Constitution."

Kenneth Mandile, head of the Worcester Tea Party, told the *Telegram and Gazette*, "It would be easy to stay home on Friday night because you do not fear indefinite detention of yourself or your family, but it is important to fight every time Washington hacks off another piece of the Constitution.

Most of us accepted a diminished Constitution when the Patriot Act and the Military Commissions Act were passed. We should have spoken up then."

Mr. Mandile is right. More of us should have spoken up then. Here?s your chance to speak up: The website CloseGuantanamo.org [1] has launched an online petition that needs 25,000 signatures. So far, 6,390 have been collected. Today is the last day to sign, so please do so.

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Links:
[1] http://www.closeguantanamo.org