

IT CAME FROM THE WHITE HOUSE

By Michael Ventura

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It is a murky story, and no one knows its end.

During the long congressional tussle over the National Defense Authorization Act, some legislators actually read the small print and were alarmed by a section permitting the military, at the order of the president, to arrest designated enemies without warrants and hold them indefinitely without trial. “Without trial” is the usage in the bill; “until the end of hostilities” is its code for “indefinitely.” That section also permits a detainee’s “transfer” to “any other foreign entity” -- i.e., disappearance.

Sen. Dianne Feinstein, D-Calif., noticed that to subject American citizens to arrest without warrant and to detain us without trial violates the Fourth, Fifth, and Sixth Amendments of the Constitution. Feinstein proposed to specifically exempt American citizens from the NDAA’s arrest policy.

Her clarification of the NDAA passed the Senate by a vote of 98 to 1. That’s as bipartisan as it gets, even in good times. In these times, passage of Feinstein’s clarification was a miracle of agreement.

Yet in the NDAA’s final version, as signed by President Obama, American citizens are not exempt. How did that happen?

As of this writing, you won’t find the answer in *The New York Times*, *The Washington Post*, or Wikipedia. They mention Feinstein’s NDAA amendment and that it was killed, but not who killed it. Peruse umpteen Google search pages, as I did for my last column, and you may find this item, which I quoted: “Sen. Carl Levin, D-Mich., said during congressional hearings that Obama asked him to preserve language in the bill making Americans subject to indefinite detention.”

That’s from Courthouse News Service online on Jan. 17. An obscure source for such an important fact? I thought so. Still, I went with it in print because I discovered no other explanation for how Feinstein’s amendment got killed.

But I wasn’t satisfied. Ready to eat my words if I had to, after my column was published, I went back on the hunt: Google page upon Google page upon Google page, with every keyword I could think of. I was slow to go for the obvious: a search for Sen. Carl Levin, whereupon, after a time, I found **www.rt.com**. It offered a TV clip from C-SPAN2 from Dec. 12, 2011.

There was Levin himself, in the Senate chamber, addressing an unnamed “senator from Illinois,” who objected to the absence of Feinstein’s amendment in the final House-Senate version of the NDAA.

Levin’s syntax was atrocious but his point was clear and he made it several times:

“The administration asked us to remove the language which says that U.S. citizens and lawful residents would not be subject to this section. ... It was the administration that asked to remove the very language which we had in the bill which passed the committee – and then we removed it at the request of the administration – that would have said that this determination did not apply to U.S. citizens and lawful residents. ... It was the administration which asked us to remove the very language, the absence of which is now objected to.”

There you have it.

The Obama White House specifically asked that U.S. citizens be subject to arrest without warrant and detention without trial.

In Obama's signing statement, there's vague folderol about the Constitution and our values, plus a promise that he won't arrest us without charge and detain us without trial.

So why did he specifically ask for the power to do exactly that?

And why have major news organizations not questioned White House participation in this travesty? As of this writing, no one's asking Obama why he killed the Feinstein amendment.

When he signed the bill on New Year's Eve, *The Washington Post* online reported, "The president said his administration would seek to repeal any provisions that are inconsistent with his values."

Actually, that's not what Obama said. In his signing statement, he said this: "I will exercise my constitutional authorities as Chief Executive and Commander in Chief if [the bill's] procedures fall short, including but not limited to seeking the revision or repeal of provisions should they prove to be unworkable."

It doesn't sound like he's in a big hurry, does it? As of this writing, the White House hasn't made a peep about repealing anything. And why should it? Obama asked for the power to violate the Bill of Rights, and he got it.

You can't blame this on those big, bad Republicans.

Which brings up another point of interest:

The Senate vote on the final bill was 86 to 13. There are only 47 Republicans in the Senate. Some voted "no" specifically because the bill strips us of our rights: Jim DeMint, R-S.C.; Tom Coburn, R-Okla; and Rand Paul, R-Ky. Democrats enabled passage this bill.

The idea that Democrats are a wall of protection for our rights is, obviously, laughable. A Democratic president and a majority of Democratic legislators gave us the NDAA.

Republicans are by no means "behind the door," as my stepmom Margie used to say – I never quite got the metaphor. But if Margie said, "You're not behind the door," it meant you were guilty. A majority of Republicans went for the bill, some in knowledge, some in ignorance.

An example of the ignorant: "Nothing here affects U.S. citizens," said Texas's own Mac Thornberry (Politico, Jan. 2).

There is another kind of ignorance, less blatant but just as dangerous: the ignorance inherent to complacency, demonstrated by several Democratic voters who've said to me, "That section of the bill will be struck down by the Supreme Court."

Will this occur before or after you're arrested?

In some future column, I'll quote from my substantial file of how President Obama has consistently defended and expanded the Bush administration's attack on our basic rights. For now, it suffices to say that Obama won't rescind the offending sections of the NDAA without persuasion.

As yet, that persuasion is coming only from the collective voice of the Occupy movement and the lone voice of Ron Paul, R-Texas, who immediately introduced a bill in the House to rescind. I suspect only a popular outcry will finally do the job.

The supposition – Obama's, certainly -- is that most people will take it and lump it. NDAA will remain law because most people will say, in their behavior if not in their words, "So what?"

Are you most people?

If you're not, then you'll do what? Phone calls, emails, letters? I suspect a massive email campaign might stir things up enough for change. Better still, a few hundred thousand citizens enjoying their First Amendment right of peaceable assembly in front of the Jefferson Memorial would make the point.

For myself, if American citizens are not exempted from the anti-rights section of the NDAA by November, I will not vote for the man who asked for our inclusion and signed the law that makes possible my arrest without warrant, my detention without trial, and my disappearance – and yours.

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