

National Defense Authorization Act  
Restricts Civil Liberties

By Catherine Connor

President Obama signed the National Defense Authorization Act (NDAA) on December 31, 2011, allowing any president to imprison a suspected terrorist without trial until the threat of terrorism subsides—that is, indefinitely. With the signing of this bill, the president's power has expanded in the monitoring of suspected terrorist threats while sacrificing civil liberties. Previously, by the executive order of George W. Bush, the president could only imprison people without trial if they were possibly involved with the September 11th terrorist attacks. But now, the new law states that anyone can be taken into custody if he or she is a suspected supporter of terrorists groups or those groups' affiliates. These vague parameters make the NDAA bill threatening to civil rights. An individual's suspected affiliation with a certain group is based on the U.S. government's fear and desire to control.

The law states that a non-American citizen suspect must be taken into military custody. However, the law is confusing regarding American citizens. They might be given the option of being taken into civil custody, but the president has the power to take these citizens into military custody.

The parameters defining terrorist behavior are vague: Could someone donating money to Pakistani refugees be identified as a possible terrorist supporter? Could someone visiting terrorist websites be vulnerable to imprisonment? The NDAA bill has overreaching powers to imprison anyone.

President Obama says that he does not agree with parts of the NDAA bill, insisting that his administration will not imprison a US citizen without a fair trial. Therefore, habeas corpus rights might be guaranteed until the end of Obama's tenure. However there is no assurance that future presidents will respect US citizens' civil liberties.

The NDAA permits future presidents to detain suspects in order to keep the United States safe. Previous executive orders have endorsed torture, detained innocent non-combatants, participated in rendition, and lied about threats to the United States. This bill, following the 2001 Patriot Act and the Authorization for the Use of Military Force against Terrorists (AUMF) joint resolution, positions the United States on a slippery slope leading to a totalitarian, police state.