

Militarism and the NDAA Threaten the Right to Organize

The wording in the defense bill, the NDAA, has created alarm. It is in explicit violation of basic rights as expressed in the Bill of Rights. These rights, while always under attack in a time of rapidly growing political repression, had been considered untouchable by many civil liberties activists.

This article will examine the 2012 NDAA, investigate its relation to U.S. military expansion, look at the history of the Bill of Rights, and see how this can help point the way forward toward expanding rights and defeating repression.

What's in the NDAA?

The controversial provisions in the NDAA grant the U.S. military authority to hold in secret and indefinite detention people deemed a threat to national security without recourse to counsel or a lawyer and without charges presented in a court of law or the right to a trial. Such police-state tactics have already been used against thousands of Muslim immigrants in the U.S. and around the world as part of the so-called “war on terror” since Sept. 11, 2001.

Across the U.S., press conferences, rallies and petition campaigns were quickly organized by a whole series of organizations on Dec 15, 2011. Ironically, passage of NDAA by a final conference committee representing both houses of Congress coincided with the 220th anniversary of the passage of the Bill of Rights on Dec. 15, 1791.

The bill's provisions are an explicit violation of what is known as "habeus corpus," the guarantee of the right to a hearing before a judge. They also violate the guarantee that the U.S. military will be kept out of all internal domestic areas. This is called "posse comitatus," meaning the U.S. military cannot act on U.S. soil against U.S. citizens.

A statement released by the United National Anti-War Coalition cited recent ominous national trends, including massive spying, entrapment and phony plots in the Muslim community, recent raids on homes of anti-war activists by federal agents and subpoenas to appear before federal grand juries, and the nationally coordinated, often violent police evictions of the Occupy movement around the country.

The statement also protested the refusal of the Chicago city government and the federal government to allow for peaceful protests when NATO and the G-8 countries come to Chicago in mid-May 2012 to hold summit meetings.

The Center for Constitutional Rights, the American Civil Liberties Union, the Coalition for the Protection of Civil Freedoms, the Bill of Rights Defense Committee, the International Action Center, the National Coalition to Stop FBI Repression, Occupy Wall Street, Muslim Peace Coalition and many other groups released statements and participated in organized protests and internet petition campaigns calling on President Barack Obama to veto the bill. This unified response is an essential first step in what is needed.

A veto is unlikely because the Obama administration requested the inclusion of this provision in the military budget bill, and has been actively involved in efforts to further restrict basic rights.

Unfortunately, many courageous civil rights organizations in attacking these reactionary provisions have made no mention or criticism of the NDAA itself. But highlighting this vital connection will help provide a perspective on how to fight back.

Military breeds repression

It is no accident that this assault on basic political rights long considered beyond the reach of government attack is part of the bill that funds the giant military machine. The military is the nut of the problem. This new unprecedented attack on civil rights at home cannot be seen in isolation to the ever-expanding role of the U.S. military on a global scale.

The NDAA is the annual bill that funds the bloated military. The U.S. military budgets are already larger than the combined military budget of the rest of the world. The 2012 bill authorizes \$554 billion for the Pentagon's base budget and \$115.5 billion for continuing the current wars and occupations. This appropriations bill funds 1,000 U.S. military bases in more than 150 countries around the world.

Other hundreds of billions of military expenditures hidden in the U.S. budget bring the war machine's total cost to more than \$1 trillion. This year's NDAA further extends restrictions on the transfer of detainees out of Guantanamo, and it contains new threats and stricter sanctions on Iran.

The demonization and criminalization, spying and entrapment of the Muslim community, especially since Sept. 11, 2001, has been used to justify aggressive new wars of conquest and expanding military influence. Increasing the budget for police and prisons is the domestic reflection of the growing weight of the military.

The U.S. troop withdrawal from Iraq represents a significant setback for U.S. strategic plans. But as this NDAA confirms, the U.S. military is hardly closing down.

U.S. wars and the threat of military action across the globe, invasions, subversion, sabotage, increasing drone surveillance, deadly surprise assaults, kidnapping, secret rendition and targeted assassinations are all treated as acts of defense and national security.

The Pentagon serves the interests of the corporate ruling class. It secures global markets, loots natural resources and subjugates the workers of each country to the capitalist owners of all production. Its mission is to destroy any opposition to this domination from governments and popular rebellions.

The bill signals that no concessions are on the drawing boards, only further repression.

Bill of Rights and class struggle

Many appeals to President Obama to veto this defense bill because of the new repressive provisions have glorified and idealized what the Bill of Rights is, what it stands for and how rights are secured and maintained.

The Bill of Rights was never a sacred document of grand wisdom arrived at by the “founding fathers,” as presented in popular myth and school history books. Nor was it just an academic debate between federalists and anti-federalists.

The Bill of Rights was from the very beginning a reflection of the early class struggle in the U.S. It was not part of the original Constitution drafted in 1787. That document was designed to protect the propertied classes, balance their competing interests and centralize the authority of the state.

These ruling-class elements were meeting in haste after a broad uprising in 1786 throughout New England of indebted small farmers against bankers and merchants known as Shay’s Rebellion.

When the Constitution was originally drafted, any proposal to include any individual rights was overwhelmingly voted down. Land seizures, food riots, debt protests and enormous social ferment made it clear that a Constitution written by slave owners, merchants and land speculators would not pass without some rights guaranteed to a significant section of the masses.

This was especially true because the masses were armed and in motion. The top 1% of 1787 — slave owners, plantation owners, wealthy merchants — made this belated and grudging concession

after four years of intense political struggle in many of the newly minted states. They gave in because they were anxious to quickly organize a centralized federal state to deal with the growing assertion of grievances and rights by poor farmers facing ruin.

The first 10 amendments to the Constitution are called the Bill of Rights. They include freedom of speech, assembly, press, religion; freedom from torture or cruel and unusual punishment; freedom from warrant-less searches, excessive bail, seizures or imprisonment; plus the right to trial by jury and protection from a standing army. From the beginning they were a contradiction to the Constitution that protected property.

Despite its progressive side, it is important to recognize that the Bill of Rights did not mean rights for all people. Most people in the South were kidnapped African slaves who could be bought, sold, branded, beaten or killed without any protection. Indigenous peoples were targeted for expropriation, removal or extermination. Women were considered the property of their husbands and were granted no rights or protections. Thus the amendments guaranteed rights to a small minority of white men who owned property and were the only ones allowed to vote or assured of having rights.

Every step forward in rights took enormous and often bloody struggles. The struggle for the abolition of slavery only began to be resolved by the Civil War. And 100 years later the monumental Civil Rights Movement struggled for decades for the right to vote and win formal equality.

Even when the rights to freedom of assembly, speech and trial by jury were assured, they did not exist for working people. It took strikes, shut-downs, plant takeovers to win the right to unionize. It took 80 years of marches and mobilizations for women to even gain the right to participate in political life.

It is important to remember this history of struggle to expand rights in order to understand how to push this fight forward today.

OWS and fighting to expand rights

Defending the right to freedom of speech, assembly and the press is important in the class struggle today — in order to have a voice to fight for the right to a job, the right to health care, the right to an education, the right to housing, the right to a safe and clean environment, and the right to oppose endless wars. Given the fabulous ability of technology to provide for all, these basic rights to a full life must be asserted, demanded and won.

But given the crisis of capitalism, all these basic human rights run counter to corporate survival.

Occupy Wall Street's great contribution in this period of contracting capitalism is its focus on the 1% who have benefited from all government bailouts and policies at the expense of the 99%. This popular formulation is a leap forward in class-consciousness on a national scale. Occupy Wall Street has also found creative new forms of mass participation and inclusion. Though imperfect, they are a big step forward.

For these very reasons, the large legal and overwhelmingly peaceful protest assemblies that erupted across the country were threatening to U.S. corporate power, the police and the military, who want only fear and compliance and are driven to shut down all forms of activism.

On a national scale through the Department of Homeland Security, every major OWS encampment was targeted with mass arrests. HS coordinated local police attacks. Even Democratic Party forces, which had originally embraced OWS as an antidote to the Tea Party, complied with police crackdowns.

But the past three months of mass struggles since Sept. 17 confirm once again that the best way to push back reactionary provisions in the NDAA is to raise the level of resistance. Defend the courageous young OWS activists who have opened new political space, build solidarity with the Muslim community against the broad-scale attacks, and challenge racist police practices of stop and frisk. Unity, solidarity and resistance point the way forward.

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WW PHOTO: G. DUNKEL