

T H U R S D A Y , M

Here We Go!: Obama Is Said to Consider Preventive Detention Plan

So says the NY Times.

Comment from Stewart Rhodes: Folks, this is what I have been expecting and dreading: This is the next phase in the "war on terrorism" being turned inward on us. Notice how there is no mention of Obama wanting to use "preventive detention" on only non-citizen foreigners. I'll have more to say on the other side. - Stewart

New York Times

May 21, 2009

Obama Is Said to Consider Preventive Detention Plan

By SHERYL GAY STOLBERG

WASHINGTON — President Obama told human rights advocates at the White House on Wednesday that he was mulling the need for a “preventive detention” system that would establish a legal basis for the United States to incarcerate terrorism suspects who are deemed a threat to national security but cannot be tried, two participants in the private session said.

The discussion, in a 90-minute meeting in the Cabinet Room that included Attorney General Eric H. Holder Jr. and other top administration officials, came on the eve of a much-anticipated speech Mr. Obama is to give Thursday on a number of thorny national security matters, including his promise to close the detention center at the naval base in Guantánamo Bay, Cuba.

Human rights advocates are growing deeply uneasy with Mr. Obama’s stance on these issues, especially his recent move to block the release of photographs showing abuse of detainees, and his announcement that he is willing to

try terrorism suspects in military commissions — a concept he criticized bitterly as a presidential candidate.

The two participants, outsiders who spoke on the condition of anonymity because the session was intended to be off the record, said they left the meeting dismayed.

They said Mr. Obama told them he was thinking about “the long game” — how to establish a legal system that would endure for future presidents. He raised the issue of preventive detention himself, but made clear that he had not made a decision on it. Several senior White House officials did not respond to requests for comment on the outsiders’ accounts.

“He was almost ruminating over the need for statutory change to the laws so that we can deal with individuals who we can’t charge and detain,” one participant said. “We’ve known this is on the horizon for many years, but we were able to hold it off with George Bush. The idea that we might find ourselves fighting with the Obama administration over these powers is really stunning.”

The other participant said Mr. Obama did not seem to be thinking about preventive detention for terrorism suspects now held at Guantánamo Bay, but rather for those captured in the future, in settings other than a legitimate battlefield like Afghanistan. “The issue is,” the participant said, “What are the options left open to a future president?”

Mr. Obama did not specify how he intended to deal with Guantánamo detainees who posed a threat and could not be tried, nor did he share the contents of Thursday’s speech, the participants said.

He will deliver the speech at a site laden with symbolism — the National Archives, home to the Constitution and the Declaration of Independence.

[Read the rest here.](#)

MORE COMMENTS FROM STEWART RHODES:

I tried, from 2004 onward, to warn conservatives that all of the Bush Administration's extraordinary claimed executive "war powers" would one day be

in the hands of their political enemies. I warned them that those enemies would then turn the war on terrorism fully inward, on "right wing" domestic opponents of the regime. I warned that the mechanism would be to accuse people of being "terrorists" in the war on terrorism, and thus unlawful enemy combatants.

I warned that the Bush Administration, in its zeal to go after Islamic terrorists, made no distinction between citizens and non-citizens and claimed the power to treat *any* American citizen designated as an unlawful enemy combatant exactly the same as a foreign enemy in wartime. I warned that the Supreme Court had rubber stamped this claim of power in the 2004 *Hamdi* decision. I warned that this power would eventually be used not just against suspected Islamic terrorists, but also against any other American targeted by the government, and that a leftist administration, in particular, would use this power against domestic patriots on the political right. You can read just one of those warnings [here](#) (reposted on this site, but originally posted on my personal blog [here](#) in 2006).

Well, now it is happening. Though I knew this was coming, even I have been surprised by how swiftly the Obama Administration is moving on this, or how radically it is expanding on the claimed powers.

This doctrine of "Preventive detention" takes the powers asserted by the Bush Admin one step further - they don't even have to accuse you of having done anything related to terrorism. They can just accuse you of being likely to do something. That's what preventive detention means - you detain someone before they do something. It is a concept entirely foreign to our legal system, but it will be ushered in under the guise of being a quasi-war power, in the "war" on terrorism, rather than simply a matter of criminal law. And do not think for a moment that it won't be used on U.S. citizens here at home. It will be.

Again, if you have not read the article I wrote in

2006 on enemy combatant status and how it will likely be turned inward on conservatives, please go read that here.

Did you read it? Good.

Now, think about how this doctrine of preventive detention fits in with "enemy combatant status." If a president can declare you an enemy combatant, based on some nebulous criteria, why can't he also apply preventive detention to you based on mere suspicion you might do something?

And think about how this would fit right in with the relentless government program to smear entire swaths of the political right as potential terrorists.

There was the MIAC report, listing all kinds of conservative views and membership in conservative groups and third political parties as indicators that someone may be a terrorist.

Then there was the DHS report on right wing extremism that did the same, and added returning veterans to the mix of those who just might be a terrorist.

And then the DHS Extremist Lexicon went even further, labeling as "extremists" anyone who is a "constitutionalist" or a "constitutionist" or who belongs to any number of political and social issue advocacy groups, such as folks opposed to abortion or opposed to illegal immigration.

And in that report, the term "extremist" is synonymous with "terrorist" - so what it basically did is label anyone who is a constitutionalist a suspected terrorist.

And then there are these two:

THE NO FLY LIST

Watch this! Rahm Emanuel gave a speech in 2007 to the Brady Center where he argued that anyone on the No Fly List should be stripped of the right to keep and bear arms:

The No Fly List is notorious for being an arbitrary method of labelling someone a "suspected terrorist." Nearly anyone can, and has been, put on that No Fly List. There is no due process, no hearing, nothing. Your name is just put on it. And once on it, good luck getting your name off.

Thus, there is already an established method for labeling any of you a "suspected terrorist." So, the Obama Administration could simply put you on that list, and then apply this doctrine of preventive detention to you.

HR 2401

And now, we see that on May 13, 2009, implementing legislation has been proposed for this idea of using the No Fly List to wipe out the right to bear arms in the form of H.R. 2401, which amends 18 USC Section 922 to add those on the no fly list to

the list of prohibited persons who may not purchase, receive or possess a firearm. It is called the No Fly, No Buy Act of 2009, but like many such bills, its title is a lie since it is really a No Fly, No Buy, and NO POSSESS Act since, if you are put on the no fly list, for whatever reason, you cannot possess a firearm at all - just as if you were a convicted felon. And how, exactly, would you know you have been placed on the no fly list, and can no longer possess your guns? Apparently, unless you fly and find out, you will know when you are arrested for unlawful possession. And all without a shred of due process. ANYONE can be put on the no fly list, for any reason, simply because your name pops up on some federal agency data base as someone who might be a potential threat to national security.

H.R. 2159: GIVING ATTORNEY GENERAL HOLDER THE POWER TO DESIGNATE ANYONE A "SUSPECTED TERRORIST" OR SUSPECTED SUPPORTER OF TERRORISM.

H.R. 2159, the Denying Firearms and Explosives to Dangerous Terrorists Act of 2009 (sponsored by a Republican, Rep. Peter King, R-N.Y), would empower the attorney general to deny transfer of a firearm to any "known or suspected dangerous terrorist." As Wordnetdaily reported, "The bill requires only that the potential firearm transferee is "appropriately suspected" of preparing for a terrorist act and that the attorney general "has a reasonable belief" that the gun might be used in connection with terrorism." Actually, it is even worse than that, since it also allows the attorney general to deny a firearm to anyone suspected of supporting terrorism (whatever that means). Who gets to say? The attorney general. By what criteria? Whatever he makes up, just like with the No Fly List - in fact, he could use the already established No Fly List process to make these designations (and can delegate this power to his underlings).

Those are just two examples of what formal mechanisms could be used, and notice that both of

those ideas directly target gun owners and would-be gun owners.

And then go and read HR 1955, which was a precursor to this whole regime of smearing, marginalization, and labeling as "terrorists."

Obama really doesn't need any new enabling legislation. He can use the already established No Fly List process, coupled with the claimed power of a president, as commander in chief, to designate American citizens to be unlawful enemy combatants. Still, enabling legislation would lend an additional veneer of legitimacy and additional legal cover since he could point to Congress's authorization and argue that he is at the zenith of his claimed war powers.

Folks, the handwriting is on the wall. The war on terror is being turned inward, on you.

Stewart Rhodes



POSTED BY OATH KEEPERS AT 1:10 PM 

LABELS: DHS EXTREMIST LEXICON, DHS SMEAR OF VETERANS, ENEMY COMBATANT STATUS, OBAMA CONSIDERS PREVENTIVE DETENTION

[Newer Post](#)

[Home](#)

[Older Post](#)

Subscribe to: [Post Comments \(Atom\)](#)