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Congress Reverses Posse Comitatus Act Changes

A wide range of freedom-loving individuals had opposed the expansion of police powers granted to the federal government as part of the ongoing “war on terror.” In an address before the House of Representatives on May 22, 2007, Rep. Ron Paul (R-Texas) cited “the changes made to the Insurrection Act of 1807 and to Posse Comitatus by the Defense Authorization Act of 2007.” Because of that act, warned Paul, “martial law can be declared not just for ‘insurrection’ but also for ‘natural disasters, public health reasons, terrorist attacks or incidents’ or for the vague reason called ‘other conditions.’ ”



Section 1074 of the 2008 bill (“Protection of Certain Individuals”), which provided for the military to protect designated Defense Department and military personnel, also strictly limited that role by stating: “Other than the authority to provide protection and security under this section, nothing in this section may be construed to bestow any additional law enforcement or arrest authority upon the qualified members of the Armed Forces and qualified civilian employees of the Department of Defense.”

A leading opponent in Congress of the 2006 expansion of Posse Comitatus powers, as well as a leading advocate of their repeal, was Senator Patrick Leahy (D-Vt.).



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