



Written by [Bob Adelman](#) on January 16, 2012

One Lonely State Representative Opposes Indefinite Detention

Gordon also told WND: "Given the fact that the constitutions of Rhode Island and that of the United States are replete with guarantees of individual liberties, right to habeas corpus, and right to freedom of speech, the offending sections of that law are repugnant to the sensibilities of anyone [who] has a basic understanding of the foundation of this country."

And he said: "When I took the oath of office, I swore that I would support the constitutions of Rhode Island and the United States. And before one constituent of mine is snatched up in the dead of night, without due process under our laws, they'll have to pry those documents from my cold dead hands."



Gordon has a lot of company in his opposition to the NDAA. Pastor Chuck Baldwin, the Constitution Party's candidate for President in 2008, [wrote](#): "Americans should realize that, coupled with the Patriot Act, the NDAA, for all intents and purposes, completely nullifies a good portion of the Bill of Rights, turns the United States into a war zone, and places US citizens under military rule."

Mike Adams, writing for NaturalNews.com, said,

One of the most extraordinary documents in human history — the Bill of Rights — has come to an end under President Barack Obama. Derived from sacred principles of natural law, the Bill of Rights has come to a sudden and catastrophic end with the president's signing of the National Defense Authorization Act, a law that grants the U.S. military the "legal" right to conduct secret kidnappings of U.S. citizens, followed by indefinite detention, interrogation, torture and even murder. This is all conducted completely outside the protection of law, with no jury, no trial, no legal representation and not even any requirement that the government produce evidence against the accused.

Christopher Anders of the ACLU said, "This bill puts military detention on steroids and makes it permanent.... American citizens ... are at real risk of being locked away by the military, without charge or trial." Libertarian Party chairman Mark Hinkle confirmed Anders' concerns:

If the president thinks you are a terrorist, let him present charges and evidence to a judge. He has no authority to lock you up without any judicial review, just because he and Congress believe he should have unlimited power. That is the kind of power held by tyrants in totalitarian regimes. It has no place in the United States.

Even liberal Senator Dianne Feinstein (D-Calif.) expressed her serious reservations about the bill before



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it became law: “We are not a nation that locks up its citizens without charge, prosecution and conviction. This constant push that everything has to be militarized.... I don’t think that creates a good country.... And so I object. I object to holding American citizens without trial.”

The offending section 2012, reads, in part:

Congress affirms that the authority of the President to use all necessary and appropriate force pursuant to the Authorization for Use of Military Force [which] includes the authority for the Armed Forces of the United States to detain covered persons [as]

(1) A person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored those responsible for those attacks.

(2) A person who was a part of or substantially supported al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, *including any person who has committed a belligerent act* [Emphasis added] or has directly supported such hostilities in aid of such enemy forces.

(c) DISPOSITION UNDER LAW OF WAR.—The disposition of a person under the law of war as described in subsection (a) may include the following:

(1) Detention under the law of war *without trial* [Emphasis added] until the end of the hostilities authorized by the Authorization for Use of Military Force.

(d) CONSTRUCTION.—Nothing in this section is intended to limit or expand the authority of the President or the scope of the Authorization for Use of Military Force.

(e) AUTHORITIES.—Nothing in this section *shall be construed to affect existing law* or authorities relating to the detention of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States. [Emphasis added.]

It’s that question about “existing law” that is creating all the row, and it’s what Gordon’s resolution is trying to resolve at the state level. Following the attacks on September 11, 2001, the Bush administration [claimed executive power](#) to be able to hold American citizens without a trial by accusing them of being terrorists.

All the Senate did was to ratify the highlighted language, 99-1, leaving the question open.

For Senator Lindsey Graham, (R-S.C.), it isn’t an open question at all. He said it would be “crazy” to exempt al-Qaeda suspects who are Americans and are arrested inside the country from battlefield detention. He argued that to stop other attacks, they must be interrogated “without the protections of the civilian criminal system.” Graham explained:

When they say, “I want my lawyer,” you tell them: “Shut up. You don’t get a lawyer. You are an enemy combatant, and we are going to talk to you about why you joined Al Qaeda.”

But Senator Mike Lee (R-Utah) said that citizen terrorist suspects should retain all of the fundamental civil liberties in order to protect the guarantees of the Bill of Rights:

I think, at a bare minimum, that means that we will not allow U.S. military personnel to arrest and indefinitely detain U.S. citizens, regardless of what label we happen to apply to them.

In essence, by leaving the law unchanged, Congress confirmed the illegal assumption of power claimed by President Bush: Americans are not exempt from indefinite detention under the law.



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To his credit, the state Senator from Rhode Island has seen through the rhetoric and the persiflage and is carrying his resolution to his colleagues to gain their support. The bad news is that he doesn't know of any other representative in any other state making the same effort. He warns:

That incremental creeping of tyranny from the federal government has been going on for the past decade. No one is standing up and saying no.



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