



Written by [Raven Clabough](#) on January 20, 2012

Ron Paul Introduces Bill to Repeal NDAA's Indefinite Detention

Texas Congressman and GOP presidential contender Ron Paul is continuing his battle for liberty even as he is focused on his fight for the White House. This week, he introduced legislation to overturn the dangerous provisions found within the National Defense Authorization Act (NDAA).



Rep. Paul [spoke](#) on the House floor, specifically against Section 1021 of the NDAA, which includes language which permits the government to detain anyone who "substantially supported al Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States." Paul fears — as do a number of other opponents to the law — that the language can be used against U.S. citizens as well.

Sections 1021 and 1022 in the new bill were originally sections 1031 and 1032 in the old version of the bill.

As [noted](#) by LewRockwell.com, however, the main difference between the new and old versions of the NDAA is the insertion of one paragraph between the "Implementation Procedures" and "Effective Date," which is found in the new version. That paragraph reads:

(d) AUTHORITIES. — Nothing in this section shall be construed to affect the existing criminal enforcement and national security authorities of the Federal Bureau of Investigation or any other domestic law enforcement agency with regard to a covered person, regardless whether such covered person is held in military custody.

Still, most contend that the new language is scarcely enough to ensure that the rights of U.S. citizens guaranteed by the Constitution are secure.

"The bill is an historic threat to American citizens and others because it expands and makes permanent the authority of the president to order the military to imprison without charge or trial American citizens," senior legislative counsel Christopher Anders said in a statement.

What is particularly frightening is that if citizenship of an individual does in fact prove to be a deterrent in the case of indefinite detention under the NDAA, Senator Joe Lieberman has already introduced legislation which will help the federal government circumvent that issue: the Enemy Expatriation Act, which seeks to remove U.S. citizenship from those who "support hostilities against the United States."

In fewer than 100 words, the text of Paul's legislation, [HR 3785](#), would overturn section 1021 of the NDAA:



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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Section 1. Repeal of Section 1021 of the National Defense Authorization Act for fiscal year 2012.

The bill, introduced on January 18, has since been referred to the Committee on Foreign Affairs, in addition to the Committee on Armed Services.

In introducing his legislation on the House floor, Paul declared,

Section 1021 essentially codifies into law the very dubious claim of presidential authority under 2001 authorization for the use of military force to indefinitely detain American citizens without access to legal representation or due process of law. Section 1021 provides for the possibility of the U.S. military acting as a kind of police force on U.S. soil apprehending terror suspects, including Americans, and whisking them off to an undisclosed location indefinitely, no right to attorney, no right to trial, no day in court. This is precisely the kind of egregious distortion of justice that Americans have always ridiculed in so many dictatorships overseas.

Paul went on to compare the infringement upon American liberties found in the NDAA to the gulag system imposed by the Soviet Union.

Addressing what supporters claim about the NDAA, Paul continued:

Some have argued that nothing in Section 1021 explicitly mandates holding Americans without trial, but it employs vague language, radically expanding the detention authority to include anyone who has substantially supported certain terrorist groups or associated forces. No one has defined what those terms mean. What is an associated force?

But as noted by Paul, members of Congress are all too willing to infringe upon constitutional rights under the guise of security, and to use fear mongering to coerce Americans into willingly allowing their rights to be infringed upon. He even referred to a statement by Senator Lindsey Graham (R-S.C.) regarding the indefinite detention of American citizens. Paul observed,

Sadly, too many of my colleagues are too willing to undermine our Constitution to support such outrageous legislation. One senator even said about American citizens being picked up under this section of the NDAA, "When they say I want a lawyer, you tell them, shut up. You don't get a lawyer." Is this acceptable in someone who has taken an oath to uphold the Constitution?

It should come as no surprise that Rep. Paul would be the one to introduce such legislation. Following the bill's passage, he [called](#) it a "slip into tyranny," one which will bring about "our descent into totalitarianism."

Dr. Paul is the [only](#) Republican contender for the GOP nomination who has openly voiced his opposition to the NDAA. When former Massachusetts Governor Mitt Romney said during last week's debate in Myrtle Beach, South Carolina that he too would have authorized such legislation as the President, Paul went over his time limit to stress the importance of examining some of the more dangerous provisions found in the NDAA.

Paul's legislation is just one of many assaults against the unconstitutional new law. Last Friday, Pulitzer prize-winning journalist Chris Hedges sued the Obama administration over the act, warning that the provisions in the legislation will lead to the growth of fascism in the United States. He called it a "catastrophic blow to civil liberties."

Likewise, the state of Montana has [launched](#) an effort to recall their state's Senators who voted in favor



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of the National Defense Authorization Act.

The state of Rhode Island, as well as El Paso County in Colorado, have both drafted [resolutions](#) to nullify the NDAA, a step which other states are soon expected to follow as well.

Civil libertarian Glenn Greenwald well summarized the concerns of NDAA's critics in his article entitled, "Three Myths about the Detention Bill:"

In sum, there is simply no question that this bill codifies indefinite detention without trial (Myth 1). There is no question that it significantly expands the statutory definitions of the War on Terror and those who can be targeted as part of it (Myth 2). The issue of application to U.S. citizens (Myth 3) is purposely muddled — that's why Feinstein's amendments were rejected — and there is consequently no doubt this bill can and will be used by the U.S. Government (under this President or a future one) to bolster its argument that it is empowered to indefinitely detain even U.S. citizens without a trial.

According to a [poll](#) put up by OpenCongress, a mere two percent of the American people actually approve of the NDAA. And Congress' approval rating remains at record lows. A *Washington Post/ABC News* poll conducted Jan. 12-15 put its approval rating at 13 percent. Approval of Ron Paul's legislation might help salvage some floundering political careers.



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