

Trampling rights

Last Thursday, the nation marked the 220th anniversary of the ratification of the Bill of Rights.

On Dec. 15, 1791, the Bill of Rights took effect. The 10 amendments to the U.S. Constitution are the backbone of individual freedoms in this country. They guarantee free speech, protection from unreasonable search and seizure and due process.

And they are now being eroded by the very government that believed a Bill of Rights was essential to a free society.

Last week, the Obama administration gave its tacit approval to the National Defense Authorization Act -- a measure that would require military custody of terrorist suspects and allow for their indefinite detention without due process.

At first blush, the measure seems logical. Terrorists could be held until the end of a conflict. House Armed Services Committee chairman Howard McKeon, R-Cal., said the new provisions simply align existing legal authorities with current threats.

But the bill contains fuzzy language that many find alarming. For example, who determines when a conflict is at an end when dealing with terrorists? In fact, some terrorists have been tried and acquitted since Sept. 11, 2001, yet are still being held at Guantanamo Bay or in prisons elsewhere.

The bill also allows indefinite detention of allies of suspected terrorists. It empowers the president to detain anyone who "substantially supported" groups he determines are "associated forces" of terrorists. The bill is purposely vague about who those allies

might be. Could they be relatives, co-workers, Occupiers or Facebook friends?

Some Americans are concerned that their verbal or written support -- be it at public meetings or even letters to the editor -- of groups not endorsed by the federal government could be construed in such a way that they could be considered an "ally" of parties deemed hostile to the United States.

The Obama administration argues that changes in the original language have made this a much more acceptable bill and that the president now supports a measure he once threatened to veto. The revised version no longer bans the use of civilian courts to go after al-Qaida suspects. And it allows the president to issue a waiver for suspects.

But it does open the possibility that Americans could be detained without due process and tried in military rather than civilian courts.

These provisions were unnecessary during the war on terrorism and they are less needed in its aftermath.

The FBI, the U.S. Attorney General and Secretary of Defense are on record opposing these stepped-up measures.

Yet the U.S. Senate and House overwhelmingly approved the NDAA and attached the military spending package to it.

And President Obama, who once promised to close Guantanamo, now is poised to sign a bill that raises rather than answers constitutional concerns.