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Thune-backed bill would gut constitutional rights

Sam Kephart

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Senate Bill 3081 - the Enemy Belligerent Interrogation, Detention, and Prosecution Act of 2010 - is proposed by Senator John McCain and co-sponsored by eight others, including his good friend, John Thune. It has been referred to the Senate Judiciary Committee for review.

It's appalling that two patriotic men, one who spent five years as a North Vietnamese POW, and another with professed "heartland values" like John Thune, could promulgate such an intellectually dishonest, and blatantly unconstitutional law that shreds the fifth and sixth amendments.

S.3081 promises to streamline the identification, capture, interrogation, and detention of terrorists and others who represent a clear and present danger to the United States.

Further, an ever-increasing number of U. S. citizens at home and abroad wish us harm, so they are included, without distinction, in the bill's language.

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However, S.3081 lacks clear definitions for the operational terms "material support,"

Under this law as currently written, any U. S. citizen who is a war protester, publicly exhibits anti-government sentiments, is a tea party activist, or political opponent of a given administration could fall under one or more of its ambiguous conditions.

If the feds believe you are committing a "suspicious activity" or "supporting hostilities," you can be hauled off and held indefinitely in military custody with neither legal recourse nor due process.

Your constitutional rights to free speech and personal liberties would disappear with the stroke of a hidden pen.

Nobly intended to counter growing terrorism, S.3081 offers no controls nor checks and balances to prevent it from being used for politically nefarious purposes.

The unintended consequences of S.3081 are eerily reminiscent of Nazi Germany's Discriminatory Decrees, enacted on February 28, 1933.

Assurances I received from a senior Thune staffer that S.3081 is well-intended and necessary don't cut it. Should S.3081 pass, no senator or court will have any say over its implementation.

It contains zero safeguards to prevent a paranoid and power-hungry president or his/her national security team, from using it to mete out threats or punishment to political enemies.

For national security purposes, Americans are already subject to warrantless

wiretaps of calls and emails, the warrantless GPS "tagging" of their vehicles, the domestic use of Predators or other spy-in-the-sky drones, and the Department of Homeland Security's monitoring of all our behavior through "data fusion centers." (Google that, it's an eye-opener.)

Given this toxic loss of privacy, S.3081 is a slippery slope for civil rights and an horrific abrogation of the Constitution.

If the road to hell is paved with good intentions, then S.3081 is a superhighway to an Orwellian panoptic gulag.

America's promise has always been the power of the many to rule, instead of the one.

S.3081 returns unilateral power to the one. It's ill-conceived, elitist, and end-runs our inherent Constitutional protections.

Founder and Framers Benjamin Franklin famously warned: "They who can give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety."

Or as I now like to say, "Those who fail to watch the pot will end up in it."

This article is written by Sam Kephart, CEO of Virtual Acumen, a creative media firm in Spearfish.