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Landry Defends Liberty at Senate Hearing

WASHINGTON, DC – Congressman Jeff Landry (R, LA-03), a champion in the U.S. House for liberty and freedom, issued the following opening statement at today's U.S. Senate Judiciary Committee hearing on the Due Process Guarantee Act – Banning Indefinite Detention of Americans:

“Thank you – Chairman Leahy, Ranking Member Grassley, Senator Feinstein, and the Members of the Judiciary Committee. I appreciate the privilege you have provided by allowing me say a few words on one of the most important topics we face.

This July, we celebrate the 236th anniversary of 56 brave men signing our Declaration of Independence. These men did so knowing the penalty for their signature was death. We dishonor their memory if we do not do everything in our power to protect the freedoms they risked their lives for.

By ‘we,’ I do not mean Republicans or Democrats, Representatives or Senators, or even elected officials; I mean we as a nation must be vigilant in our protection of these freedoms.

In fact, I view my presence here not as one of a Member of the House addressing the other body – but as an American citizen, petitioning his Congress, on an issue that knows no political party.

When our Founders fulfilled the promise of the Declaration of Independence and drafted our Constitution, they did not write it for the betterment of any political party or social class; they wrote it for the betterment of society and the people of America. Without peer, this great document provides a greater protection of man's ‘unalienable rights’ than any other country's contract with her citizens. As a result, our citizens enjoy the greatest liberties and freedoms of any humans in the entire World.

Yet, our Founding Fathers were not wide-eyed revolutionaries with designs on creating a utopia. No, our Founders knew situations would arise that would try this nation. To preserve its longevity, they provided government the tools necessary to address extreme strife. Specifically, the Constitution bestows upon Congress – and only Congress – the ability to deny Americans they very liberties the Constitution protects.

Considering that freedom hangs in the balance – we cannot take this responsibility lightly, abrogate this power to another branch of government or allow ambiguity to cloud our purpose in our exercising this power. If Congress is suspending the writ of Habeas, it should say so directly. If we are not, we need to ensure none of the laws we pass can be construed in a way which gives this impression.

We all agree the events that unfolded after September 11, 2001, created a call by all Americans to their government to quell the danger at our door step. Unfortunately, Congress' response to this tragedy fell into past Congressional precedent and contained entirely too much ambiguity – leaving the Executive unfettered discretion.

In the decade since these attacks, we have had our shining moments of success; but our enemy has adapted and the battlefield has shifted. We now face threats far different than those faced in 2001. As such, we must update the law governing how we prosecute this conflict; this update also gives us the important opportunity of ensuring these laws are clear in their protection of our fellow citizens' liberty.

Last December, Congress conducted one of the healthiest and meaningful debates heard in these halls in a long time. Without concern for party, we deliberated how strongly we should protect the rights that all Americans enjoy.

While Congress is to be commended for holding this debate, we didn't finish the job; we left ambiguity which, in my humble opinion, could allow the President to deprive citizens of the writ of Habeas Corpus. This is unacceptable. Our constituents and our consciences demand more, and I, for one, refuse to disappoint either.

So I pressed those pushing the bill to correct this oversight and received their assurance to work with me towards this goal. Since then, I have made it a top priority to pass a correction that clearly and succinctly states all Americans have a right to access a court designated under Article III of our Constitution. And I have introduced H.R. 3676 which, if enacted, would explicitly assure that no American citizen may be detained against their will.

Currently, H.R. 3676 enjoys the support of 62 bipartisan cosponsors. The fact that legislation, sponsored by a loyal member of the Tea Party, can garner the support of members of the Democrat Party's leadership such as Representative Chris Van Hollen and proud progressives such as Representative Dennis Kucinich demonstrates what some may have forgotten: protecting American's rights is not a Democrat or Republican issue; it is a national priority.

While I feel H.R. 3676 fully clarifies the confusion and solves the problems caused by last year's National Defense Authorization Act, I also recognize that it is not the only solution. I have no pride in ownership on this issue, nor do I need to see my name at the top of the correcting legislation. My only desire is to see, once and for all, this issue solved.

Having discussed this issue at length with my colleague Representative Garamendi, I know he feels the same way. Representative Garamendi has introduced H.R. 3702 – the House counterpart to Senator Feinstein's 'Due Process Guarantee Act' – yet he is fully supportive of my legislation, as I am of his and Senator Feinstein's. We stand shoulder to shoulder on this issue and have built a coalition that will work tirelessly to correct these provisions in any available way, shape, or form.

Should this Committee, or any other House or Senate Committee, decide to pick up any of these pieces of legislation or take any other action to fix the problems caused by the 2012 NDAA – you have my full support.

This issue is larger than us all and strikes at the very root of what makes our country the most perfect union ever conceived. If we do nothing more this year – let us show the American people that when liberty is at stake, those whom they have entrusted to protect it know what to do.

Again, I thank the Committee for the opportunity to testify and their interest in this issue. I yield back the balance of my time."

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Congressman Jeff Landry is the author of H.R. 3676 – a one-page bill clearly stating that nothing in the National Defense Authorization Act (NDAA) allows an American to be held in custody without due process or the right to trial.

To schedule a media interview with Congressman Landry, please contact Millard Mulé, 202-225-4031 or millard.mule@mail.house.gov.