If the rights and freedoms of Americans are constitutional and considered a good thing one day, why would the same not be true the day after terrorists attack? This is an argument that has been raging since the 9/11 attack on American soil. In a blind race to do something to protect America from further attack, the Bush Administration created the Patriot Act that increased the government’s scope with which they could monitor communications and records of Americans at home and abroad. Under the act the government could look at a person’s records in many places including public libraries. Which presents the case that if you just happen to be curiously exploring the idea of flying lessons or wanted to know just how Timothy Mc Vay built the bomb use to blow up the Federal Building in Oklahoma City, you could possibly be considered an ‘unlawful military combatant’ in the Global War on Terror.

Writ of habeas corpus in Latin means ‘you have the body.’ A person being detained has the right to go before a court and let the court determine if the government has the right to detain them. When this right is suspended a person can be held indefinitely without going before a court. Such is the case at Guantanamo Bay prison in Cuba. Prisoners have been held there since the beginning of the war in Iraq without legal counsel or going before a court to plead their case.

Two presidents have limited rights of Americans in wartime: Abraham Lincoln and George W. Bush both suspended the right of writ of habeas corpus. Lincoln suspended the writ of habeas corpus in 1861 during the Civil War in Maryland and expanded it to the nation in 1862. He revoked the right to rebels and insurgents and their aiders and abettors. He felt that in the time of war some governmental rights trumped individual rights to protect the lives of the same. George W. Bush did likewise just days after the 9/11 attacks so that American troops could hold detainees as long as necessary to gain information from them and to have more time to build a case against them.

While in a very limited way it is understandable that a government may need to suspend a right it should be done with extreme caution and rarely. A nightmare scenario could occur if rights are taken away lawfully and the wrong person is in power and decides to abuse the situation. Every communication could be read by government officials and persons arrested for joking on the Internet. It is just too risky to limit rights and freedoms that are there one day and restricted the next. Americans should not have to fear the government when the government is supposed to be the people.