



Written by [Thomas R. Eddlem](#) on August 12, 2011

GOP Debate: Michele Bachmann Says Foreigners Have No Rights

Fox News' Chris Wallace [asked](#) her why Rep. Ron Paul was wrong to insist that trials be held for terror suspects: "You say that we don't win the war on terror by closing Guantanamo and reading Miranda rights to terrorists. Congressman Paul says terrorists have committed a crime and should be given due process in civilian courts. Could you please tell Congressman Paul why he is wrong?"



Bachmann, who calls herself a "constitutional conservative," [responded](#): "Because, simply, terrorists who commit acts against United States citizens, people who come from foreign countries to do that, do not have any right under our Constitution to Miranda rights."

Constitutionalist observers note that Bachmann's statement that foreigners "do not have any right under our Constitution" is at war with both the Fifth and Sixth Amendment to the U.S. Constitution as well as the entire philosophical underpinning of the American system of government. The [Fifth Amendment](#) guarantees "no person shall be ... deprived of life, liberty, or property, without due process of law." The [Sixth Amendment](#) reads:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

The Constitution limits the government's actions, and makes no exceptions based upon nationality or location. Every "person" is entitled to due process, a trial, and representation by an attorney before the government can take away their liberty and throw them into prison. Indeed, because Bachmann argued that foreigners accused of terrorism have no right to trial by jury, she is essentially arguing that foreigners are non-persons, such as slaves under the early American republic or Jews under Nazi Germany.

Moreover, Bachmann's non-person argument is at war with the fundamental American principle of all people enjoying inalienable rights from their Creator — God — as outlined in the [Declaration of Independence](#). Observers note that Bachmann's response seems to imply that God did not give foreigners inalienable rights.

The principle embedded in the U.S. Constitution was not that government would dole out rights to people, but rather that the Constitution would restrain the government from infringing upon the rights



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everyone already possessed from God. Bachmann's argument essentially says that transgressing on God's rights given to men is all right if they are foreigners, and that ignoring the Constitution's clear limits is acceptable if it's to punish foreigners.

Rep. Ron Paul (R-Texas) [responded](#) to Bachmann during the debate,

I think she turns our rule of law on its head. She says that the terrorists don't deserve protection under our courts. But therefore, a judgment has to be made. They are ruled a terrorist. Who rules them a terrorist? I thought our courts recognized that you have to be tried. And we've done this. And we've brought individuals back from Pakistan and other places, we've given them a trial in this country — over 300, or at least nearly 300 — we've tried and put them in prison. So this idea [is] that we have to turn on its head and reject the rule of law.

Paul noted that when government ignores the strict limits of the Constitution in one place, it is rarely kept to that lone exception. He [pointed out](#) that the Obama administration has already expanded upon the concept that trial rights may be taken away from people to [include assassination of American citizens without trial](#):

This administration already has accepted the principle that when you assume somebody is a terrorist, they can be targeted for assassination — even American citizens. That affects all of us eventually. You don't want to translate our rule of law into a rule of mob rule.

Photo of Michele Bachmann: AP Images

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