But, see, the article just accepts what the administration says. General Dempsey said apparently in his testimony, Oh, well, gee, apparently you can go after all these other people. Well, if you can go after them, you can use the same language to go after the perpetrators of 9/11. So what is the administration afraid of?

I keep wanting these questions asked, and I think we need a select committee to ask these questions. Why don't you just come forward, all those in the administration that have information, why do you keep polygraphing our intelligence agents who knew what went on in Libya and what was going on in Libya? Why do you keep polygraphing them to make sure that they are not talking to Congress or anybody else? Why don't you just let them tell Members of Congress so we have better information from which we can authorize other actions and appropriate money to help with those actions? Why don't you just come forward and tell us what was going on? Why don't you try for a change being the most transparent administration in history? It is a long way to go, but maybe it is time to start.

We are in a war; and as others have so appropriately said, apparently we have been in a war since 1979 when radical Islamists committed the act of war against American property. An embassy belongs to the country and the soil is considered to be the country that occupies that embassy. You commit an act against that, military act, hostile act, it is an act of war. So we have been at war since 1979. The trouble is until 9/11/01, most Americans didn't know we were in a war. Only one side knew we were in a war. That was borne out in 1983 when our marines, over 200 marines, were killed in Beirut by a bombing, a truck bombing that came in there.

So many acts of war, of violence, including the 1993 World Trade Center bombing, including the two embassies that were bombed under the Clinton administration, although perhaps some in the administration might be tempted to ask, as Secretary Clinton asked not that long ago, What difference at this point does it make how or why they were killed basically in those embassies. Well, it makes a difference because we can prevent them in the future if we know why they were killed and what went wrong in the present. But it is a mystery.

Why hide behind the same AUMF as an excuse not to have brought the assassins of our Ambassador to justice? And something I heard, I heard a former JAG officer talking on Fox News one night this week, obviously a smart man, but an ignorant man. You can be smart, but be ignorant. He was ignorant of the Constitution because he seemed to think that the Constitution requires you capture someone who has declared war on you, you have to give them all kinds of access and let them send manifestos around, you have to give them all kinds of freedom; and that is simply not the case. Some people who mean well but are ignorant of the Constitution say everybody has to be treated exactly the same under the Constitution. Their constitutional rights mean this or that, not understanding that actually under the Constitution everybody is not entitled to the same court. They are entitled to due process, but constitutionally that means different things.

So in the Army, in the military—I say the Army because that is what I was in—but in the military, constitutional rights are different. So you don't have the right to freedom of assembly. I wanted to claim that many times. We were ordered to be out for a 5 a.m. forced 25-mile march. I wanted to claim, Sir, I have a right to freedom of assembly wherever and whenever I want, and I would just rather not assemble for this 25-mile forced march. Or the—and I can't remember now—two 5-mile runs, whatever we used to do, early in the morning before you even started the day. It would have been nice to say, No.

It would be nice to have freedom of speech so as a member of the military we could have said what we really thought about some of President Carter's orders, but he was Commander in Chief. And as it should be, you are not allowed when you are Active Duty military to publicly criticize your command chain. In order to have good order and discipline, that is the way it needs to be. But once you are not on Active Duty, you can say whatever you want. You should be able to say without worrying about a drone taking you out.

So constitutional rights are different when you are in the military. The Constitution also makes clear that Congress has the authority to set up the disciplinary procedures, the court systems, tribunals for the military. It makes clear that Congress has the authority to set up different courts for immigration purposes, entirely constitutional.

So I get amused when some people that are smart, but ignorant about the Constitution, start saying everybody in America has a constitutional right to be tried before a United States district court. Well, that is ridiculous. There is not a U.S. district court that is even established in the Constitution. That is completely up to Congress. This Congress has the authority to get rid of every district court in America, get rid of every Federal court of appeals in America and just set up a whole new system. We have the authority to do that.

As Professor David Guinn used to say, there is only one court established in the Constitution, all others owe their existence, their jurisdiction, their very being to Congress. As Bill Cosby used to say, his daddy told him and his little brother, I brought you into this world and I can take you out.

Well, Congress brought these courts into this world, and Congress can remove them. We have that authority. So nobody has a constitutional right to a U.S. district court. There is no constitutional creation of a U.S. district court. It is up to Congress.

So to have some former JAG officer go on TV and say, Oh, yeah, you have to give all of these rights. No, you don't. Under our Constitution, if you declare war against the United States, we have every right if we capture you to hold you until the cessation, the stopping, of the hostility, the war that you declared against us. And then once the war is over, we don't have to try you. Convince your buddy, we will let you send a letter to your buddy telling them stop the war so I can be released as a POW. We don't have to release them if they are part of a group that is at war with us. And then when the end of the hostilities comes and the war is over, then you don't even have to release everybody that was a POW. If somebody you believe has probable cause, that is a good standard, you believe that they have committed a war crime, then instead of just releasing them and sending them home, you can try them for a war crime.

But I understand that there are a lot of people in this administration that don't really understand that part of the Constitution. Perhaps they got a bad professor at the University of Chicago Law School or somewhere, and they don't really understand what the Constitution actually says or doesn't say. But you can hold people indefinitely, and the Supreme Court verified that. You may have to give them a writ of habeas corpus hearing, but you don't have to let them go or send manifestos. We owe an obligation to protect this country. We have authority to do it here in Congress; and, Mr. Speaker, that is what we should do.

With that, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today on account of family illness.

BILL AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on January 15, 2014, she presented to the President of the United States, for his approval, the following bill and joint resolution.

H.J. Res. 106. Making further continuing appropriations for fiscal year 2014, and for other purposes.

H.R. 3527. To amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.