OMNI CIVIL LIBERTIES INDEFINITE DETENTION

Here is the link to all OMNI newsletters:

http://www.omnicenter.org/newsletter-archive/ For a knowledge-based peace, justice, and ecology movement and an informed citizenry as the foundation for change. Here is the link to the Index:

http://www.omnicenter.org/omni-newsletter-general-index/

See Civil Liberties, Rights, Bill of Rights, OMNI Bill of Rights Day, War on Terror, Torture.

Contents #1 Feb. 3, 2012
ACLU NDAA Response
BORD Bill of Rights Defense Committee Response
Chris Hedges vs. Indefinite Detention
David Swanson vs. “King” Obama

Contents of #2 Aug. 11, 2012 (entries in chronological order)
Democrats Would Repeal Indefinite Detention
Dick’s LTE
Hedges, Judge Rules for Dissent
Smith-Amash Amendment Fails
GOP Indefinite Detention Hard Line
Latest from Hedges
Bolen, Struggle Against Indefinite Detention and for Free Speech

Excerpt: "Rep. Adam Smith of Washington state and Sen. Mark Udall of Colorado introduced legislation that would repeal provisions of the defense bill that President Barack Obama signed into law Dec. 31. Their legislation would repeal a provision that would deny terror suspects, including U.S. citizens seized within the nation's borders, the right to trial and subject them to indefinite detention."

DICK’S LTE 3-2012

President Obama signed into law Dec. 31, 2012 in the Defense Bill provisions that would deny “terror” suspects, including U.S. citizens seized within the nation’s borders, the right to trial and subject them to indefinite detention, and would mandate military custody for foreigners suspected of plotting to attack the U.S. Both of these new laws violate our Constitution.
To ensure access to U.S. courts, Rep. Adam Smith of Washington State and Senator Mark Udall of Colorado have offered legislation to repeal these unconstitutional laws. By this action they reject fear of the Constitution; rather, they celebrate the Constitution that has been a model for the world for more than 200 years. Udall said: "even in our darkest hours, we should ensure that our Constitution prevails." Smith pointed out: U.S. courts have resolved more than 400 cases involving “terrorist” suspects, including the underwear bomber Umar Farouk Abdulmutallab.

Let your representatives in Congress hear from you for the Constitution, for the Bill of Rights, for our courts.

A Victory for All of Us  Posted on May 18, 2012  Truth Dig

AP/Mary Altaffer

Iraq War veteran Sgt. Shamar Thomas leads a demonstration in New York's Grand Central Station to call attention to a law signed by President Barack Obama that granted extraordinary powers to the military. By Chris Hedges

U.S. District Judge Katherine Forrest, in a 68-page opinion, ruled Wednesday that Section 1021 of the NDAA was unconstitutional. It was a stunning and monumental victory. With her ruling she returned us to a country where—as it was before Obama signed this act into law Dec. 31—the government cannot strip a U.S. citizen of due process or use the military to arrest him or her and then hold him or her in military prison indefinitely. She categorically rejected the government’s claims that the plaintiffs did not have the standing to bring the case to trial because none of us had been indefinitely detained, that lack of imminent enforcement against us meant there was no need for an injunction and that the NDAA simply codified what had previously been set down in the 2001 Authorization to Use Military Force Act. The ruling was a huge victory for the protection of free speech. Judge Forrest struck down language in the law that she said gave the government the ability to incarcerate people based on what they said or wrote. Maybe the ruling won’t last. Maybe it will be overturned. But we and other Americans are freer today than we were a week ago. And there is something in this. . . .

This law was, after all, not about foreign terrorism. It was about domestic dissent. If the state could link Occupy and other legitimate protest
movements with terrorist groups (US Day of Rage suffered such an attempt), then the provisions in the NDAA could, in a period of instability, be used to “disappear” U.S. citizens into military gulags, including the government’s offshore penal colonies. And once there, stripped of due process, detainees could be held until, in the language of the law, “the end of hostilities.” In an age of permanent war that would be a lifetime.

To read the entire report: http://readersupportednews.org/off-site-opinion-section/64-64/11504-a-victory-for-all-of-us

NDAA update: indefinite detention, Just Foreign Policy News May 18, 2012

The Smith-Amash amendment to the NDAA to clarify that indefinite detention is not legal in the U.S. - backed by the ACLU - failed on a vote of 182-238, with 163 Democrats voting in favor and 19 against, and 19 Republicans voting in favor and 219 against.

[Those who voted yes voted for the position that everyone should be protected from indefinite detention on U.S. soil, whether they are Americans or not. Thus, a yes vote was - inter alia - a vote for the position that Palestinians should be protected from indefinite detention in the U.S. So, a good question to ask Members of Congress who voted yes: "If you think that the U.S. government should not be allowed to indefinitely detain Palestinians, do you agree that the Israeli government should also not be allowed to do it?"

The roll call is here: http://clerk.house.gov/evs/2012/roll270.xml

Congress, fix the real problem: Indefinite detention

Chris Anders, ACLU aclu@aclu.org via uark.edu to jbennet 5-2-12

Tell your member of Congress: We need real change for the NDAA and indefinite detention.

Dear James,

You can call it "fixing" a problem, but it's just another old trick from Congress — introducing bills for posturing, not progress.

Congressman Scott Rigell introduced a bill to "fix" the National Defense Authorization Act by ensuring no one in the United States will lose their habeas rights under the NDAA.

He wants the House of Representatives to vote on it within the next two weeks.

Sounds reasonable. Except the NDAA didn't actually take away habeas rights from anyone.

What the NDAA did do was codify a dangerous law that allows the military to indefinitely detain civilians, without charge or trial, captured far from any traditional battlefield. That's what Congress should focus on fixing.
Tell your member of Congress to fix a real problem: indefinite detention.

The question with the NDAA has never been whether habeas rights are lost. Instead, the question is whether and when any president can order the military to imprison a person without charge or trial.

The Rigell bill won't stop any president from ordering the military lockup of civilians without charge or trial — it will just score political points.

Tell your member of Congress: We need real change for the NDAA and indefinite detention.
https://secure.aclu.org/site/Advocacy?cmd=display&page=UserAction&id=4400&emsrc=Nat_Appeal_AutologinEnabled&emissue=indefinite_detention&emtype=advocacy&s_subsrc=120501_NDAA&etname=120501+NDAA&etjid=235825&JServSessionIdr004=0bk4b4c0i5.app225a

We've had enough slick tricks from Congress. We won't be fooled. And we won't let it stand. We want real solutions, not fake ones.

Thanks for taking action,

Chris Anders, ACLU
Senior Legislative Counsel

P.S. For more information about our opposition to the Rigell bill, read the letter that we recently sent to congressional offices. https://www.aclu.org/national-security/letter-opposition-national-defense-authorization-act-ndaa-detention-provisions? s_subsrc=120501_NDAA&etname=120501+NDAA&etjid=235825

House Passes GOP Measure Backing Indefinite Detention
Eli Clifton, ThinkProgress, RSN, May 20, 2012
Clifton writes: "The House of Representatives took a hard line against efforts by Democrats and libertarian Republicans to limit the president's power to indefinitely detain terrorism suspects captured in the US."

Here is the latest from Chris Hedges about their lawsuit against the NDAA.
http://www.truthdig.com/report/item/coming_to_a_gulag_near_you_20120402/

NDAA Lawsuit [Hedges et al.] a Struggle to Save the Constitution

By Tangerine Bolen, Guardian UK  11 August 12, 2012


Time after time, Obama's lawyers defending the NDAA's section 1021 affirm our worst fears about its threat to our liberty.

I am one of the lead plaintiffs [with Hedges] in the civil lawsuit against the National Defense Authorization Act, which gives the president the power to hold any US citizen anywhere for as long as he wants, without charge or trial.

In a May hearing, Judge Katherine Forrest issued an injunction against it; this week, in a final hearing in New York City, US government lawyers asserted even more extreme powers - the right to disregard entirely the judge and the law. On Monday 6 August, Obama's lawyers filed an appeal to the injunction - a profoundly important development that, as of this writing, has been scarcely reported.

In the earlier March hearing, US government lawyers had confirmed that, yes, the NDAA does give the president the power to lock up people like journalist Chris Hedges and peaceful activists like myself and other plaintiffs. Government attorneys stated on record that even war correspondents could be locked up indefinitely under the NDAA.

Judge Forrest had ruled for a temporary injunction against an unconstitutional provision in this law, after government attorneys refused to provide assurances to the court that plaintiffs and others would not be indefinitely detained for engaging in first amendment activities. At that time, twice the government has refused to define what it means to be an "associated force", and it claimed the right to refrain from offering any clear definition of this term, or clear boundaries of power under this law.

This past week's hearing was even more terrifying. Government attorneys again, in this hearing, presented no evidence to support their position and brought forth no witnesses. Most incredibly, Obama's attorneys refused to assure the court, when questioned, that the NDAA's section 1021 - the provision that permits reporters and others who have not committed crimes to be detained without trial - has not been applied by the US government anywhere in the world after Judge Forrest's injunction. In other words, they were telling a US federal judge that they could not, or would not, state whether Obama's government had complied with the legal injunction that she had laid down before them.

To this, Judge Forrest responded that if the provision had indeed been applied, the United States government would be in contempt of court.

I have mixed feelings about suing my government, and in particular, my president, over the National Defense Authorization Act. I voted for Obama.

But the US public often ignores how, when it comes to the "war on terror", the US government as a whole has been deceitful, reckless, even murderous. We lost nearly 3,000 people on 9/11. Then we
allowed the Bush administration to lie and force us into war with a country that had nothing to do with that terrible day. Presidents Bush and Obama, and the US Congress, appear more interested in enacting misguided "war on terror" policies that distract citizens from investigating the truth about what we've done, and what we've become, since 9/11.

I, like many in this fight, am now afraid of my government. We have good reason to be. Due to the NDAA, Chris Hedges, Kai Wargalla, the other plaintiffs and I are squarely in the crosshairs of a "war on terror" that has been an excuse to undermine liberties, trample the US constitution, destroy mechanisms of accountability and transparency, and cause irreparable harm to millions. Several of my co-plaintiffs know well the harassment and harm they have incurred from having dared openly to defy the US government: court testimony has included government subpoenas of private bank records of Icelandic parliamentarian Birgitta Jónsdóttir; Wargalla's account of having been listed as a "terrorist group"; and Hedges' concern that he would be included as a "belligerent" in the NDAA's definition of the term - because he interviews members of outlawed groups as a reporter - a concern that the US attorneys refused on the record to allay.

Other advocates have had email accounts repeatedly hacked, and often find their electronic communications corrupted in transmission (some emails vanish altogether). This is an increasing form of pressure that supporters of state surveillance and intervention in the internet often fail to consider.

I've been surprised to find that most people, when I mention that I am suing my president, Leon Panetta, and six members of Congress (four Democrats and four Republicans), thank me - even before I explain what I'm suing them over! And when I do explain the fact that I and my seven co-plaintiffs are suing over a law that suspends due process, threatens first amendment rights and takes away the basic right of every citizen on this planet not to be indefinitely detained without charge or trial, their exuberance shifts, and a deeper gratitude shines through newly somber demeanors. But this fight has taken a personal toll on many of us, including myself.

My government, meanwhile, seems to have lost the ability to discern the truth about the US constitution any more; I and many others have not. We are fighting for due process and for the first amendment - for a country we still believe in and for a government still legally bound by its constitution.

If that makes us their "enemies", then so be it. As long as they cannot call us "belligerents", lock us up and throw away the key - a power that, incredibly, this past week US government lawyers still asserted is their right. Against such abuses, we will keep fighting.