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Here is the link to the Index:  http://www.omnicenter.org/omni-newsletter-general-index/

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After 9-11, Congress quickly passed and Pres. Bush signed a bundle of laws that reduced our liberties. And what did they call them? In classic doublespeak, they called them the Patriot Act: cripple freedom and call it patriotism. It was now patriotic to diminish freedom. Clever, especially when our deluded troops were fighting and dying for “freedom.”

So now what do you and I do? Now the Peace and Justice Movement, having lost the initiative as has so often happened during the past decade and before, must struggle to regain constitutional
We must, and we can, show how misguided, how destructive to democracy is the Patriot Act, and how futile it has been in the so-called “War on Terrorism.” We must ridicule the name “Patriot Act,” by showing how false and unpatriotic it is, until it is abandoned, and we must, and we can, remove that gang of laws that lied about what freedom actual is and can and should mean in the US.

And what else can we do (we are not ignorant, timorous wabbits)? We can educate the public about the history of fascist attacks on constitutional liberties, and mobilize them to educate their representatives and to mobilize the public to opposed ignorant representatives who choose imagined security over liberty. For example, the Nazis used the 1933 fire that destroyed the Reichstag in Berlin, which they had instigated, as a pretext to suspend civil liberties and in other ways to help clear the way for the Nazis’ rise to power. We need to be well-informed about the histories of failed democracies, we need to know the process of their destruction to enable us to examine our own. (The emergency method of grasping power is also common in commerce, by which corporations move into vacuums of human or natural catastrophes to buy cheap land, buildings, businesses, as Naomi Klein has show in Shock Doctrine.) We need to be prepared to hold steady against fear and panic, and to demand the same from our representatives.

We are already doing this nationally and locally, obviously insufficiently, feebly, with not enough money or determination. The ACLU, the Center for Constitutional Rights, the BORDC and other excellent groups had helped strengthen the Bill of Rights and build walls against congressional failures; they are challenging the hypocritical “Patriot Act” laws; and they deserve our time and money. Our national peace and justice movement educates and agitates for constitutional freedoms with justice. The local arm is composed of the OMNI Center for Peace, Justice, and Ecology, the Workers Justice Center, and other groups. OMNI publishes this and related newsletters online.

But nationally and locally, we should also be looking ahead to the next shock sure to undermine liberties if authoritarians and imperialists have control; we should be planning for more shocks sure to come—like that of 9/11-- from US imperial expansion around the world, over 1000 bases globally in over 100 countries, and their ruinous expense and arousal of pushback (for example, look at a map of US bases facing China in the Pacific and surrounding it west to east, north to south, or a map at the global bombings against US invasions and occupations and drone assassinations). Likewise, we should be preparing for the shocks from climate change already also happening (Katrina, Sandy, forest fires, droughts) with their empire-size immense expenses, displacements, refugees, and deaths—to care for the victims while retaining our liberties. The UN High Commissioner for Refugees in its 2010 trends report estimated 43.7 million refugees and internally displaced people.

From: "David Segal, DemandProgress.org" <info@demandprogress.org>
US Supreme Court slated to tackle civil liberties in 2012

Unlike the major parties’ presidential candidates, the Supreme Court will address civil liberties this year. The remaining 2012 Supreme Court Term includes cases on issues from warrantless surveillance and warrantless searches, to the ability to try severe human rights abuses in federal court.

BORDC News

BORDC in the news

In the last month, BORDC and coalitions we support across the nation have been featured in various press outlets as they work to restore civil liberties one community at a time.

Have you read BORDC’s blog lately? The People’s Blog for the Constitution has attracted a growing audience that has tripled over the past year. Featuring news & analysis beyond the headlines on a daily basis, it offers a great way to stay informed.

http://www.bordc.org/newsletter/2012/10/#blog

Highlights from the past month include:

Terrorist designation a problem? Befriend a politician. by Michael Figura

The privacy law that time forgot by Nadia Kayyali

Newly released Bybee memo allows distribution of grand jury information among federal agencies by Alok Bhatt

NYPD sued for noncompliance with Freedom of Information Act request by Annette G. Macaluso

Court rules in favor of the NDAA by Yiqian Wang

European Parliament votes for accountability of members' torture, rendition complicity by Ash Kernen

2012 Secrecy Report: only government secrets are safe by Francisco White

Supreme Court hears case on corporate liability for human rights violations by Farid Zakaria

Grassroots News http://www.bordc.org/newsletter/2012/10/#grassroots

October 2012 Patriot Award: Loan Tran

Every month, BORDC honors an individual who has done outstanding work in support of civil liberties and the rule of law in his or her community. This month, the Patriot Award goes to Loan Tran from North Carolina for her courageous work defending civil rights and civil liberties.

Grassroots Updates

To get involved in any of these efforts, email the BORDC Organizing Team at
organizing@bordc.org.

Berkeley, CA: Coalition celebrates groundbreaking policy victory, plans for more
Tacoma, WA: Occupy Tacoma wins Bill of Rights award on one year anniversary
Seattle, WA: Working Rights Group to hold two-day seminar
Los Angeles, LA: Coalitions challenging NDAA, and LAPD spying, convene to plan next steps
Fayetteville, AR: Community partners building coalition against racial profiling
Chicago, IL: Diverse communities convene to discuss coalition opportunities
Charlotte, NC: Local activists challenge police abuses
New York, NY: City Council hearings underway on proposed Community Safety Act
Albany, NY: Event planned to launch report on “the New Jim Crow”
Hartford, CT: Coalition to Stop Indefinite Detention to host northeast regional conference

Law and Policy

Fusion centers: a federal assault on privacy vs. a local reform model

Just last week, Congress issued a report critical of fusion centers: duplicative regional networks that promote information sharing between local and federal law enforcement. Civil liberties advocates including BORDC have long recognized the threats that fusion centers pose to civil rights. The US Senate recently joined them in expressing concern.

Due process under assault on all sides: the NDAA, Omar Khadr, Abdullah al-Kidd, and you

In the last month, the domestic military detention provisions of the National Defense Authorization Act (NDAA) have drawn further concerns, prompted in part by a series of court rulings. From football players to journalists, no one is safe from arbitrary detention.

What’s really at stake in the cybersecurity debate

Cybersecurity has drawn recent attention from the National Security Council, Congress and Obama administration. Pending legislation, and recent and forthcoming executive acts, all hold crucial implications for your rights online, and checks & balances on executive power going forward.

Stop and frisk, and beyond

The modern era of stop & frisk policing can be traced to 1968, when the Supreme Court declared in Terry v. Ohio that police officers may stop and search people on the street based on standards less stringent than the probable cause required by the Constitution to obtain a warrant. Justice Douglas, the lone dissenter, presciently noted that the decision was "a long step down the totalitarian path." Stop & frisk has led to pervasive racial profiling, and communities are coming together to stop it.

Judge dismisses ACLU lawsuit seeking information about ethnic profiling mandated by FBI

The ACLU’s attempt to investigate the FBI’s “domain management” efforts in New Jersey has been dismissed by US District Judge Ester Salas. The domain management program was part of FBI’s regulations implementing the 2008 Attorney General’s Guidelines, which BORDC has criticized since their adoption, and has yet to draw the attention warranted by mandated ethnic profiling.
Washington greets the New Year by assaulting your rights

Congress and White House extend domestic military detention powers in NDAA

On January 2nd of this year, President Obama signed the NDAA (National Defense Authorization Act) of 2013 into law, without any provisions to restore due process in the face of surviving sections of the 2012 NDAA that continue to threaten indefinite domestic military detention. While President Obama strongly criticized the bill that reached his desk, his criticism focused on congressional restrictions on the military’s authority to transfer Guantanamo detainees who had been cleared for release. As with prior laws that assault the Constitution, however, he ultimately signed the bill into law.

Congress and White House extend pervasive domestic surveillance powers in FISA

On December 30th, President Obama signed the Foreign Intelligence Surveillance Amendments Act (FAA), extending the National Security Agency’s (NSA) program of unconstitutional warrantless wiretapping for another five years. FISA is essentially a codification of the illegal domestic spying program begun in secret under the Bush administration.
BORDC in the news

In the last month, BORDC and coalitions we support across the nation have appeared in various press outlets to promote concerns about constitutional rights and the powers of police and intelligence agencies that abuse them.

Raise your voice to demand the truth about US torture

Last month, the Senate Intelligence Committee voted to approve a 6,000 page report on torture based on a three year investigation that reviewed over 6 million pages of documents from the CIA and other intelligence agencies. While the bipartisan Senate report is sharply critical of torture, however, it remains secret.

Legal Fellow Nadia Kayalli speaks in Seattle, WA

On January 19th, BORDC Legal Fellow Nadia Kayyali will be the keynote speaker at a forum on racial profiling focusing on the Secure Communities Initiative (S-Comm).

Read the latest news & analysis from the People’s Blog for the Constitution

Have you read BORDC’s blog lately? The People’s Blog for the Constitution has attracted a growing audience that has tripled over the past year. Featuring news & analysis beyond the headlines on a daily basis, it offers a great way to stay up to date and informed.

Highlights from the past month include:

- **Changes to S-comm reveal the program’s flaws, don’t go far enough** by NadiaKayyali

- **“Zero Dark Thirty” pushes the torture debate into popular discussion** by AlokBhatt

- **Federal court allows government to keep targeted killing justification secret** by Michael Figura

- **Defense bill halts hope** of closing Guantanamo Bay by Annette Macaluso

- **Zero tolerance for torture** by Emily Walsh

- **Don’t Get Mad, Get Even: Challenge Prosecutors, not Scapegoats** by Shahid Buttar
Grassroots News

**Patriot Award: Andrew Bashi**

Every month, BORDC honors an individual who has made an outstanding contribution in his or her community to the movement to restore civil liberties and the rule of law. This month, the Patriot Award goes to Andrew Bashi from Chicago, IL for his extraordinary and committed activism and organizing.

**Mourn an Internet hero and take action in his honor**

On January 11, our country lost a luminary in the suicide of Aaron Swartz, a brilliant young man who, according to BORDC's Shahid Buttar, "did more for the world in his 26 years than most people do in a lifetime." In the wake of Aaron's tragic death, the Electronic Frontier Foundation has launched an online petition to fix the draconian computer crime law that exposed Aaron to 13 felony counts of hacking and wire fraud for a victimless crime actually committed in the public interest.

**Grassroots updates**

To get involved in any of these efforts, please email the BORDC Organizing Team at organizing@bordc.org. We’re eager to hear from you and help support your activism!

- **Alameda County, CA**: Coalitions mobilize to challenge local surveillance drones, immigration enforcement

- **Los Angeles, CA**: Broad protests on 11th anniversary of Guantanamo challenge torture and detention under NDAA, while Stop LAPD Spying Coalition continues to mobilize

- **Dallas, TX**: Advocates host press conference and demonstration to creatively challenge detention, torture, NDAA

- **Fayetteville, AR**: Communities come together to address anti-immigrant profiling

- **Chicago, IL**: Coalition rallies first to challenge mass incarceration, and again to confront detention under NDAA and torture

- **Washington, DC**: Activists mobilize against torture at release of Zero Dark Thirty

- **New York, NY**: Coalition presses towards victory on racial profiling as federal judge blocks NYPD profiling in the Bronx

- **New Britain, CT**: Coalitions address anti-immigrant profiling, military
Law and Policy

The FBI vs. Occupy

It’s no secret that the FBI and local law enforcement have targeted the Occupy movement since its inception in fall 2011, sometimes to the degree of planting informants and manufacturing criminal charges. However, recently released documents reveal that monitoring by federal law enforcement was even more extensive than imagined.

Zero Dark Thirty: Kathryn Bigelow and the Senate keep us in the dark about torture

Kathryn Bigelow and Mark Boal’s Zero Dark Thirty opens with a title that declares "The following motion picture is based on first hand accounts of actual events." With this title and relentless publicity, Biegwlow has suggested “What we were attempting is almost a journalistic approach to film.” Zero Dark Thirty not only misrepresents the facts surrounding the role of torture in Osama Bin Laden’s capture, it also uses film technique to align the audience with the torturers.

Programs under development to further erode privacy through cybersecurity, domestic drone aircraft

In 2010, the Wall Street Journal reported on the initial phases of a NSA program now known to be called “Perfect Citizen.” Despite its brazenly Orwellian title, the NSA allegedly designed Perfect Citizen to prevent cyberattacks on federal agencies and computer systems that control critical infrastructure. FOIA documents procured by the Electronic Privacy Information Center (EPIC) confirm the concern with protecting power grids and other vulnerable systems.

New Resources and Opportunities

Want to spy on your neighbor? The surveillance state comes to a store near you

The next time your family celebrates a birthday, consider a gift for the whole family: a functional aerial surveillance drone. Verizon Wireless has you covered—you can purchase your very own quadro-copter, along with two HD cameras, online.

Help BORDC restore the rule of law

- Get involved! Volunteer, organize, raise your voice—we have an opportunity that’s right for everyone.
MORE LIMITATIONS ON PROTEST

Imagine an America in which the government can prevent protest in any public space it deems fit. Where wearing a dissenting shirt around an elected official could be construed as a felony. Where First-Amendment protections become privileges subjectively doled out by the state. Sadly, that America is pretty much here.

In March, Congress passed HR 347, a bill that limits Americans’ ability to protest in public and on government grounds. Mainstream media didn’t raise peep, but now there’s finally some anger building. The bill, passed almost unanimously, makes it a federal offense punishable by up to ten years in prison to "knowingly" protest in the vicinity of the Secret Service -- that is anywhere the Secret Service "is or will be temporarily visiting."

Click here to demand that Congress reinstate -- and safeguard -- Americans' right to engage in protest. http://act.watchdog.net/petitions/963?l=79459.P2f5aG This campaign is being run by WatchDog.net, a side-project of Demand Progress.
It also makes many public events impervious to lawful protest. Any "National Security Special Event" (NSSE) requires Secret Service protection. NSSE-designated events have proliferated since 9/11 to include Super Bowls, concerts, campaign events, and now any public event that Very Important People want protest-free.

Most dangerously, it criminalizes protest. Under the bill, "disorderly or disruptive conduct" or activities that "impede or disrupt the orderly conduct of Government business or official functions" could warrant felony charges. What constitutes such "disruptive conduct" rests in the eye of the beholder--or the eye of Eric Holder. To put it plainly: the government can decide where and when free speech is allowed and severely prosecute any "disruptive" activity, while we're confined to "free speech zones." We can help fix it, however!

Will you click here to sign WatchDog.net's petition to protect our speech rights? [http://act.watchdog.net/petitions/963/?l=79459.P2f5aG](http://act.watchdog.net/petitions/963/?l=79459.P2f5aG)

Let's keep on fighting.

-Demand Progress

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Who is the worst civil liberties president in US history?
Where do the abuses of the last decade from Bush and Obama rank when compared to prior assaults in the name of war?

- Glenn Greenwald
- guardian.co.uk, Friday 2 November 2012 09.14 EDT
- Jump to comments (1273)
The following interesting question arose yesterday from what at first appeared to be some petty Twitter bickering: who was the worst president for civil liberties in US history? That question is a difficult one to answer because it is so reliant upon which of many valid standards of measurement one chooses; it depends at least as much on the specific rights which one understands the phrase "civil liberties" to encompass. That makes the question irresolvable in any definitive way, but its examination is nonetheless valuable for the light it sheds on current political disputes.

It's worthwhile first to set forth the context in which the question arose. At their Lawfare blog, Ritika Singh and Benjamin Wittes posted an excerpt of an essay they wrote for a new book on the War of 1812; their essay pertains to the impact of that war on civil liberties and executive power. The two Brookings writers note that despite intense domestic opposition to the war, President Madison "eschewed the authority to detain American citizens in military custody or try them in military tribunals, and more generally, declined to undertake the sorts of executive overreaches we have come to expect - and even encourage - from our presidents in war."

After Julian Sanchez, I and others tweeted that essay by remarking that Madison refrained from exploiting the war to abridge civil liberties, Slate's Matt Yglesias' wrote:

That struck me as a cheap and vapid reply. Nobody was suggesting that Madison was the personification of civil liberties nirvana. Rather, the point was a very narrow and discrete one: he largely refrained from exploiting the War of 1812 as a pretext for abridging extant political rights. Whether he owned slaves - or was otherwise the worst monster in history - does not
remotely pertain to, let alone negate, that specific and important historical fact about Madison's presidency.

Moreover, the issue raised by the essay on Madison was about the extent to which presidents use their power to erode civil liberties which exist when they assumed the office, or refrain from attacking those rights despite having the opportunity in the form of war or other crises. That a person is born into a society in which the evil of slavery already exists has little to do with that historical question.

That said, once one posits a president's personal slavery ownership as inconsistent with a positive civil liberties record - as Yglesias implicitly did - then that must be the number one factor in assessing a president's place on the civil liberties list. By that metric, all slave-owning presidents, or one who expressly endorsed the Dred Scott decision as James Buchanan did, would automatically have to be deemed the worst.

After all, owning human beings as chattel is the supreme civil liberties violation, by far the gravest civil liberties abuse in US history. That goes without saying. It is sui generis.

That's why it was so bizarre to see that the very same Matt Yglesias, just moments later, pronounced Woodrow Wilson - a president who never owned any slaves and never presided over slavery - to be the "worst-ever president on civil liberties", even suggesting that Wilson has no "serious competition" for that ignominious title. It was when I pointed out the irony of Yglesias' selection of a non-slave-owning president in light of his tweet that the interesting question arose of who should be considered the worst civil liberties president in US history.

If one were simply to consider specific acts which constituted grave assaults on civil liberties - narrowly defined as the core political rights explicitly protected by the Bill of Rights: free speech, freedom from deprivation of life and liberty without due process, etc. - one could make a strong argument for several presidents. John Adams signed The Alien and Sedition Acts, which essentially criminalized certain forms of government criticism in preparation for a war with France, a radical assault on the First Amendment. Abraham Lincoln illegally suspended the core liberty of habeas corpus without Congressional approval. Wilson's attacks on basic free speech in the name of national security were indeed legion and probably unparalleled. Franklin Roosevelt oversaw the due-process-free internment of more than 100,000 law-abiding Japanese-Americans into concentration camps. And then there are the two War on Terror presidents. George Bush seized on the 9/11 attack to usher in radical new surveillance and detention powers in the PATRIOT ACT, spied for years on the communications of US citizens without the warrants required by law, and claimed the power to indefinitely imprison even US citizens without charges in military brigs. His successor, Barack Obama, went further by claiming the power not merely to detain citizens without judicial review but to assassinate them (about which the New York Times said: "It is extremely rare, if not unprecedented, for an American to be approved for targeted killing"). He has waged an unprecedented war on whistleblowers, dusting off Wilson's Espionage Act of 1917 to prosecute more than double the number of whistleblowers than all prior presidents combined. And he has draped his actions with at least as much secrecy, if not more so, than any president in US history.

Ultimately, it is close to impossible to rank these abuses strictly as a qualitative matter, in terms of the powers seized. How does one say that interning citizens in concentration camps (Roosevelt) is better or worse than imprisoning people for dissent (Adams and Wilson), putting people in cages with no charges (Lincoln, Bush, Obama), or claiming the power to execute citizens in total secrecy and without any checks of any kind (Obama)? If anything,
one could reasonably argue that the power of due-process-free executions is the most menacing since it's the only act that is permanent and irreversible.

Certainly, the quantity of abuse matters. In that regard, Roosevelt's internments and Wilson's free speech prosecutions would appear worse than, say, Adams' attacks on dissent, Bush's indefinite detentions, or Obama's citizen assassinations.

Moreover, it is one of the ironies of US history that civil liberties erosions are often accompanied by civil liberties progress from the same leader: Adams was integral in the founding of the republic and its rights-enshrining documents; Lincoln freed the slaves; Wilson supported women's suffrage; Roosevelt appointed two of the most sterling civil liberties advocates to the supreme court; Obama withdrew authorization for some torture techniques (ones that were not in use when he was inaugurated) and banned CIA black sites (ones that were empty when he assumed office).

Ultimately, there are two critical factors that, for me at least, are highly influential if not decisive in determining the proper ranking. The first is the extent to which the civil liberties abuses are temporary or permanent.

Most of the contenders for worst civil liberties abuses were "justified" by traditional wars that had a finite end and thus dissipated once the wars were over. Lincoln's habeas suspension did not survive the end of the Civil War, nor did FDR's internment camps survive the end of World War II. The Alien and Sedition Acts were severely diluted fairly quickly, while the bulk of Wilson's abuses which survived World War I lay dormant until the War on Terror. As horrible as they were, these radical erosions were often finite, arguably by design, since the wars which served as their pretext would foreseeably end at some point.

This is one key factor that distinguishes the War on Terror. By its nature, it will never end, at least not in the foreseeable future. It is a "war" far more in a metaphorical sense than a real one.

Since it began, both administrations who have waged it have expressly acknowledged its virtually indefinite - and thus unique - nature. In May 2009, when Obama unveiled his proposal for "preventive detention", he said: "Unlike the Civil War or World War II, we can't count on a surrender ceremony to bring this journey to an end." He added that we'll still be fighting this war "a year from now, five years from now, and - in all probability - 10 years from now."

Just last week, the Washington Post reported that the Obama administration is creating permanent bureaucratic systems to implement its War on Terror powers as it "expects to continue adding names to kill or capture lists for years". Specifically, "among senior Obama administration officials, there is broad consensus that such operations are likely to be extended at least another decade." That "suggests that the United States has reached only the midpoint of what was once known as the global war on terrorism."

Civil liberties abuses justified by a finite war can be awful while they last, but then they cease. Abuses that are systematized based on the premise that they are to be permanent do far more than that: they radically alter the nature of the government and the relationship of the political class to the citizenry.

This, to me, has always been the most uniquely pernicious aspect of the War on Terror civil liberties assaults of the last decade: they will not end when the "war" does because the "war" will have no end. Each new power is embedded permanently into the political framework, incrementally transforming the political culture and the species of government itself.
The second vital factor is the **justification used** for these assaults. However critical one wants to be of Lincoln, Wilson and Roosevelt - and harsh criticism is appropriate in all three cases - they were actually fighting major wars that had the potential to severely harm if not destroy the US. To the extent that war is a justification for increasing the powers of the executive, those three wars are clearly the most compelling examples. By contrast, the "War on Terror" is not even legitimately described as a "war", let alone one anywhere near the magnitude of its predecessors. Shortly after I began writing about politics in late 2005, I **examined the inane tactic** of Bush-following neoconservatives - one that is, like so many neocon views, now vigorously embraced by many Obama defenders - to cite Lincoln’s civil liberties abridgments during the Civil War to justify abridgments in the name of the War on Terror. The fundamental differences are obvious:

"During Lincoln's Presidency, the entire nation was engulfed in an internal, all-out war. Half of the country was fully devoted to the destruction of the other half. The existence of the nation was very much in doubt. Americans were dying violent deaths every day at a staggering rate. One million American were wounded and a half-million Americans died (a total which represented 5% of the total population), making it the deadliest war America has ever faced, by far, including all wars through the present. On multiple occasions, more than 25,000 Americans – and sometimes as many as 50,000 – were killed in battles lasting no more than three days. The scope of carnage, killing, and chaos – all within the country, on American soil – is difficult to comprehend.

"Making matters worse – much worse – the country was only 70 years old at the time. And even before the Civil War began, America was teetering precariously from these unresolved internal conflicts. The country then was a shadow of what it is today, with a tiny faction of the strength, stability and cohesion which, 140 years later, characterize the United States."

It takes little effort to demonstrate that the "War on Terror" is not in the same universe. As Professor Richard Jackson has **documented**, there is a greater risk of dying from lightning strikes or bathtub falls than terrorism. Professors John Mueller and Mark G. Stewart, writing in the latest issue of International Security, condemned the "extraordinarily exaggerated and essentially delusional response" to 9/11. As Professor Stephen Walt **described their article**:

"Mueller and Stewart analyze 50 cases of supposed 'Islamic terrorist plots' against the United States, and show how virtually all of the perpetrators were (in their words) 'incompetent, ineffective, unintelligent, idiotic, ignorant, unorganized, misguided, muddled, amateurish, dopey, unrealistic, moronic, irrational and foolish.' They quote former Glenn Carle, former deputy national intelligence officer for transnational threats saying 'we must see jihadists for the small, lethal, disjointed and miserable opponents that they are,' noting further that al-Qaida's 'capabilities are far inferior to its desires.'"

To the extent the validity of the proffered justification matters, and it must matter some, the War on Terror abuses are easily the worst for this metric. Unlike the actual, threatening wars of the past, this "war" is pure pretext, a total farce: so out of proportion to the civil liberties assaults employed in its name as to be inconceivable.

As noted, this discussion assumes a rather narrow range of the term "civil liberties": namely a focus on the original core political liberties expressly guaranteed by the Bill of Rights: freedom of speech, freedom from deprivation of life and liberty without due process, habeas corpus. If one expands the term to include more contemporary debates surrounding issues such as gay equality and reproductive rights, as is proper, then the overall picture meaningfully changes.
The one common strain running through these historic civil liberties assaults is war. War almost always erodes political liberties. That has always been true. Cicero famously observed "inter arma, enim silent leges" (in times of war, the law falls mute). That fact - that wars maximize a political leader's power - is a key reason they often crave war and why wars, under the Constitution, were supposed to be extremely difficult for presidents to start. As John Jay wrote in Federalist 4, "absolute monarchs will often make war when their nations are to get nothing by it, but for the purposes and objects merely personal" (that's also why the absurd contortions invoked by President Obama to fight a war in Libya not only in the absence of Congressional approval, but in the face of formal Congressional disapproval, belongs high on the list of his worst and likely most enduring civil liberties assaults).

But in terms of the role played by war in enabling civil liberties assaults, at least the exploited wars are usually real. In the case of the "War on Terror", it is far more illusory and frivolous than real. That - along with their permanence - is a major factor in determining where the civil liberties erosions of the last decade, and the presidents responsible for them, rank in history.

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Done in by the Patriot Act?


There is a delicious irony to the story of the crash-and-burn career of Four-Star General and later (at least briefly) CIA Director David Petraeus.

The man who was elevated to the ethereal ranks of a General Eisenhower or Robert E. Lee by swooning corporate myth makers like the Philadelphia Inquirer's Trudy Rubin, the Washington Post's David Iglesias, and the NY Times' Michael Gordon, was never really that brilliant. It wasn’t his “surge” after all that quieted things down (temporarily) in Iraq; rather it was a deal to pay off the insurgents with cash to stand down until the US could gracefully pull out without having to be shooting its way down to Kuwait in full retreat. As for his allegedly “brilliant” counterinsurgency policy of “winning hearts and minds,” we have already seen how well that has worked in Iraq, which is now basically a client state of Iran, and the writing is already on the wall in Afghanistan, where the US is almost universally loathed, with US forces spending most of their time looking out for Afghan soldiers who might turn their guns on their supposed ally and “mentor” American troops.

For a real measure of Gen. Petraeus, go to Admiral William Fallon — that rare military leader who had the guts to tell President Bush and Cheney he would not allow an attack on Iran “on his watch,” thereby quite possibly saving us all from being at war with Iran years ago. Fallon, who at the time in 2007 was head of Centcom, the military command region covering the
entire Middle East, once reportedly called, Petraeus, who was being put in charge of the Iraq theater, an “ass-licking little chicken-shit” — to his face.

Anyhow, what makes the epic collapse of this consummate political general’s career so exquisite is that it was the post-9-11 spying capabilities of the FBI that allowed its agents to slip unannounced into the email of the General’s paramour, Paula Broadwell (a name that could have been selected by Ian Fleming!), and possibly into the general’s own email too, there to find the evidence, allegedly in the form of X-rated letters, of a covert adulterous relationship underway.

We now know that the FBI was alerted to this breach of decorum (if the illicit romance began while Petraeus was on active duty in Afghanistan, he could be prosecuted under the same rules that have led to the prosecution of many lower ranking offers: bringing ill-repute upon the military) and lack of judgement on the part of the head of the nation’s spooks, by a second woman, Jill Kelley, who was a volunteer military liaison and family friend of the Petraeus clan. Kelley’s closeness to Petraeus allegedly caused the jealous Broadwell to allegedly send threatening emails to her imagined rival, including one that told her to “stay away from my guy!”

It seems likely Kelley, in asking the FBI to put a halt to the threatening emails, would have been quick to point out that Broadwell was having an affair with Petraeus. In any event, once the FBI successfully go the telecom company she was using to allow them into Broadwell’s email, that would have been clear, and it would have been easy work to move on to the general’s own cache of love letters (in which he may have been referred to by Broadwell by what she told the Daily Show’s John Stewart was his childhood nickname “Peaches”).

The CIA chief was thus done in by the Patriot Act and other assorted violations of the First and Fourth Amendments, all backed by Gen. Petraeus and his political promoters in Congress and the White House, as well as in the corporate media.

Of course, while we can enjoy this payback, and speculate on how it must be giving the shivers to many a White House staffer and member of Congress, it should also be a warning to us all that the FBI, the CIA, and the myriad other intelligence agencies littering the US landscape, these days have virtually limitless ability to monitor our every email message, tweet and phone call.

Maybe we should invite the now humbled Petraeus to become the poster child for a renewed battle to restore the Bill of Rights.

DAVE LINDORFF is a founding member of ThisCantBeHappening!, the new independent Project Censored Award-winning online alternative newspaper. His work, and that of colleagues JOHN GRANT, LORI SPENCER, LINN WASHINGTON, JR. and CHARLES M. YOUNG, can be found at www.thiscantbehappening.net
Our Nation Unhinged: The Human Consequences of the War on Terror

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Jose Padilla short-shackled and wearing blackened goggles and earmuffs to block out all light and sound on his way to the dentist. Fifteen-year-old Omar Khadr crying out to an American soldier, "Kill me!" Hunger strikers at Guantánamo being restrained and force-fed through tubes up their nostrils. John Walker Lindh lying naked and blindfolded in a metal container, bound by his hands and feet, in the freezing Afghan
winter night. This is the story of the Bush administration’s response to the attacks of September 11, 2001—and of how we have been led down a path of executive abuses, human tragedies, abandonment of the Constitution, and the erosion of due process and liberty. In this vitally important book, Peter Jan Honigsberg chronicles the black hole of the American judicial system from 2001 to the present, providing an incisive analysis of exactly what we have lost over the past seven years and where we are now headed.

DEFENDER OF DISSENTERS, RESISTERS OF US WARS AND REPRESSION
1. “Francis A. Boyle— to the Hague” (Dissenting Op-Ed) | Veterans Today
   www.veteranstoday.com/.../francis-a-boyle-to-the-hague-dissenting-o...
   Dec 12, 2012 – We contend with the available evidence, widely published, with admissions from Dr, Francis A. Boyle in writing and interviews which are ...

2. Francis Boyle ZSpace page - Z Communications
   www.zcommunications.org › ZSpace
   At the age of 12 I joined the American Civil Liberties Union after I read in the evening newsp... Francis Boyle ZSpace page. Wednesday, Oct 17, 2007 ...

3. As potential pick for court, Kagan gets fire from left - The Boston Globe
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   Apr 15, 2010 – ... human rights and civil liberties organization in the country," said Francis Boyle, a professor of international law at the University of Illinois.

4. Boyle, Francis. "NO WAR AGAINST AFGHANISTAN!"
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   Francis A. Boyle, "No War against Afghanistan", from ..... Except on this one – they're infringing the civil rights and civil liberties of all of us moving us that much ...

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6. Boyle's Law: Turning up the Heat Against Militarism
   Through Civil ...
   www.peaceworkmagazine.org › sections › Article
   Francis A. Boyle is a distinguished University of Illinois law professor, activist, and ...It's an urgent call to action and demonstrates that "civil resistance [is] solidly ...

7. George Bush, Jr., September 11th and the Rule of Law FROM - ratical
   www.ratical.org/ratville/CAH/CrimNukDetSI.html
   by FA Boyle - Related articles
Feb 1, 2002 – by Francis A. Boyle.... The longer Bush Jr.'s war against Afghanistan goes on -- and at this writing, Secretary of Defense Rumsfeld ...... COINTELPRO Program, whose atrocities against the civil rights and civil liberties of the ...

8. Francis A. Boyle's "Protesting Power - War, Resistance and Law
sjlendman.blogspot.com/.../francis-boyles-protesting-power-war.html

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9. Francis Boyle's Palestine, Palestinians, and International Law ...
dissidentvoice.org/.../francis-boyles-palestine-palestinians-and-interna...

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STEVE LENDMAN BLOG
THURSDAY, FEBRUARY 28, 2008

Francis A. Boyle's Protesting Power - War, Resistance and Law

Francis A. Boyle's "Protesting Power - War, Resistance and Law" - by Stephen Lendman

Francis A. Boyle is a distinguished University of Illinois law professor, activist, and internationally recognized expert on international law and human rights. From 1988 to 1992, he was a board member of Amnesty International USA. He was a consultant to the American Friends Service Committee. From 1991 to 1993, he was legal advisor to the Palestinian Liberation Organization, and currently he's a leading proponent of an effort to impeach George Bush, Dick Cheney and other key administration figures for their crimes of war, against humanity and other grievous violations of domestic and international law. Boyle also lectures widely,
writes extensively and authored many books, including his latest one and subject of this review: "Protesting Power - War, Resistance and Law."

Boyle's book is powerful, noble and compelling, and he states its purpose upfront: Today, a "monumental struggle (is being waged) for the heart and soul of (America) and the future of the world...." It matches peacemakers on one side, war makers on the other, and all humanity hanging in the balance. The book provides hope and ammunition. It's a urgent call to action and demonstrates that "civil resistance (is) solidly grounded in international law, human rights (efforts), and the US Constitution." It "can be used to fight back and defeat the legal, constitutional, and humanitarian nihilism of the Bush administration" neocons and their chilling Hobbesian vision - imperial dominance, homeland police state, and permanent "war that won't end in our lifetimes," according to Dick Cheney.

Boyle has the antidote: "civil resistance, international law, human rights, and the US Constitution - four quintessential principles to counter....militarism run amuk." Our choice is "stark and compelling." We must act in our own self-defense "immediately, before humankind exterminates itself in an act of nuclear omnicide." The threat today is dire and real, it demands action, and civil resistance no longer is an option. With survival at stake, it's an obligation.

The Right to Engage in Civil Resistance to Prevent State Crimes

http://sjlendman.blogspot.com/2008/02/francis-boyles-protesting-power-war.html

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(479) 442-4600
2582 Jimmie Ave.
Fayetteville, AR 72703