What's at stake: In the book [Give Me Liberty], Wolf looks at times and places in history where citizens were faced with the closing of an open society and successfully fought back, and looks back at the ordinary people of the Founding Fathers of the United States’ generation, the ones not named by history, all of whom had this “vision of liberty” and moved it forward by putting their lives on the line to make the vision real. She is an outspoken advocate for citizenship and wonders whether younger Americans have the skills and commitment to act as true citizens.

Blog: http://jamesrichardbennett.blogspot.com/
Facebook: www.facebook.com/OMNIPeaceDept
j.dick.bennett@gmail.com

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, Guantanamo, Rights, Bill of Rights, Human Rights DAY, Bill of Rights DAY, War on Terror, Torture.

Nos. 1-2 at end

Contents of Civil Liberties Indefinite Detention and Solitary Confinement March 2015
Newsletter #3

CCR, Guantanamo and Indefinite Detention; Solitary Confinement in California
Ben Fox, Secret Camp Within Guantanamo
Judge Forest Strikes Down NDAA 1021-1022 Legalizing Indefinite Detention
NationofChange Explains NDAA Section 1021
Chris Hedges on the Decision and versus Obama’s “Assault on Civil Liberties”
Judge Wendell Griffin vs. Obama’s Tyranny
Peetros, BORDC
Carmen Trotta, NDAA 2012: Sections 1021-1022
Naomi Wolf vs. NDAA 2012
Buttar, BORDC, Koremetsue DAY vs. NDAA
Kane, “War on Terror’s” Abuses, Hashmi in Solitary Confinement
Naomi Wolf, Protest USA, Give Me Liberty
Film on Canada’s Indefinite Detentions

Center for Constitutional Rights via uark.edu

In This Issue:

- Inspired and humbled by our clients
- Take action to reunite the Khantumanis
• A setback in CMU prison case

• Taking on abusive immigration practices

---

**Inspired and humbled by our clients**

Thanks to "Waiting for Fahd: One Family’s Hope for Life beyond Guantánamo," you know something about CCR client Fahd Ghazy, detained at Guantánamo since he was 17, never charged, twice cleared for release, waiting to be reunited with his teenage daughter whom he last saw as a baby. But today we want to tell you about some of the other men held illegally and unjustly in Guantánamo. Omar Farah and Aliya Hussain spent last week at the detention facility and, in addition to Fahd, met with our clients Tariq Odah, Mohammed Al Hamiri and Ghaleb Al Bihani. Like Fahd, they are all from Yemen, all cleared for release – and yet still not free.

Aliya and Omar gave a live report back on their visits from Guantánamo on Thursday; you can watch it here.

Tariq has protested his unjust detention with the only means available, his very body. He has been on a hunger strike for eight years, longer than President Obama has been in office. Each day, he is forcibly extracted from his cell, strapped down, force fed through his nose, and the damage to his body and the cruelty he must endure every day is equally unimaginable. He has been on an unbroken hunger strike for eight years, longer than President Obama has been in office. Each day, he is forcibly extracted from his cell, strapped down, force fed through his nose, and as Omar and Aliya saw in their meeting, he continues to have a sense of humor, compassion and gratitude to all those who have shown him solidarity. Mohammed is a poetic thinker and writer, defiantly good-spirited. We've long been inspired by his words from a few years ago – "We keep walking through the tunnel in search of a shred of light hoping it would appear at the end of that tunnel... and for every couple of steps we make, this strong air pushes us one step backward, as if it is stealing one step from us. Yet we keep walking forward" – and last month we shared his agony when he said, simply, "I want to be released. I want to see my mom." Ghaleb, despite his own harsh confinement, thinks of others; he identifies with the disenfranchised and downtrodden in the U.S., expressing compassion at their suffering, and he has a keen awareness of the hypocrisy of U.S. human rights ideals that these men are locked in cages while politicians play games with their lives, feeding fear and prejudice for their own cheap political gain. Last week, President Obama publicly expressed his regret at not closing Guantánamo on his first day of office. No one regrets that misstep more than our clients, but Obama still has the power to right that wrong and end the suffering of these and others today.

---

**Take action to reunite the Khantumanis**

The injustices of Guantánamo do not always end when men are finally released. Last week we told you about Pardiss Kebriaei’s essay in Harper’s about the extraordinary story of our clients Abdul Nasser Khantumani and his son Muhammed, both held at Guantánamo for many years. The injustices of Guantánamo do not always end when men are finally released. Last week we told you about Pardiss Kebriaei’s essay in Harper’s about the extraordinary story of our clients Abdul Nasser Khantumani and his son Muhammed, both held at Guantánamo for many years.
years at Guantánamo without charge, now free but not allowed to see each other. Please take a moment to add your name to our petition and help bring the Khantumani family together again. The Harper’s issue is now available on newsstands. For the price of two cups of Starbucks coffee, you can also buy it online. It’s an incredible read, well worth the $6.99 (hard copy or online).

Taking on abusive immigration practices

Our challenge to unjust detention policies is not limited to Guantánamo and the CMUs. In Ashker v. Brown, we are suing the State of California to end long-term solitary confinement in California’s Pelican Bay prison. In Detention Watch Network v. ICE, we are working to expose the federal quota requiring 34,000 immigration detention beds to be funded and filled per day. Together with Detention Watch Network (DWN), we are suing DHS and ICE to force them to comply with a FOIA request for information on the bed mandate. The case is one of two immigration-related cases we are currently pursuing. The other, Immigrant Defense Project v. ICE, filed with the Immigrant Defense Project (IDP) and the Hispanic Interest Coalition of Alabama (HICA), seeks to uncover information related to ICE’s home raids policies and practices. As CCR supporters may remember from two Fourth Amendment cases that we successfully settled – Argueta v. ICE and Aguilar v. ICE – the federal Immigration Customs Enforcement (ICE) agency conducts terrifying, warrantless home raids in immigrant communities, a practice made notorious by the Bush Administration and that continues today. These cases are part of our ongoing commitment to challenge abusive immigration practices.

© Center for Constitutional Rights

666 Broadway, New York, NY 10012
(212) 614-6464

Preferences :: Unsubscribe

Window Opens on Secret Camp Within Guantánamo

Ben Fox, Associated Press, Reader Supported News, April 14, 2014

Fox reports: "Attorney James Connell has visited his client inside the secret Guantánamo prison complex known as Camp 7 only once, taken in a van with
covered windows on a circuitous trek to disguise the route on the scrub brush- and-cactus covered military base."

**Civil Liberties Victory: Judge Halts Indefinite Detention Law**

Judge: "First Amendment rights are guaranteed by the Constitution and cannot be legislated away"

- Common Dreams staff

A federal judge struck down a law that allows indefinite detention as a provision of the National Defense Authorization Act (NDAA) on Wednesday.

[http://www.commondreams.org/headline/2012/09/13](http://www.commondreams.org/headline/2012/09/13)

published: Saturday 8 December 2012

Obama has threatened to veto the NDAA over other measures, including restrictions on transfers from Guantanamo prison.

On Tuesday, the Senate passed the National Defense Authorization Act, or NDAA, a yearly military spending bill.

Last year, the bill affirmed the U.S.’s authority to hold suspected terrorists indefinitely and without charges. The provision had generated plenty of controversy, particularly about whether U.S. citizens could be detained indefinitely. This year, the Senate bill says that citizens can’t be detained in the U.S. – but concerns remain about the scope of detention powers.

We’ve taken a step back, run through the controversy, and laid out what’s new.

What does the law currently say about military detention?

Section 1021 of last year’s National Defense Authorization Act affirms the military’s ability under the law of war to detain people “without trial until the end of hostilities.”

It also says they can be tried at a military commission, transferred to another country or to “an alternative court” – leaving open the possibility of civilian trials.

Who can be detained?
Anyone who “planned, authorized, committed, or aided” the 9/11 attacks, or “harbored those responsible.” Also, anyone who been “part of or substantially supported” Al Qaeda, the Taliban, “or associated forces that are engaged in hostilities against the U.S. and its coalition partners.”

Does that include U.S. citizens?

Congress left that deliberately unspecified last year, essentially punting the issue to the courts.

The language in the bill didn’t outright permit or prohibit indefinite detention of U.S. citizens. The act stated that it wouldn’t affect “existing law or authorities relating to the detention of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States.”

But existing laws and authorities don’t actually give a definitive answer. There were cases involving U.S. citizens held by the military under President George W. Bush, but no precedents were established. The Supreme Court ruled only narrowly on the case of Yaser Hamdi, on the basis that he was captured on the battlefield in Afghanistan. (Hamdi was released and went to Saudi Arabia in 2004.) In a second case, Jose Padilla was transferred to a civilian court. (For more legal details, see these backgrounders from the blog Lawfare and the Congressional Research Service.)

NationofChange fights back with one simple but powerful weapon: the truth. Can you donate $5 to help us?

In signing the bill last year, Obama said that his administration “will not authorize the indefinite military detention without trial of American citizens.” Critics were quick to point out that this was a non-binding policy, and that the law left the door open for future administrations to interpret it differently.

But this year’s bill fixed all this confusion, right?

Kind of.

In a replay of last year’s debate, a flurry of proposed amendments went around the Senate in an attempt to clarify the language about indefinite detention. Ultimately, the Senate passed an amendment from Senator Dianne Feinstein, D-Calif., that seems to protect U.S. citizens:

“An authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States, unless an Act of Congress expressly authorizes such detention.”

What about people detained in the U.S. who aren’t citizens or permanent residents?

They could still be indefinitely detained.
Human rights and civil libertarian groups criticized the amendment for falling short of the protections in the constitution under the Fifth Amendment, which says that any “person” in the U.S. be afforded due process.

In the floor debate, Feinstein said she agreed with critics that allowing anybody in the U.S. to be detained indefinitely without charges “violates fundamental American rights.” Feinstein said she didn’t think she had the necessary votes to pass a due-process guarantee for all.

So does that settle it? Citizens can’t be detained?

Depends which senator you ask.

Some voted for Feinstein’s amendment even though they think the military should be able to indefinitely detain people within the U.S. They think her amendment still allows it, because of the last clause – “unless an Act of Congress expressly authorizes such a detention.”

As the Hill reported, Senators Lindsey Graham, R-S.C., John McCain, R-Ariz., and Carl Levin, D-Mich., all claim that Congress’ 2001 Authorization for Use of Military Force does authorize the detention of citizens, even in the U.S. They cited the Hamdi case, despite the fact that he was captured abroad.

What about last year’s NDAA? Isn’t that an Act of Congress authorizing detention?

Not expressly. It gets back to that non-position that last year’s bill settled on-- “Nothing in this section shall be construed to affect existing law or authorities” about the detention of U.S. citizens.

Does the NDAA go farther than the post-9/11 AUMF?

On the surface, yes, but many courts have already used AUMF to affirm broad presidential powers.

The AUMF doesn’t mention detention, or Al Qaeda, the Taliban and associated forces, which the NDAA claims the U.S. has the authority to detain. It authorizes “necessary and appropriate force” against anyone involved with or harboring anyone involved with the 9/11 attacks.

But both Bush and Obama have maintained in court that the AUMF does authorize detention, and that its authorization applies to Al Qaeda, the Taliban, and “associated forces.”

So the detention section of the NDAA largely echoes the authorities that Bush and Obama have previously asserted and gotten through the courts.

What the NDAA does do, as Lawfare phrased it, is “put Congress’s stamp of approval” on these claims, which could have implications for future litigation. The Congressional Research Service report goes into more detail on the way that courts have interpreted “associated forces” and “substantial support”—phrases the NDAA doesn’t attempt to define.

Isn’t there a lawsuit going on over the NDAA?
Yes. Last year, a coalition of journalists and activists sued to block the indefinite detention provision on constitutional grounds. A U.S. District Court judge ruled in their favor in September, claiming that the government had overstepped in its interpretation of the AUMF. Her decision was stayed by an appeals court, who found it overly broad. The case is ongoing.

So what happens next?

The bill still has to be reconciled with the House version, which did not include an amendment to the detention provision like Feinstein’s.

Obama has threatened to veto the NDAA over other measures, including restrictions on transfers from Guantanamo prison. But he said the same thing last year, and ended up signing the bill into law.

CHRIS HEDGES ON THE DECISION and OBAMA

"The decision to vigorously fight Judge Forrest’s ruling is a further example of the Obama White House’s steady and relentless assault against civil liberties, an assault that is more severe than that carried out by George W. Bush. Obama has refused to restore habeas corpus. He supports the FISA Amendment Act, which retroactively makes legal what under our Constitution has traditionally been illegal—warrantless wire tapping, eavesdropping and monitoring directed against U.S. citizens. He has used the Espionage Act six times against whistle-blowers who have exposed government crimes, including war crimes, to the public. He interprets the 2001 Authorization to Use Military Force Act as giving him the authority to assassinate U.S. citizens. And now he wants the right to use the armed forces to throw U.S. citizens into military prisons, where they will have no right to a trial and no defined length of detention."


We Won—for Now

http://www.truthdig.com/report/item/we_won__for_now_20120917/
In January I sued President Barack Obama over Section 1021(b)(2) of the National Defense Authorization Act (NDAA), which authorized the military to detain U.S. citizens indefinitely, strip them of due process and hold them in military facilities, including offshore penal colonies. Last week, round one in the battle to strike down the onerous provision, one that saw me joined by six other plaintiffs including Noam Chomsky and Daniel Ellsberg, ended in an unqualified victory for the public. U.S. District Judge Katherine Forrest, who accepted every one of our challenges to the law, made her temporary injunction of the section permanent. In short, she declared the law unconstitutional.

Almost immediately after Judge Forrest ruled, the Obama administration challenged the decision. Government prosecutors called the opinion “unprecedented” and said that “the government has compelling arguments that it should be reversed.” The government added that it was an “extraordinary injunction of worldwide scope.” Government lawyers asked late Friday for an immediate stay of Forrest’s ban on the use of the military in domestic policing and on the empowering of the government to strip U.S. citizens of due process. The request for a stay was an attempt by the government to get the judge, pending appeal to a higher court, to grant it the right to continue to use the law. Forrest swiftly rejected the stay, setting in motion a fast-paced appeal to the 2nd U.S. Circuit Court of Appeals and possibly, if her ruling is upheld there, to the Supreme Court of the United States. The Justice Department sent a letter to Forrest and the 2nd Circuit late Friday night informing them that at 9 a.m. Monday the Obama administration would ask the 2nd Circuit for an emergency stay that would lift Forrest’s injunction. This would allow Obama to continue to operate with indefinite detention authority until a formal appeal was heard. The government’s decision has triggered a constitutional showdown between the president and the judiciary.

“This may be the most significant constitutional standoff since the Pentagon Papers case,” said Carl Mayer, co-lead counsel for the plaintiffs.

“The administration of President Obama within the last 48 hours has decided to engage in an all-out campaign to block and overturn an order of a federal judge,” said co-lead counsel Bruce Afran. “As Judge Forrest noted in her opinion, nothing is more fundamental in American law than the possibility that journalists, activists and citizens could lose their liberty, potentially forever, and the Obama administration has now lined up squarely with the most conservative elements of the Republican Party to undermine Americans’ civil liberties.”

The request by the government to keep the law on the books during the appeal process raises a disturbing question. If the administration is this anxious to restore this section of the NDAA, is it because the Obama government has already used it? Or does it have plans to use the section in the immediate future?
“A Department of Homeland Security bulletin was issued Friday claiming that the riots [in the Middle East] are likely to come to the U.S. and saying that DHS is looking for the Islamic leaders of these likely riots,” Afran said. “It is my view that this is why the government wants to reopen the NDAA—so it has a tool to round up would-be Islamic protesters before they can launch any protest, violent or otherwise. Right now there are no legal tools to arrest would-be protesters. The NDAA would give the government such power. Since the request to vacate the injunction only comes about on the day of the riots, and following the DHS bulletin, it seems to me that the two are connected. The government wants to reopen the NDAA injunction so that they can use it to block protests.”

The decision to vigorously fight Forrest’s ruling is a further example of the Obama White House’s steady and relentless assault against civil liberties, an assault that is more severe than that carried out by George W. Bush. Obama has refused to restore habeas corpus. He supports the FISA Amendment Act, which retroactively makes legal what under our Constitution has traditionally been illegal—warrantless wire tapping, eavesdropping and monitoring directed against U.S. citizens. He has used the Espionage Act six times against whistle-blowers who have exposed government crimes, including war crimes, to the public. He interprets the 2001 Authorization to Use Military Force Act as giving him the authority to assassinate U.S. citizens, as he did the cleric Anwar al-Awlaki. And now he wants the right to use the armed forces to throw U.S. citizens into military prisons, where they will have no right to a trial and no defined length of detention.

Liberal apologists for Barack Obama should read Judge Forrest’s 112-page ruling. It is a chilling explication and denunciation of the massive erosion of the separation of powers. It courageously challenges the overreach of Congress and the executive branch in stripping Americans of some of our most cherished constitutional rights.

In the last 220 years there have been only about 135 judicial rulings that have struck down an act of Congress. Most of the cases involved abortion or pornography. Very few dealt with wartime powers and the separation of powers, or what Forrest in her opinion called “a question of defining an individual’s core liberties.”

Section 1021(b)(2) authorizes the military to detain any U.S. citizen who “substantially supported” al-Qaida, the Taliban or “associated forces” and then hold them in military compounds until “the end of hostilities.” The vagueness of the language, and the refusal to exempt journalists, means that those of us who as part of our reporting have direct contact with individuals or groups deemed to be part of a terrorist network can find ourselves seized and detained under the provision.

“The Government was unable to offer definitions for the phrases ‘substantially support’ or ‘directly support,’ ” the judge wrote. “In particular, when the Court asked for one example of what ‘substantially support’ means, the Government stated, ‘I’m not in a position to give one specific example.’ When asked about the phrase ‘directly support,’ the Government stated, ‘I have not thought through exactly and we have not come to a position on ‘direct support’ and
what that means.’ In its pre-trial memoranda, the Government also did not provide any
definitional examples for those terms.”

The judge’s ruling asked whether a news article deemed by authorities as favorable to the
Taliban could be interpreted as having “substantially supported” the Taliban.

“How about a YouTube video?” she went on. “Where is the line between what the government
would consider ‘journalistic reporting’ and ‘propaganda?’ Who will make such determinations?
Will there be an office established to read articles, watch videos, and evaluate speeches in
order to make judgments along a spectrum of where the support is ‘modest’ or ‘substantial?’ ”

Forrest concurred with the plaintiffs that the statute violated our free speech rights and due-
process guarantees. She noted that “the Court repeatedly asked the Government whether
those particular past activities could subject plaintiffs to indefinite detention; the Government
refused to answer.” The judge went on to criticize the nebulous language of the law,
chastising the government because it “did not provide particular definitions.” She wrote that
“the statute’s vagueness falls far short of what due process requires.”

Although government lawyers argued during the trial that the law represented no change from
prior legislation, they now assert that blocking it imperils the nation’s security. It is one of
numerous contradictions in the government’s case, many of which were illuminated in
Forrest’s opinion. The government, she wrote, “argues that no future administration could
interpret § 1021(b)(2) or the AUMF differently because the two are so clearly the same. That
frankly makes no sense, particularly in light of the Government’s inability at the March and
August hearings to define certain terms in—or the scope of—§ 1021(b)(2).” The judge said
that “Section 1021 appears to be a legislative attempt at an ex post facto ‘fix’: to provide the
President (in 2012) with broader detention authority than was provided in the AUMF
[Authorization to Use Military Force Act] in 2001 and to try and ratify past detentions which
may have occurred under an overly-broad interpretation of the AUMF.”

The government, in effect, is attempting to push though a law similar to the legislation that
permitted the government to intern 110,000 Japanese-Americans during World War II. This
law, if it comes back into force, would facilitate the mass internment of Muslim Americans as
well as those deemed to “support” groups or activities defined as terrorist by the state. Calling
the 1944 ruling “an embarrassment,” Forrest referred to Korematsu v. United States, which
upheld the government’s internment of Japanese-Americans.

The judge said in her opinion that the government “did not submit any evidence in support of
its positions. It did not call a single witness, submit a single declaration, or offer a single
document at any point during these proceedings.” She went on to write that she found “the
testimony of each plaintiff credible.”

“At the March hearing, the Court asked whether Hedges’ activities could subject him to
detention under § 1021; the Government stated that it was not prepared to address that
question. When asked a similar question at the August hearing, five months later, the
Government remained unwilling to state whether any of plaintiffs’ (including Hedges’s) protected First Amendment future activities could subject him or her to detention under § 1021. This Court finds that Hedges has a reasonable fear of detention pursuant to § 1021(b) (2)."

The government has now lost four times in a litigation that has gone on almost nine months. It lost the preliminary injunction in May. It lost a motion for reconsideration shortly thereafter. It lost the permanent injunction. It lost its request last week for a stay. We won’t stop fighting this, but it is deeply disturbing that the Obama administration, rather than protecting our civil liberties and democracy, insists on further eroding them by expanding the power of the military to seize U.S. citizens and control our streets.

A Progressive Journal of News and Opinion. Editor, Robert Scheer. Publisher, Zuade Kaufman. © 2012 Truthdig, LLC. All rights reserved

JUDGE WENDELL GRIFFIN

“The Night You Became Indefinitely Detainable Wendell Griffen”

Wednesday, January 4, 2012 6:31 am

On New Year’s Eve 2011, while you and I were anticipating the end of the year, President Barack Obama signed a law that makes U.S. citizens subject to indefinite detention by military authorities on suspicion of being terrorists.


But the measure enacted by Congress and submitted to Obama contains provisions that allow the executive branch (meaning the president) to determine whether to order a U.S. citizen detained indefinitely by military authorities on suspicion of being a terrorist.

If you think that smacks of tyranny, you’re right.

If you think Obama is smart enough to know better than to sign such a measure, you’re right.

If you hoped Obama would demonstrate the fortitude to carry out his publicized threat to veto the legislation if this offensive provision wasn't removed, you're badly disappointed.
Count me among the badly disappointed people who know tyranny when we see it.

Rest of story click here

http://www.ethicsdaily.com/the-night-you-became-indefinitely-detainable-cms-19051

**Wendell Griffen** was the first black person to serve on Ark's Court of Appeals. He is currently a Circuit Court Judge serving in Little Rock. He is also an ordained minister.

Samantha A. Peetros, Bill of Rights Defense Committee <bordc@mail.democracyinaction.org> 1 12-20-12

Dear Dick,

Every week day, we send you a daily digest of news stories that matter to you -- news about civil liberties and constitutional rights, and the many ways our government is threatening their very existence.

And every day, we at the Bill of Rights Defense Committee (BORDC) work to restore those freedoms and protections. We fight at the local, state, and national levels to protect individuals from rights abuses. We mobilize Americans from all walks of life to stand for liberty when our government won’t. And we will continue doing this work for as long as it takes to bring our country back to its founding principles of liberty and justice for all.

But we can’t achieve these goals without your support. In these digests, you see evidence of just how desperately our work is needed. Please take a moment today to invest in BORDC’s efforts to restore the rights guaranteed to us in our Constitution and the Bill of Rights.

With profound thanks for your support,

Samantha A. Peetros  bordc@mail.democracyinaction.org
Communications Specialist

**And now, on to your regularly scheduled news…**
Current News from BORDC on indefinite detention
12/19, Kevin Gosztola, *Fire Dog Lake*, *Indefinite Military Detention Powers and the Death of the Feinstein Amendment*
12/19, Adam Serwer, *Mother Jones*, *Defense Bill Nixes Ban on Indefinite Detention for US Citizens*
12/19, Eric W. Dolan, *Raw Story*, *Obama urged to veto NDAA over Guantanamo provisions*
12/19, Frank Oliveri and Megan Scully, *Roll Call*, *House Expected to Pass Defense Bill Thursday*

To learn more about these and other current events and what you can do to make an impact, visit the People’s Blog for the Constitution. There are many ways you can get involved.


A brief but comprehensive analysis of the National Defense Authorization Act (NDAA), Homeland Battlefield Act, sections 1021-22, which eliminate “all forms of due process, save the writ of habeas corpus.” Critics abound of the expansion of Executive power and diminution of citizens' freedoms.

Naomi Wolf ~ NDAA: Clear and Present Danger to American Liberty
Posted on *March 2, 2012* by Gillian

Naomi Wolf (Guardian UK) | *RS News* | March 1 2012

OPINION | Yes, the worst things you may have heard about the National Defense Authorization Act, which has formally ended 254 years of democracy in the United States of America, and driven a stake through the heart of the bill of rights, are all really true. The act passed with large margins in both the House and the Senate on the last day of last year – even as tens of thousands of Americans were frantically begging their representatives to secure Americans' habeas corpus rights in the final version.

It does indeed – contrary to the many flatout-false form letters I have seen that both senators and representatives sent to their constituents, misleading them about the fact that the NDAA destroys their due process rights. Under the act, anyone can be described as a ‘belligerent’ as the New American website puts it.

“[S]ubsequent clauses (Section 1022, for example) unlawfully give the president the absolute and unquestionable authority to deploy the armed forces of the United States to apprehend and to indefinitely detain those suspected of threatening the security of the ‘homeland’. In the language of this legislation, these people are called ‘covered persons’.
The universe of potential ‘covered persons’ includes every citizen of the United States of America. Any American could one day find himself or herself branded a ‘belligerent’ and thus subject to the complete confiscation of his or her constitutional civil liberties and nearly never-ending incarceration in a military prison.”

And with a new bill now being introduced to make it a crime to protest in a way that disrupts any government process – or to get close to anyone with secret service protection – the push to legally lock down the United Police States is in full force.

Overstated? Let’s be clear: the NDAA grants the president the power to kidnap any American anywhere in the United States and hold him or her in prison forever without trial. The president’s own signing statement, incredibly, confirmed that he had that power. As I have been warning since 2006: there is not a country on the planet that you can name that has ever set in place a system of torture, and of detention without trial, for an “other”, supposedly external threat that did not end up using it pretty quickly on its own citizens.

And Guantánamo has indeed come home: Guantánamo is in our front yards now and our workplaces; it did not even take much more than half a decade. On 1 March, the NDAA will go into effect – if a judicial hearing scheduled for this week does not block it – and no one in America, no US citizen, will be safe from being detained indefinitely – in effect, “disappeared.”.

As former Reagan official, now Ron Paul supporter, Bruce Fein points out, on 1 March, we won’t just lose the bill of rights; we will lose due process altogether. We will be back at the place where we were, in terms of legal tradition, before the signing of the Magna Carta – when kings could throw people in prison at will, to rot there forever. If we had cared more about what was being done to brown people with Muslim names on a Cuban coastline, and raised our voices louder against their having been held without charge for years, or against their being tried in kangaroo courts called military tribunals, we might now be safer now from a new law mandating for us also the threat of abduction and fear of perpetual incarceration.

We didn’t care, or we didn’t care enough – and here we are. We acclimated, we got distracted, the Oscars were coming up … but the fake “battlefield” was brought home to us, now real enough. Though it is not “we” versus Muslims in this conflict; it is our very own government versus “us”. As one of my Facebook community members remarked bitterly, of our House representatives, our Senate leaders and our president, “They hate our freedoms.”

The NDAA is, in the words of Shahid Buttar of the Bill of Rights Defense Committee, “the worst threat to civil liberties since COINTELPRO. It gives the government the power to presume guilt rather than innocence, and indefinitely imprison anyone accused of a ‘belligerent act’ or terror-related offense without trial.” He points out that it gives future presidents the power to arrest their political critics. That may even be understating things: it is actually, in my view, the worst threat to civil liberty in the US since habeas corpus was last suspended, during the
American civil war.

On a conference call for media last Friday, hosted by the cross-partisan BORDC (which now includes the 40,000 members of the American Freedom Campaign, which we had co-founded as a response to the warning in 2007 that America was facing a “fascist shift”) and the right-leaning Tenth Amendment Foundation, we were all speaking the same language of fear for our freedom, even though our perspectives spanned the political spectrum. As the Tenth Amendment Foundation put it, we are a family with diverse views – and families know when it is time to put aside their differences. If there were ever a time to do so, it is now.

This grassroots effort is pushing hard in many places. Protests that included libertarians, progressives, Tea Party members and Occupy participants have been held nationwide in recent weeks. State legislators in Virginia, Tennessee, and Washington have also introduced bills to prevent state agencies from aiding in any detention operations that might be authorized by the NDAA. In other words, they are educating sheriffs and police to refuse to comply with the NDAA’s orders. This presents an Orwellian or 1776-type scenario, depending upon your point of view, in which the federal government, or even the president, might issue orders to detain US citizens – which local sheriffs and police would be legally bound to resist.

What will happen next? I wrote recently that the US is experiencing something like a civil war, with only one side at this point – the corporatist side – aggressing. This grassroots, local-leader movement represents a defensive strategy in what is being now tacitly recognized as unprovoked aggression against an entire nation, and an entire people. (Here I should say, mindful of the warning issued to me by NYPD, which arrested me, to avoid saying anything that could be construed as “incitement to riot” and that I believe in nonviolent resistance.)

The local resistance to the police state goes further: midwestern cities, such as Chicago and Minneapolis, are considering “torture-free city” resolutions that would prohibit the torture which civil libertarians see as likely under a military detention regime expanded by the NDAA. (Bradley Manning’s initial treatment in solitary confinement, for instance, met some Red Cross definitions of torture.)

But I am far more scared than hopeful, because nothing about the NDAA’s legislative passage worked as democracy is supposed to work. Senator Dianne Feinstein, for instance, in spite of her proposed (defeated) amendment that could have defended due process more completely, has nonetheless not fought to repeal the law – even though her constituents in California would, no doubt, overwhelmingly support her in doing so. Huge majorities passed this bill into law – despite the fact that Americans across the spectrum were appalled and besieging their legislators. And this president nailed it to the table – even though his own constituency is up in arms about it.

History shows that at this point, there isn’t much time to mount a defense: once the first few
arrests take place, people go quiet. There is only one solution: organize votes loudly and publicly to defeat every single signer of this bill in November’s general election. Then, once we have our Republic back and the rule of law, we can deal with the actual treason that this law represents.

---

Honor Korematsu Day by repudiating the NDAA

Shahid Buttar, Bill of Rights Defense Committee

bordc@mail.democracyinaction.org

Today, January 30th, is officially recognized in as Fred Korematsu Day of Civil Liberties and the Constitution, in memory of Mr. Korematsu's efforts resisting domestic military detention without trial during the Japanese internment.

On Fred's birthday, we remember his commitment to constitutional rights and due process—which we can each honor in our respective communities by working to restore the right to due process and repudiate the domestic detention provisions of the National Defense Authorization Act (NDAA).

On February 19, 1942, President Roosevelt signed Executive Order 9066, authorizing the military detention of over 120,000 Japanese-Americans, as well as some Italian and German Americans. They were forced to squalid relocation camps, where they remained for several years, leaving behind friends, businesses, and lives.

As hysteria and racism against Japanese Americans rose, most went voluntarily. Fred did not. He challenged his conviction for disobeying the military orders, but the Supreme Court notoriously ruled against due process in Korematsu v. United States.

Again, Fred refused to go quietly. In 1983, his conviction was finally overturned, discrediting the notion that, during times of war, any excess is acceptable. Fred Korematsu went on to champion civil rights, not only for Japanese Americans, but also for the diverse Americans whose rights the war on terror has violated.

Today is a day to honor Fred Korematsu, not only by remembering his legacy, but also by taking action as he did. With the NDAA poised to once again enable military detention on US soil, we must take inspiration from Fred’s example to restore constitutional rights for all Americans.
The War on Terror's Insane Abuses Continue

*Alex Kane, AlterNet*, RSN, 19 January 14 *Reader Supported News*

Kane reports: "Today, the 33-year-old Hashmi remains under solitary confinement at the Administrative Maximum Facility (ADX) near Florence, Colorado, a maximum security federal prison. In total, he's toiled under the harsh confines of solitary confinement for six years, doing untold damage to his mental health."

[READ MORE]

TRADITION OF RESISTANCE IN US

*Naomi Wolf, Give Me Liberty* (from Wikipedia)


In the book, Wolf looks at times and places in history where citizens were faced with the closing of an open society and successfully fought back, and looks back at the ordinary people of the *Founding Fathers of the United States*’ generation, the ones not named by history, all of whom had this "vision of liberty" and moved it forward by putting their lives on the line to make the vision real. She is an outspoken advocate for citizenship and wonders whether younger Americans have the skills and commitment to act as true citizens. [33]

She wrote in 2007:

This lack of understanding about how democracy works is disturbing enough. But at a time when our system of government is under assault from an administration that ignores traditional checks and balances, engages in illegal wiretapping and writes secret laws on torture, it means that we're facing an unprecedented crisis. As the Founders knew, if citizens are ignorant of or complacent about the proper workings of a republic "of laws not of men," then any leader of any party – or any tyrannical Congress or even a tyrannical majority – can abuse the power they hold. But at this moment of threat to the system the Framers set in place, a third of young Americans don't really understand what they were up to. [34]
INDEFINITE DETENTION IN CANADA

The Secret Trial 5 is a crowdfunded documentary in-progress that examines the human impact of Canada’s “war on terror”; specifically the use of security certificates, a tool that allows for indefinite detention, with no charges, and secret evidence. Over the last decade, 5 men have been held under security certificates in Canada. They spent between 2 and 7 years in prison each. None of them have been charged with a crime. These men are The Secret Trial 5, and YOU can help us tell their story.

Recent blog posts:

Our Doc Ignite Campaign Wraps - THANK YOU!
Posted on Wednesday, February 20, 2013.

Well everyone,

After 36 days, and 148 contributions, I guess all that's left is to say thank you. Thank you for proving to a couple of young filmmakers that the last 3 years have been worthwhile. Thanks for showing us, and the security certificate families that we are all ready to talk about these issues, and right these wrongs. We raised just over $18k during this campaign, which may not be a lot in the life of the average documentary, but means everything in the life of THIS documentary. We wish to sincerely thank Hot Docs for this chance, and in particular, Elizabeth Radshaw, Stephanie McArthur, Chloe Sosa-Sims, and Patrycja Cieniewicz for their truly personal support, hard-work, and encouragement during the last few months.

We want to take this last opportunity to talk briefly about crowdfunding, and why it so important for emerging filmmakers. What we did this last month cannot be quantified. The money can, but the value of Doc Ignite vastly exceeds the money raised. We have no real idea how many people just learned about our project, and are now waiting to see the film. Sure, our FB and twitter accounts exploded, and we know we are reaching tens of thousands every week, but what exactly does that mean? The answer, is the aforementioned EVERYTHING. It means everything.

In a time when audiences are more fragmented then ever, and old models of funding and even distribution make less and less sense, crowdfunding just fits. It's a lot of work, but then filmmaking has always been so, and the results when it works are incredible. Right now, there are thousands of people waiting to see ST5. A film with little to no money, about a contentious issue, has a small but devoted audience behind it before it even enters post-production. This is an enviable position to be in for any film.

What this will ultimately mean for the film's distribution is anyone's guess. But it is seriously exciting. So we encourage all filmmakers out there, regardless of experience and funding, to embrace THEIR CROWD. Take the time to build a relationship with your
audience, and they will not let you down. They don't ask for creative control, or rights of any kind. They simply want to be let in. Don't be afraid to share, both in good times and bad. Doc Ignite is a wonderful initiative. It is an organic reaction by Hot Docs to our climate, so please take advantage of it. And even without Doc Ignite, do not hesitate to start your own crowdfunding effort. That's how ST5 started, and it led to the success of this campaign. We thought we were at a disadvantage having crowdfunded already. We could not have been more wrong.

We feel our crowd now, we feel the support. It gives us confidence, and to a young filmmaker, confidence is invaluable.

Thank you all once again, we promise to make a good film. An honest film. Where we go from there (re: security certificates) will be up to Canadians.

Sincerely,

Amar and Noah

Share:

**The Secret Trial 5 on the Tarek Fatah Show**
Posted on *Tuesday, February 12, 2013*.
We stopped by Newstalk 1010 yesterday to speak to host Tarek Fatah about our film. Tarek is known to be controversial. This is a great example of why we are making this film, blanket statements were being thrown around left, right and center. Warning, it gets pretty heated! [Take a listen](#)

Share:

**Noah Bingham**

**The Secret Trial 5 on Global's The Morning Show**
Posted by *Noah Bingham* on *Thursday, February 07, 2013*.
We are hitting the mainstream! Here is a clip of producer/director Amar Wala on Global TV's The Morning Show discussing The Secret Trial 5 and our Hot Doc's Doc Ignite campaign.

We have until Feb 19 to continue to raise funds. The more we raise the MORE we can do to spread the word and raise awareness about these important stories! Please encourage others to become a part of this project.
Contents #1 Feb. 3, 2012
ACLU NDAA Response
BORDC 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

END INDEFINITE DETENTION NEWSLETTER #3 2015

--
Dick Bennett
Newsletters
http://www.omnicenter.org/newsletter-archive/

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

jbennet@uark.edu

Blog: http://jamesrichardbennett.blogspot.com/

Facebook: www.facebook.com/OMNIPeaceDept

j.dick.bennett@gmail.com

(479) 442-4600

2582 Jimmie Ave.

Fayetteville, AR 72703