OMNI

BILL OF RIGHTS DAY DECEMBER 15, 2015
NEWSLETTER #7


Compiled by Dick Bennett for a Culture of Peace and Justice.


OMNI

BILL OF RIGHTS DAY DECEMBER 15, 2014 NEWSLETTER #6


What’s at stake (See Newsletter #6): Attacks on the US Bill of Rights and the UN Universal Declaration of Human Rights threaten OMNI’s hopes for a better world: world peace, liberty and justice for all, social and economic justice, a sustainable planet.

OMNI


OMNI NATIONAL/INTERNATIONAL DAYS PROJECT

(Compilation for the Project, which began in 2008, ends Dec. 2015, but the archive is available for research.)

Contents of #6 at end

Contents of Bill of Rights DAY Newsletter #7, December 15, 2015
Dear Dick,

**Happy Bill of Rights Day!**

I know you share my passion for civil liberties and civil rights, and hope you can find a reason to celebrate even as they continue to wither under a sustained, bipartisan assault from Washington.

Can you [join me today](mailto:info@bordc.org) in celebrating the Bill of Rights with a holiday contribution to the Bill of Rights Defense Committee and Defending Dissent Foundation?

We know at BORDC/DDF that fulfilling constitutional promises will take all of us. Only acting together can *We the People* — Americans from across our various political parties, religious faiths, and ethnic communities — liberate the US from intelligence and law enforcement agencies that claim to defend our security while abusing our rights with our own tax dollars.

Every day, we’re working with communities across the country to rein in surveillance, stop profiling minority communities, and refocus police on criminal activity instead of thought crimes. Defending our rights is the most sincere expression of patriotism, and whatever you might think of our government, choosing to [support BORDC/DDF](mailto:info@bordc.org) is one way to express your
patriotism.

Knowing that the struggle will take Americans from all walks of life is one reason I’m so committed to BORDC/DDF. I’ve moved on after six years leading BORDC as Executive Director, but I am proud to serve on the joint organization’s Board.

Together, these organizations are more powerful than they were alone. But our reach depends on how many concerned Americans take a moment to share your support.

Don’t think of the choice to contribute to BORDC/DDF as a gift to an organization.

Your decision to support BORDC/DDF is an opportunity to invest in your own rights, and the rights of your family members. Will your children and grandchildren enjoy the right to pursue unpopular opinions? Your decision today can help mold the answer.

MAKE YOUR GIFT NOW →

Thank you for continuing to support grassroots organizing and focused journalism supporting civil liberties and dissent in the US. We need each other more than ever.

Happy holidays,

Shahid Buttar, BORDC/DDF Board Member, Former BORDC Executive Director

Bill of Rights Defense Committee and Defending Dissent Foundation
8 Bridge St. Suite A, Northampton MA 01060
(413) 582-0110 · info@bordc.org

Center for Constitutional Rights  https://ccrjustice.org/donate

What We Do

I know that you share our commitment to human rights and social justice – otherwise you would not be receiving this email!

When you stand with CCR, you stand for the human and civil rights of ALL people and against the powers that be and the status quo. We hope you’ll make that choice today by joining with a monthly gift of $10 to support the fight for justice!
The Center had **three** landmark victories made possible in 2015 – victories that would not be possible without the **generosity** of our donors.

- We **ENDED** indeterminate solitary confinement in the state of California – creating a model for other states to follow suit;
- We got our clients **REMOVED** from the FBI’s No Fly List after being placed there for refusing the FBI’s efforts to coerce them on being informants on their faith community;
- We achieved an **HISTORIC DECISION** in our 13 year fight to hold John Ashcroft accountable for post-9/11 abuse of immigrants in NYC when the case was allowed to move forward.

These battles were hard fought, against well-resourced opposition. Since we don’t accept corporate or government funds, we were only able to prevail because of our donors, individuals like you, who fuel the fight for a more just world.

We couldn’t do it without you. Please help make justice possible **with your $10 monthly donation** today!

Thank you,

Vincent Warren  
Executive Director  
@VinceWarren

Issues

Abusive Immigration Practices  
Corporate Human Rights Abuses  
Criminalizing Dissent  
Discriminatory Policing  
Drone Killings  
Government Surveillance  
Guantanamo  
LGBTQI Persecution  
Mass Incarceration  
Muslim Profiling  
Palestinian Solidarity  
Racial Injustice  
Sexual and Gender-Based Violence  
Torture, War Crimes, & Militarism  
Cases
A mere nine months ago no one knew the name Edward Snowden. Now not a week goes by without a news story related to his revelations about the National Security Agency (NSA). No doubt your class has already begun to ponder the implications of
NSA information gathering and what it says about our system of governance. Does the executive branch, which controls the NSA through the Department of Defense, have too much power? How do we resolve the tension between liberty and security? Is Snowden, who released classified information, a traitor or a whistleblower? Were his actions morally justified?

While the Snowden affair is too large to cover in its entirety (please look at some of the resources below for a great roundup), from a constitutional standpoint one of the most relevant aspects of the debate over his actions is the tension between the executive’s war powers and civil liberties.

There are numerous restrictions on the president using the power of the military on American civilians. The Third Amendment, for example, forbids the peacetime quartering of soldiers in domestic homes, and the Posse Comitatus Act of 1878 forbids the federal government from employing military personnel to enforce U.S. domestic law.

Similarly, U.S. law prohibits intelligence agencies from targeting American citizens. The National Security Act of 1947, which established the Central Intelligence Agency (CIA), explicitly prohibited the agency from having “police, subpoena, law-enforcement powers, or internal security functions.” The intelligence agency reforms that emerged post-Watergate required special court authorizations for surveillance of U.S. citizens. The boundary between justified and unjustified intelligence gathering has long been the difference between foreign and domestic.

However, the difference between foreign and domestic surveillance is no longer so clear. The majority of the communication infrastructure of the world is now located in the United States – giving, as one NSA document called it, a significant “home field advantage” to U.S. intelligence agencies. This may mean that elements of intelligence gathering can be used against domestic targets.
We’ve already seen this play out with Project SHAMROCK, an initiative undertaken by the NSA in 1945 to analyze incoming and outgoing telegrams. By the mid-1970s the NSA was analyzing 150,000 messages a month. When the project became public the arguments were similar to the ones we see today. Defenders of the program pointed to the need for accurate intelligence and the potential for foreign agents to use the civilian infrastructure. Critics called it a massive overreach of executive power. The program, under fire from Congress, was cancelled in the late 1970s.

Many of the NSA programs detailed in Edward Snowden’s documents are similar to SHAMROCK in that they analyze traffic from U.S. communication hubs to try and detect malicious actors. Is this a violation of the Constitution? Does a government with the power to know more about a person’s telephone calls and internet usage than a spouse or a parent have the ability to blackmail citizens and squash political dissent? Or are these programs a legitimate way for intelligence agencies to do a difficult job? It can be argued both ways. The current debate highlights the importance of civil discourse in order to determine the proper balance of liberty and security in the United States.

**Resources**

- [NSA performed warrantless searches on Americans’ calls and emails – Clapper](https://www.theguardian.com/world/2013/mar/07/nsa-warrantless-searches), The Guardian
- [Obama’s Restrictions on NSA Surveillance Rely on Narrow Definition of Spying](https://www.washingtonpost.com/world/national-security/obamas-restrictions-on-nsa-surveillance-rely-on-narrow-definition-of-spying/2013/03/06/7c08219e-74a9-11e2-9e86-001a4bcf6878_story.html), The Washington Post
- [NSA Files: Decoded](https://nips.nsa.gov/nsafiles/index.html)
- [Timeline of Edward Snowden Revelations](https://nsafiles.nips.nsa.gov/TimelineofEdwardSnowdenRevelations.html)

**Discussion Questions**
1. How should Congress exercise its oversight of intelligence agencies?

2. Do foreign citizens have an expectation of privacy? In the U.S.? In their own countries? If so, should this change U.S. government intelligence operations?

3. General warrants, or ‘writs of assistance’, were warrants issued by King George III to authorize general searches of colonists. Agents of the King could search a suspect or a suspect’s home and documents at will. These types of investigations were one of the major complaints of the Founding Fathers. What are the parallels with bulk collection of data? What are the differences?

4. There have been reports that the NSA weakened U.S. Internet companies’ security (i.e. made the computer security easier to break) to facilitate data gathering. What constitutional issues might this raise?

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ACLU AND PATRIOT ACT (see earlier BOR newsletters on the ACLU)

Surveillance Under the Patriot Act | American Civil Liberties Union
www.aclu.org/infographic/surveillance-under-patriot-act

Hastily passed 45 days after 9/11 in the name of national security, the Patriot Act was the first of many changes to surveillance laws that made it easier for the ....

ACLU Fact Sheet on PATRIOT Act II | American Civil Liberties Union
www.aclu.org/aclu-fact-sheet-patriot-act-ii

Less than two years after Congress passed the USA PATRIOT Act, giving new, sweeping powers to the federal government to conduct investigations and ...

ACLU Claims Government Covers-up Patriot Act Abuse
In two legal challenges to controversial provisions of the Patriot Act brought by the ACLU and other groups, the government has filed secret evidence that it is refusing ... More »

By Robert Longley, About.com Guide

JANINE PARRY ON EQUALITY

Parry to Speak on Equality as Part of Constitution Day

Professor Janine Parry will speak on "Sex and the American Constitution: Equality for Whom, When and Why?" at 4 p.m. Thursday, Sept. 17, in Room 132 of the Chemistry Building.

Read more »

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(December 2015 ends the annual, ongoing compilation (since 2008) of Days newsletters, but they reside permanently in OMNI’s archive available for research.)

Newsletters: http://omnicenter.org/dick-bennetts-peace-justice-and-ecology-newsletters/ The length of these newsletters counters the sciolism of twittertweet communication to establish OMNI and the peace movement in substantial knowledge with peace, justice, and ecology perspectives.

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

For research purposes, specific subjects can be located in the following alphabetized index, and searched on the blog using the search box. The search box is located in the upper left corner of the webpage.


Contents: Newsletter #1 Bill of Rights Day Dec. 15, 2008

Celebrate December 15
Free Materials
Patriot Act vs. Civil Liberties
Bill of Rights Day 2008 and ACLU
Related Protections of Liberty:
Habeas Corpus
Posse Comitatus vs. Militarism

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http://jamesrichardbennett.blogspot.com/2014/12/bill-of-rights-day-newsletter-6.html

Bill of Rights DAY 2014
ACLU Recent Supreme Court Cases
ACLU State Affiliates Celebrate Bill of Rights
Center for Constitutional Rights CCR
Peter Van Buren, Shredding the Fourth Amendment: NSA, Bush, Obama, Snowden
Thomas Frank, Rev. of Zephyr Teachout’s Corruption in America: Integrity of Elections vs. Freedom of Expression for Corporations and Wealthy Individuals
FDR’s “Economic Bill of Rights”
First Retail Workers’ Bill of Rights
END BILL OF RIGHTS DAY NEWSLETTER #7, DECEMBER 15, 2015

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Dick Bennett

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For research purposes, specific subjects can be located in the following alphabetized index, and searched on the blog using the search box. The search box is located in the upper left corner of the webpage.
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