

Don Stacey  
Our grandkids are going to hate us!  
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**### HABEAS CORPUS GONE !**  
: New legislation authorizes the president to seize  
American citizens as enemy combatants ###

9/29/06 ["The Charles Goyette Show" KFNX 1100 AM PHX AZ](#)  
INTERVIEW: [Prof. of Law Christopher Pyle:](#)  
AUDIO:  
<http://www.apfn.net/pogo/A001I060929-goyette1.MP3>

**EVERY AMERICAN NEEDS TO HEAR THE ABOVE INTEVIEW // APFN**

So are we going to just "tsk,tsk" this too? Maybe speak strongly about those b\_\_\_\_\_s in Washington and what we would really like to do to them? Maybe even take a few minutes from our favorite TV show to talk about it, at least during the commercials?

America...You deserve what is being done to you! We are a bunch of gutless wonders who would make our forefathers nauseous if they knew how we act. We are letting our country be taken away from us and all we do is talk about it.

**Our grandkids are going to hate us!**

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If you rounded up innocent persons, this bill protects you  
by margieburns on Fri 29 Sep 2006 10:25 AM EDT |  
[http://www.margieburns.com/blog/\\_archives/2006/9/29/2372388.html](http://www.margieburns.com/blog/_archives/2006/9/29/2372388.html)

At last this GOP Congress has lived down to its lowest expectations. It has passed a bill that will be considered a shameful episode in the legal and constitutional history of the United States by anyone who comes to it in future research.

First, our enlightened selfish interest as U.S. citizens here. The law purports to establish procedures whereby alien unlawful enemy combatants can be processed and tried by military commissions, and the act purports to define aliens as persons who are not citizens of the United States.

It would be unwise, or at least wildly optimistic, to accept this definition at face value. Since the entire thrust of this bill is to keep the capture, captivity, treatment, defense and prosecution of the incarcerated as secretive as possible, it can hardly be assumed that a U.S. citizen rounded up and brought in would have the protection of law and the Constitution. Protection of citizens is not a given behind closed doors.

We can but hope that fewer citizens than other persons will be thrown into prisons in something vaguely designated by the elastic reach of this law as combat.

Second, and more terribly, this bill offers wide ranging and virtually elastic protections to anyone in the great global dragnet.

Someone working for Team Bush, from Uzbekistan to Turkey to Saudi Arabia, who pulls in the wrong person, wrongly identified as vaguely combatant, or related to the wrong person, or in the wrong place

at the wrong time, is now not accountable for accuracy. There are no teeth in this law to incentivize getting the right person rather than the wrong one. Quite the contrary. Dead men tell no tales, and now men locked up for weeks or for months or for years can pretty confidently be treated in such a way that they will also tell no tales.

President Bush, you are guilty of an act of cowardice. Human beings owe an accountability for their actions to others, and nothing in what you falsely designate a War on Terror changes that.

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The White House Warden

Congress may give the president the power to lock up almost anyone he thinks is a terror threat. By Bruce Ackerman, BRUCE ACKERMAN is a professor of law and political science at Yale and author of "Before the Next Attack: Preserving Civil Liberties in an Age of Terrorism."

September 28, 2006

<http://www.latimes.com/news/opinion/la-oe-ackerman28sep28,0,619852.story?coll=la-opinion-rightrail>

**BURIED IN THE** complex Senate compromise on detainee treatment is a real shocker, reaching far beyond the legal struggles about foreign terrorist suspects in the Guantanamo Bay fortress. The compromise legislation, which is racing toward the White House, authorizes the president to seize American citizens as enemy combatants, even if they have never left the United States. And once thrown into military prison, they cannot expect a trial by their peers or any other of the normal protections of the Bill of Rights.

This dangerous compromise not only authorizes the president to seize and hold terrorists who have fought against our troops "during an armed conflict," it also allows him to seize anybody who has "purposefully and materially supported hostilities against the United States." This grants the president enormous power over citizens and legal residents. They can be designated as enemy combatants if they have contributed money to a Middle Eastern charity, and they can be held indefinitely in a military prison.

Not to worry, say the bill's defenders. The president can't detain somebody who has given money innocently, just those who contributed to terrorists on purpose.

But other provisions of the bill call even this limitation into question. What is worse, if the federal courts support the president's initial detention decision, ordinary Americans would be required to defend themselves before a military tribunal without the constitutional guarantees provided in criminal trials.

Legal residents who aren't citizens are treated even more harshly. The bill entirely cuts off their access to federal habeas corpus, leaving them at the mercy of the president's suspicions.

We are not dealing with hypothetical abuses. The president has already subjected a citizen to military confinement. Consider the case of Jose Padilla. A few months after 9/11, he was seized by the Bush administration as an "enemy combatant" upon his arrival at Chicago's O'Hare International Airport. He was wearing civilian clothes and had no weapons. Despite his American citizenship, he was held for more than three years in a military brig, without any chance to challenge his detention before a military or civilian tribunal. After a federal appellate court upheld the president's extraordinary action, the Supreme Court refused to hear the case, handing the administration's lawyers a terrible precedent.

The new bill, if passed, would further entrench presidential power. At the very least, it would encourage the Supreme Court to draw an invidious distinction between citizens and legal residents. There are tens of millions of legal immigrants living among us, and the bill encourages the justices to uphold mass detentions without the semblance of judicial review.

But the bill also reinforces the presidential claims, made in the Padilla case, that the commander in chief has the right to designate a U.S. citizen on American soil as an enemy combatant and subject him to military justice. Congress is poised to authorize this presidential overreaching. Under existing constitutional doctrine, this show of explicit congressional support would be a key factor that the

Supreme Court would consider in assessing the limits of presidential authority.

This is no time to play politics with our fundamental freedoms. Even without this massive congressional expansion of the class of enemy combatants, it is by no means clear that the present Supreme Court will protect the Bill of Rights. The Korematsu case — upholding the military detention of tens of thousands of Japanese Americans during World War II — has never been explicitly overruled. It will be tough for the high court to condemn this notorious decision, especially if passions are inflamed by another terrorist incident. But congressional support of presidential power will make it much easier to extend the Korematsu decision to future mass seizures.

Though it may not feel that way, we are living at a moment of relative calm. It would be tragic if the Republican leadership rammed through an election-year measure that would haunt all of us on the morning after the next terrorist attack.

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