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Executive Order Overturns US Fifth Amendment

Posted by kdawson on Thursday July 19, @01:03PM
from the deprived-of-life-liberty-or-property-without-due-process-of-law dept.

RalphTWaP writes *"Tuesday, there wasn't even a fuss. Wednesday, the world was a little different. By executive order, the Secretary of the Treasury may now seize the property of any person who undermines efforts to promote*



economic reconstruction and political reform in Iraq. The Secretary may make his determination in secret and after the fact." There hasn't been much media notice of this; the UK's Guardian has an article explaining how [the new authority will only be used to go after terrorists](#).

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- **Inflammatory misleading headline**

(Score:3, Insightful)

by Anonymous Coward on Thursday July 19, @01:06PM ([#19916369](#))

Another in a string of hundreds.

The Fifth Amendment is not overturned, it remains. Please bring some editorial standards to the web site please.

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Re:Inflammatory misleading headline

(Score:5, Interesting)

by [eln \(21727\)](#) * on Thursday July 19, @01:14PM (#19916561)

The order gives the Secretary of the Treasury the right to immediately and without notice freeze all assets of anyone suspected of either directly or indirectly attempting to undermine the Iraqi government as well as anyone who has financial dealings, directly or indirectly, with such people.

The language is ridiculously broad and does appear to violate the 5th amendment. It appears that if you, say, donate to a charity that the Bush administration determines is trying to undermine the Iraqi government, all of your assets can be frozen. The language is very broad and open to interpretation by the Secretary of the Treasury, who serves at the pleasure of the President. This is absolutely begging to be abused.

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- [Re:Inflammatory misleading headline](#) by dwm (Score:1) Thursday July 19, @01:20PM

■ **Re:Inflammatory misleading headline**

(Score:5, Informative)

by [eln \(21727\)](#) * on Thursday July 19, @01:23PM (#19916761)

If you freeze my assets, I have no use of them. That is the same as seizure. If the Supreme Court has decided otherwise, that's a pretty lousy decision in my opinion.

As for the IRS seizing property, there is at least some sort of process that happens before they do that. They don't just go in without any prior warning and take everything. It's arguable if what they do can be considered "due process" under the law, but it's a lot better than what this order gives the Treasury Department the authority to do.

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 - [Re:Inflammatory misleading headline](#) by spacebird (Score:1) Friday July 20, @04:20AM

■ **Re:Inflammatory misleading headline**

(Score:5, Insightful)

by [Danse \(1026\)](#) on Thursday July 19, @01:48PM (#19917267)

The bottom line is, as has been pointed out by numerous posters, this kind of authority is not unusual, nor is it a violation of the fifth amendment.

What language do you speak? They are able to deprive you of your assets without any due process.

Here's the relevant portion of the 5th (with my emphasis)...

nor be deprived of life, liberty, **or property**, without due process of law;

If the government can block my access to my property, then I can make no use of it, hence I am deprived of it. Are we really going to try to split some microscopic hair over this? Does anyone really believe that the writers of the Constitution meant for something like this to be legal? Unfortunately Congress probably can't do a thing about this, and it will have to go to the Supreme Court to be resolved, which can take quite a while. Of course in the meantime, the administration will be doing as they please. I'm so glad that Bush loves freedom so much that he's willing to go to these lengths to preserve it.

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■ **Re:Inflammatory misleading headline**

(Score:5, Insightful)

by [Dr. Manhattan \(29720\)](#) <sorcerer171@gmail.com> on Thursday July 19, @02:03PM (#19917531) (<http://ingles.homeunix.org/>)

It's funny how people claim that 'things are so different after 9/11, we can't afford all these civil rights.'

The Founding Fathers thought those rights were vital for a functioning democracy... and they had been through an actual *war* on U.S. soil. I'm inclined to trust their judgement on what we can 'afford'.

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- [Re:Inflammatory misleading headline](#) by Anonymous Coward (Score:1) Thursday July 19, @02:04PM
- [Re:Inflammatory misleading headline](#) by dbrutus (Score:2) Thursday July 19, @02:55PM

■ **Re:Inflammatory misleading headline**

(Score:4, Insightful)

by [Marty_Krapturd \(817250\)](#) on Thursday July 19, @03:21PM (#19918425) (<http://www.slashdot.org/>)

Nothing new here, really. In the auspices of the "War on Drugs" property is seized all the time, without due process involved. The rights of the American Citizen have been undermined well before September 11, 2001. The American populace didn't care when it only affected the drug using portion of the populace, and they won't care now that it only affects those that may or may not be aiding the enemy or hindering the progress of a group of hand selected corporations. This game has been over for longer than many would like to imagine and the citizenry lost.

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- [Re:Inflammatory misleading headline](#) by sumdumass (Score:2) Thursday July 19, @10:12PM

■ **Re:Inflammatory misleading headline**

(Score:4, Informative)

by [dbrutus \(71639\)](#) on Thursday July 19, @03:02PM (#19918149) (<http://www.snappingturtle.net/jmc/tmblog/>)

The order cites IEEPA (passed 1977 under President Carter) and National Emergencies Act (passed in 1976 under President Ford). Now you may or may not think that these are good laws but please stop making stuff up about how this is all 9/11 overreaction. Emergency powers have a long history and tend to creep up on you.

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■ **Re:Inflammatory misleading headline**

(Score:4, Insightful)

by [MobyDisk \(75490\)](#) on Thursday July 19, @02:01PM ([#19917501](#))
<http://www.mobydisk.com/>

Uh, you do know that the IRS is part of the Treasury Department, don't you? The bottom line is, as has been pointed out by numerous posters, this kind of authority is not unusual, nor is it a violation of the fifth amendment.

You are right. It is a violation of the constitution, REGARDLESS of the fifth

amendment. The treasury department does not have the right to seize or freeze assets. The government can take your property only if:

- 1) They have a warrant
- 2) Eminent domain

You are probably right that this happens anyway, in extreme cases like terrorism. But they are expanding "terrorism" into a lot of gray areas.

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- [Re:Inflammatory misleading headline](#) by ridgecritter (Score:1) Thursday July 19, @04:13PM
- [Not a violation of the 5th or due process](#) by wackjum (Score:1) Friday July 20, @06:34AM

■ Due Process of Law and Tyranny.

(Score:5, Informative)

by [twitter \(104583\)](#) on Thursday July 19, @01:50PM ([#19917297](#))

(<http://lists.clickers.org/linuxsig/index.html> | Last Journal: [Tuesday July 17, @02:10AM](#))

The thoughts and whims of two appointed officials only constitute due process in dictatorships. My browser search seems to have nailed the order rather well:

No matches found for 'democracy'.

I'm glad they did not try to justify this with the worn out phrase, "bringing democracy to Iraq," but saddened that they no longer try to pretend. Democracy and rule of law are not things we are exporting. We are importing tyranny instead.

The list is arbitrary and the enforcement is arbitrary. You would think they would have to at least make

some kind of show trial before putting you out of business and on the streets.

This is no longer about terrorism, it's about control. You can only imagine what this will do for free speech. Not only won't you find Al Jazeera on US cable or broadcast TV, they are liable to lose any property the US can get it's hands on. The same thing can be said for any US citizen who would dare raise their voice against the administration.

Arbitrary proscriptions, exile and seizure of property are hallmarks of tyranny and we now have all three and things will get worse without drastic and immediate change. "Terrorist" lists are proscriptions that do everything but murder the proscribed. You can't travel or get a job if you end up on the list or have a name that's similar. This is really a form of exile but you can also be "extraordinary rendered" out on a whim and kept out of the country by the same. Now we have arbitrary property seizure. With these things in place, it won't be long before we have all the freedoms of Citizens of the Third Reich or Stalin's USSR.

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- [Re:Inflammatory misleading headline](#) by GuyverDH (Score:2) Thursday July 19, @02:08PM

■

Re:Inflammatory misleading headline

(Score:5, Insightful)

by [RobertM1968 \(951074\)](#) on Thursday July 19, @02:53PM ([#19918075](#))

(<http://www.myspace.com/GhostoftheDreamer>)

Sorry dwm, but I disagree with this as noted below:

No. The relevant part of the fifth amendment states: ...nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Blocking the use of property is not legally the same as depriving someone of it (although, admittedly, practically-speaking it comes pretty close). If this were a violation of the fifth amendment, so would the IRS putting a lien on someone's property for tax purposes.

"Blocking" said use of property is pretty much the same thing... unless of course you think that said property will be magically released before damage to the owner('s life, liberty) occurs.

The "definition" Bush('s writers) are using is:

are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in

Which pretty much means "Seized" - and either way is the same as depriving someone the use of.

Of course, either way, you are forgetting one of the most relevant parts in that Amendment - though you did quote that part:

without due process of law

This is the other part of the Amendment that is being "violated" - which you neglected to point out while defending this action as Constitutional.

Sorry that I beg to differ with you. Semantics dont make something right (your claim of this being constitutional) - and the 2nd part of this is quite semantically undisputable (the lack of due process).

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 - [Re:Inflammatory misleading headline](#) by Anonymous Coward (Score:2) Thursday July 19, @02:16PM
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■ **Re:Inflammatory misleading headline**

(Score:5, Insightful)

by [smooth wombat \(796938\)](#) on Thursday July 19, @02:25PM ([#19917871](#))

(Last Journal: [Monday June 25, @08:16AM](#))

there is nothing wrong with temporarily blocking access to the tools used to commit a crime.

Define temporarily. A week? A month? A year? Five years? Ten years? Fifty years?

As this administration is well known to apply new and twisted logic to the common usage of words, temporarily could very well mean indefinitely.

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- [Re:Inflammatory misleading headline](#) by Miseph (Score:1) Thursday July 19, @03:11PM
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■ **Re:Inflammatory misleading headline**

(Score:5, Insightful)

by [quanticle \(843097\)](#) on Thursday July 19, @02:37PM ([#19917967](#))

(Last Journal: [Sunday December 04, @01:42PM](#))

If you find a guy cutting the electrical wires to people's houses, do you wait until after he is convicted to take away his cutters?

In order to take away his cutters you have to have [Probable Cause](#) [wikipedia.org] that he was indeed the one doing the cutting. This executive order makes no such distinction.

If someone gets caught drunk driving, do you wait until he's convicted to stop them from driving?

Yes, you do. I don't know where you live, but here in Minnesota presumption of innocence still applies. As far as the traffic stop itself, the officer has to determine probable cause - e.g. field sobriety test, or smelling alcohol on your breath, or observing errant driving behavior.

As long as the person ultimately gets due process, there is nothing wrong with temporarily blocking access to the tools used to commit a crime.

Justice delayed is justice denied. That's why we have [Habeas Corpus](#) [wikipedia.org]

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never been more true.

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■ **Re:Inflammatory misleading headline**

(Score:5, Insightful)

by [Chibi Merrow \(226057\)](#) <mrmerrowNO@SPAMmonkeyinfinity.net> on Thursday July 19, @04:13PM (#19918921)

(<http://monkeyinfinity.net/> | Last Journal: [Saturday October 25, @01:57AM](#))

"You have as much Freedom as you are willing to demand, and as you are capable of defending." has never been more true.

Bingo. Your rights can only be taken if you allow it.

What really surprises me is that anyone thinks this is a new thing unique to this administration. The difference is the reporting on it. Burning people alive in Waco and shooting women in children in Ruby Ridge was "justified force" on "religious fanatics" or "white separatists", government surveillance/harassment of civil rights leaders in the 50s/60s was policing of "subversives" (the few rare times it was actually reported), but people get their panties in a wad about "violating the civil rights" of "terrorists"? I'm not saying they're wrong to be upset, they should be, but where the fuck have they been? Most of the people whining today are old enough to have at least been conscious during waco/ruby ridge/elian gonzales/etc. and yet those incidents are apparently a blank spot in their memory.

Welcome to the real world, folks. If you're worried about your rights being trampled upon, do something about it. I suggest becoming familiar with the phrase "cold dead hands".

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- [Re:Inflammatory misleading headline](#) by susano_otter (Score:2) Thursday July 19, @08:01PM
- [Re:Inflammatory misleading headline](#) by Penguinisto (Score:2) Thursday July 19, @01:21PM

■ **Re:Inflammatory misleading headline**

(Score:4, Insightful)

by [eln \(21727\)](#) * on Thursday July 19, @01:25PM (#19916801)

The original and unabridged order is linked in the summary, go read it. The problem with relying on the Secretaries of Defense and State to serve as checks and balances with this is that all three of those officials are Executive Branch people who serve at the pleasure of the President. If the President orders this for a particular person, chances are good that all three of these people will rubber-stamp it. You cannot have true checks and balances existing entirely within one branch of the government.

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- [Re:Inflammatory misleading headline](#) by fluffy99 (Score:2) Thursday July 19, @03:19PM

■ **Re:Inflammatory misleading headline**

(Score:4, Insightful)

by [Hatta \(162192\)](#) on Thursday July 19, @03:20PM ([#19918411](#))

(Last Journal: [Monday November 28, @01:21PM](#))

To suggest that this violates the fifth amendment is absurd: when a police officer, on arresting someone and discovering a gun in that person's belt buckle then removes the gun--is that a violation of the person's fifth amendment rights? Please...

When you're arrested, you get indicted and then tried in front of a court of law. When the Secretary of the Treasury declares you a terrorist collaborator, what recourse does one have? Where is the due process?

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 - [Re:Inflammatory misleading headline](#) by mr_mischief (Score:3) Thursday July 19, @01:33PM

■ **Re:Inflammatory misleading headline**

(Score:5, Informative)

by [cayenne8 \(626475\)](#) on Thursday July 19, @01:44PM ([#19917181](#))

(<http://www.outpimp.com/?x=57020> | Last Journal: [Tuesday November 01, @06:08PM](#))

"Do you think a suspected drunk driver gets a trial before his car is seized?"

Where do you live that this happens? I've never lived anywhere where someone picked up for suspected DWI gets his car 'seized'.

If no one can not drive it home for said person, they will often tow it to impound, but, for the towing fee, the person or his designated actor can pay the fee and get the car back.

Maybe it varies from state to state.

Depending on where you live..if you're tanked and pulled over. Best thing (according to the lawyers I've spoken with) is to not say a word, and just hold your hands out for the cuffs. Don't take any field tests...they are just trying to collect evidence on you.

Also, refuse to take any tests at the station...you can start by refusing until your lawyer gets there (risky, even with the extra time, your BAC may still be at the ridiculously low .08)...best to just refuse.

Depends on the state you are in...you will most likely get charged with reckless driving, still lots

of fines, and possibly termination of driving privs for a year, but, at least is not a DWI. Often, with good lawyer you can get restricted driving privs back to go to work, etc.

Anyway, as you see...DWI laws can vary greatly from state to state.

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- [Re:Inflammatory misleading headline](#) by badasscat (Score:2) Thursday July 19, @02:11PM
 - **1 reply** beneath your current threshold.
- [Re:Inflammatory misleading headline](#) by MightyYar (Score:2) Thursday July 19, @02:13PM
- [Re:Inflammatory misleading headline](#) by morgan_greywolf (Score:1) Thursday July 19, @02:45PM
 - [Re:Inflammatory misleading headline](#) by Lehk228 (Score:2) Thursday July 19, @05:53PM
- [Re:Inflammatory misleading headline](#) by GodfatherofSoul (Score:2) Thursday July 19, @03:18PM
- [Jackass](#) by the grace of R'hllor (Score:2) Thursday July 19, @04:58PM
 - [Re:Jackass](#) by The One and Only (Score:2) Thursday July 19, @05:36PM
 - [Re:Jackass](#) by the grace of R'hllor (Score:1) Friday July 20, @07:00AM
- [Re:Inflammatory misleading headline](#) by The One and Only (Score:2) Thursday July 19, @05:34PM
- [Re:Inflammatory misleading headline](#) by mr_mischief (Score:2) Thursday July 19, @06:17PM
- [Re:Inflammatory misleading headline](#) by mr_mischief (Score:2) Thursday July 19, @06:31PM
- [Re:Inflammatory misleading headline](#) by WilliamSChips (Score:2) Thursday July 19, @07:44PM
 - **6 replies** beneath your current threshold.
- [Re:Inflammatory misleading headline](#) by timeOday (Score:2) Thursday July 19, @02:17PM
 - [Re:Inflammatory misleading headline](#) by morgan_greywolf (Score:1) Thursday July 19, @02:53PM
 - [Re:Inflammatory misleading headline](#) by sleigher (Score:1) Thursday July 19, @05:04PM

■ **Re:Inflammatory misleading headline**

(Score:4, Informative)

by [kahei \(466208\)](#) on Thursday July 19, @02:26PM ([#19917887](#))
(<http://www.hwacha.net/>)

I appreciate that nobody in the USA cares about the difference any more in their mad rush to throw away all their liberties, but pedantry compels me to point out:

He gets his car back if he's proven innocent

Nooooo. He gets his car back if he's **not** proven **guilty**. It's a very VERY VERY basic part of the infrastructure of the relatively egalitarian society you used to have.

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- [Re:Inflammatory misleading headline](#) by JAlexoi (Score:1) Friday July 20, @04:30AM
- [Re:Inflammatory misleading headline](#) by Danse (Score:2) Thursday July 19, @03:14PM
 - [Re:Inflammatory misleading headline](#) by DragonWriter (Score:2) Thursday July 19, @01:56PM
 - [Re:Inflammatory misleading headline](#) by Taevin (Score:2) Thursday July 19, @02:10PM
- [Re:Inflammatory misleading headline](#) by huckamania (Score:1) Thursday July 19, @01:19PM
 - [Re:Inflammatory misleading headline](#) by Ravenscall (Score:2) Thursday July 19, @01:22PM
 - [Re:Inflammatory misleading headline](#) by Stanistani (Score:2) Thursday July 19, @01:24PM
- [Re:Inflammatory misleading headline](#) by elrous0 (Score:2) Thursday July 19, @01:29PM
 - **1 reply** beneath your current threshold.
- [Re:Inflammatory misleading headline](#) by xednieht (Score:2) Thursday July 19, @01:33PM
 - [Re:Inflammatory misleading headline](#) by Ravenscall (Score:2) Thursday July 19, @01:51PM
 - [Re:Inflammatory misleading headline](#) by Attila Dimedici (Score:3) Thursday July 19, @01:55PM
 - [Re:Inflammatory misleading headline](#) by plague3106 (Score:1) Thursday July 19, @01:56PM

Re:Inflammatory misleading headline

(Score:4, Informative)

by [lawpoop \(604919\)](#) on Thursday July 19, @02:01PM (#19917503)

(<http://lawpoop.blogspot.com/> | Last Journal: [Friday May 28, @07:51PM](#))

/disagree.

Notice the "time of War or public danger;"

I don't think you're parsing this correctly. The "time of War or public danger;" belongs only to the first part; you can tell by the semi-colon. They seem to have written several sentences into a single sentence.

Semi-colons appear where we would put periods today. Here's how we might write it today:

"1. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger.

2. No person shall be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law.

3. Private property shall not be taken for public use without just compensation."

[[Reply to This](#) | [Parent](#)]

▪ [Semicolons? Bah!](#) by j_w_d (Score:2) Thursday July 19, @05:56PM

▪ [Re:Inflammatory misleading headline](#) by the_lesser_gatsby (Score:1) Thursday July 19, @02:04PM

○ [Don't you mean 4TH Ammendment?](#) by winkydink (Score:2) Thursday July 19, @01:47PM

○ [Re:Inflammatory misleading headline](#) by Zeio (Score:2) Thursday July 19, @01:47PM

▪ [Re:Inflammatory misleading headline](#) by Danse (Score:2) Thursday July 19, @03:22PM

○ [You are wrong](#) by gorehog (Score:1) Thursday July 19, @02:00PM

○ [Don't they mean the FOURTH Amendment?](#) by Darth Muffin (Score:2) Thursday July 19, @03:21PM

▪ [In a word, no.](#) by j_w_d (Score:2) Thursday July 19, @06:06PM

○ [Re:Inflammatory misleading headline](#) by wookieFighter (Score:1) Thursday July 19, @03:47PM

▪ [Re:Inflammatory misleading headline](#) by Matti-han (Score:1) Thursday July 19, @04:21PM

▪ [Re:Inflammatory misleading headline](#) by rochrist (Score:1) Thursday July 19, @05:16PM

▪ [Re:Inflammatory misleading headline](#) by StewedSquirrel (Score:2) Thursday July 19, @07:22PM

○ [Fourteenth Amendment?](#) by toonerh (Score:2) Thursday July 19, @03:49PM

○ [Re:Inflammatory misleading headline](#) by HermMunster (Score:2) Thursday July 19, @05:10PM

○ [Re:Inflammatory misleading headline](#) by moxley (Score:2) Thursday July 19, @05:30PM

○ [Re:Inflammatory misleading headline](#) by myowntrueself (Score:2) Thursday July 19, @06:23PM

○ [Like Banning AC Liars?](#) by Doc Ruby (Score:2) Thursday July 19, @11:17PM

○ [Re:Inflammatory misleading headline](#) by doom (Score:2) Friday July 20, @12:09AM

○

Re:Slashdot == kdawson's political blog

(Score:5, Insightful)

by [Mr. Underbridge \(666784\)](#) on Thursday July 19, @01:31PM (#19916899)

Slashdot == kdawson's political blog

I think he's the love child of michael and timothy. Is there any way we can send him where he belongs: digg.com?

[[Reply to This](#) | [Parent](#)]

▪ [Re:Slashdot == kdawson's political blog](#) by FreemanPatrickHenry (Score:2) Thursday July 19, @01:54PM

▪ **Two important points that prove Slashdot != digg**

(Score:5, Interesting)

by [Minter92 \(148860\)](#) on Thursday July 19, @02:24PM (#19917867)

I've lamented slashdot sliding into digg land lately, but reading this has shown me important ways slashdot is way above digg.

First, the depth of discussion. People are posting multi paragraph intelligent statements and responding to each other without rancor. People seem to actually have some grasp of the topic. On digg the comments would be, "BUSH TEH DEVIL hax his internets."

Secondly, despite the fact the headline is inaccurate and somewhat inflammatory, on digg the headline would have been, "BREAKING CONFIRMED: Bush tells american public to FUCK OFF"

[[Reply to This](#) | [Parent](#)]

■ **Re:Two important points that prove Slashdot != dig**

(Score:5, Informative)

by [mjbkinx \(800231\)](#) on Thursday July 19, @03:24PM ([#19918473](#))

on digg the headline would have been, "BREAKING CONFIRMED: Bush tells american public to FUCK OFF"

Actually, it was [So, as of yesterday, If you protest the war, the Prez can take your stuff](#) [digg.com] and has >4500 diggs, but yours comes close enough.

[[Reply to This](#) | [Parent](#)]

■ **Re:Two important points that prove Slashdot != dig**

(Score:4, Funny)

by [Orange Crush \(934731\)](#) on Thursday July 19, @04:10PM ([#19918889](#))

On digg the comments would be, "BUSH TEH DEVIL hax his internets."

Actually the comments on digg are more along the lines of "OMG! What does it take for congress to impeach Bush & Co!?!?! Sign my online petition to get the ball rolling!! I'm so voting for Ron Paul. He's the only one who will restore the constitution!"

Buried as innacurate.

[[Reply to This](#) | [Parent](#)]

■ **Re:Two important points that prove Slashdot != dig** by mrsteveman1 (Score:1) Thursday July 19, @05:32PM

■ **1 reply** beneath your current threshold.

■ **1 reply** beneath your current threshold.

○ [Re:Slashdot == kdawson's political blog](#) by no-body (Score:1) Thursday July 19, @01:53PM

○ [MOD THIS UP, kdawson MUST GO!!](#) by Anonymous Coward (Score:3) Thursday July 19, @01:58PM

■ **Re:MOD THIS UP, kdawson MUST GO!!**

(Score:4, Insightful)

by Anonymous Coward on Thursday July 19, @02:25PM ([#19917875](#))

The steady rollback of the Enlightenment *is* news for nerds.

[[Reply to This](#) | [Parent](#)]

■ [Re:MOD THIS UP, kdawson MUST GO!!](#) by Dr_Mic (Score:1) Thursday July 19, @03:18PM

■ [It's still breathin'...](#) by FatSean (Score:2) Thursday July 19, @04:01PM

■ [Re:It's still breathin'...](#) by Stooshie (Score:2) Friday July 20, @05:30AM

■ [Re:MOD THIS UP, kdawson MUST GO!!](#) by rochrist (Score:1) Thursday July 19, @04:55PM

■ **1 reply** beneath your current threshold.

■ **1 reply** beneath your current threshold.

■ **Re:MOD THIS UP, kdawson MUST GO!!**

(Score:4, Insightful)

by [Walt Dismal \(534799\)](#) on Thursday July 19, @03:37PM ([#19918589](#))

I protest, in defense of Dawson. This Executive Order, issued IMMEDIATELY by Bush once he knew Congress could not stop his war effort, is clearly of importance to the people of the United States. The EO is yet another power grab and can be abused quite easily in these days of secret courts and no habeas corpus. The EO in effect threatens the ability of US citizens to protest government policy aimed at attaching the oil assets of Iraq for the sake of Cheney's oil industry friends. The tone of the rightwingers attacking Dawson, and their repudiation of the desirability of posting this information, show them to be rabid defenders of the establishment. Given that the establishment is corrupt and criminal, I'd say Dawson is in the right and you loudmouthed mob of O'Reillys are in the wrong.

[[Reply to This](#) | [Parent](#)]

■ [Re:MOD THIS UP, kdawson MUST GO!!](#) by gutter (Score:3) Thursday July 19, @04:46PM

Re:MOD THIS UP, kdawson MUST GO!!

(Score:4, Interesting)

by [uarch \(637449\)](#) on Thursday July 19, @05:10PM ([#19919509](#))

It's not partisan to protect the 5th amendment.

The complaint the poster had is that the headline "Executive Order Overturns US Fifth Amendment" is intentionally misleading and just another one of kdawson's political rants.

[[Reply to This](#) | [Parent](#)]

■ **Re:MOD THIS UP, kdawson MUST GO!!**

(Score:5, Interesting)

by [Grave \(8234\)](#) <awalbert88@hotmail.com> on Thursday July 19, @10:08PM ([#19922311](#))

The Fifth Amendment states:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. The Fifth Amendment in no way specifies exclusions. In fact, it very bluntly states, "nor shall **any person**". So if just a single person is subject to the sort of search and seizure described by this executive order, it has violated the fifth amendment.

Now, I'm not clear how you can view being upset by this executive order a "political rant". This isn't politics, it's a violation of the very principles that this country was founded on. The recent attempts by congress and the executive branch to defeat our constitution's provisions for the rights of US citizens makes me angry. Not that-guy-just-cut-me-off angry; not the-power-went-out-just-as-I-was-about-to-defeat-that-boss angry. Angry to the point of wanting to run for office to make sure no other dipshit tries to pull this kind of thing off.

[[Reply to This](#) | [Parent](#)]

■ [Re:MOD THIS UP, kdawson MUST GO!!](#) by Carewolf (Score:1) Friday July 20, @04:13AM

■ **1 reply beneath your current threshold.**

■ [Re:MOD THIS UP, kdawson MUST GO!!](#) by doom (Score:2) Friday July 20, @12:19AM

○ [Re:Slashdot == kdawson's political blog](#) by uarch (Score:2) Thursday July 19, @05:16PM

■ [Re:Slashdot == kdawson's political blog](#) by WilliamSChips (Score:2) Thursday July 19, @07:05PM

○ **3 replies beneath your current threshold.**

● [There it goes](#) by Etrias (Score:2) Thursday July 19, @01:06PM

○ [Re:There it goes](#) by 91degrees (Score:2) Thursday July 19, @01:10PM

■ [Re:There it goes](#) by schamarty (Score:1) Friday July 20, @04:38AM

○ **Bush just got his "legacy".**

(Score:5, Interesting)

by [khasim \(1285\)](#) <brandioch.conner@gmail.com> on Thursday July 19, @01:19PM ([#19916669](#))

Along with Lincoln's suspension of Habeas Corpus.

From the Executive Order:

I, GEORGE W. BUSH, President of the United States of America, find that, due to the unusual and extraordinary threat to the national security and foreign policy of the United States posed by acts of violence threatening the peace and stability of Iraq and undermining efforts to promote economic reconstruction and political reform in Iraq and to provide humanitarian assistance to the Iraqi people, it is in the interests of the United States to take additional steps with respect to the national emergency declared in Executive Order 13303 of May 22, 2003, and expanded in Executive Order 13315 of August 28, 2003, and relied upon for additional steps taken in Executive Order 13350 of July 29, 2004, and Executive Order 13364 of November 29, 2004.

Yeah, that's a single sentence.

What, specifically, is the "unusual and extraordinary threat to the national security" that he speaks of?

Personally, I find his threat to the Fifth Amendment to be far WORSE than anything anyone in Iraq can do.

Go ahead and mod me down. It's the truth whether you want to hear it or not.

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- [Re:Bush just got his "legacy"](#). by damn_registrars (Score:1) Thursday July 19, @02:30PM
 - [Re:Bush just got his "legacy"](#). by jcorno (Score:2) Thursday July 19, @04:00PM
 - [Re:Bush just got his "legacy"](#). by The One and Only (Score:2) Thursday July 19, @05:39PM
 - [Re:Bush just got his "legacy"](#). by rbochan (Score:2) Thursday July 19, @03:25PM
 - [Loopholes and illegal immigrant Iraqi's](#) by rjschwarz (Score:1) Thursday July 19, @05:42PM
 - ["Nothing to hide, nothing to fear"](#) by MacDork (Score:1) Thursday July 19, @05:54PM
 - [Re:Bush just got his "legacy"](#). by Cappy Red (Score:2) Thursday July 19, @06:40PM
 - [unusual and extraordinary](#) by jefu (Score:2) Thursday July 19, @07:13PM
 - **2 replies** beneath your current threshold.
- [Re:There it goes](#) by Erioll (Score:2) Thursday July 19, @01:55PM
- [Re:There it goes](#) by Poltras (Score:2) Thursday July 19, @01:21PM
 - [Re:There it goes](#) by endianx (Score:3) Thursday July 19, @01:34PM
- **1 reply** beneath your current threshold.
- [Page views must be low](#) by Anonymous Coward (Score:2) Thursday July 19, @01:07PM
 - [*Page views must be low*](#) by iknownuttin (Score:1) Thursday July 19, @01:37PM
 - **1 reply** beneath your current threshold.

● **Hello!**

(Score:5, Funny)

by [fredrated \(639554\)](#) on Thursday July 19, @01:07PM ([#19916389](#))

America! Are you still there?

[[Reply to This](#)]

○ **Re:Hello!**

(Score:4, Funny)

by [tool462 \(677306\)](#) on Thursday July 19, @03:23PM ([#19918469](#))

The Secretary of the Treasury has determined that Americans (well, ~70% of them anyway) are attempting to undermine the economic and political reformation in Iraq. As a result, America has been seized. Thank you, and have a nice day.

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- [Re:Hello!](#) by MasterOfUniverse (Score:2) Thursday July 19, @11:26PM
- **3 replies** beneath your current threshold.
- [Extreme Scope](#) by xaosflux (Score:1) Thursday July 19, @01:07PM
 - [Re:Extreme Scope](#) by jd (Score:2) Thursday July 19, @01:23PM
 - **1 reply** beneath your current threshold.

● **The short version...**

(Score:5, Insightful)

by [KingSkippus \(799657\)](#) * on Thursday July 19, @01:07PM ([#19916395](#))

(<http://skippus.blogspot.com/> | Last Journal: [Sunday June 19, @08:25AM](#))

Here's the short version with a lot of legalese stripped out:

All property and interests in property of the following persons are blocked and may not be transferred, paid, exported withdrawn, or otherwise dealt in: any person determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense threatening the peace or stability of Iraq or the Government of Iraq or undermining efforts to promote economic reconstruction and political reform in Iraq or to provide humanitarian assistance to the Iraqi people.

Because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective there need be no prior notice of a listing or determination made.

Yes, there is a bunch of other stuff in there, but I don't see anything stopping the Secretary of the Treasury from using this for political purposes. If you go to an anti-war demonstration, you just might be undermining efforts to promote political reform in Iraq (as defined by the Bush administration).

Just for the sake of argument, let's say that you're a die-hard Republican George Bush fan, and you honestly think that this would never be used for such blatant political purposes. Would you say the same thing about Hillary Clinton, who stands a very good chance of being elected in 2008? Because guess what. She's going to have the same powers when she takes office.

People who support the creation of this kind of crap based on their trust of the Guy (or Gal) In Charge right now, whether that person is a Democrat, Republican, or whatever, are idiots. You should never ask yourself what something like this *will* be used for, you should ask yourself what it *can* be used for, and then imagine that the politician you hate the most holding the reigns. Then, and only then, can you decide whether a law, executive order, or whatever is good or bad.

[[Reply to This](#)]

o [Re:The short version...](#) by Penguinisto (Score:2) Thursday July 19, @01:17PM

■ **What the ... ?**

(Score:5, Insightful)

by [khasim \(1285\)](#) <brandioch.conner@gmail.com> on Thursday July 19, @01:26PM ([#19916821](#))

Personally, and IMHO, there were much harsher means and policies in place during WW2 (not just concerning Japanese-American citizens), and the Presidents during that war were Democrats.

We recognize those acts as wrong.

Our government recognizes those acts as wrong.

Our government has issued reparations to the people who suffered them. Because they were wrong.

Now you're using those as a yardstick? Wrong is wrong. How about we just stick to the Constitution and the Amendments? Is that too much to ask?

Is there some reason that you advocate we commit ANOTHER crime other than the fact that we had committed one before?

[[Reply to This](#) | [Parent](#)]

■ **Re:What the ... ?**

(Score:5, Insightful)

by [inKubus \(199753\)](#) on Thursday July 19, @01:34PM ([#19916969](#))

(<http://slashdot.org/> | Last Journal: [Wednesday January 29, @03:50AM](#))

Yeah, and especially because this is a war everyone admits WE CAN'T WIN. If we use the same standards to measure WWII, we basically lost because guess what, there are still Nazis. In fact, a lot of them live in America! We didn't declare war on the Nazis, we wanted to liberate Europe from the German army under command of Hitler. Likewise you cannot declare war on radical Islam because that's an abstract thought, not an organization. Fools.

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- [Re:What the ... ?](#) by iknownuttin (Score:1) Thursday July 19, @01:45PM
 - [Re:What the ... ?](#) by inKubus (Score:2) Thursday July 19, @03:16PM
 - [Godwin aside, I like that analogy.](#) by khasim (Score:3) Thursday July 19, @01:46PM
 - [Nazi's...looks like Godwin was right...again..](#) by Danathar (Score:2) Thursday July 19, @03:48PM
 - [Re:Nazi's...looks like Godwin was right...again..](#) by inKubus (Score:2) Thursday July 19, @04:10PM
 - **1 reply beneath your current threshold.**
- [Re:What the ... ?](#) by Penguinisto (Score:2) Thursday July 19, @01:47PM
- [No. No. Only to one group. History is context.](#) by HornWumpus (Score:2) Thursday July 19, @01:49PM
 - [Re:No. No. Only to one group. History is context.](#) by kalaf (Score:1) Thursday July 19, @04:53PM

■ [Re:No. No. Only to one group. History is context.](#) by HornWumpus (Score:2) Thursday July 19, @05:10PM

■ [Re:No. No. Only to one group. History is context.](#) by Ambidisastrous (Score:1) Thursday July 19, @06:40PM

■ [Chinese are largely unarmed.](#) by HornWumpus (Score:2) Thursday July 19, @07:56PM

■ [Re:What the ... ?](#) by gnarlyhotep (Score:1) Thursday July 19, @01:50PM

■ [Re:What the ... ?](#) by Himring (Score:2) Thursday July 19, @02:55PM

■ **1 reply beneath your current threshold.**

■ [Re:The short version...](#) by trolltalk.com (Score:3) Thursday July 19, @01:27PM

■ [Re:The short version...](#) by PinkPanther (Score:3) Thursday July 19, @01:32PM

○ [Re:The short version...](#) by networkBoy (Score:2) Thursday July 19, @01:18PM

○ **Re:The short version...**

(Score:4, Insightful)

by [inKubus \(199753\)](#) on Thursday July 19, @01:19PM ([#19916685](#))

(<http://slashdot.org/> | Last Journal: [Wednesday January 29, @03:50AM](#))

Yeah, at first I thought it applied only to stuff IN IRAQ. But it is about the United States. It's about HERE. Bascially it says that anyone who is "undermining efforts to promote economic reconstruction and political reform in Iraq" can have their assets frozen. Naturally, the "war" in Iraq is one of those efforts. So if you try to "undermine" it, which could mean protest, or could mean physically blocking it, they can freeze your assets. This is likely to be tested in court, and likely to procede to the Supreme Court. In the meantime, any threat will be neutralized. It's the classic time gambit. You can get a lot done breaking the law if you have 5 or 10 years before any judgement will be made on your actions. I've always thought the executive order was far to broad. It would be a good power if used for good and not evil, but when you are corrupt (documented corrupt, such as those videos of Bush addressing the rich people) the power has the ability to destroy freedom. We're paying the price for complacency.

People, please donate to the [ACLU](#)

[[aclu.org](#)]. Put your money where your mouth is, and give it to the people whose job it is to question this stuff full time.

[[Reply to This](#) | [Parent](#)]

■ [Re:The short version...](#) by xappax (Score:3) Thursday July 19, @01:40PM

■ [Re:The short version...](#) by quanticle (Score:2) Thursday July 19, @01:52PM

○ [Re:The short version...](#) by mikeh9741 (Score:1) Thursday July 19, @01:22PM

■ [Re:The short version...](#) by mikeh9741 (Score:1) Thursday July 19, @01:38PM

■ [Re:The short version...](#) by orclevegam (Score:2) Thursday July 19, @02:13PM

○ **Re:The short version...**

(Score:4, Informative)

by [ecklesweb \(713901\)](#) on Thursday July 19, @01:24PM ([#19916767](#))

You left out a significant bit, when I've reinserted with emphasis:

any person determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense *to have committed, or to pose a significant risk of committing, an act or acts of violence that have the purpose or effect of* threatening the peace or stability of Iraq or the Government of Iraq or undermining efforts to promote economic reconstruction and political reform in Iraq or to provide humanitarian assistance to the Iraqi people.

Your anti-war demonstration scenario is only going to get your property frozen if it's a violent demonstration.

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■ [Re:The short version...](#) by Anonymous Coward (Score:2) Thursday July 19, @01:34PM

■ [Re:The short version...](#) by Anonymous Coward (Score:1) Thursday July 19, @02:15PM

■ [Re:The short version...](#) by someone1234 (Score:2) Thursday July 19, @01:47PM

■ [Re:The short version...](#) by OWJones (Score:2) Thursday July 19, @01:52PM

■

Re:The short version...

(Score:5, Insightful)

by [DragonWriter \(970822\)](#) on Thursday July 19, @01:59PM ([#19917463](#))

Your anti-war demonstration scenario is only going to get your property frozen if it's a violent demonstration.

Or, rather, if executive branch officials without outside review decide that your demonstration suggests some potential future inclination toward violence.

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- [Re:The short version...](#) by Peter Trepan (Score:3) Thursday July 19, @02:04PM
 - [Re:The short version...](#) by Valdrax (Score:2) Thursday July 19, @04:08PM
- [Re:The short version...](#) by lena_10326 (Score:3) Thursday July 19, @02:06PM
 - [Re:The short version...](#) by hondo77 (Score:3) Thursday July 19, @03:04PM
 - [Re:The short version...](#) by Hoi Polloi (Score:2) Thursday July 19, @04:21PM
 - [Re:The short version...](#) by Carewolf (Score:2) Friday July 20, @04:21AM
 - [Re:The short version...](#) by lena_10326 (Score:2) Thursday July 19, @09:55PM
- [The language is broader than you suggest](#) by Cracked Pottery (Score:2) Thursday July 19, @02:10PM

■ **Re:The short version...**

(Score:5, Informative)

by [Mojojojo Monkey Inc. \(174471\)](#) on Thursday July 19, @02:25PM ([#19917885](#))

Since legalese can be difficult to decipher, I'll give you a break on this one. Keep reading, and note the parts that use the word "or". Here, I've re-reinserted it with another emphasis.

any person determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense to have committed, or to pose a significant risk of committing,

an act or acts of violence that have the purpose or effect of threatening the peace or stability of Iraq or the Government of Iraq *or* **undermining efforts to promote economic reconstruction and political reform in Iraq** or to provide humanitarian assistance to the Iraqi people.

Since that clause includes multiple uses or "or", any one of those conditions can cause you to get screwed, since the language is so purposely vague. That would include donating money or items to a charity that the US Gov't labels as an organization that undermines economic reconstruction or political reform in Iraq. Or, even just giving "emotional support" to such organizations through your words on a blog or on Slashdot.

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- [Interesting](#) by Khammurabi (Score:2) Thursday July 19, @04:45PM
- [Sentence is clear](#) by butlerm (Score:2) Friday July 20, @12:48AM
- [Re:The short version...](#) by The One and Only (Score:2) Thursday July 19, @05:46PM
 - **1 reply beneath your current threshold.**
 - **1 reply beneath your current threshold.**
- [Re:The short version...](#) by Patersmith (Score:1) Thursday July 19, @03:23PM
- [Re:The short version...](#) by ihuntrocks (Score:1) Thursday July 19, @03:41PM
- [Re:The short version...](#) by marcosdumay (Score:2) Thursday July 19, @03:48PM
- [Re:The short version...](#) by rastoboy29 (Score:1) Thursday July 19, @05:14PM
- [Re:The short version...](#) by widmerpool (Score:1) Thursday July 19, @05:56PM
- **6 replies beneath your current threshold.**
- [Re:The short version...](#) by Kreigaffe (Score:1) Thursday July 19, @01:26PM
 - [Re:The short version...](#) by Joebert (Score:2) Thursday July 19, @01:33PM
 - [Re:The short version...](#) by etherlad (Score:2) Thursday July 19, @01:50PM
- [Re:The short version...](#) by teh_chrizzle (Score:2) Thursday July 19, @01:29PM

○

Actually No, its worse.

(Score:5, Insightful)

by [Irvu \(248207\)](#) on Thursday July 19, @01:31PM ([#19916909](#))

See this part:

Sec. 5. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that, because of the ability to

transfer funds or other assets

instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 13303 and expanded in Executive Order 13315, there need be no prior notice of a listing or determination made pursuant to section 1(a) of this order.

In this section the President specifically states that he is aware that the U.S. Citizens affected by this may have Constitutional rights that this order violates. However, because of the ongoing (6+ years now) "National Emergency" said rights are nullified in the interests of efficiency.

So basically what he's doing is selectively removing constitutional rights by executive order because the present circumstances, in his opinion alone, demand it.

He's explicitly and clearly attacking our rights because he says that he feels its necessary, no oversight, no checks, no balances, nothing.

If this is accepted it means that any president at any time can strip legal rights from U.S. Citizens, even if those rights are literally embedded in the Constitution just because he wants to. This means that the rule of law, the rule of the Constitution, is null and void.

And in this part:

Sec. 6. The Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government, consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order and, where appropriate, to advise the Secretary of the Treasury in a timely manner of the measures taken.

They explicitly grant themselves the right to expand this power to anyone else they wish to. That is, the proactive seizure could be handed over to the DEA, the IRS, the ATF, etc if they feel necessary. No future executive order, no public record, will be necessary. Anyone up for proactive seizure of property because you *may* have cheated on your taxes? Keep in mind that the no fly list includes a large number of people who have committed the crime of having the same or similar sounding names as 'bad' people and no mechanism exists to get them removed from the list. How'd you like to have your house and money taken because you look kind of like a bad person only to have no means of picking back up because that's someone else's department?

What to do:

1. Contact your [House Rep](http://house.gov) [house.gov]
2. Contact your [Senator](http://senate.gov) [senate.gov]
3. Forward this article to your local paper.
4. Send it to your local radio station, especially any drive-time station.
5. And forward this to your local TV station, and national stations.
6. Write clear and concise e-mails about how bad this is to your friends and family urging them to do the same.

In all cases make it clear why you oppose this and why it is fundamentally wrong. It isn't a guarantee that they will rethink it but unless this stuff is exposed, discussed, and ultimately attacked then nothing will happen. And it won't be unless we spread this off /..

Democracy dies when

[Read the rest of this comment...](#)

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■ **Sample Letter to Congress.**

(Score:4, Informative)

by [Irvu \(248207\)](#) on Thursday July 19, @01:55PM (#19917397)

Below is a sample letter to your House Rep and Senators. Feel free to take it, rewrite it as desired and to send it in. Also try to keep it concise. They like short letters. When sending it the best way is to actually fax it to their D.C. offices (you will need to call for the fax number probably) or so mail it to one of the local regional offices for forwarding. Mail sent directly to D.C. is first sent out to Maryland to be irradiated and usually arrives several weeks late.

Sample Letter:

Dear (Congressman|Senator) X.

I am writing to you today regarding A recent Executive Order signed on the 17th by President Bush. Said order entitled: "Blocking Property of Certain Persons Who Threaten Stabilization Efforts in Iraq" represents a blatant violation of the rule of law. And an assault on our Constitution.

Section 5 of the order states:

Sec. 5. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that, because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 13303 and expanded in Executive Order 13315, there need be no prior notice of a listing or determination made pursuant to section 1(a) of this order.

That is, in the President's determination alone it would be too hard or too slow to actually follow due process. Therefore he has determined that it is unnecessary to follow constitutional law.

This is a very very dangerous precedent. If accepted it would allow any President to simply turn off or ignore selected portions of the Constitution if, in their opinion alone, it is necessary. No oversight from Congress, No Judicial review, nothing. In this case the President himself declared a state of emergency and now is selectively eliminating portions of the Constitution because of that Emergency. Congress you'll note, was not consulted, neither was the Judiciary. Most importantly, neither were the American People.

While the President states that this is only intended for Terrorists, that is not a long-term guarantee. We have already seen PATRIOT act powers used in Tax cases that have nothing to do with terrorism and this order, if accepted would pave the way for many more of its kind. If, for example the IRS found seizure of property too difficult via the courts then they could argue, along the lines of this order that in order for them to be 'effective' they need to proactively seize the belongings of accused violators.

This Order cannot be allowed to stand. It violates the basic structures set forth in the Constitution, a document that both you and the President are sworn to uphold and defend. I refuse to sacrifice our own rule of law, our own basic structures for the sake of "effectiveness".

We cannot allow the Constitution of the United States to simply be declared "Ineffective" and tossed out with the trash.

Sincerely,

[[Reply to This](#) | [Parent](#)]

- [Re:Sample Letter to Congress.](#) by dr_dank (Score:2) Thursday July 19, @10:49PM
- **1 reply beneath your current threshold.**
- [Re:Actually No, its worse.](#) by ajs (Score:2) Thursday July 19, @02:16PM
- [Re:Actually No, its worse.](#) by King Louie (Score:1) Thursday July 19, @03:02PM

■

Checks and Balances.

(Score:4, Insightful)

by [Irvu \(248207\)](#) on Thursday July 19, @04:17PM (#19918969)

Except that this isn't a law. This is an Executive order granting powers to a set of executive offices. In a recent decision the Supreme Court argued that the public cannot challenge internal executive actions (such as this one claims to be) through the courts, effectively nullifying any judicial oversight. The case in question dealt with meetings being held with religious figures but the reasoning was similar and

likely the same arguments would be advanced again.

But, ironically what this order attacks is the very foundation for such a lawsuit. If, in the executive's opinion your Constitutional rights are ineffective and therefore unnecessary on what grounds do you sue? If the grounds are violations of your rights then you have to ask Bush's Supreme Court to counter his own executive order. Such an action would be interesting to say the least, and unlikely to go forward.

Moreover such an action would likely have to occur after the fact, i.e. after said property was seized. But lacking all property it would be difficult to mount a challenge, especially if said seizure was kept as secret as other similar actions (i.e. library records seizures) have been. As such the damage, or some of it, may already be done.

As with Congress, well again this isn't a law (The president can't make that) but supposedly an internal executive thing. Yet it is being treated by them as if it is a law and a vehicle by which the President can make laws. Congress, however has other means to affect the departments involved and so can put pressure on the executive. They can also strip the departments in question of funding for such activities. They could also grow a spine and reassert their role as overseers and guardians of the Constitution.

The catch is that, as I said this is an Executive Order, but an Executive order that carries the force of law and declares some laws (i.e. The Constitution) to be invalid or "ineffective" and therefore unnecessary. Constitutionally the President cannot make laws. However it seems through Executive Orders he is seeking to do so practically and what he is going after is the very basis of that, the Constitution itself and the limits that is places on his, and the Federal Government's behavior.

The bottom line is that this is policy, bad policy, and the way in which you stop bad policy before damage is done is via public pressure. Congress, the Newspapers, others are in a position to apply said pressure along with the public. Better to stop it now before bad things happen than, like the PATRIOT act, let it get in place and wake up to find out where we are.

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- [Re:Actually No, its worse.](#) by rho (Score:2) Thursday July 19, @03:09PM
- [Re:Actually No, its worse.](#) by kypper (Score:2) Thursday July 19, @03:11PM
- [Re:Actually No, its worse.](#) by Myopic (Score:2) Thursday July 19, @03:20PM
 - [No.](#) by Irvu (Score:2) Thursday July 19, @03:57PM
 - [Re:Actually No, its worse.](#) by fizzywhistle (Score:1) Thursday July 19, @05:17PM
 - [Re:Actually No, its worse.](#) by WombatControl (Score:2) Thursday July 19, @06:27PM
- [Re:The short version...](#) by tkiesel (Score:2) Thursday July 19, @01:43PM
- [Re:The short version...](#) by DragonWriter (Score:2) Thursday July 19, @02:03PM
- **Okay, so I read the thing, and...**

(Score:4, Informative)

by [Penguinisto \(415985\)](#) on Thursday July 19, @02:15PM ([#19917729](#))

(Last Journal: [Friday March 26, @03:46PM](#))

Here's the part everyone misses (emphasized):

Section 1. (a)

Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the date of this order, all property and interests in property of the following persons, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in: any person determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense,

First off, the IEEPA. [read it](#)

[wikipedia.org], because that's the limit, safety-valve, maximum, etc. (the unabridged version is [here](#) [treas.gov] (PDF format). It says, in a nutshell, that:

1. there is an annual renewal period after the first 12 months, by Congress. This wee presidential order is by nature restricted to that as well.
2. It can be terminated by Congressional legislation at any time
3. There is a list of people which you're not allowed to do biz with (the Wikipedia link shows the current list). If you do biz with those folks under stated conditions, you get your funds seized... not because "they don't like

your politics" or other such happy hyperventilated horse excrement. They have to prove you're doing business with someone on that list.

So can we shut down the klaxons now? Or at least show me where (specifically) I may have produced an error (with proof, please).

/P

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- [Re:Okay, so I read the thing, and...](#) by dragonsomnolent (Score:1) Thursday July 19, @03:02PM
- [Re:Okay, so I read the thing, and...](#) by Hatta (Score:2) Thursday July 19, @03:18PM

■ **Re:Okay, so I read the thing, and...**

(Score:4, Insightful)

by [KingSkippus \(799657\) *](#) on Thursday July 19, @03:26PM ([#19918519](#))
(<http://skippus.blogspot.com/> | Last Journal: [Sunday June 19, @08:25AM](#))

Read it again.

You're not in error, you're simply not reading it from the perspective of what the power claimed in the Executive Order *can* be used for. The stuff you talk about in item #3 in your list isn't a limitation on that power, and the Executive Order is expanding it.

Also, let's say that Congress does repeal IEEP. That means that the few limits on the power (items of non-value, CD's, microfiches, etc.) would be wiped out, and it would give the President the power to pretty much do whatever he (or she) wants. That's what the IEEP was passed in the first place, to say that the power isn't without limit.

Of course, this administration doesn't recognize any limits on its power. When it does run up against a legal wall, it simply ignores the wall and does whatever it wants to anyway. Like I said, if you trust these guys, I think you're a bit naive and I obviously disagree with your assessment of their character. But more importantly, you're also setting the precedent that whomever is in office next (likely one of those evil liberal Democrats) will have the same powers.

If that's okay with you, then sure, go ahead and ignore the klaxons. It's not so okay with me, though.

[[Reply to This](#) | [Parent](#)]

- [Re:The short version...](#) by libkarl2 (Score:1) Thursday July 19, @05:30PM
- [Re:The short version...](#) by oliphant (Score:2) Thursday July 19, @08:19PM
- [Re:The short version...](#) by khallow (Score:2) Thursday July 19, @01:22PM
 - [That's the problem...](#) by camperdave (Score:2) Thursday July 19, @01:51PM
 - [Re:That's the problem...](#) by khallow (Score:2) Thursday July 19, @08:53PM
- **[3 replies](#) beneath your current threshold.**

● **Sounds like...**

(Score:5, Insightful)

by Anonymous Coward on Thursday July 19, @01:08PM ([#19916407](#))

Sounds like we should seize a certain ranch in Crawford, Texas if we're going after people who are "threatening the peace or stability of Iraq or the Government of Iraq" (Section 4.1.a of the order)

[[Reply to This](#)]

- [Re:Sounds like...](#) by Mycroft_514 (Score:1) Thursday July 19, @01:23PM
- [Re:Sounds like...](#) by ImaLamer (Score:3) Thursday July 19, @01:54PM
- **[2 replies](#) beneath your current threshold.**

● **The new authority will only be used ...**

(Score:5, Insightful)

by [sdo1 \(213835\)](#) on Thursday July 19, @01:08PM ([#19916409](#))

(Last Journal: [Tuesday April 08, @11:19PM](#))

"The new authority will only be used to go after terrorists..."

Uh-huh. And the FBI isn't going to spy on ordinary Americans.

Where's the outrage?

[[Reply to This](#)]

- [Re:The new authority will only be used ...](#) by Anonymous Coward (Score:1) Thursday July 19, @01:16PM
- [Re:The new authority will only be used ...](#) by ashwinds (Score:1) Thursday July 19, @01:32PM
- [Re:The new authority will only be used ...](#) by Joebert (Score:2) Thursday July 19, @01:35PM
- [Re:The new authority will only be used ...](#) by couchslug (Score:1) Thursday July 19, @02:08PM

■ **Re:The new authority will only be used ...**

(Score:5, Insightful)

by [spun \(1352\)](#) <loverevolutionaryNO@SPAMyahoo.com> on Thursday July 19, @02:18PM ([#19917791](#))
(Last Journal: [Wednesday July 18, @12:08AM](#))

I understand why, but I don't care that you lack outrage. What you are supporting is unconstitutional. That is the rulebook of our land and I would lay down my life to keep fools like you from torching it. You are also woefully ignorant of history. Please read up on [COINTELPRO](#) [wikipedia.org]. This sort of shit has a long and sordid history of being used against people who disagree with those in power.

[[Reply to This](#) | [Parent](#)]

- [Re:The new authority will only be used ...](#) by Wyzard (Score:2) Thursday July 19, @02:30PM
 - [Re:The new authority will only be used ...](#) by Qzukk (Score:2) Thursday July 19, @03:55PM
- [Re:The new authority will only be used ...](#) by asuffield (Score:2) Thursday July 19, @02:58PM
- [Re:The new authority will only be used ...](#) by Anonymous Coward (Score:2) Thursday July 19, @11:37PM

● **Innaccurate and misleading**

(Score:3, Informative)

by [raitchison \(734047\)](#) on Thursday July 19, @01:08PM ([#19916417](#))
(<http://robert.aitchison.org/> | Last Journal: [Tuesday October 19, @10:20AM](#))

This isn't about seizure of anything, it's about freezing of assets, something that has been going on for who knows how long (possibly since the 18th century)

[[Reply to This](#)]

- [Re:Innaccurate and misleading](#) by mulvane (Score:2) Thursday July 19, @01:13PM
-

Re:Innaccurate and misleading

(Score:5, Insightful)

by [whoever57 \(658626\)](#) on Thursday July 19, @01:16PM ([#19916595](#))
(Last Journal: [Thursday September 30, @02:33AM](#))

This isn't about seizure of anything, it's about freezing of assets,

This is a distinction without a difference. If you cannot access the money in your account, it is no different from the money being seized. You have still been "deprived" of it (which is the actual word used in the fifth amendment).

[[Reply to This](#) | [Parent](#)]

- [Re:Innaccurate and misleading](#) by raitchison (Score:2) Thursday July 19, @01:31PM
 - [Re:Innaccurate and misleading](#) by Ravenscall (Score:2) Thursday July 19, @01:46PM
 - [Re:Innaccurate and misleading](#) by raitchison (Score:2) Thursday July 19, @01:56PM
 - [Re:Innaccurate and misleading](#) by Ravenscall (Score:2) Thursday July 19, @02:15PM
 - [Re:Innaccurate and misleading](#) by whoever57 (Score:2) Thursday July 19, @02:02PM
 - [Re:Innaccurate and misleading](#) by raitchison (Score:2) Thursday July 19, @02:16PM
 - [Re:Innaccurate and misleading](#) by whoever57 (Score:2) Thursday July 19, @02:55PM
 - [Re:Innaccurate and misleading](#) by Hatta (Score:2) Thursday July 19, @04:28PM
 - **1 reply beneath your current threshold.**
- [Either way...](#) by Eric Damron (Score:2) Thursday July 19, @01:16PM
- [Re:Innaccurate and misleading](#) by moonsammy (Score:2) Thursday July 19, @01:18PM
 - [Re:Innaccurate and misleading](#) by whoever57 (Score:2) Thursday July 19, @03:21PM
 - **1 reply beneath your current threshold.**
- [Re:Innaccurate and misleading](#) by 70Bang (Score:2) Thursday July 19, @01:28PM
- [Re:Innaccurate and misleading](#) by RealGrouchy (Score:1) Thursday July 19, @02:07PM
- [Re:Innaccurate and misleading](#) by Remus Shepherd (Score:2) Thursday July 19, @03:52PM

- o [1 reply](#) beneath your current threshold.

Except

(Score:5, Insightful)

by [lazy1 \(619939\)](#) on Thursday July 19, @01:09PM ([#19916451](#))

the new authority will only be used to go after terrorists.

Ofcourse, who is and who isn't a terrorist will be determined by the Secretary in secret after the fact.

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- o [1 reply](#) beneath your current threshold.

We're in a national emergency?

(Score:5, Interesting)

by Anonymous Coward on Thursday July 19, @01:09PM ([#19916455](#))

with respect to the national emergency declared in Executive Order 13303 of May 22, 2003

[[Reply to This](#)]

- o [MOD UP](#) by HomelessInLaJolla (Score:3) Thursday July 19, @01:24PM
 - [Re:MOD UP](#) by Anonymous Coward (Score:1) Thursday July 19, @02:07PM

■ Re:MOD UP

(Score:4, Interesting)

by [Petrushka \(815171\)](#) on Thursday July 19, @06:01PM ([#19920121](#))

I wonder how many people commenting here are aware of the nature of this "emergency". [Here's a WP article on it](#)

[wikipedia.org] that gives the full text of the executive order declaring the emergency. The neutrality of the WP article is "disputed", but here are the salient bits of Executive Order 13303:

I, GEORGE W. BUSH, President of the United States of America, find that the threat of attachment or other judicial process against the Development Fund for Iraq, Iraqi petroleum and petroleum products, and interests therein, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale or marketing thereof, and interests therein, obstructs the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq. This situation constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States and I hereby declare a national emergency to deal with that threat.

I hereby order:

Section 1

Unless licensed or otherwise authorized pursuant to this order, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is prohibited, and shall be deemed null and void, with respect to the following:

(a) the Development Fund for Iraq, and (b) all Iraqi petroleum and petroleum products, and interests therein, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale or marketing thereof, and interests therein, in which any foreign country or a national thereof has any interest, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons.

So, yes, the reason the fifth amendment has been overturned is for the express purpose of immunising U.S. oil companies against any legal action relating to anything they choose to do in Iraq.

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- [Re:MOD UP](#) by HomelessInLaJolla (Score:1) Thursday July 19, @06:08PM
 - [1 reply](#) beneath your current threshold.
- o [Re:We're in a national emergency?](#) by damn_registrars (Score:1) Thursday July 19, @02:21PM
- o [Re:We're in a national emergency?](#) by Nutcase (Score:3) Thursday July 19, @02:43PM

- o [Re:We're in a national emergency?](#) by JustinKSU (Score:2) Thursday July 19, @02:55PM
- o [1 reply](#) beneath your current threshold.

Uh Huh.

(Score:3, Insightful)

by [CWRUisTakingMyMoney \(939585\)](#) on Thursday July 19, @01:10PM ([#19916471](#))

"...the new authority will only be used to go after terrorists."

Right, until they redefine "terrorist." Or change the rules. Or just break the rules they have, and then label anyone who calls them out on it as "un-American." This sucks; Something's gotta give eventually, right?

[[Reply to This](#)]

- o [Re:Uh Huh.](#) by ArcherB (Score:1) Thursday July 19, @01:17PM
 - [Re:Uh Huh.](#) by whoever57 (Score:2) Thursday July 19, @01:26PM
 - [Re:Uh Huh.](#) by mr_mischief (Score:2) Thursday July 19, @01:44PM
 - [Re:Uh Huh.](#) by whoever57 (Score:2) Thursday July 19, @02:11PM
 - [Re:Uh Huh.](#) by mr_mischief (Score:2) Thursday July 19, @06:37PM
 - [Re:Uh Huh.](#) by whoever57 (Score:2) Thursday July 19, @11:22PM
 - [Re:Uh Huh.](#) by AgentRavyn (Score:1) Thursday July 19, @01:37PM
 - [Re:Uh Huh.](#) by Control Group (Score:3) Thursday July 19, @01:48PM
 - [Re:Uh Huh.](#) by Anonymous Coward (Score:1) Thursday July 19, @01:49PM
- o [Re:Uh Huh.](#) by GSwarthout (Score:1) Thursday July 19, @02:59PM
- o [Re:Uh Huh.](#) by Myopic (Score:2) Thursday July 19, @03:23PM
- o [1 reply](#) beneath your current threshold.

Historically speaking

(Score:5, Interesting)

by [Ravenscall \(12240\)](#) on Thursday July 19, @01:10PM ([#19916475](#))

I wonder if this will be seen as a tipping point when historians will look back at how the United States became a fascist nation, or if it will be seen as just part of the slow decline that began with the Johnson administration.

[[Reply to This](#)]

- o [Re:Historically speaking](#) by MrNemesis (Score:2) Thursday July 19, @01:49PM
 - [Re:Historically speaking](#) by Ravenscall (Score:2) Thursday July 19, @01:57PM
- o [Historically spoken](#) by Anonymous Coward (Score:1) Thursday July 19, @02:41PM
 - [Re:Historically spoken](#) by The One and Only (Score:2) Thursday July 19, @05:57PM
 - [Re:Historically spoken](#) by Carewolf (Score:2) Friday July 20, @04:52AM
- o [Re:Historically speaking](#) by P3NIS_CLEAVER (Score:2) Thursday July 19, @03:26PM
 - [Re:Historically speaking](#) by Ravenscall (Score:2) Thursday July 19, @03:52PM

- o ["...not much media notice"](#) by Joce640k (Score:1) Thursday July 19, @01:10PM

- o [Re:"...not much media notice"](#)

(Score:5, Informative)

by [jofny \(540291\)](#) on Thursday July 19, @01:18PM ([#19916643](#))

(<http://sintixerr.wordpress.com/>)

It's amazing how often this comes up. The media is -not- controlled by the government. It doesn't have to be. All the US media is right now is a platform for whomever seems to know what they're talking about to speak with the world unchallenged. We don't have a muzzled media, we just have an ignorant 24/7-entertainment-economy driven one. That means, without external control, it happens to coincidentally serve the interests of mobs, governments, and people wishing to dish out misinformation unchallenged (in any serious manner). Who gets to get on the soapbox? Wealthy People Powerful People Pretty People (ie, your old high school popular-kids clique)

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- [Re:"...not much media notice"](#) by jofny (Score:3) Thursday July 19, @03:12PM
 - [Re:"...not much media notice"](#) by jofny (Score:2) Thursday July 19, @03:15PM
- [Re:"...not much media notice"](#) by jofny (Score:2) Thursday July 19, @03:17PM
- [2 replies](#) beneath your current threshold.
- o [Re:"...not much media notice"](#) by QRDeNameland (Score:3) Thursday July 19, @01:20PM
 - [Re:"...not much media notice"](#) by GSwarthout (Score:1) Thursday July 19, @03:12PM
 - [Re:"...not much media notice"](#) by GSwarthout (Score:1) Thursday July 19, @07:20PM
 - [1 reply](#) beneath your current threshold.
 - [1 reply](#) beneath your current threshold.

Re: "...not much media notice"

(Score:4, Insightful)

by [Infonaut \(96956\)](#) <infonaut@gmail.com> on Thursday July 19, @01:25PM ([#19916807](#))
(<http://slashdot.org/~Infonaut/journal> | Last Journal: [Thursday July 19, @01:40PM](#))

Watch the press for a few years and it's patently obvious that "word comes from above" when anything like this happens.

The medium is the message. If you watch TV, you won't see anything of any real importance. Get out of TVLand and you'll find a wide variety of news and opinion. The fact is, Americans have become fat and lazy. Most of us get our "news" from the medium that is least capable of providing insight and understanding, and most geared toward instant emotional gratification.

As an aside, if you'd ever worked in government, you'd know that there is no Ministry of Information Control. Your "patently obvious" observation is just a way of ducking the real problem. The real problem is the laziness of the American public. We are throwing away our republic. We should be throwing away our televisions.

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• Inter Arma, Enim Silent Leges

(Score:5, Insightful)

by [idontgno \(624372\)](#) on Thursday July 19, @01:12PM ([#19916511](#))
(Last Journal: [Wednesday February 07, @11:52AM](#))


Sad to say.

The root password on the U. S. Constitution is "The Global War on \$SUBJECT"

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- [Re:Inter Arma, Enim Silent Leges](#) by [gfilion](#) (Score:2) Thursday July 19, @01:24PM
 - [Re:Inter Arma, Enim Silent Leges](#) by [General Wesc](#) (Score:1) Thursday July 19, @07:46PM
- [Re:Inter Arma, Enim Silent Leges](#) by [Lehk228](#) (Score:2) Thursday July 19, @06:12PM
- [protest the war, lose your house?](#) by [Anonymous Coward](#) (Score:1) Thursday July 19, @01:12PM
 - [Re:protest the war, lose your house?](#) by [HomelessInLaJolla](#) (Score:1) Thursday July 19, @01:28PM
 - [Re:protest the war, lose your house?](#) by [HomelessInLaJolla](#) (Score:2) Thursday July 19, @03:36PM
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- [God bless...](#) by [spungo](#) (Score:1) Thursday July 19, @01:12PM
- [Summary dishonest](#) by [ArcherB](#) (Score:2) Thursday July 19, @01:12PM
 - [Re:Summary dishonest](#) by [i.r.id10t](#) (Score:2) Thursday July 19, @01:14PM
 - [Re:Summary dishonest](#) by [Dave21212](#) (Score:2) Thursday July 19, @01:18PM
 - [Re:Summary dishonest](#) by [ArcherB](#) (Score:3) Thursday July 19, @01:39PM
 - [Re:Summary dishonest](#) by [DrJimbo](#) (Score:3) Thursday July 19, @02:28PM
 - [Re:Summary dishonest](#) by [ArcherB](#) (Score:3) Thursday July 19, @03:08PM
 - [Re:Summary dishonest](#) by [DrJimbo](#) (Score:2) Thursday July 19, @03:48PM
 - [Re:Summary dishonest](#) by [Qzukk](#) (Score:2) Thursday July 19, @04:03PM
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 - [Re:Summary dishonest](#) by [pi radians](#) (Score:2) Thursday July 19, @01:19PM
 - [Re:Summary dishonest](#) by [eln](#) (Score:3) Thursday July 19, @01:20PM
 - [Re:Summary dishonest](#) by [w3woody](#) (Score:2) Thursday July 19, @02:10PM
 - **Re:Summary dishonest**

(Score:5, Insightful)

by [jamie \(78724\)](#) *  <jamie@slashdot.org> on Thursday July 19, @01:20PM ([#19916697](#))
(<http://mccarthy.vg/> | Last Journal: [Wednesday December 15, @01:06PM](#))

The part you quote is just the preamble and carries no legal weight.

The summary is mistaken, yes (though not dishonest). The actual situation is far *worse* than Slashdot's summary describes.

The actual language refers to persons who "have committed, or... **pose a significant risk of committing**, an act or acts of violence that have the purpose **or effect** of" undermining etc.

In other words, you do not have to *do* anything to be affected by this law. All the Secretary has to assert is that you were *probably going to* do something that had a bad *effect*.

Whether you had the intention to undermine Iraqi reconstruction is irrelevant. Whether you actually did anything is irrelevant.

This isn't just overturning the 5th Amendment, it's erasing it and replacing it with *thoughtcrime*.

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- [Re:Summary dishonest](#) by Penguinisto (Score:2) Thursday July 19, @01:38PM
 - [Re:Summary dishonest](#) by quanticle (Score:3) Thursday July 19, @02:05PM
 - [Re:Summary dishonest](#) by Anonymous Cow herd (Score:2) Thursday July 19, @02:13PM
 - [Re:Summary dishonest](#) by Penguinisto (Score:2) Thursday July 19, @02:17PM
 - [You're going to sue the US government.](#) by BlackCobra43 (Score:2) Thursday July 19, @03:19PM
 - [Re:Summary dishonest](#) by schon (Score:2) Thursday July 19, @08:09PM
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- **Re:Summary dishonest**

(Score:5, Informative)

by [bockelboy \(824282\)](#) on Thursday July 19, @01:43PM ([#19917159](#))

It still gets worse:

From the section on whose assets can be frozen.

""""

or to have acted or purported to act for or on behalf of, directly or indirectly,

""""

So, if someone accuses you of doing this (she's a witch!), they can freeze your assets. Forget being able to face your accuser, presumed innocence, fair trial, etc. I thought we left Salem a long time ago.

So, what happens after they freeze your assets because your neighbors said they say you at a communist, err... terrorist, meeting?

""""

Sec. 8. This order is not intended to, and does not, create any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

""""

In other words, if we screw up in freezing the assets, we don't give you the right to file a lawsuit or any procedure to get your things back.

Lovely.

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- [Re:Summary dishonest](#) by happyfrogcow (Score:2) Thursday July 19, @04:15PM
- [Re:Summary dishonest](#) by Paracelcus (Score:1) Thursday July 19, @01:51PM
- [Re:Summary dishonest](#) by cnj (Score:2) Thursday July 19, @02:20PM
- [Re:Summary dishonest](#) by tietokone-olmi (Score:1) Thursday July 19, @03:18PM
- [Re:Summary dishonest](#) by rastoboy29 (Score:1) Thursday July 19, @05:19PM
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- [Re:Summary dishonest](#) by meringuoid (Score:2) Thursday July 19, @01:21PM
- [Re:Summary dishonest](#) by inKubus (Score:2) Thursday July 19, @01:25PM
 - [Re:Summary dishonest](#) by bigstrat2003 (Score:2) Thursday July 19, @02:00PM
 - [Re:Summary dishonest](#) by spun (Score:2) Thursday July 19, @02:50PM
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- [Re:Summary dishonest](#) by Ster (Score:2) Thursday July 19, @01:25PM
 - [Re:Summary dishonest](#) by Ster (Score:2) Thursday July 19, @01:42PM
- [Re:Summary dishonest](#) by Control Group (Score:3) Thursday July 19, @01:26PM
- [Re:Summary dishonest](#) by Austerity Empowers (Score:2) Thursday July 19, @01:28PM

- [Re:Summary dishonest](#) by orclevegam (Score:2) Thursday July 19, @01:32PM
- [Re:Summary dishonest](#) by bockelboy (Score:3) Thursday July 19, @01:35PM
- [Re:Summary dishonest](#) by booyagrandma (Score:1) Thursday July 19, @01:35PM
- [Re:Summary dishonest](#) by Anonymous Coward (Score:3) Thursday July 19, @01:35PM
- [Re:Summary dishonest](#) by Anonymous Coward (Score:1) Thursday July 19, @01:36PM
- [Re:Summary dishonest](#) by AeroIllini (Score:3) Thursday July 19, @01:38PM
 - [Re:Summary dishonest](#) by xappax (Score:3) Thursday July 19, @02:23PM
- [that would be Bush ..](#) by rs232 (Score:2) Thursday July 19, @01:41PM
- [Re:Summary dishonest](#) by poot_rootbeer (Score:2) Thursday July 19, @06:17PM
- **4 replies** beneath your current threshold.
- [Sunset?](#) by Renraku (Score:2) Thursday July 19, @01:12PM
 - [Re:Sunset?](#) by enjo13 (Score:2) Thursday July 19, @01:43PM
 - **1 reply** beneath your current threshold.
- [Here is more info](#) by Pooldraft (Score:1) Thursday July 19, @01:13PM
- [Hyperbole much?](#) by superbus1929 (Score:2) Thursday July 19, @01:13PM

○ **Re:Hyperbole much?**

(Score:4, Insightful)

by [pla \(258480\)](#) on Thursday July 19, @01:35PM ([#19916975](#))

(Last Journal: [Monday April 03, @08:23PM](#))

The language is a bit vague, but calling this a defeat of the Fifth Amendment is overly hyperbolic.

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty, or property, without due process of law**; nor shall private property be taken for public use, without just compensation."

I have to agree with you, this only strikes down one part of the 5th amendment. Of course, one *could* argue that, already having lost all those other silly little rights, this puts the last few nails in the coffin; bet technically, this EO alone doesn't kill the 5th.

As for those (not you specifically) arguing that the government already had this power - The last clause in what I bolded above makes the key distinction there. The government can seize our assets **after** "due process of law" has played out. Not before. After.

"The Republicans hate your freedom!"

And they do... But so do the Democrats.

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- [Re:Hyperbole much?](#) by DRJlaw (Score:2) Thursday July 19, @03:14PM
 - [Re:Hyperbole much?](#) by Boronx (Score:2) Thursday July 19, @04:07PM
 - **1 reply** beneath your current threshold.
- [Re:Hyperbole much?](#) by suv4x4 (Score:2) Thursday July 19, @01:44PM
 - [Re:Hyperbole much?](#) by superbus1929 (Score:2) Thursday July 19, @05:07PM
 - [Re:Hyperbole much?](#) by suv4x4 (Score:2) Thursday July 19, @05:14PM
 - [Re:Hyperbole much?](#) by superbus1929 (Score:2) Thursday July 19, @06:10PM
 - [Re:Hyperbole much?](#) by Zontar_Thing_From_Ve (Score:2) Thursday July 19, @01:46PM
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- [Old News](#) by rlp (Score:2) Thursday July 19, @01:14PM
- [Why?](#) by bobcat7677 (Score:2) Thursday July 19, @01:15PM
- [Remember the good old days](#) by MoodyLoner (Score:2) Thursday July 19, @01:15PM
- [one quote comes to mind](#) by friedman101 (Score:2) Thursday July 19, @01:16PM
 - [Re:one quote comes to mind](#) by Moridineas (Score:2) Thursday July 19, @01:45PM
 - [Re:one quote comes to mind](#) by Control Group (Score:2) Thursday July 19, @02:11PM
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 - [Corrected Quote:](#) by mosch (Score:2) Thursday July 19, @02:22PM
 - [OK, really, we get it!](#) by goldspider (Score:2) Thursday July 19, @03:15PM
 - [Re:OK, really, we get it!](#) by Lugae (Score:1) Thursday July 19, @03:21PM

- [Re:one quote comes to mind](#) by jb.hl.com (Score:2) Thursday July 19, @03:19PM
- [misquoted as usual](#) by Medievalist (Score:2) Thursday July 19, @05:15PM
- **2 replies beneath your current threshold.**
- [Nice, real nice...](#) by Fx.Dr (Score:1) Thursday July 19, @01:19PM
- [those who voted for Bush](#) by Anonymous Coward (Score:1) Thursday July 19, @01:19PM
- [Jesus! Can you say hyperbole?](#) by mrBoB (Score:2) Thursday July 19, @01:20PM
 - [Re:Jesus! Can you say hyperbole?](#) by Control Group (Score:2) Thursday July 19, @01:30PM
 - [Re:Jesus! Can you say hyperbole?](#) by demachina (Score:2) Thursday July 19, @02:14PM
 - [Re:Jesus! Can you say hyperbole?](#) by mrBoB (Score:2) Thursday July 19, @05:55PM
- [News for Nerds, Stuff that Matters??](#) by DrDitto (Score:2) Thursday July 19, @01:20PM
 - [Re:News for Nerds, Stuff that Matters??](#) by denis-The-menace (Score:2) Thursday July 19, @01:49PM
 - **2 replies beneath your current threshold.**
- [Interesting](#) by hax0r_this (Score:2) Thursday July 19, @01:21PM
- [In Other Words...](#) by Anonymous Coward (Score:1) Thursday July 19, @01:23PM
 - [Re:In Other Words...](#) by iknownuttin (Score:1) Thursday July 19, @01:40PM
- [Group Hug](#) by Tempest451 (Score:1) Thursday July 19, @01:25PM

● **I hate to say it but...**

(Score:5, Insightful)

by [WIAKywbfatw \(307557\)](#) on Thursday July 19, @01:25PM ([#19916803](#))

(Last Journal: [Tuesday September 06, @01:39PM](#))

I hate to say it but what did you expect?

Allow a government to get away with as much shit as this current Bush administration has been allowed to, from Guantanamo Bay onwards, and this is what you get.

I guarantee you that if people had kicked up more of a fuss about the rights of POWs (they're POWs, denying that they're POWs and calling them detainees is just an easy way to avoid giving them basic rights) at Gitmo then you wouldn't be seeing stuff like this today.

Right now, the winners in the "War on Terror" are Al Qaeda (they have what they wanted: open conflict with the West) and oil companies. The losers are average citizens, not just in the West but in Iraq, Afghanistan, Lebanon, the occupied territories, etc.

It's not too late to change things. But it probably is too late to leave it to others and just hope for the best. Get out the pen, get out the paper and write to your representatives. It's *your* government, so take it back.

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- [Where have I heard this before??? Ah, Star Wars](#) by israel_zayas (Score:1) Thursday July 19, @01:40PM
 - **2 replies beneath your current threshold.**
- [Re:I hate to say it but...](#) by bilabrin (Score:1) Thursday July 19, @01:42PM
- [Re:I hate to say it but...](#) by toQDuj (Score:2) Thursday July 19, @01:45PM
 - [Re:I hate to say it but...](#) by meringuoid (Score:2) Thursday July 19, @02:07PM
 - [The Bay was there, yes. Not the gulag.](#) by GungaDan (Score:1) Thursday July 19, @02:28PM
- [Re:I hate to say it but...](#) by coastin (Score:1) Thursday July 19, @01:54PM
- [ra ra ra ra](#) by Joebert (Score:2) Thursday July 19, @01:26PM

● **just shoot me**

(Score:3, Insightful)

by [planckscale \(579258\)](#) on Thursday July 19, @01:30PM ([#19916885](#))

(Last Journal: [Thursday July 13, @12:49AM](#))

Listen Dick (I'd say George but we know who's written this crap), if you're going to arrest me, intern me, drain my bank account, plus confiscate my computers, auction my house and impound my car, instead of going through all that trouble, take that carbine off "safe" and put one through my gray matter. I mean really, it's a lot cheaper in the long run right? And this is what it's all about right? Money. Don't waste your time on lawyers, courts, health care, facilities, and food, just dig a big pit and bury me. What the hell, bullets cost money too, just cuff me and bury me alive! Then again, what the hell, don't even bother with me. Just tax the shit out of my paycheck, tax me for anything and everything, then send my job overseas, send me a monthly pittance, close the supermarkets (like in Detroit), and starve me to death. Because after all, we're not people just like you, we're unmotivated slime that can't cut it in the new world economy. So hey, if it makes you feel better, and you want to put it in writing go ahead and make it legal. Just remember, a hungry mob is an angry mob.

[[Reply to This](#)]

Fourth Amendment

(Score:5, Informative)

by [Belacgod \(1103921\)](#) on Thursday July 19, @01:30PM ([#19916891](#))

Not the Fifth. The Fourth. These are unreasonable searches and seizures, not efforts at self-incrimination.

[[Reply to This](#)]

- [Re:Fourth Amendment](#) by Control Group (Score:2) Thursday July 19, @01:33PM

■

Re:Fourth Amendment

(Score:5, Informative)

by [Control Group \(105494\)](#) * on Thursday July 19, @01:35PM ([#19916985](#))

(http://www.livejournal.com/users/control_group)

Or rather, the emphasis *would*

have been mine if I hadn't just been posting over at ars and not mentally switched back to HTML.

That should have read:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty, or property, without due process of law**; nor shall private property be taken for public use, without just compensation.

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- [Re:Fourth Amendment](#) by Myopic (Score:2) Thursday July 19, @03:31PM

■ **1 reply beneath your current threshold.**

- [Paul Bremer anyone?](#) by A beautiful mind (Score:2) Thursday July 19, @01:33PM
- [Overtured?](#) by nurb432 (Score:2) Thursday July 19, @01:37PM
- [who is this legislation targeted at ..](#) by rs232 (Score:2) Thursday July 19, @01:37PM
- [No mention of War here...](#) by Irohler (Score:1) Thursday July 19, @01:37PM
- [Catch 22](#) by flyingfsck (Score:2) Thursday July 19, @01:38PM
- [How broad...](#) by MarcoG42 (Score:1) Thursday July 19, @01:39PM
 - [Re:How broad...](#) by hotair (Score:1) Thursday July 19, @05:50PM
- [Part of an on-going campaign against our rights](#) by KiltedKnight (Score:2) Thursday July 19, @01:39PM
 - [Re:Part of an on-going campaign against our rights](#) by phildo420 (Score:1) Thursday July 19, @02:32PM
- [Wrong Amendment](#) by Ossifer (Score:2) Thursday July 19, @01:39PM

As a law student...

(Score:5, Informative)

by [sjwaste \(780063\)](#) on Thursday July 19, @01:40PM ([#19917085](#))

I feel obligated to reply.

An executive order has absolutely no precedence over established law. I'm pretty sure it was in *Youngstown Sheet & Tube* (343 U.S. 579 if anyone wants to read it), it was Justice Frankfurter who said it in his concurrence that the executive, when issuing an order, operates in one of three potential spheres of power.

The first is when the order is complimentary to legislative intent, that is, Congress has already passed law(s) that further an objective and the executive order is in agreement with that. The executive order is in good standing here.

The second is an executive order upon an issue which Congress is silent. Absent congressional intent for or against, the executive order is valid law. This remains until the order is rescinded or overruled.

The last is an executive order that is contrary to the law as passed by Congress. In this case, the executive order is not valid law.

So the headline here is quite misleading. The President can issue any executive order he or she wishes, but that does not make it valid.

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- [Re:As a law student...](#) by PhxBlue (Score:3) Thursday July 19, @01:50PM
- [Re:As a law student...](#) by Control Group (Score:3) Thursday July 19, @02:00PM
- [So tell me, grasshopper](#) by tietokone-olmi (Score:1) Thursday July 19, @03:22PM

- [Re:As a law student...](#) by Alchemar (Score:3) Thursday July 19, @05:04PM
- [Re:As a law student...](#) by Azuma Hazuki (Score:1) Thursday July 19, @07:28PM
- **1 reply beneath your current threshold.**
- [And In An Unrelated New Item...](#) by Gallenod (Score:2) Thursday July 19, @01:41PM
- [go to jail... go directly to jail. Do not pass go](#) by obergfellja (Score:1) Thursday July 19, @01:41PM

Stop using the term "executive order"

(Score:5, Interesting)

by [MobyDisk \(75490\)](#) on Thursday July 19, @01:42PM ([#19917133](#))

(<http://www.mobydisk.com/>)

First, the President of the United States does not have any magical "executive order" powers that make new laws or grant new powers. An "executive order" is given by the president to one of his cabinet members. It is just the same as your boss telling you to do something. If you don't do it, or don't do it well, you will be fired.

Unfortunaely, somebody didn't tell this to George Bush. Reading the order you can see that he really thinks that he can tell the Treasury department to seize people's money. It's surreal to see this, because I really think that the guy just doesn't know that he doesn't have this power. And it's weirder because people seem to pretend like he does, and actually follow them. Indirectly, I guess that means he *does* have the power. It's very weird.

What would help, is if people (including the press) would stop acknowledging them as "executive orders" because they aren't. Call them "strongly worded requests" or "presidential demands" or something. George Bush writing this has no more relevance than if I wrote it. The press should be making him a laughing stock.

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- [Re:Stop using the term "executive order"](#) by MobyDisk (Score:3) Thursday July 19, @02:13PM
- [Re:Stop using the term "executive order"](#) by Poeir (Score:2) Thursday July 19, @03:15PM
 - [Re:Stop using the term "executive order"](#) by oyenstikker (Score:2) Thursday July 19, @03:25PM
- [Re:Stop using the term "executive order"](#) by dukerobillard (Score:2) Thursday July 19, @03:25PM
- [Pop quiz](#) by michaelmalak (Score:2) Thursday July 19, @03:26PM
 - [Re:Pop quiz](#) by MobyDisk (Score:3) Thursday July 19, @04:33PM
 - [Re:Pop quiz](#) by michaelmalak (Score:2) Thursday July 19, @05:18PM
- [Re:Stop using the term "executive order"](#) by uncreativeslashnick (Score:1) Thursday July 19, @03:30PM
- [Re:Stop using the term "executive order"](#) by qazsedcft (Score:1) Thursday July 19, @03:45PM
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- [Very similar to drug forfeiture laws](#) by boxless (Score:1) Thursday July 19, @01:43PM
- [First off some clarity](#) by gelfling (Score:2) Thursday July 19, @01:44PM
- [???? Profit Joke](#) by NFN_NLN (Score:1) Thursday July 19, @01:55PM
- [To freeze is not to seize...](#) by Kjella (Score:2) Thursday July 19, @01:55PM
- [Stupidest Story I've Read In A While...](#) by hoopdogz (Score:1) Thursday July 19, @01:57PM
- [guilt by association...](#) by i3spanky (Score:1) Thursday July 19, @01:58PM

Way too fscking vague ...

(Score:3, Interesting)

by [gstoddart \(321705\)](#) on Thursday July 19, @02:04PM ([#19917561](#))

(<http://slashdot.org/>)

By executive order, the Secretary of the Treasury may now seize the property of any person who undermines efforts to promote economic reconstruction and political reform in Iraq

So, would that include:

- anti-war demonstrators
- Democrats
- Republicans who no longer agree with Bush
- anyone who disagrees with his policies

I mean, in the irrational world view of Bush et al, you're either WITH us, or you're FOR the terrorists.

Does thinking that George W. Bush is a criminal, an idiot, an asshole, a thief, and someone who has overstepped his authority both domestically and on the world stage qualify you as someone who seeks to "undermine efforts to promote economic reconstruction and political reform in Iraq"?

How about espousing the point of view that most of the US benchmarks for success in Iraq are hinged upon the Iraqi government passing laws that make it favorable for US oil companies to extract the Iraqi oil reserves for huge profit?

While history will recognize him for what he is, it'll be too fscking late to fix all of the damage he'll have done.

I hope that this gets legally fixed, but I fear it won't. The current administration feels they can do anything they want to and that the parts of the Constitution which say that they can't don't apply to them. Because, really, the POTUS doesn't have the authority to override sections of the Constitution, no matter what he thinks.

If anything, Bush and Gonzales should be hung for treason.

[[Reply to This](#)]

◦ [Re:Way too fscking vague ...](#) by Control Group (Score:2) Thursday July 19, @02:14PM

• [Online?](#) by iamjoltman (Score:1) Thursday July 19, @02:04PM

• **Fifth Amendment and Analysis**

(Score:4, Informative)

by [Goobermunch \(771199\)](#) on Thursday July 19, @02:08PM ([#19917639](#))

For those folks having a hard time connecting this to the Fifth Amendment, I provide the following:

The text of the Fifth Amendment:

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

The part that the submitter is focused on is: "nor shall any person . . . be deprived of . . . property[] without due process of law."

The question presented is whether a determination by the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense is sufficient process to support such a deprivation. Odds are, it's not. At a minimum, constitutional due process requires notice and an opportunity to be heard (though notice may be given ex post facto in the case of an emergency). As this executive order stands, there is no opportunity for an individual whose property has been seized to challenge the seizure. In fact, there's no procedure for such a hearing to occur.

That's the Fifth Amendment Issue implicated by the Executive Order.

--G

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• [suppose I mentioned Kelo v New London...](#) by dAzED1 (Score:2) Thursday July 19, @02:14PM

◦ [Re:suppose I mentioned Kelo v New London...](#) by Control Group (Score:2) Thursday July 19, @02:19PM

• [Plausible premise?](#) by wytold (Score:2) Thursday July 19, @02:15PM

• **It doesn't over turn the 5th amendment because...**

(Score:3, Interesting)

by [posterlogo \(943853\)](#) on Thursday July 19, @02:16PM ([#19917749](#))

...it's completely INVALID (no "executive order" can overrule established law, let alone the bill of rights). What I can't figure out is why is the administration even bothering with this? Where the rights of US citizens are concerned, if the SecTres were to actually seize (or freeze) the assets of a citizen without a court order, dozens of legal organizations would leap at the chance to take it all the way to the supreme court. Although I don't agree with most of the supreme court's recent decisions, I think that if they really are as strict at interpreting the constitution as they claim to be, there is no way this would pass as constitutional. Although, Scalito and Roberts seem to be deferring to executive priveledge at every opportunity, so it is still sort of frightening nonetheless. My guess is this will be narrowly targeted towards non-citizens, either resident aliens or visa holders, who are associated with Islamic charities. It is already illegal to contribute to terrorism, but now the government can act without any evidence at all.

Welcome to another edition of... Smells Like Republicans!
the Orwellian Special!

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• **the debate is framed incorrectly**

(Score:4, Insightful)

by [oohshiny \(998054\)](#) on Thursday July 19, @03:14PM ([#19918297](#))

People like to talk about "freezing the assets of terrorists" or "people who support insurgents". Who could object to that? Why wouldn't you want to freeze the assets of terrorists or people who support insurgents? I certainly support that.

The problem is that this debate is framed incorrectly. What legislation like this is really about is giving the executive branch the power to simply declare that someone is a terrorist or supports insurgents, without due process and without benefit of a trial.

So, what the administration really wants is the power to determine unilaterally, without meaningful legal oversight or possibility for redress, to deprive citizens of property and possibly liberty.

Republicans: you're always complaining about bureaucracy and intrusive government. You're seeing the most intrusive government being created by your party. Worse, you're destroying the foundations on which this country was founded, the separation of powers. It would be wrong to call this "unprecedented" (after all, the US Constitution co-existed happily with slavery and racial inequality for many years), but *you are moving in the wrong direction*. Reign in your party, and deliver what you promise: smaller, less intrusive government. Strengthen the separation of powers, reduce government expenses (starting with the military), get government out of our bedrooms, and get the church out of government.

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- [Executive Order?](#) by Anomalyst (Score:1) Thursday July 19, @03:21PM

• **Legal Analysis**

(Score:5, Informative)

by [uncreativeslashnick \(1130315\)](#) on Thursday July 19, @03:22PM ([#19918449](#))

An attorney's perspective: I have no doubt that at some point the US Supreme court will examine this order and declare that it violates the 5th amendment.

As others have pointed out, an executive order is not a law, it is merely a directive to an agency of the executive branch. The President has the right to tell the Treasury Department, which is a part of the executive branch, to do whatever he believes is consistent with the Constitution and the law. But the Supreme Court ultimately gets to decide if what the executive branch does is consistent with the Constitution.

The Fifth Amendment provides, "No person shall

...be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." Due process is pretty straightforward - its some means or method for an accused person to dispute the charges. It doesn't have to be via a judge and jury, and can be something as simple as a committee appeal process. But, before the government, ie the President or the Treasury Dept, can seize a citizen's assets, they have to provide that citizen due process. I see nowhere in this executive order where it accords a citizen due process before his assets are seized. It appears to be blatantly unconstitutional.

Here's how it will happen: the treasury department will seize someone's assets, that someone will get an attorney and sue the US government, the case will go to the supreme court, and the supreme court will strike down the executive order.

Keep in mind the 5th amendment doesn't apply to non-citizens living outside the United States, but it might arguably be

applied to non-citizens with assets here. Remember, the 5th amendment says, "No person" not "No citizen". Constitutional rights have been afforded to legal aliens residing in the United States by the Supreme Court before. I'm not sure the Supreme Court would extend those rights to people who don't live here and don't have assets here, though, because that would be a matter of foreign policy beyond the purview of the Supreme Court, arguably.

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• **Listen to Bruce Fine on this issue.**

(Score:3, Informative)

by [alfredo \(18243\)](#) on Thursday July 19, @04:43PM ([#19919173](#))

(<http://homepage.mac....mato/Wheatpaste.html>)

Bruce Fine is a conservative, he is not some Liberal. This is from the Tom Hartman show. You can also hear Bruce Fine on Bill Moyers.

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• **Two Words**

(Score:4, Informative)

by [dmadole \(528015\)](#) on Thursday July 19, @11:20PM ([#19922807](#))

[Ron Paul](#) [ronpaul2008.com]

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