

# 100 DAYS

to restore the constitution



centerforconstitutionalrights  
*on the front lines for social justice*

# What do you want in the first 100 days?

Over the last eight years, the Bush administration has systematically dismantled some of the most important rights and protections in the United States Constitution. In the first 100 days of office, the next president can, often with the stroke of a pen, restore, protect and expand the fundamental rights on which our nation was founded. It is up to all of us to see that he does.

The Center for Constitutional Rights 100 Days Campaign focuses on the harm done by previous administrations and the hopes we have for making the country a better place for all. Tell us what you want to see in the first 100 days. Look for a series of white papers, videos, speaking tours and online activism that will bring these issues front and center in the public debate: [www.ccrjustice.org/100Days](http://www.ccrjustice.org/100Days).

## END TORTURE, RENDITION AND ILLEGAL DETENTION



From Guantánamo to Abu Ghraib, from secret CIA “black sites” to proxy detention in other countries that engage in torture, the U.S. has created a system of illegal detentions and justified the use of torture with direct approval from the highest levels of government.

To ensure they could operate with impunity, the government tried to twist the law to strip habeas corpus, to redefine the meaning of the word torture, to keep their deeds out of view of the courts and the public, and to create sham proceedings in place of fair trials.

### Policy Prescriptions

- Close Guantánamo and either try people in U.S. federal courts or resettle them safely in a country where they do not risk persecution or torture.
- Close CIA “black sites” and all other secret detention sites, and end proxy detentions.
- End the use of extraordinary rendition and launch a Justice Department investigation into its use.
- End the use in any court of evidence obtained through torture.
- Officially reject all the legal memos, executive orders and signing statements that justify the use of torture.

# PROTECT DISSENT



Increasingly, political dissent is treated as terrorism. Material support laws that criminalize speech and political activity, the Patriot Act, the Animal Enterprise Terrorism Act, and the Homegrown Terrorism bill all allow the government to target activists and stifle dissent.

Joint Terrorism Task Forces encourage large-scale stop-and-frisk operations; anti-war groups are infiltrated by government agents; and a sweeping new DNA database takes samples from anyone who is arrested, regardless of whether they were convicted.

## Policy Prescriptions

- Work to repeal the Patriot Act and other repressive legislation and prevent the emergence of any additional similar legislation.
- Make the FBI strictly adhere to surveillance guidelines.
- Open Justice Department investigations into related government misconduct.

# ABOLISH PREVENTIVE DETENTION

The government has found alternative ways to hold people indefinitely without charge, sometimes simply because they believe the person might do something in the future. They have used immigration detention to target certain groups based on racial or religious profiling, abused federal grand jury conspiracy charges, and held activists on the vague charge of “material support,” which entails providing resources to an organization that falls within the vague and often arbitrary designation of a “foreign terrorist organization.”

## Policy Prescriptions

- Appoint officials who will not abuse the material witness statute, immigration law, grand juries, and conspiracy charges.
- Pledge to veto any legislation creating preventive detention or national security courts as alternatives to the existing criminal justice system.
- Work to repeal repressive legislation like the Patriot Act and the Anti-Terrorism and Effective Death Penalty Act.

# LIMIT STATE SECRETS PRIVILEGE

```
Return-Path: [REDACTED]
Received: from [REDACTED] by [REDACTED] (8.1.2)
  ESMTP [REDACTED] for [REDACTED] (8.1.2)
  Fri, 30 Oct 1998 12:11:50 +0100
X-MSMail-Is-Internal: true
Received: from [REDACTED] ([REDACTED])
  by [REDACTED] (8.1.2) with SMTP
  Fri, 30 Oct 1998 12:11:50 +0100 (MET)
Message-ID: <[REDACTED]>
Received: from [REDACTED] ([REDACTED])
  by [REDACTED] (8.1.2) with SMTP
  Fri, 30 Oct 1998 12:11:50 +0100 (MET)
Content-Type: text/plain; charset="us-ascii"
```

Secrecy and evasion have been the hallmarks of the Bush administration. They have classified more documents than any administration in history, restricted responses to Freedom of Information Act (FOIA) requests, and argued to extend privilege to protect government officials and military contractors from being held liable for illegal actions like torture and wrongful death. Again and

again, they have invoked the state secrets privilege to avoid scrutiny in court, oversight, and legal responsibility for their actions.

## Policy Prescriptions

- Investigate, prosecute, and hold criminal trials to expose the crimes carried out by officials and contractors.
- Propose new state secrets legislation that creates a mechanism for civil courts to hear classified matters.
- Issue new executive orders that reverse the expansion of the state secrets privilege and over-classification of documents.
- Work with Congress to pass legislation making it clear military contractors are accountable for their abuses.

# RESTORE THE WAR POWERS ACT



The Bush administration illegally invaded Iraq, occupies Afghanistan, and has threatened Iran, Syria, and Venezuela. They have abused the Authorization to Use Military Force (AUMF) and, like many administrations before them, ignored the constitutional requirement for Congress to declare war before attacking another nation.

## Policy Prescriptions

- Withdraw from Iraq and end the occupation.
- Pledge to abide by the War Powers Act.
- End abuse of the AUMF.



# STOP WARRANTLESS WIRETAPPING



It used to be true that for the government to spy on people in the U.S. it had to get a warrant. In cases involving an international party, the government went before a special FISA court, which almost never refused a request and even granted requests retroactively, allowing the government to begin spying immediately and ask permission later.

Not content, Bush issued a secret executive order in 2002 illegally authorizing the NSA to wiretap Americans without a warrant, using the AUMF as justification. After the program was exposed, the administration secured immunity from Congress for the telecommunications companies that participated.

## Policy Prescriptions

- Work to repeal the Patriot Act, amendments to FISA, and immunity for telecommunications corporations who broke the law.
- Repudiate Bush executive orders supporting warrantless wiretapping and the legal opinions used to support them.
- Pledge to end all secret surveillance programs not reviewed by either the courts or Congressional committees.

# ROLL BACK EXECUTIVE POWER

The last eight years have seen an unprecedented expansion of executive power. Presidential signing statements on legislation passed by Congress attempted both to invalidate the separation of powers and to create an unauthorized line item veto. The so-called Unitary Executive theory, the “War on Terror” paradigm, immunity, impunity and lawlessness—all destroyed the balance of power in a coordinated assault on the Constitution.

The next president must repudiate the crimes of the past and be a guardian of all of our existing rights, including abortion rights, racial justice, and protection from government spying. But he must also work to expand the Constitution to address health care, housing, economic rights, and much, much more.

## Policy Prescriptions

- Repudiate the “unitary” or imperial presidency.
- Renounce the use of signing statements to attempt to alter legislation.
- Appoint officials and judges who will uphold the Constitution in all respects.
- Recognize and respect international law and join the International Criminal Court.

**[www.ccrjustice.org](http://www.ccrjustice.org)**

**learn more about our work**

**sign up for action alerts**

**become a supporter**



**centerforconstitutionalrights**

**666 broadway, new york, ny 10012**