

Government Abuse of Power



centerforconstitutionalrights
on the front lines for social justice

The Center for Constitutional Rights

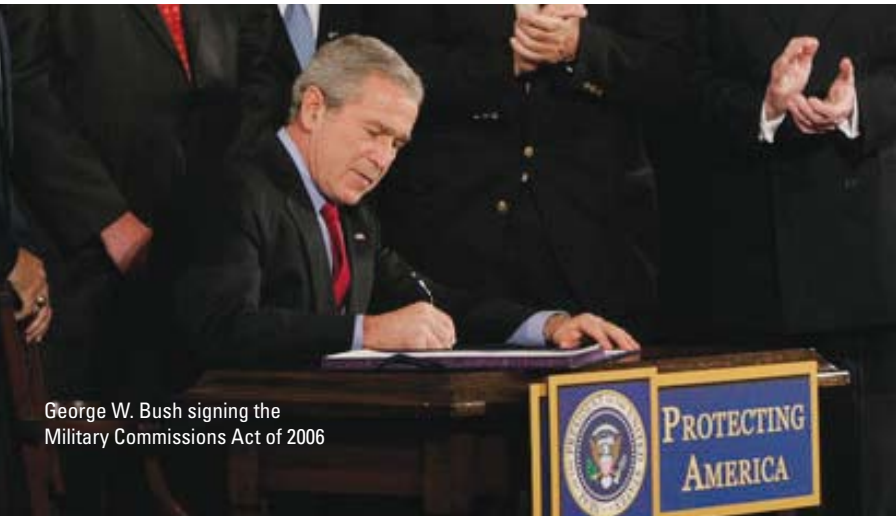
The Center for Constitutional Rights is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change.

CCR uses litigation proactively to empower poor communities and communities of color; to guarantee the rights of those with the fewest protections and least access to legal resources; and to train the next generation of civil and human rights attorneys.

Formed in order to work hand in hand with people's movements, CCR has lent its expertise and support to a wide range of movements for social justice. We are dedicated to defending the right to political dissent and combating the mass incarceration of both citizens and immigrants. We strive to complete the unfinished civil rights movement through targeting racial profiling and other modern-day manifestations of racial and economic oppression and through combating discrimination that is based on gender or sexuality.

For decades, CCR has pushed U.S. courts to recognize international human rights and humanitarian protections – and we have had groundbreaking victories that established the principle of universal jurisdiction in this country and extended human rights standards to abuses committed by corporations and other non-government groups.

The Center for Constitutional Rights was the first organization to fight for the rights of the men held at Guantánamo Bay and has been at the forefront of the battles to end the use of offshore prisons; to end the practice of “extraordinary rendition” and torture; and to restore the fundamental right of *habeas corpus* and due process under the law.



George W. Bush signing the
Military Commissions Act of 2006

Expansion of Executive Power

The Center for Constitutional Rights has always understood the danger to liberty posed by a branch of government operating without limitations on its power. This is particularly clear today, when our executive branch is claiming it can “disappear,” torture and indefinitely detain people in the name of national security.

Illegal Government Surveillance

For decades, the U.S. government has used unlawful surveillance to monitor and intimidate activists and critics. CCR won a landmark decision in 1972 (*U.S. v. U.S. District Court (Keith)*) that struck down President Nixon’s warrantless surveillance of domestic activists. Again today, our government is violating the U.S. Constitution by illegally wiretapping and data mining without warrants or judicial review. CCR is continuing to fight this type of over-reaching by the executive branch and is pressing the government for a full accounting of its domestic spying program.

Secret Evidence: Abusing the State Secrets Privilege

The state secrets privilege allows the executive to refuse to produce evidence in a court case, on the grounds that the evidence is secret information that would harm national security or foreign relations interests if disclosed. Part of the expansion of executive power since 9/11 has been the unprecedented increase in the use of the state secrets privilege to withhold evidence in cases that seek to hold the Bush administration accountable for its systematic violations of civil and human rights.

Used as a trump card to disarm the courts and cover up government abuse of power, the state secrets privilege undermines our system of checks and balances by circumventing independent judicial review of the executive branch and allows the executive to essentially dictate to the federal courts which cases they can and cannot hear.

Material Support: Guilt by Association

CCR is working to challenge the “material support” statutes and related schemes that make it illegal to provide support, including humanitarian aid, expert advice or political advocacy, to any foreign entity that the executive branch decides to designate as a “terrorist” group. These provisions violate the First Amendment and create guilt by association by criminalizing support solely intended to promote the lawful and non-violent activities of designated organizations.



Rendition

Extraordinary rendition is the forced transfer of a person from one country to another in order to do what the law forbids – torture the suspects to extract information. Since 9/11, the Bush administration has used extraordinary rendition to secretly abduct foreign nationals for detention and interrogation without judicial oversight as part of the so-called “war on terror.” Individuals are transferred into the custody of notorious human rights-abusing regimes for detention and interrogation by officials of that country or to secret overseas prisons run by the U.S. Central Intelligence Agency.

Extraordinary rendition is illegal. Both the Convention Against Torture (CAT) and the International Convention of Civil and Political Rights (ICCPR) prohibit torture and require states to prevent, investigate and punish acts of torture. CAT explicitly prohibits the transfer of a person to a country where there are “substantial grounds” for believing the person would be in danger of torture. CCR was the first organization to challenge an extraordinary rendition and is dedicated to ending this illegal practice.

U.S. Military Aggression

The Center for Constitutional Rights has consistently opposed illegal U.S. military aggression, beginning with suits filed against the war in Vietnam. Since that time we have challenged almost every war the U.S. government has engaged in. CCR has always insisted that any war (other than a war of self-defense) that does not have the consent of both the U.S. Congress and the U.N. Security Council is an illegal war.

Landmark Cases

Drinan v. Ford (1975)

Attempted to halt U.S. attacks on Cambodia through a challenge to presidential expansion of the war in Southeast Asia without congressional authorization.

State of New York v. Danny White (1975)

Fought New York State's attempts to evict Mohawk Indians from their land and challenged the jurisdiction of U.S. courts over American Indian land claims. Resulted in a settlement with the State.

Horman v. Kissinger (1977)

Exposed U.S. involvement in a coup by the Chilean junta in a lawsuit against U.S. officials present during the overthrow of Salvador Allende's government in 1973; asserted their involvement in the disappearance, torture and murder of Charles Horman, who observed U.S. naval support for the coup.

Crockett v. Reagan (1983)

Challenged U.S. military involvement in El Salvador in the first suit under the War Powers Resolution.

Conyers v. Reagan (1983)

Challenged the U.S. invasion of Grenada.

Greenham Women Against Cruise Missiles v. Reagan (1985)

Fought nuclear weapons proliferation; sought to use the U.S. legal system to enjoin the United States from deploying first use nuclear missiles in Great Britain.

Linder v. Calero (1992)

Exposed U.S. support for the Contras in Nicaragua as responsible for the 1987 murder of Benjamin Linder, an American community worker. 1992 decision won the right to sue for personal injury for war crimes. The U.S. refused to produce evidence in this case citing the state secrets doctrine.

Dellums v. Bush (1990)

Challenged George H. W. Bush's attempt to declare war unilaterally, without congressional authorization, during the first Gulf War.

AFSC v. Brady (1992)

Won the right to group travel to Vietnam and Cambodia.

Finley v. NEA (1998)

Represented Karen Finley in a challenge to the decency provision in government grants to artists; lost in an 8-1 Supreme Court decision.

Kiareldeen v. Reno (2001)

Challenged the use of secret evidence in deportation trials.

Cuba Travel Cases

CCR's Cuba Travel Project is a clearinghouse for information about restrictions on travel to Cuba: providing advice to prospective travelers, representing those who have been accused of violating the travel ban and challenging the legality of government limitations on the ability of citizens to travel freely.

www.CCRjustice.org

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