

# The INDEPENDENT

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## Opinion

# Congress, Bush don't need the Constitution

The United States has been a beacon for millions of people who seek the same fairness in their governments that was carefully included in the U.S. Constitution by our founding fathers. It's too bad that a majority of U.S. Congressmen no longer see the light of that beacon and are helping President George W. Bush in his quest for dictatorial powers.

Bush touts the Military Commissions Act of 2006 as a clarification of rules for "questioning" terrorist suspects. The only clarification, of course, is that the president decides what the rules are – and they aren't written in any manual.

He also says that the act will allow prosecution of "unlawful military combatants"... "through a full and fair trial." That is an outright lie.

This law lets the president, the Secretary of Defense, or anyone they appoint, decide who is an "enemy" or who "supports" the enemy. Any person so designated could be detained indefinitely, and could be convicted on secret and/or hearsay evidence, even through coerced testimony. "Coerced" has become this administration's code word for "tortured".

The person accused by the president or his agents, would also be denied a writ of habeas corpus.

So what is *habeas corpus* and why are so many people and organizations outraged at what Bush and his supporters call a "suspension" of habeas corpus?

Habeas corpus lets a detainee ask a court to require a review of the legal reasons for the detention. It is a writ and a right that actually predates the Magna Carta, in 1215. It is included in the U.S. Constitution, and is effective without any implementing legislation.

The Constitution allows the suspension of habeas corpus only in case of an actual invasion or in case of rebellion. Neither of these is occurring now.

Those who support the new law say that it applies only to foreigners. But we are outraged when another country jails an American on trumped-up charges. Is this the model we want to follow?

Another problem is that this president regularly uses "signing statements" that say he will follow only the parts of the law that he deems appropriate. Which parts of this new law will he ignore?



## Opinion, continued

This is a problem that comes too close to home to be comfortable, especially considering how Vice President Cheney reacts toward those who disagree with him.

In Colorado, on June 16, Steve Howards was walking with his 7-year-old son at Beaver Creek when he saw the vice president shaking hands and posing for pictures. As Howards walked past, not three feet away from Dick Cheney, he said, "I think your policies in Iraq are reprehensible." He and his boy then walked on. Ten minutes later, a Secret Service agent arrested Howards for "assaulting" Cheney. He was taken to Eagle County Jail. He was released later that day and charges were eventually dropped.

Where would he be if he was declared an enemy? Remember, under this new law, no evidence is needed to throw a person in prison and throw away the key.

Last June, John Blair settled a lawsuit he brought against the Evansville, Ind., police, who arrested him in February of 2002 for holding a protest sign outside of a political fundraiser featuring Cheney. Blair, 60, a Pulitzer Prize-winning pho-

tographer in 1978, devotes most of his time to environmental issues. He'd like to shut down coal-fired power plants, for example. He drew up a sign reading "Dick Cheney, 19th-Century Energy Man," stood more than 100 feet from the entrance to the fund raiser, and was arrested for disorderly conduct, at the behest of the Secret Service.

"A lot of people think what I did was an act of courage," Blair said. "Exercising your rights should never be viewed as an act of courage."

The president of the United States, with Congress' blessing, can deny anyone habeas corpus. Anyone and any group can be spied on without judicial oversight. And the people we elect to represent us can send us to jail when we say or write things they do not like.

Sen. Gordon Smith made a speech supporting habeas corpus, then toed the party line, and voted to destroy it.

In a March, 2003, editorial, I wrote "[Bush] hasn't yet totally destroyed habeas corpus, but he has two more years to work on it."

It took a little longer than I anticipated.

Noni Andersen