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Group Releases 18-Month Review Of President's National Security Policies And Civil Liberties

NEW YORK – The Obama administration has repudiated some of the Bush administration's most egregious national security policies but is in danger of institutionalizing others permanently into law, thereby creating a troubling "new normal," according to a new report released today by the American Civil Liberties Union.

"Establishing a New Normal: National Security, Civil Liberties, and Human Rights Under the Obama Administration," an 18-month review of the Obama administration's record on national security issues affecting civil liberties, concludes that the current administration's record on issues of national security and civil liberties is decidedly mixed: President Obama has made great strides in some areas, such as his auspicious first steps to categorically prohibit torture, outlaw the CIA's use of secret overseas detention sites and release the Bush administration's torture memos, but he has failed to eliminate some of the worst policies put in place by President Bush, such as military commissions and indefinite detention. He has also expanded the Bush administration's "targeted killing" program.

The 22-page report, which was researched and written by staff in the ACLU's National Security Project and Washington Legislative Office, reviews the administration's record in the areas of transparency, torture and accountability, detention, targeted killing, military commissions, speech and surveillance and watchlists.

"President Obama began his presidency with a bang, signing executive orders that placed the power of the presidency behind the restoration of the rule of law and gave meaning to the president's stated view that America must lead with its values," said Anthony D. Romero, Executive Director of the ACLU. "Unfortunately, since that time, the administration has displayed a decidedly mixed record resulting, on a range of issues, in the very real danger that the Obama administration will institutionalize some of the most troublesome policies of the previous administration – in essence, creating a troubling 'new normal.' We strongly urge the president to shift course and renew his commitment to the fundamental values that are the very foundation of our nation's strength and security."

According to the ACLU's report, the first 18 months of Obama's presidency have been marked by a pattern wherein significant achievements for civil liberties have often been followed by setbacks. For instance, the positive step of releasing Justice Department memoranda that purported to authorize the Bush administration's torture regime was followed by the troubling decision to fight the release of photos depicting the abuse of prisoners in CIA custody. The

administration's commitment to dismantle Guantánamo has been undermined by its assertion of the authority to detain people indefinitely without charge or trial. And prohibitions against torture have been weakened by the failure to hold top Bush administration officials accountable for their role in the torture program.

"The Obama administration should work with Congress to restore the rule of law, and discourage any legislation that would institutionalize policies that were widely regarded as unlawful under President Bush. Together, Congress and the White House should make sure that abuses of power like the Patriot Act are dismantled, not extended, and that policies like indefinite detention are never signed into law," said Laura W. Murphy, Director of the ACLU Washington Legislative Office. "It is not too late for President Obama to build a legacy of justice and fairness."

The report concludes that, in addition to the initial executive orders, the administration has taken other positive steps and made genuine progress in some areas such as improvements to the government's handling of Freedom of Information Act requests, the release of key documents related to the U.S. torture program and an executive order disavowing torture. It also addresses more troubling practices such as the use of the "state secrets" doctrine to block lawsuits brought by torture survivors, the revival of the discredited military commissions to prosecute some Guantánamo detainees, the assertion of broad surveillance powers and the authorization of a "targeted killing" program to kill terrorism suspects, including American citizens, wherever they are located, without due process.

"In its first days, the Obama administration took some important steps to restore civil liberties and the rule of law," said Jameel Jaffer, Deputy Legal Director of the ACLU. "It has not, however, abandoned the 'global war' framework that was the basis for many of the last administration's counterterrorism programs. Indeed, some of the Obama administration's policies – like the policies on indefinite detention, military commissions and targeted killings – are entrenching this framework, presenting a profound threat to human rights and the rule of law. We urge the Obama administration to recommit itself to the ideals it articulated in its very first days. President Obama should not make 'global war' the new normal."

["Establishing a New Normal" is available online here.](#)