

USA: How Not to Build a Culture of Human Rights

Friday 19 November 2010, by [STELTER Brian](#), [TAX Meredith](#) (Date first published: 15 November 2010).

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Back in August, when I first heard that the Center for Constitutional Rights and the ACLU were bringing suit against the US government's targeted assassination policy on behalf of Anwar al-Awlaki, a leader of Al Qaeda in the Arabian peninsula, I wrote Vince Warren, the director of the CCR, raising some questions [[1](#)]. I hate the idea of drone strikes—against anyone, not just US citizens. But I was very uncomfortable about the idea of defending al-Awlaki at the same time that he was publicly calling for the murder of a woman cartoonist in Oregon, among others [see below]. I felt that further debate was needed, and asked, *"Is there some reason not to pursue a legal or political strategy explicitly calling for him to be captured and brought to the US to stand trial, a la Eichmann, rather than just not killed?... By what means will the CCR distance itself from al-Awlaki's opinions while defending his right not to be assassinated?... Most importantly, if the CCR becomes identified as defenders of al-Awlaki, will women who are victims of salafi-jihadists feel they can trust you with their own cases?"*

The CCR never responded to my letter and the case went forward [see below]; it is now in the US District Court in Washington. But the questions that rise from the case were too serious to go away, and are dividing the human rights movement. This is clear from an article in today's *Guardian* [[2](#)]:

"...a CCR board member has distanced herself from the group's decision to represent Awlaki's interests. Karima Bennouna, a law professor at Rutgers school of law, Newark, New Jersey, has gone public with her misgivings at the CCR's decision, reflecting a debate within human rights groups on how to deal with Islamist fundamentalists." Since the inception of the case, "she said, "there has been increased mystification of who Anwar al-Awlaki is in liberal and human rights circles in the United States. This may in part have resulted from the fact that a highly reputable organisation like CCR was willing to represent his interests, and described him only as 'a Muslim cleric' or 'an American citizen', and repeatedly suggested that the government did not possess evidence against Awlaki."

The CCR has come under fire in the UK, too. Chetan Bhatt, director of the centre for the study of human rights at the LSE, who was approached by the CCR for advice on Awlaki, said: *"I have considerable respect for CCR. But in this case they have made a serious error of ethical judgment. Does a highly respected organisation, founded in the midst of historic struggles for civil rights and racial justice, now wish to be perceived by some as al-Qaida's legal team? Can you fight extra-judicial assassinations by standing alongside someone who advocates extra-judicial assassinations?"*

Five prominent Algerian non-governmental organisations, including associations of victims of terrorism and women's groups, have also sent a strongly worded letter to the CCR expressing their dismay that the group has decided to represent Awlaki's interests [[3](#)].

The tone of the Algerian letter is extremely sharp:

"At no time did the CCR, in its unconditional defense of Anwar al-Awlaki, publicly call for and emphasize that while no one should be assassinated, it remains imperative that criminals of his like be brought to justice. At no time, did CCR indicate its intention to support the innumerable victims of al-Awlaki, with at least as many resources and as much publicity as the Center now gives to his case. The double standards you employ in these circumstances are unacceptable to us.

While there may be a CIA threat against al-Awlaki, what are you doing about the threats Awlaki makes himself and that his movement in fact executes against people like us? He is still alive while many of our friends and family members are dead, thanks to him and people like him, to his incitement and to the forces that he helps to organize. Are we less threatened or less important in your eyes?"

I got my political education during the Vietnam war, as did many in the CCR. Unlike our liberal allies at the time, who also opposed the war, people on the left felt that the war was not just a mistake, but a symptom of an imperialist system; this meant we had to oppose American imperialism as well as call for peace. It is as crucial to do this now as ever. The CCR is one of the few law organizations that are reliably and consistently anti-imperialist. It has a long and distinguished history of defending dissidents and political prisoners, fighting for civil rights, and developing legal strategies to help women. For these reasons I have always supported the CCR and still do.

But today's political landscape is very different from that of 1968. In the intervening years, some of us have learned that opposition to US imperialism is a necessary but not sufficient basis for leftwing political strategy, and that progressives who do not couple their opposition to imperialism with a serious universalist commitment to human rights—a commitment of the kind called for by the Algerian letter—risk losing their moral and political bearings.

Anyone who doubts this danger need only look at Ramsey Clarke, who, along with some other US leftists, had dinner recently with Ahmadinejad, president of Iran [4]. Like Ramsey Clarke, I know that war with Iran would be a disaster for all concerned, and I completely oppose the war-talk of the right. At the same time, I know that Ahmadinejad is the leader of a theocratic dictatorship, horribly repressive to women, secularists, and moderates, chosen in an election as compromised as the ones in Burma and Afghanistan. Since his election, he has spent his time reinforcing the power of the militia, crushing the Iranian labor movement, and killing, jailing, and torturing his critics. Did Ramsey Clarke or his colleagues mention any of this during their dinner? Of course not. They were too busy discussing their common opposition to US imperialism.

The CCR is hardly Ramsey Clarke, and, as an organization of human rights lawyers who can only proceed by doing case law, it cannot make up for the deficiencies of the left as a whole. We need to build a culture of human rights throughout the progressive movement. But at a time when much of the left is ideologically at sea, lawyers who see this need have an obligation to make sure that the human rights benefits of every case they take on outweigh the detriments, rather than to jump at any case that allows them to expose or frustrate the imperialist state. The "war against terror" will present many opportunities to defend the Constitution. It would be wise to concentrate on cases that can unite all of us around clear principles, rather than cases that involve trading one group's human rights for another's, which run the risk of splitting whatever movement we have.

Meredith Tax

* From Meredith Tax's blog:

<http://www.meredithtax.org/taxonomyblog/how-not-build-culture-human-rights>

Cartoonist in Hiding After Death Threats

By BRIAN STELTER

Published: September 16, 2010

A cartoonist in Seattle who promoted an "Everybody Draw Mohammed Day" last spring is now in hiding after her life was threatened by Islamic extremists.

The cartoonist, Molly Norris, has changed her name and has stopped producing work for a local alternative newspaper, *Seattle Weekly*, according to the newspaper's editor, Mark D. Fefer.

Mr. Fefer declined an interview request Thursday, citing "the sensitivity of the situation." But in a letter to readers about Ms. Norris on Wednesday, he said that "on the insistence of top security specialists at the F.B.I., she is, as they put it, 'going ghost': moving, changing her name, and essentially wiping away her identity."

The F.B.I. declined to comment on the case.

Ms. Norris attracted attention after she published a poster on the Internet in April satirically proposing that people draw figures of the Prophet Muhammad on May 20.

She indicated that the proposal was a protest of censorship by Comedy Central, which edited out references to Muhammad from an episode of "South Park" that month. That episode also triggered threats from extremists. Islam forbids depictions of the Prophet Muhammad.

In 2005, a Danish cartoonist named Kurt Westergaard published a depiction of Muhammad that led to multiple death threats and alleged assassination attempts. He was presented an award this month for freedom of speech by Chancellor Angela Merkel of Germany.

The poster by Ms. Norris spread on the Internet and spawned Facebook groups both for and against the idea. She quickly tried to tamp down the controversy, apologizing to Muslims and at one point joking that the event should be renamed "Everybody Draw Al Gore Day." The protest movement continued in the spring largely without her involvement.

In July, Anwar al-Awlaki, the radical Yemeni-American cleric who is accused of ties to Al Qaeda, said in a document published on the Internet that Ms. Norris "should be taken as a prime target of assassination," according to the NEFA Foundation, a private group that monitors extremist Web sites, which translated the document.

Mr. Awlaki stated that Ms. Norris and other unnamed people in the United States and Europe "are expressing their hatred of the Messenger of Islam through ridicule." In a controversial step, the Obama administration this year authorized the Central Intelligence Agency to kill Mr. Awlaki, who is in hiding.

Seattle Weekly started to publish cartoons by Ms. Norris about two months ago. Her last cartoon appeared in the Sept. 8 issue.

Ms. Norris did not respond to e-mail messages on Thursday. Her personal Web site has been taken offline.

Michael Cavanaugh, a writer for Comic Riffs, a *Washington Post* blog about comics, said that he contacted her on Thursday and that she verified Mr. Fefer's version of events.

Mr. Fefer wrote that Ms. Norris had likened her situation "to cancer — it might basically be nothing, it might be urgent and serious, it might go away and never return, or it might pop up again when she least expects it."

This article has been revised to reflect the following correction:

Correction: September 18, 2010

An article on Friday about a Seattle cartoonist who went into hiding after she was threatened by Islamic extremists for promoting an "Everybody Draw Muhammad Day" misstated the nationality of Kurt Westergaard, the cartoonist whose depictions of Muhammad in 2005 drew similar threats. He is Danish, not Dutch.

** A version of this article appeared in print on September 17, 2010, on page A14 of the New York edition.*

Obama Administration Claims Unchecked Authority To Kill Americans Outside Combat Zones

Federal Court Hears Arguments Today In ACLU And CCR Case Challenging Administration's Claimed Authority To Assassinate Americans It Designates Threats

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November 8, 2010, WASHINGTON - The Obama administration today argued before a federal court that it should have unreviewable authority to kill Americans the executive branch has unilaterally determined to pose a threat. Government lawyers made that claim in response to a lawsuit brought by the American Civil Liberties Union (ACLU) and the Center for Constitutional Rights (CCR) charging that the administration's asserted targeted killing authority violates the Constitution and international law. The U.S. District Court for the District of Columbia heard arguments from both sides today.

"Not only does the administration claim to have sweeping power to target and kill U.S. citizens anywhere in the world, but it makes the extraordinary claim that the court has no role in reviewing that power or the legal standards that apply," said CCR Staff Attorney Pardiss Kebriaei, who presented arguments in the case. "The Supreme Court has repeatedly rejected the government's claim to an unchecked system of global detention, and the district court should similarly reject the administration's claim here to an unchecked system of global targeted killing."

The ACLU and CCR were retained by Nasser Al-Aulaqi to bring a lawsuit in connection with the government's decision to authorize the targeted killing of his son, U.S. citizen Anwar Al-Aulaqi. The

lawsuit asks the court to rule that, outside the context of armed conflict, the government can carry out the targeted killing of an American citizen only as a last resort to address an imminent threat to life or physical safety. The lawsuit also asks the court to order the government to disclose the legal standard it uses to place U.S. citizens on government kill lists.

“If the Constitution means anything, it surely means that the president does not have unreviewable authority to summarily execute any American whom he concludes is an enemy of the state,” said Jameel Jaffer, Deputy Legal Director of the ACLU, who presented arguments in the case. “It’s the government’s responsibility to protect the nation from terrorist attacks, but the courts have a crucial role to play in ensuring that counterterrorism policies are consistent with the Constitution.”

The government filed a brief in the case in September, claiming that the executive’s targeted killing authority is a “political question” that should not be subject to judicial review. The government also asserted the “state secrets” privilege, contending that the case should be dismissed to avoid the disclosure of sensitive information.

The lawsuit was filed against CIA Director Leon Panetta, Defense Secretary Robert Gates and President Barrack Obama in the U.S. District Court for the District of Columbia. Attorneys on the case are Jaffer, Ben Wizner, Jonathan Manes and Jennifer Turner of the ACLU; Kebriyai, Maria LaHood and Bill Quigley of CCR; and Arthur B. Spitzer of the ACLU of the Nation’s Capital. Co-counsel in Yemen is Mohammed Allawo of the Allawo Law Firm and the National Organization for Defending Human Rights (HOOD).

For more information on the case, including fact sheets and legal papers, visit www.ccrjustice.org/targetedkillings

Footnotes

[1] See on ESSF [The CCR and the Elephant in the Room - To defend Anwar al-Awlaki and how?](#)

[2] See on ESSF [Legal challenge to US assassination policy divides rights groups](#)

[3] See on ESSF [Algeria/USA:human rights organisations should not support Muslim fundamentalists](#)

[4] <http://www.wnyc.org/articles/wnyc-news/2010/nov/02/iranian-americans-caught-between-enemies/>