

Obama and National Security: A Civil Liberties Report Card

	The Issue	Candidate Obama	President Obama
USA Patriot Act (USAPA)	<ul style="list-style-type: none"> Expanded the use of National Security Letters, which allow the collection of personal information without evidence. Over 50,000 are issued yearly. Allowed for warrantless “sneak and peak” searches. 	<p>In a speech to the U.S. Senate on Dec. 15, 2005, Sen. Obama called the reauthorization of portions of the USAPA “plain wrong.”</p>	<ul style="list-style-type: none"> Has not retreated from the use of National Security Letters. In Oct. 2009 supported the reauthorization of additional provisions of the USAPA.
Guantanamo Bay and Indefinite Detention	<ul style="list-style-type: none"> Pres. Bush claimed authority to hold detainees indefinitely without charges at Guantanamo, Bagram, and in secret CIA prisons. The 2006 Military Commissions Act authorized the President to detain prisoners indefinitely and to try detainees outside the U.S. criminal justice system. 	<p>“As President, I will close Guantanamo, reject the Military Commissions Act, and adhere to the Geneva Conventions,” Sen. Obama pledged Aug. 1, 2007.</p> 	<ul style="list-style-type: none"> Upon taking office, Pres. Obama ordered Guantanamo closed within one year. This deadline was not met. Retains the option of holding detainees without charges. After minor changes in Oct. 2009, Pres. Obama reportedly intends to use military commissions. Ordered closing of all secret CIA prisons.

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Warrantless Wiretapping	Originally authorized in secret by Pres. Bush in 2001, Congress passed the FISA Amendments Act of 2008 to allow the wiretaps to continue in light of court challenges. The Act also provided immunity to telecommunications companies who participated.	In a 2008 campaign publication, Sen. Obama pledged to “eliminate warrantless wiretapping” and to provide greater oversight to “prevent future threats to the rule of law.”	<ul style="list-style-type: none"> • Voted for the FISA Amendments Act as a senator. • In Oct. 2009 when the Senate considered reforming the Act, the Obama administration was reportedly opposed.
Transparency and State Secrets	Pres. Bush used the state secrets privilege to fend off lawsuits that would have exposed civil liberties violations.	On his second day in office, Pres. Obama promised, “Information will not be withheld just because I say so. It will be withheld because a separate authority believes my request is well grounded in the Constitution.”	Has continued to use the state secrets privilege to thwart lawsuits, such as challenges to extraordinary rendition, torture and warrantless wiretapping.



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