



TO: House Military & Veterans Affairs Committee
FROM: Gary Daniels, Associate Director, ACLU of Ohio
DATE: December 12, 2013
RE: House Concurrent Resolution 41

To Chairman Johnson, Vice Chair Landis, Ranking Minority Member Pillich, and members of the House Military & Veterans Affairs Committee, my name is Gary Daniels, associate director for the American Civil Liberties Union of Ohio ("ACLU of Ohio") and I appear today to present proponent testimony on House Concurrent Resolution 41.

The ACLU is the oldest and largest civil liberties organization in the world with over 500,000 members nationwide and over 30,000 members and supporters across Ohio. The ACLU and ACLU of Ohio are non-profit, non-partisan membership organizations devoted to protecting basic civil rights and civil liberties for all Americans and all Ohioans.

Since (as well as before) the events of September 11, 2001, the ACLU has actively opposed U.S. government actions that violate our constitutional rights in the name of national security. In just the past dozen years, our country's leaders – Democrat and Republican – have passed laws and enacted policies to:

- 1) Detain people, including U.S. citizens, indefinitely without charges and trials;
- 2) Secretly sweep up, hold and deport thousands of individuals with little to no due process for minor violations of immigration law;
- 3) Severely weaken our Fourth and First Amendment rights by passing laws such as the USA PATRIOT ACT which gives the government almost unfettered access to private information about ourselves and our lives;
- 4) Engage in rendition by capturing numerous people around the world and sending them to other countries to be interrogated and tortured;
- 5) Torture terrorism suspects in violation of U.S. and international laws;
- 6) Maintain a secret "kill list" whereby the president can target and order assassination of terrorism suspects with no due process or independent review of any type;
- 7) Engage in widespread and unparalleled surveillance of its citizens and allies by intercepting, cataloguing and reviewing such information as emails, texts, web searches, phone calls, financial transactions and online social networking posts;

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Sadly, the above is not a comprehensive list of what our government and elected representatives have done to wage a so-called "War on Terror" with no boundaries and no end in sight.

By addressing the 2012 National Defense Authorization Act, HCR 41 calls attention to perhaps the most troubling development since 9/11 – the assertion the government is authorized to detain people without charges, indefinitely, based on mere suspicion.

When other countries have done this we have rightly condemned them. The response should be no different when our own government does it, no matter the justification or which political party is in power. We want Government to keep us safe. It is the preeminent responsibility of any government. But safety should never mean sacrificing those things that make us unique in the world.

Unfortunately, there has been too little attention paid to and little debate regarding this ongoing loss of constitutional protections. The movement, to date, is only in one direction. No reversal of policies or repeal of laws is imminent or even discussed.

Those who suggest that indefinitely holding people in secret locations, with no due process of law, is a violation of our basic freedoms and is not an example we should be setting for the rest of the world, are either ignored, or written off as conspiracy theorists, un-American, terrorist sympathizers, and traitors.

HCR 41 is welcomed by the ACLU of Ohio because it represents a step in the other direction. It calls attention to widespread abuses perpetrated by our government to keep us "safe" that will fundamentally affect us for decades to come. It will spur more dialogue on these important issues.

Members of the House Military & Veterans Affairs Committee, we ask you please give this resolution your favorable support.