

WHAT BUSH AND ASHCROFT MEANT BY “IF AL-QAIDA IS CALLING”

Remember when George W. Bush defended his illegal warrantless surveillance program with these lines:

We are at war with an enemy who wants to hurt us again ... If somebody from Al Qaeda is calling you, we'd like to know why," he said. "We're at war with a bunch of coldblooded killers.

...when we're talking about chasing down terrorists, we're talking about getting a court order before we do so ... We're at war, and as commander in chief, I've got to use the resources at my disposal, within the law, to protect the American people

That statement was made on January 2, 2006 in direct response to a question Bush got about Jim Risen and Eric Lichtblau's blockbuster article in the New York Times exposing the illegal program that went to print just two weeks prior.

Since those early days of realizing the United States government was running an illegal and unconstitutional spy surveillance operation on its own citizens, we have learned an awful lot. For too many citizens, it does not even seem to hold interest. Today, the Center for Constitutional Rights reminds us what the Bush Administration was really up to, how patently absurd it was and just how big of a lie George Bush fostered on the American public. Turns out "If al-Qaida is calling" meant random government searches of phone books for Muslim sounding names and taking crank phone calls.

From a CCR press release I just received:

Today, the Center for Constitutional Rights (CCR) announced that six new plaintiffs have joined a federal, class action lawsuit, *Turkmen v. Ashcroft*, challenging their detention and mistreatment by prison guards and high level Bush administration officials in the wake of 9/11. In papers filed in Federal Court in Brooklyn, CCR details new allegations linking former Attorney General Ashcroft and other top Bush administration officials to the illegal roundups and abuse of the detainees.

Five of the plaintiffs in the original lawsuit won a \$1.26 million settlement in November 2009.

The new plaintiffs include two Pakistani men, Ahmer Iqbal Abbasi and Anser Mehmood; two men from Egypt, Ahmed Khalifa and Saeed Hammouda; Benamar Benatta, an Algerian man who has sought and received refugee status in Canada; and Purna Raj Bajracharya, a Nepalese Buddhist whose prolonged detention after 9/11 prompted outrage not only by civil libertarians, but even by the FBI agent who originally investigated him. Despite the fact that the government never charged any of them with a terrorism-related offense, the INS kept the men in detention for up to eight months, long past the resolution of their immigration cases. CCR attorneys say that the government treated these men as terrorists during that time, placing them in ultra-restrictive, super-maximum security confinement and abusing them. The treatment was based not on any actual evidence tying the men to terrorism, but merely because of their race, religion, and national origin.

"I was deprived of my liberty and I was abused at the hands of the U.S. government simply because of my religion

and ethnicity. Now, nine years later, I seek to vindicate my rights and hold the people who mistreated me accountable," said Benamar Benatta. "My hope is that this never happens to anyone again."

Mr. Benatta succeeded in having a criminal charge for possession of false immigration documents thrown out of court when the federal judge in his case ruled that his immigration detention was a "subterfuge" and "sham" created to hide the reality that, because Benatta was an "Algerian citizen and a member of the Algerian Air Force, [he] was spirited off to the MDC Brooklyn...and held in the [Administrative Maximum Special Housing Unit] as 'high security' for the purposes of providing an expeditious means of having [him] interrogated by special agents of the FBI."

"For almost ten years now, former 9/11 detainees have been fighting for acknowledgment that government officials, no matter what exalted position they hold, cannot get away with ordering abuse and racial profiling," explained Rachel Meeropol, staff attorney at CCR. "This battle is far from over."

The new suit names as defendants then-Attorney General John Ashcroft, FBI Director Robert Mueller, former INS Commissioner James Ziglar and officials at the Metropolitan Detention Center in Brooklyn, where the plaintiffs were held. It includes additional detail regarding high-level involvement in racial profiling and abuse, including allegations that former Attorney General Ashcroft ordered the INS and FBI to investigate individuals for ties to terrorism by, among other means, looking for Muslim-sounding names in the

phonebook. In the resulting dragnet, hundreds of men were arrested, many based on anonymous and discriminatory tips called in to the FBI.

The complaint also discloses, in some cases for the first time, the discriminatory and nonsensical tips that led to each plaintiff's arrest and detention. Lead plaintiff Mr. Turkmen, for example, was arrested after his landlady called the FBI to report that she rented an apartment to several Middle Eastern men, and "she would feel awful if her tenants were involved in terrorism and she didn't call."

Among other documented abuses in detention, many of the 9/11 detainees had their faces smashed into a wall where guards had pinned a t-shirt with a picture of an American flag and the words, "These colors don't run." The men were slammed against the t-shirt upon their entrance to MDC and told "welcome to America." The t-shirt was smeared with blood, yet it stayed up on the wall at MDC for months.

Michael Winger, CCR cooperating counsel, said, "Last year the Supreme Court tried to derail challenges to the Attorney General's role in this scheme by announcing tough new pleading standards for claims against high level government officials. We're going forward to show that despite the new standards, even cabinet officials can be held responsible for abusive treatment."

The suit further charges that the detainees were kept in solitary confinement with the lights on 24 hours a day; placed under a communications blackout so that they could not seek the assistance of their attorneys, families and friends; subjected to physical and verbal abuse; forced to endure inhumane

conditions of confinement; and obstructed in their efforts to practice their religion. One of the new plaintiffs, Saeed Hammouda, was forced to endure eight months of this abuse before he was cleared of any connection to terrorism and deported.

Some of the abuse included beatings, repeated strip searches and sleep deprivation. The allegations of inhumane and degrading treatment have been substantiated by two reports of the Justice Department's Office of the Inspector General, and several defendants in the case have been convicted on federal charges of cover-ups and beatings of other prisoners around the same time period.

There has been constant, at least in these circles, focus on the due process black hole we have thrown hundreds and hundreds of men into at Gitmo, Bagram and the black sites. But it was not just over there, as the CCR *Turkmen v. Ashcroft* case above, and the Zeitoun case in post-Katrina New Orleans prove, it is right here at home too.

Turns out "If al-qaida is calling" really meant a tragic game show of "Dialing for Detainees" and taking crank calls from batty old landladies. Based on this atrocious "evidence" human beings were detained without due process, beaten and abused. Right here in the "Homeland". The new definition of "security". there is nothing really new in today's CCR announcement, but it is good to be reminded of where we were not long ago and where, thanks to the cover and complicity of the Obama Administration, we still likely may be.