

Restoring Habeas Corpus*

*Right of all individuals to seek court review of their detention

A Fact Sheet on the Specter/Leahy Bill

S 185, sponsored by Sen. Arlen Specter (R-PA) and Sen. Patrick Leahy (D-VT)

Background: On September 27, 2006, Senator Arlen Specter introduced an amendment to the Military Commissions Act, which would have preserved the right of habeas corpus. The next day, Specter's amendment was defeated – 51 to 48. Text of Leahy and Specter's comments when introducing this bill may be found at:

http://www.fas.org/irp/congress/2007_cr/s185.html

The Specter/Leahy bill (S. 185) restores rights violated by the Military Commissions Act by:

- Restoring the right of Guantánamo detainees to learn why they are being held, and whether the federal government has sufficient evidence to detain them.
 - Permitting federal courts to hear habeas corpus cases from detainees.
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But, if the Specter/Leahy bill passes “as-is,” Congress may have little motivation to address additional provisions in the Military Commissions Act that:

- Sanction exclusive power for the executive branch to name “enemy combatants,” without judicial review.
 - Provide a vague definition of “unlawful enemy combatant,” which may threaten any person – citizen or not – who merely contributes to a particular charity.
 - Permit the use of evidence in court gained through torture and coercion.
 - Give the President exclusive authority to interpret the meaning and application of the Geneva Conventions.
 - Allow hearsay evidence in court.
 - Allow individuals to be held indefinitely without trial.
 - Institute the charge of “conspiracy” as a war crime, enabling the U.S. government to categorize (and execute) many people as “terrorists” who are not directly involved in terrorism.
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What You Can Do: Contact your elected representatives, and ask them to sponsor legislation that restores habeas corpus. Use the seven points above to point out what needs to be added, so the legislation fully addresses the dangers of the Military Commissions Act.

House of Representatives: <http://www.house.gov/> **U.S. Senate:** <http://www.senate.gov/>

Bill of Rights Defense Committee

<http://bordc.org>

More information about the Military Commissions Act: <http://bordc.org/threats/mca.php>