

# Center For Constitutional Rights

## Criminal Justice Issues and Prisoners' Rights

<https://ccrjustice.org/node/9313>

### Public Facing Advocacy Writing

The CCR blog

For the last twenty years, the Center for Constitutional Rights has stood alongside our courageous clients and their supporting communities, activists, storytellers, and a broad cadre of other lawyers and human rights defenders in resisting every particle of the post-9/11 authoritarian architecture. We are proud of this profoundly important and enduring work. In those acts of resistance, we have brought principles of justice, humility, and love to demand recognition of our clients dignity and to challenge the violence of the state. The approaching 20<sup>th</sup> anniversary of 9/11 requires us to reflect on the lessons we have learned from this history so that we can build a more just future.

Following the 9/11 attacks, the United States turned a horrific criminal act which killed thousands of innocent people into a platform to launch a shocking human rights crisis. The government used the same formula it had for centuries before 9/11: launch foreign wars and establish domestic policies to oppress its own people in service of some broader ideological conflict. Here, as before, in transforming politics, law, and culture, the United States constructed a dominant, destructive, and enduring 9/11 ideology building upon narratives of xenophobia, maximal security measures, and military power and profit that still largely permeates every facet of public life twenty years later.

This human rights crisis generated by the Bush administration which has gone unremediated or been further fueled by every administration since has global and domestic facing dimensions that have been mutually reinforcing. The Bush administration unleashed a global war on terror unlimited in time or scope against a constructed ideological enemy. The United States invaded Afghanistan and Iraq, wreaking fire, terror, and destruction on their populations; dotted the globe with secret detention sites to administer a coordinated regimen of torture and brutality, all of which was authorized by lawyers at the highest levels of the Justice Department; and constructed the Guantanamo Bay prison deliberately outside the law to torture and detain anyone even minimally suspected of associations with terrorist groups, as long as they were Muslim. The post-9/11 approach reified a xenophobic conception of the U.S. border a Homeland, which valorized citizenship over foreign-born, Us vs. Them.

The bullying insistence on patriotic devotion to these wars and expansionist adventures at all costs recalls what Martin Luther King, Jr. said about Americas penchant for wars in Vietnam and against other Brown nations, which he called a demonic, destructive suction tube one that diverted attention and trillions of dollars of resources from real needs in communities at home: wages, housing, health, education. The United States always seems prepared and resourced to engage in military invasions, but that value system revealed its emptiness this past year when our internal health and welfare systems let hundreds of thousands die and millions suffer economically in the face of a viral pandemic.

Domestically, the government engaged in mass roundups and secret detentions of Muslim, Arab, and South Asian immigrants, leaving certain neighborhoods of Brooklyn and Queens chillingly vacant; used mass registrations and surveillance based solely on religion and country of origin; lavishly funded militarization of municipal police forces across the country and the entire Southern border; and totally reorganized the immigration system to maximize detention and deportation. The post-9/11 policies ensured that the largest federal agency in the U.S. would be the new Department of Homeland Security, overshadowing the budget and bureaucracy of the Departments of Education, Interior, and Health and Human Services. It facilitated profiteering for private military contractors, surveillance companies, and private detention centers, solidifying a symbiotic corporate-security state. The ideology of occupation abroad metastasized domestically as municipal police departments provided armories of tanks and guns designed for total warfare engaged peaceful protestors with warlike counterinsurgency techniques of surveillance, coercion, and violent militaristic responses. Last year, the U.S. treated Portland like Fallujah, when it should not have been fighting citizens in either place.

At the Center for Constitutional Rights, we have represented individuals terrorized by every facet of the U.S. governments assault on the human rights of Black and Brown communities, particularly Muslims, here and across the globe. We supported immigrants in New York and New Jersey who were swept up by federal agents and local police and detained in secrecy and with brutality in the weeks and months following 9/11. We represented the first men to challenge incommunicado, indefinite detention at Guantanamo Bay and have since represented dozens more; we heard from victims of unyielding torture in CIA secret detention facilities and fought for men like Maher Arar, who was rendered from a U.S. airport to a Syrian torture dungeon at the behest of U.S. officials. We attacked the Obama-era drone program, representing victims including children killed by silent aerial U.S. drone missiles in Yemen; we have sought justice for hundreds of Iraqis terrorized by private corporations complicit in their torture in Abu Ghraib and other occupying prisons. We secured a historic victory for New Jersey Muslims against the NYPD for their suspicionless spying program.

For now, we call on the Biden administration to bring a responsible end to endless war with a long-term commitment to civilians at risk following the formal close of military operations, including by providing asylum and resettlement support, to close the Guantanamo Bay prison and return the ill-gotten territory to Cuba, to provide victims of the U.S. torture program with accountability and redress, and to dismantle the terrorism framework and the ideologies that underpin war, detention, and impunity.

We well know that courts and legal interventions alone cannot dismantle the statist ideology the U.S. erected after 9/11, any more than courts could alone dismantle the ideology of settler genocide or white supremacy on which this country is founded. After twenty years,

and in partnership with movements for social justice across the country and the globe, we commit to using all efforts to dismantle not just attack the unaccountable national security state, and the apparatus of American Exceptionalism it brings to inflict so much harm in the United States and abroad. Alongside our partners demanding abolition of exorbitant carceral systems across the country, we reject the fear propagated by the post-9/11 ideology, and we demand that the trillions of dollars of resources that fuel U.S. militarism and the domestic national security apparatus be redirected to support the flourishing of our communities. We will stand by our clients and innumerable others who have been harmed by the post-9/11 ideology and its violent manifestations, fighting for accountability in their names and in an effort to build a better world with justice, humility, and love.

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New York, NY 10012

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