

Rep. Ellen Tauscher Pushes Legislation to Restore Habeas Corpus Rights

FOR IMMEDIATE RELEASE

June 22, 2007

CONTACT: Kevin Lawlor (202) 225-1880

<http://www.tauscher.house.gov/>

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Signs as original co-sponsor of bill that extends fundamental principle for individuals detained at U.S. Naval Station, Guantanamo Bay , Cuba

Washington , DC – Today, Rep. Ellen Tauscher joined several of her colleagues in introducing legislation which would uphold the principle of habeas corpus by amending existing law to allow individuals detained, often for many years without formal charges, to have their day in court.

Habeas Corpus is defined as the right of an individual to be brought before a court for a determination of whether they are imprisoned lawfully and whether they should be released. The U.S Constitution's Article I, Section 9, says this right "shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it." However, under last year's Military Commissions Act of 2006, which Rep. Tauscher voted against, non-citizens whom the government deems "unlawful enemy combatants" have lost this right.

"The principle of Habeas Corpus is an essential part of any democracy," said Rep. Tauscher. "We cannot imprison people without telling them what they have been charged with and without affording them the due process that our Constitution provides. If the Bush Administration expects to restore any shred of credibility to its goal of spreading democracy world-wide, then it needs to start practicing it here at home."

The bill was introduced in the House today by Reps. Ike Skelton (D-Mo.) and John Conyers (D-Mich.) Chairmen of the House Armed Services and Judiciary Committees respectively. H.R.2826 accomplishes two main goals. It upholds the principle of habeas corpus as applied to detainees, allowing them to challenge their indefinite detention without trial. Detainees who are being detained in active combat zones, such as Iraq and Afghanistan, will continue to not be allowed to file habeas petitions. The bill also permits habeas courts to review the actions of a Military Commission established under the Military Commissions Act.

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