



The Open Society Policy Center Supports the "Restoring the Constitution Act of 2007"

The Open Society Policy Center strongly welcomes the "Restoring the Constitution Act of 2007 -- A Bill to Provide for the Effective Prosecution of Terrorists and to Guarantee Due Process Rights." This bill, introduced by Senator Christopher Dodd, is grounded in the long-standing United States commitment to the rule of law. It will go a long way toward correcting the extraordinary damage done by the Military Commissions Act (MCA) adopted by the last Congress. It stripped prisoners in Guantanamo Bay of the right to file habeas petitions which had been explicitly recognized by the Supreme Court. It permitted the use of evidence that had been obtained through the use of coercion. Indeed, the MCA deviated from the rule of law and established procedures in so many respects that it ran a serious risk of leading to trials that would not withstand scrutiny.

The "Restoring the Constitution Act" significantly strengthens enforcement of the Geneva Conventions. These vital norms protect American servicemembers as well as U.S. civilians. The MCA dramatically narrowed the previous criminal enforcement of "Common Article 3" of the Geneva Conventions under the War Crimes Act and did not even criminalize the failure to provide prisoners with a fair trial. Sen. Dodd's legislation expands the list of violations to be treated as felonies and in the process reaffirms that "Common Article 3" and the Geneva Conventions are to be interpreted broadly and strictly enforced.

We hope that Congress will move to conduct the oversight that has been sorely lacking on these vital issues in recent years and will act on a broad bipartisan basis to adopt this legislation.

About OSPC

The Open Society Policy Center (OSPC) is a non-partisan organization that engages in policy advocacy on U.S. and international issues, including domestic civil liberties, multilateralism, economic development, civil rights, human rights, women's rights and criminal justice reform. OSPC is a non-profit 501(c)(4) organization.

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