

# THE CONSTITUTION PROJECT



*Safeguarding Liberty, Justice & the Rule of Law*

## **Defend Our Democracy, Protect Our Constitution**

*An Appeal from Members of The Constitution Project Liberty and Security Committee*

Recently, despicable acts of terror – from Beirut to Paris to Bamako – have killed or wounded hundreds of innocent people. We condemn the attacks, and the attackers, in the strongest possible terms. Our thoughts and prayers are with the victims and their families.

These tragedies will have ripple effects, some of which the United States is already experiencing. Indeed, the volume and tone of Americans' ongoing national conversation about what steps this country should take to reduce the risk of future terrorist attacks shifted almost immediately. Nativism and demagoguery have become prominent features of the debate, as often happens in the wake of fear-inducing crises.

Some of our political leaders have hastily recommended or endorsed shuttering mosques; undoing modest bipartisan reforms to mass government surveillance; creating religious or national identity-based registries; increasing the government's power to take away citizenship; enacting religious tests for refugees; and bringing back abusive interrogations. All of these proposals threaten constitutional rights and principles central to the fabric of our country. None of them would effectively address the threat we face.

The United States has been down this road before. During World War II our government interned over 100,000 Americans on the basis of their Japanese ancestry. Following the September 11 attacks our government changed the law to permit deportations for wholly innocent associational activity and subjected Arab and Muslim foreign nationals (among other noncitizens) to preventive detention, secret arrests and immigration trials, and special registration. There is no evidence that the government's actions enhanced our national security.

We are Republicans and Democrats, liberals and conservatives, who have come together to express our deep concern over calls to enact dramatic policy changes amid emotions of the moment, and to urge a better way forward.

In the days and months ahead, as our democracy once again focuses on reconciling the requirements of security with the demands of liberty, we ask the following of all Americans, and our political leaders in particular:

- Consider proposals calmly and deliberately with a determination not only to keep us safe, but also to preserve the liberties and freedoms that are at the core of the American way of life.
- Ensure that actions by our government uphold the principles of a democratic society and that all decisions are taken in a manner consistent – both substantively and procedurally – with the Constitution.

- Resist efforts to target groups of people solely on the basis of their national, ethnic or religious identity – immigrants in general, Arab Americans and Muslims in particular.
  - Support the right to dissent.
  - Applaud and join those who have the courage to speak out against limiting our rights and freedoms, or to question whether proposals labeled “anti-terrorist” would necessarily provide greater security.
  - Defend our democratic system and our Constitution, lest we sacrifice precisely that which distinguishes us from the terrorists we oppose.
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