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Opinion

## Obama's Gitmo-style prisons here at home

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While President Obama, contrary to his pledges, reactivates the military prison at Guantanamo, I was startled to discover that he authorized two worse-than-maximum security prisons in the United States. They are in Indiana and Illinois and were begun, at first shrouded in secrecy, by George W. Bush in 2006.

I first learned of these extra-constitutional sites from the reporting of National Public Radio's Carrie Johnson ("Guantanamo North: Inside Secretive U.S. Prisons," March 4). Her work is further evidence of the vital straight reporting at our public radio network that congressional Republicans are so eager to defund, to the detriment of Americans who wish to keep on being increasingly informed citizens.

These Federal Bureau of Prisons (FBP) inmates in Terre Haute, Ind., and Marion, Ill., are contained in Communications Management Units (CMUs), an Orwellian term for isolation beyond even the rigid restriction of the existing Supermax prisons.

From public records and media reports, NPR News further reveals that 86 percent of those held at the two sites include 62 percent Muslims and, overall, 56 percent American citizens. A federal lawsuit has been filed against Attorney General Eric Holder and Federal Bureau of Prisons officials by the Center for Constitutional Rights. (There's a parallel suit by the ACLU.)

According to the FBP, the CMUs are designed to hold terrorists and other high-risk inmates; but the Center for Constitutional Rights (CCR) demonstrates to me that also in the CMUs are "environmental activists...prisoners who have been active in organizing prisoners' rights (where they were previously incarcerated) or those with "unpopular political views."

And many are hauled into the CMUs "to 'integrate' the units after critical press attention to the targeting of Muslims (held there)." Moreover, in a carefully researched report, "Gitmo in the Heartland" (The Nation, March 10), Alia Malek discloses that after the Center for Constitutional Rights filed its lawsuit, the Obama administration significantly broadened the scope of those to be held in the CMUs:

"While the 2006 proposed rule was limited to people with 'an identifiable link to terrorist-related activity,' the Obama-era rule can be applied to 'any inmate,' including 'persons held as witnesses, detainees or otherwise.'"

Particularly telling — in view of President Obama's continuous contempt for constitutional limitations on executive powers — Alexis Agathocleous, a Center for Constitutional Rights staff attorney involved in its lawsuit, "Aref, et al. v. Holder, et al.," tells me:

"Designation of a control unit within the federal prison system regularly comes with due process. This includes notice of the allegations against you, an opportunity to refute those allegations, and an appeal. But prisoners sent to the CMU receive no such procedural protections.

"They are not told in any meaningful way why they have been designated to the CMU, nor do they have a chance to challenge that designation. Additionally, there is no meaningful review process that would allow them to earn their way out.

"CMU prisoners are therefore indefinitely subjected to harsh deprivations — such as a permanent blanket ban on contact visitation with family and loved ones (far more severe than at the Supermaxs) — without procedural protections guaranteed by the Constitution." President Obama agrees.

So I missed an historic event: When was Barack Obama coronated king?

Yassin M. Aref was convicted in 2006 on charges he conspired to aid a terrorist group and provide weapons of mass destruction. The 2004 counter-terrorism sting that ensnared him came under media scrutiny.

Eventually, the CMU father of the 14-year-old girl may yet to be able to be touched by his grandchild. There has been very little attention to these Guantanamo Norths in the press -- print, radio, television (broadcast and cable), even the Internet. (Where are the websites of outrage? The Facebook pages of protest?)

And in any case, I very much doubt that President Obama's royal constitutional abuses of these prisoners — and those likely to be added to be CMUs — will be discussed by either political party in the campaigns for the 2012 presidential and congressional elections.

Professor Peter Irons ends his indispensable book, "War Powers: How the Imperial Presidency Hijacked the Constitution" (Metropolitan Books), with this message from James Madison to George Washington as the Constitution was being sent to the individual states for ratification:

"The country must finally decide, the sense of which is as yet wholly unknown."

Under President Obama and the Republican leadership, the depth and intensity of we the people's concern about the preservation of our Constitution does not appear to be sufficiently known to compel the attention of both parties' political leaders. But why is so much of the press slumbering?

From inside the Terre Haute CMU, Yassin Aref still hopes to hear — from our federal judiciary system — why he is there. Will the Supreme Court eventually tell Mr. Aref if this is still America?

I expect that some of these inmates should indeed be in some of our prisons — but not encapsulated in an American versions of Iran's prison system.

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