



**2008 Democratic Presidential Primary
Endorsement Guide**



Civil Liberties & Civil Rights

QUESTION

Does a national security crisis justify the use of secret detention facilities, extraordinary rendition, suspension of habeas corpus, and violations of international standards of interrogation? If not, what would you do to reverse these departures from the rule of law?

Do you support same sex marriage (as opposed to civil unions)? If not, please explain the reason(s) for your opposition.

What would you do to restore the integrity of our election system? Do you think electronic voting is inherently unreliable, and what is your view on current legislation?

BIDEN

Record	Platform/Statements
<p>Has a lifetime score of 81% from the ACLU. On the key "anti-terror" initiatives by President Bush, has generally voted to limit the expansion of the government's surveillance and detention powers, but with the significant exception of supporting both the near-unanimously passed USA PATRIOT Act in 2001 and joining in the March 2, 2006 Senate vote of 89-10 to reauthorize the USA PATRIOT Improvement and Reauthorization Act, although he voted in December 2005 against extending the original law's wiretapping provisions.</p> <p>He voted against the controversial Military Commissions Act last year that undermined habeas corpus and other detainee rights, and opposed expanding warrantless eavesdropping under the FISA law in August, 2007, the "Protect America Act" that passed by a vote of 60 to 28. The ACLU opposed this legislation because "it allows for massive, untargeted collection of international communications without court order or meaningful oversight by either Congress or the courts." (1)</p> <p>Biden voted against confirming Attorney General Alberto Gonzales as Attorney General, in part because of his previous role in the White House supporting the undermining of civil liberties and pro-torture policies. (2)</p> <p>Biden has sponsored or co-sponsored several election reform bills, including Senator Dianne Feinstein's Ballot Integrity Act of 2007, which requires a durable paper ballot in elections by 2010 (as of this writing), and while supportive of the goals of Senator Obama's Deceptive Practices and Voter Intimidation Act, he is not listed as a co-sponsor. (3)</p>	<p>Post 9/11 Erosion of Civil Liberties On the campaign trail, has emphasized his opposition to Bush's erosion of civil liberties. As USA Today reported, he focused his attention on America's long-held civil liberties, which he says have been compromised by President Bush in the name of fighting terror. "If the Lord almighty were elected president, he or she is not above the Constitution. Period," Biden said to a crowd of more than 200 people gathered at Drake University in Des Moines. Issues such as American-run prisons in foreign countries, where torture has reportedly been used, or the Bush administration's warrantless surveillance program have empowered terrorists, Biden said. "We need not change our national character in order to beat the terrorists," Biden said. (4)</p> <p>After Attorney General Gonzales resigned, he said, "When I voted against Attorney General Gonzales' confirmation, I voiced concern about his ability to go from being the President's lawyer to the people's lawyer. I expressed doubts then about his judgment in light of his track record, and role as an architect of policies attempting to place the President above the law...My skepticism was confirmed by his conduct, and his failure to put protecting the American people over protecting the President. The next Attorney General should not make the same mistake." (2)</p> <p>Election Reform "He would: put a stop to deceptive practices – like passing out fliers telling people to vote on the wrong day; require electronic voting systems to have a paper trail; and make sure states adequately train poll workers. He also supports giving voting representation to the 600,000 residents in the District of Columbia who now have no voting members in Congress." (5)</p> <p>Same Sex Marriage Not present at Human Rights Campaign/Logo debate of August 9, 2007.</p> <p>Has spoken in favor of civil unions. "Gay marriage probably inevitable---it brings stability to gay couples. Why be frightened of that?" (Pew Forum on Religion and Public Life: The Candidates on Gay America)</p> <p>Source unless specified: Biden campaign website.</p>

CLINTON

Record	Platform/Statements
<p>Has a 74% lifetime score from the ACLU. Joined in the 98-1 vote in 2001 vote on behalf of the "PATRIOT Act," and joined the overwhelming Senate vote in favor in 2003 of the "Lone Wolf" Act (S. 113) by a vote of 90 to 4. The ACLU says it "opposed this legislation because it would unnecessarily expand government surveillance powers and violate the Fourth Amendment by allowing surveillance without probable cause". Also supported in March 2, 2006 the Senate passage of the USA PATRIOT Improvement and Reauthorization Act of 2005 by a vote of 89 to 10. The ACLU opposed this bill because "it failed to add to the Patriot Act reasonable, necessary safeguards to protect civil liberties."</p> <p>On the other hand, joined with the ACLU's position in opposing the expansion of warrantless eavesdropping of Americans' communications with foreigners: On August 3, 2007, the Senate passed the Protect America Act (S. 1927) by a vote of 60 to 28. The ACLU opposed this legislation because "it allows for massive, untargeted collection of international communications without court order or meaningful oversight by either Congress or the courts." And she opposed the Military Commissions Act: On September 28, 2006, the Senate voted 65-34 to approve the Military Commission Act of 2006. The ACLU opposed the bill because it "gutted the enforceability of Common Article 3 of the Geneva Conventions and retroactively stripped federal courts of authority to consider habeas corpus petitions." (6)</p> <p>Supports making flag burning illegal, but without adopting the constitutional Flag Desecration Amendment to do so. Clinton introduced the Flag Protection Act of 2005. The proposed law called for a punishment of one year in jail, and a fine of \$100,000. (7)</p> <p>Introduced a comprehensive Count Every Vote Act in 2005, supported by the People For the American Way, which would require verifiable paper ballots, declare Election Day a national holiday, require impartial election officials who are not tied to political campaigns and allow the Attorney General to bring suit against anyone using deceptive practices during an election. (8) Also a co-sponsor of the primary Senate vehicle for election reform in this Congress, Sen. Dianne Feinstein's Ballot Integrity Act of 2007.</p>	<p>Post 9/11 Erosion of Civil Liberties "Our Constitution is being shredded. We know about the secret wiretaps, the secret military tribunals, the secret White House e-mail accounts. We've seen U.S. attorneys fired to silence them because they didn't bring bogus lawsuits against Democrats during election years. We've seen information taken off of government websites. It is a stunning record of secrecy and corruption, of cronyism run amok. It is everything our founders were afraid of, everything our Constitution was designed to prevent." (Take Back American Conference in June, 2007)</p> <p>Election Reform "Fair and honest elections are the bedrock of a successful democracy. Yet we have seen abuses in national elections since 2000 that have undermined our democracy and Americans' faith in our electoral system...She has introduced the Count Every Vote Act to avoid repeating the problems of the past and ensure the integrity of our elections. " (8)</p> <p>Same Sex Marriage Is very positive about civil unions, and thinks it is up to the states to decide. Says it is very "personal", with no explanation of what this means. Is committed to equality. How we get there is the debate. (Human Rights Campaign/Logo Debate, August 9, 2007).</p> <p>Favors civil unions, but would not stand in the way if New York passed a law legalizing gay marriage. (Pew Forum on Religion and Public Life: The Candidates on Gay America)</p> <p>Source unless specified: Clinton campaign website</p>

DODD

Record	Platform/Statements
<p>Introduced in February, 2007, the "Restoring the Constitution Act of 2007," which restores Habeas Corpus rights, bars evidence gained through torture or coercion and reinstates U.S. adherence to the Geneva Conventions in order to protect the nation's military personnel abroad. The measure is designed in part to undo the civil liberties damaged posed by the Military Commissions Act that passed Congress in 2006. (9)</p> <p>Has a 71% lifetime record from the ACLU. But starting in 2007, he's garnered a 50% voting record, although not on issues related to expansion of surveillance and detention powers. But he voted against the ACLU by seeking to expand the role of a government issued photo "Real ID" as a requirement to get employment. The amendment he opposed would have struck that requirement from an immigration reform bill; the ACLU commented: "The ACLU supported the Baucus/Tester Amendment and opposed the motion to table it because of the grave risk that Real ID poses to Americans' right to privacy, as well as the massive, unfunded mandate it imposes on state governments." (10)</p> <p>"Following the disputed Federal presidential election of 2000, authored the Help America Vote Act of 2002 (HAVA). This law for the first time in our nation's history establishes minimum Federal requirements that must be met in administering Federal elections. Those requirements include the right of a voter who is challenged at the polls, for any reason, to vote a provisional ballot and have that ballot counted after eligibility is confirmed." "Election integrity" advocates, though, argue that the under-funded law furthered the spread of paperless electronic voting machines, created administrative chaos and led to abuses in the use of uncounted provisional ballots. (11)</p> <p>In March, 2007, reintroduced the VOTER Act of 2007. "The VOTER Act would provide for a nationwide federal write-in/absentee ballot; require states to provide for a voter-verified ballot; ensure that provisional ballots cast anywhere in a state are counted; eliminate regional and local disparities in the allocation of voting machines and poll workers; mandate early voting and election day registration procedures; and protect against improper purging of registration lists in federal elections." Also a co-sponsor of Senator Feinstein's Ballot Integrity Act of 2007, which requires a durable paper ballot in elections by 2010, and limits the ability of states to block voter registration campaigns. (12) But in 2005, co-sponsored a proposed Senate resolution opposing the recommendation of the Carter-Baker voting reform commission requiring a government-issued photo ID as a requirement to vote. (13)</p> <p>Source unless specified: Dodd campaign website</p>	<p>Post 9/11 Erosion of Civil Liberties "I take a backseat to no one when it comes to protecting this country from terrorists," said Sen. Dodd, a senior member of the Foreign Relations Committee and an outspoken opponent of the Military Commissions Act. "But there is a right way to do this and a wrong way to do this. It's clear the people who perpetrated these horrendous crimes against our country and our people have no moral compass and deserve to be prosecuted to the full extent of the law. But in taking away their legal rights, the rights first codified in our country's Constitution, we're taking away our own moral compass, as well." (14)</p> <p>Election Reform "We must have procedures in place in our elections which enable us both to broaden voter participation and then reliably to count every vote of every eligible voter," declared Dodd. "A provisional ballot cast anywhere in Ohio should count just as it does in Minnesota. There is no reason that voters in inner city areas should be forced to wait in lengthy lines, while their counterparts in the suburbs are able to vote immediately. If voters want to verify their ballots are cast as they intended, they should have the means to do so." (15)</p> <p>Same Sex Marriage Not present at Human Rights Campaign/Logo debate of August 9, 2007. On other occasions has spoken in favor of civil unions with full rights of marriage.</p> <p>Supports civil unions with legal protections of heterosexual marriage. "Not comfortable applying the term "marriage" to same sex couples. (Pew Forum on Religion and Public Life: The Candidates on Gay America)</p> <p>Source unless specified: Dodd campaign website</p>

EDWARDS

Record	Platform/Statements
<p>Overall, one civil liberties commentator, author Tom Head, notes, "During the 107th and 108th Congress, Edwards voted in alignment with the ACLU position 29% of the time, voted against the ACLU position 29% of the time, and was absent 42% of the time. This gave him a 50/50 rating from the ACLU, which is not particularly impressive for a Democratic candidate. On the other hand, it's worth bearing context in mind: Edwards served in the U.S. Senate from January 1999 to January 2005, during which most of the Bush administration's problematic counterterrorism bills were supported by the majority of senators of both parties. Edwards' biggest problem is that he simply wasn't present for six of the nine votes in 2004 on which the ACLU took a position. If he had been, his rating would probably be substantially higher." (16)</p> <p>He supported the USA Patriot Act in 2001(Public Law 107-56), which expanded surveillance and detention powers of the government. (17)</p> <p>Newsweek reported in July, 2004, "For the past 18 months, Edwards has been perhaps the Senate's foremost champion of a much-debated proposal to strip the bureau [the FBI] of its intelligence-gathering functions and turn them over to a new domestic spy agency patterned after Britain's M.I.5....Civil-liberties groups have other concerns about the Edwards plan. For decades, FBI agents who seek to develop evidence about potential domestic threats have operated under tight Justice Department guidelines; those guidelines require there be grounds to believe targets are engaged in criminal acts. A new domestic spy agency would not be so encumbered, the critics say. In an effort to insulate himself from such criticism, Edwards had proposed steps to curb potential excesses by a domestic spying agency, such as requiring approval from the Foreign Intelligence Surveillance Court for infiltrating domestic political or religious groups. But some civil-liberties advocates say such steps would be insufficient—the FISA court has historically acted as a rubber stamp, critics say—and that a domestic-intelligence agency such as Edwards has advocated would inevitably be tempted to spy on legitimate dissenters." (18)</p> <p>He Voted YES on expanding hate crimes to include sexual orientation. (June, 2000). (19)</p>	<p>Post 9/11 Erosion of Civil Liberties "As president, I will close the prison at Guantanamo Bay, which has become a symbol that galvanizes our enemies and alienates our allies. I will protect our troops and our values by upholding the Geneva Conventions anywhere American security forces -- military or civilian -- are engaged. I will end President Bush's illegal program of warrantless domestic spying. And I will restore the right of habeas corpus and bring all accused detainees to justice." (DC for Democracy Questionnaire)</p> <p>Apparently abandoning his Senate proposals to develop a new domestic spy agency, Edwards has promoted a new international organization to share information and monitor terrorists. "As president, Edwards will create a modern-day equivalent of NATO for terrorism: the Counterterrorism and Intelligence Treaty Organization (CITO). CITO will focus on high-level political and diplomatic engagement between a wide range of nation partners on all dimensions of the problem of terrorism, and operational programs like intelligence-sharing and cooperative security operations by partner nations." (20)</p> <p>Same Sex Marriage On a "journey"...not there yet! (Human Rights Campaign/Logo Debate, August 9, 2007)</p> <p>Supports civil unions and "partnership benefits", "but it's a jump to get me to gay marriage." (Pew Forum on Religion and Public Life: The Candidates on Gay America)</p> <p>"I believe the right president could lead the country toward consensus around equal rights and benefits for all couples in committed, long-term relationships and I oppose divisive Constitutional amendments to ban same-sex marriages." (DC for Democracy Questionnaire)</p> <p>Source unless specified: Edwards campaign website</p>

GRAVEL

Record	Platform/Statements
<p>Gravel has no current legislative record on gay marriage issues because he left the Senate in 1981.</p> <p>After leaving the Senate, and as head of the pro-initiative Democracy Foundation, Gravel led an effort to get a United States Constitutional amendment to allow voter-initiated federal legislation similar to state ballot initiatives. Outside of promoting such initiatives, he has not been outspoken on the issue of electronic voting machines or broader voting reforms. (21)</p> <p>His role in helping release the Pentagon Papers by inserting it in the Congressional Record while a U.S. Senator is viewed by civil libertarians as a sign of his strong support of freedom of information and freedom of the press. (22)</p> <p>He does not have a current ACLU rating because he has not served in the U.S. Senate since 1981.</p>	<p>Post 9/11 Erosion of Civil Liberties Has taken outspoken positions against torture and the Military Commissions Act. From a March, 2007 press release: "The Constitution is very clear that prisoners of war are the responsibility of the Congress. The Bush administration has unlawfully taken that power without Constitutional justification. The Congress has been derelict in its duty to see that enemy combatants are treated humanely within the guidelines of the Geneva Conventions, and has been equally neglectful in its response to the President's unlawful use of torture."</p> <p>Has pledged that if elected President he would 'vanquish' the Military Commissions Act of 2006, by which the writ of habeas corpus has been suspended for aliens designated "unlawful combatants" and which he also claims to found authorization for CIA torture practices in overseas detention facilities. (23)</p> <p>Election Reform From his National Initiative for Democracy Website favoring the power of federal initiatives: "The central power of government in a democracy is lawmaking — not voting. He who makes the rules controls the game. Laws determine if, when, how and which citizens can vote. Governments throughout history have been tools of oppression; they need not be. Ordinary American citizens can gain control of their government by becoming lawmakers, stemming government growth and turning it to public benefit. Are the people qualified to be lawmakers? Well, they're qualified enough to give their power away on Election Day to manipulating politicians who say almost anything to get elected. " (24)</p> <p>Same Sex Marriage Not asked question at Human Rights Campaign/Logo Debate, August 9, 2007.</p> <p>Favors same-sex marriage. (Pew Forum on Religion and Public Life: The Candidates on Gay America)</p>

KUCINICH

Record	Platform/Statements
<p>Kucinich has a lifetime 89% rating by the ACLU, and a 100% ranking in the 110th Congress. One his very few votes that put him at odds with the civil liberties group was his vote in 2003 supporting a constitutional amendment barring flag desecration. "The ACLU opposed this amendment because it would needlessly infringe on free speech by amending the U.S. Constitution to ban desecration of the American flag," the group noted. (25)</p> <p>An early critic of electronic voting machines, he called for suspending their use in the 2004 elections, and in 2006 introduced the Paper Ballot Act of 2006, requiring the use of hand-counted paper ballots in the Presidential election. In July, 2007, charging that a bill requiring backup paper "trails" on electronic machines -- but that does not ban them altogether --, Congressman Rush Holt's (D-NJ) Election Reform bill (HR 811) , "does not address the concerns that Americans have, to do something about electronic voting," (26)</p>	<p>Post-9/11 Erosion of Civil Liberties A federal court ruling in September striking down portions of the USA PATRIOT Act prompted Kucinich to hail it as "a major victory for the U.S. Constitution and the civil liberties of Americans, and a stunning rebuke of the Bush Administration's abuse of power and of the Congress that permitted and reauthorized such abuses."</p> <p>The only Democratic candidate who voted against the original PATRIOT Act in 2001 and its reauthorization early last year. Said ruling "demonstrates that no official and no agency is above the law, and no member of the House or Senate who passed this law can escape responsibility for the Constitutional violations that have resulted."</p> <p>"It is a matter of public record that the White House and the Justice Department have no respect for the Constitution or the rights and freedoms of Americans," Kucinich said, "but this ruling also makes it clear that some members of Congress have been willing accomplices to these Constitutional abuses; and they have a responsibility to explain their votes." (27)</p> <p>Election Reform From a Congressional floor speech in September, 2006: "We need real voting reform now. Throw out electronic voting machines, that Diebold technology election hacker's dream. Go to paper ballots, a paper trail. Make our election process honest again. Enough of stolen elections. Make every vote count, and let every vote be honestly counted." (28)</p> <p>Same Sex Marriage Not asked question at Human Rights Campaign/Logo Debate, August 9, 2007.</p> <p>Favors same-sex marriage. (Pew Forum on Religion and Public Life: The Candidates on Gay America)</p>

OBAMA

Record	Platform/Statements
<p>Has a 82% rating from the ACLU, although he has only been a U.S. Senator since 2004. Has voted against the ACLU position by supporting the PATRIOT Act reauthorization in March, 2006 in a 89-10 vote.</p> <p>In 2006, he joined with the ACLU in voting against the Military Commissions Act, widely criticized for further stripping detainees of habeas corpus protection and other rights, and in 2007, voted against further expansion of warrantless eavesdropping under the FISA law. (29)</p> <p>Introduced this year the Deceptive Practices and Voter Intimidation Prevention Act. People for the American Way supports the measure, co-sponsored by 18 Senators, including Senator Clinton: "Senator Obama's bill would criminalize egregious deceptive practices that keep voters away from the ballot box. It would provide immediate accountability before the election and encourage citizen participation by making it easier to report voter intimidation tactics and seek justice through the courts." (30)</p> <p>Co-sponsor of The Ballot Integrity Act of 2007, introduced by Senators Feinstein and Dodd, which bars the purchase of any new voting machine equipment that does not provide verifiable paper records, but does not impose the requirement of verified paper ballots on any machines until the 2010 election -- a date that may be moved up in response to the ban of most electronic machines in California. (31)</p>	<p>Post 9/11 Erosion of Civil Liberties In a floor statement on an amendment to restore habeas corpus as part of the Military Commissions Act in 2006, he said, "But as a parent, I can also imagine the terror I would feel if one of my family members were rounded up in the middle of the night and sent to Guantanamo without even getting one chance to ask why they were being held and being able to prove their innocence. This is not just an entirely fictional scenario, by the way. We have already had reports by the CIA and various generals over the last few years saying that many of the detainees at Guantanamo should not have been there. As one U.S. commander of Guantanamo told the <i>Wall Street Journal</i>: Sometimes, we just didn't get the right folks." (32)</p> <p>Election Reform "I think we need to do everything we can to regain the trust and confidence in our electoral system that has been lost in recent years, and voter-verification should be a top priority in that effort. I think we should require the use of accessible paper trail systems at every polling place that uses electronic voting machines. I also believe that a paper trail requirement will be most effective if we combine it with a system of reasonable manual audits. I am cosponsor of legislation in the Senate that would implement these systems within the next few years." (DC for Democracy Questionnaire)</p> <p>Same Sex Marriage Supports civil unions with full marriage rights---everything except the name. (Cites religious connotation of the word "marriage") It's all a matter of strategy and priority. Believes marriage is between a man and a woman, but remains "open to the possibility that my unwillingness to support gay marriage is misguided,,,I may have been infected with society's prejudices and attributed them to God." Supports civil unions. (Pew Forum on Religion and Public Life: The Candidates on Gay America)</p> <p>"However, I do not support same-sex marriage. Marriage has religious and social connotations, and I consider marriage to be between a man and a woman." (DC for Democracy Questionnaire)</p>

RICHARDSON

Record	Platform/Statements
<p>As Energy Secretary, fired Los Alamos nuclear scientist Wen Ho Lee in 1999 while he was under suspicion for allegedly spying on the U.S. for China. Lee, a naturalized citizen from Taiwan, was fired from his job at Los Alamos, a weapons research facility, and held in solitary confinement for nine months. He was released in 2000 without being charged with espionage, although he pleaded guilty to mishandling computer files. In 2006, Lee won a settlement awarding him more than \$1.6 million from the federal government and five media organizations to settle allegations that government leaks violated his privacy. A federal judge identified Richardson as the probable source of the leaks, a charge Richardson strongly denied. (33)</p> <p>As Governor, supported Senate Bill 678, which passed in May, 2005. Severely restricted the ability of independent organizations such as ACORN to do voter registration and added new voter ID requirements, both provisions responding to questionable GOP-led allegations of widespread voter fraud. (That same measure also required paper audit "trails" for DRE machines, before they were banned completely the next year, 2006). As a result of the registration restrictions, according to Matt Henderson, organizing director of New Mexico ACORN, registration of mostly minorities and lower-income voters by his group plunged from 35,000 in 2004, following the biggest registration drive in the state's history, to 2,000 in 2006. (34)</p>	<p>Post 9/11 Erosion of Civil Liberties "The next president must restore America's prestige internationally. We should not be known for Guantanamo and Abu Ghraib and eavesdropping and violating the Geneva Conventions. We should be known as an America for democracy and human rights."</p> <p>In a speech before a trial lawyers' group in July, 2007, Richardson vowed to "overhaul" the Patriot Act. "No. 1, we will not eavesdrop on our citizens without a court order," he said.</p> <p>From a campaign press release: "The President has been allowed to spy on Americans without a warrant, and our U.S. Senate is letting it continue. You know something is wrong when the New England Patriots face stiffer penalties for spying on innocent Americans than Dick Cheney and George Bush." (35)</p> <p>Election Reform Responding to a new independent report saying that voters had high confidence in the new system banning paperless electronic voting machines that passed in 2006, Richardson said in August, 2007, "Voters and poll workers favored the new voting process and gave it high marks for reliability, privacy and ease of use. Our experience clearly demonstrates that states can transition to paper ballot in less than a year and conduct accurate and transparent elections." (36)</p> <p>When signing the earlier SB 678 into law in 2005, proclaimed, "This legislation will ensure the integrity of our elections. It will in no way discourage qualified people from voting, and most importantly, it will make sure that every vote is counted." (37)</p> <p>Same Sex Marriage Supports the achievable, and country is not there yet. Supports all the legal rights and benefits for same sex marriage.</p> <p>"Not there yet"---marriage is between man and woman. Would support national legislation for civil unions for gay couples. (Pew Forum on Religion and Public Life: The Candidates on Gay America)</p>

FURTHER READING

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