

# Candidate Report Card on Civil Liberties

Ratings are determined on a zero-to-four torch scale. The better a candidate's positions on civil liberties the brighter Lady Liberty's torch shines. Click on candidate's name or photo for details »

|         | Voter Suppression | Racial Profiling | Humane Immigration Policy | Closing Guantanamo Bay & Indefinite Detention | Gays & Lesbians Serving Openly in the Military | Ending Torture | Ending a Surveillance State | Freedom to Marry for Gay Couples | Reproductive Choice |
|---------|-------------------|------------------|---------------------------|---|--|----------------|-----------------------------|----------------------------------|---------------------|
| JOHNSON |                   |                  |                           |   |  |                |                             |                                  |                     |
| OBAMA   |                   |                  |                           |   |  |                |                             |                                  |                     |
| ROMNEY  |                   |                  |                           |   |  |                |                             |                                  |                     |

Ratings are determined on a zero to four torch scale. The better a candidate's positions on civil liberties the brighter Lady Liberty's torch shines. (NOTE: Dates are only provided for discrete past actions and statements made by the candidates. Ongoing positions do not have dates attached to them.)

## VOTER SUPPRESSION

No stated position.

## RACIAL PROFILING = Four Torches

- [Believes](#) TSA should identify high-risk individuals for invasive pat-downs and full-body scans versus using racial profiling of the general population.
- [Opposes](#) Arizona's anti-immigrant law, S.B. 1070, saying, "it's going to lead to racial profiling. I don't how you determine one individual from another—is it color of skin?—as to whether one is an American citizen or the other is an illegal immigrant."

## HUMANE IMMIGRATION POLICY = Three Torches

- [Supports](#) the DREAM Act, which provides access to higher education and military service for many, regardless of immigration status.
- [Opposes](#) the completion of a US-Mexico border fence.

## CLOSING GUANTANAMO BAY & INDEFINITE DETENTION = Two Torches

- [Supports](#) keeping Guantanamo Bay open because it is necessary for "enemy combatants."
- [Believes](#) individuals detained anywhere by the U.S. have due process rights and must not be held indefinitely without charges or trial.

## GAYS & LESBIANS SERVING OPENLY IN THE MILITARY = Four Torches

- [Supports](#) the repeal of "Don't Ask, Don't Tell," as "long overdue."

## ENDING TORTURE = Three Torches

- [Opposes](#) the use of torture against criminal or terrorist suspects.

## ENDING A SURVEILLANCE STATE = Three Torches

- [Thinks](#) the PATRIOT Act should be allowed to expire.

## MARRIAGE EQUALITY = Four Torches

- [Opposes](#) the federal Defense of Marriage Act.

## REPRODUCTIVE CHOICE = Two Torches

- [Supports](#) a woman's right to choose abortion until "viability" and favors banning late-term abortions and withholding public funding.

### **VOTER SUPPRESSION = Four Torches**

- Is [blocking](#) the South Carolina law that would require photo identification at the polls, saying it violates the Voting Rights Act and will disproportionately affect minorities.
- [Leads](#) a Justice Department that is a vocal advocate of equal access to the ballot and is defending the Voting Rights Act.

### **RACIAL PROFILING = Two Torches**

- [Signed](#) Fair Sentencing Act taking first positive steps toward correcting guidelines that led to significant racial disparities in sentencing.
- Has consistently [challenged](#) state laws that invite racial profiling by requiring law enforcement officers to check the immigration status if they suspect illegal entry.
- [Failed](#) to remedy civil rights problems with the immigration enforcement program "Secure Communities."
- [Failed](#) to reform Guidance Regarding the Use of Race in Federal Law Enforcement, which allows racial profiling in national security and border integrity investigation and opened the door to the FBI's racial and ethnic mapping program.

### **HUMANE IMMIGRATION POLICY = Two Torches**

- [Expanded](#) "Secure Communities," an enforcement program designed to arrest and deport undocumented criminals but that has resulted in racial profiling and the arrest of thousands of innocent immigrants and U.S. citizens.
- [Continued](#) building a border fence and increased the border security budget and added more border patrol agents.
- [Opposes](#) Arizona's anti-immigrant SB 1070, which criminalizes the lack of immigration papers, gives police broad authority to arrest people and promotes racial profiling, as a law that undermines "fairness" and "trust."
- [Supports](#) the DREAM Act, which provides access to higher education and military service to many, regardless of immigrant status.
- [Deported](#) 1.1 million people in three years, the most of any administration.

### **CLOSING GUANTANAMO BAY & INDEFINITE DETENTION = One Torch**

- Took [Ali Al Mari](#) and [Umar Farouk Abdulmutallab](#) out of indefinite detention and criminally charged them, found new homes for some detainees transferred from Guantanamo and has not sent new detainees to Guantanamo or created new military detention facilities.
- [Backtracked](#) on promises to close Guantanamo Bay and use civil courts by maintaining a system of indefinite detention and permitting military commission trials to continue.

### **GAYS & LESBIANS SERVING OPENLY IN THE MILITARY = Four Torches**

- [Signed](#) the "Don't Ask, Don't Tell Repeal Act" into law in December 2010.

### **ENDING TORTURE = Three Torches**

- [Ordered](#) an end of use of torture and cruel, inhuman, and degrading treatment, withdrew flawed legal analysis used to justify torture and applied the Army Field Manual on interrogations government wide.
- [Abolished](#) the CIA secret prisons.
- [Says](#) that "waterboarding is torture" and "contrary to America's traditions... contrary to our ideals."
- No reports of extraordinary rendition to torture or other cruelty under his administration.
- Failed to hold those responsible for past torture and other cruelty accountable; has blocked alleged victims of torture from having their day in court.

## **ENDING A SURVEILLANCE STATE UNDER THE PATRIOT ACT = No Torches**

- Voted for all reauthorizations and extensions, [saying](#) in May 2011 that “It’s an important tool for us to continue dealing with an ongoing terrorist threat.”

## **MARRIAGE EQUALITY = Three Torches**

- [Instructed](#) the Justice Department in February 2011 to stop defending the Defense of Marriage Act.
- [Opposes](#) a constitutional ban on same-sex marriage but does not support marriage equality.

## **REPRODUCTIVE CHOICE = Three Torches**

- In 2009, [lifted](#) the global gag rule (aka Mexico City Policy) that prohibits international organizations that receive U.S. aid from using their own non-federal funds to advocate for safe and legal abortion care, but also signed an executive order affirming the ban on federal funds for abortions during health reform in March 2010.
- [Failed](#) to remove all abortion funding restrictions in his fiscal year 2010 budget, but eliminated direct funding for ineffective abstinence-only-until-marriage programs, created the evidence-based Teen Pregnancy Prevention Initiative, and lifted the DC abortion ban that prevents the District from using its own locally raised funds to provide abortion services to low-income women enrolled in Medicaid.
- [Supported](#) federal funding for reproductive health care providers like Planned Parenthood, as well as the National Family Planning Program, in the fiscal year 2011 budget, but also agreed to reinstate the DC abortion ban during budget negotiations to avoid a government shutdown.

**VOTER SUPPRESSION = No Torches**

- [Supports](#) the South Carolina law that would restrict the number of voters able to participate in elections and disproportionately affect minorities by requiring photo identification at the polls; and opposes Justice Department's attempts to block the law.

**RACIAL PROFILING**

No stated position.

**HUMANE IMMIGRATION POLICY = No Torches**

- [Supports](#) a fence at the U.S.-Mexico border and increasing border security.
- [Would](#) require all undocumented individuals to leave the U.S. and reapply for legal entry.
- [Supports](#) Arizona's SB 1070 anti-immigration law, which criminalizes the lack of immigration papers, gives police broad authority to arrest people and promotes racial profiling.

**CLOSING GUANTANAMO BAY & INDEFINITE DETENTION = No Torches**

- [Said](#) in May 2007 he wants to "double Guantanamo" expanding indefinite detention without trial.

**GAYS & LESBIANS SERVING OPENLY IN THE MILITARY = No Torches**

- [Supports](#) "Don't Ask, Don't Tell" as effective public policy.

**ENDING TORTURE = No Torches**

- [Supports](#) the use of "enhanced interrogation techniques" like waterboarding – both euphemisms for torture and illegal under U.S. law.

**ENDING A SURVEILLANCE STATE = No Torches**

- [Supports](#) the further expansion of the PATRIOT Act's already extensive surveillance powers, saying "we need tools when war is waged domestically."

**MARRIAGE EQUALITY = No Torches**

- [Opposes](#) same-sex marriage and was recently [told](#) by a gay Vietnam War veteran he approached in a New Hampshire diner, "you do not believe that everyone is entitled to their constitutional rights."
- [Supports](#) a federal constitutional marriage amendment that defines marriage as only between a man and woman.

**REPRODUCTIVE CHOICE = No Torches**

- [Supports](#) attempts by states to define life as beginning at conception.
- [Wants](#) the Supreme Court to reverse Roe v. Wade and allow states to decide whether abortion is legal.