



# DEFENDING DISSENT FOUNDATION LETTER

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*Founded in 1960 as the National Committee to Abolish HUAC*

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Dear Troublemakers,  
We've added an action alert page to the DDF website ([www.defendingdissent.org](http://www.defendingdissent.org)). The page gets updated often, so please check it out!

## **FISA Reform Rears its Ugly Head (again!)**

Those of you who receive this newsletter via email got an emergency alert along with the May issue – we had heard rumors that a compromise on FISA was possible. The details are still sketchy, but we understand that lawmakers have settled on a 'compromise' that will grant telecoms immunity but give the illusion that they are being held accountable.

The essence of the 'compromise' is this: the telecom companies would be tried by the FISA court, in secret. All the companies would have to do to have the case dismissed is to prove that the President told them the illegal request for customer information was legal. Case dismissed. Members of Congress are being tightlipped about other provisions in the 'compromise' so we don't have details as we go to press.

**Action:** Call the Capitol Hill switchboard at 202-224-3121 and ask for your Representative. Tell them you want true accountability for telecom companies, not a sham process that lets them off the hook.

## **Fighting Terrorism with Censorship**

On May 7, DDF delivered a memo to the Senate Committee on Homeland Security, signed by nineteen organizations, urging the committee to respect First Amendment rights while they develop policy recommendations for fighting 'homegrown terrorism.' The memo noted that "Much of the discourse on homegrown terrorism has singled out Internet communications in a troubling way...Our concern is that this focus on the Internet could be a precursor to proposals to

monitor and regulate speech on the Internet." Another point of grave concern raised by the memo was that the counterproductive focus on the Muslim community is a serious violation of religious freedom.

A day later, Senators Lieberman and Collins (Chair and Ranking Member of the Committee) issued a report titled *Violent Islamist Extremism, The Internet, and the Homegrown Terrorist Threat*. The report calls the internet "a virtual terrorist training camp", and restricts its examination of homegrown terrorism to Islamist ideology, ignoring potential criminal activity among adherents of other religions and ideologies.

As we feared the report was used to justify an attempt to censor the internet. On May 19, Senator Lieberman asked YouTube to take down videos produced by those he termed "Islamist terrorist groups". Thus far, the company has refused to take down videos that do not violate their restrictions against gratuitous violence and hate speech. Lieberman also challenged Google (YouTube's parent company) to "please explain" what changes they will make to their guidelines to keep "violent extremist materials" off the website, and how they plan to enforce any new guidelines.

The company did take down about 80 videos that it agreed violated YouTube community guidelines. But Lieberman sent another letter to Google on May 20, indicating that he is not satisfied, and that he expects Google to take down every video posted by organizations identified by the State Department as 'Foreign Terrorist Organizations.' We can expect more to come on this issue.

For a more in-depth analysis please visit the DDF website.

### **It's not my job**

As early as 2002, FBI agents observed the use of torture and abuse by CIA and Pentagon personnel during interrogations. They even began to compile a 'war crimes' folder documenting the abuse of prisoners. But by 2003, agents stopped documenting abuse because they were told it was not part of the FBI's mission to investigate detainee abuse. Although FBI Director Robert Mueller directed agents not to participate in coercive interrogations carried out by the CIA and Pentagon, the FBI stopped short of taking decisive action to end the abuse.

Those are some of the revelations in a 437 page report released in May by the Department of Justice inspector general. The report documents that as early as 2002, high level officials within the Bush administration received reports about detainee abuse. The report identifies Secretary of State Condoleezza Rice as having received complaints of torture.

Members of Congress have promised to hold hearings on the report to shed further light on the confusion and dissension over torture at all levels and lack of scrutiny at the highest levels.

### **Immigration Raids, Unions and Justice**

A massive raid on a meat processing plant in tiny Postville, Iowa wreaked havoc on families with young children, the community, due process, and fair labor practices. The raid led to the arrest of 400 workers, or about 40% of the workers at the Agriprocessors, Inc. plant and 17% of the town's population.

Before the raid, United Food and Commercial Workers, the union that has been working to organize the plant, got wind of a possible ICE action and asked ICE to hold off while the government investigated allegations of abuse of wage and child labor laws at the plant; immigration raids can easily be used by management to intimidate employees, and if workers are deported they can not give evidence of unlawful activity. ICE ignored the union's plea and went ahead with the raid. The status of the investigation is uncertain at this point.

Less than two weeks after their arrest, 297 immigrants were convicted of felonies (using false documents); most were sentenced to 5

months in federal prison and immediate deportation thereafter. The harsh sentences are an escalation in the Bush Administration crack down on immigrants. Previously, undocumented workers have been detained for civil violations and deported, not sentenced to federal prison on criminal charges.

Not only were the sentences stricter than usual, but the proceedings were extraordinarily quick. In just 4 days, 297 immigrants plead guilty and were sentenced in a process resembling an assembly line. Rushed justice is not justice, and meant that individual circumstances couldn't be addressed, denying the workers their right to due process.

Authorities are charging immigrants with federal crimes rather than civil violations more often these days. The new strategy has led to record high levels of immigration prosecutions, convictions and jail time, especially along the U.S.-Mexico border. Meanwhile, employers such as Agriprocessors continue to blatantly violate immigration law without being held accountable.

### **UPDATES**

#### **Covert Domestic Propaganda**

In May we covered the breaking story of the *Pentagon Pundits*, a program initiated by the Pentagon to enhance its propaganda efforts leading up to the Iraq war by recruiting 75 retired generals to spout Pentagon propaganda on the air without acknowledging the source. On Friday, May 23, Congress sought to clarify that this type of program is unacceptable by approving an amendment to the Defense Authorization Bill to forbid the Defense Dept. from engaging in "a concerted effort to propagandize" to promote the war domestically. The amendment, sponsored by Rep. Hodes (D-NH), also requires that the Government Accounting Office investigate the program.

#### **California Teacher Fired over Loyalty Oath**

Last month we reported on a bill making its way through the California Assembly that would eliminate the state's loyalty oath for public employees who are U.S. citizens (S.B.1322). The bill passed the California Senate on May 15, and is now working its way through the House.

Early in May, the L.A. Times broke the story of Wendy Govaner, a Quaker who refused to sign the pledge and was fired from Cal State Fullerton. Hopefully the publicity about her case will ensure the passage of S.B.1322. Last summer, Ms. Govaner was hired to teach a course in American Studies (which ironically would have included a look at McCarthyism) and one in Women's Studies, but was fired when she wrote an addendum to the oath declaring it unconstitutional and discriminatory. People for the American Way Foundation has taken up her case and asked Cal State to reinstate Ms. Govaner, and to allow employees to add an explanatory addendum to the oath. DDF would prefer to see the oath abolished outright. Here is the oath:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."

### **National Security Letters**

Last month we asked you to call Senators Whitehouse (D-RI), Leahy (D-VT), Feinstein (D-CA), and/or Schumer (D-NY) to ask them to cosponsor the National Security Letters Reform Act (S.2088). None of those Senators has yet signed on to the bill, although a staffer at the Senate Judiciary Committee assures me that they will support the bill which should come up for a committee vote before the August recess. The following case demonstrates the need for reform of the FBI's unfettered use of National Security Letters (NSLs).

In 2006 Congress amended the Electronic Communications Privacy Act to limit the FBI's ability to issue NSLs to libraries. However, in 2007, the FBI issued an NSL to an internet-based library called the Internet Archive seeking the records of one of the library's patrons. The NSL was accompanied by a gag order (as is usual with NSLs). The director of Internet Archive decided to challenge both the NSL and

the gag order in a lawsuit. Neither he, nor the Archive's lawyers at the Electronic Frontier Foundation or the ACLU were allowed to talk about the lawsuit or the NSL – even to members of Congress who are considering legislation to reform the NSL law.

After four months of negotiation, the FBI rescinded its NSL and the gag order was lifted, allowing us to learn about the case. "It appears that every time a national security letter recipient has challenged an NSL in court and forced the government to justify it, the government has ultimately withdrawn its demand for records," said Melissa Goodman, staff attorney with the ACLU. "In the absence of much needed judicial oversight – and with recipients silenced and the public in the dark – there is nothing to stop the FBI from abusing its NSL power."

### **Conventional News**

*Denver (DNC, Democratic National Convention):* As a result of a lawsuit filed on May 1 by the ACLU on behalf of 12 groups seeking permits in Denver to demonstrate at the DNC, the city has agreed to a timeline to designate routes for protest marches and to issue permits. The city has also agreed to set up a 'public demonstration zone' on the grounds of the convention center. The agreement does not specify the exact location, or the barriers that will be established around the demonstration zone, or what activities will be allowed within the zone.

At the 2004 DNC in Boston the public demonstration zones were unacceptable cage-like areas surrounded by concrete barriers and razor wire.

*St. Paul (RNC, Republican National Convention):* Stories are leaking out about FBI agents contacting organizers of planned protests around the RNC. One local paper, the Minneapolis/St. Paul City Pages, tells the story of a college student whom agents tried to recruit to infiltrate protest groups. According to the student, he was asked to infiltrate the groups and report back to the FBI's Joint Terrorism Task Force. Leading up to the 2004 Republican Convention in New York City, the NYPD Intelligence Division spied on protest groups across the country and even in Canada and Europe.

