



DEFENDING DISSENT FOUNDATION LETTER

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Founded in 1960 as the National Committee to Abolish HUAC

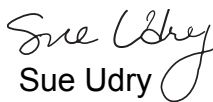
JULY 2008

Dear Troublemakers,

If you are like us, you're a bit ambivalent about celebrating the Fourth of July holiday. We are patriotic – we're proud of America's diversity and traditions of dissent, and much of our history (including a darn good Constitution). But we cringe at episodes and traditions in our past and present that we just can't be proud of. We're dismayed that it is often the very things we are seeking to change that some of our fellow Americans insist on celebrating on the Fourth of July.

We have a suggestion to help you celebrate the holiday in good conscience: Contact your Senators (via phone call, letter to the editor or a sign held at the local 4th of July parade) and ask them to stand up for the Constitution and vote against the FISA Amendments Act. See below for details.

Happy 4th! (4th of July, 4th Amendment...)


Sue Udry
Director

LEGISLATIVE

WARRANTLESS WIRETAPS MAKE A COMEBACK

On June 20th, the House passed a deplorable FISA reform bill, H.R.6304, *the FISA Amendments Act of 2008*. The bill was negotiated behind closed doors and saw the light of day a mere 24 hours or so before the House voted. In a nutshell, the bill provides blanket retroactive immunity to the telecommunications companies, and endorses massive wiretap powers – untargeted and without a warrant on all communications coming in to and out of the U.S. The bill passed the house 293-129. You can find a link to the roll call vote on the DDF homepage.

The bill moved immediately to the Senate and we expected a quick vote – but we've won a reprieve! Grassroots action, heroic stands by Senators Dodd and Feingold, and partisan bickering helped to stall the

bill, which will not be voted on until July 8 (after the July 4 recess).

The delay buys us time to change the debate and affect the vote in the Senate. **Please raise your voice and ask your Senators to vote against the FISA Amendments Act!** In addition to (but not instead of), a *no* vote, ask them to support amendments to the bill that will address telecom immunity. Senators Feingold and Dodd are championing an amendment that would strip the retroactive immunity language from the bill. Another amendment proposed by Senator Bingaman (D-NM) would delay the implementation of immunity until after the Inspector General issues a report on the surveillance program (which is required in the bill). Since neither of these amendments would address the expansion of warrantless surveillance powers, we

want our Senators to vote against the bill even if the amendments are added.

ACTION ALERT

Celebrate the 4th of July! Save the 4th Amendment! Vote NO on Warrantless Wiretapping!



Action:

Call your Senator with this message:

- Vote NO on H.R.6304, *the FISA Amendments Act of 2008*
- Support the Feingold Amendment to strip the bill of its retroactive telecom immunity
- Support the Bingaman Amendment to delay telecom immunity until the Inspector General issues his report to Congress on the surveillance program.

You can call the Capitol switchboard at 202-224-3121 and ask to be connected to your Senators' offices (remember you have two Senators!). Although the Senators are on recess, staff will be in their offices.

OR

Deliver your pro-4th amendment message via a sign at a 4th of July event (even if your Senators or Representative will not be there). Simple signs are best: "No to Warrantless Wiretaps of Americans!" "No to Telecom Immunity"

ACTIVISM

CONVENTIONS

The Democratic (Denver) and Republican (St. Paul) National Conventions are less than two months away. Organizers of protest events continue to wrangle with police over march routes and free speech zones.

In Denver: city officials are trying to deny basic information, refusing to tell activists the exact location size and constraints of the free speech zone, citing 'national security'. The city is also refusing to release information about what security and crowd control equipment they are buying for the convention. However, one manufacturer of 'non-lethal solutions' said that they sold the city 88 Mark IV rifles, which fire pepper balls and have a range of 100 meters.

In St. Paul: information is more forthcoming than in Denver, but police are citing the possibility of suicide bombers to deny protestors their desired march routes. Two parade permits have been issued, one for an anti-war march, another is a "poor people's" march. Neither route takes marchers as close to the convention center as the groups would like, so they are both suing the city for better routes.

Police in St. Paul have made public their decision to purchase 230 tasers before the Republican National Convention.

VICTORY FOR D.C. PROTESTORS

On Inauguration night 2005 about 70 protestors were arrested at an impromptu demonstration in D.C.'s Adams Morgan neighborhood. According to the police, some of the demonstrators threw rocks and broke windows, so the police arrested them all after boxing them into an ally. A federal judge ruled on June 18 that the arrests were illegal, because people engaged in a first amendment protected activity are not required to stop that activity because others at the event are breaking the law. The city plans to appeal the ruling.

SUPREME COURT

SUPREMES RECOGNIZE HABEAS!

We have to disagree with Sen. McCain, who called it "one of the worst decisions in the history of this country". By now you are all probably familiar with the Supreme Court decision in *Boumediene v. Bush*,

ruling that detainees at Guantanamo Bay have a constitutional right to challenge their detention. It is a historic victory for the rule of law, and congratulations go out to our allies at the Center for Constitutional Rights.

On June 26, attorneys at CCR filed the first habeas corpus petition following the Boumediene decision, for Mohammed Sulaymon Barre a 42 year old Somalian man. We can expect at least 125 new habeas cases arising from the decision. (There are currently 270 detainees still being held at Guantanamo, although 65 have already been cleared for release or transfer, and about 80 will likely be tried at military commissions).

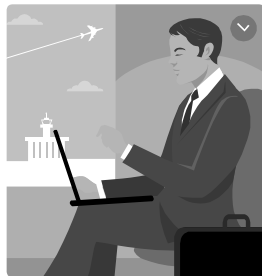
FREE SPEECH FOR OPPRESSORS

On June 19th the Supreme Court ruled for 'free speech' in a twisted way. At issue was a California law that prohibited employers from using state-provided funds to pay for their anti-union campaigns. The court ruled that the prohibition was unconstitutional because it limited employers' free speech. Never mind that unions are not allowed to use state money in their recruitment drives. The court ruled 7-2, with Justices Breyer and Ginsburg dissenting. This decision will have an impact beyond California to ten other states which had enacted similar laws.

EXECUTIVE

LEAVE YOUR LAPTOP AT HOME

The officials who greet us when we return to the country currently have carte blanche to search and seize our laptops without any cause. The U.S. Department of Homeland Security (DHS) and Customs and Border Patrol (CBP) agents believe they have a right to access any data, document or file on your computer, and the lower courts have upheld this right. In June, the Senate



Judiciary Committee, subcommittee on Constitution Civil Rights and Property Rights held a hearing on *Laptop Searches and Other Violations of Privacy Faced by Americans Returning from Overseas Travel*. Witnesses testified that CBP and DHS agents at the border are regularly taking laptops to search their contents, as well as unlawfully interrogating travelers about their political and religious views.

Not surprisingly, a wealth of anecdotal evidence indicates that Muslim Americans and Arab Americans are at the receiving end of many of these interrogations. Farhana Y. Khera, testifying at the hearing on behalf of Muslim Advocates (an education and advocacy organization), told a number of troubling stories of citizens being stopped at the border and interrogated or harassed. For example, the Vice President of a high-tech company has been interrogated 8 times in the last year when returning to the country. He has been subject to questions about what mosque he attends, names and addresses of relatives living abroad and in the U.S., his cell phone has been searched and more. There have never been grounds for suspicion or reasons for the searches or interrogations.

Defending Dissent Foundation had joined with dozens of other civil liberties groups in writing to Congress to ask for hearings on the issue, as well as legislation specifically to protect Americans from suspicionless searches of laptops at the border.

LEFTIES NEED NOT APPLY

The Department of Justice Inspector General has issued yet another report damning practices within the DOJ. This time, in a report issued on June 24, the inspector general collected data to show blatant hiring bias to exclude liberal or liberal-leaning candidates from non-political jobs at the DOJ. By liberal-leaning, we mean radical behavior such as belonging to the Nature Conservancy, or using "liberal buzzwords" such as *social justice* in one's resume. The report noted

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Sue Udry, **Director**
Rachel Bernhardt, **Asst to
Director**

**Founded in 1960 as the
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**The Defending Dissent Foundation
is the amalgam of the First
Amendment Foundation and the
National Committee Against
Repressive Legislation (NCARL)**

*In Memory of
Frank Wilkinson,
Director Emeritus,
and
Chauncey Alexander,
President Emeritus,
and all who went before*

that the problem was especially acute in the civil rights division.

The problem started in 2002, when career officials were pushed out of the hiring process in the elite honors program within the DOJ; they were replaced by political appointees who systematically chose applicants with resumes reflecting conservative or Republican views over liberals. The trend accelerated in 2006 with the arrival of Attorney General Alberto Gonzales. Current AG Michael Mukasey asserts that the Department has undertaken reforms to correct the problem.

SPY SATELLITES

In our May newsletter we noted our concern about the National Applications Office within the Department of Homeland Security. We reported that Homeland Security Secretary Michael Chertoff was eager to have the NAO use military spy satellites for a variety of DHS missions from flood recovery to domestic surveillance/law enforcement.

We reported that last fall Congress refused to fund the NAO until an acceptable legal framework could be developed for using military satellites for domestic purposes. The Bush Administration has come back to Congress for money to fund the program for fiscal year 2009, but on June 24, the House Appropriations Committee voted to deny funding for the NAO once again. It appears that there is majority support in both the House and Senate to hold up funding for the NAO at least until August, when the Government Accountability Office (the investigative arm of Congress) is due to issue a report on the civil liberties and privacy issues involved in the domestic use of military satellites. We will watch for that report.

CASES

SAMI AL-ARIAN

The campaign of abuse against Dr. Sami Al-Arian continues. Dr. Al-Arian is an outspoken activist and critic of U.S. foreign policy. We last reported on Dr. Al-Arian over a year ago, but he is still in jail. You may remember that he was charged with terrorism-related crimes but was acquitted on the most serious charges and the jury deadlocked on the rest. He plead guilty on one count and his plea agreement was basically time served and voluntary departure (deportation).

Unfortunately, the Department of Justice seems hell-bent on keeping Dr. Al-Arian in custody. He has been brought before two grand juries, and although he has given statements, the justice department has charged him with contempt. He is being arraigned as this newsletter goes to print on Monday, June 30. For more information visit: www.freesamialarian.com