



DEFENDING DISSSENT FOUNDATION LETTER

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Founded in 1960 as the National Committee to Abolish HUAC

December 2008

Dear Troublemakers,

What will it mean to our work to have a President who understands the value of dissent in our democracy? Time and again throughout the campaign, Senator Obama proclaimed his belief that change comes from the bottom-up, not the top down. We couldn't agree more! DDF has been fighting for change from the bottom up since 1960 and many of you have been making trouble for even longer than that.

We're optimistic that we can make great strides over the next four years in restoring and strengthening civil liberties and human rights, but we are under no illusion that progress will come without a fight. Only a surge of grassroots pressure on the Administration and Congress can stop warrantless wiretaps, end police spying on political activists, end racial profiling, end torture, illegal detention and rendition, restore checks and balances, close Guantanamo, restore the rule of law, force serious investigations into fusion centers, data-mining, war crimes... and the list goes on.

No question, there is a lot to do. We'll all have to work together to accomplish it.

The work you do educating your communities and your members of Congress about the importance of the right to dissent and all our constitutional rights will be key in the coming years. The more people doing this work, the stronger we are, so please share the enclosed brochure about DDF with someone you know who may share our ideals and encourage them to join our work. We need more agitators and troublemakers!

Your donations to DDF, large and small, ensure that our unique voice is strong and heard in Washington. We appreciate the loyal support so many of you give us. We work hard to make sure we deserve it!

The temptation now for many will be to sit back and relax, but you all know as well as I do that we can't do that. Frederick Douglas knew what he was talking about:

"If there is no struggle, there is no progress. ... Power concedes nothing without a demand. It never did and it never will."

Yours in Struggle,


Sue Udry

P.S.

We'd love to get your feedback on our work, our newsletter and our website. Please do visit our website and check out the new tools and content we've added. C'mon, we know you're not shy, so let us hear from you!

The Year in Review and the Year Ahead

DDF has had a busy year as we grappled with the FISA Amendments Act; the Violent Radicalization and Homegrown Terrorism Act; the Attorney General's new FBI guidelines; and protestors getting spied on, arrested en masse, tear gassed, trampled by horses and charged with terrorism -- among other travesties. Here is a recap of some of our most important work in 2008, as well as a look ahead into the coming year. Because our agenda is so full, this installment is only part one of two parts. We'll continue the series in our January newsletter.

FBI Guidelines

Before Attorney General Mukasey even made the new FBI guidelines public, DDF engaged in a grassroots campaign and behind the scenes advocacy to forestall the worst provisions. Our main concerns were that the new guidelines would allow agents to investigate people based on their First Amendment activities and open the door to racial profiling. Unfortunately the new guidelines, which take effect on December 1, allow FBI agents to investigate individuals and groups for whom they have no factual basis to suspect of wrongdoing. The guidelines explicitly allow agents to infiltrate peaceful groups in advance of demonstrations, and do not prohibit agents from investigating people based on their race, religion or ethnicity.

The guidelines cannot be allowed to stand, and it will be a top priority of DDF in the coming year to ensure that they are changed. We are exploring different strategies with our coalition partners, including working with the Obama administration on quick fixes to the guidelines, a thorough review of the guidelines and current FBI practices, and possibly a legislative charter for the FBI (remember that Attorney General Levy wrote the original guidelines in 1976 to preclude congressional action).

Please visit the DDF website for more details about the problems with the guidelines, a link to the guidelines, and advocacy resources.

Warrantless Wiretaps

We fought this battle all year long, with a courageous and tireless band of advocates. In the end, we lost when Congress passed the FISA Amendments Act of 2008. The law grants the executive broad new powers to listen in on Americans without warrants, and gave immunity to the telecommunication companies that enabled illegal wiretaps.

Senator Arlen Specter (R-PA), ranking member of the Senate Judiciary Committee, offered a

glimmer of hope for the future in an interview on MSNBC on November 19: "This business of wiretapping is not in order in accordance with Constitutional rights and where you have the immunity granted to the telephone companies, that is still a festering wound and some speculation as to whether that will be asserted by a new administration."

In 2009 we'll aggressively push Congress to thoroughly investigate domestic intelligence activities and to restore Fourth Amendment protections legislatively. DDF has also called upon President Obama to announce that his administration will adhere to FISA's judicial warrant requirements when engaging in surveillance in the United States and direct the Attorney General to withdraw the government's motion to dismiss pending privacy litigation brought against telecommunications carriers for assisting with unlawful warrantless surveillance.

Goons and Red Squads

For activists at the receiving end of tear gas canisters, rubber bullets, mass arrests, police spying and other abuses, it sure looks like local and state police departments have run amok.

In August 2008, it was revealed that Maryland State Police had been spying on peaceful anti-war activists for over a year, infiltrating groups and entering activists' names into a terrorist database. DDF immediately joined with those activists in demanding full accountability and a thorough investigation into the illegal police spying, as well as legislation to prohibit police spying on First Amendment activities. We have helped to launch a local DC Bill of Rights group to educate activists about their rights; educate the public about the importance of the right to dissent in a democracy and threats to that right; and to pressure the Maryland State Legislature and the U.S. Congress to fully investigate the scandal.

Police actions at the Democratic and Republican Conventions in Denver and St. Paul were regarded by many activists to have reached a new level of abuse and repression of political dissent. Massive police presence, use of percussion grenades, tear gas, mass arrests, preemptive arrests and other tactics created an atmosphere of fear and intimidation for people who came to either city to engage in First Amendment protected activities. In St. Paul, the local police chief admitted that his officers had been spying on activists for a year before the convention, including following them to meetings around the country. Eight of those activists have been arrested and charged under Minnesota's Patriot Act with "conspiracy to commit riot in the second degree in furtherance of terrorism".

DDF is leading a loose coalition of activists calling for congressional hearings to examine the police actions during the conventions, and to investigate the role of federal law enforcement, Joint Terrorism Task Forces in each city, and state fusion centers. We are also working with members of Congress to pass legislation to strengthen demonstration rights in convention cities, using DC's Demonstration Rights law as a model.

Homegrown Terrorism & Violent Radicalization

Building on our history of coalition work, in early 2008, DDF initiated an ad hoc working group to oppose the Violent Radicalization and Homegrown Terrorism Act which focused on restricting 'radical' political and religious beliefs and affiliations rather than criminal activity. More than 30 organizations participate in the working group, organized to exchange information and develop and coordinate strategies.

Although we were successful in stopping the bill, we have not yet succeeded in stopping the ideas behind the bill. In spite of our work, the Chair and Ranking member of the Senate Homeland Security Committee, Senators Lieberman (I-CT)

and Collins (R-ME), issued a dangerous 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. Senator Lieberman went on to use the report to justify his attempts to censor the internet, asking YouTube to take down videos produced by those he termed "Islamist terrorist groups".

Since Senator Lieberman has retained his chairmanship of the Homeland Security Committee, we can expect more to come on this issue.

Change happens ~ change happens because the American people demand it, because they rise up and insist on new ideas and new leadership, a new politics for a new time.
America, this is one of those moments.
~ Barack Obama
November 4, 2008

Guantanamo

A U.S. District Court Judge has ordered the release of 5 Guantanamo detainees. Judge Leon, a Bush appointee, was unimpressed when he heard the secret evidence the government had against the five Algerians, calling it a "thin reed", ordered the men released and implored the government not to appeal the decision. This is the first ruling on detainee rights since the Boumediene Supreme Court decision.

There are still about 250 detainees at Guantanamo, and although President-elect Obama has promised to close the prison and condemned military commissions, he has not detailed his plans for those still in custody. Detainees accused of involvement in terrorism should be tried in existing federal courts and others should be released immediately.

Liberty and Security: Recommendations for the New Administration and Congress

A coalition of over 25 organizations, including DDF, has written a roadmap called "Liberty and Security: Recommendations for the Next Administration and Congress" (available on the DDF website). The document is an excellent tool for activists as well as elected officials, offering analysis, background, and detailed recommendations on eleven crucial issues.

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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*

The McCain-Palin campaign: The death of red-baiting?

“Red-baiting”-- that old, tired, political tactic of accusing your opponent of being either a part of, or sympathetic to, “socialism”, “communism” or some other “ism” -- may be on its death bed. The most recent spectacle of Senator John McCain and Governor Sarah Palin spitting out various red-baiting allegations and slanders in their last-ditch attempt to defeat the Obama-Biden ticket and the Democratic Congressional under card is but the latest indication that the potency of red-baiting has waned drastically. Gone apparently are the days when the mere allegation of “red” or “pinko” sympathies would end a career or campaign in its tracks.

From my ringside seat here in Washington, D.C. it was obvious that the Republican red-baiting assault this election cycle was deliberate – as it always is -- and much more widespread than just the McCain-Palin campaign. Stoked on a daily basis by the Republican operatives who pose as talk radio personalities and bloggers, and repeated over and over by Republican candidates and promoters, the red-baiting was approaching fever-pitch towards the end of the recent campaign. Joe McCarthy would have approved of this fine effort by his contemporary followers, although he would have been quite disappointed with the final results. The red-baiting grenades were flying, but few exploded.

The just-concluded red-baiting frenzy undoubtedly did shake up some voters, possible changing their minds. That was, after all, one of the desired effects. There were certainly individuals and groups who were motivated by this fearful smear job, and who ramped-up their activism in dread fear of the “terrorists”, “communists”, or plain “socialists” who were about to seize control at the ballot box. Fortunately for the rest of us, this tactic just did not catch on and grab hold as it has in past generations. My favorite episode in this saga was the House of Representatives floor rantings by a Republican member of Congress (from Texas) who quoted Soviet communist leader Lenin as he made his personal case against the first Bush bailout package. I found it ironic – even comical -- to watch as the Republican campaign machinery unleashed the red-baiting dogs to first go after Obama, and in the end seeing this boomerang return and be aimed at President Bush himself. Only in America!

The exact cause for the weakened virulence of the red-baiting virus is probably best left for experts to decide. In my view as a lifelong trade unionist, this is due in part to the contemporary inability of growing numbers of people to understand or comprehend the intent of the tactic itself. There is a case to be made that in today’s population the practitioners of red-baiting might tend to inadvertently discredit themselves by raising such incomprehensible allegations. Growing numbers of young people have no living memory of the Cold War epoch and its stifling anti-communist political environment, and they largely lack any historical context in which to measure such charges. And in a nation not known for its political sophistication or scholarship, this sort of tactic may be doomed by its implicit demand that the recipient at least possess a minimum context with which to assess what they are hearing and therefore be able to come to the intended conclusion.

I strongly suspect that the recent failure of the McCain-Palin campaign to red-bait its way into the White House is at least confirmation that this gutter tactic is on the way out, hopefully forever. It is likely premature to pronounce red-baiting as “dead”, but it is not too soon to recognize that as a useful terror tactic it has lost much of its destructive momentum and effect. Red-baiting may be expiring not so much as a result of an overt defeat as much as it is withering and dying a natural death, but we’ll take it as progress no matter. The many, many victims of the several red-baiting eras in U.S. history would appreciate this moment in our history, as we all should.

Chris Townsend is the Political Action Director of the United Electrical Workers Union (UE) in Washington, D.C. and sits on the Board of Directors of DDF