



## JUNE/JULY 2010 NEWSLETTER

Dear Troublemakers,

Last month I joined about 10,000 activists at the U.S. Social Forum in Detroit. The USSF provides an opportunity for activists working on a range of social justice issues to network and find ways to collaborate. It was a refreshing change from “inside the beltway” politics! I was there primarily to facilitate a workshop with Bill of Rights Defense Committee staff, which we called “Tools to Fight the Surveillance State”. Our workshop room was filled to bursting with activists who are concerned about surveillance and government intrusion, and ready to use the Freedom of Information Act and other open government tools to expose government spying, and to pursue local referendums to stop surveillance and racial profiling. In addition to the workshop, the forum was an excellent opportunity to network and make activists aware of the Defending Dissent Foundation and our work.

In Solidarity,

*Sue*

### MATERIAL SUPPORT

#### Supreme Court Upholds Broad Definition

Obviously it is a criminal act to provide weapons, money or other material support to Al Qaeda or other terrorist organizations. But what if you want to teach a terrorist group how to lay down their arms and resolve conflict peacefully? Isn't that political speech protected by the First Amendment? Not according to the Supreme Court, which upheld material support provisions in a 6-3 ruling in *Holder v. Humanitarian Law Project (HLP)*.

David Cole, who argued the case for HLP, said of the ruling, “The Supreme Court has ruled that human rights advocates, providing training and assistance in the nonviolent resolution of disputes, can be prosecuted as terrorists. In the name of fighting terrorism, the Court has said that the First Amendment permits Congress to make human rights advocacy and peacemaking a crime. That is wrong”.

The Supreme Court's decision puts many peacebuilding programs which should be protected by the First Amendment, into jeopardy. President Jimmy Carter, founder of the Carter Center, commented on the ruling:

We are disappointed that the Supreme Court has upheld a law that inhibits the work of human rights and conflict resolution groups. The 'material support law' – which is aimed at putting an end to terrorism – actually threatens our work and the work of many other peacemaking organizations that must interact directly with groups that have engaged in violence. The vague language of the law leaves us wondering if we will be prosecuted for our work to promote peace and freedom.

Analysts have noted that President Carter's work for fair elections in Lebanon would fall under material support, since he worked with Hezbollah, a designated terrorist group.

There is a silver lining to this terrible ruling: it has shined a light on how problematic material support provisions are. DDF will be working with our partners in the Charity and Security Network to press Congress to conduct investigations and hold hearings to look into the assumptions behind the current law and press for legislation to allow humanitarian aid workers and peacebuilders do their work without the threat of criminal charges.

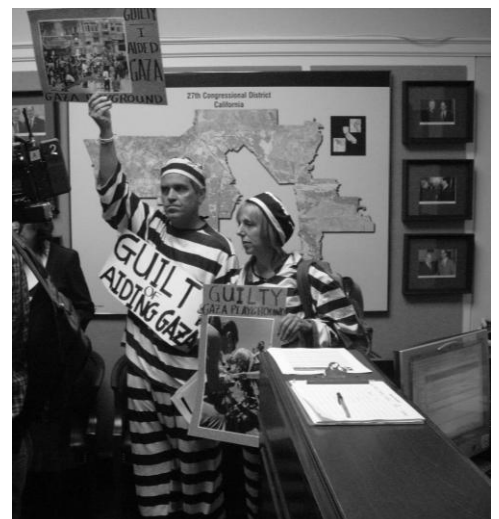
#### Gaza and Material Support

The fact that Hamas (a designated terrorist group) controls Gaza presents problems for U.S. charities who

want to provide aid to the residents of Gaza. The hoops they must jump through to prove they are not providing material support to Hamas are daunting and counterproductive. So it was not surprising when, after the Gaza Freedom Flotilla was raided by the Israel Defense Forces killing 9 people, Representative Brad Sherman (D-CA) called for the arrest of any Americans involved in the flotilla. “The Antiterrorism and Effective Death Penalty Act of 1996 makes it absolutely illegal for any American to give food, money, school supplies, paper clips, concrete or weapons to Hamas or any of its officials,” Sherman said. “And so I will be asking the Attorney General to prosecute any American involved in what was clearly an effort to give items of value to a terrorist organization.” The aid was intended for the people of Gaza, not Hamas, but Sherman's diatribe does illustrate the broad reach of the material support provisions.

I joined several of the U.S. activists days after Sherman ordered their arrest as they went to his office to turn themselves in. No arrests were made.

*Activists who participated in the Gaza Freedom Flotilla in Rep. Brad Sherman's office on Capitol Hill.*



### DETENTION & ACCOUNTABILITY

#### Activists meet with DOJ on Detention

On June 15, DDF and activists from Witness Against Torture, Center for Constitutional Rights and the Torture Abolition and Survivors Support Coalition International (TASSC) pressed the Department of Justice on detention policy and accountability for torture at a meeting with Portia Roberson, Director of the Office of Public Relations.

We were joined by two powerful voices whose personal experiences appeared to move Ms. Roberson: Orlando Tizon, and Syed Anwar Hashmi. Orlando spoke of his experience in the Philippines where he was unjustly imprisoned and tortured in 1982. He said torture still continues today in the Philippines because those who tortured him decades ago were never held accountable. Mr. Hashmi's son Fahad\* spent 3 years in pre-trial solitary confinement in prison in New York where he was held under Special Administrative Orders (SAMs). Mr. Hashmi spoke of the nightmare conditions his son suffered and the unjustifiable brutality of SAMs. (\*see our March newsletter for more on Fahad Hashmi's detention)

The meeting was constructive and Ms. Roberson pledged to arrange additional meetings with DOJ staff responsible for policy decisions. Find more information on our website under *Accountability*.

## RIGHT TO KNOW

### BP Disaster

We're hearing a lot about the BP oil leak, but are we getting the full story? Several journalists from outlets ranging from *CBS* to *Mother Jones* have complained about lack of access to sensitive areas. BP security, local police and the military are restricting access to affected areas, so that media cannot report on the full extent of the damage, or the adequacy of the clean-up effort.

In May, DDF signed on to a letter urging President Obama to ensure public access to all monitoring data related to the BP oil leak. In our letter, we argued that public access to data including videos of the leak, effects on the surrounding area and worker exposure were essential for accountability and that the public has a right to this information. The letter was spearheaded by [opengovernment.org](http://opengovernment.org), a coalition of open government groups including DDF. The Administration has yet to respond.

## LEGISLATION

### Cybersecurity

The internet has become a tremendously important tool and public space for activists, so it is in our interest to keep the internet safe from malicious threats... but we also need to be wary of granting the President or any agency unfettered emergency powers to shut down the internet in order to protect it. That's why we were plenty worried when Senator Lieberman (I-CT), along with Senators Collins (R-ME) and Carper (D-DE) introduced the *Protecting Cyberspace as a National Asset Act* (S.3480) to address the much hyped threat of cyber-terrorism. The bill would create a new agency, the

National Center for Cybersecurity and Communication (NCCC) with significant authority over *covered critical infrastructure*, and give the President the power to take unspecified measures (that could include shutting down the internet) in an emergency. In a letter written by Center for Democracy and Technology and signed by 23 organizations we raised concerns which included the scope of the powers of the NCCC and the definition of *covered critical infrastructure*, preserving free speech, information sharing and privacy and transparency.

The bill's sponsors responded to many of the concerns raised in the letter and amended the bill to tighten the definition of what a covered critical infrastructure is, addressed some of our privacy concerns and limited to some extent the President's ability to shut down the internet without Congressional approval. These improvements are important, but not nearly enough for a bill that could give the President the power to limit free speech and control our ability to organize during an 'emergency'. We'll continue to work with allies to improve the bill, but as yet it isn't something we could support. We'll keep you posted as the bill moves through Congress.

### Torture

Former Chicago police commander Jon Burge is accused of overseeing the torture over 100 African American men during his time on the police force over a decade ago. He was found guilty in June – not for the torture, but for lying about it. The statute of limitations on torture had expired by the time prosecutors got around to investigating Burge, so the only charges that could be brought were for perjury and obstruction of justice. Although he could face forty-five years in prison, the guilty verdict is bittersweet to many of the victims and activists who fought for justice. Count Representative Danny Davis (D-IL) among them: "The Jon Burge trial has ended with a verdict of guilty to the charge of perjury and obstruction of justice, which to me and countless others is simply not enough". So Davis has introduced the *Law Enforcement Torture Prevention Act* (H.R.5688), which criminalizes torture committed by law enforcement officials, creates a federal definition for torture and removes the statute of limitations.

## WE'RE MOVING!

Our lease is up, so we're packing our bags and heading to new digs. As of August 1, you'll find us at:

8630 Fenton Street, Suite 524

Silver Spring, MD 20910

Our phone number will stay the same: 202-529-4225

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<i>In Memory of Frank Wilkinson, Director Emeritus, and Chauncy Alexander, President Emeritus, and all who went before...</i>	

