



DEFENDING DISSSENT

foundation



SUMMER 2011 NEWSLETTER

Dear Troublemakers,

The tragic events of 9/11 resulted in a devastating loss of life. It also was the catalyst that changed many policies involving national security, immigration, privacy, and policing. Ten years later, we have an opportunity to reflect on the loss of lives, and we have a chance to reflect on the loss of our rights, and the rights of many in our communities, and we can stand up and work together to reclaim these rights.

DDF is a member of the Rights Working Group, a broad and dynamic coalition of civil rights and civil liberties groups organizing a National Week of Action to Reclaim Our Rights. You are encouraged to host or join an event or action between the 10th anniversary of 9/11 and Constitution Day to bring communities together to reflect and act as one to reclaim our rights. Please visit our website for more information.

In Solidarity,

FBI NEWS

Mueller Gets Two More Years

Under Director Mueller's leadership, the FBI has frequently violated the rights of diverse law-abiding Americans, abused its investigative powers, failed to abide by its own guidelines, arbitrarily revised those guidelines to permit longstanding abuses even in the face of congressional concerns, and avoided public accountability by cloaking its actions in secrecy—all while actively (and demonstrably) misleading federal courts, Congress and the American people.

In spite of this dismal track record, Congress bent over backwards to accede to President Obama's questionable request to extend Mueller's term beyond the legal limit. In fact, both chambers, in a rare display of bi-partisanship, rushed to write and pass a new law creating an unprecedented 'mini-term' especially for this director. The new law meant that Obama had to nominate Mueller to this new, special term, and the Senate had to approve the nomination. Although the Senate has dragged its feet on countless nominees, they acted quickly to unanimously confirm Mueller.

Although it was apparent that Congress would support Mueller's term extension, Defending Dissent Foundation, along with allies Bill of Rights Defense Committee, Brennan Center for Justice and the Charity and Security Network pushed members of Congress to examine Mueller's tenure and increase oversight of the FBI. We sent two coalition letters to Congress regarding Mueller's nomination; both are available on our website.

New Guidelines for the FBI

We learned in June that the FBI has drafted new rules for its agents, giving them significant new powers. Civil liberties advocates had been lobbying the FBI to tighten its rules to safeguard privacy and Constitutional rights. Unfortunately, the FBI went the wrong way.

The proposed changes to the Domestic Investigations Operations Guide (DIOG) are the latest in a series of new policies that have radically expanded the FBI's power to investigate and collect intelligence information — often without any indication of wrong-doing — about Americans. The new version of the DIOG would permit FBI agents to search private and government databases on targets even when no official investigation has been opened; to search a person's trash for material that might pressure him or her into becoming a government

informant; and to participate "under cover" in multiple meetings of a group, such as a religious congregation or gathering of political activists, without restriction. The new rules would also cut back on the oversight that is currently required for investigations involving sensitive targets, such as religious or political leaders.

This expansion of the FBI's authorities follows in the footsteps of major changes implemented in 2008 through the Attorney General's Guidelines for Domestic FBI Operations. The 2008 Guidelines allowed the FBI to use highly intrusive investigative techniques without any objective basis for suspicion. They were adopted in haste and in the face of objections from several members of Congress who sought the opportunity to analyze the Guidelines, ask questions, and provide input.

"Congress should not allow the FBI to once again undermine Congress's ability to conduct meaningful oversight of FBI activities," said Emily Berman, counsel for the Brennan Center's Liberty and National Security Program. "Instead, the Senate Judiciary Committee must examine these new authorities before they go into effect to ensure the FBI is granted investigative powers that are necessary, are consistent with existing FBI policy and regulations, and respect American's constitutional rights."

On July 27, DDF, the Brennan Center and the Bill of Rights Defense Committee sent a letter to the Judiciary Committee calling on Congress to investigate the reported changes to the FBI's guidelines for domestic investigations. Find the letter on our website.

ACTIVISTS

Potential Police Crackdown in Chicago?

Chicago will host the NATO/G8 Summit in May 2012. That's almost a year away, but the city has already started its campaign to paint the protesters as a security threat in order to justify an overwhelming police presence. In an interview with the Chicago Sun-Times, Police Superintendent Garry McCarthy highlighted his concern about protests in the windy city:

We have to train for mass arrests. We have to train 13,000 police officers in arrest procedures and containment procedures.

Mass arrests? Of peaceful protesters? 13,000 police officers? That's about one police officer for every two and a half protesters, if organizers meet their turnout goal of 35,000. And, if past experience is a guide, those will be heavily armed, jack-booted riot police lined up behind shields, with helicopters circling overhead, and perhaps a sonic cannon or two on the streets. Lately, at peaceful protests around the country, we've seen a police presence more suited to a war zone than the streets of our cities. It can only be justified if protesters are vilified, painted as violent and somehow out of control.

In response, Defending Dissent Foundation has joined with protest organizers to demand that Chicago respect the protester's right to dissent. In a letter to Mayor Emanuel, we demand that the city grant permits to rally and march to the summit, and a guarantee that there will be no spying, infiltration of organizations or other attacks by the FBI or partner law enforcement agencies. The letter (with over 500 signatures) was delivered to the Mayor on Thursday, July 28. Bob Clarke, President of our sister organization, the Chicago Committee to Defend the Bill of Rights spoke at the press conference, calling upon "Mayor Emanuel as well as federal authorities to show during the G-8/NATO meetings that the ugly stains of past repression of antiwar and other demonstrators has given way to an image of the City that Works in accordance with the Bill of Rights."

THROWING THE BOOK AT ACTIVISTS Conspiracy to Heckle?

Public speakers get interrupted all the time. Usually the hecklers get carted off, maybe they spend the night in jail, and that is usually it. But when 11 Muslim students disrupted a talk by Israel's Ambassador to the U.S. at the University of California Irvine, authorities came down hard. The students were arrested and threatened with expulsion; the Muslim Student Union (the group that organized the protest) was suspended for a semester and put on probation for two years. The Orange County District Attorney charged the Irvine 11 with conspiracy to disrupt a meeting, which could mean six months in jail. The trial is set to start on August 15. The protest occurred on February 8, 2010, so the D.A. has pursued this case for a year and a half. It is expected that the trial will last about a year. A bit much, isn't it?

We can't say for sure if the response would have been the same if the protesters were not Muslim, but we do know that the activists have received death threats and the public discourse has been filled with Islamophobia.

And we know that at a comparable protest just a week later in New Hampshire, President Obama was heckled by anti-abortion activists. His response? "Let me just say this though. Some people got organized to do that. That's part of the American tradition we are proud of. And that's hard too, standing in the midst of people who disagree with you and letting your voice be heard."

Two Years for Civil Disobedience

In the waning days of the Bush Administration, the Bureau of Land Management held an auction for oil and gas companies to bid on leases to drill on federal land. Tim DeChristopher, an environmental activist bid on several parcels in order to prevent them from going to oil and gas companies. Hailed as a hero by environmentalists, the government has relentlessly pursued him to make an example of him. He was charged with financial fraud, and prosecutors demanded a stiff sentence claiming that "a significant prison term will promote respect for the law.... To be sure, a federal prison term here will deter others from entering a path of criminal behavior." (Hmm. why doesn't that apply to torturers, Presidents who lie to the American people or the Wall Street whiz kids who brought the U.S. economy to its knees?)

On July 27, Tim was sentenced to two years in federal prison, and a \$10,000 fine. Read his sentencing statement on our blog.

Pursued All the Way to China

The FBI's press release proclaims that "FBI personnel across the Bureau worked tirelessly to bring Mr. Solondz back to the United States, with agents tracking him across eastern Europe, Russia, Mongolia, and China..." For nine years (again, according to the press release) the FBI, ATF, the Eugene Police Department, the Oregon State Police, the University of Washington Police Department and other state and federal law enforcement agencies pulled out all the stops to find Mr. Solondz and other members of the Earth Liberation Front. Their crime? They are alleged to have set fire to the Urban Horticulture lab at the University of Washington. No one was injured, but the fire did extensive damage.

We don't know of any other non-lethal arson case where agents from over six agencies spent nine years, and crossed the globe to find the perpetrators. But these were 'eco-terrorists' and no effort is too great to bring them to justice.

DEFENDING DISSENT foundation

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

