



Resisting “Secure” Communities

Many CCR supporters are familiar with the controversial “Secure Communities” (S-Comm) program, an Immigration and Customs Enforcement (ICE) program that puts local police on the front lines of immigration law enforcement. Under this program, local law enforcement is required to send the fingerprints of every person booked by police to federal immigration databases to be checked for immigration violations. Advocates criticize the program as an ill-advised delegation of resources, as increasing the risk of racial profiling, and for driving a wedge between the community and the police.

As readers know, CCR, in partnership with the National Day Laborer Organizing Network and the Immigration Clinic at the Benjamin Cardozo School of Law, filed Freedom of Information Act (FOIA) requests to uncover more information about this S-Comm. Our FOIA requests have resulted in the release of *thousands* of pages of documents that demonstrate how poorly planned and misguided this program truly is. Based on these documents, reports have been put together and distributed to advocates nationwide—empowering them to build an organized opposition to S-Comm.

On June 17, 2011, ICE announced a set of adjustments to the program. These adjustments come on the heels of a number of states and municipalities opting out of S-Comm, and the aforementioned growing national opposition to its implementation: Between May and June 2011, Governor Pat Quinn of Illinois announced that his state would withdraw from S-Comm, followed quickly by New York’s Governor



PHOTO BY NAHAL ZAWANI

Protestors convene outside Governor Cuomo’s NYC Office on July 1.

Andrew Cuomo, followed in early June by Deval Patrick of Massachusetts deciding not to join the program. In addition to these powerful Democratic governors moving against the President’s program; the Congressional Hispanic Caucus has asked the administration to halt S-Comm completely, and Rep. Zoe Lofgren from California has called for the Department of Homeland Security Office of Inspector General (OIG) to investigate the S-Comm program. The OIG plans to begin its review this summer.

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Good News in CCR’s “Crimes Against Nature” Case

In February 2011, CCR filed our New Orleans case, *Doe v. Jindal*, to challenge an archaic Louisiana statute that requires those convicted of soliciting a “crime against nature” to register publicly as sex offenders. In the law, “crime against nature” was defined as “unnatural carnal copulation”—interpreted as anal or oral sex—and the statute has had the practical effect of unfairly discriminating against women, including transgender women, and men who have sex with men. CCR is thrilled to be able to report several positive, recent developments stemming from this case. On June 6, the Louisiana House of Representatives approved a bill that would remove the sex-offender registry requirement from the statute. On June 20, the Louisiana Senate voted to remove the “Crime Against Nature by Solicitation” statute from the

list of offenses requiring sex-offender registration. And on June 29, 2011, Governor Jindal signed the bill! This bill would never have been introduced without the tireless advocacy of our local partner, Women with a Vision (and its allies) and without the added public and media scrutiny that our case has brought to the issue. It is important, however, to note that the law is not retroactive, so *Doe v. Jindal* will remain in place on behalf of our clients who have been previously convicted and made to comply with this discriminatory provision over the last two decades.



Read more online at <http://www.ccrjustice.org/crime-against-nature>

Ten Years After 9/11 the Fight for Justice Continues

George W. Bush began the first decade of the 21st century by shredding the Constitution. President Barack Obama ended it by refusing to close Guantánamo; end unlawful, targeted killings; cease isolating political activists and Muslims in special prisons; or hold virtually anyone accountable for the many serious international human rights violations committed in the name of national security. As we approach the 10th anniversary of 9/11, and the detention of Guantánamo prisoners, CCR continues to forcefully demand that President Obama keep to his pledge to close Guantánamo with justice and move towards compliance with constitutional and human rights obligations.



Photo by Lindsay Beyerstein

CCR represents many individuals who, even years later, have received no justice for the abuses they have suffered. The victims include hundreds of men and women held at Abu Ghraib; men held indefinitely, tortured and abused at Guantánamo and in black sites around the world; Muslim, Arab and South Asian men rounded up and illegally detained in the US; and Maher Arar, the Canadian citizen who was rendered to Syria by the U.S. for a year of torture and detention. It is unacceptable that these victims are expected to forego legal redress simply because the courts accede to the demands of the most powerful executive branch in U.S. history and a complicit congress.

Although George W. Bush marched us into two illegal wars in Iraq and Afghanistan, President Obama has almost tripled the number of fronts on which the U.S. military is deployed. Hundreds of thousands of civilians have

been killed in Afghanistan, Iraq and Pakistan alone, and millions have been displaced. Over 6,000 U.S. military service members have been killed, and more than 50,000 wounded in wars that have cost the American people trillions of dollars. It's not just where these wars are being waged, but also how. Drone strikes in Pakistan, Libya, and Yemen (countries on which Congress has not declared war) kill thousands. To the

extent that Bush and his advisors ignored the law to justify torture, Obama and his advisors have ignored the law to justify warfare. Currently, Obama's advisors are going so far as to argue that the President can bypass the War Powers Resolution's restrictions on unilateral, executive war making simply by using high-tech weaponry like drones, which limit the presence of troops on the ground.

After a decade, more detainees have died in Guantánamo than have been charged with a crime, more illegal wars are being fought today than under Bush, more laws are subverted in the name of national security, and the executive branch has seized more power than it's ever had. Nonetheless, CCR ends the decade with the same convictions as when it began. We deeply reject that the U.S. president can declare war on anyone in the world to combat terrorism. We demand that the 171 men who remain in Guantánamo are either tried or released; that torture is denounced and officials are held accountable; that illegal wars are ended; and that the national security state be dismantled. Nothing less than justice is acceptable—no matter who the President is.

Case Against CCR Staff-Attorney Sunita Patel DISMISSED

CCR has an exciting update for those that have been following the case against one of our attorneys, Sunita Patel, who was arrested in Arizona in June 2010, whilst serving as a legal observer, during protests against the controversial Arizona immigration law, SB1070. Nearly a year after her arrest (and the arrest of two other attorneys) who were monitoring the police response to protestors opposing the controversial Arizona immigration law (viewed by many human rights and immigration activists as a tool to racially profile and harass immigrants), a judge signed an order to dismiss the remaining two cases following a motion filed by the Maricopa County Attorneys' office in June. The reason stated was "in the interest of justice." This is a crucial win for the First Amendment rights of protestors everywhere. Legal observers attend such protests to ensure that the trampling of constitutional rights does not happen, and that protestors are not intimidated by the presence of law enforcement. Their role, and the role of press and protesters, is critical to a functioning democracy.




The Fight for Justice and Accountability at GTMO Continues

This month marks the fifth year since three men—who were never charged with any crime—died in U.S. custody at Guantánamo under circumstances that remain unexplained and that were never independently investigated. On June 13, 2011, CCR filed an appeal in the U.S. Court of Appeals for the D.C. Circuit on behalf of the families of two of the deceased, Yasser Al-Zahrani of Saudi Arabia and Salah Ali Abdullah Ahmed Al-Salami of Yemen. The military has persistently maintained that their deaths were suicides by hanging. Rear Admiral Harry Harris, commander of Guantánamo at the time, shamefully called them “acts of asymmetrical warfare waged against us,” while a State Department official characterized them as a “good PR move.”

However, as investigative journalist Scott Horton revealed in his award-winning article in *Harper’s Magazine* last year, eye-witness accounts from four soldiers stationed at the Base at the time strongly suggest that the government covered up the actual cause and circumstances of the deaths, and that the men did not die in their own cells by their own hands, but at the hands of government officials at a secret site in Guantánamo.

Last autumn the district court in D.C. dismissed the lawsuit now being appealed, *Al-Zahrani v. Rumsfeld*. Obama administration lawyers, like the Department of Justice under President Bush, argued that no court should even review the evidence and facts of the case, but should instead dismiss it given that responsible officials would have immunity even if they had committed the alleged abuses and caused the three men’s deaths. Government attorneys also cited national security considerations as a basis for dismissing the case and further argued that, under the Military Commissions Act, federal courts lack legal jurisdiction over the claims of torture of any foreigners in U.S. military custody designated as “enemy combatants.” In the context of this case, this position effectively grants the government the power to unilaterally label a foreign citizen as an “enemy combatant,” torture and kill that individual, and then cover it up, without any legal accountability whatsoever.

It should continue to stun people—and inspire protest and resistance—that U.S. courts have so far accepted the government’s position with regard to this particular case. And more broadly, that the courts have consistently relied on “special factors,” “state secrets,” “qualified immunity,” and “political question” doctrines to dismiss cases like this brought before them about U.S. torture and abuse. Not once in the past decade has a court decided to evaluate the actual facts of a case alleging torture, or rule on the legality of torturing individuals in offshore detention.


 For more information: <http://ccrjustice.org/zahrani>

*This short article is derived from a longer article originally published on jadaliyya.com

Resisting “Secure” Communities (cont. from cover)

CCR and other advocates believe these adjustments are inadequate in that they do not address the fundamental issue of whether a state or municipality has the option to NOT participate in S-Comm; how collaborations between police and ICE funnel people into an unjust detention and deportation system; the need for restrictions and guidelines on who is and is not deportable; and assurances that the program does NOT undermine community policing efforts. Most importantly, the adjustments did NOT address the decisions of counties across the country and states refusing to participate because of these aforementioned serious problems.

Resistance to S-Comm is growing stronger and more united each day as a result of the records released through *NDLON v. ICE* and the ongoing education and advocacy work by CCR and our allies. In addition, the votes of “no confidence” by powerful (Democratic) governors send a critical message to President Obama: Secure Communities should be terminated.

 For more information go to: <http://ccrjustice.org/secure-communities>

CCR Welcomes Baher Azmy

CCR is excited to announce that civil rights and constitutional law professor, Baher Azmy, will be our next Legal Director, beginning this fall! Baher will replace Bill Quigley, who returned to New Orleans in May, and continues his involvement with CCR as Associate Legal Director. We will be providing additional information in the coming months but in the meantime, you can read more about Baher by going to: <http://ccrjustice.org/new-legal-director-baher-azmy>

Accountability in Honduras

Since the June 2009 military coup that ousted Honduran President Manuel Zelaya, CCR has been involved in advocacy aiming to address systemic human rights violations in Honduras and challenge the U.S. government's policies toward the post-coup regime. CCR is actively working in solidarity with the National Front of Popular Resistance (FNRP) and in support of the efforts of the True Commission established by the Honduran Human Rights Platform.

On June 23, 2011, nearly two years after the Honduran coup that ousted President Zelaya, CCR filed a complaint on behalf of David Murillo and Silvia Mencías, the parents of 19-year-old Isis Murillo who was shot and killed by Honduran military forces during a peaceful demonstration against the coup. The complaint was filed against Roberto Micheletti, former president of the Honduran National Congress who assumed the role of de facto head of government immediately following the coup. The complaint details extrajudicial killing, crimes against humanity of murder and persecution and other gross human rights violations that occurred under his authority and/or direction. In building the case, CCR worked closely with its partner organization, El Comité de Familiares de Detenidos



PHOTO BY NAHAL ZAWANI

CCR staff member Liz Bradley with children in the besieged Bajo Aguán region of Honduras.

Desaparecidos en Honduras (COFADEH – Committee of Relatives of Detained and Disappeared in Honduras). CCR also filed a Freedom of Information Act (FOIA) request for materials from the U.S. government concerning the events in Honduras and to assist the True Commission's efforts to clarify the historical record.

A month before filing the lawsuit, on May 22, 2011, CCR applauded President Manuel Zelaya's safe return from exile as a testament to

the strength and perseverance of the national resistance movement that formed after his ouster. However, the Center remains extremely concerned about the systemic human rights violations against the resistance movement. CCR continues to call for genuine efforts toward real accountability for the illegal coup and ongoing human rights violations.



For more information go to:
<http://www.ccrjustice.org/honduras-coup>

Ella Baker Program Expands

I feel confident that having been afforded the rare opportunity to serve as an Ella Baker Fellow will prepare me with a critical and creative approach to movement-based legal advocacy work in ongoing human rights work here in the U.S. as well as abroad. —Joanna Cuevas Ingram, Ella Baker Fellow, Summer 2011

CCR's Ella Baker Internship Program, a 20-year-old program for law school students looking to become "people's lawyers" is expanding this summer! Instead of the 12 "Ellas" we have had in New York City in recent years, this summer we will have 17. We are also very excited to pilot two satellite Ella Baker programs outside New York; in New Orleans, where students will work with former CCR Legal Director Bill Quigley and the Loyola Law Clinic for Social Justice, and in Port-au-Prince where students will work with the Institute for Justice & Democracy in Haiti. We are thrilled to expand this key program enabling us to support more students each summer and to offer new and wide-ranging experiences in CCR's ongoing mission to help train the next generation of people's lawyers.

Challenge to CMUs Advances

As readers of our newsletter know, in March 2010, CCR filed *Aref v. Holder* to challenge constitutional rights violations, including the right to due process at two federal prison units called Communications Management Units (CMUs) located in Terre Haute, Indiana and Marion, Illinois. These CMUs are primarily being used to limit, monitor and control the communications of Muslim prisoners and prisoners with unpopular political beliefs and to isolate them from other prisoners and the outside world. Between 65 and 72 percent of CMU prisoners are Muslim men. CCR's five plaintiffs were designated to the CMUs despite having relatively or totally clean disciplinary histories. None of the plaintiffs has received any communications-related disciplinary infractions in the last decade.



Rachel Meerpool and Nahal Zamani of CCR with Members of Client's (Jayyousi) Family.

CMU prisoners are completely segregated from the rest of the population at the facility and given extremely limited access to the outside world. Opportunities to participate in rehabilitation programs and work are virtually nonexistent, and their ability to call and visit with family and friends is heavily restricted. The CMU allows no physical contact with children or spouses or other family members. To add insult to injury, the Federal Bureau of Prisons (BOP) provides no means to challenge the CMU designation

either before or after it happens, and the prisoners are given neither access to the reasons for their transfer nor instruction on how to earn return to the relative freedom of general population.

On March 30, 2011, the District Court of D.C. ruled that our lawsuit may proceed. With this victory, CMU prisoners and their spouses will have their day in court to challenge the violation of their constitutional rights, including the right to due process and against retaliatory punishment. While the BOP sought to have it dismissed, CCR is confident that the case will proceed and raise critical constitutional and civil rights issues.

Increased public pressure and awareness of these prisons within prisons has already had an impact.

Not a single prisoner was transferred out of the CMU to less onerous conditions in the first three years of the CMU's existence for a non-disciplinary or non-medical reason. Since the filing of CCR's lawsuit, however, the BOP has begun a series of transfers of prisoners out of the unit, including three of CCR's clients: Royal Jones, Daniel McGowan and Yassin Aref. Daniel McGowan has since been returned to the CMU, however, without explanation.



Read more online at <http://ccrjustice.org/cmuc>

CCR Challenges Unconstitutional New Law in Michigan

On June 22, 2011, the Center, in coalition with the Sugar Law Center for Economic and Social Justice, the Sanders Law Firm, Miller Cohen PLC and Goodman & Hurwitz PC filed a law suit challenging Michigan's emergency manager law on behalf of the Michigan National Lawyers Guild and 28 citizens from across the state. The lawsuit claims the controversial law is an unconstitutional power

grab that effectively eliminates the democratically formed governments in cities and towns across the state.

Emergency managers have nearly unlimited and unchecked authority, from making and changing all local laws to selling off public assets and saddling local taxpayers with debt without their approval and laying off workers and repealing collective bargaining contracts. CCR believes

the law to be an abuse of state-level executive power and another way in which working class people and poor communities of color (in particular) are bearing the burden of the national economic downturn. This emergency manager law also deprives politically and economically disenfranchised communities of fundamental political rights like the right to elect their local governments.

**Exciting New Cases
and Developments
Inside!**

CCR Donor Spotlight | Teresa Holder and Bert Stover

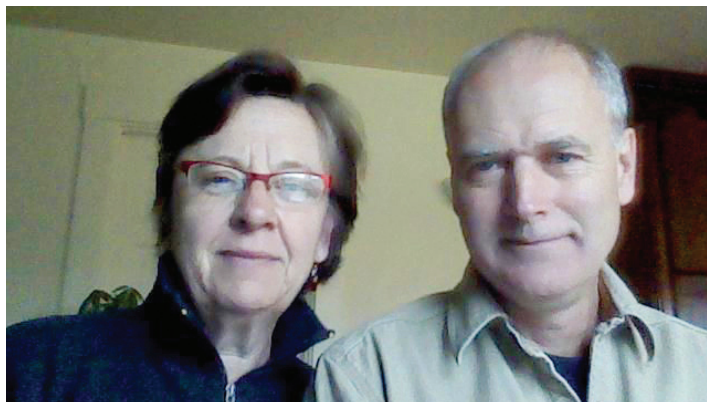
Teresa Holder and Bert Stover first heard of CCR's work in news articles concerning habeas corpus and imprisonment conditions at Guantánamo. They decided to support CCR while tracking the unlawful actions of the Bush administration around torture and "enemy combatants."

The U.S. government's blatant disregard for the Constitution and the unjust treatment of immigrants greatly increased their concern and motivated them to become recurring monthly donors to CCR.

"Donating on a regular basis provides a way for us to support CCR's work in the courts and voice in the media, especially when it contrasts sharply with current popular opinion. Knowing that torture, wrongful imprisonment, and intolerance will be important topics for years to come, a single donation did not seem to fit the situation.

Responding to the actions of the state is overwhelming on a personal level; CCR provides a vehicle for us to take some constructive action."

Bert currently works in occupational health and safety and



"At that time, it seemed like no group but CCR was coming out vocally for the rights of these hidden victims of American foreign policy."

—Teresa Holder and Bert Stover

international health services research. Teresa is a medical social worker who focuses on memory disorders and works in the women's clinic at a local hospital. They live in Seattle with their 14-year-old son and their dog.