



Aerial shot of Pelican Bay State Prison, a supermax facility.

Class Action Challenge to Solitary Confinement

In the summer of 2011, hunger strikes protesting prolonged solitary confinement conditions and policies in the Security Housing Unit (SHU) at Pelican Bay State Prison, in California, shone a bright light on the miscarriage of human rights associated with the practice. Nearly 12,000 prisoners from over a dozen California prisons participated in the strikes, which garnered national and international media attention and support. The hunger strikes ended in October 2011 after prisoner representatives were assured that the California Department of Corrections and Rehabilitation was working on new regulations and would continue conversations about other improvements sought by the prisoners.

On May 31, 2012, CCR filed a lawsuit on behalf of SHU prisoners at Pelican Bay challenging prolonged solitary confinement as a form of torture. The class action suit was filed in conjunction with several legal and advocacy organizations in California and plaintiffs include leaders and participants from the hunger strike. The lawsuit alleges that prolonged solitary confinement violates the Eighth Amendment prohibition against cruel and unusual punishment and that the absence of meaningful review for SHU placement violates the prisoners' right to due process.

Situated on the coast of California just south of Oregon, Pelican Bay State Prison is located in a remote area hundreds of miles from the nearest city. Prisoners in the SHU at Pelican Bay spend between 22 ½ and 24 hours each day alone in cramped, windowless cells. They are not allowed phone calls, food is often rotten and inedible, and medical care is frequently withheld.

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CCR Wins Class Certification in Case Challenging Stop-and-Frisk

On May 16, CCR and our clients won an enormous victory when a federal judge granted class certification in our lawsuit, *Floyd, et al. v. City of New York, et al.*, challenging the NYPD's stop-and-frisk practices as unconstitutional and racially discriminatory. This ruling allows anyone who has been unlawfully stopped and frisked since 2005 (hundreds of thousands of individuals) to join our lawsuit as a plaintiff. The individuals and communities who have endured the brunt of these unconstitutional practices will finally get their day in court!

The NYPD reported a record 685,724 stops in 2011 alone—a **600 percent increase** since Raymond Kelly took over as NYPD commissioner in 2002. Of those stopped, 84 percent were Black or Latino—despite representing only 52 percent of the city's total population. According to Columbia University law professor Jeffrey Fagan, who has analyzed six years of NYPD data

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CCR staff Ibrahim Qatabi and Nahal Zamani with Ashwini Shrikant at the Father's Day March to End Stop-and-Frisk in NYC.

CCR Welcomes Purvi Shah

CCR is excited to announce that Purvi Shah, lawyer and law professor, has joined the Center as the director of the Social Justice Institute (SJI). For over a decade, Purvi has worked for economic and racial justice at various civil rights organizations across the country. She has also been engaged in teaching, training, and building the next generation of social justice attorneys, which made her the perfect candidate to head up the newly created SJI.



Following law school in 2006, Purvi launched the Community Justice Project (CJP) at Florida Legal Services to provide legal, policy, and training support to community organizations in Miami. At the CJP, Purvi created and directed the Social Justice Summer (SJS) Fellowship Program, a 10-week summer institute that trains progressive law students on the theory and practice of community lawyering. In addition to her role at Florida Legal Services, Purvi was an adjunct professor as well as co-director and co-founder of the Community Lawyering Clinic at the University of Miami School of Law.

The SJI is made possible by support from the Bertha Foundation. The Bertha Foundation was honored at this year's President's Reception for their tremendous contributions to CCR.

 We will be sharing more details about the growing SJI throughout the coming months. You can find out more about Purvi at: www.ccrjustice.org/about-us/staff-board/shah%2C-purvi.

Sorry It Got Caught

“Terrorist,” “traitor” and “treason” are labels used, since 9/11, to justify the severe repression of constitutionally protected activities, such as protest of U.S. government policies. We are in an era of profound repression, scapegoating and secret trials not seen in decades, which extend far beyond Guantánamo to the targeting, detaining and silencing of political activists and whistleblowers here at home.

As I write, Private First Class Bradley Manning, perhaps the most important alleged whistleblower of this generation, is being court-martialed at Fort Meade in Maryland. Manning, nominated for the Nobel Peace Prize by members of the Icelandic Parliament, is charged with releasing thousands of documents exposing U.S. government secrets to WikiLeaks. The government has also apparently issued a secret indictment against WikiLeaks founder and publisher Julian Assange for the public dissemination of those documents. The United States is embarrassed by the facts that have come out, but not by the profound illegality of their conduct that has been exposed. Much like an entitled child, the government is stomping its feet—sorry that it got caught, but not for what it has done.

Indeed, the documents allegedly leaked by Manning and published by WikiLeaks expose lies, human rights violations, abuse and other crimes committed by the U.S. and other countries. One of the most devastating pieces leaked was a 39-minute video entitled “Collateral Murder,” which shamefully depicts three brutal attacks on civilians by U.S. soldiers in just one day of the Iraq war. The video belies the military’s blatant mischaracterization of the events as engagement with a “hostile force,” as the footage clearly shows attacks against civilians, not militants.

It is abundantly clear that what WikiLeaks published should not have been classified as secret information. To cover up this problem, the government has opted to silence and vilify Manning, holding him in brutal isolated detention, and then shrouding his entire trial in secrecy. Indeed, the proceedings against Manning are even more restrictive and opaque than those at Guantánamo.



Vincent Warren. Photo by Lindsay Beyerstein

In order to expose these proceedings in the light of day, on May 23, 2012, CCR successfully filed a petition with the U.S. Army Court of Criminal Appeals, seeking public disclosure of secret filings and court orders in the Manning proceedings. The petition was brought on behalf of CCR and joined by Glenn Greenwald, Jeremy Scahill and *The Nation*, Amy Goodman and Democracy Now!, Manning biographer Chase Madar, Kevin Gostola and Firedoglake blog, and Julian Assange and WikiLeaks. The petition asks this military appellate court to order the judge in the Manning proceedings to, consistent with its obligations under the First Amendment, make public the government filings and court orders in the case and to cease private, *in camera*, deliberations with counsel where rulings are made in secret.

As counsel for WikiLeaks and Julian Assange, CCR will continue to monitor the Manning hearings—both because Manning stands accused of providing evidence of U.S. war crimes to our clients and because the proceedings are inextricably linked to a grand jury in Virginia reported to be issuing subpoenas for information on Assange and WikiLeaks.

CCR will continue to pry open the doors of our democracy and counter the grim prediction made by Federal Court of Appeals Judge Damon Keith, who famously wrote in *Detroit Free Press v. Ashcroft*, “Democracies die behind closed doors.” CCR remains committed to challenging the calcification of the culture of secrecy within our government in the Manning case, and to countering the increasing suppression of our First Amendment right to dissent.

SOLITARY CONFINEMENT

(continued from cover)

Prisoners are let out only to shower in a locked stall or to exercise in what is referred to as the “dog pen,” a small cement yard with 15-foot walls.

Despite the fact that the SHU was originally built to hold prisoners for no more than 18 months, some prisoners have been held there since it opened in 1989. California, alone among all 50 states, imposes extremely prolonged solitary confinement if a prisoner is merely alleged to be associated with a gang—rather than based on actual gang activity—and is often grounded on the flimsiest of evidence.

Gabriel Reyes, a plaintiff in our lawsuit, has been at Pelican Bay for 18 years—16 of which he has spent in extreme isolation. Sentenced to 25 years in prison following a burglary that fell under California’s “three strikes” law, Reyes was assigned to the SHU for supposed “gang affiliation,” which he has repeatedly, but unsuccessfully, attempted to refute. Another plaintiff, George Ruiz, who has been in the SHU for 22 years, was denied review based on searches of unnamed prisoners’ cells that uncovered his name on a laundry list of purported gang members and associates, as well as his possession of photocopied drawings that were allegedly gang-related.

The only way to get transferred out of the SHU is to inform on the activities of other prisoners, but for Reyes, Ruiz, and others in solitary confinement at Pelican Bay, this is not a possibility. Not only do many prisoners refute the gang affiliations that put them in the SHU, but they have also been isolated from the rest of the prison population for over 10 years, so any information they might have would likely be irrelevant. Additionally, most prisoners fear retaliation and don’t wish to put their own lives or those of their families at risk. There is essentially no way out.

We are all too aware of the effects of long-term isolation, the lack of decent food and sunlight, the absence of human contact, and the dehumanization that results from such treatment. As Reyes reminds us, “Our Constitution protects everyone living under it; fundamental rights must not be left at the prison door.” It is CCR’s hope that this case will extend these basic human rights to the prisoners at Pelican Bay, strike a blow to the increasing use of solitary confinement in our nation’s prisons, and bring national attention to the international consensus that prolonged solitary confinement is a form of torture.



A “dog pen” at Pelican Bay State Prison: a small, enclosed cement “yard” where prisoners can exercise.

Our Constitution protects everyone living under it; fundamental rights must not be left at the prison door.

STOP-AND-FRISK

(continued from cover)

and will provide expert testimony in our case, even after adjustments are made for other factors—including crime rates and allocations of police resources—race is the primary factor determining NYPD stops. Most stops occur in Black and Latino neighborhoods and, even in predominantly white neighborhoods, Blacks and Latinos are significantly more likely to be stopped.

In her decision to grant class certification, Judge Scheindlin wrote: “Suspicionless stops should never occur. Defendants’ cavalier attitude towards the prospect of a ‘widespread practice of suspicionless stops’ displays a deeply troubling apathy towards New Yorkers’ most fundamental constitutional rights.”

Apart from these stops being unconstitutional and racially discriminatory, they also do little to keep New Yorkers safe. In fact, there is no evidence that the NYPD’s stop-and-frisk practices are responsible for the drop in New York’s crime rate, which began to decline long before the program was put into place.

In addition to the litigation, public education, outreach and organizing have been and continue to be critical. To that end, on Father’s Day, CCR, the NAACP and the Al Sharpton’s National Action Network (NAN) organized a silent march to protest stop-and-frisk. It was reported to be the largest police accountability march in the city in over a decade and was covered on the front page of *The New York Times* the following day. Building public awareness of, and opposition to, the NYPD’s discriminatory stop-and-frisk program is critical to ending this practice.

 For more information about the lawsuit and to read Judge Scheindlin’s class certification ruling, go to: www.ccrjustice.org/ourcases/current-cases/floyd-et-al

Guantánamo: Setbacks and Victories

On June 11, 2012, the Supreme Court denied cert to the habeas cases brought by seven Guantánamo detainees. By refusing to hear these cases—or any Guantánamo cases since its 2008 *Boumediene* decision—the Court has effectively abandoned the promise of its own ruling that guaranteed detainees a constitutional right to meaningful review of the legality of their detention. The fate of these detainees is now left in the hands of the hostile D.C. Circuit Court of Appeals, which has erected innumerable, unjustified legal obstacles that have made it practically impossible for a detainee to win a habeas case in the trial courts.

Despite the challenges and our disappointment with the Supreme Court, these setbacks are just the latest in the hundreds we've faced since beginning this litigation in 2002. CCR remains as committed as ever to challenging injustices at Guantánamo. For us, this fight is not yet over, nor can it be measured by court victories alone. Fred Korematsu is powerful proof that history will make critical judgments about a movement's success. Similarly, Augusto Pinochet

provides compelling evidence that the judgment of international law is patient. To continue this work, we are redoubling our efforts to fight for resettlement and repatriation of detainees; challenging the legal authority to charge detainees under the Military Commissions systems; seeking accountability for torture and abuse in a range of domestic and international law forums; and speaking tirelessly about the record—past, present and future—of injustice at Guantánamo and beyond.

We also must, in order to remain committed to these efforts, take the time to celebrate our successes. We were greatly encouraged by the recent acceptance of jurisdiction over CCR client and Guantánamo detainee, Djamel Ameziane, by the Inter-American Commission on Human Rights (IACHR). This marks the first time the IACHR has accepted such jurisdiction and also underscores the fact that there has been no effective domestic remedy available to victims of unjust detentions and other abuses at Guantánamo. We were thrilled, as well, by the April release of two Guantánamo detainees, Chinese



Leili Kashani, CCR staff member, stands up for Djamel Ameziane at a protest in D.C.

Uighurs, to El Salvador. These two men marked the first releases from Guantánamo in over 15 months—the longest period of time since its inception without any men being released.

In 2002, CCR was a lone voice leading the call for justice and human rights at Guantanamo; in 2012 and beyond, even as others have despaired or fallen quiet, CCR has not, and cannot, give up on this historic, if now long-term, fight.

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*The foundations listed above provided leadership-level grants of \$5,000 or more between Dec 15, 2011-Jun 15, 2012.

CACI Victory and Moving Forward

Readers of our newsletter will know that on January 27, 2012, CCR argued before 14 members of the Fourth Circuit seeking review of the earlier dismissal of our cases *Al-Quraishi v. Nakhla and L-3* and *Al Shimari v. CACI, et al.* These cases seek to hold private military contractors accountable for torture and abuse of Iraqi prisoners at Abu Ghraib and in prisons across Iraq.



On May 11, we won a **major victory** when the U.S. Court of Appeals for the Fourth Circuit, sitting en banc, dismissed the appeals of the private military contractors, thereby allowing the cases to proceed to discovery in the district courts. The contractors had argued that they should receive the same protections as the U.S. government and, therefore, any of their wartime activities are beyond review of the courts. However, the court was unwilling to grant such a broad immunity to these corporate defendants.

As reported in the last newsletter, the U.S. government, when asked for its opinion by the court, argued that our cases should be allowed to proceed—the first time the government has said that victims of Abu Ghraib should be allowed to make their case and could sue contractors. However, the government carved this out as a narrow exception allowing these particular cases to proceed, potentially limiting the class of cases to those involving torture by contractors in the context of the war in Iraq.

Although defendants have indicated they will ask the Supreme Court to review the Fourth Circuit's decision, we are hopeful that we will soon proceed with fact-finding and discovery—and move one step closer to the plaintiffs having their day in court and hopefully achieving some measure of justice.

CCR Continues to Challenge Targeted Killing and Drones



CCR has filed a new case challenging the Obama administration's program of "targeted killing" of terror suspects—premeditated killing of people who have not been charged or tried—outside of countries in which the United States is engaged in armed conflict. CCR and the ACLU filed *Al-Aulaqi v. Panetta* against senior U.S. officials seeking accountability for the killing by drone strikes in Yemen last year of three U.S. citizens, including a teenage boy, in violation of the U.S. Constitution and international law. The case relates to our long-standing work to challenge the Obama administration's targeted killing program. Our first case, *Al-Aulaqi v. Obama*, as readers of our newsletter will remember, was filed in August 2010, and challenged the widely-reported authorization of the killing of U.S. citizen Anwar Al-Aulaqi in Yemen, which we argued could not lawfully be carried out unless he presented a specific, concrete and imminent threat, and lethal force was a last resort. The case was dismissed by the D.C. district court in December 2010. The U.S. carried out the targeted killing of Al-Aulaqi on September 30, 2011, killing not only him, but also U.S. citizen Samir Khan in the same strike. A second strike, on October 14, 2011, killed Al-Aulaqi's 16-year-old son, Abdulrahman Al-Aulaqi, also a U.S. citizen, as he was eating dinner outside with his teenage cousin. These killings are the subject of our newly-filed case.

Outside the courtroom, CCR continues to keep this issue at the forefront of the public debate. In April 2012, CCR, CODEPINK and Reprieve hosted a two-day conference on the issue of drones in Washington, D.C. **The International Drone Summit: Killing and Spying by Remote Control** had dual objectives to better inform the public about the reality and significance of the U.S. government's increasing use of both killer and surveillance drones, and to facilitate networks and strategies to resist this expansion. The conference was a huge success with over 230 people in attendance.

Thelma Newman Society

We welcome and thank the newest members of the Thelma Newman Planned Giving Society, a group of individuals who decided to include CCR in their estate plans or established annuities with the Center. These gifts build our endowment, ensuring CCR's progressive legal work for future generations.

Elizabeth Alexander
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Kelly Pomeroy and John Broussard
Jeremy Rye

Our donors and supporters make our cutting-edge human rights work possible. Thank you so much! *The individuals listed joined between December 15, 2011-June 15, 2012.*

CCR Trains (and Dances with) the Next Generation of People's Lawyers

Training the next generation of people's lawyers has always been part of the Center's mandate. With the newly launched Social Justice Institute (described in more detail in our Spring 2012 Newsletter's Letter from the Executive Director), CCR is able to do this on a much larger scale. Part of scaling up this work includes conferences and trainings for lawyers and law students. To this end, CCR held two amazing conferences this year on movement lawyering—one in March and one in June—and trained more than 250 law students!

In March, CCR joined with lawyers and law students from across the Deep South for a two-day "People's Law Conference" in New Orleans, Louisiana, that rooted the practice and study of law in social justice principles and firsthand experience. The conference highlighted the struggles of communities traditionally neglected or criminalized in casebooks and law classrooms, focusing on communities of color, immigrants, and LGBTQ communities. Attendees learned from elders, youth leaders, and fellow law students who are engaged in on the ground advocacy and waging justice in the courts. Issues discussed included environmental injustice, lack of access to housing and education, and oppressive policing and incarceration prac-



Photo: Rafael Shimunov

Beatrice Lindstrom, Institute for Justice & Democracy in Haiti, Socra Saint Joy, Bureau Des Avocats Internationaux (BAI), Pam Spees, CCR, and Mario Joseph, BAI, present at the People's Law Conference.

tices. Peers thought collectively about the role of law students and lawyers in social justice work, and how we can support ourselves, each other, and the people at the center of these struggles. This conference was attended by more than 100 students and we hope the result will be greater cooperation for people working in New Orleans, a city that desperately needs these collaborations to address the systemic problems facing its most vulnerable communities.

In June, CCR held its first Social Justice Institute Conference in New York City. We were thrilled to have Michelle Alexander, Professor of Law

at OSU Moritz College of Law and author of the book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, as our keynote speaker. Ms. Alexander captivated the audience with her radical views on movement lawyering, setting the tone for a day filled with learning, strategy sharing, and cross-organizational collaboration. The goals of the conference were to teach our incoming class of 2012 Ella Baker students, as well as law student interns from allied organizations across the city, a broad array of principles and methods of community and social justice lawyering that they would ordinarily not be exposed to in law school or perhaps even during their own summer internship experiences. The conference provided concrete strategies, tools, and forums that these budding lawyers can use as part of their practice serving underprivileged communities and, we hope, the experience inspired students to commit themselves to social justice work. The conference was attended by 150 students from across the city, and the country, and was followed by CCR's Annual Social Justice Throwdown. The Throwdown is an annual dance party organized by the Center—this year it featured the music of M.A.K.U. Soundsystem and CCR's own Legal Worker, (DJ) Ian Head.

Update from an Ella: Nikki Thanos

Nikki Thanos, a 2009 Ella Baker Fellow, says that her summer at CCR "inaugurated her into a community of lawyers that are deeply committed to lifting up base-level struggles." Nikki graduated in 2010 from Loyola University New Orleans College of Law, and then took a job as the New Orleans Workers' Center for Racial Justice's Legal Fellow. "Of all the classes I took and experiences I've had, nothing prepared me to be a movement lawyer like a summer at CCR," she said. "When peoples' movements are the true engines driving a case, the lawyering takes on a unique structure and cadence. CCR helped me tune into a power-building approach to lawyering. You cannot read a book and grasp that concept. You have to be immersed in the work, and you have to see your mentors in action. As I organize for immigrant



rights in New Orleans, there is not a day that goes by that I do not call up someone at CCR, or draw on an experience I had at CCR. CCR has absolutely shaped the way I do my work today, and the vision I have for my work down the road."

Doe v. Jindal Victory and New Case

Recent developments in *Doe v. Jindal*, our challenge to Louisiana's discriminatory Crime Against Nature by Solicitation (CANS) statute, have been twofold.

As a reminder, people accused of soliciting sex for a fee in Louisiana can be criminally charged in two ways: either under the prostitution statute or under the solicitation provision of the Crime Against Nature statute. Until recently, a CANS conviction carried harsher penalties than a prostitution conviction, including the mandatory sex offender registration requirement, even though the statutes outlaw the same conduct.

With our case, filed in collaboration with Women With A Vision and its allies, and legislative developments as a result of the pressure our lawsuit brought, CCR successfully challenged this practice. In April, we received very exciting news for our plaintiffs: In addition to declaring that requiring individuals convicted under this archaic statute to register as sex offenders is unconstitutional, the court ordered the state to stop placing individuals convicted of CANS on the registry and to remove our clients from the sex offender registry within 30 days.

However, despite the court declaring the registration requirement unconstitutional for people convicted of CANS, Louisiana has still not removed the almost 500 hundred individuals who remain on the registry as a result of a CANS conviction. In response to the inaction, we filed a federal class action lawsuit on June 27, seeking to remove these individuals from the registry.

"Being forced to register as a sex offender has made it much harder for me to find housing and work," said one



Photo: Yanick Salazar

CCR Attorney Alexis Agathocleous, and Deon Haywood, Executive Director of Women With A Vision (WWAV) at this year's President's Reception. WWAV was honored with the 2012 CCR Ally for Social Change Award.

of the plaintiffs in the lawsuit. "This has affected every aspect of my life, is humiliating, and has prevented me from moving on."

It is our hope that this challenge will extend the arm of justice to all those affected by this unconstitutional practice.

On May 25, the offices of Women With A Vision (WWAV) were attacked, ransacked and several fires were started inside. While the offices sustained major fire damage, we are grateful no one was hurt. WWAV has tirelessly and fearlessly served the New Orleans community for years and is one of CCR's closest allies and partners. We urge our supporters to consider contributing to WWAV, so that they may rebuild and carry on their heroic work: www.wwav-no.org



CCR offers a special thank you to those who joined the Founders Circle whose members make leadership gifts totaling \$1,000 or more to the Center during the year, and so doing, provide critical core support. *The individuals listed joined between December 15, 2011-June 15, 2012.*



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If you would like to find out more about joining the Founders Circle or making a planned gift to CCR, contact Sara Beinert at 212-614-6448 or SBeinert@CCRjustice.org. Our donors and supporters make our cutting-edge human rights work possible. Thank you so much!

Breaking News:

**CCR Challenges
Solitary Confinement**

**Targeted Killing
and Drones**

**CCR Wins in
Stop-and-Frisk**

Details Inside

Mitchel and Linda Bollag

CCR Spotlight

Mitchel and Linda Bollag have known about the Center for Constitutional Rights for years. Mitchel's parents were also supporters, and together, they felt the work CCR did around U.S. intervention in Central America in the 1980s was extremely important.

Mitchel and Linda have been donors to CCR since 1992 and recently decided to become Founders Circle members. They are supportive of all of the Center's work, but they are particularly interested in CCR's work around corporate human rights abuse. They also feel strongly about opposing U.S. military intervention in other sovereign nations.

"There is so much work that needs to be done, and CCR is the best organization in

their field. We wanted to do more to help the Center."



Mitchel has worked as a rag dealer for the last 33 years, buying and selling rags and cutting, textile waste and byproducts, and fiber and textile raw materials.

Mitchel and Linda have three children, who all have a very progressive sense of, and work for, social and economic justice (their son, Sascha Bollag, was a 2011 intern at CCR!). Mitchel says, "We are happy that the third Bollag generation is already supporting CCR! Hasta la victoria siempre!"



To join Mitchel and Linda and make a donation to CCR please visit www.CCRjustice.org/donate

Michael Ratner



At the 2012 President's Reception, CCR presented outgoing Board President, now President Emeritus, Michael Ratner, with the Relentless Radical award for his over forty years of visionary leadership, and people's lawyering with the Center. Michael continues with CCR in his new role with OWS, WikiLeaks and in working to close Guantánamo. Please go to www.CCRjustice.org/michael40 for a video about Michael and CCR's groundbreaking work together, and to make a gift in honor of Michael's four decades (and counting) of service to CCR.