



CCR is pleased to announce that William Goodman accepted the position of Legal Director at the Center this past October. Nationally renowned for civil rights litigation expertise and prisoners' rights work, Bill served before as CCR's legal director from January 1998 through February 2003. During that tenure he led CCR in several successful cases including one against the NYPD for racial profiling in stops and frisks. He was largely responsible for shaping CCR's legal docket after 9/11. Notably, Bill initiated *Turkmen v. Ashcroft*, challenging the post-9/11 policies of the Bush administration that racially profile thousands of immigrants especially those of Middle Eastern and South Asian descent. Before returning to CCR, Bill continued his civil rights work as a partner at Moore & Goodman, LLP. He had been serving as the Interim Legal Director since June 2005.

We are delighted that Bill agreed to return as CCR's legal director at a critical period in both CCR's and the nation's history. Please join us in welcoming Bill Goodman back to the Center!

## CCR Files Suit over NSA Domestic Spying

On January 17, 2006, CCR filed a lawsuit against George W. Bush, the head of the National Security Agency, and the heads of the other major security agencies, challenging the NSA's surveillance of persons within the U.S. without judicial approval or statutory authorization. The suit seeks an injunction that would prohibit the government from conducting warrantless surveillance of communications in the U.S. CCR filed the suit in the Federal District Court for the Southern District of New York on its own behalf and on behalf of CCR attorneys and legal staff representing clients who fit the criteria described by the Attorney General for targeting under the NSA Surveillance Program.

As has been widely reported, for over four years the NSA, with the approval of the

president, has engaged in a program of widespread warrantless electronic surveillance of telephone calls and emails in violation of the Foreign Intelligence Surveillance Act. The suit argues that the NSA Surveillance Program violates a clear criminal law, exceeds the president's authority under Article II of the Constitution, and violates the First and Fourth Amendments. The Foreign Intelligence Surveillance Act explicitly authorizes foreign intelligence electronic surveillance only upon orders issued by federal judges on a special court. It expressly authorizes warrantless wiretapping only for the first 15 days of a war, and makes it a crime to engage in wiretapping without specific statutory authority.

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## Telephone Justice Update

On November 16, family members, faith leaders, lawyers, elected officials, students and other supporters rallied across from Bryant Park in New York City to express their outrage over the illegal contract between the New York State Department of Correctional Services (DOCS) and MCI. Organized by the New York Campaign for Telephone Justice, a project of CCR in partnership with groups representing New York State prisoners' families, the event was the culmination of many months of advocacy and aggressive public education about a policy that adversely affects thousands of families,

most of whom are on limited incomes and can least afford the exorbitant rates charged by MCI to maintain phone contact with their imprisoned loved ones.

Buoyed by strong words of support from New York State Assemblymen Jeffrion Aubry and Adriano Espaillat who sponsored the Family Connections Bill that passed in the Assembly, several speakers took to the stage to voice their opposition to the contract and to urge Governor George Pataki to end the contract when it expires in March of 2006.

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## Hungry for Justice: Vigil in Solidarity with Detainees

CCR and endorsing organizations held a noon vigil on November 1, 2005 in Washington, D.C., in front of the Department of Justice as part of CCR's national "Fast for Justice" campaign. Coordinated by Edget Betru, the CCR Guantánamo Global Justice Initiative organizer, the fast was called to let supporters show their solidarity with the Guantánamo detainees and to put pressure on the Bush Administration by keeping the Guantánamo situation in the public eye.

"Since early 2002, the men held at Guantánamo Bay have waged desperate and at times life-threatening hunger strikes to protest their detention without trial and the conditions under which they have been kept," Betru said. "Despite CCR's efforts to hold them accountable, the Bush Administration continues to dismiss the Supreme Court ruling in CCR's case *Rasul v. Bush* which said that the detainees have a right to their day in court. We call upon the Department of Justice to uphold the rule of law and give the detainees a fair hearing imme-

diately and to release those who have committed no crime."

In addition to the hearings in federal courts, the Fast for Justice demands included: the provision of adequate food, water, shelter, medical treatment and the observance of religious practices for the detainees; timely reports on the health status of the prisoners for the families and legal counsel of the detainees, especially those participating in the hunger strike; and a call for access to the detainees for domestic and international independent investigators. These demands were hand delivered to the Department of Justice by those gathered for the Vigil on November 1.

The on-going hunger strike at Guantánamo started in August 2005. Guards were ordered to begin force-feeding the protesting detainees with dirty feeding tubes which are violently inserted and removed as punishment, causing the striking prisoners to vomit blood and experience intense pain which they equate to torture, accord-



CCR supporters demonstrate in front of the Dept. of Justice

ing to CCR Attorney Gita Gutierrez.

Simultaneous vigils were also held in New York City outside of the Federal Plaza, at various law schools, in the states of New Hampshire, Oregon, and in Managua, Nicaragua. Thousands of individual supporters nation wide participated in the Fast For Justice. •

To find out how you can get involved, visit [www.ccr-ny.org/gac](http://www.ccr-ny.org/gac) or contact Edget Betru at 212-614-6477 or [Ebetr@ccr-ny.org](mailto:Ebetr@ccr-ny.org)

## Remembering The Ogoni 9\*

On November 10, 1995, internationally renowned author and human rights and environmental activist Ken Saro-Wiwa and eight other activists were hanged in Nigeria. Arrested and held for months without charges, tortured while in detention, and sentenced to death by a "Special Tribunal," these men were executed for their peaceful efforts to defend the indigenous Ogoni people of Nigeria from abuses caused by oil extraction activities of Royal Dutch/Shell.



© Greenpeace/Lambon

In 1996 CCR filed suit against Shell for its complicity in these human rights abuses. Ten years later, despite facts that tie Shell to the executions of the Ogoni 9 and to the continuing abuse of the Ogoni people, Shell still denies

culpability, while its own internal reports show it is still part of the problem.

On November 10, CCR sponsored a commemoration and celebration, *Remember the Ogoni 9*, at the Metropolitan Community Church of New York.

The event coincided with over 40 peaceful vigils organized around the globe in solidarity with the Ogoni people to honor the memory of the Ogoni 9. •

\*Ken Saro-Wiwa, Baribor Bera, Saturday Doobee, Nordu Eawo, Daniel Gbokoo, Barinem Kiobel, John Kpuinen, Paul Levura and Felix Nuate

## CCR Files Suit over NSA Domestic Spying

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In the course of representing post-9/11 clients, including the Guantánamo detainees, the Center's lawyers have engaged in innumerable telephone calls and e-mails with people outside the U.S. including their clients, their clients' families and outside lawyers, potential witnesses, and others. Given that the government has accused many of CCR's overseas clients of being associated with Al Qaeda or of interest to the 9/11 investigation, there is little question that these attorneys have been subject to the NSA surveillance program. The Center filed this lawsuit in order to protect CCR attorneys' right to represent their clients free

of unlawful and unchecked surveillance.

According to CCR attorney Shayana Kadidal, "The mere existence of the program harms CCR and our attorneys because it serves to inhibit their ability to institute and effectively litigate these suits."

CCR is represented in the suit by the Center's Bill Goodman, Shayana Kadidal, and Michael Ratner, and CCR cooperating attorney David Cole. Also appearing as an attorney for CCR is Professor Michael Avery, president of the National Lawyers Guild. •

## Campaign for Telephone Justice Update

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The rally was followed by a highly spirited march across 42nd Street in the midst of the midtown lunch crowd and attracted many onlookers and interested passersby who were similarly angered when told the reason for the gathering. The final destination of the marchers was the office of Governor Pataki, where family members delivered a giant bill for \$400 million representing the amount paid by family members to MCI since the original contract began in 1996.



The event attracted broad press coverage throughout the state, in print, radio and television outlets, and significantly increased the public's awareness of this exploitative practice.

On January 9, 2006, the Family Connections Bill moved out of the N.Y. State Senate Committee

on Crime Victims, Corrections, and Crime, by a unanimous vote, bringing New York closer to ending the unjust backdoor tax on families of prisoners.

"As this bill moves to the Senate floor, families of prisoners have real hope that their obscene phone bills will end," said CCR's Annette Dickerson. •

## CCR Bids Farewell to Executive Director Ron Daniels



After 12 years at CCR's helm, Ron Daniels stepped down as Executive Director December 31. He plans to focus more time on building the Institute of the Black World 21st Century, where he serves as president.

"It has been my privilege to serve as Executive Director of this incredible institution at one of the most crucial moments in the history of this country," Daniels commented. "Few people have the opportunity to serve at the head of an organization that is at the very forefront of the struggle for social justice and social change in the United States and the world. It has been an extraordinary experience."

"Ron Daniels has been the heart and soul of CCR. He has been our political conscience and led us to amazing victories," said CCR President Michael Ratner. "During his 12-year tenure we almost tripled in size. We will continue to fight to uphold the legacy that Ron Daniels has given to us all. He will be sorely missed, and we wish him great success in building the Institute of the Black World."

Before CCR, Ron served as Southern Regional Coordinator and Deputy Campaign Manager for Jesse Jackson's 1998 presidential bid and was an independent candidate for president in 1992. Daniels was the first African American to serve as executive director at the Center.

While CCR will miss Ron and his leadership, we are excited for him and wish him the best in his new endeavors. •

## Know Before You Go: Restrictions on Travel to Cuba

CCR's long anticipated update to its 1999 booklet on the travel restrictions to Cuba was recently released. The booklet details the latest travel restrictions to Cuba and provides information on obtaining general and specific licenses for travel. While the booklet is not a substitute for legal advice, we are excited to further our educational efforts about the Cuba travel embargo. Meanwhile, we are continuing our legal efforts to challenge and overturn this disastrously unconstitutional policy. •

To obtain your copy, visit on the CCR website, [www.ccr-ny.org](http://www.ccr-ny.org). Click on the "Education & Outreach" tab and then go to the "Cuba Travel Initiative" link to find the booklet.

## CCR Lawyers Go The Extra Mile

Two of CCR's attorneys are currently traveling to gather information for our work on behalf of the men held at Guantánamo Bay. Attorney Gitanjali Gutierrez is on a ten-day trip to Guantánamo Bay. She is meeting with some of CCR's clients, monitoring conditions and finding out the latest information on the long running hunger strikes at the prison camp.

Tina Foster is also traveling. Tina is currently in Yemen with a group of CCR affiliated habeas attorneys and will be continuing onto Bahrain and Afghanistan. She is meeting with family members of those detained at Guantánamo. Tina is assembling information from family members about the circumstance of our clients capture and meeting with activists to build the international movement demanding that the men at Guantánamo be given a fair trial or released. •

### CCR Welcomes New Board Members:

As Of October, 2005

Michelle DePass • Michael Steven Smith

As Of January, 2006

Catherine Albisa • Karima Bennoune

Ann Cammett • Eric L. Lewis

#### Michael Steven Smith

Michael Steven Smith, a lawyer, has been in private practice in New York City doing tort litigation since 1989. He, along with board member Dick Sobel, founded a progressive law firm in Detroit. He also worked at Harlem and Queens Legal Services offices, and was the director of Seafarers Legal Services. Michael has testified before committees of the United States Congress on democratic rights for Arab Americans and before the United Nations on the human rights of Palestinians. He is on the executive committee of the city chapter of the NLG and the board of The Brecht Forum and co-hosts the WBAI radio show "Law and Disorder" with Michael Ratner, among others. Michael has written or edited six books.

#### Michelle DePass

Michelle DePass is currently a Program Officer in the Community and Resource Development Unit of the Ford Foundation where she leads the Foundation's work in the area of Environmental Justice and Healthy Communities. For five years she served as Executive Director of the New York City Environmental Justice Alliance. Michelle has worked at CCR as a William Kunstler Racial Justice Fellow, and was Senior Policy Advisor for the Environment within the McGreevey administration. She has also taught federal environmental law and policy at the City University of New York.

### CCR is Grateful to Our Foundation Funders for Their Support\*:

The Alfred and Jane Ross Foundation ♦ The Bardon-Cole Foundation ♦ The Blue Oak Foundation ♦ The Charitable Gift Fund ♦ The Funding Exchange ♦ The Helena Rubinstein Foundation ♦ The Jack P. Tate Foundation II ♦ The Jewish Communal Fund ♦ The Joseph & Sally Handleman Foundation ♦ The Liberty Hill Foundation ♦ The Madison Community Foundation ♦ The Max and Anna Levinson Foundation ♦ The Normandie Foundation ♦ The Oak Foundation ♦ The Open Society Institute ♦ The Rhode Island Foundation ♦ The Ritter Foundation ♦ The Samuel Rubin Foundation ♦ The San Francisco Foundation ♦ The Spingold Foundation ♦ The Stewart R. Mott Charitable Trust ♦ The Taub Family Foundation ♦ The Vanguard Charitable Endowment Program ♦ The William B. Wiener Jr. Foundation.

\* The foundations listed above have provided new leadership-level grants of \$5,000 or more **between 7/1 and 12/30/05**.

## Why Habeas Matters

The ancient right of *habeas corpus* guarantees that no one can be arrested by the state or seized in any fashion and held without being brought before a judge, charged with a crime and having evidence brought forward establishing probable cause for the person to have been arrested and held. This is the most basic of democratic rights and provides real protection from the bald assertion of power by the police or the state. It is the very heart of due process of law.

The writ of *habeas corpus* has been around for over 1,000 years and first emerges in writing in 1215 in the Magna Carta. Because of its age and its centrality, it is often

called the 'Great Writ.' It is enshrined in Article I of the United States Constitution and as such predates even the Bill of Rights. In well over 200 years there has never been a congressional stripping of the right of habeas, until now with the Detainee Treatment Act. Consequently, the Bush Administration has set a dangerous precedent and has once more usurped the rule of law. If the Guantánamo detainees can be denied their constitutionally guaranteed writ of *habeas corpus*, then who is to say that anyone else charged with a lesser crime will not be held indefinitely without the ability to face their accusers and to know the accusations made against them? •

## Congress Creates Bad Precedent: Passes Dangerous Court Stripping Act

On December 30, President Bush signed into law the Department of Defense Appropriations Act for 2006. Included in the appropriations bill was an amendment authored by Senators Graham and Levin, which when combined with the McCain Amendment is now known as the Detainee Treatment Act. The Detainee Treatment Act, which strips the courts of jurisdiction to hear habeas cases brought by detainees, poses a steep, but not insurmountable set of challenges to the Center's work on behalf of the 500 men currently being held at Guantánamo Bay – and by extension, to CCR's work to address the circumstances of the thousands of others detained around the world by, or at the request of, U.S. authorities.

In June 2004, CCR won a groundbreaking Supreme Court victory in *Rasul v. Bush* when the court ruled that the detainees had the right to challenge their indefinite detentions in U.S. courts. Since that ruling, the Center and its cooperating attorneys have filed habeas petitions on behalf of hundreds of detainees. The passage of the new law may at first seem to do away with much of the Center's work on behalf of the

Guantánamo detainees, yet the opposite is true. In addition to challenging the constitutionality of the law as applied to each detainee, the Center now also faces challenges from the Administration's effort to dismiss all 111 habeas cases based on the Act's intended effect on the courts' power to hear detention challenges, resulting in a second group of cases that will be argued up to the Supreme Court once again as part of CCR's fight for justice on behalf of the detainees.

The worst result of the law's passage is that justice will likely be delayed for all those sitting in U.S. detention. Rather than having their habeas petitions heard within the next few months, these cases may now be delayed up to a year or more, tied up in litigation over the constitutionality and applicability of the statute and the Administration's attempts to subvert the separation of powers and the system of checks and balances. And while CCR and its cooperating attorneys fight for the detainees, the human cost to those sitting in detention away from family, friends and country will continue to be unacceptably high and tragic. •



CCR was listed as one of the top-rated charities for civil rights and advocacy by the American Institute of Philanthropy. AIP is a nonprofit charity watchdog and information service whose mission is to maximize the effectiveness of every dollar contributed to charity by providing donors with the information they need to make more informed giving decisions.

For more information about CCR's rating and AIP's criteria, visit <http://www.charity-watch.org/toprated.html>.



centerforconstitutionalrights

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The CCR newsletter is produced twice a year. For the latest updates and action alerts, visit [www.ccr-ny.org](http://www.ccr-ny.org) and sign up for CCR's on-line mailing list.

Founded in 1966 by attorneys representing civil rights demonstrators in the South, the Center for Constitutional Rights is a nonprofit legal and educational organization dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. CCR is committed to the creative use of law as a positive force for social change.

## Donor Spotlight: Tina Rasnow

Tina Rasnow is a new CCR supporter and Founders Circle member who has parlayed her belief in the Center's work into a family affair by introducing her brother and parents to CCR. They are now also supporters of the Center!



Tina working with a student at the Mobile Self-Help Legal Access Center.

Now a Southern California resident, Ms. Rasnow received her J.D. from the University of California, Hastings College of the Law. After clerking for the Alameda County Public Defender's office during law school, Ms. Rasnow started her legal career with Hawkins & Lombino before going on to begin her own practice.

In 1997, she became an adjunct law professor at Ventura College of Law and later that

same year left private practice to develop a self-help legal access center for the Ventura County Superior Court, where she has worked as a senior attorney ever since. She currently serves as an adjunct professor at Union Institute and University.

Besides teaching, Ms. Rasnow has authored numerous articles in local newspapers and legal publications on access to justice issues.

She is a member of the National Lawyers Guild, among many other bar associations, and her numerous awards include the Ventura County NAACP President's Award, California Women Lawyers President's Award, and California State Bar President's Pro Bono Service Award. •

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