

Victory! Stop-and-Frisk Reform to Begin

On October 31—one year to the day after it stayed Judge Scheindlin’s ruling and remedial order—the Second Circuit Court of Appeals granted the city’s request to withdraw its appeal of those orders and lifted the stay. It also rejected the motion to intervene filed by five NYPD police unions, asking the court to allow them to continue the appeal even though the city had petitioned to withdraw it. With these actions, the last remaining obstacles to the reform process were swept away. Fifteen years after CCR first sued the city to end its abusive stop-and-frisk practices, we now stand on the threshold of meaningful reform.

Over the past year, union leaders had sought to overturn the district court’s orders finding the City’s stop-and-frisk practices unconstitutional and requiring comprehensive reforms, long after the de Blasio Administration accepted the court’s rulings and



CCR, Floyd plaintiffs, and co-counsel from Beldock, Levine & Hoffman at a press conference announcing a victory in our lawsuit challenging the NYPD’s racially discriminatory stop-and-frisk practices.

sought to withdraw its appeal. This had kept the parties in court and away from the reform table. Many

rank and file union members indicated the leadership did not represent

continued on page 3

CCR's Support for Animal Rights Movement Takes Next Steps

For the better part of a decade, CCR has defended animal rights activists targeted by government and corporate repression known as the “Green Scare.” From defending attacks on free speech to battling trumped-up terrorism charges for civil disobedience, CCR has led the charge on some of the most significant battles to protect this marginalized movement.

Unfortunately, on November 10th the Supreme Court denied *cert* in our case challenging the cornerstone of the Green Scare—the Animal Enterprise Terrorism Act (AETA). The AETA punishes causing loss to an animal enterprise, but makes no distinction between loss caused by criminal acts and loss caused by boycotts and other constitutionally-protected activity. The First Circuit Court of Appeals had

ruled in the case, *Blum v. Holder*, that the plaintiffs could not sue to challenge the AETA because they had not shown that their prosecution under the law was “certainly impending.” While we are very disappointed by the Court’s decision not to review this unprecedented procedural roadblock, activists should take some solace from the government’s and the First Circuit’s litigation position in *Blum*—that the AETA cannot be used to punish First Amendment protected activity that impacts corporate profits.

Meanwhile, CCR has vehemently condemned charges of “animal enterprise terrorism” against two activists who allegedly freed mink and foxes from fur farms. They face 20 years in federal prison for a nonviolent act. CCR will be

continued on page 3

From Ferguson to Floyd: A new generation fights police violence and discrimination

Outrage spread throughout CCR's office when the news broke that Michael Brown, a young man in Ferguson, MO, unarmed and with his hands in the air saying "don't shoot," was shot by Ferguson police officer Darren Wilson. It was a story we have heard far too many times in far too many cities including our own. The reaction was quickly followed by the determination to do something; we gathered in the office kitchen, ideas, blank wall and chalk in hand. Within a week we had staff people on the ground in Ferguson; marching in solidarity—and getting tear gassed—with the local community, meeting with activists and legal advocates, making the connections to figure out what our long-term contribution to this struggle should be.

CCR is of course no stranger to issues of systemic police abuse and institutional racism. In fact, while Bertha Justice Institute Director Purvi Shah and others were still in Ferguson during that first trip in August, CCR's *Floyd* team was in court filing our latest response in our ongoing battle to end the NYPD's abusive stop-and-frisk practices—a practice that all too often leads to the same fatal encounters we saw in Ferguson.

With the Second Circuit's ruling in October (see article on page 1), the appeals process in *Floyd* is finally over and the joint remedial process ordered by Judge Scheindlin in August 2013 can now begin.

It has been a long journey to get to the threshold of reform. In the wake of community protest after the Amadou Diallo shooting in 1999, we filed the Daniels case, the predecessor case to *Floyd*, and have been working relentlessly ever since to dismantle the NYPD's discriminatory practices. The progress we have made—especially the landmark ruling in August 2013 and now the removal of the final barrier to the reform process—proves that police can be held accountable and reform is possible.

"How [is a police officer] going to be my hero in life knowing that [he was] the one who destroyed me?" – A fifteen year old Ferguson activist

This is an important question for the movement in Ferguson and for black and brown communities across the nation. A



Vince Warren and CCR Education & Outreach Associate Meejin Richart at CCR strategy meeting on Ferguson.

new generation of community activists is rising up, and in the months since Michael Brown's murder they have gotten quickly organized and drawn widespread support from all over the country. CCR has been back to Ferguson several times supporting these very young activists, including a national strategic convening that CCR helped organize and I attended in October. Our unique contribution to this new chapter in the long struggle against institutionalized racist violence and repression is the expertise we have developed in combining cutting-edge litigation and community advocacy to create lasting change.

Closer to home, we have also stood in solidarity with the family and community of Eric Garner, killed by police in Staten Island in July. In the immediate wake of the killing, I was on several talk shows putting the Garner case in context. CCR participated in the massive community protest march in August, and we have and will continue to draw attention to the case through our social media platforms.

As CCR supporters know, we've been in this struggle for a long time, and we are in it for the long haul. And we can't do it without you. You are there with us at the marches and meetings in Ferguson. You are there with us as we support the 15 year old who asks us why the civil rights movement didn't finish the job, why they are having to deal with this in 2014, and how can we help them make a better world.

You'll be hearing much more from us in the coming months about our work in both *Floyd* and Ferguson. Whether it's in the streets or in the courts, we will continue to tirelessly work to bring about that day when no one has to think twice about going to the corner for a quart of milk because they might get stopped, and that day when no parent has to hear that her child was gunned down by cops.

A handwritten signature in black ink, appearing to be "VW".

Vincent Warren

Stop-and-Frisk Victory

(continued from cover)

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their interests on this issue.

The appellate court's decision comes after it heard oral arguments earlier in October. At the time, four amicus briefs were submitted in support of CCR: on behalf of Communities United for Police Reform, representing more than sixty grassroots and civil liberties organizations; elected officials; organizations representing police officers of color; and a group of law professors.

With the withdrawal of the City's appeal, CCR, co-counsel, community members, and other stakeholders—including the unions—can finally work together in the joint reform process and develop meaningful, lasting reforms to end the NYPD's unconstitutional and discriminatory practices and to build a better, safer city for all New Yorkers.

At one point during the October oral argument, Judge Parker had responded to a union lawyer's complaint that community groups were "driving the bus" on the reform process. "The people driving the bus," said Parker, "are the communities you serve, and they should be driving the bus."

And now they are, and we are finally on the road to actual reform.

For more information go to www.CCRjustice.org/stop-and-frisk

Animal Rights Movement (continued from cover)



Photo: Sarah Jane Hardt

Speakers on this year's national Animal Rights Conference plenary panel "Animal Activism and the Legal System," L to R: Odette Wilkens of the Equal Justice Alliance; CCR AETA plaintiff Ryan Shapiro; CCR Communications Associate and AETA plaintiff Lauren Gazzola; CCR Senior Staff Attorney Rachel Meeropol; journalist Will Potter; Natalie Prosin of the Nonhuman Rights Project.

moving to dismiss the case on grounds that the AETA is unconstitutional on its face and that terrorism charges for saving lives is a denial of due process.

Aided by efforts like CCR's, the tide of repression against the animal rights movement is starting to turn. State-level efforts to enact "ag-gag" legislation, which punishes undercover investigations and whistleblowing inside of animal agricultural facilities, have roundly backfired. A coalition of animal activists, journalists, workers' rights organizations, environmental groups, and civil liberties defenders have joined forces to defeat an aggressive industry attempt to stem the flow of, to-date, more than 80 undercover investigations inside of animal agricultural facilities. Over 20 ag-gag bills in over a dozen states failed in the past year.

In September, a federal judge denied a motion by the state of Idaho to dismiss a federal lawsuit, in which CCR filed an amicus brief, challenging one of the few ag-gag bills that have become law. As CCR commented, "The Constitution does not permit special laws to protect the animal agriculture industry from public scrutiny simply because it is not winning [the] debate."

CCR is building bridges with this growing movement. For several years, CCR Senior Staff Attorney Rachel Meeropol has been invited to speak on a keynote plenary panel at the annual, national Animal Rights Conference. This year, Rachel, who was joined on the panel by CCR's Lauren Gazzola (a plaintiff in *Blum* as well as a member of our Communications Department), not only discussed CCR's work on behalf of animal rights activists, but drew connections between this work and CCR's broader efforts to defend many communities being targeted, surveilled, harassed, and criminalized. Our work has not only helped turn the tide of repression against animal rights activists—it has also introduced thousands of animal rights activists to CCR's broader social justice and human rights work.

Bittersweet Progress at Guantánamo

As we approach the 13th anniversary of the opening of the prison at Guantánamo, CCR continues to fight for justice on several fronts—international advocacy, litigation, resettlement efforts and thought leadership via media work. Here are a few highlights:

In November, CCR took the fight for accountability to Geneva, where the UN Committee Against Torture reviewed the U.S.'s compliance with the Convention Against Torture (CAT). For the first time in its history, the committee heard directly from one of the men tortured at Guantánamo, CCR client Murat Kurnaz. Murat was joined by CCR Legal Director Baher Azmy, and both gave powerful testimony before the U.S. delegation about the torture Murat experienced and that the men at Guantánamo continue to experience at the hands of the U.S. Murat also spoke at an event co-sponsored by CCR that featured the parents of Mike Brown, the 18-year old killed by police in Ferguson, MO, and others, speaking to a wide range of CAT violations.

In advance of the UN Committee Against Torture review of the U.S., CCR submitted a shadow report highlighting the impact that over a decade of indefinite detention has had on our clients—a situation the UN Special Rapporteur on Torture has said may constitute torture—and the failure of the U.S. to meaningfully address the lack of effective legal or administrative review.

In August, CCR and co-counsel petitioned the court to vacate former Guantánamo prisoner David Hicks' conviction in the military commissions for "material support for terrorism." Hicks' appeal was stayed pending the ruling in *Al-Bahlul v.*



CCR staff with Fahd Ghazy's family in Yemen.

The film will serve as a critical tool to advocate for Fahd's release, and others like him, by showing that there are families and communities waiting to be reunited with their loved ones

United States, which held that material support is not a war crime and cannot be tried by military commission.

In support of our resettlement efforts CCR staff traveled to a remote village in Yemen to meet and interview the family and friends of our client Fahd Ghazy. It was the journey home that Fahd has been waiting 13 years to make, but he remains trapped at Guantánamo—almost entirely because of his Yemeni citizenship. Fahd has spent close to half of his life in Guantánamo. He has not seen his family, including his young daughter, since he was 17. Fahd is now 30 years old.

One reason for this trip was to complete a short documentary, *Waiting for Fahd: One Family's Hope for Life*

Beyond Guantánamo, in which Fahd's story is told through his family—the anguish they've endured because of his absence, yet their unwavering hope for his return. The film transports viewers to a life that exists only in Fahd's dreams.

The film will serve as a critical tool to advocate for Fahd's release, and others like him, by showing that there are families and communities waiting to be reunited with their loved ones and to support them in rebuilding their lives. The film was a joint project with the New Media Advocacy Project (N-Map) and was made possible with generous funding from the Bertha Foundation.

To learn more visit:
www.CCRjustice.org/fahd



CCR Fights for Free Speech and Academic Freedom

CCR has taken on the fight for free speech and academic freedom with our representation of Professor Steven Salaita. The distinguished scholar had his tenured faculty position at the University of Illinois at Urbana-Champaign (UIUC) yanked away over personal tweets criticizing Israel's assault on Gaza this summer. Documents released pursuant to open records requests show that wealthy alumni—one describing himself as a “multiple 6-figure donor”—pressured the university to terminate Salaita's position.

CCR has moved forward on multiple fronts in this critical free speech case, working with First Amendment and Palestinian human rights activists inside and outside the university. We sent a letter to the UIUC chancellor, outlining how the university's retaliatory firing violates the First Amendment and imperils academic freedom. Meanwhile, Professor Salaita spoke publicly about his dismissal for the first time at a CCR press conference, against the backdrop of a mass

student walk out demanding his reinstatement. He also published an op-ed in the Chicago Tribune. We are doing ongoing media work in this high-profile case, and pressing Professor Salaita's cause in our social media venues. Meanwhile, we are preparing to take legal action, along with Chicago co-counsel Loevy & Loevy.

The University's action has been widely condemned, sparking withering editorial criticism; letters from faculty as well as legal and academic organizations; and a petition garnering over 19,000 signatures. More than 5,000 scholars have pledged to boycott the University, and many—including CCR Board member Katherine Franke—have already cancelled lectures at UIUC. At least two national conferences to be hosted there were cancelled, and 16 UIUC departments have cast votes of “no confidence” in the chancellor.

Salaita's termination is part of a broader campus crackdown on Palestinian human rights activism that threatens



CCR client Professor Steven Salaita.

both the foundational role of the university as a place of critical thinking and debate and the ability to advocate for Palestinian rights. Our work on Salaita's behalf, part of our ongoing work on behalf of Palestinian human rights activists, ensures that there is no “Palestine exception” to the First Amendment and academic freedom.



For more info go to www.CCRjustice.org/salaita

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.

Caitlin K. Henry
Julie Kay
Fayette F. Krause
Susan E. Manuel

Our donors and supporters make our cutting-edge human rights work possible.
Thank you so much!

The individuals listed joined between
2/16/14 – 10/30/14

CCR Is Grateful to Our Foundation Funders for Their Support

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The foundations listed above provided leadership-level grants of \$5,000 or more between 2/16/14 – 10/30/14.

CCR Files New Challenges to Ensure the Rights of Immigrants

Following up on successes in *NDLON v. ICE*, *Argueta v. Myers* and *Aguilar v. ICE*, CCR has filed two Freedom of Information Act (FOIA) cases in the Southern District of New York seeking to expand the rights of immigrants.

In January 2014, CCR and the Detention Watch Network (DWN) filed a FOIA lawsuit seeking documents related to the “detention bed mandate,” a provision of the annual federal appropriations bill which ICE has interpreted to require the filling of 34,000 detention beds at any given time. This lockup quota has been a boon to private prison corporations profiting off our immigration system, and is both unprecedented and inextricably linked to the Obama administration’s record-breaking 2 million deportations. Our partner and client, DWN, is engaged in a legislative campaign to end the quota, and the litigation is a crucial part of its strategy to inform the public of the quota’s moral and financial costs.

We still had not received any documents as Congress began marking up its appropriations bill, so CCR filed a preliminary injunction motion in February 2014. In May, Judge Lorna Schofeld ordered the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) to begin producing documents on a monthly schedule. While we did not receive documents before the passage of this year’s appropriations bill, CCR and DWN are now engaged



Photo: Keith Allison

ICE agents detain record numbers of non-citizens to ensure 34,000 remain in detention each day.

in a collaborative process to review the monthly productions and to find information that can help support the movement to challenge the mass incarceration of immigrants.

In August 2014, CCR filed a second FOIA lawsuit with Immigrant Defense Project (IDP) and the Hispanic Interest Coalition of Alabama (HICA) seeking to compel DHS and ICE to comply with a request to produce policies and data related to ICE’s home raids. Our goal is to illuminate ICE’s enforcement practices and their effects on immigrant communities, and to support our client partners in organizing for accountability.



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 in doing so, provide critical core support. *The individuals listed joined between 2/16/14 – 10/30/14.*



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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!

Update from an Ella: Nyasa Hickey



Ella Baker alumni Nyasa Hickey chose a legal career because of her firm believe that it is both a privilege and a duty to advocate on behalf of marginalized communities. As a staff attorney in the Immigration Practice at Brooklyn Defender Services (BDS), Nyasa works with clients and defense attorneys on criminal defense strategy in an effort to avoid potentially devastating immigration consequences. She advocates for client's release from Immigration Customs Enforcement custody to prevent immigration detention and removal proceedings. Nyasa remains an active member of the Ella Baker alumni network and regularly attends CCR events in the New York area.

As an Ella Baker Fellow, I was not only given the real life hands on lawyering experience I needed as a law student, but I was provided with a context to better understand my role as a lawyer to the individuals and communities I serve. Now, as an Ella Baker alumni, I am connected with a network of social justice advocates on whom I rely on for inspiration, new perspectives and other insights to help me continue to engage in community lawyering in a more effective way."

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Donor Profile: Linda Sleffel

Linda Sleffel, J.D., of Columbus, OH, was drawn to CCR because of our Guantánamo work: "I have never practiced law, but I follow legal issues, and it was easy to see that Cheney and Bush were creating at Gitmo 'law-free zone' where prisoners had neither the rights of people charged with crimes nor the rights of prisoners of war. One of the things I have always loved about America is that everyone has rights. Anyone eliminating rights throws up a big red flag for me."



To Linda, the unrolling of a fern frond represents justice increasing

"That's why I decided to leave CCR in my estate plans. The courage and determination of your lawyers who work for prisoners' rights is inspiring. I see my donation to CCR as an investment in the kind of future that I would like to see for my nephews and other kids—a world where everyone's rights are respected."

For more information on how you can make a planned gift, including charitable gift annuities and bequests, please contact Sara Beinert at sbeinert@ccrjustice.org or 212-614-6448.

Abu Ghraib Torture Case Moves Forward

In a major victory in June, a federal appeals court in Richmond, Virginia ruled that our clients in *Al Shimari v. CACI*, who are victims of torture and abuse in the notorious Abu Ghraib prison, could pursue their Alien Tort Statute (ATS) claims against the private military contractor for its role in the abuse.

In 2004, U.S. military investigators concluded that CACI and its employees engaged in "sadistic, blatant, and wanton criminal abuses" of detainees, yet a judge ruled that the 2013 Supreme Court decision in *Kiobel v. Shell/Royal Dutch Petroleum* (which narrowed the scope of ATS applicability) barred our claims because they arose abroad. The June reversal is the second CCR case to overcome the *Kiobel* restrictions on the scope of ATS cases—and the first in a court of appeals—which we hope breathe more life into this vital human rights tool.

We are now back in the trial court pursuing more discovery in the ultimate hope that our clients will have the chance to tell their stories in court and achieve some measure justice for their treatment at the hands of CACI.



To learn more about *Al Shimari v. CACI*, visit www.ccrjustice.org/alshimari. There, you can also watch a Democracy Now! interview of CCR client and *Al Shimari* plaintiff, Salah Hassan Al-Ejaili: *Imprisoned Al Jazeera Journalist Details Abu Ghraib Torture & Why He's Suing U.S. Contractor CACI*

Breaking News:

Stop and Frisk Victory

Supporting the Animal Rights Movement

Policing and Ferguson

Progress with Guantánamo

Ensuring Immigrant Rights

For even more information on these cases and all of CCR's work check out our newly released 2014 Annual Report at: CCRjustice.org/annual-report

Ways You Can Support CCR This Holiday Season



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GIVE THE GIFT OF CCR! Ask friends and family to make gifts to CCR in your honor this holiday season OR make gifts to CCR in honor of the folks on your shopping list. These gifts will pay tribute to our shared social justice values, while fueling CCR's continued efforts to seek justice on behalf of our clients and the communities we serve. Do this online at www.CCRjustice.org/donate



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It's fast, easy and secure, and your gift will go to work right away. Online gifts are a greener way to give – reducing mailing expenses and supplies so more of your gift goes to programs. Even better, make it recurring – recurring gifts provide CCR with a reliable, steady source of support making it possible for us to plan better and take on more cases. Sign up for a monthly or quarterly recurring gift at: www.CCRjustice.org/donatetoday.



DONATE STOCK.

With the stock market at an all-time high in 2014, now is a great time to make a gift of stock. If you donate appreciated securities to CCR, you may avoid capital gains taxes and receive a charitable deduction. Please contact CCR at 212-614-6489 for more information.



HOST A HOUSE PARTY to fundraise for CCR and to introduce friends and allies to CCR's work. Attend a local event if CCR is in your neighborhood—and bring a friend! If you are on our email list you will receive invitations, or you can view public events on our calendar at www.CCRjustice.org/calendar.

