



# Military Commission Charges Against CCR Guantanamo Client Dismissed

The Center is pleased to announce that May 12, 2008 charges against Mohammed al Qahtani, a client of the Center's since 2005, were dismissed.

The charges (carrying the death penalty) had first been issued on February 11, 2008 when a new front in the battle at Guantánamo was announced by the Bush administration handing down charges against six detainees.

While at Guantánamo, Mr. al Qahtani was subjected to aggressive interrogation methods amounting to torture specifically authorized by former Secretary of Defense Donald Rumsfeld, partially detailed in a military interrogation log leaked by a govern-

ment source and ultimately publicly released by *TIME Magazine* in March 2006. The 84-page log describes interrogations during a six-week period, including how military intelligence interrogators stressed Mr. al Qahtani to physical and psychological limits. The methods used against him include: threats by military dogs, prolonged sleep deprivation, invasive IV treatments, religious and sexual abuse and humiliation, severe extended periods of isolation, and numerous other torture techniques ordered by former Secretary of State Donald Rumsfeld. At one point, Mr. al Qahtani was rushed to the hospital because of an abnormally low heart rate due to extended periods of

*continued on page 3*

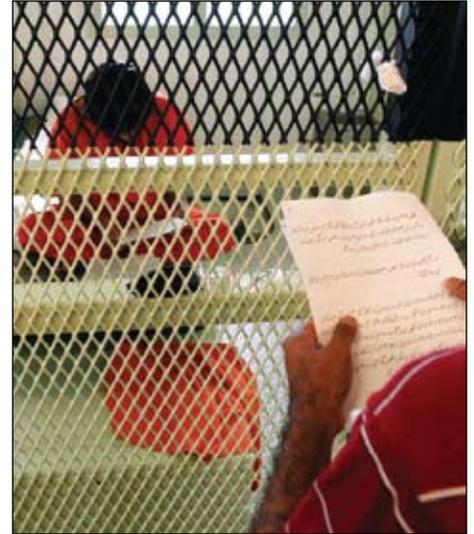


Photo by Airman Randall Damm, USN

The Combatant Status Review Tribunal Notice is read to a detainee at Guantanamo Bay, Cuba.

# CCR Scores Victory in Protecting the Right to Dissent

CCR celebrated a victory this April in a settlement totaling \$900,000 for all plaintiffs in *Killmon, et al. v. City of Miami, et al.*, which challenged the government's deliberate assault on the constitutional rights of protesters during the meeting of the Free Trade Area of the Americas (FTAA) in 2003.

Killmon was brought on behalf of 21 activists against local, state and federal law

enforcement agencies, in response to the government's violations of demonstrators' constitutional rights during the FTAA meetings in Miami, Florida. More than 40 local, state and federal law authorities coordinated an all out assault on the First Amendment, engaging in widespread political profiling, and swept the streets of anyone viewed as being an anti-FTAA activist, effectively suspending the Fourth Amendment

in the city for days and using excessive force and unlawfully arresting almost 300 hundred people.

When thousands of labor, human rights and environmental groups, and organizers converged in Miami to protest negotiations over a so-called "free trade" zone that would be established by the FTAA, they were met by thousands of officers in a military-style force in

*continued on page 3*

## Inside

- 2 Defending Domestic 9/11 Detainees in Court
- 2 Challenging the Green Scare
- 4 Holding Military Contractors Accountable
- 4 Supporters and CCR Fellows Honored
- 5 Fighting Racial Profiling
- 5 Foundation Funders
- 6 Donor Spotlight

## Defending Domestic 9/11 Detainees in Court

On February 14, CCR staff attorney Rachel Meeropol told the U.S. Court of Appeals in Manhattan that high-ranking U.S. officials including John Ashcroft must be held accountable for indiscriminate post 9/11 round-ups and illegal detentions of Muslim, Arab and South Asian men.

**“Immigration law cannot be used as a short-cut around the Fourth Amendment,” said Ms. Meeropol in the oral argument of the appeal in CCR’s class-action suit, *Turkmen v. Ashcroft*, filed by CCR in September 2002.**

The suit challenges the Bush administra-

tion’s use of racial profiling to round up hundreds of men after 9/11, when there was no evidence connecting any of those arrested to terrorism. In June 2006, a federal district court ruled that CCR’s challenge to the conditions under which the detainees were held could go forward and at the same time dismissed CCR’s challenges to their prolonged detention. In the oral argument, Ms. Meeropol defended the victory in the lower court that kept the high-level officials in the case and appealed the dismissal of the profiling and illegal detention claims, arguing that plaintiffs’ constitutional rights under the Fourth Amendment due process clause and equal protection clause were violated.



Watch a quick video and hear first-hand from lead plaintiff Ibrahim Turkmen and CCR attorney Rachel Meeropol by visiting <http://ccrjustice.org/learn-more/videos/turkmen-v.-ashcroft>

## Challenging the Green Scare: Government Prosecution of Activists as Terrorists

In November 2006, the Congress and President Bush furthered the assault on the constitutionally protected right to dissent by passing the Animal Enterprise Terrorism Act (AETA). The Act is part of a trend known as the “Green Scare,” which refers to the recent government crackdown on environmental and animal rights activists under the guise of the current administration’s so-called “war on terror.” Passed at the behest of corporate interests that profit from animal torture during the research process, but encompassing *any* business that uses animals or is related to such a business, the AETA penalizes and drastically criminalizes any activity that affects the physical or economic operation of an animal enterprise, even without any loss to the business.

The AETA brands a huge swath of protest activity against these businesses as so-called “terrorism.”

It criminalizes lawful, expressive conduct such as protests, boycotts, public speeches, picketing, e-mail campaigns, media campaigns, undercover investigations, whistleblowing, and demonstrations in protest of animal and natural resource industries. In addition to significant financial penalties for these acts, what would have been common charges of trespass, conspiracy, arson, or malicious destruction are now, under the AETA, considered a felony carrying sentences up to 20 years in prison.

The justification for the AETA was that it will deter violent animal rights and radical environmental activists—even though there have been no documented incidences of injury or death caused by an environmental or animal action in the U.S. However, John Lewis, the top FBI official in charge of domestic terrorism, testified to Congress that “the No. 1 domestic terrorism threat

is the eco-terrorism, animal-rights movement.” The fact that these activists are relatively marginalized makes the terrorist-branding that much easier, and the reality is that animal and environmental activists are new targets on the government and corporate hit list that includes dissenters and social justice activists of all stripes.

Building on the expertise developed in our past work on the Green Scare (including CCR’s amicus support in a case on behalf of animal rights activists convicted of violating the Animal Enterprise Protection Act), CCR is in the process of seeking plaintiffs for a potential case that would challenge enforcement of the AETA on First Amendment grounds. In the meantime, CCR has launched the *Coalition to Abolish the AETA* to educate the public about this repressive legislation and protect peoples’ right to dissent.

## Guantánamo

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extreme sleep deprivation. He was allowed one night of rest and then prison doctors certified him for continuing interrogation. He was interrogated in the ambulance the following day as he was returned to his interrogation cell.

Dropping the charges re-affirms what CCR has been saying all along: our client's "trial" was to be for show and would have involved unreliable evidence obtained through torture at Guantánamo. Mohammed al Qahtani should never have been charged and the government knows it. Allowing any United States proceeding to consider evidence from torture is illegal, immoral and fundamentally unfair.

CCR attorneys continue to represent Mr. al Qahtani in his federal court challenge to his detention and to advocate for him, arguing that he should be returned to the custody of the Saudi government, which has a system for domestic prosecutions and also a strong rehabilitation program supervising those that are released.

The Center's groundbreaking and vital work to seek justice on behalf of the detainees being held both at Guantánamo and elsewhere around the globe is some of the most critical human rights legal work being done in the world today. This work is crucial not only to the detainees, whose lives are at stake, but also to the United States' commitment to democratic principles. CCR seeks to rein in the rampant expansion of executive power as well as to reinstate the United States' commitment to the rule of law and to international principles such as the Geneva Conventions.

With your support, CCR continues this critical work by employing multiple tactics in addition to our challenges in U.S. courts, including, international advocacy and diplomacy, briefings and testifying before the U.S. Congress, public education and outreach, and a targeted and aggressive media strategy.

CCR's Executive Director Vincent Warren speaking before the United Nations as part of the March 28 panel discussion, "What Would Martin Say? Human Rights and the Global Struggle against Racism Forty Years after the Death of Martin Luther King, Jr." His remarks focused on the racist effects of the legacy of slavery in the United States. **"We need to move toward broader notions of human dignity, such as those that are contained in the Universal Declaration of Human Rights and the Convention on the Elimination of Racial Discrimination."** A webcast can be viewed at <http://www.un.org/webcast/2008.html>.



## Right to Dissent

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riot gear, in many cases with no identification. Pursuant to a joint operational plan supported by the Department of Homeland Security, state, local and federal agencies formed the "Miami Model" of policing mass demonstrations in the U.S. through the use of unconstitutional tactics including:

- political profiling;
- unlawful mass and pre-emptive arrests;
- illegal surveillance and intelligence gathering on the political activities of activists by the Department of Homeland Security and the FBI, which was disseminated to various law enforcement agencies throughout the country;
- use of excessive force and so-called "less lethal" weapons, including projectiles, pepper spray, tear gas, tasers, rubber bullets, concussion grenades, and wooden batons against peaceful demonstrators and the use of bicycles to injure protesters;
- use of oversized cages resembling dog kennels for temporary detention post-arrest in which activists were held for hours, in handcuffs,

without access to counsel, bathrooms, water, or food;

- targeting of legal observers, street medics, and independent media who were documenting police misconduct;
- illegal strip searches;
- sexual assault and inappropriate verbal harassment; and
- excessive bails.

These tactics are part of the attack by the Bush administration to quell the rights enshrined in the U.S. Constitution that protect the right of the people to criticize and protest their government. CCR continues to be at the forefront of protecting the right to dissent (see the Green Scare article on page 2) and remains committed to the years of work it will take to undo the damage done by the Bush administration.

CCR thanks all of the *Killmon* counsel for their hard work over the last four years: Andrea Costello for CCR and attorneys Carol Sobel, Robert Ross, Mara Verheyden-Hilliard, Carl Messineo, Jonathan Moore, and Alice Nelson.

## Holding Military Contractors Accountable for Torture and Death

In December 2007 CCR joined forces with the law firms of Burke O'Neil LLC and Akeel & Valentine, PLC to bring new charges against U.S. military contractors doing business in Iraq by filing a new complaint against Blackwater.

The suit against Blackwater Lodge and Training Center et al alleges that Blackwater employees opened fire without justification on a group of unarmed civilians on a busy Baghdad street in September 2007, killing Ali Hussamaldeem Albazzaz and Kadhum Kayiz Aziz. Mr. Albazzaz was standing in front of his rug shop when he was killed, while Mr. Aziz was guarding a government building nearby at the time he was shot. The case, filed on the behalf of the estates of both men, is currently in the preliminary motion stage before Judge Reggie Walton in the federal District Court of the District of Columbia.

CCR also filed a suit this May against defense contractors CACI International Inc, CACI Premier Technology, L-3 communications Titan Corporation, and former CACI contractor Stephen Stefanowicz. This case is a companion case to CCR's ongoing Abu Ghraib torture case, *Saleh v.*

*Titan et al*, which includes over 250 plaintiffs, filed in June 2004. The suit alleges that Emad Al-Janabi, a 43-year-old blacksmith, was subjected to physical and mental torture at the infamous Abu Ghraib prison in Iraq by the company's employees for months. He was arrested in September 2003 and released from Abu Ghraib in May 2004. The torture tactics used against Al-Janabi included being subjected to the mock execution of his brother and nephew, forced nudity, sexual assault, being deprived of food and sleep for long periods, and being threatened with dogs.

CCR attorney Katherine Gallagher said this case was brought to show that "private military contractors can't act without impunity, outside the law" and to hold the contractors accountable for their participation in the atrocities at Abu Ghraib and other detention facilities in Iraq. **"We believe what they and their employees did clearly violated the Geneva Conventions, the Army Field Manual, and the laws of the United States."**

For more information about these cases, visit the "Corporate Human Rights Abuse" section under the "Our Cases" tab of [www.CCRjustice.org](http://www.CCRjustice.org).

## Supporters and Ella Baker Program Honored

CCR held this year's **President's Reception** on May 1 in New York City. Honorees included the law firm Covington & Burling LLP for its pro bono support of CCR's case *Turkmen v. Ashcroft*, the Liberty Hill Foundation for supporting social change at the grassroots level and for financial support to CCR from its Donor Advised Funds, and Cassim and Chung Ja Jadwat and their son Omar for making supporting CCR a family affair.

The Reception also commemorated the 20th anniversary of CCR's **Ella Baker Fellowship Program** and its graduates, who embody CCR's goal to train the next generation of social justice lawyers. Special honor was given to Marilyn Clement, the program's founder and Dorothy Zellner, the first program director.



Michael Winger accepts the award on behalf of the Turkmen legal team of Covington & Burling LLP.

Jeremy Scahill, author of the acclaimed book *Blackwater: The Rise and Fall of the World's Most Powerful Mercenary Army* was the featured speaker.

The President's Reception is CCR's



Featured speaker Jeremy Scahill, author and *Democracy Now!* correspondent.

annual event that honors the generous benefactors who are the Center's indispensable partners in advancing and protecting fundamental human rights for all. Thank you to all the vendors and volunteers who made the event such a success.

## Fighting Racial Profiling

On January 31, 2008 CCR filed a federal class action *Floyd, et. al v. The City of New York, et. al*, a companion lawsuit to its ground breaking racial profiling case, *Daniels, et al. v. The City of New York, et al.*, which led to a settlement agreement in 2003 that required the New York City Police Department (NYPD) to provide CCR with data on all of the stops and frisks conducted from 2003 to 2007. Following an analysis of the data, CCR filed a new class action to challenge the NYPD's policy of engaging in unconstitutional stops and frisks. The suit seeks to stop the City from engaging in racial profiling and violating the rights of thousands of New Yorkers by using unconstitutional stops.

Recent statistics belatedly provided to the New York City Council by the NYPD show the alarming trend in stops and frisks. According to the City Council, 145,098 people were stopped in the first quarter of 2008 alone – 32% more than the same period last year and of that, 51% were Black and 32% were Hispanic. In the lawsuit the Center cites the following figures from 2006:

The NYPD stopped, questioned and/or frisked over 506,491 people, a more than 500 percent increase from 97,296 in 2002.

- Nearly 90% of those stopped and frisked were Black or Latino, even though these groups make up only 52% of the City's population.
- Only 10% of the 2006 stops led to a summons or arrest indicating that these stops lack the reasonable suspicion required by the Fourth Amendment.

Racial disparities also exist in the frisking of Black and White persons who are stopped. In 2006, an overwhelming 46% of all Blacks that were stopped were subjected to an intrusive frisk, as compared to only 29% for Whites.

"We are bringing the NYPD back into court because racial profiling is still a problem," said CCR staff attorney, Andrea Costello. "The statistics show that the overwhelming number of stops are based not on the reasonable suspicion of criminal activity as required by the constitution, but rather, on the race of the person being stopped. The NYPD is engaged in a practice of illegally targeting people of color."

CCR staff attorney Darius Charney stated, "Pursuing this lawsuit is critical. There is an epidemic of racially-based, unconstitutional stops taking place in our city that must be stopped once and for all."

## CCR is Grateful to our Foundation Funders for Their Support

The 1848 Foundation ♦ The Alfred and Jane Ross Foundation ♦ The Blue Oak Foundation ♦ The Bydale Foundation ♦ The Charles Evans Hughes Memorial Foundation ♦ The Christopher Reynolds Foundation ♦ The Common Counsel Foundation ♦ The CS Fund/Warsh-Mott Legacy ♦ The David and Katherine Moore Family Foundation, Inc. ♦ The Frances and Benjamin Benenson Foundation ♦ The Fritz Pappenheim Fund of the Tides Foundation ♦ The Grodzins Fund ♦ The Herb Block Foundation ♦ Hycliff Foundation ♦ Iara Lee and George Gund III Foundation ♦ The Jack J. and Ruth Inabu Fox Foundation Inc ♦ The JEHT Foundation ♦ The Jewish Communal Fund ♦ The Key Foundation ♦ Madison Community Foundation ♦ The New World Foundation ♦ The New York Community Trust ♦ The New-Land Foundation ♦ The Puffin Foundation ♦ The Samuel Rubin Foundation ♦ The San Francisco Foundation ♦ Saul and Amy Scheuer Cohen Family Foundation ♦ The Stewart R. Mott Charitable Trust ♦ The Tides Foundation ♦ The Tom Fund at the National Philanthropic Trust ♦ The Vanguard Charitable Endowment Program ♦ The Wallace Global Fund ♦ The William B. Wiener, Jr. Foundation ♦ The Wyss Family Foundation

The foundations listed above provided leadership-level grants of \$5,000 or more between 11/16/07 and 06/01/08.



## Anonymous Gifts

Donors are listed in our Annual Report to publicly thank them for their support. If you do not want to be listed in our Annual Report, please let us know:

- Email us at [development@CCRjustice.org](mailto:development@CCRjustice.org)
- Call us at 212-614-6489
- Write us at CCR, attn: Development Department, 666 Broadway, 7th Floor, New York, NY 10012

Thank you for your continued support!

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

## Donor Spotlight: Alice McGrath

Alice McGrath must know everyone in Ventura County, California, who is involved in progressive politics, law, or activism, from death penalty lawyers to diplomats and everyone in between. At the very least, they know who she is. At age 91, having made a long career of activism and advocacy in pursuit of social justice, Alice continues to drive ahead in fifth gear with no signs of slowing down.

Her incredible path began in 1942 when she became involved in the Sleepy Lagoon case, one of the most racist in California legal history. Twenty-two young men, mostly Mexican Americans, were tried en masse for a murder they did not commit. First as a volunteer and later as executive secretary, Alice worked with the Sleepy Lagoon Defense Committee to help secure the release

of these young men. Her efforts have been immortalized by Luis Valdez in the play "Zoot Suit."

In the years since then, Alice has continued her role as activist and advocate by leading over 80 educational and humanitarian trips to Nicaragua; developing a pro bono program for the Ventura County Bar Association and managing it as a volunteer for 2 years; and working with the Mexican American Bar Association, the Black Attorney's Association and the California Judicial Council subcommittee on Access and Fairness in the Courts.

Alice has supported CCR for over twenty years. She has done so in creative ways, such as having her friends make gifts to CCR in honor of her birthday. Alice also joined CCR as a member of the Center's Thelma Newman Planned Giving Society to help build CCR's endowment.

Says Alice, "I love CCR! It is the only



President Michael Ratner, Alice McGrath, and Executive Director Vincent Warren.

**organization that I support, because it does the most important work! That's why I've put CCR in my will, to make sure that the legacy of such a great organization continues on strong well into the future!"**

*To find out more information about CCR's planned giving program, contact Sara Beinert at 212-614-6448, e-mail [development@ccrjustice.org](mailto:development@ccrjustice.org), or write to Sara Beinert, CCR, 666 Broadway, 7th Floor, New York, NY 10012.*