

**CIVIL LIBERTIES UPDATE
NEWSLETTER OF THE ACLU OF MASSACHUSETTS'
CIVIL LIBERTIES TASK FORCE**

**January 26, 2005
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I. TAKE ACTION

• HELP ORGANIZE MASS SCREENING OF UNCONSTITUTIONAL

On March 2 -- the date in 1939 when the Massachusetts state legislature finally ratified the Bill of Rights to the US Constitution -- the ACLU is organizing a mass screening in at least 20 communities of the Robert Greenwald film, "Unconstitutional: the War on Our Civil Liberties." In our publicity and local press pieces the screening will be linked to efforts to pass the state-wide Resolution Affirming the Civil Rights and Liberties of the People of Massachusetts. We will provide DVDs of the film and publicity materials.

Please consider organizing a screening in your community: contact numurray@aol.com <mailto:numurray@aol.com> or call 617 482-3170 x 314 for more information.

• THANK SENATOR KENNEDY DELAYING THE VOTE ON GONZALES' NOMINATION

Senator Edward Kennedy is on the Senate Judiciary Committee. Call his office at (617) 565-3170 and thank him for his tough questioning of the candidate for Attorney General and for getting the Committee vote delayed. Say how concerned you are over Gonzales' record, including his justification of the use of torture and belittling of the Geneva Conventions and international law.

II. RIGHTSWATCH

A. EXECUTIVE ACTIONS

• BUSH PICKS ARCHITECT OF PATRIOT ACT AS RIDGE REPLACEMENT

After Bernard Kerik, Bush's first choice as Homeland Security head, failed the nanny test, the President nominated Michael Chertoff for the position on January 11th. Judge Chertoff, a former prosecutor who currently serves on the US Court of Appeals for the Third Circuit, had headed the Criminal Division of the Justice Department under John Ashcroft, where he was a key player in designing the Administration's legal response to 9/11. He oversaw the post 9/11 dragnet of "special interest" detainees and mass questioning of Arabs and Muslims, and played a part in revising the FBI guidelines to permit agents to infiltrate religious and political gatherings. Chertoff helped engineer Ashcroft's change to federal prison rules permitting federal agents to listen in on formerly

confidential conversations between prisoners and their attorneys. He was also involved in drafting the USA PATRIOT Act, but at a Third Circuit annual judicial conference in 2003, he called for an independent panel (not Congress) to revise parts of it. According to the ACLU's chief legislative Counsel Gregory Nojeim, Chertoff "has been a vocal champion of the Bush administration's pervasive belief that the executive branch should be free of many of the checks and balances that keep it from abusing its immense power over our lives and liberty."

• HUMAN RIGHTS WATCH SAYS US CREATES TERRORISTS WITH ITS POOR RIGHTS RECORD

In its annual report Human Rights Watch has accused the US of undermining its own credibility in the war against terrorism and of helping recruit terrorists with its poor human rights record: "When the United States disregards human rights, it undermines that human rights culture and thus sabotages one of the most important tools for dissuading potential terrorists. Instead, US abuses have provided a new rallying cry for terrorist recruiters, and the pictures from Abu Ghraib have become the recruiting posters for Terrorism, Inc."

• US MAY CREATE PERMANENT GLOBAL GULAG BEYOND THE REACH OF ANY LAW

Picking up on a story which first appeared in The Washington Post, the UK Guardian Weekly (January 21-27) reports that the Bush administration is considering building prisons in Afghanistan, Saudi Arabia and Yemen (among other countries) where CIA agents would have the right to question detainees and which would not be under Congressional scrutiny or be visited by the International Committee of the Red Cross or any other independent observers or lawyers. The proposed policy would "regularize" the current practice of "rendition" (or "kidnapping" as one CIA officer termed it), whereby the US sends detainees to secret CIA jails and to countries where they are tortured for information.

• HORRIFIC METHODS USED TO "BREAK DOWN" DETAINEES DETAILED IN NEWLY-RELEASED DOCUMENTS

"We do not harass, intimidate, harm, or abuse the detainees under our watch," stated Army Lieutenant Colonel Leon Sumpter (Boston Globe, December 25). But the nine thousand pages that have been released to the ACLU by the Pentagon, and Justice and State Departments tell a very different story. They reveal that detainees at Guantanamo have been subjected to the use of a water pit, sensory deprivation, food and sleep deprivation, electric shock, strobe lights, loud music, being chained in stress positions for more than 24 hours to the floor, beatings ending in injury and even death, being held for long periods in freezing temperatures, forced enemas, sexual abuse and humiliation, the use of menacing dogs, mock executions, deliberate burning. The CIA continues to refuse to hand over any documents asserting "that it is not able to confirm or deny whether it has any records relating to its purported involvement in these specific activities related to the treatment, death, or rendition of detainees in US custody, because to do so would tend to reveal classified information and intelligence sources and methods that are protected from disclosure" (Boston Globe, December 27, 2004). Meanwhile Steve Rodriguez, the

civilian who has run the interrogation operation at Guantanamo since June 2003, denies that he has ever used the techniques described in the FBI documents. He reacted to the FBI report that a detainee was wrapped in an Israeli flag while being bombarded with loud music by saying, "There are many, many things that go on all over the world in many countries. And there are all kinds of true torture...And you and I are talking about an Israeli flag. I'll end it with that."

• **GUANTANAMO INMATES MAKE MASS SUICIDE ATTEMPT**

According to the January 25th Boston Globe, 23 Guantanamo detainees attempted to hang or strangle themselves in their 6 by 8 foot cells over the period August 18-26, 2003. The medical staff at the prison classified two as genuine suicide attempts and the others as "manipulative, self-injurious behavior." The military is now seeking funds to house in a separate wing the 8 percent of the detainees who are believed to have serious mental illness, and to build a permanent \$25 million facility. The January 10th Financial Times meanwhile reported that the US is preparing to release or transfer hundreds of prisoners from Guantanamo Bay while it prepares to hold hundreds indefinitely in the permanent prison facility.

• **LAST BRITISH DETAINEES SENT HOME**

On January 25th the last four British detainees -- men who had been seized three years ago in Afghanistan, Pakistan and Zambia and held in Guantanamo -- were flown from Cuba to London and arrested on arrival. Feroz Abbasi, Moazzam Begg, Richard Belmar and Martin Mubanga were driven to a high security police station past protesters chanting anti-Bush slogans. Their personal stories and allegations of torture are at the heart of the play "Guantanamo: Honor Bound to Defend Freedom," which has had runs in London and New York. The UK government has two weeks to charge or release them under Britain's Terrorism Act. According to the Pentagon, British authorities promised "that the detainees will not pose a continuing security threat to the United States or its allies" (Boston Globe, January 26).

• **GRANER FOUND GUILTY OF ABUSE; 136 OTHER SOLDIERS CHARGED**

Specialist Charles Graner, an army reservist, was found guilty and given ten years in prison on January 15th for being a ringleader in the sexual humiliation and terrorizing of prisoners at Abu Ghraib in Iraq. His civilian lawyer had told the 10-soldier jury in the court martial that "sometimes before you have an omelet, you have to break some eggs. You had to use approaches that we would not want to do with our own children" (New York Times, January 15). Some 136 lower-ranking soldiers have either been disciplined or face charges in the prison scandal. Several witnesses at Graner's court martial testified that Col. Thomas Pappas, the highest-ranking military intelligence officer at Abu Ghraib, and Lt. Col. Steven Jordan, head of the Joint Interrogation and Debriefing Center, had known about and encouraged some of the tactics used by Graner, who maintained that he was only following orders. An August 2004 Pentagon report had recommended the two for discipline and stated that the notion that Graner and other military police were acting at the behest of military intelligence "did have some basis in fact" (New York Times, January 17).

• JUSTICE DEPARTMENT, MILITARY TO INVESTIGATE FBI CLAIMS OF ABUSE

Justice Department Inspector General Glenn Fine has initiated an investigation into reports of torture witnessed as early as 2002 by FBI agents at Guantanamo Bay, Cuba and in Iraq. According to documents obtained by the ACLU in a Freedom of Information Act lawsuit, some FBI agents either ignored or participated in the abuse at Guantanamo. However other FBI witnesses of "coercive tactics" reported their "deep concerns" to FBI director Robert Mueller. FBI general counsel Valerie Caproni determined that the reported incidents did not violate Department of Defense guidelines, and Secretary of Defense Rumsfeld routinely insisted that all detainees are treated "humanely" at Guantanamo Bay. General Bantz Craddock, commander of the Southern Command in Miami, has also ordered an investigation into the treatment of detainees at Guantanamo, marking the first military probe of the scandal.

• ON EVE OF GONZALES HEARING JUSTICE DEPARTMENT GIVES NEW DEFINITION OF TORTURE

Just before White House Counsel Alberto Gonzales appeared before the Senate Judiciary Committee in his confirmation hearing to be John Ashcroft's replacement as Attorney General (see In the US Congress, below), the Justice Department on December 31st posted a new definition of torture on its website. After asserting that "torture is abhorrent both to American law and values and to international norms," the new definition stated that torture could include "severe physical suffering" as well as "severe physical pain." This definition replaced the one crafted by Judge Jay Bybee under Alberto Gonzales' supervision that asserted that only pain associated with "organ failure, impairment of bodily function, or even death" constituted torture punishable by law.

• WHITE HOUSE PERSUADES CONGRESS NOT TO RESTRICT INTERROGATION METHODS

After the Senate had overwhelmingly approved of curbing the CIA's use of torture in interrogations in its secret defense facilities as part of the 9/11 intelligence reform legislation, the White House weighed in to get the restrictions removed by House and Senate conferees from the final versions of both the intelligence reform act and the military authorization bill. According to the January 13th New York Times, an unnamed congressional Democrat said the White House intervention left the impression "that the administration wanted an escape hatch to preserve the option of using torture" against prisoners in CIA facilities.

• POLL SHOWS MOST AMERICANS REJECT TORTURE; WANT TO RE-GAIN "MORAL HIGH GROUND"

A mid January USA Today/CNN/Gallup poll shows widespread disquiet at methods used in Abu Ghraib and fear that they will lead to the torture of captured US soldiers. 79 percent said chaining naked prisoners in cold rooms was wrong, 48 percent opposed sleep deprivation and "85 percent were against female interrogators touching male Muslim captives during religious observances."

• RUMSFELD SHOVES ASIDE CIA; WILL DIRECT COVERT UNITS IN

EXPANDED WAR

Having to date eluded responsibility for the torture committed by the military in US detention facilities around the world, Secretary of Defense Rumsfeld will be directing the implementation of expanding the "war against terrorism" during the second Bush administration. Covert activities traditionally left to the CIA may now be carried out by secret commando groups and various Special Forces from the Strategic Support Operations Group under Rumsfeld's control (Seymour Hersh, "The Coming Wars: What the Pentagon can now do in secret," The New Yorker, January 24 & 31, 2005).

According to the Hersh article, Rumsfeld lobbied for more than two years before getting the President to issue an Executive Order on the Global War on Terrorism authorizing the use of military commandos for covert operations. Hersh quotes a high level military intelligence official: "Do you remember the right-wing execution squads in El Salvador?...We founded them and we financed them...The objective now is to recruit locals in any area we want. And we aren't going to tell Congress about it." Central to the expansion of the Defense Department's intelligence role are undersecretary for defense Stephen A. Cambone, who has been closely tied to the torture at Abu Ghraib and elsewhere, and General William Boykin, the outspoken evangelical Christian who has declared that we are in a war against terrorism "because we're a Christian nation, because our foundation and our roots are Judeo-Christian...and the enemy is a guy named Satan." The January 24th New York Times reported that covert teams from the Pentagon's Defense Intelligence Agency intend to be "'fighting for intelligence,' or commencing combat operations chiefly to obtain intelligence. Whether Congress will have any meaningful oversight role is unknown.

• CIA INSPECTOR GENERAL RECOMMENDS AGENCY ASSUME ACCOUNTABILITY FOR 9/11 ATTACKS

An internal CIA report requested by Congress and compiled by CIA inspector general John Helgerson has concluded that former CIA head and recent Medal of Freedom winner George Tenet and former deputy director of operations James Pavitt should be held accountable for failing to devote adequate resources to deterring terrorism before the 9/11 attacks. It is unclear what measures could be taken against the men who both resigned last summer.

• JUSTICE DEPARTMENT INSPECTOR GENERAL REBUKES FBI

In response to a Freedom of Information Act request, the government released an unclassified summary of the report drawn up by Inspector General Glenn Fine of the Justice Department which strongly rebukes the FBI for failing to investigate accusations of sloppy translation work and possible espionage made by Sibel Edmonds, a Bureau translator. Rather than follow up on information she submitted about a colleague, the Bureau deemed her conduct "disruptive" and fired her in 2002. The summary of the report supports many of her allegations. In the aftermath of its release, the FBI asserted that "whistleblowers" will not face retaliation for raising "good faith concerns." The ACLU is asking the DC Court of Appeals to reinstate the lawsuit Edmonds brought against the government. It was dismissed when John Ashcroft deemed it to be a matter of "state secret" privilege and classified all briefings related to her case.

- **\$170 MILLION FAILS TO FIX ANTIQUATED FBI COMPUTER SYSTEM**

The final \$170 million stage of a three-part half billion dollar effort to overhaul FBI computers was supposed to give 12,000 FBI agents around the country instant access to FBI databases and allow speedier investigations and the sharing of information. But a January 14th New York Times article reports that after ten years of trying to implement the "virtual case file" system designed by the Science Applications International Corporation of San Diego, the FBI is about to give up and turn to off-the-shelf software to get on top of its computer problems.

- **FBI IS KEEPING RECORDS ON MILLIONS OF PASSENGERS**

If you took a commercial airplane in the months before 9/11, your record is among 257.5 million other records that the FBI obtained from airlines and is keeping in its permanent investigative database. Citing privacy concerns, the FBI refused to disclose details about the data contained in the records.

- **HOMELAND SECURITY TERRORISM BRIEFS POSTED ON WEBSITE**

Thanks to a leak of the information, the website www.cryptome.org <<http://www.cryptome.org/>> has given the public a glimpse of the kind of information that makes it into the Homeland Security Operations Morning Brief. Included are numerous tips of "suspicious behavior" of men of "possible Middle Eastern descent," including "military reporting" about "four Middle Eastern individuals standing on an 1-95 overpass videotaping the northbound traffic and recording information into a notebook" in Lexington, MA (September 27, 2004). In January 2005 there were several instances of people whose names matched those in "No Fly" or "TIPOFF" lists who were either denied entry to the country or not permitted to fly. They included nationals of several Latin American countries, Israel, and other Middle Easterners. On January 11 one "no-fly listee", a woman of Turkish nationality, was determined not to be a threat, and removed from the no-fly list.

- **INFIGHTING UNDERMINES UNIFIED FINGERPRINT DATABASE**

According to Justice Department Inspector General Glenn Fine, bureaucratic infighting has prevented the Departments of Justice, State and Homeland Security from agreeing on whether the fingerprints of two or ten fingers should be taken at US borders and what agencies should have access to immigration information. The Inspector General's report finds that watch lists used at borders contain only a small part of the 47 million fingerprints stored by the FBI, and that they are prone to error.

- **RIDGE WANTS FULL SET OF FINGERPRINTS ON US PASSPORTS**

In a speech cast as advice to his successor Michael Chertoff, outgoing Department of Homeland Security head Tom Ridge recommended that all ten fingerprints should be included on US passports in the future, as a way of encouraging foreign governments to do likewise. According to the Electronic Privacy Information Center, giving foreign governments fingerprints of American visitors would "make it easier for those foreign governments to conduct their own investigations of US citizens in that foreign country" (New York Times, January 13).

• BUREAU OF ICE HUNTS FOR 400,000 "FUGITIVE IMMIGRANTS", SOME OF THEM "GHOSTS"

According to USA Today (1/5/2005) 18 teams of immigration agents are hunting down 400,000 illegal immigrants who either failed to appear at immigration hearings or disobeyed orders to leave the USA as part of "an unprecedented effort inspired by post 9/11 concerns about national security." But an official from the Bureau of Immigration and Customs Enforcement (ICE) has said that as many as 100,000 on the list of 400,000 may either have died, left the country or gained legal status since "the information just wasn't being kept up to date." Meanwhile, ICE is facing a severe shortage of detention space. Eight years ago it held 9,300 people in its detention facilities. That number is now approximately 23,000.

• BUREAU OF ICE'S ALTERNATIVE TO INCARCERATION AN "UNNECESSARY HUMILIATION"

Under a Bureau of ICE "alternatives to detention" Intensive Supervision Appearance Program run by a private contractor called Behavioral Interventions (BI), people like Juan and Celia Gutierrez (not their real names) are being subjected to house arrest 12 hours a day and forced to wear electronic bracelets that enable them to be monitored at all times. They have to report to the BI office three times a week as well as to their local ICE office, and provide an hour-by-hour schedule of their activities in advance.

According to the San Francisco Bay Guardian, the Gutierrezes were both brought illegally to the US as young teenagers. They now have four US-born children of their own, own four houses and a business, and have crime-free records. Seven years ago they sought legal residency through the courts, and therefore became liable for deportation.

Although they had never missed a reporting or court date since then, they were forced into the BI program. "We felt like criminals. We had to explain [why we were being monitored] to people. It's a humiliation that lasts 24 hours a day...And it's wasting money that should be spent elsewhere."

• JAMES YEE LEAVES MILITARY WITH HONORABLE DISCHARGE BUT NO APOLOGY

Captain James Yee, a West Point graduate who spent months in solitary confinement after being wrongly suspected of spying while serving as a Muslim chaplain at Guantanamo, received an honorable discharge and left the Army on January 8th. In his letter of resignation he wrote that the unfounded military allegations against him "irreparably injured my personal reputation and destroyed my prospects for a career in the US Army."

B. IN THE US CONGRESS

• JUDICIARY COMMITTEE DELAYS VOTE ON GONZALES

After holding a hearing into the nomination of Alberto Gonzales to be the new US Attorney General, the Senate Judiciary Committee on January 20th at the request of Senator Edward Kennedy decided to postpone its vote for a week. Kennedy stated that Gonzales' responses to questions about the administration's position on torture were "arrogant" and evasive, and was especially frustrated at Gonzales' failure to remember

key details, and refusal to provide requested information on the grounds that it was classified or confidential. During the January 6th hearing, Gonzales denounced the use of torture, claimed he was "sickened" and "outraged" by photos of Abu Ghraib abuse and that he remains "deeply committed to ensuring that the United States government complies with all of its legal obligations as it fights the war on terror." He also said he didn't recall whether he was in agreement with the torture memo that was administration policy for two years, that "hypothetically" the president may have the authority to ignore a Congressional ban on torture if he found it to be unconstitutional, and that it was "appropriate" to consider revisions to the Geneva Conventions. A January 7th New York Times editorial said that Gonzales "equivocated astonishingly" when asked whether US soldiers or intelligence agents could legally engage in torture: "I don't believe so, but I'd want to get back to you on that and make sure I don't provide a misleading answer." In addition to Kennedy, Republican Lindsey Graham of South Carolina, and Senators Lugar and Biden had tough questions for the nominee. But perhaps the most telling blow was struck at a press conference when a dozen retired high-ranking military officers, many of them lifelong Republicans, stated that no Cabinet nominee had ever "fostered greater animosity toward the United States, undermined our intelligence gathering efforts and added to the risks facing our troops around the world" (The Nation, January 24).

• **THREE MAJOR ANTI-IMMIGRANT BILLS ARE ON HOUSE AGENDA**

House Judiciary Committee chairman James Sensenbrenner (R-WI) and Rep. David Dreier (R-CA) are pushing new anti-immigration legislation which they say they will attach to "must pass" bills in the new 109th Congress. Sensenbrenner's bill would ban states from issuing drivers licenses to undocumented immigrants, potentially raising the number of unlicensed and uninsured drivers and harming public safety. It would also force people fleeing persecution to provide written "corroboration" of abuses or threats from the very officials they are trying to escape. Dreier's H.R. 100 would severely restrict review of cases involving long-term legal immigrants who have served criminal sentences, including for nonviolent offenses. His H.R. 98 would add photographs and electronic features to Social Security cards, linking them to the immigration database, a major step on the way to a national ID card. Employers would be required to check the cards against the notoriously flawed immigration records, which could well contain wrong information about legal residents and citizens.

• **TEXAS REPUBLICAN SAYS POLICE STATE IS "FAST APPROACHING"**

On December 20, 2004 Texas Republican Rep. Ron Paul, MD published a piece called "It Can't Happen Here" which deserves to be quoted at length (see article in its entirety at www.house.gov/paul): <<http://www.house.gov/paul>>

"In 2002 I asked my House colleagues a rhetorical question with regard to the onslaught of government growth in the post-September 11th era: is America becoming a police state? The question is no longer rhetorical. We are not yet living in a total police state, but it is fast approaching. The seeds of future tyranny have been sown, and many of our basic protections against government have been undermined.... Members of Congress, like too many Americans, don't understand that a society with no constraints on its government cannot be secure.... We ought to be concerned that we have laid the foundation for tyranny by making the public more docile, more accustomed to

government bullying, and more accepting of arbitrary authority -- all in the name of security. Our love for liberty above all has been so diminished that we tolerate intrusions into our privacy that would have been abhorred just a few years ago...we are increasingly empowering the federal government and its agents to run our lives. Terror, fear, and crises like 9-11 are used to achieve complacency and obedience, especially when citizens are deluded into believing they are still a free people.... Many citizens believe that once the war on terror is over, restrictions on their liberties will be reversed. But this war is undeclared and open-ended, with no precise enemy and no expressly stated final goal.

Terrorism will never be eradicated completely; does this mean future presidents will assert extraordinary war powers indefinitely?... Americans remain tolerant of what they see as a mere nuisance because they have been deluded into believing total government supervision is necessary and helpful, and because they still enjoy a high level of material comfort. That tolerance may wane, however as our standard of living falls due to spiraling debt.... At that point attitudes toward omnipotent government may change, but the trend toward authoritarianism will be difficult to reverse. Those who believe a police state can't happen here are poor students of history. Every government, democratic or not, is capable of tyranny. We must understand this if we hope to remain a free people."

• CONGRESS PART OF THE PROBLEM, NOT THE SOLUTION

In a January 6th editorial, The New York Times lambasted the dysfunctional nature of Congressional oversight in national security matters. "Currently, the leaders of the Department of Homeland Security report to more than 80 committees and subcommittees in the House and Senate, each with a zealously guarded slice of the budget for securing the nation against terrorists." Rather than creating a "single streamlined homeland security committee in each house" as the 9/11 Commission recommended, the House Republican leadership announced it was giving "permanent" oversight to the existing House Select Committee on Homeland Security, but deprived it of jurisdiction over budgeting, spending or performance, while in the Senate "the same blur of jurisdiction, power jockeying and eventual inertia can be expected to continue."

C. IN THE COURTS

• FEDERAL JUDGE RULES GUANTANAMO DETAINEES CANNOT CHALLENGE DETENTION IN FEDERAL COURT

Judge Richard Leon of the Washington DC District Court has seemingly set aside the habeas corpus ruling made by the US Supreme Court in June 2004 to arrive at his January 19th decision that Guantanamo prisoners could not seek relief in federal court. The judge maintained that federal courts could not evaluate the lawfulness of the actions of a president who detained "nonresident aliens, outside of the United States, during a time of armed conflict" (New York Times, January 20). Judge Joyce Hens Green is hearing a similar lawsuit involving 54 Guantanamo detainees in the same courthouse. If she disagrees with Judge Leon, the DC Appeals Court would decide the issue.

• US SUPREME COURT RULES THAT CUBANS CANNOT BE INDEFINITELY DETAINED

On January 12 the Supreme Court ruled by 7-2 that the government cannot indefinitely

hold Cuban immigrants from the 1980 "Mariel" boatlift who have committed crimes in the US but cannot be deported because Cuba has barred their return. The decision in *Clark v. Martinez* concerned Cuban immigrants who had been ordered to be removed from the country in January 2001 and have been in detention since then. The decision will affect hundreds of immigrants who have been ordered removed from the country, but who have been languishing in prisons and jails because their countries refuse to accept them back. They are now entitled to release, under government supervision. Dissenting from the decision were Chief Justice Rehnquist and Justice Clarence Thomas.

• **NO LINK FOUND TO TERRORISTS, BUT FOUR BROTHERS STILL HELD**

Four Mirmehdi brothers who emigrated to the US from Iran and are outspoken opponents of Iran's Islamic regime have been in immigration jail for more than three years although the Board of Immigration Appeals and the 9th Circuit Court of Appeals have said there are no grounds to connect them to terrorism. According to the January 10th Los Angeles Times, they are being held under two sections of the USA PATRIOT Act by the Department of Homeland Security, which has been ordered to release them by February 20, 2005. The group they are accused of associating with is the Moujahedeen Khalq, or MEK, which is trying to overthrow the Iranian government and has considerable Congressional support despite being on the State Department's list of terrorist organizations. The brothers say they are not associated with MEK, and that the FBI has approached them several times offering their freedom if they would work as informants. They do admit to attending an MEK rally in 1997, before it had been put on the State Department list. The brothers' lawyers are invoking a 2001 Supreme Court ruling that people cannot be held indefinitely if they cannot be deported because their country of origin won't take them back or because they would be persecuted or tortured if sent back.

• **SHEIKH NOW SEEN AS FUNDER OF HAMAS, NOT AL-QAEDA**

As a federal judge in Brooklyn interviewed potential jurors for what was supposed to be high profile case against Sheikh Mohammed Ali Hassan al-Moayad for using his Brooklyn mosque to funnel millions of dollars to Al Qaeda, it appeared that prosecutors were shifting their focus from Al Qaeda to the sheikh's alledged funding of the Palestinian group Hamas. Their case has been hurt by information that has been made public about their main informant, Mohamed Alanssi, after he set himself on fire outside the White House last November. According to Jonathan Marks, one of the defense attorneys in the case, "It is very important for the Bush administration to show that they are winning the war on terrorism. Attorney General Ashcroft billed this case as a case against a major financier of Al Qaeda. There is no evidence of that at all" (New York Times, January 20).

• **DECISION AWAITED IN LYNNE STEWART CASE**

After the prosecution submitted evidence culled from more than 85,000 secretly recorded telephone calls and faxes but few witnesses who could provide firsthand information about claims that veteran defense attorney Lynne Stewart had been involved in a conspiracy to aid terrorism, defense attorney Michael Tigar on January 5th maintained that the government had failed to prove that his client had knowledge of any conspiracy

she is said to have joined. He accused the government of prosecuting her because of her history of supporting radical causes. The jury has not yet delivered its ruling.

D. IN THE COMMONWEALTH

• US SEEKS TO HALT BID FOR CITIZENSHIP BY QUINCY BUSINESSMAN

Emadeddin Muntasser, the owner of the Logan Furniture Company in Quincy and a 1986 graduate of Worcester Polytechnic Institute, is a Libyan national who has been a permanent US resident since 1992. His father's property had been seized by the Libyan government because he was deemed an "American sympathizer." In October 2002 Muntasser applied for US citizenship. Last June he brought a federal lawsuit against the Department of Homeland Security, claiming it had not allowed his citizenship application to go forward. The government responded that Muntasser was being investigated for failing to disclose on his original citizenship application that he had traveled to Afghanistan in the mid 1990s, and had been involved in the first half of the 1990s with CARE International and the Alkifah Refugee Center. On January 6th federal district court judge Rya Zobel suspended the hearing on his citizenship application and gave prosecutors 90 days to finish their investigation into his possible association with terrorists.

• MEDIA FLAP ABOUT TERRORISTS HEADED TO BOSTON FIZZLES

After investigating an anonymous "tipster" who had alerted the California Highway Patrol that four Chinese nationals and two Iraqis had crossed the Mexican border and were headed to Boston to set off a nuclear "dirty bomb," the FBI admitted on January 25th that the scare was a "false alarm. Its perpetrator, Jose Ernesto Beltran Quinones, was a suspected smuggler who made up the story to get back at people who had cheated him. His wife called him an "unstable person" and he said he had been under the influence of drugs and alcohol when he made the call which was meant "purely as a joke" (Boston Globe, January 26). The hoax produced headlines around the world, mobilized the FBI, State Police and other law enforcement agencies, and induced Governor Romney to fly back to Boston and miss the Bush inauguration. Before it fizzled, pictures of the alleged terrorists were featured in the media and the FBI had added ten more people to the list of terror suspects who were thought to be honing in on Boston.

• BOSTON HERALD LINKS "EASTIE GANG" TO AL-QAEDA IN SERIES OF INFLAMMATORY ARTICLES

"HUB SHOULD BE WORRIED" proclaimed the giant January 7th front page headline. "US Rep: MS-13 gang is true terror threat." The US Rep. in question is Solomon Ortiz (D-Texas), co-chair of the House Border Caucus, who claims that the Bush Administration is "in denial" about connections between gangs and Al-Qaeda. His spokesperson Cathy Travis was quoted as saying that "Boston should be worried. These terrorists and gang members are getting on a bus here in Texas and heading to the East Coast." According to the January 13th Boston Herald, City Council President Michael Flaherty is taking the "link between ruthless street gang MS-13 and al-Qaeda terrorists seriously, given the proximity the neighborhood has to passing LNG tankers." In response, community members are circulating a petition which will shortly be sent to The

Boston Herald. It denounces "shoddy, unprofessional news reporting that is inaccurate and only seeks to sensationalize" and states that "the series of articles fails to credibly establish a link between MS-13 and Al Qaeda, relying on hear-say and unspecified sources of information...such gross misreporting only fuels unfounded fears, xenophobia and anti-immigrant feelings."

• BOSTON POLICE COMMISSIONER WANTS TO TRAIN THOUSANDS OF HOMELAND SECURITY SNOOPS

In the December 30th Boston Globe, Boston Police Commissioner Kathleen O'Toole wants to "apply the success of community policing to homeland security." She has called for "'developing new resources and alliances in the fight against terrorism,' including training the city's 1,263 organized crime-watch groups to be the department's street-by-street eyes and ears."

• POLICE TELL CHINATOWN RESIDENTS SURVEILLANCE CAMERAS WILL NOT BE ABUSED

After the Boston Police Department announced it would put 17 powerful digital surveillance cameras near crime "hot spots" in Chinatown, police officers assured the Chinatown Safety Committee that only trained authorized officers will have access to the system and that "the cameras cannot target any specific racial or ethnic group, gender, or people with a particular sexual orientation...We're not going to peer into places where there's a reasonable expectation of privacy" (Boston Globe, December 26). The cameras will run 24 hours a day with one officer watching the monitors on weekend nights and during drug sweeps.

• ACLU ASKS TRURO POLICE TO STOP DNA DRAGNET

In an attempt to solve the three-year-old murder of Truro resident Christa Worthington, male residents in Truro have been asked to "voluntarily" submit to DNA swabs. Michael O'Keefe, the district attorney of the Cape and Islands, has stated that investigators will be "compelled" to look at why a man would choose not to cooperate with the police. The ACLU has asked law enforcement officials to stop the "unreasonable searches" and to give those men who have submitted to the swabs "written guarantees" that their DNA samples will be destroyed after they have been ruled out as suspects. The police have refused, which means that the DNA might be permanently stored in state or federal DNA databases and used for a variety of privacy-invading purposes.

III. GET INVOLVED

• ATTEND FIRST MEET UP OF BOSTON CIVIL LIBERTIES TASK FORCE

Sunday, January 30 from 4-6 PM

Cassava Lounge, on Boylston Street and Mass Ave -- one block from the Hynes/ICA T stop, the #1 bus, and close to the Prudential parking garage.

Join and RSVP at <http://aclu.meetup.com/34/events/4109440/>

• ATTEND NEXT MEETING OF CIVIL LIBERTIES TASK FORCE

Wednesday, February 23, 6-8 PM at the ACLU of Massachusetts office.

