

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

**April 22, 2005  
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### I. TAKE ACTION

#### **• FIGHT EFFORT TO AMEND CONSTITUTION TO RESTRICT DISSENT: REPS. NEAL, MCGOVERN, LYNCH and DELAHUNT MUST HEAR FROM THEIR CONSTITUENTS**

For more than a decade, numerous members of Congress have tried to amend the U.S. Constitution to give the government the power to prohibit the physical desecration of the American flag. The flag desecration amendment would amend the First Amendment for the first time ever. It would do irreparable violence to our right to free speech and undermine the very principles for which the American flag stands. Traditionally, the amendment has passed by fairly narrow margins in the House and been blocked by the Senate. This year, however, we do not think we have the votes to stop the measure in the Senate and therefore we are hard at work turning the vote around in the House, and need your help.

**Four members of the Massachusetts delegation support the amendment: Richard Neal, James McGovern, Stephen Lynch and William Delahunt.** Picking up their votes could mean the difference between stopping this amendment in Congress or watching it go to the states for a ratification battle that could be very difficult to win. You can help in three ways:

- Call their offices and ask them to support the First Amendment and the right to dissent by opposing the flag desecration amendment. Call Rep. Neal - 413 785 0325; Rep. McGovern - 508 831 7356; Rep. Lynch - 617 428 2000; Rep. Delahunt - 617 770 3700.
- Send a free fax to your member of Congress urging opposition to the flag desecration amendment (HJ Res 10): <http://www.aclu.org/flag> .
- If you are a military veteran, or if you know veterans who might be interested in working with us to stop the amendment, please contact Nate Wessler, a field organizer at the ACLU's Washington Legislative Office: [nwessler@dcclu.org](mailto:nwessler@dcclu.org) <<mailto:nwessler@dcclu.org>>

### II. RIGHTSWATCH

#### A. EXECUTIVE ACTIONS

- **NEWLY-RELEASED DOCUMENTS ATTEST TO AUTHORIZATION OF ABUSE BY SENIOR COMMAND**

The latest batch of 2,200 documents released to the ACLU in response to a FOIA lawsuit gives more evidence that senior commanders colluded with the physical abuse of detainees in Iraq. A memo dated September 14, 2003 signed by General Ricardo Sanchez shows that he authorized 29 interrogation techniques at Abu Ghraib, including 12 that exceeded the limits set in the Army's own Field Manual. They included stress positions, exploiting the "Arab fear of dogs", the use of excessive noise and "sleep management." The memo, which the Defense Department had originally refused to release on national security grounds, contradicts Congressional testimony given by Gen. Sanchez on May 19, 2004.

- **DOZENS OF DETAINEES VICTIMS OF "CRIMINAL HOMICIDE" PERPETRATED BY US SOLDIERS**

At least 26 prisoners (the number cited is often higher) have died in American custody in Iraq and Afghanistan since 2002, in what military investigators have called acts of "criminal homicide." (*New York Times*, March 16). According to government data provided to the Associated Press, at least 108 people have died in American custody in those two countries, most of them violently. On March 25 Army commanders announced they would not be prosecuting 17 soldiers implicated in the deaths of three prisoners. Army investigators had recommended they be charged with murder, conspiracy and negligent homicide. Documents released to the ACLU show that soldiers were told to "beat the fuck out of detainees". One high school student had his jaw broken either because of being beaten, or after collapsing with "complete muscle failure" from being excessively exercised. Abu Malik Kenami died while being forced to do repeated "ups and downs" with his head hooded, and arms flex cuffed behind his back. He was never given an autopsy, and his body was stashed in a "reefer van" for five days.

- **FBI CRITICISM OF COERCION AT GUANTANAMO FINALLY MADE PUBLIC**

After the intervention of Senator Carl Levin, the Justice Department revealed that it had censored a portion of an FBI memo in which an FBI agent termed Guantanamo interrogation methods "suspect at best." FBI agents complained about the practice of shackling detainees to the prison floor for more than 24 hours without food and water, using dogs to frighten them and draping one detainee in an Israeli flag. Also blacked in the memo when it was first turned over to the ACLU was the FBI assertion that these kinds of interrogation practices could undermine military trials for terrorism suspects. Named in the memo as participating in weekly meetings with the FBI at which the interrogation methods were often criticized as ineffective and harmful were four aides to Michael Chertoff, then the head of the Justice Department's criminal division. At his Senate hearing before becoming head of the Department of Homeland Security, Chertoff maintained that he did not get involved in the discussion of interrogation practices.

- **INFLECTING PAIN DOESN'T WORK AND MAY BE COUNTERPRODUCTIVE, SAYS NAVY SPECIALIST**

Dr. Michael Gelles, the head psychologist for the Navy Criminal Investigative Service who participated in interrogations in Iraq, Afghanistan and Guantanamo, says his view that coercion does not produce reliable, quality information is widely shared by specialists in intelligence, and that "rapport building" is much more successful (*Boston Globe*, March 31). He said that sometimes innocent suspects with no information to give will make up stories to make the abuse stop and that the system gets clogged with worthless and misleading data. The Red Cross has reported that up to 90 percent of military detainees in Iraq had been arrested by mistake, and the head of interrogations at Guantanamo said that the majority of the detainees imprisoned there had no worthwhile information to give. A previously undisclosed portion of Navy Vice Admiral Albert Church's report into the abuse scandal reveals that Alberto Moro, the Navy's counsel general, was so appalled by the interrogation techniques which were being used at Guantanamo that he termed them "unlawful and unworthy of the military services." The Navy considered pulling out its interrogators if the abuse continued (*Boston Globe*, March 16).

• **GUANTANAMO DETAINEE ALLEGES BRUTALITY**

A federal suit for medical records has been filed by a firm of Boston lawyers on behalf of an Algerian detainee, Mustafa Ait Idir, who says he has facial paralysis because of his treatment at the hands of guards who beat him and jumped on his head when he was shackled to the ground. Idir also says that guards dislocated his fingers, held his face under water in his cell's hole-in-the-floor toilet and while he was handcuffed, pumped water down his throat from a hose to simulate the feeling of drowning.

• **PENTAGON SAYS ALL BUT 38 GUANTANAMO DETAINEES ARE "ENEMY COMBATANTS"**

At the end of March the Pentagon announced that the Combatant Status Review panels, set up in response to a June 2004 Supreme Court ruling, had completed their work and that the 38 (out of a total of 558) detainees it had found did not meet the criteria for "unlawful enemy combatants" would be released. The process was overseen by Navy Secretary Gordon England, who is due to replace Paul Wolfowitz as deputy secretary of defense. The panels have been condemned for refusing to allow detainees access to lawyers and even to the evidence against them. "Classified" evidence that came to light accidentally in the case of Murat Kurnaz revealed that there was "no definite link/evidence" of his association with AlQaeda or with threats against the US, and yet the Combatant Status Review panel upheld his status as an "enemy combatant" (*Boston Globe*, March 30). Among those being held at Guantanamo are dozens who were picked up far from the battlefield of the Afghanistan war, including six Algerians arrested in Bosnia and Herzegovina and turned over to the US, a Yemeni arrested in Thailand, and another Yemeni, Abdul Salam Ali al-Hila, who was abducted off a street in Cairo and then held incommunicado by US authorities for more than a year before being sent to Guantanamo (*New York Times*, March 30). Now detainees are undergoing hearings before administrative review boards, to decide if they are still a threat to the US. Many are refusing to attend because they think the hearings are unfair since they cannot see the evidence against them.

- **PENTAGON WOULD LIKE TO TRANSFER HALF THE DETAINEES TO PRISONS IN HOME COUNTRIES**

The Pentagon has been pressuring countries to take back hundreds of Guantanamo detainees and either try them or detain them without charge. It apparently wants to scale back the number of detainees being held at Guantanamo to the number who can be accommodated in new permanent prison facilities under construction (about 320). Not one of the 65 detainees sent from Guantanamo to the custody of Kuwait, Pakistan, Saudi Arabia, Spain, Sweden, Great Britain, Australia, France, Russia and Morocco has to date been convicted of any crime. About a third have been set free, and the rest are awaiting trial or in detention without charge. The US has freed a further 146 Guantanamo detainees, some of them children and old men (Reuters, March 17). In mid March a federal judge prohibited the military from transferring 13 Yemeni prisoners from Guantanamo on the grounds that they could face torture at home. The Pentagon faces an additional roadblock in the form of a sex scandal which wiped out the command structure that runs the detention and interrogation operation at the prison, according to the March 27<sup>th</sup> *New York Times*.

- **PENTAGON CONSIDERS REQUIRING "HUMANE TREATMENT"; REVAMPING MILITARY COMMISSIONS**

In an effort to put Abu Ghraib behind it, the Defense Department is preparing new guidelines for the treatment of war captives which stress humanitarian care. But in their draft form the guidelines assert that the treatment of an "enemy combatant" -- as opposed to a prisoner of war -- may be "subject to military necessity" (*Boston Globe*, April 9). The Pentagon is also considering changing the much maligned and barely functional military commissions established by an executive order in November 2001 to make them conform more closely to the courts-martial regulations of the Uniform Code of Military Justice.

- **GOSS SAYS THE CIA DOES NOT USE TORTURE**

Instead, the new CIA chief assured the Senate Armed Services Committee on March 17<sup>th</sup>, it uses "professional interrogation techniques" such as waterboarding, which had "documented successes" in averting attacks.

- **AMERICAN CITIZEN HELD WITHOUT CHARGES IN IRAQ**

According to an April 1 Reuters report, the US military has been holding a naturalized US citizen in Iraq as an "enemy combatant" since last year. He is believed to be part of the al-Zarqawi network. According to Air Force Lt. Col. John Skinner, he was given a hearing (without a lawyer) before a three-officer military tribunal. The Supreme Court ruled last year that American citizens who are being held as enemy combatants do have the right to lawyers and to challenge the factual basis for their detention, a decision which the government appears to be ignoring.

- **SCHOOLGIRLS ARRESTED AS TERRORIST THREAT**

The FBI has arrested two 16-year-old Muslim girls in New York on the grounds that they are "an imminent threat to the security of the United States based on evidence that they plan to be suicide bombers." (*New York Times*, April 9). No evidence was given to back up this assertion. Because they are undocumented immigrants the girls are being

held in a Pennsylvania immigration detention center. One of the girls, a Guinean tenth grader who has been in the country since she was two years old, ran for student body president at Heritage High School in East Harlem. Her teachers describe her as "a regular teenager." According to Deleen Carr, a speech pathologist who saw the girl every day and knows her family well, "They have painted this picture of her as this person that is trying to destroy our way of life, and I know in my heart of hearts that this is bogus. I feel like, how dare they? She's a minor and even if she's not a citizen, she has rights as a human being." The other girl, the daughter of a Bangladeshi watch salesman, had withdrawn from her Manhattan high school and was being home schooled. The government closed her bond hearing to the public. According to the April 8<sup>th</sup> *New York Times*, "There are no firm time limits on immigration detention, so the burden is on the girls to prove that they are not potential suicide bombers, rather than on the government to prove that they are. Indeed, the evidence is withheld from the girls and anyone who represents them under a 'protective order' that FBI investigators obtained from the immigration court." In an April 12<sup>th</sup> editorial, *The New York Times* declared, "At this point, it's impossible not to worry about a potential miscarriage of justice, given the number of previous incidents in which the government has rushed to make a terrorism arrest that turned out to be baseless. If the evidence isn't there, the arrests are very disturbing. The government will have taken 16-year-olds from their families, branded them as would-be terrorists and put them into a frightening legal limbo for no good reason."

- **UN BLASTS US TREATMENT OF ALGERIAN IMMIGRANT**

The UN Working Group on Arbitrary Detention has strongly criticized the Bush Administration for detaining Benamar Benatta since September 11, 2001 even though the FBI concluded in November 2001 that he had no connection to terrorism. Benatta, a former Algerian Air Force lieutenant who deserted during a visit to the US for military training, has been denied access to a lawyer and subjected to a "high security prison regime...that could be described as torture" (*Washington Post*, March 22). Benatta has been held for months in chains, awakened day and night, and had his head smashed against an elevator wall. Pursuing a political asylum claim, he is appealing the decision of a federal immigration judge that he should be deported back to Algeria where he fears he could be tortured and killed.

- **REPORT REVEALS ABUSE OF MUSLIM INMATES; PLAN TO INVESTIGATE PEOPLE WHO VISITED MUSLIM WEBSITE**

In his annual report on civil liberties and rights violations required by the USA PATRIOT Act, the Inspector General of the Justice Department has reported a "disturbing pattern of discriminatory and retaliatory actions against Muslim inmates" at an unnamed federal prison. The warden, his executive staff and guards were all implicated. The report also criticizes an FBI agent for sending an email to field offices asking them to investigate or "take whatever action it deemed appropriate" against local people who were on a list of names and addresses of people who had visited a Muslim-based website. The FBI later said it recognized that the email "raised First Amendment concerns" and that all copies of it had been destroyed (*Boston Globe*, March 12).

- **TERRORIST APPLIES FOR POLITICAL ASYLUM IN US**

CIA-trained Luis Posada Carriles, who has been tied to the 1976 bombing of a Cuban civilian airliner that killed 73 people, to several attempts to assassinate Fidel Castro and to the assassination of former Chilean government minister Orlando Letelier by a car bomb in Washington DC in 1976, reportedly crossed from Mexico into the US last month. On April 13 his lawyer held a press conference announcing his application for asylum. (Democracy Now! April 14)

#### • VIGILANTES PATROL BORDER WITH MEXICO

Self-appointed "Minutemen," including members of white supremacy groups, have been patrolling a 23-mile wide section of Arizona's border with Mexico since April 1 in an effort to deter undocumented migrants from entering the country. According to the ACLU of Arizona's Border Watch Legal Observer Project which is keeping an eye on the actions of the vigilantes, some of the Minutemen see migrants as "economic refugees," but others regard them as the first wave of an "invasion" out to "destroy our way of life." The Aryan Nation has termed the Minutemen Project "a white pride event." Meanwhile, the Department of Homeland Security has announced that the number of calls to its hotline reporting illegal immigrants has been skyrocketing over the past six months as "alert citizens, using the tip line, are making significant contributions to homeland security" (*Boston Globe*, April 17).

#### • NEW COALITION SEEKS TO INFLUENCE DEBATE ON PATRIOT ACT SUNSET PROVISIONS

With debate on the 16 sunset provisions of the USA PATRIOT Act getting underway (see "In the US Congress" below), a coalition of groups across the political spectrum called Patriots to Restore Checks and Balances created a media splash at its launch in late March. The former Republican Congressman from Georgia Bob Barr spoke for the group, which includes the ACLLU and American Conservative Union, when he told a Washington press conference, "It is not, and never should be necessary, to surrender our rights under the Bill of Rights to fight the war on terrorism. Favorable editorials and op eds appeared across the so-called red states, with papers like the *Toledo Blade* commending the group for calling for the PATRIOT Act to be "restricted in scope to preserve the very freedoms it was intended to protect" (March 29). An editorial in the March 27<sup>th</sup> *Atlanta Journal-Constitution* examined the sections which the group wanted curbed and concluded, "The White House's 'don't worry, trust us' reponse won't cut it. This is an administration, after all, that tried to legitimize the use of torture. Many advocates of civil liberties have been uneasy about the Patriot Act ever since it was signed into law. It's time for an open and rational debate that will lead to the repeal of the most onerous provisions." The March 27<sup>th</sup> *Roanoke Times* agreed, calling for "freedom-loving" Americans to support the new coalition: "If Americans must forfeit their First, Second, Fourth and Sixth Amendment rights to fight terrorism, what is the fight for? Life without liberty? Bah."

#### • ADMINISTRATION GIVES SOME INFORMATION ON HOW PATRIOT ACT POWERS USED

The Justice Department has revealed that it used the "sneak and peek" provision (Section 213) to secretly search homes and offices without notifying the owner 108 times during a 22-month period. Section 213 does not sunset. It reported getting 1,754 special

warrants from the secret FISA court in 2004 to carry out surveillance and intercept communications, up from 1,724 in 2003. The FBI also admitted that it used provisions of the PATRIOT Act during its investigation of Portland attorney and convert to Islam Brandon Mayfield, who was detained for two weeks in May 2004 on suspicion of being involved in the Madrid train bombing. The FBI searched his house, placed wiretaps, took photographs and seized computer hard drives and DNA samples before it was revealed they had wrongly matched his fingerprints to those taken from the Madrid crime scene. FBI director Robert Mueller has praised the PATRIOT Act as a terror-fighting tool, and asked for an expansion of its administrative subpoena power which the FBI agents can use to get information without any judicial or grand jury review.

- **MONTANA OPPOSES PATRIOT ACT**

Using strong language, the Montana state legislature became the fifth in the country (after Alaska, Hawaii, Vermont and Maine) to pass a resolution opposing the USA PATRIOT Act. It supports allowing provisions of the Act to sunset, and calls on the Montana delegation to support a federal bill that would ban racial profiling. Republicans and Democrats united behind the resolution.

- **YET ANOTHER TERROR-FIGHTING AGENCY ON THE DRAWING BOARD**

The Bush Administration is considering creating a "superdivision" at the Justice Department aimed at combating terrorism. It would consolidate investigation, surveillance and prosecution in national security cases in one division, leading to fears that it would be outside any attempt to exercise checks and balances in the interest of preserving civil liberties. The plan may be fast tracked after the "scorching assessment of chronic dysfunction inside American intelligence agencies" (*New York Times*, April 1) by a presidential commission headed by Judge Laurence Silberman and former Senator Charles Robb. Its 600 page report called the nation's 15 existing spy agencies "headstrong," deeply turf-conscious and risk-averse, saddled with outdated technology, and prone to be fighting the last war. According to the commission, turf issues are dooming the new Terrorist Threat Integration Center (renamed the National Counterterrorism Center) which was established to assemble information about all terrorist threats. Calling the new Center "a Tower of Babel", the April 4<sup>th</sup> *Newsweek* reported that "though they sat side by side, agents and analysts from the different agencies were still playing by the old rules: trust your own, and be wary of the other guy. The commissioners found that there were no less than nine levels of classified information stored in the center's computers. Analysts from different agencies had different clearances, making it difficult for them to talk to one another." As for the FBI, the commission said it "has made significant but, in our view, insufficient progress" in getting its act together.

- **ADMINISTRATION WILL NO LONGER PUBLISH REPORT ON INTERNATIONAL TERRORISM**

The Bush Administration has decided it is too difficult to compile "Patterns of Global Terrorism," an annual report that has been published over the past 19 years. The government was embarrassed by the revelation that it had undercounted by more than half the terrorist incidents in 2003, thus advancing George Bush's claim that the war on Iraq was helping the US win the war against terrorism. It blamed mistakes

on the new Terrorist Threat Integration Center. In 2004 it concluded that there were more terrorist attacks than in any year since the publication was launched.

- **MATRIX DATA MINING PROGRAM SHUT DOWN**

A controversial Florida-based program that made combined government and private sector data available to law enforcement agencies has been terminated after coming under heavy opposition on privacy grounds. A Florida police official had told the *Washington Post* that the program was so powerful it was "scary" and open to abuse. "I mean, I can call up everything about you, your pictures and pictures of your neighbors."

- **PLANS FOR NEW STUDENT DATABASE UNDERWAY**

The Education Department is planning to propose to Congress the creation of a giant database that would force every institution of higher education to report all the information it is holding on individual students to a new national databank. The government says it wants to be able to track students individually through their post-secondary school education in order to get a sense of graduation rates and use of loans and financial aid.

- **FAN OF TOTAL INFORMATION AWARENESS GIVEN TOP PRIVACY JOB**

The Department of Homeland Security has picked Paul Rosenzweig as the chairman of its privacy board. He is a conservative lawyer and senior fellow of the Heritage Foundation who had promoted the Pentagon's Total Information Awareness program.

- **US WANTS ACCESS TO INTERNATIONAL BANKING RECORDS**

The April 10th *New York Times* reported that as part of its effort to trace terror funding, the US Treasury Department wants access to logs of international banking transfers in and out of the United States. Some banking compliance officials are meanwhile complaining about the confusion and rule changing in what the government is demanding of banks, and their sense that the system is being clogged with irrelevant "suspicious activity reports" (SARS).

- **EMBEDDING RFID CHIP IN PASSPORTS RAISES PRIVACY CONCERNS**

At a time when 3.2 Americans are victims of identity theft each year and ChoicePoint, GM Mastercard and LexisNexis have reported the theft of hundreds of thousands of computer files containing personal information (*New York Times*, March 17), there is growing criticism of government plans to embed radio frequency chips in US passports. The chips would contain all the personal information printed on the passport, as well as the passport holder's photograph enhanced by facial recognition technology. Each chip would contain an antenna that would transmit information to a machine reader. Critics say that anyone with a strong chip reader could pick up all the information on the passport from several feet away.

- **TSA NOT GETTING THE JOB DONE**

Three separate reports by the Department of Homeland Security's Inspector General have criticized the Transportation Security Administration for making no progress since 2003 in the interception of weapons, for failing to prevent the theft of valuables from

luggage, and for spending large sums on artwork, plants and expensive kitchen equipment.

- **ALL AIRLINES USING US AIR SPACE MAY BE ASKED FOR PASSENGER LISTS**

The US currently requires airplanes that are due to land in the US to provide the manifest of their passengers. On April 8 the US prevented a KLM flight from Amsterdam to Mexico City from flying in US airspace because two passengers were found to be on a US no fly list. The flight returned to Amsterdam and the men were questioned and then let go. Now the US government is considering requiring that names of all passengers on planes flying over the country be screened in advance or the flights will have to be rerouted. Mexican, Canadian and European airlines are especially angered by the proposal. According to *Time Magazine* (April 17), US no-fly lists have grown from 19,000 names last September to more than 31,000 today.

- **RELEASE OF INFORMATION TO PUBLIC IN STEEP DECLINE**

A review carried out by the Associated Press has revealed that information released to the public by government agencies in response to Freedom of Information Act requests has been in sharp decline since 1998. The Justice Department has greatly reduced the information it has been sharing since the attacks of 9/11 (*Boston Globe*, March 14).

## **B. IN THE US CONGRESS**

- **CONGRESSIONAL HEARINGS UNDERWAY ON SUNSET PROVISIONS OF USA PATRIOT ACT**

Attorney General Gonzales made some mollifying remarks when testifying before the Senate Judiciary Committee at the start of hearings on whether the provisions of the PATRIOT Act due to sunset at the end of the year should be renewed. "I am open to suggestions for clarifying and strengthening the act," he said (*Boston Globe*, April 6, 2005), winning praise from several lawmakers. But Senator Arlen Specter (R-PA), chair of the Senate Judiciary Committee, expressed frustration at the Justice Department's failure in a closed-door session to provide more detailed information about its use of the PATRIOT Act. Congressional officials "want to see exactly what they're doing and where the justification is" but they are being denied that information, he said (*New York Times*, April 13). As the fourth hearing got underway on April 19, the Justice Department continued to resist calls for stronger judicial checks on government antiterror powers, such as requiring a showing of probable cause before undertaking surveillance wiretaps. In its testimony before the House Judiciary Committee, the Justice Department pointed to the improved flow of information as one of the key changes made by the act, and said that it would be a mistake for Congress to require the notification of a judge or impose other restrictions on the flow of information. It made no reference to the impediment to the flow of information cited by the commission looking into the performance of intelligence agencies - endemic turf culture (see "Executive Actions" above).

- **SAFE ACT RE-INTRODUCED AS CORRECTIVE TO PATRIOT ACT**

A new version of the Security and Freedom Enhancement (SAFE) Act was introduced into the Senate in early April by Senators Craig (R-ID), Feingold (D-WI) and Richard

Durbin (D-IL). It restores checks and balances to some of the provisions of the PATRIOT Act most open to abuse, such as sneak and peek searches and the use of secret intelligence wiretaps. It ensures that recipients of secret business records orders can challenge them in court. Under the SAFE Act, someone would not be able to be labeled a "terrorist" by the government without proper justification. The SAFE Act is being strongly promoted by the coalition of Patriots to Restore Checks and Balances.

• **OPEN GOVERNMENT ACT WOULD STOP TREND TOWARD SECRECY**

The Openness Promotes Effectiveness in Our National (OPEN) Government Act (S.394) has been filed by Senators Patrick Leahy (D-VT) and John Cornyn (R-TX) to ensure greater access to important government information without endangering national security. According to Sen. Cornyn, "Open government, of course, is one of the most basic requirements of a healthy democracy...It permits the honest exchange of information that ensures government accountability, and it upholds the ideal that government never rules without the consent of the governed." Senators Kennedy and Kerry should be urged to back this legislation.

• **REAL ID DROPPED FROM SENATE VERSION OF EMERGENCY SUPPLEMENTAL BILL**

But that does not mean we have seen the end of this anti civil liberties, anti immigrant measure which is included in the House version of the bill. A conference committee (which has not yet been named) to reconcile the two versions is expected to meet within days, and House conferees are expected to push for it to be included in the final bill. Massachusetts Senators are unlikely to be on the conference committee since they are not members of the Senate Appropriations Committee.

**C. IN THE COURTS**

• **MOUSSAOUI TO PLEAD GUILTY**

On April 22 Zacarias Moussaoui was expected to plead guilty to terrorism charges in federal court and has written a letter to Judge Leonie Brinkema asking to be sentenced to death. His lawyers say he is not mentally competent to make such a decision, but Judge Brinkema has ruled otherwise. Arrested in August 2001 while attending flight training school he has been referred to by some law enforcement officers as the "20<sup>th</sup> hijacker." He is the only person in the US to be charged in connection with the 9/11 attacks.

• **AMERICAN MUSLIMS SUE US FOR TREATMENT AT BORDER**

Five American men and women have filed a complaint in a US district court in New York about their treatment at the border when they were returning home after attending a religious conference in Toronto, Canada. They are arguing that their constitutional rights were violated when they were detained, searched, interrogated, photographed and fingerprinted after being asked if they had attended the conference by border officials near Buffalo. They are being defended by the ACLU and the Council on American-Islamic Relations.

**D. IN THE COMMONWEALTH**

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- **CD THAT LANDS TRANSLATOR IN PRISON GIVEN BACK TO HIM BY FBI**

After Guantanamo translator Ahmed Mehalba served 17 months in the Essex County Correctional Facility for removing a "classified" CD from the Guantanamo where he had been serving as a translator, the Boston FBI gave it back to him when he went to collect his personal belongings. Concerned that he would be re-arrested for again possessing the CD, a panicked Mehalba called the FBI to come and get it. When he prosecuted Mehalba, US Attorney Michael Ricciuti, head of the Joint Terrorism Task Force, called handling classified information a "serious business" because "disclosure can cause grave harm to the United States." (*Boston Globe*, March 27). Ricciuti has called the FBI's action "a blunder".

- **OPERATION TARMAC LEADS TO MORE ARRESTS AT LOGAN**

Fourteen Brazilian immigrants who were working as cleaners at Logan Airport were arrested on March 25 and are being deported to Brazil. Although none of them have any connection to terrorism, Robin Avers of the US Bureau of ICE said "we are systematically identifying vulnerabilities that pose a threat to public safety or national security, then working aggressively to shut them down" (*Boston Globe*, March 29). In the month of March alone 105 undocumented Brazilians had been detained in Massachusetts.

### **III. GET INVOLVED**

- **TORTURE - WHERE IS THE OUTRAGE?**

In collaboration with several organizations, including Amnesty International, the Unitarian-Universalist Service Committee, the Cambridge Peace Commission and UJP, the ACLU of Massachusetts Civil Liberties Task Force is developing an anti-torture campaign. If you would like to be part of community readings of the play "Guantanamo: Honor Bound to Defend Freedom" email [nancy@aclu-mass.org](mailto:nancy@aclu-mass.org). Express your outrage at the government's use of torture and by adding your name to the Bill of Rights Defence Committee's sign on letter ([www.bordc.org](http://www.bordc.org)). And put the following events in your calendar:

- Monday May 2, 4 PM, Harvard University Science Center D, an Amnesty International forum, "Torture and US policy: find out what your government is hiding from you" with the Hon. Edward Markey, Prof. Sanford Levinson, Nancy Murray, and Viveca Novak, author of the forthcoming book about Guantanamo "Inside the Wire";
- Tuesday May 3, protest vigil in front of Faneuil Hall from 5 PM, followed by an Amnesty International/Ford Hall Forum event on torture in Faneuil Hall starting at 6:30 PM;
- Monday, May 16, ACLU of Massachusetts Annual Meeting of Members, Suffolk University Law School, 5:15-7:30 PM, "Torture, Secrecy and the Rule of Law" with Jameel Jaffer, the ACLU attorney for the lawsuit that has led to the release of some 32,000 documents attesting to detention abuse.

- **ATTEND NEXT MEETING OF CIVIL LIBERTIES TASK FORCE**

Wednesday, May 25, 6-8 PM at the ACLU of Massachusetts office.

On Wednesday, April 27, 6-8 there will be a meeting of the group pushing for a civil liberties resolution to be passed by the Boston City Council (Boston is one of only a handful of large American cities NOT to have passed such a resolution).

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