

HUMAN RIGHTS NOW!

Newsletter of the Meiklejohn Civil Liberties Institute

<http://mcli.org>



SUMMER 2005

U.S. HUMAN RIGHTS VIOLATIONS CHALLENGED by the UN ... and MCLI

Geneva, April 21. The United Nations Human Rights Commission adopted a resolution expressing solidarity with victims of terrorism and their families, and "deeply deplores the concurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism." The Commission members representing 53 national governments passed, by consensus, the resolution introduced by Mexico to appoint a Special Rapporteur for three years to make concrete recommendations on how to carry out this task; to request, receive and exchange information from all relevant societies; to identify and promote best practices on measures to counter terrorism that respect human rights and fundamental freedoms; and to work closely with other United Nations bodies. (E/CN.4/2005/L.88)

The functions of the UN Special Rapporteur go far beyond being a "Reporter" but fall short of being

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MCLI REPORT ON U.S. TARDY SECOND REPORT TO UN COMMITTEE AGAINST TORTURE

On May 6, 2005, the U.S. State Department issued its Second Report to the UN Committee Against Torture. The report is 95 pages long and was due in 1999. It has received little media attention.

The actions of U.S. Government agents in dealing with detainees/prisoners at the U.S. base in Guantanamo Bay and at Abu Ghraib are not mentioned in the body of the Report. (The Report Annex assumes they are not covered by the Convention Against Torture which the U.S. ratified in 1994.)

The actions of local, state and federal law enforcement officers at the Republican National Convention in New York are not mentioned. Nor does the Report describe the violent breaking up of peaceful protests against the Iraq War and the PATRIOT Act and several labor strikes by police using federal weapons or funding.

The Report says it should only cover violations of U.S. Statutes passed by Congress and Regulations issued by federal agencies. It says the U.S. need not report on any activities that might come under the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) that do not come under the existing U.S. statutes or regulations.

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BERKELEY CITY COUNCIL SUBMITS MCLI REPORT to STATE DEPARTMENT and UN COMMITTEES

On March 15, the Berkeley City Council voted unanimously (with 1 absent) to submit to the U.S. State Department and to the UN Human Rights Committee, UN Committee Against Torture, and UN Committee on Elimination of Racial Discrimination the report prepared by MCLI, "Challenging U.S. Human Rights Violations since 9/11."

On March 31, MCLI submitted this report to the representative of the UN High Commissioner for Human Rights and to members of the UN Human Rights Committee meeting in New York. The Committee had just sent a message to the U.S. State Department that the U.S. is now very delinquent in filing the required reports, which were due in 1998 and 2003.

(For full text of resolution, see page 8)

BILL SIMPICH ON WINNING TEAM AGAINST PEPPER SPRAY

In 1997 peaceful protesters were trying to save the Headwaters Forest redwoods from logging in Humboldt County, California. They decided to lock arms within metal pipes. Sheriff's Deputies and Eureka Police Officers arrested eight activists in three incidents.

After their arrest, for the first time, the deputies and police officers swabbed pepper spray directly into the eyes of eight of their prisoners, who screamed in pain. Then deputies sprayed pepper spray into the faces of three more activists, one 16 and one 17 years old.

The injured environmental protesters met and decided to file a civil suit seeking a jury verdict against all those responsible. A strong team of lawyers came forward to work without fee until/unless the jury awarded damages: Bill Simpich (now on MCLI Board of

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Re: Your support for the Berkeley City Council Resolution on U.S. Reports Due under UN Human Rights Treaties

I am writing in furtherance of the unanimous resolution adopted by the Berkeley City Council on March 15, 2005, to "submit[s] a copy of the Report [on U.S. Government human rights violations since 9/11] to the U.S. State Department and to the UN High Commissioner for Human Rights and to the UN Human Rights Committee during its Spring 2005 meeting in New York as one step in upholding the International Covenant on Civil and Political Rights, the Convention Against Torture, and the Convention on the Elimination of Racial Discrimination" and to send a copy of this resolution to you ... and to Gov. Schwarzenegger. (Copy of Resolution enclosed)

This Report was prepared by Meiklejohn Civil Liberties Institute, the center for peace law and human rights founded in Berkeley in 1965. This Report was submitted to the U.S. State Department on April 11, 2005. Rep. John Conyers, Jr., as Vice Chair of the House Judiciary Committee, hailed the Report as "a veritable roadmap to the countless ways in which the Bush Administration has used lies and the politics of fear to assault the Bill of Rights, trash human rights, and launch a phony 'War on Terror.' It is equally thorough, gripping, and frightening, but demands to be read by every concerned citizen."

On May 6, 2005, the State Department took one step in this direction by issuing its long overdue second report to the UN Committee Against Torture required under the Convention Against Torture ratified by the U.S. in 1994. It has yet to issue its long overdue second reports to the UN Human Rights Committee (which enforces the International Covenant on Civil and Political Rights) and to the UN Committee on Elimination of Racial Discrimination (which enforces that CERD treaty).

Each of these second reports to the UN human rights committees is required by the treaties to contain information on enforcement of the treaties by cities, counties, and states, as well as from the federal government. [...*Letters describe the new US report on CAT, see story on p. 1...*]

We are writing out of our concern that this failure to involve local governments in the treaty process, and the failure to file two of the three required reports, undermines the role of the United States in the United Nations and throughout the world at a time when U.S. troops are engaged in military actions in Afghanistan and Iraq and in detentions in Abu Ghraib and Guantanamo that had to be discussed in the report under the Torture Convention.

We are asking you to speak up in the Senate about the duty of the Bush Administration to obey the U.S. Constitution, Art. VI, cl. 2 that a treaty is "the supreme law of the land" to be obeyed by the federal, state and local governments, and that reporting is an important method of enforcing laws, as the U.S. Government just insisted in its meeting with Mexico and Canada concerning NAFTA.

Such a statement by the senior Senator from California would indicate to Californians, other Americans, and to the world, that there are many law-abiding people in the U.S. who respect international law.

"Challenging U.S. Human Rights Violations Since 9/11"

The Report submitted by the Berkeley City Council to U.S. and UN bodies consists of 180 reports of alleged violations of 11 types of human rights of peoples under U.S. jurisdiction (starting with the right not to be killed or disappeared), and failures to fulfill 19 duties of the U.S. Government to the people since 9/11 (starting with the duty to tell the people the truth and to count the votes honestly). Each of the 30 sections ends with a list of the relevant laws violated, from the U.S. Constitution and Bill of Rights to the UN Charter Articles to the articles and clauses in the three ratified human rights treaties, and the Nuremberg Principles, and the Nuclear NonProliferation Treaty.

The 180 reports include several violations that occurred specifically in Northern California (in demonstrations at the docks, etc. with rubber bullets or tactics from federal agencies), and several others that occurred in other states and territories. (See table of contents enclosed.)

The Report/book also contains copies of five resolutions adopted by cities and counties in California in response to some of the 180 violations: against the PATRIOT Act and the war/invasion of Iraq, and for the precautionary principle, and a sensible federal budget.

The Report has just been published in book form, "Challenging U.S. Human Rights Violations

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Since 9/11," by Prometheus Books (March 2005). Copies were sent, under the Berkeley resolution, to William Howard Taft IV for the U.S. Department of State on April 11, 2005, and to the UN High Commissioner for Human Rights and members of the UN Human Rights Committee in New York on March 31, 2005. Copies were sent to the members of the UN Committee Against Torture during its meeting in Geneva on May 11, 2005. Copies will be sent to members of the UN Committee on Elimination of Racial Discrimination during its meeting in Geneva in August 2005.

[...The letters describe the UN Human Rights Commission's appointment of a Special Rapporteur, described in story on p. 1...]

Suggested Actions by Congressmembers

We are writing now to say we will bring a copy of the Report/book to our interview so that you and your staff can use it in your work against human rights violations by the U.S. Government wherever they occur in the world.

We hope that you will consider questioning the Department of State on its failure to: 1) notify cities, counties and states of their duty to prepare reports on their enforcement, and violations, of each of the three treaties; 2) file the very tardy reports on U.S. enforcement of two of the treaties mentioned in the first paragraph: the ICCPR and CERD.

It is troubling to concerned U.S. citizens when the U.S. State Department finds the time and budget to file, annually, the statutorily-required reports on the human rights situation in every other country of the world, but never collects information to file the reports due on the human rights situation in the U.S. due under the treaties.

As you know, reporting can make a dramatic difference in working against major problems, from apartheid in South Africa to AIDS in San Francisco to repression in East Timor.

You might discuss the Report/book with Sen. Boxer and Reps. Conyers and Lee, who are also receiving copies on how to use what the late Justice Frank Newman called "the mobilization of shame" to cause the DOS to start making these reports the U.S. made treaty commitments to file periodically.

In the past month I have made 12 appearances from Santa Rosa and Sonoma to Fresno, Santa Cruz, Salinas, and Concord, and on KPFA in Berkeley and KPFA in Los Angeles, talking about these issues and selling copies of the book. The response has been uniformly very enthusiastic. People say they are getting energized to work to get these reports prepared by their local governments. In June I will be meeting with Democrats Abroad in Paris, Toulouse, London and Brussels, with the same message.

Yours respectfully, Ann Fagan Ginger, Executive Director

MCLI MEETS WITH CONGRESSIONAL AIDES, MAY '05

Congressional Aide to Rep. Barbara Lee, Sarah Andropoulos, Field Representative to Sen. Barbara Boxer, Jennifer Tang, and Sharyn Asiong, Aide to Sen. Dianne Feinstein met with MCLI's Ann Fagan Ginger, Abigail Parolise and Lisa Arnolds and reps of Berkeley Fellowship of Unitarian Universalists and Marin Interfaith Task Force on Central and South America. The meetings focused on the importance of the US making reports to three UN committees about US violations of human rights. MCLI gave copies of the "Challenging" book for the Congress members and urged them to speak on the Congressional floors about the issues presented. Feinstein's aide immediately urged us to submit copies to Senators "on the other side of the aisle" and said she will send names. Two other issues discussed: the present situation of chaos in Haiti following the coup that ousted the democratically-elected President Aristide and the increasing pressure the US appears to be putting on the left-leaning Venezuelan President Hugo Chavez.

MCLI learned, during this meeting, about several bills, one by Senators Boxer and Clinton, requiring the use of paper ballots in electronic voting machines. Boxer is also co-sponsoring the Torture Victims Relief Reauthorization Act of 2005, which provides funding for programs to help torture victims. Rep. Lee helped to defeat (at least temporarily) CAFTA. She and Rep. Kucinich are co-sponsoring a bill to create the Department of Peace, which would work with the Department of State. Although Rep. Lee does not believe that Bush will propose a draft for the present invasion, she does believe that if another war begins, a draft will be unavoidable. MCLI is impressed with the strong stances that Sen. Boxer has been taking lately and encouraged her to increase her actions. Rep. Lee continues to be a beacon of hope since her re-election after voting against the invasion of Iraq. Overall, MCLI found the meetings informative and hopeful.

MCLI Report on US Report (cont. from p. 1)

Of the 83 reports of violations of the CAT in the MCLI report, "Challenging U.S. Human Rights Violations Since 9/11," the State Department's Second Report to CAT only includes one. It involved the brutal deaths of two Afghan prisoners. The Second Report does not discuss the lack of safeguards for the prisoners that ended in the death of Dilawar, a twenty-two year old farmer who most interrogators believe "simply drove his taxi past the American base at the wrong time." Dilawar and Habibullah were chained to the ceilings of their cells, deprived of sleep, and struck in the legs so many times that they could not bend their knees and struck in ways that eventually led to their deaths.

The Convention Against Torture covers a continuum of illegal acts by a continuum of people against a continuum of types of people. Any act in this continuum is a violation of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. The U.S. law cited in the Second Report does not include all of these types of wrongdoers or wrongful actions.

In MCLI's "Challenging" report, there are numerous examples of misconduct by local police and prison officials, funded by or trained by or using weapons obtained from the federal government.

The Second Report, as required in the Convention, covers some examples of city, county, and state violations and enforcement of the Convention. The few examples given involve U.S. Government actions against a municipality or state agency.

The Report talks in terms of the U.S. Report only needing to cover violations of U.S. Statutes and regulations prohibiting torture and some types of actions that the Convention Against Torture labels as "cruel, inhuman or degrading treatment or punishment."

Activists and lawyers specializing in human rights law immediately welcomed the action of the U.S. Government in finally filing this Second Report. "This is one indication that some people in the Bush Administration do understand that the commitments the U.S. made when it ratified a treaty must be fulfilled. But there are a number of striking fallacies and inadequacies in the Second Report that indicate that others in the Administration seek to say that the laws of the United States permit this nation state to sign and ratify a treaty, and then to ignore or violate any sections of the treaty that was not already part of their national law," according to Ann Fagan Ginger, who edited the "Challenging: report for MCLI.

For the 4-page analysis of the Second Report, with a chart of differences between the law spelled out in the Convention and in the Second Report, use the Order Form on page 11. Later it will be on www.mcli.org.

SAVE OUR SOLDIERS (SOS)

Specialist Agustin Aguayo joined the Army in 2003 but quickly realized his mistake. "The first time I held an M-16...I was overwhelmed with guilt. I remember standing there and feeling the weight of that killing machine pull me down." Aguayo was sent to Iraq and filed his Conscientious Objector claim from Iraq. Aguayo's commanding officer supported his claim. It was rejected higher up the chain of command without explanation.

Two expert lawyers agreed to take his case for a reduced fee. However, the remaining cost will be \$12,000.

American Voices Abroad (AVA) was founded in 2003 in opposition to the Iraq War. They oppose the occupation of Iraq and the repressive policies of the Bush administration and have mobilized to help U.S. servicemen and women who oppose the war.

AVA is trying to raise this money. Please help them by making a donation online at www.nisbco.org or Center on Conscience and War, 1830 Connecticut Ave. NW, Washington D.C, 20009

The Restore Open Government Act of 2005

On May 12, 2005 Rep. Henry A. Waxman, 30th District of California, introduced the "Restore Open Government Act of 2005" to combat the Bush Administration's systematic erosion of the public's right to freedom of information. Specifically the bill would (1) "restore the presumption of public disclosure of information from government agencies under the Freedom of Information Act;" (2) "eliminate unnecessary pseudo-classification designations;" (3) "prohibit secret advisory committees and require that any meetings between government employee advisory committees and influential private industry groups...be transparent to the public;" (4) "provide for the timely release of presidential records," and (5) "provide for timely declassification of government documents." The Act is currently in the House Committees on Homeland Security and Government Reform.



Ellen Gruenbaum, Ann Ginger, Howard Watkins, & Ken Hudson at Fresno Unitarian Universalist event, May 8

Militarism: A Number One Threat to Democracy

In 1697, nine years after the revolution that established parliamentary government in England, Jon Trenchard published *An Argument Showing That A Standing Army Is Inconsistent With A Free Government And Absolutely Destructive To The Constitution Of The English Monarchy*.

In 1776 the Declaration of Independence charged of George III "He has affected to render the military independent and superior to the civil power".

That the military power has become independent and superior to the civil power in the United States after a half century of Hot Wars and a continuous Cold War is the fear of many of us. Two recent books help to assess the danger. *The New American Militarism: How Americans are Seduced by War*, Oxford, 2005, by Andrew J. Bacevich provides a detailed history of the "seduction" of the establishment. And in *America's Military Today: the Challenge of Militarism*, The New Press, 2004, Tod Ensign has edited a set of informative critical essays on the recruiting game, what really goes on in basic training, women in the military, depleted uranium and related topics. Oddly enough neither book addresses the question: what is Militarism? But if one is serious about combating it I believe a definition is helpful. Militarism can be defined as:

1. The view or attitude that force or violence is a legitimate means of settling disputes, resolving problems, or securing goals, or, behavior consistent with that view or attitude;

2. A characteristic of a society that is organized to, or operates so as to promote force or violence as a means of resolving problems or securing goals in domestic or foreign policy.

By 'force' here I mean the engineering of a situation in which a person, group, or country is required to act but deprived of a real choice, as in "coercive diplomacy", and by 'violence' I mean the actual threat of or use of physical force.

These two forms of Militarism reinforce one another. In a militaristic society it is acceptable for individuals to be militaristic, and where a healthy proportion of the population is militaristic, it is difficult to combat the Militarism of the social system. Our problem is that we are militaristic in both senses. In the first sense it is exemplified in the prevalence of domestic violence, school violence, hate crimes, the existence of paramilitary organizations, street gangs, and homicides. In the second sense it is seen in the large number of military officers in Congress (in violation of the Constitution), the enormous size of the US military and its budget (the Center for Defense Information puts the Fiscal Year 2006 national security budget at \$667 billion), a vast complex of intelligence services, and laws preempting civilian power like the Leave No Child Behind Act that forces military recruiters on high schools and colleges.

According to the news today, the Senate has voted 99 to 0 to finance 14 permanent bases in Iraq, at a time when there is a growing demand that our forces be removed from Iraq.

Combating Militarism

It is often not too difficult to persuade someone that

force or violence are not the best means of resolving a problem, but this view or attitude is generally entwined with others, as the view that people are fundamentally bad and so have to be closely controlled, or that some classes of people are incapable of being civilized and need to be managed by the police. The latter was not an un-common attitude among San Francisco police when I lived there. So combating Militarism must include combating racism and classism as well. Another complication is child abuse. People who are militaristic are often people who have been physically and psychologically abused as children, as Alice Miller has argued in *For Your Own Good: Hidden Cruelty in Child-Rearing and the Roots of Violence*, 1983. And there are any number of studies that show the evil effect of violence in television programs on both children and adults. So there are many fronts on which to fight the war on Militarism (excuse the militaristic jargon) and know that in doing so (excuse the Right Wing Federalist creed) we are being true to the spirit of the Founding Fathers.

1. Militarism: The History of an International Debate: 1861-1979, V. Berghan, Cambridge, 1984, Ch.1.

-JS

QUICK QUIZ

What's the difference between ICC and ICJ?

ICC is the International Criminal Court that the U.S. is not a party to.

ICJ is the International Court of Justice the U.S. has been a party to since 1945. It ruled nuclear weapons are illegal in 1996.



Lynne Stewart speaking at UN Church Center event for MCLI "Challenging" report, March 31, NYC

Medical X-Rays and Cancer

In 1999 Dr. John Goffman published a 700 page study arguing that medical x-rays are a cause of cancer. The Public Health Service of the U.S. Department of Health and Human Services has now endorsed that view. In the Eleventh Report on Carcinogens, the National Toxicology Program of the PHS says "Exposure to x-radiation and gamma radiation is most strongly associated with leukemia and cancer of the thyroid, breast, and lung." Fortunately thermograms, which measure heat, have been found to be very accurate in detecting breast cancer, so mammography need not be used for a routine breast exam. CT scans, which typically deliver 10 times more radiation than an x-ray, should also be avoided unless really necessary.¹ It is distressing to see companies with mobile units traveling from one city to another offering the public low cost full-body CT scans merely as a "check up." Distressing also was a front page report in the Wall Street Journal that some companies are offering doctors contracts in which they profit from referring patients for CT scans. One company estimated that a group medical practice could make \$120,000.00 a year by referring two patients a day. (WSJ, 5-5-0) Patients be forewarned!

A Terrifying Prospect

Sortir du Nucleaire is a French federation of 700 anti-nuclear groups. In January the organization received a letter from Professor Vasily Nesterenko, corresponding member of the Belarussian Academy of Sciences. The letter said that within a few days of the accident at the Chernobyl power plant, April 26, 1986, scientists at the Academy had calculated that an explosion of the reactor would produce a force of three to five megatons (50 to 80 times the blast at Hiroshima). They also estimated that the explosion would likely occur on May 8th or 9th, and if this did occur much of Europe would become uninhabitable. Consequently they brought in thousands of miners to dig a tunnel under the reactor in order to install a cooling coil to cool the base of the reactor and prevent it from cracking. The miners worked in dreadful conditions of high temperature and very high levels of radiation. The letter continues, "The people of Europe should be eternally grateful to the hundreds of thousands of liquidators who, at the risk of their lives, saved Europe from an extremely serious nuclear catastrophe. According to the announcement made by the head of the 'Chernobyl Union' association in 1996, more than 20,000 men of between 30 and 40 years of age, who took part in the operation in the aftermath of Chernobyl, had died at this time."

In response, Sortir du Nucleaire "invites all citizens to pay homage to the liquidators. It is thanks to them that we did not suffer this nightmare. The plan is to place flowers for them in front of town halls (or embassies or other symbolic places for that matter) between 23 and 30 April. The act will also be dedicated to Yuri Bandajevsky (sentenced to 8 years in prison after revealing the terrible state of health of hundreds of thousands of Belarussian and Ukrainian children) and to all victims who suffer and die from radioactive pollution." (Information from the *Nuclear Monitor*, April 8, 2005. www.nirs.org.)

There are 104 nuclear power plants in the United States. The same thing could happen at any one of them.

1. Goffman, John W., Radiation from Medical Procedures...1999, p.3

-- Jim Syfers

U.S. Violations Challenged ... (cont. from p. 1)

a "Chair" in the UN system. Several reports by Special Rapporteurs to UN bodies have played a key role in determining UN policies and practices, including condemnations of actions by governments (such as the apartheid regime in South Africa).

Berkeley, April 22. MCLI immediately announced it will submit to the Special Rapporteur (as soon as appointed) the MCLI report, "Challenging U.S. Human Rights Violations Since 9/11." MCLI is one of the "relevant societies" referred to in the Commission resolution. Its report is on the precise subject of the Special Rapporteur's mission: alleged human rights violations by the U.S. Government in its announced "war on terrorism."

Berkeley, May 9. Abigail Parolise started her internship at MCLI by listing the reports to send to the UN Committee Against Torture described in the 180 reports in MCLI's "Challenging" book

Berkeley, May 14. MCLI sent copies of the book/report to members of the UN Committee Against Torture, meeting in Geneva.

Pepper Spray Verdict (cont. from page 1)

Directors), Dennis Cunningham, J. Tony Serra, Bob Bloom, and Ben Rosenfeld.

While their case was on appeal from a trial court dismissal, the legal team won a large award against the FBI and the Oakland Police Department for another environmental activist, Judi Bari, in 2002.

On April 28, 2005, after a long, tense jury selection process, a long, tense trial, and a long tense jury deliberation, the jury found Humboldt County and Eureka City liable for excessive force used by sheriff's deputies and police officers. They also found the former sheriff and present sheriff liable for ordering their deputies to use pepper spray.

The jury did vote to award damages:\$1 for each of the plaintiffs. Plaintiffs Spring Lundberg, Banka Schneider and Noel Tendick said they were delighted with the verdict. The purpose of this suit was not to benefit them financially for their ordeal, but to set an (unofficial) precedent that sheriffs and police officers cannot get away with using dangerous chemicals against peaceful protesters exercising First Amendment rights.

2005 MCLI INTERNS



Haywood Burns Intern Abigail Parolise (on left) and MCLI Arthur Horowitz Intern Lisa Kane Arnolds

I am Lisa Kane-Arnolds, a second year law student at Loyola University, New Orleans. I chose to go to law school after working in Guatemala as a legal investigator for the Rigoberta Menchu Tum Foundation (FRMT). I investigated claims that the military used rape and sexual abuse as weapons against the indigenous peoples during 36 years of armed conflict. I became interested in human rights and social justice as a young child because both of my parents are activists.

After living and working in Chile, Nicaragua, Cuba, and Guatemala and traveling extensively in southern Africa, Europe and South and Central America I know that learning about and working with other cultures is important to me. After law school, I hope to work as a protector and promoter of human rights.

The opportunity to speak with Congressional aides with Ann and Abigail gave me courage to continue working at all levels of government for social change. The experience at MCLI is helping me gain an understanding of the field and to strengthen my passion for social justice and dignity for all peoples.

Diverse Groups Develop Solidarity

In light of the war in Iraq and the drastic increase in anti-Arab American and anti-Muslim American sentiment, the issue of the Japanese Internment during World War II is particularly timely. MCLI participated in the event "Here, in America? The Assembly on Wartime Relocation & Internment of Civilians" on April 8th and 9th, a forum for unheard accounts of the interment of Japanese Americans, Japanese Peruvians, Italians, Muslims, and Germans. The May 14th advisory board brunch was attended by MCLI Intern Abigail Parolise.

"No Child Left Behind" Cripples Inner-City Schools

The disparity in the quality of education among public schools in the U.S. is staggering. While proponents of the No Child Left Behind Act of 2001 claim that accountability is the answer to the problem of underperforming schools, it has become clear, through my experience, that accountability without an understanding of the unique needs of the inner-city school will not produce a true improvement in the quality of education there.

As a teacher in the Oakland Unified School District, I struggled to tailor the curriculum to a widely diverse classroom. My students had all sorts of special needs. English-language learners needed remediation in English while somehow not falling behind in other content areas. Students from many different cultures needed affirmation and to be taught to appreciate the cultures of other students. And students with lives suffocated by poverty and crime needed curriculum that engaged them by building on their own experience and encouraging excellence.

It was this diversity that made it a pleasure to teach in Oakland, but it was also this diversity that made it impossible to find that one easy fix for the problem of under-performance.

"No Child Left Behind" demands results without providing the support and funding necessary to implement new programs. This increased emphasis on standardized testing as a measure of learning creates an atmosphere where teachers and administrators frantically tailor instruction to teach test-taking skills rather than higher order critical thinking skills, and to focus on mere proficiency, leaving students testing at or above grade level unchallenged.

There are many programs out there that have improved the quality of education in the inner city and we need to encourage our legislators to fund programs like these rather than an undifferentiated accountability scheme like "No Child Left Behind."

--Abigail Parolise

Letter to the Editor

RE: Driver's license IDs necessary for new investment accounts.

As a new grandmother I have been eager to set up a college fund for my grand daughter. However, when I called my broker who I've known for almost 15 years, I was told of a new development concerning the Patriot Act. I would have to provide a copy of my driver's license and prove my identity in order to open up the new account.

Right away a red flag went up and I sensed that "big brother" was watching me. Is this to become a new form of surveillance and intimidation? Having lived through the persecutions of the McCarthy era, I am very concerned.

Sincerely,

-MCLI Donor



Resolution 62,841-N.S.

passed by **Berkeley City Council** on March 15, 2005

**SUBMITTING THE MEIKLEJOHN CIVIL LIBERTIES INSTITUTE REPORT
ON U.S. HUMAN RIGHTS VIOLATIONS SINCE 9/11 TO THE U.S. STATE DEPARTMENT,
THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS,
AND THE UN HUMAN RIGHTS COMMITTEE**

WHEREAS, the Peace and Justice Commission proposed, and the City Council adopted, the Human Rights Ordinance in 1990, based on the UN Charter articles 55 and 56; and

WHEREAS, the Commission on Peace and Justice proposed, and the City Council in 1993 submitted reports of city agencies to the U.S. State Department and to the UN Human Rights Committee to enforce the International Covenant on Civil and Political Rights, ratified by the United States in 1992; and

WHEREAS, Ann Fagan Ginger and Ann Wagley represented the Meiklejohn Civil Liberties Institute, a Berkeley center for human rights and peace law, at the UN Human Rights Committee in 1995 in New York, and presented the Berkeley City report to the Committee, which was well received; and

WHEREAS, Meiklejohn Institute has now prepared 180 reports on 30 types of human rights violations by the U.S. Government since 9/11 to submit to the U.S. State Department and to the three UN human rights committees that administer the three human rights treaties ratified by the U.S.; and

WHEREAS, this Report includes copies of the Berkeley Human Rights Ordinance, and the City Council resolutions proposed by the Peace and Justice Commission against the USA PATRIOT Act and against corporate personhood, and for the precautionary principles and for an excess profits tax on contracts during US wars; and

WHEREAS, segments of the Report were published in the Daily Planet from September 10 to October 22, 2004, and the Report will be published in book form on March 30, 2005 for presentation to the public, the U.S. State Department, and the three UN Committees;

NOW, THEREFORE, BE IT RESOLVED that the City Council submits a copy of the Report to the U.S. State Department and to the UN High Commissioner for Human Rights and to the UN Human Rights Committee during its Spring 2005 meeting in New York as one step in upholding the International Covenant on Civil and Political Rights, the Convention Against Torture, and the Convention on the Elimination of Racial Discrimination; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Governor Arnold Schwarzenegger, Senators Boxer and Feinstein, Representatives Lee and Pelosi, and be made available to interested media and NGOs.



Ann Ginger talking to Heidi Boghosian and National Lawyers Guild friends in New York City on March 30

DIRECTOR's DIARY

Mar. 12: Profoundly moving meeting of Buddhists absolutely determined to win back democracy in **Burma**, at Berkeley Fellowship of UUs.

Mar. 22: First presentation on completed "Challenging" book for **TASC** group in **Mt. View**. Agreed law and technology must exist in the same universe!

Mar. 27: Talked to high school students, vets of Vietnam and Iraq Wars, Gold Star Families for Peace, CCCO and BFUU at **Military Recruitment and CO Forum**.

Mar. 30: To **NYC: WBAI** interview on "Challenging" book; warm gathering w/ **Heidi Boghosian** and other **NYC National Lawyers Guild** folks on what to do now.

Mar. 31: Gathering at Church Center for UN cosponsored by **Lawyers Committee on Nuclear Policy, Unitarian Universalist UN Office** and **MCLI**. Heard reports from **John Burroughs**, and from **Michael Yellin** of Labor Research Association, **Robert Boehm** of Center for Constitutional Rights, **Lynne Stewart**, reps of Committees of Correspondence for Democracy & Socialism, Korean Fellowship, Black Workers for Economic Justice; met Rebecca Myles, WBAI. Long interview with **Nikolaos Kyriakou**, Interpress Service News Agency, led to strong report on their web page: http://www.ipsnews.net/new_notas.asp?idnews=28159

Delivered 20 "Challenging" books to **Patrice Gillibert** for **UN High Commissioner for Human Rights** and all members of UN Human Rights Committee from Berkeley City Council.

Apr. 1: Met with **Victor Navasky** and **Katrina Vanden Heuvel** at the **NATION**; presented book; made short presentation to touring Yale students.

Apr. 5: Good conversation with **Midori Ogasawara** on trip to report on "Challenging" findings to 20 international **Knight Journalism Fellows** at Stanford U.

Apr. 9: **Grace Shimizu** invited me to talk on right to reparations of Native Americans and African Americans at **Reunion of U.S. Concentration Camp Survivors** in SF.

Apr. 14: **Abby Bogomolny** and **Santa Rosa Peace & Justice Center** hosted a spirited book signing.

Apr. 15: Wonderful conversation with wise woman conciliator/mediator **Emily Maloney**. Finally met **Mish Rider**, who brought together many organizations and about 100 people to **Santa Cruz Truth Network**. Heard about **Tent University** to protest UCSC Chancellor.

Apr. 17: Finally met **MacGregor Eddy**, who planned the event at unique art gallery/law office of **Bonnie and Miguel Hernandez** in **Salinas**, where I met many lawyers and activists, of all ages.

Apr. 23: MCLI Board approved handsome new MCLI brochure and made plans for MCLI GALA in early 2006. *All volunteers very welcome! Just call (510)848-0599 or write 2005@mcli.org*

READY FOR THE MCLI GALA 2006?

***Have you been missing the underground sounds in the war in Iraq?**

Maybe you need some new Political Hearing Aids to pick up what the Media is not reporting!

*** Have you been diagnosed recently with cultural cataracts on one or both eyes?**

Has anyone suggested a UN Peace implant?

*** To hasten your recovery, you might volunteer some time at Meiklejohn to help on the 2006 Gala!**

*** By the way, do Bush and Cheney need international heart transplants?**

Met with **Ward Morehouse** on nuclear issues, **Bhopal**, and lessons for the future.

May 1: Presented **Maypole dance/May Day demonstration** service at BFUU.

May 2: At UC-Boalt Hall meeting on Torture, after two scholarly presentations, heard **Law Prof. John Choon Yoo** say U.S. must only enforce U.S. statutes, not UN definitions in Torture Convention. When I questioned him later, he said he did not know the CAT included a reporting requirement by the U.S. (He was Deputy Assistant Attorney General under the first Bush.)

May 5: Discussed "Challenging" book with sharp students studying Human Rights and U.S. Foreign Policy under MCLI Board's **Prof. Charles Henry**. Met **Debra Simmons**, graduating in Film Studies. She said this inspired her to bring to screen a **documentary** focused on human rights issues to inform, inspire, and move people to conscious action using U.S. and international law. She will use interviews, visual images, the "Challenging" book and other research to bring an expanded audience into dialogue and action to stop these violations of human dignity and rights.

May 8: To **Fresno** home of **Elly Bluestein** to talk. Then to UU Church with **Howard Watkins**, MCLI Alum, and **Ellen Bruenbaum**, to make two "Challenging" presentations. Sold many books.

May 9: To Central Contra Costa **Gray Panthers** with **Kate Trask Swackhammer**. Warm, informed response.

May 10: Inspiring pre-special election meeting for **Aimee Allison**, a First Gulf War African American CO running for Oakland City Council with community/labor support. Had a good showing; will run again.

May 19: A large, warm "Challenging" book signing at **Lilla & Andy Weinberger's Readers' Books** in **Sonoma**.

May 25: Someone said "Hi" at Kaiser. It was **Mandy Bratt**, MCLI Alum par excellence.

May 31: **Bobbie Singer** called: "You must tell folks about the powerful new DVD, **Peace One Day** by **Jeremy Gilley**!" It is for **UN International Day of Peace** on Sept. 21st, designated by the General Assembly as a day of global ceasefire and non-violence. "It is a real call to action!"

Helping MCLI Enforce Human Rights and Peace Law

New Director Fund

Frances Petschek (\$1,000) • Elizabeth Sibley (\$250)

\$1,500

Helen Callbeck

\$1,000

Jean Fagan Yellin & Edward Yellin

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Steven Birnbaum • Zipporah & Dwight Collins • Phoebe Watts

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Buck Dinner Committee • Seth Chazin • Charles Henry • Carol & Mark Norberg

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• Evelyn Lundstrom • Marjorie & Norman Leonard • Ah Quon McElrath • Frances Petschek •
Sally Rainer & Stan Brandebury • Rosalind Singer

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William Gordon • Henry Helson • Dinorah La Luz • Leon Lefson • Emily Maloney • Constance
Marsh • Claudia Morcom • Rosalind Petrel • Mary Rose • Ruth Roemer • Sumner Rosen •
Ann Schafer • Ruth & Theodore Shapin • Eugene Sharee • Fred Slough • Regina Sneed •
John Swackhamer & Kathryn Trask • Dolores Taller • Corine Thornton • Bradley Warren

Contributions of copies of Challenging book

Colleen Rohan (16) • Steven Birnbaum (20) • Howard K. Watkins (12)

New MCLI Brochure

Contributed by Jim Syfers

You Can Make Easy Monthly Credit Card Donations

Sign up using the updated donation envelope or call (510) 848-0599. This way of giving really helps us pay our bills and maintain our educational projects!!

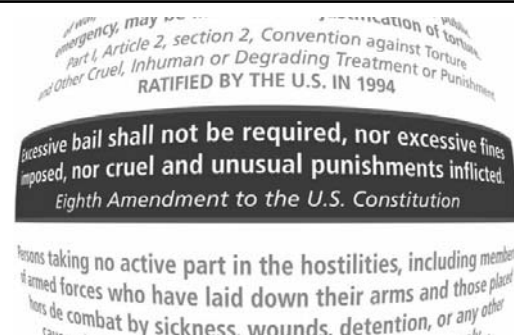
How Can Buying or Selling a HOME Help Protect Civil Rights?

20% of the commission on a real estate transaction will be donated to MCLI if you work through Mickey Tenenbaum or Kate Tanaka. Tell them you want MCLI to get the donation and let your move be a productive one.

Mickey Tenenbaum (510) 843-8075
Mickeyten@aol.com

Kate Tanaka (510) 839-4767
KateTanaka@aol.com

1st and 8th Amendment T-Shirts



T-shirt fronts say "Make the Fabric of Democracy Visible." Back design of 8th Amendment shirt partially shown above. Designed by MCLI alum Wendy Surinsky. Not for profit, available at <http://democracyshirts.com>

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Activist Support Hose?
see page 9



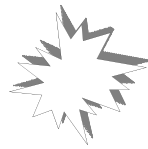
“CHALLENGING U.S. HUMAN RIGHTS VIOLATIONS SINCE 9/11”
THIS SUMMER WITH ANN FAGAN GINGER

Toulouse, June 5, 6:00 pm
Best Western-Les Capitouls Hotel
29 Avenue Jean Jaures
Democrats Abroad SW France



Paris, June 7
International Assn. Democratic Lawyers
XVIth Congress, Commission 1
Bourse Du Travail, 3 rue du Chateau d'Eau
(near Place de la Republique)

Brussels, June 16, 7:00 pm
contact Amanda von Koppenfels
at +32-(0)2-640-4886
Democrats Abroad Belgium



Paris, June 19, 6:45 pm
Home of Connie Borde
01-45-49-14-70
Democrats Abroad France

London, June 13, 6:30 pm
Richard Harvey's Chambers
Tooks Chambers
Warner Yard, Warner Street
0(044)786671053

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