

HUMAN RIGHTS NOW!

Newsletter of the Meiklejohn Civil Liberties Institute

<http://mcli.org>



WINTER 2004

PROJECT PRESENTED ELECTION OBSERVER REQUEST TO UN; GOT INTO UN RESOLUTION

Somerville, Mass.: The Economic Human Rights Project, after consulting with MCLI, brought the U.S. election issue to the UN. With the Women's International League for Peace & Freedom as cosponsor, they prepared a petition describing the failure of domestic efforts for election reform since 2000, requiring UN action.

Project members described the foul ups and listed the relevant articles in the U.S. Constitution, UN Charter, International Covenant on Civil and Political Rights and Convention on Elimination of Racial Discrimination.

On the internet they found contact information for President of UN Economic and Social Council, ECOSOC, and 17 ambassadors to permanent UN missions from countries most likely to support the petition.

At UN headquarters, Project members stuffed copies of the petition in international press boxes, and, with UN passes, they put their petitions in offices of the targeted countries, chatting with anyone who had time.

Their press releases led to radio and TV interviews (60 pieces of coverage world wide).

The minute the election was over, the Project started collecting reports of violations, which they put in a follow-up press release, which they sent to the president of ECOSOC and ambassadors of targeted countries.

From Massachusetts to Belarus

Grace C. Ross, leader of the Project, was delighted with the Resolution by Belarus on the human rights situation in the U.S. (on pages 2-3), which includes material they had submitted. "We ... still need international assistance. We need as many organizations as possible to join us in calling for an international human rights hearing." econhmnrts@aol.com, www.econhumanrights.org

See Belarus **resolution** on pp. 2-3,
- information on Belarus on p. 4

-Happy Holidays-

NGOs WORKING AGAINST GONZALES NOMINATION

Nov. 13: Northern California Common Agenda Regional Network discussed George Bush's nomination of Alberto R. Gonzales to become Attorney General. They pointed out basic problems with this nomination.

1. Gonzales, as Counsel to Pres. Bush, strongly supports the PATRIOT Act, which has been condemned by 350 cities and 4 states for violating basic constitutional rights of citizens and residents and detainees of the U.S.

2. Gonzales, as Counsel to Gov. George Bush in Texas, wrote summaries of cases resulting in the execution of 55 out of 56 prisoners, including youths who were minors when they committed the crimes.

3. On Jan. 25, 2002, as counsel to Pres. Bush, Gonzales advised that Bush could decide not to apply the Geneva Conventions, even though they are treaties ratified by the Senate and therefore part of the "supreme law of the land" under the Constitution. He said Bush could declare this "quaint" law not applicable in the war against terrorists.

The organizations decided to urge members to contact their Senators and ask them to speak and lobby and vote against the nomination.

Such presentations by Senators could make a difference in the confirmation now, or later in limiting Gonzales' influence if confirmed, the NGOs concluded.

Later the National Lawyers Guild pointed out that Gonzalez did not advise the President that Congress had passed the War Crimes Act of 1996, 18 U.S. Code §§ 2401 and 2441, which declare it

(Continued on page 7)

CHALLENGING BOOK OUT MARCH 30

"Challenging U.S. Human Rights Violations Since 9/11," Report by MCLI, will be published by Prometheus Books on March 30, 2005.

Can you help plan book parties?

Highlights in this issue:

Belarus UN Resolution on U.S.	p. 2
Deportation Is Punishment	p. 4
GAO Investigating 2004 Election	p. 5

BELARUS IN THE UN ON HUMAN RIGHTS IN U.S.A.

UNITED NATIONS A/C.3/59/L.60

GENERAL ASSEMBLY

2 November 2004 Original: English 04-58916 (E) 051104 0458916

Fifty-ninth session Third Committee Agenda item 105 ©

Human rights questions: human rights situations and reports of special rapporteurs and representatives

BELARUS: DRAFT RESOLUTION

SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN THE UNITED STATES OF AMERICA

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfill the international obligations they have freely undertaken,

Mindful that the United States of America is a party to the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling that each State party to the International Covenant on Civil and Political Rights undertakes to respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that improving security and the fight against terrorism should be conducted with full respect for human rights and democratic principles,

Bearing in mind the European Parliament **resolution on Guantanamo** of 28 October 2004,

Noting that the United States of America is a member of the Organization of American States and is obliged to observe the human rights standards under the Charter of that Organization, and aware that on 23 December 2003, the Inter-American Commission on Human Rights of the Organization of American States decided that the denial of equal participation by the **residents of Washington, D.C.**, in their own national legislature by duly elected representatives constituted violations of provisions of the American Declaration of the Rights and Duties of Man, adopted by the Organization of American States in 1948,

Taking note of the report of the needs assessment mission on the **Presidential elections** in the United States of America of the Organization on Security and Cooperation in Europe,

1. Expresses deep concern and dismay:

(a) At reports from credible sources on systematic violations of fundamental rights and freedoms in the United States, including **alarming attacks on press freedom** and tight control over news media; arbitrary, incommunicado and secret detentions and arrests; and continued and expanding intolerance, xenophobia and discrimination;

(b) That the electoral system in the United States does not comply with the obligations of the United States under the International Covenant on Civil and Political Rights to provide every citizen with the right and opportunity to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by **secret ballot**, guaranteeing the free expression of **the will of the electors**;

(c) That despite the report by the United States Commission on Civil Rights on the 2000 presidential election, which concluded that in **Florida election policies and practices** were in place that prevented some of Florida's residents, particularly African Americans, Spanish and Creole-speaking nationals

HUMAN RIGHTS NOW! Jim Syfers, Editor
MCLI, P.O. Box 673, Berkeley, CA 94701-0673
E-mail: mcli@mcli.org Web site: www.mcli.org

MCLI human rights case histories at UC-Bancroft:

<http://Bancroft.berkeley.edu/collections/meiklejohn/project.html>

J. Richard Challacombe, Photo Editor
Telephone: 510-848-0599, Fax: 510-848-6008
in-house publication

with language assistance needs and persons with disabilities, from voting and from having their votes counted, such practices have continued during the current presidential election;

(d) That some election techniques, including verification requirements, disproportionately **disenfranchise** the poor, the elderly, minorities and immigrants;

(e) That despite promising to improve the electoral system after the 2000 presidential election, the United States has failed to reform the system, which remains fundamentally flawed and could disenfranchise some eligible voters and allow **manipulation** of the results of elections;

(f) That ... it is not meeting its commitment by **prohibiting** independent international and domestic observers of the Organization from **monitoring the presidential election in 2004**;

(g) That the United States continues to violate international standards in its use of the **death penalty** for people who were under 18 years of age at the time the crimes were committed and for the mentally ill;

(h) That the United States legislative measures to enhance security, including the adoption and implementation of the **Patriot Act**, have led to the limitation and abuse of vital civil rights and freedoms of nationals of the United States;

(i) About information on the deprivation of the rights of an undisclosed number of persons, including minors, detained as a result of military operations launched in **Afghanistan** and being held at present in detention camps located in the United States naval base in **Guantanamo**, as well as about the forced disappearances of some detainees;

(j) At the continued reports of ill-treatment, torture, death in custody and excessive use of force by police and prison officers, including the use of isolation, dogs, sensory and sleep deprivation, death threats and other forms of torture or cruel inhuman or **degrading treatment as interrogation techniques**;

2. Urges the Government of the United States of America:

(a) To put an end to the violations of human rights mentioned above;

(b) To become a party to all core international human rights instruments, thus allowing the international community to monitor the situation of human rights in the United States in full;

(c) To fully cooperate with special procedures of the Commission on Human Rights to ensure that all necessary measures are taken to investigate fully and impartially all cases of arbitrary detention, forced disappearance, summary execution and torture and that perpetrators are brought to justice before an independent tribunal and, if found guilty, punished in a manner consistent with the international human rights obligations of the United States;

(d) To bring the electoral process and legislative framework into line with international standards;

(e) To take the necessary steps ... to grant the residents of Washington, D.C. ... the effective right to participate, directly or through freely chosen representatives and in general conditions of equality, in their national legislature;

(f) **To abolish the death penalty** for people who were under the age of 18 at the time the crimes were committed and for the mentally ill;

(g) To end immediately the practice of **incommunicado and secret detentions** and ensure that conditions of detention conform to international standards; ...

(h) To implement a zero-tolerance policy on torture by investigating all allegations of torture and holding perpetrators of torture accountable so as to promote a culture in which torture is regarded as unacceptable, criminal behaviour;

(i) To invite all relevant human rights monitoring mechanisms, especially the Special Rapporteurs of the Commission on Human Rights on torture ... extrajudicial, summary or arbitrary executions, and the Working Groups of the Commission on Enforced or Involuntary Disappearances and on Arbitrary Detention to visit all places of detention ... ;

(j) **To take urgent measures to bring legislation on national security into compliance with United States obligations under relevant international instruments**;

(k) To bring the actions of its **police and security forces** into conformity with its obligations under the International Covenant on Civil and Political Rights as well as other relevant international standards;

3. Insists that the Government of the United States of America cooperate fully with and extend invitations to all the mechanisms of the Commission of Human Rights, including the Working Groups ... ;

4. Decides to consider this question at its sixtieth session, under the same agenda item.

**NATIONAL LAWYERS GUILD SAYS
DEPORTATION IS PUNISHMENT**

Birmingham, AL: Lawyers, law professors and students and legal workers at the National Convention of the National Lawyers Guild on Oct. 24, 2004 adopted the following resolution, proposed by Ann Fagan Ginger of MCLI.

**RESOLUTION THAT DEPORTATION
IS PUNISHMENT**

Whereas, the U.S. Supreme Court ruled in 1923 in *Bilokumsky v. Tod*, 263 U.S. 149, that deportation is not punishment; and

Whereas, this ruling meant that **non-citizens** could continue to be arrested and jailed like criminal defendants, but **could not be guaranteed:**

- (1) **the presumption of innocence when**
- (2) **tried within a reasonable time**
- (3) **by a federal court judge**
- (4) **before a jury of peers**
- (5) **using the "beyond a reasonable doubt" standard of proof and**
- (6) **represented by a public defender if unable to retain private counsel; and**

Whereas, **in fact deportation is punishment** and everyone dealing with immigration law knows that deportation is punishment because it leads to arrest, detention, and permanent removal from family and community and employment; and

Whereas, in fact **denial of political asylum** to non-citizens is also punishment and everyone dealing with immigration law knows that such denial is punishment because it can lead to permanent removal from family and community and employment and return to a nation where one may face death, torture, and other cruel and unusual punishment; and

Whereas, Congress had passed a series of laws and Presidents have issued a series of Executive Orders and the Immigration and Naturalization Service has established administrative procedures implementing this opinion; and

Whereas, the Immigration Service got an **exemption from** coverage by the **Administrative Procedure Act** of 1946 that applies to virtually every other federal government agency to ensure due process in non-judicial administrative proceedings; and

Whereas, there has been a strong reaction against the resulting denials of due process to non-citizens subjected to procedures of the Immigration and Naturalization Service and now of the Immigration and Customs Enforcement Service; and

Whereas, this reaction led the Immigration officials to change the names of the parties and the procedures without changing the actual personnel or procedures, so that Administrative Hearing Officers deciding cases that can lead to deportation are now called Immigration Judges, hearing cases in Immigration Courts but still deciding cases for the government based on a very low standard of proof;

Now, therefore, be it resolved that the National Lawyers Guild will work with immigration lawyers and immigrant communities and organizations and concerned citizens to convince Congress members and Senators to introduce legislation **specifically defining deportation and denial of asylum petitions as punishment that can only be imposed after speedy, public trials in federal courts** by federal judges and juries with the presumption of innocence and requiring proof beyond a reasonable doubt as the standard of proof and provision of public defenders when requested;

and Be it further resolved that copies of this resolution be sent to the Congressional Black, Latino, Asian and Progressive Caucuses, to all immigrant rights and immigration lawyers' organizations, and to the UN High Commissioner for Human Rights in Geneva.

Editor's Note: For basic history of U.S. immigration law, see Ginger, "Carol Weiss King: Human Rights Lawyer 1895-1952" (in Order Form on page 11).

WANTED: Volunteers to fill speaking engagements for MCLI on the problems in immigration law today. Contact Soula Culver at (510) 848-0599 or soula@mcli.org

WHAT ABOUT BELARUS?

See Belarus Resolution to UN on pp. 2-3

Belarus, formerly a part of Poland, is a small nation about the size of Kansas. It is heavily forested with some 4000 lakes and many rivers. The oldest forest in the Western part of the country and extending into Poland, is an animal and bird sanctuary co-administered by the two countries.

In World War II Belarus suffered under the Nazi invasion, and after the war from Stalin's purges and Russification campaign. An independent country since 1991, Russian has today largely replaced the native slav-ic language, Belarusian. In 1986 the nation took 70% of the radiation from the Chernobyl disaster, and since then the birth rate has been in decline from infant mortality and fear of birth defects. In 1996 Belarus joined the non-nuclear countries, sending its last nuclear warhead back to Russia.

GOVERNMENT AGENCIES INVESTIGATING ELECTION 2004

In accord with

- the recent accusations by Belarus that the U.S. voting system is fundamentally flawed (see p. 3),
- the successful insistence of Ukrainian voters that their recent election was rigged (with U.S. Republican Senators pointing to Ukrainian exit poll discrepancies as evidence of fraud, *NYT* 11/23/04), and
- the fact that U.S. election reform was the top goal that MoveOn.org members selected in the 1,600 MoveOn house parties held all across the U.S. on 11/21/04,

the following press release is of note:

PRESS RELEASE: House Committee on the Judiciary

November 23, 2004

GAO to Conduct Investigation of 2004 Election Irregularities

(Washington, DC) Reps. **John Conyers, Jr., Jerrold Nadler, Robert Wexler, Robert Scott, and Rush Holt** announced today that, in response to their November 5 and 8 letters to the Government Accountability Office (GAO), the GAO has decided to move forward with an investigation of election irregularities in the 2004 election. The five Members issued the following statement:

"We are pleased that the GAO has reviewed the concerns expressed in our letters and has found them of sufficient merit to warrant further investigation. On its own authority, the GAO will examine the security and accuracy of voting technologies, distribution and allocation of voting machines, and counting of provisional ballots. We are hopeful that GAO's non-partisan and expert analysis will get to the bottom of the flaws uncovered in the 2004 election. As part of this inquiry, we will provide copies of specific incident reports received in our offices, including more than 57,000 such complaints provided to the House Judiciary Committee.

"The core principle of any democracy is the consent of the governed. All Americans, no matter how they voted, need to have confidence that when they cast their ballot, their voice is heard."

The Members listed above were joined in requesting the non-partisan GAO investigation by **Reps. Melvin Watt, John Olver, Bob Filner, Gregory Meeks, Barbara Lee, Tammy Baldwin, Louise Slaughter and George Miller.**

-- from OhioDemocrats.org: <http://tinyurl.com/4ohct> --

See the two letters to the GAO on Congress member Nadler's page at:

<http://www.house.gov/nadler/issue-gao.shtml>

See also:

"Litigating the Election" by Marjorie Cohn, 11/22/04
http://www.truthout.org/docs_04/112204A.shtml

"VOTING CASES and INVESTIGATIONS," FindLaw, 11/23/04
<http://news.findlaw.com/legalnews/lit/election2004/cases.html>

"Kucinich endorses Ohio recount," Augusta Free Press Online, 11/18/04
[http://www.augustafreepress.com/stories/storyReader\\$28754](http://www.augustafreepress.com/stories/storyReader$28754)

Falloujah update: see Riverbend ("Baghdad girl blogger") at <http://riverbendblog.blogspot.com>

And see:

"Ohio Recount Set: Blacks Weigh Options," The Black Commentator, Issue 114
http://www.blackcommentator.com/114/114_cover_election.html

Baltimore Chronicle 11/22: "Did Bush Lose the Election?" by Margie Burns
<http://baltimorechronicle.com/112204MargieBurns.shtml>

election updates at: <http://www.nov2truth.org>

Unsafe Lunches

The U.S. Department of Agriculture (USDA) is having difficulty selling the public on irradiated food. Several dozen supermarket chains have tried it and failed, as have a couple of restaurant chains. Doubtless this is why the USDA decided in May of 2003 to dispose of this food through the National School Lunch Program.

In response, the California legislature passed a bill (AB 1988) called the California Safe School Lunch Act, which would prohibit the State Department of Education from accepting irradiated ground beef for school lunches that are served to 2.4 million pupils daily. Any schools that choose to use irradiated beef would be required to inform children's parents or guardians of this fact, and of the effects of the radiation on the food.

Regarding the effects on food, the bill states: "Extensive research dating back to the 1950's has found that irradiation destroys essential vitamins and minerals, including vitamins A, B2, B3, B6, B12, C, E, K, Thiamine and Folic acid. Amino acids and polyunsaturated fatty acids may also be affected. It is not uncommon for irradiated foods to sustain a loss of 20 to 80 percent of these vital vitamins and minerals. Irradiation also results in the formation of known toxins and carcinogens in food, including benzene, methanol, methyl ethyl ketone, and toluene. Additionally, irradiation forms a class of chemicals called 'unique

LEST WE FORGET WHAT THE U.S. IS COMMITTED TO IN THE UN CHARTER

Article 2.3

All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

Article 2.4

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

radiolytic byproducts.' A subset of these chemicals, called cyclobutanones, has been linked to tumor growth in rats, and has has cytotoxic and genotoxic properties."

The bill also points out that there has been no research on the health impacts of consuming irradiated foods over a long period of time, and children should not be made the guinea pigs in such an experiment.

Unfortunately parents will have to deal with schools on an individual basis, since Governor Schwarzenegger vetoed the bill on Sept. 16, 2004.

- Jim Syfers



Miami, November 2003: Demonstrators assist a friend who has been shot in the head with a rubber bullet as police close in, gassing them. From the *Challenging* book.

WANT TO ATTEND A TRIAL IN THE HAGUE?

The Hague, Nov. 15: MCLI Alum Gregor Guy-Smith is one of six lawyers representing three defendants in the International Criminal Tribunal on the Former Yugoslavia. Linaj and Bala are charged with abuse and torture of prisoners of war, murder, racketeering, and one is charged with genocide.

The issue: whether there was a command structure so these defendants can be held responsible for crimes committed by people below them.

To attend the trial: turn on your computer at 5 am at www.un.org/icty (the time is 9 hours ahead of California time). You will get audio and video -- unless the person on the stand is a "protected witness," in which case you will have to wait till there is a public witness.

The trial began Nov. 15 and is expected to last 4-6 months.

Sense and Nonsense in the Legislature

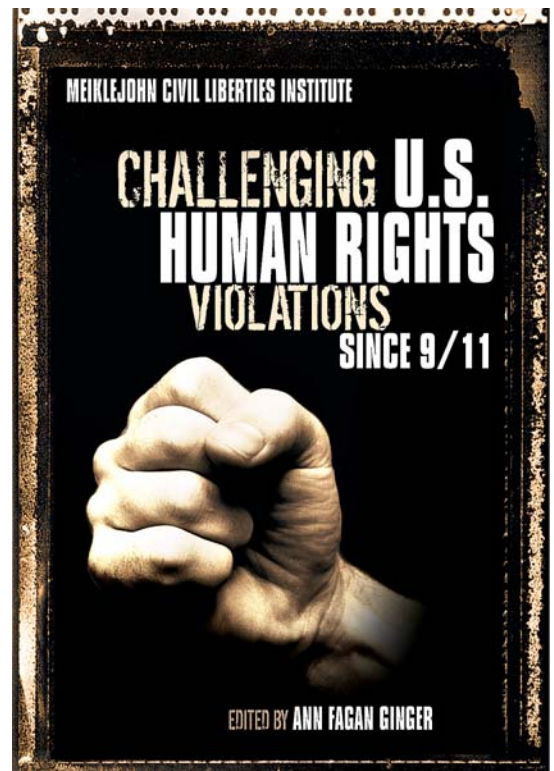
Article VI, Section 1 of the U.S. Constitution says: Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. Notwithstanding this provision, in 1996 Congress passed the "Defense of Marriage Act" (now US Code section 1738c), which states that no State will be required to give effect to, or honor any right to claim arising from, any marriage between persons of the same sex in any other State, territory, possession, or Indian Tribe.

To make sure that no court ever tampers with this unconstitutional law, we now have HR 3313, the "Marriage Protection Act", which passed the House and is currently in the Senate Judiciary Committee. This act prohibits any court, including the US Supreme Court, from hearing any case or making any decision regarding US Code section 1738c, or from hearing or deciding any question regarding the Marriage Protection Act itself !

Evidently emboldened by this assault on the Separation of Powers, Rep. W. Todd Akin of Missouri, with 226 co-sponsors, has introduced the "Pledge Protection Act", forbidding any court including the Supreme Court, from hearing or deciding any question pertaining to the interpretation or validity of the Pledge of Allegiance or its recitation as defined in Section 4 of Title 4, US Code. One wonders if any of these people have ever read the Constitution, which plainly says in Article III: "The judicial power of the United States shall be vested in one Supreme Court..." and "shall extend to all cases, in law and equity, arising under ...the laws of the United States..."?

Excess Profits Tax Bill

In July Rep. Major Owens (NY) introduced HR 4825 calling for an excess profits tax of 15% on any contract with the US that is specifically for provision of goods and services in connection with the war in Iraq. This would be in line with the excess profits taxes imposed in World Wars I and II and the Korean War. Five corporations are named in the bill - Halliburton, Bechtel Group, Fluor Corp., Parsons Corp., and the Louis Berger Group. The bill went to the House Ways and Means Committee with no co-sponsors. It will be reintroduced in January 2005. Activists are asking where are the progressive people in the House to co-sponsor?



The cover of the **Challenging** book, Prometheus Books, March 30, 2005

GONZALES NOMINATION (cont. from p.1)

a crime to violate the Geneva Conventions of 1949 and the Hague Convention of 1907.

When Secretary of State Colin Powell saw the 2002 Gonzales draft, he wrote to Bush that it had not stated all of the options. He warned that ignoring the Geneva Conventions "will reverse over a century of U.S. policy and practice ... and undermine the protections of the law of war for our troops, both in this specific conflict and in general ... and public support among critical allies, making military cooperation more difficult to sustain. ... [with] Europeans and others. ..."

Uncommon History

Gerald Horne is a Professor of African American Studies at University of North Carolina, Chapel Hill, who has brought to light some remarkable history, such as the United States involvement in Zimbabwe ("From the Barrel of A Gun: the U.S. and the War Against Zimbabwe, 1965-1980," Univ. of North Carolina Press, 2001), or the Japanese government's attempt to portray itself as champion of the colored races in World War II ("Race War: White Supremacy and the Japanese Attack on the British Empire," New York Univ. Press, 2003). His latest book -- "Black and Brown: African-Americans and the Mexican Revolution, 1910-1920," deals with some of the forgotten history of the U.S.-Mexican border area; here, for example, some African Americans backed a plan, supposedly to be aided by Germany and Japan, to take back some of the territory seized from Mexico in the 1846 war and create Black and Native American republics. The book is due in December, 2004, from New York Univ. Press.

MCLI BOARD MEMBER GOES TO SCHOOL

Attorney Colleen Rohan, MCLI Board member, was invited to talk about the First Amendment at a Bay Area private high school assembly after someone placed a swastika on the locker of a Bush supporter who is Jewish.

Some students made an enormous Free Speech banner 15 feet long and 5 feet high with a statement by the Student Body President urging everyone to write their thoughts, to read comments by others, and then reply. They did so!

350 young people attended and participated in a lively discussion. No one claimed responsibility for placing the swastika on the locker.

Several students talked about the fact that they were an extremely privileged group of people and therefore have a responsibility to use their skills and their privilege to try to work for change.

The reasons for putting the swastika on the locker were apparently very murky, but Rohan reported that they had "a great discussion about fascism, hate speech, hate symbols, the extent and limits of free speech, etc. And lots of students were willing to stand up and speak their minds." A group of young women asked Rohan to speak at a conference they want to organize in Civic Center.

Depleted Uranium Threatens U.S. Troops

There are now at least eleven nations that have incorporated depleted uranium weapons in their arsenals: U.S., UK, Bahrain, China, Egypt, France, Israel, Kuwait, Oman, Pakistan, Russia, Saudi Arabia, Taiwan, Thailand, Turkey, Ukraine, United Arab Emirates, and India (the last under development). This is a disaster. Depleted uranium is approximately 60% as radioactive as natural uranium, so future battlefields will be a radioactive nightmare, like those of the Balkans and Iraq.

Dr. Asaf Durakovic, who was chief of Nuclear Medicine for the Veterans Administration, estimated on the basis of a survey of over 10,000 troops, that some 123,000 U.S. soldiers had been exposed to D.U. in the previous Iraq war. The results of uranium poisoning can be mental and emotional deterioration, loss of bowel and bladder control, multiple cancer growths in the same person, birth defects in one's offspring, and many other problems.

Responding to this situation, Rep. Jose Serrano, with Reps. Engel and Crowley, introduced HR 4463, "The Depleted Uranium Screening and Testing Act of 2004". The bill requires that whenever members of the Armed Forces are deployed to a theater where D.U. weapons may be used or encountered, they must be notified of this fact and of the health risks involved. It also requires testing, treating, and keeping of long term health records for all personnel exposed. The bill, which has been in the House Armed Services Committee since May 2004, had 16 co-sponsors. It can be reintroduced in 2005.

Activists are urging Congresspeople to support this bill, along with the excess profits tax bill!

- Jim Syfers



November 2003: Riot police move in on a peaceful demonstrator against the FTAA Ministerial in Miami. From the **Challenging** book, by MCLI.

DIRECTOR's DIARY

Sept. 5: Started a bi-weekly series of half-page articles for the **Berkeley Planet** from the MCLI "Challenging U.S. Human Rights Violations Since 9/11" book for people to use in election work.

Sept. 17: To Los Angeles -- **KPFK** interviews with **Sherry Beall** (Right To Know) and with **Jerry Quickley** (Beneath the Surface).

Sept. 18: participated in **Continuing Legal Education** session by Lawyers Guild and Suffolk Law School at **Southwestern U**, with MCLI intern David Saffold to display MCLI books (and warn of sidewalk holes.)

Scholarly profs today have not gotten the "feel" of the **McCarthy period**. Q: What can I do to help fill that gap as Bush moves the country backwards?

Sept. 19: To **San Diego** for meet with Lawyers, NLG students, faculty and lawyers (and good conversations with MCLI alum Deborah Smaller).

Sept. 21: Talked about the mobilization of shame at San Diego **Unitarian Universalist Church** (chaired by Tanya Winter). Met many strong people working together in their communities.

Sept. 25: Participated in **Alameda Public Affairs Forum** with another very strong, independent, committed group at the Home of Truth.

Sept. 30: Presenter at **SF Coalition of Labor Union Women** (CLUW) at SF Public Library. A three generational meeting, with young women telling how they would help voters in November.

(A younger African American lawyer presenter called me "Your Honor," as if I deserved the title! It set me thinking, again, about Bush's judicial nominees.)

Oct. 6: At **Richmond Public Library** meeting of **Human Rights Video Project** saw film, "All Our Sons" on NYC police killings of Puerto Rican, African American, and Brooklyn Jewish youth. Then talked on police accountability to a racially integrated audience, (incl. Police Commission, Police Chief, and several police officers).

After a fascinating Q and A with strong people of many views, I closed, as I always do now: "Please cross hands the way we did in the Civil Rights Movement and sing 'We Shall Overcome,'" explaining that crossing hands makes it harder for police to break up the line. (I said it fast in my first speech to a police chief.)

Oct. 8: In the **California First Amendment Coalition** forum at UC-Berkeley, I presented an older lawyer/NGO/NLG/ MCLI angle on the U.S. Supreme Court decisions in the 9/11 detention cases. At a reception, I learned that many **reporters are furious**

with many city, county, state & federal officials for refusing to answer questions and hiding government documents.

Oct. 9: In 40th anniversary of the **Free Speech Movement**, I heard Howard Dean and Jackie Goldberg talk about the current crisis from the top of a police car (as I had done in 1964).

Then I joined **Steve Bingham and Nancy Hormachea** in a Sproul Plaza steps dialogue on the PATRIOT Act with students and FSM Vets. Heard Seymour Hersh in a wonderful dialogue.

Oct. 15: **Sarah Kotzamani** and a friend (about to legalize his immigration status) and I really cleaned out the garage at MCLI. Now anyone can walk into a building with neat piles of boxes, each labeled re its contents!

Oct. 16: Nephew **Michael Yellin** who went to the Million Workers March reported it was inspiring. "We need one every year!"

Oct. 18: **Sally Koren** called: in some California counties, voters can ask for, and get, **paper ballots**.

Oct. 19 - 24: To **Birmingham, AL** for **National Lawyers Guild Convention**. Walking through City park, marveled at statue of a policeman with a club and a snarling police dog attacking a peaceful demonstrator.

Presented a workshop with **Prof. John Brittain and Attorney Nancy Hormachea** on Challenging U.S. Human Rights Violations. Attended many sessions with young, middle, and older lawyers, law students, legal workers, and law professors discussing every subject.

Oct. 27: Lunch with MCLI Board president **Steve Birnbaum** and board member **Dorothy Smith Patterson** and her friend, **David Watts**, on what to do now.

Oct. 28: Filled out absentee ballot (took 2 hours!)

Nov. 1-8: Spent time with **Geneva Gates Foote**, Berkeley's blind poet in a wheel chair who moved many mountains in her 81 years, helping many, many people, with her husband, Abbot Foote.

Nov. 11: Interviewed by Tokyo journalist **Kumiko Ikui** (*Asahi Shimbun*) about **Helen Keller** almost marrying Peter Fagan (my father), and their strong commitment to socialism in the 1910s.

Nov. 14: In dialogue at UU Social Justice monthly meeting in **San Rafael** on what to do next.

Nov. 16: Session with **Carol Uerner of WILPF** (Portland) on how to work in the U.S. and UN on disarmament and anti-nuclear issues.

Nov. 19: Thanx to **Soula & Sarah**, mailed second revision of "Challenging" book to Prometheus! SO many changes!

Thank YOU for Helping Enforce Human Rights and Peace Law

New Director Fund
Solomon Fisher

\$500

Yolande Chambers Adelson

\$250-\$499

Steven Birnbaum • Doris & Donald Shaffer • Phoebe Watts

\$101-\$249

Lee Joseph • Barbara Kessler & Richard Soble • Ann Schafer

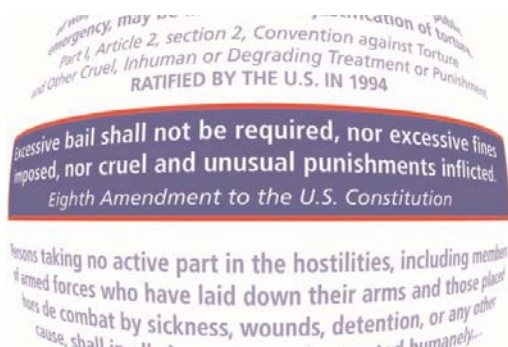
up to \$100

Judith Alter • Gailyn Awenius • Mary Fagan Bates • Miriam Berg • Gerald Bill •
Miriam Bloomberg • Madeleine Bratt • Dody Donnelly • David Gilson •
William Gordon • Louise Hagihara • Betty Halpern • Ruth Holbrook •
Helen & Joel Isaacson • Terri Kekoolani-Raymond • Marshall Krause •
Dana & Jesse Lehman • Archibald MacNair •
Emily Maloney • Wesley McGee • Thelma Meyers • Adam David Miller •
Michael Nauyokas • Edith Pollach • Vivian Raineri • Michael Sachs •
Robert Smullyan • Kathryn Trask & John Swackhamer • Viola Young •
Marshall Uran • Lorelee Windsor

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!!

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>

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

— 4 —

Do you have a **Creative Way** to help **MCLI**?

MEIKLEJOHN CIVIL LIBERTIES INSTITUTE

MCLI publications that I want to order:

- NEW!
Challenging U.S. Human Rights Violations Since 9/11: Paths for action against PATRIOT Act, Iraq war, censorship, deportations, detentions, "enemy combatants," slow student visas, library checks, budget cuts -- 180 Reports on violations of U.S. & UN laws (with law text). MCLI Report. 450 pp. Prometheus Books. Publication date *Pre-pub* **\$24.00** _____
 March 30, 2004.
- How To Use 'New' Civil Rights Laws After 9-11** The basic book on Exec. Orders, PATRIOT Act, FBI/CIA actions, for activists, lawyers, teachers, media. Full texts of U.S. Const, UN Charter, 6 ratified treaties, sample complaint, ordinance. (320 pp.) MCLI. Nov. '02. **\$36.95** _____
- NEW CD!
 Audio CD. Ann Fagan Ginger, "Use the Law To Stop Government Law-Breaking," Los Angeles, 3/04. LA Sound Posse Production. **\$5.50** _____
- Human Rights Organizations & Periodicals Directory: '03-'04.**
 Invaluable descriptions of 1,200+ groups, including internships. *Individuals/NGOs:* **\$25.00** _____
Libraries/Institutions: **\$110.00** _____
- MCLI Issue Sheets** (Shadow Report) for 1st U.S. Report to UN Committee on **Elimination of All Forms of Racial Discrimination in and by the U.S.** ('01) **\$12.00** _____
- MCLI Issue Sheets** on U.S. Violations of **Convention Against Torture.** (1999) **\$12.00** _____
- NEW!
Socially Responsible Cities: Nuclear Weapons Free Zone, Immigrant Rights, Human Rights Ordinance, Precautionary Principle, Resolutions against PATRIOT Act and war in Iraq, corporate personhood. **2004 Edition**, revised & updated. **\$20.00** _____
- The Cold War Against Labor.** MCLI, reissued. (2 vols.) A rich anthology. **\$10.00** _____
- Carol Weiss King: Human Rights Lawyer (1895-1952).** By A.F. Ginger. (1993) **\$5.00** ~~\$10.00~~ _____
- Nuclear Weapons Are Illegal: The Historic Opinion of the World Court & How It Will Be Enforced.** (14 judges' opinions) A.F. Ginger, Editor. (1998) **\$20.00** _____
- Alexander Meiklejohn: Teacher of Freedom.** Cynthia Stokes Brown. (MCLI, 1981) **\$20.00** _____

Yes, I want to help: I am contributing \$ _____ to the New Director Fund
 I am making a tax-deductible donation of []\$500 []\$250 []\$150 []\$100 []\$75 []\$50 []\$ _____
 I am subscribing to the *Human Rights Now!* Quarterly newsletter for 2004 (\$15-\$25)
 Please send it only by email
 I am making a regular credit card donation of \$ _____ [] monthly [] quarterly (details below)

Name (please print) _____
 Street address _____
 City _____ State _____ Zip _____
 Phone # _____ E-mail _____
 VISA / MASTERCARD _____ Exp. Date _____

MCLI New Director Fund _____
 Donation to MCLI _____
 MCLI newsletter (\$15-\$25) _____
 Book Total _____
 CA add 8.75% sales tax _____
 Shipping/Handling: _____
 Orders up to \$39: \$10 _____
 Orders \$40 and up: \$15 _____
TOTAL AMOUNT _____

Make checks payable to MCLI. Send payments with order form to:
MCLI, P.O. Box 673, Berkeley, CA 94701-0673,
(510) 848-0599, Fax (510) 848-6008, issues@mcli.org
 Order online at website: www.mcli.org
MCLI cases at UC-Evancoft
[http://Bancroft.berkeley.edu/collections/meiklejohn/project.html](http:// Bancroft.berkeley.edu/collections/meiklejohn/project.html)

The Meiklejohn Civil Liberties Institute
Human Rights Now!

P.O. Box 673
Berkeley, CA 94701-0673
www.mcli.org



NON-PROFIT ORG.
U. S. POSTAGE
PAID
Berkeley, CA
Permit No. 901

Return Service Requested

TIME VALUE!



Wednesday, Dec.1, 7-9 pm
Forum with
Paul Persons and Ann Fagan Ginger
PRIVACY & SECRECY
(& the PATRIOT Act)
Center for Applied & Professional Ethics
Cal State Chico



Somewhere in HAWAII
Ann Fagan Ginger &
Mililani Trask
WHERE DO WE GO FROM HERE?
late Jan./early Feb. 2005
(Steve Birnbaum, 415-235-6053)



Saturday, Dec. 11
Dialogue with Ann Fagan
Ginger
NEW PATHS FOR ACTION
IN THIS TIME OF CRISIS
University of Arkansas
Giffels Auditorium
Fayetteville, AR
(Dick Bennet, 479-442-4600)



A BOOK PARTY
with Ann Fagan Ginger and/or
MCLI Board Members talking about
"Challenging U.S. Human Rights
Violations Since 9/11"
at *Your* House, School, Union,
Office, Church or Park
After March 30, 2005

(Call Soula at MCLI for a date: 510-848-0599)

