



DEFENDING DISSSENT

f o u n d a t i o n



OCTOBER 2009 NEWSLETTER

Dear Troublemakers,

I've just returned from Pittsburgh, where world leaders were meeting at the G20 Summit, and I volunteered as a Legal Observer for the National Lawyers Guild. It will come as no surprise that protests were not allowed near the summit, or that there was a massive police presence, mass arrests, unwarranted use of tear gas and rubber bullets. We see such outrageous reactions to free speech over and over again, yet the protests do not stop, and people refuse to be silenced. It inspires me to continue to do this work, and I hope it inspires you too, because we have a lot to do!

In Solidarity,

Sue Wiley

P.S. I'll be in Los Angeles on October 20 for a wine and cheese gathering at the ACLU of Southern California office. DDF President Woody Kaplan, and board members Ramona Ripston and Howard Unterberger will be there, and I hope those of you in the area will join us! The event begins at 6 p.m. at 1313 Wilshire Blvd. Call our office for details: 202-529-4225

ACTIVISTS

What a Welcome!

"Pittsburgh Welcomes the World" was the slogan for last month's G20 summit in Pittsburgh. It was on t-shirts, banners and billboards; and it was on the city buses transporting riot police around the city to various protests. Pittsburgh may have politely welcomed the world, but it welcomed the rest of us with tear gas, rubber bullets, helicopters circling overhead and a brand new toy – the sonic cannon. It's the first time we've seen this bit of military technology (officially called an LRAD – Long Range Acoustic Device) used against American civilians.



Police truck with LRAD in a Pittsburgh neighborhood

Before the Summit

Leading up to the summit, dissenters confronted many of the same tactics used by authorities before other high-profile events: free speech zones were established far from the location of the summit; permits for protests were denied; several activist homes were raided; and protests and protesters were portrayed as very dangerous in the media. Police intimidated activists by showing up in large numbers outside meetings, but taking no action. The City Council passed an ordinance banning possession of tools, handcuffs, padlocks and pipes with intent to block streets, public buildings or defeat crowd control orders. On the bright side, the Council voted down a measure to outlaw hoods and masks for the duration of the summit.

Massive Police Presence

The first large protest of the summit drew about 1000 participants to a diverse neighborhood far from the Convention Center where the world leaders were. The protest was monitored by two helicopters, and hundreds of riot police. When police ordered the peaceful crowd to disperse, some people were unable to, being encircled by

police and not allowed to leave. There were reports of minor vandalism, but I did not witness any myself. Police began to use tear gas and the sonic cannon to disperse the crowd, even though it was in a residential neighborhood. Although fewer than 10 people were arrested at this event, police were indiscriminate in whom they chose to arrest, seeming to grab whomever was nearby including one NLG legal observer.



*Legal observer
Will Gardella,
from the
Pittsburgh
National
Lawyers Guild
chapter*

Later in the evening, a small group of protesters gathered in a park next to the University of Pittsburgh campus. Hundreds of students came out to take pictures of the hundreds of police, mounted police and armored police vehicles. The police and college students far out-numbered the protesters. Chants rang through the crowd "Let's go Steelers" as more riot police arrived, surrounding the park. One student commented "this is surreal". It was also frightening. Outside the park, on a commercial street some windows were broken and police responded. *Pittsburgh Independent Media* reported:

Students, pedestrians, and onlookers who were simply trying to navigate the Oakland streets became the unlikely targets of the police repression. Many students were watching the events unfold on Fifth and Forbes Avenues didn't expect to become the victims of police brutality and the use of crowd control weapons which included tear gas, rubber bullets, beatings, and arbitrary arrests. In two of the more obscene attacks by police, one student was shot in the face with a rubber bullet, and several students were gassed in the stairwell and skywalk of Pitt's campus that sits above Forbes Avenue. The brutality of the police shocked many Pitt students who were not expecting to be caught in the protests.

About 60 people were arrested, apparently without regard to whether they were passers-by or involved in actual vandalism.



Friday's protest was typical of most peace and social justice marches that have taken place across the country for years without violence or threat to national security. There were union members, grandmothers, babies in strollers. Still, riot police lined both sides of the permitted route to ensure no one escaped to march on an unauthorized route. Although I observed no improper conduct by police, the huge show of force was intimidating and unnecessary.



Peaceful protesters file past heavily armored police on Friday

On Friday evening police returned to the Pitt campus where students had hastily organized a rally to protest the outrageous police actions on the previous night. Again the park was full of students and again the police surrounded the park. Police issued an order to disperse that many people could not obey, being penned in by the police. Another mass arrest took place, this time 110 people were arrested.

EXECUTIVE

FBI Releases DIOG

The FBI has finally released its Domestic Investigation and Operations Guide (DIOG), which is the internal manual for agents. The new guide was developed in the closing days of the Bush administration, in conjunction with the new Attorney General guidelines. The AG guidelines allow agents to open an ‘assessment’ without any suspicion that the target is engaged in or planning to engage in criminal or terrorist activity. Agents are also allowed to use race or religion as one factor in deciding to begin an ‘assessment’. The standard for opening an assessment is vague, but the DIOG does not clarify the standard, and even acknowledges that it is “difficult to define.”

Whole portions of the document were redacted, including the section on “undisclosed participation” which means FBI agents and informants who are infiltrating domestic groups as well as places of worship. This type of surveillance is allowed during an assessment, so the lack of transparency on what an agent may be doing attending mosque services, or meetings of peace groups where no one is suspected of doing anything wrong, is unacceptable.

“Just Trust Us”

For months, the Obama administration has been promising us a new policy on the use of the State Secrets Privilege (SSP). On Sept. 23, Attorney General Holder announced the new policy, which does include some useful reforms, including requiring multiple levels of review within the DOJ (and ultimate approval for invoking SSP rests with the AG), the promise to use more rigorous standards for invoking the privilege, and periodic reports to Congress. However, the new policy is deeply flawed: it does not provide for independent court review of evidence to see if it really is a state secret, it does not apply to current cases, and it can be changed at the whim of this or future administrations. Senator Feingold responded to the new policy, saying “While I am pleased that the Obama administration recognizes that the Bush approach was a mistake, its new policy is disappointing because it still amounts to an approach of ‘just trust us.’”

The shortcomings of Holder’s policy illustrate the need for strong legislation to address the abuses of the SSP, such as Senator Leahy’s State Secret Protection Act (S. 417).

Travel Restrictions

The Obama administration has eased some travel restrictions to Cuba for a few people. Cuban-Americans with relatives in Cuba can now fly from Miami to Cuba, not so the rest of us. Restrictions on money transfers were also lifted – but again, only for those with relatives in Cuba. This is such a tiny step forward, it is insulting! And yet, the tide may be turning: members of the House and Senate are jumping to co-sponsor bills to allow Americans to travel to Cuba. Companion “Freedom to Travel to Cuba” bills have been introduced in both chambers: in the House, H.R. 874 has 162 co-sponsors, while the Senate bill, S. 428 has 33. You can find out if your members of Congress have signed on to the bills by visiting the action page of our website.

Chip Berlet on Violence and Public Policy

The American Society of Criminology has published a special issue of Criminology and Public Policy focused on homeland security and terrorism. The journal includes an article by DDF Board member Chip Berlet titled “Violence and public policy: The right lessons”. In the article, he argues that policy makers are relying on flawed research and ideology rather than evidence-based research to develop counter terrorism strategies, resulting in overly aggressive use of force and abuse of civil liberties and civil rights. The article makes a strong case for a counter terrorism policy that respects civil rights and civil liberties using lessons learned in the field and through reliable social science. As soon as the article is available on line, we’ll provide a link from our website.

Book Review

Daybreak – Undoing the Imperial Presidency and Forming a More Perfect Union
by David Swanson

After the disaster of the Bush presidency, how can we ever hope to restore our democracy? It’s a daunting task, and David Swanson’s new book, Daybreak, does a good job of detailing how much we lost during the Bush years, and how hard we will have to work to repair the damage. The book is clearly written, engaging and full of fascinating details. You can find the book in the bookstore on the DDF website, and I encourage you to visit www.davidswanson.org to see if David’s speaking tour will bring him to your city or town.

ACTION ALERT!

Three provisions of the Patriot Act are due to sunset at the end of the year. The Obama administration has notified Congress that they want the provisions to be renewed, but that they are open to adding stronger privacy protections. Civil liberties groups are using this as an opportunity to push for broader reforms of surveillance authorities.

Senator Feingold has introduced a vehicle for reform called The Judicious Use of Surveillance Tools In Counterterrorism Efforts Act of 2009 or the JUSTICE Act (S. 1686). The JUSTICE Act offers reforms to the Patriot Act and the FISA Amendments Act and other surveillance authorities. The Act includes provisions that would repeal telecom immunity; limit the use of National Security Letters (NSLs), emergency NSLs, and the use of gag orders placed on recipients of NSLs; ban bulk collection of American's communications; protect charitable giving from criminal prosecution; and tighten the use of roving wiretaps

As we go to print, the Senate Judiciary Committee is acting on the sunset provisions, so please check our website for updates if possible. It is unlikely the entire JUSTICE Act will be voted on, but Senator Feingold will offer provisions from the act as amendments to a Sunset Extension bill. We are also watching dangerous amendments that expand the definition of terrorism and criminalize some speech – it is essential that Senators hear from us now!

Call your Senator

Tell them you have had enough of government abuses of surveillance powers. Ask them to support the reforms included in Senator Feingold's JUSTICE Act (S.1686). Ask them to reject any amendments that expand the definition of terrorism.

Reach the Capitol Hill Switchboard at 202-224-3121

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In Memory of Frank Wilkinson, Director Emeritus, and Chauncey Alexander, President Emeritus, and all who went before.