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From the President's Desk

A Busy Two Months

The next two months will be very busy ones for the Constitution Project. With four major events scheduled between March 3 and April 2 -- on criminal justice issues, national security courts, the right to counsel, and our annual dinner -- there will be something of interest for everyone. All of these events are open to the public, so we hope that you will join us. Details are below. ~ Ginny

Upcoming Events

Takoma Park Forum on License Plate Scanning Cameras on February 25

Constitution Project Senior Policy Counsel **Sharon Bradford Franklin** will speak at a Takoma Park, Maryland [forum](#) on a proposal by local police to acquire license plate scanning cameras. At the event, which is open to the public, Sharon will discuss the proposal's civil liberties implications and what steps the City Council should take to prevent constitutional violations. The Constitution Project's Liberty and Security Committee previously released "[Guidelines for Public Video Surveillance](#)," which includes model legislation for local and state governments considering public surveillance systems. The event will take place on Wednesday, February 25, from 7-9 p.m., in the Azalea room at the Takoma Park Community Center.

Crime Summit on Capitol Hill on March 3

The Honorable **Robert C. "Bobby" Scott** (D-Va.), Chair, House Judiciary Subcommittee on Crime, Terrorism and Homeland Security, will host a [crime summit](#) focusing on recommendations issued in the report "[Smart on Crime: Recommendations for the Next Administration and Congress](#)." The report, in which more than 25 organizations and individuals participated in developing a policy roadmap for improving our criminal justice system, was coordinated by the Constitution Project. The summit will include three panel discussions: prevention and intervention, sentencing and alternatives, and reentry and collateral consequences. It will take place from 2-5 p.m. on Tuesday, March 3, in room 2141 of the Rayburn House Office Building, in Washington D.C. A partial list of panelists is available [here](#). More information will follow.

National Security Courts Panel Discussion on March 20

The Constitution Project and Human Rights First will co-host a panel discussion that will explore the legal and constitutional issues raised by proposals to create national security courts and legalize a system of indefinite preventive detention. The discussion will take place from noon until 1:30 p.m. at Georgetown University Law Center's Hart Auditorium. Lunch will be served immediately after the event. RSVP to rsvp@constitutionproject.org with your name, the number of attendees, and the words "National Security Courts Panel Discussion." The Constitution Project has previously condemned proposals for national security courts and preventive detention in its report "[A Critique of National Security Courts.](#)"

Panelists:

David Laufman, Attorney, Kelley Drye & Warren LLP; former Assistant United States Attorney for the Eastern District of Virginia who prosecuted terrorism cases

Deborah Pearlstein, Associate Research Scholar in Law and Public Affairs Program, Woodrow Wilson School, Princeton University

Gabor Rona, International Legal Director, Human Rights First

Matt Waxman, Associate Professor of Law, Columbia Law School, former Deputy Assistant Secretary of Defense for Detainee Affairs under President George W. Bush

Moderator, **Stephen Vladeck**, Associate Professor of Law, American University Washington College of Law

Right to Counsel Press Briefing is Coming Mid-March

In mid-March, the Constitution Project's Right to Counsel Committee will release a new report on the right to counsel. Drafted by a [bipartisan committee](#) of experts that reviewed indigent defense systems throughout the nation, the report addresses the crisis in public defense and contains urgently needed consensus recommendations for reforms. More information to come.

Annual Constitutional Champions Awards Dinner on April 2

Our annual awards dinner will take place at the Renaissance Mayflower Hotel in Washington, D.C. on Thursday, April 2, 2009. Please join us in honoring **Alberto Mora**, former General Counsel, Department of the Navy, and **Craig Watkins**, District Attorney for Dallas County, Texas. Mr. Mora led a multi-year effort within the Department of Defense to [oppose coercive interrogation techniques](#) at Guantanamo Bay. Mr. Watkins created a “conviction integrity unit” within the District Attorney’s office that uses DNA evidence to [investigate claims of wrongful conviction](#). The unit’s work resulted in six exonerations in the last two years. The Capitol Steps will provide entertainment. [RSVP here](#).

News

The Constitution Project Has Moved

On February 7, the Constitution Project moved a few blocks south of Dupont Circle to [1200 18th Street, NW, Suite 1000](#), Washington D.C. 20036. Our phone numbers and email addresses have not changed.

CP Joins Statement Calling for Accountability Commission

Leaders from across the political spectrum and eighteen organizations, including the Constitution Project, today [called upon President Obama to appoint a non-partisan commission](#) to examine policies related to the detention, treatment, and transfer of detainees following the September 11 terrorist attacks. The commission would investigate the government’s alleged abuse of detainees and related constitutional and legal issues. In recent weeks, both Senate Judiciary Committee Chairman Patrick [Leahy](#) (D-Vt.) and House Judiciary Committee Chairman John [Conyers](#) (D-Mich.) have separately called for broader investigations into our country’s post-9/11 policies and actions. In 2005, the Constitution Project’s Liberty and Security Committee called for [an investigation into detainee abuse allegations](#).

CP Releases Statement on State Secrets Privilege and Expresses Disappointment in Administration Action

The past two weeks brought a test of the Obama administration's willingness to reject the extreme secrecy claims of the past administration. In anticipation of *Mohamed v. Jeppesen*, a state secrets case argued before the U.S. Court of Appeals for the Ninth Circuit on Monday, February 9, the Constitution Project [urged the Justice Department](#) to narrow its assertion of the state secrets privilege to permit judicial review of the government's national security claims. In an [op-ed in the San Francisco Chronicle](#), CP Liberty and Security Committee members **David Birenbaum** and **David Kay** argued that the *Jeppesen* case presented an opportunity for the administration to "demonstrate its commitment to transparency, accountability, and the rule of law."

Unfortunately, at the hearing, the Justice Department's attorney instead pressed for automatic dismissal of the entire lawsuit without review of the evidence by a judge. However, Attorney General Holder did announce that same day that he would conduct a complete review of every case in which the Department has asserted the privilege. Later that week, measures to reform the state secrets privilege and restore the role of the courts in reviewing such claims were reintroduced in both the House and Senate, a move the Constitution Project [applauded](#). In 2007, the Constitution Project's Liberty and Security Committee issued a report entitled "[Reforming the State Secrets Privilege](#)."

Major Report on Reforming New York's Sentencing Laws

The New York State Commission on Sentencing Reform issued a [major report](#) that [calls for extensive drug sentencing reforms](#). The report makes five recommendations: (1) make community-based treatment in a criminal justice setting available statewide, (2) ensure that any new diversion programs do not undermine current programs, (3) provide statewide access to substance abuse treatment programs, (4) reserve prison for high-risk offenders while making available alternatives to incarceration for others, and (5) adopt a uniform statewide drug diversion model. The report also calls for the establishment of a permanent New York State sentencing commission. The Constitution Project has issued [two reports](#) and a [statement](#) on the design and reform of sentencing systems.

Texas Chief Justice Calls for Abolition of Partisan Judicial Elections

In his [2009 State of the Judiciary](#) speech delivered on February 11th, Supreme Court of Texas Chief Justice **Wallace Jefferson** made a plea for the state to reform its judicial elections system. He said that in order to eliminate “the corrosive influence of money in judicial elections” and restore public confidence in the courts, judges should be chosen by a merit selection system based on nonpartisan “retention elections” instead of the state’s current system of partisan elections. He also recommended the creation of a commission to [examine wrongful convictions](#), a recommendation also contained in the Constitution Project’s report “[Mandatory Justice: The Death Penalty Revisited](#).” The Constitution Project’s “[Newsroom Guide to Judicial Independence](#)” offers an overview of judicial selection problems and solutions from around the country, and “[Uncertain Justice](#),” the report and recommendations of CP’s Courts Committee, provides more background information on the myriad of challenges to the independence of our country’s federal and state courts.

News in Brief

- Constitution Project President **Virginia Sloan** [called for a better working relationship](#) between criminal justice advocacy groups and the Department of Justice at the annual Harry Frank Guggenheim Symposium on Crime in America held at John Jay College on February 2.
- **Virginia Sloan** and **Jon Gould**, Director of the Center for Justice, Law, and Society at George Mason University, published “[The Price of Justice: Time to Invest in Criminal Justice Reforms](#)” in the *HuffingtonPost*.
- The Honorable **Charlie Baird**, former chair of the Constitution Project’s Death Penalty Committee and now a Texas district court judge, posthumously exonerated Tim Cole after an emotional hearing at which it was established that DNA evidence matched another man who had repeatedly tried to confess to the crime and clear Mr. Cole, but was ignored by state authorities. The victim herself supported exoneration, saying that law enforcement withheld key information from her that would have undermined her identification of Mr. Cole. Mr. Cole died from asthma that went untreated during his 25 years in prison.
- **Virginia Sloan** and **Becky Monroe**, the Constitution Project’s policy counsel, co-authored an article on recommendations for the President’s national security agenda. The article was published in the Fall 2008 edition of the journal *Human Rights*, a publication of the ABA’s Individual Rights and Responsibilities Section. It eventually will be available online [here](#).

The Constitution Project’s unique mission is to promote and defend constitutional safeguards. We create coalitions of respected leaders from across the political spectrum, advancing their consensus recommendations for policy reforms. Since the Constitution Project’s founding in 1997, our advocacy and public education efforts, influential *amicus curiae* briefs, and respected scholarship have helped to create public support for those reforms.