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From the President's Desk

Change is in the air

Fewer than 48 hours ago, Barack Obama took the oath of office and became our 44th president. In his [inaugural address](#), he said, "As for our common defense, we reject as false the choice between our safety and our ideals. Our founding fathers, faced with perils we can scarcely imagine, drafted a charter to assure the rule of law and the rights of man, a charter expanded by the blood of generations. Those ideals still light the world, and we will not give them up for expedience's sake." The Constitution Project welcomes the new president and pledges to help him secure these goals. ~ Ginny

Upcoming Events

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](#), resulting in six exonerations in the last two years. The Capitol Steps will provide entertainment. [RSVP HERE](#).

News

Obama Orders GTMO Closed and Suspends Proceedings; More Detainee News

This morning, the Obama administration signed [executive orders to close Guantanamo](#) within a year, shut down the CIA’s secret prisons, comply with the Geneva conventions, and halt prosecutions by “military commissions.” However, the orders leave the door open for the administration to create “national security courts” — hybrid tribunals that neglect basic and fundamental principles of American constitutional law.

This follows an instruction late on Tuesday, following Obama’s inauguration, for military prosecutors to seek a 120-day suspension in the military commission proceedings for Guantanamo detainees. This suspension will give the new administration time to review the military commission process generally as well as the specific pending cases. Early Wednesday morning, a military judge granted the prosecutors’ suspension requests. Hopefully, the suspension order will be a first step towards ending military commissions. The Constitution Project has called for all prosecutions of terrorism cases to be [conducted in our traditional federal courts](#), and, as part of [recommendations](#) for the new administration by a broad coalition of organizations, has urged the [repeal of the Military Commissions Act](#) and an end to the military commissions established by that Act.

Last week, Susan Crawford, the top Bush administration official responsible for approving charges against detainees for military commission trials, stated publicly that the reason why she did not refer Mohammed al-Qahtani's case for prosecution was that the [U.S. military tortured him](#). Two days later, Col. Peter Masciola, Chief Defense Counsel for the Department of Defense's Office of Military Commissions, wrote to Judge Crawford requesting that she [withdraw all remaining referrals for prosecution of detainees](#) before the military commissions. The letter noted that "the perception of pervasive torture now saddles the incoming Administration and its efforts to set these proceedings on a just course." Meanwhile, in the *habeas* challenges that have been proceeding in federal district court in Washington, Judge Richard J. Leon [ordered the release of Mohammad El-Gharani](#), a citizen of Chad, finding the government's evidence either unreliable or "woefully deficient." Of the 26 *habeas* cases decided thus far, the District Court has ordered 23 detainees released.

U.S. Supreme Court Hears Arguments on Federally Funded Counsel for State Clemency Proceedings

On January 12, the U.S. Supreme Court heard [argument](#) in *Harbison v. Bell* concerning the right of prisoners to [obtain federally funded counsel in state clemency proceedings](#). The Constitution Project submitted an [amicus brief](#) to the High Court that highlighted the twin functions of clemency proceedings as the final opportunity to correct errors and the last chance for state executives to engage in acts of mercy otherwise unavailable from the courts.

"The Abuse of Immigration Law in Counterterrorism Efforts" Panel Discussion a Success

More than 70 people packed a room at Georgetown University Law Center to attend a panel discussion on the abuse of immigration law in counterterrorism efforts. The event, co-hosted by the Constitution Project and Georgetown University Law Center's Human Rights Institute, used the Constitution Project's [newly released report](#) as a starting point to urge the incoming administration to critically reassess immigration-related measures enacted in the name of national security. This [news story](#) summarizes the comments by panelists **Jim Harper**, Director of Information Policy Studies, the Cato Institute; **Ali Noorani**, Executive Director, National Immigration Forum; **Wendy Patten**, Senior Policy Analyst, Open Society Policy Center; **Shoba Wadhia**, Director, Center for Immigrants' Rights, Penn State Dickinson School of Law; and moderator **Becky Monroe**, Policy Counsel, the Constitution Project.

Maryland Governor Calls for Repeal of State's Death Penalty

On January 15, Maryland governor Martin O'Malley said he will do "everything in my power" to end the state's death penalty, indicating he will make its abolition one of his top priorities. The Maryland Commission on Capital Punishment, led by former U.S. Attorney General Benjamin R. Civiletti, issued a [report](#) in December 2008 that recommended that the state abolish its death penalty system. The Constitution Project issued its comprehensive report on the administration of the death penalty, [*Mandatory Justice: The Death Penalty Revisited*](#), in July 2005.

CP Participates in Human Rights Summit, Releases Joint Statement

On January 14, the Constitution Project took part in a human rights summit, organized by the Center for Constitutional Rights, entitled [*The First 100 Days: Bringing Human Rights Home*](#). Senior Counsel Sharon Bradford Franklin participated in a panel discussion on "Ending the Imperial Presidency," where she discussed the need to restore checks and balances in the areas of war powers and the state secrets privilege. In connection with the summit, the eleven participating organizations issued a joint [*Call to Action*](#), which urges the incoming Obama administration "to restore, protect and expand human rights." The Constitution Project issued an additional statement, pointing out that "even with the change of administration . . . [we must remain vigilant in defending constitutional safeguards.](#)"

News in Brief

- The Department of Homeland Security's Privacy Office recently published a report on video surveillance, [CCTV: Developing Privacy Best Practices](#), developed from a December 2007 public workshop that featured CP Senior Counsel **Sharon Bradford Franklin** as a participant in a panel discussion on developing best practices. The CP had previously released a report on that subject entitled [Guidelines for Public Video Surveillance](#).
- On January 13, the House Judiciary Committee released a new report entitled [Reining in the Imperial Presidency: Lessons and Recommendations Relating to the Presidency of George W. Bush](#). Numerous reports are available from [the Constitution Project](#) on the issues covered by the Judiciary Committee report. In addition, the collaborative [transition report](#) coordinated by the Constitution Project contains a wide array of recommendations in this area for the new administration.

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.

WE ARE MOVING!

Effective February 7, 2009, our new address will be:

1200 18th St. NW
Suite 1000
Washington, DC 20036