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## From the President's Desk

### Looking Forward to the New Year

It has been a rough year for the Constitution, but the new year — and the new administration — present an exciting opportunity to restore our constitutional rights and liberties. It is also a scary time for all of us in the non-profit world, with the closure of some foundations that support us and cutbacks at others. The Constitution Project [needs your financial support](#) now more than ever. I know that you are being barraged by requests for support from a myriad of non-profits. Your support has allowed us to [accomplish](#) so much over the past year. We are very grateful for that support and hope that you will help us continue our vital mission of building the broad-based coalitions needed to secure our nation's commitment to its fundamental principles. Information on contributing to the Constitution Project is at the end of this email.

I also hope you will join us at our [Annual Dinner on April 2, 2009](#), when we honor two courageous constitutional champions, Alberto Mora and Craig Watkins. Details are below. Best wishes for the new year. ~ Ginny Sloan

## Upcoming Events

### **Annual Constitutional Champions Awards Dinner on April 2**

Our annual 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**, General Counsel of the U.S. Navy (Ret), 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. [RSVP here](#).

### **“The Abuse of Immigration Law In Counterterrorism Efforts” Panel Discussion — Moved to January 14**

The Constitution Project and Georgetown University Law Center will co-host a panel discussion on how immigration laws have been abused when used as counterterrorism tools and how to prevent that abuse in the future. At the event, scheduled for 12-2 p.m. on January 14, 2009, at Georgetown Law Center, we will officially release a new report ([available here](#)) on the issue. Confirmed panelists include: **Jim Harper**, Director of Information Policy Studies, CATO Institute; **Wendy Patten**, Senior Policy Analyst, Open Society Policy Center; and **Shoba Wadhia**, Director, Center for Immigrants’ Rights, Penn State Dickinson School of Law. **Becky Monroe**, Policy Counsel at the Constitution Project, will moderate. More information, including an additional panelist, will be announced soon. RSVP to [rsvp@constitutionproject.org](mailto:rsvp@constitutionproject.org).

## News

### **Supreme Court Grants Review in *al-Marri* Detention Case**

On December 5, the U.S. Supreme Court [granted review](#) in *al-Marri v. Pucciarelli*. *Al-Marri* concerns the indefinite detention without trial of a legal resident on the executive branch’s assertion that he is an enemy combatant. The court below ruled that Mr. al-Marri is entitled to further proceedings to determine whether he is in fact an enemy combatant, but upheld the president’s authority to hold him in military detention without charge. The Constitution Project, together with the Rutherford Institute, filed a [friend of the court brief](#) urging the Court to take the case to provide clarity on the scope of the executive branch’s detention power. Arguments are scheduled for late March.

### **Senate Report: Senior Officials to Blame for Detainee Abuse**

The Senate Armed Services Committee [released its conclusions](#) last Friday after it conducted an investigation into the treatment of detainees in U.S. custody. The [report](#) condemns top officials in the Bush administration, including former Secretary of Defense Donald Rumsfeld, for promoting and authorizing the use of harsh interrogation methods. The bipartisan panel found that these efforts to circumvent the law “damaged our ability to collect accurate intelligence that could save lives, strengthened the hand of our enemies, and compromised our moral authority.” The Constitution Project applauds the Senate Armed Services Committee’s efforts, and reiterates its call, first made in a 2005 statement, for a [9/11 Commission-style investigation](#).

### **Justice Department Regulations for Fast-Track Review of Death Penalty Cases Threaten Due Process Rights**

On December 11, the [Department of Justice issued final regulations](#) regarding state requests for “opt-in” certification in death penalty cases. Opt-in states will benefit from expedited procedures and limits on federal review of state capital convictions if they guarantee competent counsel in state *habeas* proceedings for death-sentenced prisoners and the litigation resources necessary to develop constitutional claims during those proceedings. Requests for opt-in status were reviewed by the federal courts until passage of a 2005 law that authorizes the Attorney General to decide whether a state qualifies. The new regulations, which drew strong opposition from a wide variety of experts, including the [Judicial Conference of the U.S.](#), [legal ethicists](#), [the American Bar Association](#), and [the Constitution Project](#), set no standards for state compliance, and provide no means to reverse an opt-in determination even if a state is later found not to be in compliance. These regulations run directly counter to the principles of fairness and due process emphasized in the Constitution Project’s Death Penalty Committee report [Mandatory Justice: The Death Penalty Revisited](#).

### **Three *Boumediene* Detainees Released**

Three of the Guantanamo detainees who were at the center of the U.S. Supreme Court’s landmark decision last June in *Boumediene v. Bush* have now been sent home to Bosnia. Following the Court’s ruling recognizing the right of Guantanamo detainees to challenge their detentions through *habeas* petitions, U.S. District Court Judge Richard Leon ruled in November that five of the six *Boumediene* detainees should be released, calling the government’s evidence a “thin reed.” When the case came before the Supreme Court last year, the Constitution Project filed an *amicus* brief as part of a [group of seventeen NGOs](#) urging the Court to recognize the detainees’ *habeas* rights. The Project also organized a brief on behalf of [twenty former federal judges](#).

## **Policy Counsel Becky Monroe Speaks on Post-9/11 Immigration Policy**

Constitution Project Policy Counsel **Becky Monroe** recently gave a talk at the Friends House Retirement Community in Silver Spring, Maryland. At the invitation of the Program Committee, including Frank Backer and Claire Sinclair, she delivered remarks about immigration policy after September 11. The residents engaged in a lively discussion about preventive detention issues, the treatment of [Uighur](#) detainees in Guantanamo, as well as discrimination against Muslims in the United States. According to Becky, “the residents asked important questions about our policies and reiterated the importance of restoring the core constitutional principles abandoned over the last 7 years.”

## **News in Brief**

- Constitution Project President **Ginny Sloan** wrote in opposition to the creation of [national security courts](#) in a commentary in the *Huffington Post*.
- Constitution Project Death Penalty Committee Member and former Bexar County, Texas District Attorney **Sam Millsap** urged Texas lawmakers to recognize the [fallibility of the death penalty](#) system in the *San Antonio Express-News*.

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.