

**CIVIL LIBERTIES UPDATE
NEWSLETTER OF THE ACLU OF MASSACHUSETTS'
CIVIL LIBERTIES TASK FORCE**

**October 15, 2004
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I. TAKE ACTION

• HELP PREVENT ELECTION DAY ABUSES

The ACLU of Massachusetts is one of several legal and community organizations working with the Lawyers' Committee for Civil Rights to prevent harassment and polling irregularities on Election Day in communities of color in Boston and other cities. Over a thousand volunteers are needed to monitor polling places, staff a hot line and conduct exit surveys. Volunteers are being asked to commit to 3 hour periods on November 2: 7-10 AM, 3-6 PM; 6-9 PM. Several free training sessions for lawyers, law students, students and community volunteers will take place during the last two weeks of October. Registration is required -- send name and contact information to elections@lawyerscom.org or telephone 617 988 0624. Upcoming dates: October 18, 2 PM, Testa, Hurwitz & Thibeault, 125 High Street (20th floor) in Boston; October 19, 9:30 AM, Bingham McCutchen, 150 Federal Street (16th floor), Boston; October 20, 5:00 PM, Testa, Hurwitz & Thibeault (as above). See www.massvote.org for more information on other trainings and the project. You can sign up on that website, or email khyslop@massvote.org.

• THANK THE MASSACHUSETTS CONGRESSIONAL DELEGATION FOR ITS STAND AGAINST H.R. 10

After the Senate passed a bill that focused on recommendations made by the 9/11 Commission, the Republican House Leadership pushed through the "9/11 Commission Implementation Act" (H.R. 10) which contains a frightening array of anti-immigrant and anti-privacy provisions (see "In the US Congress" below). **All ten members of the Massachusetts Congressional delegation opposed H.R. 10. Call your Member of Congress and thank him for his opposition to this dangerous legislation and urge him to keep up the fight against measures that would expand the USA PATRIOT Act:** Reps. Capuano (617 621 6208); Delahunt (617 770 3700); Frank (617 332 3920); Lynch (617 428 2000); Markey (781 396 2900); McGovern (508 831 7356); Meehan (978 459 0101); Neal (413 785 0325); Olver (413 442 0946); Tierney (978 531 1669).

I. II. RIGHTSWATCH

A. A. EXECUTIVE ACTIONS

• FBI IMPLEMENTS "EXTRAORDINARY MEASURES" IN ADVANCE OF ELECTION

Across the country the FBI is implementing the "October Plan" -- a series of aggressive measures aimed at thwarting terrorist attacks which Attorney General John Ashcroft believes may be timed to disrupt US elections. The measures will be in place through the January inauguration. They include "a massive counter-offensive of interrogations, surveillance and possible detentions" targeting the Arab, Muslim and South Asian communities (CBS, September 17). So far the FBI has conducted some 13,000 interviews in hopes of gathering information about a possible plot, with more to come. People with visa irregularities are being hunted down by US Immigration and Customs Enforcement (ICE) and names of visa violators are being matched with names in government terrorism databases to try to locate Al Qaeda operatives. According to the September 27 *Boston Globe*, "Local police will be urged to run the names of suspicious people through the federal government's terrorism watch list, even during traffic stops and other minor encounters." However, officials admit "the activity is not based on any new or specific intelligence."

• FBI TARGETS MUSLIMS IN ARIZONA IN WEEKS BEFORE PRESIDENTIAL DEBATE

According to Amy Goodman's program "Democracy Now" (October 13), mosques and hundreds of Muslims across Arizona received home visits from FBI agents before the October 13th presidential debate at Arizona State University. The initiative was seen as part of the "October Plan" to prevent the election from being disrupted. Deedra Abboud of the Council on American-Islamic Relations in Arizona told Amy Goodman that people are "so paranoid of being part of lists...They're thinking if they register to vote, they're on a list. And if they go vote...some of the questions [asked by the FBI] are how do you feel about the president of the United States? That indicates that there's a wrong answer. So that's making people think, 'Well, so if I go vote and I vote against President Bush, is that going to get me on a list?' And I'm trying to assure them that they know you voted, but they're not supposed to know who you voted for."

• FBI YET TO TRANSLATE AND REVIEW A HALF MILLION HOURS OF AUDIO TAPES

Nearly thirty percent of material gathered under foreign intelligence surveillance warrants since 9/11 has yet to be translated by the FBI. The problem of too few linguists and an antiquated computer system that automatically erases important documents plagued the agency before 9/11 and remains unsolved, according to a report released on September 27 by the Justice Department's inspector general, Glenn Fine (most of which remains classified). "What good is taping thousands of hours of conversations of intelligence targets in foreign languages if we cannot translate promptly, securely, accurately and efficiently?" asked Senator Patrick Leahy of the House Judiciary Committee. Meanwhile the Justice Department insists that the case of Sibel Edmonds is a "state secret." Edmonds is a translator who was fired by the FBI in April 2002 after she told her supervisors about shoddy and misleading wiretap translations, and claimed that federal officials had specific information about the impending 9/11 attacks.

Meanwhile FBI Special Agent John Cole, who was assigned to do risk assessments on translators, told *New American* (October 18, 2004) that over a dozen language specialists were hired without being properly vetted and that the Bureau was facing "very serious potential security breaches." Cole claims he repeatedly filed reports and told FBI director Robert Mueller about his concerns on two different occasions and the only response he got was notice that he was being suspended. The 18-year FBI veteran then resigned from the Bureau and now works as a security analyst for the US Air Force. As for the FBI, "it used to be a great place to work...Now it has become so corrupt and there is no accountability; the most conscientious, professional employees are often penalized, while some of the worst are promoted. The Bureau is in worse shape than ever and morale is very low. This is very dangerous for America's security."

- **HOMELAND SECURITY DEPARTMENT YET TO CONSOLIDATE TERRORIST WATCH LISTS**

According to a report by the Department of Homeland Security's (DHS) inspector general Clark Kent Ervin, serious disarray at the department had prevented it from combining 12 different "watch lists" in use by various government departments into one master terrorist watch list. The report cited poor coordination, staffing problems and a "pattern of ad hoc approaches to counter-terrorism" throughout the government. It also found serious privacy concerns in how the watch lists were compiled and used and lack of oversight over data mining operations, which carried "potential for greater civil liberties violations and law enforcement errors" (*New York Times*, October 2). The DHS responded that it was up to the FBI and Justice Department, not the DHS, to establish and run the Terrorist Screening Center with its 100,000-name database. Other critics have blamed the White House for the dysfunctional state of the DHS, saying it never wanted a Homeland Security Department in the first place (*Boston Globe*, October 2).

- **"NO FLY" LISTS IN DISARRAY**

In response to a Freedom of Information Act request that is part of an ACLU lawsuit challenging the government's "no fly" lists, the Department of Justice has released 300 pages of documents revealing that it has no "hard and fast" rules for deciding who gets put on the secret "no fly" lists of terror suspects barred from boarding airplanes. The documents reflect confusion, inter-agency squabbling and subjective criteria in placing names on lists, which grew from 400 on September 12, 2001 to several thousand by December 2002

- **"MISSION CREEP" ALLEGED IN USE OF PASSENGER INFORMATION**

While the CAPPs II (Computer-Assisted Passenger Pre-Screening System) was being developed, its use was expanded from spotting possible terrorists before they could board planes to trolling for criminals. According to records released to the Electronic Privacy Information Center as part of a Freedom of Information Act request, the system would be used to detain a passenger who had "an outstanding warrant for a crime of violence" (*New York Times*, September 19). The CAPPs II system has been suspended because a barrage of privacy concerns.

- **TSA DEVELOPS "SECURE FLIGHT" TO SCREEN PASSENGERS**

Rather than use the CAPPS II approach of mining commercial databases to give passengers a color-coded security rating, the Transportation Security Administration (TSA) intends to screen using government watch lists stored at the Terrorist Screening Center. Airlines have been screening passenger names against these lists, but reportedly did not have access to secret lists of terrorists. "If they weren't giving the worst names to airlines, what were they doing? Who were they screening then?" asked the ACLU's Barry Steinhardt (*New York Times*, September 22). To get its "Secure Flight" program off the ground, it has asked for the travel records of everyone who took a commercial flight in the US in July to be turned over to the government so it can check passenger names against the watch lists.

• **YUSUF ISLAM (CAT STEVENS) ON "NO FLY" LIST; DENIED ENTRY TO US**

After the former British pop star had visited the US twice during the past year without incident, Yusuf Islam's plane was diverted from its destination of Washington DC to Bangor, Maine and he was deported from the country. A TSA spokesman said his name had recently been added to the terrorist no-fly list. *Time Magazine* reported that there is no "Yusuf Islam" in the 19,000 name no-fly registry, but there is a "Youssef Islam". In an article in the September 28th *Los Angeles Times*, Yusuf Islam writes that "the unbelievable thing is that only two months earlier, I had been having meetings in Washington with top officials from the White House Office of Faith-Based and Community Initiatives to talk about my charity work. Even further back, one month after the attack on the World Trade Center, I was in New York meeting Peter Gabriel and Hillary Rodham Clinton at the World Economic Forum! Had I changed that much? No. Actually, it's the indiscriminate procedure of profiling that's changed. I am a victim of an unjust and arbitrary system, hastily imposed, that serves only to belittle America's image as a defender of the civil liberties that so many dearly struggled and died for over the centuries."

• **STILL FLAWS IN AIRPORT SCREENING**

A classified report by the DHS inspector general based on government tests of airport screeners that were conducted last November reveals that knives, guns and explosives are still making their way onto planes. The report recommended the installation of "backscatter" X-ray machines which "see" under clothes and deliver a small dose of radiation to a passenger. The TSA announced in mid September that it would "increase the use of explosives trace detectors, expand the use of manual pat-down searches, and give screeners more latitude to refer individuals to secondary screening."

• **VISITORS FROM "FRIENDLY" COUNTRIES MUST UNDERGO ADDITIONAL SCRUTINY**

Under the US VISIT program, travelers from 27 countries in Europe, Scandinavia and elsewhere whose nationals do not need visas for 90-day stays in the US must now be digitally photographed and fingerprinted when they enter the US and have that information entered into a computer to determine whether they have been listed in databases as a criminal or potential terrorist. People from these countries need to have machine-readable passports by October 26 or else apply for visas to visit the US. This fall overseas visitors at some airports and seaports will also have to be fingerprinted and

photographed before they leave the US to monitor whether they actually return to their home countries.

- **ARMED OFFICERS AIM TO COORDINATE FLIGHT PLANS**

The FBI, DEA, US Marshal Service and Bureau of Alcohol, Tobacco, Firearms and Explosives would like to share travel information with each other to avoid scheduling armed officers from more than one agency on the same flight. But the incompatibility of their computers might hold back such coordination. Air Marshals and Secret Service have tried to coordinate schedules, but their computers won't talk to each other, according to the September 15th *Boston Globe*.

- **AIR MARSHALS INVOLVED IN MISCONDUCT**

According to a September report on the Federal Air Marshal Service by the Homeland Security Department inspector general, in the rush to beef up the service 104 people were hired and given top secret security clearance who had been involved in 155 different cases of misconduct in their previous jobs with the federal Bureau of Prisons. In only one instance was their employment history checked. The report also documented 753 cases of misconduct by air marshals during an 8-month period in 2002, including sleeping on duty, lying, testing positive for alcohol and illegal drugs while on the job, and losing their weapons.

- **(FORMER) US CITIZEN YASER HAMDHI RELEASED AFTER THREE YEARS IN SOLITARY CONFINEMENT**

A 24-year-old Saudi-American college student who was held as an "enemy combatant" on a naval brig in South Carolina for three years with no access to a lawyer or the courts was sent to Saudi Arabia on October 11 after agreeing to live there for five years; never to travel to Afghanistan, Iraq, Israel, Pakistan, or Syria; to relinquish his US citizenship; and not to sue the US over his imprisonment. "It's quite something for the government to declare this person one of the worst of the worst, hold him for almost three years, and then, when they're told by the Supreme Court to give him a fair hearing, turn around and give up," said Georgetown University law professor David Cole (*New York Times*, September 23). According to his lawyer, federal public defender Frank Dunham, Jr., Hamdi "didn't fight anybody. He didn't shoot anybody. He didn't do anything that commentators assumed he did" (*Boston Globe*, October 12). Hamdi claims to have been trapped in Afghanistan after the American invasion, captured by the Northern Alliance and handed over to American officials for a bounty of \$20,000. A *Boston Globe* editorial (September 24) states that "the release of Hamdi raises the question of how many other detainees at Guantanamo or elsewhere are being held on charges that are too flimsy to stand the light of day."

- **PRISON'S DEPUTY COMMANDER SAYS MOST GUANTANAMO DETAINEES POSE LITTLE THREAT**

Army Brigadier General Martin Lucenti told London's *Financial Times* that most of the alleged Al Qaeda and Taliban captives being held at Guantanamo "weren't fighting. They were running...Even if somebody has been found to be an enemy combatant, many of them will be released because they will be of low intelligence value and low threat status. We don't have a level of evidence to feel that we can be confident to prosecute

them" (*Boston Globe*, October 6). He predicted that most of the 550 detainees currently incarcerated at the prison will "either be released or transferred to their own countries." His remarks are at odds with former Guantanamo chief Army Major General Geoffrey Miller, who is now in charge of prisons in Iraq, including Abu Ghraib. Miller claims to have found no innocent people in Guantanamo, and said they were providing useful intelligence. Meanwhile in September one unnamed detainee out of the 115 who have had hearings in front of the hastily-assembled Combatant Status Review Tribunal has been determined not to be an enemy combatant and is being sent home.

- **GUANTANAMO DETAINEE SAYS HE WAS TORTURED**

In a recently declassified letter addressed to the US Forces Administration in Guantanamo and dated July 12, 2004, British detainee Moazzam Begg says he was "subjected to pernicious threats of torture, actual vindictive torture and death threats" during interrogations and was "partially witness" to the killing of two detainees by US soldiers at the American air base at Bagram in Afghanistan (*New York Times*, October 2). Begg says he had never been a member of Al Qaeda and had been abducted from Pakistan by US intelligence and law enforcement and taken to Afghanistan. The US lawyer hired by his family to represent Mr. Begg was surprised that the letter had been declassified. Lawyers who, in the wake of the June 2004 Supreme Court decision, travel to Guantanamo to talk to their clients are barred from discussing any details like accusations of torture.

- **MILITARY DROPS ESPIONAGE CHARGES**

On September 23 the Pentagon dropped all spying charges against Senior Airman Ahmad al Halabi, who worked as a translator at Guantanamo and had faced the death penalty if convicted. The 25-year-old American pleaded guilty to 4 minor offenses, including taking a photo of a guard tower.

- **BUSH "KNEW OF ABUSE" At GUANTANAMO**

According to Seymour Hersh in his new book *Chain of Command: The Road from 9/11 to Abu Graibh*, evidence of prisoner abuse and possible war crimes reached the highest levels of the Bush administration in autumn 2002, but the chain of command including Defense Secretary Rumsfeld chose to do nothing about it. President Bush signed off on the establishment of a secret unit given advanced approval to capture and interrogate "high value" suspects. This officially "unacknowledged" program was transferred wholesale from Guantanamo to Abu Ghraib prison in Iraq. Hersh reports that a CIA analyst who visited Guantanamo in the summer of 2002 returned "convinced that we were committing war crimes" and that "more than half the people there didn't belong there. He found people lying in their own feces." He filed a report of abuses which eventually reached senior officials including Condoleezza Rice and Rumsfeld, but they took no action.

- **"GHOST DETAINEES": US HOLDING UP TO 100, MAYBE THOUSANDS**

On September 9 General Paul Kern, who presided over the Army investigation of the 205th Military Intelligence Brigade, told a Senate hearing that several dozen, "perhaps up to 100" unregistered "ghost detainees" might have been held in Abu Ghraib, but he didn't know the exact number because the CIA refused to cooperate with their

investigation. The detainees were moved from prison to prison and concealed from the International Red Cross in violation of the Geneva Conventions. *The New Zealand News* (May 13, 2004) reports that as many as 10,000 prisoners are being held around the world in secret American-run jails and interrogation centers. "Some of these detention centers are so sensitive that even the most senior members of the US Congress have no idea where they are." The Israeli newspaper *Haaretz* (October 13) claims that at least 11 men are being held incommunicado in Jordan where they are being subjected to torture. "Their detention outside the US enables CIA interrogators to apply interrogation methods banned by US law and to do so in a country where cooperation with Americans is particularly close, thereby reducing the danger of leaks."

- **GUANTANAMO MILITARY COMMISSION IN DISARRAY**

Army Col. Peter Brownback, the presiding officer of the military commission established in Guantanamo and the only commission member with any law experience, has recommended that two members of the panel be dismissed because they may be biased against the defendants. This was in response to defense attorney claims that Army Lt. Col. Curt Cooper had called the detainees "terrorists" and that Air Force Lt. Col. Timothy Toomey had been involved in capturing and interrogating suspects in Afghanistan. The lawyers had recommended two other commissioners be dismissed because of their roles in the war against terrorism, and the chief prosecutor, Army Col. Robert Swann, had asked Brownback to "closely evaluate his own suitability to serve as presiding officer" because of his close relationship with the commission's appointing authority (*Boston Globe*, September 18). Defense attorney Lt. Col. Sharon Shaffer has called for the commissions to be replaced by courts martial, arguing that the commissions were using archaic procedures that were at odds with the Geneva Conventions and current legal standards.

- **PENTAGON MAY RE-OPEN INQUIRY INTO ABUSE OF JOURNALISTS**

Before reports about the abuse of detainees at Abu Ghraib became public, the Pentagon had rejected claims by four Iraqi employees of Reuters and NBC News organizations that they were physically abused after being arrested on January 2 while trying to report on the downing of a US helicopter near Falluja. The journalists were held for 60 hours, during which time they say they were hooded, deprived of sleep, repeatedly struck, threatened with torture and forced to assume sexual positions while soldiers took their pictures. Reuters and NBC complained that the inquiry into the case relied wholly on the testimony of the soldiers, who denied wrongdoing, and that the Iraqis were not even interviewed. According to the October 14 *New York Times*, the Pentagon is now deciding whether to re-open the case.

- **STILL NO ACCOUNTABILITY ON ABU GHRAIB**

In a September 10th editorial detailing reasons why Secretary Defense Rumsfeld should be relieved of his post, *The New York Times* lamented that "after months of Senate hearings and eight Pentagon investigations, it is obvious that the administration does not intend to hold any high-ranking official accountable for the nightmare at Abu Ghraib."

- **RACIAL PROFILING THREATENS A THIRD OF ALL PEOPLE IN THE US**

On September 13 Amnesty International issued a report stating that at least 87 million people -- a third of all people in the US -- are at high risk of being profiled by law enforcement because they belong to a particular racial, ethnic or religious group. The report says such racial profiling creates fear and mistrust, and undermines national security: "In these times of domestic insecurity, our nation simply cannot afford to tolerate practices and policies that build walls between individuals or communities and those who are charged with the duty of protecting all of us."

- **PATIENTS WILL NOT BE ASKED THEIR IMMIGRATION STATUS**

Reacting to an outpouring of criticism, the Bush administration has reportedly abandoned plans to tie federal payments to hospitals to their willingness to ask and report on the immigration status of patients using emergency rooms. Instead, the administration may use drivers' licenses, Social Security numbers and other documentation to detect immigration status.

- **CHARGES AGAINST PROTESTORS AT RNC THROWN OUT**

On October 6, in response to a request from the ACLU, the New York District Attorney dismissed criminal prosecutions against 227 people arrested on August 31 at a Republican National Convention protest. The ACLU has filed 2 lawsuits in federal court challenging the New York Police Department's treatment of peaceful and lawful protest during the Convention.

B. IN THE US CONGRESS

- **HOUSE PASSES SEQUEL TO USA PATRIOT ACT**

Billed as an implementation of intelligence reforms recommended by the 9/11 Commission, H.R. 10, the "9/11 Recommendations Implementation Act", with House Speaker Dennis Hastert as its lead sponsor, passed the House of Representatives on October 8 by a vote of 282-134. On the previous night the House rejected by a vote of 213 - 203 an amendment offered by Rep. Robert Menendez (D-NJ) that would have removed from the bill anti-immigrant provisions that had nothing to do with intelligence reform. These provisions would: vastly expand the power of immigration officers to use streamlined "expedited removal" procedures to deport undocumented immigrants and deny basic judicial review over the deportation of people who came to the US on valid visas that are later revoked; close off the review of many immigrant court decisions and in some cases deny immigrants access to habeas corpus; permit the deportation of individuals to countries lacking a functioning government and to countries where they may be subjected to torture in violation of international law; authorize the indefinite and potentially lifelong detention not just of terror suspects but any "specially dangerous" non citizen; make it more difficult for individuals to claim asylum; prevent federal agencies from accepting consular identification cards or state driver's licenses from non citizens as proof of identity and from accepting any driver's license and birth certificate for any official purpose unless it meets new federal standards. The bill also prepares the way for the development of a national ID card by requiring the states to keep all driver's license information in a linked database for quick access and by mandating that licenses meet certain standards, such as including fingerprints or eye prints. It further calls for "an integrated network of screening points

that includes the nation's border security system, transportation system and critical infrastructure facilities that the secretary [of homeland security] determines need to be protected against terrorist attack." Opponents say this amounts to a system of internal passports, with identification needed to go from point A to B.

The bill must now be reconciled with the Senate version, "the National Intelligence Reform Act," which was passed by 96-2 on October 6 without any anti-immigrant language. All Senate Republicans voted for the bill that includes 39 of the 9/11 Commission's 41 resolutions. It would establish the job of national intelligence director to oversee the coordination of 15 intelligence agencies, including the CIA, the NSC and the FBI, and declassify much information about spending on intelligence. The Senate bill also establishes a national counterterrorism center and a civil liberties oversight board "to ensure privacy and civil liberties concerns are being protected" (*New York Times*, October 7). It reaffirms that it is US policy not to torture prisoners during wartime, and to abide by international and domestic law in its treatment of detainees.

In an October 7 editorial, *The Boston Globe* attacked the House provisions that "lean too closely into fear-inducing stereotypes about ordinary immigrants plotting to overthrow the United States when the real threat is terrorists...Harassing immigrants doesn't make the country safer. And it could discourage the immigrant community from providing useful help to law enforcement agents."

• CONGRESS MAY LEGISLATE TO PROTECT WHISTLEBLOWERS

Support is growing inside Congress to protect federal employees who expose government wrongdoing. On September 29 a House Committee gave its support to a whistleblower protection bill, similar to one approved by a Senate Committee last June. According to the October 3 *New York Times*, the Bush administration claims that the bills unconstitutionally interfere with the president's ability to control and manage the government.

C. IN THE COURTS

• ACLU WINS CASE CHALLENGING BROAD PATRIOT ACT SURVEILLANCE POWERS

Declaring that "democracy abhors undue secrecy," Judge Victor Marrero of the Southern District Court of New York struck down as a violation of the Fourth Amendment the law significantly expanded by Section 505 of the USA PATRIOT Act which gives the FBI unchecked authority to issue "National Security Letters". These are administrative subpoenas that FBI agents can issue to obtain sensitive customer records from Internet Service Providers and other businesses without any judicial oversight whatsoever. The court also found that the gag provision in Section 505 -- similar to that in Section 215 -- is "an unconstitutional prior restraint" on free speech. The case, *John Doe and ACLU v. John Ashcroft*, had been filed under seal to avoid penalties for violating the gag provision. Only after the court ruled did the public learn that "John Doe" was the president and sole employee of an Internet access and consulting business who had been served with National Security Letter demanding records from the company. His identity remains secret for the time being. The ruling enjoins the government from issuing National

Security Letters or "from enforcing the non-disclosure provision in this or any other case." However, the judge has stayed his ruling for 90 days in order to allow the government an opportunity to file an appeal.

- **JUDGE ORDERS GOVERNMENT TO JUSTIFY ITS HOLDING OF GUANTANAMO DETAINEES**

On September 20 US District Court judge Joyce Hens Green ruled that the government must provide by October 18 a factual basis for detaining each of the 60 Guantanamo detainees who have sued the government since the US Supreme Court ruling last June that they could not be held incommunicado. Since that High Court ruling, lawyers for detainees have been arguing with the Defense Department over the conditions under which they can visit their clients.

- **MOUSSAOUI CAN BE EXECUTED**

The Fourth Circuit Court of Appeals has overruled District Court judge Leonie Brinkema's decision that if the government denied Zacarias Moussaoui (the so-called "20th hijacker") adequate access to witnesses, it could not try him under the death penalty. Under the Appeals Court ruling, Moussaoui will not be able to conduct face-to-face interviews with witnesses being held as enemy combatants, but he may submit written questions to witnesses in American military custody.

- **LYNNE STEWART TRIAL POSTPONED**

After the prosecution wound up its three-month-long presentation of the evidence in the "terror" case involving New York criminal defense attorney Lynne Stewart, the case was indefinitely postponed after Ahmed Sattar, her co-defendant and paralegal, suffered a mild heart attack. Stewart has been charged with providing "material support" to terrorists by enabling her client, Sheikh Abdel-Rahman, to communicate with his followers. She faces 18 years in prison if convicted.

D. IN THE COMMONWEALTH

- **BOSTON "AWASH" IN SURVEILLANCE CAMERAS**

The Boston Herald on September 12 ran a two-page article about the estimated thousand government-owned surveillance cameras in Boston that are "giving law enforcement a brave new security tool but stoking fears that Big Brother is spying far too much on the average Joe." The powerful cameras, many of which can swivel 360 degrees in a second, are "slowly but surely" being linked "into one all-seeing eye." It is unclear whether Boston will move toward the kind of "smart" cameras being piloted in Chicago. According to the September 21 *New York Times* city-owned and private cameras will send video feeds to central fortified control room in Chicago where "sophisticated new computer programs will immediately alert the police whenever anyone viewed by any of the cameras placed at buildings and other structures considered terrorist targets wanders aimlessly in circles, lingers outside a public building, pulls a car onto the shoulder of a highway, or leaves a package and walks away from it."

- **FRAMINGHAM TO HOST NEW TERRORISM "FUSION CENTER"** A new center is being built at the Massachusetts State Police headquarters in Framingham which will be

linked to regional intelligence "fusion centers" around the country. The center will contain a database of terrorist information and crime and intelligence analysis and will enable the federal government to transmit threat information to state and local police departments and vice versa.

- **MBTA SAYS RANDOM SEARCH POLICY IS PERMANENT**

The MBTA says that it will continue to employ the random search policy it introduced in July whenever higher levels of security are necessary (*Metro*, September 15). The MBTA also plans to purchase additional explosive detecting machines, and enlarge its contingent of bomb-sniffing dogs.

- **TSA TO ADOPT SECURITY PROGRAM PIONEERED AT LOGAN**

BASS - Behavior Assessment Screening System - a program developed by Massachusetts state police officer Sgt. Peter DiDomenica to detect suspicious people at Logan airport will soon become the Transportation Security Administration's SPOT -- Screening of Passengers by Observation Techniques. According to the October 2nd *Time Magazine*, BASS is a "racially-neutral profiling program" that enables employees to identify passengers who exhibit "unusual or anxious behavior" who are then interviewed by local police. "Although the profiling programs are aimed primarily at stopping terrorist, they had had other benefits. The Massachusetts State Police have arrested about 20 people for infractions ranging from being in the country illegally to failing to answer outstanding warrants for various offenses."

- **HOMELAND SECURITY SWEEP IN GLOUCESTER NETS 12 IMMIGRANTS AND 5 FISHERMEN**

Beginning at 4 am on October 4 an assortment of state and federal agents searched fishing vessels leaving Gloucester Harbor and waterfront fish processing plants and detained 12 immigrants as part of what a Bureau of Immigration and Customs Enforcement (ICE) spokesperson called a "routine port security operation" (*Gloucester Daily Times*, October 5). Four fisherman were arrested for possession of marijuana after drug-sniffing dogs found marijuana pipes, and a fifth was arrested on a warrant charge. One local lobsterman had two of his crewman seized for carrying "falsified green cards." Every boat headed out to sea was asked by the Coast Guard to go back for a "safety check". Fisherman Bill Crossen said, "I'm all for homeland security, but I just really wish law enforcement agencies would direct their efforts in the right direction. Think about this: What if you set up shop at the rotary and pulled over every single car on their way to work? There would be a revolution."

III. GET INVOLVED

- **HELP PASS "SAFE AND FREE" BALLOT INITIATIVE**

This public policy question is on the November 2nd ballot in districts representing all or part of north Brookline, Arlington, Lexington, Woburn, Cambridge, Watertown, Northampton, Hatfield, Westhampton, Montgomery, Southampton, Amherst, Granby, Pittsfield and South County. If you live in one of these towns, or you would like to help out by helping publicize this initiative, contact cltf2004@yahoo.com as soon as possible!

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