

HUMAN RIGHTS NOW!

*Newsletter of the
Meiklejohn Civil Liberties Institute*



May
2008

NO WAR CRIMINALS ON CAMPUS

Berkeley: The National Lawyers Guild and World Can't Wait are meeting frequently to plan actions that will bring John Yoo before a Tribunal charged with war crimes for memos he admittedly wrote while Deputy Assistant Attorney General of the Office of Legal Counsel of the Department of Justice in 2002 and 2003.

In addition to the charge that Yoo's memos are totally inaccurate, justifying acts of torture violating the Geneva Conventions, MCLI prepared a Memo describing specific Concluding Observations of the U.N. Committee Against Torture seeking immediate action by the U.S. because it "needs to change policy" in its military actions in order to forbid torture.

Yoo will testify before a Subcommittee of the U.S. House Judiciary Committee June 26. (see page 8)

MCLI Intern Adam Shearer also prepared a memo describing the 17 judges and government lawyers charged with war crimes and crimes against humanity in Nuremberg Trials by the U.S. for their totally inaccurate memos justifying Hitler's Nazi actions against German citizens.

Conclusion: Tenured faculty members can be discharged for committing war crimes, just as the German judges were removed from office and given prison terms. Such memos by Yoo were prepared under salary while on leave from UC Berkeley, and are not in any way related to academic freedom.

Order your free copy of MCLI's flyer on page 7.

INSIDE THIS ISSUE:

Letter to the Editor.....	pages 2, 5
Universal Declaration Is Law.....	page 3
Union Strikes for Immigrant Rights.....	page 3
Bella Abzug in MCLI Archives.....	page 3
San Francisco's Toxic Triangle.....	page 3
MCLI Board Meeting Notes.....	page 4
U.N.'s Special Rapporteur on Racism..	page 4
Human Rights Reporting Project.....	page 5
On Paid Paternity/Maternity Leave.....	page 5
Bush's Attacks on States' Programs.....	page 6

"UNDOING THE BUSH/CHENEY LEGACY – RESTORING LOST LIBERTIES: A TOOL KIT FOR CONGRESS"

The day after the November elections, MCLI will be ready to give to every Congress Member and Senator a handy booklet listing and describing every law that must be amended or repealed in order to get back to a constitutional, democratic federal government.

"That's quite a tall order! Are you serious?"

"Of course we're serious! MCLI is always serious. We are going to include every statute passed by Congress, every Executive Order and signing statement by Pres. Bush, every regulation by a federal agency, every other document, including international agreements."

"How are you possibly going to make a complete list?"

"By letting everyone know of the project and asking for their help."

And we already know this works!

On Friday, May 2, we sent out an email to 230 organizations asking for their help by sending us the name of every bad statute, etcetera on every subject, from Agriculture/Land/Crops to Water Rights and Welfare Rights.

On Saturday, we had 730 hits on our web page. On Sunday, we had another 340. And we had 170 on Monday. AND we received quick, useful emails with specific laws to include from 25 people all over the U.S.

We will be meeting with Congress Member Barbara Lee's local staff to hear what they would find most useful. We know that the book will be our MCLI Little Orange Book 3 and (cont'd pg 6)

ANOTHER OIG REPORT MAKES THE NEWS: FBI CRITICIZES DOD AND CIA

May 20: The Office of Inspector General of the FBI released a report on illegal interrogations at Guantanamo conducted by the CIA and Department of Defense. In 2002 the FBI notified top government officials, including then-National Security Advisor Condoleezza Rice, of the illegal methods of questioning detainees. The OIG released the report after Congress made the request, based on the information the ACLU obtained by filing a Freedom of Information Act request.

The FBI OIG report was initiated (cont'd pg 6)

RESPONSE TO "FREEDOM OF RELIGION AND SECULAR SOCIETY"

In *Human Rights Now!*'s last op-ed, Editor Jim Syfers penned a column entitled "Freedom of Religion and Secular Society." A reader in New York wrote back, disagreeing strongly with the column's premises. Here we present the letter to the Editor, along with Mr. Syfers' clarifying response. The original column is available online on MCLI's website, at <http://www.mcli.org/>

Dear Mr. Syfers,

I was stunned by the sentiments you expressed in your column "Freedom of Religion in Secular Society." It demonstrated a profound misunderstanding of what freedom of religion means in a secular society as well as expressing some political views that border on the bizarre.

You identified the ideal nation-state as consisting of an ethnically, linguistically, and culturally homogenous population. That notion of the state as the embodiment of ethnic purity has resulted in centuries of bloodshed. Indeed, most enlightened thinkers would appreciate that an integrated multicultural society is much preferable. Most importantly your claim that "religion must be private, not public," fails to appreciate that separation of church and state means that government can neither support nor suppress nor favor any particular religious belief. It does not require that people hide their religious faith. The streets belong to the people, secular and religious. And just as students have the right to wear black armbands to protest war, so too may students wear outward expressions of their faith. Your notion that if they did "other parents may have a legitimate complaint," displays a profound misunderstanding of the scope of the First Amendment." A secular society does not require that people of any particular political or religious persuasion only express themselves in the privacy of their own homes.

Finally, I wonder, when in your view did the religious dictatorship cease to exist in Iran?

Dear Reader,

In reply to your letter of March 24, 2008, I am afraid I did not make myself very clear regarding the classical idea of the nation state as ethnically, culturally, linguistically, and religiously homoge-

neous. I agree with you that "the state as the embodiments of ethnic purity has resulted in centuries of bloodshed." My concern was that as this kind of state disappears and is replaced with ethnically mixed states, the principles of the secular state need to be widely known and acknowledged in order to avoid unnecessary conflict in the mixed state. I doubt if education in these principles will eliminate conflict, but I believe it will certainly help.

I do think we may disagree on one thing. The streets, as you say, belong to the people, secular and religious. And a student should have the right to wear an outward expression of faith (though- I wonder whether - in the case of youngsters - this is really more an expression of the parents' needs). However, I believe the state should have the power to suppress religion in cases in which a public institution (school, court, government office, college, or whatever) is being used for the advancement of some religious faith. Such as a public school principal deciding that students will meet every morning for Christian prayer, or as happened here in Sonoma a few years ago, a creche being installed in front of city hall.

I think the case of head scarves in French schools is harder. It can be seen a individual students exercising the right to express their personal faith, so the government should keep hands off. But there is a point where the number of individual students becomes a group large enough to intimidate other students and large enough to present a constant challenge to basic purposes of the public school: to promote citizenship in a secular society and the ability to coexist peacefully and mix socially with others who are different from oneself in various ways.

If I were to send a child to a public school where the majority of the students wore large white crosses on their shirts and blouses, I would be concerned that the non-cross wearing children would feel intimidated, feel excluded, or feel pressured to join the crowd, on the one hand, and that the secular purposes of the school were being undermined on the other. So I do think this would be a case in which a parent could complain. Perhaps I feel that a secular society is much more fragile than you do, I don't know. In any case, thanks for your thought-provoking letter.

Jim Syfers, Ed.

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<http://bancroft.berkeley.edu/collections/meiklejohn/project.html>

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**STEAMFITTERS AND WELDERS
UNION AGAINST SLAVERY IN
MISSISSIPPI IN 2008**

May 14: The United Association of Steamfitters and Welders passed a resolution supporting the workers in Pascagoula, Mississippi who came from India to work for Signal International ILD, an oil rig and construction company. Fitters and welders had given up their life savings, family homes and jewelry to pay up to \$20,000 in immigration and travel fees after Signal recruiters accepted them and said they were needed because there were not enough U.S. workers after Katrina and Rita hurricanes. The promised "green cards" turned out to be 10-month H2B "guest worker" visas, controlled by the Company, allowing not even enough time to pay off their enormous debts. The Company was charging them \$1,050 to live in "mancamp" trailers.

When the workers organized, armed company guards came in, threatened deportation, held the leaders for six hours until workers called local police to release them.

The workers are being helped by the Union, New Orleans Workers Center, Mississippi Immigrant Rights Alliance, and Southern Poverty Law Center.

The workers filed a class action law suit for 500 workers is charging violation of Victims of Trafficking and Violence Protection Act, the Racketeer Influence and Corrupt Organizations Act, the Civil Rights Act of 1866, Civil Rights Act of 1871, and the Fair Labor Standards Act.

For updates, contact: Bill Chandler of the MS Immigrants Rights Alliance, (601) 968-5182

**THE TOXIC TRIANGLE IN
THE SAN FRANCISCO BAY**

We have all heard about disappearances in the Bermuda Triangle, located off the eastern coast of Florida. What do we know about the disappearances of local residents who live within the toxic triangle of Richmond, West Oakland, and Bayview/ Hunter's Point, CA? A community movement to stop African American population decrease in San Francisco has linked with housing, environmental, religious, university, and legal organizations to demand justice for victims of greedy land developers, urban removal and toxic exposure. Residents forced to move from Hunter's Point often end up moving to Richmond or West Oakland; each locale has the distinction of being an EPA Superfund site.

Rev. Daniel Buford of MCLI has been requested to provide technical assistance to the Hunter's Point organizing effort regarding the human rights dimensions. He is in contact with experts from the Western States Legal Foundation, Lawyer's Committee For Civil Rights Under Law (Washington D.C.), and Environmental Justice Advocates For Human Rights and the possibility of holding environmental justice hearings similar to those conducted after Hurricane Katrina.

**"MAKING THE UNIVERSAL DECLARATION
THE SUPREME LAW OF THE LAND"**

In this 60th anniversary year of the Universal Declaration of Human Rights, MCLI will be researching and preparing to publish a small book to inform people that the UDHR is now part of U.S. law because the articles in the UDHR are in three treaties the U.S. has ratified: the International Covenant on Civil and Political Rights, the Convention Against Torture, and the Convention on Elimination of Racial Discrimination, since a treaty is the supreme law of the land under the Constitution, and must be enforced by all branches of government

One example will tie UDHR Art. 2 against discrimination of any kind that is the law in ICCPR Art. 2.1 and CERD Art. 1.1.

MCLI Interns will do the research and help prepare the text.

"We have found this approach very effective in our 2007 book, 'The Living Constitution,' in which we moved all deleted articles and phrases into the Appendix, fitted all amendments into the text where they belong, and inserted articles from the UN Charter and the three human rights reporting treaties. We have sold hundreds of copies to individuals and to one teacher for use in her classroom," says Ann Fagan Ginger, MCLI Exec. Dir.

**BELLA ABZUG IS NOT ON THE WEB --
SHE IS IN MCLI ARCHIVES!**

Leandra Zarnow contacted MCLI after finding references to Congress Member Bella Abzug in MCLI archival lists. This researcher from University of California-Santa Barbara came to go through National Lawyers Guild archives provided by MCLI now housed at UC-Bancroft Library. She also interviewed Ann Fagan Ginger for several hours about her contacts with Bella Abzug when they were both young lawyers in New York after World War II during the Truman/McCarthy attacks on progressives.

Her biography will be entitled "Bella Abzug and the Promise of Progressive Change in Cold War United States."

**"WHEN I'M SIXTY-FOUR: THE PLOT AGAINST
PENSIONS AND THE PLAN TO SAVE THEM"**

Perhaps it is a reflection of our times that in author Theresa Ghilarducci's first chapter she finds it necessary to argue for the view that civilized societies are societies that make it possible for individuals to retire.

It is worth noting that she is very clear that the problem is a political one, not an economic one, and if the expense of an aging population will force our political leaders to make decisions in the near future, the situation is mild compared to other countries. ...

For Jim Syfers' complete review, go to www.mcli.org

THE MCLI BOARD IS BUSY! NOTES ON ITS MEETING - MAY 10, 2008

The Board welcomed new member Russell Bloom, representing the National Lawyers Guild, and at the end of the meeting, welcomed Victoria Sawicki, labor and environmental activist.

Board members reported on their recent peace law and human rights activities: **Daniel Buford** on Cragmont (Berkeley) public school racial incident. **Russell Bloom** on NLG Task force of People of Color (TUPOC). **Abbot Foote** on emphasizing MCLI work for grants, tightening office administration. **Walter Riley** on how to bring John Yoo to account for his advocacy of torture. **Steven Bingham** on welfare law--maximum family grant rule (if you have a child while on welfare, you're not eligible for aid for that child). **Barbara Blong** on tenant rights, especially involving seniors.

Lindsley Smith: (by phone): Ark. Law forbids deficit spending and U.S. cutting \$4 million, so Work for Service cut. **Victoria Sawicki** on current abuses in the U.S. Postal Service. **Jennifer Smith**

Left to right, back:

Abbot Foote
Walter Riley
Russell Bloom
Steven Bingham
Victoria Sawicki

Front:

Ann Fagan Ginger
Jennifer Smith
Daniel Buford
Barbara Blong



on her classes at Mills with prison abolitionist Dr. Sudbury and African feminist scholar Dr. Mama.

I. "UNDOING THE BUSH/CHENEY LEGACY: A TOOL KIT FOR CONGRESS"

Each member agreed to send material for inclusion in Tool Kit book by June 1.

II. MCLI ARCHIVES

Jennifer is the Director of the new MCLI Archival Project. Discussion about selling some MCLI archives for income, getting grants for archiving.

III. FUND RAISING

MCLI has hired a new staff member to work mainly on fund raising starting June 2, with a specific focus on grants. Jennifer will work at least half-time during summer 2008.

Each Board Member to take as many names as possible from list of Prior MCLI Donors to call for donations now. To report back by next Board meeting.

U.N. SPECIAL RAPPORTEUR ON RACISM VISITS THE U.S.

May 19: The U.N. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance arrived in the U.S. at the invitation of the U.S. Government to meet with officials and 'civil society' in 2-day trips to: Washington, D.C., New York City, Chicago, Miami, Omaha, Los Angeles, New Orleans and San Juan, with a Debriefing in D.C. on June 6.

MCLI immediately notified D.C. supporters in each of these locations so they could participate.

At the first session in New York, Senagalese lawyer Doudou Diene asked Non-Governmental Organizations to frame their comments to him in response to the questions:

- 1) Is there racism and racial discrimination in the U.S.?
- 2) Who are its victims?
- 3) What are its social, political, economic and cultural manifestations?
- 4) What are solutions? Are the government's solutions effective? What precisely would the NGOs like to see?

The Rapporteur said he is interested in facts and figures that should also be submitted in written form. He also wants to hear directly about racial discrimination from victims to give him a real sense of the discrimination and the level of violence, particularly police brutality.

He is very interested in hearing about specific cases. As part of his mandate, once he verifies the reliability of the sources, he can write directly to the government about these cases, naming individuals, dates, locations, etc., and if the government doesn't provide a solution or response, he will put that in his report, which is widely circulated. Local activists can also use it for media work. He has requested that people keep him informed of developments in these cases.

-- from a report by Andrea Ritchie of 'INCITE! Women of Color Against Violence'

Human Rights Now! readers are urged to send brief reports on racist incidents to MCLI that we will include in the next report we send to the Special Rapporteur.

HUMAN RIGHTS REPORTING PROJECT PICKING UP STEAM

The MCLI Human Rights Reporting Project (HRRP) continues to pick up new volunteers as it presses on with important work in the Bay Area and beyond. Four U. Cal Berkeley students responded to The City of Berkeley's Peace and Justice Commission's request for help in creating a template needed by the city to ensure a complete human rights report repaired efficiently. Once a template is created it will be easy for all city agencies – in Berkeley and elsewhere – to provide the requested data and other statistical information on police arrests, instances of racial discrimination, and abuses against women, among many other things.

Human rights supporters in Marin County feel confident that the Social Justice Commission will present a resolution by the end of the year to the County Board of Supervisors calling for county human rights reports. For information on how you can help in this effort, contact Martin

Schaaf at 415-454-6761, or Lew Tremaine at ltremaine@townoffairfax.org

Judge Claudia Morcom (Ret.) brought the MCLI HRRP to the US Human Rights Network's annual conference in Chicago in April. The gathering is an important event for the US human rights movement as it brings together hundreds of leaders and activists working on these pressing issues. Judge Morcom made a successful presentation and received positive responses to the project and to MCLI literature.

MCLI friend and California Assembly hopeful Bill Monning wants to take human rights reporting to Sacramento. Bill is running to represent the 27th Assembly District, which includes portions of Santa Cruz, Monterey, and Santa Clara Counties. He has said, if elected, he will introduce legislation to have California start making the reports required under the three ratified human rights treaties.

LETTER TO THE EDITOR: WHY PAID MATERNITY/PATERNITY LEAVE?

As we witness the real possibility of a woman as President, some of us are appalled at the lack of paid maternity/paternity leave in this country. The U.S. has the distinction of standing with 5 other countries in the world that fail to provide paid leave for new parents: Swaziland, Papua New Guinea, New Zealand, Lesotho, and Australia, which is now considering leave for up to 1 year (!)

Paid maternity leave is a human right. For women to care for their infant and breast feed (if they choose), there must be a real choice to stay home or return to work. Most working class women return to work because they need the income.

The World Health Organization recommends that women breast feed for a minimum of 6 months and optimally 2 years. Women have a right to breast feed and infants have a right to be breast fed.

Benefits of breast feeding for the infant include:

1. Develops the neurological system. If you want smart babies, breast feed!
2. Builds the infant's immune system.

3. Develops the facial features of the infant.
4. Builds healthy psychological bonds between mom and infant.
5. Breast milk may contain 'anti-carcinogenic' properties.
6. Breast milk is one of the most nutritious foods on the planet.

Benefits for the mom include:

1. Contracts the uterus.
2. Can reduce the risk of breast cancer, depending on length. [Risk may be reduced by up to 14% for 2 years of nursing.]

The International Labor Organization (ILO) adopted its first global standard in 1919 to protect pregnant working women. In 1952, the standard was strengthened to at least 12 weeks leave with pay at a certain rate and full health insurance. The U.S. has yet to adopt this international standard.

The San Francisco chapter of the **Coalition of Labor Union Women (CLUW)** adopted a resolution for 2 year paid maternity/paternity leave, which the National CLUW adopted at their 2007 convention. --Victoria Sawicki, boardmember

FROM U.S. POSTAL SERVICE TO ... WHAT?

The U.S. Postal Service is facing the technological revolution: much more email and faxes mean many fewer letters, new machines sort mail, not letter carriers.

The result: Management and Postal Unions find themselves at odds.

Already thousands of clerk positions have been eliminated. The National Association of Letter Carriers has therefore negotiated an agreement approved by 9 out of 10 carriers. It opens the door to the outsourcing of letter carrier routes. This is a

possible first step towards the privatization of the Postal Service!

Facing a deficit, Postal Management has resorted to abusive treatment and speed up of postal workers. The new contract allows hiring up to 14% Temporary Help with no health care for the first year. This is completely unacceptable.

The U.S. Postal Service is the link to every household in the United States. Postal workers, postal jobs, and postal benefits must be protected.

-- Victoria Sawicki

BUSH ADMINISTRATION ATTACKS ON STATES' PROGRAMS

by Lindsley Smith, Arkansas State Legislator

The debilitating economic policies of the Bush Administration on the national economy have demonstrated, through its "trickle-down economics", the struggling conditions of the American states and her people. Cuts by the Federal Government to the states negatively affect the ability of states to effectively fund programs, particularly healthcare and education programs dependent on federal matching funds. Programs mandated by the Federal Government for the states to follow, but without additional federal funds to implement the new mandates, also cause ripple effects in state coffers, which, in turn, often cause the state to be held in violation of the unfunded mandates or, as is often the case, causing states to have to pull from other existing programs to make up the difference. And Federal stipulations placed on funding, such as the Federal Government requiring a state to adhere to certain federally-imposed standards before being eligible have an affect on a state's ability to govern based on its own standards and requiring it to change standards to a Federal one. Bush actions to rescind money already committed by a state to its budget to fund particular programs leaves states in non-session time periods scrambling to find funds, pull funds from other committed projects, or ending programs due to lack of funding availability.

Federal cuts also threaten to harm efforts to help laid-off workers in the states. Bush is asking for an additional \$474 million cut in work-force services nationwide. Arkansas Gov. Mike Beebe said, "The timing of this rescission couldn't be worse. Amidst predictions of national economic downturn, the federal government cuts the very kind of work-force development that is vital to spurring the economy." In 2007, the U. S. Department of Labor cut \$4.3 million from the funds Arkansas receives to train (*cont'd next column*)

ANOTHER OIG REPORT MAKES THE NEWS: FBI CRITICIZES DOD AND CIA

(*from pg 1*) December 2004.

The U.S. Attorney General recently told Congress he cannot prosecute anyone for their illegal interrogation methods at Guantanamo because they were authorized by the Justice Department. But the Convention Against Torture explicitly states that official approval by superior officers of torture does not justify its use.

MCLI has a continuing campaign to make complaints to the OIG of each U.S. government agency engaged in allegedly illegal actions, and then to publicize the OIG reports. So MCLI Intern Adam Shearer called KPFA immediately on seeing the report on the web page of the *Washington Post*, and KPFA did carry the story that night.

workers. U. S. Sen. Mark Pryor, D-Ark., said the White House supported the cuts over objections from the Senate. "It is amazing how out of touch the President and his administration are with working Americans." Gov. Beebe: "The moneys depleted from these work-force-development programs in Arkansas could be paid for by what we are spending in Iraq in the next 24 minutes."

ISSUES:

- Patients hurt by defective drugs/medical devices unable to seek compensation
- States' ability to tax certain Internet services
- Eliminating matching funds under child support programs
- Reducing current funds available (including a reduction in the federal match rate or a reduction in available administrative or programmatic funds) to state and local governments for existing programs without a similar reduction in requirements.

For Rep. Smith's complete article, go to: www.mcli.org

"UNDOING THE BUSH/CHENEY LEGACY - - RESTORING LOST LIBERTIES: A TOOL KIT FOR CONGRESS"

(*from pg 1*) so it will fit easily in a bag for a trip to visit your Congress member or Senator, or to give to the local media."

"It sounds like a lot of work! Do you really think it will make a difference?"

MCLI is a think tank for human rights and peace law based on the principle that there is constitutional law and treaty law to protect peace and human rights and that human beings can work together to see that this law is enforced. History teaches that when enough people demand enough good laws, they get passed and bad laws get wiped off the books -- as in the New Deal after the Great Depression.

So, with the help of MCLI Intern Liz Troutman, and volunteers, MCLI will get the job done -- on time.

We have already gotten specific help from emails sent by:

Steven Aftergood of the Federation of American Scientists • Sean Gonsalves of the Cape Cod Times • Jim Syfers • Beth Lamont • Dense Donaldson • Jamil Dakwar of the ACLU • Marsha Green • Lois Crane • Josefina Castillo • Dinorah La Luz • Richard Pauli • Joe Thompson • Nick Fotheringham • Steve Donelan • Paul Anderson • Tonia Wolf • Nick Santoro • Judith Olsen • Ken Coons • TE Blackmon • Bill Wilt • Samuel Remer • Ann Schafer • David Ray • Elena Campbell

We have also gotten comments on the project from Triaka Smith and Akmal Muhammad.

Readers: Please add your laws now! Send to legacy@mcli.org by July 31. Thanks!

Helping MCLI Turn Back The Tide Today

Our groundbreaking legal activism is made possible by your donations. We need your help funding the Human Rights Reporting Project, the Archival Project, and the Bush/Cheney Legacy book.

So please donate today. And ask your parents, children, friends, and organizations to donate.

Donate by mailing in the form below or easily online at www.mcli.org

MCLI PUBLICATION ORDER FORM

<i>Books that I wish to order:</i>		quantity	total price
<u>The Living Constitution</u>	\$10	_____	_____
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<u>Using International Treaties: CLE Text</u>	\$40	_____	_____
<u>How To Use 'New' Civil Rights Laws After 9/11</u>	\$30	_____	_____
<u>Undoing the Bush/Cheney Legacy: Tool Kit For Congress Flyer</u>	free	_____	_____
<u>Re: John Yoo Memo On U.N. Law On Torture</u>	free	_____	_____

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Save the dates!
CLEs in Detroit & Ann Arbor before
**the National Lawyers Guild
Convention**

October 14

**"New Paths for Lawyers and Legal
Workers After the 2008 Election"**

Using:

- U.N. Treaties' Reporting
Requirements
- Office of Inspector General

Working with:

- Newly-elected officials at all
levels

WATCH FOR & LISTEN TO
JUNE 26 Testimony of Prof. **John Yoo**,
former Dep. Asst. Attorney General,
and **David Addington**, Chief of Staff,
Vice President Dick Cheney, before the
House Judiciary Committee
Subcommittee on the Constitution, Civil
Rights and Civil Liberties
!!Watch for announcements of
meetings & screenings of the hearings!!

New York WBAI Listeners --
Hear Ann Fagan Ginger with
Heidi Boghosian, Michael Ratner, and
Michael Smith on
Law and Disorder, 1-1:25pm, Monday,
June 9 or stream/download online
<http://www.lawanddisorder.org>