

# HUMAN RIGHTS NOW!

*Newsletter of the  
Meiklejohn Civil Liberties Institute*



March  
2008

## 3 TREATY REPORTING PROJECT MOVING FORWARD

GENEVA: After the Feb. 22 meeting of the U.N. Committee on the Elimination of Racial Discrimination, the U.N. Working Group concluded that there are 5 categories in which the U.S. failed, including failure to oversee, coordinate and facilitate compliance at the state and local levels, including creating institutions with power to monitor treaty obligations, collect statistics, and promote educational initiatives. (see *UN Anti-Racism Committee Hears U.S. Report*)

BERKELEY: MCLI played the leading role in convincing the City of Berkeley to become the first in the U.S. to make reports under U.N. treaties. MCLI is now working with activists and government officials in San Francisco and Marin Counties, CA., Eugene, OR., Milwaukee, WI. and Colorado state.

CHICAGO: Attorney Standis E. Willis attended the Geneva U.N. Committee meeting for the National Conference of Black Lawyers/Black People Against Torture to raise the issue of U.S. whitewashing the reality of racial inequality in the U.S. Willis and his organizations charged the Chicago police with the torture of over 100 black men and said the U.S. government report attempted to cover up such human rights violations.

MILWAUKEE: The Greater Milwaukee Human Rights Coalition prepared a shadow report to the CERD on The Status of Racial Discrimination in Criminal Justice, Employment, and Housing in Milwaukee, reports Rose Daitsman. For more information, email: [Daitsman@uwm.edu](mailto:Daitsman@uwm.edu)

## UN ANTI-RACISM COMMITTEE HEARS U.S. REPORT

GENEVA: The U.S. Government sent 24 representatives to meet with the 18 members of the U.N. Committee on Elimination of Racial Discrimination (CERD) to discuss the tardy 2d/3d U.S. Report and what the U. S. government has done to carry out the Concluding Observations the Committee made in 2001.

Facing sharp questioning on disparities in sentencing according to race and statistics on clear racial discrimination in housing, education, criminal justice system, etc., Department of Justice reps began by stating that the federal government need do nothing since U.S. laws now forbid discrimination. No affirmative action or "special measures" are required.

Pushed by Committee members, the DOJ reps then said the government would begin to report back to federal agencies even if they do not agree with the Committee comments. They did not specifically agree to publicize the CERD reports at the local levels.

### MCLI WAS THERE

Judge Claudia Morcom represented MCLI at the preliminary briefing sessions with representatives of 200 U.S. Non-Governmental Organizations, and at the formal session. She gave the concise, statistical report by MCLI to each member of the Committee. (available at [www.mcli.org](http://www.mcli.org))

The U.S. Human Rights Network raised 12 issues with reps from Departments of Homeland Security, Justice, Labor, State, Interior, Health and Human Services, Housing and Urban (cont'd pg 3)

## MCLI LANDS ON THE HUFFINGTON POST AND TRUTHOUT: "U.S. QUIETLY BREAKS U.N. TREATY"

Feb. 25: "On Friday, at a United Nations meeting in Geneva, the United States broke a series of legal promises. Keeping those promises would have proved extremely embarrassing to the U.S. government by pointing out that human rights abuses are being committed here at home, and at U.S. military installations abroad."

This highlights the story filed by Leslie Griffith with the *Huffington Post* and *Truthout* about Judge Claudia Morcom's presentation to the CERD Committee for MCLI and the National Lawyers Guild.

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## FREEDOM OF RELIGION AND SECULAR SOCIETY

Many of us are probably supportive of the Kurdish, Basque, and other peoples' desire for independent nation states of their own, although we may disapprove of some of the means that have been employed toward that end. At the same time others are fearful that their own nation states are being undermined by the great migration of peoples brought about by the turmoil that has been or is being created by colonialism, imperialism, globalization, and the profound environmental changes related to global warming. So while the classical nation state- consisting of an ethnically, linguistically, and culturally homogeneous population- is still an ideal, it is disappearing in reality.

In this situation the Enlightenment ideal of a secular society is as important as it ever was if there is to be peace in the new "mixed-nation" state. Given the problems that have arisen as a result of immigration in countries such as France, England, Germany, Holland, Italy, and to some extent in the United States, it is worth reviewing the basic principles of a secular society. One is that there must be equal rights for everyone. Another is that every right entails an obligation. So with respect to religion, for example, every individual or group has the right to freedom of religion, but this right carries with it the obligation to respect the same freedom for others.

A corollary of these principles is that religion must be private not public. Religious services are conducted in churches, not in public or government spaces or buildings. And one's public identity is primarily that of citizen, not as member of a particular faith. So Christian families do not send their children to public schools with Christian

crosses sewn on their jackets, shirts, or blouses. If they did so the school or other parents would have a legitimate complaint.

These principles are not automatically understood by people who are emigrating from cultures in which religion is public, not private. So Muslim girls in France feel that their identity is bound up with wearing a head scarf, while the French government prohibits it in defense of secular society. One can be sympathetic with the children, but there is little question which side should prevail. Secular society was a hard won achievement after horrifying religious wars and persecutions in the 16th and 17th centuries in Europe. It is a compromise that has made domestic peace possible in many mixed societies. Moreover, it is a fragile compromise and it is not only the migrations of peoples that are threatening its existence.

There are also home grown movements that have the objective of destroying it, such as in Turkey where an attack is being made on the law banning head scarves as a first step in a campaign to overturn secularism, or those in the United States who wish to institute a Christian Republic. By this they don't just mean prayer in schools and having an All Saints' Fish Taco Shop or a Jesus Saves Radiator Repair works. They have something in mind more like the religious dictatorship that existed not too long ago in Iran. Better we stick with the Enlightenment!

Having made this argument, however, I also want to add that in any particular case we still have to look very closely at the social and historical context because there may be other issues involved as well.

-J.Syfers, ed.

## DISAPPEARANCES

The International Convention for the Protection of All Persons from Enforced Disappearance was opened for signature in December of 2006. So far 71 countries have signed (not including the United States) but only one country, Albania, has ratified the convention. Disappearances are a continuing problem.

FEDEFAM (The Latin American Federation of Associations for Relatives of the Detained-Disappeared) is an NGO devoted to rescue victims of forced disappearances from clandestine detention centers and to restore children of disap-

peared parents to their families of origin.

The organization notes that more than 90,000 persons have been disappeared in Latin America and at present forced disappearance occurs frequently in Columbia, Guatemala and Peru. I have been unable to find an estimate for the number disappeared in North America since 2001.

The organization appreciates support, so if you read Spanish you may want to subscribe to their quarterly report *Hasta Encontrarlos* for a donation of \$15. Postal address: Fedefam 2444, Carmelitas 1010, A, Caracas, Venezuela. -J.Syfers, ed.

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## UN ANTI-RACISM COMMITTEE HEARS U.S. REPORT *(cont'd)*

*(cont'd from pg 1)* Development, Education, and Equal Employment Opportunity Commission:

1. **Katrina**: originally raised by MCLI with the U.N. Human Rights Committee in 2005. The U.S. delegation said the government is rebuilding. The Network responded: in white neighborhoods only.
2. Law enforcement, including the treatment of **juvenile offenders**
3. **Prison** conditions/post-imprisonment practices
4. Policies leading many from School to Prison
5. **Immigrant** rights
6. Post 9/11 practices
7. **Reproductive rights**; health care
8. Privatization of public **hospitals**
9. **Housing** discrimination
10. Continuing violation of the rights and treaties of the **Western Shoshone**
11. Sending **children of color** to Boarding schools that violate reproductive rights
12. Violations of the rights of **Transgender** women of color

The Committee's Concluding Observations on the U.S. Report will be issued March 7. This will include specific commendations of U.S. actions, and specific steps the U.S. must take to enforce the CERD treaty before the next report in two years.

**MCLI will quickly make the Observations available on our website: [www.mcli.org](http://www.mcli.org)**

MCLI will also issue a press release that can be picked up by Huffington Post, Truth Out and every other concerned NGO.

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## ON VISITING A PRISONER

I am Rev. Kurt A. Kuhwald, Unitarian Universalist minister, and I have been corresponding with and visiting a prisoner in the state prisoner system. I am unable to name the person due to my fear of reprisal against him. He recently told me of his ethnic group that he would no longer fight them and for them against other groups. As a consequence, he was assaulted by a number of men while in the yard. He reports that this happens weekly. The visitors department is unresponsive to calls to it, so it is difficult to know if a prisoner can be visited before driving 200 miles to the prison.

## HUMAN RIGHTS ORGANIZATIONS & PERIODICALS DIRECTORY IS A BIG HIT!

Looking for the address of the U.S. Farmers Association in Denison, Iowa, the Association for Children for Enforcement of Support in Cleveland, Ohio, or the Global Network Against Weapons and Nuclear Power in Space, in Maine? The U.S. Campaign to Free Mordechai Vanunu is in Arizona.

Looking for publications, from *Abraham Lincoln Abroad* to the *ZPG Reporter*?

All these, and 1,300 more entries are in the 12th edition of MCLI's famous "Human Rights Organizations & Periodicals Directory." All items were updated by dedicated, sharp MCLI interns.

It's now available. You can order it on the MCLI website, at [www.mcli.org/store](http://www.mcli.org/store). Or use the form on page 7 of this newsletter.

And tell your local library, career center, and university to get copies!

## ON THE LAST HUMAN, BY G.J. SAWYER AND VICTOR DEAK

A strong argument can be made on the basis of Articles 12, 13, and 15 of the International Covenant on Economic, Social, and Cultural Rights that everyone enjoys the right to basic scientific knowledge, which would include the theory of evolution, the foundation of modern biology. A survey done in 2005 of 32 developed countries found that the country with the least percentage of people who believed in the evolution of humans was Turkey, around 30%, followed by the United States, around 40%. Iceland was highest, around 85% (NYT 8/15/06). So we have a ways to go here in the U.S.

This book, *The Last Human*, the product of a collaboration of experts centered at the American Museum of Natural History in New York City, would be a wonderful one to use in studying human evolution. With the techniques developed by forensic anthropology, the faces of 22 different species have been reconstructed from existing skulls. I found it a moving experience to look at these faces, marveling at how these early species of humans managed to survive as long as they did, given accidents, diseases, lions, hyenas, carnivorous bears, and other predators. Most of the species pictured lasted from 50 thousand to 100 thousand years

before becoming extinct, and little is known about why they became so. The oldest example of our own species ("the last human") from Israel, has been dated as far back as 80 thousand to 94 thousand years. So we are approaching the 100 thousand year mark. Hopefully we can do somewhat better at survival than our ancestors.

In any case, the right to basic scientific knowledge is not simply a right vital to the individual person. It is essential to the maintenance of a sane, stable and democratic society. This point is argued very forcefully in Chris Hedges' book, *American Fascists: The Christian Right and the War on America*, Simon Schuster, 2006, which examines the danger to the United States from a growing movement that is profoundly hostile to science, and especially to the idea of evolution (Darwin is held responsible for everything from genocide to teenage pregnancies). It is a movement that is prepared to wage war on its "satanic" enemies. We need to take it seriously.

-J.Syfers, ed.

*The Last Human: Twenty-Two Species of Extinct Humans*. G.J.Sawyer and Victor Deak, Yale Univ. Press, 2007.

## WHAT TO ASK THE CANDIDATES BETWEEN NOW AND NOVEMBER

There is time between now and the November elections to ask candidates for President and Vice President, and candidates for the House and Senate, what they will do on specific issues if elected or re-elected.

This is worth doing. As a NonGovernmental Organization, MCLI has no advice on who to vote for. MCLI, as a think tank for human rights and peace law, has MUCH advice on the importance of

- registering and voting
- talking to other voters about the issues
- asking candidates about their stand on human rights and peace law issues

This includes candidates for local and state offices. Many people are learning, in 2008, that what happens in City Hall and at the Board of Supervisors and State Legislature can make a big difference in what rights one has, and what important projects will be budgeted.

### AT THE FEDERAL LEVEL

Every candidate for President and Vice President should be asked what they will do if elected about the most basic issues of war and peace, the economy, the environment, health care, education, and human rights. Every candidate for Congress should be asked what they will do if elected.

- Will they simply pass the laws the new President asks them to pass?
- Will they propose laws and budget items their constituents support?

### THE BASIC ISSUES BEFORE THE PRESIDENT AND CONGRESS

- ending U.S. wars in Iraq and Afghanistan
- not starting or funding any more wars anywhere, including Iran and Syria and Pakistan and Israel and Egypt and ...
- getting habeas corpus back by repealing the Military Commissions Act of 2006
- preventing any government agency access to private email messages
- getting more money for education at all levels so that the class size in poor neighborhoods will be the same as at Prep Schools
- making timely, accurate reports to U.N. Committees on human rights, racism, and torture required under treaties the U.S. has ratified
- funding adequate unemployment compensation that lasts long enough for folks to find a new job
- passing laws to help people facing mortgage foreclosures with no place to live
- providing good, affordable health care for all
- passing a specific law against water boarding by any U.S. government agency or contractor anywhere, and withholding money from any state or local government that permits waterboarding
- funding New Deal type Civilian Conservation Corps jobs to save human beings, and the environment
- working for massive increases in funding and staffing hospitals for returning veterans, including psychiatric/social work help



*Portrait of a homeless man. Berkeley, 2008*

### WHAT TO ASK CANDIDATES FOR THE SENATE SPECIFICALLY

Each candidate for the Senate should make a commitment to work for Senate ratification of:

- Convention on Elimination of Discrimination Against Women (CEDAW)
- Convention on the Rights of the Child (CRC)
- International Covenant on Economic, Social and Cultural Rights

### WHAT TO ASK CANDIDATES FOR THE HOUSE AND SENATE

Every candidate for the House and Senate will have an opportunity to help bring peace to the U.S. by supporting certain budget items and opposing others.

Each candidate should be asked to oppose funding for nuclear weapons, old and new.

They should be asked to propose that appropriate House and Senate Committees hold hearings on what the U.S. Government is doing to enforce the Nuclear Nonproliferation Treaty ratified by U.S., and to publicize the International Court of Justice 1996 opinion that nuclear weapons are illegal. Congressional candidates should be asked whether they will hold hearings in appropriate Committees on how to change U.S. government agency policies and practices to enforce the U.S. commitment in the U.N. Charter and all ratified U.N. human rights treaties that every human being has a right to human dignity.

*(cont'd pg 5)*

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## NATIONAL CONFERENCE OF BLACK LAWYERS CONDEMNS AFRICOM

The National Conference of Black Lawyers (NCBL) has issued a call to all young people of African descent to boycott the U.S. military to ensure that they will not be ordered to carry out missions on behalf of Africa Command (Africom), or any military unit or program engaged in violating international law, committing crimes against humanity, or committing crimes of any kind that threaten the peace of any continent.

Africom is a rapidly developing initiative that is intended to consolidate and expand the U.S. military presence in Africa. NCBL has concluded that Africom's mission infringes on the sovereignty of African states due to the particularity of Africa's history and Africa's current economic and political relationship to the United States. Further, Africom is likely to violate international law standards that protect rights to self-determination and that prohibit unprovoked military aggression.

"We believe that Africom is nothing more than a device to ensure that the U.S. oil industry will continue to have unfettered access to Africa's vast supplies of oil," said Mark P. Fancher, an NCBL spokesman. "If anyone in Africa interferes with U.S. oil operations, we suspect that they will be given the terrorist label and then targeted for military attacks."

NCBL has also announced its commitment to finding pro bono legal representation for people of African descent who are already enlisted military personnel, and who choose to defy orders to participate in Africom operations.

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## WHAT TO ASK THE CANDIDATES BETWEEN NOW AND NOVEMBER *(cont'd)*

*(cont'd from pg 4)*

### WHAT TO ASK PRESIDENTIAL CANDIDATES

Every candidate for President should be asked whether they will work to reinstitute annual reporting requirements by the President on unemployment rates, and requiring a Presidential plan to bring down to 3% for adults, 4% for minors (as in Humphrey-Hawkins Act).

Will the Presidential candidates:

- ask Congress to increase the number of Peace Corps recruiters to equal one for each military recruiter?

- ask Congress to increase the number and types of Peace Corps jobs to draw in high school graduates and drop-outs?

- follow the practices of President Abraham Lincoln and actually listen to human beings living and working/seeking work in the U.S. because there were no jobs in their native countries?

- propose fines for every employer who deliberately hires non-citizens to work at lower wages and under worse working conditions than U.S. citizens?

### GO GREEN

Each candidate for any office, at the local, state, and federal levels, should be asked what they will do:

- to publicize all successful efforts to cut green house gases?

- to fund all public transportation proposals to cut use of individual automobiles? -A.F.G.

## RACIAL INCIDENT AT CRAGMONT ELEMENTARY SCHOOL IN BERKELEY

What do Berkeley public schools share with the public schools in Jena, Louisiana? Neither school district has a racial incident policy that can address the racial intimidation symbolized by hangman's nooses nor protect fifth grade students from hearing the word "nigger" used by a white teacher to correct an African American male student. Neither school district has personnel in place to hold professional staff accountable for inappropriate racial remarks. Neither has a human rights-centered curriculum that teaches mutual respect for all human beings and that all are entitled to human rights regardless of race, color, gender, sexual orientation, religion, culture, language, or national origin.

In Berkeley in November, 2007 the fifth grader used the word "fruity," not really knowing its meaning. The teacher responded: that's like using the word "nigger," which everyone in class knew the meaning of.

When the parent of the child appealed to the teacher and principal for an explanation and apology, the teacher immediately sought and received the support of the Berkeley Teachers Union president

and the principal. The teacher conducted a discussion with another teacher that led the class to vote thumbs down against the boy for using the term "fruity" and exonerated the teacher for using the word "nigger" to correct him.

A coalition of African-American, Latino, and Jewish parents contacted Reverend Daniel Buford of MCLI for support and guidance after the principal imposed an in-house gag order on discussion of the topic. The principal was given several opportunities last year to distance himself, the school, and the school district from the teacher's conduct and refused to do so. The boy remains in the teacher's class and has found himself treated as an outcast in this posh Berkeley Hills school where he is greatly outnumbered along racial and cultural lines.

Rev. Buford has spoken to the editor of the Oakland Post, Berkeley City Councilman Kriss Worthington, Congressional Rep. Barbara Lee, and Berkeley School Board President Karen Hemphill, and formal complaints have been filed with the Berkeley School district and Federal Government.

Stay tuned.

-Rev. Daniel Buford

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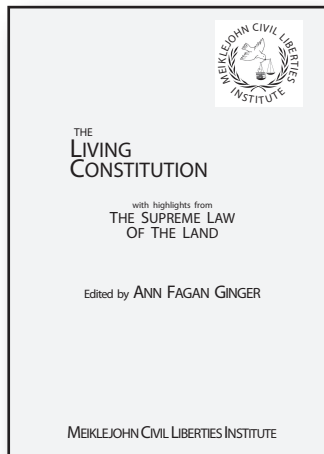
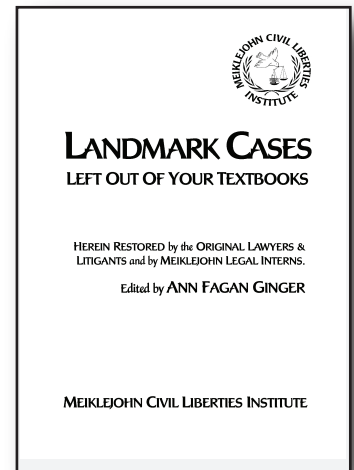
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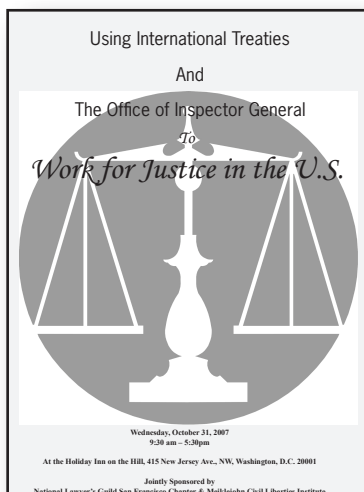
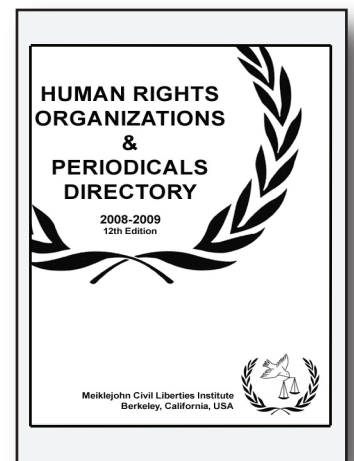
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