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Reject Request to Return Torture Report, Groups Tell Obama

Counter-Terrorism Policies & Practices

On January 28, several advocacy groups joined The Constitution Project in expressing "serious concern" that executive branch agencies have apparently ignored the Senate Intelligence Committee's full report on CIA torture since receiving it more than six weeks ago. Last December, the committee released a declassified version of the [executive summary](#) of its 6,900 page report on the CIA's detention and interrogation program after 9/11. The summary detailed the use of brutal interrogation techniques that most consider torture. The findings of the Senate report closely mirror - and complement - those contained in our own [bipartisan Task Force on Detainee Treatment report](#) issued in April, 2013.

At the same time, a full-length version of the still-classified report was delivered by Sen. Dianne Feinstein (D-Calif.), the former chair of the committee, to the White House and other executive agencies for use by appropriately cleared officials. The current committee chair, Sen. Richard Burr (R-N.C.), [reportedly](#) sent a letter to the White House asserting Feinstein should never have supplied the documents to the executive branch and demanding their immediate return. The groups [urged President Obama](#) "to embrace [the report], and to ensure that your administration does as well." [READ MORE](#)

Earlier in the month, TCP [released a new poll](#) showing that an overwhelming bipartisan majority of Americans thinks torturing people is immoral, and wants Congress to tighten laws prohibiting it. [READ MORE](#)

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The Time Is Now for Criminal Justice Reform, Panelists at Hill Briefing Say

Sentencing Reform

On January 28, The Constitution Project Right-Left Criminal Justice Working Group hosted a Capitol Hill briefing on federal legislation aimed at reducing incarceration rates and broadening the opportunity for ex-offenders to safely reintegrate into society. The speakers at the standing-room only event represented a "who's who" of criminal justice reform advocates from across the political and ideological spectrum. You can [watch the entire event](#) on C-SPAN. [READ MORE](#)

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TCP's Grewal Testifies on Body Cameras at Policing Task Force

Policing Reform

TCP Policy Counsel Madhu Grewal spoke by invitation at a January 31 "listening session" of the President's Task Force on 21st Century Policing in Cincinnati, Ohio about the use of body-worn cameras by law enforcement. She [offered a number of recommendations](#) on the collection, uses and storage of the data, and on controlling access to it. Over the next several months, the new TCP [Committee on Policing Reforms](#) will publish in-depth reports on the use of military equipment and tactics by law enforcement, and on the use of body-worn cameras.

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Supreme Court Grants Missouri Inmate Opportunity for Federal Review of Death Sentence

Death Penalty

On January 20, the U.S. Supreme Court granted Missouri death row inmate Mark Christeson the opportunity to make his case for federal court review of his sentence. TCP organized two [friend-of-the-court briefs](#) from former state and federal district judges who argued that Christeson had been abandoned by his court-appointed counsel and, as a result, had never received federal review of his sentence. Christeson's attorneys credited the TCP briefs, written with generous pro bono assistance from Goldstein & Russell P.C., with strongly informing the Court's final decision. [READ MORE](#)

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Groups Urge Swift Passage of Legislation Protecting Email Privacy

Location Tracking & ECPA

A broad coalition of 70 technology companies, trade associations and privacy groups joined The Constitution Project in urging quick consideration of warrant-for-content legislation that would provide stronger protection to sensitive personal and proprietary online communications. In similar letters delivered to leaders of the [House](#) and [Senate](#) Judiciary Committees on January 22, the groups wrote "there is an extraordinary consensus around ECPA reform - one unmatched by any other technology and privacy issue." We expect bipartisan legislation amending the Electronic Communications Privacy Act - the 1986 law that currently allows law enforcement agencies to access without a warrant emails that have been stored for more than 180 days and information stored "in the cloud" - to be introduced later today. [READ MORE](#)

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House Adopts TCP-Backed Rules Change to Reduce Overcriminalization

Sentencing Reform

On January 6, the U.S. House of Representatives [adopted a rules change](#) that gives the Judiciary Committee authority to review any bill proposing or modifying a new or existing criminal law or penalty. The rules change is intended to protect against overcriminalization, which often occurs when legislators use criminal law (rather than civil law) to ensure compliance with regulatory objectives. It was [backed](#) by a diverse coalition of organizations, including TCP, the National Association of Criminal Defense Lawyers, the U.S. Chamber of Commerce, Heritage Action for America and the general counsel of Koch Industries. [READ MORE](#)

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TCP Argues 4th Amendment Search Occurs When Government Forces Companies to Copy User Email

Government Surveillance & Searches

Several other civil liberties groups joined TCP in filing a [friend-of-the-court brief](#) in the Microsoft Ireland case currently before the Second Circuit Court of Appeals. The issue at the heart of the case is whether domestic search warrants can compel disclosure of emails kept in overseas data centers operated by American companies. Individuals and businesses increasingly rely on cloud storage for email, documents and other private data, and American technology companies see the government's assertion that can compel disclosure as a potential threat to their plans to offer cloud computing services overseas. [READ MORE](#)

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Confrontation Clause Applies to All Phases of Capital Case, TCP Tells Supreme Court

Death Penalty

In order to realize the Founders' original intent, the Sixth Amendment right to confront witnesses must apply to the penalty phase of a death penalty case, just as much as it does during the initial trial phase, TCP argued in a [friend-of-the-court brief](#) filed on December 29 asking the U.S. Supreme Court to consider the case of *Alejandro Enrique Ramirez Umaña v United States*. Allowing the execution of Umaña "following a proceeding in which the government presented hearsay testimony inculcating him murders for which has had never been tried or convicted ... would 'astound the Framers,'" TCP asserted in its brief. [READ MORE](#)

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