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Dear Friend of TCP,

Mark your calendar for September 17 to join TCP in [commemorating Constitution Day](#). This year, we will present our annual Constitutional Commentary award to James Risen for his 2014 book, *Pay Any Price: Greed, Power, and Endless War*, and his body of work reporting on the post-9/11 national security state. In his new book, the Pulitzer Prize-winning New York Times reporter offers a disturbing account of the lack of government transparency and accountability in the post-9/11 era.



Following the award presentation, we will host a panel discussion exploring some of the critical questions Risen and others have raised. How can we achieve greater transparency and accountability in the seemingly never-ending war on terrorism? What is the appropriate role for Congress and inspectors general in overseeing spending on counterterrorism programs? What risks, legal and otherwise, do journalists face in covering national security issues?

The program is co-hosted by Georgetown Law School, and sponsored by John Marshall Bank and the Center for the

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Constitution at James Madison's Montpelier. This popular event always fills fast, so [reserve your seat](#) today. I look forward to seeing you there.

Sincerely,

Virginia Sloan
President, The Constitution Project

TCP Calls on Lynch to End 'Conveyor Belt' System of Justice for Illegal Border-Crossers

Right to Effective Counsel

In a [July 28 letter](#) to Attorney General Loretta Lynch, TCP called on the federal government to end the "conveyor belt" system of justice for immigrants charged with illegal entry or reentry, and to ensure that defendants facing prosecution for those crimes have access to effective representation by a lawyer. The program for prosecuting illegal border-crossing often completes a criminal case with incarceration and deportation consequences in less than two days, and defendants rarely have a lawyer until just hours before their appearance in court. Prosecutions of illegal entry and reentry have accounted for more than half of federal criminal convictions this year. [READ MORE](#)

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Coalition Urges President Obama to Oppose Cybersurveillance Bill

Government Surveillance & Searches

A coalition of 68 civil society organizations, security experts and academics from across the political spectrum have joined TCP in urging President Obama to "strongly oppose" the Cybersecurity Information Sharing Act of 2015. In a [letter delivered](#) to the White House on July 27, the group argued that the bill fails to establish civilian control over domestic cybersecurity, significantly increases the federal government's access to personal information, and authorizes use of that information for a myriad of purposes unrelated to cybersecurity, undermining traditional due process protections. A [column in The Huffington Post](#) I coauthored with several TCP staffers spells out requirements for a comprehensive and constitutional cybersecurity policy. [READ MORE](#)

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DoJ Can't Hide Contents of Criminal Discovery Manual, Then Use It to Block Reform, TCP Tells Court

Criminal Discovery Reform

The Department of Justice cannot refuse to make public the contents of its manual that explains how and when federal prosecutors must disclose information favorable to a criminal defendant, then use the existence of the manual as a reason why Congress ought not reform federal criminal discovery rules, TCP argues in a [friend-of-the-court brief](#) filed with the U.S. Circuit Court of Appeals for the District of Columbia on July 22. The brief contends that "government agencies cannot cite to secret governmental materials as part of a public debate on an issue, then withhold those materials when the public asks to see them." [READ MORE](#)

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Discrimination in Jury Selection Invalidates Georgia Death Sentence, Prosecutors Say

Death Penalty

Eight prominent former trial prosecutors from some of the largest jurisdictions in the country are asking the U.S. Supreme Court to set aside the conviction of Timothy Foster, a Georgia death row inmate, because the prosecution in the case systematically excluded black prospective jurors from serving on the jury solely on the basis of their race. "It should be self-evident that a prosecutor's

fulfillment of his or her function depends not only on seeking a conviction but on upholding constitutional principles and maintaining the public's faith in the rule of law - a charge in which there is no place for race discrimination. When prosecutors discriminate in the selection of jurors, they violate the Constitution and abdicate their responsibility to the public," the group of prosecutors wrote in a [friend-of-the-court brief](#) organized by TCP and written with the generous assistance of Jenner & Block. It was filed with the Supreme Court on July 31. Steve Bright of the Southern Center for Human Rights represents Foster. [READ MORE](#)

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TCP Hosts Hill Briefing on Supreme Court Cases

Current Events

On July 9, TCP hosted a standing room only Capitol Hill briefing on major cases decided by the U.S. Supreme Court during its most recent term, which concluded at the end of June. The discussion was led by TCP Supreme Court Fellow and constitutional law professor Steve Vladeck, and also included Rep. Robert C. Scott (D-Va.) and TCP Senior Counsel Rita Siemion.

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