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Dear Friend of TCP,

I am pleased to announce that Michael S. Johnson, described by The Washington Post as a "Republican heavyweight," has joined TCP's Board of Directors. He has had a wealth of experience in the executive and legislative branches of government and the private sector, spanning 35 years in Washington.



He served on the White House staff of President Ford before moving to Congress, first as press secretary and later as chief of staff to then House Republican Leader Bob Michel of Illinois. He also has 21 years of experience in the private sector as a lobbyist and policy and communications strategist for both domestic and international clients, and was among the founders of the Main Street Republican Partnership, an organization created to advance centrist approaches to the governing process. You can read more about our newest Board member on [our website](#).

If you haven't already, now is the time to mark your calendar for TCP's 9th Annual [Constitutional Champions Gala](#) to be held in Washington, D.C. on April 27. This event honors four individuals who have tenaciously fought to defend our Constitution. Our honorees this year include: former Supreme Court Justice John Paul Stevens; Senator Diane Feinstein (D-Calif.), former chair of the Senate Select Committee on Intelligence; and nationally-syndicated columnist George Will. The fourth honoree is the late Representative Don Edwards (D-Calif.), who for many years chaired the House Judiciary Committee's Subcommittee on Civil and Constitutional Rights, where I had the honor of working as a staff counsel. For more information about sponsorship opportunities, [contact Lisa Banks](#). To purchase tickets, [visit our website](#).

Sincerely,

Virginia Sloan
President, The Constitution Project

Supreme Court Needs to Clarify Determination of Intellectual Disability in Capital Cases, TCP Says

Death Penalty

The Supreme Court should consider a case clarifying the standards for determining intellectual disability in death penalty sentences, TCP said in a [friend-of-the-court brief](#) filed on January 18. "The consensus diagnostic criteria for intellectual disability have changed in important ways over time, such that a refusal to consider up-to-date criteria will necessarily result in the execution of defendants who are plainly intellectually disabled under consensus standards," TCP wrote in its brief asking the Court to hear the case of Bobby James Moore v. Texas. The brief notes that many states now apply outdated standards in determining intellectual disability in capital cases, but different courts have different interpretations about what is allowed. [READ MORE](#)

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Groups Want Public Discussion of Foreign Surveillance Program

Government Surveillance & Searches

More than twenty privacy, civil liberties, and human rights organizations joined TCP in calling on Congress to hold public hearings on reforming Section 702 of the Foreign Intelligence Surveillance Act. Section 702 allows the National Security Agency to collect the phone calls and e-mails of anyone reasonably believed to be a foreigner overseas, as long as acquiring "foreign intelligence" is a significant purpose of the surveillance. It expires at the end of 2017.

"In today's global communications environment, disclosures of information about how Section 702 operates have confirmed the validity of many of the public's and civil society's concerns that this statute implicates the privacy rights of millions of people in the US and around the world who communicate with friends and colleagues abroad, including human rights activists who rely on secure communications for their safety," the groups wrote in a [letter delivered](#) to House Judiciary Committee leaders on January 27. The committee held a closed briefing on Section 702 for February 2, but some members have promised to conduct public hearings as well. [READ MORE](#)

On January 13, many of the [same groups asked](#) Director of National Intelligence James Clapper to provide more information to the public on how many Americans are "incidentally" included in foreign surveillance data collection and how the information is used by the NSA, the FBI and other government agencies. The information request is pending. [READ MORE](#)

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TCP Backs Unanimous Jury Legislation for Capital Cases in Florida

Death Penalty

In the aftermath of the January 12 U.S. Supreme Court in *Hurst v. Florida*, which found the state's current capital sentencing scheme unconstitutional, TCP called on the Florida Legislature to act quickly to ensure that juries unanimously agree on whether to impose a death sentence and on determining mitigating or aggravating circumstances. Although it requires a unanimous jury verdict

to convict a defendant, Florida is one of only a few states that allow a jury to then sentence that person to death with less than a unanimous finding.

"Requiring unanimity ensures more reliable verdicts in death penalty cases. Non-unanimous juries, unsurprisingly, express less confidence in the justness of their decisions," TCP said in a [statement released](#) by the bills' sponsors in Tallahassee on January 13. The legislation is HB 157 by Rep. Jose Javier Rodriguez and SB 330 by Sen. Thad Altman.

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TCP Welcomes Two New Staff Members

Current Events

TCP welcomed two new staff members in January. [Katherine Hawkins](#) joined TCP as Senior Counsel focusing on national security issues, particularly treatment and detention of terrorism suspects, and government transparency and accountability. Earlier, Katherine served as an investigator for TCP's bipartisan [Task Force on Detainee Treatment](#), which released a comprehensive report in 2013 on the federal government's policies and actions related to the capture, detention and treatment of suspected terrorists during the Clinton, Bush and Obama administrations.

[Jake Laperruque](#) is a Privacy Fellow at The Constitution Project, where he is working on issues of government surveillance, national security and defending privacy rights in the digital age. Prior to joining TCP, Jake was a fellow at New America's Open Technology Institute and at the Center for Democracy and Technology.

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