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*Bill Rowlings writes:*

– from a report in the NY Times, 26 November 2004

**Experts challenge company claims that Taser 'stun-guns' are safe**

– based on a report by ALEX BERENSON  
'Stun-guns' – the best-known of which are called Tasers – about to be used by police in Canberra have never been properly tested for human safety, according to US Air Force experts who have just completed a preliminary study on them.

Civil libertarians in the United States are concerned that police have used the stun-guns on children as young as a boy, 6, and a girl, 12.

Tasers are pistol-shaped weapons that fire electrified darts up to about 7m, shocking suspects with a painful charge; more than 5,500 police departments and prisons now use Tasers, compared with only a handful five years ago, according to the NY Times report.

Alex Berenson's article reported that a research laboratory had directly contradicted claims by the manufacturer, Taser International, that a US federal study endorsed the safety of its guns.

"Taser said last month that the government study, whose full results have not yet been released, found that its guns were safe," Berenson writes.

"Since that statement, the company's stock has soared and its executives and directors have sold \$68 million in shares, about 5 percent of Taser's stock and nearly half their holdings.

"But the (US) Air Force laboratory that conducted the study now says that it actually found that the guns could be dangerous and that more data was needed to evaluate their risks.

According to the laboratory, the guns "may cause several unintended effects, albeit with low probabilities of occurrence."

The US Air Force laboratory released the statement after a symposium on Tasers, as the company's guns are known, and on other weapons intended to incapacitate people without killing them.

"Taser said that it stood behind its October statement," Berenson writes.

The article said that other data presented at the symposium raised questions about one of Taser's key claims about the effectiveness of its newest and most expensive weapon.

"Many police officers say that Tasers give them a way to restrain dangerous

suspects without using firearms or fighting with them.

"But civil liberties groups say police often use Tasers on people who are merely unruly or disobedient, not dangerous. Recently, police officers in Miami shocked a 6-year-old boy and a 12-year-old girl in separate incidents, prompting widespread criticism," Berenson wrote.

The senior deputy executive director of Amnest International in the US, Curt Goering, said: "The evidence suggests that far from being used to avoid lethal force, many police forces are using Tasers as a routine force option.

"The way these weapons are being used in some circumstances could constitute torture or ill treatment,"

Amnesty has called for police departments to stop using the guns pending an independent inquiry into their safety.

Mr Goering is quoted as saying Amnesty would release a report in early December documenting police abuse of Tasers.

Berenson reported that the growing use of Tasers was disconcerting because their risks had not been properly studied according to biomedical engineers.

He said that more than 70 people had died since 2001 after being shocked with Tasers, mainly from heart or respiratory failure.

Taser International is quoted as saying the deaths resulted from drug overdoses or other factors and would have occurred anyway. But, Berenson said, coroners had linked several deaths to the weapons.

As well, independent scientists who are authorities on electricity and the heart had said that the company may be significantly underestimating the weapon's risks, especially in people who have used drugs or have heart disease.

According to the Berenson article in the NY Times, Taser had performed

only minimal research on the health effects of its weapons.

Its primary safety studies on the M26, its most powerful gun, consisted of tests on a single pig in 1996 and on five dogs in 1999.

The company had resisted calls for more tests, saying that it was comfortable with the research it had conducted, Berenson reported.

"Tasers are largely unregulated and have never been studied for their safety or effectiveness by the (US) Consumer Product Safety Commission or the Bureau of Alcohol, Tobacco, Firearms and Explosives," he said.

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– from NY Times, 24 November 2004

### **Britain plans to introduce compulsory identity cards**

From a report by ALAN COWELL

Under the threat of terrorism, Australia's Queen has announced that Britain plans to introduce national identity (ID) cards for the first time since World War Two.

The proposal was revealed in the Queen's speech at the opening of the British Parliament in November.

Speaking on behalf of the British Government, she announced she would introduce a national identity card in 2008 to fight terrorism and organized crime.

Australia and Britain's queen said Britons "live in a time of global uncertainty with an increased threat from international terrorism and organized crime".

Speaking later, the British Prime Minister Tony Blair said: "With terrorism, illegal immigration and organized crime operating with so much greater sophistication, identity cards are long overdue."

The UK's Opposition Conservatives and Liberal Democrats assailed the plan as an effort to raise levels of fear in Britain in the hope of winning votes in elections next year.

The Queen, speaking as the British government, announced other security-related moves, including proposals for new counter-terrorism legislation and for a new police unit similar to the Federal Bureau of Investigation (FBI) in America.

Britain ceased issuing national identity documents to its citizens 52 years ago. Many countries in Continental Europe use ID cards. Opponents argue that ID cards infringe civil rights because they comprise the foundation of a national database on individuals.

The cards are expected to include names, addresses and biometrics, such as computerized fingerprints.

Previously announced plans called for the introduction of identity cards around 2008, when Britons applying for a new passport would be required to also obtain an identity card.

The British government wants to make the cards compulsory at a later date. It is not known whether the Queen will be required to carry one.

It is also not known whether the Queen, speaking as the head of Australia, will make a similar announcement that identity cards will apply in Australia from 2008.

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## **ACT CL stalwart dies**

The death occurred in October of Laurie O'Sullivan, the man who almost single-handedly kept civil liberties alive in Canberra for decades.

On Australia Day this year, he was elected unanimously as the first Honorary Life Member of Civil Liberties Australia (ACT) Inc.

**Lawrence Gregory (Laurie) O'Sullivan OAM, BEc, MEc, LLB. (Syd)**

Born in Sydney on 9 May 1923, he died in Canberra on 11 October 2004.

Laurie was the son of Christopher John O'Sullivan and Lillian Olga [Danaher] O'Sullivan. He had one sister, Carmel Pollard, who is still alive.

He began studying Economics at Sydney University in 1941, and was called up for military service during the same year, aged 18. He saw active service in the Australian Army in World War Two in Papua-New Guinea.

On return from the war, he resumed public service employment, completed his BEc and undertook further studies, finally graduating from Sydney University with a Masters in Economics and a Bachelor degree in Law.

He was an active member of the Campion Society at the University, both before and after his war service.

In 1950, Laurie married Bernice Jackson. They produced four children: Gregory, Christopher, Miranda and Justine.

The family moved to Canberra in 1951 and Laurie worked within the Public Service, helping to settle in the Public Service Board.

He was called to the Bar in 1952, then left the Public Service and went into practice as a barrister in the mid-1960s. Laurie practised initially in Sydney in Forbes Chambers. He then practised in both Sydney and Canberra, settling to work mainly in Canberra by 1970.

He was for many years the president of Council of Civil Liberties ACT, the forerunner of the CLA. In fact, it was Laurie O'Sullivan who kept it alive until a rival group mounted a 'takeover' in the late 1990s.

When Dr Kris Klugman and Bill Rowlings approached him to help resurrect civil liberties in the ACT, after the takeover group had allowed the earlier organisation to lapse, he was delighted and very supportive.

"Dad was always interested in social justice and human rights issues," his son Gregory wrote last month.

"This was reflected in later years by his membership of the committee set up by the Catholic Church to look into the conditions and treatment of immigrants and refugees. He was also

a member of the ANU'S Ethics Committee into Human Research until shortly before his death.

"Dad also travelled to Sydney once a month to meet with a group of retired economists."

Laurie is survived by Bernice and the four children. CLA ACT extends our deepest sympathies to them.

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– from an ACLU email, 07 Nov 2004

### **ACLU vows to continue to fight Bush's 'dangerous full-court press'**

"In the months ahead, they will come after our freedoms under cover of the war on terror," the executive director of the American Civil Liberties Union (ACLU), Anthony Romero, warned last month in relation to the re-elected government of George W. Bush.

"They will stage a full-court press in support of their dangerous social issues agenda.

"With their political opponents weakened and with the knowledge that they will never have to face the voters again, they see a golden opportunity. They won't let it go to waste.

"We expect them to move rapidly on everything from funding religion to escalating assaults on abortion to outlawing same-sex marriage," Romero warned.

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– from NY Times, 10 Nov 2004

### **EDITORIAL precis**

A prosecution before the first American military commission since World War II was halted this week, just as it was getting started, by a federal judge in Washington who ruled that the proceedings lacked the basic elements of a fair trial and violated the Geneva Conventions.

It was the latest in a series of court decisions that have taken the Bush administration to task for trampling on

the law in the name of fighting terrorists.

The administration should bring its policies into compliance with the law.

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– from a report in the NY Times  
27 November 2004

### **Saudis crack down on public servants talking to news media**

The Saudi Arabian cabinet had issued a stern warning to public employees against talking to the news media, domestic or foreign, with the intention of criticizing the government's policies or programs.

The impact of the new law was commented on in an Op-Ed piece in the NY Times by Khalid Al-Dakhili, who himself works for a public institution, King Saud University.

Despite the warning, he went ahead with an interview with a foreign TV organization, which has not yet been aired.

Under the new law, public employees are prohibited from opposing state policies and programs, whether by signing statements, making speeches or by going on talk shows.

Doing so, the cabinet says, means the employee has violated his "duty of neutrality and loyalty to public service."

Any violation prompts the start of "the necessary procedures to implement the relevant laws", according to Al-Dakhili.

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– from an ACLU email, 12 Nov 2004

### **Missouri high school censors gay student**

The ACLU has come to the defence of a high school junior who was sent home twice from school for wearing t-shirts bearing gay pride messages.

The principal cited concerns that other students may be offended by the shirts worn by Brad Mathewson.

"This school allows its students to freely express their views on gay and lesbian rights - but only if they're on the anti-gay side of the issue," said Jolie Justus, a member of the legal panel for the American Civil Liberties Union (ACLU) of Kansas and Western Missouri, noting that bumper stickers in favor of Missouri's recently-passed anti-gay marriage constitutional amendment are ubiquitous in the school's hallways and parking lot.

"This is a classic case of censorship. Brad Mathewson has the same constitutional right to political speech and expression that the Supreme Court says all students have."

To find out more visit:  
<http://www.aclu.org/LesbianGayRights/LesbianGayRights.cfm?orgid=n&ID=16915&c=106&MX=1706&H=0>

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– from UNity, newsletter of the UN Assn. Of Australia, No 404, 12 Nov 04

### **BOOKS: BILL OF RIGHTS**

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The Human Rights Act 2004 (ACT): a significant, yet incomplete, step toward the domestic protection and promotion of human rights. *Public Law Review*, vol.15, no.3, September 2004: 169-76.

### **CONSTITUTION**

Meagher, Dan. Back to the future: the war on terror and its impact on civil liberties. *Public Law Review*, vol.15, no.3, September 2004: 177-82.

### **LEGISLATION**

Irvine, Derry. The Human Rights Act: principle and practice. *Parliamentary Affairs*, vol.57, no.4, October 2004: 744-53.

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– from Diana Simmons, *found while from the USA*

Los Angeles Times Book Review, 24 October 2004

### **From silenced voices comes an unsettling hum'**

– review by Herbert Mitgang

Geoffrey R. Stone, *Perilous Times, Free Speech in Wartime from the Sedition Act of 1798 to the War on Terrorism*, WW Norton: 730pp. US\$35.

"In the entire history of the United States, the national government has never attempted to punish opposition to government policies except in time of war."

Geoffrey Stone is a law professor at The University of Chicago. His book focuses on six wartime episodes where the federal government suppressed criticism of official policy. These are: the war with France when Congress enacted the Sedition Act of 1798 (making it a crime for people to publish or utter disloyal statements against US policy); The Civil War; World Wars I and II; the Cold War and the Vietnam War.

The book discusses various cases, including that of Oliver Wendell Holmes and The Pentagon Papers.

"In each of these episodes,' Stone writes, 'the nation faced extraordinary pressures - and temptations to suppress dissent.

"In some of these eras, national leaders cynically exploited public fears for partisan political gain... each of these episodes presented a unique challenge, in each the United States went too far in sacrificing civil liberties - particularly the freedom of speech."

Although the Sedition Act expired in 1801, suppression of dissent in ensuing conflicts shows its equivalent remains. In such circumstances, Michael Moore would certainly have been gaoled and his movie *Fahrenheit 9/11* not shown.

Stone argues that the critical function of free speech is even more important in wartime.

He concludes: "If free speech is essential to self-governance in ordinary times, it is even more critical when citizens must decide whether to let the Southern states secede, withdraw our troops from Vietnam, or launch a regime change in Iraq."

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– from the LA Times, 3 Nov 2004

**Modification of 'three strikes' sentencing law in California.**

Californian voters on 2 November said 'yes' to modifications to the 'three strikes' sentencing law (Proposition 66).

The law currently allows any third felony conviction, no matter how serious, to result in a sentence of 25 years to life.

"The ballot measure would change that to say that a third criminal offense (sic) must be a serious or violent felony to warrant the longest sentence," the *Los Angeles Times*, reported.

– Diana Simmons

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– from the LA Times, 3 Nov 2004

**High court weighs racial segregation in California prisons**

Several US Supreme court justices have questioned California prison policy of racially segregating new arrivals for at least 60 days when they first come to prison.

This means inmates do not share a cell with someone of another race.

Prison authorities argue that it helps maintain inmate safety and prevents race-related gang violence.

Opponents of the state's policy argue that such segregation fuels rather than lessens racial tension in state prisons.

The court will issue a ruling in mid-2005.

– Diana Simmons

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– NSWCCCL newsletter, Sept 2004

**NSWCCL says police should not go to the dogs**

The Civil Rights sub-committee of the NSW CCL has reaffirmed the organisation's commitment to an Australian Bill of Rights.

"One of the rights protected by a Bill of Rights is the guarantee of freedom from arbitrary interference with your privacy," the sub-committee said in the recent NSW CCL newsletter.

"Almost every day on the streets, trains, pub and other public places in Sydney, the NSW Police use drug detection dogs to violate that guarantee.

"The NSW Ombudsman has released a discussion paper that reveals that these dogs have a 'success rate' of just 30%. In other words, 70% of the people the dogs identify as being in possession of drugs actually have no drugs on them.

"Those 70% are treated as criminal suspects, subjected to searches (even strip searches), and their names recorded on the police database – but they have done nothing wrong," the sub-committee said.

The NSW CCL has made a submission to the Ombudsman on this issue, pointing out the dogs are so inaccurate that they should not be used.

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**NSW CCL re-elects president, votes for 'gay' marriage rights**

NSWCCL re-elected Cameron Murphy as president at its annual general meeting on 27 October.

It also unanimously passed a resolution supporting the rights of gay people to marry.

“A resolution supporting the rights of gay, lesbian and transgender people to marry under Australian law other adult people of their choosing and opposing any legal restriction on the right to marry and consequent legal rights and privileges on the grounds of sex or sexuality of the parties to the marriage was passed unanimously,” the NSWCCCL’s executive secretary, Susan Smith , advises.

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– from NY Times, 17 November 2004

### **In Texas, Big Brother keeps electronic eye on students**

By MATT RICHTEL

Texas schoolchildren as young as five are wearing ‘dogtags’ that monitor their movement to and from and in school.

Their whereabouts can be monitored in real time by police 2km away.

Schools in the southern USA are monitoring students’ movements with technology used to track livestock and pallets of retail shipments.

Just north of Houston, the Spring Independent School District has given 28,000 students ID badges with computer chips that are read when the students get on and off school buses.

The information goes automatically by wireless phone to the police and school administrators.

In Phoenix, a school district is using fingerprint technology to track when and where students get on and off buses, Matt Richtel writes in the NY Times.

Last year, a charter school in Buffalo began automating attendance counts with computerized ID badges.

Radio frequency identification, or RFID, is becoming cheaper and being used in new ways. It is based on a computer chip that has a unique number programmed in and with a tiny antenna that sends information to a reader.

In October, the Food and Drug Administration approved use of an RFID chip that could be implanted under a patient's skin and would carry a number that linked to the patient's medical records.

Critics, including the American Civil Liberties Union, argue that the system is security paranoia.

It is "naïve to believe all this data will only be used to track children in the extremely unlikely event of the rare kidnapping by a stranger," Barry Steinhardt, director of the technology and liberty program at the ACLU, told Richtel.

Steinhardt said schools, once they had invested in the technology, could feel compelled to get a greater return on investment by putting it to other uses, like tracking where students go after school.

Advocates of the technology said they did not plan to go that far. But, they said, they do see broader possibilities, such as implanting RFID tags under the skin of children to avoid problems with lost or forgotten tags.

More immediately, they said, they could see using the technology to track whether students attend individual classes.

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– from Liberty, November 2004

### **Britain plays tag to keep tabs on some unlikely lads**

Britain is using satellites to track criminals in an \$8m pilot program.

The 12-month pilot programs sees juvenile delinquents and paedophiles ‘tagged’, then monitored as they move about the community.

The ‘prison without bars’ project uses the Global Positioning System to keep tabs on the tags.

It is reputedly sensitive enough to sound an alarm if, say, a paedophile wearing a tag entered a school playground.

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– from the NY Times, 22 Nov 2004

**Enforcement of civil rights law declined since '99, study finds**

By THE ASSOCIATED PRESS

Federal enforcement of civil rights laws in the US has dropped sharply since 1999, as the level of complaints received by the Justice Department has remained relatively constant, according a study.

Criminal charges of civil rights violations were brought against 84 defendants last year, down from 159 in 1999, according to Justice Department data analyzed by the Transactional Records Access Clearinghouse at Syracuse University.

The study also found that the number of times the Federal Bureau of Investigation or another federal investigative agency recommended prosecution in civil rights cases fell by more than one-third, from more than 3,000 in 1999 to just over 1,900 last year. Federal court data also show that the government has sought fewer civil sanctions against civil rights violators.

One of the study's authors, David Burnham, said the results showed that civil rights enforcement dropped across the board in President Bush's first term in office.

"Collectively, some violators of the civil rights laws are not being dealt with by the government," Professor Burnham said. "This trend, we think, is significant."

It is unlikely the decline has occurred because of fewer civil rights violations occurring, the study suggests. The number of complaints about possible violations received by the Justice Department has remained at about 12,000 annually for each of the past five years.

The Justice Department had no comment about the study.

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- from ACLU email, 23 Nov 2004

**ACLU mounts 'sign the pledge' drive for membership, influence**

The American Civil Liberties Union (ACLU) is mounting a major membership drive, by asking people to sign a pledge.

The ACLU is picking up on the 'natural phenomenon' of people wanting to join their organisation to counter possible right wing extremism in the USA.

"Something extraordinary is happening," explains the executive director Tony Romero.

"(Since the election), thousands of people - deeply concerned about the direction our country has taken - have spontaneously joined the ACLU," he said.

"They've added their names to those of over 400,000 other Americans committed to defending the Constitution and the Bill of Rights.

"On 20 January, George Bush will pledge to uphold the Constitution. Our goal is to recruit 100,000 new ACLU supporters by that day to proclaim "I REFUSE TO SURRENDER MY FREEDOM".

"Let's make it clear to those who seek to take away our freedoms that they are on the wrong side of the law...the wrong side of core American values...and the wrong side of history."

Romero is asking Americans to sign a web-based 'I Refuse to Surrender my Freedom' pledge, and then encourage three friends to also sign.

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– from NY Times, 25 November 2004

**Dutch, Europe walk terror tightrope**

- based on reporting by CRAIG S. SMITH

AMSTERDAM – The Netherlands Government is under criticism for missing Mr. Mohamed Bouyeri, a Dutchman of Moroccan descent, who murdered filmmaker Theo van Gogh in daylight one morning this month, according to evidence.

However, stopping him would have meant assessing guilt before the crime, the Dutch Justice Minister Jan Piet Hein Donner is reported to have said.

"You're dealing with processes that take place in one's head," Mr Donner said. "We can't arrest people for wearing certain clothes."

But the Netherlands recently made it a crime to conspire to commit a terrorist act, just as most European countries are gradually tightening laws against terrorists.

Mr Donner said the Netherlands would allow prosecutors to use intelligence reports as evidence without revealing their source. "We are doing things that would be unthinkable in many other countries," he said.

Countries in Europe with little experience of terrorism lag behind those, like Britain, France and Spain, that have faced terrorist threats before. Britain's 2001 Anti-Terrorism, Crime and Security Act allows indefinite detention of foreigners suspected of terrorist-related activities.

In Spain, terrorism suspects can be held for up to 13 days without charge and as long as four years without trial. People in France can be imprisoned for association with terrorists; a woman has been in jail for nearly a year awaiting trial on charges of knowing of a plot by her son, who is still under investigation.

With an estimated 15 million to 20 million Muslims in Europe, most poor and many sympathetic to militants, identifying and tracking potential terrorists is an enormous undertaking, Craig Smith reported for the NY Times.

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