



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 sponsorships and tickets, [visit our website](#).

Sincerely,

Virginia Sloan
President, The Constitution Project

Liberty & Security Committee Members Urge Respect for Constitution in Policy Responses to Terror Attacks

Counter-Terrorism Policies & Practices

On December 3, 21 members of TCP's bipartisan [Liberty and Security Committee](#) sent a [statement](#) to members of Congress and key officials in the Obama administration urging restraint in developing policy proposals responding to the recent wave of terrorist attacks in Beirut, Paris, Mali, and San Bernardino, and encouraging respect for the Constitution. The committee members - policy experts, former government officials and legal practitioners from across the ideological spectrum - wrote: "Some of our political leaders have hastily recommended or endorsed shuttering mosques; undoing modest bipartisan reforms to mass government surveillance; creating religious or national identity-based registries; increasing the government's power to take away citizenship; enacting religious tests for refugees; and bringing back abusive interrogations. All of these proposals threaten constitutional rights and principles central to the fabric of our country. None of them would effectively address the threat we face." The full statement and list of signatories is [available online](#).

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Recusal Required in Pennsylvania Death Penalty Case, Judges

Say

Death Penalty

A number of distinguished former judges say the U.S. Supreme Court should determine that it is inappropriate for a former district attorney, who sought and obtained a death sentence against a convicted murderer, to subsequently hear an appeal of the inmate's case in his position as the Chief Justice of the Pennsylvania Supreme Court. Terrance Williams, who was convicted of the 1984 murder of a Philadelphia man and sentenced to death, claims former Pennsylvania Chief Justice Ronald Castille should have recused himself from the 2014 state Supreme Court hearing on Williams' appeal because he had served as the local district attorney at the time of Williams' initial conviction, and had subsequently sought and won election to the court by championing his record of sending 45 people, including Williams, to death row. TCP organized two [friend-of-the-court briefs](#) to support Williams' claim. Oral argument is scheduled for February 29. [READ MORE](#)

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TCP-Led Coalition Opposes Citizenship-Stripping Legislation

Counter-Terrorism Policies & Practices

On December 5, more than 40 civil liberties and human rights groups joined TCP in opposing the Expatriate Terrorist Act (S. 247). "The bill runs roughshod over fundamental rights and would do nothing to enhance our security," the groups [wrote in a letter](#) to members of the Senate Judiciary Committee. The legislation, introduced by Senator Ted Cruz (R-Texas), would empower the government to pursue expatriation proceedings against American citizens for "providing training or material assistance" to a foreign terrorist organization, and would require the State Department to deny a passport to, or revoke one from, anyone who the Secretary of State has determined is a member of a designated foreign terrorist organization or is attempting to join one. The committee has deferred acting on it.

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Orange County DA Agrees to DOJ Investigation

Criminal Discovery Reform

Last November, TCP joined with legal experts and advocacy organizations around the country to urge the Department of Justice to conduct an investigation of the Orange County District Attorney's Office and the Orange County Sheriff's Department over the use of jailhouse informants and the concealment of informant-related evidence. In a 16-page [letter delivered](#) to Attorney General Loretta Lynch on November 18, the group details a number of questionable occurrences stretching back decades. Now, following a scathing report from legal experts on a special committee that blasted the office for a "failure of leadership," District Attorney Tony Rackauckas apparently agrees. The Los Angeles Times [reports](#) that "[i]n response to the committee's call for an independent investigation, Rackauckas released a letter he sent to Lynch requesting an outside review." [READ MORE](#)

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Congress Includes Controversial Cybersecurity Legislation in Omnibus Spending Bill

Government Surveillance and Searches

More than 50 advocacy organizations and cybersecurity experts joined TCP in opposing inclusion of the Cybersecurity Act of 2015 in the omnibus spending package that Congress passed before its Christmas recess. The Cybersecurity Act of 2015 significantly increases access to personal online information by the National Security Agency and the FBI, and authorizes the federal government to use that information for purposes totally unrelated to cybersecurity. It also fails to provide "strong privacy protections or adequate clarity about what actions can be taken, what information can be shared, and how that information may be used by the government," the groups wrote in a [letter](#) sent to members of Congress. Unfortunately, despite the coalition's best efforts, Congress passed the omnibus spending package with the cybersecurity provisions intact, and President Obama has signed it into law. [READ MORE](#)

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