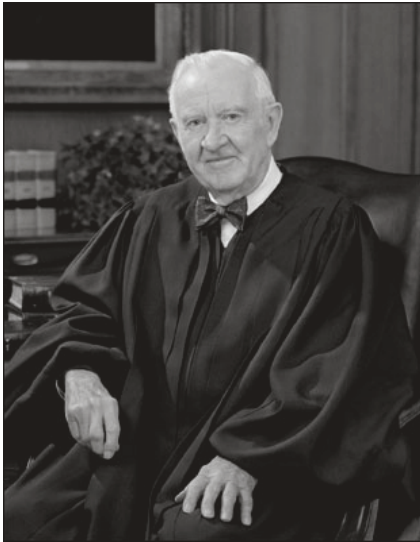


## Justice Stevens to Receive Thurgood Marshall Award



The Section of Individual Rights and Responsibilities will present United States Supreme Court Justice John Paul Stevens with the 2009 Thurgood Marshall Award at a dinner ceremony in Chicago on Saturday, Aug. 1. The award recognizes his ongoing commitment to the protection of individual, civil, and human rights. Appointed by President Ford in 1975, Justice Stevens served alongside Justice Marshall for 16 years, and has been the senior Associate

Justice on the Court since 1994.

For more than three decades, Justice Stevens has been a tireless defender of individual liberties and civil rights on the Supreme Court. Recently he assumed a leadership role in the Supreme Court cases addressing detainee rights and the writ of *habeas corpus*, authoring the landmark majority opinion in *Hamdan v. Rumsfeld* that brought an end to the military tribunals in Guantanamo, and assembling majority votes in subsequent cases to enforce checks on Presidential authority and require the government to respect rights laid out in the Constitution and the Geneva Conventions. Throughout his 33-year office, Justice Stevens has also been an outspoken voice on the Court for the right to privacy, the rights of the accused, and limitations of government power.

Following his military service in WWII and after earning his J.D. from Northwestern University Law School, Justice Stevens' distinguished legal career began with a Supreme Court clerkship under Justice Wiley Rutledge, whom he has credited for inspiring his judicial philosophy. He then

entered private practice with Poppenhausen, Johnston, Thompson & Raymond (later to become Jenner & Block) where he began to distinguish himself as an expert in antitrust law. In 1951, Stevens was selected Associate Counsel to the Subcommittee on the Study of Monopoly Power of the Judiciary Committee of the U.S. House of Representatives; he later taught courses on antitrust at the University of Chicago Law School. After serving as a de facto special prosecutor on the "Greenberg Commission" to investigate judicial corruption in Illinois, Stevens was appointed to the United States Court of Appeals for the Seventh Circuit in 1970, where he served until his Supreme Court appointment.

The keynote address will be delivered by Hon. Abner Mikva, the 2005 Thurgood Marshall award winner and a past Chair of the Section. A public servant for most of his professional life, Judge Mikva has served in all three branches of government as a U.S. Congressman from Illinois, Chief Judge of the U.S. Court of Appeals for the

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Download a copy of IRR News Report at [www.abanet.org/irr/newsreport.html](http://www.abanet.org/irr/newsreport.html)

## Nominating Committee to Name Candidates for 2009-2010 Section Council

The 2009 Nominating Committee is set to recommend candidates for open Section Council positions in the 2009-2010 year. Chaired by Immediate Past Section Chair Robyn S. Shapiro, the committee also includes past Section Chairs Jerome J. Shestack and Walter H. White Jr., Section Chair-elect Richard J. Podell (*ex officio*), Section Council member Jodi B. Levine, and Section Delegate Richard M. Macias.

Section members will vote on the Committee's slate at a luncheon to be

held at noon on Friday, July 31, 2009, at the Swissotel during the 2009 ABA Annual Meeting in Chicago. Under the Section's bylaws, any Section member may nominate candidates other than those selected by the Nominating Committee by submitting a written statement of nomination, signed by one other member in addition to the member being nominated, to Section Chair Neal R. Sonnett or to Section Secretary Kay H. Hodge at least six hours before the election. Nominations are not permitted from the floor at the time of the election.

# Legislative Update

The 111<sup>th</sup> session of the U.S. Congress opened with intense discussion and debate surrounding the Obama administration's economic recovery strategy. In addition to the ongoing political battles over bailouts and bank closures, Congress has begun to consider legislation addressing key issues of interest to the Section.

Sen. Leahy (D-VT) and Rep. Nadler (D-NY) introduced one such piece of legislation on Feb. 12. The **Uniting American Families Act** of 2009, S. 424 and H.R. 1024, would amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of U.S. citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships. The bills were referred to the House and Senate Committees on the Judiciary. *During the 2009 ABA Midyear Meeting, the House of Delegates passed a Section-sponsored resolution urging Congress to pass legislation to this effect.*

The **National Criminal Justice Act** of 2009, introduced by Sen. Webb (D-VA) on Mar. 26 as S. 714, would create a body called the National Criminal Justice Commission, tasked with conducting a comprehensive view of the national criminal justice system and presenting to Congress proposals for reform. Among the issue areas to be studied are sentencing policy, prison administration, incarceration rates, and efficacy in preventing violent crime. The bill was referred to the Senate Committee on the Judiciary.

Other legislation of interest to the Section is described on the following pages.

## Armed Forces / Veterans' Affairs

On Mar. 18, Rep. Frelinghuysen (R-NJ) introduced H. Res. 261, expressing the sense of the House of Representatives that the Department of Veterans Affairs should not retreat from its responsibility to support those veterans with combat wounds or service-connected disabilities. The bill was referred to the House Committee on Veterans' Affairs.

On Mar. 16, Sen. Murray (D-WA) introduced S. 597, to amend Title 38, United States Code, to expand and improve health care services available from the Department of Veterans Affairs to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom. The bill was referred to the Senate Committee on Veterans' Affairs.

On Mar. 3, Rep. Tauscher (D-CA) introduced H.R. 1283, to amend Title 10, United States Code, to enhance the readiness of the Armed Forces by replacing the current policy concerning homosexuality in the Armed Forces, referred to as "Don't Ask, Don't Tell," with a policy of nondiscrimination on the basis of sexual

orientation. The bill was referred to the House Armed Services Committee.

## Children/Families

On Feb. 23, the House passed, by a 295-102 vote, HR 911, to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs. The ABA sent a letter to all Representatives in support of the legislation.

On Feb. 25, the House Judiciary Committee approved, by 20-12 vote, H.R. 157, to give full voting representation in the House to the District of Columbia. On Feb. 26, the Senate passed, by a 61-37 vote, S. 160, to give full voting representation in the House to the District of Columbia. The ABA sent a letter on Jan. 26 supporting the legislation. Before passing the bill, the Senate adopted, by a 62-36 vote, an amendment to repeal the District of Columbia's ban on semiautomatic weapons, bar the city's registration requirements for most guns, and drop criminal penalties for possessing an unregistered firearm.

## Civil Rights/Constitutional Law

On Mar. 10, Sen. Feingold, (D-WI) introduced S. 564, to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II. Rep. Wexler (D-FL) introduced H.R. 1425, a complimentary bill, in the House of Representatives. The bills were referred to the House and Senate Committees on the Judiciary.

On Mar. 4, Rep. King (R-NY) introduced H.R. 1304, the Free Speech Protection Act of 2009. The bill would create a federal cause of action to determine whether defamation exists under United States law in cases in which defamation actions have been brought in foreign courts against United States persons on the basis of publications or speech in the United States. An identical piece of legislation, S. 449, was introduced in the Senate on Feb. 13 by Sen. Specter (R-NY). The bills were referred to the Senate and House Committees on the Judiciary.

On Mar. 4, Rep. Lungren (R-CA) introduced H.J. Res. 37, proposing an amendment to the Constitution of the United States with respect to marriage. If adopted, the amendment would outlaw same-sex marriage throughout the U.S. and prevent judicial review of the legal status of marriage vis-à-vis same-sex couples.

On Mar. 3, Rep. Burton (R-IN) introduced H.R. 1269, to amend Title 28, United States Code, to limit federal court jurisdiction over questions under the Defense of Marriage Act. The bill was referred to the House Committee on the Judiciary.

On Mar. 3, Rep. Jackson (D-IL) introduced H.J. Res. 31, proposing an amendment to the Constitution of the United States relating to equality of rights and reproductive rights. The bill was referred to the House Committee on the Judiciary.

On Feb. 13, Sen. Specter (R-PA) introduced S. 448, to maintain the free flow of

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# Legislative Update

*(continued from page 2)*

information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media. The bill was referred to the Senate Committee on the Judiciary.

## **Criminal Law**

On Mar. 19, Sen. Feingold (D-WI) introduced S. 650, to abolish the death penalty under federal law. The bill was referred to the Senate Committee on the Judiciary.

On Mar. 19, Rep. Smith (R-NJ) introduced H.R. 1623, to protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high-risk sex offenders outside the United States to the government of the country of destination, and preventing entry into the United States by any foreign sex offender against a minor. The bill was referred to the House Committee on Foreign Affairs.

On Mar. 16, Rep. Rangel (D-NY) introduced H.R. 1529, to permit expungement of records of certain nonviolent criminal offenses. The bill was referred to the House Committee on the Judiciary.

On Mar. 10, Rep. Cohen (D-TN) introduced H.R. 1412, to increase public confidence in the justice system and to address any unwarranted racial and ethnic disparities in the criminal process. The bill was referred to the House Committee on the Judiciary.

## **Disability Law**

On Mar. 10, Rep. Schakowsky (D-IL) introduced H.R. 1408, to require all newly constructed, federally assisted, single-family houses and town houses to meet minimum standards of visitability for persons with disabilities. The bill was referred to the House Committee on Financial Services.

On Mar. 3, Rep. Frank (D-MA) introduced H.R. 1255, to protect the interests of each resident of intermediate care facilities for the mentally handicapped in class action lawsuits on behalf of such resident. The bill was referred to the House Committee on the Judiciary.

## **Elder Law**

On Mar. 6, Rep. Chandler (D-KY) introduced H.R. 1374, to prevent the abuse and exploitation of older individuals. The bill was referred to the House Committee on the Judiciary.

## **Election Law**

On Mar. 19, Rep. Davis (D-CA) introduced H.R. 1604, to amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in federal elections. The bill was referred to the House Committee on House Administration.

On Mar. 3, Rep. Jackson (D-IL) introduced H.J. Res. 28, proposing an amendment to the Constitution of the United States regarding the right to vote. The bill was referred to the House Committee on the Judiciary.

On Mar. 3, Rep. Jackson (D-IL) introduced H.J. Res. 36 (Jackson, D-IL), proposing an amendment to the Constitution of the United States to abolish the Electoral College and provide for the direct election of the president and vice president by the popular vote of all citizens of the United States regardless of place of residence. The bill was referred to the House Committee on the Judiciary.

## **Health Law**

On Mar. 4, Rep. Clyburn (D-SC) introduced H.R. 1296, to achieve access to comprehensive primary health care services for all Americans and to reform the organization of primary care delivery through an expansion of the Community

Health Center and National Health Service Corps programs. The bill was referred to the House Committee on Energy and Commerce. A complimentary bill, S. 486, was introduced by Rep. Sanders (I-VT) on Feb. 26 and referred to the Senate Committee on Health, Education, Labor, and Pensions.

On Mar. 3, Rep. Jackson (D-IL) introduced H.J. Res. 30, proposing an amendment to the Constitution of the United States regarding the right of citizens of the United States to health care of equal high quality. The bill was referred to the House Committee on the Judiciary.

## **HIV/AIDS**

On Mar. 11, Rep. Waters (D-CA) introduced H.R. 1429, to provide for an effective HIV/AIDS program in federal prisons. The bill was referred to the House Committee on the Judiciary.

## **Housing/Homelessness**

On Mar. 3, Rep. Jackson (D-IL) introduced H.J. Res. 32, proposing an amendment to the Constitution of the United States respecting the right to decent, safe, sanitary, and affordable housing. The bill was referred to the House Committee on the Judiciary.

## **Immigration Law**

On Mar. 19, Rep. Giffords (D-AZ) introduced H.R. 1639, to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend federal reimbursement of emergency health services furnished to undocumented aliens. The bill was referred to the House Committee on Energy and Commerce.

## **International Law**

On Mar. 19, Sen. Collins (R-ME) introduced S. Con. Res. 11, condemning all forms of

*(continued on page 7)*

# Supreme Court Update

The American Bar Association plans to submit a brief of amicus curiae in *Padilla v. Kentucky*, a case concerning a non-citizen petitioner who pled guilty to an aggravated felony after being misinformed by counsel that the plea would not affect his immigration status. Petitioner, who has lived in the United States for many years and served in the army, is a legal permanent resident who was indicted in 2001 for trafficking in marijuana - an offense designated as an "aggravated felony" under the Immigration and Naturalization Act (INA). On February 23, the U.S. Supreme Court accepted the case for review. The justices will hear oral arguments in the fall on a) whether the Sixth Amendment's guarantee of effective assistance of counsel requires a criminal defense attorney to advise a non-citizen client that pleading guilty to an aggravated felony will trigger mandatory, automatic deportation, and b) if that incorrect advice about deportation induces a guilty plea, whether it can constitute ineffective assistance of counsel and warrant setting aside the guilty plea.

In *United States of America v. Khalid Sheikh Mohammed* before the Military Commissions Trial Judiciary in Guantanamo, Cuba, the ABA in a highly unusual move joined the American Civil Liberties Union, Human Rights First, and Human Rights Watch in filing an amicus brief (ordinarily, the American Bar Association will not join in an amicus curiae brief with other organizations). Amici Curiae requested the Commission rescind or modify Protective Order 007 dated December 18, 2008, which forbids a laundry list of items that cannot be disclosed, including classified information and any related information - essentially restricting amici's ability to observe the proceedings in Guantanamo. In responding to the military judge's request for briefs addressing whether the protective order conflicts with the Military Commissions Act (MCA) or other applicable legal authority, the amici stated in their brief that the order "appears to create a presumption of closed - or at least mute - proceedings." Amici Curiae supported having the tribunal continue to make specific determinations about whether information should be withheld while allowing them continued access to observe the proceedings and requested that the protective order be rescinded or modified to comply with the MCA (Section Chair Neal Sonnett, who also chairs the Task Force on Treatment of Enemy Combatants, serves as the ABA's observer for the Guantanamo military commission trials). To read the amicus brief, visit [http://www.abanet.org/amicus/briefs/unitedstates\\_v\\_mohammed\\_et\\_al.pdf](http://www.abanet.org/amicus/briefs/unitedstates_v_mohammed_et_al.pdf).

In another case of interest to the Section, the ABA recently filed a Section-sponsored amicus brief in *Al-Marri v. Spagone* (No. 08-368). In this case, the Court will consider whether a person lawfully residing in the United States may be seized and detained by the military, without charge or trial, solely on the basis of a presidential declaration that he is an "enemy combatant". The ABA contends in its brief that due process rights should not be set aside during military detention unless there was an opportunity for meaningful judicial review. The brief outlines what must be included in the review and under what conditions detention is permissible. To read the full brief, visit <http://www.abanet.org/>

## Recent Decisions

On March 9, in *Bartlett, Executive Director of North Carolina State Board of Elections, et al. v. Strickland et al.*, No. 07-689, the Court held 5-4 (opinion by Kennedy; dissenting opinion by Souter) that the Voting Rights Act does not require electoral district lines to be drawn favorable to a racial minority that make up less than 50 percent of the voting-age population in

the redrawn district such that they could join with crossover voters to elect the minority's candidate of choice.

In 1991 the North Carolina legislature drew House District 18 to include portions of four counties, including Pender County, for the asserted purpose of satisfying Section 2 of the Voting Rights Act of 1965. By the time the district was to be redrawn in 2003, the African-American voting-age

population in District 18 had fallen below 50 percent. Rather than redrawing the district to keep Pender County whole, the legislators split portions of it and another county so that District 18's African-American voting-age population increased from 35.33% to 39.36 percent. (Keeping Pender County whole would have resulted in an African-American voting-age population to remain at 35.33 percent). The legislators' rationale was that splitting Pender County gave African-American voters the potential to join with majority voters to elect the minority group's candidate of choice, while leaving Pender County whole would have violated Section 2 of the Voting Rights Act. Pender County and others filed suit, alleging that the redistricting plan violated the North Carolina Constitution's "Whole County Provision" prohibiting the General Assembly from dividing counties when drawing its own legislative districts. The state-official defendants answered that dividing Pender County was required by Section 2.

The Supreme Court reasoned that a "necessary precondition" for a claim that the use of multimember districts (or single-member districts) constituted actionable vote dilution was missing. A party asserting Section 2 liability must show by a preponderance of the evidence that the minority population in the potential election district is greater than 50 percent. This case involves an intermediate, "crossover" district, in which the minority makes up less than a majority of the voting-age population, but is large enough to elect the candidate of its choice with help from majority voters who cross over to support the minority's preferred candidate. Because they form only 39 percent of District 18's voting-age population, African Americans standing alone have no better or worse opportunity to elect a candidate than any other group with the same relative voting strength. Recognizing a Section 2 claim where minority voters cannot elect their candidate of choice based on their own votes and without assistance from others would grant special protection to their right to form political coalitions that is not authorized by the section.

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## Supreme Court Update

On March 4, in **Wyeth v. Levine**, No. 06-1249, the Court held 6-3 (opinion by Stevens; dissenting opinion by Alito) that a drug manufacturer's satisfaction of FDA standards does not insulate the company from state law suits.

Petitioner Wyeth manufactures the anti-nausea drug Phenergan, which was administered to respondent Levine using the IV-push method (whereby a drug is injected directly into a patient's vein). This method is risky because if the drug reaches an artery, gangrene is immediate and irreversible. After a clinician injected respondent Levine with Phenergan by the "IV-push" method, the drug entered Levine's artery, she developed gangrene, and doctors amputated her forearm. Levine brought a state-law damages action, alleging, inter alia, that Wyeth had failed to provide an adequate warning about the significant risks of administering Phenergan by the IV-push method. The Washington Superior Court (Vermont trial court) jury determined that Levine's injury would not have occurred if Phenergan's label included an adequate warning, and it awarded damages for her pain and suffering, substantial medical expenses, and loss of her livelihood as a professional musician. Declining to overturn the verdict, the trial court rejected Wyeth's argument that Levine's failure-to-warn claims were preempted by federal law because Phenergan's labeling had been approved by the federal Food and Drug Administration (FDA). The Vermont Supreme Court affirmed.

In reversing, the U.S. Supreme Court reasoned first, that although a manufacturer generally may change a drug label only after the FDA approves a supplemental application, the agency's "changes being effected" (CBE) regulation permits certain pre-approval labeling changes that add or strengthen a warning to improve drug safety. Wyeth therefore could have unilaterally added a stronger warning about IV-push administration. Second, the Court determined that the history of the FDCA shows Congress did not intend to pre-empt state-law failure-to-warn actions.

On February 25, in **Pleasant Grove City, Utah v. Summum**, No. 07-665, the Court held unanimously (opinion by Alito) that the placement of a permanent monument in a public park is a form of government speech and is therefore not subject to strict scrutiny under the Free Speech Clause and, as a result, Pleasant Grove City was within its right to reject Summum's monument.

Pioneer Park (Park), a public park in petitioner Pleasant Grove City (City), has at least 11 permanent, privately donated displays, including a Ten Commandments monument. In rejecting the request of respondent Summum, a religious organization, to erect a monument containing the Seven Aphorisms of Summum, the City explained that it limited Park monuments to those either directly related to the City's history or donated by groups with longstanding community ties. After the City put that policy and other criteria into writing, respondent renewed its request, but did not describe the monument's historical significance or respondent's connection to the community. The City rejected the request, and respondent filed suit, claiming that the City and petitioner officials had violated the First Amendment's Free Speech Clause by accepting the Ten Commandments monument but rejecting respondent's proposed monument.

The Supreme Court held that a government entity "is entitled to say what it wishes," and to select the views that it wants to express. It may exercise this same freedom when it receives private assistance for the purpose of delivering a government-controlled message. This does not mean that there are no restraints on government speech. For example, government speech must comport with the Establishment Clause. In addition, public officials' involvement in advocacy may be limited by law, regulation, or practice; and a government entity is ultimately "accountable to the electorate and the political process for its advocacy". In contrast, government entities are strictly limited in their ability to regulate private speech in "traditional public fora."

Reasonable time, place, and manner restrictions are allowed, but content-based restrictions must satisfy strict scrutiny, i.e., they must be narrowly tailored to serve a compelling government interest. Restrictions based on viewpoint are also prohibited. Government restrictions on speech in a "designated public forum" are subject to the same strict scrutiny as restrictions in a traditional public forum. And where government creates a forum that is limited to use by certain groups or dedicated to the discussion of certain subjects, it may impose reasonable and viewpoint-neutral restrictions.

Respondent's legitimate concern that the government speech doctrine not be used as a subterfuge for favoring certain viewpoints does not mean that a government entity should be required to embrace publicly a privately donated monument's "message" in order to escape Free Speech Clause restrictions. A city engages in expressive conduct by accepting and displaying a privately donated monument, but it does not necessarily endorse the specific meaning that any particular donor sees in the monument.

On February 24, in **Carcieri, Governor of Rhode Island v. Salazar, Secretary of the Interior**, No. 07-526, the Court held in a fractured opinion that the Secretary of the Interior does not have the authority to take a 31-acre parcel purchased by the Narragansett Tribe into trust pending litigation over whether planned housing for the parcel complies with local regulations. The term "now under federal jurisdiction" in the Indian Reorganization Act (IRA) §479 unambiguously refers to those tribes that were under federal jurisdiction when the IRA was enacted in 1934, and because this tribe was not under federal jurisdiction in 1934, the Secretary does not have the authority to take the 31-acre parcel into trust.

On January 26, in **Crawford v. Metropolitan Government of Nashville and**

(Continued on page 6)

## New Member Benefit: ABI Adds Personal Umbrella Coverage for Lawyers

American Bar Insurance (ABI) now offers personal umbrella policies through the Navigators Insurance Group. ABA members concerned about protecting their assets from unfunded liability judgments may purchase personal umbrella coverage that includes uninsured/underinsured motorist coverage at no additional premium – and with discounted pricing through ABA Member Advantage.

“In today’s marketplace, when the number of uninsured/underinsured motorists in the United States is growing, we felt ABA members should have this coverage available,” says J. David Andrews, former ABA Treasurer and current ABI President. “This goes beyond

existing homeowners and auto policies, without requiring a change in carriers. It strengthens protection in many areas.

According to the Insurance Research Council’s Uninsured Motorists, 2008 Edition study, released earlier this year, 14 percent of drivers in the United States were uninsured in 2007, and the number could rise to one in six by 2010.

If you or a family member is involved in an accident in which one of these drivers is at fault, you are unlikely to be reimbursed for vehicle damages, lost wages or medical costs. Worse, depending on the limits of your personal auto policy, you may not have enough coverage for yourself, either.

In addition, if you own a boat, have a swimming pool or ride a motorcycle or snowmobile, you have increased risk. Personal umbrella protection adds an extra layer of liability coverage for young drivers, rental properties, farmland, watercraft and all types of vehicles.

The policies also include limits of up to \$10 million, as well as coverage for domestic partners, spouses and drivers under 18.

Whatever your risk, as an ABA member you qualify for discounted pricing through the ABA Member Advantage program. For more information, visit <http://www.abanet.org/advantage/insurance>.

## Supreme Court Update

(Continued from page 5)

**Davidson County, Tennessee**, No. 06-1595, the Court held in a fractured opinion that the federal anti-discrimination law protects employees from retaliation when they cooperate with internal investigations of harassment.

In response to questions from an official of respondent local government (Metro) during an internal investigation into rumors of sexual harassment by the Metro School District employee relations director (Hughes), petitioner Crawford, a 30-year employee, reported that Hughes had sexually harassed her. Metro took no action against Hughes, but soon fired Crawford, alleging embezzlement. She filed suit under Title VII of the Civil Rights Act of 1964, claiming that Metro was retaliating for her report in violation of federal anti-discrimination laws, which makes it unlawful for an employer to discriminate against an employee because he has opposed any discriminatory practice, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing regarding unlawful employment practices.

## AIDS Committee Launches Series on HIV and the Rule of Law

The ABA AIDS Coordinating Committee, chaired by Shelley D. Hayes of Washington, D.C., has launched a series of CLE programs on *HIV and the Rule of Law*, dubbed collectively the *Road to Vienna*. Last fall, Hayes was instrumental in getting “Law” added as a focus of a major track of the International AIDS Conference, which gathers more than 25,000 delegates every other year from the medical research, public health and policy advocacy communities to examine cutting-edge issues in HIV/AIDS. The 2010 conference will be in Vienna, Austria, in July, and Track F of the conference will explore *Policy, Law, Human Rights and Political Science*. For the first time in its history, the conference will include a specific examination of the pivotal role of law and lawyers in effective HIV prevention and management.

Leading up to Vienna, the *HIV and the Rule of Law* series, from which conference abstracts will emerge, will examine such topics as *A Legal Roadmap for a New Administration* (ABA Midyear Meeting, February 2009); *The Role of Multinational Corporations in the Global AIDS Pandemic* (Committee Spring Meeting, April 17, 2009); *Should HIV Testing Be Mandatory in Incarcerated Settings?* (ABA Annual Meeting, August 1, 2009); *Human Rights at Home and Abroad* (Committee Fall Meeting, September 2009); and *Immigrating, Traveling and Working Abroad with HIV* (ABA Midyear Meeting, February 2010). The program series will be CLE credited. For more information about the series and the Committee’s work, visit <http://www.abanet.org/AIDS> or contact the AIDS Coordination Project at 202-662-1025.

The Court held that the anti-retaliation provision’s protection extends to an employee who speaks out about discrimination not on her own initiative, but in answering questions during an employer’s internal investigation. Because “oppose” is undefined by statute, it carries

its ordinary dictionary meaning of resisting or contending against. Crawford’s statement is thus covered by the opposition clause, as an ostensibly disapproving account of Hughes’s sexually obnoxious behavior toward her.

## Legislative Update

*(Continued from page 3)*

anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism. The bill was referred to the Senate Committee on Foreign Relations.

On Mar. 18, Rep. Maloney (D-NY) introduced H. Res. 262, expressing the strong concern of the House of Representatives about the actions of the Taliban in Swat, Pakistan, to restrict girls' access to education. The bill was referred to the House Committee on Foreign Affairs.

On Mar. 16, Rep. Smith (R-NJ) introduced H.R. 1511, to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture. The bill was referred to the House Committee on Foreign Affairs.

On Mar. 16, Rep. Rangel (D-NY) introduced H.R. 1528, to allow travel between the United States and Cuba. The bill was referred to the House Committee on Foreign Affairs.

On Mar. 12, Rep. Hastings (D-FL) introduced H. Res. 241, commending the International Criminal Court for issuing a warrant for the arrest of Omar Hassan Ahmad al-Bashir, president of the Republic of the Sudan, for war crimes and crimes against humanity, and expressing the hope that this will be a significant step in the long road toward achieving peace and stability in the Darfur region. The bill was referred to the House Committee on Foreign Affairs.

On Mar. 12, Rep. Hastings (D-FL) introduced H. Res. 242, recognizing the apology offered by the Government of Australia to the aboriginal people and its significance as a gesture of healing for this proud nation. The bill was referred to the House Committee on Foreign Affairs.

On Mar. 11, Rep. Israel (D-NY) introduced H.R. 1439, to hold the surviving Nazi war criminals accountable for the war crimes, genocide, and crimes against humanity

they committed during World War II, by encouraging foreign governments to more efficiently prosecute and extradite wanted criminals. The bill was referred to the House Committee on the Judiciary.

On Mar. 11, Rep. Maloney (D-NY) introduced H. Res. 236, urging Turkey to respect the rights and religious freedoms of the Ecumenical Patriarchate. The bill was referred to the House Committee on Foreign Affairs.

On Mar. 9, Sen. Wyden (D-OR) introduced S. Res. 71, condemning the government of Iran for its state-sponsored persecution of the Baha'i minority in Iran and its continued violation of the International Covenants on Human Rights. The bill was referred to the Senate Committee on Foreign Relations.

On Mar. 3, Rep. Weiner (D-NY) introduced H.R. 1288, to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism; to secure full Saudi cooperation in the investigation of terrorist incidents; and to halt the issuance of visas to citizens of Saudi Arabia until the president certifies that the Kingdom of Saudi Arabia does not discriminate in the issuance of visas on the basis of religious affiliation or heritage. The bill was referred to the House Committee on Foreign Affairs.

### National Security

On Mar. 19, Rep. Carney (D-PA) introduced H.R. 1617, to amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security. The bill was referred to the House Committee on Homeland Security.

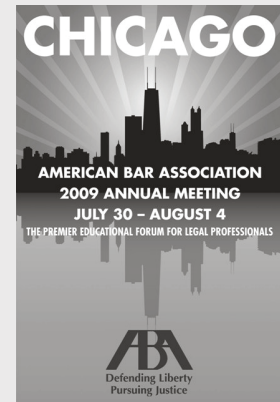
On Mar. 4, Rep. Schiff (D-CA) introduced H.R. 1315, to prohibit the detention of enemy combatants at Naval Station, Guantanamo Bay, Cuba; to provide for de novo combatant status reviews by military judges; and to repeal the Military Commissions Act of 2006. The bill was referred to the House Committee on Armed Services.

**2009 Thurgood Marshall Award Dinner**  
*Honoring Justice John Paul Stevens*  
**Hyatt Regency**  
**Chicago, Ill.**  
**Aug 1, 2009**

8:00pm–11:00 pm  
*Reception to begin at 7:00pm*

**Individual Tickets \$150**  
**Table sponsorships starting from \$2500**

To purchase tickets, visit the event webpage:  
<http://www.abanet.org/irr/tmaward/>



## Thurgood Marshall Award

*(Continued from page 1)*

D.C. Circuit, and White House Counsel for Bill Clinton. In 2004, Judge Mikva chaired a panel – now called the “Mikva Commission” – to analyze the Chicago Fire Department’s response during a fire in a high-rise owned by Cook County. He has taught law at the University of Illinois and the University of Chicago, and in 1997 founded the “Mikva Challenge,” which provides young people from inner-city Chicago an opportunity to participate in the political process.

Established by the American Bar Association and the Section of Individual Rights and Responsibilities in 1992, the Thurgood Marshall Award honors U.S. Supreme Court Justice Thurgood Marshall, who epitomized individual commitment, in word and action, to the cause of civil rights in this country. The award recognizes similar long-term contributions by other members of the legal profession to the advancement of civil rights, civil liberties, and human rights in the United States.

## Upcoming Events

### IRR Spring Council Meeting

May 1-2, 2009  
InterContinental Hotel  
Miami, Fl.

### ABA 2009 Annual Meeting

July 30 - Aug. 4, 2009  
Chicago, Ill.

### Thurgood Marshall Award Dinner

*Honoring Supreme Court Justice John Paul Stevens*  
Hyatt Regency Chicago  
Aug. 1, 2009  
Chicago, Ill.

### IRR Fall Council Meeting

October 15-17, 2009  
Westin Arlington Gateway  
Arlington, Va.

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