

March 16, 2009

Dear Friends in the Struggle for Justice,

We are writing to give you an update on the Thursday, March 12 court hearing, regarding the ongoing attempt by the office of the Special Commissioner for Investigation (SCI) for the NYC Department of Education to hold IFCO and Rev. Walker in contempt. The SCI's stated purpose is an investigation of students and teachers who visited Cuba. Our understanding is that they are trying to do what OFAC has not been able to do - to punish IFCO for its efforts to end the blockade.

The first thing we want to say is THANK YOU so much for your support. We are grateful to our spirited friends and supporters who filled the courtroom on Centre Street on Thursday; to those who sent us encouraging notes from all around the US and the world; and especially to our friends in Cuba who have been holding us in prayer and in their thoughts as we continue in this tedious and time-consuming struggle.

The hearing was an oral argument, in which attorneys for both sides were given an opportunity to present their respective cases and to answer questions from the judge. We were represented by IFCO attorney Linda Backiel who has been working in cooperation with attorney Palyn Hung and attorney Art Eisenberg, both excellent attorneys from the NYCLU.

The good news is that the judge did not make an immediate ruling.

NY State Supreme Court Judge Judith J. Gische listened very attentively as our extraordinary attorney Linda Backiel presented our case.

The SCI wants the judge to hold IFCO and Rev. Walker in contempt of court because they refused to produce the information the SCI has demanded. The critical issue now is whether a state court judge should order IFCO to turn over to the SCI the same information that has been demanded by OFAC, information that IFCO has refused to provide to OFAC as a matter of deeply held principles. If the SCI were to receive that information, his office would be mandated by law to turn it over to OFAC. So we are hoping that Judge Gische will understand how much is at stake.

But Judge Gische did listen very thoughtfully as Attorney Backiel explained the seriousness of the concurrent federal issues. We hope the judge will carefully study the points of law and cases cited by attorney Backiel before making a ruling about the contempt motion.

One of the most notable parts of the afternoon came when one of the members of Rev. Walker's church approached our attorney and asked "Why is the government going after my pastor?" Linda replied, "I don't know; maybe you should ask the government..." So this intrepid parishioner went up to the SCI's attorneys, and asked: "If the government belongs to the people, and we're the government, then why is the government going after my pastor?!!!!"

SO: what can we do now? IFCO is pleased and honored that so many of you have written expressions of support, offered prayer and been present in the courtroom. As we reach the crucial moment of the judge's decision we ask that you continue your support. Meanwhile, let

us continue in our solidarity with Cuba:

- 1) Work harder than ever to free the Cuban Five!
- 2) Contact your elected representatives in Congress and ask them to co-sponsor HR874/S428 to end the restrictions on travel to Cuba.
- 3) Help us build the 20th Friendshipment caravan this July.
- 4) Let's push for the total end of the immoral blockade against our brothers and sisters in Cuba!

In continued solidarity,
the board and staff of IFCO

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