

EMERGENCY RESOLUTION TO EDUCATE AND LOBBY THE UNITED STATES TO CREATE A SECOND “NEW DEAL”

Whereas, the unchecked greed of Wall Street has thrown the United States economy into an uncertain state not seen since the Great Depression;

Whereas, this month’s \$700 billion Wall Street bailout (the Emergency Economic Stabilization Act)

- 1) has no transparency on the purchase by the United States of troubled assets,
- 2) allows windfalls and golden parachutes for executives,
- 3) provides for little Congressional oversight, and
- 4) does not protect the taxpayers;

Whereas, the Treasury has decided to invest \$250 billion in the nation’s biggest banks in exchange for non-voting shares, the result being that we have public ownership of capital without public control;

Whereas, the Federal Reserve is not actually federal; it is a private corporation owned by a consortium of very large multinational banks;

Whereas, state governors have the power to stop foreclosures;

Whereas, just as in the Great Depression, this economic crisis will hit those already depressed the hardest, including but not limited to communities and people of color, the working poor, the unemployed, the homeless, women, and those who have recently re-entered society;

Whereas, the current social safety net in the United States is entirely insufficient to meet the need of its people, especially when confronted with a crisis of this magnitude;

Whereas, the National Lawyers Guild and its members have a history of fighting for economic justice; of working to give a political voice to the oppressed, in the courts and otherwise; of supporting the right of persons everywhere to fundamental human rights enshrined in documents including the Universal Declaration of Human Rights and the International Covenant on Economic, Social, and Cultural Rights (“ICESCR”);

Whereas, in 1992 the U.S. ratified the International Covenant on Civil and Political Rights that includes a commitment by the U.S. in article 23 to the rights of families and in article 24 to the rights of children;

Whereas, the United States is a signatory to the ICESCR, and is legally required not to defeat the object and purpose of that treaty pursuant to art.18 of the Vienna Convention on the Law of Treaties;

Whereas, by failing to respond to this financial crisis in an appropriate manner through its course of conduct in providing direct aid for the richest and most powerful, while neglecting or ignoring the needs and rights of its poorest, most oppressed, and most marginal;

Whereas, this failure defeats the object and purpose of the following articles of the ICESCR:

- Art. 6; the right to pursue work the right to vocational training;
- Art. 7; the right to decent working conditions;

- Art. 9; the right to social security including social insurance;
- Art. 10; including the rights to paid maternity leave;
- Art. 11; the right to an adequate standard of living;
- Art. 12; the right to physical and mental well being, including health care; and
- Art. 13; the right to education;

Whereas, urgent action to ameliorate harm is required, notwithstanding the National Lawyers Guild's recognition that nothing short of a fundamental restructuring that puts the people in control of the economic system can sustain human needs:

NOW, THEREFORE, BE IT RESOLVED IN CONSIDERATION OF THE FOREGOING, that in this 72nd year of its actions for democracy, human rights and peace, the 2008 National Convention of the National Lawyers Guild, meeting in Detroit, Michigan, hereby resolves to educate and lobby the United States and demand a Second New Deal, requiring, *inter alia*, the passage of new bills and the repealing of old statutes and regulations to quickly start to meet the economic, social, and cultural needs that are the right of every citizen of the United States of America, under its Constitution, treaties, agreements, and as common decency and morality require of the richest and most powerful nation in the world. In furtherance of such, the National Lawyers Guild undertakes the following:

1. Form a "Second New Deal Organizing Committee," taking care to ensure that all laws concerning restrictions or limitations on lobbying activities are complied with.
2. Acting through the Committee, undertake to study and analyze the current economic situation and prepare a study presenting solutions to it which embody the requirements of the ICESCR and the principles of the National Lawyers Guild;
3. Undertake to educate and lobby (if legally permissible) Congress and the Executive to undertake such acts as are required to meet the recommendations of the study, including, but not limited to:
 - a. Creating real and effective social insurance;
 - b. Providing National Single Payer Health Care;
 - c. Increasing and expanding Social Security;
 - d. Increasing unemployment insurance programs;
 - e. Increase public housing programs, including building new "green" homes for low-income families;
 - f. Increasing public support of child care for working parents and parents who are seeking employment;
 - g. Creating a Public Works Program directed at modifying the physical infrastructure of the United States of America in an ecologically sound manner and providing jobs to its inhabitants, including re-establishing the Civilian Conservation Corps and the National Youth Administration, for the purposes of facilitating the development of a sustainable "green economy;"
 - h. Supporting a National Theater Project;

- i. Supporting a National Writers Project;
- j. Repealing the Taft-Hartley Act;
- k. Recognizing that the principle of local control which was at the root of the Supreme Court decision in *San Antonio School District v. Rodriguez*, no longer exists after substantial federal incursion against that local control, e.g. through the No Child Left Behind Act, and supporting increased federal funds for public schools in low-income neighborhoods to prevent the further decay of the gains won in *Brown v. Board of Education*, and to further implement the social goals of that decision;
- l. Repealing the Wall Street bailout;
- m. Providing for public control of publicly-owned assets;
- n. Nationalizing the Federal Reserve;
- o. Enacting a moratorium on foreclosures; and
- p. Formulating strategies to fight concentration of corporate power in implementing the foregoing agenda.

Further, the National Lawyers Guild will work through its chapters and appropriate committees to pressure governors, propose legislation, and fight in the courts and the streets to halt foreclosures and evictions and other adverse effects of the financial crisis.

Submitted by: Ann Fagan Ginger and Ellis Boal, and as amended by the plenary.

**RESOLUTION HONORING NATIONAL LAWYERS GUILD FOUNDER
BARNEY ROSENSTEIN ON HIS 100th BIRTHDAY**

Whereas, in the midst of tremendous social upheaval, and unprecedented economic hardship, The National Lawyers Guild was founded in Convention at Washington, D.C. in February, 1937, attended by 600 lawyers from across the country, including 28 year-old lawyer Barney Rosenstein of New York; and,

Whereas, Barney and his wife Fanchon Rosenstein celebrated their honeymoon by attending that NLG founding Convention; and,

Whereas, Barney Rosenstein's legal career epitomized the spirit of the National Lawyers Guild to "function as an effective social force in the service of the people" by representing and advising labor unions and leaders, representing tenants against landlords, encouraging them to organize, and by litigating and obtaining a court ruling which recognized that "the right of picketing for other than labor demands to protest in a peaceable manner against injustice or oppression" is not to be prosecuted, but cherished; and,

Whereas, Barney Rosenstein became deeply involved in resisting efforts by the owners of Carnegie Hall in 1959 to demolish it for a new office building, by organizing the tenants and artists who lived there to successfully encourage New York City Mayor Wagner and Gov. Rockefeller to preserve Carnegie Hall; and

Whereas, after retiring to Sarasota, Florida in 1980, Barney Rosenstein has continued to provide his legal expertise with Legal Aid representing indigents, helped to create Mental Health Courts, and continues to write and lecture on the Bill of Rights and participate with the Democratic Party of Sarasota; and

Whereas, on December 10, 2008, Barney Rosenstein will celebrate his 100th birthday, and is the lone surviving founder of the National Lawyers Guild;

Now therefore, Be it Resolved by the National Lawyers Guild, at its 71st Annual Convention, that it issue a Proclamation commemorating, honoring and thanking Barney Rosenstein for his contributions to the National Lawyers Guild to the legal community and to society, and for providing younger Guild members a shining example of a life-long spirit of action in the best traditions of our profession.

IMPLEMENTATION: The National Executive Committee of National Lawyers Guild
SUBMITTED BY: Neil D. Kolner and Michael D. Ray, South Florida Chapter of NLG