

Guild Notes

a publication of the national lawyers guild foundation

volume XXXVI, no. 4, winter 2011



OCCUPIED

Occupy Report-backs Pg. 3-9

Philly Convention and
Election Results Pg. 12-14

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Guild Notes is published quarterly by:

The National Lawyers Guild Foundation
132 Nassau Street, Rm. 922
New York, NY 10038

Design and Editing: Nathan Tempey, Jamie Munro and Abi Hassen

Cover Photo: Tim Plenk

Copy deadline for next issue: February 6, 2012

To subscribe to Guild Notes: Contact Nathan Tempey at communications@nlg.org. One year subscription for non-member individuals: \$50. One year subscription for institutions: \$75.

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Occupying together—no room for old differences in the new Movement

“Thank god for the National Lawyers Guild.”

That’s how I was greeted on a recent visit to Chicago, where a friend’s husband was facing a grand jury investigation into Palestinian and Colombian solidarity activists.

Shortly thereafter, at the Occupy Birmingham General Assembly, three people wanted to have their pictures taken with me. Or, more precisely, they wanted their pictures taken with an NLG member. The Occupy Movement has trumpeted what progressives and revolutionaries around the world have always known—that the Guild is there for the people fighting for change.

And, our work in defense of Occupy has taken up much of our energy and resources recently—and, not incidentally, built up our membership—it is only a part of what we do. All the work of our committees and chapters has continued as well, around the country and internationally. I will not cite individual examples, for fear of slighting all those I do not mention, but it bears repeating that the range of work we do is synergistic.

No other legal organization combines the range of work with the political perspective we bring. And that political perspective is, in turn, informed by the variety of our work. Organizations such as AILA and NACDL which focus on only one issue do great work but cannot fully understand how the abuses they confront relate to all the other evils in our society.

The Occupy movement, on the other hand, has done a great job of drawing such connections. It has been criticized for not having an affirmative program, but I do not know of any historian who has criticized Thomas Jefferson and the signers of the Declaration of Independence for only wanting independence from Great Britain.

Occupiers want independence from the rule of money. It is not so different.

But I was not planning to use this space to defend the Occupy movement to our members, who have manifested their support as clearly as anyone could. Rather, I wanted to remind us of our constitution. The most often quoted part holds that “human rights shall be regarded as more sacred than property interests.” But immediately before that,

we pledge that we will act “in the service of the people.” Across the country, in cities large and small, we are fulfilling that mandate, and the times we are in demand that we keep it in the front of our minds..

Those who work in our field are, by nature and training, contentious and Guild members have spent a lot of time and energy arguing with each other throughout the years. Indeed, if we are to be true to our constitutional call for “basic change in the structure of our political and economic system,” we need to deepen our analysis of both that

system’s fundamental flaws and our solutions to them. In particular, part of our service to the people is providing a critical analysis of the legal system. Developing that analysis necessarily involves disagreement and there are certainly times for that.

But this is not one of those times. The ferment that has swept the U.S. and countries around the world demands something else of us. It demands that we put aside our internal struggles in the interest of the people we say we serve. There is a saying in the book of Ecclesiastes re-popularized by Pete Seeger. It goes: “to everything there is a season.”

This is the season to support the growing resistance to the rule of monopoly capital. It is not for us to decide the form that resistance should take, nor to dictate the direction it will go. Our obligation is to give that resistance room to breathe, expand and grow. That means putting aside for another day whatever disagreements we may have in favor of united and determined support for the Occupation, wherever it is.

With all that in mind, I would be remiss if I did not mention that we are called upon not just to offer our time and talents in defense of the people, but to build our own organization. Our national office has been understaffed for years due to lack of funding. In the last few months, the four people there have, in addition to their regular duties, provided support and assistance, great and small, to members and chapters defending the Occupiers across the country. We owe them a debt, moral and financial. This expression of gratitude for all they do is a down payment on the moral debt. Let us all redouble our efforts to repay the financial one as well. □



A message from Mumia

Editor's note: Just before press time the Philadelphia district attorney's office announced that they would stop seeking the death penalty against NLG NVP Mumia Abu-Jamal. The announcement came after a federal appeals court ordered a new sentencing hearing. Mumia will be formally re-sentenced to life without parole.



Dear Colleagues, Dear Esteemed Members of the National Lawyers Guild,

As the Occupy Wall Street movement rolls across America, no organization will face more challenges than the National Lawyers Guild, for the law looks backward for its precedents. I think we are in a new era of social movements where the precedents will fall short of where society needs to go.

That is because social movements break new ground and raise new questions that have not been posed heretofore. The NLG must therefore be creative in anticipating legal strategies that both expand the realms of human freedom and give life to one of our most treasured mottos: human rights shall be regarded as more sacred than property interests. Occupy Wall Street challenges us to make that motto real. In this duty we must not fail.

I am convinced that the NLG, in areas near and far, will succeed admirably.

Thank you,
Mumia Abu-Jamal
National Vice President

GIVE BACK TO THE GUILD

Do you value the work that the National Lawyers Guild does? Has a Guild attorney helped you or someone you know? Won't you reach out and help the Guild continue its work? For the last 75 years, the Guild has fought to defend civil and human rights. As long as we are needed, we'll be there.

To make sure the Guild continues when you are gone please consider the following: remembering the NLG in your will or living trust, naming the NLG as a beneficiary on your life insurance, or establishing a charitable gift annuity.

For more information about opportunities to support the Guild through planned giving, contact Marjorie Suisman, Esq. at (617) 589-3869 or msuisman@davismalm.com.

The NLG heeds the call of Occupy Everywhere

by Heidi Boghosian

Since the Occupy Movement began in New York on September 17, the National Lawyers Guild has mounted a nationwide effort to protect demonstrators' constitutional rights at Occupy protests. In the single largest outpouring of legal support for protesters since the end of the Vietnam War, we have mobilized immediate responses to the many challenges confronting the Occupy movement in nearly 200 urban and rural areas. From New York to Seattle, from Los Angeles to Atlanta and everywhere in between, our chapters have been inundated with requests for assistance.

We are actively coordinating attorneys, legal workers and law students, and providing legal briefing, legal research, and legal advice to occupations across the country. Members are bringing affirmative constitutional challenges, representing protesters in criminal court, training and acting as Legal Observers[®], and often providing around-the-clock legal advice to the protest encampments.

To more effectively share information as situations develop rapidly on the ground, we have established a secure webpage/listserv for attorneys and legal workers to exchange information while preserving attorney/client privilege.

Demand for Guild services has never been higher. In November alone, more than 200 lawyer and legal workers have been coordinated by the Guild into an effective legal force. Our profile too, has sky-rocketed. Media coverage of our work spans the nation, with such headlines as "Occupy Wall St. protesters' rights in good hands as legal minds step up to offer their support." (*NY Daily News*).

The Guild continues to set the standard for protest defense nation-

wide. We strive every day to send law enforcement the message that we will not tolerate suppression of speech and that we are there to back up the protesters.

In addition to defending protesters who have been falsely arrested, we have and will continue to challenge unlawful orders to disperse lawful assemblies, permitting schemes that restrict the ability to assemble and march, and fees and indemnification requirements aimed at making free speech prohibitively expensive. Through our work, we maintain that the First Amendment is not a luxury or a commodity, but a set of inalienable rights.

Legal Issues

The Occupy Movement has raised a host of First Amendment issues, the particulars of which vary by jurisdiction, but which together encompass the fundamental components of free expression. On a daily basis we are receiving requests and sharing legal expertise on such topics as:

- the constitutionality of local ordinances and discretionary permitting schemes
- curfews imposed to prevent overnight assemblies
- threats of police lawsuits against protesters for police injuries and overtime
- the use of tents and sleeping in parks and on sidewalks as forms of protest
- the designation of public and "private" park spaces
- indemnification and insurance charges aimed at making protest activity prohibitively expensive



Legal Observers[®] Alex Van Schaick (L) and Garrett Kaske at an Occupy Wall Street march near the Brooklyn Bridge, where the mass arrest of 700 galvanized the movement.

Photo by Jefferson Siegel

Locations

The cities where NLG members are providing mass defense support include but are by no means limited to:

Birmingham, AL; Phoenix, AZ; Tucson, AZ; Los Angeles, CA; Oakland, CA; Orange County, CA; Sacramento, CA; San Francisco, CA; San Jose, CA; Denver, CO; Washington, DC; Wilmington, DE; Fort Lauderdale, FL; Fort Myers, FL; Orlando, FL; Pensacola, FL; Sarasota, FL; Savannah, GA; Des Moines, IA; Boise, ID; Chicago, IL; Bloomington, IN; Indianapolis, IN; Louisville, KY; New Orleans, LA; Baltimore, MD; Augusta, ME; Detroit, MI; Minneapolis, MN; St. Louis, MO; Billings, MT; Manchester, NH; Trenton, NJ; Santa Fe, NM; Albany, NY; Buffalo, NY; New York, NY; Poughkeepsie, NY; Rochester, NY; Syracuse, NY; Charlotte, NC; Cincinnati, OH; Cleveland, OH; Toledo, OH; Portland, OR; Allentown, PA; Harrisburg, PA; Philadelphia, PA; Pittsburgh, PA; Clarksville, TN; Knoxville, TN; Nashville, TN; Dallas, TX; Fort Worth, TX; Houston, TX; San Antonio, TX; Bellingham, WA; Olympia, WA; Milwaukee, WI.

OWS keeps NYC Chapter Occupied



Paul Keefe (on left, profile with hat) and friend legal observe at an OWS march. *Photos by Jefferson Siegel*



Members of Liberty Park Legal Working Group prepare their TRO filing. From left: Yetta Kurland, Elizabeth Fink, Dave Rankin (standing), Arthur Schwartz, Margaret Ratner-Kunstler, Jeffrey Rothman (standing), Wylie Stecklow (standing), and Gideon Oliver.

by NLG-NYC Mass Defense Committee

Since day one of Occupy Wall Street, the New York City Chapter has been engaged in a huge, ongoing effort to provide legal assistance in support of persons exercising their First Amendment rights to speech, expression, and assembly at Occupy Wall Street (OWS).

Our Mass Defense Committee has organized Legal Observers® (LOs) to monitor police activity for possible misconduct in response to the 67—and counting—OWS-related LO requests. Over 250 LOs have monitored these events, and prior to the eviction of protesters by New York police, LOs were a daily presence at Liberty (formerly Zuccotti) Park. Up until the eviction, chapter members also staffed a legal information table in Liberty Park on a daily basis, answering general legal questions, distributing Know Your Rights booklets, and collecting arrest information for legal representation in criminal cases.

The New York City office operates a hotline for protest arrests, often fielding calls around the clock. More than 20 volunteers have helped our two primary coordinators answer phones and maintain a database of arrestee information. We have provided a range of Know Your Rights workshops for members of the public, presented detailed training programs for attorneys on the rights of protesters, and prepared a pamphlet which includes answers to the most frequently asked questions from OWS participants.

Throughout the eviction in the early morning hours of November 15, dozens of LOs were on the scene, and a group of NLG attorneys worked through the night and into the next day to obtain a temporary restraining order (TRO) against the City. Although a judge declined to extend the TRO later that day, chapter members are involved with continuing litigation on the right to protest in the park and restrictions on protesters' First Amendment rights.

At present, we are also coordinating legal representation for the almost 1,700 people arrested at OWS-related protests, with 44 Guild attorneys already involved. As part of this representation, we have created a mentorship program through which attorneys with less criminal defense experience can be paired with experienced criminal defense attorneys, and are organizing a program through which law students can assist attorneys with case research and learn how to draft court documents. We have also been providing trainings for attorneys handling OWS cases to discuss issues ranging from the basics of criminal defense to what it means to have a “mass defense” strategy.

We are committed to these efforts, and expect to facilitate the continued ability of protesters to engage in their lawful protest activities over the coming months and into the future.

For updates check <http://www.nlgny.org>.

Bay Area NLG pushes police to play by their own rules

by Carlos Villarreal

The Bay Area's Occupy movement began in San Francisco and gained widespread attention when the first raid cleared occupiers from in front of the Federal Reserve building in early October. The police acted violently and recklessly, but in relative terms it would not compare to the actions of the Oakland Police days later. Across the Bay, Occupy Oakland launched with an occupation in public space in front of city hall—a concrete amphitheater surrounded by a large lawn that is frequently used as a political free speech zone. The camp grew to include dozens of tents, frequent entertainment, food service, and numerous booths.

Police moved in early on

October 25th violently clearing the park, arresting about 100 individuals and erecting barricades. Later that day and into the night people gathered in response. Police moved in again with tear gas and rubber bullets, firing directly at protesters and injuring many, including Iraq War veteran Scott Olsen. An additional 100-plus individuals were arrested that night.

As we saw during the crackdown on protests of the killing of Oscar Grant by a BART police officer, Oakland police and the outside law enforcement agencies helping them violated California law. And that wasn't all.

"The police violated just about every provision of their own Crowd Control Policy [that night]," said Bobbie Stein, a NLGSF attorney. "Tear gas canisters were shot and flash bang grenades were thrown directly at protesters. A man's skull was fractured when he was hit by one of these objects. Demonstrators were shot with rubber bullets and shot-filled 'bean bags.' All of this is prohibited under the Policy that we helped write and under which all OPD officers and commanders are required to be trained."

That policy, developed in collaboration with NLG and ACLU attorneys, was adopted by the City of Oakland as part of the federal court settlement that arose from

OPD's violent clashes with longshoremen and anti-war demonstrators at the Port of Oakland in 2003. The policy specifies how police should deal with crowds, including protocol for so-called "less lethal" weapons. Shooting tear gas directly at protesters or shooting protesters who are simply standing in the street with bean bags is never a proper use of force. Furthermore, holding people accused only of misdemeanors for a prolonged period of time is

also prohibited—both by the policy and by state law. Yet Occupy protesters, some with serious injuries, were booked and held for dozens of hours in crowded cells.

The same pattern of violence and misconduct reemerged days later following an enormous march and general strike that successfully shut the Port of Oakland for most

of the day. Police presence was light until late that evening when unarmed protesters were again attacked with disproportionate force, injuring many more.

In response, the NLGSF filed a suit against the Oakland police department on November 14 for its egregious constitutional violations against the demonstrators.

The Bay Area chapter has also joined with allies to launch the Occupy Legal Collective, which is focusing its attention on the actions in San Francisco, Oakland and Berkeley. Legal workers, law students, lawyers and activists have helped operate a legal hotline 24 hours a day for weeks. A team of attorneys has been coordinating defense of arrestees as well as jail visits. And hundreds of Legal Observers® have been trained in just two months.

The work of chapter members now extends to San Jose, Santa Cruz, Monterey, Sacramento and Davis (where peaceful demonstrators were pepper sprayed in a now-iconic scene). As of this writing, an Occupy encampment remains in San Francisco and General Assemblies continue in most of these cities. Planned future actions include occupying foreclosed homes and buildings and a coordinated port shutdown.



Tens of thousands shut down the Port of Oakland during the historic November 2 general strike.
Photo by Margaret Killjoy

Occupy round-up



A van brings word from Portland to Occupy Eugene.

Photo by Basil El-Ghazzawy

Portland

by Jamie Trinkle, Stu Sugarman, and Erica Rothman

Occupy Portland kicked off on October 6 with a 10,000-person rally. The occupation then settled into two adjacent parks in front of the County and Federal courthouses. The city was initially supportive, lifting the camping ban and park curfew. Hundreds of Portland occupiers offered free food, medical care, a library, and political discussion to the 99%.

From the start, the Portland Chapter provided Legal Observers[®], criminal and civil attorney referrals. We also eventually put in place a legal hotline. And, with Guild member guidance, Occupiers recently formed their own internal legal collective.

On November 13, Portland evicted the occupation with notice. What began as a midnight stand-off including some 5,000 protesters ended with a drawn-out morning eviction that began after the bulk of the crowd dispersed. The park-clearing was peaceful, but it resulted in over 40 arrests. Police arrested more occupiers during November 17 marches.

Organizing continues throughout the city.

Chicago

by Ben Meyer

The Chicago NLG chapter has been providing legal support for Occupy Chicago since it began on September 23, 2011. Over the past two and a half months we have established a 24-hour Occupy Chicago legal aid hotline, developed a page on our website with Know Your Rights materials and other legal resources for Occupy Chicago, and have begun to provide criminal representation for the over 300 individuals who were arrested during mass arrests on October 16 and October 23.

Over the past several weeks we also have fielded Legal Observers[®] to several Occupy Chicago actions, including the movement's two occupations of Grant Park, and have established a 24-hour on-call, volunteer-staffed Legal Observer[®] system.

Additionally, at the behest of Occupy Chicago's General Assembly, a group of Guild attorneys met with city representatives on October 27 to discuss dismissing pending criminal charges and finding a permanent location for Occupy Chicago. However, the city refused to drop any of the charges or to grant Occupy Chicago an ongoing presence in any of the city's public parks.

Further updates about Chicago Guild's work with Occupy Chicago are available on our website:

<http://www.nlgchicago.org>

Occupy round-up (cont'd.)



Boise

by Ritchie Eppink

Guild participation in Idaho has more than quintupled since September. NLG lawyers in Boise and Moscow, Idaho are now coordinating around-the-clock Legal Observers[®] for the Occupy Boise encampment and 24/7 hotline support for Occupy Pocatello, as well as police negotiation support and weekly Know Your Rights trainings for both camps.

Through these efforts, Guild has had a central role in reviving Idaho's vivid history in the trenches of people's struggles against greed. The Occupy Boise encampment is spread across the site of the 1907 trial of *State v. Haywood*, in which Clarence Darrow successfully defended Bill Haywood and the worldwide radical labor movement, asking the jury in closing:

"How many bankers do you suppose you have in Boise who would risk starvation for a cause? Well, I think there are few. How many lawyers would run the chance of starvation for the sake of a cause? How many business men would close their stores and face starvation for themselves, their wives and their children, for a cause? Mighty few. That is what workingmen do. That is what they are bound to do, when they bind themselves together in a great organization, each fighting for himself and his fellow men."



Above: Occupy Detroiters block the Ambassador Bridge to Canada. Left: A liberated zone grows in Boise, Idaho.
Photo by Ritchie Eppink

Detroit

by Phyllis Jeden, Legal Fellow, Sugar Law Center for Economic and Social Justice

The Detroit/Michigan Chapter of the National Lawyers Guild has served as the main source of legal information, guidance, protection and representation for Occupy Detroit. Since the camp's inception, Guild members have consistently attended General Assembly meetings, strategic planning meetings and direct action events. The chapter has coordinated Legal Observers[®] and acted as direct counsel for those arrested during demonstrations. Local Guild members have also prepared and distributed Know Your Rights handbooks specifically tailored for Detroit protests. The books serve as companion pieces to the Know Your Rights and Legal Observer[®] trainings conducted by Guild attorneys at General Assemblies. The same attorneys assisted Occupy Detroit in obtaining permit extensions for the original Grand Circus Park encampment, and have since aided in the relocation of the encampment.

Spokane

by Lindsey Schromen-Wawrin

Local attorneys and law students in Spokane have organized to support the Occupy Spokane protests with Know Your Rights and Civil Disobedience trainings. Inspired by the grassroots protests, law students at Gonzaga plan to develop a coordinated Legal Observer[®] program and to re-establish the Guild chapter at their school this spring.

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NLG backs Occupy Philly

by Traci Yoder

Occupy Philly (OP) began October 6 at Dilworth Plaza outside of City Hall. Like occupations in other cities, OP built a vibrant encampment, holding daily General Assemblies, providing education and trainings, and organizing frequent actions to address issues ranging from police brutality to corporate greed.

NLG Philly offered support to OP from day one, including providing Legal Observers® and answering questions at the General Assembly about permits and First Amendment issues. Guild members also offered Know Your Rights trainings at the occupation site on protester rights, police encounters, and what to expect if arrested. Philly members also conducted trainings and presentations at the OP People's Law School on topics such as corporate personhood and employment discrimination. The chapter is working with the OP Legal Collective to organize the arrest hotline and legal information for protestors.

The Philadelphia Chapter is also helping to coordinate representation for protestors who were arrested in actions related to Occupy Philly. Groups of protestors arrested for civil disobedience actions at Police Headquarters and the Comcast building will be taking their cases to trial with the help of a legal team assembled by the NLG, including Guild attorneys Mike Lee, Paul Hetzner, and Michael Coard. Inspired by the OP protest, NLG Philly has assembled a growing referral list of local lawyers who are prepared to represent protestors in the case of future arrests.

In addition to providing support for Occupy Philly, the Philadelphia Chapter has also been helping occupations throughout Pennsylvania, New Jersey, and Delaware. Because these smaller towns and cities do not have Guild chapters, NLG Philly set up a hotline



Guild lawyer Sarah Coburn legal observing at the first General Assembly of Occupy Philly. Photo courtesy of Occupy Philly Media

to assist occupations in Harrisburg, Allentown, Bethlehem, and Lancaster, Pennsylvania, Wilmington, Delaware, and Trenton, New Jersey. We have organized Legal Observer® trainings and helped to find local attorneys to advise the protestors on their unique situations. The result of these collaborations has been a revival of the Harrisburg Chapter (including a new student chapter at Dickinson Law School) and increased coordination between cities in the Mid-Atlantic Region as we all strive to support this important and growing movement.

[Ed. note: Occupy Philly was evicted in an early morning raid November 30, and again the following week. Close to 50 were arrested in the marches and standoffs that followed the first eviction. Of them, 19 plan to go to trial on charges that include criminal conspiracy, failure to disperse, and obstructing a highway. Others have accepted deals for community service and fines.]

Denver

by Charles Nadler

The Denver chapter formed a 50 member ad hoc pro bono law firm to represent nearly 80 arrestees. In just a few days we have worked with the Colorado Criminal Defense Bar. We have three paralegals, three investigators, an appellate attorney and a three-member evidence team. We have regularly sent Legal Observers® to Occupy Denver marches and other activities. We are coordinating with DenverABC, an anarchist group. They staff a legal hotline, collect bond money, keep track of arrestees and bond out arrestees.

Also, two NLG Colorado lawyers have filed in Federal Court for a Temporary Restraining Order to halt selective enforcement of ordinances interfering with First Amendment rights of Occupy Denver participants.

Mass. Defense Committee blitzes for Occupy Boston



Above: Urszula Masny-Latos is arrested while legal observing during a raid on Occupy Boston.

by Jeffrey Feuer, Massachusetts Chapter Mass Defense Coordinator

Reprinted from the December issue of *Mass Dissent*

Boston's Mass Defense Committee (MDC) had an extremely busy quarter. Prior to the beginning of the 99% movement, groups including City Life/Vida Urbana, Chelsea Collaborative, and the Springfield No One Leaves Project all sought the Guild's assistance to provide Civil Disobedience and Legal Observer® training. The MDC successfully defended activists arrested at a number of eviction blockades in the Greater Boston area.

That work culminated with the defense of 24 people arrested September 30, 2011, at a large Right to the City march, which many Guild members attended as Legal Observers®. When the several thousand-person march reached the Bank of America headquarters in Boston's financial district, 24 demonstrators were arrested blocking the entrances in a concerted act of civil disobedience. All were charged with criminal trespass and many of them spent long hours in custody until their eventual release on bail. When they appeared in Boston Municipal Court the next week for arraignment on the criminal charge of trespass and volunteer MDC attorneys were there to represent them.

We were able to negotiate a very favorable resolution for all of the arrestees—18 of them had a criminal trespass charged converted into a civil infraction for which they were found “responsible” and ordered to pay a fine of *zero* dollars. The remaining six arrestees also had their criminal charges converted into a civil infraction for which they were found “responsible,” and their fines were a mere \$50

each. In the end, none of the arrestees incurred a criminal charge, the cases were completely disposed of that day, and no restrictions were placed on their participation in any future protests. This was an extremely successful outcome for one of the largest demonstrations in Boston in years.

The largest, that is, until early October, when attention turned toward Occupy Boston (OB), which began the same week. Early on, the Guild provided legal support through the on-site OB Legal Working Group.

A few weeks in, on the first night of the occupation's expansion to a neighboring park, the mass arrest of over 140 further galvanized the MDC. It probably helped that Massachusetts Executive Director Urszula Masny-Latos, who served as a Legal Observer® that night, was among the arrested. Again when the arrestees were arraigned, MDC attorneys were there to represent the demonstrators. Most were offered a very reasonable deal—either dismissal of the charges pre-arraignment or conversion of the criminal charges into a civil infraction, both contingent on payment of \$50 court costs or a fine. The vast majority of the 140+ OB arrestees took this deal, but a committed group of approximately 25 people rejected the offer and have chosen to challenge their arrests by proceeding to trial. A group of MDC attorneys will be representing those defendants.

Following the arrests, the MDC created seven different task groups to better coordinate support for Occupy and future protests in Massachusetts. The task groups include hotline, arraignments, Know Your Rights and Civil Disobedience trainings, Legal Observer® coordination, criminal defense, and civil litigation.

Since then, the MDC has been going full-steam ahead on OB projects. Working closely with the ACLU, Guild attorney Howard Cooper is heading a team of attorneys who at press time had obtained a temporary restraining order in place for three weeks pending a third hearing on broader injunctive relief. The Guild office hotline has been in use 24 hours a day fielding legal questions and arranging legal representation for arrested occupiers. Guild attorneys have been present for every occupier arraignment in both Boston and Worcester. The Criminal Defense group is currently planning trial strategy for the 21 OB demonstrators who still wish to go to trial. Information and evidence is being gathered to prepare civil lawsuits on behalf of individual protestors who were injured (including a broken wrist) during arrests, and a class action on behalf of all the demonstrators who had personal property destroyed by the police during the October 10 mass arrests. Guild members are also helping facilitate conversations with city agencies.

Pre-Occupy—California NLGers defend indigenous occupation of sacred land

by Sharon Adams and Jose Luis Fuentes

On April 13, 2011, bulldozers were scheduled to arrive at a sacred Native American site in Vallejo, California. They were going to rip open the earth, tear up plants and ancestors, to pave paradise and put up toilets—literally.

But before that could happen, a dedicated group of indigenous people and Earth activists occupied the sacred site. Many, including activists Wounded Knee DeOcampo and Corrina Gould, trace their lineage to the area and had been fighting the desecration of the site for over a decade. Their pleas to consider Mother Earth and their ancestors' remains had been ignored.

So the people took action. They occupied the site, set up tents, and lit a ceremonial fire that burned for 109 days, until the first-ever conservation and cultural easement was granted to a Native American tribe in California.

The organization Sacred Sites Protection & Rights of Indigenous Tribes (SSP&RIT), formed to oppose desecration of the site, reached out to the National Lawyers Guild for Legal Observers® and legal support. Jose Luis Fuentes, from Siegel & Yee, a law firm in Oakland, took the litigation lead and immediately negotiated an agreement with Greater Vallejo Recreational District's (GVRD) attorney and the Vallejo city attorney dictating that the city give notice before evicting peoples at the site and setting the stage for negotiations.

Jose Luis raised questions about the City's title to the land under the Treaty of Guadalupe Hidalgo (9 Stat. 922). Guild members Sharon Adams, Micah Clatterbaugh, Michael Siegel, and Chris Oakes spent many hours reviewing original land title records. They learned that native peoples called the site Sogorea Te, and that indigenous Ohlone, Miwok, Patwin, Yocha Dehe Wintun Nation, and the Cortina Band of Wintun Indians and others lived and held ceremony there for thousands of years. As late as 1860, missionaries sent expeditions to Sogorea Te villages to conscript native people for the San Francisco mission. After the Mexican-American war, Sogorea Te, along with all other conquered land, was transferred from Mexico to the U.S. under the Treaty of Guadalupe Hidalgo. Some 160 years later, there were holes in the City of Vallejo's chain of title to Sogorea Te/Glen Cove, and they were used as leverage in negotiations with the city.

And meanwhile, the ceremonial fire burned night and day, rain and shine, and native people held ceremony for the salmon run, for Mother Earth, and for their ancestors. The American Indian Movement (AIM) participated. Fred Short, the spiritual leader for AIM, was often at the site,

and other AIM members provided crucial support.

Under California state law, it was too late to challenge the Environmental Impact Report (EIR), and the project had received final approval. Instead, SSP&RIT asserted rights as Native Americans under the National Historic Preservation Act of 1966. California state law interacts with federal law with complicated and interwoven requirements about Native American issues. Moreover, the law is written for the benefit of property owners, giving easy steps for dividing and conquering Native Americans to clear up issues that may be raised by tribes.

Also under California law, when native remains are found, or where there is other evidence of a sacred site, the property owner must consult with the Most Likely Descendant (MLD). The MLD must be either federally- or state-recognized. A single person is the MLD, and this person is authorized to make final decisions (within limited state-granted options) unless challenged by a petition for administrative mandate pursuant to Code of Civil Procedure § 1094.5.

Despite concrete historical, archaeological, and scientific evidence that Ohlone, Miwok, and other native tribes lived and prayed at Sogorea Te, the members of non-federally recognized tribes, who could link their ancestry to the land, were not consulted about development of the Sogorea Te sacred site. GVRD consulted with the MLD and received no opposition to GVRD's plans. This fact was always in the background of the 109-day occupation.

The group continued researching various avenues to resolve the matter, receiving guidance from Denver Guild member Andy Reid. A state law was identified that permitted recognized tribes to own a "conservation easement" to "protect a California Native American prehistoric, archaeological, cultural, spiritual, or ceremonial place."

Jose Luis Fuentes ultimately helped negotiate a settlement with the city, the state-recognized MLD tribe, and SSP&RIT, granting a conservation and cultural easement to the MLD's tribe, commonly referred to as a "cultural easement." This cultural easement grants to tribes the right to hold ceremony and to preserve Native American culture over sites, in this case the entire fifteen-acre site. In addition, the City agreed to scale back its construction plans, and that there would be no toilets.

This model was subsequently used in Santa Cruz, to stop private construction on a sacred site. For more information visit <http://www.protectglencove.org> and <http://www.savetheknoll.org>.

New York punks host rOWSing rock show for NLG



Left: The crowd goes heels over head for New Jersey punk band Titus Andronicus
Photo by Guy Epel
 Above: New York City Chapter President Gideon Oliver fits a fast Know Your Rights training between sets at the sold-out warehouse punk show. *Photo by Edwina Hay*

by **Nathan Tempey**

True to form, it was fast and to the point.

“You have the right to remain silent and you should exercise that, because they *will* use whatever you say against you. Also, remember this phrase: ‘I do not consent to a search.’ Say it loud so that the people around you can hear...”

That was just-elected New York City Chapter President Gideon Oliver delivering what was probably the first Know Your Rights training to be squeezed between bands at a Brooklyn punk show. It was a cold and wet Monday night but the show was sold out and there could be no doubt about the occasion—OWS—spelled out as it was on the wall in electrical tape.

The last few months of the Occupy Movement have seen a slew of unprecedented collaborations, and that beer-soaked benefit for the NLG typified them—it was at once surprising and a natural fit. Patrick Stickles, front-man of media darling Americana-benders Titus Andronicus, booked the show on the fly, choosing as a venue his friends’ decidedly anti-corporate loft space and announcing it the night before. His father’s background as a corporate lawyer keyed his interest to the Guild’s high profile Occupy Wall Street support work and his enthusiasm took care of the rest.

It helped that, as National Mass Defense Coordinator Abi Hassen explained to the sweaty crowd, “The NLG is basically the most punk rock legal organization there is.”

And with that, we returned to the night’s regularly

scheduled programming.

Veteran headliners Ted Leo and the Pharamacists, just back from a month-long tour (and standing to make zero dollars that night) took the stage and played for a full two hours.

Guitars buzzed, bodies flew overhead and at least a few Guild members engaged in some full-contact dancing as Mr. Leo sang his voice down to a ragged thread.

“We’re here tonight to support the Lawyers Guild,” he said between songs, “who are fighting for the rights of all of us out there in the streets.”

Leo cheered the singular chord Occupy Wall Street has struck, bringing so many people under one roof.

Finally, he said, after all the marches and meetings of the last decades, it’s working. It was an observation that resonated with all the activists in the room, legal and otherwise.

And Leo’s energy carried through two encores, even as the Pharamacists decamped for a breather and as concerns about making it to work in the morning whittled down the crowd.

The Guild contingent stayed to the last, though, clapping along as Leo belted out the words to his final song a cappella:

“I never gave up, I never gave up, I crawled through the mud but I never gave up.”

There on the dance floor, two months into this latest rendition of a struggle with no end in sight, we could feel the rest of the Guild clapping along with us.

Philadelphia National Convention largest in recent history

by Jamie Munro

The 74th annual Law for the People convention brought over 700 law students, lawyers and legal workers to Philadelphia this October. The convention, which was our largest in years, featured two plenaries, 30 workshops, panels and trainings, and dozens of caucus, committee and regional meetings.

After CLE events by the National Police Accountability Project, the National Immigration Project and the International Committee, the convention was officially kicked off with a keynote address from Bhairavi Desai, the co-founder and director of the New York Taxi Workers Alliance. Desai detailed the struggles of organizing atomized workers, and the feeling of victory at the end of a long campaign.

As in years past, the local chapter planned activities that allowed convention Guild members to engage with the host city. This year included a tour of local murals, many of which were painted by former inmates and families of crime victims. There was also a well-attended anarchist walking tour, which brought attendees to the homes, workplaces and gathering spaces of Philadelphia anarchists throughout history.

This year also saw the first presentation of the Debra Evenson Venceremos International Award. The award, named for the former Guild president and leading expert on Cuba's legal system, was presented posthumously to Leonard Weinglass, who passed away in March. Tributes to both Debra and Len were read by friends and colleagues in a moving award ceremony.

At the banquet, awards were presented to multiple generations of Guild members for their tremendous achievements. The program included a powerful recorded speech by Mumia Abu-Jamal, who received the Arthur Kinoy Award.

The energy of the nascent Occupy movement was palpable throughout the weekend, with many convention attendees taking a few spare minutes to visit Occupy Philadelphia, and other late arrivals sharing stories from the national Occupy day of action.

By Sunday, as NLGers were saying their goodbyes and dispersing, it was clear that the Guild would have a tremendous year of legal activism in 2012.



Venezuela's head of elections Tibisay Lucena speaks.
Photo courtesy of the Bolivarian Republic of Venezuela

Venezuelan Official Addresses Plenary

As more and more U.S. states pass laws restricting access to the ballot, we welcomed Venezuela's expert in voter inclusion, director of the National Electoral Council (NEC) Tibisay Lucena Ramirez, to address the convention plenary. Tibisay was elected by the Venezuelan congress in 2005. Well known for promoting voter access and basic voting education for women and other historically marginalized groups in Venezuela, she addressed our convention with a powerful description of what happens when the poorest of the 99% are able to make their voices heard in national elections.

Since our 2006 delegation, the Guild has enjoyed a close connection to the Bolivarian Republic of Venezuela. We've sent three delegations to monitor elections, and have hosted members of Venezuela's legal community at our conventions. After the 2006 delegation, we sponsored a tour of the U.S. for a Venezuelan Supreme Court justice. NLG delegates have also coordinated countless teach-ins on the special features of the 1999 Bolivarian Constitution, including briefings for the U.S. Congress. Last spring, the NLG's International Committee filed a report with the U.N. Human Rights Council, commenting on the Venezuelan government's powerful implementation of the provisions of the International Covenant on Economic, Social and Cultural Rights.

We look forward to sending a delegation to observe the presidential elections of 2012. For more information visit <http://www.nlginternational.org>.

NLG 2011 Elections

Following this year's convention, two proposed NLG By-law amendments were sent to the membership for voting. Both concerned convention site selection. The first proposed the deletion of Sections 12.2 and 12.3 of the bylaws, which mandated that the NEC prioritize non-profit sites and consider several other selection criteria. The bylaw amendment passed, and the two sections will be deleted. Because of the deletion of Sections 12.2 and 12.3, the second proposed Bylaw amendment is moot and withdrawn.

The Guild also elected several national officers, including a president-elect.

Azadeh Shahshahani, President-Elect

For the past year, Azadeh has served as Executive Vice President of the NLG. Azadeh has also served as International Committee Co-Chair and Southern Regional Vice President.

Azadeh was born in Iran and moved to the United States at age 16. She became involved with the Guild while a student at the University of Michigan Law School where she was also Article Editor for *The Michigan Journal of International Law*.

After graduating from Michigan in 2004 with a JD and a Master's in Modern Middle Eastern and North African Studies, Azadeh moved to North Carolina, where she worked for the ACLU as Muslim/Middle Eastern Community Outreach Coordinator.

Azadeh currently works as the Director of the National Security/Immigrants' Rights Project at the ACLU of Georgia. The project is aimed at bringing Georgia into compliance with international human rights and constitutional standards in treatment of refugee and immigrant communities, including immigrant detainees. Azadeh has taken part in impact litigation including cases that are pending against Georgia's racial profiling law and a lawsuit on behalf of a deported U.S. citizen with mental disabilities.

In March, Azadeh, along with three other Guild attorneys, joined a delegation to Tunisia at the invitation of the Tunisian national bar association. The delegation produced a report on the Tunisian revolution and U.S. complicity with crimes of the ousted Ben Ali regime.

Azadeh has edited and authored several human rights reports and is the author of book chapters and legal articles on immigration and racial profiling.

She lives in Atlanta with her husband Maysam Ghovanloo who teaches electrical and biomedical engineering at Georgia Tech. They have several nieces and nephews in North Carolina and Tehran.

Teague Gonzalez, National Vice President

Teague was born and raised in El Paso, Texas and joined the Guild during her first year at the New College of California School of Law. After she graduated in 2006, she worked at the Homeless Action Center in Oakland and served as the President of the San Francisco-Bay Area Chapter of the NLG.

Ian Head, Executive Vice President

Ian Head began his relationship with the Guild at the National Police Accountability Project, which he helped move from New York City to Boston in 2002. He later worked at the NLG National Office from 2002 to 2008. He is now a legal worker with the Government Misconduct and Racial Justice docket at the Center for Constitutional Rights.

Beginning in 2002, Ian volunteered to co-edit an updated version of the original *NLG Jailhouse Lawyers Manual*, now titled the *Jailhouse Lawyer's Handbook*. It was published in 2003 and sent for free to prisoners by both the Guild and the Center for Constitutional Rights. In late 2005 he began holding weekly sessions after work hours with volunteers from local Guild law school chapters and the New York City community. Every Monday night, you can still find him working late to answer mail with a growing number of steady volunteers from all walks of life.

Outside his work at the Guild, Ian has built websites for small grassroots campaigns. He also makes mixtapes from old records, which you can find at everydaybeats.net.

Adrienne Wheeler, National Vice President

Adrienne Wheeler grew up in a military family in Savannah, Georgia. She received a B.A. from Sarah Lawrence College in 2001. During her time in New York City, she led teams of NLG Legal Observers® that monitored police activity during the Republican National Convention protests of 2004. She also co-facilitated Know Your Rights trainings and conducted search and seizure education with a Brooklyn legal collective.

In the wake of Hurricane Katrina, Adrienne traveled to New Orleans to survey city residents living in hotels as part of a local legal advocacy project aimed at stopping scheduled demolitions that lacked homeowner consent. She graduated in 2011 from Loyola College of Law and is currently an Echoing Green Fellow and Co-Founder/Director of the Justice and Accountability Center of Louisiana.

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Clockwise from top left: Heidi Boghosian and Jim Lafferty honor Arthur Kinoy Award recipient Mumia Abu-Jamal; Holly Cooper accepts the Carol King Award from James Smith; Michael Avery (L) congratulates 2011 Law for the People honorees David Kairys (middle) and David Rudovsky; Gráinne O'Neill (L) makes a pledge, with Natasha Korgaonkar and Bridget Kennedy; Legal Worker and C.B. King awardees Brad Thomson (L) and Andrew Bashi; Ernie Goodman Award recipient Karen Detamore reflects on her work. *Photos by Roxana Orrell*

NLG fights Islamophobia locally and nationally



by **Abi Hassen**

Recent investigations by the Associated Press have revealed a long-running program of New York City police spying on American Muslim communities with the assistance of the CIA. The NYPD, through its CIA-designed “Demographics Unit” has spied on over 250 mosques, collaborated with universities

to infiltrate student groups, and has even gone so far as to label a K-12 school a “school of concern.”

This is one of an array of U.S. government programs which approach all Muslims as potential threats and which foster a culture that dehumanizes American Muslims.

Law enforcement agencies’ increasing and disturbing use of informants, entrapment, and coercion to score politically motivated “terrorism” convictions leave American Muslims particularly vulnerable.

A recent NYPD terrorism case was built on informant coercion so blatant that even the FBI declined to pursue it.

Many Muslims think that if they don’t break the law, they can’t get in trouble. Regrettably, due to the dominance of cavalier police practices, this is not always true. But fortunately, the Guild, led by the New York City Chapter’s Muslim Defense Committee, is stepping up. The recently-formed committee has provided Legal Observers® and Know Your Rights materials at local Muslim events, and recently launched a NYC Muslim Defense Hotline that provides 24-hour Know Your Rights information and legal referrals.

The National Office has also created an Arabic version of its *You Have the Right to Remain Silent* booklet, with other languages to come soon.

The Guild as an organization has always stood by those who are unfairly marginalized, and targeted by law enforcement. In the face of increasingly virulent and hateful Islamophobia, it is imperative that we reach out to Muslim communities across the country and let them know that we support them. Our actions must send the message to the U.S. and local governments that race and religion should not, and must not be used as a presumption of guilt.

March 2012 El Salvador election monitoring delegation

The NLG Task Force on the Americas is sponsoring an election monitoring delegation to El Salvador from March 3-13, 2012. This election will be the first in El Salvador in which right-wing parties are the opposition. Legislative and mayoral elections will measure the public perception of the successes and failures of the Funes government since his historic election in 2009 and determine the ability of the FMLN to continue to carry out its programs of social reform.

Numerous changes have been made to the electoral process by the Supreme Electoral Tribunal under the leadership of its FMLN president to increase voter participation, including a new residential voting system in many provinces. But other changes to the process mandated by the conservative Supreme Court—including allowing independent candidates to run and listing all candidates from a party instead of just their party—will make for complex ballots, many of which will likely be rejected if errors are made by voters.

In addition to serving as government-certified election observers, delegates will look at the issue of gold mining in El Salvador. In June 2009 Pacific Rim Cayman LLC, a Canadian mining company, sued El Salvador under CAFTA in the International Center for Settlement of Investment Disputes

(ICSID) for \$100 million for denying extraction permits for its “El Dorado” gold mine. Communities in the regions where the mining would take place had organized opposition to the mining as the cyanide, mercury, and lead used in the extraction process would contaminate their land and water, and the mining would lead to few jobs or benefits for Salvadorans in any event.

The Salvadoran government has delayed issuing extraction permits while it decides whether to ban all metal mining due to environmental repercussions. But transnational corporations are increasingly using international arbitration tribunals to trump the rights of sovereign countries. Delegates will meet with local activists as well as government officials involved in the Pacific Rim claim to investigate the matter as well as to look at the role of the ICSID.

The delegation will be organized in coordination with CISPES, but we will hold some meetings on our own and hold our own press conference. The approximate cost of the delegation is \$1,000 plus airfare to San Salvador.

For information and to request an application, contact Judy Somberg: judy_somberg@igc.org, 617-497-5364.

Prison Law Project report—three years of the *Jailhouse Lawyer’s Handbook*

by Alissa Hull

The Prison Law Project (PLP) of the NLG sends over 5,000 copies of the *Jailhouse Lawyer’s Handbook* every year to people in prison free of charge. The Handbook is a pro se guide to filing Section 1983 claims against prisons and also provides basic information about the United States legal system.

For the past three years, each Handbook contained a survey asking inmates why they requested it, how they found out about it, and whether or not the Handbook impacted their case or decision to file a lawsuit. PLP has recently compiled these surveys and will be publishing a report of the findings.

Our results show that the most common reasons for requesting the Handbook were three serious constitutional violations: inmates were not able to access the law library (55%), were denied medical care (42%), and were abused by prison guards (33%). With no outside legal support, many inmates feel compelled to file their own Section 1983 claims to advocate for their rights and assert their dignity in this highly abusive environment.

Although prisons work very hard to isolate inmates, most of the respondents found out about the Handbook through

another prisoner. Additionally, 90% of respondents stated that they had shared our Handbook with other inmates.

Our survey results show that most people who requested our Handbook were in a pre-filing stage of their lawsuit, either thinking about filing one or in the process of putting one together. This means that the Handbook is a key resource for prisoners who are determining whether their claim will be viable and pass the rigorous restrictions of the Prison Litigation Reform Act (PLRA).

As continued budget cuts further restrict law library access and the ongoing overuse of solitary confinement continues, many prisoners have extreme difficulty in either physically going to a law library or gaining access to legal materials. Very few cases are successful against these restrictions because the standard for constitutionally adequate access to the courts is incredibly hard to prove. When inmates have their constitutional rights violated, our Handbook fills the gap of determining whether a violation has occurred and what the legal remedy is for those violations. For many prisoners, the Handbook is the only legal material available.

The full Prison Law Project Report will be available in January 2012 at www.nlg.org.

NATIONAL OFFICERS AND STAFF

President David Gesspass	National Student Co-VPs Jean Stevens Nadia Kayyali	<i>South</i> Anne O’Berry
President-Elect Azadeh Shahshahani	Regional VPs	<i>Southwest</i> Sarah Erlinder
Executive VP Ian Head	<i>Far West</i> Lisa Knox Rob Yanagida	<i>Tex-Oma</i> Robert Schmid James Branum
Treasurer Roxana Orrell	<i>Northeast</i> Aaron Frishberg Gráinne O’Neill	National Office Staff
National VPs Teague Gonzalez Adrienne Wheeler Zachary Wolfe	<i>Mideast</i> Tony Paris Rachel Rosnick	<i>Executive Director</i> Heidi Boghosian director@nlg.org
Legal Worker Co-VPs Marcus Kryshka Traci Yoder	<i>Mid Atlantic</i> Steve Gotzler	<i>Membership Coordinator</i> Jamie Munro membership@nlg.org
Jailhouse Lawyer Co-VPs Mumia Abu-Jamal Mark Cook	<i>Midwest</i> Molly Armour	<i>Mass Defense Coordinator</i> Abraham Hassen abi@nlg.org
	<i>Northwest</i> Peggy Herman Erica Rothman	<i>Communications Coordinator</i> Nathan Tempey communications@nlg.org

NATIONAL COMMITTEES, PROJECTS & TASK FORCES

Amicus Committee

Zachary Wolfe
amicus@nlg.org

Anti-Racism Committee

Garrett Wright
Jessie Hahn
antiracism@nlg.org

Anti-Sexism Committee

Aliya Karmali
antisexism@nlg.org

Committee for Democratic Communications

Michael Lee
cdc@nlg.org

Disability Rights Committee

Aaron Frishberg
frishberga@aol.com

Drug Policy Committee

Shaleen Aghi
Steven Gotzler
drugpolicy@nlg.org

Environmental Justice Committee

Joel Kupferman
environmentaljustice@nlg.org

International Committee

Jeanne Mirer
international@nlg.org

Labor and Employment Committee

Matt Ross
mross@leonardcarder.com

Legal Workers Committee

Marcus Kryshka
Traci Yoder
legalworkervp@nlg.org

Mass Defense Committee

Mara Verheyden-Hilliard
mvh@justiceonline.org
Carol Sobel
carol.sobel@gmail.com

Military Law Task Force

Kathy Johnson
mltf@nlg.org

Next Generation Committee

Beth Baltimore
Jessica Fry
nextgen@nlg.org

Prison Law Project

Alissa Hull
plp@nlg.org

Queer Caucus

Nebula Li
Dana Christensen
queercaucus@nlg.org

TUPOCC

Amir Berhannu
Malika Chatterji
tupocc@gmail.com

National Immigration Project

Dan Kesselbrenner
14 Beacon St., Ste 602
Boston, MA 02108
617-227-9727
dan@nationalimmigrationproject.org

National Police Accountability Project

Brigitt Keller
14 Beacon Street, Ste 701
Boston, MA 02108
(617) 227-6015
npap@nlg.org

National Lawyers Guild Foundation

132 Nassau Street, Rm. 922, New York, NY 10038
Tel: 212-679-5100 Fax: 212-679-2811 www.nlg.org

President: Bruce D. Nestor

Treasurer: Jeffrey Petrucelly

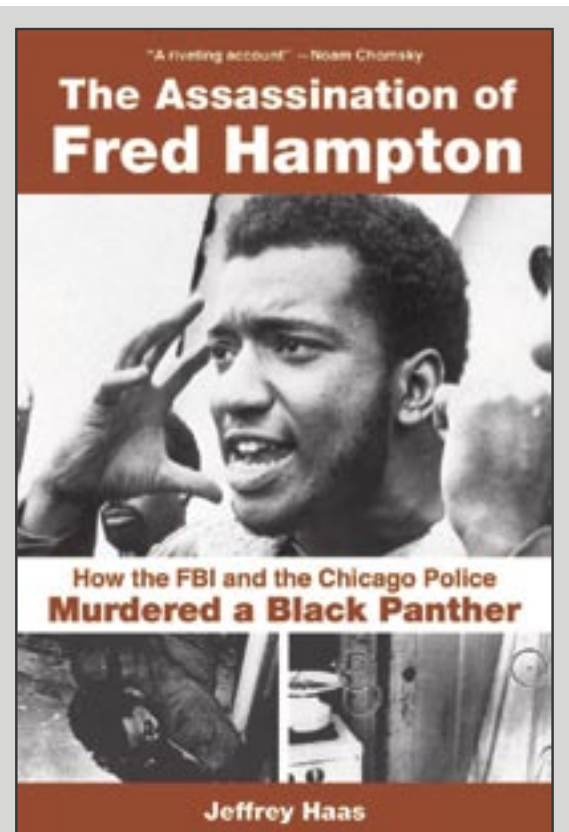
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LEN WEINGLASS BIOGRAPHY

As most of you know, we lost our extraordinary comrade and friend Len Weinglass in March. His good friend and long-time Guild member Bob Bloom has agreed, with the support of Len's family, to put together Len's biography. We say "put together" the biography because, although Bob will be writing an introduction, the book will be what he describes as a collective biography—that is, most of it will be writings by Len's friends, clients, and family.

Bob is asking Guild members who can recount anecdotes that reflect Len's work and his character to contact him at 510-898-1928, or at bbloom222@hotmail.com.





It's 7:00 a.m., on December 4, 1969, and attorney Jeff Haas is in the Monroe Street police lockup in Chicago, interviewing Fred Hampton's fiancée. Four hours earlier, she was lying in bed next to Hampton when the police burst into their apartment. She is still in her nightgown, describing how the police pulled her from the room as Fred lay unconscious on their bed. She heard one officer say, "He's still alive." She then heard two shots. A second officer said, "He's good and dead now." She looks at Jeff and asks, "What can you do?"

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