

# Guild Notes

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## **BAY AREA CHAPTER FILES CLASS ACTION AGAINST OAKLAND POLICE**

The federal civil rights action stems from the mass arrests of protesters following the sentencing of Johannes Mehserle, a transit officer who shot and killed Oscar Grant, an unarmed civilian...

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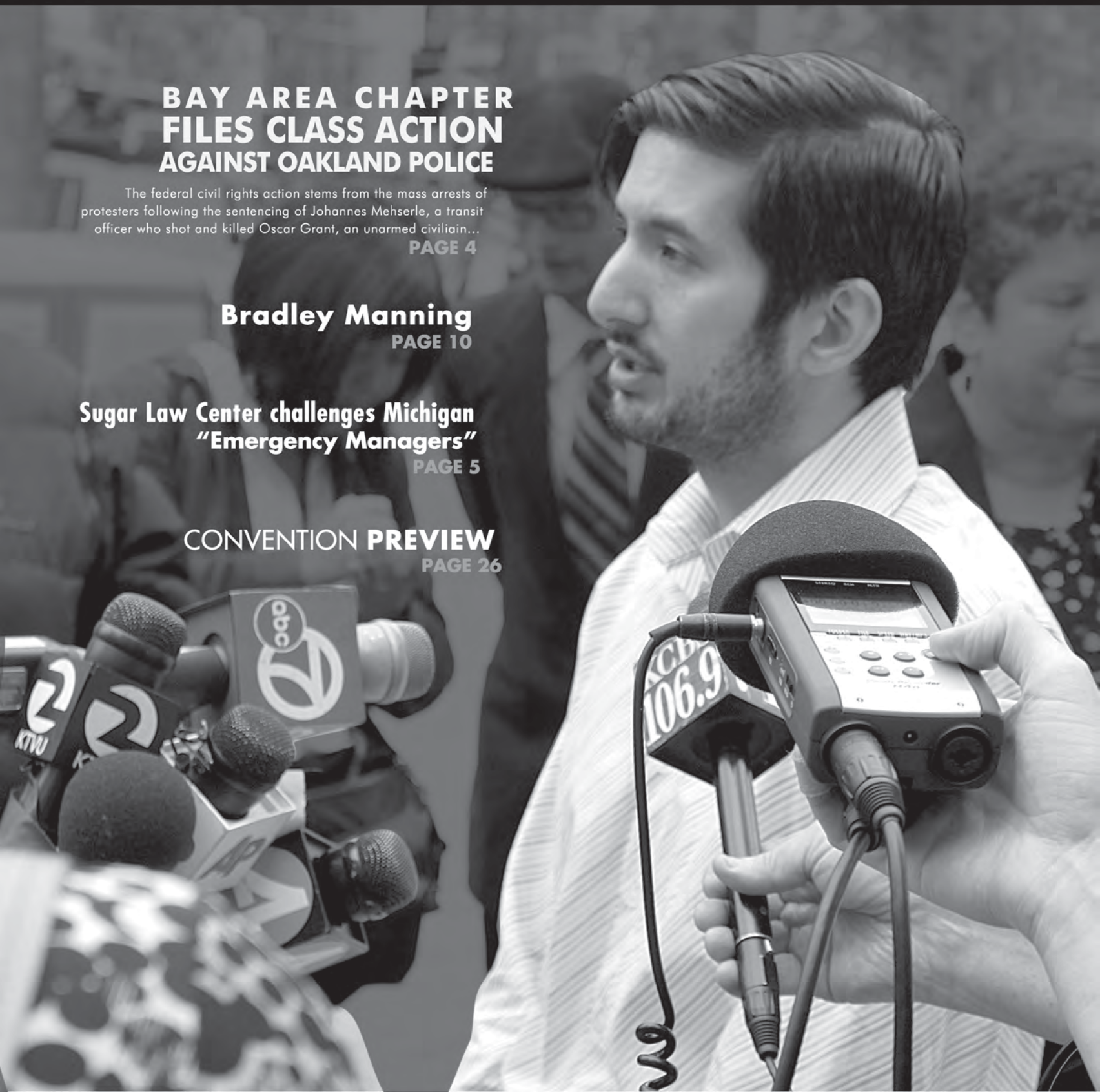
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**Note:** The views expressed in Guild Notes are those of the authors. They do not necessarily reflect the opinions of the NLG officers or staff members.

# NLG: Doing what's right for nearly 75 years

I was invited to give the keynote at the Far West regional conference in June. To be fair to those who could not attend that event, I decided to use this column to relay those same sentiments.

My contemporaries will recall a troubadour named Phil Ochs. He introduced one of his songs by saying, "In every American community, there are many shades of political opinion. One of the shadiest of these is the liberal. Ten degrees to the left of center in good times, ten degrees to the right of center when it affects them personally." Today, so-called liberals have moved far more than ten degrees to the right, or the center has moved, but the essence of his criticism remains. His was one of the voices that transformed me from a quiet, uninvolved liberal into an activist who has spent my adult life, however imperfectly, struggling for revolutionary change in our political and economic systems.

But it is another Phil Ochs song, "Days of Decision," that I want to focus on here. It was about the civil rights movement specifically, but its general application speaks both to the history of the National Lawyers Guild and the challenges we face today. Ochs sings in the last verse, "There's a change in the wind, and a split in the road, you can do what's right or you can do what you are told." At every split in the road for nearly 75 years, the NLG did what was right.

Beginning in the 1940s, as anti-Communism gained traction, the ACLU kicked Helen Gurley Flynn off its board and would only defend those it determined were falsely accused of being Communists. NLG members did what was right, at no small price. The Maurice Sugar firm, including Ernie Goodman, gave up its entire practice rather than forsake the union leaders who were deposed because of alleged Communist ties. My old friend, David Rein, had FBI agents waiting outside his door every day asking him to betray his clients. Across the country, Guild members were targeted for arrest in the event of a national crisis, whether real or contrived.

Only 50 years ago, Freedom Riders risked their lives for equality and human dignity. A bus traveling through Alabama was torched 50 miles from my current home. Another arrived in Birmingham where Klansmen were given 15 minutes to mercilessly beat the riders before the police intervened. When others equivocated, the NLG met the challenge throughout the South. Our members put aside their fears and, both inside and outside the courtroom,

provided assistance to young freedom fighters. Most will tell you today it was the greatest experience of their lives. But at the time, few outside the NLG had the courage to align themselves with those who risked the most.

When I joined the Guild in 1969, it was relatively easy and popular to oppose the Vietnam War. It was not so easy for the GIs who were organizing opposition that really mattered- who would rather shoot their officers than Vietnamese freedom fighters, and whose resistance ultimately made it impossible for the U.S. to continue its imperial war. Once again, the Guild stood with those GIs who preferred what was right to what they were told. We opened Military Law Offices opened in Japan, the Philippines, and even Vietnam to defend resisters. Again, this was not without risk. We learned at a national meeting in Washington that everyone in our Philippines office had been arrested and their client files seized.



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These days, too, are days of decision. Generally speaking, we have not been tested the way our predecessors were. Unlike many of our clients, we are not subject to arrest and torture without warning. Indeed, whenever I go through airport security, I am conflicted when I am not detained. We are not

threatened with summary execution like our colleagues in Pakistan and the Philippines. If we did what we were told, we could easily be making a fortune. Indeed, when we do what we are told, we are welcomed as prodigals. Hell, a federal magistrate judge once introduced me to another lawyer as "the conscience of the Bar."

But doing what is right is no less important today, and it still requires some sacrifice. What are the decisions we must make today and what are the choices the Guild is making?

As government kowtows to the richest, doing what is right means standing with the nascent, but growing, workers' resistance. We have done so in Wisconsin, where a small but energetic chapter provided Legal Observers for the demonstrations and continues to support workers whose cases are pending. The Sugar Law Center is becoming ever more active in defending workers' rights, and our members are among those who have litigated on behalf of female Wal-Mart employees.

*(continued on back inside cover)*



# SF Bay Area Chapter files class action suit against Oakland Police

by Rachel Lederman and Bobbie Stein

On June 13, the Guild Mass Defense Committee and the San Francisco Bay Area Chapter filed a class action lawsuit against the Oakland Police Department. The federal civil rights action, Spalding et al. v. City of Oakland, stems from the mass arrests of protesters following the sentencing of Johannes Mehserle. In his capacity as a police officer for the Bay Area Rapid Transit (BART), Mehserle shot and killed 22-year-old Oscar Grant, an unarmed civilian, at the Fruitvale Bart Station in Oakland, while he lay prostrate on the ground.

The 2009 New Years' Day killing was captured on multiple video and cell phone cameras. The footage released on television and across the Internet ignited widespread outrage. A number of demonstrations took place in Oakland over the following weeks and more than 100 people were arrested. Only a handful of the "Oakland 100" were ever charged with a criminal offense.

Although Mehserle was prosecuted for murder, a jury found him guilty of the lesser crime of involuntary manslaughter. News of the verdict sparked further protests in Oakland, to which the Oakland Police again responded with beatings and arrests of lawful demonstrators. This time, 80 people were arrested, and again, few were ever charged with a crime. People of color bore the brunt of the police brutality.

On November 5, 2010, Mehserle was given, what seemed to the Oakland community, a shocking sentence of only two years in prison. With presentence credits he had only 220 days left to serve. A small and peaceful demonstration was held after the sentencing. As evening fell, the Oakland Police, assisted by more than 30 other law enforcement agencies, corralled and arrested 150 people. The arrests took place after a group of protesters marched toward the Fruitvale BART station where Grant had been killed almost two years earlier. Using military formations, the riot clad Oakland Police forced the protesters off a thoroughfare into a poorly-lit residential area. There, police refused to

allow anyone but members of the media to leave. After holding the demonstrators on the street for an hour and a half, the police announced that the area had been declared a "crime scene" and that everyone present was under arrest.

"I told them I was a National Lawyers Guild Legal Observer," said Dan Spalding, a Bay Area legal worker and a National Vice President of the Guild. "The next thing I knew, I was being handcuffed."



Rachel Jackson, a plaintiff in the case, speaks to reporters at a press conference as Rachel Lederman looks on.  
*Photo by Carlos Villarreal*

After being detained outside for about two hours, the 150 arrestees were handcuffed behind their backs and loaded onto buses. Many remained painfully handcuffed on the buses for up to six hours. Denied access to toilets, some had no choice but to urinate through their clothing onto the floor of the bus. Most were then taken to the downtown Oakland jail, where women were ordered to submit to pregnancy tests. Arrestees were held overnight in holding cells so overcrowded that they could not even lie down on the floor. They were held for 18 - 24 hours before being released with citations for "unlawful assembly." No one was ever charged with any crime related to the mass arrest.

According to NLG attorney Rachel Lederman: "The Guild and ACLU sued Oakland in

2003 after OPD shot protesters and longshoremen with wooden bullets and other munitions during an antiwar demonstration. As a result of that litigation, OPD agreed to overhaul its crowd control protocols, and we worked with the police to write a detailed, comprehensive new Crowd Control and Crowd Management Policy that gives the police the tools they need to protect life and property, while upholding freedom of speech." The Policy was adopted as part of the court's settlement order in that earlier case, and all OPD officers have been specifically trained on how to police crowd events in a way that would avoid directing force or arrests at innocent people. "But that is exactly what they have done at each Justice for Oscar Grant demonstration," Lederman added.

*(continued on page 20)*

# Sugar Law Center mounts legal challenge to “Emergency Managers”

by Tova Perlmutter, Executive Director, Sugar Law Center for Economic and Social Justice

On June 22, the Sugar Law Center, a public interest law center affiliated with the NLG, filed a major lawsuit to defend democracy in the state of Michigan. The Republican-dominated state legislature passed a law in March that establishes a new form of local government unknown anywhere in the United States: government by decree, with citizens ruled by an unelected official.

Sugar Law is challenging the constitutionality of “Local Government and School District Fiscal Accountability Act” (Michigan PA-4), which grants complete discretion to the state’s executive branch to appoint an “Emergency Manager” for any local unit of government. Emergency Managers (EMs) are authorized to sell off public property and shred all municipal contracts, including union contracts. They can dismiss elected officials, charge the local budget for hefty salaries they pay themselves and anyone they choose to hire, and even dissolve the local government entirely.

This is no idle threat. Emergency Managers have already voided union contracts, removed elected officials from office and run up huge bills for the Michigan cities of Benton Harbor and Pontiac, as well as the Detroit Public Schools. (Benton Harbor, Pontiac and Detroit are all predominantly African-American cities.) As could be predicted, there is no visible improvement in the financial situation of any of them—but there is a fundamental destruction of citizens’ say over their own community’s fate.

Our legal challenge, covered extensively in both the local and national media, is led by our Legal Director and longtime Michigan Guild member John Philo. Co-counsel includes the Detroit/Michigan NLG chapter (via Guild stalwarts Bill Goodman and Julie Hurwitz) and the Center for Constitutional Rights, as well as attorneys who work with the state’s public employee unions.

## *The complaint we filed on June 22 brings several arguments:*

- The emergency manager law suspends home rule, by giving managers power to repeal local laws, ordinances, charters and contracts.
- The law effectively eliminates citizens’ rights to vote for and petition local government on matters of local concern.

- The law violates the separation of powers, by allowing the executive branch and its agencies to exercise legislative duties.

- The law allows the state legislature to enact unfunded mandates—specifically prohibited by a citizen-passed amendment to the Michigan constitution—by using local taxpayer dollars for such purposes as managers’ salaries and staff.

Sugar Law’s approach is not just in the courts. From the outset, we have designed this effort to engage the community and to complement campaigns against the law mounted by unions and other community groups.

Plaintiffs in the suit are 28 citizens from across Michigan. They include young professionals and retirees; African-Americans, whites and Latinos; parents and people without children. Some live in cities that are suffering great financial distress, others in communities where the fiscal challenges are less dramatic. All are well-connected to the communities from which they come. They have gone through extensive briefing and media training to assist them in taking the case to the wider public. Several of them spoke and answered questions at news conferences held throughout the state to announce the filing of the suit, and they are continuing to provide statements and information for press and community meetings.

We have also mounted a broad online campaign to educate the public about the law and the need to oppose it. We’ve created a website devoted to the suit—[www.democracymergency.org](http://www.democracymergency.org)—and we will be using Facebook, Twitter and other vehicles to spread the word.

Democracy is indeed in a state of emergency in Michigan. The emergency began with the passage of Michigan PA-4 and it worsens each time the law is implemented and each time it is invoked to distort and diminish decision making of, by and for the people.

This particular method of destroying local government to aid corporate interests is starting in Michigan, but will spread elsewhere if we can’t stop it here. It is part of a national pattern that reflects the agenda of the Koch brothers, right-wing think tanks and powerful corporate lobbies to throttle democracy, undermine unions and concentrate still more power in the hands of wealthy, private economic actors.

At Sugar Law we believe this case offers an important opportunity to fight back, for the people of Michigan and the nation. Please contact us if you can provide support or have questions about our suit. □

# Guild lawyers deliver internet speech victory

by Heidi Boghosian

In a case of significance for internet free speech, Guild members Larry Hildes of Bellingham, Washington, Devin Theriot-Orr of Seattle, and Mark Sniderman of Indiana successfully defended several activists who received subpoenas from Mt. Hope Baptist Church demanding they turn over their internet account records. Federal judge Richard A. Jones ruled that technology collective Riseup.net, which provides online communications tools for social change activists, did not have to turn over the records.



Devin Theriot-Orr (left), Larry Hildes (right) and Mark Sniderman (not pictured) represented Riseup.net and Bash Back! activists.

Mt. Hope Baptist Church subpoenaed the records of members of the queer rights group Bash Back! who disrupted a 2008 Sunday Service at the conservative church in Lansing, Michigan. Months later, the Alliance Defense Fund joined the church in suing Bash Back! and named 15 activists under the Freedom of Access to Clinic Entrances Act. The church and Alliance Defense Fund then subpoenaed identifying information from dozens of email addresses. According to Devin Theriot-Orr, pro bono in-house counsel for Riseup, they claimed that they were trying to discover the parties to the lawsuit but didn't provide any evidence to show that these people were connected to the law suit. The Doe court in 2001 held that that was not sufficient. Riseup.net was the only email provider to challenge the subpoenas.

Theriot-Orr explained that the information requested is identifying information that is protected by longstanding precedent in the Western District of Washington going back to 2001—*Doe v. TotheMart.com*—saying that one has the right to speak anonymously on the internet, back in the time when it was a cutting edge issue. Ten years later, he said, the subpoena failed to comply with the law.

Larry Hildes, one of the Guild attorneys representing the protesters, commented, "This was a major victory for the rights of those engaged in political action or supporting those who are to freely associate safe from the prying eyes of the government, corporations, and fundamentalist churches and law firms. We are proud to have successfully defended this challenge, which is essential to effective political organizing, and proud to have worked with Riseup to do so."

Attorneys for the Alliance Defense Fund representing Mt. Hope Baptist Church claimed that the Riseup.net users did not deserve protection because their speech was not "patriotic" free speech.

Theriot-Orr said: "We're hoping that this will serve as both a warning to overly zealous attorneys who are attempting to abuse the discovery process and also that it will show pro bono attorneys and telecommunications companies that these subpoenas can be successfully fought and that if you are a solo practitioner or a pro bono attorney that you can earn some fees in the process. These cases are widespread and people should be taking a stronger stance against them." Several Guild members have used Riseup for years.□



# NLG debuts website for “Anonymous” activists

by Abi Hassen

From the persecution of Wikileaks, Bradley Manning, and “Anonymous,” to the Obama administration’s historically unprecedented crackdown on whistleblowers, we are living in the midst of a war on information. The “Nerd Scare” is part of this war. It is an attempt to place particular positions and activism outside of the sphere of legitimacy though propaganda, fear-mongering, and draconian sentencing. Much like the “Red Scare,” the goal is to eliminate dissent.

During the Cold War era, when the U.S. was one of two dominant global imperial forces, it was necessary to create an enemy out of anybody who was effective at countering the narrative of American exceptionalism – the notion that our empire was the only good empire.

Thus came the Red Scare, a political-cultural phenomenon that labeled anybody who questioned the validity or morality of empire and unfettered “free” markets as an unserious fool at best, or an enemy of the state at worst. We were told that these ideas represented an existential threat to the nation, and therefore had no place in our political discourse.

The Red Scare worked. Today, there is no establishment left and the radical right is ascendant (for example, the Tea Party is considered mainstream, while the Communist Party is considered to be on the fringe).

The new threat to power is information; specifically, information about the actual machinations of the power establishment.

In order to conduct business unhindered by public accountability, the U.S. government and the private sector have long relied on a protective veil of secret classifications, byzantine organizational structures, and trade secrecy protections—not to mention thick walls and gunpowder. As its corporate and international relationships have grown more tangled, so have their obscure mechanisms.

But the digital age has brought tools to tear this system to shreds. Digitization has made the transmission of information easy and inexpensive. Consequently, it has made hoarding, hiding, and distorting information difficult and costly.

As has happened before, the state’s response to this difficult, complex issue is to attempt to snuff it out with criminalizing legislation, overzealous prosecutions, and the propagation of fear. Thus we see a potential death sentence for the “crime” of revealing government-perpetrated murder, fraud, and abuse, multi-year sentences for legitimate acts of civil disobedience, and internet pranks labeled as “terrorism.”

This is the Nerd Scare. And this is why we, as the forward-thinking branch of the legal profession, need to recognize and resist the corruption of the law by the forces of authoritarianism, militarism, and secrecy.



Anonymous activists protesting the suspension of cell phone service at several Bay Area Rapid Transit (BART) stations. Photo by James Morey.

Below, a screenshot of the Anonlg.com website



On August 1, the Guild launched a new website: **anonlg.com**. This site provides Know Your Rights information to individuals being targeted by the law enforcement for alleged involvement in “Anonymous,” “LulzSec,” and other online protest organizations.

The website advertises the Guild’s national referral hotline, provides digital versions of the NLG Know Your Rights materials, and links to legal resources relating to digital and online rights. (Updates from the anonLG project are available via Twitter at @anonLG).

In the few weeks since its launch, anonLG has dramatically boosted the number of calls to the Guild hotline and provided significant press attention. As the Nerd Scare continues, we will get more calls, and we will need more attorneys who are willing to take these cases. □

# NLG supports Appalachia Rising: March on Blair Mountain

by Dan Gregor and Rachel Rosnick

Appalachia Rising: March on Blair Mountain, a historic week-long march and day of action calling for the end to mountaintop removal coal mining (“MTR”) and commemorating the historic Battle of Blair Mountain, recently occurred in the southern coalfields of West Virginia. The march was one of the largest resistance actions to ever occur around MTR and probably the largest ever to take place within directly impacted communities. We’re proud to report that the National Lawyers Guild was with the march every step of the way. This represents a continuing commitment and work on the part of several Guild members, including those involved with defending against SLAPP suits filed by Big Coal as well as those involved with other mass actions and mobilizations in West Virginia and Washington, DC.

NLG attorneys Dan Gregor (former NVP), Rachel Rosnick (former SNVP), and legal worker Jonathan Sidney comprised the core legal support team and worked closely with a group of powerful and passionate Appalachia Rising organizers. Fifteen additional NLG Legal Observers (LOs) were trained to support the five-day, 50-mile march and day of action.

Throughout the week between 200 and 250 participants marched a historic route from Marmet, WV (just south of Charleston) to Blair, WV against the backdrop of the 1921 Battle of Blair Mountain, one of the largest armed civil uprisings in U.S. history where an estimated 10,000 to 15,000 coal miners fought against horrific working conditions and for the right to unionize. Approximately 775 people marched up Blair Mountain on the day of action which culminated in a breakaway march by about 150 activists and LOs to one of the central battlefields being actively threatened by MTR.

While times have changed since miners had to take up arms in 1921 and although the March on Blair Mountain was explicitly nonviolent, the southern coalfields remain a very difficult place to resist the immense power of Big Coal. Numerous facilities that had been confirmed by organizers pulled out at the last minute. At least eight different campsites, lunch stops, and community service sites were lost in the space of a week, including several on the day that marchers were due to arrive. Marchers were literally kicked out of a Boone County public park when their permission to camp was revoked at the last minute, despite being given initial permission by director of the county parks and recreation department. Individual landowners pulled out under immense pressure from their communities, a direct result of pressure by Big Coal. One private campsite owner pulled out due to a genuine fear that her husband would lose his mining job if they let us stay there.



**Guild Legal Observers take the high road.**

*Photo courtesy of Dan Gregor*

On the other hand, we also saw immensely courageous support from other coalfield residents as well as an extremely supportive community in Marmet, where the march headquarters were located, and which was the community most heavily impacted by the march. Residents along the march route offered water to the passing marchers, and displayed supportive signs along the road. Perhaps the most touching display of support for the march came from a man sitting on the edge of his property, holding a cardboard sign with a flower attached that simply read “thank you.”

In addition to documenting extensive law enforcement presence from at least five different agencies, Guild LOs also observed and documented counter-protesters. This included a reported raid by intoxicated miners on our warehouse and organizing space (which never materialized, but made for a scary few hours), some vitriolic screaming from cars, and a tense, multi-hour standoff with a mine company manager who attempted to block access on a public road running in front of his house to our camp and rally site in Blair.

In a departure from “normal” legal observing, Guild LOs actively participated in this temporary resistance community: hiking, camping, using port-a-potties mounted to trailers, and all of the ups and downs of an extraordinary week. The whole experience was moving, passionate, and challenging, and we’re proud to report that Guild LOs and members were visible and engaged throughout.

If you want to get involved with the fight against community destroying extractive coal and MTR, please e-mail Dan Gregor at [dgregor2@gmail.com](mailto:dgregor2@gmail.com). □



# Oakland lawyers join resistance to gang injunctions

by Michael Siegel and Jose Luis Fuentes

In October 2010 we joined a growing movement in Oakland pushing for community decision-making, law enforcement policy, and the intersections of police abuse and mass deportations. Earlier that year, the Oakland city attorney filed two “gang injunctions” in state court. One targeted men connected with an alleged “North Side Oakland” gang that had the misfortune to exist in a rapidly gentrifying part of town. The other named 40 alleged members of the Oakland “Norteños” in the historically Latino Fruitvale neighborhood.

The proposed injunctions cover sweeping areas of Oakland. In North Oakland—where a preliminary injunction was approved after a slightly contested hearing—the “safety zone” covers about 100 square blocks around historic Bushrod Park and includes a deep-rooted African-American community. The injunction zone sought in Fruitvale is roughly four times larger. We have seen the injunction zones become areas of virtual martial law where police have unlimited discretion to stop named individuals and those who they mistake for their targets.

The California Supreme Court paved the way for gang injunctions in its 1997 ruling in *People ex rel Gallo v. Acuna* (1997) 14 Cal.4th 1090. In that case, the San Jose city attorney used a California public nuisance statute, Cal. Civ. Proc. §731, to restrain a street organization that dominated four square blocks of the Rocksprings neighborhood. The requested relief was to deny defendants the right to congregate and conduct themselves within that area. The Court upheld the injunction after emphasizing the carefully tailored nature of the trial court’s order.

Since *Acuna*, however, the California Courts of Appeal have permitted increasingly expansive orders that restrict huge swaths of urban territory. The Sacramento County district attorney recently implemented a gang injunction in a working class, historically Black and Latino, area of West Sacramento. Dozens of named defendants and 400 “John Does” are subject to restrictions, including a curfew, wearing certain colors, displaying tattoos, using drugs, and painting graffiti. Statewide, district and city attorneys have convinced the courts to issue and uphold dozens of injunctions that, collectively, regulate hundreds of square miles.

The public officials that file the injunctions tout them as “another tool in the tool belt” for law enforcement to address concerns about gang violence. The civil nature of the lawsuits, however, leads to procedural obstacles for the defendants.

There is no right to appointed counsel, which has led to many gang injunctions implemented by default. Thus, in some areas of L.A., court orders have blanketed certain neighborhoods for over 30 years after perhaps ten minutes of court hearing.

The Oakland community ignored the law enforcement affection for gang injunctions until a city attorney realized that getting “tough on crime” would help his career. He implemented the first gang injunction in North Oakland in 2010 without any of the 15 defendants having consistent legal representation.



Jose Luis Fuentes and Michael Siegel have helped lead the legal resistance to gang injunctions in Oakland. Photo by Anne Weills

At that time, however, several community organizations came together to draw attention to the tactic and develop resistance. NLG member Carol Strickman joined the incipient Stop the Injunctions Coalition and began to recruit us to the cause. Months later, when the city attorney announced he would target the Fruitvale neighborhood with a second, larger injunction, we were ready. With the support of the partners at Siegel & Yee, we began to represent individuals who felt they were wrongly included in the injunction. We got the city attorney to dismiss our first client, but since then we have formed a legal team that represents 40 out of 42 named defendants. Our challenges have included disputes over the right to an attorney, the qualifications of a “gang expert,” the definition of an “active gang member,” and the role of the City Council in making public safety policy.

Veteran NLG attorney Mark Merin told us that the odds are stacked against the defendants in gang injunction cases. Law enforcement can easily plead a “nuisance” that is “offensive to the senses” that the courts are wont to accept. Our role as lawyers is still critical. Merin’s work in West Sacramento, for example, has forced gang injunction plaintiffs to personally serve any defendant before they can be subject to a court order (previously, defendants were served by publication). More recently, L.A. and Oakland courts have recognized that defendants should have the right to testify before being subject to a preliminary injunction.

As we win these procedural victories, the cost of implementing the injunctions rises, and perhaps the fad will wane.

Jose Luis Fuentes and Michael Siegel are associates of the NLG law firm Siegel & Yee ([www.siegelyee.com](http://www.siegelyee.com)). They joined NLG lawyers Dennis Cunningham, Jeff Wozniak, and Yolanda Huang as part of the legal team resisting the Fruitvale gang injunction. At the time of this writing, the Alameda County Superior Court is still considering whether to implement the Fruitvale injunction. □

## The Guild Rallies to Support Bradley Manning

Bradley Manning is a 23-year-old Army intelligence analyst, charged with sharing US diplomatic cables and other documents with WikiLeaks and also accused of leaking a video that shows the killing of civilians by a US Apache helicopter crew in Iraq. Among the 22 charges Manning faces is “Aiding the enemy by indirect means,” a conviction for which could result in the death penalty

or life in prison. He was held for nearly a year in solitary confinement and subjected to treatment that former State Department spokesperson P.J. Crowley called “counter-productive and stupid.” On April 21, 2011 Manning was moved from Quantico to Fort Leavenworth. Thousands of supporters have drawn attention to his case, including more than 300 legal scholars and the National Lawyers Guild.

## Spring gathering in New York City

On April 7, 2011, supporters of Bradley Manning held a rally in front of New York’s city hall. NLG Executive Director Heidi Boghosian delivered these remarks:

Forty years ago, news of the Pentagon Papers appeared on the front page of the New York Times. The top secret history of US involvement in Vietnam showed how the Johnson administration lied to the public and to Congress about a subject of what the Times called “transcendent national interest and significance.” Forty years later, the man who had the courage to share these papers, former government analyst Daniel Ellsberg, remains a hero to those who care about exposing the truth and holding our elected leaders accountable.

The Oscar-nominated documentary about Ellsberg “The Most Dangerous Man in America” — showed that Ellsberg was dangerous to all those in power who put government secrecy above the welfare of the country and its people. He was so dangerous that Richard Nixon sent men to break into his psychiatrist’s office to find information to discredit him. When the break-in became public, it added to the list of illegal acts that ultimately forced Nixon’s resignation.

Today, Bradley Manning is the most dangerous man to America. The Pentagon’s treatment of Manning is intended to scare into silence others who may consider exposing violations

of military regulations and international law. The government’s confinement of Manning—their torture of this 22-year-old man of conscience—is the modern day equivalent and grotesque escalation of the illegal activities the Nixon administration committed in 1971.

Washington will go to extreme measures, including torture, to intimidate future whistleblowers who want to follow their conscience and be true to the founding values of this country. When State Department spokesman P. J. Crowley criticized Manning’s conditions of confinement, the White House forced him to resign. Crowley had said the restrictions were “ridiculous, counterproductive and stupid.” President Obama, on the other hand, has assured the country that he is being treated appropriately. Why? Because that is what the Pentagon told him.

The National Lawyers Guild maintains that exposing war crimes is not a crime. In his brig at Quantico Marine Corps Base in Virginia, Bradley Manning is being subjected to torture at the hands of the US government and facing a capital charge, accused of disclosing a classified video showing American



Heidi Boghosian speaks at New York City Hall.  
Photo by John Penley

troops in Iraq shooting civilians from an Apache helicopter in 2007. Eleven people were killed, but no charges have been filed against the soldiers who committed the killings or, more significantly, their superiors who ordered them. In stark contrast, this young man who served his country has been subjected to 23-hour solitary confinement for nearly a year despite protests from Amnesty International and a formal investigation by the UN’s top torture official.

Forty years ago, the publication of the Pentagon Papers caused an uproar and condemnation that resulted in the president leaving office. In the name of justice, we must make our voices heard today on behalf of those who have been silenced. □

## 200 march in Kansas to support Manning

by Peter Hoffman

Despite oppressive heat, almost 200 protesters gathered at Bob Dougherty Memorial Park in Leavenworth, Kansas on June 4. The sweltering 100-degree heat index was not enough to deter visitors from across the nation from converging near the relocation site of alleged military whistleblower Bradley Manning.

Manning was relocated to Fort Leavenworth, Kansas in April after what the Associated Press described as “international criticism about his treatment.” The National Lawyers Guild has been active in raising awareness about the detention and treatment of Manning and the pending allegations against him. Four Guild members representing the recently re-formed NLG chapter at the University of Missouri-Kansas City School of Law were present alongside protesters at the Leavenworth rally. Through a partnership with Kansas City attorneys and Guild members at Slough, Connealy, Irwin & Madden, protesters were provided with “bust cards” and a hotline to call in the event of an emergency. Fortunately, the Leavenworth County Sheriff, the Leavenworth Police Department and Kansas State Troopers were accommodating and the event was peaceful and occurred without any arrests.



Hundreds gathered in the Leavenworth, Kansas heat to protest at the relocation site of military whistleblower Bradley Manning. Photo by Peter Hoffman

The rally began at 11am and came to a head in the noonday sun as speakers from the Bradley Manning Support Staff, Veterans for Peace, Code Pink, Center for a Stateless Society, Gay Liberation Network, and We Are Change worked the growing crowd into a frenzy. Following the speeches, protesters marched for 45 minutes through the streets of Leavenworth before culminating near the front gates of Fort Leavenworth. It was there that the protesters set-up shop to the mixed

reaction of locals and a handful of counter-protesters across the street. The vigil lasted nearly an hour as local and regional press swarmed in to highlight the day's events, bringing attention to Manning's plight and the cause taken up by his supporters, attention that the military sought to avoid by his relocation. □

### NLG GREEN SCARE HOTLINE needs your help!

The NLG Green Scare hotline was created in 2006 to assist activists (mostly environmental and animal rights) who have been contacted by the FBI. If you are a lawyer who can handle a few calls a year to help, contact Heidi Boghosian at [director@nlg.org](mailto:director@nlg.org).



# Portland Chapter raises doubts on rejoining Joint Terrorism Task Force

by Erica Rothman and Ashlee Albies

The Portland City Commission on April 28, 2011 attempted to broker an uneasy truce on the subject of Portland's role in the local Joint Terrorism Task Force. Joint Terrorism Task Forces (JTTFs) are interagency law enforcement units that combine the jurisdictional reach of the FBI with local and state law enforcement. The FBI deputizes local police officers as FBI agents, and these officers work under the supervision and control of the FBI. Federal and local JTTF officers meet and share information during daily briefings. Most major cities in the United States participate in a JTTF.

In 2005, Portland became the only city to withdraw its police department from a JTTF. In November 2010, following an alleged bombing attempt on Portland's tree-lighting ceremony by an 18-year-old Somali-born man, some called for the Portland Police Bureau (PPB) to again be a part of the regional JTTF. Portland Chapter NLG members Ashlee Albies, Mark Kramer, Steven Goldberg, Jamie Trinkle, and Erica Rothman met with several commissioners to lobby them against rejoining the JTTF.

On April 26, 2011, Portland Mayor Sam Adams proposed a compromise resolution that would protect Portlanders from investigations with little factual basis while allowing FBI agents to investigate suspected terrorists. That resolution included language that allowed the Police Chief to permit PPB involvement in full investigations, would have the Police Chief get Top Secret security clearance and the police commissioner Secret clearance, and would have allowed PPB members participating in the JTTF to consult with the City Attorney where a question of compliance with Oregon law arose. Hours before the vote on April 28, Mayor Sam Adams circulated an amended resolution that limited the quantum of proof needed before PPB officers could be permitted to join a JTTF investigation. A relevant piece of the specific language proposed reads:

[Portland Police Bureau] officers shall work with the JTTF only on investigations of suspected terrorism that have a criminal nexus; in situations where the statutory or common law of Oregon is more restrictive of law enforcement than comparable federal law, the investigative methods employed by PPB officers working on JTTF investigations shall conform to the requirements of such Oregon statutes or common law.

*"We simply can't support members of our police department being allowed to snoop for the FBI based on this vague and undefined term 'criminal nexus.'"*

The PPB/JTTF are required to file public annual reports to City Council, which allows for public monitoring of the collaboration. The Portland City Commission voted unanimously to approve this resolution on April 28, 2011. The resolution garnered praise both from U.S. Attorney for the District of Oregon Dwight Holton and Oregon ACLU's Andrea Meyer. In the public comment period following the vote, Meyer cautioned that, because of the FBI's history of overstepping Constitutional boundaries to pursue alleged terrorists, it would be a matter of "when" and not "if" PPB officers would be asked to do the same.

Ashlee Albies pointed out that the "criminal nexus" language is broad and unworkable. Albies said, "We simply can't support members of our police department being allowed to snoop for the FBI based on this vague and undefined term 'criminal nexus.'" She went on to say that it is "naïve" to think that the Oregon U.S. Attorney could have any substantial sway over FBI policy nationwide, similar to the country's expectation that use of Bush-era expansive national security laws would cease upon Obama's election.

Mark Kramer commented that "criminal nexus" has no legal definition, and that, at the least, the Commission should provide a refinement of the term. The better course, Kramer said, would be to abandon the "criminal nexus" language altogether and use the "reasonable suspicion" language found in the Oregon Revised Statutes. Kramer pointed out that the City Attorney cannot effectively advise the Police Chief as to whether an investigation should proceed if the standard for proceeding has no legal meaning.

Testimony from the public, almost entirely against rejoining the JTTF, went on for more than three hours. For the majority of the meeting, a protest against rejoining the JTTF went on outside city hall. After the vote, both opponents and proponents of rejoining the JTTF claimed victory—whether Portland has in fact rejoined remains to be seen.

The Portland Police Bureau now has a more flexible standard for determining when PPB officers may join a JTTF investigation. Although PPB is still not a full member of the Portland JTTF, the new terms for joining individual investigations are unclear and may prove to be an opportunity for future FBI abuse via local law enforcement. □

# WNEC students assist in foreclosure prevention

by Lauren Marcous

In the fall of 2010, a group of Western New England University law students teamed up with local community organizers, housing lawyers, and bank tenants to fight back against foreclosures, homelessness, and neighborhood destabilization in Springfield, the city with the highest number of foreclosures in Massachusetts last year. Known as

*The fraudulent practices of banks have left few areas of the globe unscathed.*

the No One Leaves/Nadie Se Muede coalition, the group works together to stop pending home foreclosures, force banks to negotiate, and keep Springfield residents in their homes post-foreclosure. The campaign's strategy is based on the grassroots organization model developed by City Life/Vida Urbana, a counterpart community group based in Boston. Coined "the Sword and the Shield," the model has driven a highly successful anti-foreclosure campaign since the crisis first hit in 2007. This two-pronged strategy involves organizing bank tenants and allies to take direct action through foreclosure auction protests, silent vigils, and other demonstrations that put public pressure on the banks ("The Sword"), while the legal community rallies to provide the legal representation, education, and defense that is needed to carry out the campaign's mission ("The Shield").

Since the Springfield No One Leaves/Nadie Se Muede coalition was formed, Western New England Guild students have been involved as part of both the Sword and the Shield. They have joined fellow community



Western New England NLG student, Lauren Honigman, stands in solidarity with Ms. Noelia Ramos in protest of her home's foreclosure auction. Photo by Lauren Marcous

organizers on weekly rounds of neighborhood canvasses to inform bank tenants of their right to stay put and encourage them to attend a Springfield Bank Tenants Association meeting where they can get free legal advice. They have served as legal observers at foreclosure auction protests and other public demonstrations, allied with bank tenants to participate directly in actions, and more recently, worked to create a partnership with Springfield Partners, the local anti-poverty agency, to offer a post-foreclosure eviction defense clinic. With the help of NLG attorney, Uri Strauss, students at the clinic are working with bank tenants to prepare a legal defense against the banks that are pushing them out of their homes.

Though the role Western New England Guild students have played in the fight against foreclosures and displacement in Springfield is an important one, it is not unique. The fraudulent practices of banks have left

few areas of the globe unscathed. The destruction is especially widespread in low-income neighborhoods and communities of color, where reverse redlining practices were rampant through the housing bubble expansion of the late 1990s and early 2000s. Nearly every major city can claim at least one neighborhood that has been devastated by foreclosure and the homelessness that follows. Thus, the movement to hold banks accountable for their fraudulent actions and bring an end to the destruction they continue to reap in our communities has not been born solely to Springfield or Boston. Similarly organized anti-foreclosure and anti-displacement groups have sprung up all around and outside the United States, including in Chicago, Detroit, Miami, and Madrid, just to name a few. Across the board, the message is clear: A home is a human right and human rights need to be placed above banks' profit lines. □

## Maine Guild members aid resistance to industrial wind farm

by Logan Perkins

On June 21, two environmental activists who were found guilty of Failure to Disperse in a jury trial were sentenced to ten days in jail and a \$500 fine. Guild lawyers Lynne Williams and Phil Worden represented the activists with the help of Logan Perkins a Haywood Burns Summer Fellow. Normally, the sentence would fall well within the range of expected penalties for such a conviction. In this case however, this sentence was notable in its departure from both past sentences imposed on civil disobedients, and the prosecution's recommendation of community service.

The charges stemmed from an Earth First! protest in July 2010, in which a group of activists stopped a truck carrying a 120-foot-long blade for a wind turbine being constructed on Kibby Mountain in remote, western Maine. In a dramatic move, one of the protestors chained her neck to the truck's undercarriage. Earth First! and local citizens groups had been fighting the project, and others like it for over 18 months. The trial and sentencing have helped to

keep public attention on the highly controversial issue of industrial wind development in Maine's mountains as two other projects await appeal proceedings in Maine's highest court on environmental and administrative law issues.

Most people who believe that climate change is not a hoax have been perplexed, at least initially, by the idea of environmentalists fighting against wind development. However, local residents, and radical environmentalists in Maine have made a strong case for their opposition.

The owner and profiteer behind the Kibby project is TransCanada, which is also the primary company behind Tar Sands extraction in Alberta, Canada. Tar Sands development is decried by some as the most environmentally devastating project on earth, and is the target of a call for mass civil disobedience this August in Washington D.C. While TransCanada has attempted to "green" its image by investing in industrial wind development in Maine, this development is anything but green.



Rural Maine residents air their anger at TransCanada and state bureaucrats.



Industrial wind development is devastating to the local landscape and the supposed climate benefits of its “green” electricity are non-existent. The project that was the subject of this protest included a thousand acre clear-cut of a rare sub-alpine mountaintop forest, roughly 40 miles of roads built or widened, many miles of transmission lines, fill of over 30 isolated wetlands, and disruption to habitat for countless rare, endangered and threatened species. If the turbines ever produce enough “green” electricity to offset the carbon cost of their industrial production, including the manufacture of massive amounts of aluminum, concrete and steel, they will still be in carbon-debt to the atmosphere for the loss of a carbon-sequestering forest that used to exist on the mountaintop.

Local communities opposing these turbines cite human health impacts from low-frequency sound waves and shadow-flicker produced by the rotating blades. Many of these communities rely on tourism economies centered around the wild and scenic nature of the landscape and fear that wind development will deter visitors.

Industrial wind development has fast become a prime example of the kind of environmental justice issues facing poor, rural and relatively politically underrepresented communities in Maine. Most of the wind development is taking place in sparsely populated areas known as Unorganized Territories, which is roughly the size of Connecticut, Massachusetts, and Rhode Island combined. Unorganized Territory is under the zoning jurisdiction of a state agency called the Land Use Regulatory Commission (LURC). LURC is an appointed body with tremendous power and no real accountability to the people who live in the area it governs. As a result, while the burdens of these developments are born by the rural communities where they are located, none of power to regulate or prohibit their construction lies with those communities.

Justifying the harsh sentence in this case, the judge argued that the defendants did not appreciate what a dangerous situation they had created. But these individuals, like so many who have committed civil disobedience before them, did understand the danger. It is precisely that danger that makes civil disobedience a powerful moral statement that has helped to change history. Those who literally place their bodies, safety and lives on the line, have well contemplated the risks, and concluded that inaction is a far greater risk.



Above, Willow Cordes-Eklund locks herself to the undercarriage of a truck carrying a wind turbine, July 2010. In June of this year she was convicted for “failure to disperse.”



The group of Earth First! activists protesting the Kirby Wind Project. Photos courtesy of Logan Perkins

Perhaps more ominously, Justice Murphy said that the impacts of this act on a private individual—the driver of the truck carrying the turbine blade—placed these tactics outside the normal parameters of civil disobedience. While conceding that public officials should bear the responsibility of hearing the public’s grievances, including in the form of civil disobedience, Justice Murphy overlooked a deep and rich history of such actions targeting private individuals. Whether in the context of targeting private employers for unfair labor practices, the military-industrial complex, or Mom and Pop owners of segregated lunch counters in the Jim Crow era, civil disobedience has never been limited to public officials. Despite Justice Murphy’s attempt at deterrence, Maine’s radical environmentalists are not likely to accept such a limit now, as they continue their struggle against industrial wind development. □

## Report back from Tunisia Delegation

by Steve Goldberg, Audrey Bomse, Tom Nelson, and Azadeh Shahshahani

From March 12-19 of this year, four Guild attorneys—Steve Goldberg, Tom Nelson, Audrey Bomse and Azadeh Shahshahani—joined a delegation to Tunisia at the request of the Tunisian national bar association. The delegation's purpose was three-fold: to express solidarity with and show support for the revolution in Tunisia; to get a sense of how such dramatic political change happened so quickly; and to explore the involvement of Western governments—particularly the United States—with the Ben Ali regime.

It was an extraordinary time to be in Tunisia. For 20 years, people had been subject to a brutal dictatorial regime. Finally they were free—from secret police, from controlled media, from the constant fear of imprisonment and torture—to create a new government and democracy. But the task of accomplishing that change was daunting. Political parties had been outlawed for years. Suddenly, old and newly-created parties emerged, all of which wanted to participate in elections this October. How would these parties be able to effectively participate in the elections? How would they get funding? Would they have access to media? And what about those—such as young people and the unemployed—who were so important to the revolution but had no organized political party structure? How would they be involved in the transition process?

While we were in Tunisia, there seemed to be demonstrations every day: against police abuses, against the fear that old files were being destroyed, and against the United States. If a new official was named to the transitional government who had anything to do with the prior regime, there were demonstrations until that person resigned.

To get a better sense of the revolution, we met with a broad spectrum of individuals and groups. Our meetings with government officials were generally the most formal and least productive of our meetings. We met with various non-governmental organizations (NGOs), labor leaders, leaders of the formerly-banned Communist Party and al-Nahda (Nahda), the large Islamist party. We had several wrenching meetings with former political prisoners and torture victims of the Ben Ali regime. One Tunisian victim was detained in Guantanamo for over five years, only to be returned to Tunisia and imprisoned by Tunisian authorities until the revolution. We also met with Tunisian lawyers and a former judge who were involved with prisoner and torture matters. Guild members had an off-the-record meeting with an official of the U.S. Embassy. Finally, we met with some of the young people who were so instrumental in this revolution by using social media such as Facebook, blogs, and Twitter.



**Graffiti demonstrates that the revolutionary spirit is alive and well in Tunisia.** Photo by Azadeh Shahshahani

The delegation has now issued an extensive report discussing the background of the revolution, the impact of the Bush and Obama Administrations' war on terror, and our conclusions and recommendations. The report is available at: <http://nlginternational.org/report/Tunisia-Report-2011.pdf>. Some of the most important lessons from our trip are detailed below.

### MEANINGFUL POLITICAL CHANGE HAPPENS IN RESPONSE TO PEOPLE POWER

During the years of the Ben Ali regime, there were opposition forces within Tunisia: human rights NGOs, the trade union federation and labor unions, Islamists, lawyers representing those arrested and tortured, and educators. It was difficult for such groups and individuals to voice their opposition when they themselves were subject to arrest and sanction if they challenged the regime. The remarkable events of December 2010 and January 2011 were led, at least at first, not by the established opposition movements and institutions but instead by the youth of Tunisia: unemployed and underemployed, many with college degrees, supported by those with technical knowledge to mobilize domestic and international support through their use of social media. Texting and Facebook pages and blogs were used to announce demonstrations, to discuss tactics, to make political pronouncements, to warn where the police were most in force.

We know the importance of mass movements from our history in the U.S. Social Security was a response to mass demonstrations of the unemployed. Civil rights legislation was enacted only after mass demonstrations such as the Freedom Riders. And certainly the Vietnam War would not have ended when it did if not for thousands of Americans continually protesting in the streets. And today, in Wisconsin, we see the same spirit in the labor demonstrations. The people of Tunisia gave the world yet another example of the power of the people.

### THE ROLE OF THE U.S. IN PROPPING UP THE REGIME

We meet with U.S. officials who believed they had spoken out vigorously over the years, criticizing the corruption and repression of the Ben Ali regime. But then we spoke to Tunisians who blasted the U.S. for its complicity in supporting the regime. How can a country have knowledge of the corruption and repression and still give millions of dollars to the regime in military and anti-terrorism aid? The U.S. will never gain credibility and stature in the Middle East until the disparity between its words and deeds is bridged. In our many conversations with Tunisians, there was tremendous suspicion of the motives of Western governments, particularly the U.S. The paramount desire was that these governments end their interference in the affairs of Tunisia, and this was one of the major recommendations of our report.

### THE ROLE OF ORGANIZATIONS LIKE THE GUILD

The Guild's international work has increased tremendously over the past 10-15 years. The solidarity expressed with international struggles through delegations such as the one to Tunisia is critical; witness our delegations to Palestine, Puerto Rico, Colombia, Cuba, and many more countries. The Guild is asked to send such delegations because the work we do is respected. The Tunisian delegation resulted from our work in the Free Gaza movement: one of the activists in that movement was from Tunisia and believed it was critical that a delegation be organized quickly to witness what was happening.

If you want to get involved in future delegations, join the Guild's international committee by visiting us at <http://www.nlginternational.org/> and supporting the amazing work being done. □



## Law and Disorder Radio

is a weekly, independent radio program airing on Pacifica station WBAI, 99.5 FM, in the New York metropolitan area and on over 40 public radio stations across the United States. It is hosted by Guild members Michael Steven Smith, Heidi Boghosian, and Michael Ratner, and is also podcast and downloadable on the web at [www.lawanddisorder.org](http://www.lawanddisorder.org).

If you have suggestions for topics or guests, please email Heidi at [director@nlg.org](mailto:director@nlg.org)



## DePaul students learn from Chiapas activists

by Amanda Graham

For twelve years, NLG students have traveled to Chiapas, Mexico to learn about radical resistance through local human rights revolutionaries. Longtime Guild-member and Professor Leonard Cavise leads the NLG students from DePaul College of Law on a 10-day human rights practicum. Before leaving, the students spend a semester studying the social, economic, and political situation in Chiapas, with the goal of traveling as informed and critical observers. Primary topics of the course include Biopiracy, the Zapatista armed uprising, NAFTA, Neoliberalism and, of course, impunity.

Because of the program's long history, the group is able to connect with the most well-situated human rights leaders in Chiapas, and this year's itinerary was the most comprehensive the practicum has ever had. While in Chiapas, students met with community organizations, indigenous groups, collectives, and local activists—all using their organizing power to fight for basic human rights and dignity in Mexico.

On May 26, the group spent the day with the indigenous pacifist group Las Abejas of Acteal. In 1997, Las Abejas was holding a vigil for peace when a paramilitary group brutally attacked them, killing 49 people, including pregnant women and children. The student group attended Acteal's memorial mass and lunch with the community, after which they sat down with the council of Las Abejas for a group discussion. Among other inspiring words, the council maintained that its primary goal was peace.

On May 21, through longstanding relationships and months of preparation, the group negotiated its entry into the Zapatista Caracol (autonomous community) at Oventik. Students briefly toured the community and met with the junta (community council). Junta members wore the notorious Zapatista masks, and declined to answer questions because they are in a time of silence in anticipation of the Mexican government's response to the recent 200,000-person Zapatista march in San Cristobal de las Casas, Chiapas.



DePaul NLG students in Chiapas.

*Photo courtesy of Amanda Graham*

The group also met with the Centro de Derechos de la Mujer de Chiapas, the Centro de Derechos Humanos Fray Bartolome de las Casas, Universidad de la Tierra, Fortaleza de la Mujer Maya, children's centers, indigenous lawyers, and environmental activists hiding from government persecution. The group also learned about Chiapas history from the nephew of the late Don Samuel Ruiz, who advocated for indigenous people through his position in the Catholic Church.

At each day's end, the students gathered for charla (group discussion), to unpack their experiences and reactions. Many students drew parallels between the impunity and government abuse in Chiapas to that in the United States. While students expressed a sense of frustration and despair about the human rights violations, the Chiapaencos countered that defeatism with inspiring words, ideas for organized resistance and positive energy.

Three students will remain in Chiapas for the entire summer doing legal work and community organizing, while the rest work on a project of their choice to complete the practicum. The people in Chiapas are organizing and powerfully changing their society, and we have a lot to learn from their work. □

# Haiti Subcommittee Members Use Human Rights Victories to Assist Quake Victims

by Nicole Phillips and J. Kirby

Seventeen months after the earthquake in Haiti, approximately 680,000 Internally Displaced Persons (IDPs) struggle to find shelter, water and food in 1,000 displacement camps. Ongoing risk factors like a lack of adequate housing, security, privacy and lighting in camps facilitate epidemic levels of gender-based violence (GBV).

To make matters worse, 233,941 Haitians have been evicted from displacement camps, and 24 percent of the remaining camp residents face ongoing threats of eviction. Almost all of these evictions were extrajudicial and unlawful, and most involved violence or coercion.

Last fall, NLG International Subcommittee on Haiti members from MADRE, CUNY Law School, the Institute for Justice & Democracy in Haiti (IJDH) and Bureau des Avocats Internationaux (BAI) won groundbreaking claims from the Inter-American Commission on Human Rights (Commission) on behalf of women and girls vulnerable to rape and communities threatened with eviction from IDP camps.

The first claim addressed the alarming rates of sexual violence in camps. In response to a request for precautionary measures from a coalition of advocates, the Commission issued binding recommendations calling on the Government of Haiti to provide treatment for rape survivors, measures for security and legal accountability, and for grassroots women's groups' leadership and involvement in planning and implementing policies to address GBV. The directive set an important Commission precedent of holding states accountable for GBV committed by private actors, and challenged Haiti's ban on emergency contraception by calling for its provision to rape survivors.

A second request for precautionary measures yielded binding recommendations urging the Haitian government to issue a moratorium on evictions from IDP camps until adequate housing alternatives are established and to provide protection to camp residents. The directive represented the first time that an inter-governmental human rights body recognized the harm posed by



**Top: Mario Joseph, of the Bureau des Avocats Internationaux and a woman in an internally displaced persons camp.**

*Photos courtesy of Nicole Phillips*

unlawful forced evictions within the context of displacement caused by a natural disaster. The Commission also endorsed a rights-based approach to disaster response that States have an affirmative obligation to fulfill.

Unfortunately the Haitian government has not implemented the recommendations, but the precautionary measures provide Haitian advocacy groups with an important tool in their campaign to end forced evictions and protect against GBV. BAI uses the measures in trainings informing thousands of residents about how international and Haitian law protects them. Communities use the training to defend themselves and negotiate solutions with landowners, law enforcement and judges. BAI has been able to ward off evictions in all of the camps they represent. BAI has also filed over 70 civil complaints on behalf of rape victims.

In June, IJDH and BAI returned to the Commission to ask for renewed protections against forced evictions under Haiti's new government led by President Michel Martelly.

A delegation from the Commission, led by Dinah Shelton (Special Rapporteur to Haiti and law professor at George Washington University) is expected to visit Haiti this fall. We applaud the Commission's leadership role in recognizing the Haitian government's obligation to protect IDPs, especially women and girls, and will continue to pressure the government and international community for implementation of the precautionary measures. □

*Nicole Phillips is a staff attorney with the Institute for Justice & Democracy in Haiti (IJDH) and Assistant Director for Haiti Programs with the University of San Francisco School of Law. She is also a member of the Guild's International Sub-Committee on Haiti.*

*J. Kirby, law student and Guild member at Northeastern University, is a Legal Intern at IJDH.*

# Providing a new tool for human rights work

by **Ann Fagan Ginger**

Handling a case against the local police? Prison guards? Welfare department? Mortgage forecloser?

Marjorie Cohn, Bill Quigley, and I are urging NLG members to make full use of the UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in their cases. We have found no case lost for citing this treaty and some cases were won, according to our research at Meiklejohn Civil Liberties Institute. Some government actions were affected by making reports to the UN Committee Against Torture in Geneva.

When Detroit Judge and Guild member Claudia Morcom (ret.) made an oral presentation on violations of the rights of victims being attacked on the bridge in New Orleans as they were fleeing the Katrina quake, the UN Human Rights Committee sharply questioned the U.S. The federal government officials said they were investigating this. Now, several years later, they are investigating, but it is clear that this might never have happened if the issue had not been raised at the international level.

Guild member Walter Riley used this treaty in arguing for investigation of the BART police killing of Oscar Grant in Oakland in 2010. "Quoting the specific language of a U.S. ratified treaty had a good effect on the prosecution."

Guild members initiated the use of the First and Fifth Amendments by witnesses refusing to answer questions before the House Un-American Activities Committee. Now Guild members are citing the right to human dignity stated explicitly in the preambles to the Convention Against Torture (ICAT), in the Convention on Elimination of all forms of Racial Discrimination (ICRED), and in the International Covenant on Civil and Political Rights (ICCPR). The U.S. ratified the first two treaties in 1994 and ICCPR in 1992.

Guild member Bill Monning, who represents Santa Cruz in the California Assembly, got the California legislature in 2010 to pass ACR 129, calling on the state Attorney General to: 1) publicize the text of the three UN human rights treaties, and 2) to prepare templates for city, county, and state agencies so they can make the required periodic reports to the Committee Against Torture, Committee on Elimination of Racial Discrimination, and Human Rights Committee.

"Every state can pass a similar resolution now, so everyone can start making use of the strong human rights provisions in these treaties," Prof. Cohn said.

NLG San Francisco Bay Area Chapter Executive Director Carlos Villareal has raised this question with the chapter.

To publicize the text of the treaties, MCLI has prepared a large poster quoting the pertinent sections of the three treaties that is selling quickly to lawyers and activists for posting and for offering to local schools, libraries, and government agencies to post. To order, visit [www.mcli.org](http://www.mcli.org).

MCLI has offered the poster free for use by California government offices.

**Offer:** If you send a short, accurate description of a case of misconduct to MCLI by August 15, MCLI will include this information in the "shadow report" it will submit to the CAT Committee meeting in November on the U.S. report.

*Ann Fagan Ginger is the founder and executive director Emerita of the Meiklejohn Civil Liberties Institute. She is also a long-time Guild member. □*

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*Cover Story, cont. from page 4*

The complaint details how the police actions violated the OPD Crowd Control Policy. For instance, the policy makes clear that it is unconstitutional to arrest an individual for being part of a crowd.

Instead, police must have probable cause to believe that each individual arrested has committed a crime. The policy also provides that police cannot declare an unlawful assembly and break up a political demonstration based on past unruliness or on the lack of a permit. There must be criminal activity or a clear and present danger of imminent violence. The policy also calls for adequate notice and opportunity to disperse. It violates the policy and California law to hold misdemeanor arrestees in jail overnight, absent certain exceptions.

Bay Area Chapter President Mike Flynn, another member of the plaintiffs' legal team, said, "Our goals for the lawsuit are to obtain an injunction to stop the Oakland Police from arresting demonstrators without probable cause and holding them in jail unlawfully; to force them to follow the Crowd Control Policy; and to get compensation for these 150 people, who were arrested for nothing and had a nightmarish experience in custody."

The lawsuit seeks injunctive relief and monetary damages for those 150 people who were unlawfully arrested and held illegally for up to 24 hours. The Complaint traces police misconduct involving Justice for Oscar Grant Movement protesters from January 2009 to the day of the sentencing.

The complete text of the Complaint can be found at [www.nlgf.org](http://www.nlgf.org). □



# Philadelphia honors member Karen Detamore

by Traci Yoder

On June 9, 2011, the Philadelphia Chapter of the National Lawyers Guild held a reception at the American Friends Service Committee to honor long-time member Karen Detamore. Lawyers, law students, legal workers, judges, and others turned out to celebrate Karen's life of inspiring work and dedication to social justice.

Philadelphia chapter members and friends of Karen's introduced her and described her impressive career of legal work in Philadelphia and in the National Lawyers Guild locally and nationally. Art Read, who worked with Karen at Friends of Farmworkers (FOF) for 20 years, told the audience of Karen's tireless efforts with that organization as well as her broader work as part of Philadelphia's legal community.

Cindy Rosenthal, who has also known Karen for many years, spoke of working with Karen on NLG projects and the close personal relationships that formed between the members of the Guild in Philadelphia. She reminded the assembled crowd that Karen was not only an excellent legal worker and lawyer, but also a friend who always had time to listen and help those close to her.

## KAREN DETAMORE

Karen joined the NLG in 1973 as a legal worker and remained active when she became a law student at Rutgers-Camden in 1979 and later as an attorney in Philadelphia. Over the years, she has actively worked for the rights of the most oppressed groups in Philadelphia and beyond.

From 1973 to 1976, Karen worked as a legal worker for Philadelphians for Equal Justice, an organization which was formed to assist victims of police misconduct and to educate the public about the problem. During the same period, she also volunteered as part of the NLG Wounded Knee Legal Defense/Offense Committee in South Dakota. She then worked from 1976-77 as a staff



Karen Detamore was honored at a Philadelphia Chapter event on June 9.  
*Photo by Traci Yoder*

member for the NLG Military Law Project in Japan, providing legal assistance for individual service members. From 1978-79, she was the director of the NLG-related Paralegal Studies Program of the Philadelphia Free Law School, a one year training program for public interest paralegal jobs.

From 1989 through mid-2009, Karen was Executive Director of Friends of Farmworkers, a statewide legal services organization providing legal representation and education to migrant and seasonal farm workers. FOF has protected thousands of

farm workers, in issues related to their employment and their ability to organize. FOF has become an important and powerful legal advocacy group thanks in major part to Karen's vision, dedication, intelligence, and strategy. She stepped down from her position at FOF in 2009 for health reasons.

Karen continues to support the local Guild chapter. Recently, she did a series of interviews for the NLG Philadelphia Archival and Oral History Project documenting her experiences as a Guild member, legal worker, and progressive attorney in Philadelphia over the past three decades.

## PHILADELPHIA NLG TODAY

Karen's impressive legacy lives on today through the many organizations she helped to shape over the years, including the National Lawyers Guild. During the event, Philadelphia NLG co-chair Steve Gotzler reminded the audience of the many successes the chapter continues to have in Philadelphia, including an increasingly growing membership, active Next Gen and Legal Workers Committees, direct legal services clinics, strong Legal Observer and Street Law programs, and a number of other projects related to prisoners rights, drug policy reform, labor and employment, police accountability, and legal education. □

## New York Spring Fling honors Heidi Boghosian

On April 8, 2011 the New York City Chapter honored our own National Executive Director Heidi Boghosian and the Activist Spirit of the NLG. The outpouring of support and praise for Heidi's work came from across the Guild and around the globe. It was a true privilege to honor such a steadfast and tireless leader in the NLG. Jim Lafferty, writing for the dinner journal said it best "Heidi's principled, even-keeled and inspired leadership, her tireless work to save Mumia's life, her people skills, her brilliance as a spokesperson on behalf of the Guild, all combine to make her the heart-and-soul of today's Lawyers Guild" The celebration included the special congratulations recorded for the occasion by Mumia Abu Jamal.

In addressing the audience, Heidi noted a few of the New York City Chapter Guild landmarks: "It is here that our mass defense program was formed during the student sit-ins at Columbia University. Our lawsuit against the FBI, the Grand Jury Project, and the Handschu Consent decree—from a case filed 40 years ago—all evoke images of Chapter members working for decades to preserve the right to dissent and hold the government accountable. Perhaps the most vivid symbol of a New York State sponsored atrocity that mobilized the fierce passions of Guild members also happened 40 years ago – the murder of Attica inmates at the hands of NY state troopers and Governor Nelson Rockefeller."

She continued: "New York members are integral to national Guild work as well. Students and young members have actively shaped our response to the government and multi-national

corporations. Grainne O'Neill and Dave Rankin's concern about FBI targeting of animal rights and environmental activists was impetus for our Green Scare Hotline. Beth Baltimore and other students here have answered that Hotline for the past six years and are literally the first responders for frightened activists. At the national convention in Austin, Daniel Gross made sure to meet with Starbucks workers in the Radisson Hotel where we were staying. National leadership stood firm in telling hotel management that if they stopped Daniel they would face a convention-wide strike of angry Guild members. And I'll never forget being trapped in a pen at the 2004 RNC and calling out to a green-hatted Legal Observer. That was my first meeting with Gideon Oliver whose work and humanity are integral to this organization."

In concluding, she noted that, "Arthur Kinoy, among the many beloved members with us in spirit tonight, always said that the test for a people's lawyer is not the technical winning or losing of formal proceedings. The real test is the impact of legal activities on the morale of the people involved in the struggle. No matter how experienced or clever a lawyer or legal worker may be, the most important element is the informed support and participation of the people. Thank you all for upholding the values inherent in the notion of peoples lawyering, a practice that began in 1937 and that is alive and well in the NLG today. With a salute to Len Weinglass, and to the remarkable National Lawyers Guild, thank you for this honor. If Arthur were here he would quote Fanny Lou Hammer, with fist in air, All Power to the People!" □

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# New Mass Defense Coordinator and Projects

*In April, with a generous grant provided by the CS Fund, the National Office hired a full-time Mass Defense Coordinator. We remain greatly appreciative of the CS Fund's recognition of the importance of the NLG's mass defense work and for its ongoing support.*

**by Abi Hassen**

Three years ago, I was a community organizer, union organizer, and a small city political operative. I ran election campaigns, lobbied local pols, and organized grassroots campaigns. I finished law school the year before with the idea of entering politics. Now I was doing it.

It was a buzzing, hopeful time. I had been working on the presidential campaign all year and I was getting ready to spend the next few months, along with over 100 union brothers and sisters, in the rural Virginia doing full-time voter registration and election work.

My team of a dozen in Danville ended up registering over 1,000 new voters and helping dozens of felons apply for voting rights restoration (any felony in VA results in automatic lifetime disenfranchisement).

We won that election. I had hope. Not just the naïve hope that the president would come in and lead us all into a new era of progressivism, but a hope that by showing our strength on the streets—knocking on doors, registering voters, and getting out the vote—the new administration would reciprocate by showing faith in the political power of regular people.

This did not happen.

The last three years have exposed the naked, bipartisan totality of the corporate state and the thorough lack of leftist and progressive leadership within the establishment political system. My last, rationalizing wish that the current system might incrementally realign itself is now dead.

Only by dissenting—by discarding the inherently contradictory framework of the privatized, brand-obsessed, poll-driven political system—is it possible to articulate an honest case for political change.

This is why I believe that protecting the right to dissent is what I should be doing with my life and why I am honored and proud to be a part of the Guild.

Today, I'm working with dissent-enablers across the country. My projects include: protest event legal planning for DNC, RNC, APEC, and other large protests; helping train and recruit Legal Observers for emerging issues;



**Abi sporting his fresh new lid at the national office.**

*Photo by Heidi Boghosian*

outreach to communities targeted by law enforcement (e.g. the “nerd scare” and the “sharia-law” hysteria); analyzing the policy impact of Guild members’ litigation; and expanded Know Your Rights materials.

I am also working to make the Guild a better resource for members and activists. Through my position, the Guild is able to provide coordination and technical support to the members who currently do Mass Defense work and function as a resource for those wanting to start.

I have had the opportunity to speak with a lot of Guild members in the past few months, and I look forward to meeting many more at the convention. I’m always eager to hear peoples’ thoughts and project ideas so please reach out to me. I can be reached at the national office, extension 14 or by email, [abi@nlg.org](mailto:abi@nlg.org). I look forward to hearing from you.□



## Open Letter from the re-formed Madison Chapter

In the weeks following the dramatic occupation of the Wisconsin State Capitol, progressive attorneys and law students have come together to reestablish a fighting Madison Chapter of the National Lawyers Guild.

The significance of the Wisconsin “uprising” went well beyond the defense of collective bargaining rights. Hundreds of thousands denounced the growing threat of outright corporate rule and the deepening impoverishment of the people. Many of us were on the front lines of the recent Capitol battles and remain deeply involved in the social justice struggle on all fronts. We drew a line then and do so again now - this time hurling the gauntlet at the feet of the conservative legal foundations, the pro-corporate bar, big business-controlled lawmakers (and lawbreakers) and all aspects of the legal system devoted to the status quo of inequity, poverty and anti-democracy. We declare our intention to bring that struggle into the courtrooms, the communities, the schools and organs of government.

We intend to continue the Guild’s work to defend the right to protest, pursuing individual cases in the interests of economic and social justice and filing amicus briefs in high profile litigation where freedom and democracy are at stake. Yet, we intend also to take the offensive, to craft the necessary strategy and tactics to not only preserve existing rights, but to effect the basic structural changes in our society that will abolish poverty, racism and all forms of discrimination, protect our ecosystem and root out corrupt corporate domination once and for all.

We intend to fight within and beyond the courtroom, to use the legal arena to educate and mobilize the broader public as to the less obvious aspects of increasing corporate domination. We draw from all areas of legal practice as well as from the ranks of students at the University of Wisconsin Law School, the trade unions and from the front lines in the community struggles against foreclosures, evictions, the ravages of poverty and the evisceration of our democratic rights. Our mission is to create a new American jurisprudence based on the struggle for the provision of democracy and the necessities of life to every person and the primacy of human rights over the profit-driven interests of the corporations.



*Photo courtesy of Samantha Leonard*

We stand on these principles: we oppose draconian cuts to legal aid for Wisconsin’s poorest citizens, the evisceration of collective bargaining rights for public sector workers in Wisconsin, illegal and undemocratic decision-making in the Wisconsin Legislature, escalating outright corporate political rule, and the decimation of the already-shredded “safety net” of public welfare programs in Wisconsin and around the United States. Internationally, we oppose the U.S. war machine currently devastating lives in Iraq, Afghanistan and elsewhere and the human exploitation that marks the imperial ventures of the U.S. into the countries of the global south. We identify racism, misogyny, homophobia and all other forms of oppression as enemies of humanity. We affirm the right of all people to live with dignity, with access to housing, education, medical care and work, and we believe that human rights should always be held more sacred than property rights.

We reach out to our comrades in the progressive and revolutionary legal community—attorneys, students, union representatives and legal workers of all descriptions—and ask you to join us.

In Struggle,

The Madison Chapter of the National Lawyers Guild

Contact: **MadisonNLG@gmail.com**

# NEC approves litigation guidelines

*At its August meeting, the NEC approved these litigation guidelines:*

1. All litigation in the name of the National Lawyers Guild must be approved by the EC, and all documents filed must be reviewed and approved by the EC prior to filing. The EC may designate a specific attorney to review the pleadings.
2. If filed by a committee or other entity of the Guild, documents must be filed in the name of that committee or entity, and not in the name of the “National Lawyers Guild.”
3. All litigation must be carefully vetted by one or more Guild attorney(s) designated by the entity on whose behalf the litigation is being filed other than the attorney who wrote the complaint or other documents. Such reviewing attorney(s) must provide an official written sign-off indicating review and approval before filing.
4. For existing litigation: if the approval process was not originally done by the EC, approved litigation must be communicated to the NLG National Office with a brief description of the case as soon as possible.
5. Documents filed with the court must contain the NLG attorney’s office address and contact information as it appears on the attorney’s state bar listing.
6. Documents must be specific about the filing lawyer’s designated role: e.g. “cooperating attorney member of the NLG,” or “filing on behalf of the NLG.” No document can be filed without such designation unless the attorney is employed by the EC or by the National Office acting at the direction of the EC.

## Far West Regional Conference report back

by **Renee Quintero Sanchez, Far West Regional VP**



The annual NLG Far West Regional was held in sunny and beautiful San Diego, California. It was an exciting and powerful gathering of progressive lawyers, law students, recent grads, nextgeners, legal workers and the larger progressive and activist community who came together to organize and share information, as well as to share updates relevant to the Far West Region, our members, our work and the community.

The conference attracted over 75 participants from across the state of California and included workshops related to current radical legal and progressive causes. It was truly inspirational and educational.

The weekend started on Friday night with a warm and welcoming “Meet and Greet” house party at the Ant Hill Collective, where we enjoyed food prepared by San Diego Food Not Bombs, entertainment by local musicians, and local beer! NLG President David Gesspass attended, spoke, and mingled with long-time members and new ones from across the state. Ant Hill Collective is an activist housing community and home of NLG San Diego member Andrea Carter. □



**Top Left: Anjuli Bedi (left) and Hasmik Geghamyan**  
**Left: Kathy Gilbert and Daniel Mayfield**

*Photos by Carlos Villarreal*

# 2011 Convention Schedule

## WEDNESDAY, OCTOBER 12

**9am–5 pm**      **National Immigration Project CLE**  
The Impact of Criminal Convictions on  
Immigration Status  
(*separate registration required*)

**3:15–5:15pm**      **Plenary Session**

**5:30–6:45pm**      **Caucuses**  
• Student Caucus  
• NextGen Caucus  
• Legal Worker Caucus

## THURSDAY, OCTOBER 13

**8:30am–5pm**      **National Police Accountability Project CLE**  
Developments in Police Misconduct Litiga-  
tion: Staying Ahead of the Curve  
(*separate registration required*)

**5:30–7pm**      **International Committee Reception**

**9pm–Close**      **Student Party**

**8:30am–12:30pm** **Military Law Task Force CLE**  
Using Civil Practice to Represent GIs  
(*separate registration required*)

## SATURDAY, OCTOBER 15

**9am – 12pm**      **TUPOCC and Anti-Racism Training**

**12-1pm**      **Queer Caucus**

**1–4pm**      **International Committee CLE**  
The Inter-American System: Using  
International Remedies  
(*separate registration required*)

**1–3pm**      **Plenary Session**  
• Elections, Resolutions, and Amendments

**5:30–7pm**      **National Immigration Project Reception**

**3:15–4:30pm**      **Workshop Session 3**  
• Opposing State Anti-Immigration Initiatives  
• Transgender Activists & Demonstration Law  
• FOIA as Friend: Using Laws as Activism Tools  
• Seizing the Airwaves  
• Emerging Revolutionary Movements: Creative  
Organizing and Creative Lawyering  
• Philly Workers Rising Up

**7–8:45pm**      **Keynote Address: Bhairavi Desai**  
*Founder of NY Taxi Workers Alliance*

## FRIDAY, OCTOBER 14

**8:30–9:45am**      **Workshop Session 1**  
• Guild 101  
• Foreign Workers/Temporary Visas  
• Anatomy of a Criminal Case  
• Snake Oil: Corporate Sham of Nuclear, Gas  
and Carbon as Solutions for Climate Change  
• Hot Topic #1  
• Hot Topic #2

**4:45–6pm**      **Workshop Session 4**  
• Taking Down DOMA: Ending the Defense of  
Marriage Act  
• Unlearning Zionism  
• How to Start Your Own Law Practice  
• Role of Radical Lawyers in Shaping Political  
Alternatives to Capitalism's Meltdown  
• Countering Military Recruitment  
• Hot Topic #4

**10–11:15am**      **Workshop Session 2**  
• Decolonization of Indigenous America  
• Growing Criminalization of Immigration  
• Policing and Prosecution of LGBTQ  
• Challenging the Surveillance State  
• Saving the Life of Mumia Abu-Jamal  
• Hot Topic #3

**6:15–7:30pm**      **Pre-Banquet Reception** (*open to all attendees*)

**7:30–10pm**      **Banquet** (*separate ticket required*)

**11:30am–1pm**      **Luncheon: Speaker Judith Chomsky**  
(*separate ticket required*)

## SUNDAY, OCTOBER 16

**9–10:15am**      **Regional Meetings**

**1:30–3pm**      **Major Panels Session 1**  
• Islamophobia: the New McCarthyism  
• Mass Incarceration in the U.S.  
• Challenging the High Price of Free Speech

**10:30am–12pm** **Major Panels Session 2**  
• The Struggle Against Repression from  
Grand Jury Raids to Attacks on Organizing  
• The Liberation of Political Prisoners  
• Workers' Rights Are Human Rights



## Convention tours and Friday Luncheon information

### Anarchist Walking Tour

On Friday 10/14 from 7-8:30, the Anarchist Walking Tour will be an evening stroll with local historian Robert Helms through the Society Hill and Queen Village sections. The tour will include spots and surviving buildings where early anarchists lived, practiced medicine, and held their meetings. Enrollment will be limited.

### Restorative Justice Mural Arts Tour

On Saturday 10/15 from 3-5pm the Restorative Justice Mural Arts Trolley Tour will visit some of Philadelphia's many murals, including some painted by prisoners, victims and defendants working together, and delinquent or at-risk youth. Following the tour, there will be a screening of the documentary "Concrete, Steel & Paint" ([www.concretefilm.org](http://www.concretefilm.org)), which was made about one of the murals on the tour. Enrollment on the tour will be limited, and an additional registration cost will apply. Those who only wish to see the film can purchase separate tickets for the screening. Tickets will be sold at the convention.

### Friday Luncheon Speaker: Judith Chomsky

Judith Chomsky is an international human rights lawyer and long-time NLG member from Philadelphia. Before becoming an attorney, she studied anthropology and worked as an anti-war organizer with the group Philadelphia Resistance. She graduated from Temple Law School in 1975 and shortly after co-founded the Juvenile Law Center of Philadelphia and the Worker's Rights Law Project. Chomsky began working closely with the Center for Constitutional Rights and has litigated a significant number of important international human rights cases on behalf of persons subjected to torture, killings and environmental destruction. Her work has taken her to Gaza and the Occupied West Bank to help prepare a case involving civilian deaths from the Israeli occupation. She has served as an election observer in South Africa and El Salvador. She has also represented Colombian families in a federal class action lawsuit against Chiquita Brands International and Nigerian families suing Royal Dutch Shell. Chomsky remains an important member of the NLG and the Philadelphia legal community and a much-respected advocate for international social justice.

## Convention Plenaries

In addition to featuring candidate speeches for all elections taking place at this year's convention (see page 29) and discussion of bylaw amendments and resolutions, the plenaries will give two presentations:

- **A memorial and tribute to the lives and work of recently deceased Guild members**
- **Human Rights Across the Continent: Workers Under Attack and Fighting Back**, put on by the NLG's International Labor Justice Working Group. This presentation will build on the work of partnerships that Guild committees have forged with organizations across the hemisphere, providing breaking news on the workers' human rights emergencies in Mexico, Colombia and the United States, and presenting—for the first time in the U.S.—a hemispheric workers' rights alternative that builds on the egalitarian social gains of the Latin American left.

### SAVE THE DATE

**The Los Angeles Chapter  
welcomes the  
75th Law for the People Convention in 2012**

**Pasadena Hilton\***

**\$139/night**

**October 10-14, 2012**

*\*Contract in progress.*

*Conforming with Bylaw on Nonprofit, Green, Convention Spaces: Last year the NLG passed a Bylaw that requires us to first consider non-hotel nonprofit alternative spaces for our annual conventions. At the most recent meeting of the NEC on July 17-18, 2010, the NEC found that: "After having investigated alternative spaces, the hotel in Pasadena is the best, and most viable option for our 2012 (75th anniversary) convention. There are no viable nonprofits in the Los Angeles area, and we have received a report from the Los Angeles chapter attesting to the findings required in this bylaw."*

*The NEC makes official finding that it has complied with the bylaw.*

## Convention honorees

### 2011 Law for the People Award

- With the NLG convention in Philadelphia, there was only one possible choice for the 2011 Law for the People award. Since 1971, the firm founded by David Kairys and David Rudovsky has embodied the principles and the best practices of the National Lawyers Guild—in the cases they have taken, the skill with which they have litigated and the generosity with which they share their ideas. They are cherished friends and colleagues for those of us who have known them over decades. They have set the standard to which the youth who have revitalized the local chapter aspire.

David Kairys, now a professor of law at Temple University, won the leading race discrimination case against the FBI, won challenges to unrepresentative juries around the country, stopped police sweeps of minority neighborhoods in Philadelphia, was the lead lawyer in the most significant acquittal of anti-Vietnam

War activists, and conceived and litigated the city lawsuits against handgun manufacturers. He edited and co-wrote the classic progressive critique of law, *The Politics of Law*, and recently wrote *Philadelphia Freedom: Memoir of a Civil Rights Lawyer*, on the cover of which Cornel West calls him “one of the grand long-distance runners in the struggle for justice in America.”

David Rudovsky has been involved in some of the most important litigation in Philadelphia and the nation concerning police and government misconduct, prisoners’ rights, racial discrimination and First Amendment rights. He was a 1986 recipient of the MacArthur Foundation Fellowship for his work in criminal justice. He is a Senior Fellow at the University of Pennsylvania Law School, author of *The Law of Arrest: Search and Seizure in Pennsylvania*, and co-author of *Police Misconduct: Law & Litigation*, among other publications. He was also the first treasurer of the National Police Accountability Project of the NLG.

### 2011 Arthur Kinoy Award

- Accomplished author and radio commentator, Mumia Abu-Jamal has published six books and is working on a seventh from Pennsylvania’s death row. His two most recent, *We Want Freedom: A Life in the Black Panther Party* and *Jailhouse Lawyers: Prisoners Defending Prisoners v. the U.S.A.* speak directly to the core values of the NLG. An honorary citizen of approximately 25 cities around the world (with a street named after him in France), and a member of the literary group PEN, his contributions to our *Jailhouse Lawyer’s Handbook* (co-published with CCR) have been ongoing.



### 2011 Legal Worker Award

- The Legal Worker Award goes to Brad Thomson from the People’s Law Office in Chicago. As a legal worker, he has provided crucial legal information and assistance to activists targeted by the federal government, including those supporting Palestine, international solidarity, and animal rights. When his nose was broken by Chicago police officers at an anti-war demonstration in March of 2003, he became a plaintiff in the lawsuit *Vodak v. City of Chicago*. Brad has reviewed and marshaled the evidence in the massive class action, which the People’s Law Office have used to defeat the Defendants’ motions for summary judgment and will be presented to a jury, when or if the case goes to trial. He has also served as the primary contact for all class plaintiffs and has communicated constantly with class members. Brad also frequently serves as a National Lawyers Guild Legal Observer.

### 2011 C.B. King Award

- A third-year law student at Loyola University in Chicago, Andrew Bashi will receive the C.B. King Award for student leadership. Andrew has actively supported the living wage struggle of Loyola’s newly unionized food services workers. He assisted in organizing a strong showing of support for their campaign for economic justice. He engages in political education, demonstrations of solidarity, and has been organizing students and faculty members to support the workers. Andrew has also been a staunch advocate for racial justice and diversity in the university community as well as within the Chicago chapter of the Guild. He has also provided friendship and assistance to the Iraqi refugee communities in both Chicago and his native Detroit.



### 2011 Ernie Goodman Award

- The Ernie Goodman Award will be presented to Karen Detamore, who recently received a separate award from the Philadelphia chapter and is profiled on page 21.

# Elections process

## General procedures for electing the National Executive Council (NEC):

At the NLG National Convention in Philadelphia, the membership at the plenary (and through mail ballot after the convention for contested positions) will elect officers to fill five national offices: President-Elect, Treasurer-Elect, Executive Vice President (EVP), and two National Vice Presidents (NVP).

- In addition, the Student Caucus will elect a Student National Vice President, and some regions will elect Regional Vice Presidents (some regions fill this position at regional conferences other times of the year.)
- Also, some committees, projects, and other Guild entities which have seats on the NEC will fill those seats during meetings at the Convention.
- Each position entails different responsibilities and duties: please see descriptions below.

### Attendance at NEC meetings, travel expenses:

All NEC members are expected to attend, in person, three NEC meetings per year, in addition to NEC meetings held on both Wednesday and Sunday of the convention. In most years the three non-convention NEC meetings are held in New York City, though occasionally the NEC has decided to hold one meeting in another location (usually the west coast.) Article 5.11 of the NLG Constitution specifies that the NLG pays for the transportation of non-local national officers (President, President-Elect, Treasurer, EVPs, and NVPs) to attend the three non-convention meetings. Only transportation (airfare or rail) is covered; accommodations are the responsibility of the individual member. Committees, projects, regions, and other NLG entities with NEC members are responsible for paying travel expenses for their NEC member. All NEC members pay their own travel expenses to the convention.

### Declaring intention to run for the NEC

Candidates must declare their intention to run by submitting a written statement of 500 words or less no later than 5:00pm on Friday, October 14, 2011. **Candidate statements must be submitted to the National Office no later than 5:00pm on Friday, October 7, 2011 in order to be published on the NLG website or otherwise distributed to members.**

### Explanation of the Executive Council (EC):

Per Article 5.8 of the NLG Constitution, the EC governs the business of the NLG between NEC meetings. The EC consists of the president, treasurer, executive vice presidents, the senior student national vice president, and the executive director. The EC has regular conference calls and email discussions, and requires a significant time investment. Regularly scheduled calls occur as often as weekly, and email communications are constant, often daily.

### President-elect:

Serves a four year term: one year as president elect, while the current president remains in the position, and then three years as president. The president serves on the Executive Council ("EC"). The president is expected to make a very large time commitment to the NLG, and to play a leadership role in fundraising, public speaking, consulting regularly with National Office staff, traveling to NLG constituencies around the country, participating on the EC, enforcing NLG policies, engaging in conflict resolution when needed, and chairing NEC meetings.

### Treasurer-elect:

Serves a four year term: one year as treasurer-elect, while the current treasurer remains in the position, and then three years as treasurer. The Treasurer is expected to make a large time commitment to the NLG, including primary responsibility for fundraising and ensuring the fiscal health of the organization, participation on the EC, and chairing the National Finance Committee (NFC). The Treasurer is responsible, in conjunction with the National Office, for preparing a proposed budget, and generally chairs the budget discussion at the January NEC meeting each year.

### Executive Vice President (EVP):

There are two EVPs who serve three year terms; one position is up for election this year. Both EVPs serve on the EC. The role of EVP requires a significant time commitment, is responsible for fundraising, and leading major initiatives and projects of the NEC.

### National Vice Presidents (NVP):

NVPs serve a two-year term. There are a total of three NVPs; two positions are up for election this year. The role of NVP requires a significant time commitment, is responsible for fundraising, and leading major initiatives and projects of the NEC and NLG. NVPs share responsibility for contact and assistance to national committees and other NLG entities which do not have representation on the NEC. Their roles are being re-evaluated with the expectation that they will engage in substantive work.

### Student National Vice Presidents (SNVP):

At the Student Caucus, elections will be held for the SNVP. There are two National Law Student Vice Presidents who each serve staggered two-year terms. The SNVP serves on the EC in the second year of their term. SNVPs are expected to advocate for law student needs and interests, in addition to being a full NEC member, including fundraising and taking on projects.

### Regional Vice Presidents (RVP):

Elected by their respective regions, and have duties as outlined in regional bylaws. RVPs are expected to make quarterly calls to lapsed members in their regions, do significant outreach to their regions, and ensure that a regional conference occurs annually.



# NATIONAL COMMITTEES, PROJECTS & TASK FORCES

## *Amicus Committee*

Zachary Wolfe  
amicus@nlg.org

## *Anti-Racism Committee*

Garrett Wright  
Charlotte Noss  
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*

Daniel Gross  
dgross@brandworkers.org

## *Legal Workers Committee*

Ian Head  
Laura Raymond  
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*

Radhika Miller  
Alexandra Goncalves-Pena  
nextgen@nlg.org

## *Prison Law Project*

Alissa Hull  
plp@nlg.org

## *Queer Caucus*

Raul Aguilar  
Dana Christensen  
queercaucus@nlg.org

## *TUPOCC*

Ranya Ghuma  
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

*Secretary:* Jerome Paun

# NATIONAL OFFICERS AND STAFF

<b>President</b> David Gespass	<b>National Student Co-VPs</b> Samantha Godwin Nadia Kayyali	<i>South</i> Anne O'Berry
<b>Executive VPs</b> Carol Sobel Azadeh Shahshahani	<b>Regional VPs</b> <i>Far West</i> Renee Sanchez	<i>Southwest</i> Sarah Erlinder
<b>Treasurer</b> Roxana Orrell	<i>Northeast</i> Thom Cincotta Aaron Frishberg	<i>Tex-Oma</i> Robert Schmid
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<b>Jailhouse Lawyer Co-VPs</b> 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	

(President's Column continued from p. 3)

For anyone supporting Palestinian rights on campuses under attack by Campus Watch, doing what is right means defending those who speak out, as Dan Mayfield, Carol Sobel, and others did successfully with the Irvine 11.

As the U.S. builds its national security state and moves, frankly, toward fascism, opposing police terror is essential, and our National Police Accountability leads the way in giving lawyers the tools to do so successfully.

Mary Howell in New Orleans has fought its corrupt police department for years, most recently exposing the Danzinger Bridge murders. The People's Law Office recently secured a monumental victory with the conviction of Jon Burge who ran a police torture ring for years in Chicago. A year ago, I was fortunate to have participated in the People's Hearing on Racism and Police Violence in Oakland which Mike Flynn, Bay Area Chapter President, was instrumental in organizing and which included many Guild members as jurists. Now, the chapter has sued the Oakland PD on behalf of the demonstrators who rose up following the murder of Oscar Grant.

We do not neglect our theoretical responsibilities. Marjorie Cohn's new book exposes the recent history of torture that belies the claim that the U.S. is the greatest hope for democracy in the world today. Soon, Mike Avery's analysis of the rise of the right and how we should combat it will be available. And quarterly, the NLG Review addresses the myriad ways in which we can, and must, do what is right.

I could go on: about the work that our International Committee is doing in support of struggles around the world, about the Military Law Task Force's active support of today's resisters, and much more. I have only touched on the work of our Labor and Employment Committee and National Immigration Project. I can mention the revived Committee on Democratic Communications, fighting to make media available to the masses; our amicus committee which insures that a radical, not just a vaguely liberal, voice is heard in the courts; our Disability Rights Committee which still struggles to raise awareness of all that needs to be done on this front; and of course, our Mass Defense Committee which is the main legal bulwark protecting those who believe that for real change to occur, constitutional rights need exercise.

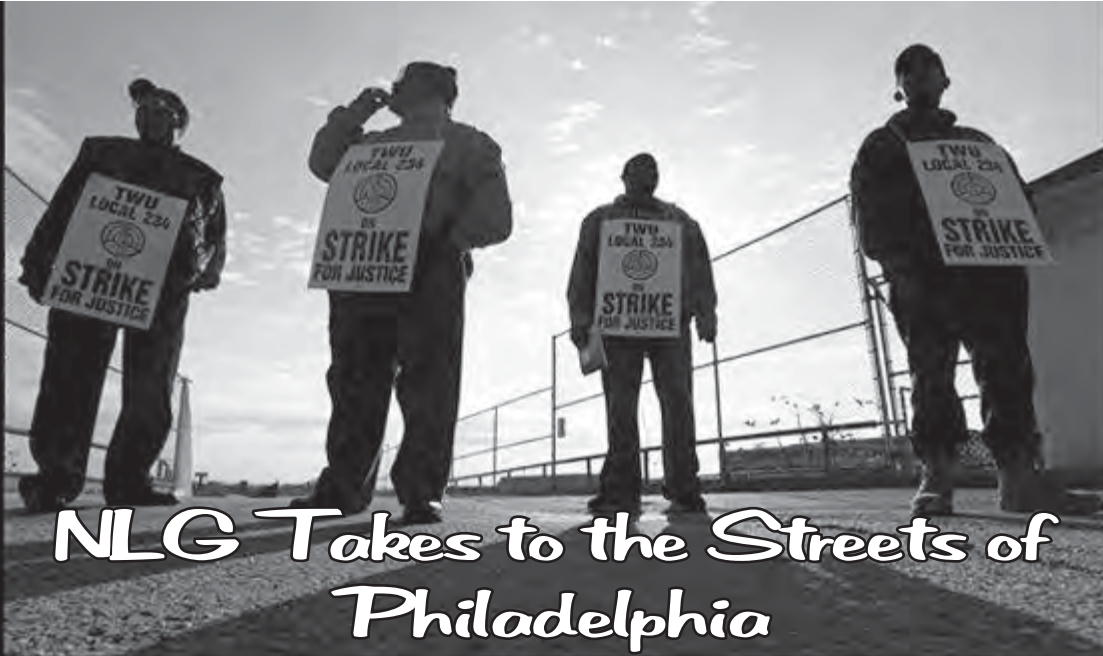
I was once interviewed along with David Rein for a school publication and mentioned how heroic I thought he was during the McCarthy years. He said people always told him that during those dark days and his response was, "I'm not a hero, you're a stinker. I'm just doing what I am supposed to be doing." Since 1937, we in the NLG have done what we are supposed to do: serve the people to the end that human rights be regarded as more sacred than property interests.

As Paul Harris said, "if we win today, we'll be back tomorrow. If we lose today, we'll be back tomorrow." For nearly 75 years, we have not retreated in the face of a hostile judicial and political system, regardless of the odds and regardless of the forces arrayed against us. It is this history and my friendship with so many extraordinary people that makes me proud to say that the Guild has been my home throughout my professional career.

*Hasta la victoria siempre.* □

national lawyers guild foundation

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## *NLG Takes to the Streets of Philadelphia*

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