NLG a Smash Hit at RebLaw 2011
Inside This Issue...

President David Gespass’s Report ........................................ 3
Cover Story: NLG presence at RebLaw ................................. 5

National Work:
  Why defending Anonymous matters ................................. 4
  Update on FBI raids .................................................... 6
  Defending against SLAPP suits in WV ............................... 7
  LDF joins Mumia Abu-Jamal defense team ......................... 8

International Work
  Universal Periodic Review of U.S. Human Rights .................. 9

Committee and Chapter Updates
  Peter Erlinder tours Midatlantic region .............................. 10
  Oakland responds to People v. Mehserle ............................ 11
  Midwest region rallies in Wisconsin ............................... 12
  CDC promotes low-power radio ...................................... 13
  Philadelphia expungement clinic .................................... 14
  Portland opposes JTTF ............................................. 15

Notes-worthy News
  Book review of The Habeas Cite Book ............................... 16
  Haywood Burns Fellowships ......................................... 17-18
  Mourning Patti Roberts ............................................. 19
  Student Day Against the Death Penalty ............................ 20
  New online Referral Directory ..................................... 21

**Guild Notes is published quarterly by:**
The National Lawyers Guild Foundation
132 Nassau Street, Rm. 922
New York, NY 10038

**Designed and Edited by:** Paige Cram, Communications Coordinator

**Cover Photo:** Jean Stevens poses with a DisOrientation Handbook at the Rebellious Lawyers Conference. Photo by Jamie Munro.

**Copy deadline for next issue:** Friday, June 24, 2011

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

**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.
On the right side of history, now and always

On February 10, Kathy Johnson and I drove to Atlanta to attend some free CLE sessions at the ABA midyear conference. On our way, we listened to Hosni Mubarak’s rather confusing speech, telling Egyptian revolutionaries that their demands would be answered but that he was not leaving.

The next morning, I got up and heard the depressing news that the military was supporting Mubarak. We went to the hotel, registered, and attended a couple of sessions on criminal justice issues, then had lunch and saw that Mubarak had resigned. We, of course, were thrilled. I had to call Antisexism Committe co-chair Aliya Karmali about a trip I was making to the Bay area, and she mentioned that no one was getting any work done because they were glued to the news.

Back at the ABA, we attended one more session—this one on the myth of the “post-racial society.” There were a couple of things that I found noteworthy about the entire day.

First, the business of the ABA went on without comment about what had just happened. The only person that said anything to us about it was an old friend from the Guild, Ellen Yaroshevsky, who arrived late in the day, saying that she too had been glued to the news.

The other thing I noted was the emphasis on the implicit—and sometimes explicit—belief that lawyers need to solve the problems (in one session, the failure to provide adequate representation to indigent criminal defendants; in the other, overcoming the racism still enveloping the country) we were facing.

These two small points underscore a fundamental difference between the Guild and the ABA. When we say in our constitution that we act “in the service of the people,” we recognize both the limitations and importance of our role in the struggle for a new society. We recognize, as the Egyptian people have demonstrated so breathtakingly, that change comes when people are united and determined. Our job is not to make the change, but to do what we can to give people the ability to make change and the space to fight for it.

We also recognize that the law and our place in it is not the center of the universe and that we are part of something greater. There are times when business as usual should come to a halt and events so momentous that we should take the time to acknowledge them. As Ernie Goodman noted in a letter to his son, Dick, unless our work is associated “with an important political movement leading to necessary changes in society... lawyers will be able to accomplish little” (quoted in The Color of Law by Babson, Riddle and Elsia, which I recommend to everyone).

Events in Egypt have demonstrated once again how rapidly things can change. A regime that Hillary Clinton assured us was stable collapsed less than three weeks later. We too often forget that the water is always simmering at more than 200 degrees. We cannot predict or know what will occur that will put it over the boiling point, but we should never mistake a tranquil surface for the perpetual acceptance of oppression and exploitation. It is not enough to be on the right side of history only after the die has been cast because people will remember—as in Egypt they recall the 30 years and billions in aid—what preceded it. Whatever mistakes we have made, we in the Guild have been on the right side of history for more than 70 years. We were born precisely because, in 1937, the ABA was on the other side and, as Babson, Riddle and Elsia make clear, stayed on the wrong side through the McCarthy era and civil rights movement. While the ABA’s stands may be nuanced and progressive, it remains committed to the profession of law, not the liberation of the downtrodden.

Of course, being on the right side is a major step, but it cannot be the only one. When I first joined the NEC and learned of all the work that the Guild was doing of which I was unaware, I was awestruck. Now, I talk about it often enough—from protecting undocumented immigrants to preserving First Amendment rights for demonstrators to defending GI resisters to supporting liberation struggles around the world and on and on. I have often dreamed of all we could accomplish if we were even one-fifth the size of the ABA and if we better synchronized the many areas of work we do. One of our great strengths is that we understand the interrelationship of all the movements we support. If we better acted on that understanding by insuring that our disparate and varied entities worked more closely together, we could do far more.

This was not the article I had planned but it would be inconsistent, if not hypocritical, to ignore Egypt so soon after Mubarak’s departure. Indeed, we are also seeing the flickers of a rebirth of unionism in this country, with all of Wisconsin’s public employees deciding that the latest assault on their well-being is more than they can accept. This is a time for celebration as the Egyptian people have proven once again, in the words of the Red Star Singers song, that “the power of the people is the force of life,” a lesson that is beginning to reverberate once again in the U.S. Maybe next time I’ll discuss the problems we face. For now, I revel in the knowledge that a new society is being born and the National Lawyers Guild is nourishing it during its gestation.
Why defending Anonymous matters

by Grainne O’Neill

Late last year, when WikiLeaks released its treasure trove of diplomatic cables, VISA, Mastercard, and PayPal stopped all sources of funding, Amazon disabled the website, and Swiss bank PostFinance froze the WikiLeaks accounts. This corporate silencing at the behest of the government was chilling in that it illustrated the extent to which activist movements had become reliant on corporate infrastructure. The synergy between corporations and governments was unmistakable. Out of this corporate attempt to hide the truth was born “Operation Avenge Assange.”

People all around the world bonded together to fight back. Over 50,000 people downloaded software that would allow them to register their complaints to the companies that denied WikiLeaks their access to funds and the internet. The websites were hit with Distributed Denial of Service (DDoS) action: the software allows users to simulate clicking on a website many times in a short period of time. This results in the website becoming slower and sometimes unusable to visitors. Shortly after Anonymous launched its attacks, PayPal and PostFinance agreed to relinquish WikiLeaks’ and Assange’s funds. The internet fought back against corporate control. WikiLeaks found refuge, the cables were released, and the money was returned.

Although referred to as ‘cyber terrorism,’ a DDoS action is essentially no different than a large protest outside an anti-worker restaurant, a die-in at the Pentagon, or a lock-down outside a fur store. It has the same effects: it doesn’t cause any real harm, but makes it harder and more uncomfortable for clients or customers. In an age where Visa’s customers never go through the front doors of a brick and mortar store, denial of service actions become one of the only ways for the community to show their displeasure with the company to the customers.

The internet, the virtual world where increasing numbers of us spend increasing amounts of time, has few public spaces. While the internet is often touted as an equalizer where writers need no publisher, the reality is that most of our writings, our ability to network with our colleagues and reconnect with our old high school friends are on the websites of increasingly fewer private companies. Our personal blog entries are less like posting a notice on a telephone pole in the center of our town, and more like putting a sign on our lawn or in the woods. There is a chance that our neighbors will notice our signs, and put their own signs on their own lawns, and then we’ll all go outside and overthrow our dictator of 30 years, but more likely we’ll just be shouting into the forest where no one can hear us.

Free speech is the right to speak publicly. In “real life” that means carrying signs, marching and chanting somewhere where your actions have the ability to effect change. The customers, the workers, the bosses, and the owners have to deal with the protesters. In real life government and corporations have grown increasingly sophisticated about distancing themselves from speech—creating free speech zones and living in gated communities. In the virtual world, much of what would be protest speech doesn’t affect corporations. Most virtual protests are more like ineffectual boycotts than protests.

Corporations’ ability to insulate themselves from protest makes a denial of service action one of the only ways to launch a virtual picket. That’s what the people of the internet did when they launched their action against the corporate behemoths who sought to stop the release of diplomatic cables.

Corporations’ ability to insulate themselves from protest makes a denial of service action one of the only ways to launch a virtual picket. It is the digital equivalent of Amnesty International overwhelming a Turkish jail with sacks full of letters demanding a prisoner’s release.

That’s what the people of the internet did when they launched their denial of service action against the corporate behemoths who sought to stop the release of the diplomatic cables. As a result, 40 people have had to search warrants, and a grand jury is convening in California. Anyone found guilty faces up to 10 years in prison.

Although numerous people have attacked WikiLeaks in much the same way, the Justice Department hasn’t shown the slightest inclination toward pursuing, let alone prosecuting, the real culprits.

Grainne O’Neill is an attorney with the Charles Hamilton Houston Institute for Race and Justice at Harvard University. She is providing legal consulting, on behalf of the NLG, to several members of Anonymous.

Grainne O’Neill
RebLaw, an annual student-run conference dedicated to “rebellious lawyering,” drew many Guild students from law schools across the country. The conference, which is held at Yale Law School and is in its seventeenth year, brings together practitioners, activists, and students to discuss progressive perspectives on the law.

This year the Guild had an especially strong presence, with representatives of the national organization, the New York City Chapter, the Next Gen Committee, and the National Police Accountability Project present. Many active Guild attorneys and legal workers also attended the conference, some as panelists.

Students from the NYU Guild chapter helped organize a panel on the privatization of the prison-industrial complex, which included Elaine Brown, a former president of the Black Panther Party and several attorneys who work on prison issues. Gabe Armas-Cardona, one of the Guild students involved in organizing the panel, commented, “The value of a student-run conference is that it allows some degree of break down of the traditional rigid hierarchies that permeate professional conferences. It’s not everyday that you see (or get to organize) a panel at a professional conference that brings together an executive director of an ACLU affiliate with a former president of the Black Panthers.”

Armas-Cardona continued, “This year, I was very glad to see that NLG had a table at the event, as it’s in an excellent position to bring students into the broader progressive legal community. The next step is to not just get the students to sign up to listservs, but to connect interested disparate students with progressive projects that could use their labor.”

Nora Carroll, a New York City attorney who is working with other Guild members and activists to support the Georgia prisoners who went on strike in December, was doing just that. “When we passed a sign-up sheet in the privatization of prisons panel, almost 100 people from all over the country signed up. I think if we can connect young lawyers and law students to organizing efforts—like the strike in Georgia prisons—there is huge potential for a new crop of Guild lawyers to reinvigorate our tradition as the legal arm of the left.”

Lauren Marcous, a Guild student and 2011 Haywood Burns Fellow from Western New England College of Law (WNEC), was excited to be connected to like-minded students and opportunities within the Guild. “Being a part of such a large group of progressive lawyers and law students who are all committed to social change was a really empowering experience. Several students from the WNEC student chapter, including myself, were able to connect with fellow Guild members and sign on to a working group on prisoners’ rights issues.”

Materials were distributed for the various NLG regional conferences, several of which are being hosted by student chapters. Several representatives from the recently-formed Roger Williams University School of Law NLG chapter were promoting the Northeast Regional Conference, which they will host on April 1-3.
FBI raids and subpoenas persist; Guild activists take lead in supporting those targeted

by Jamie Munro

On September 24, 2010, FBI raids and subpoenas targeted anti-war activists in the Midwest. The actions, which an FBI spokesman said were part of a Joint Terrorism Task Force “investigation into activities concerning the material support of terrorism,” spurred a series of protests and teach-ins across the country. Guild chapters organized “know your rights” trainings and informational events in at least a dozen cities, and many have participated in the Committee to Stop FBI Repression, which was organized to provide political support to targeted activists. The activists are all represented by Guild lawyers.

The events that have unfolded since the original raids and subpoenas and their backlash have shed light on both the extent of the FBI’s planned campaign to target dissenters as well as the determined resistance of the activists and their supporters.

In the days after all 14 activists declined to appear before a grand jury, the U.S. Attorney’s office temporarily suspended their subpoenas. FBI attempts to contact activists, however, did not stop. In early November, lawyers for three of the 14 activists were notified that their clients’ subpoenas would be reactivated. In the following weeks, efforts to organize support for the activists was ratcheted up. The Committee to Stop FBI Repression, which is led partially by Guild members, held its first organizing conference in New York on November 6. The conference was followed by several weeks of petitioning, meetings with politicians, and letter-writing by coalition members and allied organizations.

On December 3, the FBI delivered three more subpoenas to individuals in Chicago who had visited Palestine in the summer of 2009 on a delegation. Five days later, two other Chicago activists were also subpoenaed. On December 21, four more activists received subpoenas. All were requested to appear before a grand jury on January 25.

In an attempt to grasp the extent of the FBI’s surveillance, a group of activists and community groups in the Twin Cities requested their FBI files under the Freedom of Information Act. Just three weeks later, lawyers for the targeted activists learned through the U.S. Attorney’s office in Chicago that an FBI informant had been monitoring the Twin Cities Anti-War Committee and the Freedom Road Socialist Organization for over two years. The informant had joined both groups under the name Karen Sullivan.

On January 25, the day that the second round of targeted activists were scheduled to appear before the grand jury, 50 protests took place in cities across the country, many directly outside FBI branch offices. The nine activists scheduled to appear before the grand jury announced that they would assert their privilege against self-incrimination instead.

In February, the movement resisting the FBI’s crackdown on activists grew, with the Committee to Stop FBI Repression holding large regional conferences in four cities. Guild chapters across the country have been instrumental in organizing and promoting these conferences.

New Know-Your-Rights Booklet Available

Digital copy available for download at nlg.org.
Paper copies available from the National Office.
Request some for your chapter or event today!
Guild members fight SLAPP suits over MTR protests

by Karen Weill

A “cyberfirm” of primarily NLG attorneys are fighting five SLAPP suits filed by coal company Massey Energy against 33 protestors from around the country. Massey Energy has the worst safety and environmental record by far of any coal company in the U.S., with 32 miners killed in 2010.

Strategic Lawsuits Against Public Participation (SLAPP) were civil suits initially conceived and filed by companies engaged in environmentally destructive practices against protestors in California more than 30 years ago. Over many years, environmentalists in that state won one of the strongest anti-SLAPP statutes in the country.

Guild members Roger Forman of Charleston, WV; Terry Lodge of Toledo, OH; and Larry Hildes of Bellingham, WA, have gladly taken on the task of defending these protestors against this latest round of SLAPP suits.

All of those sued were actually or allegedly participants in a series of non-violent civil disobedience actions intended to draw public attention and awareness to mountain top removal (MTR) coal mining and build legislative opposition to this environmentally catastrophic practice.

They have been sued for trespass, conspiracy, and tortious interference with business. Under the guise of these claims, Massey’s attorneys have been demanding information on these 33 defendants including phone numbers, former employers and roommates, and financial information.

MTR blows the tops off the mountain, leveling the landscape of Appalachia. Knowing the growing resistance to this practice, coal companies have been ratcheting up the rate of destruction.

MTR results in not just landscape destruction. Once the mountain has been blown to rubble, the resulting “fill” has to be disposed of in order to get at the thin seam of coal beneath.

The fill is dumped into the valleys next to the mountain, polluting streams with heavy metals found near the coal and not usually exposed to the surface. In addition, the companies use toxic chemicals, including cyanide, to extract the coal. This results in a toxic brew called a “slurry.” They then use the valley fill to create unstable dams where they store the slurry or pump it down old underground mines. Slurry dams and pumping have resulted in polluted water wells that residents rely on in these extremely rural areas. Massey Energy sited one of these unstable dams 2,000 feet above an elementary school.

All the cases have been filed in West Virginia, four in circuit courts and one in federal court in Beckley. In the first case to reach the deposition stage, Massey Energy and the law firm representing the company—Spillman, Thomas and Battle—have fought hard to break First Amendment freedom of association in discovery by requesting far-reaching responses that would supposedly detail connections the protestors have with environmental groups across the country, allegedly because they reached out to some groups to ask for help with bail.

The first deposition has been stayed awaiting an order from Judge Irene C. Berger, a conservative Obama appointee, as to how far Massey can delve into the planning and organizing of the demonstrations in violation of the First and Fifth Amendments. It also sets up a conflict where co-defendants, represented by the same legal team that has been working on these cases for up to two years, would be required to testify against each other.

Massey Energy claims that the civil disobedience cost hundreds of thousands of dollars. However, in the first case where the company has hired an expert, it only showed losses of $60,000, including $28,000 to build a fence around the trees where the protestors were doing a tree-sit.

Among the outrages of the arrests and SLAPP suits are the collaboration between Massey security and local law enforcement officers to seize and destroy the video equipment of journalists and their work product. The protestors received pictures in discovery from Massey showing local sheriff’s deputies going through protestors’ private property on the courthouse lawn with the assistance of Massey security.

SLAPP suits have generally gone out of favor. Sixteen states have specific anti-SLAPP statutes, and the courts of many other states follow the model of the states with broad legislation. West Virginia does not. The West Virginia Supreme Court has held thus far only that lawsuits taken by companies against individuals speaking at public meetings is prohibited; they have not broadened it to demonstrations against the companies themselves.

In one case, a circuit court judge ruled that everyone in the county is prohibited from demonstrating/trespassing at any Massey mine anywhere in the world. In the other cases, anyone associated with the protestors, including their attorneys, are prohibited from setting foot onto a Massey mine without specific permission. Forman and Hildes obtained an order from a judge in Boone County to conduct a site inspection of the Twilight Mine, over the strenuous objections of the Massey attorney, Samuel M. Brock III.

The cyber firm, which has formed a 501(c)3, called the Appalachian Justice Center, is defending these protestors against one of the largest law firms in the Appalachian region, with seemingly unlimited resources and attorneys to throw at the cases. They have overcome this through expertise, long hours, creativity and sheer determination, to ensure that justice and the First Amendment prevail. The firm could always use additional attorneys and legal workers to help us in this matter. Please contact Larry Hildes at (360) 715-9788 or lhildes@earthlink.net, or Dave Dawson at appalachianjusticecenter@gmail.com.
LDF joins Mumia Abu-Jamal defense team

by Heidi Boghosian

On January 28, 2011, Mumia Abu-Jamal retained the NAACP Legal Defense and Educational Fund, Inc. (LDF) to represent him in the ongoing appeal of his capital murder conviction and death sentence. LDF will serve as co-counsel in the case with Judy Ritter, Esq., of Widener Law School in Wilmington, Delaware, who has represented Mumia since 2003. Mumia’s case has attracted attention from around the world and he is widely viewed as a symbol of the racial injustices of the death penalty and the wider criminal justice system.

“Mumia Abu-Jamal’s conviction and death sentence are relics of a time and place that was notorious for police abuse and racial discrimination,” said John Payton, Director-Counsel of LDF. “Unless and until courts acknowledge and correct these historic injustices, death sentences like Mr. Abu-Jamal’s will invite continued skepticism of the criminal justice system by the African American community.”

The Guild’s co-National Jailhouse Lawyer Vice President, Mumia has written six books from his cell on death row, including We Want Freedom: A Life in the Black Panther Party and Jailhouse Lawyers: Prisoners Defending Prisoners v. the U.S.A. His books have sold hundreds of thousands of copies and have been translated into nine languages. Each week, his radio essays and commentaries are broadcast on www.prisonradio.org.

Mumia is on death row in Pennsylvania for the 1981 murder of a police officer in Philadelphia. His death sentence was vacated in 2001 after the Federal District Court for the Eastern District of Pennsylvania found constitutional error in the jury instructions and verdict form used in his 1982 penalty phase. That decision was affirmed by the United States Court of Appeals for the Third Circuit in 2008 but then sent back to the Third Circuit by the United States Supreme Court in 2010 for further review.

Christina Swarns, Director of LDF’s Criminal Justice Project, explained that “LDF seeks to sweep the grave injustices embodied in this case into the dustbin of history and, in doing, give communities of color reason to believe that they can and will receive equal justice in Pennsylvania courtrooms.” Mumia’s appeal is currently pending before the Third Circuit.

The NAACP Legal Defense and Educational Fund, Inc. is America’s premier legal organization fighting for racial justice. Through litigation, advocacy, and public education, LDF seeks structural changes to expand democracy, eliminate disparities, and achieve racial justice in a society that fulfills the promise of equality for all Americans. LDF also defends the gains and protections won over the past 70 years of civil rights struggle and works to improve the quality and diversity of judicial and executive appointments.

Don’t Miss Your Upcoming Regional Conference!

MIDWEST REGION
Madison, Wisconsin • April 1-3, 2011
University of Wisconsin Law School
Contact: Molly Armour midwestrvp@nlg.org

SOUTHERN REGION
Asheville, NC • April 1-2, 2011
Contact: Adrienne Wheeler southernrvp@nlg.org
www.mysignup.com/2011southerncrinal/regional

NORTHWEST REGION
Olympia, WA • April 2, 2011
Contact: Peggy Herman and Ashlee Albies
northwestrvp@nlg.org

TEXOMA REGION
Houston, TX • April 16, 2011
Thurgood Marshall Law School
Contact: Robert Schmid texomarvp@nlg.org

SOUTHWEST REGION
Tucson, AZ • April 15-16, 2011
University of Arizona
Contact: Sarah Erlinder and Andy Reid
southwestrvp@nlg.org

FAR WEST REGION
San Diego, CA • June 24-25, 2011
Thomas Jefferson Law School
Contact: Renee Sanchez farwestrvp@nlg.org

NORTHEAST REGION
Bristol, Rhode Island • April 1-3, 2011
Roger Williams University School of Law
Contact: Thom Cincotta northeastrvp@nlg.org
Pre-registration (until March 25):
NLG Presente! First Universal Periodic Review of the U.S. Human Rights Record

by Susan Scott

On November 5, 2010, a high level delegation composed of 33 U.S. government officials and lawyers from the Departments of State and Justice, the National Security Agency, and several other U.S. agencies went to Geneva to participate in the first Universal Periodic Review (UPR) before the UN Human Rights Council and the rest of the UN member states. UPR is a new mechanism by which the UN Human Rights Council reviews the human rights record of every member nation every four years. The Council reviews compliance with all human rights obligations, from the Universal Declaration of Human Rights to commitments made by signing and/or ratifying human rights treaties.

Prior to the UPR, a UN member state’s only human rights reporting obligation was for the treaties the state had ratified, which in the case of the U.S. is only three out of nine core human rights treaties: the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination (CERD), and the Convention Against Torture (CAT). Even these ratified treaties have largely gone unimplemented because of certain conditionalities submitted with the rati- fication—“reservations, understandings, and declarations” largely rejected under international law.

One of the truly powerful and unique features of the UPR process is its formal inclusion of civil society in the review.

Six months before the formal session in Geneva, grass roots and human rights advocacy groups were invited to file reports with the UN Office of the High Commissioner of Human Rights and to attend a series of public “consultations” held at 10 locations throughout the country.

In coordination with the U.S. Human Rights Network and the Bringing Human Rights Home Lawyers Network, NLG members have been involved in the UPR process from the beginning. Last spring we participated in the drafting of three reports with the Office of the High Commissioner on Human Rights: one on the U.S. failure to ratify key human rights treaties, especially those involving economic, social and cultural rights (Susan Scott, for the NLG), one on labor issues of collective bargaining prohibition for public workers and exclusion of agricultural and domestic workers from labor rights (Robin Alexander and Jeanne Mirer, for the Guild’s International Labor Justice Working Group), and one on U.S. denial of sovereignty to Puerto Ricans and violation of human rights by U.S. foreign policy in Haiti and Colombia (Marjorie Cohn, Jan Susler and Brian Concannon for the NLG IC). All are posted on the NLG International Committee’s website, www.nlginternational.org, and the official website for the Office of the High Commissioner on Human Rights.

The Obama Administration filed its own report in August, and the delegation, lead by State Department Legal Advisor Harold Koh, presented it at the November 5 session in Geneva, where representatives from 58 countries submitted 228 “recommendations” for improvement (see entertaining webcast on the U.S. Human Rights Network’s website www.ushrnetwork.org). Another, smaller delegation, also to be lead by Harold Koh, will return to Geneva on March 18 for another session in which the U.S. government will announce which of the recommendations it will accept. NGOs with UN consultative status will have the opportunity to address the Council.

Several of the issues highlighted in our reports, especially those relating to lack of ESCR treaty ratification, were echoed in the countries’ recommendations, and International Committee members have been actively involved in the advocacy around the government’s response. We joined phone calls with the team of Obama administration officials charged with preparing the government’s UPR response and have prepared letters specifically urging them to accept some of the recommendations relating to U.S. foreign policy (Cuban embargo, Cuban 5, Posada Carriles extradition), lack of ESCR treaty ratification, and labor and housing issues.

The UPR is a powerful mechanism which is generating massive interest in, and awareness of, the international human rights framework and how it relates to domestic conditions. The reports submitted by civil society groups on everything from treaty ratification to housing to labor to death penalty to immigration and detention issues are excellent resources for domestic human rights advocacy.

All the UPR reports are available on the U.S. Human Rights Network’s website www.ushrnetwork.org (click on projects and UPR) along with the U.S. government’s report, the country recommendations, and background information on the UPR process.

□
Peter Erlinder tours Midatlantic region

by Traci Yoder

In January 2011, past Guild President and Professor of Law Peter Erlinder toured the Midatlantic region to discuss the International Criminal Tribunal in Rwanda (ICTR) and U.S. policies in relation to international justice. The tour, organized by the NLG Philadelphia Chapter and co-sponsored by the NLG International Committee, allowed Erlinder the opportunity to use the publicity around his dramatic arrest last year to bring to light documents that question the accepted narrative of the Rwandan genocide.

In May 2010, Erlinder was imprisoned in Rwanda while defending Rwandan presidential candidate, Victoire Ingabire, and charged with “genocide denial” for having won the acquittal of his ICTR client on “genocide conspiracy” charges. Many groups, including the National Lawyers Guild, the American Bar Association, and members of the U.S. Senate and House called for his release, which was eventually won by an international grass-roots campaign. After his release, Erlinder returned to the William Mitchell College of Law in Minnesota and has spent the time since writing an article on these issues, which was published by DePaul University in February.

Erlinder made stops at universities in Washington, D.C., Philadelphia, New York City, and Pittsburgh. He drew on his experiences as a UN-ICTR defense lawyer and Rwandan prisoner to critically analyze the role of U.S. influence over international judicial bodies and the effects on the people of Central Africa. He described how the ICTR has become a victor’s tribunal serving U.S. policy interests, and argued strongly that the manipulation of international criminal tribunals, including the International Criminal Court have actually become an impediment to reconciliation between African peoples, international justice, and the long-term interests of the American people.

Erlinder’s purpose in undertaking this tour was to bring attention to the workings of the UN-ICTR and to question the effectiveness of such tribunals. As he writes in his latest article on the subject, “The consequence of the tribunal mechanism, particularly one underwritten by one or another superpower, is to identify one or another contestant that must shoulder the ‘blame’ for the conflict, rather than recognizing that many, if not most, conflicts in Africa have deep roots that do not lend themselves to identifying a first cause and, even if they did, such an approach may not be the best way to build a stable society post-conflict.”

Erlinder’s tour did not go unnoticed by the Rwandan government. At each event, the Rwandan Ambassador and a team of people came to challenge Erlinder, defend the right of Rwandan’s government to imprison him, and pass out leaflets accusing Erlinder of being a genocide denier. Erlinder responded by pointing out that he was relaying the facts and urged his listeners to examine the documents themselves, which he has made available at http://www.rwandadocument-project.net/.

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 30 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 on the web.

If you have suggestions for topics or guests, please email Heidi at director@nlg.org.
Oakland responds to People v. Mehserle

by Megan Books and Carey Lamprecht

Early on New Year’s Day 2009, Oscar Grant was murdered by Bay Area Rapid Transit (BART) Police Officer Johannes Mehserle in Oakland, California. Responding to reports of a fight on a crowded BART train, officers detained Grant on the platform at the Fruitvale Station. Officers restrained Grant, who was prostrate and allegedly resisting arrest. Officer Mehserle shot him in the back at close range. Multiple passengers on the full train videotaped the incident and posted the videos online, igniting local outrage. Had the videotapes not brought the incident of police brutality to the community’s attention, it is unlikely that it would have gained such a massive public outcry.

One week later, Oakland experienced many peaceful and enraged protests resulting in both property destruction and excessive police response. Out of about 120 arrests, there were only a handful of prosecutions. After much public pressure, Johannes Mehserle was charged with murder. Ultimately, the trial was moved to the Los Angeles County Courthouse under Judge Perry, who had presided over the Rodney King case.

On July 8, 2010, a jury found Mehserle guilty of Involuntary Manslaughter. NLG volunteers had prepared, no matter what the verdict, for a brutal response from police on demonstrators. Rachel Lederman and other Bay Area NLG attorneys have fought this in the past by drafting revised Oakland Police Department crowd control policies. This time, legal workers organized a hotline for the protests and dispatched Legal Observers as downtown Oakland erupted emotionally at the verdict.

Police presence was heavy and numerous people were beaten with batons, shot with bean bag rounds, and corralled with concussion grenades. Most protesters remained peaceful, but after dark, some businesses were looted. The night resulted in the most severe charges that the Bay Area has seen from a demonstration in many years. Charges ranged from burglary and arson to remaining at the scene of a riot. By the end of the night, about 80 people sat in jail.

The District Attorney decided not to charge most protesters initially, but many people were arrested later on warrants. Legal workers connected attorneys and clients, attended court dates, and collected Legal Observer notes.

**A mass arrest of 152 people occurred. The City has only filed charges against two of the 152.**

**The Sentencing**

Outrage turned to disappointment four months later when Mehserle was sentenced to two years minus time served. The sentence came as a sad statement about the leniency of the courts on police officers.

The case was first time in California that an officer was tried for murder for a shooting on the job. In preparation for his sentencing, community members formed coalitions consisting of black community members, Oscar Grant’s family members, NLG members, concerned citizens and younger radicals.

Eight days before the November 5 sentencing, City Attorney John Russo, architect of the expanding Oakland gang injunctions, announced the City of Oakland had filed a civil suit against four protesters already facing criminal charges from the July 8 protests. Many believe this is a ploy to boost his political career as he runs for State Assembly.

NLG legal workers prepared for November 5 by again setting up a legal office. This time, we collaborated with Copwatch, the community-based security team and medics. Shifts of volunteers prepared to work for 24 hours all weekend, as before.

Community members held a peaceful gathering downtown to honor the memory of Oscar Grant. Afterwards, protesters marched, intent on heading to Fruitvale Bart Station, where Oscar was shot. A mass arrest of 152 people occurred, mostly resulting in charges of unlawful assembly. People were held overnight in overcrowded jail cells. Medical attention was denied to individuals with significant illnesses or injuries and at least one person was orally swabbed for a DNA sample. Many of the women were given mandatory pregnancy tests while in custody.

Few remained in custody longer than two days. The City has only filed charges against two of the 152. Grounds for a civil suit against the City of Oakland are clearcut due to the unconstitutional nature of the demonstrators’ arrest and detention.

Approximately 13 law enforcement agencies were involved in assisting Oakland Police Department on November 5, including the FBI. Recently, the FBI has announced that they will nearly double their office space in Oakland to extend to five buildings, despite the large office space across the Bay in San Francisco.
Midwest region rallies around protesters in WI

by Paige Cram

On February 14, protesters took to the streets of Madison, Wisconsin in response to Governor Scott Walker’s proposed bill that would close the state budget gap but also strip public workers of their right to collective bargaining. The controversial bill has caused weeks of ongoing protest, even sending the state Democrats into hiding to avoid a vote. Snow and freezing temperatures have not deterred the people of Wisconsin, with crowds at times exceeding 70,000 in what has been described by NLG members as “a people’s occupation of the Capitol.”

What began as mostly student led sleep-ins quickly expanded to include participants from all over, even drawing celebrity participation from the Reverend Jesse Jackson and Tom Morello of Rage Against the Machine. Jubilant and peaceful, workers and those who support them have rallied in the Capitol day after day, and Guild members from the Midwest region have been there from the beginning.

Although there is no formal Madison chapter, Samantha Leonard, chair of the University of Wisconsin Law School chapter, reports that her chapter has been actively Legal Observing, rallying and even sleeping overnight in the Capitol. Local members Sally Stix, Victor Forgerger and Ben Manski have also been active in supporting the efforts, giving interviews and Legal Observing as necessary. Ben Manski is also heading up the Wisconsin Wave, a group dedicated to supporting the “democratic uprising” by providing news, resources, and organizing support.

The efforts of Governor Walker and Wisconsin Republicans are disturbing as part of a clear, nationwide, right-wing agenda to destroy the power of labor unions. The National Lawyers Guild has a long and rich history of supporting the rights of workers to organize and has been at the forefront of these battles decade after decade. This time, though, the right-wing ideologues may have accidentally sparked a people’s political consciousness and taste for revolution not seen in decades. Wisconsinites are getting back to their roots, and people are coming from far and wide to help them fight back.
Harvesting the collective power of low power radio

by Mike Lee, Esq.

Every movement has two narratives, one belonging to the oppressed and one belonging to the oppressor. Limited ownership of mass communication channels blocks communities’ voices, and affects communities’ ability to share their narrative. Historically, the oppressor’s narrative disseminates through society over privately owned mass communication channels from newspapers to the very backbone of the Internet.

Empowering communities with low power radio stations (LPFM) to voice original, locally-created programming is a vital component of modern democracy. On January 7, 2011, President Obama signed the Local Community Radio Act (LCRA) repealing unnecessary technical restrictions and opening frequencies for hundreds of new radio stations. In furtherance of the human right to communicate, the Guild’s Committee for Democratic Communications (CDC) remains at the cutting edge of protecting low power community-based radio by advocating for new FCC rules that respect LPFMs. It will also be training the legal community and community groups about the LPFM license procedures.

During the 1990s, the CDC successfully defended pioneering “pirate” broadcaster Berkeley Liberation Radio. The judge’s ruling that the FCC’s ban on low cost, low power radio stations violated First Amendment principles, gave others around the country a sense of legitimacy, a sense that even though the FCC said they were illegal, the constitution said that what they were doing was right and protectable. This encouraged a movement of mass civil disobedience as “pirate” broadcasters used radio frequencies without a license. When the FCC tried to shut these stations down it ran into resistance because the CDC functioned as a litigation resource for these “pirate” broadcasters—helping them to find local counsel and providing legal resources, advice, and backup for local counsels. Unable to arrest an ideology, the FCC changed course and initiated a rule making proceeding to create a new class of low power radio.

Suddenly, the CDC was receiving calls from the Office of the FCC Chairman, Bill Kennard. This led to the FCC’s legitimization of low power radio, the CDC’s active participation in the rule making process, and the CDC’s expert assistance in aiding community-based LPFM applicants through the application process. During this period, the CDC helped form the Alliance for Community Radio and worked closely in its early days with Prometheus Radio Project, which today is the major advocate for low power radio.

Due to the lobbying efforts of the National Association of Broadcasters and others, today there is only one LPFM station in the 50 largest cities. When it issues a broadcast license, the FCC grants exclusive use of a specific frequency and “protects” the signal by not granting licenses for the adjoining four frequencies. In large media markets, this rule denied numerous communities the chance to tell their narratives because of the number of radio stations already on the dial. LCRA’s purpose is to remedy this by allowing closer spacing of the stations; therefore, a license for 100.1FM will now limit access from 99.7FM through 100.3FM. As these additional frequencies are opened, community groups need legal support to ensure that the Right to Communicate their narratives is protected with access to LPFM stations everywhere.

Following the first application period, community groups led by Prometheus Radio Project continued the struggle to free airwaves from corporate ownership. Many of these same community groups have asked the CDC for support during the coming LPFM application period. Support will take many forms. The first area for support is granting licenses to local communities rather than favoring repeated programming from national broadcasters.

Today community groups face great competition for these LPFM stations from organizations that do not generate original local content. This competition comes mainly from translators, radio transmitters under 250 watts that repeat existing signals without creating original content. Before the FCC, the CDC will advocate for the principle of localism by working with affected community groups to share their narratives and pressuring the FCC to prevent national broadcasters from continuing their dominance over the largest media markets and the airwaves.

The CDC will also participate as much as possible in setting the FCC rules for the application process similar to our role during the late 90s. Following participation in the rules making process, the CDC will partner with media law advocacy groups for a nationwide campaign to educate communities and the legal profession about the possibilities of LPFM, the application process, and as always provide litigation support for the movement.

Mike Lee is the current chair of the Committee for Democratic Communications.
Philly launches criminal record expungement clinic

by Traci Yoder

The Philadelphia Chapter was recently awarded a Phoebus Criminal Justice Initiative Grant from the Bread & Roses Community Fund to launch a legal services criminal record Expungement Clinic. The clinic is a free, direct service program whereby volunteer attorneys and law students assist those with criminal records to prepare expungement petitions to clear non-conviction information from their criminal record. The goal of the Expungement Clinic is to lower barriers caused by criminal records through public education, direct representation, and advocacy work.

As the unemployment rate remains high, criminal and arrest records pose an almost impassable barrier to securing employment, housing, and public benefits for tens of thousands of Philadelphians, especially among the city’s poor, African-American, Latino, and LGBTQ populations.

Because criminal background checks have become a routine part of the hiring process, applicants with criminal records may find it impossible to obtain meaningful employment, housing, and public benefits. Many companies have hiring policies that exclude people with any criminal past, even those with arrests that never led to convictions. Although these policies are often unlawful, employers continue to use them to exclude many residents of Philadelphia from gainful employment.

“In Philadelphia, expungements have become a legal luxury reserved for those with financial resources to restore their reputation. The clinic is committed to lowering barriers to employment, housing, and human rights, whether they are created by the high prices of the legal profession or stereotypes carried by society,” explains Michael Lee, NLG Philadelphia Treasurer and co-supervising attorney of the clinic.

The Philadelphia NLG Expungement Clinic grew from a Next Gen project to a successful and fully-operational legal clinic. The organizers—Ryan Hancock, Heather Sias, Michael Lee, and Michael Hollander—have trained over 20 law students from area NLG chapters to perform intake and help file the expungements.

In November 2010, the project began holding monthly clinics at the Peoples Emergency Center in West Philadelphia and at Hope Outreach in North Philadelphia. The Expungement Clinic handles cases through all stages of the expungement process, including advising clients, preparing and filing petitions, and representing clients before the Court of Common Pleas of Philadelphia. Unfortunately, the clinic cannot help everyone who comes through its doors and has needed to set guidelines for applicants. The clinic only handles records for those who were arrested in Philadelphia County; income guidelines ensure that services are focused on those who need them most.

The Expungement Clinic also educates the public and legal community on the expungement process and actively advocates for criminal record policy reform through appeals work, legislative advocacy, and public outreach campaigns. Clinic organizers have presented CLEs on expungements and the use of criminal records in employment decisions. They have also presented the clinic model to state and city politicians and judges, including the Philadelphia Municipal Court Judges.

In the four months since the clinic opened, over 133 clients have been accepted. Of these, 45 petitions have been filed, 13 of which have been granted. No expungements filed by the clinic have been denied thus far.

The clinic has attracted the attention of local media including Philadelphia Weekly, Neighborhood News, and NPR. Media exposure has increased the number of walk-ins at the monthly clinics and led community groups to seek out the services of the clinic. Most recently, the Expungement Clinic partnered with Enon Tabernacle Baptist Church in North Philadelphia. Clinic organizers trained approximately 30 church members with legal experience to handle intake and held an extra February clinic at the church for its members. Almost 200 applicants came to the clinic, around 150 of whom will be helped by the Clinic.

Valerie Harrison, who works with Enon’s Legal Ministry, spoke highly of the collaboration: “Enon’s legal ministry was thrilled to partner with the NLG as we collectively try to change the culture around access to justice for the underserved. The experience confirmed the depth of the need and importance of this work. Lines began to form as early as 6:30 am. We were able to help most people who came seeking assistance, many of whom waited patiently for several hours. Their gratitude was expressed with hugs, tears, smiles, and laughter. While it was a stretch for us, we look forward to ongoing partnerships with others who have made it their life’s work to seek justice.”

The clinic will continue to perform monthly intake, prepare and file petitions, and educate the community of the importance of criminal record expungement. To make a donation or to get more information about the NLG Philadelphia Expungement Clinic, please contact us by email (expungement@nlgh philly.org) or phone (215-995-1230).
Portland opposes local Joint Terrorism Task Force

by Erica Rothman and Ashlee Albies

Joint Terrorism Task Forces (JTTFs) are interagency law enforcement units that combine the jurisdictional abilities of the FBI with local and state law enforcement. Local police officers are deputized as FBI agents and work under the supervision and control of the FBI. The JTTF meets and shares information during daily briefings, and most major cities across the country participate in a local JTTF. In 2005, former Portland, Oregon Mayor Tom Potter (an ex-police chief), proposed that Portland’s police commissioner maintain oversight over Portland Police Bureau (PPB) members participating in the JTTF. He cited concerns of transparency, accountability, past improper surveillance of political activities, and conflicts with Oregon law. The FBI refused to allow this oversight. Thus, the City Council passed a resolution withdrawing from participation in the JTTF. Portland remains the only city in the U.S. to have taken this step.

In November 2010, some called for re-engagement in the JTTF after a young Somali-born man, Mohamed Mohamud, allegedly attempted to bomb Portland’s tree-lighting ceremony. Our current mayor opined that Obama’s election alleviated some of the civil liberties concerns. The Portland Chapter of the NLG feels differently and vigorously opposes re-joining.

Per the 2005 resolution, the PPB does not participate in daily briefings or mandatory exercises with the JTTF. When Portland area federal agents suspect that a national security concern requires local law enforcement, the Police Chief, who now has federal security clearance, is briefed. As such, since 2005, Portland’s involvement in the JTTF is on a case-by-case basis. This occurred in the Mohamud case; the lead FBI agent and the Interim U.S. Attorney General for Oregon have publicly stated that there would have been no difference in the outcome of Mohamud’s case had Portland been a member of the JTTF, as there was never real danger of an attack.

Restrictions on FBI surveillance activity were implemented under Attorney General (AG) Guidelines first adopted in 1976. Revisions adopted by AG Ashcroft in 2002 permitted the FBI to monitor political activity. These were further loosened on Bush’s way out and have not been changed under Obama. Under the FBI’s own guidelines, agents need “no particular factual predication that a crime is being committed” to begin an “assessment” of an individual or a group if they believe that national security or foreign intelligence operations are involved. Under the guise of a preliminary “assessment,” JTTFs may collect information on those they deem threatening to national security.

Moreover, JTTF and FBI practices violate a law unique to Oregon. ORS §181.575 prohibits law enforcement agencies from collecting or maintaining information “about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.” The FBI heeds no similar constraint; it is well documented that JTTFs across the country collect information on individuals and groups engaged in lawful political activity.

The history of FBI abuses of civil liberties is well documented, and a recent Office of Inspector General report identifies not only what would be violations of Oregon law, but also violations of FBI guidelines. In addition, a recent report by the Electronic Frontier Foundation chronicles further FBI misconduct.

The Portland Chapter has been working with the local ACLU and other groups to oppose rejoining the Joint Terrorism Task Force and to maintain involvement on a case-by-case basis.

The Portland Chapter has been working with the local ACLU and other groups to oppose rejoining the JTTF and to maintain involvement on a case-by-case basis. A proposed agreement would provide guidelines and oversight, including security clearances to a City Attorney, the Police Commissioner, and a member of the Independent Police Review board to review potential JTTF partnerships. A public report would be issued annually. It is unlikely that the FBI would agree to this proposal, and it is unclear whether the proposal has the necessary support of three out of the five Commissioners.

Local NLG members Erica Rothman, Jamie Trinkle, Steven Sherlag, Mark Kramer, Steven Goldberg, and Ashlee Albies have met with City Commissioners and the Mayor to oppose rejoining, while the FBI and the U.S. Attorney push for rejoining. We hope that some Commissioners will resist the pressure to rejoin the JTTF. The Council has delayed their vote on the issue until March 10, 2011; another delay is possible considering the growing public furor over the issue. □
Book review of The Habeas Citebook: Ineffective Assistance of Counsel

by Mumia Abu-Jamal

Law books aren’t easy to review. That’s because they are unlike other books, as they are really collections of what others—courts—have written, and are thus actually the recitations of others.

The Habeas Citebook is precisely that book that many prisoners are seeking. For lawyers, their reference material is usually a casebook, with much of the text taken up by excerpts of cases, as decided by various courts.

This is not a casebook. But The Habeas Citebook does present a wealth of cases, on a plethora of subjects.

The introduction by Elizabeth Alexander, the former director of the ACLU National Prison Project, notes how court access for prisoners with meritorious habeas corpus claims has become even more difficult than it was previously.

Author Brandon Sample, in his introductory remarks, informs us that, given the political reality in the courts, most of the relief has been granted to petitioners who argue that their lawyers were somehow ineffective.

He presents the cases (most of which came from the circuit courts of appeals) which proved most favorable and had relief found.

He also included real motions and briefs (with relevant names blacked out) so that people could see how the issues were actually framed, written, and presented to the courts.

This looks like the real stuff: a valuable resource to jailhouse lawyers, but also a valuable source for prisoners seeking to prepare their own pleadings and appellate papers.

The cases, 98 percent of which were decided in the circuit courts, range from the 1st Circuit to the 11th, and the D.C. Circuit Court of Appeals.

Yet this is quick, easily broken down into sections, and surprisingly clear. Sample should be proud of writing this work, and Prison Legal News proud for publishing it.

The Habeas Citebook is available from: PLN, P.O. Box 2420, West Brattleboro, VT 05303. www.prisonlegalnews.org or 802 257-1342.

Mumia Abu-Jamal is a Jailhouse Lawyer Vice President of the National Lawyers Guild.
2011 Haywood Burns Fellows selected

The National Office is proud to announce this year’s Haywood Burns Fellows. After a rigorous application process, the top five candidates, profiled below, were selected to receive a stipend to complete a summer internship at the organization of their choosing. Thanks, as always, to our generous donors who make the continuation of these fellowships possible.

Samantha Leonard (Top Left)
Samantha Leonard is a 2L at the University of Wisconsin Law School. She will be providing free legal representation in family law and restraining order cases for clients of Domestic Abuse Intervention Services (DAIS) located in Madison, Wisconsin. DAIS’ mission is to empower those affected by domestic violence and advocate for social change through support, education, and outreach. DAIS operates a shelter and provides support groups, a 24-hour crisis line, children’s programming, a violence prevention program for young men, crisis response services, and legal advocacy to all victims of domestic violence. DAIS does not have funds necessary to hire a staff attorney, and therefore is unable to provide legal advice or representation for victims of domestic violence. Under the supervision of Professor Marsha Mansfield, Director of the Economic Justice Institute at the University of Wisconsin Law School, and with funding from the Haywood Burns Fellowship, Samantha will fill that gap by representing clients in all aspects of their family law cases, as well as in restraining order hearings.

Stacy King (Top Right)
Stacy King is a 2L at American University Washington School of Law. She will be working at the D.C. Public Defender Service (PDS), assisting with the representation of indigent defendants. She will also be assisting in the Community Defender Division of PDS with jailhouse grievances, conditions of confinement, and the PDS annual Community Reentry and Expungement Summit. The Expungement Summit assists members of the community with criminal records to have their records expunged and provides legal advice on gaining employment with a criminal record.

Shannah Kurland (Bottom Left)
Shannah Kurland is a student at Roger Williams College of Law. Her summer project will involve setting up a CopWatch project in the Olneyville neighborhood of Providence. CopWatch Providence will train community members, including members of the Olneyville Neighborhood Association, to patrol “hot spot” areas with a pattern of police misconduct in groups of three to four, with video equipment, literature, and highly visual t-shirts, caps, or other paraphernalia. These volunteers will learn the best ways to document interactions between police and people, how to answer simple questions raised by people on the street, and how to fill out complaint forms for the Department of Justice and the local review authority. Shannah’s work will include researching existing models, compiling protocols and a training package for the program, coordinating patrol volunteers, and organizing a forum to present the project’s results in the community at the end of the summer.

Logan Perkins (Bottom Right)
Logan Perkins is currently a 2L at Lewis & Clark Law School. Logan plans to use her summer fellowship to collaborate with a team of pro bono Guild attorneys providing legal support services to environmental activists in Maine. Maine’s mountains are facing a wave of industrial development that threatens to clearcut significant portions of rare alpine forests, destroy the habitat for endangered species and jeopardize the health and economic livelihood of the human communities living and working there. Massive multinational energy corporations are attempting to install industrial wind (continued on reverse)
facilities in many of the most fragile and beautiful parts of the state.

In response to this threat, activists who live in and around these mountains are organizing to resist this development using every means available to them. These communities have an acute need for a variety of legal services in their fight to protect the ecology and traditional economies of their homes. Logan will participate in the legal teams defending civil disobedience arrestees and provide Know Your Rights and Legal Observer trainings to an array of citizen groups that are fighting local development proposals. She will also offer direct legal and jail support when needed, and help activists fight back against aggressive law enforcement tactics designed to chill their free speech rights.

LAUREN MARCOUS (TOP RIGHT)
Lauren Marcous is currently a 2L at Western New England College School of Law where she and other students have recently revived the school’s NLG chapter. She will be working on a project with Prisoners’ Legal Services in Boston, a non-profit organization that provides post-disposition representation to incarcerated individuals who have civil rights complaints, specifically in the areas of guard brutality, medical/mental health care, extreme conditions of confinement, and segregation.

HAYWOOD BURNS (BOTTOM RIGHT)
Past NLG president Haywood Burns was an activist, attorney, and civil rights advocate who inspired people to help underserved communities.

He was one of the founders of the National Conference of Black Lawyers in 1968, successfully defended Angela Davis, and went on to serve as dean of the Law School at the City University of New York (CUNY). The Guild’s summer fellowships were named after him following his tragic death in 1996.

Give Back to the Guild
Do you value the work that the National Lawyers Guild does? Has a Guild attorney helped you or someone you know? Won’t you reach out and help the Guild continue its work? For over 70 years, the Guild has fought to defend civil and human rights. As long as we are needed, we’ll be there.

Bequests
Include the National Lawyers Guild in your will or estate plan, and leave a legacy of defending civil rights and civil liberties to future generations. Request information on making gifts of life insurance, retirement plan benefits, stock, property, cash or proceeds from a charitable trust.

Stock Gifts
Save on capital gains taxes, and make your contribution with stock or mutual fund shares, instead of cash. If you have appreciated securities worth more than you paid for them, you gain a charitable deduction for the full fair market value of the shares and avoid capital gains tax.

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

by Cynthia Laird, reprinted courtesy of the Bay Area Reporter

Patti Rose Roberts, a longtime Bay Area resident and civil rights and labor attorney who worked tirelessly on behalf of the poor, died unexpectedly while on vacation in Yelapa, Mexico on January 7. She was 64.

Ms. Roberts, an out lesbian, was born in Far Rockaway, Queens, New York, on November 13, 1946, to Jewish working class New Yorkers Florence and Bernard Roberts.

Ms. Roberts first honed her skills in debate at the dinner table and beyond with her sister, Wynne, and her father. Always smart and ever funny, Ms. Roberts attended New York City public schools and went on to Brooklyn College. In 1967, a seminal year in radical left history, Ms. Roberts made her way to California with only a backpack and admission to UC Berkeley’s Boalt Hall School of Law.

While in law school, as the events of the late 1960s and 1970s unfolded, she engaged intensely in the anti-war, free speech, and feminist and gay movements. She graduated from Boalt Hall in 1970 with a J.D. degree and a desire to use her legal skills to help those traditionally without representation.

Initially, Ms. Roberts involved herself with the burning issues of the times, working on behalf of prisoners with Fay Stender and the National Lawyers Guild. In addition to her involvement with the Prison Law Project of the National Lawyers Guild, she spoke out on feminist and gay rights issues.

“She had a tremendous zest for life,” said Alameda County Superior Court Judge David Krashna. “She was a robust person with a wonderful laugh and a great smile.” Krashna knew Ms. Roberts through their work with the National Lawyers Guild. Ms. Roberts also became involved with Krashna’s judicial campaign in 2000.

“She was a surrogate speaker for me and a very reliable person,” he added. “With Patti, you could listen to her and rely on what she said. There wasn’t much fluff in her statements, but her statements always got your attention.”

In 1970, Ms. Roberts formed a collective Oakland household, which included Doron Weinberg, Steven Bingham, Susan Matross and Barbara Rhine, among others. While others moved out she stayed in that home for the next 41 years.

While continuing to do political work with the guild, Ms. Roberts took a position as the head of the Women’s Litigation Unit at San Francisco Neighborhood Legal Aid, representing poor women on a wide range of legal issues. Following her time at Legal Aid, Ms. Roberts founded and co-directed the Comparable Worth Project in Oakland, which pioneered much of the earliest legal work on the issue of pay inequity rooted in gender and race bias.

After departing the Comparable Worth Project, Ms. Roberts took a position as a union lawyer for the California School Employees Association in Alameda County. During her long legal career, she remained active in the National Lawyers Guild, serving as president of the Bay Area chapter and on the local NLG board as well as being an active member of the civil rights committee of the guild and a mentor to law students and new lawyers through the Guild’s mentoring program.

Ms. Roberts was a founding board member of the Lesbian Rights Project, which later became the National Center for Lesbian Rights, where she later served as interim director. She began private practice as an employment discrimination attorney in 1990 and also started teaching labor studies and GLBT studies at City College, and employment law, legal research, and current legal issues at San Francisco State University Extension.

Retired San Francisco Superior Court Judge Donna Hitchens recalled Ms. Roberts’s involvement with the Lesbian Rights Project. “She was on the first advisory board, and that was in 1977,” Hitchens said, adding that she first met Ms. Roberts in 1974. “Her whole career was advocating on behalf of people who were underrepresented in the justice system,” Hitchens added. “She was an excellent attorney.”

Ms. Roberts was a co-author of White-washing Race—The Myth of a Colorblind Society.

She is survived by nieces Cathryn and Margit Galanter and their partners, Jim Rosenfeld and Beth Ahlstrand; her grand-nephews Ben and Jed Rosenfeld; her brother-in-law Marc Galanter; her two closest friends Susan Matross and Karen Rachels; her beloved dog Picnic; and the many friends with whom she shared her life for decades.

To submit obituaries of Guild members to Guild Notes, email Paige Cram at communications@nlg.org.
by Jamie Munro

Student Day Against the Death Penalty (SDADP) is marked on March 1 every year by student chapters across the country. This year students drew attention to the death penalty through teach-ins, film screenings, informational tables, and panels. A few schools stretched SDADP events across the week in order to reach the widest possible audience. Here is a sampling of this year’s events:

The UC Hastings NLG chapter hosted a panel on international perspectives on capital punishment. The panel examined the history and recent developments in capital punishment globally and discussed the direction in which the practice is trending.

The Lewis & Clark chapter worked with the campus chapter of the ACLU to coordinate a week of death penalty-related events, including speakers, a film exploring the case of Cameron Todd Willingham, and an interactive display. The chapter invited Jeff Ellis, the director of the Oregon Capital Resource Center, to speak about legal representation in death penalty cases in Oregon.

The Washington & Lee chapter delivered a death penalty fact sheet to student mailboxes and arranged a display of 3,261 paperclips in the student dining area to represent each person on death row in the United States. Guild student Alexandrea Tuttle described the display as “a powerful silent message that brought attention to an issue many would rather ignore.”

The Cornell chapter built on many years of programming fantastic SDADP events by organizing a week of activities. The events included a film screening, a talk by death row exoneree Ray Krone, a discussion on current issues surrounding lethal injection, a presentation by a Cornell alum who has spent her career fighting the death penalty, and a discussion on the anatomy of a death penalty case by Professor Keir Weyble.

The Rutgers-Camden chapter organized a death penalty panel, which included Professor Roger Clark, who was instrumental in removing the death penalty from the Model Penal Code; J. Michael Farrell, a former attorney for Mumia Abu-Jamal; Michael Coard, a founding member of the Avenging the Ancestors Coalition; and James Klein, a Camden Public Defender. The chapter also organized a film screening and a bar night for all student chapters in the Philadelphia area.

The Rutgers-Camden chapter organized a death penalty panel, which included Professor Roger Clark, who was instrumental in removing the death penalty from the Model Penal Code; J. Michael Farrell, a former attorney for Mumia Abu-Jamal; Michael Coard, a founding member of the Avenging the Ancestors Coalition; and James Klein, a Camden Public Defender. The chapter also organized a film screening and a bar night for all student chapters in the Philadelphia area.
New Online Referral Directory

Now Available at a Computer Near You

For years, the “RD” has been a trusted resource for NLG attorneys and the people who seek them nationwide. In our continued efforts to green the Guild and expand our services to the public, we have replaced the paper directory with a referral service on our national web site. It is available free-of-charge at the click of a mouse!

This online tool provides Guild members with more exposure and the community at large with an invaluable, easier-to-access resource.

Listings include name, contact information, areas of concentration, and a brief description of your firm or practice and are searchable by both location and concentration. This is a tool for activists and others unlike anything currently available, so we hope you won’t miss out on the opportunity to participate.

To check out the directory, simply go to the “Resources” menu on the NLG home page. You can still sign up online to be listed in the directory by going to www.nlg.org/online-referral-directory-form.

Here’s looking “for” you!!
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 on Corporations, the Constitution and Human Rights
Ward Morehouse
ward.morehouse@gmail.com

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
mirerfam@earthlink.net

Labor and Employment Committee
Ian Head
Laura Raymond
legalworkervp@nlg.org

Legal Workers Committee
Carol Sobel
carol.sobel@gmail.com

Mass Defense Committee
Mara Verheyden-Hilliard
mvh@justiceonline.org

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

President
David Gespass
president@nlg.org

Jailhouse Lawyer Co-VPs
Mumia Abu-Jamal
Mark Cook

Northwest
Peggy Herman
Ashlee Albies

Executive VPs
Carol Sobel
evp2@nlg.org

National Student Co-VPs
Samantha Godwin
Nadia Kayyali

South
Position Open

Azadeh Shahshahani
evp1@nlg.org

Southwest
Sarah Erlinder
Andrew Reid

Treasurer
Roxana Orrell
treasurer@nlg.org

Regional VPs
Far West
Renee Sanchez

Tex-Oma
Robert Schmid

National VPs
Steve Gotzler
Dan Spalding
Zachary Wolfe

Northeast
Thom Cincotta
Aaron Frishberg

National Office
Executive Director
Heidi Boghosian
director@nlg.org

National Legal Worker Co-VPs
Ian Head
Laura Raymond

Communications Coordinator
Paige Cram
communications@nlg.org

Mid Atlantic
Michael Lee

Membership Coordinator
Jamie Munro
membership@nlg.org

Midwest
Molly Armour

The National Lawyers Guild Platinum Plus® Visa® Credit Card

Exceptional Benefits and Complete Security:

- Low introductory Annual Percentage Rate (APR)*
- Complete online account access features
- Generous credit lines as high as $100,000
- Around-the-clock fraud protection
- Emergency card replacement
- Zero liability for fraudulent charges
- Cash access at thousands of ATMs worldwide
- Secure access to your account online, all the time
- Billing dispute advocates
- Common Carrier Travel Accident Insurance

What’s more, each time you make a purchase with your credit card, a contribution is made to the National Lawyers Guild - at no additional cost to you.

Learn more--call toll-free 1-866-438-6262. TTY users, call 1-800-833-6262. Please refer to priority code UAA33N when speaking with a representative to apply.

*For information about the rates, fees, other costs and benefits associated with the use of the card; or to apply, please call the above toll-free numbers.

This credit card program is issued and administered by FIA Card Services, N.A. Any account opened in response to this application shall be governed by the laws of the state of Delaware. Travel planning services are provided to Bank of America Customers by an independently owned and operated travel agency registered to do business in California, Ohio, Washington and other states, as required. Visa is a registered trademark of Visa International Service Association, and is used by the issuer pursuant to license from Visa U.S.A., Inc. Bank of America is a registered trademark of Bank of America Corporation. © 2006 Bank of America Corporation.
NLG Takes to the Streets of Philadelphia

LAW FOR THE PEOPLE
October 12 - 16, 2011
Crowne Plaza Philadelphia, $127/night