

# Guild Notes

a publication of the national lawyers guild foundation

volume XL, no. 1, spring 2014



The Guild Ramps Up Organizing Efforts as #NoKXL Movement Grows

-and-

Losing Chokwe Lumumba

NLG Delegation to El Salvador Finds Elections Free and Fair

NLG to Senate: Rejection of DOJ Nominee Adegbile Threatens Justice System

ARAC Challenges Utah's "Ag-Gag" Laws in Federal Court

# NATIONAL COMMITTEES, PROJECTS AND TASK FORCES

## *Amicus Committee*

Zachary Wolfe  
amicus@nlg.org

## *Anti-Racism Committee*

Jean Stevens  
antiracism@nlg.org

## *Anti-Sexism Committee*

Kerry McLean  
antisexism@nlg.org

## *Committee for Democratic Communications*

Michael Lee  
cdc@nlg.org

## *Disability Rights Committee*

Timothy Lunceford  
timothynyc4@aim.com

## *Drug Policy Committee*

Jesse Stout  
David Frank  
drugpolicy@nlg.org

## *Environmental Justice Committee*

Joel Kupferman  
environmentaljustice@nlg.org

## *International Committee*

Jeanne Mirer  
Natasha Bannan  
Suzanne Adely  
international@nlg.org

## *Labor & Employment Committee*

Dean Hubbard  
deanhub@gmail.com

## *Legal Workers Committee*

Marcus Kryshka  
legalworkervp@nlg.org

## *Mass Defense Committee*

Megan Books  
Greg Gladden  
Michael Harrington  
massdefensechair@nlg.org

## *Military Law Task Force*

Kathy Johnson  
mltf@nlg.org

## *Next Generation Committee*

Samantha Godwin  
Dave Rini  
nextgen@nlg.org

## *Prison Law Project*

Ian Head  
plp@nlg.org

## *Queer Caucus*

kt crossman  
Kristina Dolgin  
queercaucus@nlg.org

## *TUPOCC*

Lilian Jimenez  
Natali Segovia  
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  
499 7th Ave., Ste. 12 N  
New York, NY 10018  
(212) 630-9939 phone  
(212) 659-0695 fax  
npap@nlg.org

# NATIONAL OFFICERS AND STAFF

## **President**

Azadeh Shahshahani

## **Executive Vice Presidents**

Natasha Bannan  
Ian Head

## **Treasurer**

Roxana Orrell

## **National Vice Presidents**

Bina Ahmad  
Gabriela Lopez  
Camilo Romero

## **Legal Worker VP**

Marcus Kryshka

## **Jailhouse Lawyer VP**

Mumia Abu-Jamal  
Theresa Squillacote

## **National Student Co-VP**

Whitney Leeds  
Claire White

## **Regional VPs**

### *Far West*

Andrea Carter  
Hasmik Geghamyan

### *Northeast*

Joel Kupferman  
Urszula Masny-Latos

### *Mideast*

Tony Paris  
Rachel Rosnick

### *Mid-Atlantic*

Edmundo Saballos

### *Midwest*

Anthony Prince

### *Northwest*

Francie Nevill  
Neil Fox

### *South*

Alistair McKenzie

### *Tex-Oma*

Daphne Silverman  
James Brantum

## **National Office Staff**

### *Executive Director*

Heidi Boghosian  
director@nlg.org

### *Membership Administrator*

Rosemarie Stupel  
membership@nlg.org

### *Student Organizer/Researcher*

Traci Yoder  
traci@nlg.org

### *Mass Defense Coordinator*

Abraham Hassen  
abi@nlg.org

### *Communications Coordinator*

Tasha Moro  
communications@nlg.org

## **Guild Notes is published quarterly by:**

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

## **Designed and Edited by:** Tasha Moro

**Cover Photo:** March 2, 2014 youth-led protest against the Keystone XL pipeline in Washington, D.C. (Photo: [350.org](http://350.org))

**Copy deadline for next issue:** Monday, May 19, 2014

**To subscribe to Guild Notes:** Contact Tasha Moro at [communications@nlg.org](mailto:communications@nlg.org). Digital subscriptions only. 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 as a whole.

# The Guild Kicks Off 2014



By Azadeh Shahshahani

It has been a momentous few months for the NLG. On the last day of 2013, [we celebrated](#) the release of longtime Guild member Lynne Stewart. Lynne, who has cancer, had been serving a ten-year sentence at the Federal Medical Center Carswell in Fort Worth, Texas, in connection with her defense of Sheikh Omar Abdel Rahman. Since her initial indictment, Guild members have educated the public about the many ways her case runs afoul of the Constitution (see the Guild's 2005 publication, [The Case of Lynne Stewart: A Justice Department Attack on the Bill of Rights](#)). It is great to welcome Lynne home!

In February, [we mourned](#) the untimely passing of revolutionary lawyer and longtime friend of the NLG, Chokwe Lumumba. Recently elected Mayor of Jackson, Mississippi, Chokwe Lumumba taught us about the transformative role of a people's lawyer. His legacy of fearless fighting for the disenfranchised and the poor will remain with us (see page 10).

As national resistance against massive government spying mounts, we joined a lawsuit filed by the Electronic Frontier Foundation against the National Security Agency over the unconstitutional collection of bulk telephone call records, in [First Unitarian Church v. NSA](#).

Also joining in the national campaign against mass incarceration, last month we [submitted testimony](#) for the record of the second Senate Judiciary Subcommittee hearing on solitary confinement in U.S. prisons, jails, and detention centers. The NLG testimony outlines the psychiatric, social, and economic damage caused by the use of solitary confinement and calls for a reevaluation of the discriminatory U.S. criminal (in)justice system as a whole, offering suggested alternatives and reforms.

In January, we filed an [amicus brief](#) before the Supreme Court in the case of *Hedges v. Obama* which challenges the

constitutionality of the National Defense Authorization Act for Fiscal Year 2012 (NDAA). The NDAA permits the U.S. government to indefinitely detain people based on vague allegations. We were joined in the brief by the Center for Competitive Democracy and Ralph Nader.

Also in January, the NLG NYC Chapter [announced a settlement](#) of the 2004 RNC cases. The settlement is the largest in U.S. history arising from the mass arrests of protesters and sets a significant precedent.

We also have members working on Keystone XL protest support across the country (see page 6). We have started an [email list](#) to support Keystone resistance and we have begun a series of national coordinating conference calls. We will also be doing a training in the coming weeks to help assist non-NLG attorneys take on political cases. To keep up with NLG KXL work, check [nlg.org/kxl](#).

In January, the NLG and several organizations calling for human rights and the rule of law in Palestine and Israel [urged academic institutions](#) to reaffirm their commitment to free and open campus debate. The plea for free expression, including the right to call for human rights boycotts, was prompted by a series of repressive responses to the American Studies Association's resolution to adopt a boycott against state-funded Israeli educational institutions. These entities provide research and training used to maintain Israel's occupation of Palestinian territories.

On the international stage, a group of five trained and accredited election monitors from the NLG traveled to El Salvador to observe the first round of the 2014 Presidential elections. The [delegates found](#) that the recent electoral reforms supported by President Mauricio Funes facilitated a free and fair process that resulted in transparent elections. Another NLG delegation is currently being organized to observe the run-off election later this month.

In light of the Egyptian military regime's systematic and ongoing violations of human rights and international law, [we called on Secretary of State John Kerry](#) to halt U.S. military aid to Egypt.

Our work toward social justice is sure to continue unabated. I look forward to seeing many of you at upcoming Regionals (see page 2) over the spring and summer. This will be our chance to reconnect, share stories of success, and return home reenergized.

We are also gearing up for our [77<sup>th</sup> Law for the People Convention](#) in Chicago, September 3-7. Stay tuned to [nlg.org/convention](#) for more details! ■

# NLG Portland: Blueprint for Reform in Use of Force on Mentally Ill

By Heidi Boghosian

A year of organizing in response to a 2012 Department of Justice (DOJ) finding that the Portland Police Bureau engaged in a pattern of excessive force against persons with mental illness has paid off. In February a framework for reforms was established. Guild members Ashlee Albies and Shauna Curphey represented the watchdog group Albina Ministerial Alliance (AMA) Coalition for Justice and Police Reform, which was granted “enhanced amicus” (friend of the court) status to the DOJ’s lawsuit against the City that led to the settlement agreement.

NLG member Mark Kramer testified on behalf of the NLG at a Fairness Hearing in February 2014, in which nearly 60 persons spoke for 12 hours. U.S. District Court Judge Michael H. Simon approved a settlement calling for a series of reforms to police policies, training and oversight. He kept the record open for a week to allow for comments from the public.

The 79-page settlement calls for changes to the Police Bureau’s use of force and Taser policies, a new guide for discipline, enhanced training for officers who respond to mental health crisis calls, greater community involvement in police training, and changes to the police oversight system. While the agreement places new restrictions on the use of Tasers, it also includes loopholes that could negate the constraints. Officers will be required to first issue “a verbal warning, or attempt to utilize hand signals where

there is a language barrier or the subject is hearing impaired” before using a Taser. But that mandate may be ignored and a Taser used immediately if the person being confronted presents “a danger to the officers or others.”

The Portland Police Association and the AMA’s Coalition for Justice and Police Reform had earlier entered into talks with the city, which produced a memorandum of understanding submitted with the settlement. Despite his limited authority with respect to the settlement agreement, Judge Simon solicited proposed amendments from the parties. Any amendments will require approval from Portland’s City Council. A final hearing is set for March 24. Many who testified urged the judge to reject the agreement and let the federal case against the city proceed to trial.

Ashlee Albies indicated that the AMA may push for amendments because community members may seek additional reform measures.

Guild member Mark Kramer noted in his testimony that many of the Portlanders who came before him had for years tried unsuccessfully to convince the city to enact meaningful reforms that would improve a police oversight system described by federal officials as “byzantine.” Kramer said that given that the decades-long call for reform, community members are wary of the city’s commitment to institute meaningful reform. Kramer urged the judge to appoint an independent monitor who is accountable to the court. ■

## Attend a Regional Conference Near You!

**Plug in to YOUR Guild.** These conferences bring Guild members together to make decisions about regional governance, exchange resources, share victories, and learn about region-specific work.

**Register at the websites below.** (For the Southern and Far West regions, register by emailing [southernrvp@nlg.org](mailto:southernrvp@nlg.org) and [farwestrvp@nlg.org](mailto:farwestrvp@nlg.org), respectively.). **If you’d like to help out, learn more, or ask any questions, please email your Regional Vice President.** See you there!

**Northwest** | March 15  
Portland, OR  
w: [2014nwnlregionalconference.wordpress.com](http://2014nwnlregionalconference.wordpress.com)  
e: [northwestrvp@nlg.org](mailto:northwestrvp@nlg.org)

**Southern** | March 21-23  
Birmingham, AL  
e: [southernrvp@nlg.org](mailto:southernrvp@nlg.org)

**Mideast** | March 29  
Pittsburgh, PA  
w: [nlgrustbelt.wordpress.com](http://nlgrustbelt.wordpress.com)  
e: [mideastrvp@nlg.org](mailto:mideastrvp@nlg.org)

**MidAtlantic** | April 12  
Philadelphia, PA  
w: [nlphiladelphia.org/2014-mid-atlantic-regional-conference-in-philadelphia/](http://nlphiladelphia.org/2014-mid-atlantic-regional-conference-in-philadelphia/)  
e: [midatlanticrvp@nlg.org](mailto:midatlanticrvp@nlg.org)

**Far West** | June 14  
San Francisco, CA  
e: [farwestrvp@nlg.org](mailto:farwestrvp@nlg.org)



# NLG Submits Congressional Testimony to Senate Judiciary Hearing on Solitary Confinement

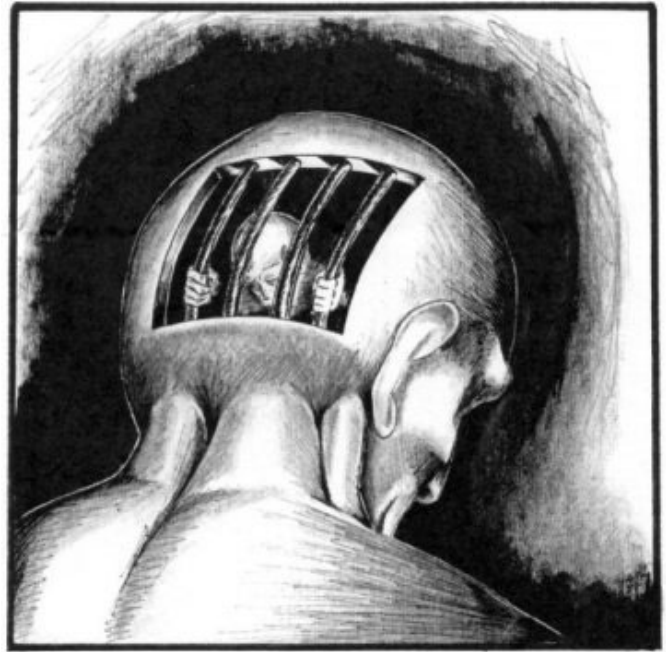
By EmilyRose Johns

On February 25, 2014, the Congressional Subcommittee on the Constitution, Civil Rights and Human Rights held its second hearing on solitary confinement entitled “The Human Rights, Fiscal, and Public Safety Consequences.” The committee heard from Charles Samuels, Director of the Federal Bureau of Prisons (BOP), and advocates for reform: Author Piper Kerman (*Orange is the New Black*); Craig DeRoche, President of the Justice Fellowship; Marc Levin, Director of the Center for Effective Justice; Rick Raemisch, Executive Director of the Colorado Department of Corrections; and Damon Thibodeaux, exoneree from Louisiana State Penitentiary at Angola. The Guild submitted [written testimony](#) by members of the Mass Incarceration Committee on the detrimental effects of solitary confinement, calling for major reforms to the federal, state, and local corrections systems.

NLG’s testimony highlighted the undemocratic use of solitary confinement, especially in the case of political prisoners and prisoners with mental illness. What’s more, a lack of adequate guidelines detailing how and when to use the practice often results in its arbitrary and excessive use, often at the discretion of a single corrections officer. The testimony also asserted that the practice violated the Eighth Amendment as well as international law. In August 2011, UN Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment Juan Méndez [declared](#) that anything exceeding 15 days of solitary confinement amounts to torture. In stark contrast, correctional systems in the United States use long term solitary confinement both for administrative and disciplinary purposes, resulting in prisoners around the country being subjected to years and even decades of torture.

In his opening remarks, Subcommittee Chairperson Dick Durbin discussed his displeasure with prison official testimony in the previous hearing, [held in 2012](#), and expressed his hope that the hearing would bring testimony of positive reforms, especially from the federal prison system. He acknowledged that the U.S. has the highest per capita incarceration rate in the world and uses solitary confinement more than any other democratic nation, and the gross racial disparity represented in the incarcerated population.

BOP Director Samuels testified that the prison population held in “restrictive housing” has been reduced in the last two years and that the agency’s use of “restrictive housing” is being reviewed in a report anticipated by the end of 2014. He touted the BOP’s “reintegration units,” used to transition prisoners held in solitary confinement for long periods of time, “often prompted by their perceived need for protection,” into general population. Notably, however, Mr. Samuels [struggled to](#)



*Solitary Confinement* by Stan Moody, 2011.

[testify](#) to the average size of solitary confinement cells. After much prodding, he stated that the cells were 6’ x 4’, but later corrected himself, stating they are 7’ x 10’ (for comparison, the average size of a parking space is 8’ x 16’).

Advocates for reform and abolition of solitary confinement testified that the system preyed on the already vulnerable and highlighted the the adverse effects on juveniles, women, and prisoners with mental illness. Most notably, DNA exoneree [Damon Thibodeaux](#) delivered heartfelt testimony about the hopelessness of isolation, which he suffered for 15 years. He documented the ways in which he was treated as “subhuman” and demanded change. “We are better than that,” he told the Subcommittee.

Audience members live-tweeted the event with hashtags [#solitary](#) and [#STOPsolitary](#), adding valuable contemporaneous commentary to the testimony in real time. The full hearing can be viewed at [www.c-span.org/video/?317971-1/hearing-use-solitary-confinement](http://www.c-span.org/video/?317971-1/hearing-use-solitary-confinement).

To join or learn more about the NLG Mass Incarceration Committee, email Talitha Hazelton at [talitha.hazelton@gmail.com](mailto:talitha.hazelton@gmail.com).

# The Guild Finds El Salvador Elections Fair and Free

By Nicholas Klaus

In 2009, 17 years after the 1992 peace accords that ended the Salvadoran civil war – a war fought to end years of oppression by a U.S.-backed right-wing oligarchy – the leftist FMLN finally won the presidency. This year, the National Lawyers Guild sent a five-member election delegation to El Salvador to witness the fruits of the FMLN efforts at reform, and observe the national elections.

Guild delegates Judy Somberg, William Leavitt, Mark Sullivan, John Salois, and Nicholas Klaus visited a number of government agencies and facilities, and met with the nation's progressive bar and activists. Somberg and Leavitt also met with the U.S. Ambassador to El Salvador Mari Carmen Aponte, to lobby for a statement of neutrality in the election.

The delegates also met with Human Rights Ombudsman David Morales, who acts in the role of attorney general to represent citizens when state actors violate human and civil rights. Former Supreme Court Justice Mirna Perla spoke to the group about the political climate leading up to the elections, including a reduction in the murder rate after a negotiate truce between gangs, recent accusations of corruption among high level people affiliated with the ARENA party, and problems of continuing impunity for human rights abusers from the war years.

Following the election, the NLG delegation issued a [press release](#) declaring a free and fair process. The FMLN sought to continue and strengthen their policies by running (and winning) with a robust FMLN- identified presidential candidate, while the right – badly splintered and fraught with corruption – claimed the election was flawed.

Regardless, the NLG delegates witnessed a superior process that included the implementation of a residential voting system and further checks and balances; elections were marked by a high degree of transparency, fairness and efficiency. Polling locations opened on time. Despite the high



FMLN and ARENA poll monitors protect their respective party's interests at a polling booth in San Salvador. Photo: Mark Sullivan.

degree of public participation, lines were short and waiting times minimal. With few exceptions, disputes were resolved professionally. Voting equipment functioned, allowing results to be transmitted in a timely fashion.

FMLN candidate Salvador Sánchez Cerén received slightly less than 50% of the vote and the ARENA candidate, Norman Quijano, came in second with approximately 49%, necessitating a run-off election (also observed by an NLG delegation) on March 9. Cerén was [declared](#) the winner on March 13, 2014. He will begin his five-year term on June 1, 2014. ■

## We want to hear from you!

Submit articles about your NLG-related work for possible publication in *Guild Notes* and [nlg.org/blog](http://nlg.org/blog).

Visit [nlg.org/submission-guidelines](http://nlg.org/submission-guidelines) for more.



# The Guild's ARAC Challenges Utah's "Ag-Gag" Laws in Federal Court

By Matthew Liebman

Since 2004, U.S. animal rights activists have conducted more than 80 undercover investigations into animal agriculture, each one exposing horrific violence against animals. This January, the Humane Society released gruesome footage from a New Jersey slaughter plant of still-conscious calves hanging upside-down and bellowing, despite having had their throats slit minutes earlier. An investigation by People for the Ethical Treatment of Animals (PETA) at a chicken factory caught workers ripping off live birds' beaks, spitting tobacco into their faces, and squeezing them so hard that they expelled feces.

But undercover investigations don't just reveal isolated acts of cruelty; they expose the immense suffering and exploitation that are inherent in animal "food" production, including the unavoidably gory process of disassembling animals for human consumption and the myth of so-called "humane" animal products: an investigation by Compassion Over Killing at a chicken hatchery showed male chicks being ground alive in a "macerator," notwithstanding the company's claim that "all of our chickens are humanely raised and compassionately handled, in a minimal-stress environment, throughout their lives."

These investigations have led to felony prosecutions, civil lawsuits, legislative and administrative reforms, facility closures, meat recalls, corporate shaming, and reduced consumption of animal products. A 2010 study from the Kansas State University Department of Agricultural Economics concluded that, "media attention to animal welfare has significant, negative effects on U.S. meat demand."

This unwelcome attention has led the industry, and the legislators that represent it, to shoot the messenger with

"ag-gag" laws. Six states now criminalize certain types of undercover investigations, prohibiting videotaping or photographing, criminalizing gaining access to agricultural operations under "false pretenses," or requiring investigators to out themselves to law enforcement within hours or days of recording animal abuse, undermining long-term

investigations that expose patterns of cruelty and complicity by management. Similar bills have been introduced in 15 other states.

In July 2013, several Guild lawyers in the NLG's Animal Rights Activism Committee (ARAC) and their colleagues filed a federal lawsuit challenging Utah's ag-gag law, representing

the Animal Legal Defense Fund, PETA, the political journal CounterPunch, Amy Meyer (the only person charged under an ag-gag law), journalist Will Potter, investigations consultant Daniel Hauff, factory farm scholar James McWilliams, and Utah blogger Jesse Fruhwirth. The lawsuit alleges that Utah's ag gag law is overbroad, content-based, and viewpoint-discriminatory in violation of the First Amendment; violates the Supremacy Clause because it is preempted by the federal False Claims Act, which encourages whistleblowing against those who defraud the federal government, such as slaughter plants that purport to follow "humane" standards in supplying meat for federal programs (thereby criminalizing the same behavior that federal law incentivizes); and violates the Equal Protection Clause, because it is motivated by animus against animal protection advocates, as evidenced by statements made on the floor by legislators calling animal advocates "national propaganda groups," "the vegetarian people," and "terrorists." Oral argument on Utah's motion to dismiss is scheduled for May 15 before Judge Robert Shelby, the judge that recently declared Utah's same-sex marriage ban unconstitutional. ■



Illustration by Tim O'Brien at [Mother Jones](http://MotherJones.com)





# The Guild Ramps Up KXL Organizing



KXL protesters hold a rally during the March 2, 2014 day of action in Washington, D.C. Photo: 350.org.

By Abi Hassen

“The president is going to approve the XL pipeline”

- Texas Gov. Rick Perry, following last month’s Republican governors’ meeting where Pres. Obama reportedly promised a decision on the pipeline before the summer.

We do not know when President Barack Obama will make a final decision on the Keystone XL (KXL) tar-sands pipeline, but we do know that activists are mobilizing across the country to prevent this disastrous project from going forward.

A major step in the legal process took place in January when the State Department released its Final Environmental Impact Statement (FEIS) on KXL. The FEIS actually acknowledged that tar-sands exploitation creates more deadly greenhouse gas than traditional oil exploitation, but failed to consider and account for any future scenario where tar-sands are not exploited.

The FEIS was also flawed in its failure to account for what seemed to many to be a conflict of interest. However, the Office of the Inspector General (OIG) of the State Department released its report on the conflict of interest with TransCanada subcontractor Energy Resources Management (ERM) – who wrote the draft environmental impact statement for the State Department. The OIG found that there was no conflict of interest, even though ERM had been a subcontractor of TransCanada (the company behind KXL) and is a member of the American Petroleum Institute (an oil industry group).

The State Department has since begun a months-long process to prepare and release the National Interest Determination (NID) – which will say whether the State Department thinks the KXL pipeline is in the “Nation’s interest.” After that, the President has ultimate decision making power over whether to approve or reject the pipeline (though it is unlikely that he would approve if the NID suggests not to).

Activists have already sprung into action, starting with hundreds of vigils across the country shortly after the FEIS was released. Just a few weeks ago on March 2, a massive civil disobedience action took place earlier this month in Washington, D.C.; nearly [400 youth](#) were arrested at a sit-in at the White House in what has been called “the largest youth sit-in on the environment in a generation.”

More actions will come. One group in particular that has been working with the NLG is the “Pledge of Resistance” ([nokxl.org](#)) which is organizing tens of thousands of people to “risk arrest” in protest of the KXL pipeline. The Pledge of Resistance is currently using the spring timeline, reportedly mentioned by President Obama for their organizing plans.

The NLG has members working on anti-KXL protest support across the country. We have started a special [email list](#) to support keystone work and we have begun a series of national coordinating conference calls. We will also be providing organizing tools and doing a nationwide training in the coming months to help assist NLG and non-NLG attorneys alike take on political cases. To keep up with NLG KXL work, subscribe to the list [here](#) and check in at: [nlg.org/kxl](#). ■



# NLG Student Week Against the Death Penalty 2014

By Traci Yoder

From March 3-7, National Lawyers Guild student chapters across the country marked NLG Student Week Against the Death Penalty (SWADP) with letter writing campaigns, panel discussions, film screenings, and the distribution of petitions, posters, flyers, black ribbons, or buttons.

Reporting back from an event at Northwestern University School of Law, NLG student Vikki Otero recounted: "This evening, one of my classmates came up to me and thanked me for facilitating our talk and panel last week. Then she said that it had really affected her; she had gone in ambivalent about the death penalty, and she came out opposed to it. Keep up the fight! Our efforts work!"

Here are some more highlights from SWADP 2014!

[University of Arkansas NLG](#) organized a presentation with Sam Kooistra, Director of the Arkansas Coalition to Abolish the Death Penalty, who spoke to a group of 100 law students about the issues around lethal injection protocols. Students also distributed a flyer encouraging students to contact Governor Scott of Florida requesting he stay the execution of Robert Henry.

[Indiana University NLG](#) kicked off SWADP with a screening of three short films from the series "One for Ten." The films profiled former death row inmates who were exonerated either through DNA evidence or successful appeal that exposed prosecutorial misconduct. Students also tabled to gather signatures for the petition to stay the execution of Robert Henry in Florida, and wrote a letter as a chapter to submit to Governor Rick Scott.

[University of Wisconsin NLG](#) tabled the law school atrium with death penalty/solitary confinement-related material, screened the documentary *In the Land of the Free* (about the Angola 3 and Angola prison), hosted a speaker with Amnesty International, and had exoneree and UW-Law alumnus Chris Ochoa to speak to students about his wrongful conviction, time in prison, and exoneration.

[University of North Carolina NLG](#) partnered with the UNC Death Penalty Project on a lunch-time panel on lethal injection and a screening of the documentary *The Execution of Wanda Jean Allen*.

[Willamette NLG](#) hosted Rob Steiner from Oregonians for Alternatives to the Death Penalty (OADP) in a debate surrounding Oregon's Capital Punishment policy.

[Lewis and Clark NLG](#) organized a week of events, including a "Future of the Death Penalty" presentation with Jeff Davis of Oregon Capital Resource Center, a Letter Writing Event, a Film screening of *After Innocence*, and a panel on Wrongful Convictions and Oregon's Innocence Project.

[Cardozo NLG](#) set up a table to distribute information about the death penalty (see image).

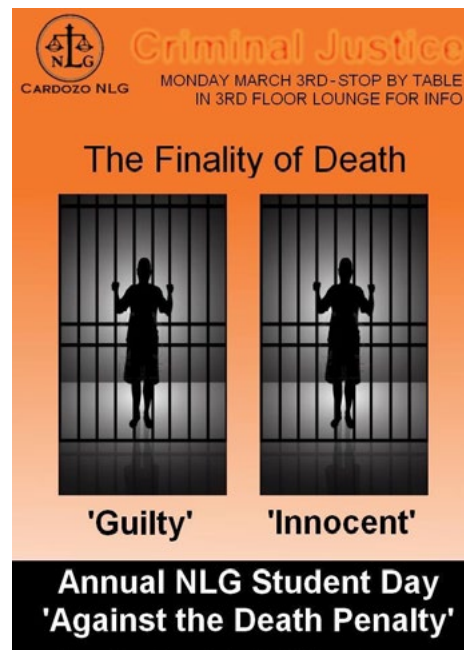
[New York University NLG](#) screened the documentary, the *Execution of Wanda Jean* in collaboration with The Women of Color Collective and OUTLaw.

[Northwestern NLG](#) hosted Rob Owen, a longtime anti-death penalty advocate who has argued four capital cases in front of the Supreme Court, and Sandra Babcock, who has worked in defending Mexican nationals in capital cases in the US. Students also handed out black ribbons and fact sheets every day and hosted a listening party for *Hall v. Florida*, a case regarding the standard which states can impose on execution of the mentally challenged.

[University of Colorado NLG](#) hosted a discussion led by Lisa Cisneros, Executive Director of Coloradans for Alternatives to the Death Penalty.

[Thomas Jefferson NLG](#) hosted a death penalty panel with John Cotsirilos, Alex Landon, and Tony Blake (see picture).

[Temple NLG](#) organized a panel discussion featuring Marc Bookman (Atlantic Center for Capital Representation), Cristi Charpentier (Federal Community Defender), Fred Goodman (Defender's Association of Philadelphia), and David Love (Witness to Innocence). Panelists addressed current legal and political issues in Pennsylvania and surrounding jurisdictions regarding capital cases as well as challenges that the panelists have encountered in developing and maintaining relationships with their clients.



Cardozo NLG flyer distributed by students during SWADP.

## Meet Your 2014 Haywood Burns Fellows!

This year marks the 41<sup>st</sup> anniversary of the Haywood Burns Fellowships, renamed in 1997 for beloved former Guild President Haywood Burns. After Haywood's untimely passing in 1996, one of his colleagues at CUNY Law School, where Haywood was the Dean and Chair in Civil Rights, recounted how students remembered him as an exceptional teacher and dedicated mentor. It is in Haywood's memory that we continue the Guild tradition of including students in transformative experiences. Below, read about this year's Haywood Burns Fellows! Read up on past Fellows at [nlg.org/fellowships](http://nlg.org/fellowships).



**Michelle Lewin** from CUNY School of Law will work on foreclosure prevention and homeowners' rights at Common Law in Sunnyside, Queens. She will intern at their weekly legal clinic, provide ongoing court support for clients representing themselves at foreclosure proceedings.



**Sallie (Zhiyan) Lin** from Santa Clara University Law School will work on criminal rights and human rights issues with International Bridges to Justice in Beijing. In China, she will conduct legal research and writing, interpretation and translation and will take a course on Chinese law.



**Amanda Schemkes** from Seattle University School of Law will help provide legal representation to animal rights and environmental activists at the Civil Liberties Defense Center in Eugene, Oregon. She will conduct research and writing on federal police and misconduct cases, constitutional challenges to statutes and permitting schemes impacting progressive activists.



**Michelle Amelia Newman** from Northeastern University School of Law will pursue collection of Texaco-Chevron case judgment with the attorney for the Amazon Defense Coalition and lead plaintiffs' attorney in Ecuador. (35 years of destructive oil drilling practices in the Amazonian rainforest resulted in an environmental spill 30 times the size of the Exxon-Valdez spill.)



**Nadin Said** from the University of Denver Law School will work on healthcare reform at the Greenlining Institute in Berkeley, California. She will be assisting underrepresented communities in California in receiving adequate health treatments and services.

Support the next generation of people's lawyers! **Donate** to the Haywood Burns Fellowship program [here!](http://nlg.org/fellowships)

## Entries for Debra Evenson Social Justice Writing Award Due 3/31

The Debra Evenson Social Justice Writing Award will be awarded annually to a law student based on a writing competition focusing on issues of social justice and workers' rights. A panel of judges will honor the winning author with a \$500 cash award, and the article will be submitted for publication to the *National Lawyers Guild Review* (selection for publication is at the sole discretion of the *NLG Review*).

**Topic: The Consequences of and Challenges to the Consolidation of Corporate Ideology Over the U.S. Supreme Court**

**Contest Rules:** Articles must be submitted by **March 31, 2014** to the Sugar Law Center (SLC) in Detroit at [sjwa@sugarlaw.org](mailto:sjwa@sugarlaw.org). Articles should address the topic in question from a political/legal perspective, be of publishable quality (see <http://www.nlg.org/resource/nlg-review> for full submission guidelines) and be no more than 7500 words in length. The winner will be announced on or about May 1, 2014, and honored at the Fall 2014 NLG Convention and November, 2014 SLC Essential Advocacy Event.

Debra Evenson, a founding member of the SLC Board of Directors and a distinguished champion of human rights, who passed away in 2011. Debra spent much of her life as a professor, and co-founder and executive director of the Center for Inter-American Legal Education. She served as president of the NLG and the Latin American Institute for Alternative Legal Services (ILSA). To learn more about Debra's legacy, read the NLG press release: [www.nlg.org/news/nlg-mourns-passing-debra-evenson](http://www.nlg.org/news/nlg-mourns-passing-debra-evenson)

*The Sugar Law Center for Economic and Social Justice is a national, nonprofit organization, dedicated to protecting and advancing the rights of working people and their communities. The Sugar Law Center is proud to be affiliated with the National Lawyers Guild.*

# New NLG Report, *Breach of Privilege: Spying on Lawyers in the United States*

Next month, the NLG National Office will release *Breach of Privilege: Spying on Lawyers in the United States*, a report analyzing government surveillance of the legal profession from the Guild's founding to the present. Drawing on archival materials from the lawsuit *NLG v. Attorney General*, interviews with Guild members, and the recent leaks by Edward Snowden, the report written by Senior Researcher and Student Organizer Traci Yoder details historical and contemporary violations of attorney-client privilege and the resistance of organizations like the NLG. Read an excerpt from the report below.

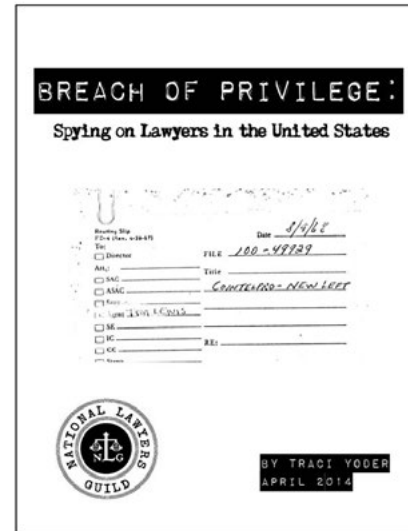
\*\*\*

"From the historic use of informants to infiltrate legal groups to the more recent dragnet collection of phone and electronic communications, government agencies—in cooperation with private intelligence firms and local police departments—have been working to disrupt the legal support services provided by progressive law organizations for nearly a century. The NLG and its members have been at the center of these surveillance programs as a result of the Guild's ongoing commitment to defending clients such as anarchists, Muslims, whistleblowers, and animal rights, anti-war, environmental, and information activists.

This account highlights the little-publicized history of spying on legal professionals, including the monitoring of the NLG and its members who represent clients labeled a threat to state and corporate interests. A lawsuit brought by Guild lawyers in 1977, *NLG v. Attorney General*, forced the NSA, FBI, Central Intelligence Agency (CIA), the military, and other government bodies to release over 400,000 pages of confidential documents on the NLG. These files represent the most complete historical account available of surveillance of the legal profession and reveal the intensity of infiltration and disruption used by government intelligence agencies to interfere with the Guild's work. The lawsuit reveals that many current surveillance methods can be traced back for decades, including high levels of coordination between national law enforcement agencies, private intelligence companies, military intelligence agencies, and local police departments.

*NLG v. Attorney General* proved that US government agencies spied on every level of the NLG, used informants to collect information and disrupt Guild work, and gathered intelligence using illegal wiretaps and break-ins. These entities undertook covert campaigns to manipulate public opinion of the organization and cooperated with foreign governments to shut down NLG projects abroad. As a result, the Guild's membership decreased substantially and the organization lost public support and financial contributions. While no charges were ever brought against the Guild or its members, decades of infiltration and harassment by government agencies nearly destroyed the organization. But NLG was not the only legal organization under surveillance—the American Civil

Liberties Union (ACLU), the People's Law Office (PLO) in Chicago, and the Center for Constitutional Rights (CCR) also experienced monitoring and interference by government intelligence agencies.



Surveillance of the legal profession compromises the once sacrosanct attorney-client privilege—the ability to speak confidentially with one's lawyer. The constitutional right to privileged attorney-client interactions is often ignored when a client's actions challenge the status quo of government and corporate power. There are grave consequences to violations of this privilege for individuals, the legal community, and society as whole. Government surveillance of legal professionals creates a chilling effect on lawyering, dissuades attorneys from taking on political clients, diminishes their ability to represent people, erodes public confidence in the privacy of communications with attorneys, and requires extra precautions to ensure that communications between attorneys and clients are secure.

Surveillance of the progressive legal community by the public and private sectors also has a chilling effect on dissent and diminishes the capabilities of attorneys, law firms, and legal nonprofits to defend social justice activists. However, this history of surveillance is also one of resistance. Despite the risks involved in defending clients who are the subjects of government surveillance, many legal professionals continue to do so. The NLG has been at the forefront of this resistance for over 77 years and its members actively oppose invasive and unconstitutional surveillance practices. Together with other progressive legal organizations such as CCR, the ACLU, and the Electronic Frontier Foundation (EFF), the NLG has also challenged the legality and constitutionality of the government's mass surveillance programs through lawsuits, public education, and advocacy." ■



## In Memoriam: Losing Chokwe Lumumba

By David Gespass

We are deeply saddened by the sudden and untimely death of Chokwe Lumumba, who lived a genuinely revolutionary life providing guidance to, and taking direction from, the poor, oppressed and disenfranchised. Chokwe proved that one does not have to abandon principles to be successful in politics, that it is possible to rally people alienated from the two major political parties and rouse them to action. Speaking to the needs and aspirations of poor African-Americans instead of taking money from the city's power brokers, Chokwe was elected mayor of Jackson, Mississippi.

He held office for only a few months, and we now inherit the obligation to fulfill the deep promise embodied by his election: the responsibility to advance the interests of what Martin Luther King, Jr. called "the masses and not the classes," to strive toward a government that expands human rights and democracy – prevailing even in a country where elections are suffocating with money.

Chokwe persuaded Jackson voters to pass a sales tax by referendum relying on the wisdom of his constituents and the democratic process. The people did so, no doubt, because they knew the money raised would rightfully benefit the city's residents rather than line the pockets of its bankers. We will take a moment today to mourn, but the best way to honor Chokwe's memory is for us all to heed Joe Hill's admonition to



Lumumba in Jacksonville last year. Photo: AP/Rogelio V. Solis.

organize. No individual can replace him. But collectively, we can advance all he stood for. Indeed, if he stood for anything, it was that we make progress not on the backs of individuals, but through the kind of organized, collective effort represented by his iconic election. ■

Watch a special broadcast of *Democracy Now!* honoring Chokwe Lumumba [here](#).

## Karen Lewis: Law for the People 2014 Keynote Speaker

The Guild is proud to announce the keynote speaker for this year's National Convention, Karen Lewis!

**Karen GJ Lewis** was elected president of the 30,000-member Chicago Teachers Union on June 11, 2010. A member of CTU since 1988, Mrs. Lewis taught high school chemistry in the Chicago Public Schools for 22 years. She believes that students, parents, teachers and community members are educators' natural allies. Her goal is to truly improve Chicago Public Schools and stand firmly against the privatization of public education.

The only National Board Certified Teacher to lead a U.S. labor union, she also serves as executive vice president to the Illinois Federation of Teachers and as vice president of the American Federation of Teachers. Karen is a product of Chicago Public Schools, having attended Kozminski Elementary School and Kenwood High School, until accepting early admission at Mount Holyoke College. She later transferred to Dartmouth College, where she earned the distinction of being the only African American woman in the class of 1974. Mrs. Lewis comes from a family of educators -- her father, mother and husband, John Lewis, who is now retired, all were CPS teachers.



Karen Lewis fires up the crowd at a 2012 rally for striking public school teachers in Chicago. Photo: AP.

# NLG Resists NSA and Private Surveillance

By Heidi Boghosian

The Guild is joining national and local advocacy efforts to curtail and reform surveillance practices. In late February, the NLG and more than three dozen organizations [urged the White House](#) to push for privacy legislation given that it has been two years since President Obama introduced the “[Consumer Privacy Bill of Rights \(CPBR\)](#).” Calling for a federal law codifying such protections in the United States, signatories to the letter noted that: “The key to progress is the enactment by Congress of this important privacy framework, and that only enforceable privacy protections create meaningful safeguards.”

Other signatories included the Electronic Privacy Information Center, the American Library Association, the Center for Digital Democracy and Public Knowledge, and the ACLU. They noted that self-regulation among businesses has failed to protect consumers and that codification of the CPBR would create “baseline safeguards for the development of innovative services that take advantage of technology while safeguarding privacy.” The [letter](#) stressed the urgency of updating the country’s privacy laws, especially with respect to curtailing the extent that data aggregators amass information on consumers for marketing purposes.

## First Unitarian Church of Los Angeles v. NSA

The Guild has joined with over 20 organizations – including Unitarian church groups, gun ownership advocates, and a broad coalition of membership and political advocacy organizations – in filing suit against the National Security Agency for violating their First Amendment right of association by illegally collecting their call records. The coalition is represented by the Electronic Frontier Foundation.

At the heart of [First Unitarian Church of Los Angeles v. NSA](#) is the bulk telephone records collection program that was confirmed by the publication of an order from the Foreign Intelligence Surveillance Court (FISC) in June 2013. *First Unitarian v. NSA* argues that this spying violates the First Amendment, which protects the freedom to associate and express political views as a group.

## Spied Upon: Surveillance & Resistance

On a local level, on February 21, the San Francisco NLG held the panel entitled, “Spied Upon: Surveillance & Resistance,” to discuss how communities are impacted by fear of informants, metadata collection and construction of a Domain Awareness Center (DAC) in Oakland.

Filmmaker and activist Jason Kirkpatrick showed clips of his upcoming film, *Spied Upon*. Interviewing activists across the world and telling his own personal story, Jason shared one of Europe’s biggest political surveillance scandals, documenting resistance movements. Zahra Billoo, civil rights attorney and executive director of the Bay Area Council on American-Islamic Relations (CAIR), spoke on informants in a post-9/11 context, their impact, the community’s resistance and lessons learned. Richard Brown, Black Panther and member of the SF8, shared his history with undercover police and surveillance, imparting the ‘long view’ of solidarity learned from a lifetime of activism. Nadia Kayyali of the Electronic Frontier Foundation moderated the panel. Representatives from the Bay Area Anti-Repression Committee, the Bay Area Coalition to Stop Political Repression Legal Workers, and the Oakland Privacy Working Group joined Guild members at the event. Watch a recording of the full panel [here](#). ■

## Announcing a NEW Way to Give to the Guild

Dear Friends,

We’re excited to announce a brand new way you can support the National Lawyers Guild!

When you apply for and use your new National Lawyers Guild Visa® Platinum Rewards Card, the bank will donate \$50 and a percentage of all your future purchases on the card to the National Lawyers Guild!

The more of us who participate, the bigger impact we can make.

All the benefits of a Platinum Visa® Rewards Card will be yours, along with the satisfaction of showing your support of the National Lawyers Guild’s mission every time you use your card.

Apply now and earn points at hundreds of online retailers. Redeem your points for name-brand merchandise, event tickets, gift cards, travel rewards options, and more!

Sincerely,  
Roxana Orrell, NLG Treasurer

To apply, visit [www.cardpartner.com/affinity/app/nlg](http://www.cardpartner.com/affinity/app/nlg)

For more information about the Rewards program please visit [www.cardpartner.com/affinity/rewards](http://www.cardpartner.com/affinity/rewards)



# NLG and Legal Groups to Senators: Rejection of DOJ Nominee Adegbile Threatens Justice System

By Tasha Moro

The National Lawyers Guild (NLG), along with over a dozen other bar associations and legal groups, expressed profound concern over the rejection of Debo Adegbile to head the Civil Rights Division of the Department of Justice. In a letter to the 52 Senators who voted against the nomination (all Republicans

---

*“The Senate and the FOP are sending the message that lawyers who fulfill their mission of upholding the U.S. Constitution through representing clients should be disqualified from serving in high levels of the government.”*

---

and seven Democrats), the coalition denounced the March 5 vote as detrimental to the legal system that should be protecting our fundamental rights.

As the letter states, “Rather than discussing the merits of Mr. Adegbile’s qualifications for the position, which both Republicans and Democrats have agreed are impeccable, the debate on the Senate Floor... was shaped by a smear campaign engineered by the influential Fraternal Order of Police (FOP).”

The campaign focused on Adegbile’s association with the defense of former death row inmate Mumia-Abu Jamal during his tenure at the NAACP Legal Defense Fund (LDF).

The Sixth Amendment assures the right to counsel and fair trial – the very principles for which Adegbile was criticized. As the letter states, “The Senate and the FOP are sending the message that lawyers who fulfill their mission of upholding the U.S. Constitution...should be disqualified from serving in high levels of the government.” The letter also cites ABA Model



Debo Adegbile in 2009. Photo: AP/Alex Brandon.

Rules that state that legal representation should not be denied to those “whose cause is controversial or the subject of popular disapproval.”

It should not go unmentioned that the case of Mumia Abu-Jamal is characterized by violations of police misconduct and prosecutorial malfeasance, which are important to understanding the FOP’s campaign against Adegbile.

Senator Dick Durbin defended his nomination, recognizing the irony embodied by the arguments against Adegbile: “His willingness to represent an unpopular defendant in an emotionally charged case demonstrates his appreciation for the rule of law, as well as his respect for the criminal justice system.”

The NLG and the rest of the letter’s signatories decry the Senate’s shameful March 5 decision, and call on Senators to consider Adegbile’s qualifications for the Civil Rights DOJ position fairly and without bias.

*Read the full letter to Senators on the opposite page.*

## Nominate Guild Members for 2014 Awards

Every year, the NLG honors members whose work demonstrates exemplary commitment to the Guild’s mission. This year, the the Guild is proud to honor Standish Willis with the 2014 Law for the People Award.

Currently, seeking nominations for the **Legal Worker**, **C.B. King** (Law Student) and **Ernie Goodman** Awards. Read the criteria, instructions, and deadlines for 2014 submissions at [nlg.org/convention/nominate-2014-guild-honorees](http://nlg.org/convention/nominate-2014-guild-honorees).

All awards will be presented at this year’s [National Convention](#) in Chicago, September 3-7.



Dear Senator:

The National Lawyers Guild and the undersigned legal organizations write to express our great disappointment with your vote last week against Debo Adegbile for the position of Assistant Attorney General for Civil Rights at the Department of Justice. Lawyers should not have to refrain from taking cases that law enforcement officials deem controversial in order to assume public office. Such a proposition insults the very best traditions of the legal profession and our system of government, namely representing “unpopular” clients vigorously and conscientiously.

While some of the undersigned organizations refrain from taking a position on nominees, we all agree that Senate confirmations should not turn on a nominee’s representation of someone in a criminal matter.

There is a long and noble history of lawyers going against popular opinion in this country. John Adams successfully defended British soldiers accused of killing colonists. His son effectively represented the Amistad case. James Horton, the presiding judge in the Scottsboro case, is remembered today as heroic but at the time lost his job as a judge and couldn’t maintain his law practice due to his affiliation with the case.

ABA Model Rule 1.2 states that legal representation should not be denied to those “whose cause is controversial or the subject of popular disapproval.” ABA Model Rule 1.2(b) itself assures that representation of a client “does not constitute an endorsement of the client’s political, economic, social or moral view or activities.” Although the Model Rules do not force lawyers to take on unpopular clients, ABA Model Rule 6.2(c) states that lawyers should not turn down court appointments unless “the client or the cause is so repugnant to the lawyer as to be likely to impair the client-lawyer relationship.”

As President Obama noted, “The fact that his nomination was defeated solely based on his legal representation of a defendant runs contrary to a fundamental principle of our system of justice.” Rather than discussing the merits of Mr. Adegbile’s qualifications for the position, which both Republicans and Democrats have agreed are impeccable, the debate on the Senate Floor on March 5 was shaped by a smear campaign engineered by the influential Fraternal Order of Police (FOP). Ironically, the Senate and the FOP are sending the message that lawyers who fulfill their mission of upholding the U.S. Constitution through representing clients—in this case former death row inmate Mumia Abu-Jamal—should be disqualified from serving in high levels of the government.

The campaign to discredit Mr. Adegbile is reminiscent of criticism leveled at attorneys representing or advocating on behalf of Guantánamo detainees. In 2010 they were vilified and labeled “unpatriotic” in several media campaigns. Responding to an inquiry from Senator Charles Grassley (R-IA), the Department of Justice identified nine of its attorneys as involved in defense work. As a result, these lawyers, along with several other non-government attorneys representing detainees, found their ethics and loyalties under attack for pro-bono work they conducted as a matter of conscience and professional responsibility.

Bar associations and legal organizations defended the Guantánamo lawyers in 2010, speaking out publicly against criticisms of their service on behalf of the detainees. We now object to attempts to vilify attorneys such as Debo Adegbile, and the honorable work of the NAACP Legal Defense Fund, as antithetical to the fundamental rights enshrined in our constitutional system. The Legal Defense Fund’s willingness to represent high-profile, and to some, unpopular, defendants demonstrates a respect for the rule of law. Rather than punish principled legal advocacy, as an elected official who took an oath to uphold and defend the Constitution of the United States, you should commend it as integral to our democracy.

Sincerely,

**National Lawyers Guild  
Center for Constitutional Rights  
Human Rights Defense Center  
LatinoJustice PRLDEF  
Legal Services for Prisoners with Children  
Massachusetts Employment Lawyers Association  
National Association of Criminal Defense Lawyers  
National Conference of Women’s Bar Associations  
National Legal Aid & Defender Association  
National Native American Bar Association**

**National Police Accountability Project  
Partnership for Civil Justice Fund  
People’s Law Office  
Puerto Rican Bar Association  
Society of American Law Teachers  
South Asian Bar Association of New York  
South Asian Bar Association of North America**

*Advocacy groups continue to sign on to the letter. To have your legal organization sign on, email [communications@nlg.org](mailto:communications@nlg.org). To see the most recent list of signatories, visit [nlg.org/defend-debo](http://nlg.org/defend-debo). ■*

national lawyers guild foundation

132 Nassau Street, Rm. 922  
New York, NY 10038

**SAVE THE DATE!**

National Lawyers Guild  
**Law for the People Convention**  
September 3-7, 2014  
Crowne Plaza Chicago Metro

honoring member **Standish Willis**  
with keynote speaker **Karen Lewis**, Chicago Teachers' Union President

 [nlg.org/convention](http://nlg.org/convention)

