

# Guild Notes

a publication of the national lawyers guild foundation

volume XLII, no. 2/3, summer/fall 2016

## MICHAEL RATNER • 1943-2016



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...and more!

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*Guild Notes* is published triannually by:

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

Edited and Designed by: Tasha Moro

Cover: Michael Ratner outside the NY Federal Courthouse. (Photo: Jonathan McIntosh).

Copy deadline for next issue: Mon., October 17, 2016.

To subscribe to *Guild Notes*: Contact Tasha Moro at [communications@nlg.org](mailto:communications@nlg.org) or call 212-679-5100, ext. 15#. One year subscription for non-member individuals: \$50. One year subscription for institutions: \$75.

Previous and current issues of *Guild Notes* are available for download online at [nlg.org/resource/guild-notes](http://nlg.org/resource/guild-notes).

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.



# Gearing Up for the 2016 #Law4thePeople Convention

By Natasha Lycia Ora Bannan

As I write this column, I have just finished collecting signatures for petitions and participating in a monthly rally to demand the release of Puerto Rican political prisoner Oscar López Rivera, who has just entered his 35<sup>th</sup> year in prison. At a rally in New York City's Lower East Side, I met members of the NLG-NYC chapter, folks who have been represented by NLG members, or just expressed their deep appreciation and respect for the Guild. Being in a space filled with community, culture, celebration, commitment and *lucha*, where we are all working to create a more just world, reminds me of why I was attracted to the Guild in the first place.

Nowhere is that made more evident than at our annual national convention, to be held this August 3-7 in NYC. Whether this is your first or 40<sup>th</sup> convention, you don't want to miss this one! **The NLG #Law4thePeople convention is perhaps the only space for the radical legal community to connect, strategize, activate, energize, engage, laugh and support each other and the work in which we are individually and collectively engaged.** Through our 20+ workshops and major panels carefully chosen to highlight Guild work, you will get to participate in conversations on everything from voting rights in the south to people's human rights tribunals, to building a sustainable and progressive law practice. There will be workshops on political prisoners, defending Palestine, deconstructing the policing and surveillance of Muslim communities, a civil Gideon for housing rights activists, and revisiting the urgency of Cuba and Venezuela for anti-imperialist movements.

For the first time, our keynote speaker will be a transgender woman of color, the inspirational and revolutionary organizer [Elle Hearn](#). Elle is a Black, trans freedom fighter who is the Central Region Coordinator for GetEQUAL and is a strategic partner of #BlackLivesMatter. This year, we will be honoring another revolutionary freedom fighter with the Arthur Kinoy Award—freed political prisoner Albert Woodfox of the Angola 3. We will also be celebrating some of the best among us at our annual banquet and throughout the convention with a number of awards, including Soffiyah Elijah, Audrey Bomse, Michael Deutsch, Javier Maldonado, Noelle Hanrahan, and Emily Bock.

In addition to a major panel discussion on how to “build the Guild,” you will notice that this year's plenary discussions are centered around a series of proposed amendments and resolutions intended to improve the organizational structure, effectiveness and growth of the organization to ensure we are meeting the needs of the communities we represent. Next year is our 80<sup>th</sup> anniversary, and the leadership of the Guild is deeply committed to ensuring its sustainability. I hope you'll join the highest decision-making body—the general membership meetings at the plenaries—and engage in the conversations about how to build the Guild.

Lastly, no gathering is complete without celebration



Bannan participates in rally calling for the release of Oscar López Rivera in New York City. Photo: Carlos Silva.

and culture. There will be ample opportunity at this year's convention to connect with your fellow Guild members, celebrate, attend receptions and parties, and even have some time on your own to explore NYC with your fellow *compañeras* and *compañeros*. This year, we will be hosting a welcome reception at the Center for Cuban Studies to kick off the convention on August 3<sup>rd</sup>. The annual student party and committee receptions will remind us that it isn't a revolution if we can't dance! As I like to often say, we struggle so that we don't have to, meaning the purpose of our work is not to struggle, but to celebrate the times with each other we don't have to.

I hope to see each one of you this August in NYC where summertime is celebrated like no other city! I hope to meet you, learn about your work and hear your Guild story. Feel free to introduce yourself to me, give me your thoughts on how the Guild is doing, and share your ideas for how we can build a stronger Guild. **Visit [nlg.org/convention](http://nlg.org/convention) to learn more!**

¡Nos vemos en Nueva York! ■

# NLG Mobilizes Delegation to Honduras to Investigate the Murder of Berta Cáceres

By Mark Sullivan, NLG Task Force on the Americas

Indigenous rights activist Berta Cáceres of Honduras was murdered in her home late on March 2, 2016. Cáceres was a fierce inspirational force known for her work for indigenous rights, environmental struggles, social and economic justice, feminism and more. As a result of her leadership in these areas, Cáceres and her family were repeatedly threatened and criminalized by the powerful entities that she confronted, and her murder is a deep and tragic loss for the social movements in Honduras.

Many NLG members remember Cáceres' presentation at our NLG election observation delegation in November 2013. At the time, the Council of Popular and Indigenous Organizations of Honduras (COPINH), which Cáceres co-founded and

led, was in the middle of a struggle to resist a dam being built on indigenous territory near Rio Blanco. Cáceres was defending herself against trumped up charges of gun possession, usurpation and damages. There was an active warrant for her arrest, and although she was in hiding, she graciously came to speak to our group about the election and its relationship to multi-nationalization, militarization, repression, and the privatization of resources. She told us that she received endless death threats and intimidation, and she had recently received a hit list that included the names of several leaders of social movements in Honduras. The first name on that list was Berta Cáceres.

In response to her murder, the NLG mobilized an emergency delegation to Honduras to investigate the circumstances and evaluate the response by Honduran and U.S. authorities. NLG delegation members traveled to Tegucigalpa and La Esperanza, where Cáceres lived and was killed. The delegation interviewed more than 20

people, including members of Cáceres' family, activists from COPINH, U.S. Embassy personnel, Honduran government officials, and others. Our findings and evaluation are included in our report ([http://nlginternational.org/report/NLG\\_Report\\_on\\_the\\_Murder\\_of\\_Berta\\_Caceres.pdf](http://nlginternational.org/report/NLG_Report_on_the_Murder_of_Berta_Caceres.pdf)). The NLG echoed the concerns of many observers regarding irregularities in the investigation and we expressed a lack

in confidence that the same government that failed to protect Cáceres, and whose legal institutions are notoriously corrupt and plagued by impunity, can be trusted to investigate and prosecute the material and intellectual authors of her murder.

On May 2, the family learned that the Honduran government had arrested four men in connection with the murder. The subsequent indictment did not include the evidentiary basis for the arrests, and each of the four defendants (later five) has denied involvement in the crime. The family has repeatedly requested further information but they have been given little, so there are deep suspicions as to the efficacy of the investigation, and whether all those involved have been identified.

Meanwhile, repression and violence continue to escalate in Honduras. Two weeks after Cáceres' murder, another COPINH leader was murdered after Honduran security forces carried out a violent eviction. Protests have been violently repressed. Journalists and human rights defenders have been increasingly targeted. Lawyers and judges are silenced by fear. The situation in Honduras is unlikely to improve without massive international pressure and we, as Guild members, must continue to lead in these efforts.

Editor's Note: One of Berta Cáceres' most passionate areas of work was indigenous land rights. Watch the film, [ZEDEs: Neocolonialism and land grabbing in Honduras](#) produced by Mark Sullivan and an NLG Delegation to Honduras to investigate the so-called "Zones of Economic Development and Employment." Their report on ZEDEs is available at [http://www.nlginternational.org/report/Final\\_NLG\\_ZEDE\\_Report.V2.English.pdf](http://www.nlginternational.org/report/Final_NLG_ZEDE_Report.V2.English.pdf). ■



[www.bertacaceres.org](http://www.bertacaceres.org)



# Crisis in Venezuela: A Role for the Guild?

By Susan Scott, NLG Task Force on the Americas

Guild members knowledgeable about the situation in Venezuela are forming a working group to provide analysis for media and solidarity groups on issues relating to Venezuela's current constitutional crisis.

The Guild has sent a dozen delegations to Venezuela since 2006, most serving as international “acompañantes” for the amazing Venezuelan elections. There is now a cohort of Guild members who are well versed in the situation in Venezuela. We have met with all sides—politicians, judges and lawyers, media, labor, and grassroots groups—and have written numerous reports available at [nlginternational.org](http://nlginternational.org).

In the past few years, the Venezuelan economy has been in crisis. From the drastic plunge in oil prices to the dysfunctional exchange rate (facilitating hoarding and massive fraud by the importers and theft and resale of subsidized goods by the “bachaqueros”), the situation is dire.

Poor and working-class Venezuelans who were finally able to make a living during the early Bolivarian years are now standing in long lines for basic goods and medicines—and violence is on the rise. To add insult to injury, a drought

has brought the water behind the Guri Hydro-Electric Dam (source of 2/3 of the country's electricity) meters from total loss of power, causing the government to declare blackouts, and 2-day work weeks. Tourism has tanked and it is now extremely difficult to send a delegation from the United States.

The right-wing opposition (and U.S. government and media) is taking full advantage of this perfect storm and are building on their long-term efforts to destabilize the Bolivarian project.

The Organization of American States (OAS) is now threatening to expel Venezuela because of its Supreme Court's decisions declaring unconstitutional legislation of the new National Assembly majority—including privatization of the 1.2 million homes built since 2011. There are some threatening sounds coming from the U.S. Congress and Department of Defense that could result in military action against Venezuela. Venezuelan diplomats and National Assembly members are being denied visas to the US.

The new NLG working group on Venezuela will focus on legal issues relating to all of the above. Anyone interested in participating should email Susan Scott at [sysscott@sonic.net](mailto:sysscott@sonic.net). ■

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## Child Soldiers in the U.S.A.

By Matthew Rinaldi, NLG Military Law Task Force

*The United States remains one of the few nations which recruits and enlists minors into the military.*

Popular U.S. culture thinks of child soldiers as fighting in Africa. *A Long Way Gone*, the memoir of Ismael Beah, covers the civil war in Sierra Leone, and the chilling depiction of child soldiers in the movie *Blood Diamond* draws on Beah's writings. Boko Haram in Nigeria currently reinforces this image. Yet African nations have made great strides in outlawing child soldiers. The widely accepted U.N. sponsored Cape Town Principles establishes 18 as the minimum age for military recruitment. However, the United States has refused to sign. The Uniform Code of Military Justice (UCMJ), codified as federal law at 10 U.S.C., allows the recruitment of 17-year-old children. All 50 states provide “minority” legal status and protection for persons under 18. In response, 10 U.S.C. 505 provides that no person under the age of eighteen years of age may be enlisted “without the written consent of his/her parent or guardian.”

Army regulations provide for the discharge for minors on a discretionary basis and for “void” enlistments which violate 10 U.S.C. 505. But even if a parent or guardian never gave written consent, Army Regulation 601-270, Section VI imposes a 90-day window on objection, after which the defect in the enlistment contract is waived. Current law holds that even a child improperly enlisting when underage can be held

in the military after he or she turns 17 on the grounds that voluntary continuation on active duty beyond the statutory age requirement “waives any such defect” resulting in “constructive enlistment.” (*Blassingame v. Secretary of Navy* (E.D.N.Y. 1985) 626 F. Supp. 632 at 638, citing *United States v. Harrison*, 5 M.J. 476.)

Current U.S. military law violates a growing consensus that minors below the clear bright line of age 18 require special protection. The U.S. Supreme Court in *Roper v. Simmons* (2005) 543 U.S. 551 struck down the death penalty for crimes committed before age 18, noting at 566: “...as any parent knows, and as the scientific and sociological studies respondent and his amici cite tend to confirm, ‘a lack of maturity and an underdeveloped sense of responsibility are found in youth more often than in adults....These qualities often result in impetuous and ill-considered actions and decisions.’”

Most young people currently enlist in the hope of gaining job training; some enlist to obtain citizenship. Many want a discharge once they experience life in uniform, but the military is one job you cannot quit.

The NLG Military Law Task Force has been working on behalf of U.S. child soldiers. To date, every soldier who has signed a “disaffirmation” of the enlistment contract has been discharged. No portion of the UCMJ makes such a discharge mandatory, but no commander has yet to deny a discharge when faced with the prospect of a federal habeas petition.

The MLTF seeks to litigate this issue. ■



**SNEAK PEEK!**

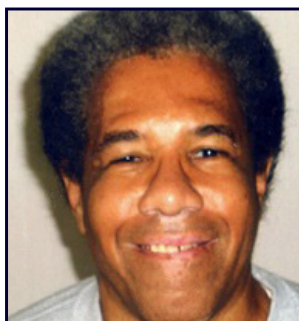
**NATIONAL LAWYERS GUILD 2016**  
**LAW FOR THE PEOPLE CONVENTION • AUGUST 3-7 • NEW YORK CITY**  
Co-Sponsored by the NYU Public Interest Law Center and the NLG Foundation



**AUDREY BOMSE**  
Debra Evenson Award



**SOFFIYAH ELIJAH**  
Law for the People Award



**ALBERT WOODFOX**  
Arthur Kinoy Award



**EMILY BOCK**  
C.B. King Award



**JAVIER MALDONADO**  
Carol Weiss King Award



**MICHAEL DEUTSCH**  
Ernie Goodman Award



**NOELLE HANRAHAN**  
Legal Worker Award

*Honoring Guild Luminaries*

### WORKSHOPS I

- Felon Disenfranchisement: The Black Eye of Democracy
- The Next Episode: Making Marijuana a Movement for Black and Brown People
- Recognizing the Pattern: Criminalization of Dissent Across Movements
- Inside Out: NLG Support for People in Prison & How to Start A Project
- War on the Homeless: On the Cutting Edge of a Movement to Abolish Poverty
- Haiti's Fight for Democracy: A Critical Time For Solidarity
- Responding to Over-Policing & Militarization at the Border
- Katrina to Ayotzinapa: People's Tribunals Condemn Crimes Against the People\*\*

### WORKSHOPS II

- A Right to Counsel in Housing Proceedings: Should Housing Justice Movements Push for Civil Gideon?
- The People's Lawyer: The Radical Legacy of Michael Ratner
- 21st Century Red Squad: The NYPD's Muslim Surveillance Program
- Connections: The Draft, the Poverty Draft, Veterans and U.S. Imperialism
- Labor Migration in the Americas: Structural Causes and Exploitation
- Building a Sustainable & Progressive Practice \*\*
- Resistance to Immigration Detention \*\*

### WORKSHOPS III

- Urgency of Cuba & Venezuela for Anti-Racist & Gender Liberation Movements
- De-Commodify our Homes! Fighting Displacement with Community Land Trusts
- Supporting Incarcerated Transgender and Gender Non-Conforming People
- Prosecuting Palestine: Strategies for the Fight Against Racism & Empire
- There are Still Political Prisoners in U.S. Prisons!

### WORKSHOPS IV

- Digital Security for Organizers & Movement Lawyers
- Nuclear & Earth Rights
- (Hot Topic #1) Puerto Rico: The Deepening of Colonialism in Response to an Economic Crisis
- (Hot Topic #2) Solitary Confinement: How to Build a Movement to End the Torture of Solitary Confinement

### MAJOR PANELS I

- Abolitionist Legal Work: Strategies for Transforming a Prison Nation\*\*
- Making Human Rights More Sacred than Property Interests: Here & Abroad\*\*
- Can't Hold Us Down: Solidarity Strategies Beyond the Courtroom

### MAJOR PANELS II

- Commemorating the Legacy of the Black Panther Party
- Build the Guild: Partnering for Sustainability
- Flint: A Case Study - Future Cities & the Neo Liberal Agenda

\*\* Application for New York accreditation of this course or program is currently pending. Appropriate for both newly admitted and experienced attorneys.

### ALL-DAY CLEs

Creative Strategies in Immigration Court Defense and Litigation (Designated on schedule as "NIPNLG CLE")

Sponsored by the National Immigration Project of the NLG. A fee in addition to convention registration will be charged. Register online at [secure.nipnlg.org/np/clients/nationalimmigration/event.jsp?event=568&](https://secure.nipnlg.org/np/clients/nationalimmigration/event.jsp?event=568&)

Police Misconduct and Prisoners' Rights Litigation (Designated on schedule as "NPAP CLE")

Sponsored by the National Police Accountability Project of the NLG. A fee in addition to convention registration will be charged. Register online at [nlg-npap.org/events](https://nlg-npap.org/events)

Know Your Economic Human Rights (Designated on schedule as "IC CLE")

Sponsored by the International Committee. A sliding scale fee in addition to convention registration will be charged. Register online at [nlginternational.org/2016/07/cle-registration-know-your-economic-human-rights/](https://nlginternational.org/2016/07/cle-registration-know-your-economic-human-rights/).

### MEETINGS I

- Indigenous Peoples' Rights Committee
- (More TBA)

### MEETINGS II

- Task Force on the Americas
- Meiklejohn Civil Liberties Institute
- Palestine Subcommittee
- Mass Defense Committee
- Marxism and the Law Caucus
- Mass Incarceration Committee

### MEETINGS III

- Rearmament of Japan Meeting w/ Japanese Lawyers' Delegation
- MENA Justice Committee
- Puerto Rico Subcommittee
- Animal Rights Activism Committee
- International Labor Justice Working Group
- Labor & Employment Committee

### MEETINGS IV

- Housing Committee
- NLG Foundation

### MEETINGS V

- Anti-Racism Committee
- More TBA

### MEETINGS VI

- Environmental Justice Committee
- Environmental Human Rights Committee

## Proposed Resolutions & Amendments

According to the NLG Constitution, our membership is the highest decision-making body in the organization. Every year, proposed resolutions that have met all necessary requirements by the Resolutions Committee are presented before membership prior to voting. an online vote following the convention All current members up-to-date on their dues are eligible to vote. We strongly encourage all members to carefully review the proposed resolutions. Past resolutions, the NLG Constitution and Bylaws are available at [nlg.org/member/bylaws-resolutions](http://nlg.org/member/bylaws-resolutions).

Due to the unusually large number of submissions received, we are unable to include all of them in print here. Please visit [www.bit.ly/NLG2016](http://www.bit.ly/NLG2016) to see all of the finalized materials submitted for consideration in their entirety. The titles of proposed resolutions are below:

- Proposed Amendments for NEC Restructuring ([www.bit.ly/NEC restructuring](http://www.bit.ly/NEC restructuring))
- Resolution Calling for Release of Federal Political Prisoners
- Resolution Regarding National Election Conducted by Mail/Email
- Resolution Calling for the Release of California Political Prisoners: Romaine “Chip” Fitzgerald and Ruchell “Cinque” Magee
- Resolution Calling for the Release of New York Political Prisoners: Herman Bell, Robert Seth Hayes, Malik Shakur Latine, Jalil Muntaqim and David Gilbert
- Resolution Calling for the Release of Pennsylvania Political Prisoners: Mumia Abu-Jamal, Charles Sims Africa, Delbert Orr Africa, Edward Goodman Africa, Janet Holloway Africa, Janine Phillips Africa, Michael David Africa, Joseph “Joe-Joe” Bowen, Fred “Muhammad” Burton, and Russell “Maroon” Shoatz
- Proposed Resolution to Boycott AirBnb
- NLG Resolution Calling For Full Normalization of U.S. Cuba Relations
- Driving Big Money out of Elections
- Resolution Supporting Divestment from Fossil Fuels
- Require Independent, Impartial Investigation/Prosecution of Police Killings and Reopen Michael Brown and Eric Garner Homicide Cases, as Jeopardy Has Not Attached

## Candidate Statement for NLG Executive Vice President

Elena L. Cohen

Due to my deep admiration for the National Lawyers Guild, I am excited to announce my candidacy for the open Executive Vice-President position.

For those who do not know me, I have strong record of leadership in the Guild. I am currently an Executive Vice-President of the Guild, as well as a very active member of our New York City Chapter. I served as the President of the NYC Chapter for two terms, and am currently a co-chair of our NYC Mass Defense Committee, as well as a current Vice President of the NYC Chapter. I am also a founding member of the Animal Rights Activism Committee, and proud member of our Queer Caucus and International Committee. A few of my achievements in Guild leadership include navigating a multi-million dollar bequest to the Guild, re-starting the NYC Chapter’s annual delegations to Cuba, and helping to plan this year’s convention in NYC.

Outside of the Guild, I am a student, attorney, and professor. As a professor, I am dedicated to teaching at underserved universities, and I currently instruct constitutional law and civil rights courses at College of Staten Island. I’ve also worked for the Feminist Press for over 9 years as an editorial assistant for *WSQ: Women’s Studies Quarterly*, the oldest continuously

running feminist journal in the country. As an attorney, I take on many pro bono criminal defense cases of those arrested in protest activities, and do estate work for people who die as a result of police or correctional officer misconduct. As a student, I am a doctoral candidate at the City University of New York, writing (in theory) my dissertation on sexuality in protest. I also recently filed a federal civil rights lawsuit, along with Gideon Orion Oliver, against the City of New York following the NYPD’s use of the Long Range Acoustic Device (“LRAD”) sound weapon against protesters and journalists. You can read more about my work experience and publications on the NLG Scholars page (<https://www.nlg.org/students/nlg-scholars>).

I am eager to continue my Guild leadership as one of your E.V.P.s. It has been a pleasure to be part of the NLG as we have grown to recognize and take action against oppression, internal and external. We are at a momentous and exciting time, in which our very long history of supporting radical movements becomes ever more inclusive. My work has shown that I am tirelessly dedicated to the Guild, and have a solid record of putting in the time, energy, and care that building the Guild requires. It would be an honor to continue working for and with you all in our amazing organization.

In solidarity and struggle,  
Elena



# SCHEDULE OF EVENTS

NOTE: *Schedule is subject to change.* Visit [nlg.org/convention](http://nlg.org/convention) and the registration table during the convention for any schedule changes.

WEDNESDAY, 8/3	THURSDAY, 8/4	FRIDAY, 8/5	SATURDAY, 8/6	SUNDAY, 8/7
8:30 AM - 5 PM NIPNLG CLE	8 AM - 5 PM NIPNLG Membership Meeting	8 AM - 8:55 AM: NLG Management Training	8 AM - 8:55 AM Past Presidents' Mtg (offsite)	8:15-9:15 Meetings VI
5 PM - 7 PM [NEW] Welcome Reception at Center for Cuban Studies	2:30 PM - 5 PM NIPNLG Break Out Sessions	8-8:55 AM Meetings I	8 AM - 8:55 AM Meetings IV	9:30 AM - 10:45 AM Workshops III
6 PM - 8 PM NPAP Board Meeting	9 AM - 5 PM NPAP CLE	9 AM - 10:15 AM Workshops I	9:00 AM - 10:30 AM Major Panels I	11 AM - 12:15 PM All NLG Regional Meetings
6 PM - 10 PM NIPNLG Board Meeting	8 AM - 12:30 PM IC Meeting	10:30 AM - 11:45 AM Workshops II	10:45 AM - 12:45 PM Plenary II	12:15-1 PM Break
8:30 PM - 9:30 PM NEC Meeting	11 AM - 12:15 PM Legal Worker Caucus	11:45 AM - 12:45 PM Break	12:45 PM - 1:45 PM Break	12:15 PM - 2:15 PM NEC Meeting
<b>ABBREVIATIONS:</b>  ARC=Anti-Racism Committee  IC=International Committee  L&EC=Labor & Employment Committee  NIPNLG=National Immigration Project  NPAP=National Police Accountability Project  NEC=National Executive Committee  MLTF=Military Law Task Force  TUPOCC=The United People of Color Caucus  <b>Get involved!</b> Learn about all the NLG Committees, visit <a href="http://nlg.org/committee">nlg.org/committee</a>	1 PM - 4 PM MLTF Meeting	12 PM - 1:30 PM NLG Union Meeting	1:45 PM - 3:15 PM Major Panels II	1 PM - 2:30 PM Workshops IV
	1 PM - 5 PM IC CLE	12:45 PM - 1:45 Meetings II	3:30 PM - 6:30 PM ARC Programming	2:30 PM (Bus Tour) Land Use & Gentrification in NYC's Lower East Side
	5 PM - 7 PM Pre-Keynote Reception & NIPNLG Daniel Levy Award	2 PM - 3:15 PM Meetings III	3:30 PM - 6:30 PM TUPOCC Programming	3 PM (Walking Tour) Queer Village 1960s Walking Tour with Jay Toole
	6 PM - 7 PM NLG Author Book Signing	3:30 PM - 5:30 PM Plenary I	6:30-7:30 Meetings V	
	7 PM - 8:45 PM Keynote Address, Carol Weiss King & Arthur Kinoy Awards	5:30 PM - 7 PM IC/L&EC Reception: Debra Evenson Award		
	9 PM - Late Inter-Gen Student Mixer at Stonewall Inn	6:30 PM - 7 PM Pre-Banquet Reception*		
	Want to be a more active Guild member in your area? <b>Attend your NLG Region's Annual Meeting, Sunday, 11 AM-12:15 PM!</b> All are welcome!	7 PM - 10 PM Annual Banquet: Law for the People, Ernie Goodman, Legal Worker, CB King Awards *both at Manny Cantor Center		
		<b>NOTE:</b> Tickets are required for entrance to the <b>Annual Banquet</b> and will be available for purchase at the Registration Table		
		<b>CONVENTION LOCATIONS</b> Convention registration and most events at:  NYU School of Law's Vanderbilt Hall : 40 Washington Square South, NYC 10012  Other convention events will take place at:  Center for Cuban Studies 231 West 29th St #401, NYC 10001  Stonewall Inn 53 Christopher St, NYC 10014  Manny Cantor Center 197 East Broadway, NYC 10002		

## Buffalo NLG Supports Demonstrators against Trump, Jail Conditions

By Benjamin Nelson, NLG-Buffalo Chapter

The Buffalo, NY Chapter of the NLG enjoyed its busiest legal observing period for years in March and April 2016.

A Legal Observer (LO) training was held Saturday, April 16, in anticipation of demonstrations and arrests at a Donald Trump rally in downtown Buffalo on April 18. At the rally itself, a dozen LOs, experienced and novice alike, were a highly visible and (according to demonstrators' comments afterward) reassuring presence. LOs documented the conduct of hundreds of law enforcement officers from close to 10 different agencies, who put on a coordinated show of force not seen in Buffalo in years.

An April 19 article in *The Nation*, "[Hate Is Not Welcome Here](http://www.thenation.com/article/hate-is-not-welcome-here/)" <http://www.thenation.com/article/hate-is-not-welcome-here/> described how demonstrators in Buffalo successfully countered Trump's message, quoting a local activist: "People were engaged in civil disobedience and actually putting their bodies on the line to change things. This puts Buffalo in connection with the rest of the country, connected to all of our allies across the country."

Two demonstrators at the event were arrested and charged with trespass and disorderly conduct. Their pro bono defense lawyers, aided by a public defender (and NLG member), succeeded in having all charges dismissed at the first court appearance.

Also during March and April, NLG LOs have been a regular presence at a series of actions held in Buffalo to protest the abysmal record of inmate mistreatment and human rights violations at the Erie County Holding Center, one of the largest pre-trial detention facilities in New York State. The still-unexplained death in February of India Cummings, a 26-year-old woman who was booked into the Holding Center while suffering mental health issues, has sparked renewed efforts by local activists to hold prison



One of the Legal Observers at the anti-Trump demo in Buffalo. (Photo: Benjamin Nelson).

administrators, law enforcement, and local government accountable for their actions.

Four activists were arrested and charged with trespass at a March 18 action demanding accountability from Erie County Sheriff Timothy Howard and County Executive Mark Poloncarz. They continue to defend against those charges, but have not been dissuaded from organizing around this issue. Demonstrations, including acts of civil disobedience, are expected to continue, and NLG LOs will continue to support them.

The Buffalo chapter wishes to thank other NLG members who have helped it build its LO presence this year, especially NLG Mass Defense Director King Downing and Jacqueline Greene of NLG Ohio. We also received valuable support in training and observing from members of the Black Movement-Law Project and the New York Civil Liberties Union. Above all, we thank the demonstrators and organizers whose work we support, including but not limited to members of the Buffalo Anti-Racism Coalition, Just Resisting, Showing Up for Racial Justice, the United Melanin Society, and the Western New York Peace Center. ■

**Secure the future of the Guild for generations to come.  
Remember the NLG Foundation in your will or living trust!**

**Questions? Contact Daniel McGee, NLG Foundation Managing Director  
[nlgfoundation@nlg.org](mailto:nlgfoundation@nlg.org) | (646) 902-4599**

# Students Revive SULC NLG Chapter, Finalist for Best Student Org. Award by HBCU

By SULC NLG Chapter, 2015-2016

The Southern University Law Center's NLG Chapter (SULC NLG) has enjoyed a year of bold initiatives, meaningful engagement, and productive planning. Focusing on timely and relevant issues of social importance, the SULC NLG has provided the Law Center and the greater Baton Rouge community resources and programming upon which relationships can flourish and collective progress can be championed.

2015-2016 was a year of rebuilding focused on membership, setting the tone of the SULC Guild, and offering an alternative law school experience through thoughtful programs, projects, and initiatives. Our chapter increased membership from 0 members to 43, totaling 83% of the NLG membership in Louisiana State. Recently, SULC NLG was announced as a finalist for the HBCU's Best Student Organization Award in their national award ceremony that celebrates achievements at historically Black colleges and universities throughout the US. More highlights from the SULC NLG Chapter this year are below:

The SULC NLG filmed three videos for the INpower Initiative during the year on [Stop and Frisk](#), [Recording the Police](#), and [Rights When Detained](#). Members traveled to New Orleans and different parts of Baton Rouge to film footage. SULC NLG members promoted and participated in the March to End Police Brutality for Victor White III in New Iberia, LA. The Hueman Collective and Adrian Bostick LLC, local photography companies, provided two days of free headshots for our members and other SULC students.



SULC NLG at a scripting meeting for their "Know Your Rights" video.

- SULC NLG helped to organize opposition to the East Baton Rouge Parish Proposal to implement a misdemeanor jail for the city. The city council meeting on the topic was one of the most attended of the year. NLG SULC President Ada Goodly spoke at the council meeting stating, "It's an illogical solution to imprison someone who can't pay. The



SULC NLG at the 2016 Pillar Awards (L-R: Raymond Wilkes, Vice President; Ryan Thompson, 1L; Karen Moore, Secretary; Ada Goodly, President; Genevieve Steel, 1L; Gilbert Bayonne, Social Justice Chair; Qdraex White, Publicity Chair; Rufus Williams, Street Law Chair).

goal of crime deterrence should never create a condition that creates more crime or further impoverishes the families of our communities." The proposal did not pass and alternative measures were reached to clear up backlogged bench warrants.

- In celebration of the new SULC Cold Case Project, civil rights documentarian and TV host Keith Beauchamp teamed up with the SULC NLG chapter for a three-day event of film screenings and panel discussions on civil rights cold case murders.
- During Black History Month, the SULC NLG created the Pillar Awards a signature awards ceremony honoring local attorneys, judges, and community leaders who made significant strides in civil and human rights. Over 150 attended, including the Mayor of Baton Rouge, as Guild members honored recipients with original remarks and words of appreciation.
- The SULC NLG's three-panel symposium entitled "The Making of a Prison State: Mass Incarceration in Louisiana," provided the student body and the Baton Rouge community at large with engaging discourse on the mass incarceration epidemic. Panelists from social justice advocacy groups, attorneys, policy experts, law professors, historians, and ex-felons provided in-depth conversations and analysis of the privatization of prisons, criminalization of mental illness, the juvenile justice system, draconian drug policies, disproportionate effect of mass incarceration on people of color, and several other pressing issues surrounding the epidemic.

Read the full SULC NLG 2015-16 Annual Report at [www.bit.ly/SULCNLG](http://www.bit.ly/SULCNLG).



# If Not Now, When? LOing as Jewish Activists Say ‘Enough’ to Israeli Occupation

By Jill Rudge, Brooklyn Law School  
NLG, ‘16

I have never felt more moved by my Jewish heritage than I was this spring while legal observing a group of IfNotNow activists protest American Jewish institutional support for the on-going Israeli occupation. IfNotNow is a movement for freedom and dignity for all Israelis and Palestinians, whose name invokes the maxim by Jewish leader Hillel the Elder: “And if not now, when?” I have not embraced my Judaism for many years, instead seeking guidance and community through secular social justice work. My journey brought me, among many wonderful destinations, to my law school NLG chapter, and soon to a career as a direct legal services attorney.

This year, I found myself longing to reconnect with my roots and celebrate Pesach Seder, the ritual meal of my favorite Jewish holiday. Thanks to a Legal Observer (LO) request from a fellow Guild member and mentor, I got my wish. As a legal observer, IfNotNow’s April 20th ‘Liberation Seder’ in New York was an unbelievably moving demonstration to support. Over 100 young American Jews joined together in the Anti-Defamation League (ADL) lobby in Midtown Manhattan in exuberant and peaceful song to declare, as our ancestors have for generations, *Dayenu!* Enough! Enough of the occupation of Palestine; of the daily nightmare lived by Palestinians and of the moral crisis promulgated by the American Jewish Establishment’s occupation support.

While *Pesach* (Passover) commemorates the liberation of Jews from slavery in Egypt, IfNotNow urges that “liberation is incomplete while we maintain support for the occupation over the Palestinian people.” IfNotNow organizer Mil Dranoff told reporters, “I cannot continue to passively watch and condone our Jewish communal leaders’ support of an occupation that denies freedom to millions of people. That is not the Judaism I was raised on and it isn’t the one I will continue to practice.” Liberation Seder participants celebrated Judaism’s core tenants of social justice and *tikkun olam* (healing the world). Passersby, including ADL staff, gathered around the building’s glass-walled lobby to observe the celebration and engage with IfNotNow organizers. Activists continued singing joyful *Pesach* songs, even as 17 of the peaceful protestors were arrested and ushered into police vans. Two experienced LOs guided me through the process of recording the arrestees’ names and documenting police-protestor interactions.

This action, combined with sister-actions in Washington, Boston, Chicago, and the Bay Area, generated visibility and support for the IfNotNow movement. It progressed the movement’s demands for an end to the occupation and for



NYPD look on as activists occupy the lobby of the ADL. (Photo: Zac Rudge)



Documenting the arrests of 17 protesters. (Photo: Zac Rudge)

institutional recognition that the occupation is not representative of the Jewish community’s values. This was my third legal observation with the Guild, my final time observing as a law student, and a reminder of the power of public political expression. Even in our roles as neutral onlookers tasked with ensuring that IfNotNow demonstrators could express their political opinions safely and free from unconstitutional limitations, I was deeply moved by the opportunity to observe these young activists exercising their most fundamental constitutional rights in pursuit of social justice.

For more info on the IfNotNow movement, visit [ifnot.net](http://ifnot.net). ■



**Michael Ratner**  
**1943-2016**

## Remembering NLG & CCR Past President, Michael Ratner

By Jules Lobel, NLG Professor – Univ. of Pittsburgh School of Law & CCR President

Michael Ratner was for me and countless other Guild and progressive lawyers a mentor and an inspiration. He never backed down from a fight against oppression or injustice, no matter how difficult the odds, no matter how hopeless the legal case seemed to be. He was brilliant in combining legal and political advocacy. As David Cole wrote about him in the [Nation](#), Michael “knew that when you sue the powerful, you will often lose. But he also understood that such suits could prompt political action, and that advocacy inspired by a lawsuit was often more important in achieving justice than the litigation itself.”

Michael was a great fan of Che Guevara, and a favorite quote of his was, “The true revolutionary is guided by great feelings of love.” That was certainly true of Michael. He combined an indomitable will and unflinching courage in the face of oppression with a heart of gold and an intense feeling of empathy with the suffering of others. He was incredibly generous, going above and beyond to help his friends as well as countless people around the world who needed his help. He loved his family and his work. He was witty and funny, had an infectious laugh, and was always enthusiastic when someone else reported on some case or campaign they were involved with.

Michael was a mentor. He was a master at developing an

innovative legal case to challenge war, torture, or other abuses, and assembling a team of lawyers to litigate it. But he often let others actually argue the case in court, giving them the credit and allowing them to grow as a lawyer. He did that with me on the Iraqi War Powers case in 1991, with Joe Margulies on the Guantanamo cases and with David Cole on David’s early cases with the Center for Constitutional Rights (CCR).

As President of the National Lawyers Guild in the early 1980s, Michael worked tirelessly to mobilize and inspire the organization to challenge the United States Government’s imperialist, interventionist actions towards Central America and the Caribbean. Michael deeply believed in people’s power of revolutionary transformation and his legal work spanned a wide variety of movements and issues around the world—Cuba, Nicaragua, El Salvador, Grenada, Haiti, Bolivia, Puerto Rico, Iraq, Yugoslavia, Indonesia, the Philippines and more recently Palestine.

As Guild President and CCR lawyer, Michael immediately recognized that the US Contra war against Nicaragua in the early ‘80s had to be opposed. He began an investigation of the Contras abuses, visiting victims of Contra attacks, traveling often by helicopter or military jeep to villages that had no passable roads. He was eventually able to construct an innovative case with seven Nicaraguan citizens as plaintiffs, including Dr. Myrna Cunningham a Miskito Indian doctor who had been abducted from the hospital where she worked, beaten and repeatedly raped. When a prominent human rights



Continued from p. 13

He often let others actually argue the case in court, giving them the credit and allowing them to grow as a lawyer.

*Sanchez-Espinoza v. Reagan* case eventually lost in court, the complaint was widely publicized in the United States and Nicaragua. Dr. Cunningham traveled to the US and, along with Michael, spoke to thousands of people and met with Senator Kennedy—one of the earliest exposures of the Contra abuses.

Michael left an enormous legacy for progressive lawyers in particular. Michael was the moral and political compass for me and CCR. His life's work as an attorney, legal director and President of the CCR and the NLG was based on a number of key principles that serve as enduring lessons for radical lawyers:

- 1) Do not refuse to take a case just because it has long odds of winning in court. Michael felt that he and CCR had no chance of winning in court when he started the Guantanamo litigation in early 2002. But he challenged President Bush on principle, because it was the right thing to do, and won. Even when he lost in court, he often believed that the case spurred public dialogue and protest against government and corporate abuses. He never let fear of losing deter him, and that lack of fear helped account for his greatest successes.
- 2) Use cases to publicize a radical critique of US policy and to promote revolutionary transformation. For example, he used the Guantanamo litigation to not only challenge the denial of habeas corpus to the detainees, but to argue against the whole war paradigm that the Bush and Obama Administration adopted to fight terrorism. As Michael presciently told the *New York Times* in 2002, "A permanent war abroad means permanent anger against the United States by those countries and people that will be devastated by U.S. military actions."
- 3) Combine legal work with political advocacy. Michael

lawyer told Michael that the CCR shouldn't bring the case because "it will ruin the law" by undermining past precedents, Michael's response was that "people are being killed, we have to do something" and "what's the use of precedents unless you use them?" While the

recognized that fundamental change will not come through courts, and that the cases had to be used in conjunction with public education and mobilization. For example, he saw his Central American cases as aiding political, revolutionary movements, not as mere legal cases confined to the courts.

- 4) Love people. Michael's legal work took him around the globe to meet with countless people suffering from abuses and oppression. He wasn't one to just sit in his office writing briefs (although he was an excellent writer) but was always interacting with people, sharing their suffering, hearing their stories, and joining their protests. That is the role of a movement lawyer.

Michael Ratner has left us, but his passion, his energy, his love and his revolutionary spirit live on. ■

NOTE: A workshop featuring the Michael's life and legacy will be held at the 2016 #Law4thePeople Convention on Friday, August 5, 10:30 AM-11:45 AM

Related:

- NLG statement on the passing of Michael Ratner: [www.nlg.org/news/releases/nlg-remembers-michael-ratner-past-president-and-human-rights-crusader](http://www.nlg.org/news/releases/nlg-remembers-michael-ratner-past-president-and-human-rights-crusader)
- NLG Speaking Freely video interview: <http://www.nlg.org/speaking-freely-michael-ratner>
- NLG-NYC Chapter Honors Michael Ratner, Dinner Journal 1995: [www.nlgny.org/wp-content/uploads/2016/05/NLG-Journal-3-10-95-.pdf](http://www.nlgny.org/wp-content/uploads/2016/05/NLG-Journal-3-10-95-.pdf)
- *Democracy Now!* special on Michael Ratner, May 12, 2016: [democracynow.org/shows/2016/5/12](http://democracynow.org/shows/2016/5/12)

**R**emembering these years of struggle, I feel privileged to have loved and worked with so many dear comrades. I remember particularly the ones who have died—some of them close friends. I remember Sandy Pollack, Benjamin Linder, Maurice Bishop, Guy Malary, Guillermo Ungo, Nora Astorga, Abi Lugo, Joel Saintil, and Chris Hani. And I think about the thousands and thousands of others I never knew, fallen in Nicaragua, Guatemala, El Salvador, Haiti, Grenada, and elsewhere. I continue to work so that they will continue to be *presente*.

—Michael Ratner, January 1995





# NLG Launches Legal Podcast, *Motion to Resist!*

By Emma Caterine, Host and Co-founder, *Motion to Resist!*  
and Tasha Moro, NLG Director of Communications



of The NLG National Office is thrilled to announce the launch of *Motion to Resist!*, a podcast featuring progressive legal analysis by lawyers, legal workers, and students on the frontlines of the modern social justice movements. Through original interviews, archival audio, and timely commentary on a diverse range of topics, *Motion to Resist!* seeks to demystify the legal system for activists, legal professionals, and the public alike.

Rather than reproduce the harmfully misleading, capitalist driven narratives that have saturated our airwaves, *Motion to Resist!* provides unique perspectives aimed towards building community-led power. Guests will not only include the most well-regarded names in progressive law, but also the next generation of lawyers, legal workers, and students fighting for justice.

The pilot episode of *Motion to Resist!*, entitled “Don’t Wait for Another ‘68,” explores this month’s upcoming Republican and Democratic National Conventions (RNC and DNC, respectively), where mass demonstrations—and mass arrests—are expected to take place in Cleveland and Philadelphia, respectively. It features an interview with author and NLG legal worker Kris Hermes on his book, *Crashing the Party: Legacies and Lessons of the RNC 2000*. We also hear from coordinators from the Cleveland and Philadelphia chapters of the NLG who are coordinating know your rights and legal observer trainings, jail support, bail funds, and other legal

support efforts to help ensure activists’ constitutional rights and civil liberties are protected before and after the conventions.

“The oppressed peoples of the world are standing up to reject rule by the wealthy and powerful,” said Emma Caterine, host and co-founder of *Motion to Resist!* and student at City University of New York School of Law, “The NLG has always been there to support these movements; they are what inspired the creation of this podcast. Unlike the legal commentary of corporate media, we are not afraid to present radical alternatives or to boldly stand up against the misogyny and racism in U.S. law,” she added.

New episodes will be released twice a month. Listen to *Motion to Resist!* for free on PodBean ([motiontoresist.podbean.com](http://motiontoresist.podbean.com)), [nlg.org/podcast](http://nlg.org/podcast), and soon on iTunes and Stitcher. Follow us on Twitter @[MotionToResist](https://twitter.com/MotionToResist) and at [Facebook.com/MotionToResist](https://facebook.com/MotionToResist). ■

*Editor’s Note: This piece was originally issued as a press release on July 11, 2016.*

## Interning at the NLG National Office

By Marquis Palmer, NLG  
Summer Intern



Palmer protesting at Hamilton College following the death of Eric Garner in 2014.

After spending the summer after my freshman year of college doing research, I knew that this year I wanted to do something completely different. While I enjoyed my research which connected with my passion for social justice—my project was titled, “The Role and Relevancy of Anarchism in the Black Lives Matter Movement”—I felt disconnected from the social world, as my entire summer was spent working with a professor

on an empty college campus. This summer, I took a sharply different route, and decided to work in the NLG National Office (NO).

In the NO, I work primarily with King Downing, Director of Mass Defense. During our initial conversation, he asked me what I wanted out of this internship. I expressed my desire to contribute to something, to put my labor toward pushing the cause forward. During my first week, we developed a plan suited toward that aim. While I would be working with him on different mass defense projects (including helping to prepare for the Republican and Democratic National Conventions), I would also be doing work specific to my community in Utica, NY. As we both agreed, it is in one’s own community where one can truly push for social change.

I have been working on documenting all the different state- and city-specific Know Your Rights pamphlets from various Guild

chapters to eventually produce a more general Know Your Rights protest pamphlet. I have been compiling previously published articles on NLG involvement in past RNCs and DNCs to be consolidated into a single document and be used in preparing for future political conventions. I have been preparing for the 2016 RNC and DNC by undergoing legal observer trainings in both Philadelphia and NYC, and helping others prepare by sending out Mass Defense Alerts (emails sent to the Mass Defense Committee list which include articles on how Cleveland and Philadelphia have been prepping for the conventions).

I have enjoyed this work for the simple fact that I know it will benefit the Guild and protesters in numerous ways. The most exciting aspect of working in the NO has been strategizing with King on ways to push for social change back in Utica, and I have been working on formulating an action plan to organize my community to fight mass incarceration and the very concept of prison. Given that our region is literally surrounded by prisons and that so many people in Utica—especially youth of color—are both directly and indirectly impacted by the prison system, organizing around these issues in my community is long overdue. I have been in frequent contact with activists in my community, and when I return to Utica we plan to get organizing on these issues immediately.

I still have a month left in the NO, during which I will continue all these efforts and also legal observe the RNC and DNC in Cleveland and Philadelphia. Even with a considerable amount of time still left for my internship, I can already say that working with the Guild has undoubtedly been a rewarding experience. I’m excited for all I have left to do, learn, and participate in during my last month—and incredibly thankful for the opportunity to intern here. ■

## Updates on NLG Jailhouse Lawyer Members

By Lisa Drapkin, NLG Director of Membership

Earlier this year, the NLG National Office with help from the Guild's Prison Law Project and Mass Incarceration Committee, began an ongoing effort to better connect and uplift the movement work of our jailhouse lawyer members. This has been accomplished through correspondence clarifying what our organization can and cannot offer, as well as getting a greater sense of what members take on as legal advocates for themselves and fellow prisoners.

Like any other nonprofit organization that receives mail from people in prison, expectations for help will often outweigh available resources. Many have the notion that the NLG can provide direct legal representation, resources on legal training/certifications, or consistent updates on case law, but unfortunately, we do not have the capacity to do so. Perhaps more helpful to prisoners in this respect is *Prison Legal News*, a monthly magazine that gives analysis of prisoners' rights, court rulings, and news concerning criminal justice-related issues (state and federal). Subscriptions are \$30/year for prisoners, and one can subscribe by sending a check or money order to: Prison Legal News, P.O. Box 1151, Lake Worth, FL 33460

The NLG continually offers is the *Jailhouse Lawyer Handbook*. Through the volunteer-run Prison Law Project, this important



Art by Kevin "Rashid" Johnson. (rashidmod.com)

resource is offered at no cost to prisoners upon request. The *Handbook* specifically addresses those who wish to file a federal lawsuit addressing conditions in prison or abuse by prison staff. However, because of the Prison Litigation Reform Act (PLRA), a lawsuit cannot take place before appealing grievances as far as possible. If one makes it to the point of a lawsuit, PLRA

*Continued on p. 18*

## Max Suchan Receives NLG's Inaugural Weinglass Fellowship

By Traci Yoder, NLG Director of Research & Education

The National Office and NLG Foundation are thrilled to announce our first Leonard I. Weinglass Memorial Fellow, Chicago NLG member Max Suchan! This new NLG Fellowship is funded by a bequest from the estate of Leonard Weinglass with the aim of assisting the career of a recent law graduate.

Leonard I. Weinglass (1933-2011) was a long-time Guild member, criminal defense attorney, and constitutional law advocate. Over the course of his career, he represented political activists, government opponents, and criminal defendants—including Angela Davis, the Cuban Five, the Chicago Seven, the Pentagon Papers, and the death row appeals of Mumia Abu-Jamal—in a half century of politically significant cases.

As the inaugural Weinglass Fellow, Max will be working this summer with the [Chicago Community Bond Fund](#) to increase volunteer capacity and help develop organizational strategies to end money bond. Max is also heavily involved with the [Chicago NLG](#) chapter as the local mass defense coordinator, a co-coordinator of the legal observer program, and a member of the Chicago NLG board. You can read more about Max on the [Weinglass Fellowship](#) page of the NLG website.

Max's role as interim CCBF staff attorney will include visiting applicants in jail, checking criminal histories, filing paperwork, writing grants, preparing client contracts, formulating legal arguments and affidavits when judges threaten to withhold bond, preparing weekly reports of recommendations for a review committee, conducting CLE trainings for attorneys on effective bond court representation, organizing community-oriented



Max Suchan (left) with NLG board member Sharlyn Grace (right) Legal Observing at a rally in Chicago.

presentations explaining how bond operates, and meeting with partner organizations to help develop an organizing plan for ending money bond.

Please join us in congratulating Max on receiving the inaugural Weinglass Fellowship! The Fellowship will continue to be awarded annually to a new Guild attorney to work on a specific civil rights or civil liberties project. Applications for the 2017 Fellowship will be available next spring. ■

# BEYOND BARS

## Voices of NLG Jailhouse Lawyers

"Beyond Bars" is a new series of articles, poetry and artwork now appearing in each issue of *Guild Notes* by people in prison. "Beyond Bars" aims to provide people in prison with an outlet for political and artistic expression while shedding light on the country's broken, inhumane, and racist criminal (in)justice system.

### Malaise of The Grand Promise Party

By Robert F. Covelli  
Dixon, IL

Remember, remember, this coming November  
Old Elephants can never forget;  
They'll invite you to a party,  
The Grand Promise Party,  
They'll have Elephants, clowns canting and bears  
They'll smile so tartly,  
At the Grand Promise Party,  
Selling tickets and other odd wear!

Remember, remember, this coming november,  
Old Elephants can never forget;  
They'll invite you to a party,  
The Grand Promise Party,  
But then Old Elephants pretend to forget!

Oh! Come to the party,  
The Grand Promise Party,  
They'll juggle words with the greatest of ease;  
They'll grin their trite ivory,  
And their lies will be lively,  
As the people all fall to their knees...



*Lady Liberty Protest No. 2* by Robert E. Covelli

### These Four Walls

By Kerry Roberts  
San Luis Obispo, CA

THESE FOUR WALLS,  
ALL I HAVE LEFT,  
ALONE,  
MY THOUGHTS,  
FILL THE AIR,  
THEN RETURN,  
BACK TO ME,  
TWICE AS LOUD,  
AS THEY LEFT,  
WITHIN THE CONFINES,  
OF THIS SPACE,  
SPACE AND TIME,  
CEASE TO EXIST,  
DESTINED TO REPEAT,  
NOW FOREVER,  
DRIFTING OFF,  
WITH MY IMAGINATION,  
ESCAPING MY MIND,  
TRYING NOT TO REALIZE,  
THAT HERE I SIT,  
EYE'S CLOSED,  
TRAPPED INSIDE,  
DEEPER I RETREAT,  
WITHIN THE ABYSS,  
OF THESE FOUR WALLS...

"Beyond Bars" Submission Guidelines & Instructions: Submissions must relate to the issue of prison, prisoners' rights, or mass incarceration in some way. While we will not publish writing detailing the writer's own legal case, drawing upon personal experience as an illustration of a broader topic is encouraged. Hand-written submissions must be printed clearly and sent to: Guild Notes Submissions, 132 Nassau St. Rm 922, New York, NY 10038. Writings submitted via email may be sent to [communications@nlg.org](mailto:communications@nlg.org) with the subject line: "Guild Notes Submission." Articles have a limit of 500 words. Always include a suggested title for your writing or artwork. Submissions may be written anonymously, or under a pseudonym. In addition to publication in *Guild Notes*, submissions may be considered for online publication (e.g. NLG blog, social media). Please indicate whether or not you wish to have your contact information published alongside your articles and/or artwork. While all submissions will be considered for publication, there is no guarantee of publication. Articles may be edited for grammatical accuracy and readability, but no substantive changes to content will be made. Anyone in prison, regardless of NLG membership status, may submit writing and/or artwork for publication consideration.



# Mississippi DOC Manipulates Grievance Procedures to Avoid Conditions of Confinement Suits

By Charles Owens, II  
Leakesville, MS

Prisoners must exhaust administrative remedies (i.e. grievances) within the prison system before presenting their claims in a lawsuit in federal court. 42 USC § 1997e (a). In Mississippi, exhaustion is mandated prior to filing in state courts as well. Miss. Code Ann. § 47-5-801, et seq. Upon exhaustion of the grievance system, inmates have 30 days to file their claim in either state or federal court. Pursuant to MDOC's own policy, the grievance process should take no more than 90 days from initiation to completion. MDOC SOP 20-08-01. On its face it seems to be a simple procedure; it should not be difficult to complete the grievance system and, if necessary, present the claims to a court. But things are never as simple as they appear.

The MDOC manipulates their grievance system to prevent and avoid conditions of confinement lawsuits. This manifested in two major aspects: First, responses to grievances are delayed. From the time a grievance is submitted, it generally takes three to four months just to receive an initial response—and six months or longer to exhaust. And it should be noted that inmates can have only one active grievance at a time; an inmate with two or three issues faces up to a year or more of waiting before all of their grievances are exhausted. Second, inmates are permitted to present only one claim per grievance; any grievance containing more than one claim is rejected.

So for example, an inmate who wished to bring a conditions of confinement suit challenging numerous conditions including (1) inadequate medical care, (2) denial

of recreation, (3) unsafe living conditions, and (4) failure to protect, would effectively be prevented from doing so by MDOC's manipulation of the grievance system. The inmate would have to file four different grievances would be handles consecutively and take up to six months each to handle; furthermore, they would have to file separate suits on each claim within 30 days of each exhaustion, which means separate filing fees and processes.

Traditionally a conditions of confinement suit would include ALL claims of unconstitutional conditions a plaintiff is encountering. But MDOC has discovered a method of operations for their grievance system that, due to the Prison Litigation Reform Act's (PLRA) exhaustion mandates and 30-day statute of limitations after exhaustion, effectively prevents and avoids any true, multi-claim conditions of confinement lawsuits.

Finally, in the event that a grievance is submitted with a single claim that has any potential of resulting in a significant suit on its own, the plaintiff either never receives any response and officials deny any knowledge of what happened to the grievance, or the plaintiff is transferred elsewhere in an effort to render the claim moot.

There is very little accountability around prisons and the people who run them. Such accountability is often only found inside of a courtroom. MDOC now resorts to manipulating the exhaustion mandate and process to avoid significant suits that could result in accountability—but their methods will inevitably be exposed. ■

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## Jailhouse Lawyers Update *continued from p. 16*

restrictions have severely limited prisoners' abilities to pursue, let alone win. Many incarcerated members have expressed that even when taking all the required steps, they not only face setbacks like restricted access to law libraries, but are actively retaliated against by prison officials. In addition, no matter the effort, the PRA doesn't ensure that concerns will be adequately addressed.

Prisoners in Alabama and Texas have recently engaged in organized work strikes and slow-downs, calling attention to exploitation of their labor as well as to horrendous conditions, with the goal of creating a national movement. Similar actions have occurred in other states including Virginia, Ohio, Nebraska, and Mississippi. Of a few reported outcomes so far, in Texas these actions have presumably caused prison administration to become more responsive to getting grievances addressed. To learn more, write to: IWOC (Incarcerated Workers Organizing Committee), PO Box 414304, Kansas City,

MO 64141. IWOC, a committee of the Industrial Workers of the World (IWW) exists to amplify the voices of working class people in prison, especially those engaging in collective action or who put their own lives at risk to improve the conditions of all.

If you are an NLG member and want to get involved in our effort of better connecting with incarcerated members, one way would be to join the Mass Incarceration Committee, which has a group of volunteers from each region that responds to legal-focused inquiries (contact: [membership@nlg.org](mailto:membership@nlg.org)). Each volunteer typically responds to one to two letters a month so that the project is sustainable. Another would be to submit articles to *Guild Notes* that would be helpful to those inside.

For those inside, is there any information in particular that might be helpful for you to see in *Guild Notes* (eg. learning about available resources; news stories relating to prisoners, etc.)? Let us know! Write to: Attn: Membership Director, c/o NLG: 132 Nassau St., Rm 922, New York, NY 10038. ■

# Deathrow Arrival

By Ojore Dhoruba

Functioning only on your preconceived notions that may be tales of truth or falsehood, you arrive not knowing what to expect. It's impossible not to take in the age of the prison, the sagging and dying walls that crumble from decay and years of abuse. "Escort!" The word barks while you walk, with your hands in restraints, through the yard, accompanied by two C.O.s. Prisoners face away from you, but turn their heads back your way to sneak a peak at a dead-man walkin'. Caught up in your own thoughts, you briefly ponder what's goin' through their minds, because their eyes tell of a frightening thought.

In your short walk to the row, a C.O. may sarcastically point to where the chamber is located to initiate the process of your psychological breakdown.

Arriving on the row, a C.O. orders you to strip naked, then performs a ritual of obscene routines to degrade you and assert his authority—all the while proudly wearing his armor, for he fears that he, himself, may become the executed.

You walk into a dungeon converted into a cell. It's cold, stale and engulfed in a still darkness. "BANG!" behind you booms the barred gate slamming shut. Un-cuffed, you remain poised until the security door closes, leaving the cell darker, quieter and isolated. While becoming familiar with your surroundings, you settle into eerie thoughts of past, present, and future experiences of the lives that have occupied and will occupy this cell.

Though I am a solitary body in this dungeon, I smell and feel the presence of others, who once walked in and out of this cell.

I wonder who survived and who died; who shitted and pissed; who ate and farted; and who slept and fostered deep thoughts, such as mine, in this small cell.

The Quiet Cell is its christened name.

A cell that reveals its purpose sorrowfully.

A cell that, though it appears quiet, screams volumes of every kind, even when no one is present.

A cell that burdens you with loneliness and the stagnant reality of your macabre predicament.

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## Prisoner Paralegals: Is the ADA Enforceable?

By Hunter Lee Weeks  
Sterling, CO

Prisoners face a wide range of medical problems while incarcerated, but those with disabilities undoubtedly face more. Through the Title II provisions (28 C.F.R. Part 35) of the Americans with Disabilities Act (ADA), the Federal Government must provide such prisoners with substantial protections, ranging from a prohibition against threats, retaliation, coercion, and discrimination to programs and building code compliances. The U.S. Department of Justice (DOJ) even has a complaint process for violations of Title II by prison and state officials, processed through its Civil Rights Division. However, while the protections and provisions of the ADA appear substantial, enforcing them is often an arduous and exhausting task.

There are many examples of how immensely difficult it has been to enforce the ADA, with *Montez v. Hickenlooper* in 2014 (U.S. Dist. Lexis 128106) being among the most well-known and volatile cases. Allegations of "[system] wide discrimination against disabled inmates" in 1992, when the suit was first filed, led to a 22-year lawsuit that included a 32-page remedial plan to take place over nine years, with a two-year monitoring

period. The Courts ended the case in February 2015, ruling that the Colorado Department of Corrections had substantially complied with the requirements of the remedial plan, and thus the ADA. Ironically, however, the same issues addressed in *Montez* reappeared and became glaringly apparent just months later: knee braces, canes, and other medical appliances were taken away, shoes and insoles for diabetic neuropathy become extremely difficult to acquire, access to medical care slowed to the point where prisoners had to wait up to six months for proper medical attention, and the list goes on.

So the question is this: Is the ADA enforceable? Or is the ADA just another set of regulations, designed with the right intentions that cannot be adequately imposed? As an ADA class-member once said about this very subject, "the ultimate end result is people end up crippled, maimed, or dead. The point is, by the time the ADA is enforced, it is too late. It was for Montez."

My purpose here is not to discourage the jailhouse lawyers, paralegals, and other legal workers who are concerned with this issue; it is merely to remind you that an extraordinary job is required to keep the pursuit of justice squarely in your sights and to become a more effective component in the fight to ensure that the ADA is enforceable. ■

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