Guild Notes

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Historic 76th Law for the People Convention, the first hosted in a U.S. colony

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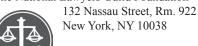
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Cover Photos: Clockwise from Top: Robin Alexander speaking to a Maduro supporter in Venezuela. Bottom: Drawing by Pete Collins, prisoner at Bath Prison in Ontario, Canada, in respnose to the 2011 hunger strikes at Pelican Bay.

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2013 NLG Convention in Puerto Rico Educates and Inspires



By Azadeh Shahshahani

"What an amazing Convention!"

I heard this repeatedly from fellow NLG members at the 76th annual Convention in Puerto Rico, the first in a U.S. colony. Through informative panels, workshops and discussion, we educated each other on important human rights struggles, foremost amongst which the fight to end U.S. colonialism. The keynote address delivered by Rafaél Cancel Miranda, former political prisoner and leader in the independence movement, inspired and humbled us. For me, the most memorable moment of the Convention was hearing former Puerto Rican political prisoners and leading human rights activists express their appreciation for the committed work of our honorees in their defense.

The NLG continues working in solidarity with Puerto Rico. We recently filed a petition with the Inter-American Commission on Human Rights against the U.S. government for severe human rights violations in the Puerto Rican island of Vieques, including bombing and the use of biological and chemical warfare by the US Navy for over 60 years.

The National Office released a Spanish version of the "Know Your Rights" booklet, which made its debut at the Convention. It is available for download at nlg.org/resource/know-your-rights.

This fall, we also joined people around the country in strongly opposing the prospect of another illegal war, this time targeting Syria. Our members organized and spoke at teach-ins, wrote op-eds, and spoke to their Congressional representatives. The

NLG Military Law Task Force and International Committee also published a briefing paper which was widely utilized.

The Guild joined an international campaign calling on the Harper government to either bar Dick Cheney from Canada as a person credibly accused of torture or to arrest and prosecute him on arrival, as required by the Convention against Torture.

The NLG International Committee sent a delegation to Honduras to monitor the November presidential elections with a focus on understanding the underlying conditions in the country in light of systematic repression since the U.S. and Canadian-supported military coup in June 2009. As you'll read in the pages ahead, our delegation of 17 credentialed international observers was present on the ground in various parts of Tegucigalpa on Election Day and documented various irregularities casting doubt on the validity of the election results announced by the electoral tribunal. We also met with several human rights activists whose work and very lives were under threat. We were inspired by their fearless example and will continue to push the U.S. government to cut aid to the repressive military regime.

On the domestic front, as a result of the work of NLG members and others, the Department of Education's Office for Civil Rights recently closed investigations against three University of California schools, at Berkeley, Santa Cruz, and Irvine, which falsely alleged that Palestinian rights activism created an anti-Semitic climate.

As we enter the new year, much more lies ahead for us. If you have a chance, please check out the *Speaking Freely* video series at nlg.org/SpeakingFreely, which traces the history of the Guild through interviews with a wide range of NLG members. The two most recent interviews are with The United People of Color Caucus (TUPOCC), and Karen Jo Koonan and Joan Andersson. Stay tuned for more interviews to come in the following weeks.

And finally, we celebrate the release of longtime Guild member Lynne Stewart. The NLG and several legal and social justice organizations called on Attorney General Eric Holder to direct the Bureau of Prisons to grant compassionate release to Lynne. The National Office also initiated a letter addressed to Holder signed by more than 115 law professors. Lynne was granted compassionate release on December 31, 2013 and is reuinted with her family in New York City.

Before we know it, the next year's Convention will be here! I look forward to joining you all in Chicago in September! ■

Stop and Frisk: Legal and Political Maneuvering Delays Justice

By Brigitt Keller

New York City's motion for a stay, pending appeal of federal district court judge Shira Scheindlin's remedies order in the *Floyd* case, did not come as a surprise to plaintiff's counsel and Guild member Jonathan Moore from Beldock Levine & Hoffman, or his co-counsel at the Center for Constitutional Rights and the firm Covington and Burling.

Judge Scheindlin's ruling in *Floyd v. City of New York* from August 2013 held the City of New York liable for 4th and 14th Amendment violations and declared unconstitutional 'Stop, Question and Frisk,' the flagship crime-fighting strategy of the Bloomberg administration. In her sweeping order, the judge incorporated the majority of the changes demanded by plaintiffs, among them an outside monitor to oversee changes in policies, training and supervision, a pilot project mandating body-worn cameras, and a 'joint remedial process' that includes all stakeholders in the reform process.

What came as a shock, however, was the October 31 decision by the U.S. Court of Appeals for the Second Circuit, in which the three-judge panel stayed the remedial process and removed Judge Scheindlin from the case. Going far beyond the City's motion, the panel argued that the judge lacked impartiality and thus had violated the judicial code of conduct. While the stay was disappointing, although not entirely unexpected, the recusal of the judge was met with surprise in the civil rights community. Says counsel for plaintiffs Jonathan Moore: "It's embarrassing, it's

unprecedented and it's a travesty of justice that this panel did this."

Concerned by the lack of due process afforded to Scheindlin, a group of prominent attorneys, including Bruce Neuborne, law professor at New York University, offered to represent the judge and, on November 6, filed a motion requesting a review of the panel's decision by the full appeals court. On November 13, the Second Circuit refused to reconsider the order arguing that a district judge lacked standing to protest reassignment of a case.

Emboldened by the unprecedented recusal, corporate counsel on behalf of the City, on November 9, asked the court to vacate all of Judge Scheindlin's decisions without any further briefing. On November 22, the appellate panel rejected the request.

Four days later, on November 26, the Second Circuit released an order halting in abeyance all pending requests for rehearing en banc by plaintiffs and intervenors, "To maintain and facilitate the possibility that the parties might request the opportunity to return to the District Court for the purpose of exploring a resolution."

Mayor-elect Bill DeBlasio, who has consistently opposed NYPD's stop-and-frisk practices, promised during his campaign to withdraw the appeal as soon as he takes office. However, even if the DeBlasio stays true to his promises, great injustice has already been done. The stay on the remedies allows the NYPD to continue to violate the constitutional rights of thousands of young men of color until the new mayor takes office. The recusal of Judge Scheindlin has tarnished the reputation of an outstanding jurist, sending a chilling message to other federal judges.

MIC Tackles Political Imprisonment, Solitary Confinement

The NLG's Mass Incarceration Committee (MIC) continues to press NLG members to take up the issue of prisoners' rights and end mass incarceration.

At the convention in Puerto Rico, the MIC hosted a major panel on solitary confinement and prisoners rights featuring former political prisoner Alberto Rivera and several lawyers who have worked in this area. The panel "Solitary Confinement and Political Prisoners: The Use of Prison Isolation in Policing Radical Politics" also highlighted the case of the Cuban 5 and Assata Shakur, among others.

Following the panel, MIC hosted a working group meeting, which identified many ways to strengthen and improve accountability within the MIC. The MIC needs *you* to realize this vision!

The MIC is working on developing and implementing a more streamlined process for responding to letters from our incarcerated members. The MIC has more than 100 incarcerated committee members and six incarcerated steering committee members and is seeking ways to better-involve our incarcerated brothers and sisters in NLG work.

Locally, NLG members in New York City and in the Bay Area have been the most active. The New York MIC meets

regularly and has been focusing on the issue of parole release. A pilot project is underway to prepare an individual for his Parole Board appearance. The MIC is working with local activists to reform practices around parole, solitary confinement, and higher education in prisons.

In the Bay Area, NLG members were a vital part of support for the mass hunger strike this past summer. The strike ended after legislators committed to hold hearings addressing long-term solitary confinement. The first hearing was held on October 9, 2013, and the second is scheduled for February 11, 2014 at the state capitol in Sacramento. Litigation against solitary confinement is moving toward class certification (*Ashker v. Brown*) and the panel of judges that oversees implementation of *Plata* recently rejected one of the Governor Brown's plans to house California prisoners out of state.

The MIC seeks to bring together NLG members engaged in work to end mass incarceration and reunite families and communities. Our mission is to dismantle the existing prison system, and there's no time to lose. Join us! Email carroll.nora@gmail.com for more information or to be added to the listsery.

NLG-PDX Joins in Push for Reforms in DOJ Suit over Excessive Force

By Shauna Curphey and Ashlee Albies

In February 2013, the U.S. District Court for Oregon ruled

that the AMA Coalition for Justice and Police Reform could participate in a U.S. Department of Justice (DOJ) suit against the City of Portland for police use of excessive force against individuals with, or perceived to be experiencing, a mental illness. The Portland Chapter of the NLG is a member of the AMA Coalition, and NLG members Shauna Curphey and Ashlee Albies represent the Coalition in the suit.



Police deploy pepper spray at a protester outside a Chase bank in downtown Portland. Taken November 17, 2011 (or "N17"), a day of action against big banks, the photo quickly became viral. (Photo: Randy L. Rasmussen)

The AMA

Coalition moved to intervene in the suit because it felt the proposed settlement agreement negotiated by the City of Portland and the DOJ was not strong enough to address systemic problems within the Portland Police Bureau (PPB) that led to the DOJ suit. Although Judge Michael Simon denied the AMA Coalition's motion to intervene, he granted the Coalition "enhanced" *amicus curiae* status in the case, with the right to file legal briefs, and to participate in oral arguments and in mediated settlement discussions. In granting that status, Judge Simon recognized the Coalition as a "valuable voice" in the proceedings due to its extensive community outreach and understanding of the issues. The Coalition called for the DOJ investigation that led to the suit, participated in the DOJ's investigation into the PPB, and offered significant input on proposed reforms.

As a result of its enhanced *amicus* status, the AMA Coalition participated in confidential court-ordered mediation with the City, the DOJ, and the Portland Police Association (the police officers' union) regarding the terms of the proposed settlement agreement. The AMA Coalition's goal in mediation was to strengthen proposed reforms and to be a voice for the community. After the mediation, the Coalition secured a side agreement with the DOJ and the City that ensures continued AMA

Coalition participation in implementing the reforms.

Ninth Circuit precedent holds that, except as part of courtordered relief after a judicial determination of liability, an em-

> ployer cannot unilaterally change a collective bargaining agreement as a means of settling a dispute over whether the employer has engaged in constitutional violations. The Portland Police Association (PPA), which successfully moved to intervene in the remedy phase, argued that the proposed settlement agreement impairs its collective bargaining rights and therefore cannot be enforced by the court without a finding of liability. Judge Michael Simon thus ordered the parties to brief these issues, proposing a summer of 2014 trial date. With briefing deadlines looming, the

DOJ, the City, and the PPA reached a separate side agreement waiving many of the PPA's objections to the settlement agreement, but allowing the PPA to challenge critical issues related to police accountability. Two such issues involve the City's Independent Police Review division's ability to compel officer statements after use of force incidents, and the City's practice of giving officers 48 hours notice before an interview concerning officer misconduct where criminal culpability is not at issue.

The DOJ's suit raised the profile of long-standing community concerns regarding issues of police oversight and accountability in Portland. Legal and political issues around mandatory bargaining and police oversight and accountability continue to engage the Portland community. As with most work for justice and accountability, this is a marathon, not a race, and there is much work ahead. The local NLG chapter, along with the AMA Coalition, continues to advocate for increased oversight and transparency.

At the same time, the AMA Coalition's role in this process provides an example of community participation that hopefully will be replicated in similar suits nationwide.

Animal Rights Committee Makes a Splash in Puerto Rico

By Bina Ahmad, Elena Cohen, and Lauren Gazzola

Formed at the 2012 Convention, the NLG Animal Rights Activism Committee (ARAC) was excited to have a substantial presence at the 2013 Convention, with a well-attended workshop, an information table, and a committee meeting to welcome new members.

We began with "Defending Terrorism," a workshop that drew connections between different communities that have been labeled and targeted as terrorists. Lauren Regan introduced the speakers and provided historical context for the discussion. Dr. Javier Colón Morera resented on government repression of the Puerto Rican independence movement, including the continued incarceration of Oscar Lopez Rivera under a 70-year sentence for "seditious conspiracy," a charge the U.S. courts have used almost exclusively against Puerto Rican independence activists.

Next, legal worker Lauren Gazzola shared her experience as a member of the SHAC 7, a group of animal rights activists who were convicted under an earlier version of the controversial Animal Enterprise Terrorism Act (AETA) for publishing a website that advocated and reported on legal and illegal protest activity against an animal testing lab. (A number of Guild members represented the SHAC 7, and the NLG filed an *amicus curiae* brief in the case.) Lauren drew connections between the Guild's defense of animal rights activists and the Green Scare. In addition, she underscored the importance of ARAC's message: that nonviolent treatment of nonhuman animals and the rejection of speciesism are integral to broader social justice efforts.

Finally, newly-elected National Vice President Bina Ahmad discussed the criminalization and repression of Arab-American and Muslim communities, in particular through the use of "anti-terror" law enforcement efforts. Bina identified similarities between attacks on Muslims with attacks on animal rights activists as part of the "war on terror." She pointed out the substantive relationships between all forms of oppression, including that of nonhuman animals.

The ARAC table offered a broad range of materials, covering topics including veganism and current animal rights campaigns, the Green Scare, and updates on the Committee's efforts in its first year. Dozens of people signed up to be part of the ARAC, some of whom jumped right in and attended our meeting. We brainstormed efforts we could undertake over the coming months – on behalf activists and animals – before parting ways, heading back to our own areas of the country get our work underway.

ARAC's presence at the Convention sparked some valuable thinking and discussion about how its defense of animals and animal rights activists affects and shapes the Guild's substantive vision of justice. We look forward to continuing the conversation!

Check us out!

nlg.org/animalrights
facebook.com/nlgarcommittee
animalrights@nlg.org ■

New NLG Chapters in Rhode Island and Indiana

On November 16, 2013, Indiana attorneys and law students from several law schools within Indiana convened for the founding meeting of the new Indiana chapter of the National Lawyers Guild. Attendees agreed that the chapter's first priority is to provide legal observer and counsel services to activists in need. The group agreed to expand

services based on need and demand, and intends to work in coordination with National Lawyers Guild chapters at law schools within Indiana. William Fife agreed to serve as the state representative and treasurer. You may contact him or the Indiana chapter at wjfife@gmail.com.

NLG-SF Bay Area Reports Human Rights Violations to U.N.

Active Guild members Walter Riley, Lucy Rodriques, and Ann Fagan Ginger of the Bay Area NLG Chapter are working with other Guild members and the U.S. Human Rights Network to prepare up-to-date reports on human rights violations in the U.S. today for submission to the U.N. Human Rights Committee, which will be considering the latest U.S. government report on March 15, 2014.

Riley is working with the Oscar Grant Committee to insist on changes in the Oakland Police Department practices that led to the killing of the young African-American youth. This killing violates the International Covenant on Civil and Political Rights, Article 6., as well as the 14th Amendment. "If the U.N. Committee mentioned this case in its Concluding Observations on the U.S. Report, it would send a message to the Oakland Police Department, and the rest of the Oakland government, that it has to immediately make some changes in its practices," Riley said.

The rights of immigrants are also spelled out in the ICCPR and Lucy Rodrigues is working with Ann Fagan Ginger and the Meiklejohn Civil Liberties Institute to describe accurately some of the worst practices by Immigration and Customs Enforcement in the Bay Area, which violated ICCPR Articles.



Walter Riley being arrested at the Oakland protests on July 8. (Photo: insidebayarea.com)

"We have learned that it does make a difference in U.S. government policies when a U.N. Human Rights Committee reports on a bad practice in its Concluding Observations," says Ann Ginger. "The U.S. government actually finally brought to trial the police officers in New Orleans who shot and killed some of the African-American, and low income, people fleeing Katrina. ■

Fighting Corporate-Dominated Air Waves, One LPFM License at a Time

By Heidi Boghosian

Twenty years ago the Guild's Committee on Democratic Communications (CDC) received a call from a professor at a state college in Southern Illinois: "My friend is in trouble with the Federal Communications Commission (FCC), can the Lawyers Guild help him?"

The story is too long to tell here, but his friend, an unemployed black man living in the only black community in Springfield, Illinois had been broadcasting for two years to his housing project from a 1-watt radio kit. Only after he let some of the project kids tell their story of being roughed up by the police did the FCC "discover" his unlicensed broadcasting and try to shut him down. The Guild argued to a federal court that the FCC's ban on low power (and therefore not expensive) radio was a violation of the First Amendment, and international law, right to communicate.

An early court's recognition of the Guild's strong position helped the growth of a civil disobedience movement of ultimately hundreds of unlicensed, low power 'pirate' broadcasters around the country. Seeing that this movement was too strong to be shut down, the FCC reversed course and started a rule-making proceeding that led to the licensing of Low Power FM (LPFM). The CDC was influential in convincing the FCC to make the new service local and noncommercial. After being lobbied hard by the broadcasting industry, Congress told the FCC to only allow the new service in rural areas and small to mid-size towns. After more than a 10-year campaign by LPFM advocates (led by the Prometheus Radio Project, which had its roots in Radio Mutiny, an unlicensed broadcaster in Philadelphia) Congress was convinced to reverse this law and allowed the FCC, for the first time, to license LPFM stations in major metropolitan areas. The FCC announced that they would take applications for these new stations in the last two weeks of October 2013 (a deadline that was pushed back a couple of weeks by the federal government shutdown). Because the spectrum is already crowded this was to be the one and only chance for community groups and others to apply for LPFM licenses in the major cities.

The CDC has been working to help ensure that grassroots community groups have maximum opportunity to obtain these rare LPFM licenses. On October 22 and November 2 we held skills building trainings for attorneys and law students to help groups navigate the application process prior to the filing window closing date of November 14, and to receive a briefing on the kinds of legal support they will need over the coming

months.

Participants reviewed the Federal Communications Commission (FCC) application form, and were provided with a link to an introductory training video and a written transcript prepared by CDC volunteers. Peter Franck, longtime CDC member, explained the process to conference call participants and then reviewed all aspects of the application form.

The FCC's ban on low-power, low-cost radio was a violation of the First Amendment.

The LPFM licensing process and the related legal needs of community applicants for these rare licenses comprise five stages, each requiring related but somewhat differing legal work:

After the LPFM license application-filing deadline, four additional stages exist, each requiring related but somewhat differing legal work. There will be a review of competing applications and filing Informal Objections and Petitions to Deny with the FCC on illegitimate ones. (This can start as soon as Applications are available online, likely by late November.) Then, probably in early 2014, CDC members can assist community groups tied for a license under the FCC point system to reach time-sharing agreements.

Given that there is very little spectrum space left, we anticipate a significant number of "cookie cutter" applications filed in the name of organizations, such as ultra conservative churches, lacking the required true local presence. The FCC staff's screening process will probably not find and disqualify all of these. The informal objection procedure flags such defects at an early point, making it less likely that such applications will be accepted for filing or proceed to the next stage. If they do, a formal Petition To Deny must be filed within 30 days of the FCC's announcement of the tentative selection of licensees.

The CDC seeks new members. For more information, please email Mike Lee at mikelee215@gmail.com or Peter Franck at peter@culturelaw.com ■

The Guild Goes to Honduras

By Susan Scott

On November 24, the Honduran people had their first opportunity since the official end of the military dictatorship in 1982 to vote for a party representing the interests of the working and marginalized classes, the *campesinos* and indigenous, their defenders and all who resisted the 2009 military coup. The presidential results are still contested, but it is clear that the new *Libre* party has changed the political face of this longtime U.S. stronghold. In its first election, the *Partido Liberacion y Refundacion* ("*Libre*") won at least 39 of the 128 seats in the powerful Congress, and numerous mayorships throughout the country. Not a small

accomplishment for a brand new party in a country where two parties have represented an entrenched oligarchy and military for over 100 years. And this despite intimidation, bribes and media distortion, observed and documented by our delegation and numerous other election observers, and despite the assassinations and intimidation of *Libre* party candidates and activists throughout the months preceding the election and continuing throughout election weekend.

The Guild sent a delegation of 17 to spend the week in Tegucigalpa. We served as international election "accompaniantes," credentialed by the *Tribunal Suprema Electoral* (TSE), with full access to the polls and voters. In addition to a long day at the polls, we met with numerous activists, government officials, the US Ambassador and her staff judges, lawyers, and local and international human rights defenders.

On Election Day, we declined the TSE's offer to provide us transportation (with police entourage!) and interpretation. We broke into five teams, visited a dozen different voting *Centros* and made our way to the key centers that the EU and OAS and Carter Center missed—including the biggest (10-12,000 voters) centers in the country, where National Party intimidation and the lack of control over transmission of voting documents was clear to see and turnout was low.

Shortly after the election, both Juan Orlando Hernandez (presidential candidate of the National Party, key orchestrator of the 2009 coup and the current president of the "coup" Congress), and *Libre* candidate Xiomara de Castro Zelaya declared victory. The TSE announced a plurality victory of 36% for Hernandez, followed by 29% for Castro. There is no run-off in Honduras, so Hernandez quickly assured the investors of the world that

Honduras was open for business. He immediately set about renewing his efforts to make a deal with the IMF and establish Model Cities and hundreds of new mining concessions that cover 60% of the national territory and threaten land rights and water for numerous indigenous and rural communities. The U.S. Ambassador cheered what she called "transparency" and "a fiesta of democracy," and the EU and OAS followed suit.

Before we left, our delegates attended a press conference and issued a press release demanding that the U.S. government hold off from accepting the results as announced by the TSE. The *Libre* Party had cried foul and announced that the documents received by their credentialed poll workers gave Xiomara a 4% win. When

Tegucigalpa students marching against electoral fraud were under attack by U.S.-made teargas cannisters (see photo).

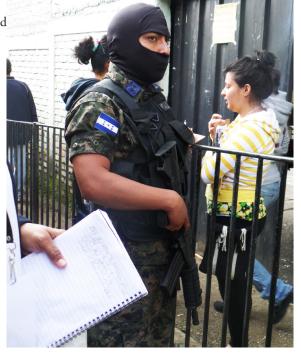
In response to the *Libre* party's challenge to the presidential results, the TSE has since agreed to compare the "Actas" (final tally documents) received by poll workers with those scanned and transmitted from the Centros to the TSE. That will pick up some of the inconsistencies, given the lack of oversight of the scanning process at so many centros; but fraud in preparation of the *Actas*, exacerbated by the well-documented practice of small parties selling poll worker credentials to the National Party, will not be detected without a comparison the Actas with the paper ballots. And the vote buying and intimidation we heard so much about will go unacknowledged.

This was the Guild's first visit to Honduras since we sent two small delegations with the Association of

American Jurists (AAJ) shortly after the June 2009 military coup to analyze the constitutional issues that the U.S. press and government was getting so wrong.

The election we observed was the *Libre* Party's first General Election—and they jumped in on all fours. We all felt honored to be there and we flew home with a better understanding of the country—and both the forces that threaten its people and the amazing progress made by those who seek to liberate it from its sordid past.

Stay tuned for upcoming developments—and for our delegation's report, which we will circulate and post to www. nlginternational.org.



Armed military official patrols polling site on Election Day. (Photo: Judy Somberg)

Housing Committee Takes Back the Land at the 2013 Convention

By Jean Stevens and Andrea Carter

Coffee in hand, more than 60 Convention attendees crowded into a San Juan conference room to explore radical solutions – squatting and community land trusts – to private land ownership, foreclosure crisis, and homelessness



A current view of the shore of the Caño. (Photo: Susan Scott)

The workshop "Take Back the Land!," hosted by the NLG Housing Committee, included J.R. Fleming, executive director of the Chicago Anti-Eviction Campaign, Maria E. Hernández-Torrales, attorney for the Caño Martín Peña community land trust (CLT), and Susan Scott, a Bay Area CLT attorney and prior co-chair of the International Committee, discussed the potential of community land trusts, squatting and fighting banks with foreclosed properties as means to provide sustainable, low-income housing for homeless and poor communities. Fleming described the Campaign's ongoing work to reclaim foreclosed properties through squatting actions, as well as the Campaign's local and state advocacy around housing as a human right.

"He who controls the land, controls the people," Fleming said. "Let's put people in control of the land."

The conversation reflected a growing interest among NLG attorneys, legal workers, law students and organizers to challenge property rights and join local and national struggles for housing as a human right.

Ms. Scott explained the appeal of community land trusts as a means to take housing out of the speculative housing market and create long-term affordability for poor and working class families. The Caño, home to 27,000 residents in the center of San Juan, is Puerto Rico's first community land trust and the largest in the world. Ms. Hernandez described the lengthy community organizing process behind the creation of the

Caño, including the legal victories and setbacks along the way. Mr. Fleming explored the community's role further, describing the need for community members, not attorneys, to lead movements, and that the Chicago's Campaign's struggle is one against corporate banks, not the government, to put housing in the hands of the people. "It's extralegal, not illegal," Fleming



What the CLT would look like after the improvement of the Caño if it were sold on the open and speculative market. (Photo: Susan Scott)

said.

The last day of the convention, several dozen attendees boarded a bus from the hotel to embark on a "field trip" tour of the Caño. Attendees explored the Caño's 3.75 mile waters and shore by motor boat. From the shore, the variances in the Caño's eight major communities were quite visible – residents of moderate and wealthy developments and properties live among the lower-income land trust communities, including businessmen and Puerto Rican music star Daddy Yankee.

Attendees learned that Caño's waters continue to be extremely polluted, and since gaining legal status as a land trust, residents have focused their attention on cleaning up this pollution. Several federal U.S. agencies have awarded nearly \$60 billion to dredge the canal at its mouth to allow for greater water exchange, hoping to reverse the deterioration of the inner mangrove and laguna ecosystem, to eliminate decades of gathered trash throughout the canal channels, and to install new sewage systems. Such enormous funding would have been impossible without the land trust status and community organization behind it. More importantly, once improvements are made, that status and organization will protect the trust's residents who lived with the Caño's unhealthy conditions from displacement – they now control the land.

NLG-Michigan Challenges Detroit Bankruptcy

By Alec Gibbs

Michigan's ongoing democracy crisis continues to work its way through state and federal courts. After the city of Detroit declared a financial emergency – what would precede the largest municipal bankruptcy filing in U.S. history – elected officials were replaced by a single state-appointed "emergency manager." Following the historic ruling, the state attorney general and governor's office moved to extend the protections of the automatic stay to include state and federal constitutional challenges to the law. The court granted the motion, but later issued an order granting relief from the stay from plaintiffs challenging the law as long as they would agree not to take any action that might result in the removal of Detroit's emergency manager.

Around the same time, the state legislature voted to create a new court where all lawsuits involving the state would be heard, including challenges to emergency managers. The bill was rushed through the legislature following several high profile lawsuits involving emergency managers and the governor, including lawsuits that were seeking disclosure of the donors to the secret fund that was used to finance emergency manager activities in Detroit and other cities.

Shortly after the new court was created and the stay was lifted, the U.S. Sixth Circuit Court of Appeals agreed to re-hear challenges to the emergency manager law *en banc*. The case involves actions taken under the law that was repealed by voters in 2012. The City of Pontiac's emergency manager made drastic and life-threatening

cuts to retiree health care, while giving Wall Street bondholders early payments at premium rates. When invoking the new law summer, the City of Pontiac simply eliminated retiree health care coverage altogether.

While the questions presented in this lawsuit are of immediate concern to retirees and residents in the state of Michigan, this decision may impact worker rights across the country. The state has claimed the power to unilaterally abrogate worker rights guaranteed by collective bargaining agreements simply by declaring a "financial emergency" on the basis of a municipal budget deficit or "[a]ny other facts and circumstances indicative of local government financial stress or financial emergency." Indeed, Governor Snyder created the cash shortages leading to the crisis when he cut state revenue sharing – part of a plan to transfer wealth by eliminating the state's business tax.

The case to be argued before the Sixth Circuit was brought by a member of NLG Michigan, and the Chapter has taken the lead in filing challenges to the emergency managers in federal court, along with the Sugar Law Center and other cooperating activists. The full court is scheduled to hold an *en banc* hearing on March 19, 2014. Since these matters involve questions of national importance, the plaintiffs have encouraged all interested parties, including NLG members and affiliates, to file supporting amicus briefs and offer any other assistance they can. Under the court's order amicus briefs were due on December 16 but may be filed later with leave from the court.

15th L&E Delegation to Cuba to Take on Economic Reform

Join the Labor & Employment Committee's on its 15th annual delegation to Cuba, on March 8-16, as we continue our critical work of building bridges of mutual education and understanding between the trade union movements of the U.S., Cuba and the Americas. During the first, bilateral part of the trip we plan to research the role of trade unions in the workplace and community by conducting a day long informal exchange with Cuban labor lawyers, observing a labor court in session and interviewing the judges, and visiting workplaces. This portion should be particularly informative, as Cuba is in the midst of a complete overhaul of its labor code and labor markets, which includes the emergence of new forms of cooperatives and self-employment. Later in the week, we will join labor lawyers and trade unionists from South, Central and North America in an international conference at the *Hotel Nacional* in Havana.

Please join us! We are seeking paper proposals for the following conference topics:

- Corporate and state social responsibility in light of new forms of business organization
- Unionism: The exercise of freedom of association and social struggles; new forms of labor organization

- The social, political and economic integration in Latin America; the role of labor law, unions and social movements, experiences and perspectives.
- Labor law reforms: their impact on job stability and the protection of workers' rights and against the distinct forms of employment discrimination
- The right to information and worker participation in management
- Labor law and criminal liability of officials for working conditions and environment; Safety and health at work and occupational risk prevention
- Self-employed workers and workers in production and service cooperatives

To preregister, contact Bob Guild of Marazul Charters, our licensed travel service provider, at bguild@marazul.com. A brochure with further information is on the L&E Committee website at http://nlg-laboremploy-comm.org;

The L&E Committee Cuba coordinators Dean Hubbard and Joan Hill can be contacted at <u>deanhub@gmail.com</u> and <u>johill@usw.org</u> respectively. ■

NLG Launches Faculty Network

By Traci Yoder

In November, the National Office launched the NLG Faculty Network, a forum for NLG members who are faculty at law schools to communicate, collaborate, and support our student members. Currently, over 100 Guild members work at law schools teaching, running clinics, conducting legal scholarship, and supervising NLG student chapters. Many of these members are well known for their research, writing, teaching, and advocacy from a critical legal studies perspective. This network will allow them to better share their work and create a nationwide community of NLG scholars and teachers.

The goals of the newly-formed faculty network are to assist our student chapters and campaigns, to share advice for best practices in advising a NLG student chapter, to exchange ideas and resources between professors at different law schools, and to work more closely on amicus briefs, NLG reports, and the *NLG Review*. The network also acts as a forum for new law professors to get advice and feedback from more experienced faculty. Finally, the network allows NLG faculty members to quickly organize around relevant and timely issues—the network's first action, for example, has been to sign onto a letter demanding the compassionate release of NLG member Lynne Stewart.

The idea for the Faculty Network originally emerged from the needs of our robust and growing collection of NLG law student chapters, which can be found at over 120 schools across the country. During the past year, a group of NLG law students assisted in the creation of a manual for transforming the culture of legal education by organizing against student debt and tuition hikes and for changes in curriculum, grading practices, pedagogical techniques, and more. Supportive faculty

within law schools will be important allies for our students as they work to radicalize the law school environment. They can also work with NLG students, local members, and staff to share models for Guild student projects that can be replicated elsewhere.

A coordinated network of NLG scholars will facilitate mentorship and collegiality between our faculty members. The listserv will be available for faculty to share ideas for new projects and to collaborate on legal scholarship from a distinctly -Guild perspective. Professors of all experience levels can use the network to solicit ideas and resources in connection with their research and writing. More experienced professors can assist newer faculty members in finding relevant topics for law review articles, revising drafts of work, and deciding where to place their pieces. Guild law professors can also draw on the faculty network to exchange ideas and techniques of legal pedagogy.

Due to the current movement in most law schools to increase experiential learning and to include practical skills in doctrinal courses, Guild members can share their knowledge of clinical courses and strategies for training the next generation of people's lawyers. The next few years are likely to see major shifts in legal education and NLG faculty will be at the forefront of this transformation.

If you are currently faculty at a law school or a retired professor and would like to be added to the NLG Faculty email list, please email Student Organizer Traci Yoder at traci@nlg.org with your name and affiliation. Only Guild members who are current in their membership are eligible to join the network, so please check with the National Office to see if you are up to date on your dues!

NLG-LA Holds Annual Student Law Retreat

By Jim Lafferty

For more than a decade, the NLG-LA Chapter has hosted an annual event each September that we call our "Activist Law Student Retreat." The retreat is generally held at the home of a NLG member over a Saturday and half of a Sunday. This year over 75 law students from ten different law schools attended the event, hosted by Carol Sobel. We benefited this year from having National Student Organizer Traci Yoder attend as well as the NLG-LA Chapter co-Presidents.

A series of workshops were held on such topics as housing rights, immigrant rights, defending political protesters who are arrested, fighting government spying, prisoners' rights, students' rights, practicing law at a time of growing governmental repression, lawyering for the poor, and labor law. Each year we also offer a sess ion on how to organize and build an effective and productive NLG Chapter on the law school campus; and, what is no doubt the most popular topic, a panel on how to make a decent living while doing peoples' lawyering, which we entitle, tongue-in-cheek, "Doing Good While Doing Good."

Each workshop or panel includes at least one attorney presenter and one community/political organizer presenter. This is to help the law students learn how to work with their clients in a collegial and comradely way. Of course, each session allows time for questions and discussion between presenters and law students. There is also time for socializing and networking between students from different schools, and between students and the attorneys and organizers. Some years we also show

continued on next page

political films and invite one of our members who is a singer to lead the group in a political sing-along.

We provide the students with three vegan-friendly meals a day on Saturday and two on Sunday, as well as beer, wine, coffee/tea, and soft drinks and water. The food, drinks, and NLG literature are provided to all free of charge.

These retreats are extremely popular and well-attended. We limit the number of participants to ensure that attendees get the individual attention and the time for networking that are central to the success of the program. A number of students attend more than once, which we allow since each year it is first-come-first-registered until we reach our limit.

The NLG-LA Chapter been doing the retreat long enough to have proven that it is a boon to our membership. Not

surprisingly, students who have attended one or more retreats are the students most likely to remain Guild members following graduation. We've also found that our student chapters are more likely to be active campus chapters when some of the members of the school's chapter have attended the retreat.

We suspect other chapters have similar programs for their law students. Those that don't should seriously consider doing so, as they are relatively inexpensive to host and so very beneficial to the Chapter and, as a consequence, to the entire Lawyers Guild.

Haywood Burns Fellow - TITLE

By Catherine Ady-Bell

This summer I worked with Springfield No One Leaves/



Nadie Se Mude (SNOL/NSM) under the NLG Haywood Burns Memorial Fellowship. SNOL/NSM is a direct action, anti-foreclosure/ anti-displacement grassroots community group operating in Springfield, Massachusetts. I worked as an organizer for the Turn On The

Lights (TOTL) campaign, provided direct representation in Housing Court to homeowners facing eviction, and explored alternative housing models, including land trusts, squats, and co-operatives.

TOTL organizes communities directly impacted by the housing crisis around the issue of vacant homes and lots in their neighborhoods. It believes in community control of land, that housing is a human right, and that to have so many homeless people while we have so many peopleless homes, is wrong. The central tactic of this campaign is a home or land liberation, in which members of the community take over and liberate these spaces from their vacant status. As an organizer, I conducted intensive community outreach in neighborhoods hardest hit by foreclosure and vacancy, researched and developed legal theories under which home liberations could be defended, and organized know your rights trainings on civil disobedience. By the end of the summer, two families had liberated vacant homes, a neighborhood transformed a vacant and turned it into a community garden and meeting space, dozens of people were trained in civil

disobedience, and SNOL/NSM had expanded into new neighborhoods.

To support people facing foreclosure and eviction, SNOL/NSM uses a Legal Shield model under which a group of lawyers volunteer pro bono assistance in Housing Court to SNOL/NSM members. This summer, I helped coordinate these efforts and provided direct legal representation to clients. I attended Housing Court on eviction day, each Thursday, my main job being to locate pro se, post-foreclosure eviction defendants in the courtroom and (before the bank's attorneys could get to them) connect them with volunteer attorneys who would then file answers, discovery requests, and late motions on their behalf. I argued a few motions before the court, which was great experience for me as a law student.

I also spent a portion of my time researching alternative housing model to help develop the SNOL/NSM's housing justice curriculum, which challenges the notion of housing as a commodity.

Although I have returned to school for my final year, the work I did this summer under the fellowship has had a lasting impact on me, as I remain involved in these projects.

Being a Haywood Burns Fellow allowed me to invest myself wholeheartedly in housing justice work all summer long. It was a great privilege to receive a stipend to do the work I feel passionately about. I want to thank the NLG community for its support of housing justice work that challenges the status quo of the housing system in this country.

Bakers Rising: NLG Members Join Fight for Workers' Rights at Amy's Bread in Queens, NY

By Rebecca Hayes

On November 25, 2013, New York City Guild members turned out to support a diverse group of bakers as they kicked

off an organizing campaign at Amy's Bread. The prominent food factory in Queens, New York supplies many of the city's most exclusive markets, restaurants, and grocery stores, including Whole Foods. The company is enjoying enormous success with an image of responsibility, sustainability, and community orientation. Now the workers and their allies are joining together to ask Amy's Bread to live up to their promises.

In contrast to the brand story, these workers need to work two or even three jobs to survive. Even under the company's ACA plan, workers can't begin to afford health benefits for their families. They face degrading treatment from managers, with immigrants

and people of color bearing the brunt of it. Employees are pushed to work at unsafe speeds and threatened with the loss of work days should they resist. Broken machines go unfixed, leaving cleaning workers to wash hundreds of trays per shift or scrub the floor by hand. Advancement decisions are completely arbitrary and favoritism is rampant.

The workers' campaign seeks regular raises so they can live on the pay they earn, affordable health care, and respect from management each and every day. The bakers at Amy's Bread are the newest members of Brandworkers, a membership organization of workers in the local food production industry led by longtime Guild member

Daniel Gross. The group's workeroperated organizing model pursues direct improvements at work and an enduring, organized voice on the shop floor without recourse to recognition or formal collective bargaining. The NYC Industrial Workers of the World is partnering with Brandworkers and the Amy's Bread workers in this historic operation.

This is the beginning of what is sure to be an exciting, but hard fought, direct action campaign that would greatly benefit from further Guild involvement.

Members are encouraged to promote the link to the Amy's Bread workers' website via e-mail and social networks (amysbread.brandworkers.org;

#WhoMakesAmysBread). Local chapter members are asked to support the workers at public demonstrations at the factory in Queens at pivotal points in the campaign. Join Amy's Bread workers in demanding that the bakery provide dignified jobs and help create a more just food system.

To learn more about the workers, this movement, and ways to help, visit amysbread.brandworkers.org. Follow the conversation using the hashtag #WhoMakesAmysBread. ■



Want to get noticed?

Take a listing in the new and improved online NLG Referral Directory!

Check it out at www.nlg.org/referral-directory. Listings are \$50 for lawyers and \$35 for recent law school graduates. For more information, email communications@nlg.org.

Understanding the Law School Tuition Crisis

Today's new lawyers do not - and

from a public interest perspective should not – make enough money to

service the tuition crisis.

By A.J. Cisneros, NLG-UC Davis

Law school tuition has reached crisis levels and acts as just one barrier to prospective law students. During the 2011-12 school year, average resident law school tuition was \$23,214 at public institutions and \$40,634 at their private counterparts. In 1985, these rates were \$4,360 and \$16,358, respectively (in today's dollars). However, while tuition skyrockets, legal education has largely remained the same. Why? Because the "tuition crisis-era law school" is a competitive research institution which consumes increasing student

dollars every year to invest in U.S. News-incentivized expenditures which have, at most, a tangential relationship to education itself. Law school tuition is creating an economic barrier that will ensure people of color, those wishing to serve communities without financial resources, and

against the tuition crisis.

without financial resources, and individuals without economic privilege will be increasingly absent from the legal profession. Students must organize to fight back

Today's new lawyers do not – and from a public interest perspective should not – make enough money to service the tuition crisis. While thousands of young attorneys will struggle under the financial and psychological pressures of a non-dischargeable and unserviceable debt, the high cost of legal education obstruct progress in addressing other crises that plague the justice system, the legal profession, and thus society as a whole.

In a democratic society with a judicial branch that one must be a lawyer to participate in, in a society that is increasingly statutory and administrative, and in a society that practices mass incarceration, the public has a legitimate and pronounced interest in access to lawyers. Now law schools are debt machines calibrated to create lawyers for the proverbial "1%." After all, how can it be said that law schools exist to create lawyers for the people when, by and large, students going to BigLaw to represent corporations—the only major sector paying \$100k+ after graduation—are the only students who can afford to repay law school tuition?

The educational goal of a student campaign should focus on these misunderstandings and assert the true quality of "tuition crisis-era" law schools: a competitive research institution, which every year increases tuition in order to compete in national rankings

> by investing more student money into faculty, research, and other expenditures on a trickle-down theory of legal education.

Whether to finally reverse the tuition crisis, or to protect current student interests from austerity style budget cuts with falling law school applications, law students must orga-

nize to challenge tuition and budgeting status quo. Like professors, we too are a constituency—the constituency that funds law schools. We must become more informed on why law school became so expensive and why tuition continues to increase. We must challenge the continued competition for rankings and work to ensure that ours is the only generation of law students lost to debt conscription. The main constituencies suffering from this repurposing of law schools are law students and the public at large. The public likely isn't close enough to the issue to mobilize; it's up to students to

This piece is an adaptation of a chapter in the upcoming NLG Radical Law School Manual, expected to be released in February. The full-text PDF of the document will be posted on nlg.org.

Sugar Law Center Announces Social Justice Writing Contest for Students

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*).

incite change.

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 January 31, 2014 to the Sugar Law Center (SLC) in Detroit at 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

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.

Out of Retirement and Into Federal Court

By Larry Redmond

I took early retirement eight years ago. I had done my 40 years. I began collecting Social Security, and I enrolled at Chicago State University to study photography and art. My goal was to spend the rest of my life—after the kids were gone—traveling the world taking pictures and publishing my meager fictional creations. I joined the Guild just to 'keep my finger on the pulse' of social justice issues, offer my research and writing skills as needed, and maybe to suggest some causes the Guild might want to pursue. Life was good.

Then one day, I got a call. It was early morning, and I was still in bed. The caller needed a lawyer, and she got my number from a fellow Guild member. I told her I was retired. She explained that she lived in Freeport, Illinois, and that she had been beaten up by a county sheriff's deputy in her home. I told her I was retired. She explained that the incident happened one year and 11 months ago; she had looked for an attorney in Freeport as well as in Rockford, and no one would help her. She explained that if she did not find an attorney within the next 30 days that the statute of limitations would run out, and the deputy would have gotten away with a clear violation of her civil rights. She was desperate.

I had long heard that towns in Illinois were like the Deep South

back in the day. The civil rights of black citizens were routinely abused. In fact, this was one of the issues I had been lobbying Guild members to address. This caller was white, but I said okay anyway, because the problem was apparently wider spread than I had originally thought. I told her I would file a complaint, but that she was to continue searching for someone else to help her. She said fine.

Three years hence, she has still found no one else to help her, and the case is on the verge of settling. In the interim, however, I have discovered that the need is definitely out there. On more than one occasion, I have been approached by total strangers in a courthouse, potential plaintiffs with no clue as to where to start, looking for a lawyer to help them. Sometimes those panned out, sometimes not, but the encounters were always interesting. I put retirement on hold and now I have a practice that is far more rewarding than I ever imagined. And it has stretched into work with activist groups planning rallies and drafting new legislation to try to stop police crimes in Chicago and across the state. This is the kind of law I sometimes pondered practicing, years ago, but did not think would be my portion in life. I now feel I am truly making a difference. I am helping people in a way that I never dreamed that I would, all thanks to the National Lawyers Guild.

Being a Revolutionary Lawyer for Bread, Freedom and Justice

By Suzanne Samera Adely

Turkey's People's Law Office (PLO) held their third annual international symposium in memory of slain people's lawyer Fuat Erdoğan, gunned down by Turkish police in 1994. The theme of this year's gathering, "Being a Revolutionary Lawyer in the Struggle for Bread, Freedom and Social Justice," refers to the slogans of the revolutionary movements of Tunisia and Egypt, the North African nations where the current wave of global uprisings were sparked.

Lawyers and activists from Turkey, the Arab World, the Americas and Europe discussed the role of the legal community in these movements. Representing the NLG, I presented on current struggles in the U.S. challenging capitalism, imperialism and white supremacy. While emphasizing the significance of the Occupy Wall Street, I offered a critique of the movement pointing out its mainly middle-class leadership and inability to inspire long-term political aspirations. A similar critique was given of the Gezi uprisings, while honoring its significance and the legacy of its martyrs. Discussions were framed around such questions as: What does it take to build and sustain a true revolutionary movement? What does it mean to be a revolutionary lawyer?

The conference was held under a tent on the streets of Küçükarmutlu, a poor neighborhood of Istanbul known for its resistance to the multiple violent attempts by the state to violently displace its communities. The location was in itself a strong

statement reflecting the perspective that being a revolutionary lawyer means being at the frontlines of people's struggles, away from the courthouses and legal institutions where the false ideas of "neutrality" are maintained.

Two years prior to this symposium, I had accompanied some of these lawyers to an Istanbul national security hearing. I witnessed four defendants and their lawyers turning the legal process into a form of protest, demanding their freedom and exposing the illegitimacy of the legal process. This tactic, they say, has led to the release of many political prisoners, and was taken up because they saw no alternative under this repressive system. I witnessed a similar action in an Egyptian courtroom in 2008, where lawyers, eight defendants of the April 6 youth movements and supporters turned a courtroom into a political battle, de-legitimizing the legal process and effectively the regime.

These radical tactics are often unpopular not only because they reject the idea of neutrality in the law but also reject the idea that effective lawyering means only means engaging in this seemingly neutral legal system in defense of people. Is our role defined by defense and advocacy in support of movements? It was repeatedly stated that, we cannot be revolutionary lawyers without a revolution. Can we participate in the growth of revolutionary movements, while continue to engage with our systems as if they are legitimate? These are the questions we must pose.

Keystone XL Spikes Surge in Activism

By Jordan Winquist

Controversy around the Keystone XL pipeline is heating up as 2013 drew to a close. A final review by the State Department of the total impact of the Keystone (KXL) pipeline should be issued in the coming weeks followed by an executive decision about our "national interest." Democrats want to delay the decision until an independent investigator confirms the serious conflicts of interest in the initial environmental impacts review made by contractors who worked with KXL beneficiary gas companies. Despite the conflicts, oil just started flowing in the southern leg from Oklahoma and Texas to the Gulf refineries thanks to a fast-tracked permit by an Obama executive order to the Army Corps of Engineers. Even if Obama and Secretary of State Kerry deny the northern leg of the KXL pipeline crossing internationally into Canada, their agenda is still to maintain U.S. dominance of a dying market that supports arguably less atrocious gas

development, biofuels, and the neoliberal "green economy" – despite constant protests and actions by environmentalist and indigenous groups on the frontlines with NLG support.

The KXL decision is important and soon these pipes may bring Alberta tar sands crude - heavy sludge that's near impossible to clean because it sinks to the bottom of water. We should not

Aerial view of tar sands mining operation. (Photo: turtleisland.org)

overlook other domestic extraction projects like the Bakken Shale formation in North Dakota, the export of coal in the Northeast, and gas fracking in the shale regions of the Northeast. Fortunately, activists and lawyers around the country are mobilizing. Unfortunately, they are being watched and targeted by police at the behest of private petro-interests. Wikileaks, which also recently exposed documents on the ultra-secretive Trans-Pacific Partnership (TPP), discovered a presentation by Stratfor, a private intelligence firm, given to energy companies on how to "deal with" activists. Stratfor breaks down environmental activists and organizations into four groups - radicals, idealists, realists, and opportunists. For the 'radical' groups like the Indigenous Environmental Network (IEN) and Rising Tide North America,

Stratfor recommends "isolating" them with a plan of "divide and conquer." Meanwhile, for groups identified as more 'idealist' like Rainforest Action Network (RAN), the strategy is to "cultivate and educate" them to become more like 'realists' – thinking within the current system. Companies like TransCanada use these strategies and even *directly* brief local police and prosecutors to target and brand non-violent protesters as "eco-terrorists."

The idealists and radicals are the ones imagining and constructing an alternative. They are our clients. We need to ensure these groups have abundant and consistent legal support to defeat injunctions, SLAPP suits and trumped up charges, and preserve the rights of informed consent for any intrusion on indigenous territory. RAN, for example, mobilized over 76,000 people to pledge civil disobedience if Obama approves KXL.

Part of defeating the KXL pipeline and similar projects is to foster and ensure a transition from fossil fuels to alternative renewable energy sources, while erasing our need for an economy

based on ever growing consumption and its accompanying waste. Moreover, our attention on these issues will promote (or coerce) a worldview of the United States as potentially accountable and cooperative. If we constrain our interests to greater comply with international law and develop some serious impact litigation during our window of opportunity in our own country we could salvage the true

meaning of sustainability and the strength of resilience for future generations.

Lawyer support is needed in Colorado, Indiana, Idaho, Minnesota, Florida, Georgia, North Carolina, Tennessee and Texas. Contact the Environmental Human Rights Subcommittee or Indigenous People's Rights Subcommittee (both of the NLG International Committee) at attorneyreid@comcast.net; the Mass Defense Committee at abi@nlg.org and join the KXL email list at nlg.org/KXL).

Hacktivist Revolutionary Jeremy Hammond Becomes 21st Century Political Prisoner

By Abi Hassen

On November 15, hacktivist Jeremy Hammond was sentenced to 10 years of incarceration to be followed by three years of supervised release for being a member of "Anonymous" and hacking the website of the private intelligence firm Strategic Forecasting (StratFor). This represents one of longest sentences

"I believe that sometimes laws must be broken in order to make room for change."

-Jeremy Hammond

ever imposed for violation of the Computer Fraud and Abuse Act (CFAA).

Hammond was represented by a cadre of NLG attorneys, including Liz Fink, and Sarah and Margaret Kunstler. The case garnered massive outside support from prominent figures such as Daniel Ellsberg, Jesselyn Radack, Richard Stallman, Baher Azmy, Michael Ratner, and Julian Assange – all of whom wrote letters to the judge (along with many others).

Jeremy thanked the NLG explicitly along with several other groups in his sentencing statement going on to explain why he performed his various acts of civil disobedience:

I have been arrested for numerous acts of civil disobedience on the streets of Chicago, but it wasn't until 2005 that I used my computer skills to break the law in political protest. I was arrested by the FBI for hacking into the computer systems of a right-wing, pro-war group called Protest Warrior, an organization that sold racist t-shirts on their website and harassed anti-war groups... I was sentenced to two years in prison. While in prison I have seen for myself the ugly reality of how the criminal justice system destroys the lives of the millions of people held captive behind bars.... When I was released, I was eager to continue my involvement in struggles for social change... so I focused on above-ground community organizing.

But over time, I became frustrated with the limitations, of peaceful protest, seeing it as reformist and ineffective. The Obama administration continued the wars in Iraq and Afghanistan, escalated the use of drones, and failed to close Guantanamo Bay.... The U.S. hypes the threat of hackers in order to justify the multibillion dollar cyber security industrial complex, but it is also responsible for the same conduct it aggressively prosecutes and claims

to work to prevent. The hypocrisy of "law and order" and the injustices caused by capitalism cannot be cured by institutional reform but through civil disobedience and direct action. Yes I broke the law, but I believe that sometimes laws must be broken in order to make room for change."

Jeremy created further controversy in his sentencing hearing by telling the public about the crimes committed by the government during its investigation. While reading his personal statement to the court, Hammond recounted how he was given lists of targets to attack by "Anonymous" ring leader, and



Supporters gather outside Hammond's sentencing at the Federal District Court for the Southern District of New York. (Photo: AP)

FBI informant, Hector Monsegur (aka Sabu). Sabu was a key organizer of the hacker group Jeremy pled guilty to being part of. He often provided resources and helped pick targets to be hacked - all while under FBI supervision. While describing this dynamic, Jeremy read off the names of three foreign countries he attacked at the behest of Sabu (Turkey, Iran, and Brazil) before he was interrupted by the Judge and told that the list of countries the FBI informant asked him to break into was "redacted."

This case offers a small glimpse into the nefarious world of government conducted cyber-warfare as well as the secretive, unregulated system of private intelligence. Others who have dared to expose this — Chelsea Manning, Edward Snowden, and Daniel Ellsberg — have faced similar levels of state repression. The power of the privatized, militarized, corporate-state lies in its secrecy. The only effective threat to this secrecy are the hackers, leakers and whistleblowers who are willing to put their lives on the line for the greater good. The NLG must continue to be there to support these brave, dissenting voices. \blacksquare

In Response to UN Stonewalling, Haitian Cholera Victims File Lawsuit in U.S. Court

By Beatrice Lindstrom

There is at least one thing that Fidel Castro and Bill Clinton have in common: both have called out the UN for causing Haiti's cholera epidemic that has killed more than 8,400 and hospitalized 7% of Haiti's population since 2010. But the UN itself refuses to accept responsibility, spurring widespread criticism and now a landmark lawsuit against it.

On October 9, Haitian and Haitian-American cholera victims

filed a class action lawsuit in the Southern District of New York that challenges UN impunity and could improve military accountability worldwide. The victims are represented by Guild members Beatrice Lindstrom, Ira Kurzban Institute for Justice and Democracy in Haiti (IJDH), and International Association of Democratic Lawyers (IADL) Bureaumember Mario Joseph, at the Bureau des Avocats Internationaux (BAI). Other Guild members have also

MINUTAH
KOLERA

Protesters denounce MINUSTAH presence in Haiti. (Photo: guyanatimesgy.com)

pitched in, including Joel Kupferman of the Environmental Law & Justice Project and IJDH's Nicole Phillips. The filing was announced at a press conference held at the Center for Constitutional Rights.

Cholera was introduced to Haiti by MINUSTAH, the UN stabilization force sent to the country in 2004 to consolidate a Bush-administration-led coup against then-President Aristide. In 2010, MINUSTAH deployed soldiers from cholera-endemic Nepal to Haiti without testing or treating them for the disease. What's more, MINUSTAH stationed soldiers on a military base that discharged untreated fecal waste into a tributary of the Artibonite, Haiti's largest river that provides tens of thousands with water for drinking, washing and farming. Numerous investigations, including one commissioned by the UN, have documented these facts. Yet the UN continues to deny responsibility and defy global

calls for accountability.

Treaties grant the UN protection from national courts, but those same treaties condition immunity on an obligation to provide "appropriate modes of settlement" of tort claims. In Haiti, this obligation is to be implemented through a standing claims commission set up to hear third-party claims for personal injury, illness or death.

Five thousand victims filed claims with the UN in 2011, seeking the promised remedies. But after 15 months, the UN tersely

rejected these claims, stating only that they were "not receivable," and that therefore, it has no obligation to provide an alternative mechanism.

The lawsuit now pending in the U.S. will challenge UN immunity based on its breached obligations and resulting violations of the right to access courts, protected both by U.S. constitutional and human rights law. The U.S. government may intervene in the lawsuit, and advocates are pushing for it to protect victims' rights over UN immunity.

The battle for justice

is being waged on two fronts: in the court and in the public sphere. In the latter, at least, the victims appear to be winning. A network of lawyers, doctors and grassroots activists are moving decision-makers on the issue, including more than 100 members of U.S. Congress that have called for a more just UN response. Media outlets once deferential to the UN are nearly uniformly critical of its mishandling of the case. And within the UN, voices for justice are emerging too; for example, the UN High Commissioner for Human Rights publicly announced that she supports compensation for cholera victims. As more people speak out, momentum grows for a just outcome.

For more information or to get involved, please contact Beatrice@ijdh. org. ■

Injustice in Florida: The Case of Marissa Alexander

By Kerry McLean

You've probably heard about Marissa Alexander. If so, you know that she is a woman in Florida, and a survivor of domestic violence. You know that in August 2010, she fired a warning shot into her ceiling to prevent her abusive husband Rico Gray from attacking her yet again. She was sentenced to 20 years for doing so.





McLean on MSNBC discussing Alexander's bond release. (Photo: MSNBC)

On appeal the verdict was overturned because of improper jury instructions, and Marissa was granted a new trial. Would this have happened if people all around the country hadn't voiced their outrage via news reports, petitions and phone calls? We'll never know, but I'll wager that it is unlikely. I can't trust a system that would sentence a survivor of domestic violence to 20 years behind bars – the mandatory minimum – for daring to protect herself.

Marissa is a mother of three. Her twins, Havalin and Lincoln Alexander, are age 13. They are not Rico Gray's children, so Marissa's mother had custody of them while Marissa was jailed. Marissa's daughter Rihanna Gray is three years old. Rico is Rihanna's father and was granted custody of Rihanna.

The night before Thanksgiving, the judge overseeing Marissa's case finally agreed to release her on bond. Marissa is now on house arrest. I spoke to Marissa's mother the day after Thanksgiving, and she told me that Marissa feels as if she is getting to know her children again, after being away from them for so long. Rihanna is in Rico's custody and Marissa did not see her regularly while she was in jail. Marissa was only able to see her daughter if Rihanna were allowed to spend time with one of Marissa's family members, who would then bring Rihanna to the jail on the day that Marissa was allowed visitors. Unfortunately, Rico wasn't always in the mood to allow Marissa's family to see Rihanna. Rihanna was only nine days old when the incident occurred.

I remember the first time I read about Marissa's case. I was outraged. I immediately joined the Free Marissa Now advocacy campaign. Sometime later I reached out to the Guild's Anti-Sexism Committee to endorse the campaign, which we did. I requested that we endorse as a national organization, to give our full support to the cause. The Guild is one of the 130 organizations that has endorsed Free Marissa Now.

I've traveled to Jacksonville, Florida to connect with activists on the ground. The first time I provided a Know Your Rights training, which turned into a long, painful discussion filled with stories about the oppression of the Black community in Jacksonville by police, prosecutors and judges, and by public defenders that didn't seem to care. The people attending the training were so grateful that I-a member of the National Lawyers Guild – was there. They welcomed me warmly and thanked me so many times. It was overwhelming. I wished that I had the ability to help them with every case that they told me about, but of course I am not able to…at least not alone.

The conversation at the training supported my suspicions about the factors at play in Marissa's case. While sexism is certainly an issue, it would be irresponsible to ignore the role that race has played. I do not believe that Marissa would be treated so harshly if she were not Black. It is as if the basic concept of self-defense doesn't apply to her. Marissa was victimized by Rico Gray and then again by the criminal justice system – which should be protecting her. Marissa's case and many others demonstrate how Black women and other marginalized groups are likely to be blamed when they defend themselves from violence.

It is difficult not to contrast Marissa's case with that of George Zimmerman's – both cases were tried by Florida State Attorney Angela Corey. And although Zimmerman ultimately did not invoke the Stand Your Ground law as Marissa did (he relied on a standard self-defense law), it is difficult to comprehend how a man that stalked, approached, shot and killed a teenager could be found to have rightfully defended himself; while it a battered woman facing an estranged, abusive husband (who had previously been arrested for domestic violence) did not have the right to protect herself with a single gunshot into her own ceiling.



Protesters demand Marissa's release. (Photo: freemarissanow.tumblr.com)

I was in Jacksonville again over Thanksgiving weekend. While there I was interviewed by newspapers and a news show about Marissa. I was also interviewed by MSNBC in New York about Marissa's situation. In addition to discussing the Guild's and Free Marissa Now's support and work, I voiced the hope that a new trial never even happens and that the state of Florida ceases its cruel treatment of this survivor of violence.

The NLG is a Mayfirst Member, Why Aren't You?

By Abi Hassen

The NLG website is hosted with Mayfirst / People Link (MFPL), the technology cooperative that provides secure, trusted Internet services.

Who do you trust with your data?

This question has been brought into stark relief in recent months with Edward Snowden's leaks that revealed pervasive NSA surveillance. These leaks have taught us that we cannot trust the major Internet services companies like Facebook and Apple, nor can we trust the telecom companies like Verizon and AT&T. These companies have all been cooperating in one way or another with the NSA in its efforts to collect and store all of our communications.

How did this happen?

The capitalist incentives of Internet companies are a perfect fit for the government's compulsion to surveil. The "free" services of Google et al. offer us a Faustian bargain wherein they give us their convenient — and admittedly amazing — technologies in exchange for a direct line into our thoughts, our social and political networks, and our professional work product; as the saying goes, "if the service is free, you are the product." The government wants this information and has arranged to get it from the tech companies through legal and extralegal means.

How do we get out of this trap?

So many of our technological decisions are made for us by large companies who do not have our best interests at heart. It is time for us to take control of our tech. We need to start making conscious decisions about what internet resources we use. Rather than relying on what is flashy, fun, and free, we need to start thinking about the long-term implications of our decisions. Here are some questions to think about:

- If I start using a free service now, will I become beholden to it indefinitely?
- Am I using an Internet product that gives third parties access to privileged or protected information (and therefore compromising that privilege)?
- Do I want what I am writing to be stored on somebody else's server forever?
- Am I doing the easy thing instead of the right thing?

What is MFPL?

MFPL is a membership-based cooperative that is dedicated to working with movement organizations to achieve their technological goals. Many progressively minded, grassroots, and politically radical individuals and organizations use MFPL for website hosting, email, cloud-based file storage, instant messaging, and more. However, MFPL is more than a service provider. Much like the NLG, it is a membership organization that seeks to unite and strengthen the political goals of its membership. Joining MFPL as a member not only grants access to Internet technologies you can trust, but also provides a unique forum for developing relationships and using technology to achieve broader social and political goals. Learn more at www.mayfirst.org.

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Dear Friends,

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Sincerely, Roxana Orrell NLG Treasurer To apply, visit www.cardpartner.com/affinity/app/nlg

For more information about the Rewards program please visit wwv cardpartner.com/affinity/rewards



A Letter from Lynne Stewart to the 2013 NLG Convention

The following letter was read by Lynne's husband, Ralph Poynter, at the Convention's Plenary on October 25, 2013.

I wanted to send you this most important Health Bulletin—not personal (pause) but on the steady evisceration of the right to counsel, the bulwark of all we do. Within the last weeks, a suspect was forcibly detained for crimes against the U.S. He was taken from Libya to an offshore ship where he was being interrogated, read tortured. When the public defenders of the Southern District of New York, where his case is ostensibly pending, attempted to have counsel appointed for him, they were turned down in no uncertain terms by judges using the now all too common weasel words. But this is not a new phenomenon—it is apparent over and over again and the question remains—what are WE, who claim to be the last protection against an overreaching state going to do about it?

How important is this? I need to tell a couple of anecdotes about lawyering—my dear deceased friend Bill Kunstler in the tumultuous years in which the FBI-JTTF was rounding up the remnants of the Underground, Sekou Odinga, a member of the Black Panthers and then the Black Liberation Army, related to me that he had been detained in a Queens, NYC precinct for many hours, was being water boarded by the police in one of the toilets, and was really feeling it badly when all at once he heard the booming voice of the Great Kunstler echoing through the hallways demanding to see his client and he knew that he had been saved. The other story was one that I told at an earlier convention and a young lawyer from San Diego wrote to tell me that it had turned her life around. After my arrest, Ralph

and I were stuck in Manhattan traffic, when a bicycle messenger pulled up and tapped on my window. When I opened it he said in an excited and joyous voice "You THE Lawyer!! You the LAWYER!!! Indeed I was and indeed it was and is my greatest ambition and accomplishment to be THE lawyer.

Back in the day and I mean way back, when this adversary system had its origins, the accused had the right to select a champion to fight for their rights and I mean fight–jousting, swordplay, mace and chain — OK perhaps a little hyperbole, BUT the message is clear—we were hired for our brawn as well as brains, our courage as well as legal acumen. We need to get courage and creativity in combat, back into the equation. It's not about schmoozing the prosecution or the judge. How many courtrooms have I walked into where there was not one friendly face—there was just me and the client? Even the stenographers were hostile! And that's OK because I was there for only one reason, the one I took an oath to zealously pursue, the defense of my client. Was it fearsome personally? Of course. But to do otherwise was more so.

I urge everyone to return to the days of robust lawyering. Be Bill Kunstler in the precinct. Be "THE LAWYER." Be the champion who defends fearlessly. When I say that the right to counsel is being eviscerated I mean that the forces of the empire are very busy removing the nerves, the hearts and guts of the Fifth Amendment and leaving it a shell of what it was and can be. We are the opposition that needs to gather our shields and swords in its defense and be selfless and brave. Let us press forward–Instead of the derision we often face; let us all strive to be "the Lawyer" respected and honored. \blacksquare

Welcome home, Lynne!

As you probably know, Lynne Stewart was granted compassionate release on December 31, 2013 (just prior to this issue going to print).

We are thrilled that Lynne is finally home and wish her all of the best in 2014!

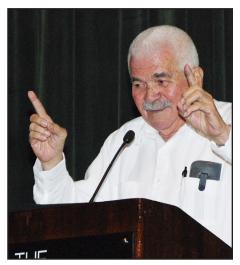
Read the NLG press statement on Lynne's release at nlg.org/ news and stay tuned for reflections on Lynne's case in the next issue of *Guild Notes*.



Lynne Stewart and husband Ralph Poynter arrive at LaGuardia International Airport in New York on January 1, 2014, to friends, family and supporters. (Photo: democracynow.org)

Convention Highlights in Pictures

Photos by Roxana Orrell



Former political prisoner Rafaél Cancel Miranda delivers his keynote address to the Guild.



Jan Susler, Ralph Poynter, Jeff Haas, Dennis Cunningham and Rafaél Cancel Miranda at the first plenary.



Law for the People Honoree Jan Susler with the President of the *Colegio de Abogados y Abogadas de Puerto Rico* and women's luncheon honoree Ana Irma Rivera Lassén at the Saturday evening reception.



Dan Kesselbrener presents the Carol King Award to Cecillia Wang for her work defending immigrants' rights.



Judith Berkan receives the Law for the People Award for her civil rights work in Puerto Rico.



Jody LeWitter and Marc Van Der Hout make a pledge at Saturday's reception as Robert Schmid (background) and Jeffrey Petrucelly (foreground) look on.



Past NLG President Marjorie Cohn makes a pledge at the fundraising reception.



Bacilio Mendez II accepts the Legal Worker Award.



Past NLG President Barbara Dudley demonstrates the Puerto Rican bomba dance at the reception as Ralph Poynter cheers her on.



Jonathan Moore accepts the Goodman Award for his body of work, including challenging the NYPD's Stop and Frisk program.



Claire White following receiving the CB King Award for her tireless leadership as a Guild student.

Election Results

For the full list of NEC members, including committee and regional representatives, visit nlg.org/about/board-staff



Executive VP Natasha Bannan



National VP Bina Ahmad



National VP Gabriela Lopez



Student National VP Claire White

Resolutions Passed

Read full PDFs of each Resolution at nlg.org/member/bylaws-resolutions

- Emergency Resolution in Opposition to Rasmea Yousef Odeh's Arrest by the Federal Government (10/25/13)
- Resolution to Add a Legal Worker VP Seat to the Executive Council (1/1/14)

Take Action for Puerto Rican Independence

Many Guild members returned from 2013 Convention with renewed interest in furthering Guild work in and around Puerto Rico. We learned so much at the San Juan convention about U.S. colonial control of Puerto Rico, and enjoyed rich exchanges with our Puerto Rican colleagues from the Colegio de Abogados y Abogadas de Puerto Rico.

Now, many are trying to figure out what they can do to further our support for progressive and anti-colonial movements in Puerto Rico. The Proclamation for Puerto Rican Self-Determination from the Convention is a great place to start. While NLG President Azadeh Shahshahani has sent a letter to President Obama seeking the immediate release of Puerto Rican political prisoner Oscar López Rivera, the rest of us can educate our Chapters and Committees about U.S. colonialist repression of Puerto Rico and the political prisoners

who remain in U.S. prisons. Furthermore, activists can engage in efforts to obtain letters and resolutions supporting the release of the political prisoners.

- Education: The National Office posted the above Proclamation, educational materials on Puerto Rico's colonial status and presentations from the Convention's Plenary at nlg.org/Convention/2013PuertoRicoResources. The Puerto Rico Subcommittee is also available for presentations and panels on topics surrounding human rights and the independence movement in Puerto Rico, among other issues. Contact Judith Berkan (berkanj@microjuris.com), Jan Susler (jsusler@gmail.com), or Natasha Lycia Ora Bannan (lyciaora@gmail.com) for more information or follow-up. You can also join the Puerto Rico Subcommittee's Google Group to stay connected at groups.google.com/forum/#!forum/puerto-rico-subcommittee or join our Facebook page at facebook.com/#!/groups/630644990311943/.
- Advocacy: A sample letter to President Obama and organizational resolution calling for the release of
 Oscar López Rivera are also available at nlg.org/Convention/2013PuertoRicoResources to edit as you
 see fit and print on your personal or office letterhead. Please send the original signed letters and adopted
 resolutions to Jan Susler, People's Law Office, 1180 N. Milwaukee Ave, Chicago, IL 60642.



Street art spotted on the Convention's Old San Juan walking tour: "Forever FREE: Oscar López". (Photo: Ben Meyers)

Gracias!

Judith Berkan, Jan Susler, and Natasha Lycia Ora Bannan Puerto Rico Subcommittee Co-Chairs

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GIVE BACK TO THE GUILD

Do you value the work of the National Lawyers Guild? Has a Guild attorney helped you or someone you know? For the past 75 years, the Guild has fought to defend civil and human rights. Reach out and help the Guild continue its work, so that as long as we're needed, we'll be there.

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

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

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National Lawyers Guild

Law for the People Convention

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Room rates: \$132/night (1-2 occupants); \$152/night (3-4 occupants)

For more, visit nlg.org/convention