


Guild Notes

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NLG Celebrates 75 Years

A photograph of a person from behind, wearing a bright green baseball cap and a dark t-shirt, speaking into a large white megaphone. They are addressing a large, dense crowd of people at night. The scene is illuminated by warm, orange-yellow lights, possibly from street lamps or stage lights, creating a hazy atmosphere. Some people in the crowd are holding up signs, one of which partially visible says "POWER".

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National Lawyers Guild—unwavering for 75 years

It was 75 years ago that a small group of lawyers gathered in Washington, D.C. with a profound idea. They came together to form a new and different organization, one conceived in liberty and dedicated to the proposition that human rights should be regarded as more sacred than property interests. Rather than a professional association intent on advancing the interests of its membership—and thereby necessarily protecting the interests of the rich and powerful—they aimed to defend and protect the poor and disenfranchised.

They created the National Lawyers Guild, with a structure reminiscent of the craft guilds of medieval Europe, the precursors to craft unions. But this guild was not created for the protection and advancement of its members. It was created to transform the law from a force for oppression and exploitation to one of empowerment and liberation.

For 75 years, the Lawyers Guild has never wavered from that fundamental vision. Win or lose, in times of advance and times of retreat, it has been the polestar that has united us. Despite internal conflicts, oftentimes sharp and divisive, and despite external attacks and tactical and political errors, we have persevered. We survived the McCarthy witch hunts of the early 50s and the bitter disputes, between the old and the young, men and women, lawyers and legal workers, Old Left and New, that attended our renewal in the late 60s and early 70s.



President David Gespass
Photo by Roxana Orrell

“Our fundamental unity around the need to serve the people has always proved stronger than anything driving us apart.”

tion to the war in Vietnam.

We were there for Attica inmates fighting for dignity and Native Americans turning Wounded Knee from a symbol of massacre to one of resistance.

I could go on, but the list would have no end, because we are still there. Wherever Occupy is, we are. Around the world, from the Philippines to Pakistan to Palestine to Venezuela to Cuba and, most recently, in Bahrain, we have put our talents, skills and lives at the disposal of those in need. Until there is no need in society for lawyers, there will be a need for the Lawyers Guild.

In the end, our fundamental unity around the need to serve the people has always proved stronger than anything driving us apart.

While the particular issues may have changed over the past three quarters of a century, our commitment to creating a better, more just society has not. We can take pride that over those years, the Guild has been a part of nearly every significant advance in our legal system.

We were there when industrial unions confronted monopoly capital and won collective bargaining rights.

We were there when the United Nations was founded to end the plague of war.

We were there when red baiting and blacklists were destroying lives.

We were there when African-Americans confronted and defeated Jim Crow in the South.

We were there when a new generation of activists took to the streets in opposi-

NYC chapter continues Herculean support effort for Occupy Wall Street

By Elena Cohen

The Mass Defense Committee of the New York City chapter has been busy since September responding to some 2,000 Occupy Wall Street (OWS) arrests. Over 60 attorneys are working to represent OWS protesters and to file civil suits. Currently there are 633 open criminal cases and a number of ongoing lawsuits.

Legal Observers[®] have also been out in force, and our Street Law Team has run 35 workshops since August. Our Coordination Committee has streamlined and implemented a process for working with OWS jail support teams to track ongoing arrests, and is providing in-court support to our attorneys and defendants as they move through the criminal court system.

We've also organized legal research assistance for attorneys with Occupy Wall Street cases, matching attorneys in need of assistance with law students, law graduates, legal workers, and lawyers eager to contribute to the mass defense effort. Some of the topics researched include the legality of the occupation presence in Liberty Park, the right of arrestees to refuse non-mandatory iris scans at arraignment, and legal arguments to resist the district attorney's subpoena of a defendant's Twitter account. Additionally, we've organized trial preparation teams dedicated to the large mass arrest cases stemming from actions in Union Square, the Brooklyn Bridge, Times



Occupy Wall Street demonstrators march through the streets of Lower Manhattan. Over 2,000 have been arrested since the New York City protests began in September.

Photo by Sarah K. Hogarth

Square, and Liberty Park on eviction day.

We have all been inspired watching and helping this entire effort take place. And while it is exhilarating to see protesters' cases positively resolved, the meat of mass defense is the unique contribution of each individual on the defense team, each of whom have brought real creativity to the endless meetings, sleepless nights, and lengthy email chains that go into this work. As some of the remaining cases move to trial, our mass defense effort will evolve, but the New York City chapter has already shown what a robust and committed mass defense collective can accomplish.

ATTENTION HOUSING, TENANTS' RIGHTS, AND FORECLOSURE ATTORNEYS!

A new national listserv has formed for National Lawyers Guild members who do housing-related work (eviction defense, anti-foreclosure, tenants' rights, homeless rights, right to shelter, anti-gentrification/housing justice work, fair housing, squatters' rights, etc.). The general mission of the list is to serve as a forum for housing-related legal practitioners and activists to share legal knowledge and expertise, to brainstorm and implement creative, radical strategies to advance housing rights and law, and to provide education to other Guild members on these issues. Members of the list may work to create a new national NLG housing committee.

Any current NLG members may sign-up for the listserv by visiting:
<http://lists.nationallawyersguild.org/mailman/listinfo/housing>



Down from Day One: a story of Guild beginnings

By Max McCauley

I'm sure that every year some law student tells a similar story, but my first brush with the Guild was momentous, really.

I was 35, in my first semester at Drexel Law where I had enrolled after the verdict in the police murder of Oscar Grant spurred me into action the year before. Now, the date was September 17, 2011.

Whether we come to look back at that day as a historical footnote, or the start of widespread, systemic change, for me, it was the first day I showed up to legal observe.

I didn't know much, just that actions were planned for that Saturday. Many friends—including ones with backgrounds as serious activists—were skeptical of the call to gather and camp in New York City's Financial District. I didn't share their skepticism. I wanted to see who else would turn out.

Just off the bus from Philadelphia, I arrived at the Charging Bull statue shortly before noon. The weather was lovely. A few dozen people were gathered—the Protest Chaplains, people in Guy Fawkes masks, LaRouchers, all announcing their grievances to a lot of confused police. It was clear that something was going to start that day.

Before leaving Philly, I'd found New York City Chapter Coordinator Susan Howard on the internet and learned from her that the chapter's DisOrientation was also scheduled for that day. I had to hurry from Bowling Green to NYU Law in order to make the Legal Observer® training. After an antsy, long hour I got my green hat from Guild Executive Vice President Ian Head, then hurried back down toward One Chase Manhattan Plaza. The police barricades around that block were so tight it was actually difficult to see through them. Searching the nearby blocks for signs of life, I found Zuccotti Park, where the crowd I'd left had grown to a few hundred. It wasn't long before I spotted other green hats: Jeff Olshansky, Peter Beadle, Steve Falla Riff, Ann Schneider. We began to coordinate. Things were heating up.

About 45 minutes after I arrived, there was an urgent tap on my shoulder and a voice saying, "We could use your help over here."

I followed out of Zuccotti and across Broadway to where two people were in the process of being arrested at



New law student member Max McCauley legal observing on Night Zero of Occupy Wall Street.

Film still courtesy of Eric Brown

a Bank of America. I didn't know it then, but those were the first two arrests of Occupy Wall Street, and this little protest was about to grow some very long legs. From then on, things happened very quickly.

And in the last few months, since the many high-profile evictions, there has come a new widespread attitude that says, "This is winter. This is just practice." As spring 2012 arrives, and the Northeast warms back up, Occupy will too.

This will be the first May Day since this movement started. This will be the first G8 since this movement started. Over these quieter months, local police departments, the Department of Homeland Security and every other group of government employees with guns and computers will have been reviewing film from Oakland and New York City and points between. They will be ready as well.

There will be a greater need for Legal Observers® than ever. Training new Legal Observers® takes an hour. Receiving the training takes an hour. And then it's simply a matter of greater numbers of Guild members finding the time to do the actual observation. If I'm glib about the amount of effort this takes, I guess it's because I had a really inspiring first day on the job.

Twin Occupations take hold in nation's capital

By Rachael Moshman
and Ann Wilcox

Occupy DC

On October 1, inspired by Occupy Wall Street, Occupy DC began in McPherson Square without a permit. In the months that followed, the occupation grew to hundreds of participants, holding daily general assemblies, and sustaining over 15 functioning committees. The camp staged frequent actions at the U.S. Chamber of Commerce, the White House, gatherings of the 1%, and Congressional hearings. The occupation hosted many out-of-town occupiers for Occupy Congress (January 17) and Occupy the Supreme Court (January 20), which together resulted in approximately 100 arrests.

The DC chapter contributed legal support in the form of Legal Observers[®], Know Your Rights trainings, and some criminal representation. In December, local board member Jeffrey Light filed a complaint on behalf of an occupier seeking injunctive relief in federal court. The filing brought a temporary order barring U.S. Park Police from evicting the occupation without 24 hour notice.

Unfortunately, on January 27, the National Park Service (NPS) posted notices in both McPherson Square and Occupy Freedom Plaza stating park camping restrictions would soon be enforced. Several days later, the complaint in federal court for injunctive relief was denied. The NPS, meanwhile, held off on meaningful enforcement action until a week later, when a massive park police presence descended on the encampment, arresting 11 occupiers as workers confiscated bedding and camping materials, as well as personal possessions. Some of those belongings were later retrieved, while other items were deemed hazardous or “trash.” The raid effectively dismantled the occupation, but actions continue, including an anti-foreclosure campaign, and protests to stop six planned Walmart developments in the District.

Also, just a few minutes walk from McPherson Square, Occupy DC's sister encampment continues, if in a more subdued form.



Occupy DC joins the January 11 Day of Action against Guantanamo.

Photo by Sarah K. Hogarth



Law student NLGers Farrah Champagne (left) and Chris Carraway legal observe at an Occupy DC march on the International Monetary Fund in downtown DC.

Freedom Plaza

This permitted occupation began on October 6 at Freedom Plaza. Originally planned as an anti-war action called “Stop the Machine” and modeled after the Tahrir Square uprising, it evolved to include critiques of corporate control of politics, and the direct democracy organization of other Occupy sites. The Freedom Plaza occupation held twice-daily general assemblies, developed committees, and hosted programs and speakers, such as Ralph Nader, Jim Hightower and a special musical performance by Jackson Browne.

Freedom Plaza occupiers often joined Occupy DC for many of the marches and actions in DC, including Occupy Congress and Occupy the Courts.

Freedom Plaza was served with the same notice of intent to enforce camping restrictions, and NPS began enforcement on February 5. Approximately 30 tents remained at Freedom Plaza in mid-February, with protesters staying in shifts, and going elsewhere to eat. The camp includes two large Army-style event tents (suitable for holding meetings and housing kitchen facilities). The group recently negotiated a three-month extension to its permit, originally set to expire February 28.

Chicago chapter wins big in the build-up to Occupy Spring

By Brad Thomson and Ryann Moran

The Settlement

This February, after nine years of litigation, members of the NLG Chicago chapter scored a huge victory, settling *Vodak v. City of Chicago* for \$6.2 million, plus costs and attorneys fees, which will bring the total to well over \$10 million. The case is a class action on behalf of over 700 protestors falsely arrested or detained by Chicago police during a March 20, 2003 protest against the Iraq invasion.

The settlement comes after a favorable decision in the Seventh Circuit Court of Appeals in 2011. In that decision, a judge ruled that police cannot arrest peaceful demonstrators without warning, even if they lack a permit. Since this decision, Chicago police have noticeably changed their behavior at protests, providing amplified orders to disperse and opportunities to leave, which they failed to do in 2003.

On the eve of a trial, the City agreed to settle the case for \$6.2 million, with fees and costs to be negotiated separately. People who were arrested, charged and had their charges dismissed in court will receive up to \$15,000; those who were arrested and released without charges will get up to \$8,750; and people who were detained in the street for over 90 minutes will get up to \$500.

In addition, deposed class members and class representatives will receive an incentive award, including named plaintiff Kevin Vodak, an NLG attorney arrested while legal observing that night. The class action comes in addition to several earlier cases in which police brutality victims who suffered handcuff injuries, broken bones, and wounds requiring stitches, settled for a total amount of over \$300,000.

Vodak is important not only to the class members and their attorneys, but for civil liberties, as it is a victory for the fight to demonstrate. This substantial settlement will send an unequivocal message to the Chicago police and police departments around the country that they must respect the right of free speech and assembly.

This class action lawsuit was litigated by a legal team of attorneys and legal workers who are all proud NLG members. It includes: People's Law Office (PLO) attorneys Janine Hoft, Joey Mogul, Sarah Gelsomino and John Stainthorp, along with attorneys Melinda Power and Jim Fennerty, as well as PLO paralegal Brad Thomson.

For more information or updates on the settlement, visit <http://www.peopleslawoffice.com>.



The Vodak legal team, back row from left: Melinda Power, Brad Thomson, Janine Hoft, Sarah Gelsomino John Stainthorp and, in front from left, Jim Fennerty and Joey Mogul.

The Spring

In February, a judge continued the motions to dismiss brought by Guild attorneys John Stainthorp and Thomas Durkin for the criminal cases of nearly 100 Occupy defendants arrested over two separate days in October. Stainthorp and Durkin successfully argued for the lifting of interstate travel restrictions, but many defendants remain under arrest bonds pending the resolution of their cases.

Meanwhile, Chicago's Mass Defense Committee is preparing for an active spring of Occupy protests, including big actions during the NATO and G8 summits scheduled May 19-21. [Ed. note: just before press time, the White House announced that the G8 will be moved to Camp David.] *Adbusters* magazine has called for a Chicago encampment of 50,000 people to begin on May 1. The committee is developing a specialized Know Your Rights presentation, expanding its Legal Observer[®] Program, and creating a database of volunteer criminal defense attorneys to represent the large volume of arrestees expected.

The chapter is asking Guild members to consider coming to Chicago to help volunteer during the summit. We are expecting a large demand for both Legal Observers[®] as well as volunteers for a temporary legal office and criminal defense support. The Chicago Police Department and other local law enforcement have been participating in numerous trainings, including a presentation by Controlled Force which specializes in video-friendly police tactics. Also, the Illinois State Crime Commission has been recruiting Afghanistan and Iraq veterans to work with private security firms during the summit.

If interested in volunteering, email chicago@nlg.org.

SF Bay Area chapter still Occupied

By Megan Books and
Rachel Lederman

A busy winter

Close to 1,000 Occupy activists have been arrested in the Bay Area since the beginning of October, and the San Francisco Bay Area Chapter of the NLG and Occupy Legal, a legal support collective formed by NLG members and activists, has spent countless hours defending their rights. This has been a particularly challenging task, both because of the volume of arrests, and the fluid legal situations. It has also inspired a higher level of organizing among the arrestees, volunteer attorneys, and legal workers.

The Bay Area has had as many as five occupations at the same time. While Occupy Oakland has received the greatest amount of media attention, there have also been occupations in Berkeley and San Francisco as well as on the campuses of San Francisco State University and the University of California, Berkeley. As of mid-February, Occupy Legal recorded 49 arrests in Berkeley, 725 in Oakland, and 196 in San Francisco, although the number of San Francisco arrests is likely much higher. In the same time frame, many more Occupy demonstrators suffered violence at the hands of police.

Multiple occupations have also meant court dates in multiple counties. While the San Francisco district attorney has learned better than to prosecute the vast majority of demonstration-related arrests due to decades of vigorous Guild defense work, Alameda County, home of both Berkeley and Oakland, has a different political climate. The Alameda County DA has been inconsistent in her charging decisions and has refused to cooperate in keeping the Guild legal team informed, so that we generally do not know which arrestees will be charged until their arraignments. The situation is further complicated by the fact that the police have been booking arrestees into the Alameda County Jail even on minor misdemeanor arrests, and Alameda County has no pre-arraignment Own Recognition release process. There are also no public defenders



Bay Area NLG attorney John Viola speaks to the press about the legal status of the dozens of Occupy Oakland protesters arrested in what he calls "an attempt to break the movement." Photo by Orv <http://www.flickr.com/orvised>

staffing the arraignment courtrooms. As a result, the constant arrests have created a need for a constant Guild presence at the courthouse, to ensure that no one slips through the cracks. We meticulously check the court calendar for the name of every arrestee while providing information and emotional support to the friends and family of those who are still locked up. This takes careful coordination between the legal support office and the people at the courthouse. It also takes a high level of flexibility from everyone involved.

Then, every so often, the Alameda DA's office changes tactics. Recently, with no notice to the arrestees or the Guild legal team, they issued warrants for people who had been arrested weeks or months earlier, and who were originally released without charges. At this point, all arrestees have been told to call the DA once a week to find out whether or not they have a warrant. The DA also recently began requesting stay away orders as a condition of release, and in a number of cases, they have been granted, requiring that activists stay away from the plaza in front of Oakland City Hall where Occupy Oakland is centered. The Guild and American Civil Liberties Union are opposing and challenging these unconstitutional restrictions, also linking this work with NLG efforts to oppose Oakland's gang injunctions.

Shifting tactics

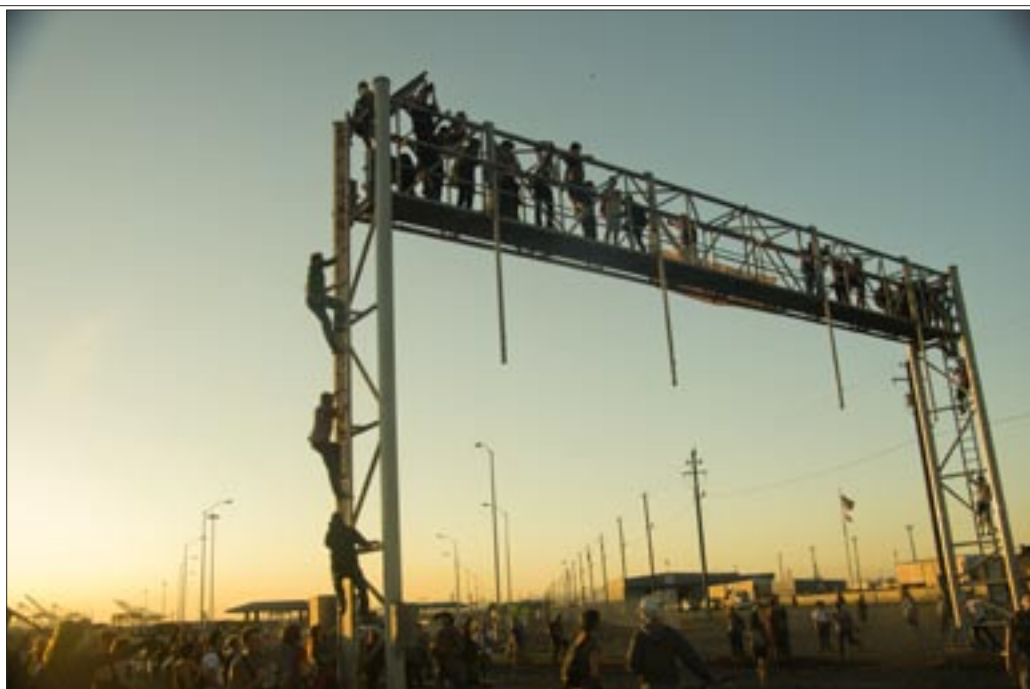
While the Occupy Movement is constantly changing and growing, so are the goals of legal support. At the beginning of the occupations, our focus was on disseminating information about dealing with police interactions. We took some advice from the New York City chapter and set up an information table near the tents.

As police evicted sites around the country, we shifted our focus to informing people of their rights in the courtroom. This meant organizing arrestee meetings and making sure that attorneys, law students, and legal workers were present for court dates. After maintaining a 24/7 legal hotline for months, we have now transitioned to training activists to set up their own legal hotlines. In the meantime, the NLG hotline remains staffed for major mobilizations, and continues to function as a central information point.

At this point, the Guild has two ongoing civil rights lawsuits challenging Oakland Police Department (OPD) repression of Occupy and other demonstrations. *Campbell et al v. City of Oakland* arises from OPD excessive force during demonstrations that followed its October 25 raid on Occupy Oakland and the November 2 General Strike. Lead plaintiff Scott Campbell was filming the police line, asking politely, “Is this OK?” when an officer raised his gun and shot him in the leg with a shot-filled “bean bag.” His video of the incident went viral on YouTube.

In December, U.S. District Court Judge Richard Seeborg denied the NLG and ACLU’s motion for a preliminary injunction, which asked the court to enforce key provisions of OPD’s own crowd control policy adopted in settlement of prior NLG litigation. The policy, for example, absolutely prohibits OPD from firing “less lethal” munitions into a crowd or as a crowd dispersal method, yet that is exactly what the police have been doing at large Occupy demonstrations. We are now adding additional plaintiffs to *Campbell* and pressing on to obtain damages for those who have been injured by the OPD excessive force.

A Guild team is also in the process of obtaining class certification for a lawsuit arising from the 2010 mass arrest of 150 people during a police brutality demonstration.



Occupy Oakland protesters scale a train crossing during the Port of Oakland shutdown, part of the November 2 general strike. Photo by Margaret Killjoy

The case, *Spalding et al. v. City of Oakland and Alameda County* is particularly relevant in light of the recent mass arrest of 400 people during an Occupy Oakland march on January 28, 2012. On both occasions, demonstrators, Legal Observers®, and others were kettled and arrested without dispersal orders. The arrestees were then detained for many hours on buses, painfully restrained with plastic handcuffs. The 2010 arrestees were held overnight, and the 2012 arrestees for two nights, in holding areas lacking beds, so crowded that they had to take turns sitting or lying down on the cold, dirty floor. Arrestees were also denied medical attention and subjected to other abuses.

OPD’s response to Occupy Oakland is currently under investigation by the federal monitor who has been overseeing OPD’s progress—or lack thereof—in implementing the reforms mandated by a 2003 settlement in the lawsuit brought by NLG members Jim Chanin and John Burris on behalf of victims of the police “Riders” gang. The monitor has expressed serious concern over the violent crackdown on Occupy as well as OPD’s nine years of foot-dragging on reforms. In January, U.S. District Court Judge Thelton Henderson increased the monitor’s supervisory role over OPD, leaving federal receivership as the possible next step.

The Guild’s *Spalding* lawsuit, which like *Campbell* seeks enforcement of the OPD Crowd Control Policy as well as damages, is before Judge Henderson as a “related case” to the Riders litigation. Together, these cases form the long chain of our unyielding demand for police accountability in the Bay Area.

Tennessee chapter protests Alberto Gonzales



NLG members Mark Brooks and Sarah White (in hood) protest Alberto Gonzales in Nashville
Photo by Joyce Perkins

By Mark Brooks

Members of the Tennessee chapter of the Guild organized a January protest in Nashville to greet former Attorney General Alberto Gonzales, who had just taken up his new duties as the Doyle Rogers Distinguished Chair of Law at Belmont University's fledgling law school.

Outside, demonstrators picketed the small private university to protest Gonzales' role in crafting the Bush Administration's torture policies for detainees from the wars in Afghanistan and Iraq. Simultaneously, Guild members and Occupy activists confronted Gonzales inside his law school classroom, as stunned students looked on.

The demonstrators—some donning hoods to symbolize the outrages at Guantanamo and Abu Ghraib—peppered Gonzales with questions about his role in authorizing waterboarding and other forms of torture during his White House tenure. Belmont administrators scrambled to eject the protesters, while activists continued questioning Gonzales and leafleting students and staff.

Meanwhile picketers at the main campus entrance engaged students and others about Belmont's decision to hire Gonzales to teach at the law school, now in its second semester of operation. The clearly irate law school dean stalked out to the demonstration to take photos of protesters and to threaten arrests for any future acts of "trespass" at the school.

Belmont officials announced last fall that Gonzales would begin teaching at the unaccredited law school this January.

"Guild members in Tennessee quickly decided that Gonzales was not going to come to Nashville—to teach constitutional law of all ironies—without a strong local protest against his complicity in such grossly unconstitutional policies," said Will York, a Tennessee native and recent law graduate from Case Western Reserve.

Gonzales, who once famously dismissed protections of the Geneva Conventions as "quaint" and "obsolete," has had a contentious employment history since resigning in disgrace from his attorney general post in 2007.

He landed a short-term position in 2009 at Texas Tech University in Lubbock, and over 40 Texas Tech faculty members promptly submitted a petition condemning the appointment.

At Belmont, over 45 faculty members have also signed a petition that, while not identifying their new colleague by name, nevertheless adopts unmistakable positions condemning torture and "the narrowing of the definition of torture so as to make its prohibition meaningless."

To see a video of the protest visit:

<http://www.youtube.com/watch?v=SCSg7bMTO38&>

Environmental advocate vindicated: federal jury rules rights violated in arrest

By Heather Marek

On January 23, a federal jury in the District of Oregon, Eugene Division, unanimously found that a Eugene police officer violated the Fourth Amendment when he arrested environmental activist Josh Schlossberg for pamphleting on a public sidewalk, then manhandled him, and searched through his camera without a warrant. The decision upheld all three claims brought by Guild attorney Lauren Regan, and sent a strong message to area law enforcement.

"This case clearly defines the rights of people to record police officers in public places and holds this officer accountable for his failure to know the law he has sworn to uphold," said Regan, who brought the lawsuit with the support of her employer, the Civil Liberties Defense Center.

"We believe the jury agreed with us that the Supreme Court has set parameters for the police when using force against citizens who are innocent until proven guilty," she continued.

The case stemmed from a March 13, 2009 incident, when environmental organizer Josh Schlossberg was lawfully leafleting on the public sidewalk outside a downtown Umpqua Bank in Eugene. As a trained videographer who had witnessed several acts of police brutality against environmental activists, Mr. Schlossberg carried a camera with him to most public political events.

Responding to a call from the bank, Eugene police officer Caryn Barab observed two people standing near a table on the sidewalk. Schlossberg informed the officer that he was recording her pursuant to the Oregon law on "intercepting communications," which requires a person to provide unequivocal notice when recording another person. The law does not require consent, warning, or that the person being recorded hear or understand the notice. The officer determined that the activists were in compliance with the law and left the area.

Soon after, Eugene Police Sgt. Bill Solesbee dispatched himself to the scene and, without conducting any investigation, told the two to leave. After speaking with bank employees, Solesbee exited the bank. Schlossberg informed him he was recording, and Solesbee began to make repeated incorrect statements of the law regarding First Amendment rights on public sidewalks. After Schlossberg



Plaintiff Josh Schlossberg with attorneys (from left) Lauren Regan, Rebecca Smith, and Marianne Dugan.

advised Solesbee that he had conferred with an attorney and did not believe Solesbee's threats were legally accurate, Solesbee said, "Gimme that, that's evidence," and lunged at Schlossberg and his camera.

Solesbee grabbed the camera and put Schlossberg in a pain compliance hold, throwing him to the ground head-first and jamming his knee into his neck. The officer then handcuffed and arrested Schlossberg for "intercepting communications" and resisting arrest for what the officer later described as "tensing" his muscles. In court, Solesbee admitted he heard Schlossberg say "something about recording," but testified that he chose to make the arrest for "secretly recording." What's more, with Schlossberg locked in the back of his car, Solesbee turned on the camera and reviewed its contents without a warrant or consent.

The Lane County District Attorney's Office refused to file charges and instructed the EPD to return the camera without viewing its contents.

Lauren Regan, with Guild member Marianne Dugan and Rebecca Smithnow as co-counsel, filed three federal claims—one addressing the arrest without probable cause, one pointing to the illegal search of Schlossberg's camera, and one claiming excessive force. Nearly three years later, the federal ruling has vindicated Schlossberg's rights, ordering the city to pay him \$4,083 to cover medical expenses stemming from the incident, and \$1,500 in noneconomic damages.

There is one slight snag. The city appealed the ruling February 24.

The fight continues.

Legal workers—the vital link between people’s movements and movement lawyers

By Traci Yoder

Unlike most professional legal associations, the National Lawyers Guild includes as members not only lawyers, but also law students, legal workers, and jailhouse lawyers. As we celebrate our 75th anniversary, the history of how and when non-lawyer members were accepted into the Guild is worth revisiting.

Legal worker is a broad category that encompasses staff for Guild chapters and projects, paralegals and secretaries at progressive law firms and legal nonprofits, legal activists and organizers, investigators, jury consultants, law librarians, legal educators, social workers, and others who work to help people navigate the legal system from a social justice perspective. Over the past 40 years, legal workers in the NLG have organized and staffed Guild offices and law collectives across the country, also working closely with lawyers and students on mass defense and other NLG projects.

According to legal worker and former NLG President Karen Jo Koonan, legal workers became a more visible presence in the organization during the late 1960s and early 1970s as the Guild defended increasing numbers of demonstrators and organizers. During this period, NLG law collectives became “centers of activism” where Guild lawyers worked closely with paralegals, legal secretaries, and legal activists to help those putting their bodies on the line for mass movements of the insurgent Left. In this heady context, legal workers acted as organizers with the unique ability to bridge the gaps between movement lawyers and anti-war activists, at the same time training to better understand and work within the legal system. In other words, legal workers were liaisons, translating the ideas and practices of the legal world to activists and bringing their voices, concerns, and organizing practices to the lawyers.

These early legal workers, mostly women, undertook much of the organizing and administrative work of the Guild’s legal support for movements. Women lawyers, still at the time a minority in the Guild, supported and fought for the rights of legal workers to be recognized for their contributions, which eventually led to their inclusion as a category of membership in the NLG.

The 1970 Guild convention in Washington, DC saw the long-standing tensions of women’s subordinated role in the Guild come to a head with a panel on the issue, attended by all 350 convention-goers, and followed by the election of Doris Walker as the first female NLG president. The issue of including law students as members



Traci Yoder, current legal worker co-vice president

came to a vote after the election and Walker, in a move that illustrates the complex dynamics at work in the Guild, argued against their inclusion, saying it would threaten the Guild’s standing as a bar association.

At the convention in Boulder, Colorado the following year, which drew twice the attendance, the legal worker debate was equally heated. Many older lawyer members saw the proposal to expand membership as a move that would open the NLG to what one observer described as the militant excesses of the Left. Guild-affiliated legal workers, many of whom had organized their workplaces, argued that legal worker membership was key to effectively supporting and participating in the ongoing peace and justice movements of the time.

The measure passed after a close vote and a compromise allowing chapters in states with integrated (required membership) bars to form coordinating lawyers groups with the sole purpose of participating in Bar activities. The jailhouse lawyer vote followed, reflecting the development of systematic Guild prison work in several parts of the country. It passed, with less discussion among delegates tired from days of debate.

In the mid-1970s, the National Office (NO) came to be run by a legal collective of lawyers and legal workers. The NO staff communicated with and traveled to chapters to help them to organize locally. By the late 1970s and 1980s, legal worker participation dropped off as social movements changed and Guild membership overall temporarily declined. The emergence of specialized bar associations

(Legal worker history continued)

also caused attrition to the Guild with members joining other constituent and specialized legal groups. In this era, the NO was reorganized into a staff model that included an executive director (ED) in an attempt to stabilize the office.

During the 1990s, the NLG struggled with a series of financial and administrative setbacks, resulting in the loss of an ED and a time of serious crisis for the organization. Karen Jo Koonan and other legal workers and Guild attorneys joined together to save the NO. They raised enough money to restore the ED position and revitalize the office's work. In 1996, Koonan became the first legal worker national president of the Guild.

A new upsurge in legal worker membership and engagement came at the turn of the century when demonstrations in Seattle against the IMF and WTO introduced a new global movement in 1999. The anti-globalization movement, and the massive police abuses they endured, mobilized a new generation of legal activists to join Guild attorneys and long-time legal workers dedicated to protecting the right to dissent.

During the early 2000s, legal workers created more than a dozen legal collectives to undertake mass defense work. The Midnight Special Law Collective is an example of the more recent work of Guild legal workers—a law collective organized as a political group to disseminate basic legal information, coordinate jail support, and act as witnesses of police misconduct against protestors.

Midnight Special disbanded in 2010, after a decade of



Karen Jo Koonan, first legal worker president

fighting for justice. But the role of legal workers in the Guild has long corresponded with the state of political organizing in the United States and if history is any indication, with the Occupy movement and the sense of a new urgency in activism, we can only expect the number of Guild legal workers to continue to grow.

Special thanks to Karen Jo Koonan and the Legal Worker Steering Committee for their contributions to this article.

GIVE BACK TO THE GUILD

Do you value the work that the National Lawyers Guild does? Has a Guild attorney helped you or someone you know? Won't you reach out and help the Guild continue its work? For the last 75 years, the Guild has fought to defend civil and human rights. As long as we are needed, we'll be there.

To make sure 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.

Worth a thousand words: after decades on death row, Mumia makes contact



Johanna Fernandez, Mumia Abu-Jamal, and Heidi Boghosian at Mumia's second contact visit in over 30 years.

By Heidi Boghosian

My throat choked up when I saw him there, without shackles, across the open room.

Mumia Abu-Jamal was walking toward me, his once ankle-length hair cut jaggedly short. The room was like a cafeteria and we could feel all eyes on us.

We hugged.

Not wanting to assume that it would come easily after 30 years of isolation, I had been prepared to not touch him, but the hug was strong, warm, and without any hesitation.

We huddled around a table, Mumia, Professor Johanna Fernandez and I, eagerly catching up on the week's activities, which had been busy both for Mumia and for his supporters outside. A few days prior Johanna and I traveled with a group of activists to deliver over 5,000 petitions to the head of the Pennsylvania Department of Corrections demanding Mumia's transfer to general population. We spared no detail in describing the trip to Mumia: the caravan lost in rural Pennsylvania, the feisty crowd that flooded into two prison buildings before finding the administrative office. Theresa Shoatz was there, we told him, dressed in an orange jumpsuit like the one he wore, like her father Russell Maroon Shoatz wears at SCI Greene where Mumia just spent 30 years on death row.

We giggled as we described the scene to him, how security asked us to leave, and how we insisted on writing a note to the commissioner outlining why Mumia's 50 days in solitary confinement amounted to torture.

Johanna and I bought the vending machine food because inmates are not allowed to touch the food tokens. We brought back hot chocolate, a grilled cheese sandwich, and cinnamon buns. As we sat munching and chatting with Mumia, Johanna and I both felt acutely aware of how amazing it was to be sitting and literally breaking bread after all this time. The food, which would be barely edible in another setting, tasted amazing.

The real highlight, though, was the photo, not only for the fun of grooming and posing together, but also because of the symbolic power packed inside that 4x6-inch image. Earlier, as we signed into the prison, we had purchased a ticket to take a photo. It cost \$1.75, which could only be in quarters. We had frantically searched our pockets and even returned to the car to try to find more, but in the end could only come up with enough for one photo. Johanna asked prison guards for change but they begged off, telling us that they are not allowed to carry currency.

We were lost in conversation when the loudspeaker voice announced "last call for photos." We all jumped up and

(Mumia visit continued)

hurried to the corner where couples and families stood, lined up to pose before the white backdrop. We hastily fixed our hair, Mumia and I removed our eyeglasses, and we told the photographer that this was the first photo since 1995, so it had better be good.

The man kindly took two shots and let us pick one.

Back at the table, Mumia showed us and let us touch the callous on one of his writing fingers. Prison officials consider it a security risk to allow prisoners in solitary confinement the plastic of a whole pen, so for 50 days Mumia wrote with just

the inside tube flopping in his hand.

Then, abruptly, came the final call, and Johanna whispered the words to Bob Marley's "Redemption Song." Mumia joined in, and I will never forget the image and sound of them together as we prepared to leave that room, surrounded by the love of young families, inside the harsh walls of prison.

In the parking lot, another visitor came up and told us that she had been following Mumia's case since the beginning, and that, when she saw him she could not believe her eyes. She said that it renewed her faith. With persistence, she said, anything is possible.

MCLI continues int'l law work begun 75 years ago

By Ann Fagan Ginger

Today, many NLG members in the San Francisco Bay Area, including lawyers with the Meiklejohn Civil Liberties Institute (MCLI), are advocating human rights issues in the U.S. by filing reports with the United Nations Human Rights Committee, the U.N. Committee on Elimination of Racial Discrimination, and the U.N. Committee Against Torture. This effort continues the work begun in 1937, when lawyers with the nascent NLG formed chapters to address U.S. relations with Republican Spain and Nazi Germany, as well as the need for a new League of Nations. Among these founding members were Martin Popper, Carol King, and Mary Kaufman, who joined to form the committee on International Law and Relations.

Before long, the committee became part of the historic prosecution of war criminals at Nuremberg, consulted about the formation of the U.N., and advised on methods to properly dispose of surplus military equipment. Though U.S. government repression would eventually force them to spend much of their time on the defensive, together these Guild luminaries managed to sustain long careers built on their early innovation of connecting issues at home with those abroad.

Carrying the charge, in 2009, Guild member Ann Fagan Ginger convinced Berkeley's city council to make the city the first in the U.S. to complete the reports required by the U.N.'s treaties on civil liberties, discrimination, and torture. The following year, Ms. Ginger also collaborated with Guild member Bill Monning, who represents Santa Cruz in the California State Assembly, to pass ACR 129, a resolution mandating that the state attorney general publicize the text of the three treaties and prepare templates for local government agencies to make the required reports.

Ms. Ginger and fellow Guild member Lucy Rodriguez are now reviewing the long report issued by the U.S. to the U.N. Human Rights Committee in December, and participating in conference calls with the State Department to discuss its fail-

ure to meet the reporting requirements. Ms. Ginger and Ms. Rodriguez are available for trainings on how to make local reports to U.N. committees.

Also, to publicize the text of the treaties, MCLI has prepared a large poster outlining the pertinent sections of the three treaties.

For more information, and to request trainings or posters, visit <http://www.mcli.org>.



Ann Fagan Ginger, founder and director of the Meiklejohn Civil Liberties Institute.

NLG delegation observes Venezuela elections

By David Gespass and Kathy Johnson

This February, the Bolivarian Republic of Venezuela's National Election Council, the Consejo Nacional Electoral (CNE), invited National Lawyers Guild President David Gespass and International Committee delegate Kathleen Johnson to observe the opposition primary elections that took place on February 12. Together, Johnson and Gespass have considerable election experience, involving well over 20 elections from the Balkans to Pakistan.

The invitation came following the presentation given by Tibisay Lucena, CNE president, at our 2011 convention. We were the only two representatives from the United States. Other election officials came from throughout the Americas, and from India and the Republic of Korea as well as several journalists from Latin America and Europe. The purpose of the primary was for parties opposed to President Hugo Chavez, which had formed the Mesa de la Unidad Democrática (MUD), the Democratic Unity Coalition, to select a single candidate to oppose him in the presidential election in October and single candidates for gubernatorial and mayoral elections scheduled for December. It is widely believed that this year presents the best opportunity yet to defeat Chavez and the opposition appears determined to seize it.

In 2008, the NLG received a first invitation to observe presidential elections in Venezuela and the International Committee debated whether going at the invitation of a branch of the government would compromise our integrity or credibility. Ultimately, we agreed to participate. What the delegation found then, and what we found this time, was that no limitations were placed on who we could talk to at the polls or what we could say in our report. Anyone who doubts the delegation members' freedom need only read the report.

Venezuela has established the CNE as a separate, independent branch of government whose sole job is to assure that elections there are as free, fair and transparent as possible. MUD requested its assistance in holding these elections, an indication both of its confidence in CNE's technical abilities and its recognition that the cost of holding them would be beyond the capacity of the coalition. Apparently, though USAID and the National Endowment for Democracy are happy to expend large sums training the opposition in how to defeat Chavez, they are unwilling to spend anything to actually facilitate a democratic process. In any event, MUD representatives we spoke with universally praised the CNE's handling of this election.

Venezuela has a remarkably sophisticated, computerized election system. One votes on a computer, which prints a written receipt confirming the candidate(s) selected and, after one verifies that the vote was recorded correctly, finally casts the ballot. Nearly three million people voted and final tallies



David Gespass delivers his observations through a translator.
Photo by Kathy Johnson

and results were announced within five hours of polls closing.

The day after the voting, observers, including us, presented their reports. Since we both observed in different parts of the country we were able to cover a larger number of issues and observe variations between states. Observers generally praised the process but all reports included specific criticisms and suggestions for improvements which were warmly received by the CNE. One of our suggestions was for the observers to be able visit polling stations the day before, then choose the stations they would observe, rather than being assigned stations by CNE. Another concern was that in some stations the list of registered voters was not complete and some people were not allowed to vote. This problem was particularly severe at a polling station in an indigenous area.

For decades, the NLG has taken pride in its strong relationship with the Cuban government. A similar relationship is being built with the Bolivarian Republic, and it is that relationship, not our individual abilities, that prompted our being invited. We accepted the invitation and participated on the basis that the relationship would not be damaged by frank criticism of problems we observed nor suggestions we made to improve the process, of which the CNE is justifiably proud and which it is eager to demonstrate to the world. The warmth and openness we, and other observers, felt from all the members of the CNE from the time we arrived until we left, confirmed our initial judgment.

For the full report visit <http://nlginternational.org>.

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Celebrate the Guild's 75th Anniversary by becoming a Sustainer!

Happy 75th Anniversary, National Lawyers Guild, and many, many more! We are proud to announce a new and improved Sustainer Program. We invite you to give your radical bar association the best gift possible—a long, vibrant future of fighting for the people.

What does it mean to become a Sustainer?

Sustainers ensure the future of our organization by committing to fund the Guild not just on a one-time basis, but each and every year. Your pledge, which can be paid monthly or annually, will automatically be renewed every 12 months. Those who pay by check will receive a renewal notice, and those who pay by credit card will automatically be charged when it is time to renew.

Why is it important to become a Sustainer?

We love the generosity of our members. Yet, yearly appeals create variable revenue and times of “feast or famine” in cash flow. Sustainers stabilize the income of our National Office, allowing us to spend more time building the Guild, not just covering bills!

How much will it cost to become a Sustainer?

In honor of our 75th Anniversary, our Sustainers commit to donating \$750 per year. (For those who want to give more, we promise we won't turn down additional banquet pledges and other support!) We are happy to spread the Sustainer gift out monthly with automatic credit card payments.

In addition, we have created two other options for our Sustainers—the People's Advocate level of \$7,500 per year, which will be dedicated to maintaining and growing the National Office staff, and the Student Sustainer level of \$75 per year, which will automatically terminate the year following the student's graduation.

Can my law firm become a Sustainer?

Certainly. The Sustainer program is not limited to individuals, or even Guild members. Any supporters of the Guild, from clients to allied organizations or businesses, are welcome.

Do I get any goodies if I become a Sustainer?

Aside from assuring our Sustainers of our undying gratitude, we want to thank them in more material ways.

- * Sustainers will be featured in our annual report, the National Convention dinner journal, and our new website that will go live later this year.
- * Practicing Sustainers who meet the directory criteria will receive a free listing in our online referral directory.

Is my Sustainer gift tax deductible?

Why yes, it is. Sustainer gifts are made to the National Lawyers Guild Foundation, a 501(c)(3) organization. In turn, the NLGF will disburse these funds to the National Office through grants for specific activities.

Can my Sustainer gift be dedicated to a particular purpose?

No. The needs of the National Office are constantly changing, and Sustainer funds will be used wherever they are most needed.

How do I learn more?

For more information, contact Treasurer Roxana Orrell (treasurer@nlg.org) or Executive Director Heidi Boghosian (director@nlg.org). We will provide more information throughout the year on our website, through online announcements, and in our publications.

national lawyers guild foundation

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