

Guild Notes

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#NLG80: 80 years of #LAW4THEPEOPLE



"...In service of **the people**, to the extent that **human rights** shall be regarded as more sacred than property interests."

- Preamble to the NLG Constitution, 1937

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NOTE: The views expressed in *Guild Notes* are those of the authors. They do not necessarily reflect the opinions of the NLG as a whole.

President's Column: NLG Celebrates 80 Years of Challenging Empire

By Natasha Lycia Ora Bannan, NLG President

"Our strategy should be not only to confront empire, but to lay siege to it. To deprive it of oxygen. To shame it. To mock it. With our art, our music, our literature, our stubbornness, our joy, our brilliance, our sheer relentlessness – and our ability to tell our own stories. Stories that are different from the ones we're being brainwashed to believe.

The corporate revolution will collapse if we refuse to buy what they are selling – their ideas, their version of history, their wars, their weapons, their notion of inevitability. Remember this: We be many and they be few. They need us more than we need them. Another world is not only possible, she is on her way. On a quiet day, I can hear her breathing." - Arundhati Roy

For 80 years, the National Lawyers Guild has been confronting empire, at home and abroad. We have been challenging the imperialistic tendencies that manifest through military intervention, but also economic and political. We have placed our talents, legal briefs, arguments, organizing skills, time and bodies at the disposition of movements that have sought to deprive empire of the oxygen it needs to breathe. We have fought the corporate revolution and boycotted their products. And as Arundhati reminds us, we are more than we think we are. We are in every corner, in every bodega and church and community center and waiting room. We are the ones who believe in the human right to healthcare, to free and quality education, to a dignified wage and labor conditions, to housing for everyone without a home. We are the ones who show up to block Immigration and Customs Enforcement agents from detaining parents while their children are in daycare; who chain our bodies together to block the state from deporting families; who record abusive police who stop and frisk our brothers, cousins and neighbors. We are the ones who work tirelessly in the streets and in the courts to release our political prisoners, to release all prisoners and to end the holdover from slavery that is mass incarceration as we know it. We are the other world that is quietly breathing, the silent one who is finding her voice and stretching her limbs. We are 80 years of movement lawyering, of community lawyering, of lawyering for the people.

In August, we celebrate this legacy along with the 80th anniversary of the Guild at our annual convention, to be held August 2 – 6, 2017 in Washington D.C. Join us and hundreds of your fellow Guild family as we discuss, conspire and work to protect our communities in the era of Trump and fascism. While we may not have seen a presidency so blatantly imperialistic, racist, xenophobic,



Natasha Lycia Ora Bannan and Oscar López Rivera following his release.

misogynistic and capitalist as this iteration, the Guild has fought and defended our fundamental rights under previous administrations who have used similar tactics. Our deep history and understanding of the law as an institution that preserves wealth, power and privilege prepares us to deal with the relentless attacks of the Trump administration and draw upon the wealth of experience and history that is the Guild, all of which will be on display at the convention. Through our workshops, major panels, plenaries, receptions, CLEs and community networking, you will be reminded that indeed we are more than we often think we are, and we are in every community, in every corner of this nation and we are not alone. Join us for a very special event, and get inspired, engaged and activated! Register now at www.nlg.org/convention.

I leave you with the words of recently released Puerto Rican political prisoner, Oscar López Rivera, who spent nearly 36 years in federal prison and was released on May 17, 2017: "Our awareness in solidarity of this oppression that touches us all is the starting point of a new and necessary impetus for the struggle.... because only struggle will make us free."

See you in Washington!

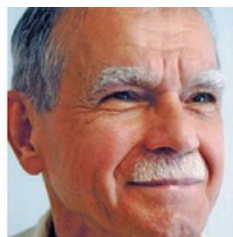
#Law4thePeople 80th Anniversary Convention

We're thrilled to be celebrating our 80th anniversary with an extra special convention in Washington, DC! Visit nlg.org/convention for the full schedule of events, programming descriptions, and more!

The 2017 #Law4thePeople Convention will be held in the birthplace of the Guild, where we will hold dozens of workshops, CLEs, special events, parties and honor the following awardees:



Winona LaDuke
Keynote Speaker



Oscar Lopez Rivera
Arthur Kinoy Award



Water Protector Legal Collective
Law for the People Award

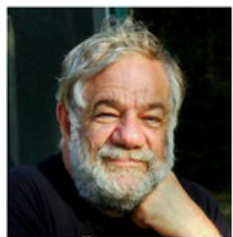
Accepted by Angela Bibens and
Brandy Toelupe



Bruce Nestor
Ernie Goodman Award



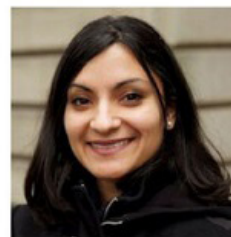
Jayashri Srikantiah
Carol Weiss King Award



Abdeen Jabara and Jan Susler
Debra Evenson "Venceremos" Award



Aneesa Khan
C.B. King Award



Amreet Sandhu
Legal Worker Award

Accommodations & Housing

WASHINGTON COURT HOTEL 525 New Jersey Ave NW,
Washington, DC 20001
\$139 plus tax/night. To book your room, visit: bit.ly/NLG2017hotel or
call 800-321-3010 (Book by July 5 and reference "National Lawyers
Guild" to receive this discounted group rate)

ALTERNATIVE HOUSING A limited amount of space will be
available in the homes of generous DC-area Guild members at no
cost. To request alternative housing or to volunteer extra space in
your home, please fill out the online forms at:
bit.ly/HousingRequests2017 or bit.ly/HousingOffers2017

NOTE: While we do our best to fulfill all alternative housing requests,
we cannot guarantee alternative housing to everyone.





Soffiyah Elijah accepts the 2016 #Law4thePeople Award at the Convention's Awards Dinner in New York City. Photo: Curtis McGuire

Major Panels

FRIDAY: Major Panels I

Immigrants Resist the Deportation Regime in the Age of Trump

NLG Defends Political Prisoners: Lawyers and Clients Tell Their Stories

Ending Incarceration of Women and Girls

SATURDAY: Major Panels II

Protecting Human Rights of Migrants and Refugees in the Trump Era

Muslim in America: Fighting Back against State Surveillance and Repression

Syria & US Policy in Southwest Asia / North Africa

Workshops

FRIDAY: Workshops I

Building the Guild from Inside Out: NLG Organizing, History, and Structure

In Defense of Organizing: Government Retaliation Against Social Movements

Organizing 101 for Legal Professionals and Law Students

SNCC Freedom Fighters in the Nation's Capital: Civil Rights to DC Rights

Criminal Defense Work as Impact Litigation for Reproductive Justice

SATURDAY: Workshops II

Limits of Executive Power: John Yoo, Torture and President Trump

Doing Your First Protest Case

A Sanctuary Continent: Peoples Tribunals and Migrant Rights in the Americas

Dismantling the Private Prison Industry

Our Storied Past: A Peek into the History of the NLG

SUNDAY: Workshops III

NLG Legal Observer "Train the Trainer" Workshop

From Advocacy to Political Practice: Worker-Centered Solidarity

Redefining Local Resistance to the Mass Deportation State

Ensuring Fairness: Access to Counsel in Parole Revocation Proceedings

Decolonization and Sovereignty Under International Human Rights Law

SUNDAY: Workshops IV

Rethinking the Law School Classroom

Strategic Uses of Criminal Cases to Strengthen Movements

Let Haiti Live: Fraudulent Elections, Imprisonment, Deportations

JUST ADDED! Hot topic workshops:

Curing Hepatitis C in PA Prisons

Confronting Fascism: Defending Anti-Fascism

Full & Half-Day CLEs

Fighting Enforcement and Keeping Families Together in the Trump Era *Sponsored by the National Immigration Project* Register at nlpnl.org/seminars.html or at the door.

Police Misconduct in the Age of Trump *Sponsored by the National Police Accountability Project*. Register at nlg-npap.org or at the door.

The Use of International Law to Confront the Trump Agenda *Sponsored by the NLG International Committee*. Registration at nlginternational.org or at the door.

Many workshops and major panels also have CLE credit pending. The CLEs above carry fees in addition to general convention registration.

CONGRATULATIONS TO



(Above) Loyola New Orleans NLG members Veronica Jattan, Perry Graham, and Patrick Murphree all received the Gillis Long Poverty Law Center Public Service Award. NLG former President Professor Bill Quigley handed out the awards and directed the award ceremony.



(Above) Western New England NLG student (now grad!) Claudia Quintero received the James C. Faison Memorial Award for multicultural leadership for work in the NLG and Latino/a Law Student Association and the Edward B. Cooley Award for excellence in Labor Law.



(Above): NLG LA Student Nathalie Meza Contreras models a NLG stole at Southwestern Law's graduation!

(Right) Loyola NLG member Michael Kasper received the 2016 Student of the Year Award from the Pro Bono Project. Kasper rendered over 100 hours of pro bono service for the project over the last year.



(Above) Stanford NLG student Annick Jordan (left) received the Deborah L. Rhode Public Interest Award. She will begin her career as a public defender in New Orleans, having received the Stanford Criminal Defense Fellowship. She recently co-founded a new pro bono project, After Innocence, which provides direct services to exonerees across the country.



OUR 2017 GUILD GRADS!



(Left) University of Baltimore honored the UB NLG Chapter with the “On the Move” award! — with Usman Suleman, Steven Ramon Bryson, Aneesa Khan, Noah Patton and Hamda Ahmed Hussein at University of Baltimore Student Center. Aneesa Khan also received the Student Services Award from the University of Baltimore, which is presented to students who have made outstanding contributions to student activities and/or community outreach activities. Adam Shareef and Aneesa Khan both received a Dean’s Citation for Outstanding Service from the University of Baltimore School of Law for their contribution to the law school community.



(Right) University of Chicago NLG members Simon Wiener, Mariah Garcia, Lucia Goin, Joseph Nunn, and Laurel Hattix named Pro Bono Students of the Month!



(Above) The NLG Chapter at John Marshall School of Law-Atlanta won student organization of the semester!

(Right) University of Texas NLG members Anya Morgan (far right) and Cristian Sanchez (far left) received Graduating Student Awards by the William Wayne Justice Center for Public Interest Law! This annual award recognizes graduating students for their extraordinary commitment during law school to using the law to serve others.



2017 Weinglass Fellow Emily Posner to Fight Toxic Prisons

Emily Posner will be working with the Campaign to Fight Toxic Prisons and the Abolitionist Law Center to work on a strategic campaign to exhaust federal inmate's administrative remedies in an effort to challenge the Bureau of Prison's proposal to build a new maximum security prison on a former coal mining site in Kentucky.

The 2016 Weinglass Fellow was Max Suchan of NLG-Chicago. Read about his experience in the Winter 2016 issue of *Guild Notes*, "Inaugural NLG Weinglass Fellowship Triples Capacity for Chicago Community Bond Fund" at www.nlg.org/guild-notes/article/115



We Don't Need Better, More Accountable Policing; We Need De-Policing

By Audrey Bomse, NLG South Florida Chapter

A North Miami cop was just charged in the shooting of Charles Kinsey, an unarmed therapist who was trying to coax his severely autistic patient back home. Cell phone video captured Kinsey, lying on his back, on the ground, arms raised, pleading with the cops not to shoot. Just one more in a long list of questionable police shootings of unarmed Black and Brown people which have led to Black Lives Matter protests across the country. Luckily, this time the victim survived.

Although charged with attempted manslaughter, Officer Aledda remains suspended **with pay**.

This is the first time an on-duty cop has been charged for a shooting by Miami-Dade prosecutors since 1993. Aledda was one of several cops responding to a 911 call of a disturbed individual, possibly armed with a gun – which turned out to be a toy train. He was 152 feet away, armed with an M4 carbine, without a scope, when he shot the therapist. Two other officers, who were only 20 feet away, didn't feel threatened and were about to approach and handcuff the autistic man when Aledda fired.

Miami-Dade police union chief John Rivera claims: "They're never going to be able to prove that this guy acted maliciously or recklessly in any way." And Rivera is probably right.

Indictments, no less convictions, of police for shooting or even killing unarmed people of color are rare. The last police officer to be convicted in Miami-Dade was William Lozano, who killed an unarmed Black motorcyclist in 1989. A jury convicted Lozano of manslaughter – but the conviction was overturned on appeal. A second jury acquitted him.

More recently, the trial of Michael Slager, the North Carolina cop whose videotaped killing of an unarmed fleeing black man shocked the nation, ended in a mistrial in December 2016. Slager, a traffic cop who had stopped

Walter Scott for a broken tail-light, fired 8 shots from a distance of 17 feet. The jury of 11 white and 1 Black juror was 1 vote short of a guilty verdict.

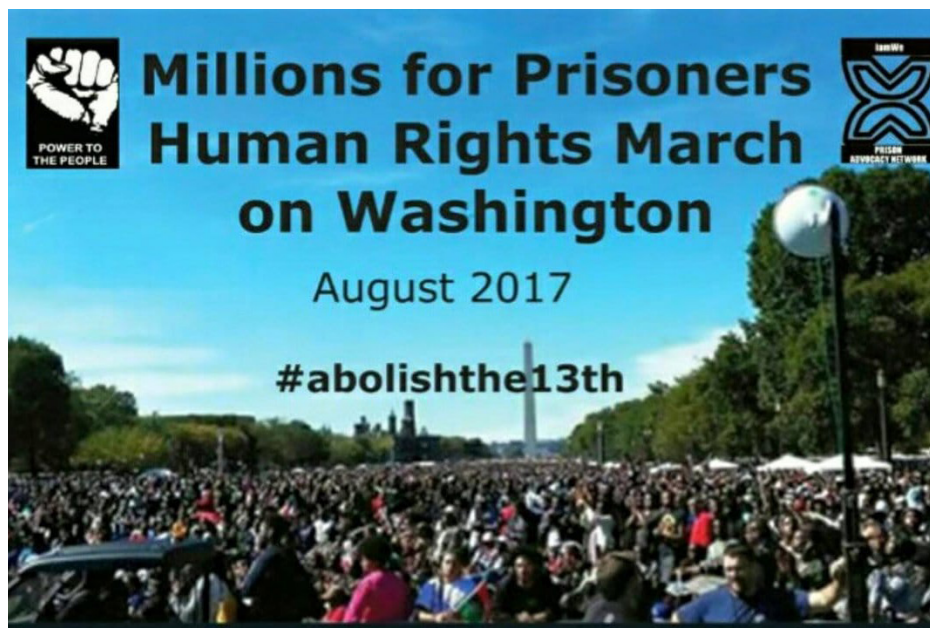
Despite decades of study and efforts to reform the police, and billions of dollars spent on the latest technology to help them do a better job, little progress has been made. What has changed is that cellphone videos keep showing us images of cops shooting and otherwise abusing unarmed people of color.

Though it's claimed that police are there to "serve and protect," historical and contemporary realities remind us that the police function is to contain and control poor and Black and Brown communities.

Two years ago, the NLG passed a resolution calling for eventual dismantling and abolition of prisons and "all aspects of systems and institutions that support, condone, create, fill or protect prisons". It was based on the understanding that police and prisons are tools of state coercion that serve to maintain existing economic and racial inequality. We now need to start offering a different concept of policing: de-policing.

We know that "stop and frisk" tactics and armed cops stopping motorists for minor traffic issues, like broken taillights, enable racist state violence. Why not limit police to investigating major crimes and have other service providers —social workers, ministers, mental health experts—be first responders to most 911 calls? Since we already have lost most of our privacy, why not have cameras record traffic offenses, with summonses mailed to people's homes? Let's get cops out of our schools and stop criminalization, especially of poor Black and Latinx youth. And let's stop being a country where the solution to just about every social problem is to create a law against it, send armed cops to enforce it and punish people who break it. Policing doesn't need to be reformed. We need to de-police. ■

NLG Endorses Millions for Prisoners March on Washington



1. Private entities exploiting prison labor
2. Companies overcharging prisoners for goods and services
3. Private entities contracted by states/federal government to build and operate prisons. This would also include immigration detentions
4. Racial disparities in America's prison population and sentencing
5. Policing: the disproportionate (unaccountable) killings by police in the black and brown communities
6. Felony Disenfranchisement laws
7. Immigration and Customs Enforcement 34,000 detention quotas
8. Producing the world's largest prison population

On August 19, 2017, thousands will gather in Washington D.C. in solidarity with those behind bars. The Millions for Prisoners Human Rights March will move forward with this mission statement:

"We seek to unite activists, advocates, prisoners, ex-prisoners, their family and friends, as well as all others committed to the fight to drastically reduce or eliminate prisons and the prison system, and replace them with more humane and effective systems. Our aim is to expose the prison industrial complex for the human rights violation that it truly is. We want to challenge the idea that caging and controlling people keeps communities safe. We believe that for too long our nation has relied upon incarceration as a way to solve broader social problems to its detriment. In August of 2017 we will march on Washington to bring world attention to the continued slavery and involuntary servitude in America, enabled by the 13th Amendment and to highlight the ever increasing movement against the prison industrial complex."

Here are their core demands for action:

A) We DEMAND the 13th amendment ENSLAVEMENT CLAUSE of the United States Constitution be amended to abolish LEGALIZED slavery in America.

B) We DEMAND a Congressional hearing on the 13th Amendment ENSLAVEMENT CLAUSE being recognized as in violation of international law, the general principles of human rights and its direct links to:

The march is being sponsored by iamWe Prison Advocacy Network, a Nonprofit, Human Rights organization, dedicated to promoting religious tolerance, prisoner rights, and human kindness. iamWe is committed to educating on the effects of racism and classism that has led to the disproportionate imprisonment of Blacks (New Afrikans), Latinos, Native American and poor whites, and encourages prisoners to find their life purpose, through life skill curriculums and personal spiritual development. They are dedicated to advocating for Politicized Prisoners, Political Prisoners, and for the ending of Mass Incarceration. iamWe is part of the New Abolitionist Movement, which takes into consideration the reinvention of slavery in America found within the prison industrial complex. Although the aim of abolishing slavery remains unchanged, the means of accomplishing this requires new methods that are reflective of the present time and situation.

It is a much needed time to put the issue of mass incarceration on the minds of the public, especially since the new Attorney General Sessions wants to roll back every progressive policy that ever came into play under Obama, and vows to criminalize even more people. The National Lawyers Guild stands in solidarity with the Millions for Prisoners Human Rights March, joining more than 100 other endorsing organizations. We hope the movement against prisons will continue strong despite new challenges on the horizon, and that the people inside will know that those on the outside continue to fight for them. ■

NLG DE-NJ & ACLU DE: Initial Study Findings Reveal Worsening Conditions Leading Up to Feb. Uprising at James T. Vaughn Correctional Center

This piece was adapted from a press release by the NLG DE-NJ Chapter and the ACLU-DE June 8, 2017.

Initial findings from a joint study currently underway by the Prisoners Legal Advocacy Network (PLAN) of the National Lawyers Guild Delaware-New Jersey Chapter (NLG DE-NJ), ACLU of Delaware (ACLU-DE), and the Delaware Coalition for Prison Reform and Justice, reveal significant increases in reports of worsening prison conditions at the James T. Vaughn Correctional Center in the months leading up to the uprising at Vaughn in early February.

“To the best of our knowledge, this study is the only effort to assess the Vaughn incident using hard data and incorporating the voices of affected prisoners,” said Paul Stanley Holdorf, PLAN’s supervising attorney.

The data set consists of more than 2,000 letters sent to ACLU-DE from prisoners across Delaware’s four adult facilities—Baylor Women’s Correctional Institution, James T. Vaughn Correctional Center, Sussex Correctional Center, and Howard R. Young Correctional Institution—postmarked from late 2011 through April 2017. The letters were coded to track various trends, including: the number of prisoner letters sent from each facility; the types of complaints expressed, and periods during which prisoner concerns were being expressed in higher volumes.

The issues raised in the complaints highlighted the need for better prison conditions; access to legal resources; and a transparent, more accountable grievance process. Notably, the 1,304 letters received from Vaughn prisoners in the period preceding the uprising far exceed

those from the other three prisons when each prison’s population size was considered.

In the letters from Vaughn, complaints about living conditions, the prison’s grievance process, and legal resources, such as access to courts, attorneys, legal materials, the law library, legal mail and legal property, significantly increased over the four month period from October 2016 through January 2017. Concerns about medical care and mental health treatment spiked in January, just prior to the February 2017 incident.

In early June, Governor John Carney released a report investigating the February incident that identified prison overcrowding, understaffing, low morale and inadequate training of staff at Vaughn as serious concerns. The report stated: “The long-standing issues within the facility, if left unattended, will continue [to] provide fertile ground for chaos and violence within the facility.”

“Delaware prisons were at 150% of their design capacity in 2015. Prisons are not a priority until a tragedy occurs,” says David Fathi, director of the ACLU National Prison Project.

“Prisoners’ concerns and complaints need to be taken seriously,” said executive director of ACLU-DE Kathleen McRae. “The analysis of this data shows that the James T. Vaughn Correctional Center needs a transparent and effective complaint process. If they had one functioning in the months leading up to February 1st, they would have been able to recognize the crisis as it was developing and taken preventative action,” she concluded. ■

NOTE: See p.18 for a Beyond Bars article, “Life at Vaughn Prison as a Black Transwoman,” by Kamilla London.



Aerial view of James T. Vaughn Correctional Center. (trconrad2001 – Flickr: Smyrna Correctional Center, Delaware)

Remembering People's Lawyer Lynne Stewart



Lynne Stewart receives a standing ovation at the 2014 #Law4thePeople Convention in Chicago. (Photo: Shubra Ohri)

By David Gespass, NLG Past President

The National Lawyers Guild joins with all those in the country fighting for a better and more just society in mourning the loss of Lynne Stewart, who passed away March 7. We are proud and honored by her membership in the Guild and were proud to have stood by her throughout her prosecution for being a vigorous and conscientious advocate for her client, Sheik Omar Abdel-Rahman, her imprisonment and her eventual release.

And just as millions mourn her passing today, millions stood by her over the years she was under attack by government forces. None of us could do any less because she spent a lifetime standing by the poor, the marginalized and the scorned. For most lawyers generally, and criminal defense lawyers specifically, the practice of law is a job, a way to make a living. For a very few, however, it is a calling, a means of fighting against oppression. No one exemplified that more than Lynne.

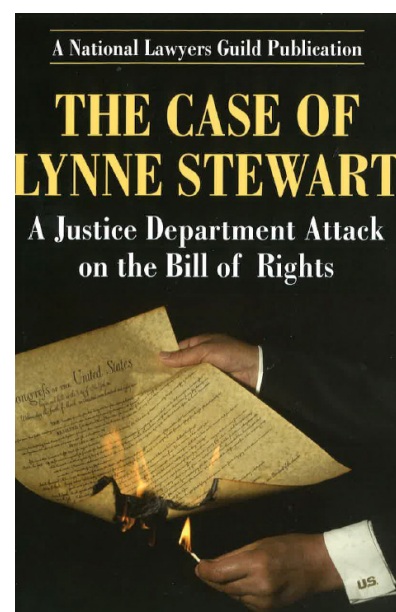
The criminal defendants she represented were overwhelmingly poor, marginalized and scorned. For them, the criminal system was nothing more than an assembly line they churned through, the wheels grinding slow and fine. In Lynne, they had an advocate who would put her body and her intellect between those grinding wheels and her clients. By protecting the most defenseless, she protected the rights of all.

Her prosecution, conviction and imprisonment did not end her advocacy, it only changed its form. She became a fighter for the rights of prisoners, women prisoners

particularly and devoted her last years, both in and out of prison, to that cause with the same fervor she displayed as a lawyer. As a lawyer and after she lost her license because of her conviction, she reflected in her life and work the basic principle on which the National Lawyers Guild stands, the demand that human rights be regarded as more sacred than property interests. The forces of repression never silenced her in life and will not silence her in death. Joe Hill did not die with his execution by the copper bosses and, so long as the poor defend their rights, Lynne will live among us.

We extend our sympathies especially to her husband and comrade in arms, Ralph Poynter, her children and her grandchildren, but all of us are suffering her loss. ■

See the NLG's 2005 Publication, *"The Case of Lynne Stewart: A Justice Department Attack on the Bill of Rights,"* available at nlg.org/the-case-of-lynne-stewart



Charles Hey Maestre: ¡Presente!



Charlie (sporting a t-shirt from the 2013 #Law4thePeople Convnetion in Puerto Rico) with grandchild Gabriel Tatmon-Hey. Photo courtesy of Linda Colon.

Extraordinary tributes were held at San Juan's Colegio de Abogados (the Puerto Rico Bar Association) in February and at NYU School of Law in April, in honor of Charles Hey Maestre, a leading independentista lawyer and NLG leader. Charlie died in February of cancer.

As a staff attorney and administrator of the Instituto Puerto Riqueno de Dereches Civiles from 1983-89, Charlie led the transition of the NLG's Puerto Rico Legal Project from a solidarity program with the island's Independence movement, into Puerto Rico's first public interest law firm led by the Puerto Rican community. The Instituto gained immediate visibility through its litigation of a case arising from the murder of the son of a noted Independentista poet at the hands of the Puerto Rico police's notorious Death Squad at Cerro Maravilla. The cover-up the case exposed became a national scandal in Puerto Rico, leading to Watergate-style hearings in the Puerto Rican Senate, and the electoral defeat of the

Governor.

Charlie later became law partners with Judith Berkan, who had led the NLG Puerto Rico Legal Project's representation of the Vieques fishermen. He later became the Executive Director of Servicios Legales, Puerto Rico's legal program for the poor, where 45% of Puerto Rico's population qualify for its services.

Tributes in both San Juan and New York were stirring. Judy Berkan told of scenes at the Colegio de Abogados, where adversaries who never find agreement, paid tribute to Charlie. In New York, Iris Morales, a former Young Lord who recruited Charlie to attend NYU Law School, recounted how Charlie joined the early efforts to diversify the student body. U.S. Supreme Court Justice Sonia Sotomayor told the New York audience how as an undergraduate she became Charlie's mentor, and that Charlie brought about her introduction to her mentor, Jose Cabranas, when Charlie visited her law school to interview Cabranas for his senior undergraduate thesis focusing on the status of Puerto Rico. Justice Sotomayor and other speakers sounded the common theme that when he graduated law school, with many avenues open to him, Charlie kept to the vision he had told to Iris Morales when she recruited him to NYU: he returned to Puerto Rico to serve his community. Upon graduation from NYU in 1980 he became a Reginald Heber Smith Community Law Fellow at Servicios Legales in San Juan from 1980-83. He then served as a staff attorney and administrator at the Instituto from 1983-89. Ellen Chapnick, former president of the Center for Constitutional Rights who worked at the NLG Project in San Juan for a year, recounted Charlie's work on CCR's board and leadership at the New World Foundation as a board member and its chair.

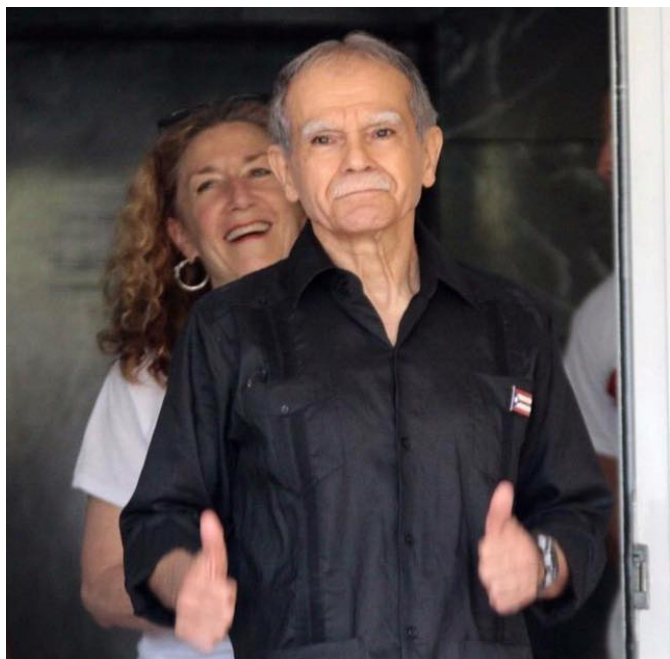
Charlie devoted his life to advancing justice for the poor and oppressed of the island. The NLG's Puerto Rico Subcommittee is so pleased that hundreds of contemporary Guild members got to meet Charlie when he was one of the organizers and a host of the 2013 NLG Convention in San Juan. *CHARLIE PRESENTE!* ■

Join the FRIENDS OF THE NLG to advance human and civil rights throughout the year!

Friends of the NLG is home to hundreds of donors who have committed to support our work month after month – with gifts from \$5 to \$500. Giving a recurring donation is an easy way to pledge your commitment to social justice while making a powerful and long-lasting impact! **To learn more or to sign up, visit nlg.org/friends!**



Political Prisoner Oscar López Rivera Returns Home after 35+ Years



Oscar López Rivera being freed from house arrest on May 17. NLG member and his attorney Jan Susler, smiles in the background. (Alina Luciano, *Claridad*)

By the Puerto Rico Subcommittee of the NLG International Committee

On May 17, after almost 36 years in U.S. custody for his commitment to the independence and self-determination of Puerto Rico, Oscar López Rivera walked in to the waiting arms of the Puerto Rican people. Greeted with an early morning serenade by the chorus of the University of Puerto Rico, flowers, embraces, tears and media from all over the world, Oscar emerged with a message of unity, grateful for the consensus that resulted in the presidential commutation of his sentence.

Thousands of cheering people of all ages packed the plaza in San Juan to welcome him home. As the country's finest musicians performed a concert in his honor, families passed their small children over and through the crowd, so they could be photographed with Oscar. His message

was firm and loving: We must act together to save Puerto Rico from the U.S. imposed "junta" [Fiscal Control Board] which is ravaging our country; We must support the students whose strike at the University of Puerto Rico has galvanized the movement to stop the draconian economic measures being imposed on the island and to focus on the necessity to decolonize our country.

Oscar is perhaps the most recognized Puerto Rican on the island. When he walks down the street, traffic stops, as people jump out of their cars, rush to his side to hug him, thank him, and take a selfie. When he eats in a restaurant, the wait staff, the chef, the patrons, all embrace him and take a selfie.

Each day of freedom has led him to another welcome event, from the Ecumenical Coalition where he was embraced by the Archbishop of San Juan and bishops from several denominations, to the 36 Women for Oscar who for four years had demonstrated the last Sunday of every month, to the striking UPR students, to the pro-statehood mayor of San Sebastián's reception in his hometown, to the pro-commonwealth mayor of San Juan's sponsorship of his art exhibit in the city's art gallery.

His travels have taken him to Chicago's Puerto Rican community, the Bay Area, and New York City, where he has been regaled by civic and community leaders, with cultural presentations, and with much love.

His travels will take him to the 2017 NLG #Law4thePeople Convention in Washington, D.C. this August, where he will receive the Arthur Kinoy Award and speak on a panel about political prisoners. Come celebrate with the NLG's Puerto Rico Subcommittee, which has for years held the Guild's laboring oar advocating for his release and the noble cause which led to his imprisonment – the independence and self-determination of Puerto Rico, sponsoring resolutions, workshops and panels – even the NLG's 2013 convention on the island!

Join us in celebrating Oscar this summer: this is an opportunity you won't want to miss! ■

Military Law Task Force of The National Lawyers Guild



MILITARY LAW TASK FORCE OF THE
NATIONAL LAWYERS GUILD

Military Policies on Dissent

MilitaryLawHelp.com

nlgmtf.org



MILITARY LAW TASK FORCE OF THE
NATIONAL LAWYERS GUILD

Military Psychiatric Policies and Discharges

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NEW: Updated legal memos from MLTF: [Military Policies on Dissent](#), written by attorney David Gespass, and [Military Psychiatric Policies and Discharges](#), by Kathleen Gilberd. Download them at nlgmtf.org/military-law/category/mltf-publications/

Kasia Rutledge of NLG Portland Receives Oregon Women Lawyers Award



Kasia Rutledge

By Steven Goldberg, on behalf of NLG Portland

As an older Guild member, I have always taken pride in representing, working with and learning from my clients, both within and outside of the U.S. I have been mindful of my privilege, that my background and economic and cultural circumstances are so

different from my clients, but at the end of the day we were at least bound by our struggles – whether against racist employers, a government that subverted human rights in the name of national security, against a spouse in a custody case who could not accept that the person he married was gay.

We are now in a time when those struggles, and the – albeit rare – victories we enjoyed together, are being challenged by an administration overtly propagating an ethos of racism, homophobia, xenophobia. But where I have taken the greatest pride, and hope, is in the work of younger Guild members from whom I have learned, and continue to learn, so much.

Kasia Rutledge is a member of the Portland, OR Guild chapter, one of our many younger members. She is a public defender, a teacher; committed, passionate and wise beyond her years. She was recently honored by Oregon Women Lawyers (OWLS) with the Judge Mercedes Deiz Award. Here are her inspiring remarks at that dinner:

It still comes as a surprise to me that I am even a lawyer. Like many others in this room, I often feel like an imposter. I feel inadequate, transparent, and vulnerable. I am sure that at any moment someone will discover that I don't actually belong in this space. That my voice isn't worth listening to. Even tonight I am sure that the play off music will start playing, the curtains will begin to close and I will be pulled off the stage.

But in those moments of feeling small and wanting to retreat before the spotlight of harsh truth reveals me as a fraud -it is in those moments that I am truly the most powerful, the most connected to others, and the most

capable of grace towards myself and those around me.

Because the truth is, the spaces I often find myself in the law were not made for me. My voice is often not welcome or valued. Those spaces have been traditionally and are currently filled by the same people who have filled it for over 200+ years.

And if I as a straight cis non-disabled privileged citizen white woman experience feeling like an imposter it is hard to image how stifling it is for queer, disabled, noncitizen, or lawyers of color in the same courtrooms, classrooms and boardrooms.

To continue moving in those spaces as someone who doesn't get the presumption of being entitled to one's own air, is an everyday act of bravery. It means having to endure sting after sting of micro-aggression hearing "where are you from?" and knowing that means "you don't belong here."

So my first thank you goes to the students, lawyers, judges, friends and family of color who over the years have been willing to call me on my racism and trusted me to use their truths and experiences for self-exploration and transformative change.

To my queer, gay, lesbian, bisexual, trans and non-binary friends and family who in telling me their own truths and struggles have helped me recognize my own embedded homophobia, transphobia, and cis-centered way of thinking.

To my friends and family with disabilities who have taught me that to make literal and figurative space for others requires me to move from my own privileged position.

* * *

I also want to thank the brave people who have been and are still fighting to call attention when our most vulnerable incarcerated brothers and sisters are being assaulted in our jails or denied proper medical care. To the people that move into action when racism, xenophobia and Islamophobia threaten to separate families and weaken us all as a society. And to the people who fight fascism no matter how dressed up and legitimized it pretends to be. Thank you. Specifically, I have been honored to be a long term member of the National Lawyers Guild and to be on the Board of Directors for the Oregon Justice Resource Center.

The law has never been a leader in social justice change. More often than not, the law is responsible for upholding and legitimizing patriarchy, white supremacy, and homophobia.

It is only when the people speak and protest and bleed and die, that the law, dragged kicking and screaming by the best and bravest lawyers amongst us has changed.

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Candidate Statement for NLG President: Elena Cohen



Elena Cohen with co-counsel and fellow NLG-NYC members Gideon Oliver and Michael Decker speaking at a June press conference about their LRAD litigation.

No real social change has ever been brought about without a revolution—Revolution is but thought carried into action. Every effort for progress, for enlightenment, for science, for religious, political, and economic liberty, emanates from the minority, and not from the mass. – Emma Goldman

It is with deep admiration, enthusiasm, and sense of responsibility that I announce my candidacy for President of the National Lawyers Guild.

For those who do not know me, I have strong record of dedication and committed leadership in and out of the Guild. I am currently an Executive Vice-President of the Guild, and served as the President of the New York City Chapter for two terms. I am currently a co-chair of our NYC Mass Defense Committee, and a proud member of the Guild's Animal Rights Activism Committee, Queer Caucus and International Committee. Some of my

achievements in Guild leadership include navigating a multi-million dollar bequest to the Guild, re-starting the NYC Chapter's annual delegations to Cuba, and helping to plan last year's convention in NYC.

Outside of the Guild, I am a student, attorney, professor, and activist. As a professor, I am dedicated to teaching at underserved universities, and I currently instruct classes on gender and the law and civil rights in the City University of New York system. As an attorney, I center social justice in my everyday work, and have represented hundreds of people arrested for engaging in protest activities, and do estate work for the families of people who die as a result of police or correctional officer misconduct. As a student, I am a doctoral candidate, writing my dissertation on sexuality in protest. I also recently filed a federal civil rights lawsuit against the City of New York following the NYPD's use of the Long Range Acoustic Device ("LRAD") sound weapon against protesters and journalists. You can read more about my work experience and publications on the NLG Scholars page (nlg.org/students/nlg-scholars).

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

In solidarity and struggle,
Elena

NLG members will have the opportunity to vote for NLG representatives and resolutions/bylaw amendments in August. Current members may find proposed resolutions at the Members Only section of nlg.org.

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The law serves the world best when it has the capacity to listen to the needs of the most excluded. When it is unpopular but responsive to the just and right thing to do. But the law, which is a formidable institution, is built, maintained, manicured and molded by us in this room.

We have an opportunity and obligation to listen to communities when they tell us what they need, to believe people's experiences are as they tell us they are and to understand our complacency in their suffering.

When we have access to secret doors, passages or rooms that shield us and protect us, we should open those doors and chambers of safety to others.

When we are in spaces where decisions are made, we should look around and see who is missing and then make room for those not at the table.

When we have the opportunity to amplify the voices of the marginalized, we have an obligation to de-center ours and help center the experiences of those people. We must be open to the work of learning and admitting that our own comfort is often granted on the backs of others.

This has always been the price we pay for the access to power and resources and safety of the law. But we are past due. Reparations are owed. ■

Judge Approves Enhanced Surveillance Rules following Disclosure of NYPD Muslim Surveillance Program

In March, a federal judge in Manhattan approved changes strengthening court-ordered guidelines governing policing of political and First Amendment activity by the New York City Police Department (NYPD). Judge Charles S. Haight Jr.'s approval of Revised Handschu Guidelines recovers some features weakened when he “relaxed” the longstanding *Handschu* Guidelines in 2003 following the September 11th attack on the World Trade Center.

The changes came in a “joint settlement process” of an enforcement motion in *Handschu v. Special Services Division*, a class action which in 1985 created rules regulating NYPD spying on political and First Amendment activity, and *Raza v. City of New York*, a case filed in Brooklyn federal court in June 2013 by three Muslim religious and community leaders, two mosques and a charitable organization subjected to the NYPD's unconstitutional religious profiling program. The proceedings arose from disclosure in an August 2011 Associated Press investigative series that the NYPD operated a “Muslim Surveillance Program”.

“*Handschu* continues to be a unique mechanism for oversight of investigations of political and religious activity in New York City. There is no other case like it remaining in the United States today and it provides a model for attempting to control excesses in policing First Amendment activity,” commented NLG attorney Martin Stolar, who with Jethro Eisenstein filed the *Handschu* case in 1971.

An initial January 2016 agreement settling both Muslim surveillance court proceedings restored some of the civilian oversight eliminated by the *Handschu* court in 2003. It also included clarification that race, religion and ethnicity cannot be factors motivating investigations, which must be built on factual information; set forth presumptive time limits on investigations where none had existed before; and required that police investigative techniques take account of their potential effect on political or religious activity. (*Guild Notes*, Spring 2016, pg. 18).

However in late October 2016, following three days of public comments, Judge Haight rejected the initial settlement. He found the proposed revisions to the *Handschu* Guidelines did not provide enough oversight of an agency he said had shown a “systemic inclination” to ignore rules protecting free speech and religion, where the NYPD had become “accustomed to disregarding” court orders. 2016 WL 7048839. The *New York Times* observed “[b]y rejecting the deal, Judge Haight...made a tacit acknowledgement that he had gone too far” in relaxing the *Handschu* rules in 2003, when the NYPD asked for greater flexibility to address the threat of terrorism.

Revisions to the agreement strengthened the role of a civilian charged with monitoring NYPD compliance with the court-ordered rules, and the judge found the “revisions...adequately address the concerns which

prevented the Court from approving the Initial Settlement Agreement”. 2017 WL 1293005.

The *Handschu* Guidelines are the last remaining court-ordered controls on local police political surveillance stemming from lawsuits brought in the 1970's, most by NLG lawyers, to challenge unconstitutional activities of local police spy units activists referred to as “Red Squads”. The units used infiltrators and COINTELPRO methods to disrupt legal political advocacy. In New York City alone, the NYPD's Red Squad maintained non-criminal dossiers on hundreds of thousands of individuals and groups, including the Black Panthers and the Young Lords. An undercover NYPD Red Squad agent was one of Malcolm X's bodyguards on the day he was assassinated. Since the guidelines took effect in 1986, *Handschu* enforcement actions have addressed scores of police violations, including custodial interrogation of #BlackLivesMatter protesters (*NY Times* 5/15/15, pg A24) and anti-war protesters in 2003 (288 F.Supp.2d 411); photosurveillance of lawful protests (*Cuba solidarity NY Times* 2/10/91, pg 44), protests of police killing of Amadou Diallo (2000) and blanket photosurveillance of lawful protest (2008 WL 515695); and taping broadcasts of African American public figures by an NYPD “Black Desk” in 1987 (737 F.Supp. 1289).

The case is named after lead class-plaintiff, Barbara Handschu, a former national NLG Vice President and an Attica lawyer. *Handschu* class counsel include former NLG-NYC presidents Martin Stolar, Jethro Eisenstein and Franklin Siegel, NYU law professor Paul Chevigny and Arthur Eisenberg of the NYCLU. The 11 *Raza* case counsel include Hina Shamsi of the ACLU, Ramzi Kassem of CUNY Law School's clinic, Beth Haroules of the NYCLU and three attorneys from the law firm of Morrison & Foerster LLP. ■



BEYOND BARS

Voices of NLG Jailhouse Lawyers

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

Innocent Until Proven Guilty?

By C. Martin Sterling

Newark, NY

We are assured that if we are charged with a crime in the "Land of the Free," we are,
"innocent until proven guilty."

We are handcuffed and shackled in front of friends, family, and neighbors, though we are,
"innocent until proven guilty."

We are vilified by the media, for an online eternity, with nothing more than a tiny disclaimer noting that we are,
"innocent until proven guilty."

We are patted-down, strip-searched, and humiliated by total strangers in unfamiliar settings, but we remain,
"innocent until proven guilty."

We are allowed fifteen-minute phone calls and get to see family through thick glass, yet we are,
"innocent until proven guilty."

We lose jobs, have friendships fractured, and end relationships, despite being,
"innocent until proven guilty."

We are berated, discriminated against, and treated as subhuman, but we are,
"innocent until proven guilty."

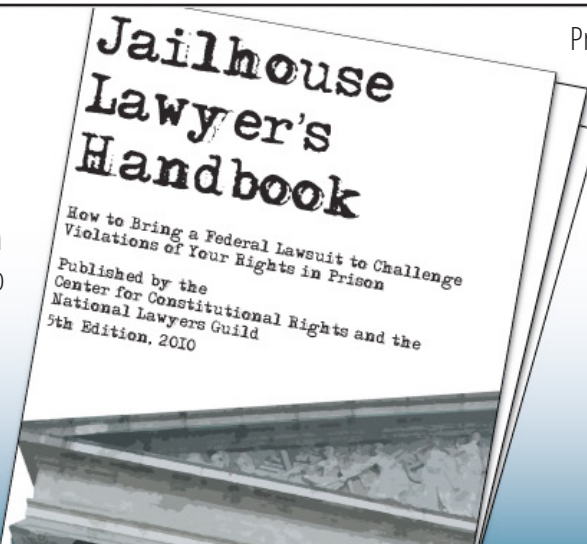
We lose the ability to make decisions for ourselves: when to eat, when to sleep, where to walk, but we are,
"innocent until proven guilty."

We are only the "accused," the "charged," the "detained," not the "convicted," so the law says that we are,
"innocent until proven guilty."

All of this before any judge or jury hands down a verdict. So much for,
"innocent until proven guilty."

Have you read the *Jailhouse Lawyers Handbook*?

This Handbook is a resource for prisoners who wish to file a federal lawsuit addressing poor conditions in prison or abuse by prison staff. It also contains limited general information about the American legal system.



Print copies are provided to prisoners upon request at no cost.

To get yours, write to:

NLG-Prison Law Project
132 Nassau St Rm 922
New York, NY 10038

Free PDF download at
jailouselaw.org

Life at Vaughn Prison as a Black Transwoman

By Kamilla D. London
Smyrna, DE



Kamilla London, age 19, before prison.

When I was sentenced in 2011 to 25 years in prison, I was largely relieved. At least I would escape temporarily the hell of rape, violence, and discrimination which my life on the streets as a black transwoman had involved.

Many transgender people like me are ostracized by our families, refused respite in public shelters, and forced into the illegitimate economy due to employer discrimination. Our lives become entrenched in mere survival, however possible, often by drug dealing, shoplifting, prostitution, or check fraud. Problematically, one in six transgender Americans—and one in two black transgender Americans—have been incarcerated.

I was wrong to think I had escaped this fight for survival. Prison is just another survival situation. Except now, the violence comes from the people with whom the state forces me to live and from the state itself. The Vaughn Correctional Center has its share of qualified correctional staff who regard their profession with pride and treat all inmates with fairness, dignity, and respect. Appropriately, they are respected in turn. Sadly, however, it also has rogue correctional officers, including supervisors, who are violent, abusive predators and those who simply have no business being employed in public service.

Instead of an environment that is safe, if not rehabilitative, I am forced to fight every day just to exist. And while everyone placed into our broken prison system faces some hardships, the problem is especially acute for transgender prisoners.

Transgender prisoners are about 13 times more likely to be abused than our cisgender correlatives. A third of us have been sexually assaulted in prison by other inmates or staff. This is precisely the same “survival-like fight” that

brought me and multitudinous other transgender people to prison in the first place. But that is unacceptable.

Our prisons are supposed to rehabilitate, not victimize. The Delaware Department of Corrections (DOC) cannot claim on the one hand that its top priority is to protect the public then counterintuitively release waves of abused, resentful, and unreformed prisoners back into the general public on the other.

As an activist, I am doing what I can to forge improvements within our system for transgender offenders. Because of my advocacy, I became the first transwoman inmate to be granted a name change by a Delaware Court in 2016. In August 2016, I sued the DOC over some aspects of my mistreatment at Vaughn. My case was recently resolved by agreement of the Parties (the terms and conditions of the agreement are confidential). In January 2017, I became the first transwoman prisoner to begin hormone therapy in Delaware. Importantly, these milestones have opened doors for every other transwoman inmate toward completing their own transition without facing the particularly difficult obstacles I encountered.

In October 2016, the DOC revised its policy on transgender prisoners, providing greater protections for safety and privacy. Certainly, I am pleased that DOC improved its transgender policies.

But it's not enough to see these changes on paper.

There must be sweeping, sustained changes in mentality and practice from the top down. There also must be uniform accountability for those attempting to rebuff these changes. This will be the true test in determining whether or not DOC is truly committed to eradicating the systemic discrimination and abuse existing within its borders against transgender and gender non-conforming inmates.

All people, irrespective of our identities, are heirs to the freedoms fought for, and secured by, our founding fathers and the many civil rights martyrs succeeding them. My community are a resilient people. Indeed, we will continue to smash into and break down the bulwarks of oppression that have demarcated our existence for generations.

We must either protest in the face of inequality and prevail, or be conceded as cowards for our silence at the expense of human lives and accomplish nothing.

We will protest and we will prevail.

NOTE: This article originally appeared on the ACLU of Delaware [blog](#) 5/17/17. Kamilla asked that we reprint it in Beyond Bars.

Law as a Pathway to Character Development

By Jeremiah Phoenix
Dannemora, NY

As readers of this column know well, familiarity with law is a valuable and often necessary skill in prison. A talented prisoner litigant can effect significant positive change for himself or herself and their fellow brothers and sisters, and can protect themselves from repression and abuse in ways people without those skills simply can't. These are undeniably great uses of law.

But learning law has an often-overlooked benefit: the learning process itself teaches how to make better decisions in life far beyond any case. Lawsuits for money and policy changes, challenges to convictions and sentences, all these are important applications of law. But becoming truly proficient in it, really understanding its principles and purposes, requires abandoning many self-destructive thinking patterns common to prisoners and replacing them with more adaptive and healthy ones. This rehabilitative aspect of prison legal education gets far less attention than it deserves.

For example, many prisoners have a deep-seated hatred and prejudice toward government in any form, because their only experiences with it have been bad. But many people in government, especially many judges, care deeply about human rights and law, and will rule against prison staff who violate them. That's a powerful experience. It's impossible to maintain the belief that government is universally bad after receiving real relief from a court. The positive experience with government of winning a lawsuit can have a life-changing impact.

The physiological handicap of learned helplessness also fades quickly in prisoners who learn, using law, that the world can be made better through hard work, dedication, and legitimate effort. Litigation requires great intellectual and emotional energy, and success lays a foundation of self-confidence in the future.

The practical knowledge of law—of understanding “the system”—of course makes life after release much easier. And many attorneys are open to working with former prisoners as paralegals and assistants. Being able to secure

STUDIED SERIOUSLY, LAW DOESN'T JUST HELP US ORDER OUR SOCIETIES. IT CAN HELP US ORDER OUR OWN LIVES.

a good job around good people is a good way to keep on the path of being a good person.

There's also a deeper level to law. Reading cases can inspire self-reflection, contemplation, and reconsideration of long-held beliefs. The stories behind cases span the entire spectrum of human experience. Everything from the most despairing atrocities and tragedies to the most inspiring and moving triumphs and achievements makes an appearance. Human progress is written in the decisions of courts, in concrete, often poetic and eloquent, these-are-the-people-who-lived-it terms. Our highest ideals and aspirations, our most humble admissions of when we fell short, are written in those pages. It's impossible to read law seriously and not gain an appreciation for how essential it is to ordered society, and for the varieties of human experience—and potential. This is the true meaning of respect for the law.

Even litigation procedures teach valuable skills. Anticipating defenses requires considering different points of view. Discovery requires searching for and evaluating evidence. Motion practice teaches that our arguments and opinions can be misunderstood, intelligently challenged, and even wrong.

Settlement negotiations teach compromise. The volume of paperwork forces organization. The long processes require patience.

Learning law obviously is not the only answer to rehabilitation and character development. But it's a good one. As a prisoner litigant's experience grows, the skills developed become ever more deeply engrained, and inevitably spread into other areas of life. Studied seriously, law doesn't just help us order our societies. It can help us order our own lives. ■

“Beyond Bars” Submission Guidelines & Instructions: We want to hear from you!

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

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