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We want to hear about your NLG work—submit to the next issue of Guild Notes! Deadline for next issue: Monday, February 12, 2018 See nlg.org/submission-guidelines to learn more. Beyond Bars guidelines available at the URL above and also printed in this issue’s Beyond Bars column (p. 17).

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Cover NLG Legal Observer documents the arrest of Movimiento Cosecha members outside Trump Tower in NYC following the announcement of the #DACA repeal on Sept. 5, 2017.(Photo courtesy of Movimiento Cosecha)

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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.

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President’s Column

Colonialism and Unnatural Disasters

By Natasha Lycia Ora Bannan, NLG President

October 30, 2017—These past few months have wreaked havoc on our lives and planet, leaving us to figure out how to respond as ethical citizens and lawyers to some of the most challenging moral dilemmas of our time. I write from Puerto Rico, where the unholy convergence of colonialism, capitalism, and climate change is devastating the island nation and showing us what our future looks like when they collide in the cruelest ways. Almost a month and a half after Hurricane Maria devastated the island as the worst storm it’s seen in a century, 85% of residents and businesses still have no power and most have no running water. Thousands still have no access to potable water, food, or medicine. Finding gasoline is a daily chore for some. Over 40,000 people have left the island, and it’s estimated about 60% of people are unemployed. While this is the reality of Puerto Rico, it’s also the reality for much of the Caribbean after this destructive hurricane season.

These are not just humanitarian crises; they are the products of man-made disasters. Our (lack of) aggressive policies to address the warming of our planet and subsequent climate disasters disproportionately affects the Global South and poor people, who are actually dying because of our refusal to adjust lifestyles. The islands of Barbuda and Antigua will never again exist as they were, as nearly 90% of their economy and structures were destroyed. The floods in Indonesia killed thousands of people this summer who were crushed under mudslides. The wildfires in northern California incinerated homes and land, altering the landscape. Hurricanes Harvey and Irma left thousands in Houston and Florida without homes or medical attention. And this was all within the span of a few weeks.

The added layer of colonialism has surfaced the structural inequalities, racism and imperialism that have existed for centuries. Because Puerto Rico is a colony, it could not receive direct aid from other nearby nations or the U.N. without prior U.S. authorization. A century-old law called the Jones Act prohibits any non-U.S. flagged ship from docking in Puerto Rico to deliver food and goods, including in emergency situations. Puerto Rico imports 85% of its food and the food it did produce was wiped out with the storm, creating a food and water shortage crisis. The U.S. Virgin Islands, which was obliterated by Hurricane Irma, wasn’t even mentioned in coverage of hurricane destruction to the U.S. prior to landing in Florida.

Finally, these disasters have revealed the worst of humanity—disaster capitalism and the pillaging of nations in severe distress. Vulture funds have swooped in to offer loans at abusive rates to ensure their investments remain protected; price gauging for basic necessities has made it impossible for people to feed their children or seek shelter or medical aid elsewhere; politicians have made deals with friends for hefty contracts to continue to rebuild failing systems instead of investing in renewable energy and talk of “restructuring” public services is cover for privatization of them.

This is where the Guild comes in, and where we’re most needed. In the face of overwhelming despair and systemic oppression and eradication, it is imperative that we challenge the corporate and corrupt looting of our communities and defend those who speak out in increasingly creative ways. We are all affected by these disasters, and it will become more and more personal as they reach into every community. Our Environmental Justice Committee has been organizing around these issues—from Haiti to Standing Rock to upstate New York—for years and has supported litigation and legislation addressing energy, food, and climate issues. Our Environmental Justice Committee has helped expand the legal framework around the rights of the planet and connecting movement work by guiding us in legal strategy and thought. And our International Committee’s Indigenous Peoples’ Rights Committee’s work has been key in helping us center native communities who have defended our collective rights and those of the planet for centuries. If you haven’t joined one of these committees yet and are interested, please do now. You are needed more than ever. As Clarisa López, the daughter of Oscar López Rivera, said, “We are all we have.”
A View from August 12th Observers in Charlottesville

This piece first appeared in Virginia Law Weekly September 6.

By: Adele Stichel (she/her/hers) ’19 / Amanda Lineberry (she/her/hers) ’19 / Campbell Haynes (he/him/his) ’19 / Courtney Koelbel (she/her/hers) ’19 / Elizabeth Sines (she/her/hers) ’19 / Leanne Chia (she/her/hers) ’19

The following is a reflection by UVa law students who attended actions on August 11 and 12 as either counter-protesters or legal observers. We write to the UVa law community to share our perspectives with you directly and to explain why and how we were involved.

We did not consider our decision to take part in the counter-protests to be without consequence, but it was still an easy call for most of us. We knew of the potential for violence. For those of us who participated in OGI, we knew that our involvement could harm our career prospects.

Still, we believe that white supremacists and Nazism are so vile and threatening to our democracy that they should be confronted directly. For those of us involved in the protests, we drowned out the Nazis’ hateful chants and forcefully showed them they are not welcome here. For those of us who were legal observers, we monitored their violent behavior as well as the police treatment of counter-protesters. Specifically, we worked with the Central Virginia chapter of the National Lawyers Guild to support their clients: clergy and other counter-protesters, not the Alt-Right.

For some of us, one of the hardest parts of the whole experience has been figuring out how to deal with what we went through, how to process all of the violence and hate, how to talk to strangers about how horrible it was and what needs to be done now, and how to ask our friends for the support we so desperately need. We want to feel okay again every time someone brings up that weekend or when we walk downtown. We want to deal with everything we saw and the trauma associated with it on our own terms, but instead we are forced to relive it every time we attempt to convince others of the magnitude of what happened.

That weekend, we stared into the eyes of hate and the faces of contempt as white supremacists marched past us. For those of us who worked as legal observers, our neon green hats made us feel safer, but they also made us stick out from the crowd. Our fear and discomfort did not deter us from standing strong and staring back. We felt strongly that we needed to stand up to hate and be proactive allies.

In a time where white supremacists and Nazis feel most bold, we cannot afford to be apathetic or hesitant to speak out. As UVa law students, we are trained to be and supported in being top-notch advocates. We are in Charlottesville at a time when the vilest forms of discrimination and hatred are resurging. You, our fellow classmates, are some of the brightest and kindest people we have ever met. We know your skills can help this community defend itself against hatred and dismantle systemic forms of oppression. If you are not already involved and would like to be, please reach out. We need you.

the conversation not changed, would firms still want to talk to us? Would they view our involvement as admirable and necessary, or as an irresponsible decision likely to do no more than feed into the Alt-Right’s desire for visibility? What if we had been arrested, as many counter-protesters at the KKK rally in July? We recognized that our race and class privilege insulated us from some of the risks faced by many others. Still, those privileges did not insulate Heather.

Although we were not sure how law firms would react to our involvement, we also were not going to hide it. The strong dedication to justice that brought us to law school prevented that. We are proud to be part of a community that has fully supported our decision to take a stand. Career Services, the Public Service Center, faculty, staff, fellow students, and members of the administration have all had our backs, and we are immensely grateful for that. Attorneys at our firms reached out to check in, to support us, and to tell us to be ourselves. When asked, we told interviewers that we were there, and that the experience was still raw and difficult to discuss, but that we were thankful we could use our legal training for our communities.

We say all this to show that standing up against Nazis and white supremacists is not radical. It did not hurt our career prospects in any meaningful way. As legal observers and counter-protesters, we feel we made our neighbors safer standing up for what they believe in. It certainly scared us and shook us to our cores, but in ways that have positively and profoundly changed us.

Less than forty-eight hours after the rally, some of us traveled for callback interviews. After Heather Heyer’s murder made international news, we were sure that interviewers would bring up the weekend’s events. We wondered, if August 12 had turned out differently, would we still be in those interviews? If Heather had not died, and

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NLG Legal Observers in Charlottesville, VA, August 12, 2017.
Penn NLG Statement on Professor Amy Wax

This statement was originally posted to the NLG Penn Law website (nlgpennlaw.wordpress.com) August 25, and was cited in multiple news pieces. See some of them at nlg.org/in-the-news.

The Penn Law chapter of the National Lawyers Guild (Penn NLG) strongly condemns Professor Amy Wax’s recent Philly.com column and subsequent comments in the Daily Pennsylvanian. In these articles, Professor Wax blames a host of societal ills on the decline of the “bourgeois values” that supposedly were dominant in the 1950s and declares the superiority of “Anglo-Protestant” culture. Professor Wax’s statements amount to an explicit and implicit endorsement of white supremacy. Silence in the face of such dangerous ideas is unacceptable—particularly when they come from someone with Professor Wax’s academic credentials.

Professor Wax’s rants are also a textbook example of how white supremacy and cultural elitism are used to denigrate the poor and sustain and justify the gross wealth inequality that defines American capitalism. This script dates back to before the founding of our country and has long served the interests of the wealthy and powerful. As Penn Law’s implicit mission is to train attorneys who will defend those same interests, we would be deluded if we expected the administration to issue any more forceful response than the tepid one issued by Dean Theodore Ruger.

We are grateful to Penn Law professors Dorothy E. Roberts, Sarah Barringer Gordon, Serena Mayeri, Sophia Z. Lee, and Tobias Barrington Wolff for their response to Professor Wax, which eloquently demonstrates that Professor Wax’s commentary was not only offensive, but also facile and historically inaccurate. We are also grateful to the eighteen law professors, most from other universities in the Philadelphia area, who denounced Professor Wax’s racism and classism, as well as the “moral toxicity and... intellectual bankruptcy” of her opinions.

While we do not challenge Professor Wax’s right to express her views, we question whether it is appropriate for her to continue to teach a required first-year course. The Penn Law administration has long been aware that her bigoted views inevitably seep into her words and actions in the classroom and in private conversations with students. We call on the administration to consider more deeply the toll that this takes on students, particularly students of color and members of the LGBTQIA community, and to consider whether it is in the best interests of the school and its students for Professor Wax to continue to teach a required first-year class. Exposure to a diversity of viewpoints is an essential and valuable part of any educational experience, but no student should have to be exposed to bigotry or abuse in the classroom.

Since Professor Wax is, as usual, scheduled to teach Civil Procedure this fall, and we know that is unlikely to change, we offer ourselves as a resource for first-year students in Professor Wax’s class. 1Ls in Professor Wax’s class: whether you need someone just to listen, to help you figure out how to get through the semester, or to advocate on your behalf, Penn NLG has your back.

CELEBRATING 80 YEARS OF LAW FOR THE PEOPLE

NLG.ORG/DONATE
Right to Travel, Hurricane Irma, and Ending the U.S. Blockade of Cuba

By NLG Cuba Subcommittee

For more than 20 years, the NLG Cuba Subcommittee (of the NLG International Committee) has provided free counseling and advice to U.S. travelers to Cuba. We established a network of 50+ practitioners called the “Wall of Lawyers,” throughout the country to provide these services. During the administration of George W. Bush, there was active enforcement and administrative prosecution, ultimately resulting in approximately two dozen “trials for travel” in Washington, D.C. To our knowledge, none of those persons charged and prosecuted has ever paid any penalties that were asserted against them.

After November 2006, such prosecutions virtually ceased, with a single but outrageous exception brought late in the Obama administration, seeking a $100,000 penalty against a leading activist in Florida. The NLG Cuba Subcommittee and its allies were involved in assisting or representing the travelers in each of these cases.

On June 16, 2017, President Trump announced in Miami that he was tightening restrictions on the right of U.S. residents and citizens to travel to Cuba. He mandated “audits” of the records of travelers to Cuba, and required reports to the White House about such enforcement actions. Although regulations were promised in the forthcoming months to implement these announcements, they have not been issued to date.

At the August 2017 NLG convention, Cuba Subcommittee Chair Art Heitzer presented an update on this travel situation. Recent travel challengers from Pastors for Peace, the Venceremos Brigade, and the African Awareness Association had all just returned from Cuba. As requested, the NLG Cuba Subcommittee organized lawyers to assist if any of them were detained at the airport, but no such incidents occurred.

The Cuba Subcommittee is now rebuilding the “Wall of Lawyers,” and invites anyone interested to please contact us. We are planning to review and update the detailed 2006 legal representation materials prepared by the Center for Constitutional Rights re: Cuba travel.

Hurricane Irma attacked Cuba in September 2017 as a category five hurricane for 72 hours. “Cuba absorbed much of the impact from Hurricane Irma which lessened the damage to southern Florida and the United States,” according to 65 members of congress who wrote to President Trump asking him merely to allow U.S. companies to sell reconstruction supplies to Cuba. The NLG Cuba Subcommittee suggested and promoted this letter, joined by many other organizations, especially in the wake of the most severe hurricane attack on Cuba in 85 years and 10 fatalities which is very unusual for Cuba, given its legendary level of preparations. Cuba is the only country affected by these hurricanes which suffers from a US economic blockade, which the U.S. government describes as “the most comprehensive set of American sanctions ever imposed upon a country” and is still in force for more than 50 years. Cuba is also unique, in having sent over 700 doctors and medical personal to eight other island nations in the Caribbean devastated by Irma, and then again to Mexico after it was hit by massive earthquakes.

Then on September 29, 2017, the U.S. administration warned U.S. travelers to avoid Cuba, expelled two-thirds of the Cuban Embassy staff, withdrew most of the U.S. Embassy staff (over their opposition and that of their union), and stopped issuing visas to Cubans – all based on health symptom reports lacking any scientifically plausible explanation. The NLG Cuba Subcommittee listserv continues to report and share information on these and similar developments.

If you are interested in more information, please contact NLG Cuba Subcommittee c/o Art Heitzer, art-heitzer@gmail.com.
The NLG International Committee denounces in the strongest terms the actions of United States President Donald Trump in withdrawing from UNESCO—the United Nations Economic, Scientific and Cultural Organization.

The withdrawal of the United States from UNESCO in an attempt to suppress and delegitimize global support for the protection of Palestinian culture is an attack on Palestinian rights, especially cultural rights. It also reflects the U.S. government’s ongoing attempts to bully and force international bodies to accept its imperial authority, while engaging in blatant violations of human rights and international law, both globally and domestically.

The United States has refused to pay its dues to UNESCO since 2011, when the UN body voted to admit Palestine, still under Israeli military occupation, as a full member state in the organization. Because of its refusal to contribute its share to UNESCO’s work, the U.S. has not had voting rights in the body since 2013. Nevertheless, the U.S. government has repeatedly attempted to pressure UNESCO to reject Palestinian efforts to protect cultural heritage under occupation, especially at sites threatened daily by Israeli settler incursions with the tacit approval, if not full support and oversight, of the Israeli state.

Israel has attempted to remove UNESCO’s designation of the occupied Old City of Jerusalem from its list of endangered world heritage sites only weeks after the international body recognized that Israel’s actions violate human rights and threaten the structural integrity of the Al-Aqsa mosque. The Israeli government has engaged in a defamation campaign against the international body, falsely accusing it of being anti-Semitic for criticizing the Israeli occupation over precious, multi-religious holy sites and recognizing those sites as Palestinian and under occupation.

The U.S. withdrawal from UNESCO illustrates clearly how out of touch the United States government is from the vast majority of peoples and even states in the world. It is also in line with previous attempts to suppress international efforts to protect oppressed cultures and peoples under attack, including the orchestrated U.S., Israeli, and Canadian assault on the 2001 World Conference Against Racism (WCAR) held in Durban, South Africa, and the Durban review process that followed.

In reality, UNESCO can and should be doing more to protect Palestinian cultural rights under attack; the world body has, in the past, conceded to Israeli demands regarding Palestinian cultural heritage. The U.S. withdrawal is not an occasion to pull back and concede to global imperial bullying, but an occasion to advocate even more strongly for respecting international law and human rights, especially economic, social and cultural rights, long unrecognized or even under attack by the U.S. government.

This action by the U.S. government comes amid the blatant threats of an illegal war against North Korea from the UN platform by President Trump, attempts to suppress a forthcoming report on international corporate involvement in illegal Israeli settlements and regular threats by the United States representative to the UN, Nikki Haley, of withdrawal from other global bodies such as the UN Human Rights Council if they will not accede to U.S. dictates. It also comes amid the flagrant impunity of U.S. officials for war crimes committed in Afghanistan, Iraq and elsewhere, while supporting the international prosecution of African officials.

As an organization of lawyers, legal workers, law students, and jailhouse lawyers in the United States, we affirm the importance of international bodies such as UNESCO in working to protect global cultural heritage and rights. We also emphasize that UN bodies can, should, and must act to hold the U.S., Israel, and other large powers accountable for their ongoing violations of international law and human rights both domestically and on the world stage, and we express our commitment to work in U.S. courts as well as national and international organizations to pursue that accountability.
By NLG International Committee

On Wednesday, October 18, the National Lawyers Guild International Committee organized a press conference at the Solidarity Center in New York City against U.S. threats of war in the Korean peninsula, especially following President Donald Trump's threats from the United Nations platform to “destroy” North Korea. Watch the video online.

“The progressive legal community is united with activists on the ground working to end the war,” said Jackelyn Mariano, co-chair of the NLG International Committee, introducing and moderating the event.

Jeanne Mirer, co-chair of the NLG International Committee and president of the International Association of Democratic Lawyers (IADL), quoted the charter of the United Nations, noting that “all nations are required to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any manner inconsistent with the Charter.”

She highlighted the United States’ refusal to abide by the Charter. “Saying at the United Nations that the United States means to ‘totally destroy’ North Korea is a threat, and it is illegal, and President Trump should be held to account for his illegal actions,” said Mirer. “The UN Charter is domestic law and everyone is required to uphold it. In terms of Korea, the United States has never complied with the terms of the 1953 armistice…the armistice called for the removal of foreign troops from the peninsula…But the United States still has thousands and thousands of troops and military bases there and is trying to build a large military base on Jeju island over the opposition of the population.”

“The National Lawyers Guild and the International Association of Democratic Lawyers unite with all the sentiments about the need for a permanent peace treaty on the Korean peninsula,” said Mirer.

Miran also emphasized the United States’ own responsibility for nuclear non-proliferation, that all nations have a responsibility to eliminate nuclear weapons in the world. “By threatening to destroy North Korea, the U.S. is threatening not just to violate the Charter, but also genocide, crimes against humanity, and other violations of domestic and international law…We must unite all the peace-loving peoples of this country to stop this.”

Rev. Tong-Kyun Kim of the Least of These Church joined the press conference to note that “Trump's pro-war rhetoric has heightened the danger of nuclear war on the Korean peninsula…The root cause of these ongoing tensions is the U.S. hostile policy against North Korea.”

Sara Flounders of the United National Anti-War Coalition (UNAC), a coalition of social justice, anti-war and anti-racist organizations, said that “We can never forget that five million Korean people died in the Korean war, 20 percent of the population, the country left in ashes, generations scarred by this war…This is of great concern to everyone in the world, using the United Nations platform to threaten the people of Korea, of Asia, of the world, with nuclear war.”

Bernadette Ellorin of the International League of People's Struggles, a global anti-imperialist alliance of 300 groups in 40 countries, said that “the US government under Trump has the largest nuclear arsenal in the world…Trump's saber-rattling against the DPRK must be seen in this context.”

Christian Cobb of the International Action Center, said that “Trump's threats are a call for genocide…The U.S. has never...signed a peace treaty to end the Korean war.”

The organizers also distributed pieces written by Marjorie Cohn, former president of the NLG and deputy secretary-general of the IADL. In the question-and-answer period following the initial presentations, speakers discussed the need for mobilization, including rallies and actions during President Trump's planned November 4 visit to Korea.
Mass defense work has continued vigorously in support of the protests against the Trump administration and counter-protests against the far right/white supremacists trying to take the streets. In August, MDC members—NLG legal observers, lawyers, and legal workers—were on the ground in Charlottesville when counter-protesters took the streets in response to the “Unite the Right” rally organized by several high-profile white supremacists and Neo-Nazis. In the debrief that followed, the team shared tears, hugs, and emotional support. Since Charlottesville, new protocols, including security and well-being are being developed.

We offer condolences to the family, friends, and fellow activists of Heather Heyer, whose life was taken in the car attack, and to the people injured.

NLG MDC and other members were on the ground in St. Louis for protests in response to the acquittal of ex-cop Jason Stockley, who got away with murdering Anthony Lamar Smith in 2011. They provided legal observing and training, jail support, and criminal defense. Guild and other lawyers were locked out of jail visits, in retaliation, after rallies were held, outside the jail, against brutal arrests during a mall demonstration.

NLG teamed with Arch City Defenders and The Mound City Bar Association to represent protesters, and the National Conference of Black Lawyers was part of the legal observer ground coordinating team.

NLG and/or MDC members are still active in criminal cases out of Standing Rock pipeline protests, serving as criminal and civil lawyers, and often doubling as Water Protector Legal Collective board members. Of the 835 arrests, nearly 300 cases have been dismissed, with about 300 awaiting trial—including a handful of federal felony cases with potential life sentences.

The NLG was active in the unsuccessful petition by North Dakota judges to rescind the state supreme court’s order relaxing pro hac vice rules for out-of-state lawyers. The change allowed lawyers, in the face of an extreme shortage, to represent Water Protectors. The NLG had originally sent a letter to the court in favor of the relaxed rules, and filed a second letter against rescission.

In the J20 conspiracy cases, approximately 230 people were arrested on inauguration day in DC. Most initially faced a handful of counts carrying 10 years in prison, but in April the prosecutor issued a superseding indictment with at least eight felony counts for each defendant, making them face 75 years in prison. Over 190 defendants are still fighting their charges (all plea agreements so far are non-cooperating; some charges have been dismissed). The first trial began November 15.

NLG legal workers are working with the defendants’ political defense committee and some NLG lawyers are involved in legal defense team support as well. NLG is also part of the team that filed FOIA requests for procedural and financial information related to the Inauguration. According to released documents, the DC Metropolitan Police Department spent $300,000 on weapons, ammunition and other military equipment.

In August, MDC members participated in panels, workshops, and a committee meeting at the 80th anniversary NLG convention in DC. Panel topics included: political prisoners, movement lawyering, antifascism and responding to its attacks, NLG organizing, strengthening movements through criminal defense, and training legal observer trainers. At the committee meeting, around 50 members engaged in productive discussions of the work we anticipate over the next year, and how we need to operate as a Guild committee to show solidarity with the communities we support.
Poem: ode to the guild

By Jim Perkison, Homrich 9 defendant

now comes the legal crew in the city stew
of bending the strait to an imperial plot
shenanigans royal, emergencies gubernatorial
defecation mayoral, desiccation neo-liberal
and it all flows down mimicking the creature
going round even when enslaved in a sound-bite
policy, the nine waxing conspiratorial after the ten
had been inspirational, with the guild
breathing heavy in the hall on recess, cooking up
duress as defense against the offense of charges
for praying too loud, pouring water too proud
on the driveway, uncowed by the blue-suit crowd
or a high-heeled chief counseling bowing to fear
baxter leering from the police van rear, steering
bullies to a court they thought to avoid, the rest
of the bunch plastic-wrapped and humming
on the bench at the mound, and even that was found
in contempt, like a sound of jazz or a diss rap of old
from under the shroud of a body laid in a coffin
after crucifixion like a continuation of civil infraction
in the form of wanton insurrections of vibration
daring to contest the flatulent inebriation of power
under a badge

all of this falling in the lap of the guild of aiders and abettors
to assess, finesse, redress under the gaze of a whole congress
of district court gowns and frowns and smiles in the
contorted face of a city of attorneys seeking their pound of flesh
riding the circuit like preachers pretending to pronounce
lessons in the ears of don’t “hath-a-way” out magistrates
who retired in the mix and apparently went crazy, and
NLG’s MLTF Publishes Guide to Challenging Military Sexual Violence

In response to the ongoing crisis of sexual assault and harassment in the U.S. military, the Military Law Task Force (MLTF) of the NLG has published a practical guide for service members entitled, *Challenging Military Sexual Violence: A Guide to Sexual Assault and Sexual Harassment Policies in the U.S. Armed Forces for Servicemembers, MSV Survivors and Their Advocates.*

With military sexual violence (MSV) still at epidemic levels despite years of Pentagon and Congressional attention, advocates and the MLTF are ramping up their efforts to help servicemembers fight back against the military’s entrenched tradition of sexual violence.

The MLTF’s *Challenging Military Sexual Violence* is a detailed guide on the current policies designed to stop military sexual violence (MSV). Authored by MLTF Executive Director Kathleen Gilberd who has conducted MSV workshops for attorneys and counselors nationwide since the 1990s, the guide explains the complex regulations that each branch has developed (and continues to update). It covers both sexual assault reporting and sexual harassment complaints, with additional sections on responding to retaliation for making complaints. The guide is accompanied by an introductory brochure providing an overview of the policies.

*Challenging Military Sexual Violence offers no easy or sure solutions—just an honest appraisal of the choices one faces, the possibilities of redress and the pitfalls that may be encountered,* Gilberd stated.

“In recent years, the U.S. military has been tarnished by the public revelation of its history of unpunished sexual abuse within the ranks,” said David Gespass, MLTF board member. “Stories abound of victims who lost their careers when they reported being raped and of their unpunished rapists. Military brass have claimed that they are addressing the problem and have resisted any change to their internal procedures aimed at reducing the prevalence of assault and impunity.”

“Some new protections have been put in place and some remedies are now available, but the system is littered with land mines for victims seeking redress. Our guide was developed to help service members navigate those land mines,” added Gespass.

*Challenging Military Sexual Violence* was produced with the aid of a grant from the NLG Foundation. The guide and brochure are available for free on the organization’s website at [nlgmltf.org](http://nlgmltf.org). Print copies are available for order upon request (a donation is suggested by not required).

*This piece was originally issued as a press release by the MLTF on October 2.*

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back again to the maze of district court conniptions and corrections and data-delirious dungeons where the case would still be laired if the lawyers hadn’t dared air a word otherwise and we found a new round of solicitation for a stiff-collared, better-be-saluting-and-bowing presentation of our best wardrobe confections and attention-standing contrition before a judge demanding submission to blackboard instructions and abstentions from surprise or laughter and then once again the nights of banter and planning,divining and opining and regaling and fine-3-buck-chuck-wining and nacho-chip-dining, seeking to mine our best decipherment of the signs of the times in the dock before the bench, still loving monkey wrenches and hunches of workable strategies in the labyrinth of law department silliness clowned up as serious business in desecration of the people’s real interest.

huh!

and now looking back on the whole uproar of contention so much suspension of belief about jurisprudential function in service of justice, the pace yet yielded moments of lawyerly grace worthy of faith like an evangelical conviction! now comes john royal, for instance, in pigeon-toed resistance shoulder-hunched and bobbing against the air-punches of walker and mullins, frontin’ hollowell, jones-day and duggan insistence, john in retort tongues-speaking cases like a baptist on a mission quoting the bible like a pentecostal under holy-ghost unction (almost like a kellermann in clean-shaven disguise!)

as if the dock was a pulpit and the jury getting’ high on his reprise and then we got little nick on the side, poppin’ and lockin’ with research and replies, running circles around the district wearing ties as thin as the charges themselves, allison weighing in from murder trials and high-crime files, sobering the assessment with wonderment that we’d so far escaped a felony bid, and lee waxing ironic and razor, mcguire down the hall and lockhart in the breech, shaun early on and sean at the end, ashley for a minute and deb on call, chicago rick cutting it thick and keeping me out of hoc when the judge went rabid on leaving the state, a passel of beagles legalin’ it out in the office, goodman hovering and then hurwitz angling in for the kill, an argument like a storm in the gulf, raining down points like drops piling up like a flood even a judge with a grudge couldn’t survive, and so here we are now, ready to cut a rug, toss back a mug, let oranges be oranges and not the color of the day, and even get to watch marian school bill if the beat heats and mr. old knees and hearing aids dares get out on the floor! biding fair before miller and garrett, to get grounds for duress spaded up and ferreted out in spite of prosecutorial babble and thorns, then what could be better than to end the trial in a pile of food and a vial of vodka, guffawing at the spectacle and riling up for the next battle? ■
I could not be leaving DC with a fuller heart after one of the most successful and joyful conventions of the National Lawyers Guild ever. This is our 80th anniversary - 80 years of radical lawyering on behalf of the people. 80 years of being the legal arm of every social, economic and political movement this country has ever had since 1937, and standing in solidarity with people’s democratic movements and liberation struggles worldwide. And that rich institutional history was on display these past five days. As we face this era of Trump, we remembered that there is nothing coming our way that we haven’t fought or defeated before. And as Assata says, “it is our duty to fight and it is our duty to win.”

I am so grateful to all my compañeras and compañeros who shared their brilliance these past few days, who organized the hell out of their communities to come out, who challenged us to move and fight from love and who continue to show up, unflinching in their commitment to each other and our struggle.

To another 80 years!

Natasha Lycia Ora Bannan, NLG President
ELECTION & VOTING RESULTS

Congratulations to our new President-Elect, Elena Cohen!

1. Proposed Amendment to the NLG Constitution Article 9 to Clarify Union Membership - NO
2. Proposed Amendment to NLG Bylaws to Replace in its Entirety the Current Section 4 on Project, Committee and Task Force Annual Assessments with the Word-for-Word Text of the Predecessor (Pre-2000) Section 4 NO
3. Proposed Amendment to NLG Bylaws to Add a “Compliance” Provision to Section 4 on Project, Committee and Task Force Annual Assessments - NO
4. Proposed Bylaw Amendment: Diverse Composition of the National Executive Committee - YES
5. Resolution Reaffirming and Amending NLG Policy on National Organization Fundraising Solicitations - NO
6. Resolution Updating the NLG Policy Regarding Planned Giving & Donor Solicitations Within Chapters - NO
7. Emergency Resolution Opposing Any Attempt by the Justice Department to Investigate and Sue Universities Over Affirmative Action - YES
8. NLG Student National Vice President (SNVP) - Sasha Novis

See our Facebook page for more convention photos and watch video recordings by logging in at nlg.org and going to the Members Only menu!
The Life and Legacy of John Thompson

By Alison McCrary, National Police Accountability Project Executive Director

With deep sadness I share that death row exonoree and government accountability warrior, John Thompson (or “J.T.” as he was known to those who knew him) transitioned to be with the Creator October 3 after a heart attack. I was with him, his wife, and another exonoree at University Medical Center in New Orleans when he took his final breath. Other NPAP and NLG members and friends gathered at my home and Voice of the Experienced in New Orleans to share and remember him.

While words cannot do justice to the life of integrity he lived, many know of him through his U.S. Supreme Court case Thompson v. Connick, presentations, interviews, documentary films, and the book Killing Time. But John was much more than his time on death row, his multiple scheduled executions, his exoneration, his founding of the non-profit Resurrection After Exoneration, his litigation to seek justice and accountability, and his $14 million award that the Supreme Court later reversed.

John had the courage to look face-to-face at those who tried to kill him and called for them to be held accountable. He demanded independent oversight in all facets of the criminal justice system. John called on leaders in legal community to end prosecutorial misconduct. He modeled for us how to help others and prevent the next wrongful conviction. He worked for an abolition to the death penalty and rather than just moving on with life after his release, he wholeheartedly dedicated every day to making change happen. John was a passionate warrior for justice who never gave up hope. Even though he spent 14 years on death row, after his exoneration he would still ride three hours up to Angola Prison with me to visit his old friends on the weekends. I had the great privilege of spending many days and nights with him at the Resurrection After Exoneration house caring for and hospicing other exonorees to their last days, travelling together to conferences and prisons, conversing on many multi-hour long phone calls about how to change the system, planning events around accountability for misconduct, and just knowing him and calling him colleague and friend. I know many NPAP members also share meaningful memories of him and other directly-impacted people who deepened our commitment to this work.

He taught us a lot about life, struggle, courage, hope, resilience, and finding joy and laughter while in the struggle for justice. John was a man of deep wisdom, profound insights, unwavering commitment, and great humor. The legacy he left and the lives he touched will continue to guide us and show us a way forward as we re-commit even more to continue the work we do together. For those who’d like to read more about his story, case, and life, see October pieces in The New York Times and New Orleans Advocate.

In honor the legacy and work of John Thompson and to expand our community of those who work for accountability, for his 55 years of life, we’re offering free trials of an NPAP membership to 55 of your colleagues or friends. Please forward this email to any attorney, legal worker, or law student who may be interested in joining us in the struggle for justice and police accountability and we will begin their free membership trial. Invite them to send a simple email to Zach Phillips at assistant.npap@nlg.org requesting a free trial and he’ll follow up with them.

With you all in the struggle as John Thompson continues to live in and through the work we do every day.
Beyond Bars: Voices of NLG Jailhouse Lawyers

The Cruelty of Solitary Confinement

By Mwalimu S. Shakur
Corcoran, CA

Since the release of inmates from the Security Housing Units (SHU) in California prisons, the state (CDC.r) has allowed its guards, some of which used to be institutional gang investigations (IGI) to harass and provoke inmates into conflict on the GP yards, especially here at Corcoran prison, where a lot of us have been released. A one-on-one fight can still be considered gang combat which will result in sending those involved back into the Administrative Segregation Unit (AdSeg) for a rules violation, and issued a 115.

Inmates being held in AdSeg are considered still a practicing gang association, but according to the Asker case settlement, CDCr is supposed to put forth new changes in the SHU assessment chart. There are about nine 602 grievances being litigated on right now for the increase of returned inmates, and law library access is being denied because of it. We were appointed a new sergeant to help assist this matter, but it is a slow process. A lot of the inmates are receiving increased SHU terms, and it should be noted that new section 3341.9(f) in the title 15 proposes to increase from 25% to 50% the maximum amount of clean conduct credit a prisoner serving a determinate SHU term can earn to reduce that SHU term. This is not the case. Also! Some inmates are being considered as an Imminent Threat, because they were validated under the old criteria and new subsection 3268(a)(5) is adopted to read! An imminent threat is any situation or circumstance that jeopardizes the safety of persons or compromises the security of the institution and requires immediate action to stop the threat. A fist fight, one-on-one, or even two-on-one, without great bodily injury, does not consist of an imminent threat situation.

In conclusion, litigation through the bias 602 grievance process is still the right way to go for the courts to take a look at your case. You have to exhaust all remedies in order to have a class action filed against the state for its illegal and constant inhuman practices. Remember the struggle to end long term isolation is still ongoing, but there's always hope as long as you resist. ■

A Broken and Shattered System

By Chris Freeman
New Boston, TX

Most criminals grew up in circumstances of dire poverty, in families where one or both parents were abusive, and without the benefits of a proper education or away from home at a young age. We were forced to drift to the poor and slum areas of big cities and took up crime as a way of earning a living to survive. The vast majority in prison are the poor, the unfortunate, the young and neglected, to a great extent. They are the victims of unfavorable circumstances and environments.

The penal system recruits its victims from among those who are constantly fighting an unequal fight in the struggle for existence. Nothing could be less capable of serving the purpose of refinement, reformation and rehabilitation than the penal system in this country. Prison officials treat all of us alike regardless of our age or the severity of our crimes, incarcerating youthful delinquents with hardened criminals and predators. This heightens rapes, assaults, and attacks on those most vulnerable and unable to defend themselves.

Conditions inside most prisons are squalid, degrading, vicious and not fit to confine humans. Overcrowding is a rule, food is not nutritious and inadequate for consumption, exercise is an option instead of a right, and noise is the norm.

Most of us spend our time, not by choice, in enforced idleness or in purposeless work. Prison officials maintain order and discipline with cruelty, brutality and sadism. There is little possibility that anyone can emerge from prison better than they were before. We have to understand that criminal behavior is less a consequence of free will, and more a matter of education, upbringing, and environment.

The death penalty was born out of hatred towards the criminal. It had no purpose except revenge. There is no evidence to show us that capital punishment is a deterrent to murder in this country, especially with exonerations at an all-time high. Since the taking of a life is considered an act of violence that corroded sentiments of society, the death penalty cheapened and devalued all human life, and it is more an inducement to murder than a deterrent. The penal system in this racist and imperialistic country is broken and shattered, and only degrade us instead of upgrade our development as people. ■
Dirty Lawyers and Crooked Judges

By Gabriel Arkles, NLG member and professor at Northeastern University School of Law

Most defense attorneys—especially public defenders—are good people doing their best in a shitty system. And some are truly amazing. But there are some who flout the rules. These are the private lawyers who pressure you and your family to pay them your last dime to get you out, but end up just screwing you over. And the prosecutors who take shortcuts in their hurry to put more people behind bars. And the judges who aren’t even close to unbiased.

When a lawyer or judge acts unethically, the main thing you can do is file a complaint with the office that oversees them. Filing a complaint won’t get you out of prison or get you money. But it may get the lawyer or judge disciplined. If you think a lawyer or judge is acting badly, filing a complaint can be a way of reducing the chance she will harm others.

Sometimes, if a defense attorney, prosecutor, or judge acted unethically in your case in a big way, you can also use that in an appeal. The appellate court might order a new trial if the ethical problems impacted the outcome. You don’t have to file a complaint to use these arguments in an appeal.

What’s “ethical” for lawyers
Ethical rules vary from state to state. But generally, your lawyer is supposed to work hard, be honest with everyone, respect your decisions about goals, and be loyal to you. Prosecutors are supposed to work hard, be honest with everyone, and pursue justice.

Here are some signs of ethical problems for lawyers:
• Lying
• Encouraging other people to lie
• Not trying hard and making many obvious mistakes
• Saying messed up, biased things about race, gender, disability, nationality, sexuality, or religion
• Taking a case when there’s a conflict of interest (for example, if your lawyer’s brother is the complaining witness in the case, or if the prosecutor used to represent you before becoming a prosecutor)
• For your lawyer, promising to do things on your case and then not doing them
• For your lawyer, sharing your personal info without your permission
• For your lawyer, forcing you to take or reject a plea offer against your will
• For your lawyer, not updating you about your case even when something major has happened
• For a prosecutor, going forward with a case without probable cause
• For a prosecutor, not sharing info that could help the defense

Here are some things that aren’t signs of ethical problems for lawyers:
• Losing a case
• Making a mistake
• Not doing everything you thought the lawyer should do, or not doing everything the way you wanted it done
• For your lawyer, urging you take a plea, even if you disagree
• For a prosecutor, going after you even though plenty of people have done worse things
• Your lawyer and the prosecutor acting friendly with each other

What’s “ethical” for judges
Ethical rules for judges also vary from state to state. But generally, they are supposed be fair and impartial.

Here are some things that are ethical problems for judges:
• Bribery and corruption
• Saying messed up, biased things about race, gender, disability, nationality, sexuality, or religion
• Talking about the case with one side while the other side isn’t there
• Judging a case that would affect the judge personally

Here are some things that aren't ethical problems for judges:
• Making a bad decision
• Making a mistake
• Speaking in a condescending way
• Acting friendly with lawyers

Examples
In California, prosecutor Robert Murray brought charges against a defendant for child molestation. The defendant made a statement. Murray changed the statement, adding a confession the defendant never made. Murray gave the fake confession to the defense attorney while negotiating...
Beyond Bars: Voices of NLG Jailhouse Lawyers

Re: Law as a Pathway to Character Development

By William A. Larson
Licking, MO

Mr. Phoenix’s commentary articulations in “Law as a Pathway to Character Development,” on page 19 of your Summer/Fall 2017 issue of Guild Notes, is “right on” point, as we used to say in days gone by.

Far too many prisoners allow themselves to be turned into Quisling Sheople, by the prison authorities. It used to be called Stockholm’s Syndrome, in the days of Patty Hearst, when one becomes one with their captors.

I started my self-education, in the early ’80s, when I started going to the library at MSP. Just reading the case law opened my eyes and mind, causing me to ideate about matters that I had never dreamed of. Without the stabilizing effect of doing legal research, I have no doubt my mind would have turned to correctional mush, and I would be following staff around like a salivating lap dog.

In the late ’90s, they converted our physical publications to computer, which then forced me to become computer-literate, to my best ability. These computers of today were just a sci-fi fantasy when I was incarcerated in 1981.

The downside of this was that millions of dollars of legal publications, that had been paid for out of our canteen funds just simply disappeared into correctional oblivion. There are times when I am doing research, especially into older case law, when I wish we still had access to the West Publications.

The new computer system allows the MDOC and the Attorney General to monitor what we are individually researching and severely limits our access to information that they do not want us to have access to. All of the computers that are hooked up to the MDOC’s server, in Jefferson City.

Prisoners who want, or need, to fight their cases or secure their personal or constitutional rights without doing legal research first are like someone going into battle with an unloaded gun, and just as ineffective.

a plea agreement, and the defense attorney eventually figured out it was fake. The judge dismissed the charges against the defendant. The prosecutor was suspended from practicing law for one year. Matter of Murray, No. 14-O-00412, 2016 WL 6651388 (Cal. Bar Ct. Nov. 10, 2016).

In the “cash for kids” scandal in Pennsylavnia, Judge Mark Ciavarella took around $1 million in bribes from the builders of juvenile jails. Ciavarella was convicted of various felonies and sentenced 28 years in prison. He was also removed from judicial office, and is not eligible to become a judge again. Some of his convictions and sentences of young people got thrown out. In re Ciavarella, 108 A.3d 983, 984 (Pa. Ct. Jud. Disc. 2014).

In Maryland, a woman hired Melodie Schuler to try to reduce her son’s prison sentence. Schuler didn’t do anything on the case. She missed a deadline and lied to her client and his mother about it. She promised to visit her client in prison, but didn’t. When the client and his mother complained, she made excuses and asked for more money. Her client finally filed a complaint against her, and she got disbarred. Attorney Grievance Comm’r of Maryland v. Shuler, 454 Md. 200, 164 A.3d 209, 210 (2017).

How to Complain
Most states have one way to complain about judges, and another way to complain about lawyers. Sometimes they have specific forms you should fill out and rules you should follow. You usually need to complain in writing, giving the lawyer’s or judge’s name and specifics about what happened.

Dirty Lawyers and Crooked Judges continued

“How Beyond Bars” Submission Guidelines & Instructions: Send us your writing, artwork, or poetry!

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 600 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.
At the beginning of each academic year, many NLG student chapters organize “Disorientation” events to introduce the wider student body to the NLG and “people’s lawyering” in general. Whether this event is a quick meet-up of like-minded folks or a full-day event with panel discussions and workshops, it’s a great opportunity to find allies on campus.

Here are some highlights from this year’s Disorientation events in September 2017!

Above: University of Florida NLG tabling for Pro Bono Week with Fight Toxic Prisons

Left: Caleb Medearis from DC NLG conducts LO training at DC Disorientation. Note the Georgetown NLG t-shirt modeled in the foreground: “Don’t forget the struggle / Don’t forget the streets / Don’t sell out”

Rutgers-Camden NLG Chapter raising awareness and funds for Puerto Rico Hurricane Relief Efforts. (L to R) Ryan Slocum, Rutgers NLG Chapter 1L Representative; Board of Governors Professor of Law Roger Clark (standing); Briana Ramos, Rutgers Law student; and Professor Lorrin Thomas, chair of history and Latin American Studies at Rutgers-Camden.
Above: Carl Sessions leading a panel on movement lawyering featuring Timmy Rose, Emily Coffey, Quinn Rollins, and Lam Ho at Chicago’s 2017 Disorientation.

Right: Carl Sessions, Rosie O’Malley, and Sam Dixon talk with Chicago-Kent students about people’s lawyering.

Below: Eleanore Wade from George Washington Law moderating a panel of DC Guild members.
Help the NLG close out our 80th year stronger than ever!

www.nlg.org/donate