

Guild Notes

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Previous and current issues of *Guild Notes* are available for download online at nlg.org/guild-notes

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

Cover: Duke University Law NLG, Class of 2021.

We want to hear about your NLG work—NLG members are welcome to submit to the next issue of *Guild Notes*!

Deadline for the next issue:
Monday, October 25, 2021

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.

President's Column

As I sit here writing my last National Lawyers Guild president's column, I am realizing just how little opportunity there has been to stop and think. It is just now in going over reports and articles we've written, coalitions we've been part of, and movements we've supported, that I am understanding how much the NLG does. We are an organization of organizers: we are truly in the streets, in the courtrooms, and in the (virtual) meetings. We build, we grow, we fight.

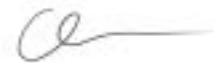
We do this in our 65 local chapters and 120 student chapters across the country, with our more than 8,200 members totals. We have been doing it since 1937, and we will keep on doing it for many more decades to come. Last year, we coordinated legal support for 20,000 people arrested while protesting for Black lives. We produced webinars on topics ranging from Fighting for the Release of Detained Immigrants During the COVID-19 Pandemic and COVID-19 and the Urgent Struggle for Homes

We are an organization of organizers. We build, we grow, we fight.

for All, Staying Radical in Law School and the Federal Repression of Activists & Their Lawyers. We held a digital convention with 1,000 attendees and two weeks of radical programming. We've had dozens of DisOrientations for law students, and law-student-run Week Against Mass Incarceration events.

Reflecting on all of this, it is so clear to me why the National Lawyers Guild is my political home. I am here to do the work. So is our staff and so our members. Although it will no longer be as your president, I will always be here with all of you, as we show up and fight back. Thank you all for being comrades and supporters.

In solidarity and gratitude,



Elena L. Cohen

Law Enforcement Targets Water Protectors at Treaty People Gathering Against Line 3 Pipeline; About 200 Arrested

A version of the following was originally published as a [press release at nlg.org](#) issued June 9, 2021.

On June 7th and 8th, the Treaty People Gathering as part of the Indigenous-led movement to stop Line 3, shut down work at an active Line 3 pump station near the Mississippi headwaters. Thousands of people from across the country gathered together in northern Minnesota to stop Enbridge's work on its destructive "replacement" pipeline in Anishinaabe territory. Enbridge plans to destroy thousands of sites that are sacred to the Indigenous people who have lived there for thousands of years—including drilling under 22 rivers, over 800 wetlands, and many wild rice tributaries. Approximately 200 activists dedicated to protecting land and water were arrested protesting Enbridge's Line 3 pipeline expansion project, and charged with [trespassing on critical infrastructure](#), an increasingly common tactic used to suppress environmental activism. Volunteers from the [Pipeline Legal Action Network](#), including the National Lawyers Guild and [NLG-Minnesota Chapter](#); [Civil Liberties Defense Center](#); and [Water Protector Legal Collective](#), are on the ground to provide legal support that includes Legal Observers, jail support, and representation.

During the Gathering, law enforcement unsuccessfully engaged in shameful tactics to quash it: On June 7th, a [Department of Homeland Security helicopter](#) intentionally flew at dangerously low levels above water protectors, engulfing them in clouds of dust and debris. Hours later, police used a Long Range Acoustic Device (or "LRAD"), a military-grade speaker, to issue dispersal orders.

There are serious concerns about the treatment of

organizers and activists who have been held for 16 – 20 hours without being booked: people are being denied prescription medications, people with injuries incurred during arrest are being denied medical attention despite multiple requests for aid, and there have been multiple violations of the Americans With Disabilities Act. In Kandiyohi County Jail, water protectors are being denied their 6th Amendment right to speak to an attorney, resulting in friends and family members being denied the ability to check in on the health and wellbeing of loved ones.

While arrested in Hubbard County, the majority of arrestees have been transferred to Aitkin County, Kandiyohi County, Douglas County, Pine County, Todd County & Becker County. These counties are part of the 16-county Northern Lights Task Force, which has received significant funding from the Enbridge Corporation. To date, Enbridge has provided hundreds of thousands of dollars for weapons to suppress the public's right to express righteous anger at a system that prioritizes corporate profit over the public interest and the environment.

"We have very few options left. We are here to protect the water, the wild rice and the next seven generations of life. Keystone XL was stopped on the merits of environmental justice and treaty rights, this is no different. We demand President Biden take action now," said Simone Senogles of the Indigenous Environmental Network and RISE Coalition in a statement issued by the Treaty People Gathering.

The efforts to stop Line 3 are far from over. To learn more and take action, visit www.stopline3.org/take-action.

NLG Students Organize Dozens of Events for #WAMI2021

by Charlie Blodnieks, NLG Program Assistant

During this year's [Week Against Mass Incarceration \(WAMI\)](#), NLG law students organized around the theme of "Abolition and Beyond," including all locations and instances in which people are held against their will, including jails, immigration detention, juvenile detention facilities, psychiatric wards, and more. We encouraged students to include consideration of the abolition of policing as part of the larger mass incarceration system (and in line with the NLG's [2020 resolution supporting the abolition of policing](#)).

Now a full year into the pandemic, [NLG law students](#) created an [week of events entirely online](#), incorporating the specific issues facing incarcerated people during the COVID-19 crisis. And, as the world has taken a closer look at our healthcare and medical systems, our law students took on the task of examining these locations as an expansion of the carceral complex.

Read below for highlights, and thank you to our law students for your fantastic work during #WAMI2021!

Pepperdine University NLG organized a full week of programming, including panels including: "The Death Penalty: Inequities and Realities of Capital Punishment," "The Broken System for Incarcerated Women," "Recidivism and Reintegration: Returning to Life After Incarceration," and "Juvenile Injustice: Policy and Reform in our Criminal Justice System."

University of North Carolina NLG put together multiple online panels and programs, including creating police accountability scorecards for Emancipate NC, presenting a panel on the intersection of mass incarceration and civil legal services, and screening the film *Judas and the Black Messiah*

NLG DePaul worked in collaboration with various organizations to put together events including a screening of the film *Belly of the Beast*, a panel on COVID-19 in carceral facilities, a panel discussion, "[Attica: 50 Years Later](#)," with Michael Deutch of the People's Law Office and Heather Ann Thompson, author of *Blood in the Water: The Attica Prison Uprising of 1971*, among other events

Moritz NLG put together multiple different projects, in-

cluding a [zine on abolition](#), a letter-writing campaign, a series of panels on Zoom, and two drives for both books and period products for folks incarcerated in local jails and prisons

Harvard NLG students put together an online event in collaboration with organizers from Families for Justice as Healing (FJAH) to learn about successes and ongoing struggles to free women from Framingham and block the construction of a new women's prison in Massachusetts



New England Law NLG put together various social media campaigns on policing in the U.S., prison abolition, disability justice, immigrant detention, and the war on drugs, ending the week with a Zoom movie night watching *13th*

Loyola New Orleans NLG held an online panel discussion, "Imagining a Decarcerated Louisiana,"

with speakers from various community organizations, and put together an [online collection of testimonials](#) from their correspondance with folks incarcerated at Angola in New Orleans

Widener University NLG held multiple panels on progressive prosecutors, juvenile detention, and voting rights, as well as organizing a book drive for LGBTQ+ incarcerated people

Georgetown NLG launched a letter writing hour, to continue throughout the rest of the semester, and put together a panel on abolition

University of Michigan NLG held a panel on Abolition at UMich, featuring GEO organizers to discuss campus abolitionist movements, and screened the movie *The Prison in Twelve Landscapes*

University of Alabama NLG organized a week long book drive for incarcerated folks, and held three online events, including a discussion on student-led abolition movements, a screening of *Visions of Abolition*, and a panel on impact litigation

Cardozo NLG students presented a Q&A panel with Baz Dreisinger, author of *Incarceration Nations*, and a discussion on grassroots abolition movements across the country, with speakers from NYC, Texas, Georgia, and St. Louis

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Wayne State University NLG students coordinated a panel discussion between Washtenaw County prosecutors and representatives from Detroit Justice Center and the Neighborhood Defender Service of Detroit to discuss the role of prison abolition in the larger movement to end mass incarceration

Fordham NLG students organized a panel, “A Country Without Prisons: Dispelling Myths that Deter Abolition,” to deconstruct scare-tactics surrounding abolition

Maurer NLG hosted a panel, “Prison Abolition and Beyond: Addressing Mass Incarceration in Our Community,” with Public Defender Kyle Dugger and author Jeanne Bishop

University of Oregon NLG Chapter put on a week of interactive online programming, including sessions on Dismantling University of Oregon Police Department, Abolition and Climate Justice, and Intro to Abolition

University of Connecticut Law NLG Chapter presented a series of panel discussions centering those most marginalized by the policing system, including discussions on Women and LGBTQ+ People in Prisons, the Worldwide Movement for Black Lives, Ending the War on People Who Use Drugs, and Pandemic Priorities: the Inequitable Impact of COVID-19 on People Who Are Incarcerated

Notre Dame Law NLG organized two events, a talk on

Prison Abolition Activism with “IDOC Watch”, a network of prisoners in Indiana Department of Corrections (IDOC) and legal workers outside, as well as a talk on the School to Prison Pipeline with local educators who teach students in Indiana’s Westville Correctional Facility

University of Minnesota NLG hosted a two-week book drive for Women’s Prison Book Project, held event on the fight for abolition with Kevin Reese from Until We Are All Free, and began preparing for Derek Chauvin’s murder trial

University of Montana NLG put together a full week of events, speakers, and workshops with attorneys and abolitionists from across Montana and the country, including: “Mass incarceration, COVID-19 and extreme sentencing,” “The Federal Death Penalty: Against the Will of Navajo Nation,” “Police Abolition v. The January 6 Coup,” and “Tribal and Local Criminal Justice Reform Opportunities”

Temple Law NLG organized a series of events, including “Mental Health and Medical Care: Inside and Outside Prison,” “Judges and Lawyers Addressing Mass Incarceration,” and “Reform vs. Abolition”

TAMU NLG hosted a panel on “Public Defense and Mass Incarceration,” and put together a series of educational materials on mass incarceration, prison abolition, and accountability

Quinnipiac NLG hosted a week of panels and events including “Racial Justice and Equal Rights” and “Felony Disenfranchisement in Connecticut,” among others.

NLG-LA and Advocacy Organizations Release Report Documenting LASD’s Targeted Harassment of Grieving Families

“[No Justice, No Peace: The Los Angeles County Sheriff's Department's Targeted Harassment of Grieving Families](#)” is a new report issued by the National Lawyers Guild of Los Angeles, the American Civil Liberties Union of Southern California, Black Lives Matter Los Angeles, the Centro Community Service Organization, and the Check the Sheriff Coalition that details the Los Angeles County Sheriff’s Department’s targeted harassment of grieving families, whose loved ones were murdered by Sheriff Deputies. It also shares several recommendations for the Board of Supervisors to take immediate action to end this abhorrent practice.

You can check out the report and get involved by visiting checkthesheriff.com.



Commission of Inquiry on Systemic Racist Police Violence Against People of African Descent in the US Issues Report

by Kerry McLean, Commission of Inquiry Spokesperson and Steering Committee Member

Following the police murder of George Floyd, the United States and later, other parts of the world, erupted into protest. Mr. Floyd's death reignited public discourse on systemic racism and sparked one of the largest sustained mobilizations against racist police violence in history.

Some activists and lawyers decided to take the fight to the UN as well. An international coalition of more than 600 organizations and individuals sent an appeal to the United Nations Human Rights Council (UNHRC) requesting a special session of the UNHRC and urging that the UN convene a commission of inquiry to investigate racism and racist police violence in the United States. In an unprecedented move the [UN African Group followed up on that request](#), requesting an urgent debate on racism at the UNHRC and also calling for a Commission of Inquiry to investigate racism. We learned that the US pressured some countries to oppose a commission of inquiry. The Human Rights Council declined the request to convene a commission of inquiry, though it [did task the UN High Commissioner on Human Rights](#) with preparing a report on racism.

Following the UN's decision to not convene a commission of inquiry, the National Conference of Black Lawyers, the National Lawyers Guild and the International Association of Democratic Lawyers decided to convene a commission of inquiry to conduct the thorough and impartial investigation of racist police violence in the US that the community had demanded. The Commission of Inquiry's mandate was to investigate the systemic, widespread and grave violations of the rights of Black people by police in the United States and present its findings and recommendations in a report.

We assembled a team of [12 experts to serve as Commissioners](#)—none of whom are from the United States—to conduct the investigations in an independent and impartial manner. Our Commissioners hail from Jamaica, Antigua and Barbuda, Pakistan, South Africa, Japan, India, Nigeria, France, Costa Rica, and the United Kingdom.

We conducted [live hearings of 44 cases](#), where the Com-

missioners heard testimony from the family members of victims of police violence, testimony from lawyers who represent the families of victims, and testimony from community activists. The Commissioners also reviewed reports, legislation and other relevant materials.

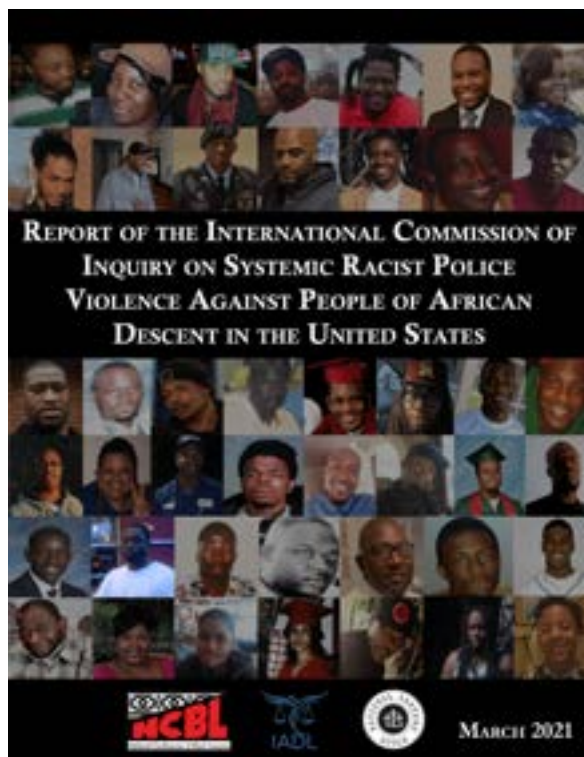
The Commission of Inquiry conducted a thorough investigation into anti-Black violence perpetrated by police in the US both historically and recently, with an emphasis on evaluating the most recent cases and addressing the connection of the current cases to the United States' history of systemic racism.

We concluded our live hearings of cases in February and our Commissioners worked alongside a team of Rapporteurs to prepare a report. [The report](#) is almost 200 pages long and it would be impossible to summarize the findings and recommendations in a short article. In sum, the 12 international legal experts found the United States guilty of gross violations of human rights. Moreover, the Commissioners found that systemic racism and police violence against people of African descent in the United States constitute crimes against humanity.

The report has been shared with the United Nations High Commissioner on Human Rights and shared with the public at a press conference in the United States. We've also shared the report at virtual press conferences in Kenya, South Africa, Nigeria and Geneva. News outlets such as [The Guardian](#), [Newsweek](#), [Democracy Now!](#) and [Al Jazeera](#) have discussed our project and report. We hope that the report will be utilized widely, and most importantly serve as a resource to the community. We ask for your solidarity and support in advancing the report and seeking implementation of its recommendations.

We thank the National Lawyers Guild Foundation for financial support of this initiative.

Download the report, watch the recordings of the hearings and read other information about the Commission of Inquiry at inquirycommission.org.



Cover of the Report of the International Commission of Inquiry on Systemic Racist Police Violence Against People of African Descent in the United States

In Memoriam: Thane Tienson, NLG-PDX & NLG IC Member

The following is reprinted with permission from [The Astorian](#). It was written by Edward Stratton and first published on Feb 3, 2021.

Thane Tienson, a prominent environmental, fisheries and human rights attorney from Astoria, died from a heart attack on Jan. 28. He was 74.

Tienson is survived by his brother, John; son, Erik; daughter, Julia; and grandson, Gavin. He was preceded in death by his mother, Dorothy; father, John; and brothers, David and Donald.

Julia Tienson said her father, an avid runner who was still a practicing lawyer with the firm Landye Bennett Blumstein, called her while driving himself to the hospital after experiencing sudden chest pains Jan. 27. He died of a heart attack while in transport to another hospital for surgery, she said, but not before his family was able to gather and spend some time with him.

“We got to really say our goodbyes,” she said. “I was doing voice memo recordings of my dad. He was just such an excellent storyteller and had decades of life, and activism, and friendships and stories to share.”

Erik Tienson described his father as a Type A personality who loved helping people, from representing them in the courtroom to teaching law and the Constitution classes in local high schools. Tienson’s children also described their father as an unabashed liberal fighting for environmental causes, with a client list including the Sierra Club, Columbia Riverkeeper and the Wild Fish Conservancy.

“He changed water rights on the John Day River in central Oregon,” Erik Tienson said. “He was just a freedom fighter for the Pacific Northwest. His life goal was to have The Dalles Dam be blown up, and restore Celilo Falls.”

Tienson’s family moved away from Astoria to the Bay Area when he was a boy. Tienson attended Santa Clara University in California before serving in the Vietnam War, where Erik Tienson said his father earned two Purple Hearts for injuries sustained in battle.

After serving in the military, he attended Lewis & Clark College in Portland, becoming a lawyer in 1977. John Tienson, his only surviving brother, said he wanted to become a lawyer in honor of his father.

Tienson’s family said his heart was always on the coast. He represented the Chinook Indian Nation in its fight for federal recognition, Warrenton when its water filtration system malfunctioned and even members of the Flavel family.

“He did a ton of pro bono work for Astoria,” Erik Tienson said. “He just loved the people and the commercial fishermen of Astoria.”

Tienson represented the Port of Astoria on several occasions, most recently in negotiations with oil companies to clean up historic fuel contamination.

“I worked closely with Thane over the last couple of years, most notably on the environmental cleanup along the Astoria waterfront,” said Will Isom, the Port’s execu-

tive director. “Thane loved Astoria and he would often begin our conversations by probing for information on the recent happenings within the community.”

Tienson represented numerous fishermen and was counsel for Salmon for All, an association representing the Columbia River salmon-fishing industry. He won a

federal court ruling on

behalf of both fishermen and environmental groups that required changes in the way dams are operated to protect endangered salmon species.

Steve Fick, a seafood processor, fisherman and member of Salmon for All, said Tienson was always an advocate for fishermen and a sustainable West Coast fishery. He sued to stop a mine near Bristol Bay, Alaska, and for the right of gillnetters to fish on the main stem of the Columbia.

“Truly, never forgot where he came from,” Fick said.

In the 1990s, Tienson handled several high-profile cases of sexual assault at sea, helping improve standards for women aboard fishing and processing vessels. Anne Mosness, president of the Women’s Maritime Association, said Tienson stepped in — often pro bono — to represent women who had been assaulted at sea.

“He was so dedicated to safety, to helping vulnerable people,” Mosness said.

State Sen. Betsy Johnson, a Democrat from Scappoose, described Tienson as a personal confidant.

“Thane Tienson was as close as anyone in my acquaintance to a Renaissance man, a decorated Vietnam Veteran, global traveler, convivial companion, a capable and compassionate lawyer — frequently on the side of the little guy,” Johnson said.

Tienson’s family said his heart was always in Astoria, where his mother had lived since 1976 until her death in October. He was planning to retire in the coming year and move back to the coast.

“I’m saddened for him that he didn’t make it to retirement, and that he didn’t make it to some finer pleasures in life on the other side of COVID, getting to be a grandpa,” Julia Tienson said. “We’ve got a 6 month old who always smiled at him, and I really wanted him to know my dad.”

The family is planning a number of smaller virtual and in-person tributes over the next several months. They suggested donations in Tienson’s honor be made to Columbia Riverkeeper and the Chinook Indian Nation.



Thane Tienson

In Memoriam: Claude Cazzulino, NLG-Los Angeles Member

Claude Cazzulino, a resident of Pasadena for more than 33 years, passed away on February 26, 2021 during his daily neighborhood walk with the family's standard poodles, Spoon and Vito. He was 66 years old.

Claude was born in Queens, New York, the oldest son of Joseph and Clara Cazzulino, and grew up in Lloyd Harbor on Long Island, with his parents and brother Dana. He spent his summers swimming and sailing in the Long Island Sound, clamming in the shallow waters along the shore, and playing tennis, baseball and other sports. In high school, he played the French horn in the jazz band, excelled at soccer and tennis, and developed a reputation as a smart, kind and friendly person.

Claude graduated from Brown University in 1976, with a degree in history and fluency in German developed during his junior year abroad in Gottingen. After Brown, Claude was a reporter for the Daily Record in Morris County, New Jersey, where he covered city council, planning and zoning meetings and performed the grunt work of a cub reporter with humor and poise. According to one of his colleagues, Claude was as cool and even-tempered on duty as he was off, and he was one of the best writers at the paper.

In 1981, Claude entered Northeastern University School of Law in Boston, Massachusetts, where he thrived in the school's "co-op" program, learning labor law in the classroom and on the job during internships with a Milwaukee union law firm and with the National Labor Relations Board in Boston. He also met his wife, Theresa Traber, at Northeastern and, after their graduation in 1984, the two of them moved to Los Angeles to pursue their careers and start a family. Claude and Theresa had two children, Francesca Cazzulino of San Diego and Niko Cazzulino of Pasadena.

For more than 32 years, Claude was an attorney and partner at Schwartz, Steinsapir, Dohrmann and Sommers



Claude Cazzulino

LLP, where he advised labor organizations and their health care and pension trust funds. He worked diligently to ensure that workers and their families received the full measure of their hard-earned benefits. He advised public sector and private sector employee benefit plans. He authored an article on domestic relations and employee benefit plans and was a contributing editor to the American Bar Association's treatise on Employee Benefits Law. He loved his work, his clients, and his colleagues at the firm.

Claude devoted himself to his community by acting as a board member at Sequoyah School in Pasadena, chaperoning school camping trips, and acting as a coach and referee for AYSO soccer teams. He was an avid swimmer, participating in the Masters Swimming Team for more than ten years, a confident skier, and a potter who created beautiful cups, bowls and other gifts for family and friends. He loved to hike, camp, and travel and enjoyed many trips with Theresa, his children and extended family.

Claude faced a new challenge in 2017 when he was diagnosed with a brain tumor. After a surgery, radiation and chemotherapy, Claude's condition stabilized, and he regained much of his strength and stamina. His calm resolve and persistent good humor were inspirational to all who encountered him during the years since his diagnosis. Through it all, he was courageous, loving, upbeat, kind and forward-looking.

In the last week of his life, Claude worked in the local pottery studio, walked the dogs, planted flowers in the backyard, did his physical therapy exercises, played and cared for his grandson, Ezio, helped with dinner and kitchen chores and had a long and satisfying telephone conversation with his 93-year-old mother, Clara Cazzulino of Chapel Hill, NC, who survives him. In addition to his wife, children, and grandchild, Claude is survived by his brother Dana Cazzulino of New York, NY, as well as many loving nieces and nephews, cousins, aunts, in-laws and friends. He will be sorely missed.

In Memoriam: Martin "Marty" Kantrovitz, NLG-Mass. Member

Martin "Marty" Kantrovitz, age 79, passed away September 27, 2020 in Naples, Florida. He was born January 28, 1941, the second child of Gabriel and Vera Kantrovitz. Marty grew up in a Jewish section of Mattapan and went on to attend Roxbury Memorial, Northeastern University and later Boston University, where he studied law. He went on to practice with his father and brother before forming his own law practice, and in later years partnering with his son. In over 50 years of practicing law, Marty was a tireless advocate for the poor and downtrodden, including the landmark case that held landlords responsible for the lead poisoning of young tenants. He was also a proud, sustaining member of the National Lawyers Guild, with whom

he fought passionately for social justice over many years. Marty coached his children's sports teams, guided moot court teams at Trinity Catholic Church and to friends and colleagues was someone who always wanted to help by sharing what he knew. He is survived by his wife,

Joanne Sheridan, sister Ellen Chella, brother, Sherwin Kantrovitz, and children Pamela Johnson, Suzanne Belanger, Julie Bertram, Michael Kantrovitz and Larisa Kantrovitz.



Marty Kantrovitz

NLG-Seattle Establishes Living Systems Committee

by Members of the NLG-Seattle Living Systems Committee



NLG-Seattle's Living Systems Committee logo.

NLG-Seattle Establishes Living Systems Committee. We know that the current legal system is riddled with structural

issues. The question is: Where do we go from here? Are there ways to use legal tools to support cooperation, co-creation and relationship instead of capitalism, oppression and wealth consolidation?

As of January 2021, NLG-Seattle has launched its Living Systems Committee, which seeks to unpack and reimagine how our legal system can nourish and support planetary healing through creative mutualism. We ground ourselves in a relational and trauma-informed approach. We honor the work of all Indigenous People and their leadership of how to be in vital relationship with all beings.

The goal of this committee is to provide access to tools of transition for both attorneys and community members at large. We acknowledge and respect that there are many different roads to collective evolution and that some folk wish to operate outside the confines of the law for safety and institutional reasons. Our work is simply an offering for those that wish to engage.

The Role of the Living Systems Committee
Comprised of progressive attorneys, law students, critical theorist and dreamers, we invite communities and organizers to reach out to be paired with an attorney to receive support on:

Localized Economies

- Cooperative Development
- Community Land Trusts
- Culturally Appropriate and Plain Language Contracts

Relational Land Reform

- Ecosystem Stewardship
- Water Rights
- Land Trusts
- Easements
- Zoning

Mutual Aid Efforts

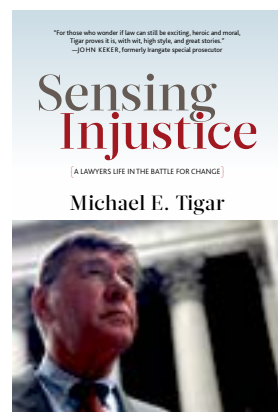
- Community Clinics
- Legal Office Hours

Legislative and Advocacy Support

Even if we have not listed something that community members need support on, we encourage them to submit a request anyway. We are experimental attorneys and want to be responsive—not dogmatic—in our approach. In addition to the community-led work, we are launching an open-sourced reading circle, providing trauma-informed tools for attorneys and hosting legal workshops based on interest and need.

If you are interested in learning more or joining our reading circle, please feel free to reach out to the committee chair, Anastasia Maier at anastasia@slg.law.

NLG Member Michael Tigar Publishes Memoir: *Sensing Injustice: A Lawyer's Life in the Battle for Change*



By the time he was 26, Michael Tigar was a legend in legal circles well before he would take on some of the highest-profile cases of his generation. In his first U.S. Supreme Court case—at the age of 28—Tigar won a unanimous victory that freed thousands of Vietnam War resisters from prison. Tigar also led the legal team that secured a judgment against the Pinochet regime for the 1976 murders of Pinochet opponent Orlando Letelier and his colleague Ronni Moffitt in

a Washington, DC car bombing. He then worked with the lawyers who prosecuted Pinochet for torture and

genocide. A relentless fighter of injustice—not only as a human rights lawyer, but also as a teacher, scholar, journalist, playwright, and comrade—Tigar has been counsel to Angela Davis, Jamil Abdullah Al-Amin (H. Rap Brown), the Chicago Eight, and leaders of the Black Panther Party, to name only a few. It is past time that Michael Tigar wrote his memoir.

Sensing Injustice: A Lawyer's Life in the Battle for Change is a vibrant literary and legal feat. In it, Tigar weaves powerful legal analysis and wry observation through the story of his remarkable life. The result is a compelling narrative that blends law, history, and progressive politics. This is essential reading for lawyers, for law students, for anyone who aspires to bend the law toward change.

Learn more about the book or order a copy at monthlyreview.org/product/sensing-injustice/

Let's Get Stimulated: Reflections on *Scholl et al. v. Mnuchin et al.*

by Ursula Curiosa, F.K.A. Lindsey Krantz

As I write this note to you all, my beloved Guildies, dozens of envelopes of flaming hot printed material make their ways through Evansville, IN, after being edited, printed, signed, sealed, stamped, then oh-so-hopefully dropped into the mail for delivery at the Vanderburgh County Jail: a concrete camp where those with a monopoly on the legitimate use of violence concentrate their efforts on repressing about 650 people daily.

On March 29, a group of volunteers I belong to mailed tax-packet letters containing a dignity-affirming cover letter, three copies of the IRS-1040 personal tax return form, where-to-file addresses for people filing from Indiana, a worksheet torn from the 1040's instructions about how to figure Line #30 (Recovery Rebate Credit: "stimulus money"), and an Evansville-specific resource guide with a 2021 calendar printed on the back.

When we had this idea to assist people in claiming their stimulus money, I checked into eligibility requirements (there was nothing mentioned about being incarcerated). Good to go, right? Not exactly: Former jailhouse lawyer Mr. Terry Lindsey mailed me a circular from the Indiana Department of Correction, which notified him about *Scholl et al. v. Mnuchin et al.* (U.S. District Court, N.D. California, Case No. 20-cv-05309-PJH). The case delighted me: I write this note to share the good news, as Mr. Lindsey did with me.

To get these payments kicked loose for prisoners, the Equal Justice Society and Lieff Cabraser Heimann & Bernstein, LLP, represented Plaintiffs Colin Scholl and Lisa Strawn on behalf of themselves and all others "who have been incarcerated in the United States at any time from March 27, 2020 to the present." Congress had an opportunity to exclude prisoners from receiving stimulus payments, but did not do so, therefore Treasury Secretary Mnuchin, et al.'s position of withholding payments from prisoners solely based on incarcerated status was unacceptable.

The angle here is personal, political, and mathematical. For example, the return on investment could be 179,900%, considering a \$1,800 payment and \$1 to cover postage and materials. This prisoner solidarity crew's members have first-person and vicarious experiences with incarceration and police terrorism, which coalesce

with our willingness, ideas, and abilities to righteously love and rage through stuffing these hundreds of envelopes.

We send this mail because we intimately know that often official forms are difficult or impossible for incarcerated people to obtain. At first, people received our tax-packet mail, then cops began to mark our mail as "CONTRABAND: Reason (other): tax forms." A few also got marked down as "mass mailing." After a few more attempts of trifling resistance, Vanderburgh County Sheriff David Wedding and his Lt. K. Blessinger directed that the packets get into their facility.

I am white, as are most of the crew and most of the people in this geographic region. This jail mail effort is not color-blind—it is anti-racist. By simply addressing everyone at the jail without regard to state-assigned "race," more letters go to Black people than to whites as compared to their respective portions in the county's population, due to racism in methods used to concentrate

prisoners. Sometimes, as in this rare example, seemingly color-blind policies can come to a just fruition.

Incarcerated people can file their tax returns at Department of the Treasury, Internal Revenue Service, Austin, TX 73301-0003, or at the normal filers' address for their state of residence. For people with internet access: go to caresactprisoncase.org to find more information.

In sum, I encourage Guildies to drop an elbow on this effort to get stimulus payments to incarcerated people. Tax Day this year (May 17) was not the final day to claim the Recovery Rebate Credit, regardless of being locked up, since 2020 tax returns can be filed up to three years back. Do as much or little as you care to do, but please do something, such as simply sharing a few 1040's and the good news of *Scholl et al. v. Mnuchin et al.* with those who are locked up.

And a special note to Guildie Jailhouse Lawyers: I am a Legal Worker on the outside and I treasure you all as part of the Guild. I acknowledge your closeness to the boot heel of the white supremacist straight-armed monster which I call Amerikkka. All of the NLG is "Guilty As Charged" and I offer our Jailhouse Lawyers my profound love and boiling rage.



Prisoner solidarity mail bearing good news and material support on its way to the Vanderburgh County Jail in southwest Indiana on March 29, 2021. (Credit: Ursula Curiosa)

NLG-Seattle Amicus Committee Brings International Human Rights Standards to WA Supreme Court Case

by Jacob Freeman, NLG-Seattle Amicus Committee Chair

As a very busy summer turned into a less busy and much colder and darker autumn and winter, the Seattle Chapter of NLG turned its attention to organizing the energy and talent of its members—veterans and new recruits alike—to advance the Chapter’s mission to use law for the people. This effort led to, among other things, the formation of the Chapter’s Amicus Committee. The committee’s charge is to identify cases coming before Washington State’s Supreme Court and other courts in the jurisdiction that involve issues of concern to the Chapter and, with consultation and approval from the Chapter’s Board, draft and file “friend of the court” briefs in those cases advocating the Chapter’s position.

The committee’s most recent filed amicus brief was in the case *Personal Restraint of Robert Rufus Williams*, No. 99344-1, before the state’s Supreme Court. The petitioner in the case, Mr. Williams, is a 78-year-old Black man and wheelchair user who is confined to a state prison. As such, he is at a disproportionately higher risk of serious health problems or death from COVID-19. And in fact, by May 2020 Mr. Williams had contracted COVID-19 and was sent to another prison facility’s ICU. After being discharged from the ICU Mr. Williams was returned to his original place of confinement, where he shared a cell with two other men but insufficient space to properly socially distance, and no toilet other than a bottle. Mr. Williams’ petition sought his release from the unsafe environment of the prison system to home confinement with his sister. The intermediate appellate court ruled against Mr. Williams, and he sought discretionary review from the Supreme Court. The Seattle Chapter signed onto an amicus brief in support of the motion for discretionary review, which the Court granted.

Mr. Williams’ substantive briefing before the Supreme Court focused principally on the state constitution’s cruel punishment clause as well as the federal constitution’s Eighth Amendment. A number of amici filed briefs diving into the constitutional arguments and submitting the views of public health and human rights experts. NLG Seattle’s amicus committee decided to focus its brief on bringing to the Court’s attention the international law obligations and norms that should inform the Court’s interpretation and application of the constitutional standards.

NLG Seattle’s amicus brief argues that the Court should consult international law sources in determining whether Mr. Williams is being illegally restrained and presents those sources to the Court. (Amicus brief available at <https://www.courts.wa.gov/content/Briefs/A08/993441%20Amicus%20-%20Seattle%20Chapter%20of%20National%20Lawyers.pdf>.) These sources include conventions and treaties that the U.S. has either signed or signed and ratified, as well as norms so fundamental and so widely accepted as to be part of customary international law. Specifically, the Seattle Chapter’s brief points out the international human rights standards for health, life, dignity, and non-discrimination that apply to Mr. Williams’ petition. These include the International Covenant on Civil and Political Rights, the United Nations Standard Minimum Rules for the Treatment of Prisoners (the “Mandela Rules”), pronouncements by the World Health Organization, and the United Nations’ Universal Declaration of Human Rights and the International Covenant on Economic, Social, and Cultural Rights. The amicus brief was filed on March 2, 2021, under the name of its principal author and Seattle Chapter board member Neil M. Fox, and the name of the amicus committee’s chairperson, Jacob P. Freeman. In addition, retired member of the Washington State bar Martha Schmidt provided invaluable assistance at all stages of drafting.

On March 10, after holding oral argument, the Supreme Court issued a brief order that found Mr. Williams’ conditions of confinement to be cruel under the state’s constitution. (Order available at <https://www.courts.wa.gov/content/publicUpload/Supreme%20Court%20Orders/993441%20Public%20Order%200031221.pdf>) The Court specifically found “that confining Petitioner Williams in a space that does not include reasonable access to a bathroom and running water, and failing to provide him appropriate assistance in light of his physical disabilities, is cruel.” The Court directed the state department of corrections to remedy the cruel conditions, including by releasing him to home detention, or release him outright.

The Court’s short order does not mention international law obligations, but it does promise that more explanation of its decision will be in a forthcoming opinion. Regardless of whether that opinion mentions international law, the Seattle Chapter is happy to have had the chance to remind the Court of the state’s international law obligations with respect to human rights and social justice.



[WEBINAR] How the Federalist Society's Philosophies Took Over the Courts

In March, the NLG and National Police Accountability Project (NPAP) presented a webinar on the rise of the Federalist Society, presented by Michael Avery, past NLG president, co-founder of NPAP, and co-author, with Danielle McLaughlin, of *The Federalist Society: How Conservatives Took the Law Back from Liberals*.

Watch the webinar recording at nlg.org/public-webinars.

90 Organizations and 4600+ Individuals Tell Biden Administration to #DropTheCharges Against BLM Protesters

On June 3, [the NLG sent a letter](#) to President Biden, Vice President Kamala Harris, and Attorney General Merrick Garland—endorsed by a total of 90 organizations and signed by a total of 4600+ individuals—urging them to dismiss the federal charges against more than 350 anti-racist protesters who participated in last year’s mass demonstrations for Black lives.

The letter states:

The undersigned 90 organizations and 4,631 individuals (see enclosed) are writing to call on you to drop the more than 350 federal cases brought against by Black Lives Matter protesters by the previous administration. The historic demonstrations in response to the police murders of George Floyd and Breonna Taylor have continued an important conversation about the impact of white supremacy and police brutality on Black people in the United States. Across the country in communities large and small, millions of people put their lives on the line during the COVID-19 pandemic to demand an end to institutional racism and police violence.

Many of the cases brought by former Attorney General William Barr, under the direction of President Donald J. Trump, amount to little more than prosecutorial overreach and are not a matter of protecting public safety. These prosecutions were

intended to stifle dissent and protect white supremacy. Maintaining and advancing these prosecutions in federal court under your administration would amount to little more than perpetuating the racism that you repeatedly spoke out against on the campaign trail and during your confirmation hearings, respectively.

It is essential that your administration, including the Department of Justice, take expedient action to dismiss the federal charges against all Black Lives Matter protesters.

In addition to these federal charges, about [13,600 people face state charges](#) for participation in last year’s demonstrations, according to FBI documents obtained by [The Prosecution Project](#). For more information on ongoing #DropTheCharges campaigns in various municipalities, follow the [Drop The Charges Coalition](#).



NLG Military Law Task Force Establishes Anti-Racism Subcommittee

by Aaron Frishberg, NLG MLTF

The US military is an institution permeated with racism. This is not surprising for an institution which, in the modern era, has been largely devoted in its war efforts to attempting to stifle liberation movements in non-white countries around the world. Since the defeat of military legal conscription, the US has depended on the poverty draft to fill its lowest ranks, a method of recruitment which disproportionately targets marginalized communities of this country. Meanwhile, the officer corps has traditionally been disproportionately populated by southerners, coming from a sector of US society in which open racism is often tolerated, particularly on the right.

The NLG Military Law Task Force (MLTF) has identified the fight against racism as a priority area of work. The newly formed MLTF Anti-Racism Committee is up and running, and our purpose is not to assist the US military in becoming a more “diverse” force of oppression, as some military projects have declared, but rather to help GIs resist the crushing weight of racist oppression.

Among our first projects has been, with the help of Maria Santelli of the Center on Conscience and War, to identify the Freedom of Information officers of each branch of the US military, and to ask for the statistics on how many ser-

vice members in that branch in each of the last five years have been disciplined or discharged for taking part in white supremacist activity. We are developing self-help materials for GIs confronting racist treatment where they are stationed, either in the form of institutional racism, white supremacist activity, or individual officers or enlistees whose racist practices contribute to an oppressive environment. The military branches have Equal Opportunity complaints available which are not very effective. We propose to advise on the most effective use of these, and on alternative remedies which can have greater impact.

We are monitoring the Pentagon’s supposed changes in diversity practices, and other supposed “equal opportunity” provisions endorsed by the Biden administration, so far have seen nothing but lip service.

We anticipate producing a webinar and training materials for attorneys and counselors assisting members of the military facing racist practices or white supremacist activity.

The Military Law Task Force and its Anti-Racism Committee, are open to all National Lawyers Guild members. For information on how to become involved, contact MLTF Executive Director Kathy Gilbert at kathleengilberd@aol.com, or MLTF and its Anti-Racism Committee chair, Jeff Lake at jeff@carpenterandmayfield.com.

How Black Women Have Built Movements and Cultivated Joy

by Amanda Alexander, Executive Director and Founder of Detroit Justice Center and Friend of the NLG

A letter to my young niece about staying true to your goals, deriving sustenance from nature, and other insights I've gleaned from activists.

Dear Fiona,

Last summer your mama asked me a question that I couldn't shake. We were at a rally called by brave young people who are fighting for well-funded and safe schools, without police, in Detroit. If they win, you will never know cops in your schools. You may even think it strange they were ever there.

Our people were in the streets for more than 150 days last summer and fall. We've been in the streets since police killed Aiyana Stanley-Jones in 2010, since they killed Sean Bell in 2006, since they killed Amadou Diallo in 1999, and long before. As we were leaving the demonstration, your mama asked me: *How do you stay focused on Black joy and liberation? And how can I raise my child with that sense of possibility?* I didn't know how to answer her in that moment, but I promised I'd give it more thought.

These are some of the insights I've kept close through 20 years of movement work. It's basically what all of my life has been aimed at honing. I've learned these ways of being from elders, writers, and organizers — sometimes in community and sometimes alone. I've gleaned the most from Black women philosophers, prophets, community builders, and strategists who cultivated young leaders and ensured that movements could sustain themselves across generations.

When my mama died at age 60, I decided that I wanted every aspect of my life to come alive with color. And that I couldn't numb myself with work — even noble work — or delay joy and pleasure. I'm sharing what works for me more days than not, with the hope that it might hold something for you.

Focus on the movement builders.

Whatever the problem is, there are people resisting, being creative, and finding solutions. Across the country, people are defending themselves and their neighbors against eviction and deportation. Organizers are blocking new jail construction and shifting millions of dollars into health

care. People are putting their hands back in the soil, growing food, and building resilient local economies. People are creating a better world right now, and we can learn from each other.

Find what brings you joy and put it to use for movements.

It's important to come out to demonstrations and protests if you're able. But when the task is ending mass incarceration, making policing and prisons obsolete, and creating conditions for all people to thrive, the problem is so deep that there's work for everyone all the time. Everyone can be part of the solution. Cooks can feed and fuel the movement, as Georgia Gilmore and the [Club from Nowhere](#) did in Montgomery. Architects can [refuse to design torture chambers](#). Mathematicians and data scientists formed [Data for Black Lives](#) because they were tired of seeing things they loved — math and data — being weaponized to redline, police, and exploit Black communities. We need artists, healers, teachers, parents, carpenters, and scientists. Everyone has a role to play.



Amanda Alexander and her niece, Fiona. (Credit: Maureen Connolly)

Practice your freedom.

While we fight to be free, we must also practice our freedom. Most weeks I take a tech sabbath. I stow my phone and laptop away. I sit at my dining room table and write across the top of a sheet of paper: *Today I want . . .* And then I listen. I only write down things I truly want — I know because I can feel the excitement shooting down my arms as my hand moves across the page. This practice reminds me of who I am, what matters to me, and how I feel most free: *Today I want to go for a walk through tall trees. I want to hear my friend's voice. I want to learn how to pinch the zinnias back so they bloom with more flowers.* This keeps me in the habit of being guided by my intuition. I understand what it feels like to be free, and how to sort that out from obligations or the imposition of someone else's will on my own.

Once I'm in touch with what it is I truly want, I can ask: What would it *feel* like for my wildest dreams to come true?

Lorraine Hansberry inspired me to do this. In 1960, the Black queer playwright and revolutionary — whose first play, when it opened on Broadway, depicted Black people with truth and complexity and allowed Black actors to play dynamic roles for the first time on that stage — made time [to write lists](#) of her “likes” and “hates.” When I first read them, I was struck by how well she knew her interior

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world. It's that kind of knowing that makes it feel possible to love well, in every sense. By knowing what I want, I can communicate what I feel, want, and need. It keeps me from substituting another's desires for my own.

Define the future worth fighting for.

Despite what many well-meaning people would have you believe, the question of our day isn't "How do we end cash bail?" or "How do we keep police from shooting Black people?" Instead, it's the same question that freedom movements have posed for generations: "How do we expand Black joy and liberation and ensure that all people and the planet can thrive?" Or, as I've been thinking of it lately, how can we have all the elders we're supposed to have? How can we create conditions that allow us — all of us — to delight in watching one another grow old?

We have to be clear about what victory is and isn't — and we have to insist on what freedom must mean. Rosa Parks was clear that she was never an "integrationist." Integration wasn't the point; her ultimate goal was to "discontinue all forms of oppression against all those who are weak and oppressed." After she was blacklisted in Montgomery, Mrs. Parks came north to Detroit and worked on housing and community development, including helping to build the only Black-owned shopping center in the country in the early 1980s. If you know you're working to cultivate Black freedom, you'll have less patience for all the noise that's beside the point and can direct your energy toward truly transformative change, in yourself and in the world.

Remember that this is intergenerational work.

Years ago, Mama Lila Cabbil, a lifelong activist, asked a roomful of us here in Detroit, "How are you building on the wisdom of three generations back, and passing wisdom forward for the next three?" Another activist I admire prides herself on never showing up alone; she always has younger activists with her.

Recognizing movement work as intergenerational helps us use our full imaginations. It can keep us from getting stuck in only reacting to everything the White House or others in power are doing today. We must fight like hell against repression and show up for people who are being targeted. And we must focus on what we want to create in our communities and what we're building up over the long haul.

Notice and cultivate beauty.

I was raised by a mama who taught me how to seek and cultivate beauty. She was exceptionally curious, especially about people and plants and what might make them happy. I feel her presence all the time, especially when I'm walking a trail and noticing the grasshoppers, milkweed, and wild

roses. My aunt described my mom's way of mothering so well: "She held her child up to the world, and the world up to her child, and said, 'Isn't it amazing?'" My mama was my field guide to this miraculous world, and she showed me the through line from curiosity to compassion and care.

Go to places that make you feel like a tiny speck.

Mountains or ocean or a sky full of stars keep everything in perspective.

Build community through curiosity.

I've found that better conversations come from asking better questions. I try to invite people into the types of conversations that grow our souls and that will reverberate through time — just like the question your mama asked me. Some of our greatest movement builders knew this and they had core questions they asked of everyone they met. Ella Baker would ask, "Who are your people?" Grace Lee Boggs would ask, "What time is it on the clock of the world?" I try to think about what this person can teach me that no one else can.

Affirm courage when you see it.

When someone speaks courageously and generously from their heart, they honor us all by showing up that way and saying what needs to be said. Thank people when they do that. And be the first to be brave when you can.

Admire ease, not just struggle.

I try to admire our great movement builders not just for the moments of confrontation that are seared into our collective memory but also for their ease. I love the photo of [Rosa Parks doing yoga](#). And images of Toni Morrison sitting by the water. I love knowing that their souls knew peace. I love knowing that Toni Morrison loved a good party. There's a reason that a [photo of James Baldwin and Freedom Rider Doris Jean Castle](#) dancing together feels so good. They're delighting in each other's freedom and their own. We need to see and celebrate — and create — these moments of delight, and not just honor the struggle.

We are never alone.

You are part of a creative legacy that renews itself each generation and each day. This cycle of love surrounds and protects you always. You honor it by being yourself.

Love,
Aunt Amanda

(This letter originally appeared in [The Boston Globe's Ideas Section](#) on February 11, 2021, and is available on the Detroit Justice Center website.)

NLG-NYC Animal Rights Committee Webinar Spotlights Effects of Border Walls on Endangered Species

By **Tamara Bedic**, NLG-NYC Animal Rights Committee Chair

Thursday, May 13th, Congressmembers Barragan, Vela, Quigley and Grijalva joined three national wildlife groups to address the harm Trump's border wall causes over 90 endangered species. Hosted by the Animal Rights Committee of the NLG-New York City chapter, the 75-minute webinar (our seventh!) drew an audience of over 320, dividing 12 panelists into political, legal and scientific segments.

In addition to raising serious human rights concerns, Trump's billion dollar gift to the construction industry is just the most recent manmade barrier keeping animals from water, food, mates and—in the case of this mother mountain lion—from her cub. (Cubs can pass between the bollards; adults must hazard an 18-foot fence and risk being shot by Border Patrol.)

At the heart of this ecocide is President Bush's 2005 Real ID Act, which allows presidents to waive every environmental law and impact statement to avert a national emergency. After 2005, waves of virtually impenetrable border walls have been built, with Trump's being the biggest and most expensive—nearly \$22 million per mile.

Speakers explained exactly why different endangered species were pushed further towards extinction by these structures. For example:

- Pollinators (including endangered bat, bird, and butterfly species) are disoriented by the 24-hour lighting atop the wall
- Heavily inbred species like the Mexican wolf are severed from half of their population (i.e. their gene pool), which intensifies inbreeding
- Several male Jaguars already dispersed into Arizona and New Mexico will die without mating, as there being no female jaguars north of the border wall
- 6-foot Pygmy owls skim the ground at heights between 3 and 15 feet. In 250+ flights, only a single owl flew at a height of 20 feet (and he was a juvenile). Pygmy owls can't fly over the wall

While consequences for endangered terrestrial species are dire, aquatic species were extirpated altogether. When Homeland Security trucks rolled up to the San Bernardino Wildlife Refuge in Cochise County, AZ, they sucked up so much water to make concrete they permanently destroyed prehistoric artisanal springs, bleeding three ponds dry. The last remaining Yaqui catfish in the US lived in those ponds. Over at the Organ Pipe Cactus National Monument in Pima County, AZ, the artificial Quitobaquito pond lining cracked from the tremors of construction. The water leaked out and the pond is

now a mud flat, killing the last hundred or so remaining Sonoyta Pupfish—along with the Sonora mud turtles.

Ecologists watching and recording this accelerated extinction, such as the Wildland Network's Myles Traphagen and Sky Island Alliance's Emily Burns, are calling for removal of the wall and immediate remediation of especially egregious construction dangers—like open, 6-foot deep pits stretching for miles, left to cave in when the monsoons hit (see photo below).



Six-foot-deep open trench created during border wall construction poses threat to natural wildlife. (Credit: Su Libby)

While the Biden administration issued a 60-day moratorium on construction of Trump's wall, those 60 days are now up and there has been no further directive. What's alarming are amendments like Senator Ron

Johnson's ("prohibiting the cancellation of

contracts for physical barriers and other border security measures,") slyly embedded in Democratic bills (in this case, Schumer's S.1260 - Endless Frontier Act). Lack of decisive leadership signals an uphill slog and centrists will require prodding by progressives every step of the way.

Our May 13th webinar made local New York news, but far more satisfying would be removing this embarrassing, destructive boondoggle from our natural landscape. Given our racism, ignorance, and lack of foresight, that day remains far off.

If you'd like to learn more about Endangered Species and Border Walls, "follow" the Animal Rights Committee Facebook page at facebook.com/NLGNYC.Animal.Rights/ Every night, a new clip of the webinar is uploaded to the Video tab of our Facebook page.

If you have an animal rights topic you would like to suggest for a webinar or a question you would like answered, post on that Facebook page above or reach out to me at tamara_bedic@yahoo.com.

A Call for Broader NLG Legal Observer Support in Solidarity with Indigenous Land Protectors

by Natalie Koski-Karell, NLG-SF Bay Area/San Diego

Over several weeks in 2020, Kumeyaay community members and allies built up a peaceful prayer camp along the U.S.-Mexico border wall about an hour east of San Diego. Situated in their ancestral territory which extends approximately 75 miles north and south of the border, the Kumeyaay Defense Against The Wall group called their settlement “Camp Landback”. To streamline wall construction, federal courts were waiving environmental laws and skirting tribal consultation practices. It is well-documented that some of these areas qualified as sensitive environments, sacred sites, and even grounds for endangered species.

On September 21, 2020, the Bureau of Land Management approached Camp Landback with an emergency closure order targeting 580 acres. The Camp claims that this order was made specifically to evict its activists. The order had been enacted two days prior but was issued to the Camp within an hour of threatened eviction or arrest.

That morning, I was watching these events unfold live on Kumeyaay Defense Against the Wall’s Instagram account. I immediately dropped a note in the chat offering to drive out to observe the eviction, as a NLG Legal Observer. I received words of encouragement and one person at the Camp started a direct chat with me to provide directions and updates as I traveled there. When I arrived, there was one road in and out, blocked off by barricades and swarming with state police, Bureau officers, and Border Patrol. Notebook in hand, I approached the barricade and asked where the Camp was located. They told me that the Camp had dispersed, and that two activists had taken into custody. I was given a copy of the order and the phone number of the person who had issued it; they never responded to my calls. By the end of the day, a bail fund for the activists would be pooled. I offered my support to the group but there wasn’t much else I could do. Sacred site conservation is extremely difficult to achieve not only because the courts and legislators are unfamiliar with Indigenous spiritual traditions, but because in many cases the U.S. government has been restricting access to sacred sites and thus engaging in coercion against their religious freedom.

The Kumeyaay Defense Against the Wall had successfully prevented approximately a mile of border wall construction, through a form of protest that more closely resembled ceremony. They engaged often with the authorities, probing the officers about their intentions and beliefs. I feel that other protesters have a lot to learn from their tactics, and their efforts have been reflected in several other border wall protests and subsequent sacred site protection actions. But this protest format is not new; the U.S. government has engaged in sacred site desecration since before the Republic was formed.

In July 2020, a group of Indigenous protestors stood up against the Mount Rushmore monument in the Black Hills mountains and the #LANDBACK movement gained historic traction online, even in non-Indigenous circles. The hashtag spread rapidly, and conservations and actions around giving land back to Indigenous peoples of the so-called United States are taking place more than ever before. The most common method of ceding land currently involves a land trust, as in the case of the Western Rivers Conservancy’s purchase of land in Big Sur and transferred legal ownership to the Esselen Tribe of Monterey County. Another—perhaps more efficient—way of generating Land Back reparations could be to utilize the conservation easement tool. By putting land with important natural, agricultural, or historic resources under conservation in perpetuity, private landowners receive a tax deduction as if they had made a charitable contribution [see IRC 170(h)]. These easements are often donated to a land trust or government agency, but what if they were donated to the nearest tribe? Or, alternatively, what if the money saved on this easement was to go directly to the nearest tribe? The tribe could then use these monies to purchase land elsewhere, protect a sacred site, or use towards other economic development projects. Other methods of ceding colonized territory back to its rightful owners, both within and outside of American property law, have been advanced by Indigenous rights groups for many years.

I encourage Legal Observers to keep their eyes out for sacred site protests/ceremonies near them, and offer to Legal Observe especially when the authorities get involved. Until then, may the Land Back movement continue to gain traction and pursue all viable options to generate reparations.



***Moving the Bar: My Life as a Radical Lawyer*, by the late Michael Ratner, Past NLG President**

Michael Ratner was one of America’s leading human rights lawyers. In a career that spanned five decades up to his death in 2016, Ratner was involved in a wide range of high-profile cases. From working with William Kunstler in pursuing justice after the notorious prison massacre at Attica, to representing prisoners interned at Guantanamo Bay in the wake of 9/11 and working as Julian Assange’s principal lawyer in the United States, Ratner never shied away from taking on difficult, controversial cases.

At a time when the law has once again become the focus for intense political conflict, Michael Ratner’s life and work stand as an enduring example for those who seek to advance progressive causes through the courts. Learn more and buy the book at <https://www.orbooks.com/catalog/moving-the-bar/>

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Teach-Ins for the 2020s: NLG-Vegas Educates

by Randolph M. Fiedler NLG-Las Vegas Chapter

“There is a narrative of racial difference that contaminates the thinking of most Americans . . . We need to own up to the way racial bias and legalized racial subordination have compromised our ability to implement criminal justice. In the wake of avoiding or minimizing our history of racial injustice, communities from Ferguson to Charleston to Baltimore now bear witness to what we have wrought.”

—Bryan Stevenson, *A Presumption of Guilt: The Legacy of America’s History of Racial Injustice in Policing the Black Man*, 3, 5 (Angela J. Davis, ed. 2017).

The need for this reckoning, an owning of our history, could not be more apparent. In 2020, we saw death in the streets, death in jails and prisons, and death in execution chairs. If we are to build a future founded on justice, we must confront the racism of yesteryear, the racism we have today.

The Las Vegas Chapter of the National Lawyers’ Guild has answered this call by creating its own teach-in series, “Guardians or Warriors.” Inspired by teach-ins begun at the University of Michigan to oppose the Vietnam War, the Vegas-NLG has brought panels together to explore an observation of Bryan Stevenson: “We have created a culture where police officers think of themselves as warriors, not guardians.” These teach-ins ask: what is the proper role of policing?

In our first session, “A Brief History of Police Militarization,” we brought together a panel of Las Vegas experts to discuss how police departments have become increasingly militarized in the last couple of decades. We

learned the first examples of “police” agencies were slave patrols; the first policing group formed in Nevada was made to break up strikes. We also heard about how the “need” to heavily arm police departments correlated with increasing Black populations in cities. But we also learned about how militarization is not just about weapons or arms, it’s also about a mentality of policing and of officers.

In our second session, “Policing and the Power of the Legislature,” we learned about the many obstacles between legislatures and reform. We learned about how powerful police union endorsements are, and how difficult it is for reform-oriented politicians to get elected. In contrast, reform organizations often lack funds to support candidates. We discussed the “Police Officers Bill of Rights” and how that creates serious barriers to officer accountability.

We expect to have at least two more sessions this year. The next session discusses “Copaganda,” or how media portrayals of law enforcement officers and the criminal justice system paint contribute to how we think about police officers and crime. In the fall, we will be organizing a book club, to read and discuss Elizabeth Hinton’s upcoming book, *America on Fire: The Untold History of Police Violence and Black Rebellion Since the 1960s*. All of our events are available on our Facebook page: [facebook.com/VegasNLG](https://www.facebook.com/VegasNLG). To quote another leader in civil rights: “[W]e have the opportunity to confront twentieth-century racial violence and begin a

long-overdue process of truth-telling and reconciliation.” Sherrilyn A. Ifill, *On the Courthouse Lawn: Confronting the Legacy of Lynching in the 21st Century* 176 (10th Ann. Ed. 2018). We have a lot of work to do before that process is complete, or even started in earnest.

But, our teach-ins (we hope) will remind everyone of how badly we need to confront these truths.



Policing and the Power of the Legislature webinar.



A Brief History of Police Militarization webinar.

BEYOND BARS

Voices of NLG Jailhouse Lawyers

Windows of the World

by Scott Petrie
Yazoo City, MS

How fragile life is on the other side
of that window, so close, yet so so far,
untouchable, unattainable, father, son, each holding
a hand up to the glass that separates each from
their loving touch, worlds separated to protect from
the unseeable enemy, the virus. (As was seen on World
News) Later, that glass window was shattered as was that
Dr's, father's, son's home, as it was destroyed by a
tornado. Lucky for them, they all survived, not so
lucky for the over 58,000 left dead, more than the
entire Vietnam War... think about that...

Fathers forever gone, never to be husbands, daddies,
grandpas, mothers unconsolable for the loss of husbands,
children, parents, so, so many of life's future just
erased. Thousands upon thousands dying alone. None, not one
allowed to hold their loved one's hand to say I love you or
that final goodbye. The very freedom to be able to mourn
now restricted, such basic freedom taken away forever...
lives captured like that of a prisoner... except yours
is only temporary... mine's forever...

I am a prisoner for the rest of my living days... if you
call this living. My mom passed away almost 2 years ago
now, 6-7-2018. As a Federal Inmate you don't get to go see
them and there was no way she could travel the roughly 2,500
miles to see me. She died in a nursing home, alone, by herself,
I could not say, Mom, I love you, nor could I hold her hand and say goodbye
as she left this most cruel and unforgiving world. Just as so many in society
are suffering now over their loved ones passing because of this virus. Know this,
the suffering never ends for those like me, we never have closure, we never
get to visit our loved one's grave to say goodbye... consider yourselves lucky...
I listen to all the psycho-babble about separation anxiety, depression, loneliness,
fear, that society out there is experiencing and frankly I have to laugh really!!,
it's only been like 2 months yet they're predicting "long-term" psychological damage.
oh and especially to the graduates whom cannot have their graduation get-
togethers, oh-my-god life is just so unfair!! Look at the fathers and
mothers in prison nationwide who miss out on their childrens' special events
like their graduation day. Yeah, I know we all put ourselves here, but is it
any less cruel than what you're going through now?

Society just got a short, tiny, bitter taste of what it is like to be
held captive! It's time that glass window is broken, after all, are
we not all human?? Do we not make mistakes?? Let's stop
shattering lives and start shattering the barriers so that everyone's life
means something. If you can't help shatter the glass maybe you can
at least help
open the window.

Update on the *Jailhouse Lawyer's Handbook*

We are pleased to announce that the NLG, in partnership with the Center for Constitutional Rights, will be releasing a new edition of the Jailhouse Lawyers Handbook in the coming months.

The forthcoming 2021 edition will include updates according to the feedback we have received from jailhouse lawyers who have written in over the years, including issues faced by incarcerated women and transgender folks. To request a new version of the handbook once it's released, please write to us at the address below.

(Please note that we are hoping requests will be fulfilled at the very least during the late summer of this year by the Center for Constitutional Rights. If you already ordered one over the past two years, you will be on the list to receive it, and we will verify online that your address is still correct before sending.)

NLG - Jailhouse Lawyer Handbook Requests
PO Box 1266
New York, NY 10009-8941

In the Spirit of Abolition: JLS Call for Shut 'em Down Demonstrations

by Mr. Sundiata Jawanza, NLG member of Jailhouse Lawyers Speak

Contributing Authors: Jenipher Jones, Esq., Lydia Ghuman, Audrey Bomse, Esq., Iltaf Bala of the JLS International Law Project

In the spirit of abolition, let's shut'em down!:



The Jailhouse Lawyers Speak (JLS) national membership are calling for national [Shut'em Down demonstrations](#) to take place on August 21st and September 9th, 2021, the official days of organizing. To show solidarity, people are asked to demonstrate at jails, prisons, and ICE detention centers. Institutions of

higher learning, which profit from prison labor, are another location where supporters can gather. The demonstrations are based on the JLS National Organizing Platform, which lists ten demands. Simply put, we are calling for an end to the prison industrial slave complex, both rife with human rights abuses and a modern-day extension of Transatlantic Slavery. For we are not beasts.

For those who don't know, Jailhouse Lawyers Speak is a collective of imprisoned persons organizing for human

rights. JLS's organizing national platform is the national prison strike's ten demands that grew out of the national prisoners' strike of 2018. Both selected Shut'em Down dates carry significant weight in the modern-day Prisoners' Movement and Abolitionist circles. August 21, 2021 memorializes the historical assassination of George L. Jackson, 50 years ago. September 9, 2021 marks the Attica Rebellion, also 50 years ago. The dates also recall the more modern day historical national prisoners' work strikes of 2016 and 2018. All the above has helped shape the Prisoners' Movement as we know it today.

Five decades later, human rights violations in U.S. prisons still persist. The attention of the public has been called away from a great national moral hypocrisy. This time of major political upheaval has distracted the people from domestic social issues related to abolition. Because distraction and division are the main instruments of empire, we must refuse to be distracted. We refuse to be distracted because our goal remains our collective liberation: to dismantle the prison industrial slave complex. It is important to reaffirm our commitment to this principal objective. Reaffirming our commitment and focus is necessary in order to catalyze the Movement forward, to continue pressing for progressive changes in a quickly changing society that wishes to forget its prisons and police problems.

This is why it's important not to allow this to be a year that we are only talking about the past struggles of people in prison, but a year to demonstrate, educate, network, and to strengthen current state and national decarceration and abolitionist agendas.

A Throw Away Society

Matt Baker A.K.A. "Doc"
Abilene, TX

Here in America, we throw things away. We throw away plastic and paper after one use. We throw away people after one mistake. Here at Robertson Unit, I look around me and see a whole "class" of people who have been thrown away by society. We throw them away by stacking sentences. Our laws are being abused and manipulated by prosecutors and judges. This "system" of stacking sentences is being used to essentially give defendants life without parole for minor crimes. Our legislatures don't want to make the

necessary changes because they don't want to be seen as soft on crime. They have "thrown away" the affected inmates. The only way to fight this "system" of unfair justice is to use their own laws against them. I want to assist people in their appeals. I've been fortunate enough to have an outside attorney fighting for me. Most people in here don't have that luxury. I want to use my time in here to make things difficult for prosecutors. We want them to waste resources fighting us. I want good men to have a second chance at life. I don't know much about the law. What I do know is that it can be manipulated by anyone willing to put in the effort. Let's beat them with effort.

"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. NOTE: In response to our rapidly growing jailhouse lawyer membership, and in addition to articles and artwork by people in prison, we are expanding *Beyond Bars* to also include pieces by other NLG members that are specifically geared toward the needs of folks on the inside (e.g. strategies to bring litigation against prisons, or stories of solidarity and survival).

Rehabilitation is a Right

David L. Cruz
San Luis Obispo, CA

Dear Guild Family,

First and most importantly, thank you for your time and service to the People. I was filled with pride when I received the Guild Notes (Vol. 44, No. ¾, Fall/Winter 2019) because the organization took note on an issue that I had against the 13th Amendment. For a long time ago, I understand that crime is a real problem in society and that the lines between “mala in se” (inherently bad) and “mala prohibita” (bad because they are prohibited) can be blurred when you look across cultures, but it still amazes me how disproportionate the numbers of incarcerated minorities is to the rest of the population in prisons. It is at least questionable, in the part of social justice when our society has laws that can strip its citizens of their inalienable rights for committing a crime, like the right to vote, but it won't provide a clear, attainable path to rehabilitation and restoration of all civil rights. The U.S. has the biggest prison system in the world and California has the biggest among the states. So why are we not addressing all causes of crime systematically and on a national level? Why is it that incarcerated people don't have the right to rehabilitation? Why is it that I cannot go to my correctional counselor and as for a rehabilitative book for my issues like I can ask for a religious book to a chaplain, and he or she must provide it? Why is it that (CHCR??) is not mandated to use all criminogenic need scales on the (Northpointeins's) C.O.M.P.A.S. system to provide the

best odds to reentry to individuals? I think that the prison guards union is looking for its own interest instead of doing right by their oaths. In (CHCR?) we have “the Green Wall,” an organized body of guards who are by all means a gang with many criminal “stripes” of their own. Anyways, anyone who has ever read in a psychology book about the prison experiment of Stanford knows that if we are not careful in the design of our systems, they can create conditions in which persons in authority become abusive and even sadistic; I think that this is the case with U.S. prisons. At the age of enlightenment, we created the 13th Amendment to protect freedom in as much as the consensus of the mind of Americans allowed at the time and the Jim Crow laws tried to reverse those efforts, even then, through legislative efforts. Now, at a time where U.S. knows a bit of the pain that a prisoner faces due to COVID-19 lockdowns, we should as a nation reconsider the worth of human life and the dignity of the U.S. prisoner/slave population, and redesign our systems in a way that rehabilitation is its main focus and the rights of every citizen are upheld/restored.

#StrikeTheSlaveryExemption !
#FreeTheVote !
#RehabilitationIsARight !
#InitiateJustice !

David L. Cruz
Initiate Justice Inside Organizer, NLG Member
California Men's Colony - West Facility

Legal Empowerment Toolkit Series—Legal Research: A Project of the Jailhouse Lawyers Initiative

The Legal Empowerment Toolkit Series is a project of the Jailhouse Lawyers Initiative (JLI). This is a brief training guide based on parts of a 12-week law clerk course taught in New York—please write to us at the address below if you are interested in a more detailed module.

JLI works to ensure Jailhouse Lawyers have access to effective and relevant training that equips them to meet the diverse legal needs of incarcerated people. JLI is rooted in the legal empowerment of jailhouse lawyers and advocates for leadership, peer support and trauma responsive skills as a part of the jailhouse lawyer training. JLI is a national project of the Legal Empowerment Advocacy Hub (LEAH) and is supported by the Bernstein Institute for Human Rights at NYU School of Law. JLI has partnered with NLG's Guild Notes in order to help engage and empower NLG jailhouse lawyer members nationwide.

Learning Objectives

1. Identify the five basic steps of legal research.
2. Define precedent and stare decisis

Introduction

People spend many years earning law degrees or studying in facility law libraries to develop their legal research skills. The Jailhouse Lawyer Initiative (JLI) received a letter from Bart W., a jailhouse lawyer in Arkansas who wrote:

“The deficit of knowledge abounds in regards to how to even get started on working on any type of legal case as far as basic research, not to mention filing motions, petitions, or writing briefs.”

Researching what the law says is the first step in the legal empowerment cycle. We must be able to know and use the law, before we can shape and transform the law. In this toolkit, JLI outlines **five key steps** that can help organize your legal research, leading to more comprehensive and precise legal answers. Legal research is only one part of using the law to achieve justice, but it is an important piece of the puzzle. Stay tuned for future toolkits that cover other topics and strategies to guide and strengthen your legal advocacy.

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Five Steps to Legal Research

STEP 1: Identify and Analyze the Significant Facts

Use the “Reporters Questions”: who, what, where, and when to identify the relevant facts and write them down.

Who? Use this question to figure out who the key parties are and who you represent. Are any of the parties legal entities instead of individuals? If one party is a unit of the government or a corporation instead of an individual person, it will make a critical difference in your research.

What? Use this question to think about the legal issues. You may not know what facts are “material” until you start doing some research, but start by just writing down what facts you think are important.

Where? Use this question to think about jurisdiction. If this is an appeal, what court are you appealing and where are they located? If there is a crime involved: Where did the crime occur? Does your legal problem involve state law, federal law, or both? What courts should you look to for binding law?

When? Time is a critical element. If the problem you are researching involves a dispute that happened in 1998, then you will need to look at the statute as it was in 1998 (has it changed?).

STEP 2: Formulate the Legal Issues to be Researched (Hint: Start general, then move to specific)

Start with what you know. Before you start writing down legal issues, start by categorizing the problem into a general topic. Is this a civil claim against the Department of Corrections? Is it a criminal appeal? Is it a contract dispute? Does it involve federal or state law? Criminal or civil law?

Once you have identified a broad topic, then start honing in on specifics: Is it a criminal appeal based on ineffective assistance of counsel? Or a civil claim with respect to access to medical care? Identify key words or concepts as you go: This could be legal terms, like figuring out the difference between *negligent* and *reckless*, or it could be terms related to the facts of the matter, like understanding if *contraband* includes food. Don’t worry if you don’t know the legal word for a topic you need to research. As you research, you will learn a lot of these legal terms and fill in your research plan.

Then, search secondary sources. Is there a secondary source covering any of the topics you’ve listed above? Treatises, manuals, and encyclopedias can give you an overview of the legal issues and context. Add any related and relevant legal issues you read about that may have missed before.

STEP 3: Research the Issues Presented

A. Organize and Plan

Create an outline of the issues you’ve listed above. Logically related issues might be combined as sub-issues under a broader main issue. The outline should be expanded, modified, and changed as you keep researching. Sometimes an issue may be too broad, and you’ll need to split the issue into smaller topics. Similarly, sometimes an issue may be too specific and unlikely to lead to any useful research.

B. Identify and Read All Primary Sources of Law.

1. Constitutions
2. Statutory Compilations (McKinney’s, USCA)
3. Administrative Rules and Regulations Compilations
4. Session Laws

C. Identify and Read All **Relevant Case Law**

1. You must identify and read all case law that has interpreted and applied the above enacted laws.
2. Do not limit your research to cases that support your issue or position.
3. Anticipate both sides of the argument.
4. Your goal should be to compile a comprehensive, chronological list of relevant opinions of each of the issues you plan to argue.
5. Apply the doctrines of precedent and stare decisis.

When a case is decided in court, it becomes a guide for the court in the future. We call this **precedent**. Precedent is the label given to earlier court decisions about a certain set of facts. **Stare Decisis** (Latin for “let the decision stand”) is the rule that a court must follow the precedent set by an earlier case. That means that if the same set of facts comes before the court, it should decide it in the same way it was decided before. But stare decisis only applies if the earlier court decision is **binding**. Decisions are typically binding if they are earlier decisions issued by the same court, or a court with appellate jurisdiction over the court hearing the case.

STEP 4: Update the Research

Law changes constantly. Legislatures pass new statutes and modify old ones. Courts may overturn old decisions or decisions from lower courts. Citation services like “KeyCite” and “Shepard’s” can be used to update the status of cases, statutes, and regulations.

STEP 5: Know When to Stop

This can be the most difficult question in the process. You may be done researching if you start seeing obvious repetition, the same citations or statutes appearing in multiple sources, or if you’re not learning any new information.

Know, Use, Shape, Transform

Legal research is a way to gain and organize knowledge about what the law says. Sometimes the legal answer may

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not be a just answer, but the first step in pushing towards justice is identifying injustice. Law is developed over time by legislatures, courts, government agencies, and the people using these systems. By conducting legal research, and using it in advocacy before courts or other legal bodies, you can be a part of the development of law.

As someone who is incarcerated, your daily experiences give you a nuanced understanding of how the law is not doing “good enough”. Arguing how the system could do things better is most effective when you can have an accurate understanding of how things are working now. Hopefully, the five steps outlined above will help get you over this first hurdle in the long process of shaping and transforming the law.

Just Chewing the Fat

by E. C. Theus-Roberts
Sterling, CO

The Penal Institution is a broken social control mechanism that exacerbates root causes of criminality, perpetuating its necessity and enlargement. The Penal Institution and all its dichotomies must be abolished. Considering this reality it is interesting how many fall victim to “objectification rhetoric.” Violent and nonviolent, drug dealer and addict, white collar and common criminal. Objectification rhetoric is the supra-imposition of a classification, description, or title which allows one to contemplate another person as “other” than human, like you or myself. Why is this important? Objectification rhetoric distracts focus, energy, effort away from the goal—abolition. Instead it concentrates attention on who qualifies (or should) for release or to remain in a prison cell.

As you can see, any such debate avoids the issue at hand: abolishing a broken system. While there are some who simply refuse to live in peace and harmony, the PIC (Penal Industrial Complex) still must be excised from society. It is cancerous and only produces more malignancy. Objectification rhetoric does more than detract from matters of import regarding abolition—it dehumanizes. Objectifying a person permits authorities, officials, politicians, even reformers to tacitly affirm: the PIC is in good working order except for some anomalies. “Anomalies” being innocents imprisoned, lives ruined and lost. This is an outcome of over 40 years of “tough on crime.” It is how and why prisoncrats, bureaucrats, and lawmakers on the Hill can puff their plumage and proclaim success after introducing SAFE (Safe, Accountable, Fair, Effective Justice Act) and ignore the systemic desolation while lavishing in profits from mass incarceration. To be succinct—reforms, modifications, and every effort within existing system

Activity

Identify something that happened to you or someone else that you are incarcerated with that you think is unfair or unjust. This could be the changing length of your sentence, the ability to use the law library at your facility, altering your child support payments while you are incarcerated, or any other legal question. Use the 5 steps to identify a legal answer in the State where you live to the question you raised.

Become part of the conversation. Write to JLI at:

Jailhouse Lawyers Initiative
Legal Empowerment and Advocacy Hub
PO BOX 2516
Alachua, FL 32616

parameters are topical. They place a band-aid over a broken leg. Sure, the surface looks better, but the leg remains broken.

With a cancer growth, if you only cut off a piece, it still exists and grows larger in response. Reforms, modifications, and employing objectification rhetoric accomplishes nothing meaningful and avoids the issues society must address. Is it justifiable to retard a person’s life at one moment forever for one mistake or act of survival? How can we continue to devalue our fellow humans and ignore that people change? How can we seek or claim justice by using a broken, prejudicial system?

As I now confront the problem from the inside a new perspective emerges. Reforms touted in the legislature, judicial halls, or penal offices signify nothing more than changes in titles or acronyms and

How can we continue to devalue our fellow humans and ignore that people change?

ignore the person imprisoned. Solitary goes through cosmetic surgery becoming RH-Max, SHU, MCU... Death penalties turn into virtual lives without. Then management control units, special needs yards, and so on and so forth. All lauded as successes but not one a real step towards abolition.

The predominant mentality throughout the PIC is “Treat them like human beings.” I find this quizzical because, what else is a convict other than a human being? As long as objectification rhetoric is part of the conversation, abolition will remain a shadowy, unrealizable objective. In the meantime, society chews the fat while perpetuating the vicious cycle.

Newest Restrictions on Solitary Elevate Reformist Minds to Abolition

by Amani Sawari, Jailhouse Lawyers Speak Spokesperson for the 2018 National Prison Strike, NLG Member, and SawariMedia Founder

“Solitary”—administrative segregation (ad-seg), suicide watch, the hole, or even quarantine are all forms of solitary confinement that cages a person to a single room cell with no access to personal belongings, nourishing meals or human contact for an undetermined period of time. Reasons for being put into solitary range from behavioral to psychological, to even medical concerns. The individual in this condition only has the ability to choose whether to go out for fresh air, make a phone call, or take a shower during a heavily regulated, one-hour window. How a society considers the validity of solitary confinement as a tool for control directly reflects its preparedness for abolition.

The existence of both prisons and solitary have inched into the position of a “necessary evil” from the perspective of the privileged masses. However, as advocates continue to challenge the use of solitary—criticizing the reasoning for punishment, the length of time confined, or the condition of one's confinement (e.g. lack of sunlight, windows, reading or writing material)—continually exposes its monstrosity.

Promoting individual policy changes that restrict the use of solitary is a reformist approach, while the complete dismantlement of the conditions that maintain the practice is an abolitionist stance. While many reformists shudder at the thought of abolishing prisons entirely, many reformist positions are embraced by abolitionists as a step towards progress. An example of this can be seen in the recent passage of New York's Humane Alternatives to Long-Term (HALT) Solitary Confinement Act.

HALT restricts the use of solitary confinement in New York to 15 days. Similarly, in 2019, New Jersey lawmakers were able to pass legislation that limits solitary confinement to 20 consecutive days. That same year, Minnesota cut that number in half, with a 10-day restriction on the use of solitary confinement in response to a prisoner's refusal to provide labor. In Montana, laws completely bar the use of solitary for minors and pregnant woman. Finally, Massachusetts (the last state to eliminate the voting rights of people in prison) was the first of these states to pass legislation in 2018 to reform the use of the cruel forms of punishment by requiring a prisoner's status in

the hole to be reviewed every 90 days and limited restrictions on visitation and phone rights to 15 days. In all of these recent reforms, we see two questions being (haphazardly answered): Who deserves solitary confinement? And how long is too long to spend in the hole?

The United Nations has determined that, “Indefinite and prolonged solitary confinement in excess of 15 days should also be subject to an absolute prohibition”. The passage HALT suggests that the most reliable form of discipline used by corrections departments to deter and divide prison populations is grossly inhumane, but I beg reformists who feel settled in this political “win” to ask the more significant question: What else is inhumane (enough) about prison practices to fight against? Suggestions include: lack of familial connection, restrictions on outside communication, inedible foods, overcrowding, dilapidated living conditions and so much more.

If we critique the grossly inhumane practices that comprise prison operations in every state across this country and limit the solution to ones being introduced in the legislature, we'll come to find an infinite pattern of criminal justice reform bills to promote for decades to come—but is that a realistic path of action? Even with the current policies in place, corrections facilities aren't being held accountable. Although being pregnant or a minor elevates ones rights substantially, being a person in prison leaves the interpretation of one's rights under the authority of prison officials who prioritize cost-cutting and increased profit margins over any other concern of the people confined to their facilities.

Oftentimes the passage of bills like the HALT Solitary Confinement Act are glorified as huge victories, but it should be perceived within the confines of an enormous battle to transform the entire legal system. Our celebration in this moment, whether by reformists or abolitionists, unite us all as prisoner human rights advocates. However, the ongoing need for these types of band-aid reform bills will continue to push advocates along the spectrum towards abolition until that rewarding end goal is comes to fruition.

Jailhouse lawyers or incarcerated activists interested in learning more about SawariMedia's work can write her at PO Box #760504 Lathrup Village, MI 48076

Student Justice League Hiring Formerly Incarcerated Jailhouse Lawyers



The Student Justice League is a new prisoners' rights organization founded by a former jailhouse lawyer, David Simpson, and a campus organizer at Columbia University, Anna Sugrue. Our mission is to train university students to file administrative remedies on behalf of people in federal prison. **We are currently recruiting former jailhouse lawyers with experience with the BOP administrative remedy process to serve as instructors for fall 2021.** We train students through a two-semester long course and are offering part-time paid positions as instructors in the organization over the course of the academic year. **If interested, please inquire by emailing: admin@studentjusticeleague.org**

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PO Box 1266
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