

Guild Notes

Volume 49, No. 3, Fall 2024



NLG's Tri-Annual Membership Newsletter,
for Jailhouse Lawyer Members & Beyond



Photo above: NLG Ohio Chapter Strategic Planning Retreat, June 2024

Table of Contents

<i>2024 Proposed Resolutions, Amendments and Voting Form.....</i>	<i>pages 3-5</i>
<i>2024 Honorees.....</i>	<i>pages 6-7</i>
<i>NLG Statement on Marcellus “Khaliifah” Williams.....</i>	<i>page 7</i>
<i>NLG Chapter Activities.....</i>	<i>pages 8-15</i>
<i>Individual Member Submissions.....</i>	<i>pages 16-22</i>
<i>Beyond Bars Submissions.....</i>	<i>pages 21-24</i>
<i>Reprint from Prison Policy Initiative.....</i>	<i>pages 25-27</i>

Welcome to our New Jailhouse Lawyer Members

If you are receiving this newsletter, that means that we have received your request to be added as a member. We are a membership association of lawyers, law students, legal workers, and jailhouse lawyers. Membership is open to anyone incarcerated who writes to the NLG National Office expressing their interest in becoming a member, and there is no cost. Membership lasts for three years, after which you can write to us again to let us know to renew and if you have a different mailing address. Formerly incarcerated members have the option to annually renew their membership once they are released, with a waiver if needed. Your membership will be as a national member, not affiliated with a local chapter. Membership Consists of:

- Subscription to Guild Notes, which comes out 2 or 3 times a year
- Ability to vote in our annual elections on bylaws/resolutions
- The Jailhouse Lawyers Handbook (currently 2021 edition - write to us if you need one!)
- Opportunity to submit writing to the Beyond Bars column in Guild Notes:

When submitting, think about what in your experience as a jailhouse lawyer might be beneficial to share with other jailhouse lawyers around the country? Drawing upon personal experience as an illustration of a broader topic is encouraged. There is a word limit of around 750 words. You can send to: GN Submissions, National Lawyers Guild, PO Box 1266, New York, NY 10009. (Please also let us know if you would like your full name published). Unfortunately, we cannot write back to everyone who sends us an article, and there is no guarantee that an article will be published. We do, though, appreciate every submission we receive, and all give us insight that we wouldn't otherwise have of what is going on inside the prison walls.

Beyond these, the NLG staff unfortunately do not have capacity to facilitate further benefits, including:

- Membership cards
- Access to legal representation or to have a lawyer read through your legal documents
- Ability to return any legal documents you send to us back to you or to anyone else
- Marking either Guild Notes, the Jailhouse Lawyers Handbook, or any other mail as “legal mail”

2024 Proposed Resolutions and Amendments

Voting on 2024 Proposed Resolutions and Amendments

Every year, our members propose resolutions and amendments for the membership to vote on. The following pages are the proposed resolutions and amendments for this year. For our Jailhouse Lawyer members, you may tear out this voting slip (or replicated it on another piece of paper), complete it, and mail to:

Attn: Voting
National Lawyers Guild
PO Box 1266
New York, NY 10009

1) Amendment to Constitution Article 2.1: No Discrimination

Yes___ No___ Abstain___

2) Resolution on Deported Military Veterans

Yes___ No___ Abstain___

1) Proposed 2024 Amendment to Constitution Article 2.1: No Discrimination

WHEREAS the National Lawyers Guild has maintained a commitment to liberation and against discrimination based on LGBTQIA+ identity throughout its history, but current language is outdated, inaccurate, and fails to recognize gender identity as an important category worthy of protection, we propose striking reference to “sexual preference” and replacing it with “sexual orientation,” as well as adding “gender identity” to the categories that may not be discriminated against.

Original text:

Upon application, the following persons who agree with the objectives of the organization as set forth herein, shall be admitted to membership without regard to sex, sexual preference, age, color, race, religion or political belief or affiliation, formal educational level, or condition of restraint within any institution:

- (a) Lawyers, any person who at the time of application for membership is authorized to practice law anywhere;
- (b) Law students, any person who attends law school. A law student member may retain that membership status for one year following graduation or until he or she become eligible for another membership category, whichever comes first;
- (c) Legal workers, any person who is currently working, or who has worked, or who is training to work, for pay or as a volunteer, in any office, collective or other institution, which has as its primary function the provision OR administration of legal services, information or education; or who, as an individual, provides or administers legal services, information, or education as a major component of their paid or volunteer work work; and
- (d) Jailhouse lawyers, any person who is incarcerated in a jail or prison and who is regularly engaged in providing legal services to other prisoners. A jailhouse lawyer member may retain that membership status for one year following release from incarceration or until he or she becomes eligible for another membership category, whichever comes first.

No member or other person qualified to participate (including, for public events, members of the public) shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of the organization based on sex, sexual preference, age, color, race, religion or political belief or affiliation, disability, formal educational level, or condition of restraint within any institution.

Proposed language (changes bolded): Upon application, the following persons who agree with the objectives of the organization as set forth herein, shall be admitted to membership without regard to sex, sexual ~~preference~~ **orientation, gender identity**, age, color, race, religion or political belief or affiliation, formal educational level, or condition of restraint within any institution:

- (a) Lawyers, any person who at the time of application for membership is authorized to practice law anywhere;
- (b) Law students, any person who attends law school. A law student member may retain that membership status for one year following graduation or until he or she become eligible for another membership category, whichever comes first;
- (c) Legal workers, any person who is currently working, or who has worked, or who is training to work, for pay or as a volunteer, in any office, collective or other institution, which has as its primary function the provision OR administration of legal services, information or education; or who, as an individual, provides or administers legal services, information, or education as a major component of their paid or volunteer work work; and
- (d) Jailhouse lawyers, any person who is incarcerated in a jail or prison and who is regularly engaged in providing legal services to other prisoners. A jailhouse lawyer member may retain that membership status for one year following release from incarceration or until he or she becomes eligible for another membership category, which ever comes first.

No member or other person qualified to participate (including, for public events, members of the public) shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of the organization based on sex, sexual ~~preference~~ **orientation, gender identity**, age, color, race, religion or political belief or affiliation, disability, formal educational level, or condition of restraint within any institution.

Implementation: The National Office staff is responsible for ensuring compliance with nondiscrimination policy. Individual chapters are responsible for compliance within their chapter; **Compliance with Bylaws Section 8.7:** All chapters and the national office were consulted prior to submission. Five chapters (in addition to the sponsoring chapter) offered their formal consent (Colorado, Detroit & Michigan, El Paso, Massachusetts, Philadelphia, South Florida)

2) Resolution on Deported Military Veterans

Whereas there are more than 32,000 non-U.S. citizens currently enlisted in the United States military and 94,000 veterans who are not citizens; Whereas United States veterans are being and have been deported based on criminal convictions, sometimes minor, after serving in the military of the United States;

Whereas the United States Code provides that the term “national of the United States” means:
a citizen of the United States; or

a person who, though not a citizen of the United States, owes permanent allegiance to the United States (8 U.S.C. 1101(a)(22).)

Whereas federal law requires everyone who enlists or re-enlists in the Armed Forces of the United States to take an enlistment oath. The oath is traditionally performed in front of the United States flag and states:

“I, (NAME), do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God.” This oath is a permanent oath of allegiance to the United States of America as required.

Whereas many U.S. Military veterans who are currently being deported or have been deported have strong ties to the United States including for example:

Those who are legal permanent residents “Green Card Veterans” prior to entering the military;
Those who have served in all branches of the military for years;
Those who have served in Vietnam, Grenada, Kosovo, Somalia, Persian Gulf, Iraq and Afghanistan;
Those who have lived from 16-48 years legally in the United States;
Those whose parents, spouses, children, siblings and partners are United States citizens and Legal Permanent Residents.

Whereas the deportation of veterans, particularly those who served during times of hostility, present a number of problems that the removal of other non-citizens do not:

There is a moral question as to whether the commission of the crime which resulted in deportation is itself the result of the psychological stress of service in war;
There is the possible loss of native citizenship rendering the veteran stateless;
There is the possibility of criminal charges awaiting the veteran in their native land for his or her service in war; and there is possible exposure to the ICC or the courts of their native lands for alleged war crimes committed while in the U.S. military.

Therefore, be it resolved that the National Lawyers Guild calls upon the U.S. Congress to amend the United States Code to clearly state as follows: “Unless they have been naturalized, the following shall be nationals but not citizens of the United States: (1) A person who, by conscription or enlistment, entered any branch of the United States armed forces, including any active or reserve component, and (2) was discharged Honorably or Under Honorable Conditions. This designation shall be retroactive to service-persons previously removed from the United States.”

Be it further resolved that the National Lawyers Guild calls upon the Department of Homeland Security to stay the immediate removal of U.S. veterans from the United States. Be it further resolved that the National Lawyers Guild calls upon the Department of Homeland Security to repatriate those veterans already deported, who often live in poverty, without veterans benefits and separated from their families.

Be it further resolved that the National Lawyers Guild calls on all other state and national bar associations, state and local government bodies, community organizations and labor unions to adopt similar resolutions and to use all their resources to build a campaign to clearly state the U.S. military servicemembers are noncitizen nationals and petition the Department of Homeland Security to stay their removal from the United States of America.

Implementation: Military Law Task Force, Submitted by Kathleen Gilberd for the Military Law Task Force, Endorsed by NLG International Committee, Presented by James Branum, Military Law Task Force Compliance with Bylaw 8.7. The proponent is the only Guild entity impacted by the resolution

2024 Honorees



Each year, usually during our #Law4thePeople Convention (this year taking place in Birmingham, AL from October 30-November 3), we honor members and allies whose work embodies extraordinary commitment to our mission of human rights and the rights of ecosystems over property interests. Learn more about each of our 2024 Honorees below.

Noura Erakat: Keynote Presenter

Noura Erakat is a human rights attorney and Professor of Africana Studies and the Program of Criminal Justice at Rutgers University, New Brunswick. She is the author of *Justice for Some: Law and the Question of Palestine* (Stanford University Press, 2019), which received the Palestine Book Award and the Bronze Medal for the Independent Publishers Book Award in Current Events/Foreign Affairs. She is co-founding editor of *Jadaliyya* and an editorial board member of the *Journal of Palestine Studies*. She has served as Legal Counsel for a Congressional Subcommittee in the US House of Representatives, as Legal Advocate for the Badil Resource Center for Palestinian Refugee and Residency Rights, and as national organizer of the US Campaign to End the Israeli Occupation. Noura has also produced video documentaries, including “Gaza In Context” and “Black Palestinian Solidarity.” Her writings have appeared in *The Washington Post*, *The New York Times*, the *Los Angeles Review of Books*, *The Nation*, *Al Jazeera*, and the *Boston Review*. She is a frequent commentator on CBS News, CNN, MSNBC, CBS, Fox News, the BBC, and NPR, among others. She has been awarded fellowships at Harvard Divinity School and Brown University’s Center for Middle East Studies. In 2022, she was selected as a Freedom Fellow by the Marguerite Casey Foundation.

Jaribu Hill: Keynote Presenter

Jaribu Hill is the Founder and Executive Director of

the Mississippi Workers’ Center for Human Rights. Hill is an author and an international spokesperson on Civil and Human Rights topics. Through her organization, Attorney Hill has provided legal representation and advocacy for hundreds of workers in the state. Her efforts have led to the adoption of “Zero Tolerance Against Hate” policies being implemented in workplaces across the state. Hill also won an important judgment against the Ku Klux Klan in Pelion, South Carolina and has assisted Mississippi Delta parents in their fight for school equity.

Palestine Legal: Law For The People Award

Founded in 2012, Palestine Legal is dedicated to protecting the civil and constitutional rights of people in the US who speak out for Palestinian freedom. As the only legal organization in the United States exclusively dedicated to supporting the movement for Palestinian rights, it follows movement lawyering principles to provide legal advice, Know Your Rights workshops, advocacy and litigation support to college students, grassroots activists and affected communities who stand for justice in Palestine, while building a network of attorneys around the country to support the movement.

Julie Hurwitz: Ernie & Bill Goodman Award

Julie Hurwitz is in private practice in Detroit, MI, a partner in the firm of Goodman Hurwitz & James, P.C., where she specializes in civil rights, police and government misconduct/\$1983 litigation. She is an active member of the National Lawyers Guild, Jewish Voice for Peace and is on the boards of the NLG/Maurice & Jane Sugar Law Center for Economic and Social Justice [Sugar Law Center] in Detroit, the Michigan Coalition for Human Rights (MCHR), and the Peoples Water Board. She has successfully tried several civil rights cases to verdicts in excess of \$1 million, includ-

continued from page 6

ing police misconduct, prisoner rights, malicious prosecution, wrongful conviction, failure to protect and sexual harassment cases. She has been continuously selected as a “Michigan Super Lawyer” since 2006 and has also been nominated as a “Lawyer of Distinction.

Katie Yow: Karen Jo Koonan Legal Worker Award

Katie Yow is a part of queer, radical and anarchist movements in the US South, engaged in the collective work of legal support organizing and prisoner solidarity. She has worked with hundreds of people who are fighting charges, in prison, resisting grand juries, and organizing support for their friends and communities. Like so many of us, this work grew from supporting loved ones targeted by the state and facing repression herself. These experiences motivate her to accompany

others with care as they navigate the criminal legal system, and to rally movement resources so that people know they are not alone.

Shivani Parikh: C.B. King Student Award

Shivani Parikh served as Fordham Law School’s National Lawyers Guild chapter’s 2L co-chair and then 3L advisor. She led their hosting of the International US-Cuba Normalization Conference in 2023 and her chapter’s involvement in the Law Students for Palestine (LSFP) national coalition. During her leadership, the chapter grew from an executive board of 4 students to a board of 9 students with an organized, mobilized general body of 75+. At the start of her last semester of law school, she founded the South Asian Legal Defense Fund. Shivani is currently a housing defense attorney at Queens Legal Services.



The NLG condemns the murder of Marcellus “Khaliifah” Williams at the hands of the state of Missouri.

May Marcellus rest in power and may his family and loved ones find solace. The state of Missouri knowingly and willfully murdered an innocent Black man. For years, Mr. Williams, alongside numerous organizations and advocates, have maintained his innocence and yet the evidence to exonerate him has continuously been denied in the court. The Williams family and even the family of the alleged victim and prosecutors themselves have all advocated in support of Marcellus “Khaliifah” Williams’ stay of execution.

Since the 2020 uprisings against police violence in the wake of George Floyd’s murder by an officer of the Minneapolis Police Department, the U.S. is now more than ever confronted with the horrific reality of the violence Black people face at the hands of State-sanctioned violence. Marcellus’ murder is yet another example of the criminal punishment system working as designed: to further criminalize and oppress communities of color with threats of violence and death. In the murder of both George and Marcellus are public lynchings of Black men carried out in the name of “law and order”, not justice. As the NLG, we have called for the abolition of prisons, the abolition of policing, and called for investigations into the death of Black people by the police.

The NLG vehemently condemns the use of incarceration and the death penalty as a form of punishment. Since its inception, the American prison system has been used to disproportionately target Black people, people of color, and the poor. Black people make up approximately 38 percent of the people in jails and prisons in the United States, despite being only about 13 percent of the U.S. population. Black people also make up 40% of the people on Death Row.

As the NLG, we urge our supporters to put an end to the prison industrial complex and abolition everywhere, abolition now! The NLG demands that not one more prisoner is executed by calling upon all correctional personnel and correctional personnel unions to refuse participation in executions and to condition union membership upon such refusal. Do not push the button. Do not flip the switch. Do not fire the gun. Do not initiate the gas. Resist. Not one more Marcellus Williams!

NLG Chapter Activities

NLG NYC's Chapter Mass Defense Committee



The NYC Chapter's Mass Defense Committee held another "Defending Protesters in Criminal Court" Continuing Legal Education (CLE) training on Saturday, October 5th. Over 50 people attended. This year, NYC-MDC members have represented over 500 people arrested in NYC, including Gaza protesters, environmental and racial justice activists. Chapter MDC members have also been part of efforts to represent students suspended in campus protests. CLE presenters included Margaret Ratner, one of the NYC-MDC co-founders when she was a student at Columbia Law School in 1968; Mass Defense super-stars Elena Cohen, Moira Meltzer-Cohen, Matthew Dalosio, Gideon Oliver and Rihya Trivedi; public defender My Le; and Jerome Greco, who supervises the Digital Forensics unit at a defender organization.

NLG Massachusetts Chapter Mass Defense (reprint)



Photo above of MA Legal Observers, rally to commemorate 1 year since the war in Gaza began

The past few months have been an amazing time for social justice movements and our Mass Defense Committee has been working overtime to provide needed legal support for activists.

We first want to acknowledge the high school, college and university students who are on the front lines. All across our state, as well as the rest of the country, student human rights and anti-war activists have been putting their bodies and their educational future on the line to try to stop an ongoing massacre of civilians and the destruction of civil infrastructure in Gaza. These students are bringing to light the role of U.S. tax dollars, and the investments of their own universities, as major sources of funding for the weapons being used in this war against the Palestinian people. Many are also highlighting that their own universities are funding or developing the tech that results in the bombs and other weapons that have been used to destroy the universities, hospitals, and water resources in Gaza. The vitriolic response by American colleges and universities to these

continued from page 8

protests has been astounding, with students being attacked, beaten, arrested, suspended, and banned from campuses. Meanwhile, the protests themselves have been overwhelmingly peaceful.

We also owe a massive thank you to our trained Legal Observers™ who have been consistently monitoring protests and demonstrations over the last several months. We have had a presence at all the encampments across the state, on a near continuous basis. Many new volunteers have stepped forward to become trained Legal Observers, and our student NLG chapters have been providing much of the staffing for the MDC hotline as well as documenting police misconduct at the protests. At several encampments there have been days of literally around the clock Legal Observer coverage as the universities threaten and target student activists. Our Legal Observer teams have been present at every major raid on the encampments, and have also been active at numerous marches, rallies, and other direct action protests.

In addition to our Legal Observer program, we have been able to quickly respond to the numerous requests for trainings that we have been receiving from activists and organizers, from Know Your Rights to Legal Self Defense to Direct Action workshops. These trainings and workshops have provided invaluable legal guidance to protestors as to how to best protect themselves against the repressive reactions being taken by colleges, universities, and law enforcement against them.

In the last 20 days alone, there have been over 350 arrests in the police raids at Emerson College, Northeastern University, UMass Amherst, and MIT. The students have self-organized jail and bail support and collaborated with the Mass Bail Fund and our Mass Defense Committee in creating crucial support networks and making sure that everyone was bailed out.

We have relied on a team of over 25 volunteer lawyers to represent arrested demonstrators in the courts across the state. So far, the vast majority of people who have been arrested are mainly accused of misdemeanor charges like trespass, disorderly conduct, disturbing the peace, and failure to disperse. Our volunteer attorneys have been able to get dispositions for that will result in the charges being dismissed (usually upon completion of some community service), even sometimes before the charges are officially issued by the court. Some people have faced more serious charges, and the MDC has been able to procure individual lawyers to represent them to fight those often overblown charges. We also have an intake process to document the injuries that some people have received during the police attacks on their protests.

Many students are also facing severe sanctions from their colleges or universities. Our broad NLG network has stepped up to assist those students in fighting against unwarranted suspensions, evictions from university housing, loss of graduate student jobs, and other sanctions, often imposed without any sort of hearing. As part of addressing the campus-based risks that students are facing for their activism, we have trained faculty to function as advisors to students in school disciplinary hearings, provided immigration lawyers to international students, and pushed back on the university's attempts to illegally evict suspended students from campus housing.

Along with supporting those working to stop the war on Gaza and Palestinians, we continue to work with other social justice campaigns, including support for climate justice activists and people campaigning for a Free Tibet. We hope that you will join us in this vital work by volunteering for, or providing financial support for, our Mass Defense Committee and Legal Observer program. Thanks to everyone who already has volunteered, and if you can join in these efforts, the activists and movements that we support would be most grateful!

Reprinted from NLG Massachusetts Chapter Newsletter, Mass Dissent

NLG Massachusetts Chapter Litigation Committee (reprint)

The Litigation Committee continues to fight for systemic change, advancing a number of matters against law enforcement entities and large corporate entities.

Our action against the Boston Police Department (BPD) for their intransigence has resulted in an award of \$40,000.00 in legal fees from Judge Cowin. After almost three years of obstruction and obfuscation by Boston Police in acquiring records regarding BPD's response, or lack thereof, during the "Straight Pride" threat march five years ago, we have finally held the BPD accountable for their failure to abide by the statutory requirements of the public records law. Even after being promised a speedy payment, though, BPD has not made good on the judgment, with our nisi decree ending on October 16.

Our lawsuit regarding Boston Police Department (BPD) and BRIC's discriminatory inactivity and subsequent failure to provide records during the Patriot Front "march" through Boston streets resulting in harassment and injury to counterprotestors has been answered, and we are advancing toward discovery, having submitted a request for admissions upon BPD, and potentially dispositive actions. We have also served M.G.L. c.66 record requests to BPD/BRIC to address their disparate treatment of pro-Palestinian protesters versus those who are pro-Israeli supporters, and await their statutory required response eagerly. The BPD, as is their usual course, has failed to follow the law, and we will hold them accountable.

Chris DiOrio will be taking further steps towards litigating against judges and court personnel in the Worcester District and Housing courts issuing unconstitutional orders on behalf of predatory lenders attempting to evict families against Grace Ross at MAAPL/WAFT. Judges have specifically prohibited her and her volunteers from being present at eviction actions in support of the potential evictees, violating their 1st Amendment and Article 16 of the Massachusetts Declaration of Rights. Jeff Feuer and Chris DiOrio will be working with Grace to draft complaints regarding these heinous abuses of prior restraint against protesters exercising basic human rights.

Over a month ago, our summer intern from Boston University, Lavinia Kosher, sent out medical surveys to 92 NLG-Mass jailhouse lawyers in an effort to monitor and confirm compliance by detention facilities and prisons with our hard fought wins on behalf of prisoners in the areas of Hep C and other medical treatment, access to care, and follow-up care. We have received a nearly 30% return rate so far. Sadly, based in the returns thus far, it seems that the Departments of Corrections is failing to abide by the consent decree they agreed to follow, with prisoners complaining of lack of treatment, lack of access to care, and a failure to even mention Hepatitis C care in the prisoner's handbook! We are evaluating our options and we will be discussing further actions with our partners in Prisoners' Legal Services. Thank you to the attorneys and volunteers that assisted Lavinia in getting these surveys out to prisons.

Reprinted from September NLG Massachusetts Chapter Newsletter, Mass Dissent

NLG Chicago Chapter Mass Defense (reprint)

The Power of Radical Infrastructure: How Years of Strengthening Support Networks and Chipping Away at Carceral Power Took DNC Mass Defense to the Next Level

By Joan Steffen, NLG Chicago Board Member and former member of NLG Massachusetts

The Chicago DNC created a unique moment for protester legal support. It illuminated the combined success of the city's radical support network and NLG Chicago's role within that system. NLG Chicago followed the standard playbook for mass defense at a national security event. The chapter has done and continues to do a fantastic job supporting DNC protesters, including recruiting, training, and dispatching dozens of volunteers to: educate organizers of their rights; document law enforcement conduct as Legal Observers; track arrestees and operate a 24/7 legal hotline; and represent protesters facing criminal charges. By weaving these tried and true services into Chicago's system of arrestee support and progressive reforms, the chapter became part of a stronger network of interventions in the criminal legal system.

Chicago boasts a rich landscape for radical infrastructure, with robust organizing traditions and recently-won criminal legal reforms. Since 2020, Chicago organizers installed and defended durable supports for arrestees. They forged new partnerships and changed the key players in Cook County's criminal courts. The net positive effect helped protect DNC protesters as they moved through the early stages of the carceral system.

From the 2020 uprisings, Chicago organizers established two key supports for arrestees: attorney access and jail support. After documenting the Chicago Police Department's systematic failure to honor arrestees' right to counsel and state law guaranteeing phone access, the #LetUsBreathe Collective and others won a groundbreaking consent decree. The resulting ongoing community oversight forced CPD into improved compliance with the law requiring signage in police stations informing people of their rights and how to contact the Public Defender's Arrest Hotline. This in

turn facilitated dozens of calls to the NLG hotline, helping volunteers more quickly identify protesters following a mass arrest.

As protesters were released from the police station, Chicago Community Jail Support (CCJS) greeted them and specially trained legal liaisons collected information for NLG follow-up. During the 2020 uprisings, protest jail support teams waited for their comrades' release and recognized similar (if not more serious) needs among other community members leaving jail. CCJS formed to extend this mutual aid beyond explicitly political arrests and began providing daily support to previously detained people and their loved ones outside Cook County Jail. They built infrastructure for sustainable jail support, including internal communications systems, training resources, and even a supply van. Thus, CCJS was ready to cover multiple sites simultaneously and welcome protesters leaving police custody, even into the early hours of the morning.

The Pretrial Fairness Act and the end of cash bond also altered the terrain for political arrestees. These pretrial reforms have already significantly reduced the number of people incarcerated in jails throughout the state. The law meant that DNC arrestees charged with ordinance violations, misdemeanors, and some felonies were not detainable beyond the initial custodial arrest. Generally, they were released on the same evening as their arrest without first appearing in court. Of the 20 arrestees who did appear in court, only two detention petitions were filed and both were denied. By Friday of the DNC week, every single arrestee had been released without having to raise bail money. Almost all were freed within 24 hours of arrest.

Organizing to eliminate money bond also shaped the leadership of two powerful courtroom forces: prosecutors and public defenders. Cook County State's Attorney Kim Foxx was elected as a "progressive prosecutor" in 2016 amidst organizing to eliminate money bond. Political critiques of progressive prosecutors abound, but Foxx's policies materially changed the handling of protester cases. She reduced the severity of charges against protesters, opting to bring charges as misdemeanors rather than felonies and filing fewer

continued from page 11

aggravated battery of a police officer charges—cases that could previously result in lengthy pretrial detention or require tens of thousands of dollars in bond. She also adopted a policy of presumed dismissal for some of the most common protest charges. Foxx's policies seem to have reduced the severity of charges against DNC protesters and will likely result in presumptive dismissal for many misdemeanor cases.

Shortly after the passage of the Pretrial Fairness Act in 2021, Cook County appointed one of the Act's greatest champions, Sharone R. Mitchell, Jr., to be the Chief Public Defender. Mitchell's organizing background opened new possibilities for collaboration. NLG Chicago worked with the PD's office and their Arrest Hotline team to track detained protesters and coordinate station visits. NLG volunteer lawyers who made station visits collected information which helped prepare PDs to represent arrestees in court the next morning.

The system, however, is already fighting back. The City of Chicago found workarounds that insulate legal proceedings from certain protections. Of the 76 people arrested during the DNC, 60 are charged with only Class L City Ordinance Violations. They are ineligible for public defenders because these violations are non-jailable, fine-only offenses. Because the City Attorney, not the State's Attorney, prosecutes these charges, Foxx's automatic dismissal policy does not apply. NLG Chicago formed a team of attorneys to defend against these charges and the fight continues.

With each confrontation between protesters and the state, Chicago organizers are strengthening radical infrastructure and chipping away at the state's carceral power. NLG chapters across the country can multiply their impact by connecting to local support systems and facilitating radical infrastructure development. As part of a larger whole, NLG can forge a stronger, broader shield for protesters in the streets as they fight for social change.

- Reprinted from September NLG Massachusetts Chapter Newsletter, Mass Dissent

The Value of Employing Organizers as NLG Ohio Chapter Staff

Since 2020, Ohio NLG has employed organizers as paid staff, beginning with a Field Organizer and now also including a Digital Marketing & Project Manager. Although both positions are part-time, they have significantly enhanced the chapter's work in numerous ways.

One of the most immediate benefits of having organizers on staff is the relief it provides to our Executive Committee members and other leaders, who are all volunteers. Before hiring paid staff, the burden of organizing fell heavily on these volunteer committee members. With paid staff, we've distributed labor more equitably, enabling volunteers to work at a sustainable pace while maintaining momentum and focusing on targeted efforts like building the mass defense program and supporting students.

The Covid-19 pandemic exacerbated burnout among our members, as it did for many grassroots organizations across the state, prompting us to prioritize self-care for ourselves and our volunteers. The addition of paid staff has been instrumental in this process, helping to fill labor gaps and support our committee members in their programs. This support has proven crucial in times of heightened activism, particularly during extended protests and encampments. For instance, during the anti-genocide encampments this past spring, our organizers used communication tools they had developed to coordinate with membership, making targeted requests on behalf of the hotline coordinator, regional Legal Observer coordinators, and our pool of pro-bono attorneys who represent arrested protesters.

Beyond helping during moments of intense action, staff organizers have allowed us to continue building our programming during quieter periods. Support for leftist movements often surges following tragedies that receive

significant media attention; by having staff consistently working on programming, we can prepare for these surges in advance. This proactive approach ensures that we are not constantly reacting to crises, which can lead to burnout. Instead, we are able to respond to moments of escalation in a more measured and coordinated manner. Also, when volunteer committee members need a break after a period of heightened activity, paid staff enable the chapter to slow down without coming to a standstill.

Mitigating burnout is especially important for promoting labor equity within the organization. While our volunteer committee members are committed and talented, many are balancing movement work with the financial pressures of living in a capitalist system. This is especially true for our members from marginalized backgrounds, including students and legal workers, many of whom feel a deep sense of responsibility to take on organizing labor. Paid staff help alleviate this pressure, ensuring that our most vulnerable members are not exploited. This contributes to the long-term well-being of these members and upholds our commitment to equity within the organization.

Perhaps most important, paid staff have given us the capacity to work on infrastructure building in a way we never could have before. This past year, our chapter engaged in a strategic planning process, reflecting on how we organize and envision the future of our work. Our goal is to play a more powerful role in supporting movement ecosystems and to expand our work toward transforming Ohio's legal system. This process has been largely driven by our organizers, who have done the necessary legwork to keep the process moving even as the chapter's capacity has fluctuated.

The value of staff organizers, however, extends beyond simply providing consistent labor. They also bring essential organizing principles into the chapter's daily operations, helping to bridge the gap between legal work and movement building. While some of our members have experience as organizers, many come from legal backgrounds where practices are often shaped by law firms and legal academia. These environments do not always emphasize relationship-building, which is central to organizing. Paid organizers have helped the chapter strengthen its capacity to build relationships, care for communities, and, ultimately, build collective power. One of the most significant areas in which staff organizers have made a difference is in membership building. Often, the difference between retaining new members and losing them lies in small but crucial details—such as following up with individuals after they attend events. For example, prior to hiring organizers, not all of our regional and student leaders were consistently collecting contact information at social events. This made it difficult to follow up with attendees and integrate them into our programming. Since bringing on staff, we have implemented best practices for event organizing, including effective tabling and attendance collection, which has helped increase membership and brought in new leaders.

Additionally, we have begun conducting power mapping exercises, identifying attorneys, law students, legal workers, and community stakeholders who are critical to our chapter's growth. Many of our leaders had not engaged in power mapping before, but these exercises have already helped us reconnect with members whose memberships had lapsed and identify new potential members and partners. This practice allows us to be more strategic in our outreach and to build stronger connections with the communities we aim to serve.

Integrating organizing principles into our legal work is also critical to our identity as movement lawyers. In the legal field, attorneys are often seen as the primary holders of power and knowledge, but our chapter is built on the understanding that true change comes from grassroots organizing. We support organizers because we believe that systems change through collective power, not just through legal intervention. If we are to remain true to this belief, we must also acknowledge that the tools and strategies employed by organizers can make our legal work more effective. By having organizers on staff, we foster a mutually beneficial exchange of knowledge and skills, strengthening both our legal and organizing efforts.

In summary, the addition of paid organizers has alleviated pressure on our volunteer committee members and has also allowed us to integrate organizing principles into our work more deeply. This has enhanced our capacity to support movements, built stronger relationships within our community, and ensured that we are prepared for future actions while preventing burnout. Through this mutual learning and solidarity, we are better equipped to fulfill our mission of advancing justice and supporting grassroots movements.

NLG Sacramento Chapter: Citation Defense

In Sacramento, as in many other places in the United States, the criminalization of homelessness is at an all-time high. Our unhoused neighbors are constantly harassed by the police for having nowhere else to go, and are not provided with any resources despite these frequent encounters with local police. Citations pile up against them for simply sitting on the streets, trying to cook food, having an open container, having a dog, having no bathroom - the list goes on and on. In addition, citations turn into “failures to appear” and warrants that may prevent access to social services, housing, and work opportunities.

The Sacramento NLG chapter’s Ticket Defense Clinic is now finishing its second year of successfully fighting these citations. Founded in 2022, it is a legal clinic that directly represents unhoused folx at no cost in criminal matters in which they are not entitled to an attorney from the Public Defender’s Office. Volunteer legal workers and attorneys conduct outreach at camps and wherever there are unhoused people to enroll clients using a simple form that can be distributed in hard copy or accessed online. The attorneys then calendar both new cases and cases in “failure to appear” status for arraignment and, if the Court does not dismiss them at that point, set them for trial.

In those that are not summarily dismissed, the clinic aggressively asserts clients’ rights to due process, including the right to full and fair cross-examination via lengthy discovery requests. These requests include not only bodycam and dispatch logs indicating which other officers may be involved and thus subject to subpoena for trial, but also policies, procedures and training regarding enforcing citations against unhoused people. This has led to the discovery of some useful information regarding policies and procedures. In some cases, agencies have dragged their feet and the clinic is in the process of litigating those issues. In many cases, simply litigating discovery has led to the dismissal of cases, including 3 cases which were dismissed after the clinic filed Pitchess motions.

To date this year alone, the clinic has gotten 102 cases dismissed – 62 at arraignment, 9 after sending pre-trial discovery, and another 31 at trial. In addition, all fees and fines were waived in 7 cases which were not dismissed. In any cases which are not dismissed or fees and fines are not completely waived, the clinic applies for fee waivers, making the whole process an exercise in clogging the court and keeping officers off the street as much as possible, while also getting some cases dismissed along the way.

The clinic is a small team with no budget currently looking to formalize its process and expand its reach with this program, inspired by other similar programs in the Bay Area. If you are a lawyer or paralegal in the Sacramento area and want to join, we would love to have your support.

Please check out: <https://www.sacnlg.org/sacticketdefense> for more information and use this form to sign up and we will contact you with the times and locations of the meetings, which always have an online/remote option: <https://forms.gle/SFf56iv3yYuQuU8B7>

NLG Law School Chapters



Since August, hundreds of new law students have joined the NLG! Our student members have been active tabling, recruiting, planning Disorientation meetings, organizing Legal Observer and Know Your Rights trainings, and more. NLG Chapters have been supporting our law school chapters by holding city-wide Disorientation events! In addition, many student chapters planned activities to commemorate the 1 year anniversary of the ongoing genocide of Palestinians.

Photo on the left: Philadelphia City-Wide Disorientation



NLG Capital University Law School



NLG Detroit Mercy Law



NLG Los Angeles City Wide DisOrientation



From Temple Law NLG Disorientation: Tyree Wallace is wrongfully incarcerated awaiting exoneration and is the founder of nonprofit Systemic Reformatory Change (photo on the left) and Alec Karakatsanis is the Founder and Executive Director of the Civil Rights Corp. (photo on the right).

Movement Lawyering: Redefining “Competition” & “Success”

- By Hazel Spires, NLG Cascadia Chapter Member

In a world that craves change and seeks to challenge the status quo, participating in a movement ignites the spirit and kindles the flames of transformation. When individuals come together with a shared purpose, united by passion, and fueled by a collective vision they engage in a powerful and invigorating journey. The air crackles with electric energy as voices rise, ideas are born, and barriers crumble. Being part of a movement means standing shoulder to shoulder with fellow change-makers, courageously challenging the norms, and daring to dream of a better tomorrow. Dedicating ourselves to do the good Work^[1] is an immersive experience that transcends the individual and connects us to something greater.

“Movement lawyering” refers to the actions of legal professionals who focus on public interest issues and approach them with a community-based mindset. They utilize their legal experience to provide legal assistance, representation, and guidance to individuals, organizations, and communities involved in these movements. They strive to challenge power structures, protect the rights of marginalized groups, and promote justice and equality through their legal advocacy. Their work is centered around a commitment to using the law as a tool for positive transformation and their understanding that legal battles are an integral part of the broader social or environmental movement.

While law school serves as the path to becoming a movement lawyer, it may not always provide the ideal atmosphere for encouraging such a worthwhile endeavor. Law schools, by their very structure, can discourage cooperation and shared success among students. This phenomenon can be attributed to many factors, including grading schemes, demanding workloads, and substantial costs. The use of curved grading, particularly for the first year and for the bar exam, inherently pits individuals within cohorts against themselves. Additionally, the heavy academic burdens and financial pressures create an environment where students often feel as though they are merely struggling

to stay afloat, leaving them less inclined to question the status quo. The adversarial nature of the legal profession, both in litigation and transactions, further heightens this competitive atmosphere. As a result, the prevailing mindset in law school tends to prioritize individual achievement and often contributes to the stereotype of a profession plagued by depression, driven by long work hours, tight deadlines, and high-stakes client expectations.

Amidst this prevailing negativity, it is crucial to recognize that we aren’t bound by the confines of the competitive environment that law school promotes. The pervasive competitiveness in this field severely undermines our true potential and the possibilities that lie beyond it. Movement lawyering is a means to relieve ourselves of some of the pervasive negativity that stems from competition within the legal field.

I once shared with a classmate that a job I had applied for had six openings and 70 applicants. He confessed that he’d prefer not to know how many applicants he was up against because it made him nervous. This surprised me. I wasn’t nervous; instead, I was reassured by those high numbers. I had faith that the hiring managers intended to select the best candidates, and as much as I wanted myself in the position, I cared more that the work was done. The presence of 70 applicants indicated the strength of our shared causes and made me confident that the Work would be done well. Regardless of who the hiring managers chose for the position, I knew there were dozens of other candidates who cared about the cause and would be doing the good Work somewhere. Any of us who wouldn’t land the job, including myself, would still have opportunities to apply for other roles within the movement, further growing and strengthening our collective impact. As long as we continue to seek positions that enable us to drive change, our movement thrives.

Movement lawyering involves more than just the straightforward notion that we engage in certain actions to achieve specific results. It represents a shift in attitude that redefines our notions of competition and

success within the legal profession.

Maybe losing out on a job is seeing the fruits of your labor. It indicates that the Work we see as important has a strong team dedicated to it. I would rather a public interest job be overwhelmed with applicants than have only a few because it tells me the movement is strong. We who care about the Work bear a lighter burden when we work collectively to bring about change.

Within the community of a movement, the pressures of competition shift, relieving the stress placed on individual value. Competitive efforts should not be directed at colleagues who are moving in the same direction. Instead, those efforts should serve as an internal challenge aimed at improving our advocacy skills for the causes we champion. Consequently, our competition may be directed towards those who strongly oppose the Work we are trying to accomplish.

Dedicating oneself to the Work within a movement also expands what can be celebrated as success. Success isn't primarily about personal gain, but rather our collective advancement. When we engage in the Work

as a collective force, success can be celebrated whenever someone has dedicated themselves to affecting the change they aspire to see in the world. Success lies in your involvement with these issues, even if you didn't create them personally. Success is when the movement makes progress, achieves milestones, and breaks free from the constraints of the status quo. Success emerges when we collaborate for the common good, pooling our resources and skills to achieve greater collective strength than we could as individuals.

To become truly effective movement lawyers, it is essential to challenge and shed traditional individualistic values within the legal field. Recognizing that we are a part of a larger purpose beyond our individual ambitions is crucial for fostering collaboration, achieving meaningful change, and ultimately leading to our liberation!

[1] Capitalizing "Work" is a stylistic choice, intended to draw attention to the potential of collective action in lawyering

Appeal For Redress v.2: Servicemembers, Vets Weave a Ribbon of Hope

By Chris Lombardi, Military Law Task Force

"Morale is being affected," airman Juan Bettancourt told me. He was talking about the images and videos from Gaza that flood social media, after the Israeli response to the Hamas attack of October 7, 2023. Israel's bombing campaign has so far flattened much of Gaza, displacing around 1.9 million people – nine in 10 Gazans – and killing 42,000. Those images and realities have spurred many military members to question their involvement in an institution that is actively supporting Israel's war.

"By wearing the uniform of a nation whose government is complicit in the brutal slaughter of innocent lives, I feel an overwhelming sense of embarrassment and despair," Bettancourt said. We were talking just after the launch of Appeal for Redress #2, a campaign to mobilize active-duty and reserve troops to tell their

members of Congress that they oppose U.S. support of Israel's current war in Gaza. At the Zoom launch on June 4, <https://nlgmtf.org/military-law/202eo-joint-press-conference-to-launch-appeal-for-redress-v2-for-gaza/>, Bettancourt announced that he was applying for discharge as a conscientious objector. He and fellow COs were joined by reps of NLG's Military Law Task Force (MLTF), the Center for Conscience and War (CCW), Veterans For Peace (VFP), and About Face/Veterans Against War.

The first Appeal for Redress, in 2006, was a brainstorm of former CCW director J.E. McNeil, after she was approached by then-Navy sailor Jonathan Wesley Hutto, now author of *Antiwar Soldier: How to Dissent Within the Ranks of the U.S. Military* (Nation Books, 2008). "How could they mobilize all the troops afraid to speak out publicly? The answer was in the Military Whistleblower Protection Act," McNeil told me years later.

That Act carves out a protection for servicemembers to seek redress from members of Congress. They chose the most 21st-century organizing mode then possible, an online campaign at [AppealForRedress.org](https://www.appealforredress.org).

The newer Appeal, hosted by Veterans For Peace at <https://www.veteransforpeace.org/take-action/redressv2>, offers servicemembers a choice of letters, all of which begin “I am writing with deep concern regarding the escalating violence in the occupied Palestinian territories, including the West Bank and especially Gaza,” and end with “As a member of the US Armed Forces, I stand firm in my commitment to upholding the values of justice, integrity, and respect for human rights. I urge you to stand with me in calling for a ceasefire in Gaza and a renewed commitment to peace, justice, and equality for all.” In between, the servicemember can choose a simple, informal approach (#1); a more formal military communication (#2); a more emotional testimony (#3), or a legal focus (#4) which goes into detail about the international law aspects of U.S. involvement. The site then matches the member’s address to the appropriate Congressional representative. “There is so much resistance inside so many who serve,” Bettancourt told me. “So much potential.”

Bettancourt, a Ph.D. candidate in history from Brown University, enlisted to serve the country where his parents brought him when he was ten, fleeing Colombia’s then-horrific violence. After he completed his coursework in 2019, he took a leave of absence and joined the Air Force. “I had ideas for public service, where I’d learn the ins and outs of government,” he told me. “The idea of a true democracy, where progressive ideas like mine fit in every sect of society.” The latter idea met reality during basic training at Lackland Air Force Base; then his desire to be a medic was squashed, shifting Bettancourt into intelligence.

Then came October 7, 2023, and the ensuing warfare that burst the blister of the status quo. “Everyone here is pretty plugged in,” Bettancourt said. The constant stream of images and videos of the devastation snapped him into action. Bettancourt told his command that if he was told to work in support of Israel, he would refuse: “I would consider it an illegal order” under international law.

Then came the death of Aaron Bushnell, who immolated himself in front of the Israeli Embassy. Bettancourt was shocked by the lack of official response from the Air Force in the days that followed. And he was furious about the memorial service held at his own base, Lackland AFB in Texas.

“They didn’t even mention Palestine,” Bettancourt said. The session was a quiet PowerPoint presentation, mostly focused on suicide prevention (a crisis-level concern through the military, including the Air Force. [1]) Bettancourt then did the only thing he felt he could do - place a small Palestine flag at the room’s vigil table.

At press time, the Center for Conscience and War had received more than 50 inquiries about applying for CO based on agony about Gaza; many have initiated the process. Other service members and veterans, eschewing the DOD-approved processes, expressed their concerns about Gaza by joining VFP or About Face. “Since October 7, 2023, over 250 veterans and active-duty members have applied to become members of About Face: Veterans Against the War,” said AF operations coordinator Shiloh Emelein. Another 100 joined after the death of Aaron Bushnell.

Jon Hutto, who started the first Appeal, wrote on Facebook last spring: “I’m beyond moved and inspired by this current Generation of Active-Duty being Tip of the Spear in the Struggle against the ongoing Genocide of the Palestinian People.” Hutto has emphasized that organizing those currently in uniform is crucial and often overlooked. In the case of the Appeal, the MLTF is working to help reassure signatories that they’re protected from retaliation; NLG members can spread the word to their communities, where reservists and ROTC students may welcome the opportunity to speak truth to power.

[1] Courtney Mabeus Brown, “New analysis of Air Force suicides explores contributing factors.’ Air Force Times, March 24, 2024. <https://www.airforcetimes.com/news/your-air-force/2024/03/27/new-analysis-of-air-force-suicides-explores-contributing-factors/>

Biden and Wildlife

-By Tamara Bedic, NLG NYC Animal Rights Committee

Knowing 2024 would be a campaign year, the Animal Rights Committee of NLG's New York chapter decided it's free, quarterly webinars would ask: What has the Biden administration done for animals? Since this question encompasses wild, domestic and farm animals, the committee organized three webinars, beginning with wildlife.

Pros

The Big Cat Public Safety Act: Arguably, one of the biggest achievements for wild animals during Biden's presidency should have been unnecessary. Who keeps a 450lb. man-eating tiger in his home? New York taxi driver Antoine Yates did-- along with a 6-foot alligator in his bathtub. When Ming bit Yates and news got out of the Harlem tiger, New York's politicians quickly made it illegal to own lions, tigers and bears. Ming and Al were removed to sanctuaries, while Mr. Yates relocated to Nevada, acquired 22 big cats and dubbed himself "Antoine Tigermann Yates". Nevada had no prohibition against wild carnivore ownership.

Fueled by late night hosts and the glamour of possessing a tiger, ownership of exotic felines skyrocketed in the U.S. since 2000, with horrific consequences. Children like Haley Hilderbrand and Clayton James Eller were mauled to death. Terry Thompson of Zanesville, Ohio intentionally released 18 tigers, 17 lions, 8 bears, 3 leopards and other wild animals before shooting himself. An entire industry of breeders and exploiters (like Joe Exotic) supplied a rapidly growing number of Americans who thoughtlessly bought adorable cubs, then locked away an estimated 20,000 "Big Cats" in garages, trailers or outdoor pens when those cuddly cubs grew large and lethal.

The cats pined away. The natural range of a male tiger is ~100 square miles; they swim and enjoy water. A male lion is not only inherently social, but similarly requires 100-150 square miles of territory. Both require 20-40lbs. of meat daily and occasional veterinary visits. Few zoos can provide sufficient space for a pride of lions—much less private owners.

Sponsored by Senator Blumenthal and Rep. Quigley, the Big Cat Public Safety Act was drafted to ban private ownership of apex predators. Those who already had them could keep them, but not breed them. Pres. Biden had little to do with S.1210 / H.R.263 or the behind-the-scenes political wrangling, but he did signal support of The Big Cat Public Safety Act by way of a letter on July 26th, 2022. When Congress passed the bill, he signed it into law on December 2022.

The Shark Fin Ban:

Sharks are the ocean's sanitation crew, cleaning when they scavenge. They balance the ecosystem, keeping turtles and fish from overgrazing seagrass meadows. But shark numbers have plummeted 70% - 90% in the last 50 years, leaving one third of sharks "threatened" while hammerheads, Oceanic whitetips and angelsharks teeter on the brink of extinction. Sharks grow slowly, mature late, and have low reproduction rates, so they cannot replenish the vast numbers humans kill out of fear or hatred.

Another reason for the enormous drop in shark numbers is commercial fishings' use of long lines and drag nets. Long lines can extend up to 50 miles, with thousands of baited hooks hanging off from the main line. Drag nets stretch for miles along the ocean floor, catching not just the intended tuna or swordfish, but sea turtles, sting

continued from page 19

rays, dolphins, sharks, etc. Global bycatch may amount to 40% of the world's catch, totaling 63 billion discarded pounds of fish per year.

But even as by-catch, sharks are valuable for their fins. Sharks are overfished at the rate of approximately 80 million per year to satisfy a growing demand for a traditional Chinese status symbol: shark fin soup.

Dating back to the Song dynasty, shark fin soup is a luxurious, celebratory meal, intended to display wealth and generosity. The dorsal fin is cooked for hours with chicken and spices for flavor; otherwise, dorsal fins are tasteless cartilage. The unfortunate shark whose dorsal fin was cut off is dumped overboard. Without fins, sharks can't swim. Unable to propel themselves through the water (yes, the tail is cut off, too), sharks slowly suffocate and drown on the ocean floor.

To deter killing of sharks for a fin, Sen. Cory Booker introduced the Shark Fin Sales Elimination Act of 2021, a bill prohibiting sale, purchase or possession of shark fin. Despite opposition from both the fishing industry and Asian Americans, S.1106 / H.R.2811 was rolled up into the omnibus National Defense Authorization Act and signed by Pres. Biden in December of 2022.

However, an undercover investigation by Josh Rushing called Shark Fin Hunters, established that illegal shark fin soup was still available in a Brooklyn restaurant. Specifically, 2 lbs. of shark fin for 4 people, at \$700 per person.

Cons

Wolves: When Biden took office in Jan. 2021, he inherited Pres. Trump's 2019 delisting of grey wolves, witnessing the first waves of state-wide slaughter (e.g. in Wisconsin, 200 wolves were killed in 60 hours) and the re-emergence of wolf snares, baits and use of dogs in Montana and Idaho hunts. Although Biden promised to review the Endangered Species Act de-listings of the prior Whitehouse, this did not signal protection for wolves, but the launch of a 12-month review. While the review was going on, the killing continued.

Deb Haaland, Secretary of the Interior, similarly disappointed wolf conservationists. Despite saying she was "... committed to ensuring that wolves have the protections they need to survive and thrive in the wild," Sec't Haaland has done nothing to re-instate the protection of grey wolves. Since grey wolves were delisted in 2021, more than 2,900 gray wolves have been killed in the continental United States.

Conclusion: There were very few advances for wildlife during the Biden's Presidency. Pres. Biden signed two laws affecting Big Cats and sharks. These advances are balanced against the slaughter of up to 90% of the wolves across the lower 48 states.



grey wolf (Wikimedia Commons)



shark fins (Wikimedia Commons)

Beyond Bars: Submissions from Jailhouse Lawyer Members

Book Review - *How to Abolish Prisons: Lessons from the Movement Against Imprisonment* (Haymarket Books, 2024) by Rachel Herzig and Justin Piché, with a forward by Mariam Kaba

- By Christopher Santiago, Columbia, SC

Over the last decade, prison abolition has gained wider acceptance, even garnering attention in the mainstream media. But some still dismiss it as purely utopian. In *How to Abolish Prisons*, Rachel Herzig and Justin Piché explore the tactics and strategies of prison abolitionists, drawing lessons from activists and organizers who put their ideals to work in the struggle for a decarceral future. Their new book shows abolitionist politics to be both practical and effective.

The book begins by describing the situation of imprisonment in Canada and the United States, making the case for abolition, and using the closure of Massachusetts “training schools” in the 1970s as an early example. It then considers the goals of abolition and the broader social objectives to which they are related, such as building social institutions that improve people’s health and well-being. Its main focus is on five common strategies: grassroots opposition to jail and prison expansion, prisoner solidarity projects, arts and cultural work, policy advocacy, and legal advocacy. These goal-oriented activities provide a context for discussions about organizing, movement building, overcoming challenges, and securing victories in the fight against human caging.

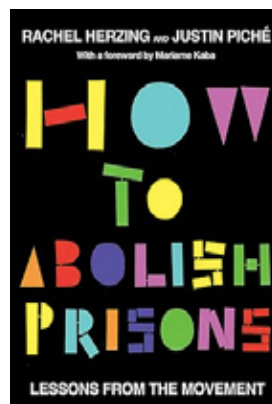
Judging by its title, I expected the book to read like a typical how-to guide, but it is much more than that. Instead of giving step-by-step instructions, it explores some of today’s abolitionist organizations and the instructive experiences and reflections of the people behind them. From 2015 to 2018, the authors interview

wed members of various groups from Canada and the U.S., including Bar None, Black and Pink, the Chicago Community Bond Fund, Critical Resistance, Dignidad Rebelde, Justice Now, the Prisoner Correspondence Project, the Termite Collective, and Vancouver’s Prisoners’ Justice Day Committee. Quotes from their interview appear throughout the book along with case studies and input from movement literature.

The clear and engaging writing is suffused with a spirit of hope that is disruptive to the carceral mindset. It has opened my eyes to the work of the many caring, ethical people for whom I have a tremendous amount of respect. Moreover, it has deepened my understanding of abolitionist politics and helped me to think more clearly about my own political stance. There is an impressive amount of useful information packed into this short book. I believe it will be of great practical value to the project of prison abolition.

One of the things the authors repeatedly emphasize is the need to bring more people - especially currently and formerly incarcerated people - into the movement. In 2015, the National Lawyers Guild adopted the Resolution Supporting the Abolition of Prisons, and I want to recommend *How to Abolish Prisons* to all Guild members, incarcerated or not. Read this powerful book for yourself or donate a copy to someone behind bars. I hope it will inform and inspire your work - I highly recommend it.

-Christopher Santiago is a prisoner in the South Carolina Dept. of Corrections.



In-Prison Higher Education Opportunities

-By E.C. Theus-Roberts, Pendleton IN

During the Clinton administration, the Violent Crime Control and Law Enforcement Act was passed which, in part, banned prisoners from accessing Pell Grants. A Pell Grant is a need-based federal financial aid award to specifically assist low-income students. Passage of the act all but eliminated post-secondary education for people behind bars.

Thirty years later, Pell Grants have been restored, as of July 2023, and are available according to Sean Addie's office at US Department of Education. Sean Addie is Director of Correctional Education. The department estimates 760,000 incarcerated individuals will be eligible. Though, eligibility and actual participation are often very different matters.

Pell Grants have been available for over a year now and few prisoners know how to access them. Emma Kerr and Sara Wood authored a particularly useful article - "Everything You Need to Know About the Pell Grant" [visit - <https://perma.cc/2HE2-QS7K>]. But, to quote Aviana Eisenberg: "Without buy-in from prison leaders and corrections officers, higher education programs will face significant challenges."

To surmount these challenges needs to be the principal concern of jailhouse lawyers, activist for prisoner rights and freedom/abolition advocates.

Begin with universities and other educational institutions. A comprehensive list should be on your state's government website - eg, state.co.us or IN.gov. If not, a Google search (or whichever web browser you are using) will provide various options for schools in your area/region allocated Pell Grant funding; try: "Colleges in (your state) receiving Pell Grants."

Invest time in cultivating relationships with these institutions and help facilitate the forming or perdurable partnerships. Beyond this get prisoncrats on your side. One method is pursuing parity, i.e. equal access for guards and corrections employees as for prisoners.

With college grads recidivating at or below 20%, the pursuit of higher education should be an objective of all who want the best chance for themselves and their loved ones of never coming back to prison.

But, it must start with us (you, myself, our family members, friends, activists, and advocates) taking the reins and responsibility. Take the initiative, embody the change.

Overturing a Wrongful Conviction as a Pro Se Litigant is Challenging

-By Antwann Johnson, Missouri

In MO there are nearly 25,000 people incarcerated. Those who've attempted and continue to seek justice as Pro Se litigants experience bias and discrimination contrary to the constitution and Equal Protection Law.

In the past 10 years, MO has exonerated 15 incarcerated people who were all represented by skillful attorneys or innocence organizations. MO's court system is created to only accept cases of innocence under the cause and prejudice gateway if one can establish a constitutional violation occurred prior to trial, meaning the state had to have failed to disclose exculpatory evidence that would have proved innocence.

Many of Missouri's Pro Se litigants, who are indigent and lack adequate representation, find themselves tangled up in what's known as the "judicial web". While it may not appear as such, money, influence, or adequate resources played a role in all exonerations. The harsh reality is that these are a major factor in exonerations. Once a defendant is jailed, they are given a State appointed Public Defender during 3 stages; trial, direct appeal, and PCR - Post Conviction Relief. After these stages, a prison can file a 2254 Federal Habeas Corpus and then appeal to the MO supreme court. During the Habeas Corpus and Supreme Court appeal stages, the prisoner becomes a pro se litigant and is left to challenge the conviction on their own because the courts rarely appoint counsel after the PCR has been denied. This poses a problem because 95% of prisoners have no

experience or education in Criminal Law.

The Challenge a Pro Se Litigant Faces when Filing Claims with the Courts

When an individual challenges their conviction with the courts as Pro Se, 99.6% of the times the claims are denied. What society and the media doesn't know is that the Pro Se litigants have to become their own private investigators and attorneys. It's been proven that the courts have taken this as an insult towards their law degrees and higher education.

Once a prisoner has exhausted all their appeals with the state and federal courts, they can file a Rule 91 State Habeas with the circuit of the county of that district. It's during this proceeding that the Pro Se litigant faces a heavy burden and obstacles because only the Judge and the Attorney General are present during all counsel status hearings. So the claims filed by the Pro Se litigant will be denied and unjustly justified.

After this, again, the prisoner is left to research and investigate their own case. This also has become an obstacle for the litigants who've obtained statements from potential witnesses - those who may now be incarcerated themselves - or are requesting information through the Freedom of Information Act, also known as the Sunshine Law. The courts fail to accept and grant Pro Se litigants' claims of innocence when the evidence clearly discredits the State's theory.

The courts only respect and accept cases from innocence organizations, private attorneys, or big corporate law firms. And these groups primarily accept cases where evidence is clear cut; like someone else confessing to the crime the prisoner is convicted of, the presence of DNA that points to another suspect, or the prisoner was solely convicted on the testimony of witnesses. Outside of these factors, the Pro Se litigant faces a burden even getting representation if their case is complex, arduous, or deals with a confession. Hypothetically, if you're reviewing a case where there is a confession involved but there was irrefutable evidence of a 3rd party's guilt that was never disclosed prior to trial, would that make a difference in a conviction based on a false confession? If another inmate comes forward and admits that his actions were the

reason a prisoner gave a false confession that can be refuted by forensic science, would it make a difference? If another suspect's DNA skin cells were in the victim's pockets, and that was never disclosed by the State, would that make a difference? If there's no eye witnesses that testify during trial or who now identify the prisoner as the shooter, would that make a difference?

The criminal judicial system poses too much power, resources and influence. It's been proven by the court's denial of cases that once a Pro Se litigant obtains any evidence that is material to their case, that was either not disclosed by the State agency or not available prior to the trial, the courts refuse to grant relief.

If it's newly discovered affidavit statements from any witnesses, whether in prison or not, the court's denial is based on the witness credibility. If it's evidence that was material and has merit, but was never available or disclosed prior to the trial, the court's denial is based on the Pro Se litigants ability to exercise due diligence that he could have utilized prior to the trial.

It's these kinds of denial responses and excuses from the courts when denying Pro Se cases that have become what's known as common practices! In the past 20 years how many cases were overturned by Pro Se litigants in Circuit or Federal court?

With evidence like this the courts will unjustly deny these claims to escape accountability for the State. Innocence organizations have strict criteria when accepting wrongful conviction cases. It's very clear that, in MO, once a prisoner is convicted, the burden becomes theirs to prove someone else committed the crime in order to obtain any relief or representation.

I sincerely know this is a topic that nobody wants to cover in the media. If we don't address this crisis now there will be more wrongful convictions. I'm asking that there be exclusive in-depth news coverage on this issue to fully inform society concerning the challenges Pro Se litigants must face.

Holding Healthcare Professionals Accountable

My name is Geoffrey Reese and I am a jailhouse lawyer and prevailing incarcerated litigant recently transferred for retaliatory reasons from the Maine DOC to Massachusetts DOC. I have been learning and applying criminal, civil, and constitutional law since I began this prison bid 16 years ago. I settled a federal civil suit in 2021 against the Maine DOC and defendant employees (see *Reese v Liberty, et al*). Since then, I have not ceased to hold prison staff accountable as they do inmates, myself included.

I want to propose a new approach to holding health care professionals, e.g. dental, medical, mental and behavioral health, physical therapy, and healthcare administrative staff, accountable for 1) indifference, 2) medical malpractice, 3) unethical conduct, and 4) professional negligence. Clearly established case law requires that prisoners have reasonable access to health care and adequate treatment, as needed, comparable to that available to ordinary citizens. Health care service providers contracted with DOC, e.g. Wellpath, often in their policies assure that off-site appointments with providers are specialists in the community will be coordinated, as needed. There are often systemic, and/or operational deficiencies; poor management; lack of supervision and/or training; and understaffing problems that plague correctional facilities and that lead to delinquent assessments, difficulty and prescribed treatment and/or medication, and other issues.

First, always submit successive written requests, e.g. sick calls or medical slips, regardless if they're duplicate so as to create a "paper trail". Documentary evidence is very important and beneficial.

Secondly, the Prison Litigation Reform Act (PLRA), as well as common course-of-action, either requires or encourages complete exhaustion of administrative remedies (i.e. the agency's complaint process). Usually this is known as the "Grievance process" and typically consists of "steps" or "levels" to complete until finality. Always utilize this process to avoid procedural default or dismissal by following the guidelines in accordance with the applicable policy.

Next, I encourage outreach to advocacy groups, civil right organizations (e.g. ACLU), and state agencies

having jurisdiction or authority (e.g. Human Rights Commission, the Dept. of Health and Human Services, and Criminal Justice or Public Safety committees). You may also reach out and contact your local representatives and state legislators. They can advocate, inquiry, or refer you to other state resources or public officials with purview over your issue.

Lastly, depending on the issue and who's responsible you may want to file a complaint with your State's Board of Licensure for the profession of the individual(s) liable. However, prior to doing so, you should research the code of Ethics and Ethical Standards that governs the profession of the person(s) responsible for the aggrievement and include specific references to those ethics. For example, licensed clinic social workers (LCSW) are bound to adhere to the code of ethical conduct and standards established by the National Association of Social Workers (NASW). Similarly, licensed psychologists and dentists are similarly governed by ethical codes of conduct and standards established by respective association and state boards governing professionals in these fields. The State Board of Licensure will review your complaint, hold a hearing (that yourself and licensee may or may not be allowed to participate in), and vote on the appropriate actions to take (eg dismissal, censure, monetary fines, suspension of licensure, or other permissible sanctions allowed by law). This is a very effective method of seeking accountability for licensed health care professionals who are liable for unethical conduct. Keep in mind that these State Boards are assembled of people who may be acquainted with the licensee or their employer, and/or, harbor some form of bias.

In closing, I encourage every incarcerated person to invest the necessary time learning the DOC policies that affect them as well as the law that they're predicated on or that correlate to them. If you have outside advocacy to communicate on your behalf make sure that you keep a log and get the names of staff spoken to. Be fearless. Use your pen and your voice. You are entitled to equality, humane treatment, and access to adequate health care. Your community of like-minded and similarly situated incarcerated folk support you.

-In solidarity, Geoffrey Reese, Shirley, MA

Reprint from Prison Policy Initiative

Slamming the Courthouse Door: 25 years of evidence for repealing the Prison Litigation Reform Act

-Published April 26, 2021, by Andrea Fenster & Margo Schlanger

The Prison Policy Initiative is a national organization that produces cutting edge research to expose the harms of mass incarceration. They send in a quarterly newsletter containing all of their publications and will mail incarcerated people any titles they would like to read. They welcome requests for national or state-level data on a range of issues related to mass incarceration including (but not limited to) probation/parole, prison/jail population data and more. (Prison Policy Initiative, P.O. Box 127, Northampton, MA 01061)

Twenty-five years ago today, in 1996, President Clinton signed the Prison Litigation Reform Act. The “PLRA,” as it is often called, makes it much harder for incarcerated people to file and win federal civil rights lawsuits. For two-and-a-half decades, the legislation has created a double standard that limits incarcerated people’s access to the courts at all stages: it requires courts to dismiss civil rights cases from incarcerated people for minor technical reasons before even reaching the case merits, requires incarcerated people to pay filing fees that low-income people on the outside are exempt from, makes it hard to find representation by sharply capping attorney fees, creates high barriers to settlement, and weakens the ability of courts to order changes to prison and jail policies.

When the PLRA was being debated, lawmakers who supported it claimed that too many people behind bars were filing frivolous cases against the government. In fact, incarcerated people are not particularly litigious. Instead, they often face harsh, discriminatory, and unlawful conditions of confinement — and when mistreated, they have little recourse outside the courts. And when incarcerated people do bring lawsuits, those claims are extremely likely to be against the government since nearly all aspects of life in prison are under state control.

While prison and jail officials may occasionally feel overwhelmed by these lawsuits, cutting off access to justice ensures only that civil rights violations never reach the public eye, not that such violations never occur.

The PLRA should be repealed. It was bad policy in the 1990s — an era full of unfair, punitive, and racist criminal justice laws — and allowing it to continue today is even worse policy.

The PLRA limits access to meaningful justice:

The PLRA hinders court access for incarcerated people who are trying to file civil cases — which tend to be mostly civil rights cases. It does this by making these cases harder to bring, harder to win, and harder to settle.

And when incarcerated people manage to overcome those high barriers and win a lawsuit, the PLRA limits the ability of the courts to enforce policy changes through court orders.

The PLRA makes cases harder to bring:

- Exhaustion rule: The PLRA makes many lawsuits non-starters by requiring cases to be dismissed if plaintiffs have failed to “exhaust” all of the prison or jail’s internal administrative grievance processes before taking their case to court. Working through these administrative processes can be complicated, require meeting difficult deadlines, and often prove fruitless. This allows suits to be dismissed for absurd and unfair reasons; for example, when grievances were filed in the wrong color ink or failed to meet incredibly tight deadlines as short as two or three days in some states.

Three strikes rule: Indigent people on the outside can have federal filing fees waived by bringing lawsuits in forma pauperis. But the PLRA makes incarcerated people, who make \$0.14 to \$0.63 per hour on average, ineligible for this waiver, meaning they must pay the \$350 federal filing fee. While most incarcerated people may pay these fees by installment over time, the PLRA’s

Three Strikes Rule states that after filing three claims that a judge decides are frivolous, malicious, or do not state a proper claim, incarcerated plaintiffs can be required to pay fees upfront with few exceptions. This places lawsuits out of reach for nearly all the affected individuals.

And harder to win:

- **Physical injury requirement:** Incarcerated people are allowed to sue over unlawfully inflicted physical injury, but the PLRA restricts the remedies available in cases where people are alleging only mental or emotional harm. Many courts have interpreted this to mean that people cannot receive money damages for their prison/jail injuries unless they can show that they suffered extremely serious physical injury.
- Many courts have also found that this provision applies even to Constitutional claims about, for example, free speech, religious freedom, discrimination, and due process, thereby denying incarcerated people the ability to seek financial compensation for the violation of their Constitutional rights.
- **Discouraging experienced attorneys from taking cases:** To make it economically feasible for lawyers to represent civil rights plaintiffs, Congress has entitled civil rights plaintiffs who win their cases to recover reasonable hourly attorneys' fees from defendants. However, the PLRA imposes two sharp additional limits for incarcerated plaintiffs: it caps recoverable attorneys' fees at a below-market rate, and insists that these fees total no more than 150% of any damages awarded to the plaintiff. But damages for incarcerated people are generally quite low, both because they don't experience lost wages, and because (under the PLRA's physical injury provision, described above) they often cannot recover more than nominal damages absent significant physical injury.

The result is that — knowing incarcerated plaintiffs cannot win reasonable attorney's fees — civil rights lawyers are deterred from taking them on as clients. Thus, an overwhelming share of incarcerated people

file their cases "pro se," meaning on their own behalf. In 2020, incarcerated civil rights plaintiffs had lawyers in only 7.6% of their cases, compared to 89.8% of civil cases not involving incarceration.

And harder to settle:

Undermining settlements: In most types of litigation, parties have a lot of latitude to craft settlement agreements that fit their needs. However, the PLRA sharply limits court enforcement of settlements that include "prospective relief" — that is, a change to policy or practice going forward; enforcement is allowed only if the court has specifically found that these changes are necessary to cure the violation of a federal right. Some courts have interpreted this requirement to mean that defendants cannot merely agree that a settlement is appropriate; instead, these courts have held that either the court must have enough facts to determine that there was a violation of a federal right, or the parties must clearly stipulate that there was one. But one of the main reasons defendants in all types of cases settle is to avoid those kinds of damaging admissions. By making it so hard for incarcerated plaintiffs to settle, the PLRA takes away their best chance at a positive outcome.

For individual incarcerated people, these various barriers add up to a system where it is next to impossible to get any relief from the courts.

The PLRA also makes court orders less effective:

In other types of civil cases, judges can issue court orders, which can direct people or parties to take or not take certain actions. Historically, court orders were a major source of regulation and oversight for prisons and jails. However, the PLRA limits the ability of the courts to make these types of adjustments to prison or jail policy by shortening the lifespan of court orders and making it easier for them to be terminated. Under the PLRA, defendants can ask the court to review and possibly terminate orders about prison conditions after just two years, even if the prison or jail has not fully met all (or any) of the terms of the order. In addition, the legislation makes it harder for a court to set a population cap (which might require a jurisdiction to decarcerate) as a remedy for civil rights violations.

Recommendation:

It is time for Congress to repeal the Prison Litigation Reform Act. Incarcerated people do not lose all of their rights at the prison or jail door. Yet all too often, their basic freedoms are violated inside these massive and expensive public institutions, which operate largely outside of public view and with little oversight. Correctional facilities are obligated to fulfill their duties to the people under their control, and it is in the public's interest to ensure that happens.

Yet the PLRA unjustly targets incarcerated people with disadvantageous procedural limits, making it almost impossible for incarcerated people to have their day in court, earn monetary damages for their suffering, and get and enforce prospective relief to prevent violations in the future. Repealing the PLRA is a necessary step towards ensuring that people behind bars have real and meaningful access to justice.

Methodology:

All data was collected by Professor Margo Schlanger. Prison and jail population data were obtained from the Bureau of Justice Statistics. In order to obtain the most comprehensive and continuous data, prison population reflects single day counts, usually on December 31. Jail population is average daily population.

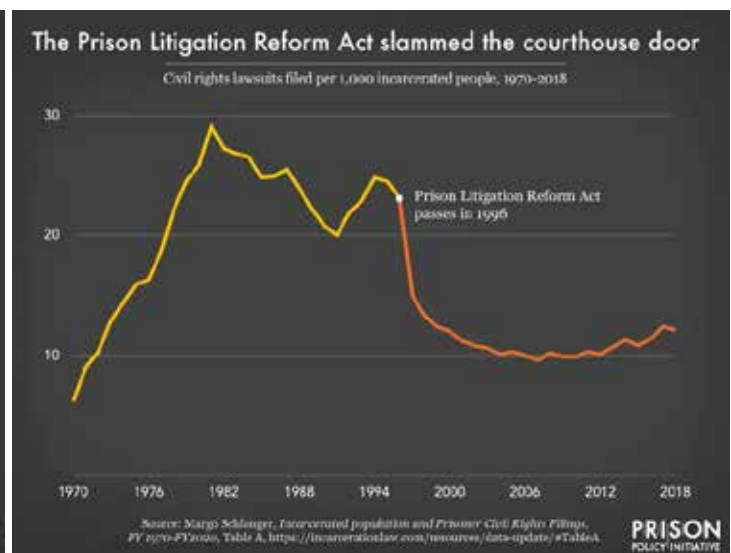
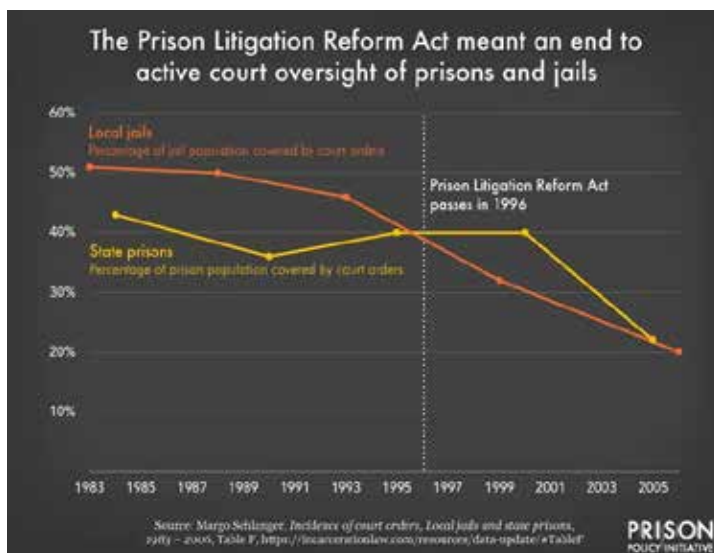
Data on court filings, case characteristics, and case outcomes is from the Federal Judicial Center's Integrated

Database. Schlanger excluded about 8,000 cases filed by one man, Dale Maisano, because their inclusion would distort trend analysis. (These cases are routinely dismissed without further processing under special "abusive litigation" court orders, so they do not impose any burden on defendants.)

Court order coverage is based on data reported by jail and prison officials in the prison and jail censuses conducted by the Bureau of Justice Statistics every five or six years. Since 1983, except in 2012 and 2013, the censuses have included questions about the existence of court orders on a variety of topics. The resulting data are the most comprehensive information available, despite the fact that there are important omissions. Details on omissions are available [here](#).

About the authors: Andrea Fenster is a Staff Attorney at the Prison Policy Initiative. She has previously written about how some prison law libraries create barriers to legal access for incarcerated people, as well as about abuses of incarcerated people in solitary confinement. Andrea's main focus is on PPI's campaign for prison phone justice. Previously, she worked at the Public Defender Service for the District of Columbia, Equal Justice Under Law, and the Prison Law Office.

Margo Schlanger is the Wade H. and Dores M. McCree Collegiate Professor of Law at the University of Michigan Law School where she runs the Civil Rights Litigation Clearinghouse. She is the nation's leading academic expert on the Prison Litigation Reform Act.



National Lawyers Guild Foundation
PO Box 1266
New York, NY 10009

