

WHEREAS the Alien Tort Claims Act, 28 U.S.C. section 1350 ("the Act"), has played an important role over the last 25 years in holding human rights violators, including prominent ex-dictators, military officials, and multi-national corporations accountable, in no small part due to the efforts of N.L.G members;

WHEREAS on October 17, 2005, Senator Dianne Feinstein introduced Senate Bill 1874, which would eviscerate the Act and make it virtually impossible to bring future cases;

WHEREAS S.1874 would explicitly exclude war crimes, crimes against humanity, forced labor, terrorism, rape, and cruel, inhuman and degrading treatment from lawsuits;

WHEREAS S.1874 would provide the Executive Branch with an automatic right to have any case under the Act dismissed by merely sending a letter to the presiding judge;

WHEREAS S. 1874 would prohibit suits for human rights violations where "foreign states" had responsibility for the violation; this would have eliminated virtually every single action ever brought under the Act, including the landmark *Filartiga v. Pena-Irala* case;

WHEREAS S. 1874 would set extremely stringent intent and liability standards for defendants, thereby setting back the development of international law concepts on liability that has progressively evolved since the Nuremberg tribunals;

WHEREAS major corporate contributors to Sen. Feinstein, including ChevronTexaco, are undoubtedly pleased by her proposal to effectively repeal a law which requires U.S. corporations to respect the most basic and fundamental human rights of people wherever they operate;

THEREFORE, BE IT RESOLVED:

That the National Lawyers Guild oppose S. 1874 or any similar efforts to amend the Alien Tort Claims Act, and that California Guild chapters and members should contact Sen. Feinstein to express their concern about the bill.

Submitted by International Lawyers Guild

Proposed Temporary Amendment to Article 5.3

To correct the inadvertent failure to elect a Treasurer Elect at the 2004 Convention and preserve the staggering of time of office on the Executive Council, the NEC unanimously endorses the following temporary amendment to Article 5.3 to be designated as Article 5.3.1:

"Article 5.3.1 - Temporary Amendment to Treasurer and Treasurer-Elect terms of office-Effective from the 2005 Convention until the 2006 Convention, the incumbent Treasurer's three-year term of office shall be extended for one year until the 2006 Convention, a Treasurer Elect shall be elected at the 2005 Convention for one year and shall serve a two-year term of office as Treasurer beginning with the 2006 Convention. At the expiration of the Treasurer's term in 2008, this amendment shall sunset and the Treasurer and Treasurer Elect terms shall revert to the provisions of Article 5.3.

RESOLUTION for Electoral Reform Within the National Lawyers Guild

WHEREAS, Over the course of numerous elections for the office of President of the United States of America, it has become clear that the only candidates able to win are those nominated by the Democratic and Republican parties; and

WHEREAS this has created in the United States a two-party political system in which the Democratic and Republican candidates adopt moderate and centrist political platforms in the hope of garnering the votes of the undecided few; and

WHEREAS this two-party political system has worked contrary to Democracy by ensuring that only two politically moderate and centrist candidates for President are taken seriously by the American People, thereby marginalizing any 3rd Party candidates that stand outside of the Political Establishment; and

WHEREAS this two-party political system has worked contrary to Democracy by ensuring that the American People are exposed only to politically moderate and centrist campaign platforms, thereby marginalizing the very ideas brought to the fore by the 3rd party candidates that stand outside of the Political Establishment; and

WHEREAS this practice has led to many casting their votes contrary to their conscience in an effort to elect the "Lesser of Two Evils," a practice which subverts the very spirit of Democracy for which the National Lawyers Guild has fought for decades to preserve; and

WHEREAS the implementation of the Instant Run-Off voting system is a necessary step in destroying the two-party system and bringing about a Democratic Revolution in the United States in which the People will be able to vote their consciences for the first time in History without the fear of "wasting" their vote; and

WHEREAS the National Lawyers Guild is an organization that seeks to become that which it wishes to see in the world;

THEREFORE, BE IT RESOLVED:

That from this day forward, the National Lawyers Guild will employ the system of instant run-off voting in all of its elections

Brief Description of Instant Run-off Voting

In instant run-off voting, a candidate must garner greater than 50% of the votes in order to win. To this end, in elections with more than two candidates on the ballot, the voters will rank the candidates in order of preference. (1, 2, 3, etc.)

If, in the original vote, no candidate receives greater than 50% of

the first-place votes, the candidate with the least amount of first-place votes is eliminated, and the second choice candidates from these ballots are given the votes. Again, the votes are counted, and if no candidate has received greater than 50% of the vote, the process repeats itself until a candidate emerges with a majority of the vote.

**RESOLUTION ON THE HUMAN RIGHTS SITUATION, THE PEACE PROCESS IN
THE PHILIPPINES AND PERSECUTION OF FILIPINO PATRIOT
PROF. JOSE MARIA SISON**

WHEREAS, human rights organizations have reported that the government of Pres. Gloria Macapagal Arroyo has committed 4,207 cases of human rights violations affecting 232,796 individual victims as of June 30, 2005;

WHEREAS, six (6) lawyers and one law student have been violently killed as of October 2005 for the practice of their profession, while four lawyers and three judges were killed in 2004, many of whom are human rights and public interest lawyers;

WHEREAS, despite the human rights record of the Arroyo government, the United States has maintained its support for Pres. Gloria Arroyo as an ally in its "anti-terrorism" campaign including the sending of military aid to the Philippine government;

WHEREAS, the United States has been sending thousands of US soldiers to the Philippines for more than five years ostensibly for joint military exercises with the Philippine Armed Forces, under the Visiting Forces Agreement with the Philippine government, the latest of which was the sending of 4,600 US troops on 21 October 2005, which could further fuel the ongoing war between the Philippine government and the National Democratic Front;

WHEREAS, there have been peace negotiations between the Philippine government and the National Democratic Front and these previous negotiations have resulted in the signing by both parties of a major agreement for the protection of the peoples' rights under international human rights and humanitarian law;

WHEREAS, the involvement of the United States, the Netherlands Government and the European Council in the terrorist listing of Prof. Jose Maria Sison, the Chief Consultant of the National Democratic Front in the peace talks between the Government of the Republic of the Philippines (GRP) and the National Democratic Front (NDF) is effectively impeding the peace negotiations ;

WHEREAS, on 12 August 2002, the Office of Foreign Assets Control (OFAC) of the US Treasury Department listed Professor Jose Maria Sison, as a 'terrorist' and called for the freezing of his assets.

WHEREAS, upon the signal of the US government the European Council and the government of the Netherlands where Prof. Sison resides as a political refugee followed suit in listing Prof. Sison as a 'terrorist' without citing any specific act that would merit or form the basis of such listing;

WHEREAS, the European Council and the Dutch government have denied the petition of Prof. Sison to be informed of and be granted access to documents which formed the basis of his listing as a 'terrorist' on the ground that he is not entitled to the rights of an accused as the listing is a mere 'administrative' proceedings;

WHEREAS, the above terrorist labelling is not only injurious to rights of Prof. Sison but also serves as a major obstacle to the peace talks between the Philippine government and the National Democratic Front, since no genuine and honest negotiations can take place when one party campaigns for the terrorist labelling of the other;

WHEREAS, the above acts of terrorist labelling has also created a chilling effect on other consultants and negotiators of the GRP-NDF peace process

WHEREAS, it is to the interest of the Filipino people that the peace process be vigorously pursued so that important social reforms be genuinely discussed by both parties to the peace negotiations;

Therefore, be it resolved, as it is hereby resolved that the National Lawyers' Guild will:

1. Bring to the attention of the Philippine and US Government's the incidents of human rights violations in the Philippines, including the killing of lawyers and the attack on civil rights and demand appropriate action;
2. Call on the US government to desist from intervening in the affairs of the Philippines and allow the Filipino people to determine their own destiny;
3. Monitor the worsening human rights situation in the Philippines and participate in actions to investigate and protest human rights violations;
4. Actively advocate for the continuation of the peace negotiations between the Philippine Government and the National Democratic Front so that genuine social reforms can be substantially discussed by both parties.
5. Support the international campaign to demand the following:
 - 5.1 Removal of Prof. Sison from the terrorist listing of the United States, European Council and other governments
 - 5.2 Full respect for the rights of Prof. Sison under the Refugee Convention, European Convention on Human Rights, European Treaty and other relevant international conventions

- 5.3 Stopping the threatened deportation or extradition of Prof. Sison
- 5.4 Respect for and implementation of the GRP-NDFP Joint Agreement on Safety and Immunity Guarantees for the benefit of negotiators, consultants and staffers in the GRP-NDFP peace negotiations
5. Condemn the ceaseless efforts of the US government to persecute and harm Prof. Sison directly or indirectly through other governments and anticipate its attempt to extradite him and make "rendition" to another country.
6. Counter the relentless efforts of the US and other governments to demonize and stigmatize Prof. Sison by informing the American public of his positive role as NDFP chief political consultant in the GRP-NDFP peace negotiations and his major role in the forging of the GRP-NDFP Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law and to expose the chilling effect of his persecution on other consultants in the aforesaid negotiations.

RESOLUTION ON U.S. GOVERNMENT VIOLATIONS OF HUMAN RIGHTS OF
KATRINA VICTIMS

Whereas, National Lawyers Guild Lawyers and student members from Louisiana, Alabama, Mississippi and Texas have been forcibly displaced by Katrina; and

Whereas, all National Lawyers Guild members are saddened by the attacks on the lives of people of color and people with low income first by nature and second by U.S. government actions and failures to act

Now, therefore, be it resolved by the National Lawyers Guild Convention of 2005 that all Guild members and friends study the facts and the law about the following rights of Katrina victims and the following violations by the U.S. government:

1. Failing to continue funding work on old levies and flooding regions where African American and poor people lived including the Ninth Ward in New Orleans;
2. Failing to make a workable comprehensive emergency plan, and delaying evacuation plans and inadequate relief efforts leading to more deaths;
3. Deploying many National Guard troops from Gulf states to Iraq, leaving too few to serve locally;
4. Putting an incompetent head of FEMA in charge of U.S. relief work and instructing relief workers to answer questions of displaced people by telling them to "check that with ..." some agency that could not be reached;
5. Ordering thousands of untrained government employees to the area to define people as "looters" (and even "cockroaches") from poor and African American communities, and to round them up and send them to massive coliseums with no human rights protections;
6. Ordering citizens to evacuate by car, when thousands had no cars;
7. Imposing martial law and sending police/military to treat victims as prisoners, not as internally displaced persons suffering severe emotional and spiritual trauma, and further traumatized by threats of arrest, guns pointed at them, and gun shots fired over their heads;
8. Failing to protect the civil rights of evacuating citizens who were seeking peacefully to obey U.S. Government evacuation orders and were stopped by Gretna police department and city government and Louisiana Bridge security forces from leaving New Orleans via the Crescent City Connection Bridge leading to Gretna, and had their food and water confiscated;
9. Failing to retrieve dead bodies immediately, even when pointed out, making identification of decomposing bodies difficult or impossible, then refusing, in Louisiana, to use two methods of identification used in Mississippi and elsewhere ;
10. Sending people to coliseums with thousands of others, without toilets, water, food, air conditioning, blankets, or trained social workers;
11. Ordering citizens to get into buses, without being told the destination and forbidden to get off sooner and passing up elderly and disabled people waiting by the side of the road;
12. Failing to immediately send available buses equipped with water, food, and supplies to disaster areas and prohibiting entry of water, food and supplies brought by private individuals and organizations;
13. Immediately announcing no-bid contracts with large, white-owned corporations already fulfilling contracts to "rebuild Iraq" and not based in the Gulf Coast to rebuild, with no local input or guarantee of jobs to locals;
14. Making threats to the media when they tried to take photos of some areas, of the body retrieval operations, or actions by officers, and confiscation of cameras and photos;
15. Enforcing the curfew unequally by arresting and even shooting at black residents for not obeying the curfew in Algiers, Louisiana while permitting white residents to ride around in pick up trucks with guns, leaving the impression that David Duke and the KKK were active;

16. Announcing confusing and contradictory requirements for people in need of cash assistance and financial relief and material support and setting impossibly short deadlines to file applications for assistance for destroyed homes before people could possibly return to their homes and estimate how much damage had been done;
17. Failing to carry out the mandates of the government's 9/11 Commission, which, according to the Republican chair of that Commission, former New Jersey Governor Thomas Kean, and the Democrat vice-chair Lee Hamilton, former Indiana Congress member, would have helped deal with the confusion that followed Katrina.

And let it be further resolved that Guild members let every government official at every level know that we demand a new policy for dealing with all future natural catastrophes and to stop all types of violations of human rights.

Note: Provisions of the International Covenant on Civil and Political Rights allegedly violated in Government dealings with some victims of Katrina: Preamble, Articles 2.1, 3, 4.1, 6.1, 7, 9.1, 10.1, 12.1, 17, 23.1, 24.1, 26; and the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Elimination of all forms of Racial Discrimination.

RESOLUTION TO ESTABLISH RELATIONSHIP WITH ALAL

WHEREAS corporate globalization has made it imperative that progressive labor lawyers develop coordinated work in order to effectively defend and assert the rights of working men and women around the world; and

WHEREAS, The Association of Latin American Labor Lawyers (ALAL) is a Latin American organization of national associations of labor and human rights lawyers which has expressed a serious interest in developing a relationship with the National Lawyers Guild; and

WHEREAS, a delegation composed of ten Guild members was organized by the International and Labor and Employment committees of the Guild to attend a meeting in Mexico City from July 28 -30, 2005 for the purpose of exploring the possibility of entering into such a relationship; and

WHEREAS, the organizations attending the meeting (including ALAL affiliates from Brazil, Venezuela, Peru, Cuba, Mexico, Argentina and Paraguay, from the Canadian Association of Labour Lawyers (CALL) from Canada, and from the Labor and Employment and International Committees of the Guild) agreed to begin working together and developed an ambitious proposal to make this work a reality,

THEREFOR BE IT RESOLVED that the National Lawyers Guild:

1. Affirms its commitment to develop coordinated work with ALAL in order to effectively defend and assert the rights of working men and women around the world;
2. Places in the hands of the new ^{Working Group} ~~Sub-committee~~ on International Labor Rights (a joint ^{Working Group} ~~sub-committee~~ of the Guild's International and Labor and Employment Committees) the responsibility for implementation.

*Resolution to the
International and Labor
and Employment Committee
Robin & Polly as presenters*

RESOLUTION ON LAWYERS GUILD MEMBERS PARTICIPATING IN
UN HUMAN RIGHTS COMMITTEE REPORTING PROCESS

Whereas, the National Lawyers Guild participated in the founding of the United Nations in San Francisco, 1945;

And whereas, National Lawyers Guild members are participating in much litigation and investigation of human right violations by the US Government since 9/11;

And whereas on October 21, 2005, the US Government finally filed its very tardy report to the UN Human Rights Committee required under the International Covenant on Civil and Political Rights;

And whereas, the UN Human Rights Committee will consider this report at its March 2006 meeting in New York;

NOW THEREFORE BE IT RESOLVED that all Guild members are encouraged to study this Report (which can be found at www.state.gov/g/drl/rls/55504.htm) and to submit critiques of the Report to the UN Subcommittee of the International Committee (addressed to the NLG national office) and to attend the meeting in New York, thus participating in the mobilization of shame which is another effective method of enforcing human rights within the United States.

(Submitted by the International Committee meeting, October 27, 2005)

Resolution On Waging a Campaign to support the Vietnamese Victims of Agent Orange

Whereas several members of the National Lawyers Guild are representing the Vietnamese Victims of Agent Orange in their case against the chemical companies seeking compensation for their injuries, and

Whereas the request to take on this case resulted from the Vietnamese Lawyers Association bringing the issue to IADL and IADL having agreed to seek counsel in the US to bring the case, and

Whereas the case was brought under the Alien Tort Claims Act alleging that the use of Agent Orange contained the poison dioxin, and therefore violated, inter alia, the Hague Convention of 1907 which outlawed the use of poison or poisoned weapons in war, in violation of the Laws of Nations, and

Whereas the case was dismissed in March of 2005 by District Court Judge Jack Weinstein, in an opinion where the Court opined that the spraying of Agent Orange was part of an herbicide program, and there was no customary international law at the time of the war which prohibited the use of herbicides, and

Whereas the case has been appealed to the 2nd Circuit, and the oral argument will be heard in the Spring of 2006, and

Whereas the IADL at its Congress in Paris, passed a resolution to promote a world wide campaign in support of the Vietnamese Victims of Agent Orange by promoting a world wide campaign in support of their cause, and

Whereas the NLG agrees that a world wide public education campaign and support for the Vietnamese victims, as well for the current US veterans who have brought a case due to illnesses they have developed after the fund from the first Veterans' class action was exhausted, and whose cases were also dismissed, would help the political climate in which the Court will have to decide the issues of law, and

Whereas the case raises the issues of corporate accountability for creating weapons whose use violates the customs and laws of war, and

Whereas the issue of accountability for such violations is very relevant today in context of the war in Iraq and the use of such weapons containing depleted uranium and the like,

Be It Resolved:

That the National Lawyers Guild agrees to be part of this world wide campaign to provide support for the Case of these victims and to take the following actions with the cooperation of the legal team and the International Committee,

The NLG will seek to educate its membership about this case and its political significance in the context of the need for accountability as well as the development of jurisprudence under the ATCA which is favorable to enforcing customary international law.

Agree to work with allies on the case to build a worldwide campaign of support including building public support for the case and to work to build coordinated actions on the case prior to argument in the second circuit, and thereafter, to make it clear that there is public support for these claims.

Submitted by International Committee