

2000 NLG Convention Resolutions

Resolution Calling for the Enforcement of International Law in Israel/Palestine

*SUBMITTED BY THE MIDDLE EAST SUB-COMMITTEE OF THE INTERNATIONAL COMMITTEE --
November 3, 2000*

WHEREAS:

1. Despite the Oslo Agreements signed since 1993, the State of Israel continues to occupy and largely control the lives of the Palestinian people in the West Bank, Gaza and East Jerusalem, and the Syrian people in the Golan Heights;
2. Since September 28, 2000, the Palestinian people have been engaged in an uprising against the Israeli military occupation;
3. Israel has, in order to suppress this uprising, intensified its violations of international law and used excessive use of force in a disproportionate reaction against Palestinians, including shelling and firing at Palestinian cities from tanks and helicopters;
4. The UN issued Resolution 1322 condemning Israel's excessive use of force and calling for the establishment of an international inquiry to investigate the deaths of over 160 Palestinians, 8 Israelis and over 4000 wounded Palestinians;
5. Amnesty International has issued a report condemning Israel's excessive use of force as possible war crimes;
6. Physicians for Human Rights issued a report on November 3, 2000, in which one of its findings was that Israeli Defense Forces violated international law as follows: "The numerous head and eye injuries, the high proportion of thigh wounds and fatal head wounds, and the fact that similar patterns of such shootings occurred over a period of weeks demonstrate two disturbing patterns: 1) IDF soldiers are not firing only in life threatening situations and 2) they are firing at heads and thighs to injure and kill, not to avoid loss of life and injury.";
7. On October 3, a week after the bitter fighting and killing began, the United States government announced it would provide Israel with the largest purchase of military helicopters by the Israeli Air Force in a decade;
8. The sale of military helicopters was condemned by Amnesty International (October 19), in so far as "US-supplied helicopters have been used to violate the rights of Palestinians and Arab Israelis during the recent conflict in the region";
9. A Pentagon official recently acknowledged that "anti-tank missiles and attack helicopters are not traditionally considered tools for crowd control";
10. One-fifth of the population of Israel is Palestinian, of which half are internal refugees, who continue to suffer from discriminatory and segregationist policies favoring the Jewish citizens of Israel;
11. In September and October 2000, 13 Palestinian citizens of Israel were killed and hundreds injured by Israeli police;
12. The progressive community of Jewish and Palestinian citizens of Israel is isolated and under attack within Israel and has called for progressive forces in the United States and internationally to pressure the United States government and to educate the people in the United States about the apartheid regime that is forming in the area;
13. The US government has undermined a fair and just resolution of the Palestinian/Israeli conflict by its persistent support of Israeli impunity in the face of international law and its massive funding of the Israeli military and nuclear weapons industries,

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Therefore, be it resolved, that the National Lawyers Guild:

1. Calls on the international community to immediately provide international protection for Palestinian civilians;
2. Calls on the international community to take all necessary steps to enforce the provisions of the Fourth Geneva Convention in the Occupied territories, beginning with reconvening the Geneva meeting of member states which was postponed indefinitely in July 1999;
3. Calls on the United States government to cease its monopoly over the peace process and work together with the United Nations and others to forge a new paradigm for negotiations based on international law, UN resolutions and on justice and equality for all residents, Jewish and Palestinian, in the area;
4. Calls on the United States government to immediately halt all foreign aid to Israel that is used by Israel for ends that violate the rights of the Palestinians and Syrian residents of the Golan, until Israel complies with international law-- including the United Nations Charter, UN Resolution 194, the Fourth Geneva Convention, and the Convention on the Elimination of Racial Discrimination-- and calls on Congress to use its oversight power to ensure that no aid given to Israel is used for the aforementioned illegal purposes;
5. Calls on the United States to freeze immediately all sales of weapons, military hardware and weapons technology to Israel and the Israeli arms industry until Israel ceases to use these weapons on Palestinian civilian populations;
6. Calls on the Israeli government to immediately cease its use of military force including tanks, missiles, live ammunition and metal bullets coated by rubber, dismantle its military occupation, fulfill its agreement to implement UN Resolution 194 and allow for international protection to be provided for Palestinian civilians;
7. Recognizes the right of Palestinians to self-determination and the right of return of all Palestinian refugees in accordance with UN Resolutions 194;
8. Calls for the elimination in Israel of laws, institutions, regulations and practices which have the purpose or effect of discriminating on the basis of religion, national or ethnic origin, sex or race;
9. Directs the National Executive Committee to communicate this resolution to the President of the United States, the Department of State, the Senate Foreign Affairs Committee, the United Nations, the International Association of Democratic Lawyers, the Palestinian Bar Association, the Israeli Bar Association and other relevant governmental and other bodies.

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International Committee Resolution on Submitting an Amicus Brief on the Cases Against the University of Michigan Challenging the Affirmative Action Plans at the Undergraduate School and the Law School

WHEREAS:

1. The affirmative action plans in use at the University of Michigan undergraduate school and the University of Michigan Law School have been challenged in court, and
2. To date the legal teams defending the affirmative action programs are seeking support in the broader legal community, and
3. To this point, the legal teams defending the affirmative action programs have not cited International Convention on the Elimination of all Forms of Racial Discrimination which specifically defines "special measures" such as affirmative action programs not to be racial discrimination,

THEREFORE, BE IT RESOLVED THAT the International Committee of the National Lawyers Guild and the National Lawyers Guild take steps to file an amicus brief in these cases in which this argument as well as other arguments previously raised in Amicus Briefs in support of affirmative action.

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RESOLUTION TO END THE ARBITRARY AND INDEFINITE DETENTION OF NON-U.S. CITIZENS BEING UNLAWFULLY HELD IN UNITED STATES PRISONS

WHEREAS:

1. There are 4,000 non-U.S. citizens currently being held in U.S. custody with no charges or open proceedings pending against them; and
2. These people have been ordered to be deported by the immigration and naturalization service; and
3. The U.S. has no repatriation agreement or diplomatic relations with their countries or origin, and some of those detained are "stateless" persons who are not citizens of any country, and therefore cannot be deported; and
4. The U.S. is holding these people in arbitrary and indefinite detention, often for the rest of their lives; and
5. The arbitrary and indefinite detention violates the U.S. Constitution, the International Covenant on Civil and Political Rights, which the U.S. has ratified, and customary international law;

THEREFORE BE IT RESOLVED that these non-deportable detainees be released immediately.

Proposed by Marjorie Cohn, editor-in-chief of Guild Practitioner, and Richard Bernstein, Northeast Regional Vice-President of the NLG

Implementation by National Immigration Projected States Prisons

2000 NLG Convention Resolutions

Resolution Calling for Participation in the International Labor Rights Monitoring Project

WHEREAS:

1. The National Lawyers Guild and its sister organization, the International Association of Democratic Lawyers, seek to promote human dignity and the rights of workers in the context of our global economy;
2. The International Labor Rights Monitoring Project of IADL intends to provide critical assistance to workers and their organizations fighting to achieve that dignity at work by investigating and reporting on specific violations of labor rights;

THEREFORE BE IT RESOLVED that the International and Labor Committees of the Guild encourage their members to help develop and participate in the International Labor Rights Monitoring Project.

Submitted by the International Committee.

2000 NLG Convention Resolutions

RESOLUTION CALLING FOR THE END OF THE U.S. ECONOMIC BLOCKAGE OF CUBA

WHEREAS:

1. For nearly 40 years the U.S. has maintained an economic blockage designed to promote hunger, desperation and overthrow of government of Cuba, and
2. U.S. legislation has tightened this economic blockage in 1992 and in 1996; and
3. U.S. restrictions on the right of U.S. citizens, including Cuban-Americans, to travel to Cuba, violate the constitutional rights of our citizens and deprives our population of important information; and
4. A majority of the U.S. congress voted this summer to terminate enforcement of the restrictions on U.S. travel to Cuba and on the sale of food and medicine, and
5. President Clinton criticized the recent language added to the Agriculture Appropriations bills, as impeding further person to person contacts between the U.S. and Cuba, and as not reflecting the true will of Congress; and
6. This unamendable language was presented to the Congress and has been signed into law, which added the regulations against travel to Cuba to U.S. legislation, and also has barred Cuba from obtaining credit from any U.S. private or public entity, while purporting to allow sale of food to Cuba;

THEREFORE BE IT RESOLVED:

1. That the NLG continues to oppose the U.S. economic blockage of Cuba and the restrictions on the right of U.S. citizens and residents to travel there, and specifically denounces the latest restrictions which have been enacted against the will of the American people, and vows to continue our efforts to assist those who, with or without U.S. licenses, exercise their right to travel to Cuba and to supply needed food and medicine; and
2. That the NLG commends the decision of the government of Venezuela to provide oil to Cuba and to other needy Latin American countries on very favorable terms and at reduced cost.

Approved and submitted by the International Committee.

2000 NLG Convention Resolutions

RESOLUTION AGAINST U.N. INTERFERENCE IN CUBA'S INTERNAL AFFAIRS (TRACK II)

WHEREAS:

1. Cuba is an independent and sovereign nation and member of the United Nations, whose right to self-determination without foreign interference is protected under the United Nations Charter; and
2. The United States since 1898 has intervened in Cuba's internal affairs, including by imposition of the Platt Amendment and by repeated military interventions pursuant thereto;
3. Until 1959 the U.S. exercised major influence in the internal affairs of Cuba, so much so that the U.S. ambassador was considered the second most powerful man in Cuban politics;
4. Since 1959 the U.S. has pursued a policy of open hostility to the Cuban revolution including numerous documented acts of subversion, sabotage, and economic warfare, and continuing with a nearly 40 year economic blockade;
5. Since at least the so-called Cuban Democracy Act (the Toricelli bill) in 1992 and the Helms Burton Act in 1996, the U.S. has maintained an additional official policy to undermine the Cuban government known as "Track II";
6. Under Title I, Section 109 of the Helms Burton Act, the U.S. government is authorized to subsidize and assist movements in opposition to the Cuban government and revolution, and also is authorized to subsidize private organizations in the U.S. which oppose the Cuban revolution and send assistance to like-minded groups in Cuba;
7. The U.S. government restricts U.S. residents, citizens and organizations from spending money in Cuba or sending money to Cuba, even for humanitarian purposes;
8. The U.S. government makes it illegal for any other nation to subsidize any kind of political activity within the United States, without specifically having such payments reported and all such recipients registered with the U.S. government as "agents of foreign power," under the Foreign Agents Registration Act, 22 U.S.C. Sec. 611 et. seq.; and
9. A major organization within the U.S. which opposes the Cuban revolution recently announced its intention to increase payments to subsidize dissension within Cuba, and the use of some \$6 million in U.S. taxes in fiscal year 1999 alone under Section 109 for similar purposes has been documented by the former top U.S. representative to Cuba, Wayne Smith (Nation Magazine, July 3, 2000);
10. There are many documented and admitted examples of unwarranted U.S. intervention in the internal affairs of other sovereign countries in order to aid particular political parties, influence the outcome of elections, and in some cases to overthrow their constitutionally elected governments, but one particular goal has been to use such intervention to influence governments and NGOs (such as human rights organizations) around the world to oppose Cuba or adopt a critical position towards the Cuban revolution.

THEREFORE, BE IT RESOVLED, that this IADL Congress calls on the U.S. government to immediately cease any further attempts to interfere in the internal affairs of Cuba, directly or indirectly, and to repeal any provisions which allow or subsidize the actions of private U.S. citizens and organizations to interfere in Cuba's domestic politics; and

BE IT FURTHER RESOLVED that we call on the U.S. government to issue a full and open report of all its previous overt and covert operations designed to undermine the Cuban revolution and to foster opposition within Cuba, and to influence other countries and NGOs in other countries by monetary or other means to adopt positions critical of Cuba.

2000 NLG Convention Resolutions

RESOLUTION OF THE DISABILITY RIGHTS COMMITTEE ON ACCESSIBLE SPACES

WHEREAS:

1. The National Lawyers Guild has yet again, despite assurances from the provider of space, held its own convention in a space which was not fully accessible to people with disabilities,

TO WIT, the Terrace Room, site of seven workshops, caucuses, regional and project meetings, being down two flights of stairs, "accessible" to people with mobility impairments by having an escort through the kitchen and back freight elevator, and to return from a meeting by summoning assistance on an inaccessible, (if extant) house phone,

AND TO WIT, the restaurant, which for purely cosmetic reasons, is surrounded by banisters in its two two-step rises, rather than being ramped,

AND TO WIT, the hotel's apparent reflexive preference for creating raised and unramped podiums for microphoned events,

AND, TO WIT, the hotel policy of charging \$25 per night extra for a refrigerator when needed to keep medications in,

AND, TO WIT, the hotel's inability despite repeated requests to allow a skills seminar on disability rights not to be held for the first four hours under sonic siege, resulting in an inability of people with hearing or concentration impairments to listen to the presentation,

AND WHEREAS, every facility claims to be accessible and ADA compliant,

AND WHEREAS, the National Lawyers Guild recognizes the need to be in the forefront of the fight for access for people with disabilities,

NOW, THEREFORE, IT IS DECLARED to be the policy of the National Lawyers Guild that no chapter, regional, or national event held in a space which is secured by contractual agreement shall be deemed acceptable without a term of the contract, requires that the space be accessible, and that upon notice to the space provider of a deficiency in compliance with the ADA, state, and local accessibility requirement, that defect shall be corrected forthwith.

2000 NLG Convention Resolutions

RESOLUTION CALLING FOR AN END TO THE ECONOMIC SANCTIONS AND BOMBING AGAINST IRAQ

WHEREAS:

1. The imposition of economic sanctions against Iraq results in the denial of basic services, food and healthcare for the civilian population;
2. More than 500,000 children have died as a direct result of sanctions;
3. The international community has condemned the continuation of economic sanctions against the people; and
4. The United States and England continue to engage in ongoing bombing of Iraq, clearly illegal under the 1996 opinion of the World Court, and are the driving forces for the continuation of the sanctions;

NOW, THEREFORE, IT IS RESOLVED:

1. That the National Lawyers Guild calls for support for the anti-sanctions work in the United States that has been carried out with great courage and perseverance by a committed and growing community of individuals and organizations;
2. The Guild chapters sponsor forums on the subject of sanctions;
3. The National Lawyers Guild calls for the General Assembly of the United Nations and Security Council to vote for an immediate end to the sanctions against Iraq;
4. The National Lawyers Guild calls for an immediate cessation of U.S. and British bombing of Iraq;
5. Copies of this resolution shall be sent to the U.N. High Commission on refugees, the U.S. Department of State, the U.N. Secretary General.

Submitted by the International Committee.

2000 NLG Convention Resolutions

LAW STUDENT RESOLUTION

WHEREAS:

1. The National Lawyers Guild is committed to reforming the law school system so that students are no longer funneled into corporate servitude.

THEREFORE, BE IT RESOLVED that:

1. The National Lawyers Guild will seek to obtain the introduction of federal legislation to cap loan repayments for federal legal loans at no more than some fixed percentage of income, say 10% of income, in order to guarantee the ability of lawyers to work for underserved communities.

2. Guild chapters and the National Office will mount a national campaign to seek co-sponsors for the legislation from civil rights, labor and other public interest organizations. Through that campaign we will build pressure on Congress to pass legislation.

3. Guild chapters and members will work with local student Guild chapters to expand school-based loan repayment plans and school loan forgiveness plans, both as an interim measure and to cover non-federal loan costs over the long term.

4. Through this campaign, the NLG will highlight the role federal funds had in driving up tuition costs in the first place and the overall goal of making legal education affordable. The campaign will also highlight the responsibility of society as a whole to assure that there are lawyers who can serve the needs of poor and working class communities.

2000 NLG Convention Resolutions

RESOLUTION IN SUPPORT OF CLEMENCY FOR LEONARD PELTIER

WHEREAS:

1. As a result of the American Indian Movement's mid-1970s struggle for justice and freedom from oppression for native peoples, they were met with severe repression by the United States government;
2. During the occupation of the Pine Ridge, South Dakota reservation, agents of the FBI were killed;
3. Leonard Peltier was charged with the murder of those agents and extradited from Canada to the United States on the basis of an affidavit that the prosecutors knew to be false;
4. Leonard Peltier was unjustly convicted of the charges against him due to severe misconduct by the U.S. government and the denial of basic due process, under *Brady v. Maryland*;
5. Leonard Peltier has been in federal penitentiaries for 24 years for crimes he did not commit;
6. The National Lawyers Guild provided representation to AIM members charged with criminal offenses and Guild attorneys have continued to represent Leonard Peltier in his struggle for freedom;
7. Many human rights organizations around the world have concluded that Leonard Peltier is a political prisoner of the United States government;

BE IT HEREBY RESOLVED:

1. The National Lawyers Guild will cooperate with other organizations, including the Leonard Peltier Defense Committee, in seeking his release from prison and will take whatever actions jointly agreed upon with other organizations toward that end;
2. The National Lawyers Guild will attempt to identify and utilize its resources that are most beneficial to assisting in the effort to obtain his release.

IMPLEMENTATION:

NEC and Executive Director

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RESOLUTION IN SUPPORT OF WORK AGAINST INTERNATIONAL BIOCIDES AND IN SUPPORT OF THE PROTECTION AND RESTORATION OF A HEALTHY ENVIRONMENT

WHEREAS:

1. One of the greatest threats to the survival of humankind and of all forms of life is the worldwide pollution and destruction of healthy land and its vegetation, water and air;
2. These acts of destruction by corporations and governments include the production of nuclear and chemical wastes and the failure to control and safeguard existing wastes; the bio-engineering of animal feeds; and genetic engineering of plants and animals, including human beings;
3. These acts of destruction violate Articles 55 and 56 of the United Nations Charter on the preservation of human rights;

NOW, THEREFORE, IT IS RESOLVED THAT:

1. The NEC of the National Lawyers Guild and all of its chapters and committees find ways to participate in the U.N. Conference Against Racism in South Africa;
 - a. By raising the issues presented in the conference in the media before, during and after the conference;
 - b. By attending the conference as individuals, as Guild chapters and as Guild committees;
 - c. By getting other organizations to support and attend the conference, and
 - d. By running one or more meetings during the nongovernmental organizations part of the conference.

SUBMITTED BY THE INTERNATIONAL COMMITTEE.

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RESOLUTION ON U.S. POLICY TOWARD COLOMBIA

WHEREAS:

1. Colombia is suffering the worst political violence in the Western hemisphere, with an average of more than 11 people killed every day in political violence since 1988;
2. Since 1998 the government of Colombia and the insurgent organizations Fuerzas Armadas Revolucionarias de Colombia (FARC) and Ejercito de Liberacion Nacional (ELN) have been pursuing talks aimed at reaching a negotiated political solution to the conflict;
3. All the armed actors--official forces; guerrilla forces, and paramilitary forces--have shown contempt for the lives of civilians;
4. The Colombia aid package signed into law in July 2000 includes, as its major component, over \$800 million in military aid to support Colombian Army offensives in coca-growing areas with a strong guerrilla presence, which tends to frustrate the peace process;
5. The aid package, known as Plan Colombia, represents the escalation of U.S. drug policies that have failed to reduce drug production and supply, suggesting that the Clinton administration is instead pursuing a counter-insurgency policy;
6. Plan Colombia claims to support the rule of law in Colombia, yet by emphasizing military aid instead tends to bolster impunity and further weaken the administration of justice;

The National Lawyers Guild resolves:

1. To condemn U.S. military intervention in Colombia;
2. To step up its efforts to support Colombian civil society efforts to achieve peace and respect for human rights;
3. To organize a delegation to Colombia in the first half of 2001 to explore how the National Lawyers Guild can further its efforts to support the rule of law in Colombia, as the basis for peace, justice and human rights.

Implementation: International Committee, Colombia Task Force

2000 NLG Convention Resolutions

RESOLUTION IN SUPPORT OF NLG PARTICIPATION IN U.N. CONFERENCE AGAINST RACISM

WHEREAS:

1. The United Nations has called the 2001 Conference Against Racism in South Africa for August 31-September 8, 2001;
2. The National Lawyers Guild attended the founding of the United Nations in 1945;
3. The Guild was founded to fight against racism in the law and in society generally;
4. The Guild played a significant role in the civil rights struggle in the United States;
5. The Guild is deeply disappointed in the inadequacy and inaccuracy of the report by the U.S. Government to the U.N. Committee on the Elimination of Racial Discrimination in the U.S.; and
6. Participation in the U.N. Conference on the Status of Women in Beijing in 1995 proved to be an educational and inspirational experience for all the lawyers and activists who attended that conference;

NOW, THEREFORE, it is resolved that the National Lawyers Guild and all of its chapters and committees find ways to participate in the U.N. Conference Against Racism in South Africa;

- a. By raising the issues presented in the conference in the media before, during and after the conference;
- b. By attending the conference as individuals, as Guild chapters and as Guild committees;
- c. By getting other organizations to support and attend the conference, and
- d. By running one or meetings during the nongovernmental organizations part of the conference.

Submitted by the International Committee.

2000 NLG Convention Resolutions

RESOLUTION TO OPPOSE DEATH PENALTY AT 2001 CONVENTION IN ARIZONA

WHEREAS:

1. The National Lawyers Guild National 2001 Convention is schedule to be held in Arizona;
2. The State of Arizona continues to use the death penalty which is racist, cruel and unusual punishment, in violation of international law and is opposed by the National Lawyers Guild;

THEREFORE, BE IT RESOLVED that:

1. The National Lawyers Guild commits to strongly voice its opposition to the death penalty at the 2001 Convention in Arizona.

2000 NLG Convention Resolutions

RESOLUTION DENOUNCING FEDERAL PROSECUTION SEEKING DEATH PENALTY FOR KRISTEN GILBERT

WHEREAS:

1. There is deep-rooted antipathy to the death penalty among the citizens of Massachusetts;
2. The legislature of the State of Massachusetts has repeatedly refused to reinstate the death penalty in Massachusetts;
3. The National Lawyers Guild is against any use of the death penalty;

THEREFORE, BE IT RESOLVED:

1. That the National Lawyers Guild denounce the federal prosecution seeking the death penalty for Kristen Gilbert now occurring in Massachusetts.

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RESOLUTION AGAINST THE DEATH PENALTY

WHEREAS:

1. The National Lawyers Guild is against any use of the death penalty at the federal or state level;
2. The National Lawyers Guild supports a moratorium of the death penalty in every state and at the federal level, with abolition as the final goal.

Implementation by the NLG Anti-Death Penalty Committee

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RESOLUTION IN CONDEMNATION OF EXECUTIONS OF THE DEVELOPMENTALLY DISABLED OR "MENTALLY RETARDED"

WHEREAS:

1. The execution of the developmentally disabled or "mentally retarded" violates international law;
2. The execution of the developmentally disabled or "mentally retarded" violates evolving standards of decency and;
3. Johnny Penry in Texas has an IQ of 64 and suffered extensive childhood abuse and has an execution date of November 16, 2000;

THEREFORE BE IT RESOLVED THAT THE NATIONAL LAWYERS GUILD condemns the execution of the developmentally disabled or "mentally retarded" and be it further resolved that the National Lawyers Guild calls upon Governor George W. Bush and the Texas Board of Pardons and Paroles to commute the sentence of Johnny Penry.