

Guild Notes

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DEMANDING DEMOCRACY

The Guild Backs People's Movements Coast to Coast

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

NLG at Forefront of Civil Rights Struggles in Michigan

By Natasha Lycia Ora Bannan, NLG President

On February 14, I spent my birthday surrounded by a couple hundred people paying tribute to the warriors of Detroit's activist community at the NLG Michigan and Detroit Chapter's Annual Dinner. That night, the room was filled with activists young and old, law students, veteran advocates, movement lawyers, judges, elected officials and plenty of Guild members. Kathleen Cleaver, former Secretary for the Black Panther Party, delivered the keynote address on the historical significance of the Panthers and the city of Detroit for liberation struggles and Black unity. The importance of this political moment for Detroit and Flint, both cities under siege, was not lost on me as I listened to the honorees.

In the past few years, Michigan Governor Rick Snyder has appointed unelected Emergency Managers to govern both the cities of Detroit and Flint as a response to the cities' fiscal challenges, which has led to the unilateral re-allocation of funding from critical resources, such as public education, to pay the city's debt. Under emergency management, the people of both cities have suffered widespread violations of the human right to water.

In Detroit, tens of thousands of families unable to afford their water bills have had their water shut-off with no regard to their ability to pay or their physical and/or medical needs, resulting in severe medical consequences, tax foreclosures, and even neglect proceedings to have children removed from parents unable to keep their water on. In Flint, nearly 100,000 people, including children, have been poisoned by the unilateral decisions made by the State of Michigan—from the Emergency Manager, to the Department of Environmental Quality, to the Governor himself—to switch from the clean Detroit water system to the corrosive Flint River. What's more, officials then lied about, and covered up, their knowledge that the water was toxic for more than a year. As a result, the people of Flint were told to drink, cook and bathe in water poisoned with dangerously high levels of bacteria, Total Trihalomethanes (TTHM) and heavy metals including lead.

Additionally, in Detroit, teachers have been participating in "sick outs" to protest the horrific conditions of public schools that are causing health and environmental harms to students.

The NLG Detroit and Michigan Chapter has been at the forefront of these fights, filing numerous cases, including a federal constitutional challenge to the Emergency Manager Law, currently pending on appeal in the Sixth Circuit (with the Sugar Law Center, ACLU and Center for Constitutional Rights as co-counsel). The NLG has also formally demanded



From left: NLG Detroit and Michigan NLG Julie Hurwitz, law professor and former Communications Secretary for the Black Panther Party Kathleen Cleaver, and NLG President Natasha Lycia Ora Bannan at the Chapter's Annual Dinner.

that Health and Human Services Secretary Sylvia Mathews Burwell declare a public health emergency in Detroit and investigate the circumstances and policies that led to the crisis; supporting grassroots organizations demanding that the City of Detroit implement the water affordability plan approved by the City Council in 2006; and advocating for an income-based rate structure to water affordability. Also in Detroit, the NLG is representing the eight activists who were arrested in July 2014 for blocking a driveway to prevent water shut-offs. The City is vigorously prosecuting those cases and has appealed the trial court's ruling allowing the necessity defense. The City has also appealed the denial of mistrial which has prevented the jury from deliberating or reaching a verdict.

In Flint, NLG attorneys have filed civil rights class-action lawsuits to hold the State and its officials accountable for the devastating harm they have caused. The NLG has also been providing Legal Observers for the numerous demonstrations that have arisen in response to both cities' crises. This work, as evidenced at February's Annual Dinner by testimonials from people about what the Guild has meant to them over the years, is the epitome of movement lawyering. Read more about the NLG's work in Detroit and Flint in this issue of *Guild Notes*, and visit www.michigannlg.org. ■

**Secure the future of the Guild for generations to come.
Remember the NLG Foundation in your will or living trust!**

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NLG Attorneys Challenge Michigan's Emergency Manager Law

By Henry Schneider and Cynthia Heenan, NLG Detroit and Michigan Chapter

Recent crises have focused national attention on Michigan's Emergency Manager Law. In fall 2015, news broke that Flint's 100,000 residents had been consuming lead-contaminated water for two years. Flint began drawing its water supply from the Flint River in 2012 to save money under the authority of EM Darnell Earley. While bottled water donations are providing temporary relief for many, homeless and undocumented populations remain especially vulnerable. Inmates at Genesee County Jail may still be consuming and bathing in lead-contaminated water.

The Governor and the State claim there is no right to local government run by locally-elected representatives.

The water crisis in Flint is just one example of emergency management failing miserably. In January, Detroit Public Schools (DPS) teachers and students began engaging in "sickouts" to protest deplorable conditions

in their buildings and classrooms. A series of Emergency Managers appointed by the Governor since 2009 have run DPS into the ground. While state officials tinker with "innovative" education experiments, 50% of the DPS budget goes to pay off debt. Abysmal funding, enormous class sizes, and dangerous facilities have made DPS a pipeline into the prison-industrial complex.

Emergency Manager Laws in Michigan empower the Governor to replace elected local governments with corporate-style executives to cure local "financial emergencies"—ones largely due to decades of reduced state revenue sharing. Emergency Managers have sweeping powers to amend union contracts, privatize services, and even change municipal

water supplies in the name of saving money, with no popular accountability whatsoever.

In 2012, voters overwhelmingly repealed Michigan's previous Emergency Manager Law. Michigan's legislature then passed a nearly-identical bill which included appropriations provisions to shield it from further public referendum. In March of 2013, a coalition of Detroit citizens, elected officials, workers and religious and community leaders challenged the Emergency Manager Law on federal constitutional grounds. They charge that the law is a new device to accomplish old objectives: stripping Black communities of political power and privatizing public services in the process. It is no coincidence that more than half of Michigan's Black residents live under Emergency Managers.

The suit alleges that the Emergency Manager Law violates plaintiffs' rights: to elect officials with legislative power; to a republican form of government; to exercise meaningful voting rights; to freedom of speech; and to petition the government. The Law constitutes a "vestige of slavery" and violates equal protection by targeting predominantly Black communities.

The district court dismissed all claims except for plaintiffs' as-applied equal protection claim. Plaintiffs voluntarily dismissed that claim without prejudice in order to appeal the entire case to the Sixth Circuit. The Governor and the State claim there is no right to local government run by locally-elected representatives. They are free, they say, to ruthlessly cut and privatize municipal services and dismantle local governments, accountable only to the bottom line. If they are right, your town could be the next Flint.

The plaintiffs are represented by NLG Michigan and Detroit Chapter attorneys Cynthia Heenan, John Philo, Herb Sanders, Julie Hurwitz, Bill Goodman and Mark Fancher, with support from law clerks Nicholas Klaus, Kathleen Garbacz, Holland Locklear, Rasheed Gilmer, and Henry Schneider. ■

The Flint River Lead Poisoning Catastrophe in Historical Perspective

By Tom Stephens, NLG Detroit and Michigan Chapter

The facts of the Flint River lead poisoning are essentially undisputed. Enabled by Michigan's unprecedented "emergency management" policies affecting primarily African-American cities, it's a case of spectacular regulatory failure at all levels of government. The big remaining question is *why has this disaster happened?*

Investigators have focused on incompetence of state and federal environmental regulators, but less attention has been paid to Flint's history of environmental racism.

Some 20 years ago, issues of environmental racism and environmental justice were at the fore of two major cases in Flint: the (1) Genesee Power Station (GPS) and (2) Select Steel. Members of the NLG Detroit and Michigan Chapter played leading roles in those legal fights, as we continue to represent

the victims of lead poisoning in Flint today.

The GPS case involved a wood-burning incinerator sited near Flint's impoverished North End, which had already been swamped with toxic, heavy industrial pollution. Negotiations with GPS resulted in an agreement to significantly reduce the amount of lead paint-contaminated construction and demolition wood the incinerator was allowed to burn. (The company originally described their business to state environmental officials as "burning demolished Detroit crack houses".)

After that partial settlement, the Michigan Department of Environmental Quality (DEQ) insisted on a historic, first-of-its-kind trial, alleging that they violated Michigan's Civil Rights Act by permitting the GPS. The Genesee County Circuit Court enjoined more air pollution permits in Genesee County after a 1997 trial that included lots of evidence of

increased lead poisoning in Flint because of the GPS, but the injunction was subsequently reversed on appeal for a procedural technicality.

The same plaintiffs also filed the first administrative Title VI environmental racism claim with the EPA in 1992. After losing and finding the file, the EPA pened an investigation, but never issued any decision. Meanwhile, three of the four plaintiffs died.

The infamous Select Steel decision, a second major environmental justice case arising in Flint, was decided adversely after a bogus EPA investigation in 1998. In Select

justice that abandoned any attempts to remedy environmental racism, refusing to bring public health and environmental quality in Flint up to standards enjoyed in white suburban communities. In significant part as a result of the Flint Select Steel precedent, environmental racism has found no legal remedy through the EPA.

Why did regulators ignore the pleas of Flint residents who were forced to drink smelly, foul and discolored water for a year and a half? Because that was the policy. Allowing substandard environmental and public health conditions in communities like Flint—ones that would never be allowed in whiter, more affluent communities—was precedent largely established in Flint in the 1990s.

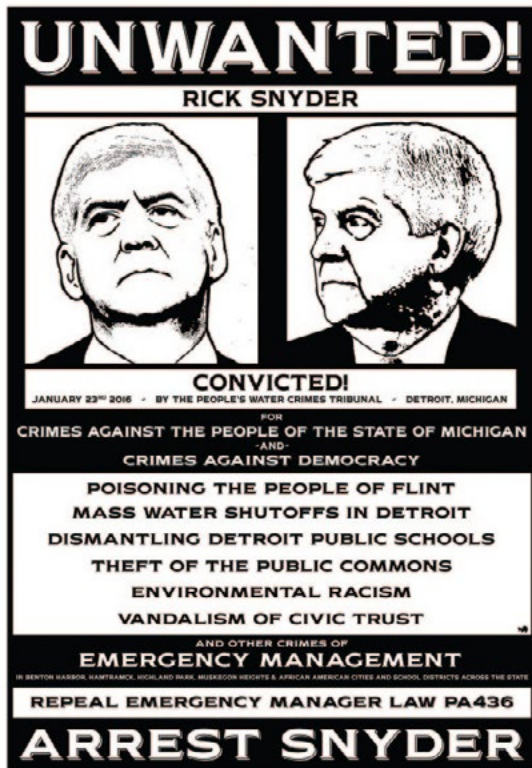
The ongoing Flint River scandal was the result of emergency management and Governor Rick Snyder's administration's depraved indifference to the health of people in Flint, as well as longstanding, *de facto* environmental policy to allow such pollution in these communities.

The above is merely a summary of complex issues, recounted fully in the Petition to Re-Open the Select Steel Investigation filed by Sugar Law Center, California Rural Legal Assistance and others, which can be read at: www.d-rem.org/joint-petition-to-e-pa-to-re-open-select-steel-investigation/

Additional resources:

- U.S. congressional delegate Stacey Plaskett (D-Virgin Islands) addressed environmental racism nationally at the recent Flint River congressional hearing on February 3, 2016: www.c-span.org/video/?c4579884/plaskett
- NLG/NCBL stalwart Mark Fancher of the Michigan ACLU recently explained the racist, colonial roots of this issue: www.aclumich.org/article/flint-water-crisis-shows-modern-colonialism-black-cities
- Exhaustive chronology of the Flint River Catastrophe published by Bridge Magazine on February 4, 2016: www.bridgemi.com/2016/02/flint-water-disaster-timeline/

Tom Stephens was trial counsel for the late Janice O'Neal, Lillian Robinson and Sr. Joanne Chiavarrini; and the sole surviving Plaintiff representative Fr. Phil Schmitter, in the Genesee Power Station case.



Steel, the same plaintiffs complained about a proposed (but never built) steel recycling facility that would further pollute their already overburdened community. EPA came under heavy political pressure in both Michigan and Washington, including threats to zero out the budget of their Office of Civil Rights. The EPA rendered a decision against environmental

An update from the NLG National Executive Committee (NEC):

The NEC is considering undergoing a restructuring of the board in order to more effectively meet the needs of the organization, including developing our membership, enhancing communications and building our fundraising strategy. The NEC is currently composed of approximately 40-45 members and the composition can be found in the NLG bylaws at nlg.org/member. The current proposal for restructuring contemplates a smaller NEC that includes geographic representation and board officers, including the addition of an Ombudsman and Secretary, but moves towards centering the needed skills, expertise, knowledge, interest and capacity to serve on the NEC. The size of the NEC could be reduced to approximately 20 - 25 members.

The NEC would consist of standing committees that carry out the work of the board, including a Finance Committee, Fundraising/Development Committee, Governance Committee, and possibly a Convention Committee to handle coordination of convention logistics with the host chapter each year. Ad hoc committees can be created on an as-needed basis. There would still be guaranteed spots on the NEC for TUPOCC, Queer Caucus, Student representatives and a Legal Worker VP. In addition, we are considering maintaining regional representation.

If you are interested in receiving the full proposal, or submitting your feedback, questions, comments or concerns, please email Ryann Moran at ryann.k.moran@gmail.com and please put "NEC Restructuring Proposal" in the subject line.

Flint Inmates Forced to Drink Lead-Contaminated Water

By Shanna Merola, NLG Detroit and Michigan Chapter
Legal Observer Coordinator

On January 8th, Detroit activists called for a “solidarity road trip” from Detroit to Flint, Michigan to “Arrest Governor Snyder.” That evening, local residents and social justice groups from around the state converged on the front lawn of Flint’s City Hall to demand the investigation and indictment of Governor

Rick Snyder over the city’s ongoing lead water contamination crisis.

By the time I arrived with other Detroit Legal Observers, a large crowd and dozens of media crews were there, despite the steady rainfall. Members of We the People of Detroit and Water You Fighting For were holding banners, chanting and delivering flats of water from a distribution truck in between

interviews. Next to the street the Detroit Light Brigade lined up to spell out “#ArrestSnyder” with LED lights, while a giant papier-mâché Snyder head walked through the crowd wearing a black and white striped jumpsuit. The crowd did not become discouraged as it grew dark and the rain beat down harder. Instead, they marched to a nearby overpass to share this message with traffic below and were met with cheering from people in cars along the way.

When we arrived back in the center of town, the rally stopped for more photos before noticing that the building directly behind us was the county jail. We started asking about water conditions inside and discovered that, while no one knew for certain, there was a growing concern among Flint residents that prisoners were not receiving clean water to drink or bathe with.

At the request of Flint organizers over the next few weeks I

returned to the Genesee County Jail during visiting hours with prison rights activists and a grassroots media team. Through interviews with family members and people who were recently released, we learned that the Genesee County jail officials were indiscriminately providing bottles of water, on and off, since last October.

Everyone we spoke with confirmed that for the majority of their time inside, they were forced to drink contaminated

water from the tap. Many showed skin rashes that they believe came from showering in water with high lead levels. One man who was only in for a week told us that he tried not to drink any water but was forced to when it was mixed into his food. Nearly all the prisoners we spoke with said they had requested but were denied bottled water until mid-January, when they started to receive two to four 12 oz. bottles of water per person a day—barely enough to keep hydrated—especially for pregnant women and people with medical conditions.



Water fountain at the Genesee County Jail in Flint, MI: (Photo: Shanna Merola).

Since the Genesee County Sheriff still maintains that tests in the facility show only trace amounts of lead levels we have submitted FOIA requests to confirm those results. In the meantime, Lansing attorney Dan Manville has filed a complaint for injunctive relief to get inmates bottles of water as quickly as possible and is also drafting a lawsuit. Members of the NLG Detroit and Michigan Chapter, the Black Movement Law Project, and law students at the Michigan State University Clinic are working on legal support at the local and national levels.

You can watch an excerpt from an interview with former inmate Jodi Cramer, which aired on Democracy Now! on February 4th at www.democracynow.org/2016/2/4/exclusive-report_how_long_did_flint. The interview was conducted by Kate Levy, Shanna Merola & Antonio Cosme of the Raiz Up Collective. ■

Chicago Community Bond Fund: Harm Reduction in a Prison Nation

By Sharlyn Grace and Max Suchan, NLG-Chicago

On any given day, around 500,000 people in the United States are behind bars for one simple yet horrifying reason: they cannot afford bond. In Chicago, a determined group of mothers of pretrial detainees, community activists, and NLG lawyers and legal workers have worked since December 2014 to launch the Chicago Community Bond Fund. CCBF is a nonprofit, all-volunteer organization that posts bond for individuals whose communities have been impacted by structural violence and cannot afford to pay the bonds themselves. Simultaneously, CCBF advocates for the abolition of money bond using public education, advocacy, and long-term relationship building alongside people directly impacted by criminalization and policing.

CCBF emerged from bond fundraising efforts that were directly linked to supporting protesters and the work of NLG-Chicago attorneys defending them. Local activists and legal workers first raised over \$30,000 to bond out four activists charged with felonies during protests of the NATO Summit in 2012, a “national special security event” (NSSE) for which NLG-Chicago mobilized considerable legal support. In August 2014, group bond fundraising efforts were revived following an unplanned arrest of five South Side Chicagoans after a vigil for DeSean Pittman, a 17-year-old Black youth who Chicago Police had shot and killed just days before. Activists and NLG members partnered with the mothers of several arrestees to raise nearly \$30,000 to bond everyone out of jail. The first was DeSean’s mother, who nearly missed her son’s funeral because her family was unable to afford her bond. The fifth and final arrestee was not released until December 2014. His mother and others recognized that bond funds needed to be immediately available in order to minimize time spent in jail and the resulting harms to education, employment, physical health, and relationships.

Using the strong relationships and successful organizing model developed through these efforts, the group decided to establish a revolving bond fund, and CCBF was born. Using a list of 11 flexible criteria, such as a defendant’s health needs, risk of victimization in jail, and the impact of detention on employment, housing, education, and custodial rights, CCBF now receives requests for assistance several times per week. Over the last three months, CCBF has posted over \$47,000 in bond and has gotten five people out of Cook County Jail or off of home confinement. We also took over management of a pre-existing \$26,000 bond fund for women survivors of domestic violence facing criminal charges related to their self-defense against their abusers.

CCBF recognizes the minimal impact on a large system that



CCBF members (including four NLG members) at their all-day retreat in February.

can be made by bonding out individuals, but it nevertheless has a powerful impact on each person we assist. In addition to allowing someone to keep their housing or employment, maintain caretaking responsibilities or treatment, pretrial freedom is also legally strategic. Most defendants are much better able to fight criminal charges when they are doing so from a place of freedom. Importantly, the pressure defendants face to take bad plea deals is drastically reduced when they are no longer considering a conviction in exchange for freedom. It also allows CCBF to share their stories with the broader public as part of our advocacy challenging pretrial detention.

CCBF is one of the country’s few community bond funds. We are grateful to have been in close contact with and to have learned from other bail funds, such as the Brooklyn Community Bond Fund, the Massachusetts Bail Fund, and the Bay Area Anti-Repression Committee. Additionally, we actively connect our work to larger issues of criminal legal system reform and strive to be accountable to grassroots organizing for racial justice. In December 2015, the Movement for Black Lives in Chicago included ending monetary bond as one of six demands for 2016 jointly endorsed by more than 25 organizations. We are also in conversation with policy advocates, systems stakeholders, and firms hoping to do impact litigation around monetary bond in order to share the experiences of our clients and continuously push for the absolute abolition of monetary bond.

For more information or to donate, visit chicagobond.org! ■

UDC NLG Renames Chapter after John C. Brittain



John C. Brittain with the UDC NLG Chapter at the renaming celebration.

By John Blake, NLG UDC John C. Brittain Chapter

One of my first events as the Historian of our NLG student chapter at the University of D.C. David A Clarke School of Law was the renaming of the chapter in honor of our celebrated Professor and longtime Guild member, John C. Brittain.

Professor Brittain is my Torts professor, and as is usually the case with 1Ls, it is hard to imagine the person at the front of the room as a human in context. Intermixed with joint-tortfeasors and *Palsgraf*, he occasionally tells a story that hints at something from his CV. Nonchalantly, he may mention that time he defied a racist judge in the south to ensure the rights of his client, or another time when he helped shape the law over a drink at a bar. The more students experience the teachings of Professor Brittain, the more we are in awe of the life he has led, and the work he continues to do.

Professor Brittain has a long history with the NLG—one

us, and passed the torch to the next generation of Guild members by pinning his Guild pin on our UDC Chapter President, Naji Mujahid.

We can only hope to ever have a career with as much impact, and as meaningful as, Professor Brittain's. ■



John C. Brittain passes the torch, giving his Guild pin to UDC NLG President, Naji Mujahid.

Photos by Jordan Uhl, UDC Law Public Relations.

Following #Law4thePeople Convention, NLG UC Davis Holds Events on Movement Law

By Aviva Simon, NLG UC Davis

Many of us at the UC Davis NLG Chapter were fortunate enough to attend the annual NLG conference held in Oakland last fall. We returned to Davis inspired by the speakers and fellow Guild members, and have put together a series of events to build on this momentum. This spring we are working with the UC Davis Cross-Cultural Center to develop an Anti-Racism Training specifically for law students, integrating cases and current legal issues to see how race shapes our experiences and principles, and in turn, our legal system.

Our chapter marked Student Week Against Mass Incarceration by welcoming students from the Underground Scholars Initiative (USI). USI was created to support all prospective and current UC Berkeley students impacted by mass incarceration, imprisonment, and detainment of any kind. USI has the unique opportunity of making UC Berkeley a catalyst

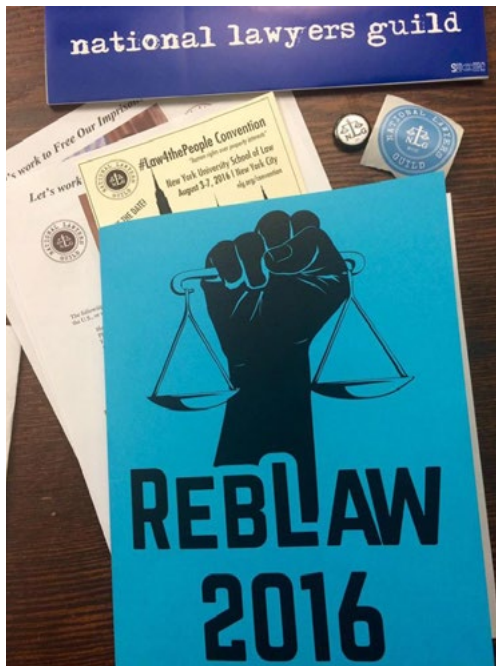
for the development of a Prison-to-School pipeline within the University of California educational system.

We are also honored to have had filmmaker Bryan Gibel hold a screening of his film "Chicago Confessional." The film tells the story of Stanley Wrice, a Chicago man who was imprisoned for 31 years for a murder he did not commit. Wrice was tortured by officers under the command of former Chicago police Lt. Jon Burge, who gained notoriety for torturing more than 200 criminal suspects between 1972 and 1991 in order to force confessions. With the help of a federal public defender, Wrice was exonerated in 2013.

Finally, we facilitated a conversation between lawyers and leaders of Community Land Trusts (CLTs) in the region. CLTs are a powerful and flexible tool that have been an effective vehicle for removing housing from the speculative market, while empowering communities to be stewards of their land. ■

NLG Goes to Reblaw 2016!

The National Lawyers Guild was out in full force at this year's Reblaw conference at Yale University Law! Guild members including Azadeh Shahshahani, Bina Ahmad, Joelle Eliza M. Lingat, Benjamin Evans, Oren Nimni, and Carl Williams were in attendance to present on topics such as political prisoners, people's tribunals, movement lawyering, and more.



Former NLG President Azadeh Shahshahani speaking on a Guild panel about international peoples' tribunals on Palestine, Mexico, and the Philippines.



NextGen Co-Chair Emma Caterine at the NLG Student Caucus.



University of Virginia NLG Chapter

It was great to see so many NLG students!

We talked about the Guild's current projects and organizing campaigns, including the 2016 NLG Student Week Against Mass Incarceration and the *NLG Radical Law Student Manual*.



Guild-organized panel on political prisoners.



NLG Director of Research and Education Traci Yoder and NLG Director of Membership Lisa Drapkin (pictured) set up a NLG table at Reblaw to spread the word about rebellious lawyering!



NLG held a lunchtime caucus at Reblaw, where more than 100 Guild students came together to discuss their work and to vision the role of the Guild in the current social and political moment.

Thanks to Yale NLG for their part in organizing the conference!

Photos courtesy of Traci Yoder and Ben Evans.

NLG Student Week Against Mass Incarceration Sparks Political Education and Inspiring Actions



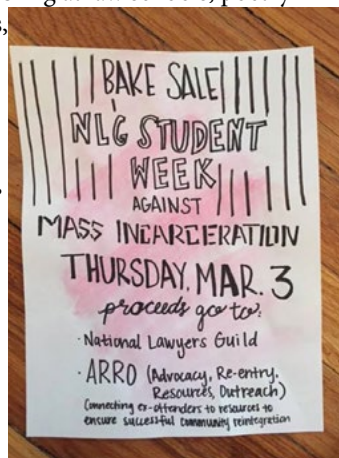
Western New England NLG Chapter organized a #SayTheirName action for the NLG Student Week Against Mass Incarceration.

By Pooja Gehi, NLG Executive Director

Following the NLG's 2015 adoption of a resolution in support of prison abolition, the NLG expanded its annual Student Week Against the Death Penalty to become the Student Week Against Mass Incarceration.

Guild law students across the nation organized actions and events to bring attention to the problems inherent to mass incarceration in the United States and to alternatives to the current prison industrial complex. "During this terrifying political moment in our country, I could not be more excited about the energy, creativity, initiative and resistance taken by NLG law student chapters to focus on the need for prison abolition, while simultaneously supporting folks who are locked up," said Pooja Gehi, NLG Executive Director and co-author of the resolution.

During the week of February 29-March 4, law students organized events including tabling at law schools; poetry slams with incarcerated poets, community discussions on abolition, restorative justice workshops, documentary film screenings, panels with formerly incarcerated people, letter writing campaigns to prisoners, petitions for clemency for Kevin Cooper, legal practitioner panels, round tables on prison divestment, sending books to prisoners, #SayTheirName actions, and workshops such



Lewis and Clark NLG Chapter organized a panel on restorative justice.

as the school to prison pipeline, mental health and the death penalty, and dismantling solitary confinement.

An overview of all NLG student events and presentations can be found here: https://www.facebook.com/events/1545181402475155/?active_tab=posts

I was fortunate to participate in a powerful and practical conversation about the realities and challenges of practicing law using an abolition frame with the Portland Critical Resistance chapter at an event hosted by the Lewis and Clark Law NLG chapter. Other Guild members also thoughtfully grappled with the contradictions inherent to resisting mass incarceration within our capitalist system. NLG NextGen Co-Chair and CUNY law student Emma Catherine, for example, wrote a [series](#) on legal questions and possibilities of abolition in conjunction with the week against mass incarceration.

We look forward to continuing to fight back against mass incarceration in the United States! ■

Photos via Facebook.com/NLGstudents.

Meet the 2016 Haywood Burns Fellows!

For four decades the NLG has been funding the summer work of law students and legal workers seeking to build their progressive lawyering skills. The Haywood Burns Fellowships for Social and Economic Justice provide an alternative vision of what lawyers can do—a vision that too few law students are exposed to during their three years in the classroom.



"I am fortunate to have been a Haywood Burns Fellow. It was important to have the financial support to do the work I love and to think radically in the pursuit of justice. I am equally grateful for the camaraderie among the lawyers and legal workers that make up the Guild."

-Sochie Nnaemeka
2015 Haywood Burns Fellow

The fellowship program provides financial support and mentorship to law students and legal workers through self-designed summer projects with organizations of their choice. Each fellow receives a \$2,000 stipend to help offset expenses while they work with public interest organizations engaging in essential legal services in underserved communities. This initial exposure to movement lawyering with the guidance of like-minded mentors offers a unique experience to those pursuing a legal career dedicated to social justice. To learn more, visit www.nlg.org/fellowships



Daniel Fryer is a first year law student at the University of Michigan Law School and a PhD candidate in the Department of Philosophy at the University of Pennsylvania, where he is a William Fontaine Fellow. He will

be working as a law clerk this summer with the Equal Justice Initiative in Montgomery, Alabama.



Crystal Peters is a 2L at Brooklyn Law School. She is chair of the Brooklyn Law School NLG Chapter and an active member of the NYC NLG Parole Preparation Project and the Mass Incarceration Committee. This summer, Crystal will hold the Internship in Community Lawyering and Policy Innovation at the Center

for Popular Democracy.



Martha Laura Garcia is a 2L at Loyola University Chicago School of Law. She is active in the Immigrants' Rights' Coalition, the Latino Law Student Association, and the local NLG chapter. This summer, Laura will be returning to the Illinois Migrant Legal Assistance Project to continue her advocacy for farm workers' rights in Illinois.

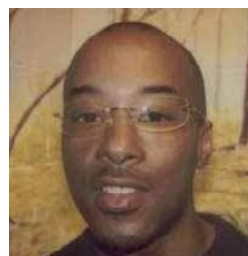


Anya Morgan is a 2L at the University of Texas School of Law, where she is a co-president of NLG-TX, secretary of the Law Yoga Club, a student attorney with the Domestic Violence Clinic, and a volunteer with the Trans Name and Gender Marker Project. Anya will be spending her summer at the Sylvia Rivera Law Project in New York City.



Joelle Eliza M. Lingat is a 2L at CUNY School of Law where they are a part of the CUNY NLG chapter, the Labor Coalition for Workers Rights and Economic Justice, Students for Justice in Palestine, the Black Law Students

Association, and the Defenders seminar. Joelle will spend the summer working with the NE New Jersey Legal Services Employment Opportunity Project.



Mark Shervington is New York City-based legal worker and former jailhouse lawyer with Paralegal and Legal Research Specialist certifications. He currently serves as a member of the NLG Parole Preparation Project's Advisory board and will be working with the project this spring as a Haywood Burns Fellow.

Please join us in remembering Haywood's legacy by helping us raise the \$12,000 needed to support our fellows!

Make a tax-deductible donation:
Online at www.nlg.org/donate/haywoodburns
or

Mail a check payable to the National Lawyers Guild Foundation indicating "Haywood Burns" in the memo line to
National Lawyers Guild Foundation
132 Nassau St., Rm 922
New York, NY 10038

BEYOND BARS

Voices of NLG Jailhouse Lawyers

"Beyond Bars" is a new series of articles, poetry and artwork now appearing in each issue of *Guild Notes* by people in prison. "Beyond Bars" aims to provide people in prison with an outlet for political and artistic expression while shedding light on the country's broken, inhumane, and racist criminal (in)justice system.

Battleground: Lockdown

How Long-Term Lockdown Adversely Impacts Society

By Dr. George Willie Buford, III, D.D.
Lewisburg, PA

One significant, yet overlooked battleground in our march toward American criminal justice reform is the federal lockdown facility. As the federal government usurps vast areas of state criminal justice concern, more federal disproportionality will be realized. People of Color—and poor Whites—already fill our nation's prisons. As this trend continues, it is inevitable that this demographic will also be overrepresented in the federal lockdown institution.

At the time of this writing, there is only one such facility outside Colorado's Administrative Detention Facility. That is the US Penitentiary Special Management Unit (SMU) at Lewisburg, PA. The SMU is an (at least) 18-month, 23-hours-per-day lockdown program that first began in November 2008 by then-Federal Bureau of Prisons (FBOP) Director Harley G. Lappin.

Prisoners are often squeezed together into cells after having previously been determined by the FBOP to be incompatible, resulting in significant injury and/or death. According to the Rated Capacity for Bureau Facilities, cells less than 75 square feet are to be utilized solely for single occupancies. However, SMU consistently holds two or more prisoners in cells a fraction of that size. Prisoners are also routinely denied opportunities for recreation. In *Buford v. Watts et. al.*

(pending), FBOP officials proudly bragged to the US District Court that they had denied this writer recreation for months on account of non-conformist issues. However, the Program Statement they submitted to the same court clearly states that a prisoner's recreation can only be taken by the Warden, and not as a disciplinary measure.

Medical care here is near non-existent. This author has been coping with a ruptured blood vessel in his left eye since around December 2015, and has not been examined despite numerous requests. The doctor told the court this writer's blood pressure was well-controlled in 2014 and 2015 even while the author's blood pressure was on the rise.

So many studies point to the adverse impact long-term lockdowns have on the human body and psyche. At the SMU, prisoners cry out, babble, try to kill themselves and each other while Psych Services staff hand out Sudoku and Spongebob Squarepants books! This is what SMU was really created to do: hold Americans in squalid, inhumane, and torturous conditions for excessive periods to strip such persons of even a modicum of humanity. A study of prisoners at the Massachusetts DDU, conducted by ABC News, revealed that long-term bouts of forced idleness can create chemical imbalances in the brain, leading to agitation, aggression, hallucinations, paranoia, extreme violence, and even delirium.

Programs like the Lewisburg Prison

Project (LPP) are woefully inadequate to address the atrocities committed by their neighbors, often refusing to help SMU prisoners at all. The traditional hands-off doctrine of the courts leaves SMU staff free to commit criminal offenses (i.e. obstruction of correspondence, conspiracy to deprive rights, violations of international human rights conventions).

The most damning aspect of SMU is illustrated by the fact that there is no implementing regulation for the SMU found in the Code of Federal Regulations (CFR). Program Statement #5217.1, establishing the Special Management Unit, lacks the official authority of the United States, and subjects prisoners to the atypical form of punishment inconsistent with the ordinary incidents of day-to-day federal prison life, in violation of the Eighth Amendment.

Prisoners are often held in this "program" for years without end. Staff send the prisoner back to a condition wherein all the work he has previously successfully completed is voided and he must start the program anew. This condition is termed, "Day One, Phase One." At this stage, he is not entitled to written notice or an opportunity to be heard in a reasonable time or meaningful manner. He may remain in the virtual purgatory of SMU forever.

If you truly want more out of your government, you must demand more.

"Beyond Bars" Submission Guidelines & Instructions: Submissions must relate to the issue of prison, prisoners' rights, or mass incarceration in some way. While we will not publish writing detailing the writer's own legal case, drawing upon personal experience as an illustration of a broader topic is encouraged. Hand-written submissions must be printed clearly and sent to: Guild Notes Submissions, 132 Nassau St. Rm 922, New York, NY 10038. Writings submitted via email may be sent to communications@nlg.org with the subject line: "Guild Notes Submission." Articles have a limit of 500 words. Always include a suggested title for your writing or artwork. Submissions may be written anonymously, or under a pseudonym. In addition to publication in *Guild Notes*, submissions may be considered for online publication (e.g. NLG blog, social media). Please indicate whether or not you wish to have your contact information published alongside your articles and/or artwork. While all submissions will be considered for publication, there is no guarantee of publication. Articles may be edited for grammatical accuracy and readability, but no substantive changes to content will be made. Anyone in prison, regardless of NLG membership status, may submit writing and/or artwork for publication consideration.

Kentucky's "Corruptional" System

By Christopher L. Young
La Grange, KY

I am grateful to be a member of the NLG and a *Guild Notes* subscriber and looking forward to receiving the *Jailhouse Lawyers Handbook*—I appreciate the chance to get my voice heard while being a political prisoner incarcerated in Kentucky.

This is why I'm committed to challenging and exposing all forms of institutionalized environmental injustice, racism, sexism, ableism, heterosexism, classism, authoritarianism, fascism, and imperialism, along with mass imprisonment within the KY prison industrial complex. Currently, Eastern Kentucky Correctional Complex and Green River Correctional Complex are built on top of coal mines. If you look at the Kentucky "corruptional" system, all the prisons are built on land that can be used to farm on (i.e. grow vegetables and produce

other vegetables) and use as a school to teach skills to offenders to be productive citizens.

A report by the Kentucky Legislative Research Commission stated that the Kentucky DOC "fails to protect society, prevent crime or rehabilitate offenders." Kentucky State Reformatory does not stand up to its name at all because it takes up to a year or more to get into GED school due to a lack of teachers; furthermore, prisoners can't get accepted into such programs unless they are 18 to 24 months to parole, or serve out. Then we get paid 80 cents per hour for certain jobs (e.g. janitor, wheelchair pusher, going to GED school, etc), \$1.30 for certain jobs or \$2 for legal aid, grievance aid, CPTV watcher, etc. and some inmates don't get fully paid due to their crime.

Then you have the mentally ill prisoners who don't get the proper treatment due to psychological services being limited (i.e.

individual and group counseling, delays in receiving medication, staff trained to deal with mentally ill prisoners and properly trained crisis intervention staff).

This is why I am so devoted to striving for justice, to chisel away at the corruption that hinders so many in Kentucky injustice penal system.

I am a jailhouse advocate and litigant, and have a case that I mailed to the Oldham County District and Circuit Courts on January 24, 2016, and criminal complaints to the District Attorney on the same day. I can't properly navigate these cases because I am in the segregation unit and don't have access to research materials, law books, legal digests, etc., and most of the time I have trouble with getting legal copies.

These challenges we'll always face, and until they're won, I will struggle against authoritarianism, imperialism, fascism, and racism. ■

Inmate Advisory Counsel: A Cruel Hoax

By Rodney B. Barno
Corcoran, CA

I was the Inmate Advisory Counsel (IAC) Chairman at the California Substance Abuse Treatment Facility (CSATF) in Corcoran, California. My responsibility was to advocate for the population of my facility and for the IAC to be a vehicle of communication between the administration and population. When issues arise and have a systematic impact on the population, the IAC had a duty to address it with appropriate administrative staff.

Immediately when I began to address serious problems with the inmate appeal system with the appeals coordinator, associate warden and warden, I began experiencing the direct impact of retaliation. When I made attempts to address significant program delays and deviations, I really felt the heat from staff. I had uncovered the administration was falsifying records to inaccurately report that the population was receiving more programming than it was (NOTE: this was allegedly an Enhanced Programming Facility [EPF], an honor yard). When I

was retaliated against, for conducting IAC business, I filed appeals and agendas with administrative staff.

In January 2016, I was placed into administrative segregation. I was told "confidential information" was received noting I have an enemy. I was programming on that facility for over four years. Having the IAC position that I did allowed me to understand how the administration truly operates—in a fraudulent manner! Immediately when a Chairman begins to advocate on behalf of the population, he "disappears" from the yard. The past two or three Chairmen experienced the same retaliation. While my segregation is deemed non-disciplinary and non-adverse, I continue to feel the punishment.

I was threatened, physically hit, my property illegally confiscated and stolen by staff, and currently suffer from inhumane conditions in segregation. I have been issued a false disciplinary report, denied meals, confined to my cell for 24 hours a day since January 19, 2016, denied recreation, and denied the right to appeal and mail out. For one week I slept on a cold metal bunk without a mattress

or adequate clothing. At one point, I was denied toilet paper.

The administration does not recognize me and will do nothing to correct this misconduct and retaliation. I believe the IAC process is a "cruel hoax" that is deceptive to the population and Director of Corrections. The IAC system is broken and completely ineffective, requiring statewide attention. Little did I know, I had entered a job position that was a ticking time bomb, not knowing I would be placed into segregation and transferred for doing what's right for the population. The IAC is in no way, shape or form designed or intended to address concerns expressed by the population.

There are many other issues the IAC attempted to address (e.g. medical, ADA, food service, and specifically huge problems with mold, floods, rodents, and roaches, in the dining hall). I've never seen anyone talk about the IAC in California. It's time to bring attention to it and shed light on the injustices imposed on the Chairmen who take up serious responsibilities dealing with all inmates and staff and administration. It's tough! ■

Prisoner Paralegals: Our Struggle to Find Justice

By Hunter Lee Weeks
Sterling, CO

In prison, there are those of us who spend time, effort, and funds to acquire a formal education in law. Most of us have no education, while a few of us have Certificates of Paralegal Studies, and even fewer have degrees with legal emphasis. Our designated term of "Jailhouse Lawyers" is misleading, as none of us hold an attorney's registration or are members of the bar. For most of us, the National Lawyers Guild (NLG) is the only place that understands us, and allows us a membership to call our own. The NLG is home to those of us who have chosen, as I have, to make this field our life. I am a Jailhouse Lawyer. I have a Certificate of Paralegal Studies from Blackstone Career Institute, and I assist fellow prisoners in the pursuit of justice.

My primary focus is in civil, or "tort," litigation, in the field of Prison Law. I do what most attorneys on the "streets" are not willing to do: give other prisoners their day in court. I prepare documents, research claims, and assist individuals in trying to find an attorney willing to represent them. I do this with minimal resources, funds, and access to a law library (which is usually only

for two or three hours per week), and the books in my cell. When possible, I consult my *Jailhouse Lawyer's Manual*, provided by the NLG, my *Prisoner Self-Help Litigation Manual*, and *Paralegal Practice and Procedure*. Sometimes, if someone in my living unit has the *Colorado Revised Statute*, I'll borrow that as well. If all of this sounds difficult, I have news for you: It is, and it's just the beginning.

Prison staff do not like prisoner paralegals—we cause them trouble, forcing them to follow the rules and holding them accountable. When a prisoner complains to a prisoner paralegal, we know the risks, as we are especially prone to retaliation. Usually we find ourselves the target of shake-downs, are illegality terminated from our job assignments, targeted for additional pat-downs, and "written up" for alleged disciplinary infractions. Wondrously, the burden of proof for the prison staff is ridiculously low—what is called a "preponderance of the evidence," which staff interprets as, "If a staff member said it, it must be true."

I believe it must be said that in prison, the only people that have the knowledge to assist everyone (including staff) are prisoner paralegals. While staff sees us as a threat to their "perfect

For most of us, the NLG is the only place that understands us, and allows us a membership to call our own.

world," they miss the fact that often times we hold more influence over the population than any one of them. The reason for this is simple: we are not attached to any specific group, but every group requires our assistance. We are generally unbiased, unfettered by gang notions of "right and wrong," and have technical and legal knowledge at our fingertips. We are also the only ones that have a working knowledge of administrative, internal regulations and how to enforce them.

My purpose in writing this article for *Guild Notes: Beyond Bars* is twofold: I want readers to understand the nature of jailhouse lawyers (i.e. prisoner paralegals), and clarify the restrictions and problems we face. And if even if just a fraction of readers are familiar with prison law and the prisoner paralegals that enforce them, maybe we can begin to address one of the preeminent problems in the U.S.: mass incarceration with no understandings of the internal workings of "the system." ■

Mississippi DOC Revives "Group Punishment"

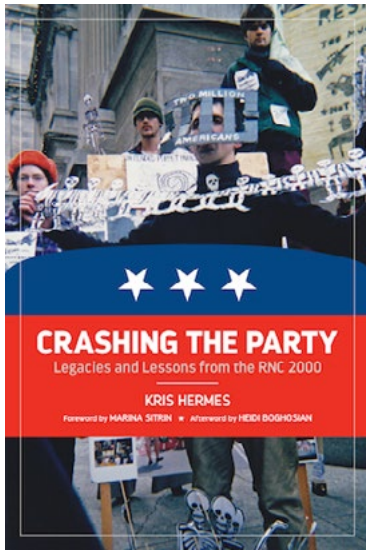
By Charles D. Owens, II
Lakesville, MS

The Mississippi Department of Corrections (MDOC), under the leadership of the new Commissioner Marshall Fisher, has revived the practice of group punishment. Under this revived practice, entire prisons re punished for an individual's misconduct. Recent examples include an incident where a single inmate fought with a single guard (the guard was not injured), an altercation involving only three inmates, and an incident where contraband smuggled in by a guard was discovered. In each of these instances, rather than punishing only those involved, administrators locked the entire prison down and suspended privileges of every inmate in the

prison. Phones were turned off, TVs removed from the units, all commissary suspended, and all visits cancelled. Inmates cannot even purchase postage to write home or toiletries to maintain basic hygiene. Not even attorney phone calls are allowed. Commissioner Fisher has made it clear that this group punishment practice will continue to be used until misconduct and contraband are no longer problems. The underlying message is clear: Fisher wants inmates to do the staff's jobs and prevent misconduct and contraband. MDOC is essentially telling 22,000 inmates that if they do not want to be punished by losing their privileges for indeterminate periods of time, they need to control other inmates and prevent incidents being used to justify the group punishments.

Group punishment has never been effective or useful. Both the military and the prison systems ceased such practices years ago. It is in fact a dangerous practice that only causes conflict and violence among those affected. Reviving this practice in Mississippi is a step backward that will have dire consequences if left unchecked. Of course this is somewhat expected, as Marshall Fisher has military, law enforcement, and political experience—but he has no corrections experience whatsoever. When the Governor places a man with no experience in corrections in charge of the Department of Corrections, such regression is to be expected to continue until challenged in court. ■

Q&A with Kris Hermes: RNCs, DNCs, and NSSEs—Oh My!



Drawing on first-hand experience and in-depth research, Former Mass Defense Coordinator and longtime Guild member Kris Hermes authored [*Crashing the Party: Legacies and Lessons from the RNC 2000*](#) (PM Press, September 2015), which shows how the escalation of the National Security State was already being set in motion during the Republican National Convention protests (RNC) in 2000. The book, with an Afterword by former NLG Executive

Director Heidi Boghosian, also documents how dissidents confronted new forms of political repression by pushing legal boundaries and establishing new models of collective resistance. NLG Director of Communications Tasha Moro recently spoke with Hermes about the RNC 2000 and the role of legal activism in today's movements:

TM: *You attribute a large part of the unprecedented police response to the 2000 RNC protests, including mass arrests, to its National Special Security Event (NSSE) designation. What is an NSSE and how does it affect the right to dissent? Why is political dissent and protest so often conflated now with “terrorism?”*

KH: The NSSE designation was created under Clinton in the late 1990s for large national events likely to draw political protests—such as the quadrennial RNCs and DNCs—establishes a multi-level law enforcement apparatus with the FBI and the U.S. Secret Service at the top. The NSSE security apparatus includes a hub of communications and intelligence gathering between local, state and federal law enforcement, much like today's Fusion Center or its precursor, the FBI Joint Terrorism Task Force.

A playbook of aggressive anti-free speech policies and police tactics that commonly accompany NSSEs were first developed in Philadelphia during the RNC 2000 by then-Police Commissioner John Timoney. These include passage of anti-protest ordinances, defamation of activists in the media, denial of permits to demonstrate, preemptive raids on activist spaces, unlawful mass arrests, widespread and indiscriminate police violence, political interrogations, excessive bail, and malicious prosecution. Appallingly, municipal governments or hosts of political events will often purchase insurance to indemnify police and public officials against civil rights violations like those listed above.

Despite the fact that today's policing model used against dissidents predates 9/11, the rationale for its use often stems

from concerns over terrorism. But, the truth is there aren't a lot of terrorist acts being committed on U.S. soil and, in order to bolster counterterrorism budgets and maintain a multi-billion-dollar industry, blurring the lines between terrorism and dissent offers greater opportunities for government to fund law enforcement equipment, weapons, and personnel.

TM: *Innovative forms of legal support emerged from the RNC 2000, such as the defendant-led collective R2K Legal, of which you were a member. What role do you see legal collectives playing in the movement today?*

KH: Because of the immense resources and oppressive nature of the state, once dissidents are caught up in the legal system it's not really prudent to rely exclusively on criminal defense attorneys. Legal workers, and law collectives in particular, help establish an important link between the political movements the defendants are part of and the lawyers representing them. Legal collectives have the unique opportunity to politicize criminal cases, including organizing the defendants to be strategic and bring politics into the courtroom, training defendants to represent themselves pro se, packing the courtroom with supporters, broadcasting calls to “drop the charges,” holding demonstrations, and seizing the media narrative.

TM: *The 2016 conventions are coming up in July, with the DNC in Philadelphia and RNC in Cleveland. What kind of turnout do you expect to see from activists and law enforcement?*

KH: I'm excited by the vitality of today's movements and there are plenty of reasons to seize the opportunity to reach millions of people who will be paying attention to the conventions and the media spectacle that surrounds them. I think we can expect more of what we've seen over the past 16 years in terms of an aggressive anti-free speech response by police and government. There are already signs of that in Cleveland with the passage of a restrictive protest ordinance and comments by Deputy Police Chief Wayne Drummond that Black Lives Matter protesters were kept “locked up” because the police “were worried they would get back on the street.”

TM: *What was the role of the Guild in the RNC 2000 and how can groups like the NLG further support legal activist movements today?*

KH: The Guild excels at monitoring police behavior through its Legal Observer (LO) program, as well as collecting evidence and testimony to defend protesters in court. In addition to

Blurring the lines between terrorism and dissent offers greater opportunities for government to fund law enforcement.

In Memoriam: Michael Kennedy

By Eleanor Stein

Michael Kennedy, a member of the NLG San Francisco Bay Area and New York City Chapters, died in January at the age of 78. Kennedy represented movement clients in major cases and was known as an indomitable fighter for justice and a combative and creative strategist on the side of the “underdogs and pariahs.”

A list of his best-known clients and battles spans a 50-year history of struggle: he represented California farmworkers protesting exorbitant rents and Black Panther Party founder Huey Newton. In 1968, he was thrown out of a congressional hearing on the demonstrations during the Democratic National Convention in Chicago; the following year, representing Rennie Davis, he was held in contempt by Judge Julius J. Hoffman for failure to appear at the conspiracy trial of eight leaders of those demonstrations. In 1969, he was on the defense team of Los Siete de la Raza, seven Latino youth who won acquittal on charges of murder of a police officer.

He also represented the late Gus Reichbach and me as Columbia Law students charged with violating campus rules in demonstrating against the school’s racism and complicity with the Vietnam War effort. In the 1970s in New York, as staff counsel for the National Emergency Civil Liberties Committee, he represented conscientious objectors, draft resisters and deserters at the height of the Vietnam War. In 1980 he stood with Bernardine Dohrn, the NLG’s first national student organizer, when she turned herself in after 11 years underground; he later won her freedom after almost a year imprisonment for refusal to testify before a grand jury.

In his preferred legal strategy, Kennedy perfected turning the tables on the prosecution and putting the government on trial. His 1982 role in the defense team for five Irish-Americans charged with arming the Provisional Irish Republican Army stands as an object lesson. “Michael was our lead lawyer, tactician and strategist,” eulogized co-counsel, William Mogulescu. One of the accused made his own opening



Michael Kennedy (right) with client Huey Newton (left) outside the Alameda County Court House, 1978. (Photo: United Press International)

statement, at Kennedy’s insistence, acknowledging that he had sent arms to the I.R.A. for 20 years in support of Irish independence. The defense proposition that those on trial reasonably believed that they were working on behalf of the CIA was supported by testimony of an Agency veteran, and proved persuasive to the jury, who acquitted after Kennedy’s passionate closing history of the English domination of Ireland.

Fierce in his resistance to oppression and persecution, Michael was unfailing in his loyalty and generosity to his wife Eleanora, beloved children and grandchildren and extended family of outlaws, artists, rebels and nonconformists. As his long-time co-counsel Michael Tigar summed up: “War resisters in Puerto Rico, artists of the pornographic genre, Los Siete de la Raza, Black Panthers, rebels and dissenters of all kinds. Michael could tell their stories because he was and remained a rebel. More than a rebel – a rogue... *Compañero Michael Kennedy, presente! Ahora y siempre*”.

Eleanor Stein teaches Law of Climate Change: Domestic & Transnational at Albany Law School and the State University of New York. ■

Continued from p. 16

training LOs and dispatching them to protest during the RNC 2000, Guild members also helped staff the legal office which included tracking arrestees and providing support during the jail process. Guild members were also part of the R2K Legal Collective and spent countless hours supporting activists through the trial process.

The Guild should continue to provide legal support by conducting Know Your Rights and LO trainings, gathering evidence, and defending protesters in the courtroom. And in fact, the NLG’s Mideast Regional Conference held in March focused heavily on strategizing around legal support during the 2016 RNC. We have an opportunity to work more closely with the movements it supports by strategizing ways to push the legal envelope and bring the political issues into the courtroom to help advance movement goals.

TM: What was your impetus for writing this book?

KH: *Crashing the Party* was a labor of love. Although it was heavily researched, I mainly wrote from my personal experience of supporting hundreds of RNC activists through a legal minefield for more than two years. This is part of our political and legal history, and must be told as powerful examples of how much we can and must push back against the legal system.

For more on the author, book, and upcoming events (many of them co-sponsored by the Guild), visit crashingthepartythebook.com. ■

Strengthened Court Surveillance Rules for NYPD Muslim Surveillance Program

Responding to public outrage at the disclosure of a “Muslim Surveillance Program” by the New York City Police Department (NYPD), the NYPD agreed in court filings in early January to strengthen oversight of terrorism investigations thorough a series of amendments to the longstanding “*Handschu*” political surveillance guidelines. The court-ordered guidelines are rules to protect exercise of political, religious and other First Amendment activity when the NYPD seeks to investigate unlawful activity. Also known as the New York “Red Squad” case, *Handschu v. Special Services Division* originated from NYPD infiltration of the Black Panther Party and disclosure of a police spy unit founded in 1983 which infiltrated political groups and amassed hundreds of thousands of files on legal First Amendment activities of New Yorkers. In 1986, the NYPD adopted court-ordered guidelines in settlement of the *Handschu* class-action, and following the 9/11 attacks on the World Trade Center, the federal court “modified” the guidelines at the request of the NYPD in 2003. *Handschu* class counsel have been enforcing NYPD violations of the “relaxed” spying rules ever since, as the NYPD continued to push the envelope against communities including anti-war and #BlackLivesMatter demonstrators.

The January agreement came in a *Handschu* enforcement motion, and in *Raza v. City of New York*, a 2013 suit brought by Muslim community members, following revelations by an Associated Press investigative team in late 2011 that uncovered a NYPD “Muslim Surveillance Program,” that subjected entire neighborhoods to surveillance and scrutiny, including dispatching undercover officers as part of a human mapping program and using informants known as “mosque crawlers” to monitor sermons. The AP series (ap.org/nypd) reported that hundreds of mosques and Muslim student groups were investigated and dozens were infiltrated. In a *Handschu* case deposition in 2012, the AP revealed that the Chief of the NYPD Demographics Unit testified that during his tenure which began in 2006, none of the information from the unit had been sufficient to trigger an investigation.

The “Joint Settlement Process” in the two lawsuits resulting in the January agreement is subject to approval by the federal judge who supervises the *Handschu* decree. A “Fairness Hearing” will be held in Manhattan federal court on April 19, 2016. A Hearing Notice available at www.nlgny.org and www.nyclu.org

ATTENTION ALL INDIVIDUALS AND ORGANIZATIONS WHO ENGAGE OR HAVE ENGAGED IN LAWFUL POLITICAL, EDUCATIONAL, SOCIAL OR RELIGIOUS ACTIVITY IN NEW YORK CITY:

YOUR RIGHTS MAY BE AFFECTED BY A SETTLEMENT IN THE HANDSCHU CIVIL RIGHTS CLASS ACTION.

PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 23(e) YOU ARE NOTIFIED AS FOLLOWS:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BARBARA HANDSCHU, et al.,

Plaintiffs,

71 Civ. 2203 (CSH)

-against-

SPECIAL SERVICES DIVISION, et al.,

Defendants.

BACKGROUND

In 1979, the Court certified a class in this civil rights action (“The Plaintiff Class”) defined as follows:

“All individuals resident in the City of New York, and all other persons who are physically present in the City of New York, and all organizations located or operating in the City of New York, who engage in or have engaged in lawful political, religious, educational, or social activities and who, as a result of these activities have, been, are now or hereafter may be subjected to or threatened by infiltration, physical and verbal coercion, photographic, electronic and physical surveillance, provocation of violence, recruitment to act as police informers and dossier collection and dissemination by defendants and their agents.”

In 1985, the Court approved a settlement of the action and entered a consent decree incorporating Guidelines governing the investigation of political activity by the New York City Police Department (“The Handschu Guidelines”).

First page of the February 2016 hearing notice.

nyclu.org outlines how to file comment with the court about proposed *Handschu* guidelines amendments, along with an explanation of the proposals. The proposal includes:

- Restoring some of the civilian oversight eliminated by the court in 2003
- A clarification that race, religion and ethnicity should not be factors in motivating investigations which should be built on factual information;
- Presumptive time limits on investigations (none had existed before);
- Requiring that investigative techniques take account of the potential effect on political or religious activity

The *Handschu* case is named after class-plaintiff and former NLG National Vice President Barbara Handschu. Class counsel include former NLG-NYC presidents Martin Stolar, Jethro Eisenstein and Franklin Siegel. ■

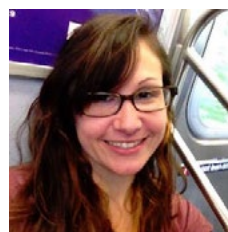
NLG #Law4thePeople Convention
August 3-7, 2016 || NYU School of Law
nlg.org/convention

NLG National Office Welcomes New Staff



Over the past six months, three new staff members have joined the NLG National Office (NO). Meet them all below!

Clockwise from top left: The NLG NO (minus Daniel!); King Downing, Director of Mass Defense; Traci Yoder, Director of Education & Research; Kris Hermes, former interim Mass Defense Coordinator; Lisa Drapkin, Director of Membership; Pooja Gehi, Executive Director; and Tasha Moro, Director of Communications.

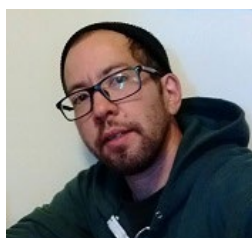


Lisa Drapkin, Director of Membership

Hi to all! I am the new Membership Director of the Guild, and started in January 2016.

In the past, I have twice worked on a temporary/part-time basis for the NLG National Office, for half the year of both 2014 and 2015, taking on membership processing, handling convention registration, and reviving our jailhouse lawyer program. I have previously worked as a membership assistant for the National Police Accountability Project of NLG, as well as for several years at the Foundation Center.

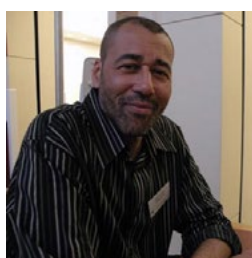
Among more, I see my role at the NLG as one that is keeping all the administrative pieces in place so that our chapters can focus on carrying out their important work; communicating with chapter, region, and committee leaders so that new members can become involved as soon as they want; making it so that jailhouse lawyers can feel as if they actually are members; and overall constantly adding to a vision of how the Guild can grow stronger.



Daniel McGee, NLG Foundation Managing Director

I am so thrilled to be the new Managing Director of the National Lawyers Guild Foundation! The Foundation is the 501(c)(3) arm of the NLG. We work to support the National Office and serve as fiscal sponsor for, and provide grants to, NLG chapters, committees, and projects. As an activist and legal

worker, I have long valued the NLG's crucial role in supporting movements in the struggle for justice and social change. Before coming to the NLG Foundation, I was the Director of Finance and Development at the Sylvia Rivera Law Project (SRLP), a legal project organized by and for low income transgender people and transgender people of color. Prior to SRLP, I worked as a Legal Program Associate at the Center for Reproductive Rights. I'm excited to bring my fundraising and financial management skills to build and maintain resources for the NLG and look forward to working with all of you to support the long-term sustainability of the Guild!



King Downing, Director of Mass Defense

Who knew that after years of legal observing in NYC and elsewhere, and years of coming into the Guild national office to pick up boxes of Know Your Rights booklets, I'd be *working here*? My legal observing days go back to the Rudy Giuliani era in NYC. Do you remember the police killings of Anthony Baez, Amadou Diallo, continuing through Sean Bell and Oscar Grant to today's Eric Garner, and others? I legal observed for the Guild during those NYC campaigns and others around the country, including in Ferguson during the movement for Michael Brown and Cleveland during Black Lives Matter.

Now I'm the NLG Director of Mass Defense. My experience comes by the above mentioned Guild work; policy work and organizing with the ACLU and the American Friends Service Committee; membership in the National Police Accountability Project, Law4Black Lives and the National Conference of Black Lawyers and participation in movements like the Jena 6, Ferguson and Mothers Against Police Brutality. Our vision for NLG mass defense is to increase our effectiveness and capacity to support movements, strengthen relationships with movements of color and other identity groups, and build NLG membership and leadership with folks from these groups.

Props to Kris Hermes, who held down this position and showed me the ropes. We go back to RNC 2000 in Philadelphia where we both did legal support within groundbreaking structures (shameless promo: read about it in his new book, *Crashing the Party*). And a shout to all the legal workers, lawyers, and organizations in the streets, who taught me and/or stood with me in movement lawyering.

Franz Fanon, in *Wretched of the Earth* said, "Each generation must, out of relative obscurity, discover its mission, fulfill it, or betray it." The new generation is making itself seen and heard in a big way, a *new* throwback to the '60s. The prior generation must give them both space and support. I hear a lot of people say they're sorry they weren't born in the 60s, or sorry they were alive then but stood on the sidelines. Now's your chance. Don't miss the boat this time. Get busy with the Guild. I know that *WE* will win!

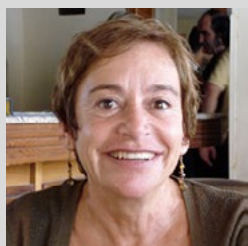
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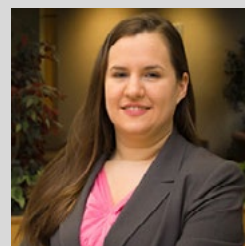
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Learn more about the honorees and our **#Law4thePeople** Convention at www.nlg.org/convention

