

New York City News

NATIONAL LAWYERS GUILD – NYC CHAPTER



SUMMER 2004

NLG Testifies at City Council in Support of Resolution 389-A

Photo: Manny Patino



Celebrating the passage of Resolution 389-A are: (front row) Alex Vitale, Prof Sociology, Brooklyn College, Simone Levine, NLG, Association of Legal Aid Attorneys), Bill Gibney, Legal Aid Society; (back row) Bruce Bentley, NLG RNC Legal Coordinator, Dave Rankin, RNC Summer Intern from New York Law School, and Chris Rottler, RNC Summer Intern from CUNY Law School.

On June 16, 2004, the New York City Council Committee on Government Operations, chaired by Council member Bill Perkins, conducted a hearing at City Hall on Resolution No. 389-A, regarding police limits on protest at the Republican National Convention. Seventy-five people attended the hearing. Resolution 389-A calls for City officials to act promptly on permit applications, to minimize the use of barricades at demonstrations, and to allow demonstrators within sight and sound of and in close proximity to the object of their demonstrations at the RNC.

Testimony was taken from representatives of several organizations, including the New York Civil Liberties Union, United For Peace and Justice, Center for Constitutional Rights, the

Association of Legal Aid Attorneys, and the NLG, as well as several individuals. Witnesses urged that the NYPD be directed to use only minimal and necessary force in policing public demonstrations, to train police officers regarding the First Amendment rights of protesters, and to refrain from investigating or conducting surveillance of religious or political organizations based solely upon the First Amendment activity.

The Committee passed the Resolution by a vote of 5-0-1.

Simone Levine, an active member of the NLG-NYC Mass Defense Committee, testified on behalf of the Guild. The following are excerpts from her testimony:

“My name is Simone Levine and I speak as a member of the Association of Legal Aid Attorneys

as well as a member of the National Lawyers Guild.”

“As a spokesperson for the National Lawyers Guild I can also say proudly that we are building an apparatus to protect the rights of demonstrators both on the streets and, if it comes to it, in the police precincts. As a member of the National Lawyers Guild, we are bringing together a strong and cohesive group of private attor-

neys who will represent protesters when needed in their criminal cases. We are organizing lawyers and law students to negotiate at pressure points that might be raised between police and demonstrators during the weeks that surround the RNC.”

“From this Resolution we can see imminent future steps before the RNC which, as the NLG and the Association of Legal Aid Attorneys, we recommend: future information sharing forums which the police will attend; additional funding which LAS has requested so as to stop any future attorney
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Mass Defense Committee Mobilizes for Republican National Convention Protests

BY DAVID RANKIN, RNC STUDENT INTERN

Since February, the Mass Defense Committee has been planning and mobilizing legal support for the estimated tens of thousands coming to New York to protest during the Republican National Convention (RNC). The effort, referred to as “RNC MassDefense,” now has a full-time staff working out of the NLG-NYC Chapter offices at 143 Madison Avenue, 4th Floor and who can be reached at (212) 679-6018:

Coordinator:

Bruce Bentley, ext. 16

Law student interns:

Dave Rankin (NYLS), ext. 15

Chris Rottler (CUNY), ext. 17.

This staff is supporting the work of three main committees involving several dozen people who are working on:

**“YEE-HA”
IS NOT A
FOREIGN
POLICY**



STOP BUSH NOW

WWW.PROTESTPOSTERS.ORG

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New York City News Editorial Board

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Committee: Ursula Levelt

Mass Defense Committee:

Bruce Bentley

NLG Calls for Prosecution of President Bush for Role in Torture

2003 State of the Union Address Contained Implicit Admission

New York, June 18, 2004—The National Lawyers Guild calls for the prosecution of President George W. Bush with a “command responsibility” theory of liability under the War Crimes Act. Bush can be prosecuted under the War Crimes Act or the Torture Statute, if he knew or should have known about the U.S. military’s use of torture and failed to stop or prevent it. A comment in the President’s January 2003 State of the Union Address contained an implicit admission by Bush that he had sanctioned the summary execution of many when he said: “All told, more than 3,000 suspected terrorists have been arrested in many countries, and many others have met a different fate.” “Let’s put it this way,” he continued, “they are no longer a problem for the United States and our friends and allies.”

The Defense Department and the Justice Department each commissioned documents attempting to justify the use of torture under the President’s war-making power, notwithstanding the Constitution’s clear mandate that only Congress can make the laws. The Defense Department memo said that as commander-in-chief, the President has a “constitutionally superior position” to Congress. This blatant disregard for the tripartite Separation of Powers doctrine is also contrary to the landmark ruling in the Korean War case, *Youngstown Sheet & Tire Co. v. Sawyer*, in which the Supreme Court held, “In the framework of our Constitution, the President’s power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker.”

The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was ratified by the United States and is thus part of the supreme law of the land. Congress implemented U.S. obligations under this treaty by enacting the Torture Statute, which provides 20 years, life in prison, or even the death penalty if death results from torture committed by a U.S. citizen abroad. The USA PATRIOT Act added the crime of conspiracy to commit torture to the Torture Statute. The Convention Against Torture prohibits the intentional infliction of severe physical or mental pain or suffering on a person to (a) obtain a confession, (b) punish him or (c) intimidate or coerce him based on discrimination of any kind. To violate this treaty, the pain or suffering must be inflicted “by or at the instigation of or with the consent or acquiescence of a public official or other person act-

ing in an official capacity.”

The Istanbul Protocol of 9 August 1999 is the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It sets forth international guidelines for the United Nations High Commission for Human Rights. Included in the Protocol’s list of torture methods are rape, blunt trauma, forced positioning, asphyxiation, crush injuries, humiliations, death threats, forced engagement in practices violative of religion, and threat of attacks by dogs. The photographs and reports from prisoners in Abu Ghraib include all of these techniques. Moreover, the Defense Department analysis maintained that a torturer could get off if he acted in “good faith,” not thinking his actions would result in severe mental harm. If the torturer based his conduct on the advice of these memos, he could according to this argument, have acted in good faith.

Referring to the 9/11 Commission’s preliminary reports issued this week, National Lawyers Guild President Michael Avery said: “The Justice Department memorandum reads like a pre-trial brief on behalf of the Nazi defendants in the Nuremberg trial. It’s rife with justification after justification for the use of torture.”

Bush implicitly admitted sanctioning willful killing, torture and/or inhuman treatment in his 2003 State of the Union Address. The Constitution mandates the impeachment of a President for high crimes and misdemeanors. There is no higher crime than a war crime. Willful killing, torture and inhuman treatment constitute grave breaches of the Geneva Convention, which are considered war crimes under The War Crimes Act of 1996.

The National Lawyers Guild, founded in 1937, comprises over 6,000 members and activists in the service of the people. Its national office is headquartered in New York and it has chapters in nearly every state, as well as over 100 law school chapters. Guild members provide legal support to progressive demonstrations throughout the country, and well understand the nationwide trend toward increasingly repressive measures deployed against political protesters.

Contact: Michael Avery, President, 617-573-8551
Heidi Boghosian, Executive Director, 212-679-5100, ext. 11

SPECIAL THANKS...

The Chapter extends special thanks to NLG members Elizabeth Fink, Margaret Ratner-Kunstler, Sara Kunstler and Debbie Hrbek, who used vision to seek funding for the Mass Defense Committee’s work this summer. We want to particularly note Ernest Tollerson, who guided these efforts and introduced our work to funders.

We acknowledge the courage and generosity of the HKH

Foundation, the Tides Foundation, the Overbrook Foundation, the Scherman Foundation, and the Nathan Cummings Foundation who have joined us to protect the right of expression at the Republican National Convention in New York this summer.

We also thank the National Lawyers Guild Foundation and its Executive Director, Heidi Boghosian, for helping us administer these funds.

RNC Protest Activities

BY JEFF SENTER,
RNC STUDENT INTERN

The arrival of the Republican National Convention in late August promises to attract perhaps the most diverse array of protestors in the history of the United States at one of the largest protest gatherings of the last 30 years. Hundreds of organizations and hundreds of thousands of people plan to demonstrate against George Bush and the Republican Agenda. Rather than expressing a single dominant theme such as antiwar sentiment, opponents of Bush on virtually every conceivable issue will be seeking to articulate their dissent. Police unions, animal rights activists, gay marriage supporters, homeless advocates, and marijuana legalization proponents are just a handful of those expected. The protesters also will be diverse in their geographic origins as demonstrators traveling to the RNC are expected from every state and many countries.

With such a broad spectrum of dissent the large number of planned protest events should not be surprising. While Sunday the 29th of August and Monday the 30th currently appear to be the largest days, events are planned both the week before and the week of the Convention. Spontaneous actions such as political street theater and evening poetry and concerts are among the smaller events being discussed.

Here are a few examples of the many events planned.

For a complete listing of events see:

www.counterconvention.org
[www.rncnotwelcome.org/
calendar.html](http://www.rncnotwelcome.org/calendar.html)

Photo: Fred Askew Photography



LIMITED CALENDAR

FRIDAY AUGUST 20

- Life After Capitalism Conference through Sunday the 22nd

SATURDAY AUGUST 21

- Bike National Convention with Time's Up! through Saturday the 28th

SUNDAY AUGUST 22

- Yuppies protest at Bloomberg's house (regarding denying of permit)

MONDAY AUGUST 23

- Pitching of .Bushville. Tent City and Homeless Encampment by Kennsington Welfare Rights Union (KWRU) through at least Friday the 27th

TUESDAY AUGUST 24

- The Next Step Collective's 276mile DNC2RNC march arrives in NYC
- AntrNC Kick off Party at Webster Hall sponsored by High Times and HOWL!

FRIDAY AUGUST 27

- Time's Up! A Critical Mass Bike Ride Against the RNC is being lead by Times Up! at the end of their weeklong Bike National Convention. Thousands are expected.
- Immigrant-Worker Solidarity Day Of Action and SpeakOut/Conference

SATURDAY AUGUST 28

- Books not Bombs Youth Convergence
- CODEPINK Event with Michael Franti
- Ring-Out Bell Ringing at Ground Zero

SUNDAY AUGUST 29

- United for Peace and Justice march. The World Says No to the Bush Agenda. (largest march: hundreds of thousands of people)
- Autonomous protesting of GOP delegates at Broadway shows and parties

MONDAY AUGUST 30

- First official Day of the Convention
- Still We Rise Coalition's Poor People's March for Justice (large march)
- March for Our Lives with a coalition put together by KWRU (large march)
- Russell Simmon's Hip Hop Action Summit Network (rally/march, also large)

TUESDAY AUGUST 31

- Day of Youth Action called by Youth RNC Welcoming Committee
- Day of Autonomous Action
- "The Health Care Crisis and Election 2004" Two Day Conference at CUNY Grad Center

WEDNESDAY SEPTEMBER 1

- Probable Day of Labor Day parade and labor protests called by Central Labor Council
- An evening Demonstration in Words Against the RNC and war. St. Mark's Church will be housing a free poetry reading by 20 accomplished poets.

THURSDAY SEPTEMBER 2

- Last Day of the Convention
- Rally protesting nomination by United For Peace and Justice
- Party and Concert in Tompkins Square Park by One People's Project

History of NLG-NYC Chapter Mass Defense Committee

In 1968, the New York City Chapter of the National Lawyers Guild formed the Mass Defense Committee ("MDC") with the goal of representing the hundreds of anti-war and civil rights demonstrators who were being arrested across the city. Since then, the MDC has been providing legal assistance to thousands of people exercising their First Amendment rights around a wide range of issues, including nuclear power, U.S. intervention in Central America, racism, women's rights, gay rights, abortion, police brutality, the 1991 Persian Gulf war, environmental protection, and union organizing.

The MDC regularly provides legal assistance to organizations seeking parade and sound permits. It also recruits attorneys and

law students to be legal observers at protests. If activists are arrested, it organizes lawyers to provide pro bono representation in court. Since the advent of the Bush Administration, the MDC has seen a significant increase in the number of requests for help. Over this period, the MDC has provided assistance to dozens of organizations, ranging from the Coalition for the Homeless, Local 100 of the Transit Workers Union, Planned Parenthood, United for Peace and Justice and groups of high school students.

In 2003, the MDC represented more than 2,000 individuals arrested while exercising their civil and constitutional right to protest in New York City, primarily against the US invasion and occupation of Iraq. The MDC was the primary source of legal support; MDC mobilized

hundreds of lawyers, legal workers and law students to serve as observers at each and every demonstration, conducted training sessions for attorneys and law students throughout the City, and represented all those arrested in the exercise of their First Amendment rights. Nearly every case resulted in either a dismissal or acquittal at trial. Again, everyone involved in MDC work has served as a volunteer.

In January 2004, the New York Conference of Bar Leaders, a subdivision of the New York State Bar Association, presented the Mass Defense Committee of the New York City Chapter of the Guild with the 2003 Award of Merit in recognition of the Committee's work "...helping the public exercise the First Amendment right to political expression....".

JUNE 8, 2004

Dear Colleagues,

As you are undoubtedly aware, the Republican National Convention ("RNC") is being held in New York City from August 29 to September 2, 2004. It is expected that hundreds of thousands of people will demonstrate against the Bush administration and its policies including the war in Iraq, the USA PATRIOT Act, the use of the death penalty, and educational policies.

Various law enforcement officials, from NYC Police Commissioner Ray Kelly to Manhattan District Attorney Robert Morganthau, have made statements saying that they expect there to be thousands of arrests before and during the RNC. Often those statements have been part of their efforts to secure more money for police and prosecutors.

While we hope their predictions about arrests turn out to be wrong, given the conduct and policies of law enforcement community during recent large demonstrations in Miami, Philadelphia, and New York, we want to be prepared.

We urge you to join us in volunteering legal support to thousands exercising their First Amendment rights, including:

- a) Representing people arrested at the protests
- b) Handling arraignment shifts
- c) Acting as a legal observer

Since 1968, the National Lawyer Guild Mass Defense Committee has provided legal observers at protests and lawyers for arrested demonstrators. The Guild is coordinating legal support and mass defense for the RNC. We are joining with other lawyers and activists to negotiate with the NYPD and raise our concerns with City council members and community leaders. We are also preparing for a legal response in the event of mass arrests.

To that end, we are seeking volunteer lawyers to handle arraignment shifts (or parts thereof) during the convention, represent arrestees (pro bono or at reduced rates) or be willing to do other legal work. We expect that the Legal Aid Society will take on some of the cases, but we want to insure that they are not so swamped that their ability to represent all of their clients will be compromised.

Additionally, we want to be prepared to deal with non-criminal matters that may arise during the course of the RNC and thereafter. For instance, we want lawyers with immigration expertise to be available to advise or represent protestors who have immigration problems and civil lawyers to handle issues that may arise.

We plan to have some orientation/training meetings as it gets closer to the RNC. We also have a web site which will have RNC-related information, at www.nlgnyc.org/rnc.html.

If you are interested in helping out, please fill out the attached questionnaire and return it to the National Lawyers Guild Office (RNC Volunteers) at 143 Madison Avenue, 4th floor, New York, NY 10016.

Contributions to the expenses of our efforts are also welcome, payable to: "National Lawyers Guild, NYC Chapter", earmarked "RNC Mass Defense".

If you have questions, you can also call Bruce Bentley at (212) 679-6018, ext16. If you know others who might be interested, please feel free to copy these materials and pass them along.

We look forward to hearing from you and working together.

Sincerely,
Martin R. Stolar
President

Bruce K. Bentley
RNC Mass Defense Coordinator

Republican National Convention NLG Mass Defense Attorney Questionnaire

Name _____

Address _____

City/State/Zip _____

Telephone _____

Fax _____

Email _____

Please indicate your areas of specialty and years of practice (e.g. "Criminal defense/9 years")

Check all boxes that apply:

- I am willing to represent people
 - after arraignments
 - at later court appearances
 - to the completion of the case

- I am willing to represent people charged with
 - Violations
 - Misdemeanors
 - Felonies

- I am willing to handle pro bono criminal cases as follows (please indicate the number and types of cases): _____

- In addition to handling pro bono criminal cases, I am willing to handle low bono (reduced rates) criminal cases. To help us determine reasonable "low bono" guidelines, please indicate what you think is minimally acceptable, reduced attorney fees, considering the seriousness and number of charges, the number of defendants, plea or trial, flat rate or hourly: _____

I am willing to do other work:

- Legal Observer
- Visit arrestees at precincts or central booking
- Be "on call should the police raid activists' work space"
- Other: _____

- I am on the state 18b panel
- I am on the federal CJA panel
- I have other relevant legal skills (e.g., immigration, civil litigation, etc.): _____

Additional comments/questions:

Please mail to:
National Lawyers Guild, RNC Volunteers
143 Madison Avenue, 4th Floor
New York, NY 10016

Be A Legal Observer

If you would like to become a legal observer, especially during the RNC, mail the Legal Observer application form to:
Mass Defense Committee • NLG-NYC Chapter
143 Madison Avenue, 4th Floor • New York, New York 10016
(212) 679-6018 ext. 15, 17 • nycmassdefense@riseup.net

There will be legal observer trainings conducted this summer at the NLG office. Visit the RNC Mass Defense website at www.nlgnyc.org/rnc.html for dates and times of the trainings. You can also complete the application on-line at the website.

RNC MASS DEFENSE LEGAL OBSERVER (LO) AND VOLUNTEER APPLICATION

Name _____

Address (optional) or borough _____

Home Phone # _____ Cell Phone # _____

Email address _____

This information is valid until _____ After that I can be reached through _____

I live/work in the New York area: Permanently From _____ to _____

I am just coming for the RNC. Dates I will be in NYC for the RNC: _____

As of _____ you can reach me in NYC at _____, which is

my cell phone; a friend's phone; email, I'll check; other

In NYC, I'll have access to a car and/or a bike

ALSO, I am interested in working in the legal office. (see: www.nlgnyc.org for updates on office jobs)

I am a:

Law Student attending _____ Legal Worker
 Attorney Other _____

If Attorney, do you have a specialization such as criminal law, immigration law, etc.? _____

I am admitted to practice law in _____

Please list any languages other than English that you speak and your fluency level: _____

I am interested in being an LO in/around NYC outside of RNC week as well. Please have the NYC Mass Defense Committee contact me when LOs are needed.

I am affiliated with the National Lawyers Guild and (list any other groups): _____

I will be available to volunteer during RNC week on (check boxes):

	ALL DAY	Morning	Afternoon	Evening
Wed. 8/25	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thurs. 8/26	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Friday 8/27	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Saturday 8/28	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sunday 8/29	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monday 8/30	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tuesday 8/31	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wed. 9/1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thursday 9/2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Friday 9/3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Saturday 9/4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sunday 9/5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please briefly list any experience you've had as an LO and when/where you were trained:

Please list and explain any special skills or experience with law enforcement which might be helpful to us.

If You're Coming to Protest the RNC, Fill the Courtroom and Support Lynne Stewart for All the World to See!

BY BRUCE K. BENTLEY, NATIONAL LAWYERS GUILD, NYC CHAPTER, COORDINATOR FOR RNC MASSDEFENSE

The trial of National Lawyers Guild member Lynne Stewart commenced on June 21st. She is facing 45 years in prison on charges that were personally announced by Attorney General Ashcroft at a press conference the day she was arrested. Lynne was targeted for alleged acts that occurred two years earlier, and that had already been resolved by the Clinton Justice Department. Lynne was targeted for her outspoken advocacy on behalf of her clients who are politically "unpopular" with this government and its growing "war on the world" and repression at home.

Everyone coming to protest at the RNC must find time to fill the trial courtroom in support of Lynne as part of the week-long protest condemning the Bush agenda.

If the government succeeds in taking away our zealous and treasured people's lawyers like Lynne, who will be there to stand up to the government in court to defend the growing movements of resistance?

As Lynne has so clearly stated:

"This fight is not about the Sheikh, let's get that clear. This fight is about America. About whether we want to change our system of criminal justice to the extent that nobody and probably high on that list, the left in this coun-

try can feel secure talking to a lawyer.

"If you're arrested now, there is no way you can be secure, because the government has accorded itself the right to listen, to read, to overhear, to watch. This is because of an accrual of power that the government has always sought over dissidents in this country. That is why it's important."

The government has also subpoenaed four

"If you're arrested now, there is no way you can be secure, because the government has accorded itself the right to listen, to read, to overhear, to watch."

journalists from The New York Times, Reuters and Newsday, all of which are seeking to quash the subpoenas. Government prosecutors want the reporters to confirm in court that comments they attributed to Stewart in articles were in fact made by her.

The following is a message from Lynne Stewart on the eve of her trial:

"As you may be aware, my trial is about to start, June 21 is Jury selection and June 22 is Opening Statements. I am anxious to organize around this date and get some momentum to carry us through the 4-6 month ordeal. As my

teacher, friend and member of my advisory committee, Arthur Kinoy, always told us: we win these cases outside the courthouse.

"Inside though, we are facing a vicious, no-holds-barred, Ashcroftian prosecution persecution. By trying to link me with worldwide terrorism for my ethically-required lawyer to client behavior, they hope to see me in jail for 45 years. Michael Tigar, Jill Shellow Levine and the whole legal team are doing their utmost to prevent this. I continue to speak publicly demanding justice."

There are many ways we can support Lynne:

1. Schedule a forum;
2. Gather support signatures, addresses, with emails and addresses for people to get updates at the website, www.lynnestewart.org;
3. Contribute to a full page in the New York Times, at the beginning of Lynne Stewart's testimony, sometime in August;
4. Organize people to attend the trial. Get to court by 9 a.m., although proceedings may not begin until 10. We need to keep a steady presence of support for Lynne Stewart in the courtroom. The trial week is Monday through Thursday, 9:30-4:30 with 4th of July and Labor Day as 4 day weekends. Co-ordinate with Pat (212-625-9696 or patlevasseur@aol.com) if a large group is planning to come on a given day.
4. Contribute to the Lynne Stewart Defense Fund; see the website for details.

MDC Mobilizes for RNC

continued from page 1

PRE-RNC WEEK COMMITTEE

Contact: Dave Rankin drankinn@yahoo.com

- Preparing "Know-Your-Rights" trainings and materials
- Lobbying the City Council to protect the exercise of First Amendment rights
- Negotiating for permits, e.g., sound amplification, rally in parks, street march
- Recruiting, training, and organizing legal observers
- Researching laws that have been or could be used against protestors
- Initiating necessary litigation to challenge restrictions on protestors' actions
- Contacting media

RNC WEEK COMMITTEE

Contact: Eve Rosahn esresq03@yahoo.com

- Dispatch and coordinate legal observers
- Creating an evidence database
- Coordinating training with PLC of legal office staff
- Organizing legal office staff to handle arrest reports during RNC week

POST-RNC WEEK COMMITTEE

Contact: Colin Starger colinstarger@yahoo.com

- Recruiting lawyers to provide pro-bono criminal defense representation, including jail interviews, arraignments, writs, hearings, trials, and appeals
- Training lawyers to handle precinct interviews and arraignments
- Follow-up support for arrestees upon release
- Provide information about future court dates, monitoring progress of cases

The Guild is coordinating its efforts with the People's Law Collective, the Association of Legal Aid Attorneys, the Center for Constitutional Rights, and the New York Civil Liberties Union.

We Need Your Help for RNC MassDefense!

The Mass Defense Committee is recruiting lawyers, law students, and legal workers to assist their monumental effort of ensuring the rights of protestors at this summer's Republican National Convention. If you can participate, please contact one of the Committees listed

above. If you have information or ideas please let us know.

All of the efforts for RNC MassDefense require money. Any would greatly help as we seek to stand up for the rights of protestors coming to New York to express their opposition to the Bush Administration's expanding war on the world and domestic repression within the country.

Donations can be made to:

- National Lawyers Guild, New York City Chapter
Attn: Mass Defense Committee
143 Madison Ave. 4th Floor
New York, NY 10016

Other important internet addresses for RNC work:

- RNC MassDefense website: www.nlgnyc.org/rnc.html
- To volunteer to be a legal observer: rncl@resist.ca
- For requests and general information: nycmassdefense@riseup.net

THREATS AND RESPONSES: Legal Consequences

THE ADVOCATES
Scrappy Group of Lawyers Shows Way for Big Firms

By ADAM LIPTAK and MICHAEL JANOFSKY

The Center for Constitutional Rights, the scrappy left-leaning public-interest group that filed the first lawsuits on behalf of people detained as suspected terrorists in Guantanamo Bay, Cuba, works out of an office in Lower Manhattan, not far from some of the biggest law firms in the nation.

But until the cases reached the Supreme Court, the group fought almost alone.

"Early on, we felt very, very isolated because we were going against the grain of the superpatriotism around us," Ron Daniels, executive director of the center, said.

The offices are dingy, with scuffed metal doors and odd carpeting held together by fifth and duct tape. Bold letters and the photographs of its founders tangle with the House Un-American Activities Committee and celebrating voting rights victories in the South, the place could be the



Lawyers at the Center for Constitutional Rights, which won an important case before the Supreme Court this week allowing detainees at the Guantanamo naval base to legally challenge their detentions, include, from left, Jeffrey E. Fogel, Barbara Oshansky, Ron Daniels and Steven Watt.

The mood in the offices was bright yesterday, as the group savored its victory in what some legal scholars are calling the most important civil liberties case in half a century. On Monday, the Supreme Court ruled that the more than 600 detainees at the Guantanamo naval base had the right to challenge their detentions in court.

"I feel most vindicated," Mr. Daniels said, "by the way many organizations are now trying to claim a piece of this."

That is a new phenomenon. Early on, the establishment bar mostly kept its distance from the cases, filed in early 2002, months after the Sept. 11, 2001, attacks.

"They made a decision that it was too hot and too soon," said Barbara Oshansky, deputy legal director of the center.

There was a single exception. After representatives of a group of Kuwaiti detainees tried and failed to convince two major firms to take on those cases in 2002, they called on a lawyer at Shearman & Sterling, lawyer at Thomas B. Wilner. Mr. Wilner said his firm's decision to take the cases, separate from the ones that the center litigated for Australian and British detainees, was harder than the center's had been.

"That's their job to do these things," he said. "For a private law firm to take it on at that time was very, very controversial. We were sort of ostracized. It was very difficult for Shearman & Sterling."

Ms. Oshansky said times had changed.

"He had to fight with his partners to take the case," she said about Mr. Wilner. "Now they use this case to recruit people."

The president of the center, Michael Ratner, was impressed by the firm's commitment and its decor.

"I was walking into a place with marble floors," Mr. Ratner said yesterday, speaking from Greece. "We had totally frayed carpets and can't afford to replace them."

The firms, which handled a separate client from the center, donated

Major lawyers shied from a case that was 'too hot and too soon'

Guantanamo cases. The atmosphere was quite different in early 2002. Then, Mr. Ratner was approached by representatives of Mr. Hicks. Even in the center, not everyone was eager to take his case.

"Folks in the development department, the fund-raisers, were concerned about what the reaction was going to be," Ms. Oshansky said.

Even filing the cases in federal court in Washington was difficult, because they could not for some time find a local lawyer to sign the papers.

"The only lawyers we could get at that point were lawyers used to dealing with really unpopular clients," Mr. Ratner said. Among them was Joseph Margulies, a criminal defense lawyer from Minneapolis.

The first argument, before Judge Colleen Kollar-Kotelly in Federal District Court in Washington, did not go well. The case attracted little attention and no supporting briefs.

"I just can't say how unrecogive the court seemed to me," Mr. Ratner said. "It felt hopeless."

Things were no better in the appeals court in Washington.

"The circuit court argument went very badly," Mr. Ratner said. "It was a very hostile bench. By the time you had to beat the lawyers off with a stick."

Even in the Supreme Court, though, only one domestic bar association filed a brief. The City Bar Association claimed that distinction in a news release on Monday.

That is odd, Mr. Fogel, the legal director, said.

"These are lawyers' issues, the right said. The right to counsel, the right to the essential elements of due process. You would have thought we would have seen some of the legal organizations be more sharp on these issues."

The general counsel of the bar association, Alan Rothstein, said the group was surprised to be alone.

"Most bar associations," Mr. Rothstein said when asked about the situation, "have stayed away from issues of this level of controversy."

Our congratulations to the entire Center for Constitutional Rights staff on their monumental victory in the Guantanamo case. May this be the first of many such defeats for the Bush Regime, until they are thrown out of office in November. Particular congratulations to CCR legal director Jeffrey Fogel (in photograph, at left), former president of the NYC NLG chapter, and CCR president Michael Ratner, former president of the national NLG.

City Council
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layoffs; and extensive measures to ensure that demonstrators will be free of political interrogation and that, in the case of an arrest, they will be processed as quickly as possible.

"As a member of the National Lawyers Guild, we listened to stories from anti-war demonstrators last Spring about a form which the police used to interrogate them. Some of the questions asked concerned what political groups were they from, what was the address of the political group, the names of its other members, what were the goals of the group, did they support US policies, what did they think of current events in the Middle East — all this after demonstrators had repeated several times that they needed to see their attorneys."

"There must be future information sharing forums between the police, defense groups and the City Council. The City Council and defense groups must be apprised on: the availability of Desk Appearance Tickets for demonstrators; how long the arrest to arraignment process will be estimated to take; whether any debriefing forms will be used in the questioning of

demonstrators, the status of preemptive arrests, which streets will be blocked and which will be open, the use of metal barriers, water cannons, 'less than lethal' weapons, police dogs, ATLAS units (armed with automatic weapons and military combat body armor), whether the practice of bag searches will be used, what protestors can bring in and what they cannot, the origins of the number 'a 1000 arrests a day,' and how the courts and police and corrections plan on handling this number of arrests."

"Finally, there must be extensive measures to ensure that demonstrators be free of political interrogation and that, in the case of arrest, their arrest be as facilitated a process as possible."

"However, we ask, and indeed we implore, the City to implement three further measures: (1) to plan future information sharing forums with at least the police department, the District Attorney's office, and the defense groups in attendance, (2) restore the full amount of funding the Legal Aid Society is requesting so that we can handle the increased number of cases and (3) propose more extensive measures to ensure that demonstrators be free of political interrogation and that, in the case of arrest, their arrest be as facilitated a process as possible."

MEMBER NEWS

Bargaining for the Baristas

On May 17, 2004 Starbucks baristas at the 36th and Madison shop announced that they formed a union with the Industrial Workers of the World IU/660. Starbucks responded immediately by hiring union-busting law firm Akin Gump and claiming that one shop does not an appropriate bargaining unit make. "Not so" says Stuart Lichten of Kennedy, Schwartz & Cure who represented the baristas before the National Labor Relations Board and expects a decision early July. (The Guild brokered the referral). In the meantime, Starbucks CEO Howard Schulz sent a voicemail to all employees informing them how disappointed he was by the organizing campaign and how proud he was of building a profitable corporation together "while integrating a social conscience into everything we do"... like not guaranteeing its workers minimum hours per week? Or like having non-union Cintas workers clean Starbucks uniforms? Workers of the world unite!

Labor Lawyer and Painter

Guild member Richard Levy, labor lawyer and painter, had an exhibit of some of his work—portraits and still life paintings—at the Bread and Roses Gallery 1199 in May and June. Congratulations to Richard!

NLG MEMBERSHIP INFORMATION

Membership includes a year's subscription to "Guild Notes" and "Guild Practitioner," access to committees; discounted fee at annual Guild convention; puts your name in our annual "Referral Directory"; and makes you one of thousands working for social change.

New Member Renewing

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YES, add me to the Guild's listserv, NLG-Interac

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NLG DUES SCHEDULE

Law Students\$15

New member attorneys\$50

New member legal workers.....\$50

Jailhouse Lawyers.No Dues (\$7.50 required to receive "Guild Notes")

Renewing attorneys and legal workers:

Income

Suggested Dues

Under \$20,000\$45-75

\$50-65,000\$275-325

\$20-25,000\$75-100

\$65-75,000\$325-375

\$25-30,000\$100-165

\$75-100,000\$375-425

\$30-40,000\$165-220

\$100,000+\$500 or more

\$40-50,000\$220-275

We also offer firm memberships and family memberships. If you join or renew as a firm or family you need only pay 75% of the total cost for all members to join as individuals. Thus, if you have two lawyers in a family who would normally pay \$200 each, you only need pay \$300.

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