

New York City News

NATIONAL LAWYERS GUILD – NYC CHAPTER



SPRING 2011

The Attack on Public Employee Unions and the Future of Collective Bargaining

A Discussion with DC 37 Associate Director Henry Garrido at Fordham Law School

By **DAMIAN TREFFS**

Over the last few months attacks on public workers in New York, Wisconsin and elsewhere have revealed the boldest and most aggressive attacks on organized labor and working people in a generation.

Anti-union bills have been introduced in over twenty states, with threatened action in many others. These actions raise questions not only about wages and working conditions but also issues of social and economic justice and human rights. The International Labor Organization, of which the United States is a charter member, has declared the right to collectively bargain “fundamental to the rights of human beings at work” and the National Lawyers Guild Labor and Employment Committee has recently issued a statement affirming unequivocally that taking away public workers’ right to collectively bargain is illegal under both international law and the First Amendment of the U.S. Constitution.

Against this background, on March 29 in New York City, the Fordham Law School Chapter of the National Lawyers Guild held an event titled, “The Attack on Public Employee Unions and the Future of Collective Bargaining: Labor’s Last Stand?” with Mr. Henry Garrido, Associate Director of District Council 37, American Federation of State County and Municipal Employees (DC 37, AFSMCE). DC 37 is New York City’s largest public employees union.

Mr. Garrido, who is also a member of the DC 37 National Fight Back Coordinating Committee, spoke before a full room and took questions for over an hour and a half, offering a sweeping historical overview and assessment of the state of labor and the law, and charting a path towards a positive future.

Throughout the discussion, Mr. Garrido revealed a knack for cutting right to the heart of the matter. Surveying the contemporary landscape, one not unlike the famed Gilded Age of a century ago, he stated plainly and with conviction that this is a “battle of the haves and have-nots.”

It is also a battle that implicates the way that American inequality is
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Ann Schneider on the barricades in Madison, Wisconsin in March 2011.

RNC Litigation Update

By **PAUL MILLS**

The battle continues in litigation over the City’s abusive arrest procedures against protesters during the Republic National Convention. The current status is that the NLG has turned over subpoenaed legal observer materials. According to Bob Boyle in a recent exclusive NLG Newsletter interview, NLG lawyers had to turn over legal observer notes with identities redacted, unless the names had already been disclosed as witnesses or plaintiffs in the action.

Clare Norins (in another exclusive NLG Newsletter interview) stated that “We are nearing the end of discovery. The cases look like they’re headed for summary judgment briefing as to what issues each party anticipates will be decided.”

In the meantime, the parties have finally received District Court Judge Sullivan’s decision on class certification – pending for three years – and the news for plaintiffs is good. In an order handed down May 19, 2011, the Court mostly vindicated the plaintiffs’ claims of an entitlement to class standing. The arrestees’ lawyers had sought certification of eight mass arrest subclasses, based on the various locations where the arrests took place, one subclass for rights violation through excessive detention, and one subclass for the conditions of their confinement. Six of the eight mass arrest subclasses, and both of the

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President's Column

By SUSAN V. TIPOGRAPH

In mid-April, shortly after the NYPD released some raw statistics about the 2010 Stop & Frisk policy, we sent this letter to the New York Law Journal in the hope of them publishing it. The Chapter really wants to participate in and be a progressive/radical voice in the larger legal community. Unfortunately, but not surprisingly, the Law Journal has not published it. We would like others to read it in the hope of furthering discussion and action about "stop & frisk" and other important issues.

Are there issues that you think we should be speaking out about? We really want to have the participation of all of you in the Chapter - and others. We would love to hear from you. All the best.



Recently, The New York City Police Department (NYPD) released bare statistics for the controversial "Stop and Frisk" program in 2010. With a 3.5 percent increase over 2009, the NYPD stopped and searched over 600,000 people last year, a 3.5 percent increase over 2009. Those numbers represent only the occasions when police, (whether uniformed, undercover or detectives) actually generated a document reporting the occurrence.

On a NYPD form, police are required to report the date, time and location of the stop and frisk. For those with actual knowledge of police practices, there are surely thousands and thousands of other instances when police "stop and frisk" people without ever completing any official NYPD paperwork.

This means that hundreds and hundreds of thousands of overwhelming African-American and Latino young people in Harlem and Jamaica, Mott Haven and Stapleton, are made to "assume the position." They are forced to lean over car trunks or against walls, required to kneel or lay prone on the street or sidewalk while police officers subject them to degrading and humiliating searches.

All this occurs without any pretense that probable cause or even reasonable suspicion exists to justify these gross violations of the dignity and rights of its victims.

In defending these practices to the media, Police Commissioner Ray Kelly's explanation is that - "[I]t's situational" in that "situations drive the use of [the] tactic. It depends on what conditions police officers find in the street." Let's be honest. All too often the "situation" is young African-American or Latino males walking or hanging out in their own communities. Commissioner Kelly's defense serves to justify police conduct on purely subjective factors. The police commissioner's vague references to "situations and conditions" are not a substitute for articulable facts which give rise to reasonable suspicion of criminal activity.

The other defense to the police practice is that the 7 % of those stopped are arrested. Their argument is that it is acceptable to violate the rights of 93 people so that 7 will be arrested.

How reasonable is a suspicion which turns out to be wrong 93 times out of 100? The NYPD would have us believe that these policies are taking dangerous criminals off the streets. But what are these 7% being arrested for?

In 2010, the same year as these 600,000 plus "stops and frisks," 50,383 people were arrested for marijuana possession in the City of New York, more than all of the people charged with it for the 19 years between 1978 and 1996. 15% of all arrests in 2010 were for marijuana possession. In case there was any question as to how "just" the criminal justice system is, 86% of all those arrested for marijuana possession in 2010 were African-American or Latino.

Let the NYPD explain what the 7% arrested were charged with. Let them tell us why police should have an unchallenged right to detain and search over 600,000 people in this city for what seems to be subjective and unconstitutional reasons. Let them explain why the overwhelming percentage of those stopped and frisked are people of color. And let us in the legal community not stand quietly by while these unacceptable practices continue.

Susan V. Tipograph

Criminal Law Practice: Request to Charge a Jury

Below is a condensed version of the Request to Charge a Jury that **Phil Segal** and **Marty Stolar** used in the NYC Criminal Court trial of Rev. Luis Barrios. Father Barrios, an Episcopal priest and professor at John Jay College, was charged with resisting arrest after participating in an anti-war demonstration at the UN during a visit by President GW Bush. The NY pattern jury instructions did not include appropriate boilerplate, so Phil and Marty came up with their own language. The judge accepted, and the jury was charged accordingly. The jury found Father Barrios no guilty of resisting arrest.

Defendant requests that the court include the following in its charge to the jury:

Requested Jury Instruction #1: Resisting Arrest – Knowledge of Arrest by Defendant

- The jury must be instructed that Fr. Barrios cannot be found guilty of resisting arrest unless the prosecution proves beyond a reasonable doubt that:
 - the police uttered words, or indicated through their behavior,
 - the prosecution proves beyond a reasonable doubt that the police uttered words, or indicated through their behavior, to Fr. Barrios that he was being arrested (or about to be arrested); or that,
 - based on all of the surrounding circumstances, Fr. Barrios actually knew that he was being (or about to be) arrested; and
- Given that the prosecution's case is based, at least in part, on circumstantial evidence, a circumstantial.
 - The fact that police officers were

restraining Fr. Barrios or trying to prevent him from crossing First Avenue opposite from the United Nations building does not necessarily establish by itself that Fr. Barrios knew he was being (or about to be) arrested.

Legal Basis: (Referenced authorities are attached as Exhibit B) *People v. Saitta*, 79 A.D.2d 994 (2d Dept. 1981); accord *People v. Cador*, 187 A.D.2d 441 (2d Dept. 1992);

Matter of George B., 45 A.D.2d 724 (2d Dept. 1974); *People v. Santiago*, 69 Misc. 2d 1098 (City Ct. 1972). *People v. Bell*, 265 A.D.2d 813 (4th Dept. 1999); *People v. SiMartin*, 135 A.D.2d 591 (2d Dept 1987); *People v. Barnes*, 249 A.D.2d 227 (1st Dept. 1998); *People v. Clark*, 241 A.D.2d 710 (3rd Dept. 1997); *People v. Gray*, 189 A.D.2d 922 (3rd Dept. 1993).

Requested Jury Instruction #2: Resisting Arrest – Circumstantial Evidence Charge

Concerning this issue, both direct evidence and circumstantial evidence have been presented. The court will now instruct the jury as to what these terms mean.

What is the difference between direct evidence and circumstantial evidence?

Let me give you an example. Suppose that in a hypothetical trial one of the parties must prove that it was raining on a certain morning in order to win his case. To do this, she calls a witness who testifies that on the morning in question he, the witness, walked to the subway and that while walking he saw rain falling from the sky and *felt* it striking his face and his clothes and *heard* it splashing on the sidewalk. This would be *direct* evidence *heard, seen, and felt* by the witness that it was raining that morning. The only question for the jury would be whether or not that witness was telling the truth or whether he was honestly mistaken.

Suppose instead, the witness testified that it was *not* raining when he *entered* the subway but that *later*, while he was on the train, he saw passengers enter at various stations with wet umbrellas and wet clothing. In this situation, it would be reasonable to infer that it had rained while he was on the subway.

In other words, circumstantial evidence is evidence of other facts which are inferred or deduced or which flow from direct evidence.

Circumstantial evidence can have the same value as direct evidence, or it can have less value or more value, depending upon the facts and circumstances of each situation and the credibility of each witness. It is up to you, the jurors, using your good common sense, to say how strong an inference really is.

The necessity of resorting to circumstantial evidence in a criminal case is obvious. By their very nature, crimes are often performed in secrecy, thus rendering the direct evidence of the commission of those crimes impossible.

In the present case, any claim by the prosecution that Fr. Barrios knew that he was being (or about to be) arrested based on the surrounding circumstances is necessarily circumstantial. If an inference can *also reasonably be drawn* from proven facts that Fr. Barrios did not know that he was being (or about to be) arrested, then you must draw the inference of that Fr. Barrios did not know he was being (or about to be) arrested and therefore find that Fr. Barrios is not guilty.

Legal Basis: (Referenced authorities are attached as Exhibit B). Circumstantial evidence is defined as: "evidence of some collateral fact, from which the existence or non-existence of some fact in question may be inferred as a probable consequence . . ." *Black's Law Dictionary* (8th ed. 2004). *People v. Ross*, 172 A.D.2d 1008 (4th Dept. 1991); see *1 Charges to Jury & Requests to Charge in Crim. Case in N.Y. § 4:30*.

IN SUMMARY:

- The jury must be instructed that Fr. Barrios cannot be found guilty of resisting arrest unless the prosecution proves beyond a reasonable doubt that:
 - the police uttered words to Fr. Barrios, or indicated through their behavior, that he was being arrested (or about to be arrested); or that,
 - based on all of the surrounding circumstances, Fr. Barrios actually knew that he was being (or about to be) arrested; and
- Given that the prosecution's case is based, at least in part, on circumstantial evidence, a circumstantial evidence charge is required.

Congratulations to the Guild members who passed the July 2010 bar exam!

Brooklyn Law School: **Deborah Diamant, Evan Denerstein, Kristen T. Valentine, and Laura A. Vogel**; Cardozo: **Justin R. La Mort and Joshua S. Moskovitz**; Columbia: **Meera R. Shah**; CUNY: **Jonathan F. Harris, Alissa R. Hull, Michael C. Leonard, and Erin Tomlinson**; Fordham: **Elizabeth Joynes, Nicholas R. Rosado and Elizabeth A. Shura**; Hofstra: **John P. Leschak**; NYU: **Meredith J. Fortin and Jeffrey L. Olshansky**; St. John's: **Asad Rizvi**; and UCLA: **Jason Wu**.

Fighting the Housing Court Blacklist

By STEVE DOBKIN &
JAMES FISHMAN

The website of the New York City Civil Court, Housing Part (a/k/a “The Housing Court”) states that “[w]hether you are a landlord or a tenant, the Civil Court is dedicated to providing access to fair and efficient justice.”

These words ring hollow in light of the long-standing practice of the New York State Office of Code Administration (OCA) of selling internal Housing Court records to tenant screening bureaus (TSB’s) which convert the data into misleading reports which they then sell to real estate agencies and individual landlords. These are the Housing Court blacklists.

These blacklists create a tremendous chilling effect on the exercise of the many rights that tenants possess under state and city law to defend eviction proceedings.

Met Council and the Housing Committee of the New York City Chapter of the National Lawyers Guild are joining forces to bring a federal civil rights action against the state

In an argument out of “Through the Looking Glass,” the memo expressed concern that OCA’s refusal to sell the lists would violate the tenant screening bureau’s constitutional rights.

court system, seeking a declaration that the sale of Housing Court data violates tenants’ constitutional right to due process of law and access to the courts, and applying for an injunction putting an end to this practice.

The court data sold by OCA in electronic form includes information about the initial filing of each case (names and addresses of the parties, type of case, i.e. nonpayment or holdover, amount sued for, docket number, and county), and a sparse word disposition code (i.e. judgment, settled, warrant of eviction issued, dismissed, discontinued, etc.) Unlike reports from the “big three” credit reporting agencies (Trans Union, Equifax and Experian), tenant screening reports include pending proceedings in which no judgment has been entered. Hence a stigma is attached to merely being named in a court proceeding, regardless of the merits.

As a result of this practice, tenants are faced with Scylla and Charibdis choice: Give up your legal rights, or invoke those rights and find yourself on the Housing Court blacklist, barred from renting another apartment or purchasing cooperative units almost any-

where in the country.

In the past, tenants who lack heat, hot water, and essential repairs were able to exercise their legal right under New York law to withhold their rent, and organize rent strikes. Now they face the all but certain consequence that such actions will land them immediately on a Housing Court blacklist.

Tenants who dare to defend even the most frivolous eviction proceedings, or simply seek additional time from a Housing Court judge to vacate in a no-fault eviction proceeding, and even tenants who paid their rent, but face eviction by a bank because their landlords failed to pay their mortgages, are among the many innocent people who will appear on the blacklist and be deemed an undesirable troublemaker by most prospective landlords.

The action under 42 USC §1983 will argue that the extreme burden placed upon tenants who invoke laws designed to protect them from eviction deprives them of their constitutional right to access to the courts under color of state law. Although the US Supreme Court over many years has constructed numerous barriers to suits against courts, these do not apply when a judge is sued in an administrative, rather than a judicial, capacity. The plan for the lawsuit is to assemble plaintiffs who have already been denied housing because of their names being on a blacklist, and plaintiffs who are concerned about asserting their legal rights in defense of an eviction proceeding out of fear of the blacklists.

Previous lawsuits against various blacklist-ing agencies, filed under federal and state fair credit disclosure acts, have focused on the TSB’s failure to fully disclose the details of the housing court litigation, including favorable dispositions to tenants. Under a 2006 settlement in a federal class action brought by James Fishman, among others, entitled *White v. First Advantage SafeRent*, the defendant tenant screening agency agreed to pay as much as two million dollars to as many as 35,000 tenants who could demonstrate that information was missing from their screening reports. The defendant also agreed to accurately report the outcome of housing court cases and expunge a case from its files if a judge determined that the case had no merit, or if a landlord agreed that a case was brought by mistake.

The fundamental problem, however, is that most prospective landlords could care less about whether a tenant has a legitimate defense to eviction. The mere presence of a tenant’s name on the Housing Court computer list spells “troublemaker,” and

individuals who were in court to vindicate their legal rights are seen as the least desirable potential tenants. In November, 2006, a New York Times article quoted the President of a California tenant screening company who noted that “It is the policy of 99 percent of our customers in New York to flat out reject anybody with a landlord-tenant record, no matter what the reason is and no matter what the outcome is, because if their dispute has escalated to going to court, an owner will view them as a pain.”

In March of this year, the City enacted the Tenant Fair Chance Act, which requires landlords to inform prospective tenants whether they are using a tenant screening service, and to provide contact information for the company so that tenants can clear records that are erroneous. The fact that this law was passed unanimously, with no opposition from the real estate industry, indicates its limited effectiveness. The problem is that by the time that the tenant clears her name, the apartment will have been rented to someone else. Moreover, clearing one’s name with one tenant screening company will not take a tenant off the many other blacklists. Nonetheless, tenants who are rejected should request an “adverse action” notice from the landlord, to which they are entitled at no cost under federal and state fair credit reporting acts. These notices inform the tenant of his or her right to contact the screening company, review the entire contents of the report, and correct inaccuracies.

In 2007 an internal legal memo to the Chief Administrative judge argued that OCA has no choice but to sell the computer lists, despite the fact that they are not available to the public through Freedom of Information (FOIL) requests. In an argument out of “Through the Looking Glass,” the memo expressed concern that OCA’s refusal to sell the lists would violate the tenant screening bureau’s constitutional rights.

It appears that the only law that addresses the provision of computerized court information is the one that specifies the New York Law Journal as the official publisher of court calendars, which are very different from the files (created solely for internal record keeping) which are sold to tenant screening companies.

Otherwise, as tenant advocates know, access to court files is available at the Housing Court, five files at a time. It is questionable whether the TSB’s would be able to conduct viable businesses if they were forced, like everyone else, to go to the Housing Court clerk’s office and copy information by hand, or line up to make copies for 15 cents per page at the venerable copy-

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Housing Court Blacklist

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ing machine at the clerk's office.

The more believable reason for the sales is money, although the profits appear to go to the State's general treasury and are not earmarked for the Housing Court. A chart produced by OCA in the *White* case disclosed that from April 2005 through March 2008 sales had garnered well over a half million dollars from at least nine TSB's. We don't yet know how many TSB's are buying these lists at present, but there are hundreds of TSB's nationwide, many of which are being bought up by larger companies.

Significantly, the OCA does not send the TSB's data from those nonpayment proceedings which are unanswered and never appear on the court calendar. This practice encourages tenants to attempt to resolve issues of unpaid rent out of court, thereby risking default and forfeiting their right to a fair hearing. Once a tenant answers the petition in court, he or she is automatically blacklisted.

We should also note that discouraging tenants from asserting legal defenses, which may lead to prolonged trials, is consistent with the

Housing Court's emphasis on the rapid resolution of cases, and reinforces the view of the Court as a glorified rent collection agency. The Housing Court judges, who are appointed for five year terms by the Administrative judge of the Civil Court, with the advice of the Housing Court Advisory Council, are rated for their efficiency in dealing with the voluminous caseload. If one thinks of the Housing Court as an eviction factory, the Blacklist, which roots out much of the time consuming litigation, is certainly consistent with concepts of mass production.

Why is the New York court system, supposedly an honest broker in disputes between litigants, literally selling out tenants?

We are seeking plaintiffs for this action: people who have received adverse action notices informing them that the reason for rejection is the tenant screening report.

We are hopeful that the Federal Court will view this system for what it is; a constitutionally defective mechanism for depriving tenants of their ability to enforce their rights in court.

EC Retreat

The chapter's executive committee met in January at Bob Boyle's apartment to discuss "who we are as a chapter, and what we hope to accomplish this year." There was a consensus on the need for the NLG-NYC to be more "out there" in the City; and the ongoing necessity for fundraising and administrative work. Below is a summary of an informal post-retreat survey of the attendees' responses about NLG-NYC priorities:

- Legal observer program
- Public education (including legislative work)
- Street Law program
- Anti-repression (includes defending those under attack/prisoners/ movement support)
- Housing
- Political discussions/"salon" events
- Organization building, including Next Gen/law students
- Anti-racism work
- Creating a Queer and Allies Caucus

Collective Bargaining

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filtered through categories of race and gender: the concerted ideological and legislative assault on public workers disproportionately affects African Americans, Latinas, and women. It was noted that, forty three years earlier almost to the day, Martin Luther King, Jr. led a march of striking AFSCME sanitation workers and was assassinated a few days later. That march was a glimpse of the positive force that unions have been for social and economic justice and that needs to be at the center of a rebirth.

Along the way Mr. Garrido set the record straight in response to numerous lies and mischaracterizations from the Right. In contrast to tales of outsized and budget-busting pensions, Mr. Garrido offers the sober fact that after a career of public service, a worker represented by AFSCME will retire with an average pension of \$17,000 per year. Moreover, for their work maintaining roads, bridges, and subways, caring for the elderly and infirm, and staffing hospitals, libraries, and social services organizations, workers typically earn less than \$45,000 per year. More fundamentally, Mr. Garrido made clear, there is little connection between cutting pensions and benefits and covering the grossly overstated 'unfunded lia-

bility.' In response to the oft-heard argument that a balanced budget requires service cuts and layoffs, Mr. Garrido shared the results of a recent whitepaper identifying \$9 billion dollars in waste just in the City contracting system alone. These measures could be avoided if the City stopped spending billions of dollars overpaying private contractors for

A renewed labor movement is one that stands on principle, stops defending the indefensible, and stands in solidarity with all workers. What is needed is not mere change: "we need transformation."

work that DC 37 workers can and should be doing. These facts and others reveal the attack on unions as simple ideological opportunism.

Not one to mince words, however, Mr. Garrido did not shy away from pointing an accusing finger at unions for some of the pres-

ent difficulties. For too long, he said, "unions have acted as maintenance organizations whose purpose was to preserve wages and conditions for its members instead of standing on the principles which would protect . . . all working people." By contrast, a renewed labor movement, Mr. Garrido stressed several times, is one that stands on principle, stops defending the indefensible, and stands in solidarity with all workers. What is needed, he asserted, is not mere change: "we need transformation."

While sharing his experience, understanding, and analysis with the students is important, it is not the main reason why Mr. Garrido accepted the invitation to come and speak. Rather, in the tradition of the best of the labor movement, Mr. Garrido came to issue a challenge and a call to action. It is good to know what the opponents of labor are doing or how the unions have gotten it wrong, but what really matters, Mr. Garrido insisted, is what we're doing, or not doing, today. "I always like to end a talk with 'so what?'" Mr. Garrido explained. "Now that you've got this information, so what? What are you going to do? How are you going to get involved?"

Frances Kreimer of the **NYU Law Chapter** is working on the case of Mohammed Azam, through the NYU Immigrant Rights Clinic. Mr. Azam was born in Bangladesh but has grown up in NYC. He was finally granted a green card this year on a petition that his father had filed in 2001, but the government is appealing and seeking his deportation on the grounds that he has now “aged out” of eligibility. On May 4 the chapter submitted a statement of support.

On April 22, the **NYU Chapter** co-sponsored a presentation by Egyptian human rights lawyer Gamal Eid on “Impunity and the Egyptian Revolution”. **Lamis Deek** and **Jeanne Mirer** were panelists.

The **Fordham** and **Cardozo NLG** chapters hosted separate events promoting “A Fair Day’s Pay for A Fair Day’s Work – The Living Wage Movement and the Fight for Social and Economic Justice.”

- On April 13, the **Fordham** chapter co-sponsored a panel with Ava Farkas, Living Wage NYC Campaign Coordinator, Retail, Wholesale & Department Store Union; Paul Sonn, Legal Co-Director, National Employment Law Project; Stephanie Luce, Associate Professor at CUNY’s Murphy Institute; and Fordham Law Professor Jennifer Gordon.
- The **Cardozo Chapter** hosted a similar event on March 21, featuring Ms. Farkas, and Mr. Sonn; and **David Jimenez**, Member Organizer of the Retail Action Project.

The **Mass Defense Committee** and the **NYU Chapter** conducted a legal observer training at NYU on March 9. Trainers were

Gideon Oliver, **Cristina Lee**, and **Bruce Bentley**. There was specific training in connection with mobilizing activists to defend Dr. Emily Women’s Health Center in the Bronx, which has been targeted for 40 days of non-stop harassment by the anti-choice “40 Days for Life” campaign.

On March 3, **CUNY Law student Natasha Bannan**, co chair of the NLG’s Puerto Rico subcommittee, spoke on WBAI Radio’s *Education at the Crossroads* to describe the current civil and human rights crisis at the University of Puerto Rico, and the on-going attack on Puerto Rico’s 171-year-old bar association, the *Colegio de Abogados*.

The Center for Constitutional Rights, **NLG-NYC**, and the **CUNY Law Chapter** co-sponsored a panel on “Experiments in Social Isolation” at the Unitarian Community Church on East 35th Street on November 10. **Rachel Meeropol** was a member of the panel, which documented the post-9/11 expansion of unconstitutional detention policies in the federal prison system.

The **Street Law Project**, which conducts know-your-rights-when-stopped-by-the-police workshops for people in communities with a large police presence, held a training-for-trainers event at **Brooklyn Law School** on February 27.

On February 18 at the Guild office, the **Mass Defense Committee** hosted a well-attended reception which included a screening of the recently completed **Legal Observer Training Video** that was produced by the NLG National Office and filmed at **Cardozo Law School**.

Deborah Diamant was the guest speaker at the **Cardozo NLG Chapter** meeting on February 9, describing the NLG-NYC and its many committees and activities.

CUNY Law students **Kate Watson** and **Paula Z. Segal** facilitated a **Street Law** workshop: “Stopped By the Police? What do you do?” at Flux Factory in Long Island City on February 8. *Time Out NY* provided online coverage.

“Disasters, Law, and Justice: Lessons from New Orleans and Haiti” with Bill Quigley at Fordham Law School on February 2 was co-sponsored by Fordham Law Disaster Relief Network, and the **Fordham NLG Chapter**.

The **Fordham Law Chapter** sponsored a presentation by **Peter Erlinder**, “International Justice in Central Africa: U.S. Policy and the Politics of the U.N. Tribunal for Rwanda” on January 27. Peter is a law professor at William Mitchell College of Law in St. Paul, and past national president of the NLG. In May 2010, he was imprisoned in Rwanda while defending Rwandan presidential candidate, Victoire Ingabire, and charged with “genocide denial” for having won the acquittal of his client on “genocide conspiracy” charges.

NLG-NYC and the **NYU Chapter** co-sponsored a **Police Misconduct Litigation CLE** by the National Police Accountability Project on January 21. Participants included **Jonathan Moore**, **Jeffrey Rothman**, and **Michael Tarif Warren**.

The **Fordham Law** chapter co-sponsored a panel on “Citizens United v. Federal Election Commission, One Year Later” on January 20.

Congratulations to Our 2011 Law Graduates!

Gabriel Armas-Cardona, NYU
Alicia Armstrong, CUNY
Natasha Lycia Ora Bannan, CUNY
Genia Blaser, Northeastern
Jessica Bozarth, Cardozo
Joshua Carrin, CUNY
Gillian Cassell-Stiga, BLS
Carolyn Marie Corrado, NYU
Archana Dittakavi, BLS
Tiffany Femiano, Touro
Patrick Foster, CUNY

Nina Frank, Cardozo
Amanda Jack, CUNY
Meredith Jones, Cardozo
Shana Khader, Columbia
Lisa Knox, Columbia
Jessica Levy, CUNY
Jesse London, Brooklyn Law
Matthew Main, CUNY
Leigh Mangum, BLS
Doug Martin, NYU
Sarah Matari, Fordham

Ben Meyers, CUNY
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Marcy Wehling, CUNY
Sarah Marie Young, CUNY

After spending her 71st birthday in Metropolitan Correctional Center, **Lynne Stewart** was transferred to Carswell Medical Facility in Texas on December 20. Her family was hoping that she would be transferred to Danbury, the closest facility to New York. Lynne's courageous advocacy made her the target of politically-motivated prosecution and vindictive sentencing. Bob Boyle is working on the appeal of Lynne's sentence on the grounds that it is extremely excessive for a 71 year old in poor health, and unconstitutional in that eight years were added to her original 28 month sentence in response to right-wing political pressure, and in retaliation for First Amendment-protected statements that she made outside of court. Lynne writes, "For over 40 years I have raised my voice, and put my body front and center. Now I raise it from behind the walls where more and more good people who have said NO to government are paying for their audacity. More must join us. We must prevail." Lynne welcomes mail at 53504-054, FMC Carswell, Federal Medical Center, P.O. Box 27137, Fort Worth, TX 76127. Check out her website lynnestewart.org.



Congratulations to Guild members Setareh Ghandehari and Michael Hickson on the birth of Mozhdeh Javdan Hickson. She was born April 11 at 7 lbs 8.4 ounces and 21 inches long with a full head of hair!

On May 10th **Lamis Deek** successfully represented the Muslim American Society (MAS) in oral argument in Kings Supreme Court. She persuaded the judge to deny a preliminary injunction to racist right-wing extremists who have brought suit to enjoin construction of a mosque which MAS is attempting to build in Sheepshead Bay. The chapter issued a statement of support: "The NLG-NYC stands behind the Society in the defense of their constitutional rights of freedom of worship, speech, and assembly.

...We stand in solidarity with the struggles of Muslim and Arab communities against racism and Islamophobia in New York City and around the world."

Michael Tarif Warren was a panelist in a forum at Brooklyn's Restoration Plaza on April 23 featuring sisters Jamie and Gladys Scott, who were recently freed from a Mississippi prison on the condition that Gladys donate a kidney to Jamie.

Alan H. Levine received the Steward of Justice award at the annual banquet of the Council of American Islamic Relations on April 16.



Elsie Chandler and Sarah Taft Jones, retired former head of Legal Aid's Manhattan Criminal Defense Division



Tammarr Young and Bob Boyle within an hour of Tammarr's release

The New York Law Journal's April 4 *Entrepreneurs in the Law* supplement included **Deborah Hrbek's** discussion of the benefits of "collaborative law practice" in running a solo or small firm.

On March 31 **Marjorie Cohn** appeared at a discussion and book signing at Columbia Law School for her new book *The United States and Torture*, which includes contributions from **Jeanne Mirer** and **Michael Ratner**.

On March 4, **Elsie Chandler** of the Neighborhood Defender Service of Harlem represented prep student Afrika Owes at her crowded bail hearing in Manhattan Criminal Court. Ms. Owes was freed on April 19 when the Abyssinian Baptist Church posted her bail.

On February 22, in an ongoing SDNY class action, **Jeff Rothman** and **Matt Brinkerhoff** won a decision holding that the NYS Division of Parole and Department of Correctional Services have been unconstitutionally transforming into consecutive sentences misdemeanor sentences that were intended to run concurrently with sentences for parole violation.

On February 18 **Bob Boyle** won the release of client Tammarr Young who had served 13 years of a 20 year sentence. The WDNY found that the trial lawyer had failed to communicate and discuss before trial a plea offer of only seven years.

On January 31, **Jeanne Mirer**, president of the International Association of Democratic Lawyers and co-chair of the NLG International Committee, led a webinar entitled "Human Rights 101: Using International Instruments to Work for Economic, Social and Cultural Rights."

Elsie Chandler received the Michele S. Maxian Award for Outstanding Public Defender from the New York State Bar Association's Criminal Justice Section on January 27. Elsie is a Senior Trial Attorney with the Neighborhood Defender Service of Harlem. She first came to Harlem as an activist with the civil rights and racial justice movements. She also holds a Ph.D. in Clinical Psychology and a master's degree in American History.

The New York State Association of Criminal Defense Lawyers presented its "Justice through the Arts" award to **Sarah Kunstler** and **Emily Kunstler** at its annual dinner on January 27, in recognition of their documentary film *William Kunstler: Disturbing the Universe*.

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Spring Fling 2011, Friday, April 8, Honoring Heidi

Thanks to everyone for making



Photo credit: James Fishman

Ellen Meyers, Hope Arber and Emily Jane Goodman



Photo credit: John McBride

Urszula Masny-Latos and Heidi



Photo credit: John McBride

Party On!



Photo credit: Joel Simpson

Heidi and Susan Tipograph

Honoree Heidi Boghosian accepting her award



Photo credit: John McBride

Jennifer Sang, Beth Baltimore, Cristina Lee



Photo credit: John McBride

Heidi, Fran Goldin and Varujan Boghosian



Susan Tipograph



Photo credit: James Fishman

Liz Fink



Photo credit: James Fishman

Foster Maer and Sara Rios



The Taylor Clan: Jim, Helen, Mark and Stephanie Morin Taylor



Photo credit: James Fishman

Jimi 'Metalarc' Butler

Heidi Boghosian and the Activist Spirit of the NLG this year's Fling a huge success!



Photo credit: Joel Simpson



Heidi and Frances Goldin

Photo credit: John McBride



Alexander Wentworth-Ping, Silvia Dutchevici, Erica Barrow, Damian Treffs, and Arthur Burkle.

Photo credit: John McBride



Heidi with Geoffrey and Marta Stewart

Photo credit: John McBride



Richard Brown and Soffiyah Ellijah

Photo credit: John McBride



Photo credit: James Fishman



Bruce Bentley, Michael Steven Smith, Heidi and Michael Ratner

Photo credit: John McBride



Ralph Poynter, Daniel Meyers

Photo credit: James Fishman



Robert Quackenbush and David Gespass

Photo credit: John McBride



Photo credit: Joel Simpson



Ashley Albies, Brigitt Keller and Nora Carroll

Photo credit: John McBride



Steve Dobkin and Ann Schneider

Photo credit: John McBride

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In December, **Ellen Friedland** of the Safe Horizon Immigration Law Project secured asylum status in an Immigration Court decision for a client who had fled from Afghanistan after being involuntarily engaged to her cousin whom she would eventually have been forced to marry.

The December 9 *Gotham Gazette* featured an article by **Justice Emily Jane Goodman** “City Bail System Punishes the Poor, Report Finds”. Justice Goodman cited a Human Rights Watch report which concludes that bail

results in the incarceration of poor people, almost all of whom are black or Hispanic and are charged with non-violent crimes. The analysis found that NYC could have saved \$42 million in 2008 if the 16,649 non-felony defendants arrested that year who were unable to make bail of \$1,000 or less had been released on their own recognizance or under some other alternative to incarceration.

On December 8, the *New York Law Journal* reported that **Aaron Frishberg** had won a ruling from a federal judge in Brooklyn directing the U.S. Department of Justice to reveal whether

his client’s ex-wife and 13-year-old son are in the federal Witness Security Program and, if so, to serve the mother with a complaint.

In his annual Thanksgiving honor roll column, Tom Robbins of the *Village Voice* gave thanks to **Supreme Court Justice Gus Reichbach** for being “one of the city’s great jurists”.

Noah Kinigstein’s paintings were on view in November in the Visual Vaudeville exhibit at Tribeca Open Artists Studio Tour (TOAST) at 368 Broadway.

RNC Litigation

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other subclasses were granted class certification as to money damages claims. Not surprisingly, standing for prospective declarative and injunctive relief was denied, on the usual ground that the plaintiffs cannot show a likelihood of re-arrest.

Attorney Norins agreed that “We’re very pleased by the ruling. It’s very good. We’re hoping this will push all of the cases closer to resolution quicker. But we are totally thrilled to get six of the eight classes certified. That’s the majority of the arrestees.” She indicated that attorneys will continue to pursue the individual claims where class was not certified. “We wish it had come a little sooner, but we’re very glad to get such a positive decision.” She also noted that the care taken with the opinion may reflect the fact that the City has appealed almost every adverse decision in these case. That is, Judge Sullivan may be trying to protect his decision on appeal. He was also careful to stay away from forecasting how he might rule on the merits of the case.

These accounts were fleshed out in yet a third exclusive NLG Newsletter interview, this time with NLG-NYC Executive Committee Member Jeffrey Rothman. The summary judgment briefing is scheduled for May 26, 2011 before Magistrate Judge James C. Francis, where the parties will work out possible scenarios for summary judgment hearing schedules.

As to discovery, plaintiffs finally concluded 9 days of deposition (over the course of five years) with NYPD Chief of Department Joseph Esposito. The deposition began in ‘06, but then ran into the so-called “Intelligence Defense,” whereby NYPD seeks to justify its arrest and detention policies on the basis of nationwide intelligence

reports of a triple threat: terrorists, anarchists, and civil disobedients. The obstacle was discovery about the intelligence which, though it led to action by a public agency against members of the public engaged in public activity, was held to be desperately secret.

Limited discovery of the information sources took five years. Ultimately plaintiff’s counsel NYCLU attorney Christopher Dunn was able to follow up questioning at deposition by New York Corporation Counsel Peter Farrell. Chief Esposito asserted that 600 pages of “End-User [Intelligence] Report” summaries substantiated the validity of the City’s “no-summons” arrest policy during the RNC, but had not reviewed them prior to deposition, so attorney Farrell cherry-picked from among the 600 pages and elicited from Esposito agreement that the subject documents indeed provided the needed basis. However, when Dunn on cross asked what specifically in the given documents Esposito was talking about, the deponent was unable to connect the dots, explaining instead that justification was only perceptible “in conjunction with other information.”

Perhaps more of a problem for the City is the fact that, while NYPD was implementing a policy of no-summons detentions for some people during those crowded days and nights, other people were, in fact, being cited and released by a “Quality of Life” team. The category singled out for continued detention were those engaged in 1st Amendment activity.

And so it goes. Rothman noted that at the outset of the litigation, “I was leaving my first job.” Now he has a thriving private practice and grownup children.



KEEP THE
CHAPTER
ROLLING
OVER THE
SUMMER

Make a commitment to
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your dues or make a
contribution online
by going to

www.nlgnyc.org/how-to-join

Twenty-Five to Life: What Does That Mean to Me?

By HERMAN BELL

SULLIVAN COR FAC., MARCH 2011

Although I have served more than 37 years in prison, I am still unable to wrap my mind around what that means; years of locking in-and-out of cells, letters from home and the occasional family photo; one letter telling that the new baby has arrived, another stating that my niece or nephew is doing well in school and that the neighbor next door died in his sleep; the photo shows Ma-dear and Dad looking good but are noticeably older, 25-life (what does that mean to me?).

If you were a family man prior to my 1973 arrest like I was, with a young wife and two rambunctious boys, the separation had to have been heart-wrenching. It was for me. My boys, Johnes and Keith, had thoroughly broken me into domesticity: feeding them, changing and washing their diapers, dressing them, consoling them, taking them for their shots. Hoping the family dog wouldn't bite me for reprimanding them. Their mother, high-spirited and the love of my life, was no less challenging; a borderline red-bone, with a delightful spray of freckles across her nose and cheeks, almond-shaped eyes and pouty lips. During our feuds, rather than talk, we wrote notes to each other and the children handed them to us.

What does doing 25-life mean to me? As I mull over this question, I am reminded of *Maison des Esclaves*, the Portuguese slave fortress, located on the west coast of Ghana from which enchained Afrikans were led through its infamous "door-of-no-return" to the holds of waiting slave ships that would take them to the New World. I too feel as though I've walked through a "door-of-no-return."

IMPRISONMENT (A MODERN PLANTATION)

If one knew nothing about the geography of a town in upstate New York where one is imprisoned, then one can readily imagine what the Afrikan slave must have felt on a southern plantation – not knowing where to run or how to get there. For me, getting from Attica or Clinton to my hood, seemed no different than for the Afrikan on a slave plantation in Georgia getting from there back to Afrika. Across the country, I have been held in many jails, and my family has had to travel thousands of miles to see me at considerable expense.

You know how families are received at these places: standing in the elements to get in; suffering the indignities of disparaging remarks; seating arrangements; frustrating

and arbitrary enforcement of rules. Prison is where spiteful, petty, contemptible, morally unkind acts find free expression at the whim of those who have authority over us. The keepers are vigilant and they instinctively ferret out unguarded self-esteem, courage, and strength. Prison is designed to break you down, not build you up. It casually destroys the weak and unwary (as though they were an afterthought), and turns the spiritually debased into beasts. What's not so strange about this is that the spiritually debased elicits no particular attention from the keepers. 25-life (what does that mean to me?).

AS THE YEARS GO BY

Time, faces, and relationships change, and like sand cascading down the funnel of an hourglass, nothing can resist this change. One day, you look in the mirror and see gray hair and a face that tells you you've aged; your body tells you that too. Some of your old friends have moved on and new ones have come to take their place.

Your mother and father may have passed away, as have mine, and I was unable to see them buried. You may have contemplated numerous possible scenarios should you be imprisoned, but never that; and neither did I. The years take their toll, the people you believed in, the certainties you once embraced might have led you to realize that the more you know, the more you realize you don't know. With luck, we come to understand that humility and wisdom come with age and experience, and that death is often merciful.

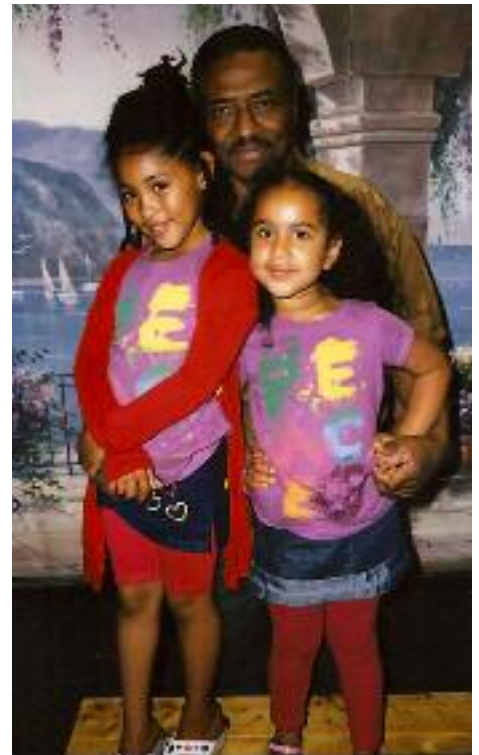
RELEASE TIME AND ITS UNCERTAINTY

In doing 25-life, you never now when your release time will come; as it is with death, you can never foretell the day it will knock on your door. Yet, in both instances, you better be prepared.

MAKE TIME WORK FOR YOU (SELF-IMPROVEMENT)

The old-timers in here will tell you: make time work for you, not against you.

I earned a dual Bachelor of Science degree in psychology and sociology and a master's in sociology. It was hard work and could not have been accomplished without discipline, commitment, and sacrifice. Through the self-help projects I've developed on the outside while imprisoned, e.g., Calendar, Community Gardens, I have built remarkable relationships inside and outside these walls. And I have managed to keep a good name (which is all one can rightly claim as one's own in here).



Herman with granddaughters Sage (l) and Simone (r).

Because of that, I have managed to make it through the day, one day at a time. 25-life (what does that mean to me?).

THE PAROLE BOARD

Parole is discretionary, we are told, not a right. When one's freedom is withheld by another, be it a state institution or a private individual, it's tantamount to slavery and is a poignant reminder that slavery was never abolished in the US; the 13th Amendment preserved it.

State parole commissioners have guidelines to aid them in their parole decision; that decision, nevertheless, is still subjective. A host of variables weigh in on this process, including the kind of day a commissioner is having, societal stereotypes, the crime that one committed 30 years ago. As a parole candidate, one has to be impressed by what I've accomplished inside and on the outside; and my disciplinary record is exemplary. Yet my next Board appearance will mark 10 years beyond my minimum sentence. And I am far from alone in this experience. Because of consistent denials, one is led to conclude that more is involved in these parole denials than what meets the eye. One is led to conclude that power, politics, and economics are driving them. And that this triumvirate serves special

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Photo credit: George Cohen



Marching under the NLG banner May Day 2011.

On May 20, the chapter, together with the Brecht Forum and the Riverside Church Mission and Social Justice Ministry co-sponsored a talk by political activist, scholar, and author **Angela Y. Davis**: “The World We Want is the World We Need”.

The chapter was an endorser of the May 15 **Al-Nakba Commemoration** rally at the United Nations supporting the right of return of the 750,000 Palestinian Arabs who lost their homes as a result of the founding of the State of Israel.

The **Labor and Employment Committee** and CUNY Law’s Community Legal Resource Network co-sponsored a seminar on “Navigating the Rights and Remedies of Immigrant Workers” on May 12.

The chapter’s banner was carried by a spirited contingent at the **May Day** rally at Union

Square, which was followed by a march to Foley Square.

The **Housing Committee’s** April 28 meeting featured NYS Assembly member Linda Rosenthal in a discussion of the “Real Rent Reform” campaign to renew and enhance the NYC rent laws.

Next Gen (the young – at heart – lawyers, legal workers and future lawyers of the Guild) has been active as usual:

—**Happy Hours:**

- April 14 at Last Exit on Atlantic Avenue in Brooklyn.
- January 7, March 10, and May 12 at The Magician on Rivington Street
- February 10 at the Half Pint on West 3d Street

—A **potluck** co-sponsored with **CUNY NLG** students on March 27 at the home of **Susan Barrie**.

Antonia Cedrone represented the **Mass Defense Committee** as a legal observer at the April 9 anti-war demonstration in Union Square.

On March 28, **Marty Stolar** and **Phil Segal** of the **Mass Defense Committee** appeared for ten Housingworks activists who were arrested last January at the Haitian Mission to the UN in a protest on the



On behalf of the Chapter Daniel Meyers spoke at rally commemorating second anniversary of the Gaza massacre on January 9.



Gideon Orion Oliver speaks at FBI repression panel.

anniversary of the hurricane and the inadequate responses thereto. Seven of the ten had their cases dismissed outright. The other three cases were ACD’d.

On February 23 the chapter co-sponsored an event at The Commons Brooklyn which focused on the killing of **Furkan Dogan**, the 19-year Turkish-American killed last May in the IDF attack on the Gaza Freedom Flotilla. One of the speakers was Furkan’s father Ahmet Dogan, a professor at Erciyes University in Turkey.

The Chapter is part of the NY working group of the National Committee to Stop FBI Repression, which sponsored a local conference at Judson Memorial Church on February 19: “**FBI & Grand Jury Repression - Building Resistance**”. Panels included “Building a Fightback against Anti-Muslim Repression, Preemptive Prosecution, and Entrapment”; and “Updates on FBI & Grand Jury Repression & Review of Past Grand Jury Witchhunts”.

On February 4, the chapter issued a press release (organized and drafted by **Lamis Deek**) condemning the arrest and torture of Egyptian human rights activists and legal workers by the Mubarak regime, and demanding their immediate release. The statement was picked up by media in Egypt.

The **Mass Defense Committee** provided legal observers for the January 25 demonstra-
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Photo credit: Tom Alffather Good



Antonia Cedrone at the April 9th anti-war demonstration.

Photo credit: Bud Korotzer

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tion at Federal Plaza in Manhattan to protest Grand Jury and FBI repression against the anti-war and Palestine solidarity movements.

The chapter endorsed the January 22 **Community Speak-Out for Roe v. Wade** in support of reproductive freedom in front of Dr. Emily Women's Health Center in the South Bronx. It was organized by Radical Women and the NY Coalition for Abortion Clinic Defense.

Phil Segal and **Marty Stolar** of the **Mass Defense Committee** provided successful representation in connection with two recent demonstrations:

—Nine members of Housing Works in bagel costumes were arrested after stopping traffic outside the mayor's "bagel breakfast" at the Brooklyn Public Library in December. They were protesting Bloomberg's ongoing cuts to AIDS programs. "Mayor Bloomberg's attitude to poor people with AIDS is 'Let them eat bagels!'" they said. Phil and Marty promptly obtained ACD's, with sealing in 10 days, for seven of them in Brooklyn Community Court. Marty reports that the court, although somewhat out of the way (Red Hook), turned out to be "a pretty friendly place".



Housing Works members protesting the "bagel breakfast" at the Brooklyn Public Library in December.

—17 people were arrested last November 19 at the VOCAL (formerly NYC AIDS Housing Network) City Hall demonstration calling for rent caps for more than 10,000 city public assistance clients living with AIDS. On January 20, their cases were successfully resolved: seven were dismissed before court; two were dismissed in court as "insufficient"; and the rest received ACDs. (The judge at NYC Criminal Court was John Cataldo, who held the City in contempt for refusing to release protesters arrested at the 2004 RNC convention.)

In December, chapter members and Prison Law Project participants formed an ad hoc group at the national office in support of the



Left to right: Legal observers Garrett Wright, Karen Smith, and Heidi Siegfried.

historic week-long **prison strike in Georgia**. The nonviolent protest strike by tens of thousands of prisoners in four facilities sought basic human rights: adequate nutrition and healthcare, access to education, compensation for their labor, the ability to see their families without exorbitant expense, and reasonable parole decisions.

NO MORE DEPORTATIONS. POLICE SHOULD NOT BE IMMIGRATION AGENTS! **Garrett Wright, Karen Smith, and Heidi Siegfried** represented the **Mass Defense Committee** as legal observers at a December 9 rally at Governor Paterson's Manhattan Office to stop ICE's so-called "Secure Communities" program.

IN MEMORIAM

Susan Cohen died on December 22. She was a long-time Guild member and an accomplished tenant's rights attorney, at MFY legal services and at LSNY Manhattan. Susan was a wonderful friend and mentor, and a tireless community activist whose pioneering judicial organizing work led to literally dozens of Legal Aid, Legal Services and Guild attorneys becoming judges. She will be sorely missed.

Henry "Hank" Matthews passed away on November 17. He was part of the Attica Brothers rebellion in 1971, and became a renowned jailhouse lawyer. After Hank was finally paroled from prison in 2003, he became a licensed process server and a paralegal in the office of Guild member Polly Eustis.

Sincere condolences to Justice Gus Reichbach and Ellen Meyers, whose daughter **Hope Reichbach**, 22, died tragically on April 28. Hope was community liaison and spokeswoman for NYC Councilman Steve Levin of Brooklyn Heights. She was brilliant, compas-

sionate, thoughtful, and a "rising star" in the Brooklyn political world. Council Speaker Christine Quinn honored Hope with a posthumous city proclamation.

The chapter mourns the untimely death of Executive Committee member **Barbara Small** on January 26. Barbara was a paralegal at LSNY, first at MFY Legal Services, and later at Brooklyn Legal Services, as well as a long-time vice-president of the Legal Services Staff Association. Barbara was a tenant organizer and advocate dedicated to fighting for the poorest among us to have the most basic necessities of life — food, clothing and, above all, shelter.

Judith Socolov, friend of the Guild, died peacefully on February 26 at age 88.

She is survived by her husband Albert Socolov, the lawyer who succeeded in overturning her wrongful conviction for espionage in 1949. Al Socolov was a founding member of the NYU student chapter of the Guild. After Judith gained her freedom, she earned a mas-

ter's degree in education, published bilingual books, tutored women in prison in creative writing, and, with Al, raised four children and operated two Mexican restaurants in Manhattan — the Beach House in TriBeCa and the Alameda on the Upper West Side.

Len Weinglass died on March 23 at the age of 77. He was a giant in the progressive legal community and a beloved comrade. After a tour as a JAG in the US Air Force, he began his career in 1961 with a solo community-oriented practice in Newark. His clients included Abbie Hoffman and Tom Hayden in the infamous Chicago Seven case, Anthony Russo and Daniel Ellsberg in the Pentagon Papers case, Angela Davis, Puerto Rican independentista Juan Segarra Palmer, the Palestine 8, Mumia Abu-Jamal, Kathy Boudin, and most recently the Cuban Five, who were framed for terrorism against the US as a result of their efforts to investigate Miami-based terrorist plots against Cuba. Len was of counsel to Rabinowitz, Boudin, Standard, Krinsky and Lieberman in NYC.

Street Law Takes New York City

By NORA CARROLL

You know the numbers by now: eighty-five percent of the 601,055 New York City Police Department street stops in 2010 involved Black or Latino individuals.

Eighty-six percent of those stops resulted in no arrest or summons.

It comes as no surprise to Guild members that the NYPD continues to use “crime prevention” as a justification for racially discriminatory policing. Stop-and-frisk encounters – at least the ones that are recorded and self-reported by the cops themselves – are still on the rise, up from 531,159 in 2009.

But even while the police wage war on the constitutional rights of people of color in select neighborhoods in New York City, the Street Law Committee of the NLG is fighting back.

The Street Law committee is enjoying a recent revival, sparked by the creativity and commitment of a band of CUNY law students. The mission seems simple: distribute information about the rights of individuals in street encounters with the police. The actual trainings – usually conducted by trained law students – are much more nuanced.

“Why should I say ‘I do not consent’ if the cops are going to search me anyways?” is a popular refrain when participants are encouraged to weigh in about their own experiences with the police.

“During workshops, I’m often struck by the fact that our ‘rights’ are little more than

theoretical for many New Yorkers,” says Leigh Mangum, a Brooklyn Law student and street law trainer. “A successful workshop will spur a conversation about taking back power from the NYPD on a community level.”

Since last year, the Street Law team has conducted trainings for a variety of middle and high school students and community groups. The trainings emphasize Fourth, Fifth, and Sixth Amendment rights, and teach participants the difference between a conversational stop, a detention, and an arrest. Role-playing different scenarios helps reiterate how difficult it really is to say nothing when being directly questioned by a uniformed officer.

Street Law team members are passionate about their work.

“The Street Law Project actually gets sh*t done. The Project is constantly evolving and looking to expand its reach and its methods of communication,” says Deborah Diamant, Street Law Committee member. “I wish more Guild committees worked this well together.”

Upon request, the NYC Chapter agreed to fund a Street Law coordinator position starting last year. This position entails coordinating the requests for street law trainings and making sure there are volunteers for each request. A new coordinator was recently hired; he is Carl Lipscombe, a 1L at Cardozo.

“For me, Street Law is important because of the potential that it has to shift the balance of power in marginalized communities,” says

Lipscombe, adding that he is particularly enthusiastic about the development of a new training geared towards immigrants’ rights.

Demand has remained high for the trainings, which have been conducted at high schools, middle schools, after-school programs, community centers, skill-shares, and many other venues. Two trainers, Paula Segal

The Street Law committee is enjoying a recent revival, sparked by the creativity and commitment of a band of CUNY law students.

and Kate Watson, were interviewed this past January for a *TimeOut New York* feature called “Lecture in a Minute.”

The Street Law Committee also recently raised money to hire a designer to develop a new “Know Your Rights” palm card to hand out at trainings. The Committee continues to reach out to various community groups to ensure that its work is widely known, and to build alliances with several organizations doing similar work in New York City, including the New York Civil Liberties Union and People’s Justice.

For more information about the NYC-NLG’s Street Law Project, email streetlawteam@gmail.com.

Twenty-Five to Life

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interests. Yet those invested in this practice, and who profit handsomely from it, still argue that the mission of prisons is and always shall be about corrections and rehabilitation. They argue that prisons are not used as an employment agency for rural upstate New York or as a tool of social repression. But if that were true, then surely fewer people would be in prison today.

CONCLUSION

This is just a tiny piece of the picture. The point is that we remain in the grips of an economic order and culture that’s as formidable and treacherous as the recent quake, tsunami, and meltdown in Japan, and I wish it were not so.

Think about it. What do you or I produce in prison? Okay, there is the Corcraft Industry, which generates a few million dollars a year,

yet it’s a pittance compared to the bigger picture relating to you and me. Billions are made just by keeping us in a cell. Our very presence is the raw product that sustains the prison industry. It did the same during chattel slavery for almost 400 years, and, like today, we’ve benefited none from it. Today, Black people spend well over 500 billion in the US economy, and we control practically none of it. The only institution of any consequence we control today is the Black church.

Today, the sons and daughters of the people employed to keep us here have begun to keep watch over us and our children, who now are finding themselves in here. We have to get out of these places, stay out of them and keep others out. And while still in here, it is our duty to use this time constructively, and thus be an asset to our communities when we get out. That way, we turn this thing on its

head, snatching victory from the jaws of defeat, which in this instance is what is meant by: falling in a shithouse and coming out smelling like a rose.

Ed Note: Herman Bell is a former member of the Black Panther Party. Arrested in 1973, he was charged with the 1971 murder of two NYC police officers. After one hung jury, he and two co-defendants, Anthony Jalil Bottom and Albert Nuh Washington were convicted and given 25 years to life prison terms. Despite a long list of extraordinary accomplishments while incarcerated, Herman Bell has been denied parole four times solely on “seriousness of the offense” grounds.

Jalil Bottom has also been repeatedly denied parole. Nuh Washington died, in prison, in 2000. Both Herman and Jalil appear before the Parole Board again in 2012.

You can write Herman Bell at: Herman Bell, 79 C 0262, Sullivan Cor. Fac. P.O. Box 116 Fallsburg, N.Y. 12733.

Guiding Yale

By **NORA CARROLL**

RebLaw, an annual student-run conference dedicated to “rebellious lawyering” is held annually in New Haven among the stone sculptures, wood carvings, and stained glass medallions of Yale Law School.

RebLaw draws Guild-affiliated law students from law schools across the country, but in 2011 the New York Chapter of the Guild was in full effect.

The Guild was the only organization tabling at the conference, which was started seventeen years ago by National Lawyers Guild student members. The NLG table had representatives from the national office, the New York City Chapter, the Next Gen Committee, and the National Police Accountability Project.

Armed with matching t-shirts, Guild pins, and of course our dazzling wit, we signed up eager young law students as they moved between panels and talked to them about their interests and about joining the Guild.

Alex Goncalves, a Guild attorney and Next Gen representative, expressed satisfaction at the number of young people the Guild reached at RebLaw.

“The Next Generation committee got 30 new members signed on to the Guild,” says Goncalves, “this is fantastic as it not only increases Guild membership but builds sup-

port for the Guild’s work.”

The New York City Guild’s strong presence was reinforced by the attendance of many law students representatives from Brooklyn, Cardozo, CUNY, NYU, New York Law School, and other area schools.

Students from the NYU Guild Chapter helped organize a panel—the only panel organized by non-Yale students—on the privatization of the prison-industrial complex.

Panelists included Steven Pevar of the ACLU, former Black Panther Party leader Elaine Brown, and Marsha Levick of the Juvenile Law Center in Pennsylvania. The conversation ranged from Idaho’s for-profit prisons to Pennsylvania’s “cash-for-kids” judicial corruption debacle.

“The value of a student run conference is that it allows some degree of breakdown of the traditional rigid hierarchies that permeate professional conferences. It’s not everyday you see (or get to organize) a panel at a professional conference that brings together an executive director of an ACLU affiliate with a former president of the Black Panthers,” Gabe Armas-Cardona, one of the student organizers, commented.

Responses to the conference in general and the Guild’s presence more specifically were positive.

“As an aspiring people’s lawyer I was very excited to attend the RebLaw conference for the first time,” said conference attendee Nadia Alexis, “It was great experience... the panels on prisons helped to inform my volunteer work with the Prison Law Project of the NLG, as well as my own passions for criminal justice and prison reform.”

Conference panels included topics in

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housing law, prisons & policing, transgender rights, labor law, cyberbullying, national security, women’s rights, tribal law, immigration law, and international law.

Keynote speakers included Burt Neuborne of the Brennan Center, Joe Padilla of California Rural Legal Assistance, and Graham Boyd of the ACLU’s Drug Reform Project.

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