

New York City News



SPECIAL OCCUPY WALL STREET EDITION

By Griffin Lotz/RollingStone.com © 2012



Ben Meyers legal observing at Pussy Riot Solidarity Demo, August 17, 2012

Mass Defense Support for OWS Criminal Cases

BY BEN MEYERS, MASS DEFENSE COORDINATOR

“It’s going to be a long day for you guys – they’ve already started arresting people downtown,” the senior court officer told me on the morning of November 17. Two days after the raid on Zuccotti Park, this was a day of mass demonstrations confronting the injustices of global capital at its symbolic center in the Financial District.

Twelve blocks from Wall Street at the Manhattan Criminal Court, it was also the arraignment day for 30 of more than 700 people arrested on the Brooklyn Bridge six weeks earlier. We were standing outside the fifth floor courtroom where a small team of volunteers were expediting the defendants’ court appearances. And the officer was right, it was a long day in the middle of a very long week. On the morning of the park’s eviction, as hundreds of arrests were taking place all over downtown and Guild attorneys were arguing for an emergency injunction against the City, there had been almost 60 arraignments of Bridge arrestees, and an equivalent number were arraigned the next day as well. Through careful planning and the labors of a dedicated cadre of people, though, we were able to keep track of who was being represented by which lawyers, whether they accepted the prosecution’s offer, and if not, when they would next be due in court. All this information was sent back to the Chapter office and logged into a database created for this purpose. This was one of the ways in which the Mass Defense Coordination Committee (MDCC) supported the attorneys who were representing protesters arrested at Occupy Wall Street.

continued on page 9

Resistance Builds to Stop and Frisk

BY MEGHAN MAURUS

Since 1968 New York’s Mass Defense Committee has represented people arrested exercising their First Amendment rights. And, the commitment has been in high gear over the past year as NLG attorneys have supported and/or represented literally thousands of folks arrested at protests in New York City. While our work representing Occupy Wall Street demonstrators has received the most attention, we have also represented dozens of individuals involved in smaller, but no less important activist movements. The movement to Stop Stop and Frisk has been among the most effective protest movements in the city. The Mass Defense Committee has provided substantial support to that movement over the last year.

Over the years an amazing resistance movement against Mass Incarceration and the Prison Industrial Complex has been built in New York City, and throughout the country. One chapter of this fight occurred on October 21, 2011 when around two hundred people gathered at the State Office Building on Adam Clayton Powell Jr. Blvd and 125th St. Those in attendance were from a large cross section of New York. Some were connected to community groups, including Stop Stop and Frisk and the Stop Mass Incarceration Network. Others were from the community policed by the 28th precinct who were just passing by and were drawn in by the signs and speakers. After a series of speakers and chants these folks marched down to the 28th precinct chanting “We won’t stop until we stop stop and frisk,” and other chants. Folks joined the march as it progressed. When they arrived

continued on page 12

INSIDE THIS ISSUE:

Special OWS Report.....	3-11
Feds Stage First Annual FBI Muslim Conference.....	14
Muslim Defense Project.....	15
Jazz Hayden’s Struggle.....	16
Guild in Action.....	17
Lynne Stewart Speaks from Behind the Prison Wall.....	18
Member News.....	19
A Portrait of Gus Reichbach.....	21
Remembering Richard Bellman.....	22
David G. Lubell and the Guild.....	22
Law Student News.....	23
Anti-Racism Committee Update.....	23
Spring Fling 2012.....	24
From the Archives.....	26

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New York City News**

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MUSIC • FOOD • DRINKS • CHEER

New York County Surrogates Court
31 Chambers St., corner of Chambers and Center
Courtroom of Hon. Kristin Booth Glen, Room 503

Please RSVP to nlgnyc@igc.org or 212-679-6018

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Valerie Brender, NYU
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Jeannine Cahill, PACE
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Jail Support for OWS Arrestees

BY ROSE REGINA LAWRENCE

“Jail support” is an umbrella term referring to various services activists provide for each other when arrested. Most of the time it means having people waiting with food, cigarettes, a friendly face, and basic medical assistance. It is a way that we take care of each other so we can come back again to make our voices heard.

I started attending protests in New York City a decade ago, like many others, to oppose globalization from above, to stop unprovoked acts of war by the United States, and angry that the Republican party chose to hold their convention in NYC to further capitalize on the city and nation’s trauma. While the motivations for all of the rallies and marches were ongoing, the events themselves were finite in length, conceived and planned for that day. We went to pre-protest skill-shares, formed affinity groups, had phone check-ins with people off-site in case we all got arrested or separated, and always brought markers for writing the NLG’s phone number on our arms. Just as older activists shared this knowledge with us, we passed it along to new activists. At this time, the majority of jail support was organized by activist street medics, not legal activists.

Occupy Wall Street was different than any of that. It was spontaneous and rapid, with the planning and build-up taking months instead of years. People who had never been politically active heard about it and showed up without basic orientation to street activism and without people they already knew and trusted. These experiential differences combined with the nature of occupation as a tactic led to radically different jail support needs than anything I had ever heard about, let alone experienced.

Initially, jail support shared the general spontaneity of OWS. There was a table for the legal working group in Zuccotti and jail support happened largely through word of mouth. People had effectively self-organized to meet most basic needs, like kitchen, sanitation, medical, and comfort, but jail support was always a scramble and we will never know just how many people were released without support early on. While waiting for arrestees to be released from the 7th Precinct in early October, Erick Setterlund and I sat down and started putting together a plan for a different way of responding to arrests. The three basic ideas that we started with were: remote coordination and dispatch using a Google Voice number that could be easily transferred between coordinators, premade bins of supplies with instructions so that anyone could

step up to do jail support, and no meetings other than for specific, immediate planning. The goal was to make it as easy as possible to do jail support for the first time and to lower the threshold for participation. The remote coordination phone line also served as a way that we could walk new people through the jail support processes and respond easily wherever and whenever the calls started coming in.

Our model diverged radically from how street medics tend to run jail support. When we found out about arrests, we sent out texts and tweets looking for volunteers, lined up coverage, stayed in contact until everyone was released, and passed legal information back to

Fundamentally, jail support is trying to work with a system that does not want to work with us.

the NLG-NYC chapter office. As our relationship with the Guild grew and we realized that there was a serious lack of legal literacy, we started seeing ourselves as activists working in resistance to the dehumanizing systems of the police state. Many people helped, but a core group of about a dozen amazing people spent an astronomical number of hours through bad weather and late into the night waiting for the release of arrestees.

Neither Erick nor I thought that we would still be coordinating jail support for OWS seven months later. Actions did not slow down significantly until the mid-winter, at which point the issue of planning for May Day already loomed large. OWS kept moving and shifting, setting up durable presences in Union Square, at Federal Hall, and outside Trinity Wall Street. Again, jail support found itself in a situation where the system needed

to shift. The core jail support team went on strike, telling activists that they needed to learn and use the skills and legal knowledge we had been teaching. As we prepare for the one-year anniversary of the start of OWS, the jail support line is back up and running and we are again rethinking how to build a system that meets the needs of the movement.

As with any major projects, there were ups, downs, and notable events somewhere in the middle. Sometimes, we did really well and knew exactly where every arrestee was. Other times, there was confusion and people were released without support. Fundamentally, jail support is trying to work with a system that does not want to work with us. The NYPD learned about what we do and tried to frustrate the support and solidarity the community was offering by transferring arrestees multiple times, giving out false information on arrestee location, stonewalling lawyers and family members looking to confirm the presence of arrestees at precincts, and directly threatening, sometimes arresting, people on jail support. We also began seeing increasing usage of questioning for investigations, malicious use of psych holds, and a continued refusal to provide access to medical care for many hours or sometimes at all. These are not new behaviors for the NYPD. Many of us came from relative privilege regarding police interactions. Through jail support we saw the real impact of the NYPD’s practices.

We will need jail support as long as we have a judicial system based on a punitive model, and policing is a major means of social control of communities of color, Muslim communities, and political activists. I look forward to seeing the new ways that activists, the Guild, and target communities are working together to take on a system that was not built in the public interest.

**ATTENTION GUILD MEMBERS!
RE-UP IN '12!**

*Don't let 2012 come to an end
without renewing your membership in the NLG-NYC!*

Make an early commitment to fulfill your New Year’s resolution to get active in the Guild! You can now pay your dues or make a contribution online by going to <http://nlgnyc.org/how-to-join/online-membership-form/>.

OWS: Transmissions from the Frontline

Photos by Jefferson Siegel.



Left Front to Right: Gabriela Lopez, April Rohman, Sonya Mehta, Ben Meyers; Left Rear to Right: Bryan Hoben, Arielle Adams, Geoff Schotter, Garrett Kaske, Damian Treffs



Moirra "Mo" Meltzer-Cohen



Virginia Wilber, Garrett Wright, Damian Treffs, Marina Sherrif and Bruce Bentley

I started as an LO nine months ago on D17, at the foot of the ladder over the fence at Duarte Square. Since then, I've seen a lot of political repression and gratuitous violence by police. I have also seen activists turn to humor, kindness, and solidarity to respond to violence as they continue their fight for social and economic justice. When we arrive with our green hats and these brave people thank us for being there, I feel proud to be part of the NLG and to bear witness to the courage of OWS activists. — **Dan Shockley**

OWS, Day Three: On September 19, 2011, I received a Mass Defense email requesting LOs at Zuccotti for the "US Days of Rage" actions, and another from a Philly law student in the park, worried that "a lot of trained NY-area LO's just don't know that this event is happening." Seven weeks earlier, I had taken the NY bar exam, and was in a mighty funk, struggling to find work, let alone "meaningful" work, in the

worst job market for new law school grads in recent history. So I put on my green hat and went downtown to a park I had never really noticed before, catching the very end of a march to Wall Street. The crowd was small, but people responded to my presence right away, telling me about some questionable arrests of chalkers, and of individuals violently grabbed by police from across metal barricades. But the most compelling aspect of the scene was the fact that people were listening to each other: most of the activity in the park seemed to consist of small-group conversations in which the participants were actively, meaningfully engaged. I returned the next day and the days after, and on the following Saturday when I observed the arrests of scores of people near Union Square, my post-bar funk had totally dissipated. I knew that in the combination of OWS and the NLG, there was important, meaningful work to be done. I had indeed found an Occupation.—**Ben Meyers**

An OWS recollection. On many evenings, Liberty Plaza would enter moments of tense stillness before an almost certain show of force heralded by the purposeful moving to and fro by the NYPD and other agents of the state. Legal observers, myself among them, would be gathering in twos and threes, discussing where to position, checking time, location, making notes. Trying to stay a step ahead. Those who for days or weeks had been engaged in the creation of spaces and forms of protest against capital and inequality could be seen passing markers from person to person, after writing the NLG-NYC Chapter number on each others' arms. In those moments, I felt proud to wear the neon-green hat, standing alongside so many other green-hatted friends and colleagues, forming part of a thin green line, itself part of a legal support effort revealing an inspiring radical and progressive legal community in NYC. Most importantly, I felt that being there was genuinely helpful: on those days and nights overflowing with

continued on next page

Honor Roll of NLG-NYC Mass Defense Volunteers

Diana Adams
Beena Ahmad
Bina Ahmad
Zainab Akbar
Zainah Alfi
Danny Alterman
Paul Altesman
Judith Anderson
Noha Arafa
Todd Arena
Gabe Armas-Cerdona
Brian Baum
Peter Beadle
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Christina Castro
Antonia Cedrone

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Fordham Law Clinic
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Tim Collins
Sal Compocchia
Gary Cutler
Jeremy Dack
Jeff Deutch
Deborah Diamant
Mitchell Dinnerstein
Ari Douglas
Ian Drieblatt
Jethro Eisenstein

Tor Ekeland
Tristan Ellis
Jeff Eloy
Steve Falla-Riff
Christopher Farrighetti
Tiffany Fermiano
Columbia Fiero
Elizabeth Fink
Andrew Fitzgerald
Cassie Fleming
Alex Franco
Julie Fry
Cristina Gallo
Peggy Garry
Paul Gebhart
Risa Gerson
Arsalan Ghelieh
Allana Golovko-Rosen
Alexandra Goncalves-Pena

Natalie Goncharov
Debbie Gordon
Loren Gordon
Alex Gorman
Mike Haber
Polly Halfkenny
Frank Handelman
Sarah Hansel
Mimi Hart
David Harvey
Abi Hassen
Ian Head
Rebecca Heinegg
Cindy Helfman
Rachel Herger
Julia Hernandez
Paul Higgins
Thomas Hillgardner

continued on next page

OWS: Transmissions from the Frontline

Photos by Jefferson Siegel.



Cynthia Trinh and Ed Westfield Jr. front
Damian Treffs and Marina Sheriff rear



Rosa Squillacote and Jorge Cisneros



Matthew Main and Garrett Wright

continued from previous page

possibility, while this group or that prepared to march off or stand their ground, someone would walk by, nod, and say “thank you for being here.” Of course, there’s no place I’d rather have been. — **Damian Treffs**

September 18, 2011—My thanks to you and to the NYC Guild again for the opportunity to come up to NYU from the Charging Bull, do my LO training and return to the first day of Occupy Wall Street with a new hat! It was an amazing, intense introduction to what being a legal observer is all about. A month into being a 1L, I can say that although the curriculum and culture are difficult for me, the chance to be a part of an organization like the NLG reminds me that it’s all worthwhile.—**Max McCauley**

Hi Susan & Ben, Alex v.S. reporting in. Left at around 2pm. Lots of love amongst the protester support crew—a beautiful thing! Releasing everyone with disorderlies—i.e.

refusing to obey police order, blocking vehicular traffic, occupying roadway, blah blah. I scanned the list of names and contacts, which should be quite legible. 16 year old kid was released to his parents who were very thankful of the NLG support.

I have a couple folks taking names/contact info for the rest of the folks getting released. I am trying to get over a cold so I needed to leave then. Should have you the rest of the 65 tomorrow. Let me know if there’s anything else. **Solidarity, Alex**

About 200 occupiers remain in the park. A few dozen police and private security present (less than usual). Meetings still going on. Much discussion re personal items lost/destroyed during raid and possible legal options, organization issues, and formation of smaller outreach groups in NYC communities. A church (could not hear name) in the Rockaways (I think Arverne) now has twenty beds open for OWS. The food was reported to be very good. Over 2,500 meals served. Happy TDay! —**Jane Levitt**

Hi. I was legal observing today, and wanted to notify you that I’m OK and finishing for the evening. I observed a TARU officer filming the demonstration on 46th St, between 6th and 7th Aves, facing toward 7th Ave. Officer’s name is _____ TARU number _____. Please let me know when you get a new shipment of hats; I felt a bit vulnerable out there today!—**Andrew Meyer**

I was surprised by how knowledgeable so many members of Occupy Wall Street were of the law. I think a part of it was definitely a combination of mistrust in the legal community and lack of availability of lawyers to them previously. But another side to that is hey, these activists are taking back the law into their hands. They’re sick of being told that issues that affect them so completely are beyond their comprehension. I’m not saying every occupier should go teach a law class, but they’re making it work.—**Celeste Tesoriero**

Honor Roll

continued from previous page

John Hirsch
Brian Hobson
Charles Hochbaum
Sarah Hogarth
Harriet Holtzman
Jessica Horani
Adam Horowitz
Deborah Hrbek
Annie Hsu
Kevin Hsu
Daetan Huck
Jill Humpries
Daniel Hupert
Claire Huyenga
Diego Iniguez
Asher Ireland
Amanda Jack
Frank Jenkins
Sherman Jones

Sheyda Joolharzadeh
Matthew Junell
Erica Kagan
Alison Kaplan
Garrett Kaske
Lauren Katzman
Paul Keefe
Paul Keefe
Gloria Keum
Sarai King
Noah Kingstein
Aaron Kleinbaum
Matthaw Kohut
Stephanie Koziac
Elissa Krausz
Frances Kriemer
Nan Kripke
Nan Kripke
Sarah Knuckey

Margaret Ratner Kunster
Sarah Kunstler
Joel Kupferman
Yetta Kurland
Justin LaMort
Jesse Lander
Maryna Lansky
Elizabeth Latimer
Rose Regina Lawrence
Martin J. Leahy
Cristina Lee
Steven Lee
Matthew Lepacek
Brian Lesser
Pat Levasseur
Ursula Levelt
Alan Levine
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Jamie Munro
Caroline Nagy

continued on next page

2012 Occupy Timeline: The Chapter Mobilizes

Photos by Jefferson Siegel.



Cristina Gallo



Cynthia Trinh, Virginia Wilber, Marina Sherrif, Joel Kupferman, Damian Treffs, Peter Beadle, Columbia Fiero, and Rob Nahoum



Stephanie Kozic, Jonathan Fogel, Jessica Charniga, Robert Hupf, Garrett Wright, Marc Steier, Andrew Sawtelle, Nan Kripke, Jill Humphries, Jonathan Wallace, Marina Sherrif and Zarah Levin-Fragasso

The Occupy Wall Street movement began on July 13, 2011 with a call by the Canadian magazine *Adbusters*: “Alright you 90,000 redeemers, rebels and radicals out there, are you ready for a Tahrir moment? Occupy Wall Street!” The response from chapter members, both long-time stalwarts and newly active, has been extraordinary. Following is a brief timeline of a some of the highlights:

- ✪ **September 1**, an organizer with “U.S. Day of Rage”, an affinity group working with the “General Assembly of NYC” (GA) calls the chapter for legal support for a demonstration and occupation of Wall Street on September 17. Demonstrations are also planned for San Francisco, Los Angeles, Austin, and Seattle.
- ✪ **September 1 and 3**, the GA begins trial sleep protests on Wall Street, resulting in a dozen arrests.
- ✪ **September 8**, the Mass Defense Committee drafts a legal fact sheet for the GA on sleep protests.
- ✪ **September 10**, **Susan Howard and Heidi Boghosian** attend a GA in Tompkins Square Park to answer questions, give out Know Your Rights materials and let organizers know the NLG-NYC will be there. Upon arrival, instead of seeing the familiar faces of long time activists, the majority attending the GA are fresh faced students, many organizing their first protest. The chapter hotline number is given out and begins to echo among the crowd, using the people’s mic, 212-679-6018.
- ✪ **In the early morning of September 17**, NLG legal observers are dispatched to Wall Street, only to find that police have established a “frozen zone” at Broadway, blocking protestors access to the area. 6 arrests are reported throughout the morning. With access to Wall Street blocked, protestors gather in nearby Zuccotti Park, and begin occupation. The hotline begins to ring with reports of arrests, police brutality and harassment, but unlike other reports, the GA media collective are live streaming video of the incidents and uploading them to web, enabling hotline staff to view the protests in real time.

continued on next page

Honor Roll

continued from previous page

Rob Nahoum
Sam Natale
Anders Nelson
Terri Nilliasca
Christine O’Heron
Gideon Oliver
Jeff Olshansky
Gideon Oliver Orion
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Michael Rooney
Ivan Rubin
Betzabeth Sanchez
Maureen Sandefer
Renee Sandefer
Allen Kennedy Schaffer

Geoff Schooter
Luke Schram
Paula Segal
Eric Setterlund
Rosalie Sewell
Hasan Shafiqullah
Nirah Shah
Marina Sherrif
Julia Shindel
Dan Shockley
Brian Shupak
Franklin Siegel
Jeffrey Silberstein
Retu Singla
Marina Sitrin
Michael Steven Smith
Paige Spencer
Summer Star
Wylie Stecklow

Marc Steier
Jean Stevens
Martin R. Stolar
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Ellen Yaroshefsky
Bruce Young
Sarah Young
Wilfred Zamora
Nikki Zeichner

2012 Occupy Timeline: The Chapter Mobilizes

Photos by Jefferson Siegel.



Garrett Wright foreground, Lee Brannon, background



Marina Sheriff, Max McCauley, Damian Treffs, Christine O'Heron (OWS Mutant Legal), Frank Jenkins, Naomi Brussel, Jonathan Wallace and Nina Roark



Virginia Wilber, Ed Westfield Jr., Marina Sheriff, Dan Shockley and Paul Altesman

continued from previous page

- ✪ **September 17**, Police begin daily arrests of occupiers, at Zuccotti Park and routinely during daily marches to Wall Street. Charges include chalking the sidewalk (graffiti), disorderly conduct (obscene language or gesture, blocking the roadway, blocking pedestrian traffic), resisting arrest, unreasonable noise (drumming) and parading without a permit. NLG-NYC legal observers begin nearly 24/7 coverage at Zuccotti Park and at daily direct actions.
- ✪ **September 20**, at the evening GA, the OWS legal action group recommends that NLG-NYC, CCR and NYCLU sign off on all proposed legal actions and the Liberty Park Legal Working Group (LPLWG) is formed. Seven protestors are arrested in Zuccotti Park for using tarps and tents.
- ✪ **September 22**, a rally and demonstration to protest the execution of Troy Davis marches from Union Square to Zuccotti Park. A huge police presence accompanies the march and police swarm the park in what becomes a daily show of force. Four organizers are arrested.
- ✪ **September 24**, unsigned notices announcing new park rules are passed out by Brookfield Properties security officers at Zuccotti Park. New rules include no tents or tarps and no lying down, but the occupation continues to use tents and tarps, and the occupation grows. On a march through the West Village, protestors are penned in and kettled. Lt. Anthony Bologna uses pepper spray on marchers and others penned in on University Place. 90 protestors are arrested. **Susan Howard** works the phones for 72 hours, compiling a list of arrestees for Mass Defense attorneys. Guild members **David Rankin** and **Robert Quackenbush** coordinate arraignments. **Martin Stolar**,

- Bob Boyle, Gideon Oliver, Rebecca Heinegg and Deborah Diamant**, among an ever growing roster of Guild attorneys, begin taking on cases.
- ✪ **September 26**, the chapter hotline number is so widely disseminated it results in calls for help from across the country. The chapter urges the National Mass Defense Committee to respond to occupations spreading across the country. The Mass Defense Committee begins holding weekly legal observer trainings as the legal community responds to calls for support.
- ✪ **October 1**, 30 legal observers accompany a march from Zuccotti Park to Cadman Plaza. Walking onto the roadway of the Brooklyn Bridge, protestors are corralled by police and forced to a halt. Protestors are not allowed to proceed or exit and everyone on the bridge is eventually arrested, including a legal observer. Approximately 750 arrests are reported. Teams of Guild members are sent out to police precincts across the boroughs to do jail support. The majority of arrestees are released in the wee hours of the morning from precincts from Bed-Stuy to One Police Plaza. Guild attorneys handle the arraignments of arrestees held over. OWS Jail Support is formed. OWS Bail Support is formed. CUNY Law grad **Ben Meyers** begins volunteering at the chapter office.
- ✪ **October 5**, NYU walk out and TWU and Labor Unions rally and march from Foley Square to Zuccotti Park and Brooklyn Bridge. 50 NLG legal observers provide support. 12 arrests are reported. The chapter begins staffing a daily legal table in Zuccotti Park to do intake, answer questions and give out KYR materials. The table is coordinated and staffed by **Deborah Hrbek, Margaret Ratner Kunstler and Pat Levasseur** and a long list of illustrious Guild members.

- ✪ **October 9**, an emergency Mass Defense Committee meeting is called to organize members to take on the growing work, including court coordination, arraignment, civil litigation, criminal defense, office staffing, legal observing, tabling and mentoring.
- ✪ **October 13**, Brookfield Properties issues a notice to vacate 1/3 of the park for repair and cleaning the following morning. Chapter President **Gideon Oliver**, with the Liberty Park Legal Working Group submits a letter to Brookfield Properties advising them of OWS measures to keep the park clean. 21 legal observers report in.
- ✪ **October 14**, on the morning of the scheduled "cleaning" hundreds of protestors arrive at Zuccotti Park in solidarity with the occupiers. 30 legal observers report in and NLG-NYC attorneys were on the scene. Brookfield and NYPD back down and cancel the cleaning. On a OWS march to the Wall Street Bull, reports of police abuse and misconduct are widespread; a legal observer is injured by a police scooter. 15 arrests are reported.
- ✪ **October 15**, on a march to Times Square, protestors are again kettled and reports of excessive force by police are rampant, a returning Marine repudiates the NYPD violence. 20 legal observers report 56 arrests.
- ✪ **October 21**, the first Stop Stop & Frisk Action at 28th precinct ends in 37 arrests. 2 legal observers report in. Guild attorneys handle the arraignments.
- ✪ **October 25**, the chapter puts out a call to the legal community to "Join the Legal Team" to expand legal support.

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2012 Occupy Timeline: The Chapter Mobilizes

Photos by Jefferson Siegel.



Jonathan Moore and Alexandra Goncalves-Pena



Sarah Knuckey and Scott Pilutik



Garrett Wright foreground, Peter Beadle background

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- ✪ **October 26**, 11 arrested on a march and rally in solidarity with police abuse in Oakland. 4 legal observers report in.
- ✪ **October 28**, FDNY and NYPD enter Zuccotti Park and confiscate generators. Within hours, the LPLWG submit a letter to the FDNY demanding the generators' immediate return.
- ✪ **October 30 & November 4**, arrestee/attorney meetings are scheduled at Judson Church to organize new attorneys, do intake of arrestees and answer basic legal questions. Dozens of Guild attorneys respond and hundreds of protestors attend.
- ✪ **October 31**, NLG legal observers march in the Halloween Parade with Occupy Halloween
- ✪ **November 1**, **Ben Meyers** is hired as Mass Defense Coordinator. Stop Stop & Frisk action at 73rd precinct ends in 27 arrests.
- ✪ **November 3**, on the first big OWS return date, Mass Defense Coordinators **Ben Meyers, Elena Cohen, Cristina Lee, Judith Anderson and Erin Berman** work the halls of 100 Centre Street, checking in protestors, assigning Guild attorneys and tracking cases.
- ✪ **November 13**, Muslim Defense Project disseminates Know Your Rights materials in Bay Ridge Brooklyn.
- ✪ **November 15**, at approximately 1am police stage a surprise raid of Zuccotti Park, evicting the occupation and dumping all possessions in waiting garbage trucks. 26

legal observers report 260 arrests. Within hours of the raid, Guild attorneys file an Order to Show Cause and get a Temporary Restraining Order, blocking the eviction, but on return to Zuccotti Park, the park is barricaded and police refuse to allow protestors to return. Later that day, the TRO is denied. Guild attorneys take on the arraignments.

- ✪ **November 16**, NLG-NYC Legal Table volunteers move to 60 Wall Street.
- ✪ **November 17**, OWS and labor march and rally in a 99% day of action. 30 legal observers report 253 arrests, Guild attorneys take on the arraignments.
- ✪ **November 19**, Stop Stop and Frisk Action at 105th precinct results in 20 arrests.
- ✪ **November 24**, The People's Kitchen hold Thanksgiving Dinner in Zuccotti Park. 3 legal observers report in.
- ✪ **December 1**, **Bina Ahmad** is hired as Civil Litigation Coordinator. **Meghan Maurus** is hired as Arraignment Coordinator. **Elena Cohen and Cristina Lee** are hired as Court Coordinators.
- ✪ **December 17**, during a OWS march and rally to Duarte Park, protestors, including clergy, enter the park, owned by Trinity Church. 16 legal observers report 73 arrests and reports of police abuse are widespread.
- ✪ **December 31**, OWS Prison Solidarity march results in 66 arrests. **Gideon Oliver** and 6 legal observers report in.

- ✪ **March 17**, OWS Spring Procession to Zuccotti Park results in 79 arrests. 14 legal observers report in. Guild attorneys and Legal Aid take on the arraignments.
- ✪ **March 20**, Occupy Union Square begins, resulting in 8 arrests. Occupiers move sleep protests to the sidewalks. 3 legal observers and Gideon Oliver report in.
- ✪ **May 1**, Labor Day & OWS General Strike, 42 legal observers, with Team Leader **Marc Steier**, are dispatched from Bryant Park to roaming demonstrations throughout midtown, Madison Square Park, Union Square and the Lower East Side, 89 arrests are reported.
- ✪ **June 13**, a March in Solidarity with Quebec Student Strikers result in 13 arrests. 3 legal observers report in.
- ✪ **June 17**, at a Fathers' Day Stop Stop and Frisk Silent March, 24 legal observers report 8 arrests
- ✪ **August 31**, Occupation of Hot & Crusty in Solidarity with workers fired after winning union recognition results in 6 arrests.
- ✪ **September 15**, at OWS Anniversary Actions, 14 legal observers report 36 arrests.
- ✪ **September 16**, OWS sleep protest at City Hall Plaza results in 19 arrests.
- ✪ **September 17**, on the one year anniversary of OWS, 30 legal observers, lead by Team Leader **Marc Steier**, are dispatched from Bowling Green at locations throughout the financial district. By day's end, 185 arrests are reported, reports of indiscriminate arrests and excessive force continue.

Mass Defense Support

continued from page 1

The MDCC emerged from the challenge presented by the huge numbers of arrests around OWS. By November 1st, there had already been over a thousand arrests reported to the Chapter office, with more occurring nearly every day. All of these cases would be given similar court dates, and with Guild attorneys representing the majority of these, it was essential that we develop a way to make sense of the chaos in the hallways on large return dates. To accomplish this, several different roles emerged. One person would check defendants in upon their arrival and make sure we had their correct contact info. A second person would assign clients to attorneys more or less in the order of their arrival, listing the names on bright yellow sheets that would be collected at the end of the day with dispositions and dates filled in. Another person would sit in the courtroom marking down dispositions on a form as cases came before the judge, which would later be checked against the info on the yellow sheets. Still another person would address whatever other questions or problems emerged on a given day, from defendants, lawyers, or court personnel. All told, the presence of MDCC people in the court made it possible for dozens of Guild attorneys to efficiently appear in literally thousands of court appearances, while continuing the Mass Defense strategy of pushing the limits of the court through sheer volume of cases.

The practices of the MDCC were developed over a series of meetings which happened regularly throughout the winter and into the spring. At these meetings, the needs of activists (pre- and post-arrest) and attorneys were brought to the table, and procedures to meet these needs were developed. The general kinds of support we have been able to provide include tracking people in custody between arrest and release, helping to expedite court appearances post-arraignment, providing various kinds of support to attorneys representing protesters, and hosting meetings for all concerned to share information and experiences concerning mass defense.

The most ambitious aspect of this was the mechanism for tracking people between their arrest and their release, which relied on volunteers to be “on call” whenever arrests were reported to the Chapter office, which could happen at any hour of the day or night. Depending on a number of different factors, those arrested would either be released from the precinct stationhouse after several hours with a later court date for arraignment, or would be transferred to Central Booking for processing and arraignment before release. The on-call person would be given the names

and locations of the people arrested, and would make calls to determine the precincts at which the people were being held and if they were likely to be released from the precinct. They would then fax letters of representation, alert activist jail support and bail fund managers to the arrest, inform volunteer attorneys of potential arraignment needs, and make sure all the relevant parties had current information about the defendants as this information changed. If necessary, the on-call person often also did the arraignments, many of which happened just minutes before the court closed at 1 AM. And whether the protesters were released from the precinct or from the court, activist jail support would be ready for their release and provide the physical comfort and other kinds of support needed in those moments.

Once arrestees had been arraigned, the MDCC continued this support by expediting large return dates at court. Through much of the winter and spring, most cases related to the Occupy movement were assigned to a single courtroom, known as “Jury 7,” located on the fourth floor of the Summons Court at 346 Broadway, and presided over initially by Judge Neil Ross, and later by Michael Sciarrino Jr. Defendants appearing at Jury 7 would have to go through a second security checkpoint and deposit their cell phones and laptops with a property clerk before entering a long hallway dedicated to Occupy cases. Some return dates would involve as many as 100 defendants, and MDCC volunteers would know whom to expect, how to reach them if they were at risk of a warrant for non-appearance, and which attorneys were representing them. Defendants would report in with the volunteer on duty, which helped attorneys immeasurably when it came time to gather up all their defendants for appearances and attorney-client conferences. The hallway outside of Jury 7, incidentally, became a *de facto* OWS meeting space, playing host to many informal conversations and small assemblies while defendants waited to make their appearances inside the much-too-small courtroom. Although Jury 7 stopped operating in this way at the end of June, the MDCC continues to provide the same support to defendants and attorneys on large return dates at Manhattan Criminal Court, and will do so as cases move into the trial phase over the fall and winter months.

Between court appearances, the MDCC has also been supportive of the mass defense attorneys through a number of mechanisms. Much of this has been in the online arena, such as dedicated email lists and a digital archive of

briefs useful for various protest-related charges. Volunteers have also coordinated legal research teams to write briefs on specific legal questions, and have (to a limited extent) helped establish mentoring relationships between new and experienced attorneys to continue broadening the panel of attorneys with mass defense experience.

The MDCC also organized numerous meetings of arrestees and of defense attorneys. At the arrestee meetings, attended by several hundred people at Judson Church and at several union halls, Guild attorneys would describe the typical sequence of a case, answer dozens of questions, and provide a space where defendants from the same mass arrests could share their perspectives about their experiences. For many people, their protest arrests were the first time they had been arrested, and these meetings served an important community-education function. Not only were attorneys able to answer general questions about such matters as the consequences of taking an ACD, immigration issues related to an arrest, and whether to post accounts of their activities on Facebook, but more-seasoned activists could use this as an opportunity to connect the issues around Occupy with other social justice issues, such as over-policing in communities of color. These meetings also helped attorneys without much mass defense experience get a better understanding of their clients’ concerns. This also supplemented the productive discussions at the defense attorney meetings, which concerned questions about procedural and strategic issues related to the cases, and where the perspectives of both well-seasoned criminal defense attorneys and fresh-eyed newcomers could be brought to the table for the mutual edification of all present.

As of this writing, there are well over a hundred trials scheduled for the fall and winter months, many of which are consolidations of multiple defendants. The MDCC will be assisting with the preparation for these trials, and will be in and around the courtrooms to help in whatever ways are necessary. At the same time, police continue to arrest protesters, who will continue to return to court for multiple appearances, and the cycle will continue. Mass defense coordination operates at all phases of this cycle, and will continue to do so in order to support a strong legal defense to a robust culture of resistance and political dissent in New York City.

Ben Meyers began answering phones at the Chapter office on the day of the Brooklyn Bridge arrests, and continues to organize legal support for protesters and their attorneys with the Mass Defense Coordinating Committee.

Reflecting on “Suppressing Protest: Human Rights Violations in the U.S. Response to Occupy Wall Street”

BY SARAH KNUCKEY

In July 2012, the ‘Protest and Assembly Rights Project’ – a national consortium of human rights and civil liberties lawyers, professors, and law students at law school clinics across the U.S. – released a 132 page report documenting protest rights violations by NYC authorities in their response to Occupy Wall Street. It was the first in a series of reports examining the responses of U.S. cities. Based on 8 months of investigations, the report documented extensive violations, including excessive police force, unjustified arrests, abuse of journalists, unlawful closure of public space, pervasive surveillance, and impunity for abuse in New York City. The report called for a full review of the city’s response, the creation of an independent inspector general for the police, investigations and prosecutions of officers, and the creation of new NYPD protest policing guidelines to protect against rights violations. The report also called for federal intervention, in the absence of an adequate NYC response, and was submitted as a complaint to the Department of Justice and the United Nations. The report is available at: <http://chrgi.org/wp-content/uploads/2012/10/suppressingprotest.pdf>.

N+1 asked one of the report’s primary authors, Sarah Knuckey, a human rights lawyer, professor at NYU School of Law, and National Lawyers Guild legal observer to reflect on the project, why the report was written, what the response to it has been since it was published, and what the next steps are.

At an Occupy protest one evening this past summer, I was legal observing and watched as police tackled a peaceful protester to the ground and proceeded to aggressively cuff him as he screamed in pain. His offence, apparently, was crossing the street at the wrong time. I knelt down, a few feet from the protester’s face, to document what was happening, and to speak to him so that in the midst of the violence against his body he could at least hear a voice seeking his name and assuring legal assistance. As I did, I saw an NYPD officer pull back his boot and kick the already restrained protester hard in the face. With others, I jumped up and tried to record the badge number and name of the officer. The officer turned away, hiding himself from those who had witnessed him so blatantly abuse his power. In the midst of shock at the brutality of boot to flesh, there was empathy from those near, vocalized rage, impotence and frustration at being unable to stop the abuse, strangers coming together to help each

other find the officer’s name, and desire to use available channels to seek accountability. Yet lines of other officers prevented both legal observers and protesters from obtaining the officer’s name. And incredibly, a senior officer helped the perpetrator escape the scene in an NYPD van.

Shortly after, the police, by threatening arrest while wielding their batons, prevented the same group of peaceful protesters from accessing a public park, open to other New Yorkers and tourists. The protesters present responded with clear assertions of their rights. But the rights here were so demonstrably anemic. They could be articulated and claimed; one could discursively form oneself as a political subject able to assert rights on the street. It could be empowering to a certain extent to wield the language of rights against the officers unlawfully denying you peaceful assembly. But the material consequences? At that moment, your rights exist, if anywhere, only in language. They are irrelevant to the protection of your body. To actually seek to exercise rights in that moment would have been to risk physical harm, and would certainly have led to arrest.

The Protest and Assembly Rights Project came together in early 2012 in response to hundreds of such moments. It grew out of a desire to document and publicize rights violations, to apply political pressure to stop abuses, and to make protest rights meaningful where they matter – in the streets, in parks, in daily interactions with the state. New York City authorities committed injustices against Occupy Wall Street protesters constantly, got away with it, and made people afraid to exercise their expression and assembly rights. The pervasive pattern of abusive policing has had both an immediate and long-term impact of suppressing protest. Our report documented extensive chilling effects – people became, quite justifiably, afraid of being arbitrarily arrested, constantly surveilled, or physically injured while simply gathering with others in public spaces or while attempting to report on the protests.

The core goal of our research and report was to document precisely, objectively, and comprehensively what was happening at the micro incident level, and to illuminate and clearly convey the patterns of government abuse. In one sense, this is a simple act of witnessing, truth-telling, and historical record-making. We believed it essential that the wrongs of the state be clearly articulated, and that its attempts to monopolize the narra-

tive be undone. The refrain of city authorities – “The protesters are a danger! Our policing is lawful and proper!” – was countered by the facts.

We also aimed to support individual political subjecthood by securing a path through which personal narratives could be expressed. The injustices of impunity and non-recognition – especially in the face of abuses by the state – exacerbate the original rights violations. We aimed through interviews and public reporting to support or facilitate individuals overcoming some of the disempowering and alienating effects of witnessing or experiencing abuse, and often not being able to address it.

Through our inter-disciplinary research, methodologies, and public reporting, we had other related aims. We aimed to participate in the larger project of bringing human rights “home” to the U.S., and to clarify and articulate the international law binding upon the U.S. Crucially, we also wanted to show clearly to the many other countries watching NYPD policing that its practices breached international law and should not be followed. This became a key goal after other countries began to copy abusive NYPD policing, and rhetorically attempt to justify their own abuses of protest rights by pointing to NYPD practices. We also aimed to teach our students how to be social justice advocates, to deepen and promote careful investigation methods that others could also use (attentive to legal risks, retraumatization, standards of proof), and to analyze current abuses in their historical and international contexts and thus to make visible the complex web in which any individual abuse is situated.

We intended to make clear the deeply important value of “assembly,” beyond protesting for or against something. Occupy’s use of public space was about far more than expressing pre-determined ideas. It was about bringing people together, to deliberate, to exchange ideas, to organize, to model participatory democracy, and to create the space needed to formulate grievances and goals. These broader aspects of political assembly are also protected by law, and crucial in a healthy democracy.

Most importantly, we want our documentation and analysis to be leveraged in the pursuit of meaningful material impacts. We wanted to produce a careful and thorough report that would make our conclusions and recommendations unimpeachable, and thus

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Suppressing Protest

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force a serious government response. The ambitious aim, then, is to contribute to the ongoing efforts of many to reform the NYPD. These include legal, policy, and grassroots organizing efforts around stop and frisk, the widespread surveillance of Muslim populations, and other discriminatory, unjustified, and unlawful practices.

Any effort to support the achievement of long-term reform in policing practices requires understanding the nature and dynamics of current abuses, and their immediate as well as deep-seated structural causes. It also necessitates developing a map of the pressure points and nodes, networks, actors, laws, and institutions that can be leveraged to force real change in policing practices. This is why our report had such lengthy context analysis, and why we submitted it as a formal complaint to a range of NYC, federal and international authorities. It is also why we see it as one piece in a much longer-term strategy for reform.

Police abuses are always the result of a myriad of factors (e.g. simple incompetence, individual “bad apples,” poor training, cultures of impunity, poor oversight structures, a lack of civilian accountability). In New York, the key factor is the failure of political will on the part of senior officials. The police department could readily change course and conduct rights-respecting protest policing –

as it could also readily reform its stop and frisk and surveillance policies. We can imagine this city responding to peaceful protests as they are required to by domestic and international law – by actively facilitating them, or simply leaving them alone. The City does not, not because this is not feasible, but because of limited incentives for truly accountable policing, and because those at the top have little interest in seeing meaningful and growing protests on the streets of New York.

The most important question then is to consider what pressures can be brought to bear to force a change in political will so that accountable and rights-respecting policing is created in New York. When the report was published, there was widespread and favorable media coverage, and resulting public pressure on authorities. Many individuals and groups from across the U.S. and beyond contacted us, expressing their gratitude, sharing similar abuses faced in other locations, wanting to collaborate on initiatives in New York and in other cities. We also received requests to use the report in education materials for police, and our report is cited as evidence of protest suppression in ongoing federal litigation.

But New York City authorities said nothing. What kind of a government is handed a report detailing hundreds of abuses of its citizens, and does absolutely nothing? The silence

of the authorities only reinforces a central finding of our report: the NYPD engages in undemocratic policing, underpinned by pervasive impunity for official abuse. The Mayor and the NYPD have so insulated themselves from the basic precepts of democratically accountable policing that they don’t think they even have to answer documented allegations of abuse.

To begin to address the NYPD’s lack of accountability and transparency in its policies and actions, we are seeking police documents through freedom of information requests. To tackle the lack of oversight of the police force, we will continue to work with others who are pushing for an independent inspector general for the NYPD. And because NYC authorities seem unwilling to reform themselves, we are seeking federal intervention from the Department of Justice. With respect to individual abuses, we will continue on-site legal observing with the National Lawyers Guild, and will testify in court about any unjustified arrests or use of force we witnessed. Our project will also be releasing over the next few months further reports on responses in other cities, including Boston, Charlotte, Oakland and San Francisco. And, importantly, because the kinds of abuses we have seen here in NYC are far from isolated, we have requested hearings in November this year before the Inter-American Commission on Human Rights, the regional human rights body for the Americas, on the criminalization of dissent across the region. We hope to bring together representatives from across the Americas – e.g. from the US, Canada, Mexico, Chile, Ecuador – to testify about the trends of protest policing, and to work at the regional level to promote rights-respecting policing.

Peaceful protests and political assemblies are fundamental and necessary in all democracies, and key to democratic reform and socioeconomic justice. If we let the abuses of the past year remain unaddressed, we will not only allow impunity to be further entrenched, but we will see the NYPD’s protest suppression tactics spread, repeat, and stymie future social and economic justice movements. Indeed, we have already seen other police departments copy the NYPD’s abuses. It is common the world over for a government that is unable to defend or explain its abuses to simply ignore allegations and calls for change, in the hope that they will go away. But the city’s abuses and non-responsiveness have only strengthened our resolve to work with others to upend the structures enabling official impunity and anti-democratic practices.

Mass Incarceration Committee Comes to New York City

North American assembly-line justice and over-incarceration is much in the public eye of late, from Michelle Alexander’s surprise bestseller *The New Jim Crow* to the Supreme Court ordering California to release over 30,000 inmates. A new committee of the National Lawyers Guild is taking aim at the prison system and challenging mass incarceration nationwide.

The Mass Incarceration Committee, formally recognized by the National Executive Committee this past April 2012, hopes to actively participate in the public discourse about mass incarceration. Since forming, the committee has met via monthly conference calls, and has extended our reach and membership to all jailhouse lawyer members of the Guild.

In New York City, the Committee will hold an inaugural meeting this fall. Local activities thus far include endorsing the Close Attica event of September 14 at Riverside Church, writing a letter to District Attorney Cyrus Vance asking him to drop charges against local activist Jazz Hayden, and participating in meetings and demonstrations organized by the Jail Action Coalition (activism and advocacy to improve conditions in local jails and Rikers Island). Also this fall, the Committee will co-sponsor a screening of Philadelphia Guild member Matthew Pillischer’s film, “Broken on All Sides.” New York City members are also serving on a Rapid Response Network of Committee members that is being formed to quickly issue public responses such as press releases or endorsements.

For more information or to be added to the listserv, please email Nora Carroll at carroll.nora@gmail.com or go to <http://lists.nationallawyersguild.org/mailman/listinfo/massin-carceration>.

Stop & Frisk

continued from page 1

they lined up in front of the police station doors and arrests began shortly thereafter.

NLG legal observers Judith Anderson, Cristina Lee, and several others, in their conspicuous green hats, watched, recorded the events, and took down names as the arrests took place. The arrestees were taken to the 33rd precinct and the LOs followed. I arrived as those arrested were slowly being released with Desk Appearance Tickets, which instructed them to come back to court on a future date. As they were being released their names and dates when they needed to return to court were recorded by an LO. All but two people were released that night. The next day myself and one other NLG attorney went

John Hector, a recently released Navy veteran, testified to the indignity of arriving back in New York at the end of his service, only to be illegally stopped, searched and ritually humiliated by the NYPD.

down and arraigned the last two people.

The folks were out there that day to highlight NYPD's use of stops and frisks. It is worth recalling the narrow exception that the Supreme Court believed it was crafting in *Terry v. Ohio*. In that case, the Court ruled that a police officer, fearing for his or her personal safety, could stop an individual and conduct a pat-down of the individual's outer layer of clothing in order to search for weapons, even without suspicion amounting to probable cause. Even under *Terry*, every stop that is not occasioned by an immediate fear for police officer safety is a violation of the Fourth Amendment rights of the frisked individual. Many of us know the numbers, but they always bear to be repeated. In 2011, the New York City Police Department made 685,724 stops. That is the equivalent of one stop every 46 seconds. The vast majority of those stopped are innocent of any crime. A total of 0.13% of stops result in the recovery of firearms, and only 2.4% of stops recover contraband. Furthermore these ineffectual stops are disproportionately conducted against people of color; 87% of individuals are Black or Latino. Justice Douglas wrote in his dissent to *Terry v. Ohio*, "[T]o give the police greater power than a magistrate is to take a long step down the totalitarian path. Perhaps such a step is desirable to cope with modern forms of lawlessness. But if it is taken, it should be the deliberate choice of the people through a constitutional amendment." (392 U.S. 1, at 38).

Justice Douglas' words ring true today, and on Oct. 21 hundreds of New Yorkers came out to join a growing chorus of voices saying enough; stop stop and frisk!

After filing motions and numerous court dates we all found ourselves in room 535 in 100 Centre Street, Manhattan Criminal Court. There were 20 people standing ready for trial along with four NLG attorneys: Ari Brochin, Paul Mills, Marty Stolar and myself. Motions to dismiss had been denied. The District Attorney had requested four trials with five defendants each. We countered with a request for one trial. Those arrested had been arrested together. Their trial was meant to bring greater attention to their cause and message. One trial with twenty defendants was better suited to that goal. On the eve of trial the judge denied a motion requesting the use of the necessity defense. With that the trial began.

The trial lasted five days. Over those five days all but one of the defendants testified. The testimony was powerful. One by one each individual stood up in front of a packed court and told their story of how they came to be involved in stopping the racist, immoral and illegal practice of stop and frisks in New York City. The Reverend Earl Kooperkamp, who for years served an Episcopal Church in Harlem, talked about seeing his congregants harassed and humiliated by the police, and the negative effects for young men growing up to see the police as an enemy. John Hector, a recently released Navy veteran, testified to the indignity of arriving back in New York at the end of his service, only to be illegally stopped, searched and ritually humiliated by the NYPD. Elaine Brower testified as the daughter, mother, and sister of police officers about the toll that Stop and Frisk has taken on the officers of the NYPD, who are often forced by NYPD policy to violate their moral convictions. Professor Cornel West invoked the Reverend Dr. Martin Luther King, Gandhi, Heschel, and John Coltrane to articulate the moral imperative of ending Stop & Frisk. The defendants represented a cross section of New York. All of them told powerful and moving stories.

At the conclusion of the trial Judge Mandelbaum sentenced all but one defendant to time served on a disorderly conduct charge. Noteworthy was the amount of security. In addition to going through security downstairs, defendants and spectators were required to go



Meghan Maurus and Marty Stolar

through a separate metal detector outside the courtroom. They had to check in all of their electronic devices. When the verdict was read there was a total of 15 officers lining the sides of the room. It chilled the entire proceeding. The promise of an open and public courtroom was certainly curtailed by the extra security. But the defendants' message came through: stop the illegal, racist and immoral practice of stop and frisk. That message was underlined by another message reiterated time and time again by Dr. Cornel West, one of the defendants, who said, "[W]e are here because we love these young brothers and sisters of all colors, and especially the black and brown ones who are subjected to being stopped and frisked through no fault of their own."

Through it all the courtroom was packed with comrades, press and lawyers who stopped by the court to watch the proceeding. More than once I was asked "what exactly is mass defense? And, why put so much time and effort into it?" My representation of those protesting stop and frisk policy of the New York City Police Department offers at least one answer.

The Reverend Earl Kooperkamp talked about seeing his congregants harassed and humiliated by the police, and the negative effects for young men growing up to see the police as an enemy.

First, dissent, or even comment, is often met with swift and harsh rebuke. The NYPD sends out the Tactical Assistance Response Unit, or TARU, to film protests. They send out officers from the Intelligence Unit, and officers from the Legal Bureau. The police not only seek to create fissures among protest groups, they also at times violate their very right to protest, and use unnecessary physical force. Importantly for all of us to remember is that many of our clients are those the police see as most marginalized whether it be people of color, immigrants, or homeless folks.

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The Stop & Frisk Trial

Don't Send Your Condolences

BY MARTY STOLAR

Guilty verdicts were delivered in the recent trial of 20 activist protesters accused of disorderly conduct for their participation in a demonstration last Fall in front of the 28th Precinct in Harlem about the NYPD's racist "stop & frisk" policies. If you followed the news, you knew that Prof. Cornel West, Rev. Stephen Phelps, Rev. Earl Kooperkamp, Randy Credico, Carl Dix, Debra Sweet and others had begun trial on a Monday morning and held court all week until the verdicts were announced Friday afternoon.

The fact of a conviction is completely irrelevant to the outcome of the proceedings from the point of view of the 20 defendants and their 4 lawyers. For them, the trial was an overwhelming victory.

The protest had started with a rally at the State Office Building in Harlem, continued with a march across 125th Street, and ended at the 28th Pct. on Frederick Douglas Boulevard and 122nd Street. There, a group of more than 200 made noise, chanted slogans, and held signs and banners urging the NYPD to "Stop Stop & Frisk".

A smaller group of about 30 then lined up along the walls and outer doorway of the precinct carrying their message with them. After about a half-hour, they declined a request by the precinct captain to discontinue their protest and were arrested. All but two received Desk Appearance Tickets and were charged with two counts of disorderly conduct: one for blocking access to the precinct and the other for refusing the Captain's "lawful order" to disperse. All but the 20 on trial accepted ACD's.

In this context, a good political trial uses the proceeding as a platform to continue to deliver the message which sparked the protest in the first place—a continuation of the protest in the courtroom. That is exactly what happened in this case: for 5 days 20 staunch opponents of the NYPD stop & frisk policies, along with their 4 lawyers, held forth about the inherent evils of the policies.

Opening statements provided a window not only into the First Amendment nature of the protest which led to the arrests but also into the policy itself and its racist and oppressive effects. The openings also previewed the legal arguments to be made that the defendants had not been guilty of all of the elements of the charged offenses.

Throughout the prosecution's presentation of a dozen witnesses, rigorous cross-examination revealed a number of weaknesses in the prosecution's proof. Cross about the individual police officers'

participation in and contributions to the stop & frisk program were, not surprisingly, blocked by the court. Nonetheless, the issue remained front and center.

The defense case, which lasted almost 3 days, consisted of defendants testifying about who they were and why they had become involved in the protest. Testimony included statements about how each had been personally affected by the policies and why they thought there was a serious enough public and personal issue to risk arrest in protest of them. The testimony was moving, thoughtful, political, funny, intellectual, plain-spoken, etc. There was amazing splendor in the variety of brave and committed individuals who stood up to protest and vowed to continue to do so. It was as powerful a statement as ever has been made in a courtroom.

Defense summations again mixed legal argument with the politics of the protest. All of the lawyers spoke about the perceived failures in the prosecution's proof, the legitimacy of the protest, and the fundamental truth of the message the protesters were carrying – that the NYPD's stop & frisk policies had to be stopped. Their eloquence and arguments were a resounding condemnation of police misconduct.

When the judge convicted them all of at least one count of disorderly conduct (a few were acquitted on one count), we asked for immediate sentencing. After many defendants spoke from the heart of their feelings about the trial and the protest, the judge gave all but one "time served". The one was given two days community service because she had fought with the judge while testifying. It was a Friday afternoon and all of the defendants and their lawyers walked out of the courtroom proud of what they had accomplished since the trial began on Monday.

The trial was a success and the convictions merely a sidelight to the 20 people who had willingly risked arrest and conviction in order to bring their concerns to the City's and country's attention. The trial was the platform to allow them to push the political message another step. As political lawyers, this is what we do and we did it very well.

Send congratulations instead.

The NLG-NYC Mass Defense Committee attorneys who tried the case were Paul Mills, Ari Brochin, Meghan Maurus, and Martin R. Stolar.

Stop & Frisk

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Having LOs on the scene, having lawyers at the ready, having the hotline up and going gives these folks a chance at fighting back. As a defender of the First Amendment right to protest I often feel it is a race against time to document, give notice of representation and make ourselves seen and heard by police and courts to protect the rights of protesters. Yes, we are here. And, certainly times are not unique. Dissent, or even comment, has always been the subject of repression. We

have many lessons to learn from those who have come before us in this organization. This trial also brought attention to the message of those who were arrested. The trial received coverage in the Times, the Post, the Daily News, and dozens of other print and internet news outlets. It allowed the demonstrators to make their point twice. Shortly after the trial, Mayor Bloomberg said at a press conference that the city needed to mend, not end Stop and Frisk. The Times editorial page called on

the Mayor to end Stop & Frisk. Statistics were published showing a significant drop in Stop and Frisks in recent months. Though Stop and Frisk continues, and the movement to stop it continues, the movement has achieved measurable progress. NLG attorneys have played, and continue to play, a major role in those accomplishments.

I was proud to take part in this trial. And, as Marty Stolar wrote in an eloquent letter after the verdict, we did not lose.

Taking Surveillance, Infiltration, and Entrapment to the Next Level: Feds Stage First Annual FBI Muslim Youth Conference in Brooklyn

BY GARRETT WRIGHT

On May 14, 2011, just a few months before the Associated Press revealed the existence of the NYPD's covert spying program against Muslims, the FBI descended on Kingsborough Community College for the "First Annual FBI Muslim Youth Day." The event was organized by Mohammad "Mo" Razvi of the Council of Peoples Organizations (COPO) and was sponsored by multiple government agencies, including DOJ, DHS/ICE, New York State Police, US Secret Service, and The Port Authority of NY & NJ. The event also had massive corporate sponsorship, including Fox News Corporation, L'Oreal, Macy's, Burger King, the Mets, and DC Comics. Flyers for the conference proclaimed that students would be able to learn more about the FBI, its work, and job opportunities with the agency.

This unholy monstrosity of repressive state and corporate power was planned in secret by COPO, who invited only a handful of Islamic schools and mosques. In fact, word about the event only started getting out to the larger NYC Muslim community a few days before the event. When I arrived at the registration table the morning of the conference, I was almost turned away because I hadn't registered in advance of the event. I also overheard Mr. Razvi instruct the registration staff not to permit any students from campus Muslim organizations to enter the conference. The secrecy is not surprising – many Muslim, Arab, and South Asian organizations are opposed to such open "partnerships" with the FBI and other law enforcement agencies, and for good reason. As all Guilders know, the FBI has a long and sordid history of illegally waging war on political opponents of the U.S. government's domestic and foreign policies, beginning with the Palmer raids against socialists, anarchists, and trade union leaders, and continuing with the emergence of Red Squads and McCarthyism. This was followed by the murderous COINTELPRO operations against the Puerto Rican Independista movement, Black Panther Party, American Indian Movement, Young Lords, Brown Berets, Red Guard Party, Students for a Democratic Society, and many other groups that were organizing for radical social change in the 1960s and 1970s. Many of these operations were done in close coordination with state and local law enforcement agencies, such as the NYPD's Special Services Division.

Today, the FBI and state and local law enforcement agencies continue to flagrantly violate the law in their attacks on Muslim, Arab, and South Asian communities, as well as animal rights, environmental, and international solidarity activists. This includes a coordinated campaign of entrapment against vulnerable individuals who showed no inclination of pursuing attacks in the U.S. until government-paid informants concocted plans out of whole cloth and tirelessly pressed these plots until they were finally set into motion. Many of the targeted individuals who have been caught up in these entrapment schemes are struggling at the extreme margins of our economy, and have been lured into participation through offers by informants to pay for things like urgently needed medical procedures for their families.

As discussed in greater detail in the article written by the NLG-NYC Muslim Defense Project for this newsletter, the NYPD (with the apparent advice of the CIA) has for the last decade been running an illegal, multistate surveillance program wherein undercover officers and informants have amassed detailed files about thousands of Muslims who were covertly spied upon in restaurants, schools, mosques, bar-

bershops, and other centers of community life.

In this context of ongoing police surveillance and entrapment, the FBI Muslim Youth Conference was utterly surreal. The Muslim students in attendance ranged in age from approximately five to eighteen years old. Most of the students were brought by school buses to the conference, whereupon they were escorted by agents in FBI windbreakers into the conference space. Although COPO had tables set up for approximately 200 students, the room was never filled to more than half of that capacity. While we waited for the Master of Ceremonies (FBI Supervisory Special Agent Tim Screen) to take the stage, students milled around the many tables staffed by federal, state, and city law enforcement agencies. This included multiple FBI tables such as the FBI SWAT Team and Bomb Squad. Young children tried on bulletproof flak jackets and saw displays of weapons, including



Photo by Garrett Wright

FBI helicopter arriving at conference

what appeared to be a grenade.

I saw several teenage boys express their enthusiasm for the guns, striking simulated rifle firing poses. My immediate thought was of how racism and Islamophobia would surely affect how their behavior was perceived by others in the room – including, of course, the legions of FBI agents. If these young men were white and making gun gestures and talked excitedly about explosions, the law enforcement community (and indeed all dominant U.S. institutions) would applaud such "G.I. Joe" enthusiasm. But because they are brown-skinned Muslim youth, their behavior is very likely to result in them being identified by the FBI as "potential terrorists" and as persons who should come under increased surveillance and possibly even entrapment.

The program for the afternoon included more pitches for FBI recruitment (including a promotional video showing the training of agents at Quantico that depicted FBI agents getting sprayed in the face with pepper spray as one of their final tests) and a ridiculous anti-gang video that the Mets would surely not have approved, as the main message seemed to be that any item of clothing with a pro sports team has been appropriated by at least one gang somewhere in the country. This was followed by the presenting agent summing up the video with the following kernel of wisdom: "Gangs – bad! School – good!" Although the event was also advertised as having a "Know Your Rights" com-

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Muslim Defense Project:

Movement-Building in Muslim Communities in a Time of Surveillance

BY BINA AHMAD, BEENA AHMAD, DEBORAH DIAMANT, GABY LOPEZ, AND THE NLG-NYC MUSLIM DEFENSE PROJECT

One year ago in the fall of 2011, the Associated Press confirmed what many Muslims already knew — the NYPD had been spying on their communities, religious leaders, and youth. What we learned is that the NYPD, with the help of the CIA, which is prohibited from conducting domestic surveillance, had established an extensive apparatus, complete with a Demographics Unit, which sent undercover officers into mosques, cafes, neighborhoods, student groups, and bookstores to infiltrate and spy on Muslim residents in this city and far beyond its limits. It is notable that this program never produced a single lead.

It was out of this climate of repression, fear, and government-sanctioned racial and religious profiling that the National Lawyers Guild New York City Chapter's Muslim Defense Project ("MDP") was formed one year ago. Putting the Guild's radical history into practice, MDP seeks to lend support to the struggle in a way that places movement-building at the heart of our efforts.

In collaboration with the Council on American-Islamic Relations ("CAIR"), we began reaching out to the local Muslim community in the New York area. We spent months formulating, researching, and tailoring a Know Your Rights curriculum that provides a realistic assessment of the dangers of interacting with law enforcement officials, in consideration of their repressive tactics, without the presence of an attorney. But, ultimately, the message that we also hope to send is that the answer to the state's surveillance



Beena Ahmad, Bina Ahmad, Abi Hassan, and Gabriela Lopez

is not isolation and silence. Rather, coming together and speaking out are the only checks on these gross abuses of state power. In our trainings, we have also tried to connect the current targeting of Muslims to the state's historical attack on the civil rights movement as well as its present day treatment of its other "adversaries," i.e., the stop and frisk practices committed against the Black and Latino communities in New York and the FBI's targeting of Palestinian, animal rights and environmental groups. Our work has also included providing legal and activist support for those Muslims or Palestinian human rights activists facing government persecution in the courts, such as Michael Williams and Ahmed Ferhani. We have stood in solidarity with the local Muslim community by attending and speaking at rallies calling for NYPD police commissioner Ray Kelly's resignation, and through press releases and public statements, such as statements supporting the Egyptian revolution.

This October, we will be sharing the

work we have done during our first year of existence at a major panel scheduled for the Friday session of the NLG national convention. The panel will also be a dialogue seeking to understand lessons from cases involving Muslims and Muslim communities across the country. NLG-NYC Vice President and MDP member Lamis Deek will be sharing her experience litigating and representing the Arab and Muslim community in New York City. Fahd Ahmed will speak on his experience as the Legal Policy Director of DRUM (Desis Rising Up and Moving), an organization recently targeted by the NYPD. Midwest-based Michael Deutsch will speak about his work representing activists caught up in the FBI's sweep and issuance of grand jury subpoenas to Palestinian human rights and Colombian human rights activists. California-based attorney Reem Salahi will speak about her work representing the Irvine 11 in their fight against the suppression of Muslim and Palestinian human rights students' free speech rights. MDP members Bina Ahmad and Beena Ahmad will discuss their on the ground work in New York City with the Muslim community, particularly the development and implementation of their Know Your Rights workshop tailored specifically for the Muslim community.

We add our voices to others around the country that unequivocally condemn all practices that rely on stereotypes, discrimination, and profiling. We recognize that the persecution of any group that stands in opposition to the state, whether intentionally or not, is an attack against us all. To learn more about the Muslim Defense Project, please visit www.nlgnyc.org/mdp or call the MDP hotline at 212-470-3431.

FBI

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ponent led by the FBI, thankfully this did not actually make it onto the agenda.

The only good comment made by any of the speakers at the event came from Congressperson Yvette Clark, who talked about fighting discrimination after 9/11 and made a thinly veiled reference to the racism of law enforcement during the manhunt for Angela Davis, when many African American women who wore their hair naturally were stopped and interrogated by cops who mistook them for her. Unfortunately, the Congressperson did not identify the cur-

rent FBI as one of the worst perpetrators of anti-Arab and anti-South Asian racism and Islamophobia. While Senator Schumer and (now ex-) Congressperson Weiner were also listed as speakers on the program agenda, they were no-shows.

After the main program, students were then taken on a tour outdoors to see even bigger law enforcement equipment, including boats and a FBI helicopter. The entire event from start to finish was filmed by FBI agents.

While this was the "first annual" FBI Muslim Youth Day, it seems that the "second

annual" conference occurred on May 19, 2012. Once again, the event appears to have been planned in secret by the feds and COPO, with only a slight tweak to the event's title ("Muslim Youth Career Day") but with the same law enforcement agencies featured as the only career options for Muslim youth. The NLG-NYC Muslim Defense Project is ready to publicly oppose any such future conferences and to continue our work of attempting to counteract the illegal surveillance and entrapment of Muslims in NYC and throughout the United States.

Jazz Hayden's Struggle:

A Primer for Understanding the Bankruptcy of the Prison Industrial Complex

BY JOHANNA FERNANDEZ

Assistant Professor of History at Baruch College of the City University of New York and writer and producer of "Justice on Trial: The Case of Mumia Abu Jamal."

A local campaign to end the controversial practice of Stop and Frisk and to end mass incarceration is gathering steam in New York as one of its most vocal members, 71-year old Joseph "Jazz" Hayden, awaits a Grand Jury hearing scheduled for Thursday, September 13. After more than eight months of court continuances in this case, Manhattan District Attorney Cyrus Vance has decided not to drop the charges against Mr. Hayden. Hayden, a longtime Harlem activist, is facing two felony weapons charges that could result in a lengthy sentence of up to 14 years in prison. His supporters argue that these charges represent nothing less than police reprisal against Hayden's video documentation of Stop and Frisk. A review of the public record points to the baseless character of the charges leveled against him.

Hayden's most recent odyssey in the courts began on the night of December 2, 2011 when he was stopped by police in Harlem while driving home after a meeting at The Riverside Church, where he is a member of its Prison Ministry. What followed was an unlawful stop and search during which the police retrieved a penknife and a commemorative, miniature baseball bat replica from Hayden's vehicle. For this, the former prisoner and founder of The Riverside Church's Campaign to End the New Jim Crow, was arrested and charged with two counts of possession of dangerous weapons.

Hayden is just one of dozens of New York City activists facing criminal charges believed to be retaliatory. Hayden has become known for the copwatch video clips he posts on his website, allthingsharlem.com, which have been shown on NY1. The Village Voice notes that Hayden's age and profile as former-prisoner-turned-model-citizen and civil rights advocate, make him "an unlikely character in the long-running controversy over the NYPD's stop-and-frisk campaign."

An online petition calling on DA Cyrus Vance to drop the charges against Hayden, has already gathered over 2,000 signatures. The DA has also received dozens of letters attesting to Hayden's character from local, national, and international citizens, among them NYS Assemblyman Keith L.T. Wright – also chair of the Manhattan Democratic Party – and author Michelle Alexander.

Since his arrest in December, Hayden has had three continuance proceedings, all of



which have drawn large numbers of supporters both inside the courtroom and in concurrent press conferences and rallies outside of 100 Centre Street. The last court appearance on July 31, 2012 was covered by NY1 and drew over 100 activists from different organizations including representatives from the NAACP Legal Defense Fund. Recently, on August 31, Hayden's supporters held a rally at the 32nd Precinct in Harlem, which is one of four precincts in New York that ranked highest for use of force during Stop and Frisk. The 32nd Precinct was also where Hayden was processed and held for 48 hours while officers searched the bowels of his car to produce the penknife and miniature baseball bat. It was also there that after a clash with his arresting officer, Aaron Thorn, Hayden's blood pressure shot up so high that he had to be taken to Harlem Hospital, where he was observed and billed for the ambulance that took him there.

When Hayden was pulled over last December on 132nd Street and Adam Clayton Powell Boulevard, the arresting Officer Thorn knew exactly who he was. Thorn recognized him from an encounter four months earlier when Hayden, armed with his flipcam, recorded a plain-clothed Officer Thorn stopping two motorists in Harlem. In that contentious exchange between Hayden and the officer, Officer Thorn is on camera saying to Hayden, "You done selling drugs yet or what? I know your rap sheet." Later in the same tape, the same officer is heard saying: "Go sell some more drugs, Sir. We know your background. I know who you are."

That statement by Officer Thorn offers a window into the Orwellian limits of American democracy, historically demarcated in the United States by race, class, and political orientation.

Despite having spent approximately 20

years in prison on various charges (including three years at Attica from 1968 until his conviction was reversed), Hayden is an impressive autodidact with a M.A. in Theology. He lectures eloquently around the country in defense of civil rights and on the moral and political bankruptcy of mass incarceration. Like Malcolm X, Hayden's life has evolved profoundly from hustler to incisive social critic and social justice advocate. But as he notes, "People tend to see you for one chapter in your life," and as Officer Thorn reminds us, the State won't pardon his rap sheet, even if he's done his time.

Hayden's story is especially compelling because the years of his incarceration span the period during which the prison system in the United States was transformed from a system that incarcerated approximately 300,000 people in 1970 to one that now incarcerates 25% of the world's prisoners.

While Hayden was not overtly political in 1968 when he arrived at Attica, his political understanding of the world changed quickly as he joined the prisoner-run study groups that culminated in the uprising of 1971. It was in Attica that he began to understand "that mass incarceration was a push back to the successes of the civil rights movement."

Jazz Hayden has been monitored by the NYPD and is being framed by the courts because, if unchecked, his unrelenting opposition to the degradation that working class black and Latino people suffer daily in this city at the hands of the police and courts, can set off a firestorm with greater consequences for the status quo.

For information about the Campaign To Keep Jazz Hayden Free and to sign the petition go to <http://www.facebook.com/events/264443250337092/>

In anticipation of the demonstrations planned to mark the anniversary of Occupy Wall Street the weekend of September 15-17, the chapter held a legal observer training on September 13 at the new CUNY Law School.

In August the chapter endorsed the **Stop Haiti Deportations** campaign to urge the United States to cease all deportations to post-earthquake Haiti, where conditions remain dire, including one of the largest cholera epidemics in modern history. Nearly 400,000 people are still living in tent-camps.

On August 19, the Eid feast commemorating the end of the month of Ramadan, the NLG-NYC Muslim Defense Project issued a **statement in solidarity with all Muslims**: “Today, merely gathering as a Muslim has become an act of courage in the face of terror. Indeed, the last few weeks have been marked by horrifying instances of hatred around the United States. These are not random or isolated but have been fomented by politicians, law enforcement officials, and sanctioned by judges. The New York City Police Department, with Commissioner Ray Kelly at the helm, continues to promote its ‘radicalization’ theory, connecting all Muslims to terrorism, which it uses to justify the wholesale surveillance of communities, with an army of informants and spies in areas extending far beyond New York City.”

On August 9 the **NextGen** Committee and the **Anti-Racism Committee** met at Berry Park in Williamsburg for a Happy Hour to fete those who recently finished the bar exam and to raise funds for a **travel stipend** to the NLG’s October convention in Pasadena for members of The United People of Color Caucus (TUPOCC) of the Guild. NextGen held its September 13 Happy Hour at Bar Great Harry on Smith Street in Carroll Gardens.

On July 23 the NLG-NYC Labor and Employment Committee issued a statement in **solidarity with the 8,500 workers locked out by Con Ed**, and encouraged attendance at their support demonstrations.

NYC-NLG endorsed the 8th annual June 22 **Trans Day of Action**, the Audre Lorde Project’s yearly march and rally in Washington Square Park: “We demand an end to profiling, harassment and brutality at the hands of the police. We demand access to respectful and safe housing. We demand access to the NYC LGBT Center without fear of harassment, or censorship. We demand the full legalization of all immigrants.”

A contingent from the chapter marched behind the NLG-NYC banner in the **Silent March Against Stop & Frisk** on Father’s Day, June 17 from 110th Street in Harlem to Mayor Bloomberg’s East Side townhouse.

The chapter endorsed the Global 24-hour hunger strike in front of Israeli embassies and consulates on May 17 in support of the Palestinian civil society’s call for support for **hunger-striking Palestinian prisoners** who are in administrative detention without charge or trial, subject to secret evidence and secret allegations.

The chapter endorsed the **Tale of Two Cities** May 12 rally at Foley Square to oppose the racially biased, illegal and costly marijuana arrest crusade and stop-and-frisk practices of Mayor Bloomberg’s NYPD. The rally was sponsored by the Riverside Church Prison Ministry’s Campaign to End the New Jim Crow.

The Next Generation Committee (**NextGen**)’s May Happy Hour was held at the Double Down Saloon on Avenue A.

At its 14th Annual Banquet at the Brooklyn Bridge Marriott Hotel on May 12, the New York chapter of the Council on American Islamic Relations (CAIR-New York) presented its **Steward of Justice Award** to the New York City chapter for “brilliant work in defending the Constitution through legal observation at demonstrations, representation of clients being harassed and abused by law enforcement, and the many other services offered by your talented attorneys.”

On May 9, the Chapter Executive Committee wrote to the Editors of the *Village Voice* welcoming its coverage of the injustices of the NYC bail system and its **recognition of the work of the NLG-NYC in representing Occupy Wall Street arrestees**. The letter noted that the Voice article omitted the invaluable contributions of the Legal Aid Society in representing the OWS arrestees while continuing its day-to-day efforts to represent indigent arrestees, most of whom are targets of a racist NYPD that engages in predatory policing against African-American, Latino, Asian, and Arab communities through its unconstitutional stop-and-frisk program. The letter also noted that NLG-NYC attorneys, legal workers, law students, and jailhouse lawyers work in virtually every field of law, not only the mass defense of demonstrators.

On May 2, President Gideon Oliver and Vice President Lamis Deek wrote to the New York Times praising Chief Judge Jonathan

Lippman’s announcement that New York will require future applicants to perform 50 hours of **pro bono service**, and urged Judge Lippman to convene Chief Judges from state courts around the country push for full federal funding for the Legal Services Corporation, and to require lawyers to perform **legal services for the poor** as part of periodic renewal of their law licenses.

On April 26 the chapter’s Queer Caucus, TUPOCC, Anti-Racism and Anti-Sexism committees joined a demand that Hennepin County Minnesota drop charges against **CeCe McDonald**, a black, trans woman who is serving a 41 month sentence for acting in self-defense against a 2011 attack by a group of racist homophobes.

The chapter was a sponsor of the April 21 Freedom Ride to Washington, D.C in support of the **Cuban 5**, Cuban nationals who were falsely prosecuted and imprisoned for terrorism against the USA as a result of their efforts to investigate and prevent terrorism against Cuba by Miami-based extremist groups such as Alpha 66 and Brothers to the Rescue.

The NLG-NYC Muslim Defense Committee joined a broad range of activist groups at a March 28 press conference at One Police Plaza concerning revelations that government **surveillance programs have expanded far past Muslim communities** and have spied on local community organizations. Documents obtained by the Associated Press reveal that the scope of the NYPD’s Intelligence Division surveillance program was not developed as a response to security threats, but as a way of keeping track of those who have actively opposed Bloomberg/Kelly police-state policies. (The NYPD acknowledged in court testimony unsealed on June 28 that its secret Demographics Unit has never generated a lead or triggered a terrorism investigation.)

On March 27 the **Labor and Employment Committee** and CUNY Law’s Community Legal Resource Network presented **Occupy Labor Law! A CLE** with: Mario Dartayet-Rodriguez, Director of Organizing at DC 37 and OWS activist; Bennet D. Zurofsky, labor lawyer; James Gray Pope, Rutgers Professor of Law; and E. Tammy Kim, Staff Attorney Urban Justice Center/OWS activist. The program was moderated by **Daniel Gross**, Executive Director, Brandworkers International and held at the SEIU 1199’s MLK Auditorium on West 43d Street.

continued on page 18

Lynne Stewart Speaks from Behind the Prison Wall

On June 28 the U.S. Court of Appeals for the Second Circuit affirmed the 2010 decision of District Court Judge John Koeltl to increase Lynne Stewart's 28-month jail sentence to ten years. Lynne's courageous advocacy has made her the target of a politically-motivated prosecution and vindictive sentencing. Lynne's "crime" was making a press release to Reuters News on behalf of her client Dr. Omar Abdel Rahman, an Egyptian Muslim cleric. The Court of Appeals rejected the argument that the increase of her sentence was unconstitutional because it was in retaliation for her First Amendment-protected statements made outside of court, in response to right-wing political pressure, and extremely excessive for a 71 year old in poor health. Lynne is presently in Carswell Medical Facility in Texas. Her family continues to hope that she will be transferred to Danbury, the closest facility to New York. Lynne welcomes mail at 53504-054, FMC Carswell, Federal Medical Center, P.O. Box 27137, Fort Worth, TX 76127. Visit her website lynnewestewart.org.

Lynne issued the following statement on July 2, 2012:

The past week has confronted me with changes both bitter and sweet and I want to share with all of you my outlook. On the "sweet" side (because as progressive leftists, we always try to assuage the bitter!) the best and most important news is that I have had my long awaited surgery, more problematic than the Doctor expected, spent a few days in hospital in Fort Worth and at Carswell prison and am in a slow recovery back in my unit. I have been given a walker to insure that I don't have a fall as the operation left me anemic and I sometimes am a little dizzy and weak...BUT THE GREAT THING IS THAT I AM CURED AND AM FUNCTIONING NORMALLY, with a rebuilt

bladder and an absence of discomfort from a distended uterus. (I know that this is more information than many of you want—my male supporters particularly !!!) I feel better and stronger every day and am, of course, determined to deal with healing naturally. I am not here to praise the great care I received (still had my feet shackled, belly chained and cuffed; no contact with anyone who might be worrying about me etc. from the Bureau of Prisons; I can tell plenty of horror stories about the care of the women in here); but I have come through and am ready to soon resume STRUGGLE. Ralph paid me an unscheduled visit this weekend gave me a real boost and will be more than happy to report further on this positive health development !!! THAT SAID, the bitter occurrence was of course, the snide and unsubstantiated opinion of the Second Circuit (posted on my website) denying any relief from the draconian sentence change imposed the second time around. A blow, but not mortal. We will do an appeal to all of the Judges of the Second Circuit sitting en banc, to reverse. Hopefully and we always hope, those Judges will take a different viewpoint. In reading the opinion there is a hypocritical view expressed that the first Judge Koeltl sentence and opinion is all wrong but the second sentence and opinion (as orchestrated by their remand) was all right. Will the real decision maker please stand up?? Also, the moral underpinning of their entire prosecution is now more questionable with the newly elected President of Egypt demanding the return of my "terrorist" client Sheik Omar Abdel Rahman. If he is a hero of the Arab Spring then my aid was a positive thing—yes??? Certainly not the criminal support the US government gave to the 40 year Dictator Mubarak !!!



Photo by Paul L. Mills

Left to right (front): Lynne Stewart, Daniel Meyers, (back) Ralph Poynter (behind Lynne), David Gespass

In any event, we also go forward after the en banc to the next "legal" stage of the case... the certiorari petition for my entire case to the United States Supreme Court. As should be remembered, from that April day in 2002 when Attorney General Ashcroft rode into NY and announced a "significant arrest and indictment," this is the case that has the Bill of Rights affronted on almost every issue. As my colleague and brother, Attorney Michael Smith said to me then, there are First, Fourth, Fifth, Sixth, Eighth Amendment violations and that's just for starters. We are going to confront the Government and the Supremes and hopefully raise the awareness of the legal and the community at large to the terrible infringements and danger to all if my case is not reversed. Back now to the fundamentals and as Ralph says, "We've got them right where we want them"!! We fight on. In closing I have to say that any weakness in my body should not be mistaken for a weakness in my spirit or will. When I signed on for this struggle back in 1962, to rescue my country and all its people from the powers that would ruin, twist and destroy us all, it wasn't for a week or a day but always—until we win. I welcome your support and love.

Guild in Action

continued from page 17

The chapter endorsed the **rally against the Prison Industrial Complex** on February 20 at the Lincoln Correctional Facility on West 110th Street "in solidarity with the Pelican Bay hunger strike, with brothers and sisters who are dispossessed by the criminal INJUSTICE system, and with political prisoners everywhere."

The chapter joined the Muslim Bar Association of New York and the civil rights organization Muslim Advocates in a letter to the Attorneys General of New York State and the United States demanding a federal civil rights investigation of the NYPD

for its **unconstitutional surveillance of the Muslim and Arab communities**.

Between September 2011 and February 2012, the **Street Law Committee** recruited and trained approximately 60 new trainers at five "trainings for workshop facilitators" at Brooklyn Law School, Cardozo Law School, CUNY, Fordham, and NYU. They also hosted approximately 35 trainings for communities most vulnerable to police misconduct, including twelve Occupy Wall Street related trainings. Some of the groups that have hosted trainings are: Catholic Charities Brooklyn,

Museum Team, OWS Sustainability, CUNY LGBT Taskforce, Trinity Place Shelter, Black Women's Blueprint, Washington Irving High School, CUNY General Strikers, Bronx Leadership Academy, Martin Van Buren High School, and New Alternatives NYC. The Street Law Committee is compiling data on rates of stop and frisk in communities of color, and will pilot a "Street Team" initiative, which will place trainers in high traffic areas to provide one minute, one-on-one 'Know Your Rights' trainings and conduct street theater style workshops. To get their bi-monthly e-newsletter contact: streetlaw.nlgnyc.org.

MEMBER NEWS

Jeanne Mirer received the *Debra Evenson Venceremos International Committee Award* at the NLG convention. In addition to being co-chair of the Guild's International Committee, Jeanne is currently president of the International Association of Democratic Lawyers, a member of the board of the Sugar Law Center, and a founding board member of the International Commission for Labor Rights. She has authored and co-authored countless white papers, briefs, and articles on topics ranging from the human right to peace, to Agent Orange, to drones, to women's rights, to labor law and international law. Among her clients are Vietnamese victims of Agent Orange who have taken to court the U.S. chemical companies that profited from manufacturing the poison. She practices labor, employment and civil rights law in NYC with Eisner & Mirer P.C.

NLG-NYC President **Gideon Oliver** was a participant in a panel discussion on September 21 at NYU Law School: *A Conversation with Pussy Riot's Russian Attorneys*. The program was sponsored by NYU's Department of Performance Studies and Center for Human Rights and Global Justice.

Garrett Wright and former NLG-NYC chapter President **Harvey Epstein** received *Ally of the Year* awards from the Northwest Bronx Community and Clergy Coalition at its 38th annual gala on September 21.

Marc Alain Steier is the new Director of Legal Affairs for the Correction Officers Benevolent Association. NLG law students or new practitioners interested in seeking internship opportunities in labor-side union experience may forward résumés to him at marc.steier@cobanyc.org. People of color and members of the GLBT community especially encouraged to apply.

On August 28, **Bob Boyle**, chair of the chapter's anti-repression committee, led a workshop at Brecht Forum on grand juries: "What they are, how they operate, what your rights are, and how to support grand jury resisters".

Former NLG-NYC president **Risa Gerson**, who was director of the wrongful conviction reinvestigation project at the Office of the Appellate Defender, has been named director of quality enhancement for appellate and post-conviction representation for the NYS Office of Indigent Legal Services. In her new position, she will lead and oversee efforts to improve the quality of Article 18-B appellate and post-conviction representation throughout the state.

On August 3, **Tamar Kraft-Stolar**, Director of the Women in Prison Project of the Correctional Association of New York, moderated a CLE webcast promoting pro bono representation of incarcerated people in civil rights suits.

Joel Kupferman led a panel on "The Environment and Economics" at the Union for Radical Political Economics (URPE) summer conference Political Economy of the 99% on July 14 at the Epworth Center in High Falls, NY.



Baby Dante (b. Jan. 19, 2012 to proud parents Nora Carroll and Colin Asher, 8 lbs.6 oz., legal observed @ occupy in the womb)

On September 8, workers at the Hot and Crusty restaurant chain declared victory after a long and determined struggle. The workers had won an election for union representation on May 24, after a campaign citing overtime and minimum wage violations, non-compliance with health and safety codes, and verbal abuse and sexual harassment of female employees, but the prior owner abruptly sold the business on August 31 and locked out its 23 employees. "After a workplace occupation, a week of targeted direct action, round-the-clock picketing and an outpouring of community support, the new owners of the coffee and pastry shop will recognize their independent union and rehire everyone – yes everyone! An extraordinary agreement allows the union to control the rehiring of the mostly immigrant workforce. No one is to be victimized!" The employees were represented by the Hot and Crusty Workers Association with assistance from the grassroots community group Laundry Workers Center. **Jeanne Mirer** of Eisner & Mirer provided the legal representation, assisted by Cardozo NLG member **Ben Dictor**.

In April, **Suzanne Adely**, **Lamis Deek**, and NLG president **Azadeh Shahshahani** joined an NLG delegation of US lawyers, activists, and scholars to investigate the role and responsibility of the US government and American corporations in human rights abuses in Egypt, as well as the ways in which over 30 years of US military and economic intervention has violated Egypt's popular sovereignty and locked the country in a web of debt. Lamis was one of the speakers at a July 10 report-back held at ACTWU's 14th Street headquarters.

The American-Arab Anti-Discrimination Committee presented its first *Civil Rights Pioneer Award* for lifetime achievement to **Abdeen Jabara** at its June convention in Washington, DC.

In June, Civil Court Judge **Rita Mella**, a long-time Guild member, announced her candidacy for Surrogate's Court Judge in New York County.

Richard Levy is representing black NYFD firefighters of the Vulcan Society in a lawsuit in which SDNY Judge Garaufis has found that NYC used application exams despite knowing that they had a disparate impact on minorities. (The argument before the Second Circuit on June 27 was actually interrupted by a fire drill.)

On June 25, the New York Law Journal published a letter from **Susan Tipograph** charging that meaningful discovery is unavailable in NYC criminal cases, and has gotten worse since Cyrus Vance Jr. has become New York County District Attorney.

On May 31 in the SDNY, **Jonathan Moore**, **Michael Spiegel**, and **Chris Dunn** argued motions for summary judgment for the plaintiffs in the civil rights cases arising from the protests at the 2004 Republican National Convention. The City is defending its "no summons" policy which led to hundreds of people who had been arrested on minor charges being warehoused in barbaric conditions at the infamous Pier 57. The City claims that there is a concept known as "group probable cause" which lets it escape liability for a mass arrest.

NYU Law School hosted *Police Misconduct Litigation: Overcoming Increasing Challenges to Plaintiffs Claims* on June 29. Among the speakers at the CLE program were **Alan Levine** on choosing venue; former chapter member and current professor at UTexas law school **Jen Laurin** on litigation in the US Supreme Court; and **Jeffrey Rothman** on electronic discovery and protective orders.

continued on next page

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On May 20, citing unfair labor practices, an NLRB administrative law judge overturned the unsuccessful union election last year at a Long Island Target store and ordered a new election. EC member **Geoff Schotter**, counsel to the United Food and Commercial Workers Union Local 1500, proved that Target had illegally intimidated workers for months leading up to the vote.

On May 15 SDNY Judge Shira Scheindlin granted class-action status to a lawsuit challenging the NYPD's stop-and-frisk tactics. Saying that she was giving voice to the voiceless, Judge Scheindlin wrote that she was disturbed by the city's "deeply troubling apathy towards New Yorkers' most fundamental constitutional rights." The case was filed in January 2008 by the Center for Constitutional Rights. **Jonathan Moore** represents one of the plaintiffs.

At a press conference outside the Brooklyn Federal Courthouse on May 14, **Evelyn Warren and Michael Tarif Warren** announced that their case against the City of New York and the NYPD officers who beat and arrested them five years ago had been settled for \$360,000. In June 2007, the Warrens were driving in Brooklyn when they saw police tackle and handcuff a young man and begin kicking him in the head. The Warrens pulled over and respectfully asked why the police were battering someone who was obviously helpless. The police responded by punching both Tarif and Evelyn in the face, and pulling Tarif out of the car causing injuries to his shoulder and head. The Warrens were charged with resisting arrest, obstructing government administration, and disorderly conduct—charges which were eventually dismissed after prosecutors confessed to the judge that they had no evidence. "What they want is to frighten people so no one stops and bears witness," Evelyn said. "If people have the courage to say 'No, what you're doing is wrong and I'm not going to move on,' then maybe one day, something will change. Then maybe one day, we will all live in the same city."

Jonathan Moore reports that on May 10 the City of New York agreed to a payment of almost \$400,000 to 15 people who were arrested in NYC during the February 2003 rally against the Iraq war. "Although we were disappointed that the court refused to certify the case as a class action (very difficult after the Wal-Mart decision) we are gratified that our 15 plaintiffs, who showed incredible patience and perseverance over the last nine years, have finally prevailed."

On May 8 the Second Circuit affirmed an NLRB ruling that Starbucks employees Joseph Agins and **Daniel Gross** had been illegally fired. The opinion said that the two employees, who were active in union-organizing efforts and had clashed with supervisors, had been fired in violation of the National Labor Relations Act because their termination had been due to their labor organizing.

In his role as Executive Director of Brandworkers, **Daniel Gross** announced on May 7 that Flaum Appetizing, a Brooklyn-based manufacturer of kosher foods, has agreed to pay \$577,000 in unpaid wages and compensation to 20 former workers, most of them Mexican immigrants, and to a binding code of conduct ensuring that Flaum will comport with all workplace rights going forward. The settlement came after a four year joint project by Focus on the Food Chain, Brandworkers, and the NYC Industrial Workers of the World. "Many rabbis and community members stood with the workers of Flaum and will continue to energetically support an ethical food system," said Rabbi Ari Hart, co-founder of Uri L'Tzedek (Awaken to Justice), an Orthodox social justice organization. "The Torah calls on us to fight for justice."

On May 9 the Brecht Forum showed *Will the Real Terrorists Please Stand Up?*, a film by Saul Landau which documents that US-backed violence against Cuba has continued for decades. Commentary in the film is provided by **Michael Smith**.

State Senator Liz Krueger announced on April 26 that the NYS Unified Court System information will no longer sell the names of tenants who have been parties in housing court actions, which Krueger hopes will greatly curb the discriminatory practice of tenant blacklisting. **Steve Dobkin, James Fishman**, and chapter coordinator **Susan Howard** were instrumental in this campaign by a coalition of tenants' advocates.



Marty Stolar and grandson Elliott Stolar Kraft-Cuthbertson, born 9/22/11 to daughter Tamar Kraft-Stolar and Douglas Cuthbertson

Noah Kinigstein's paintings were featured in a show entitled "Penumbra and Emanations" in conjunction with the Tribeca Open Artist Studio Tour on April 27.

Cardozo Law School held an Alternative Labor Organizing panel on April 24. Panelists were Bhairavi Desai of the NY Taxi Workers Alliance; **Daniel Gross** from Brandworkers; Helen Schaub, VP of SEIU 1199; and Barbara Young, organizer at the National Domestic Workers Alliance.

Liz Fink and **Sarah Kunstler** spoke at the Left Forum at Pace University on March 18. The program "Attica is All of Us" honored those who died during the retaking of Attica, and documented the fight back against mass incarceration and our racial caste system.

Bob Boyle was a panelist at an anti-repression/know your rights training on March 9 at Judson Memorial Church.

In March, **Aaron Frishberg**, assisted by St. John's law student **Celeste Tesoriero** and the Guild's Military Law Committee, negotiated an administrative discharge for a Fort Drum soldier facing a summary court martial for unauthorized absence/long-term AWOL, originally charged as desertion.

Margaret Kunstler appeared on WNYC radio station on February 26 with Cornel West and Tavis Smiley. They discussed Occupy Wall Street, Bradley Manning, the racist stop and frisk policies of the NYPD, and the current trend towards an authoritarian state.

Supreme Court Justice **Bill Mogulescu** was a panelist at the CUNY Law School program "Incarcerated until Proven Guilty" on February 23. Panelists discussed the populations most negatively impacted by the repressive restrictions on bail, the different forms of bail available, judicial training on bail setting, and alternatives to the money bail system.

On February 22 **Jeanne Mirer** hosted an informal gathering at her apartment for Julio Moreira, an activist lawyer who is president of the International Association of Peoples' Lawyers in Brazil. He was in New York to speak on the issue of violence against migrants at the conference of the American Association of Geographers.

Human rights attorney **Radhika Sainath** was arrested and deported from Bahrain while acting as an observer with the Witness Bahrain initiative. Radhika was arrested in Manama on February 11 in the midst of a police attack on a nonviolent march. She was deported the next day.

A Portrait of Gus Reichbach

COMPILED AND EDITED BY DANNY ALTERMAN AND EMILY GOODMAN

GUSTIN L. REICHBACH,
1946, Brooklyn, Herman,
Lee, Midwood, Buffalo, AEPi,
Columbia, Character Committee,
Ellen, Hope Isadora, Bond Street,
Judicial politics, Vito, Rivera,
Brooklyn Friends, Hunter,
Wesleyan, NYU, Buenos Aires,
Civil Court, Criminal Court,
Supreme Court, Bill, Ruth, Ibiza,
Gaspard, Newsweek, Rabinowitz,
Rachel, Seth, Elisha, Gaby, Steve
aka Eliahu, seders, Wilddorfs,
United Nations, Mexico, spas,
Kosovo, Camp Thoreau, Phi
Beta Kappa, O'Dwyer, Kunstler,
Ho Chi Minh, A Steady Rain,
Bernadine, Attica, Big Black,
Neon, White Street, Casey,
Amsterdam, resplendent, velvet
jacket, cape, cufflinks, golf,
custom shirts, leather pants, Ellen,
Odeon, Malta, Blue High Tops,
Tuxedo, working out, Marcia,
Ellen, Pearl, IBEW, Lawyers
Guild, Weathermen, Judy, Suzie,
Paul, Steve, Cocheton, Peter
Luger's, private bills, Franklin,
Bruce, Weinglass, Hope, Puerto
Rico, Ming, Mickey, condoms,
Golden Gate Park, Daily News,
Pataki, Ratners, West Broadway,
silk scarves, vests, three-piece
suits, Bruce, bikes, Rudd, Li
Wah, Leonard Cohen, Havanese,
Steve Ben, fedoras, cigars, New
York Times, NOLA, Robeson,
judicial plates, Spring Street,
Upper West Side, Austerlitz,



Abbie, Miami, Concorde, Pikus,
lofts, artists, OCA, China, Berlin,
Jonah, Jomo, Judaism, bench trials,
Eleanor, Donita, Ireland, James
Joyce, safari, Michael, Catskills,
Grove Press, Kathy, Brian, Angela,
Lincoln Center, Ulysses, Wellfleet,
Rabbi Joe, Marijuana, BAM, Ellen,
Hope, Kamins, Schmitt, Tomei,
Criminal Bar, Brooklyn Bar, Pamela,
Richie, McIsaac, Scheck, rabbit
stew, hunting, University Review,
Bali, FBI, line-ups, Westside Arts,
Rim I, Jack Weinstein, Hope, City
Council, acid, venison, Vietnam,
Michael, weddings, bow & arrow,
Morocco, Cairo, Giza, Didi, Nancy,
Paris, Israel, venison, red wine,
publicity, chef, Sartre, Jerry Brown,
Spectator, Bridgit, Commune,
Tribeca, West 93rd, hack license,
acid, Ray Kelly, Ellen, Hope, United

Nations, Business Class, Brutus,
Tanya, SDS, Beijing Zoo, San
Francisco, Costa Rica, Viet Cong,
March 2003 demo, Iraq, Golden
Gate Park, Hugh Jackman,
Daniel Craig, Levin, Peyser,
Kennedy, Ayers, portrait, Levy,
Garbus, Ellen, Hope, Norway,
Corfu, Kathy, March 24, July
24, Stolar, Brower, Tucker,
Sandler, Crane, Cohn, Lefcourts,
Venezuela, Chavez, Cuba,
Veronica, Heywood, Gulielmetti,
Bernstein, Wagner, Wilk, Lewis,
Scales of Justice, Danny, Emily,
LIJ, MSKCC, Dr. O'Reilly, NED,
Dr. Oz, Dr. Wang, Germany,
vaccinations, chemo, radiation,
diets, pills, CtScans, MRI, hospice,
morphine, methadone, Mambo,
The Tree, Ellen, Hope, Farewell,
2012

Remembering Richard Bellman

Dick and I go back to 1966. I was a National Association for the Advancement of Colored People (NAACP) attorney about to begin a public school desegregation trial in South Bend Indiana. The NAACP General Counsel, Robert L. Carter, had just hired Dick, who had worked for the United States Commission on Civil Rights, developing evidence for voting rights cases in Mississippi, to join our staff of three over-worked attorneys. "Get on a plane and join Lewis," Carter told him. So Dick appeared in South Bend a day before the trial started. With him rounding up rebellious teachers and me putting them on the witness stand to testify about the horrors of the system's one overcrowded, broken down 99% black school, we finally forced the school board to close the school and assign the children to surrounding white schools.

Dick and I had clicked in South Bend and we drew ever closer over the next 45 years. After leaving the NAACP, Dick became the housing and zoning discrimination lawyer for two small non-profits, The National Committee Against Discrimination in Housing and Suburban Action. During those years and in a series of small firms, he became the leading housing and zoning discrimination lawyer in America, with me at times as his sidekick. From Florida to California and here in New York, he tried the most challenging and difficult cases, including the New Jersey

Mt. Laurel case where the state Supreme Court adopted the far reaching zoning fair share principle, and the Huntington case, where the Second Circuit adopted his racial impact argument when deciding a zoning discrimination case. Other of his housing cases built in affirmative action principles and set plaintiff liberal standards of proof. When local fair housing centers needed an attorney Dick was there. To Janet Hansen and the organizers of Long Island Housing Services as well as Marty Needelman, Foster Maer and Rick Wagner at Brooklyn Legal Services, Dick was their man, sometimes pulling me into his battles, but always ready to go it alone. Larry Grosberg was also among the many attorneys who called on Dick to add his expertise to precedent-setting housing cases. After our last law firm finally broke up, despite suffering from Parkinson's, Dick moved on to work at the Anti-Discrimination Center and for the past five years joined the LatinoJustice/PRLDEF legal team. Indefatigable, Dick died on the way to work this April.

In his private life as a husband to artist Barbara Beck and father to his attorney son Jedd, who now handles mortgage fraud cases for the Maryland Attorney General's office, as well as to me and his closest friends, Dick was a gentle, loving man, a man whom everyone who knew him respected and trusted. In preparing a case for trial and in court, however, Dick was



Lewis & Dick in Bridgehampton, NY, 1994

a no nonsense battler who not only knew the law but spent his life trying to make it. Perhaps, as mutual friends reported to me, he was a little rough on the basketball courts, but my sources said, he always played clean. If an adversary caught an elbow, that was because they did not know enough to stay out of his way as he drove to basket. Yes, sports was a part of Dick's life, as was driving at breakneck speed, playing the violin, progressive politics, literature, art and, of course, the New York City chapter of the National Lawyers Guild where he was a lifelong member.

Dick's Guild friends will miss him deeply. But one thing is for sure, we will never forget him.— **Lewis M. Steel**

David G. Lubell and the Guild

BY JONATHAN LUBELL

David was particularly involved in the Guild's work defending students who had been charged with misconduct in their demonstrations, etc., against the Viet Nam War and the right-wing policies of the colleges. David represented former New York State Judge, Gus Reichbach, at a hearing conducted by Columbia University. He also represented particular activities at Columbia University, which the university targeted as contrary to the school's right-wing positions.

On a side note, David and Jonathan consistently opposed to be compelled to join the armed services during the Viet Nam War. Others influenced by the politics of the Guild joined in the opposition to participate in the war. In fact, there was ongoing



struggle with the government in which the Army first refused to issue an honorable discharge to David and Jonathan. Several years later, after the United States Supreme Court Decision, the Army changed its

position and issued honorable discharges. Ironically, to this date, the Army contends that it does not have records concerning David or Jonathan's service.

David accompanied James Baldwin, client and friend, to the Southern Regions with regard to organizing around Civil Rights issues. Other activities stimulated and led by David resulted in the Guild becoming a basic "safe haven" for the Rev. Dr. Martin Luther King, Jr.'s movement, as well as the Guild.

Through the Guild, David did legal representation for Huey Newton and the Black Panther Party.

David was dearly loved for his outstanding legal work, humanity, the care and concern of family, friends and clients.

Amy Lien Cross of the Cardozo chapter was awarded the NLG's 2012 **C.B. King Law Student Award**. Amy is a former public school teacher, and founded Cardozo's Suspension Representation Project to enable law students to use their skills to represent students facing suspension. She is a Know Your Rights trainer with the NLG Street Law Project, and she started an NLG CopWatch team in Brooklyn. C. B. King (1923-1988) was an intrepid African American lawyer and a leader of the civil rights struggle in Georgia.

The NLG national office has approved the return of the NLG chapters at **Seton Hall** and **Rutgers Law Schools** to the city chapter.

Earmark Your Contribution to the NYC Chapter!

When you make a donation to the Guild, other than your regular dues payment, and you want to support the work of the NYC Chapter, you need to earmark the contribution. You can do this by writing "NYC Chapter" in the memo section of your check or money order.

That way your contribution will go to work at the grassroots!

On October 4, the **Anti-Racism Committee** and the **NLG Chapters of CUNY and New York Law Schools** co-sponsored a training/CLE for National Lawyers Guild lawyers, legal workers, and law students: *Fighting the City as Landlord: Defending Public Housing Residents in NYCHA Administrative Termination Proceedings*.

On September 29 the chapter held its annual **DisOrientation** program for incoming law students: "Law school—expensive, competitive, hierarchical, mind-crushing, ulcer-inducing. What about **values**? Fighting the system? Having a life? It IS possible! It's not you, it's the law school. **Learn how to survive law school** with your social justice goals, self and spirit intact." Panels held at NYU Law School included Alternative careers: co-ops, start-ups, and solos; Mediation and Mindfulness in the Law 101; Pro bono project trainings in street law, legal observer, and immigration court observer; Stop & Frisk; and anti-racist work in the law—all followed by a happy hour reception!

On May 17, the **Anti-Racism Committee** and the NLG Chapters of **CUNY and NYU Law Schools** co-sponsored a training/CLE: *Gentrification, Displacement, and Resistance: An Introduction to Housing Organizing and Eviction Defense in NYC*. The program was held at NYU School of Law and was open to all NLG lawyers, legal workers, and law students. Speakers included Esther Wang,

Director of the Chinatown Tenants Union; Shafaq Islam, Staff Attorney at the Urban Justice Center; and Jane Landry-Reyes, Senior Staff Attorney, Housing Unit at South Brooklyn Legal Services

Brooklyn Law School's Public Service Office and the **BLS NLG Chapter** honored Professor **Jonathan Askin**, and alumnae **Lamis Deek**, **Elizabeth Fink**, and **Cristina Lee**, at an April 16 reception and alum-student mixer celebrating distinguished members of the BLS NLG Community.

On February 28 **Fordham Law NLG Chapter** presented *Indefinite Detention in the Obama Era? A Discussion on the National Defense Authorization Act of 2012* with Professor Martha Rayner, "Come learn about the new law potentially authorizing the detention of US citizens without trial."

New York Law School NLG member **Andy Izenon** organized a panel discussion at NYLS on April 13 called *Radicalizing Consent: Towards Implementing an Affirmative Consent Model in New York's Rape Law* on reforming New York's rape laws "by replacing the failed and obsolete policy of 'no means no' embedded in the NYPL with the affirmative consent policy of 'yes means yes!'"

The chapter had an informational table at the **NYU Career Fair** on February 9 and 10.

ANTI-RACISM COMMITTEE UPDATE

In 2012, the Anti-Racism Committee of the New York City Chapter ("ARC") is continuing its efforts to strengthen the chapter's commitment to challenging institutional, cultural, and interpersonal racism in the Guild, the legal profession, and the city at large.

This year, ARC has hosted a successful CLE entitled "Gentrification, Displacement, and Resistance: An Introduction to Housing Organizing and Eviction Defense in NYC." (On Youtube in two parts. [Part One](#). [Part Two](#).) Another CLE is planned for October 4 at New York Law School addressing the topic of defending New York City Housing Authority (NYCHA) public housing residents in eviction proceedings.

For the third year in a row, ARC also hosted a successful fundraiser for the TUPOCC travel stipend fund, which provides funding to assist lawyers, legal workers, and law students of color in attending the NLG Convention. This year, ARC partnered with the Next Gen Committee for this fundraiser, which was held on August 9 at Berry Park in Williamsburg, Brooklyn. Special thanks to NYC artist Patrick Way, who generously donated one of his prints to be raffled off at the fundraiser.

Also this fall, ARC plans to assist with a screening of the film



This year, ARC partnered with the Next Gen Committee for the August 9 fundraiser held at at Berry Park in Williamsburg, Brooklyn.

"Broken on All Sides," a documentary about mass incarceration and racism.

ARC members have been active in the newly-constituted Anti-Oppression Committee of the NLG-NYC Executive Committee, focusing on internal Guild issues, as well as the Muslim Defense Project, which conducts Know Your Rights trainings at masjids and has established an emergency hotline for the Muslim community in the New York City region.

Join us! To subscribe to the NLG-NYC ARC listserv, please email Garrett Wright at garrettwright1@gmail.com

THANKS FOR MAKING THIS YEAR'S SPRING FLING THE MOST SUCCESSFUL EVER

*Honoring Bina Ahmad, Cristina Lee, Meghan Maurus, Martin R. Stolar and the
OWS Work of the Chapter plus a Special Tribute to Emily Jane Goodman*



NLG/OWS Volunteers and Honorees take Center Stage



Lou Steel, Kitty and Myron Beldock and Norm Siegel



yvonne lewis, Debra James and Sheila Abdus-Salaam



Gideon Orion Oliver and Lamis Deek



Danny Alterman and Gus Reichbach



Dawn Kelly and Sam Himmelstein



Harvey Epstein and Anita Eliot



Stan Mark and Paul Schneyer



Hamra and Bina Ahmad



Franklin Siegel, Ellen Chapnick and Marty Stolar



Robert Markfield, Craig Kaplan and Robert Cantor

Photos by Jamie Fishman / jamiefishmanphotography.com



Ellen Meyers, Emily Jane Goodman and Danny Alterman



Tribute to Gus Reichbach



Dante Carroll and Mozhdah Hickson



Cristina Lee



Rose Regina Lawrence, Marc Steier and Dawn Kelly



Frank Handelman and Danny Alterman



Nomsa Mazwai and Nomisupasta



Paula Segal, Rebecca Heinegg and Moira Meltzer-Cohen



Risa Gerson, Natasha Lycia Ora Bannan and Kevi Brannelly



Barbara Tanaka, Sarah Kunstler, Lamis Deek and Cristina Lee



Elsie Chandler, Marty Stolar, Meg Maurus, and Deborah Maurus

MISS THE FLING? VIEW THE PROGRAM ON YOUTUBE

Remarks by Emily Jane Goodman

[Part 1](#) [Part 2](#) [Part 3](#)

[Remarks by Bina Ahmad](#)

[Remarks by Cristina Lee](#)

Remarks by Meghan Maurus [Part 1](#) & [Part 2](#)

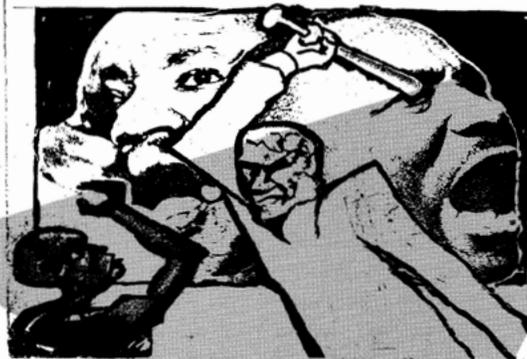
[Part 1](#) [Part 2](#)

[Remarks by Martin R. Stolar](#)

[Recognition of NLG-NYC/OWS Volunteers](#)

Videographer: Caroline Goodman-Thomases

The Early Years: 1968-1978



If the student protests at Columbia University in April and May of 1968 were the precipitating event that led to the formation of the Guild's New York Mass Defense Office, the groundwork for the undertaking was built over the previous year. Guild membership, stagnate for a decade, was growing quickly due to the Guild's pioneering work in the Southern Civil Rights movement. A new generation was entering the Guild, drawn to the law as a means of aiding the movement for racial justice and the nascent peace movement.

The Guild made a serious commitment to expanding the organization in 1967 when it hired on a full-time basis Ken Cloke as Executive Director and Bernadine Dohrn as National Student Organizer. Ralph Shapiro, then chapter president, was meeting with David and Jonathan Lubell to discuss ways to provide legal support to anti-war demonstrators. In October 1967 there were mass arrests at the Pentagon in Washington, D.C. Lawyers from both the Guild and the ACLU represented the protesters. This cooperation was continued during "Stop the Draft Week," a week of demonstrations in New York in December 1967. Mary Kaufman started working with the Lubells to organize a committee in the Guild to provide lawyers for the protesters. Bernadine organized New York area law students to serve as "legal observers" at the demonstrations.

Nineteen sixty-eight was a momentous year. With the New Year came the Tet Offensive, and with it an irreversible turn in public sentiment against the war. In April, Martin Luther King was assassinated while helping striking sanitation workers in Memphis, and cities went up in flames. Beginning on April 23, 1968, a thousand students eventually occupied five campus buildings at Columbia University, protesting both the University's racism towards the neighbor-

ing Harlem community and the University's complicity in the war effort. Two bloody police raids resulted in more than 800 arrests.

Mary Kaufman stepped forward to organize the Mass Defense Office. The original funding for the office came from the parents of the students arrested at

case. Eager young lawyers were paired with seasoned Guild attorneys. Some of this city's most prominent litigators received their early trial training in connection with their work with the Mass Defense Committee.

Over the next five years the Mass Defense Office was at the epicenter of what became almost daily mass demonstrations and arrests. Representation grew beyond student protesters to include militant welfare rights demonstrations, rebellious prison inmates housed in City jails, the Black Panthers, and the Young Lords. Mass Defense Office members became a critical con-

"The Mass Defense Office was at the epicenter of what became almost daily mass demonstrations and arrests."

Columbia, though Mary would later keep the office operating by raising additional monies from older Guild attorneys. The office was committed to providing defense counsel for those arrested in demonstrations against "poverty, racism, and the war." In its first two years the office coordinated the efforts of 200 volunteer attorneys, with a full-time legal staff that consisted of Mary, Elliott Wilk, and Richard Greenberg, and later Josh Roth, Beth Bochnak, and Mitchell Horn. In that time the office handled more than 3,000 cases.

In the beginning the Mass Defense Office handled mostly disorderly conduct and misdemeanor charges. Older Guild lawyers emerged to handle the more serious cases and provide guidance and training to the younger lawyers. People like Sam Neuberger and Bill Standard, lawyers who as members of the International Labor Defense had critical experience in political/criminal prosecutions of an earlier era, conducted seminars on how to try a

stituency in the planning of mass protests and arrests. Dozens of lawyers were on call to address movement groups to explain rights and describe the arrest process.

More than just providing legal services, the philosophy of the Mass Defense Office changed forever the traditional dynamic between lawyer and client. Mary Kaufman insisted that legal tactics were to be decided in a collective manner, with the entire legal staff meeting with the clients to make decisions about the cases. To a generation of law students and young lawyers who viewed themselves as political activists and were terribly conflicted about their relationship to the profession, the Mass Defense Office provided the perfect synthesis, a way to use their professional skills in a way that permitted the attorneys to feel a part of, rather than detached from, the activities of their clients.

—Gustin Reichbach