Report from Standing Rock

NLG NYC Members Join Water Protectors

By Sarah Hogarth

On January 31, the Water Protector Legal Collective (WPLC) announced that warrants for 45 Dakota Access Pipeline opponents (#NoDAPL) had been dismissed after court-ordered review found that there could be no “good faith belief that the underlying charges can be proven.” On February 5, the last scheduled trial concluded, wrapping up WPLC’s state criminal defense program in North Dakota.

NYC Chapter members have been active in WPLC since the early days of the encampments at Standing Rock in August, 2016. In November, 2018, Sarah Hogarth returned to staff to serve as WPLC Interim Director, shepherding the organization through its transition to supporting Indigenous-led environmental struggles in other parts of the country. Moira Meltzer-Cohen spent 10 months as a WPLC Staff Attorney, who along with volunteers including MM Maurus and Jonathan Wallace were among the 31 out-of-state attorneys who regularly traveled to North Dakota to provide pro bono criminal defense services in the state cases. Jonathan, along with NLG member Pat Handlin from Chicago, also coordinated the WPLC Warrant Team, which worked with WPLC staff legal workers to represent any Water Protector with an outstanding warrant. WPLC placed ads in community news outlets across Indian Country, and conducted a summer Warrant Outreach Tour to pow-wows throughout North and South Dakota to locate anyone who wished to return to resolve their cases before WPLC concluded its programs in North Dakota.

Photo (from left): M. Maurus, Peji Hota Win (Saige Pourier), Genevieve Houck, and Moira Meltzer-Cohen after court in Mandan, ND on May 24, 2018 where all charges were dismissed for both Water Protectors (pictured center).

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Welcome to the Spring 2019 edition of the NLG NYC Chapter Newsletter! As the NYC Chapter President, I find myself constantly inspired and awestruck by the work of my comrades and fellow Guild members, past and present. Being in connection with the institutional memory of the Guild, as well as the estimable memories of our long-standing members, gives me an opportunity for contextualizing today's struggles in the arc of history.

It’s easy to say that the work of the Guild in 2019 is more important than ever, but I think it’s also overly simplistic. The Guild is dedicated to “the need for basic and progressive change in the structure of our political and economic system” and “to the end that human rights shall be regarded as more sacred than property interests,” and while the need for that work feels vital and imminent today before an onslaught of political, structural, and interpersonal violence, it is important to remember that any extent to which that feels new is a failure of perspective.

One might say that the political landscape feels like an apocalypse, but the word derives from the Greek apokalupsis, meaning an uncovering or revelation. The news and social media resonate with the refrain: “this is not normal.” Those of us who have been young enough or privileged enough to have been able to imagine that this is not normal, that it did not used to be this way, are seeing the veil drawn back and are mourning the loss of those fictions.

The good news is that these revelations, though painful, are necessary for us to buckle down and get to work. Now that the inextricable ties between capitalism, fascism, white supremacy, rape culture, and climate change are showing themselves clearly, they can be grappled with on small and large scales. The Guild’s history in those struggles gives us guide and inspiration, and the ways in which the Guild has historically fallen short of our ideals challenges us to engage critically, question authority, and push ourselves to always be listening, learning, and growing.

One change I am excited about this year is the direction of our annual Spring Fling gala, and the slate of programming that we are organizing surrounding it, towards a celebration of the Guild’s support of the LGBTQ movement. As NLG-NYC’s first transgender President, I am thrilled to be highlighting the work of Guild lawyers through the years for queer liberation, and being a part of what it’s becoming.

I want to thank Susan Howard, our Executive Director, for her tireless work on behalf of the NLG-NYC and the clients, communities, and movements we serve. Susan, I’d be lost without you!

I invite you to join us in this cycle with us as we celebrate together, grieve together, and work together. This is going to take all of us.

Mir veln zey iberlebn,
Andy Izenson, President,
National Lawyers Guild, NYC Chapter
An Evening with Tamara Bedic

BY ANN SCHNEIDER

Early this year, after an exchange of emails in which we learned both of us sew and are radical feminists, I sat down with new EC member Tamara Bedic. We discussed her origins in the former Yugoslavia and the underlying reasons for the breakup of that Nation. Both of us planned to attend the annual Balkan music festival Zlatne Uste (meaning “golden lips”) in Brooklyn in January. “Next year,” she said, “they should offer Turkish coffee, and if they don’t, I’m going to bring my cezve and make it myself!”

We compared our experiences living in collective or cooperative housing in NYC; me in Brooklyn and her in Ganas, the intentional community on Staten Island which runs a bookstore-café.

When I finally asked her how she’d come to the Guild, she very animatedly told me how she was merely walking uptown when she encountered a group of anti-war demonstrators running away from the police. Two different cops grabbed her. She said, “Ma’am, this one already has me, could you please let me go?” The reply: “You’re resisting arrest! I’m taking you in.”

She and other strangers spent the rest of the night making a 70-year old woman with bad knees comfortable in a cell with no beds. When Mass Defense cleared her of charges, she swooned for the Guild.

Ms. Bedic has a Masters Degree in medieval history from Columbia and NYU and is perfecting her Latin so as to complete her PhD. Like me, you might ask “Why, do you plan to teach?”

Tamara said, “On no, solely for the sake of learning.”

Tamara says she survived a conservative law school (the University of Virginia) “by reading Andrea Dworkin, Cynthia MacKinnon and Mary Daly.” When the Klan planned to march on Charlottesville in July 2017, she organized a network of alums to attend the counter rally. In retrospect, she said that July march was “a kinder, gentler fascist rally,” when compared to the Unite the Right rally in August which killed Heather Heyer.

Tamara is reviving the Chapter’s animal rights committee and is pulling together a CLE on tenant’s rights to keep their companion animals. Tamara specializes in Women’s Rights and SEC litigation. She is looking for a situation in which to practice her skills and beliefs.

Holiday Party 2018

Chapter members gather for a photo opp at Surrogate Mella’s courtroom, Holiday Party 2018

In all, WPLC provided legal support for 836 state criminal cases, as well as 5 federal cases. The outcomes in the state cases have been impressive: this January round of dismissals brings the total number of dismissals in Standing Rock cases to 392. There were 42 Water Protectors acquitted at trial and 188 favorable pretrial diversions. Only 25 were convicted on any of their charges, with an additional 146 resolving through plea agreements. The 5 Indigenous Water Protectors with federal charges have all reached non-cooperating plea agreements and are now serving their sentences. Please see waterprotectorlegal.org/water-protector-prisoners for information on how to support them.

All the charges arose from the prayer camps hosted by the Standing Rock Sioux Tribe, in opposition to a pipeline projected to run from the Bakken oil fields in western North Dakota to southern Illinois, crossing beneath the Missouri and Mississippi Rivers and part of Lake Oahe near the Standing Rock Indian Reservation.
Parole Preparation Project Celebrates Second Birthday

BY ELBA GALVAN

While seeds for the Parole Preparation Project (PPP) were sewn over five years ago, as a stand-alone 501(c)(3), it just celebrated its second birthday. But these aren’t your ordinary terrible two’s; PPP has found its feet and is securely growing into its own. In November 2018, PPP held its annual celebration welcoming home over 30 formerly incarcerated people during the season’s worst snowstorm. The virtually unnavigable, heavy snow log-jammed the surrounding streets. However, inside the Harlem venue, hundreds crowded into a huge loft and overflowed into the halls. If there was ever a metaphor for how differently things can look from the inside – this was it. The energy of the evening’s speeches instantly transported attendees to a world of hope. Despite the impossible weather, the event raised approximately $40,000.

Executive Director Michelle Lewin explained that the work of PPP focuses on some of the most marginalized groups – individuals who are serving life sentences and who have been incarcerated for decades. Despite the fact that several countries have banned the use of life sentences, the United States leads in the imposition of life sentences on both adults and minors. New York State has the second highest lifer population in the country.

PPP has trained over 450 volunteers who work in teams of two and three, to help support parole-eligible people through their parole board interviews. Volunteers have assisted over 200 individuals, and in 2018 secured the release of over 60% of the Project’s applicants. Some volunteers have a legal background, but many are community members with careers as varied as journalists, hairdressers and bartenders, some of whom have assisted as many as five parole candidates. The experience exposes participants to the injustices of an entrenched system. Ultimately, the relationships that are formed inspire advocacy and activism for the broader anti-incarceration movement.

Recently, PPP doubled its staff (from one to two) by welcoming a new full-time director of community engagement, Anthony Dixon. Anthony, who spent 33 years in prison, is a former PPP applicant and member of its Advisory Board. Michelle, along with CUNY and Fordham Law faculty, is also involved with training pro bono attorneys to handle appeals of cases where parole has been denied. If you are looking for an organization where you can make a much-needed impact, consider giving your time to the Parole Preparation Project.
NLG-NYC Legal Observer Program Report

The Mass Defense Committee (MDC) of the NLG-NYC Chapter continues to provide legal observers at public demonstrations, and to conduct an essential ongoing series of legal observer trainings designed to provide members with the skills necessary to support the activist community.

LEGAL OBSERVER TRAININGS

2018

January 16 – Chapter-wide in advance of the Women’s March (trainers Andy Izenson and Susan Howard)

March 20 – Columbia Law School NLG (trainer Susan Howard)

April 30 – Chapter-wide training and refresh in advance of May Day (trainers Andy Izenson and Susan Howard)

August 25 – NYU Law School NLG Disorientation (trainers Andy Izenson and Susan Howard)

September 21 – CUNY Law School NLG (trainers King Downing and Susan Howard)

September 22 – Northeast Black Law Student Association’s New York Metro Sub-Regional Academic Retreat (trainers King Downing and Susan Howard)

October 6 – NLG-NYC City-wide Law Student Disorientation (trainers Susan Howard, Andy Izenson and Andrew Sawtelle)

October 23 – Brooklyn Law School NLG (trainers Susan Howard and Andy Izenson)

November 19 – New York Law School NLG (trainer Susan Howard)

2019

January 15 – Chapter-wide training and refresh in advance of the Women’s March (trainers Andy Izenson and Susan Howard)

February 20 – Columbia Law NLG (trainer Susan Howard with assist from L2 Zack Struver)

March 11 – Brooklyn Law NLG (trainers Cristina Lee and Ben Meyers)

The Chapter also held its second day-long Training for the Legal and Activist Community on January 26, 2019 co-sponsored by the A.J. Muste Memorial Institute. Subjects included: NLG Legal Observer training, Arraignment Support training, Street First Aid Basics, Court Support: How to Navigate the Court and Support Activists in the System, Trauma & Resilience Training, ICE Watch Training, and Information Security training.

The Mass Defense Committee also held a Legal Observer appreciation night on September 26, 2018 at Siempre Verde Community Garden on Stanton Street (and then onward to the Double Down Saloon!).

Revamped NLG Website Launched Last Spring

BY ELBA GALVAN

Last spring, we revamped our website and implemented a new member platform (wildapricot). On the home page of nlgnyc.org, you can view our events calendar and legal news of interest on our twitter feed (please send us items you’d like posted — give us at least a week’s lead time).

There’s also a public referral directory (containing over 30 attorneys) and an internal member accessible directory that has 95 subscribers. Here’s how you can join these directories: log in at https://nlgnyc.org/members-login/ and click on Edit Profile (upper left corner). Scroll down, using both scroll bars, to select areas of concentration, etc., and then click on the options to join the directories at the bottom, and hit Save. Important note: Once you have joined, be sure to review what info you would like to share by clicking on Edit Profile, Privacy and reviewing the information you would like listed, and click Save.

Each of our law school chapters has their own page displaying contact information. Law schools — please send us more content! There’s also a “jobs forum” that lists over 90 positions since its initiation last year. You can subscribe to a daily or weekly digest of work opportunities by using your email and password to log in at https://nlgnyc.org/jobs/. First time users will need to reset their password. Have a job posting? Send prospective listings to nlgnyc@igc.org.

This is our inaugural newsletter utilizing our new platform and we hope you will help us produce it more regularly. Here’s your chance to share news with our community and be published! We encourage your participation in any or all of the above to continue to expand our reach. Thank you for actively joining!
Marty Stolar Accompanies Randy Credico to Appear before Mueller Grand Jury

Comedian and activist Randy Credico, fingered by Roger Stone as his intermediary to Julian Assange and WikiLeaks, is being represented by past president Marty Stolar, with the assistance of Chapter members Margaret and Sarah Kunstler, Bob Boyle and Debbie Hrbek. Randy received subpoenas from the House and the Senate Intelligence Committees, as well as the Robert S. Mueller grand jury. Stolar, who has been representing Credico since Occupy Wall Street, accompanied him to DC and appeared with him at the Mueller grand jury. Randy vehemently denies being the go-between or having any part in the release of Democratic Party emails by WikiLeaks, only hours after news leaked of Trump's lewd boasting on Access Hollywood. Stone was indicted at the end of January for obstruction of justice, witness tampering and making false statements to Congress.

The Rutgers-Newark NLG chapter presented the 7th Annual Arthur Kinoy Award to Deborah Rand on March 12. The Kinoy Award honors lawyers who have carried on Arthur Kinoy’s legacy of people’s lawyering for their contributions to social justice and public interest advocacy. Deborah is a former Clinical Instructor at Rutgers Law School’s Urban Legal Clinic, and retired Deputy General Counsel/Assistant Commissioner in the NYC Department of Housing Preservation and Development.

Former executive committee member Anna Joseph has been awarded grants from Harvard University’s Public Service Venture Fund and its Frederick Sheldon Fellowship to work at the Center for Law, Justice and Society (Dejusticia) in Bogotá, Colombia. At Dejusticia, Anna will focus on gender justice-related research and litigation concerning LGBTQ rights, women’s rights, and reproductive rights.

On February 20 the NLG announced its 2019 Haywood Burns Fellows, including two CUNY NLG members: Kenneshea Allums is a 2L, the co-director of CUNY Law’s NLG chapter, and active in the NLG Parole Prep Project. She will spend this summer interning at the Equal Justice Initiative in Montgomery, Alabama. Florence Otaigbe is a 3L and has been active with CUNY NLG, Black Law Students Association, and the International Refugee Assistance Project. She will be working in the immigration department at The Door assisting Black and Brown, LGBTQ+, and/or undокументed youth with applying for various forms of relief.

"The Federal Bureau of Investigation tried to destroy left organizations and the black freedom movement during the last major upsurge in radical politics in this country, in the 1960s. It looks like they are trying to do it again ... The surveillance state has grown even larger with the creation of a Department of Homeland Security that works closely with the FBI and local police departments to monitor lawful political dissent." Michael Steven Smith has some tips for activists in the Trump era in his February 12 article in the Independent: Lessons from the-FBI’s Secret War on Activism. https://indypendent.org/2019/02/lessons-from-the-fbi-secret-war-on-activism/

Michael Steven Smith’s new book “Lawyers for the Left” comes out April 2019 on OR Books. It features profiles of such NLG greats as Hayward Burns, Victor Robinowitz, Lynn Stewart, and Mara Verheyen-Hilliard.

On February 5, Sarah Kunstler joined forces with Gideon Oliver, Ezra Spilke, and the Federal Defenders to file suit on behalf of clients who were confined without heat and hot water in sub-freezing conditions during a week-long power outage in the Metropolitan Detention Center (MDC) in Brooklyn. Sarah expressed appreciation for Judge Analisa Torres’s handling of the case. Torres toured the prison with a court reporter and ordered an immediate hearing. Also helpful were NYS Attorney General Letitia James and NYC Councilmember Jumaane Williams, both of whom toured the facility and attended the hearing. Among other relief, the plaintiffs are seeking the appointment of a special monitor to oversee the MDC.

A January 1 New York Times article “Traffic Deaths in New York City Drop to 200, a Record Low” quoted Executive Committee member Marco Conner, who is deputy director of Transportation Alternatives. “It’s an achievement, and it should be celebrated but there were still too many deaths and injuries. I think the big question is: Why aren’t we doing more against the enormity of the epidemic? We’re only really taking baby steps.”

Justice Emily Jane Goodman has compiled Tenants and Landlords in NYC: Not a Love Story, a tenants’ survival guide to the laws, courts, and common housing problems in New York City. “It’s a gift from lawyers and advocates dedicated to educating and strengthening the tenants of this city, who are the majority of us.” It provides vivid descriptions of housing court, the new tenant’s right to counsel, low income housing, rent stabilization, and other hot issues. The section on Housing Court is co-authored by Attorney General Letitia James, and Guild members Jamie Fishman and Sue Susman contributed chapters. To make it accessible, it is available for 99 cents (free on the first day of every month) as an ebook on Kindle. https://www.goodreads.com/book/show/43489578-tenants-landlords-nyc

Former Executive Committee member Anna Joseph is among the NLG members who have been working with Al Otro Lado (AOL) to provide cross-border legal services to refugees, deportees, and other migrants in Mexico and Southern California. One of her clients appeared in an iconic New York Times photo as she and her children ran from a tear gas canister at the Otay Mesa border crossing in November. https://www.nytimes.com/2018/12/18/us/migrant-caravan-mexa-reuters-tear-gas.html

"The billions of dollars at the MTA’s and the city’s disposal must be spent on fixing the actual causes of the crisis – aging infrastructure – not tangential issues like fare evasion, a distraction in the pursuit of solutions” argued EC member Marco Connor in the Gotham Gazette on December 14: Instead of Taking Responsibility for Its Failures, The MTA is Targeting People of Color. http://www.
Cristina Gallo and her husband, Michael Turilli, welcomed Marco Vincenzo Gallo-Turilli on March 13, 2018. He was a few weeks early, but ready to meet the world. He’s already shown himself to be both a total love and a spirited fighter, and he brings lots of smiles to the faces of his parents—and most everyone he meets.

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At the #Law4thePeople Convention in Portland, Oregon on November 1-4, the National Lawyers Guild recognized Bob Boyle with the Ernie Goodman Award for his career-long commitment to supporting and freeing imprisoned political activists. Also honored was Frank Kean, with the annual C.B. King Award given to a deserving law student. Kean, a three-year member of the Fordham NLG chapter and its co-chair, notably started the NLG Critical Race Theory lunch series for 1L students to discuss and analyze first-year classes through a critical race theory lens. This series subsequently resulted in a partnership with other New York City law schools to hold a critical race theory symposium. Also, former two-term NYC chapter president Elena Cohen was elected NLG National President.

On September 26 Bina Ahmad was a panelist on the topic International Law, Seeking Justice, and the Great March of Return in Gaza at The Commons in Brooklyn. Co-panelists were Jamil Dakwar and Donna Nevel, and the sponsor was Brooklyn for Peace.

The Children’s Magical Garden on Stanton Street in the Lower East Side won a battle in its long-running war with real estate developers when the Appellate Division ruled on July 12 that the community gardeners had asserted a valid, if very novel, claim of adverse possession. NLG-NYC Executive Director Susan Howard has been a stalwart activist for the garden, and is a witness in the lawsuit. https://law.justia.com/cases/new-york/appellate-division-first-department/2018/152094-14-5252.html

On June 13 in Edrei v. City of NY, the Second Circuit rejected an NYPD appeal and held that police use of the Long Range Acoustic Device (LRAD) sound cannon for crowd control purposes can constitute excessive force. Congratulations to National President-Elect Elena Cohen, former Chapter President Gideon Oliver and Executive Committee member Michael Decker who were representing Black Lives Matter protesters, observers, and bystanders who were responding to a Staten Island grand jury’s decision not to indict NYPD officer Daniel Pantaleo for the death of Eric Garner.

Several Guild members were featured on panels at The Left Forum 2018 June 1 through June 3 at John Jay College of Criminal Justice:

- A New Political Direction with Harvey Epstein
- Radical Prefiguration: From Chiapas to Rojava with Marina Sitrin
- Ethnic Cleansing by I.C.E.: What to Do Beyond Your Rights with Steve Sacco
- Book Reading and Discussion: Follow the Money: Radio Voices for Peace and Justice with Riva Enteen
- Central Park Five – Justice 4 the Wrongfully Incarcerated with David Bliven
- Stop Dropping In: Digital Privacy and the Road to Community Empowerment with former NLG Mass Defense Coordinator Abi Hassen
- Envisioning our Return: 70 Years of Displacement Are Enough! with Lamis Deek

The Brooklyn Bar Association invited Amanda Jack and colleagues from Brooklyn Defender Services for a “Know Your Rights” seminar on police encounters on April 30. When Amanda was in CUNY Law School at the height of the stop-and-frisk era she created a program on police encounters that she presented to various high schools around New York City. Takeaway: “I want to remain silent and if you are going to arrest me I want to see a lawyer.”

Jeffrey “Jeff” Segal, 76, passed away on April 9 in Louisville. He was a former chapter member and a Rutgers Law School alum. He was politically active in college, including leadership in the Students for a Democratic Society in Berkeley CA. Jeff served 27 months in federal prison for draft resistance. He was a founding member of the National Organization of Legal Services Workers (NOLSW), UAW Local 2320, which includes the NLG Staff Union. He worked for more than 30 years as an attorney in the Community Development Unit at the Legal Aid Society in Louisville.

Common Dreams published an article on April 5 written by former NLG-NYC president Lewis Steel on the 50th anniversary of the assassination of Martin Luther King Jr.: “Radical New Leaders Are Reviving Martin Luther King’s Poor Peoples Campaign”

https://www.commondreams.org/views/2018/04/05/radical-new-leaders-are-reviving-martin-luther-kings-poor-peoples-campaign

The Indypendent featured a profile of Marty Stolar on March 30. “He has stood up for activists — from Black Panthers to Black Lives Matter demonstrators — his entire half-century career as a civil rights and criminal defense attorney. He finds challenging authority not only necessary but fun.” https://indypendent.org/2018/03/meet-marty-stolar-a-lawyers-who-brings-the-protest-into-the-courtroom/

Abby Ginzberg, former NLG national Vice President, appeared at the Angelika Film Center on March 20 for the NYC premiere of her new documentary film And Then They Came For Us, about the internment of Japanese-Americans during World War II. The event was co-sponsored by the NLG-NYC, Akin Gump Strauss Hauer & Feld LLP, Asian American Legal Defense and Education Fund (AALDEF), Council on American Islamic Relations (CAIR)

Alfreda “Freddie” Attica Oliver was born to Gideon Oliver and Molly Knefel May 4, 2018, at 5:55pm, in Brooklyn, weighing 4 lbs. 5 oz. “Alfreda” means “counselor to elves” and “Attica” means “fight back.”
Spring Fling 2018

Honorees Nancy Stearns, Natasha Lycia Ora Bannan and Kyle Barron

Judge Jenny Rivera

Marilyn Horan and Hugh “Mac” McGlincy

Chapter President Elba Galvan

front: Eliana Green, Dottie Zellner, Rafaela Uribe; back, Kenneshea Allums, Myriah Heddens, Jonathan Cohen & Aaron Greene

Beldock Levine Crew: Gillian Cassell-Stiga, Daveed Audel, Keegan Stephan, Frank Handelman, Abigail Robinson & Ashaa McLachlan

front: Anna Stern, Joan Madden, Jesse Berman & Susan Barrie; back: Barbara Handschu & Danny Greenberg

Freddie and Gideon Oliver

Jonathan Moore & Danny Alterman

Franklin Siegel
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NYC, and CUNY Law School.

On March 9 the Manhattan District Attorney ended a controversial policy that allowed NYPD lawyers to act as prosecutors in summons cases against activist demonstrators. Congratulations to past Chapter Presidents Martin Stolar, Elena Cohen, and Gideon Oliver, as well as members Jonathan Wallace and Michael Decker for two years of tenacious litigation.

Bina Ahmad appeared in New York Criminal Court and in the pages of the New York Daily News as she represented NY City Councilman Ydanis Rodriguez, who was arrested on January 12 while protesting the detention of immigrant rights leader Ravi Ragbir by Immigration and Customs Enforcement (ICE). https://www.nydailynews.com/new-york/manhattan/ice-detrains-immigrant-rights-leader-sparking-massive-protest-article-1.3751320

Alan Levine argued in NY Civil Court on behalf of Fordham Students for Justice in Palestine (SJP) on January 3. Fordham University has refused to allow a campus SJP chapter, claiming that because the university is a private entity, the First Amendment doesn't apply.