

New York City News

NATIONAL LAWYERS GUILD – NYC CHAPTER



SUMMER 2020

Yang v. Kosinski: Cancelling Election is Unconstitutional

BY REMY GREEN

On May 19, 2020 – and with an opinion subsequently published on June 1, 2020 – the 2nd US Circuit Court of Appeals delivered a landmark opinion holding it violates the Constitution to cancel an election in progress. *Yang v. Kosinski* is important not just for its reiteration of Constitutional election principles, but for its holding that the government cannot simply invoke COVID-19 to limit rights it views as unimportant. The New York Board of Elections, acting through its democratic commissioners (as authorized by the April budget bill), cancelled New York's presidential primary election, calling the delegate selection process no more than a "beauty contest."

The Second Circuit rejected this, with Judge Cabranes writing for a unanimous panel, noting that "[i]t may be hard to

imagine a more 'severe' election-related restriction than the removal of ten out of eleven qualified candidates from a ballot, resulting in the cancellation of the election."

The Court's decision means that all New York voters will have the right to vote for presidential candidates and delegates of their choosing in the June 23 Democratic primary election. The case was briefed and argued on behalf of delegates pledged to Bernie Sanders by Guild President and members, Elena L. Cohen, J. Remy Green, and Jonathan Wallace at Cohen&Green P.L.L.C., and Arthur Z. Schwartz of Advocates for Justice. Rob Rickner of Rickner PLLC authored an amici curiae brief on behalf of 31 medical professionals.



Intolerance and Ignorance Haunts America Today

BY ERICA JOHNSON

Whatever else the true American is, he is also sometimes black"

—Ralph Ellison

Black culture, ideals and innovations have long been accepted, appropriated and dissected by white America for centuries. But it is the intolerance, ignorance and blatant disregard for the people who influence culture and society, that haunts America today. These people, Black people, have been systematically denied the full human right of being a citizen. Or simply a person that matters. Not matter more than, but matter at all.

The world is discovering now, what Black people have learned from their forefathers, whispered to their children or experienced in close quarters that their lives are constantly in danger at the hands of authority and not just the police. When Trayvon Martin, Sandra Bland, Philando Castille and Eric Garner died—their deaths sparked outrage. Black Lives Matter was partly born out of frustration, rage, and despair at the flagrant disregard of Black lives. There was no real justice in that moment, no real resolutions, and no real

punishment for the actions of the cops and the people involved. The term Black Lives Matter was penned in a hashtag by Patrisse Cullors for a letter written by Alicia Garza on Facebook, telling Black people to love themselves and that they do matter, Black Lives Matter.

For hundreds of years, Black people have borne the brunt of telling the tales of police brutality. But it wasn't until the murder of George Floyd that white America finally got the message. It was shocking, it was outrageous, it was undeniable much like "Central Park Karen" weaponizing her fear of Black people to threaten a Black man's life. It was like someone flipped a switch on the hideous things white people do when no one's watching and it finally worked.

T. Thomas Fortune, a prophetic Black journalist of his time that said, "in the absence of law, people have a right to protect themselves." These riots, protests, and demonstrations are how "we the people" fight to protect black bodies, hearts, and minds in a police state. They are food for the soul and fuel for the mind that bring the hope that these actions will affect change. Black Lives Matter! Not matter more than, just matter.

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President's Column, Summer 2020

BY ANDY IZENSON



Andy Izenson

Dear NLG-NYC,

I'm writing this on June 15th, 2020.

On June 28th, 1969, the NYPD raided the Stonewall Inn in lower Manhattan and attacked the Inn's queer, trans, and gender non-conforming clientele, beating and frisking them, stripping them to investigate whether they were transgender, and arresting them violently. As the police began to make arrests, the people pushed back, eventually trapping the police inside the bar, and two days of riots followed. One community member who was present at the riots later said, "There was something in the air, freedom a long time overdue."

On June 12th, 2016, when NYC's LGBTQ community gathered in the street to mourn the murder of forty-nine of our queer Latinx siblings at a nightclub in Orlando, FL, the NYPD responded by charging the crowd on horseback, trampling, injuring, and arresting many.

On June 15th, 2019, we were having our beautiful Spring Fling at the Angel Orensanz Center on the Lower East Side, celebrating the anniversary of the Stonewall Uprising that became today's movement for queer liberation. I saw generations of my chosen family spanning more than fifty years coming together to hold each other in grief for those we've lost, celebration of community, and love for the worldbuilding work that we do together. We learned from each other,

gave each other love, drank champagne, and danced to disco.

On June 8th and 9th, 2020, Dominique Fells and Riah Milton, two Black trans women, were murdered in Philadelphia and Ohio.

On June 14th, 2020, Brooklyn saw fifteen thousand people gather in support of Black trans lives. This gathering comes at the height of what is commonly being called a popular uprising against white supremacy and against police violence all over the country, and in the midst of a pandemic that is disproportionately affecting marginalized communities and those who are already subject to health-care related discrimination and violence.

Everything is always changing. The fight is always changing. It would be appealing to draw a line through half of these events and say, "See? It's the arc of the universe bending towards justice." It would be simple to draw a line through the other half of these events and say, "Nothing has ever gotten better and collective liberation is a pipe dream." But the reality is a lot harder to grasp than either of those things, which is, as Adrienne Maree Brown says, that "all organizing is science fiction. we are bending the future, together, into something we have never experienced. a world where everyone experiences abundance, access, pleasure, human rights, dignity, freedom, transformative justice, peace."

All of this is to say: the NLG-NYC has a lot of new members this month. Whether you've been in the movement for a while, and you're just linking up with us now, or you're just beginning to throw your shoulder behind the upswell you see around you, welcome! We're so glad that you're here, and so excited for the power and expertise that you are bringing in. We know your presence will strengthen our support of our partner organizations and grow our work in service of collective liberation. Don't be surprised if it's a little non-linear.

Thank you for everything you're doing. I'm so glad to be your teammate in this.

In solidarity/en la lucha/mir veln zey iberlebn,

—Andy

Introducing Collin Poirot

BY ANN SCHNEIDER

I recently had the opportunity to speak with Harvard Law School graduate Collin Poirot, a new addition to the Chapter's Executive Committee. Collin joined the immigration unit of Brooklyn Defenders Services straight out of law school, in September 2018, and works in the Youth and Communities team. At BDS, Collin represents immigrant New Yorkers in affirmative applications for relief, for example based on DACA, VAWA, and asylum, as well as in removal proceedings.

I asked, "With a degree from Harvard Law, you could have had any position you desired, no?" Collin replied, "Well, there's a well-worn path to your first job if you want to be a judicial clerk or corporate lawyer, but if your interest is in community-based work or movement lawyering, you still have to make your own path in many ways."

Collin told me he was engaged in community organizing before he went to law school, first in the areas of environmental and animal rights. "Then in 2014 I became more involved in the Palestinian liberation struggle, and other movements against racism and mass incarceration, as well as the death penalty. I decided to go to law school to develop a specific set of skills that would make me more effective around these issues."

Collin described how he was born in Fort Worth and went to high school in Dallas, but lived in France from ages 9 to 12 without speaking the language or having any prior connections to the country. Although careful not to compare his experience to that of a minor coming to the US as a refugee, he remembers feeling out-of-place and disoriented halfway across the world, and described the way that abrupt relocation can cause one to lose "the version of yourself that you've been, up to that point."

As an undergraduate at the University of Texas in Austin, Collin was active in community struggles. He remembers one specific meeting of Black Lives Matter in early-2015, where he met the family of Rodney Reed, a black man who had spent nearly two decades on death row. Reed was convicted in 1998 by an all-white jury of killing a white woman in Bastrop, Texas, Stacey Stites. With only two months to go until Rodney's scheduled execution date, Collin and other students and community members organized a campaign (later joined by Kim Kardashian and Rihanna) that mobilized the campus community and



amplified Rodney's message, eventually winning a stay of his execution with only days left to go. The campaign produced evidence that Stacey was killed by her cop boyfriend, who said he was upset she was dating Reed, a Black man. Collin said that the experience was not only radicalizing, but showed him the value of legal skills and expertise.

Collin's other legal work has included, for example, a petition for post-conviction relief in the case of Ronnie Carrasquillo, a Puerto Rican youth who'd been given a sentence of 200 to 600 years for allegedly killing a cop in 1976. Mr. Carrasquillo's case challenged not only the "meaningfulness" of parole opportunities for people convicted of killing police officers, but also the constitutionality of giving an 18-year-old an unsurvivable term of years sentence with no consideration of mitigating factors or potential for rehabilitation. Operation Greylord later revealed later that the sentencing judge had also accepted bribes in exchange for acquitting a mob hitman shortly before Mr. Carrasquillo's sentencing,

"...there's a well-worn path to your first job if you want to be a judicial clerk or corporate lawyer, but if your interest is in community-based work or movement lawyering, you still have to make your own path..."

and feared for his career at the time. As such, the judge was hoping to make an example of this young Puerto Rican "cop killer" in order to save his reputation as being tough on crime.

Collin's current focus is on the ways in which the U.S. government takes advantage of immigration vulnerabilities of community members and activists, as a means of political repression. Collin has an article coming out soon in *Unbound: the Harvard Journal of the Legal Left* on the case of the Los Angeles 8, in which 7 Palestinians and 1 Kenyan were subjected to deportation proceedings for passing out Marxist literature on the Palestinian struggle. In that case, Antonin Scalia wrote the majority opinion for the US Supreme Court and stated that "an alien unlawfully in this country has no constitutional right to assert selective enforcement as a defense against his deportation...." This focus on the political repression of immigrant communities comes from Collin's prior activism, and his experience at the Peoples Law Office in Chicago where he interned during his 2L year of law school. In Chicago, Collin had the opportunity to work with mentors including Michael Deutsch and G. Flint Taylor of the People's Law Office, as well as Jim Fennerty, and was honored to help support the case of former political prisoner Rasmia Odeh.

Need a Dues Waiver?

Email nlgnyc@igc.org

Milad Momeni, A Brief Introduction

BY ELBA GALVAN

Milad Momeni is a recent law school graduate who, as a pro bono scholar, spent his final year advocating for the rights of New York City street vendors at the Urban Justice Center and as a student attorney at Pace's Neighborhood Justice Clinic. In July, he will start to work at CAMBA in Brooklyn as a housing advocate.

Milad didn't always know he wanted to be an attorney. His family immigrated to the United States from Iran before the Iranian revolution. His grandfather's carpet store developed into a successful home furnishing business in New York City, and continues to be family-run to this day. Notwithstanding his options, Milad chose to become the first lawyer in his family.

After graduating with honors from Kenyon College, Milad spent a year in Tulsa, OK, working for City Year, an AmeriCorps educational and mentoring program that provides social and emotional support to at-risk students. Milad thrived at City Year; he enjoyed connecting with his students, teaching math and utilizing his self-taught Arabic when nec-



essary. Milad was significantly influenced by his study of the 1921 Race Massacre in Tulsa and it inspired him to want to do more for vulnerable communities.

Milad's intentions came into sharper focus after watching *Disturbing the Universe*, a doc-

Milad's intentions came into sharper focus after watching *Disturbing the Universe*, a documentary about NLG stalwart and civil rights attorney William Kunstler.

umentary about NLG stalwart and civil rights attorney William Kunstler, made by his daughters Emily and Sarah Kunstler. With the call to action following the foreboding 2016 election, Milad decided to apply to law school.

At Pace Law School, Milad was founder and president of the Muslim Law Students Association. Upon graduating, he received Pace's Vanessa H. Merton Public Service Award, reserved for individuals who have demonstrated a significant commitment and contribution to the public interest. Milad is humbled and grateful to be on the Executive Committee and hopes one day to meet Sarah Kunstler, a current member of NLG-NYC, who played an unknowing but pivotal role in his legal journey.

Wet Markets of Wuhan Animal Rights Meeting

BY TAMARA BEDIC

At the conclusion of our first webinar, (*Wet Markets of Wuhan* with Prof. Peter Li), Assemblymember Linda Rosenthal of Manhattan's District 67 joined the Zoom call, promising to draft legislation that would shut the 80+ wet markets operating right here in New York. I had no idea there were so many.

In subsequent weeks, I learned that these unknown-to-me wet markets cluster in predominantly minority and immigrant neighborhoods of the Bronx (18), Brooklyn (33) and Queens (30). In many of these, the chicken cages are stacked five, six, seven rows high—the crowded hens on the top excreting on the crowded hens below. (*What Happens to Animals Inside America's Wet Markets?*)



Live goats, pigs, calves, cows are penned in windowless rooms awaiting slaughter. The cacophony, dirt and gore is appalling—not just for the animals, but for the largely immigrant employees. Clogged sinks, inoperable toilets, the use of PPE is spotty at best. According to the CDC, three out of every four new or emerging infectious diseases in people come from animals.

FOIA requests yielded literally hundreds of violations—OSHA violations, public health code violations, etc. Sadly, Agriculture & Market inspectors merely create paper trails; there are neither fiscal penalties imposed nor threat of closure for repeat offenders.

On May 4th, Assemblymember Rosenthal introduced bill A10399. Joining her on the Senate side was Sen. Luis Sepulveda of District 32.

Consequently, May's webinar was devoted to a deeper exploration of the potential hazards of New York's neighborhood slaughterhouses, as well as this bill to shutter them during the present pandemic.

Joining us was biochemist Prof. Ethan Taylor (University of North Carolina Greensboro); Chief Investigator of Humane

Farming Association, Gail Eisnitz (Gail also wrote the seminal book on the subject *Slaughterhouse*); Assemblymember Rosenthal and Senator Sepulveda. (The latter joined via pre-taped videos because sessions suddenly resumed).

Over 160 lawyers, law students and activists participated, networked, questioned and became more engaged in stopping this public health nuisance.

No surprise that the same neighborhoods with the highest percentage of COVID-19 fatalities are disproportionately neighborhoods where New York's wet markets operate—operate in a time of pandemic as 'essential businesses' leaving gory dumpsters like this on the public streets of Jamaica, Queens. <https://www.tmr.com/2020/05/26/nyc-wet-market-dumpster-chicken-parts-blood-flies-coronavirus-slaughter/>

I welcome your comments and questions at tamara.bedic@yahoo.com. You can catch a recording of above webinar on NLGNYC's Animal Rights Committee Facebook page: <https://www.facebook.com/National-Lawyers-Guild-NYC-Animal-Rights-Committee-104200334338295>

Detention of Legal Observers

June 17, 2020—The New York City Bar Association (City Bar)[1] is gravely concerned by recent reports in the United States of concerted efforts by police forces to target legal observers[2] during the course of ongoing nationwide protests against police brutality and anti-Black racism in the killings of George Floyd, Breonna Taylor, Tony McDade, Ahmaud Arbery, Eric Garner, and countless others, and in support of the Black Lives Matter movement.

Last week in the Bronx, nine legal observers affiliated with the National Lawyers Guild—each wearing neon green hats that plainly signaled their status as legal observers—were reportedly identified by police officers, pulled out of a crowd, restrained with zip-tie cuffs and detained for twenty minutes.[3] Several were thrown to the ground before being arrested.[4] Even more disturbing are allegations that officers illegally accessed and examined these legal observers' privileged documents and took down their personal information while claiming to be ignorant of the function of legal observers during protests.[5]

The targeting of legal observers by police is also occurring outside New York. In recent days legal observers have allegedly been singled out through the use of kettling tactics and attacked by police using pepper spray, tear gas, and rubber bullets.[6] In one disturbing video, a legal observer in Cleveland, Ohio recorded a police officer as the officer shoots rubber bullets toward protesters. Once within the officer's line of sight, however, the officer

quickly begins firing rubber bullets at the legal observer.[7]

Legal observers are third-party observers of protest movements whose sole function is to adequately safeguard individuals' rights. In New York, the NYPD's Patrol Manual clearly recognizes this constitutionally protected conduct, emphasizing that "[i]ndividuals have a right to lawfully observe and/or record police activity including, but not limited to detentions, searches, arrests or uses of force" and that officers must not "[t]hreaten, intimidate, or otherwise discourage an observer from recording the police officer's activities." [8] To that end, legal observers' work includes documenting arrests, use of force, intimidating display of force, denial of access to public spaces like parks and sidewalks, and any other behavior on the part of law enforcement that appears to restrict demonstrators' ability to express their political views.[9] When arrests do occur, legal observers provide a vital function collecting witnesses and connecting arrestees with legal counsel.[10] Legal observers' actions ensure that residents are aware of their constitutional rights, and can avail themselves of their right to legal representation where necessary, and that police officers do not act beyond their authority or abuse it.

The fact that legal observers have become targets for the police indicates that policing strategies in these communities have failed. First, these attacks suggest a failure to adequately train police serving on crowd control details to identify legal observers who are monitoring

protests as non-targets. Second, the systematic targeting of legal observers contributes to a growing concern that recent police actions are entirely disproportionate to officers' narrow duties to maintain security while honoring the First Amendment rights of protesters. Third, and most egregiously, the reports of police warnings that legal observers are in the area, the subsequent targeting and detention of those observers, and the forced disclosure of privileged material indicates a startling disregard by police forces that their conduct is governed in our society by the rule of law." [11]

The City Bar strongly condemns all attacks on legal observers and urges state and local governments, police chiefs, and police unions both to advise their officers that attacks on legal observers are not tolerated, and also to swiftly investigate any incident involving the detention or use of force against a legal observer, and where warranted, prosecute offenders. As protests and other demonstrations continue, the City Bar specifically calls on Mayor Bill de Blasio and Police Commissioner Dermot Shea to immediately investigate the incident in the Bronx, and for all officers in the NYPD to be made aware that the consequences of any illegal targeting of legal observers by police will be swift and severe, including appropriate disciplinary charges and criminal prosecution.

Christopher Pioch
Jessenia Vazcones-Yagual
Co-Chairs, Task Force for the Independence of Lawyers and Judges

The NLG-NYC Mass Defense Committee in Full Swing

The NLG-NYC Mass Defense Committee has been in full swing, providing legal support for protests since May 25, in response to the murder of George Floyd.

Virtual legal observer trainings are ongoing. Look for notice of upcoming trainings this week!



Legal Observing at Pep Rally For Police Free Schools June 18, 2020

PAST TRAININGS INCLUDE:

- Saturday, June 6 – membership-wide
- Sunday, June 7 – membership-wide
- Monday, June 8 – BLS NLG
- Tuesday June 9 – Cardozo NLG
- Wednesday, June 10 – CUNY NLG
- Thursday, June 11 – membership-wide
- Friday, June 12 – membership-wide
- Saturday, June 13 – CLS NLG
- Monday, June 15 – Fordham NLG
- Tuesday, June 16 – CUNY NLG
- Saturday, June 20 – NYU NLG

Since May 29, over 200 hundred legal observers have covered 35 protests, that resulted in over 2,500 arrests, including the detention of 10 legal observers in Bronx, June 4, and the arrest of one legal observer May 29 in Brooklyn.



Legal Observers at the End of War on Children March Juneteenth 2020

Reflections on Jail Support During Protests to Defund Police

Throughout the protests and related mass arrests in NYC over the past several weeks, NLG members have assisted local organizers with providing jail support. Medics, healers, therapists, and other volunteers provided those recently released with material support and a space to process the violence the protests incurred. NLG collected vital information from people as they were released and provided legal resources. Unless we are intentional about being anti-racist, systems of oppression replicate themselves even in spaces like these, where we are actively trying to support those who have directly been harmed by police while fighting for racial justice. Below, Nathalia and Shayla offer their perspectives on some of the ways that whiteness created uncomfortable or even unsafe situations during jail support.

BY NATHALIA GIBBS [They, Organizer With Free Them All 4 Public Health] and SHAYLA CORINNE BLACK [she/her]

Nathalia:

Jail support is not there to assuage white guilt. It's not a way to save anyone. It isn't even the whole work. Jail support isn't 'fun'. It's a charged space where trauma is being transformed. Most of the people who engage with jail support are people of color, and predominantly black cis men. For many, it is difficult to grasp that treatment they may have just experienced isn't normal. When you enter the sacred space of jail support you are tasked with holding not only where people are coming from, but where they have recently been. This means having a grasp on racism, misogyny, transphobia, displacement, and hope the prison industrial complex really works.

The last two weeks of jail support have been exhausting and draining for all of the wrong reasons. The time that should have been spent engaging with the community, and supporting those coming out with resources, connection, and security were spent putting out the fires of white supremacy. People were coming to jail support with no experience and no framework and were expecting to lead. Black and queer leadership were consistently disrespected. The more we worked to organize systems to support the work we were doing, the more 'good-natured' white people showed up to the scene with their years of non-profit experience, to make those systems (that they'd conveniently never tried to see) more efficient. Even our snack table was taken over by someone who created an encrypted inventory spreadsheet and wanted to divert a few volunteers into keeping it accurate. This is white supremacy at work.

As Jail support continued, and more white people wanted to involve their networks, we were also forced to navigate the anger and fragility that came when we didn't need support. I received angry messages from people

who were unhappy that jail support didn't need them. When all sites were well stocked with perishable food, many people were upset when we encouraged them to distribute their donation of 200 pb&j sandwiches to their own community. White people were so excited to 'put their body on the line' in a weird form of self-flagellation that quickly crossed the line into fetishizing risks. Conversations that were meant to be about safety, became the risk factor Olympics. Lack of trust in BIPOC leadership led white people (who felt they knew better) to engage and escalate with police, despite us having worked so hard to build a network of trusted de-escalators and police liaisons. Each time someone endangered jail support in this way, we called them in. We had extensive conversations detailing why their behavior was risky. We provided additional means of support that would be safer for the group. Each time, we were met with contempt. People we asked to step back would leave to a different site, or come back at a different time of day.

I could go on ad nauseam about the racism in jail support. But what important is to understand is how it undermines the entire movement. It creates unnecessary hierarchy. It disempowers communities, who don't think they can do this work. It's paternalistic and pathologizes communities. It wastes our precious energy and is honestly violent. It pushes people away, keeps people down, and promotes distrust. It counters the very essence of what jail support is meant to be.

Jail Support represents everything I love about movement work. It lets healers, weavers, and builders model for community how easy it is to care for their own. It's political education in action. It's the work of archiving documents and stories, so that when the inevitable happens, and mainstream tries to lessen the impact of the last few weeks—we are here to keep those stories alive. When those who feel abolition is a far-out dream, ask about safety, we can show how quickly we were able to mobilize funds, food, therapists, and lawyers en masse. When the state claims there

is no money to support our neighborhoods, we can show communities that we were able to mobilize millions. Jail support is sacred community building. We let people know that they are not only loved, but deserving of care. That we will never forget what's happened. We cannot let white supremacy disrupt this.

Shayla:

I knew my place was not on the front lines. Despite my wanting to be part of the movement, protesting in a pandemic was not a real possibility for me. However petitions, social media campaigns were simply not enough. Once I learned about court support, I was enthusiastic to contribute my skills and time to the folks who continuously risk their livelihood for my humanity.

When I first arrived, I was shocked by the majority white cohort, but then I thought well, great white people need to step in and take up some of their labor in the movement. However, it quickly became evident that Black leadership is essential and needed when working with released protestors. I facilitate between how much responsibility should be placed on Black organizers and point personnel, as we are already dealing with the all the confounding societal attacks that 2020 has presented in addition to being Black in America on any day. I am still processing what a movement looks like that has Black organizers at the forefront of planning but does not overburden us.

One of the most successful aspects of court support was serving with and supporting the community members who lived in the park and surrounding area of the 100 centre. While court and jail support themselves are examples of abolitionist work, acknowledging, respecting and providing for the community around us is essential and cannot be dismissed. While the primary motivation and purpose of court support is to serve released protestors, we cannot forget or disregard the folks in the community who are also impacted by the prison industrial complex. If it hadn't been

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COVID-19 and the Bar Exam

BY MICHELE JACKSON (NLG-NYC Member), MATTHEW MAIN (NLG-NYC Executive Committee Member), AND ALEX PETKANAS (NLG-NYC Executive Committee Member)

The bar exam is an antiquated tool designed to gatekeep the legal profession for a privileged class. It is a glaring reality that the profession disproportionately excludes people of color, low-wealth communities, and people who hold marginalized identities. The bar exam may be among the most effective barriers to a more inclusive profession, and COVID-19 has only exacerbated the inequities of the bar exam. In this moment of collective mourning the convergence of two deadly pandemics—COVID-19 and police violence against Black people—the legal community has an opportunity to eliminate the exclusionary and outdated bar exam.

In law school, 60% of students are white, 8% are Black. Forty-seven percent are men. Lawyers, however, are 84% white. Sixty-five percent are men. And just over 4%—a number that remained largely unchanged since 2009—are Black. The bar exam is not, of course, the only reason that the legal profession remains among the least diverse in the United States. But in these times of crisis and mourning, the legal community has an opportunity to thwart a shameful legacy of white supremacy and cis-gender heteronormativity. We can and should dispense with the bar exam as the metric for admission to the profession.

The financial costs of becoming a lawyer are enormous. Law school application fees, tuition, living expenses. Then, after three years of law school (or four for part-time students) prospective attorneys must pass the bar exam before they may be admitted to practice. Tuition alone for a law school education runs roughly between \$85,000 and \$150,000. But the expenses do not end there. After graduation, prospective attorneys are expected to shell out thousands of dollars to private companies to prepare them to pass the exam. Registration fees for the exam itself costs applicants several more hundred of dollars.

These factors all disproportionately impact students of color and poor students. Students who have access to generational wealth may be able to afford rent and food without working, giving them time to buckle down and study without other distractions. Students without the privilege of those resources, however, have to work part or full time—or take on even more debt—in order to survive, giving them less time and energy to spend

learning how to pass the bar exam.

All of these financial disparities of the bar exam have been exacerbated by COVID-19. Students who hold part or full time jobs in the service industry to pay their rent are facing sky-high unemployment rates. In New York, the bar exam has already been pushed back to September, leaving prospective attorneys scrambling to find ways to pay two more months of rent than they anticipated before even taking the exam. Students who reside in crowded, noisy or, in some cases, abusive settings rely on spaces outside of their homes to prepare for the bar exam. Access to safe, reliable study environments has been obliterated by the pandemic.

It is also overwhelmingly important to point out that it is especially difficult for Black

Not only does the exam disproportionately exclude people of color and poor people from the profession, but it also fails to assess the competency of a prospective attorney.

students to prepare for the bar exam given the disproportionate number of Black folks who have died from COVID-19, and the uprisings in response to police brutality against Black people. The individual and collective grief that many prospective Black attorneys are facing right now is exhausting on its own. Thus, these same students preparing for the bar right now are likely to walk into exam day at an even greater disadvantage than they already may have faced.

The current demand for racial justice and call to end police violence underscores an opportunity to eliminate the bar exam. With a focus on rote memorization, cursory analysis, and hypothetical scenarios that lack the nuance in real-life human disputes, the exam fails to assess the ability to practice with empathy, creativity, and a commitment to social, racial, and economic justice. Indeed, the bar exam fails to even acknowledge structural racism and bias inherent in the law. Countless Black law graduates are currently organizing, protesting, participating in jail support efforts, and so much more. By asking prospective Black attorneys to study for an exam that does not acknowledge systemic biases in the law

and legal profession, bar examiners effectively ask them to set aside the very civil and human rights work that is necessary to extinguish those biases.

Different jurisdictions are considering a variety of approaches to the issue, but none of them address the fundamental inequity and ineffectiveness of the bar exam. Texas has announced it will opt for a two day exam instead of a three day exam, without offering any guidance to prospective attorneys on how that will impact the content of the exam. Louisiana has moved to a one day exam. New York and many other states have pushed back the exam dates to some time in September and expanded supervised provisional practice rules. Nevada and several other states will administer the exam remotely. All of these plans simply lengthen the amount of time that prospective attorneys are unable to begin working and fail to address the underlying inequity of the bar exam.

Prospective attorneys are being asked to put their health and safety at risk to take the bar exam. Experts have previously stated that it will not be safe to host “large gatherings” like concerts and sporting events until 2021. The summer bar exam, typically administered to over 10,000 students in NYC in sports arenas and convention centers, cannot be safely offered this year. During the February 2020 bar exam, students were not permitted to wear masks despite the fact that COVID-19 was already a well-known risk globally. If the bar exam is administered in NYC this year it will force prospective attorneys to choose between their career and their health. For students who can afford quality health care, this is an easier choice than for those who may get sick and face even more debt if they need medical attention. For those who may be at higher risk of transmission due to an underlying medical condition, exposure to the virus for this exam is unconscionable.

Widely adopting diploma privilege, in contrast, would allow prospective attorneys to be admitted to the bar after graduating from an accredited law school. Legal scholars have argued in favor of emergency diploma privilege—admitting law school graduates to practice without sitting for the bar exam. In California, a group called United for Diploma Privilege has written a letter to the California Supreme Court requesting diploma privilege instead of a remote examination. Over 1,000 students in New York signed on to a letter to the Task Force on the New York Bar

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Aftercare Resources For Protest Arrest Clients

The National Lawyers Guild NYC released a public statement that included commentary on the public health impacts of the behavior of the NYPD during the last few weeks of demonstrations. Officers have utilized pepper spray, a dangerous respiratory irritant, and subjected arrested or detained protesters to physical and emotional violence and injury, including drastically increased COVID-19 exposure due to a negligence regarding protective equipment and practices that effectively constitutes malice.

With this understanding, we wanted to share with all of you some information about some of the medical and mental health resources that are being made available by our amazing comrades at the Aftercare Collective for the clients that you are working with who have experienced this kind of harm, particularly over the last few weeks.

Our chapter has a long history of working together with Jail Support volunteers, and our joint infrastructure is stepping up once again in this time of mass arrests. The last few weeks have seen larger numbers of mass arrests than any surge in public protest in NYC since the Republican National Convention in 2004, and the police brutality, including COVID-19 exposure, are also at unusually high levels.

The Guild has always provided follow-up support for protest arrestees by ensuring that every person who is arrested at a protest has the legal support, both criminal and civil, that they need. The Jail Support volunteers are working now to coordinate longer-term support of other kinds, including medical and mental health care.

It's common in our field to discount mental health as a topic worthy of devoting time and energy, both for our clients and ourselves. Legal advocates are rarely provided with cultural competency training in working with clients who are subject to acute, chronic, or complex trauma, even when that trauma significantly impacts their legal circumstances.

WHAT MASS DEFENSE LAWYERS NEED TO KNOW

Here are a few things that mass defense lawyers should know about trauma:

1. Trauma is subjective. The more your client believes they are endangered, the more traumatized they will be. "Psychologically, the bottom line of trauma is overwhelming emotion and a feeling of utter helplessness." Jon Allen, *Coping With Trauma*. As your client's advocate, you have to understand that they are in a constant battle that you may not understand or identify with; the first steps in being on your client's side in this battle are to make an effort to learn about it, let them know that you understand it, and do what you can to accommodate it.
2. Trauma is body-based. The aphorism is "memory lives in the muscle," which means that there's more to letting your client know they're safe with you than telling them with words. Understanding what's happened to them is the first step in giving them meaningful and personal support.
3. Trauma is about helplessness. As their advocate, you should give your client back a sense of control at every opportunity. Acknowledge the gift of trust that they're giving you with every piece of information they share. You also need to understand that discrete instances of trauma are compounded by the ongoing trauma of living in a violently white supremacist capitalist world, and that for many of your clients, recent events are the latest in an endless line of ways that their

bodies are subject to violence and erasure.

4. Trauma affects people in overwhelming situations. Also, you are a person. A copy of Trauma Stewardship is attached to this email. Notice the signs of compassion fatigue, like lowered concentration, apathy, anxiety, numbness, moodiness, trouble sleeping. Van Dernet Lipsky says "We often assume that our very status as helper grants us immunity from the suffering we witness. We are often wrong."
5. You don't have to figure out how to handle this from scratch. There are lots of people whose job it is to understand this stuff and have tools to help. A collective of medical and mental health professionals have volunteered their services to help your clients: "The Aftercare Collective is a magical abolitionist group of healers, organizers, and radical folks working toward healing justice in New York City. We are led by and accountable to BIPOC and LGBTQ+ folks, prioritizing the needs of our community and family members who have experienced police violence and trauma."

RESOURCES AVAILABLE

If you are working with a client who suffered physical, psychological, or emotional injury at the hands of the NYPD during arrest or detention, they may benefit from these resources. If you want to connect with free or low-cost therapy with politicized therapists, or medical accompaniment and/or referrals for your clients, please have your client reach out, or reach out on their behalf, to aftercarecollective@protonmail.com with the following information:

- = Name
- = Contact number
- = Best time to reach the client
- = Any injuries sustained or emotional impacts requiring of support
- = The types of care the client would like assistance with (e.g., follow up medical appointments, therapy referral, medical accompaniment, COVID testing).

Someone will respond within 48 hours to follow up. We're all doing our best to find new ways to show up for each other in weird and ever-changing times. And don't forget to take care of yourselves too. While you're being here for your clients, the Guild is here for you!

Bar Exam

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Examination requesting emergency diploma privilege.

In this time of unprecedented crisis and unrest, our communities need committed social justice attorneys. Now. While jurisdictions struggle to determine how to adjust to continue to administer the bar exam, police violence is rampant toward peaceful protestors, unemployment numbers are at the highest since the Great Depression, prisons, jails and homeless shelters are seeing catastrophic rates of COVID-19 transmission, and eviction moratoriums are soon set to expire. Rather than wrestle with how we can force administration of the bar exam we should instead use this as an opportunity to rid the profession of the bar exam altogether. Not only does the exam disproportionately exclude people of color and poor people from the profession, but it also fails to assess the competency of a prospective attorney. We can and must do better.

Cuba's 60-Year Crisis Preparation

BY NATASHA LYCIA ORA BANNAN

In times of crisis, who we are is revealed. That is true of people and of nations. What COVID-19 has exposed—not created—is a deeply flawed and inequitable society where the hidden truths of how race and class intersect to shorten the existence of some in our society are laid bare for all to see. The collapse of the structures that were barely holding on have revealed how inadequate they were to begin with. The failure of the state to prevent, protect against and help contain an illness that was known about for months shows how concerns over loss of capital took priority over our lives. And it is this business approach to administering government that is perpetuating the same harms and ensuring a continuous crisis for communities most devastated by the pandemic of our lifetime.

Take my home city, New York, for example. I have lost count of the number of friends, students, colleagues and neighbors struggling to overcome the virus. Not a day goes by without the deaths of a multitude of parents, uncles, cousins and grandparents being announced by their loved ones, giving the sense of a perpetual funeral procession where we all pass through social media to pay our respects to the departed.

The majority of deaths in New York have been people of color, immigrant communities, frontline personnel and low-wage workers, who have been hit particularly hard. Those are certainly all the deaths that have been announced on my feeds. Workers whose work is deemed essential, and yet we can't agree to give them a living wage. Workers who make, serve and deliver our food, and yet were intentionally excluded by Congress from healthcare, workplace and paid sick leave protections. Also, medical personnel – many of whom have hundreds of thousands of dollars in student loans and who live paycheck to paycheck—who have been put on the front lines without adequate protection or resources, turning hospitals into morgues.

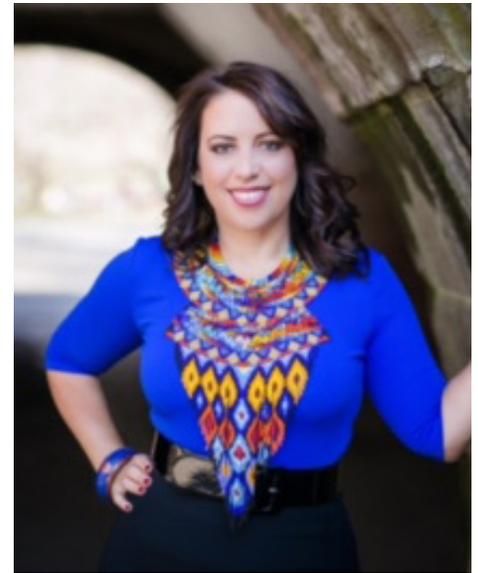
And yet there is another way to address widespread pandemics that focuses on the health, wellbeing and safety of *all* citizens, without being consumed by disaster exploitation or consumer fears. As a human rights lawyer, I can't help but look to how other countries that incorporate a human rights framework and approach to governance are handling the crisis. As it turns out, I have had a chance to witness just that up close, since I've been in Havana, Cuba since early March, when the virus began to be taken seriously

throughout the world, following the cancellation of numerous large-scale events. I have been to Cuba many times, leading delegations of lawyers and law students primarily with the National Lawyers Guild, the nation's oldest and only human rights bar association, to engage in comparative legal courses and conferences. That is why I recently came down, until the virus exploded and the borders closed.

Despite the economic, financial and commercial blockade that the United States has maintained against Cuba for nearly 60 years, it is remarkable to see how this small island nation continues to defend itself and its citizens in the face of crisis after crisis. I recall stories of the "special period," when the Cuban economy nearly collapsed after the withdrawal of Soviet support. Perhaps, in some ironic and twisted way, that is precisely what has helped Cuba prepare for a pandemic. Cuba has lived a perpetual economic crisis since the blockade was imposed, far worse in many ways than the one the developed world is entering now. Being prepared for, and even accustomed to, crisis means that the country is able to galvanize itself into action quickly, taking stock of the most essential aspects of its society's needs and implementing measures to address them as they can. That comprehensive coordination is on display nightly in the evening news with the roundtable of cabinet officials that report out to the citizenry on the dozens of measures each department is taking to respond to the crisis.

The transparency and sense of mutual accountability that permeates the multitude of press conferences given by Cuban health and government officials throughout the day is reflective of a more profound value in Cuban society: this is a country that deeply understands what collective struggle means and how it is critical to the survival of all. Being in dialogue with each other about the actions everyone needs to take to ensure mutual safety and well-being is a daily conversation in Cuba. People share everything with each other: information, food, housing and transportation. Sharing is built into the very fabric of society and the essence of being Cuban. As the saying goes, Cubans don't share what is leftover, they share what they have.

That sense of total belonging – to collective ideals and wellbeing, to identity, to each other – has enabled measures like the ones taken thus far to be heard and abided by the Cuban people with relative ease. On March 21 when the government announced over 200 mea-



Natasha Lycia Ora Bannan

asures being taken to respond to COVID-19 – including closing schools, border closings and requiring people to begin wearing face masks in public – it didn't take long to begin to see within a matter of days nearly every Cuban walking in the street with a homemade face mask. Around the same time, daily commercials aired on television explaining to the public how they could make them and keep their masks sanitized, so they didn't contaminate others in their households or on the streets. People took out their forgotten pair of pants, kitchen towels or old curtains and turned them into masks, for themselves and anyone else who needed one. Overnight, everyone it seemed had a mask, and if you didn't have one, someone was bound to give you an extra. If someone in Havana doesn't have a mask on, I will surely find out about it through the hallway conversation between my neighbors who gather daily to complain if there are any *indisciplinados* walking around without protection. Notably, it was around this time that the official position of the Centers for Disease Control (CDC) was still that face masks were not necessary in the United States. That position didn't change until two weeks later on April 3, after thousands of people had already died.

Social distancing, while necessary, is not easy in low-income communities or countries, where multiple people (or multiple families) often have to live together in cramped conditions. While undoubtedly social, Cuba is not a country where distancing comes easy; both because entire families live together

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Havana

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under one roof and because the island's culture is so intricately tied with social bonding, not separation. Cuba's economy is built on solidarity and people's very livelihood is contingent upon intricate cooperation. Most of the face masks that were made overnight were instantly shared with family and neighbors. These extensive social networks and solidarity that form the fabric of Cuban lives is actually what enables social distancing here, because people fundamentally understand that the needs of the collective – especially in times of crisis – must be placed above the needs of one. So while the same balcony conversations between neighbors continue to take place, you may see their children hanging out for a bit in front of the apartment, but with their face masks on and at least six feet between them. And yet, while I doubt Cuba will ever become subdued, even to an invisible invasion, it is quite eerie to hear Havana so quiet these days. It is the one place in the world that I could never imagine tamed.

Undoubtedly, sheltering in place and remaining at home is challenging for everyone, and certainly some more than others. However, when there is a shared sense of purpose and responsibility for each other, the sacrifice is put into perspective. The days before measures were taken to restrict the amount of people in the streets or taking public transportation, it was already not unheard of to see Cubans reminding people on the street not to touch their face or to have bottles of Clorox solution with water at the entry of office and residential buildings, facilities, restaurants and even public transportation. While catching a taxi one day, an elderly man watched me skeptically as I touched my hair and immediately scolded me that hair was part of the forbidden places near the face that needed to be hands-free.

As I connect daily with my loved ones back in the U.S., in Puerto Rico or Colombia, what I see and hear are different realities. Undoubtedly in most places, what is emerging is deep mutual aid and solidarity networks and people are reaching out in ways perhaps we never have (or have had to) and checking in and make sure others are “ok,” i.e. safe and healthy. The overwhelming majority of us are hunkering down, mindful of our human reaction chain which is perhaps the first very real reminder that survival is a collective act. We are struggling not to let our anxieties take over as we walk from room to room facing ourselves and what we have become, or rather

who we have always been, just now revealed. We are trying desperately to put the needs and lives of others not necessarily above our own, but on par with our own.

As obvious as it may seem to be to us now that there is no other way to survive, our societies have not always operated this way. The rugged individualism that has often been touted as a virtue of United States is leaking through in dangerous ways. Already people in [Michigan, Virginia and Minnesota](#) have begun to gather on the streets in groups and in front of their state capitals to “protest” their governors’ orders to remain at home. They are gathering in groups, armed with heavy machinery and rifles, and without face masks. Trump has called on them to “liberate” their states, undermining the public safety and health recommendations of his own administration and [health experts](#). I know New Yorkers look at these virus-spreading militias the way I imagine much of the world has looked at the United States’ foreign policy: with weary rage, exhausted from trying to convince them that their conduct will only mean harm to us all. The narcissism being modeled by the White House and sold as “Americanism” is never more glaringly apparent than when juxtaposing that to how Cuba behaves and understands survival in an increasingly globalized world, where none of us is an isolated agent and our collective existence requires collaboration, cooperation and solidarity. That is how Cubans have survived the longest running and most extensive economic blockade (rejected by nearly every [country](#)) by the world's richest country for so long.

Finally, this is a global health pandemic, and healthcare is something Cuba intricately understands. The right to health is a fundamental human right and is also guaranteed by the Cuban Constitution. Despite being a poor country, healthcare is universal and free to every citizen, including optional or purely aesthetic procedures. The island's [medical missions abroad](#) are famous, and countries the world over request doctors in poor and rural areas where finding medical personnel willing to be stationed is often difficult. I have visited remote areas of Nicaragua and Venezuela where Cuban doctors were the only doctors in those towns tending to residents there and were the town heroes. Since the outbreak of COVID-19, at least 18 countries have asked for medical brigades of Cuban doctors to be sent, including Italy and Spain. Even in New York, [Cuban-trained U.S. doctors](#) work at places like Wyckoff Hospital in Brooklyn or in the [South Bronx](#), working daily to prevent more loss of life.

Medical personnel are finally being revered the world over, even while working in health-care systems that are spectacularly failing them and their patients. Just like in New York, here every night at 9:00 p.m. sharp, when the *cañonazo* happens at the old fortress marking the time, Cubans across the country open their windows, come out to their balconies and patios and begin applauding loudly for the life-saving work of medical personnel both here and abroad. It is an uplifting celebration that reminds us both why we are in our homes and also that there is still, always, hope. While here people gather to cheer, a couple of islands away in Puerto Rico, the rich tradition of *cacerolazos* continues every night at 8:00 p.m. to denounce the criminally negligent manner in which the local government there has been handling the outbreak. While in colonial Puerto Rico people continue the protests started in the summer of 2019 in response to abandonment and corruption, an hour later their sister island and closest ally shows the world what a responsible and coordinated approach to crisis can look like.

The right to health is not just guaranteed to Cubans, but health policy forms an integral part of the island's foreign policy as it shares “not what is leftover, but what it has” with the rest of the world. Cuba currently has a drug called Interferon Alfa-2B that is being used to combat COVID-19 and has been sent already to places like China and Italy, with [72 countries](#) in total requesting it. As we speak, the country is working on a [vaccine for the virus](#). A vaccine that residents of the United States – the epicenter of the virus – most likely won't be able to access, despite [Obama-era changes](#) that allow the FDA to work with the island on scientific collaborations. It is heart-breaking and enraging to think that the dozen or so friends I have who lost their parents, grandparents, aunts and uncles, husbands and neighbors may end up witnessing more preventable deaths from lack of access to a vaccine. Or my friends currently recovering at home or in overcrowded hospitals in Queens and the Bronx who will pay with their health and maybe even their lives for a failed economic policy that prevents life-saving medication from being accessed. Even the U.N. Commissioner on Human Rights recently [called on sanctions to be lifted](#) against countries like Cuba that are fighting COVID-19, otherwise the already dire global outlook on the human toll of the virus may be prolonged and worsened as countries living under sanctions face the possibility of collapsed healthcare systems.

In reality, Cuba's precautions to avoid wide-
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spread contamination of the virus are as much about protecting human health as they are a recognition that it would be a challenge for Cuba to provide every affected resident with medication to help with the virus symptoms. That's why the government began distributing a homeopathic medicine, ProvenHo-Vir, intended to help bolster the immune system, particularly of at-risk populations. My elderly neighbor already received her dose and has been taking hers religiously. Early detection of cases has also played a critical part of Cuba's strategy, including employing the island's famous medical students as surveyors, going from house to house checking on people to see who has exhibited conditions of the virus. Every day we see them arrive and be greeted by residents who report with relief that they have not shown any symptoms. I can't help of think of the over 4,400 New Yorkers who were estimated to have died in their apartments or nursing homes because they never made it to a hospital, or perhaps they were afraid to go because they wouldn't have gotten tested anyway. Had medical students from the over 15 medical schools in New York City alone had protective gear and been able to visit at-risk communities, perhaps we wouldn't be seeing images of mass burials on Hart Island in the Bronx.

When I left the U.S., COVID-19 was still called the coronavirus and there weren't any cases yet in New York. Despite this, there was no alcohol, hand sanitizer, aloe vera gel, toilet paper or pantry supplies at any pharmacies or stores. Massive hoarding began, along with fights in lines over who got the last jar of peanut butter. It's true that in Cuba there are often long lines for food or medicine, particularly when shipments of medical supplies being donated by Chinese citizens on a Colombian airline aren't allowed to arrive because of U.S. sanctions. Or when boats full of diesel or gas for Cubans to use in cooking or for collective transportation to get them to work that are brought in by other nations are stopped at the port because they receive a call from the U.S. government threatening sanctions under the illegal and immoral blockade. It inevitably makes for longer lines and more suffering. Which, as it happens, is the goal of the blockade. The State Department has acknowledged that since the beginning, the blockade's goal is to "deny[] money and supplies to Cuba, to decrease monetary and real wages, to bring about hunger, desperation and overthrow of government." That's what makes it all the

more ironic that when Cuba calls attention to the blockade's intended effect in restricting the purchase of needed medical supplies, the State Department counters that it's Cuba's government's mismanagement of its economy that is the reason Cubans are suffering. An economy intentionally obstructed and designed by U.S. policy to promote the suffering of its citizens.

What rings truer than ever for me in observing what a human rights-centered approach to crisis management can be, is that we are just in time to envision, demand and enact the world that we deserve, with a government that responds to health disasters as though they were just that and not as a national security response or a pretext to masquerade white supremacy and xenophobia as health policy. The demands for universal and affordable healthcare, safe workplace protections for all workers, a living wage, a worker-centered economy and dignified housing where we can shelter in place safely have begun to resonate beyond the centers of political campaigns and into the households of the 26 million Americans who declared unemployment in the past month alone or who lost a loved one while waiting to be tested for COVID-19. The systems that are collapsing under the weight of human demand show us that they were never built to sustain the actual needs of all, rather just a few. Two-thirds of Cuba's national budget goes to fund three areas: education, healthcare and social security. If the half of the federal stimulus package that went to corporate subsidies and bailouts for large restaurant chains instead helped sustain low-income workers,

immigrant workers and medical personnel, we would be half-way there.

I come back to human rights principles and demands, as I often do when injustices abound and government's negligence or abuse runs rampant over our lives. I dread to think about the havoc this crisis can wreck in Puerto Rico, where they are still recovering from the devastating loss of life of Hurricanes Maria and Irma in 2017, and the series of earthquakes that left thousands in the streets just a few months ago. Or to immigrant communities in Washington Heights, Hunts Point or Jackson Heights in New York, who have already been intentionally excluded from federal health care, worker protections and economic assistance. When disaster capitalism runs rampant over the most vulnerable communities who are struggling to stay in survival mode, what does a crisis response look like that centers the health and well-being of the worker who is disposable while their work is deemed essential? For me, Cuba, yet again, serves as a point of reference for what is possible – critical even – for our collective survival. It ultimately will not be a stimulus package or "reopening" only of cities and states that will ensure our well-being. It will come once we center the needs of those most marginalized and vulnerable among us and ask what it will take to save *them* that we will all live more dignified lives. And that is the greatest lesson Cuba has reminded me of: we can't give workers and citizens what is left over after we have given all the corporate bailouts we have; we must give them what we have.

Jail Support

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for their desire to not only open their space to us but contribute their skills and time, we wouldn't have had the impact we did. In all the work that we do, let us not forget that humanity is at the center, fellowship with community members is remembrance of just that.

I believe the white volunteers of court support are a current reflection of our country. A enthusiastic group seemingly well-meaning white folks, who are very much still unlearning and working to be anti-racist. There is an incredible amount of growing to be done but that shouldn't be a discouragement but rather a realization of the work that lies ahead. While there were some distinctly beautiful moments of solidarity and echoes of New York City's phenomenal sense of community, there were challenges and confrontations. Both within the volunteer cohort, with the

press attempting to sensationalize and exploit the protestor's experience, and people who saw this as a perfect way to absolve themselves of decades of inaction and white guilt. However, the setting was a way to re-examine what does accountability and restorative justice look like, how can court and jail support serve as models of what continued movement work will resemble? How can we uplift, center and follow the leadership of Black organizers while making sure work is equitably distributed so leadership is supported?

All these questions have yet to be resolved and will certainly take time to address but I am confident court and jail support are environments where those questions can and will be worked out. In collaboration with each other, using self-reflection and accountability to those who have been harmed, I think these settings can serve as healthy and productive ways of pushing forward towards the goals of abolition.

The chapter endorsed the **Juneteenth Black Power Rally** at City Hall on June 19. “1865 to 2020: Slave Catchers to Killer Cops. Defund the Police Now! Refund the Community!” The rally was sponsored by the **December 12th Movement**. <http://d12m.com/>

The chapter also endorsed **Transportation Alternatives** June 17 demands to **end NYPD traffic enforcement**, as part of the broader movement to #DefundNYPD, and **get NYPD out of routine traffic enforcement**. “NYC needs a new way to think about the safety and accessibility of our streets and sidewalks, one that recognizes the intersection of systemic racism in policing and inequitable access to safe streets and transportation options. We know that streets can be designed to be self-enforcing, like the traffic-calmed boulevard that controls speed, or the protected bike lane that ends sidewalk cycling. This is key to moving safe streets forward—without the NYPD.” <https://www.transalt.org/>

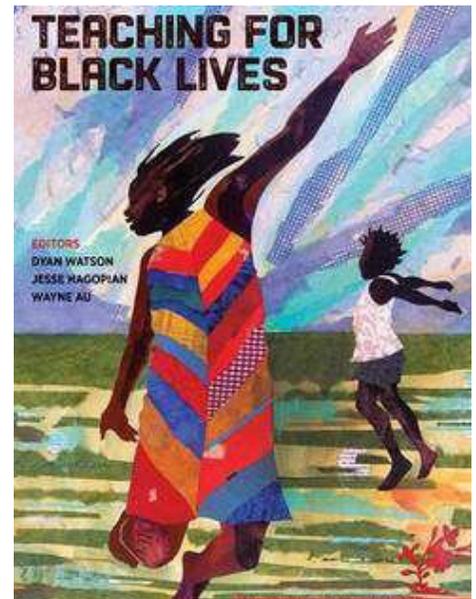
The chapter sponsored a panel teleconference on the **designation of Antifa as a terrorist organization**, on June 11: “Join the National Lawyers Guild and NLG-NYC for a panel discussion on the Trump Administration’s designation of “antifa” as a terrorist organization. Amidst the popular uprisings demanding accountability in the murder of George Floyd and radical approaches to end police brutality, the Administration and its allies have attempted to direct attention away from popular unrest and towards an imagined enemy. Learn about the history of antifascism, how the government abuses terrorism designations, and how this campaign against antifa affects protesters, activists, and movements for racial justice and liberation.” Moderator: **Abi Hassen**, former NLG National Mass Defense Coordinator and Co-Founder of

Black Movement-Law Project; Panelists: **Moira Meltzer-Cohen**, NLG movement lawyer; **Hina Shamsi**, Director of ACLU’s National Security Project; **Mark Bray**, Rutgers professor and historian, author of **Antifa: The Antifascist Handbook**; and **Daryle Lamont Jenkins**, antifascist researcher and founder of **One People’s Project**.

The **Restorative Justice Committee** held a virtual meeting on June 11 featuring **Aisha Salaam** of Justice 4 the Wrongfully Incarcerated, and **Mika Dashman**, of the Restorative Justice Initiative. “Restorative Justice has long been a guiding principle for the **Black Lives Matters** movement as a call for policy reforms to divest police, redress social injustice and invest in community driven solutions to harms without criminalization. What is the role of restorative justice and the law now, as the Black Lives Matters movement surges once again because of the deplorable lack of reform and brutal actions of certain police officers? Can we envision a society with peace officers engaging the community in talking circles when harm presents itself, instead of arrests and criminalization perpetuating modern day slavery in the prison industrial complex? Divest from prisons and police and invest in unarmed community peace officers hosting talking circles at community restorative justice centers?” <https://m4bl.org/policy-platforms/invest-divest/> <https://blacklivesmatter.com/what-we-believe/> <https://www.dcareeducators4socialjustice.org/black-lives-matter/13-guiding-principles>

On May 28 the **Labor & Employment Committee** of the National Lawyers Guild—New York City Chapter presented **Employment in The Time of Corona: Protections for Workers During The Pandemic**, a CLE program. The panelists

addressed three broad topics to help advise clients, friends, and family members in these trying times. First, tips on how to navigate NY’s unemployment process for those who have lost their jobs or can’t work because of COVID. Second, an outline of new laws that have been enacted to protect workers’ jobs while they take time off to quarantine, isolate, or care for a family member. Finally, how to apply familiar workplace laws, like the NLRA, ADA, OSHA, and NYLL, to COVID-related firings, discrimination, and accommodations. The lunch-and-learn CLE offered one NY credit in Professional Practice. Panelists were



Saranicole A. Duaban, Associate, Goddard Law PLLC; **Tana Forrester**, Associate, Kessler Matura P.C.; and the program was moderated by **Leo Gertner**, Attorney. (The New York City Chapter has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of Continuing Legal Education in New York State.)

The **Animal Rights Committee (ARC)** organized an informational webinar on May 28 examining the public health risks of meat and slaughterhouses, focused on New York slaughterhouses. Speakers were Professor **Ethan Taylor** of the University of North Carolina, researcher in emerging zoonotic viral infections, https://www.researchgate.net/profile/Ethan_Taylor2; **Gail Eisnitz**, undercover investigator and author of “Slaughterhouse,” <https://unboundproject.org/gail-eisnitz/>; and NYS lawmakers Assembly member **Linda Rosenthal**, and NYS Senator **Luis Sepúlveda**, sponsors of leg-

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PASSAGE OF THE POST ACT

The Public Oversight of Surveillance Technologies Act was a labor love! It was something that I believed in and worked hard to help pass. This bill requires the New York City Police (NYPD) to disclose their use of surveillance technologies. These technologies are disproportionately used to surveill communities of color. The time for change in our history was now and it was the momentum the coalition which included the Brennan Center for Justice, NYCLU, ACLU, STOP, Empire State Indivisible, National Action Network, and Legal Aid Society, needed to get this much needed bill across the finish line. The bill ultimately passed New York City Council on June 18th, 2020, in a 44-6 vote. <https://legistar.council.nyc.gov/LegislationDetail>.

—Erica Johnson

Environmental Justice Committee and Chapters Demand Change

The National Lawyers Guild Environmental Justice Committee and Chapters are writing to demand that Police Departments immediately cease its use of tear gas and pepper spray in response to protests.

The Guild has a long history of defending individuals accused by the government of espousing “dangerous” ideas and other examples of governmental overreach now popularly discredited. Since then, it has continued to represent thousands of Americans, from civil rights advocates and anti-war activists during the Vietnam era to current anti-globalization, peace, environmental and human rights activists.

We are both concerned and disturbed that Police Departments are using tear gas and pepper spray against individuals engaging in protests against police brutality and racism. Tear gas is a chemical weapon that presents significant environmental and public health risks. Police departments have no business utilizing such chemical agents in our city.

The US Centers for Disease Control and Prevention informs that the most common compounds in tear gas are known

as chloroacetophenone (CN) and chlorobenzylidenemalononitrile (CS). These compounds target pain receptors in the body and cause irritation in the respiratory system, eyes, and skin. Individuals exposed to tear gas can experience blurred vision, runny nose, difficulty swallowing, coughing, rashes, and vomiting. Prolonged exposure, or exposure to a large dose of tear gas, especially in a closed setting, can cause blindness, glaucoma, death from chemical burns to the throat and lungs, or death from respiratory failure.

Experts such as Dr. Sven-Eric Jordt, associate professor of anesthesiology at Duke University School of Medicine has noted that even a single exposure to tear gas can increase the likelihood of developing respiratory illnesses, like influenza, the common cold, or the Corvid-19, in the future.

From an environmental standpoint, it is important to understand that tear gas is not actually a gas. It is a solid powder that spreads on combustion. The powder settles onto surfaces, such as trees, bushes, grass, sidewalks and streets, lingering for days prior to breaking down. During that time

it can spread, creating additional health issues. Deployed at high concentrations during short periods of time - as we have witnessed the police doing in other cities - tear gas can cause acute air pollution that harms not only people, but animals in the area.

Although NYPD denies the use of tear gas, it indiscriminately deploys Pepper Spray which results in acute eye pain, corneal abrasions, tearing, skin irritation, and respiratory tract irritation and increases potential spread of the Corvid-19 virus in a crowd. OC pepper spray (oleoresin capsicum) is composed of a concentrated form of the same inflammatory chemical that adds heat to chili peppers. The Chemical Weapons Convention Article I.5 states “Each State Party undertakes not to use riot control agents as a method of warfare.” See <https://www.factcheck.org/2020/06/the-semantics-of-tear-gas-versus-pepper-spray/>

The NLG Environmental Justice Committee (in partnership with chapters around the country), Robin Martinez, Marti Schmidt & Joel R Kupferman.

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isolation to **shut down New York’s live animal markets**. *Tamara Bedic* ARC Chair: *Not sure if you’ve ever been inside one, but the 80 or so NYC slaughterhouses are generally small mom-n-pop operations, reliant on immigrant labor, many with numerous health code violations. Here’s a brief peek inside: <https://www.youtube.com/watch?v=aRf1NSXVzX4> (2 minute video from CBS Inside Edition).*

The **NLG-NYU Chapter and the NLG-NYC Mass Defense Committee** presented **Defending Protesters in Criminal Court**, an online CLE program on the basics of representing justice demonstrators in NYC Criminal Courts. The program was recorded in October 2017 at New York University Law School and was available online from April 28 to May 28, 2020.

On April 15 the **NLG-NYC Animal Rights Committee** met via Zoom featuring Professor **Peter Li**, associate professor of East Asian politics at the University of Houston-Downtown, and China policy specialist at the

Humane Society International. **Prof Peter Li Gives Surprising Details Of Animal Markets in China, Coronavirus, Wuhan’s Inside Story** (9 minute video from India Today on animal markets in China)

On February 26 at NYU School of Law’s Vanderbilt Hall, the **NLG-NYC Animal Rights Committee** presented a CLE program on the **Animal Enterprise Terrorism Act: Constitutional Defenses and Lobbying Laws toward Repeal**. Speakers were **Heidi Boghosian**, A.J. Muste Institute; **Rachel Meeropol**, Center for Constitutional Rights; and **Odette Wilkens**, Equal Justice Alliance. The **NYU Student Animal Legal Defense Fund** and the **NYU-NLG** chapter were co-sponsors.

The **NLG-NYC** and **NLG-NYU Chapters** co-sponsored a **Conference on Reparations** on February 19 at NYU Law School’s Vanderbilt Hall: **The Past, Present, and Future of Reparations**. *“For hundreds of years, the law has maintained racial injustice and curtailed meaningful remedies for*

reparative justice in the United States. This Colloquium will bring together scholars, legal practitioners, community activists, and policymakers to imagine the possibilities—and limits—of the law in facilitating truth, reconciliation, and meaningful reparations.” The program featured **Norrinda Hayat**, Rutgers Law School; **Dr. Ron Daniels**, National African American Reparations Commission; **Katherine Franke**, Columbia University; **Robert Westley**, Tulane University; **Deborah Archer**, Director of the Civil Rights Clinic and Co-Director of the Center on Race, Inequality, and the Law at NYU School of Law; **Queen Mother Mashariki Jywanza**, National Coalition of Blacks for Reparations in America; **David Ragland**, Truth Telling Project of Ferguson; **Joyce Hope Scott**, International Network of Scholars and Activists for African Reparations; **Vincent Southerland**, Center on Race, Inequality, and the Law; **Jennifer Bellamy**, American Civil Liberties Union; **Kesi Foster**, Movement for Black Lives; **Jessica Gordon Nembhard**, John Jay College of Criminal Justice; and **Nkechi Taifa**, The Taifa Group & Justice Roundtable.

The following comments are submitted by the Restorative Justice Committee of the New York City Chapter of the National Lawyers Guild, and the Restorative Justice Initiative, envisioning a society in which restorative justice is fully integrated into institutions and communities, collaborating to honor collective wisdom, accountability, healing and transformation.

This public hearing has been called for a reason. The New York City Police Department has failed our community, again. In recent weeks, peaceful protestors have been unlawfully detained and violently attacked by the NYPD. Restorative Justice offers a solution to address the institutional racism at the heart of the protests, and help guide our institutions toward more healing and less punishment.

We have seen first-hand how the NYPD's instinct is to escalate—not de-escalate—a situation. They met peaceful protestors, dressed for the summer heat in t-shirts, in full riot gear. They brought batons, fists, and rubber bullets to fight chants and markers on cardboard. They brazenly went without masks, against local and state guidance, into the midst of these protestors, singling out targets (often Black protestors or people of color) and zip-tying them tightly behind their backs. Pepper spray and flash grenades were deployed without provocation. Police cars were transformed into battering rams.

Members of this committee have joined in these protests. We have been heckled and leered at by the NYPD on our way. We have walked through throngs of police officers stationed at the entrances of the Manhattan and Brooklyn Bridges, delaying the protest from proceeding on one end, and intimidating those going home at the other. We know young people who have been arrested, thrown into the back of a van, and held for hours in enclosed spaces without masks, before being processed. We know others who have been kettled, beaten by batons, wrists broken, heads split, mistreated, and manhandled. This is not “restraint.”

To hide these transgressions and thwart complaints, and in violation of their own policy, NYPD officers have even covered their badge numbers.

The low sweep of helicopters over a crowd, drowning-out the messages New Yorkers have been so desperate to speak and to hear; the surveillance of protests by plainclothes cops and small men looking out over tall buildings—these are not the actions of sworn protectors. This is state-sanctioned surveillance meant to antagonize, quell, disquiet, and disempower.

The NYPD must change. Restorative Justice provides another path. Restorative Justice invites everyone impacted by conflict and/or harm to develop a shared understanding of both its root causes and effects. Restorative practices address the needs of those who have been harmed, while encouraging those who have caused harm to take responsibility.

The call to divest police and invest in communities could be understood to transform police departments and officers into community restorative justice centers with peace officers facilitating resolution of conflict in communities through talking circles. Unarmed peace officers trained in nonviolent communication could walk the beat and serve the community, helping resolve conflict through deep listening and encouraging a collective solution. The pilot program in the Yukon offers an example of indigenous unarmed officers helping their community and building peace using traditional friendly means. New institutions could be built, such as Peace Departments where people could call for help with domestic disputes or neighbors, knowing they would help de-escalate the situation and facilitate a talking circle.

Even now, the police department and government leaders could now use restorative justice to help build peace and heal the relationship between officers, the State and protestors. Police officers, police unions, local and state government officials could offer to sit in talking circles with protestors to listen to their concerns with empathy first, and inform potential new rules and regulations governing police departments. The talking circles

may also discuss how to re-envision and rebuild a police department that helps the community.

Below are some examples of initiatives that implement restorative justice and practices into community policing to inspire a new approach:

<https://ejusa.org/issues/trauma-informed-policing/trauma-to-trust/>

A police officer's story of restorative justice (video) from the Longmont

Community Justice Partnership in Colorado.

Former Camden police chief interviewed on WNYC. In 2013 the city's police force was disbanded.

<https://www.bloomberg.com/news/articles/2018-01-10/after-police-reform-crim>

e-falls-in-camden -new-jersey—An example of a community restorative justice

circle process in the wake of a fatal police shooting in Seattle in 2010.

#DefundPolice
<https://bit.ly/InterruptingToolkit>.

Restorative justice practices benefit everyone. Police departments, including the NYPD, need to take responsibility for their actions and for the harm they have caused. Restorative justice could be the tool and the bridge to solutions for a better future, one with new community-based institutions and restorative practices that help people, not hurt people.

NYC Chapter of the National Lawyers Guild Restorative
<https://restorativejustice.nyc/>

Justice Initiative Restorative Justice Committee
restorajust@nlgnyc.org

J.D., May 2020
Brooklyn Law School
858-220-6797



The National Lawyers Guild, NYC Chapter issues the following statement on the recent murders of Black community members by police:

The National Lawyers Guild NYC stands with our communities to mourn the murders of George Floyd of Minneapolis, MN, Breonna Taylor of Louisville, Ky., Tony McDade of Tallahassee, FL, and the other nonstop incidents of white supremacist violence in the United States. We continue to condemn and recommit to ending the flagrant disregard of Black life by all arms, agents, and systems of the state. The NLG stands in solidarity with those who continually protest police brutality against community members and protestors, and demand justice and accountability.

In New York City, the Police Department's systematic and consistently escalating practice of brutality and negligence against protesters who are exerting their First Amendment rights is nothing new. For over sixty-five years, the New York City chapter of the National Lawyer's Guild has participated in the struggle against oppression in all its forms, including police brutality and all manifestations of white supremacist violence. Today, our Chapter pledges an unyielding commitment to racial, economic, and procedural justice. We condemn the dehumanization, torture, and murder of all marginalized people-- in particular Black and brown people--, by state violence, including the police department.

The last few days have seen an uncountable outpouring of planned and spontaneous demonstrations. The staff and volunteers of the NLG NYC have been working nonstop to provide First Amendment protection and mass defense support that constitute the core of our mission.

As lawyers, law students, and legal workers we have committed to the end that human rights shall be regarded as sacred. Our work in this field is to use legal and constitutional structures as a tool to protect the people from repression, ensuring that laws will be fairly applied and equally enforced. In America and across the globe, every day that we permit these systems of surveillance, harassment, and punishment to persist, we fail the people and institutions we swore to serve. The NLG does not offer empty words and rhetoric.

We are working overtime to support our communities and partner groups with practical and material actions and to dismantle systems of white supremacy that have persisted for too long.



The National Lawyers Guild, NYC Chapter issues the following statement on the treatment of protestors and protest support workers by the New York City Police Department over the past week:

New York City is seeing an outpouring of vibrant demonstrations against police brutality and white supremacy, and in support of Black lives. In response, the NYPD has engaged in widespread and needless violence, including but not limited to violent arrests of more than two thousand protestors over the past week. The staff and volunteers of the NLG-NYC have been working nonstop to demand that the city honor protestors' constitutional protections, and to provide the mass defense support that makes up an important part of our mission. As part of that work, we are bound to speak out about alarming and unlawful police practices and flagrant, blanket violations of constitutional rights.

We condemn the behavior of NYPD on the street, the treatment of detainees, and the risks to public health generated by police actions. The conduct of the NYPD cannot be excused by referring to the twin crises of the global pandemic and the popular uprisings against pervasive police abuse of black people. The protections afforded by the Bill of Rights were put in place precisely to safeguard people in times of great upheaval and uncertainty, and it is at times like these that those rights must be most stringently upheld.

NYPD Behavior on the Street

The NLG-NYC condemns the practices of the NYPD in the streets, as witnessed by NLG Legal Observers, reporters, and other community members. The NYPD is brutalizing communities under the pretext of a curfew imposed to criminalize protest. This curfew effectively curtails the rights to free speech and assembly, and the rights to be free of unlawful search, seizure, and force. In addition to denying Constitutional protections by force, the curfews create public danger through the widespread and indiscriminate use of military crowd control weapons that cause permanent damage, and respiratory irritants that severe health risks in the middle of a global respiratory pandemic. Under the auspices of this curfew, the NYPD is conducting unlawful and violent mass arrests on pretextual charges.

Adding insult to injury, NYPD officers are attempting to evade accountability for their actions by unlawfully concealing their badge numbers. The NLG-NYC has sent a letter to Police Commissioner Shea demanding that immediate steps be taken to prevent NYPD officers from concealing their identities.

The kettling and detainment of sixteen of our NLG Legal Observer volunteers on June 4th was in direct violation of the NYPD Patrol Guide, which authorizes trained and marked legal observers to attend protests, and even to cross police lines freely for the purposes of effectively observing police conduct. In addition, Legal Observers are confirmed exempt from the curfew by Mayor De Blasio.

We condemn these widespread practices as we condemn all of the NYPD's efforts to ensure that they may continue to act violently and with impunity against protestors, against communities of color, especially Black and brown communities, against transgender people, and against people experiencing homelessness.

Treatment in detention

The NLG-NYC further condemns the ongoing unconstitutional and inhumane treatment of detained protestors. Many protestors are being detained for over 24 hours without access to an attorney, and without appearing before a judge to be apprised of their charges. The right to be arraigned within 24 hours is a key provision of the New York State Constitution. Although Judge Burke this week suspended this provision, the NLG takes the position that this is a violation of the state constitution, due process, and right to counsel, no matter what compounding social factors may exist at any time. The NLG-NYC condemns this ruling and cautions that this dangerous precedent will erode the critical right of habeas corpus —intended to protect against just such abuses as those we are witnessing today. *(continued on next page)*

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Meanwhile, our attorneys are unable to locate or reach detained clients, advocate for them, conduct pre-arraignment interviews, or ensure that they receive medical treatment when they are injured by police. This again violates their Constitutional rights to counsel and to due process. The NLG-NYC, along with other signatories to this letter, have demanded infrastructure for tracking and contacting clients subject to mass arrest, including a 24-hour phone line.

COVID-19 Exposure

The NLG-NYC condemns the unacceptable and dangerous conditions to which protestors are being exposed on the street and in detention. New York City is the epicenter of a global pandemic. Judge Burke's recent ruling permitting extended detention is a constitutional violation, as well as posing enormous health risks to those detained, and to public health in all communities.

Two of the most important factors in the transmission of this deadly virus are proximity to infectious persons and duration of exposure. The NYPD's current detention practices are almost certain to result in large-scale viral contagion. In many cases, arresting officers have removed protestors' masks at time of arrest or during detention, while also preventing them from performing the basic hand hygiene and social distancing protocols recommended by the CDC as the most effective means of preventing transmission of COVID-19. Detainees have been held in these crowded, unsafe conditions for more than 40 hours at a time. Detainees are routinely held without food or water, are unable to sleep, and are refused medical care or transport to the hospital. All of these factors contribute to a state of relative immunosuppression, making them more susceptible to severe, life-threatening COVID-19 infection and more likely to spread the virus in their communities when they are released.

The NYPD is also engaging in the indiscriminate use of pepper spray, a dangerous respiratory irritant. In the event that people are exposed to COVID-19, exposure to pepper spray is likely to result in more severe disease symptoms, which will in turn contribute to the transmission of active viral particles through increased coughing. The NYPD's actions demonstrate an unconscionable disregard for public health.

Further, the fact that many NYPD officers and court officers refuse to wear masks when interacting with each other and with protestors shows the utmost disrespect for health care workers across the city, and is in direct violation of CDC guidelines.

Communities of color have been devastated by this pandemic and have suffered a profoundly disproportionate loss of life. The hospitalizations and deaths we anticipate in the coming weeks will be a direct result of the NYPD's negligence and cruelty. Policing, mass incarceration, and white supremacy are an ongoing public health crisis, and the events of this week have brought that crisis into sharper focus than ever before.

Our Demands

The NLG-NYC demands that the NYPD release all individuals arrested during protests, including those arrested after violating a curfew imposed in a disingenuous bid to justify the arrests of Black people, and those standing in solidarity with them. We further demand that NYPD practices of obscuring officers' identities; of holding arrestees for more than twenty-four hours; and of refusing protestors access to the legal and medical resources to which they are legally entitled be halted immediately.

This week has seen individual NYPD officers kneeling in what they say is solidarity with the protestors. We reject this empty propaganda and demand the genuine solidarity that would be demonstrated by the refusal to comply with the NYPD's racist, authoritarian practices, especially in their treatment of Black and brown community members generally, and protestors who stand with them now.

The NYPD's brutal practices towards protestors are only a fraction of the dehumanization that NYC's Black and brown communities face at their hands every day. All the practices that are used to surveil, harass, and punish protestors are used constantly to surveil, harass and punish our community members for the crime of living in New York City in Black and brown bodies. Our city is better than that, and we call on those with oversight privileges to step up and force the NYPD to recognize the humanity of all members of our communities.

Several chapter members were quoted in a June 2 article covering the local **Black Lives Matter demonstrations**:

Elena Cohen, NLG president: "What's going on is a mixture of obstacles. The main obstacles are the changes with COVID-19 with how courts are operating, which is causing massive delays. And mass arrests make any situation more complicated."

Chava Shapira, who observed arraignments in Brooklyn over the weekend: "One thing happening [is] waiting for all the tech to work. Sometimes things got stalled."

Gideon Orion Oliver, civil rights lawyer: "Many people are close together in a cell. During the first few nights of protests, the majority of people [arrested] were getting summonses or a desk appearance ticket. Now this number of cases going through arraignments means a lot more serious charges that are not eligible for DATs."

Patrick Tyrrell, housing attorney and volunteer legal observer with the NLG: said that he spoke to several people outside Manhattan Criminal Court who had been in custody for multiple days. "Same story from five guys I talked to. Arrested Sunday. Arraigned today via video. Fifteen to 20 guys waiting together in a cell." <https://www.law360.com/newyork/articles/1279337/virus-volume-slow-release-for-arrested-protesters-in-nyc>

The **NLG Foundation** is in the process of selecting its annual **Leonard I. Weinglass Memorial Fellow** for a recent law graduate to work on a 10-week project consistent with the mission of the NLG and the career of **Leonard Weinglass** (1933 – 2011). Len, a long-time NLG-NYC chapter member, was a criminal defense and constitutional lawyer. His clients included **Daniel Ellsberg**, who was charged with leaking the Pentagon Papers, **Kathy Boudin**, **Angela Davis**, and **Mumia Abu-Jamal**. He represented the **Chicago 7** in their 1968 trial, and was the lead appellate attorney for the **Cuban Five** until his death in 2011. Previous fellows have developed projects to assist with parole and sponsorship for LGBTQ+ migrants, to reunite American citizen-children with deported undocumented parents, to support community bond funds, and to fight construction of a new maximum security prison. One fellow is chosen annually and receives a \$4,250 award.

Members of the **NLG chapter at Columbia Law School** won top honors at this year's graduation held virtually on May

20. **John Finnegan** and **Zack Struver** were both awarded the Ruth Bader Ginsburg Prize for outstanding academic achievement.

NLG past national president **Natasha Lucia Ora Bannan** has been in Cuba since early March. She reports in *Truthout* on May 16 how that country's approach to managing the pandemic is so starkly different from that of the US: "*The failure of many states to prevent, protect against and help contain an illness that was known about for months shows how concerns over loss of capital took priority over our lives. And it is this capitalist approach to administering government that is perpetuating the same harms and ensuring a continuous crisis for communities most devastated by the pandemic of our lifetime.*" The full article has been reprinted above.

The **NLG National Office** announced on May 12 that it has hired **Tyler Crawford** as the new **Director of Mass Defense**. Tyler is an organizer, activist, and graduate of Fordham Law School. Over the last decade, he has worked extensively with community organizations and workers' rights groups, launching worker centers, tenant associations, and legal clinics. While attending Fordham Law, Tyler clerked at the Appalachian Research and Defense Fund of Kentucky as an NLG Haywood Burns Fellow.



On May 8 the **CUNY School of Law Film Festival** presented **Black Panthers - Vanguard of the Revolution**, a *Facebook Live* film. The film records a panel discussion with two leading former Panthers, **Jamal Joseph** and **Denise Oliver** (who was also a member of the Young Lords), **Bob Boyle**, and **Gerald Lefcourt**. Gerry was a leading NLG member who was lead counsel for the **NY Panther 21** zulunation.com/the-new-york-black-panther-21-conspiracy-trial/, and he was also a founder of the Legal Aid union. The film showing was followed by a discussion with three CUNY Law professors on the enduring influence and legacy of the

Black Panther liberation movement: **Franklin Siegel**, a civil rights expert who participated in representing the NY Panther 21; **Victor Goode**, who was executive director of the National Conference of Black Lawyers during the height of the movement; and **Tarek Ismail**, Senior Staff Attorney for CUNY Law's CLEAR Project (Creating Law Enforcement Accountability & Responsibility) and expert in the government surveillance of Muslim communities. The original program at CUNY in 2015 was co-sponsored by the **CUNY-NLG** chapter and **NLG-NYC**, with assistance from Franklin Siegel. The program can be viewed at https://www.youtube.com/watch?v=1V_IOSuBT7Y

On May 5 an NYPD officer was placed on modified duty after a video went viral showing him punching to the ground a bystander who was witnessing the arrest of two other people in NYC's Lower East Side. Officer Francis X. Garcia joined the department in 2012 and works in the Housing Bureau in Manhattan. According to a database of police lawsuits compiled by the Legal Aid Society, the city has paid out at least \$182,500 to settle lawsuits involving Officer Garcia. **David Rankin**, an NLG-NYC civil rights lawyer representing the bystander, said the arrest fit within the **police department's long history of violating people's rights to observe an arrest** and called on the officer to be investigated "fully, quickly, and thoroughly. ... The idea that he is doing this without any gloves and no masks, and using profanity and racially charged language, is just completely unacceptable," Rankin said." [An N.Y.P.D. officer was stripped of his gun and badge after footage of him punching a bystander went viral.](#)

On May 5, SDNY Judge Analisa Torres granted a preliminary injunction to former Democratic candidate Andrew Yang in a proposed class action, and ordered New York State to reinstate its **June 23 NYS presidential primary** that had been canceled due to the coronavirus pandemic. Judge Torres held that plaintiffs met the irreparable injury standard for an injunction, and that canceling the primary deprived both delegates and voters of their constitutional right to influence the party platform. Ten Democratic presidential candidates will appear on the NYS primary ballot, including Sen. Bernie Sanders, I-Vt., whose delegates were represented by **J. Remy Green** and **Elena Cohen** of Cohen Green

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IN MEMORIAM: ALAN LAWRENCE HIRSHMAN



We are deeply saddened to report the passing of long-standing member Alan Hirshman.

Alan joined the chapter in 1952, while a student at Brooklyn Law School. At almost 90, Alan remained an active member and attorney, running a Brooklyn-based law practice for over 60 years.

Alan Lawrence Hirshman, a champion of justice, died on Thursday, April 9, 2020 from complications of Covid-19. Born on May 1, 1930, in Brooklyn, NY, Alan was a Long Island University and Brooklyn Law School graduate. He was admitted to the NYS Bar Association in 1957 and con-

tinued practicing law until the day he died. His zest for life will be fondly remembered by all who knew and loved him.

Alan loved the arts. He loved everything the Big Apple had to offer. Passionately living his mantra, "one day at a time," he would catch an afternoon movie,

attend an evening show, grab food in-between, and wrap his day in the wee hours of the morning at one of his favorite post-theater jazz clubs. He could tell you the best restaurants in Manhattan, regardless of cuisine, price and/or location. An amateur performing artist himself, he played the piano beautifully, acted in community theaters and more recently took to the stage singing (<https://www.youtube.com/watch?v=cG-yE7ImJ3k>).

His love of music was deeply tied to his values that "Music doesn't argue, discuss or quarrel. It just breathes the air of freedom." (Harold Arlen, composer). Alan was unshakable in

his belief that the world could be a better place, advocating and championing causes for justice and equality. Relentlessly committed to freedom and hope, he participated in the peace movement during the VietNam War and the civil rights movement throughout his life. A proud and active National Lawyers Guild member since 1952, he defended anti-war protesters, political prisoners, confronted housing discrimination, and proudly represented disenfranchised and wrongfully accused people.

In his leisure time, in between attending shows and performances, Alan played bridge and tennis, skilled at both. He had a wicked tennis drop shot (routinely beating

players 20 years his junior), and his love of tennis will be carried on by his children, with whom he played and annually attended the US Open.

Alan will be sorely missed by all who loved him. He is survived by his children Carrie (Matthew) Nolan, Peter (Mitu) Hirshman, Andrea (Dave) Hirshman, Margo (Joe) Roca, Alison (Andy) Brettschneider; grandchildren, Nikki Nolan, Danny Nolan, Robbie (Gabriela Vazquez) Green, Max (Sonja) Green, Melissa (Martin) Shaw, Andrew (Leigh-Ann) Roca, Ava Brettschneider, Zoe Brettschneider; and, recently born great granddaughter Ellie Maryn Shaw.

—New York Times Obituary

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Date	Dep. No.	Year	Nat'l.	Chap.	Amt.	Pldg.	Criminal Law Reform Integration in Housing
10/20	P105	59	2.00	1.00			1.00 Review
12/16	G99	1960	2.00	1.00			1.00 Review
7/18	R37	1961	4.00	1.00			1.00 Law Transition
3/12	S61	1962	3.00	2.00			1.00 L.D.T.
4/16	D6	1963			34.00		
5/16	D29	1964			20.00		
4/16	D5	1968			25.00		(over)
1971	P6	1971			50.00		

Alan's Chapter Membership Card

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 PLLC, **Arthur Z. Schwartz** of Advocates for Justice, and **Jonathan Wallace** of Ratschko Wallace PLLC.

February 17 **New York Times**: "I come from a very political family," **Jared Reinmuth**, 52, said during a recent telephone interview. As a child, Reinmuth said, he saw news about Attica on TV in his living room. "My mom vowed that if there was any way to help the Attica brothers, we would," he recalled. Years

later, his mother, **Joan Max Reinmuth**, met and married **Daniel L. Meyers**, a lawyer representing the Attica prisoners in a class-action lawsuit. Once Meyers became Reinmuth's stepfather, "Attica became this family project," Reinmuth said. The Reinmuths were friends with **Frank "Big Black" Smith** and his wife, Pearl. The graphic novel **Big Black: Stand at Attica** recounts the [1971] siege, when inmates rebelled against conditions there and state troopers stormed in, killing dozens of people. Smith, known as Big Black,

was tortured by officers because he acted as security chief for the inmates during negotiations. Lawyers for 1,281 inmates filed a lawsuit against state officials in 1974 for civil rights violations, including being denied medical care and forced to crawl naked over broken glass. The legal battle culminated in 2000 with an \$8 million settlement for the inmates and \$4 million in lawyers' fees." <https://www.nytimes.com/2020/02/14/books/big-black-stand-at-attica-graphic-novel.html?searchResultPosition=1>



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New York City News

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