



National Lawyers Guild of Chicago

April 2012

Midwest Regional: A Place to Reconnect

By Rachel White-Domain

Attendance and energy was high at the Guild's annual Midwest Regional Conference, held at Chicago-Kent College of Law on March 23-25. Lawyers and legal workers from across the Midwest gathered for a full weekend of panels, workshops, on-site screen printing, and camaraderie.

In his opening plenary, **BILL GOODMAN** emphasized the role of social justice movements from the Civil Rights Movement to Occupy in inspiring great legal work. Inspiring and at the same time deeply humbling, Goodman's plenary served to contextualize the work of the Guild historically and politically and to remind us of our role as legal advocates in this critical political period.

Saturday morning's panelists delved further into the question of what it means to be a people's lawyer or legal worker in today's times. "If

you're a lawyer without politics, you're a mechanic," said **JOHN PHILO**, Legal Director of the Maurice & Jane Sugar Law Center. While Philo emphasized the relevancy of a human rights framework to our day-to-day practice, his co-panelist, **STAN WILLIS** Stan Willis, stressed the importance of staying grounded locally: "If you're not going back to the community, then the work you're doing is perfunctory," he told participants. He also reminded the audience to think outside of the legal box, saying, "Guild lawyers think: How do we empower communities?" **SARAH GELSOMINO** of the People's Law Office brought some of the morning's more philosophical questions into concrete relief, providing an overview of recent legal support activities for the Occupy Movement as well as other local cases, and telling attorneys, "sometimes all you can offer is a sense of dignity."

The afternoon panels turned to several current issues of the day, with panelists adeptly weaving together politics and practice. Drawing examples ranging from their work organizing temporary workers to the 2008 Republic Windows and Doors strike, speakers on the *Workers Fight Back* panel illustrated the ways in which the law is useful but, as put by **ALVAR AYALA** of the Working Hands Legal Clinic, "not so useful without the organizing." A subsequent panel on the school-to-prison pipeline delved deeply into the complex injustices of juvenile detention systems, including the impact of these systems on immigrant and LGBTQ youth. In the late afternoon, dual-track practical skills workshops covered the potential immigration consequences of criminal cases as well as strategies for winning Section 1983 wrongful conviction cases.

The final panel on Saturday as well trainings on Sunday morning focused on preparations for the upcoming NATO conference. Trainings included Legal Observing and Know Your Rights, presented in part by **MEGAN BOOKS**, co-chair of the NLG-San Francisco Demonstrations Committee.

Sunday activities also included a meeting of the Queer Caucus and committee meetings.

Activists Found Not Guilty in Branch 46

By Sarah Gelsomino

On March 19 and 20, Presiding Judge Peggy Chiampas found eleven activists not guilty of all misdemeanor charges. The two unrelated cases involved members of Action Now and the Immigrant Youth Justice League engaging in courageous demonstration activity to improve their communities and promote social justice. The demonstrators were represented by NLG Chicago Board members Janine Hoft and Sarah Gelsomino of People's Law Office.

On Monday, five women ranging in age from 56-81 appeared in Branch 46 at its new location at 26th and California, Room 102, answering ready for a jury trial. They were charged with criminal trespass to the downtown headquarters of Bank of America for refusing to leave the bank after presenting a display of dangerous items on the front windowsill. The items, including drug paraphanelia, prophylactics and liquor bottles were picked up that morning by the women who participated in cleaning up an unsecured, vacant residential

property subjected to foreclosure by Bank of America. The women were prepared to testify that Bank of America's failure to take responsibility for cleaning or securing the property, which was located within blocks of two schools, created an emergency situation demanding their necessary actions. A researcher was also prepared to testify that thousands of such properties exist in the Chicago area, ignored by Bank of America despite many efforts to hold them accountable, including passing a city ordinance specifically requiring the bank's action. Despite Judge Chiampas' statements that she found the police and bank security personnel to be credible witnesses, she granted defendants' motion for a directed finding after the State's case and found all five women not guilty of criminal trespass. For more information on the devastating effects on neighborhoods of vacant, unsecured residential properties as a result of bank foreclosures and other concerns of Action Now visit www.actionnow.org.

The following day, six youth ranging in age from 18-24, appeared for their sixth court appearance at Branch 46 in front of Judge Chiampas. The State and City persistently pursued the case despite seeking continuances on three prior court appearance due to its failure to be prepared for trial. Each of the youth were charged with obstruction of traffic by the City along with reckless conduct and mob action by the State. These six young people participated in an action on August 17, 2011, to expose and denounce the so-called "Secure Communities" policies requiring US Immigration and Custom Enforcement Agency to be notified when anyone comes in contact with law enforcement. Fred Tsao, policy director at the Illinois

Coalition for Immigrant and Refugee Rights, was prepared to testify that these policies promote racial profiling, diminish trust between immigrant communities and law enforcement and have caused thousands to be taken into immigration custody despite almost half of those individuals having never been charged with or convicted of, the crimes for which they were arrested. Each of the six youth was prepared to testify in a persuasive and passionate fashion that they were brought to this country as children, were long time undocumented residents of the Chicago area and felt constantly threatened that they or their loved ones may be deported at any moment. Each made a courageous decision to risk becoming the real people who "Secure Communities" would seek to deport from this country by being arrested. Each sincerely believed that their actions were necessary to expose our irrational, hurtful immigration policies and to "come out of the shadows" to put a face to a prejudicial, sinister and false stereotype of those living in this country without legal documents and stop themselves from living in constant dread and fear. After hearing from a single police officer which comprised the entirety of the prosecution's case, Judge Chiampas granted defendants' motion for a directed finding and found each youth not guilty of all charges brought against them by the City and the State. Judge Chiampas in her decision referenced her own status as the child of immigrant parents of Greek descent and that she agreed with Attorney Hoft's statement in her opening that the six defendants represented the "best of American youth" in that they were educated, involved, politically engaged and participating in a

movement for positive social change in the finest traditions of our country. More information about the "Undocumented, Unafraid and Unapologetic" campaign and the inspiring work of the Immigrant Youth Justice League may be found at www.iyjl.org.

Committee Updates

To join any of NLG Chicago's committees (or for more information), email: Chicago@nlg.org.

Next Gen

This month's Happy Hour is Friday, April 13, 6:00-8:00pm at the historic Green Mill in Chicago's Uptown neighborhood!

Green Mill • 4802 N Lawrence Avenue (steps away from the Lawrence Red Line station)

Come grab a drink with like-minded folks, listen to live jazz music courtesy of Chris Foreman, and hunt for Al Capone's ghost. It's going to be a good one!

Also, If you are interested in joining and getting involved with the social committee (planning happy hours and other social activities) or the CLE/skill-building committee please email: nextgenchicago@gmail.com We are presently looking for a new co-chair for the social committee and suggestions for potential CLEs

Labor & Employment Committee

Join us for the next L&EC meeting on Thursday, May 3 at 5:45PM. at Cardozos (170 W. Washington).



NLG represents CANG8 on permit dispute

By Jeff Frank

The Coalition Against NATO/G8 War and Poverty Agenda (“CANG8”) believed the assembly point and route for the largest permitted march against NATO and G8, to be held on May 9th, had been set. The Chicago Department of Transportation (“CDOT”) had approved the route beginning in Daley Plaza and extended through the Loop south to west side of McCormick Place. The final requirements for use of Daley Plaza had been completed. Then, in response to the overwhelming push against have the NATO and G8 summits in Chicago, President Obama moved the G8 to Camp David, leaving the NATO summit in Chicago with the opening day on May 20th.

CANG8 reapplied for Daley Plaza and the exact same march route and times as Saturday, May 19th, except this time for Sunday, May 20th. CDOT denied the permit, citing sections 10-8-330(g)(1) and (2) of the Chicago Municipal Code (“Code”). The Code parade provisions provide that a permit must be issued if (1) the parade “will not substantially or unnecessarily interfere with traffic” of “if the parade will substantially interfere with such traffic, that there are available ... sufficient city resources to mitigate the disruption”; and (2) if “[t]here are available a sufficient number of on-duty police officers” The CDOT denial letter stated that there

would not be sufficient city resources or on-duty police officers at the time of the proposed march.

Of course, this rational for denial directly contradicts what the city and Mayor Emanuel have been saying since the NATO and G8 summits were announced, that is, that Chicago can handle all of the security for the summits and respect and provide for citizens’ First Amendment rights to protest.

CANG8 declined the alternate route offered by the CDOT and filed for a review hearing at the Central Administrative Hearing Facility. NLG attorneys Jeff Frank and Ben Meyer represented CANG8 at the hearing. The hearing was held March 27th before Administrative Law Judge Raymond Prosser.

The city’s witnesses were Michael Simon, CDOT Assistant Commissioner and Commander Debra Kirby (Chicago Police Department international liaison), Under cross-examination, Chief Kirby testified that if the ALJ rejected the city’s denial of the applied for march route, the city would have sufficient resources and on-duty police officers to handle the march, the NATO summit, the Cubs-White Sox Crosstown Classic and a kite flying contest along the lakefront (yes, more important than the First Amendment). Given Mayor Emanuel’s declarations of Chicago’s capability, Chief Kirby could hardly have testified otherwise.

That testimony should have been sufficient to overturn the denial, since insufficient city resources and

on-duty police officers were the sole rational for denying the march application. Testimony on how the NATO summit was bigger and the baseball game was a day game on Sunday (versus the small G8 and night baseball game on Saturday when a permit was issued) were essentially irrelevant, especially given that Simon and Kirby admitted that they had no idea what hotels the NATO delegates and staff were staying in, what route motorcades would be using and what time the motorcades would be traveling to McCormick Place; *i.e.* they had no idea if the NATO summit and CANG8 assembly and march would conflict.

However, ALJ Prosser upheld the denial finding a “preference” rational in the Parade Ordinance. ALJ Prosser stated “I reject that Applicant’s [CANG8] argument that Chief Kirby’s statement to the effect that the police department will handle the parade if necessary as admission of available resources to mitigate disruption since it is clear when take in the context of totality of her testimony that the *clear preference of the police department* is to reject the proposed route based on the strain of resources” (emphasis supplied).

It should not be surprising that the ALJ strained to find a rational to uphold the denial even though the clear language of the ordinance (which Mayor Emanuel personally pushed through the City Council) does not countenance the police department’s *preference* on First Amendment questions.

Guild lawyer continues fight for justice

By Melinda Power

“You gotta pay bond. You gotta pay a lawyer. Then you gotta show up in court. You show up to court, you the only fool that ain’t getting paid”. Anthony Smith, interviewed by Rob Wildeboer in a story broadcast on WBEZ on March 15, 2012.

On a warm July night in 2010, Anthony Smith, who is African American, was standing in front of his friend’s apartment on Humboldt Boulevard. Four Chicago police officers pulled up and searched Mr. Smith and his friends. The officers claimed that they stopped and searched the men because they saw them drinking vodka (a clear substance) from a plastic cup. What the officers really saw was a group of African American men on the street. The four officers proceeded to arrest Anthony Smith, push him around, put him in a police squadron and take him to the station. When they arrived at the 14th district police station the officers made Anthony go through a police gauntlet of officers who hit him. The officers tasered him. Anthony was then taken to and after receiving treatment was released from the hospital. The police then charged Anthony with resisting arrest,

assault – and drinking on the public way. One of the officers testified at Anthony’s bench trial. The officer’s story was so unbelievable that the Judge granted Anthony’s motion for a directed verdict. Now, a federal civil rights case is pending against the four officers.

Rob Wildeboer of WBEZ interviewed Anthony Smith as part of a series on costs that arrestees have to pay following their detention, despite the fact that many of the arrests turn out to be false. In Anthony’s case, the story focused on the fact that no matter what the outcome of the criminal case, Cook County keeps 10% of the bond as a “processing fee.” Unfortunately, Anthony’s story is not atypical; it reflects the all too common reality of what happens to many Latino and African American men in Chicago.

The interview was a revelation for me. Anthony spoke more during the interview with Rob Wildeboer than he has during the entire ten years I’ve represented him. I saw a different side of Anthony. The interview taught me how important it is to listen to my client and to give him an opportunity to express himself.

For Anthony, it really mattered that someone wanted to hear his story. For me, it reconfirmed my desire to try to get some justice for Anthony by forcing the cops to recognize – monetarily if not verbally – the wrong they had done to Anthony.

To listen to the story on WBEZ, click [here](#).

DO YOU HAVE GUILD NEWS?

Email any relevant Guild news you want included in the newsletter to chicago@nlg.org by the first Friday of every month with the subject “*Guild News*.”

Newsletters are sent out the second Monday of each month.

Upcoming Events

Monday, April 9 // 6:00 – 7:00PM
DePaul College of Law
(25 E. Jackson St., Room 241)

Legal Observer Training [TRAINING]

Monday, April 9 // 9:00PM
Danny's Tavern
(1951 W. Dickens Avenue)

Peace Party to Close TAMMS

Monthly Peace Parties are a time-honored tradition at Danny's Tavern. A percentage of bar proceeds are donated to local social justice organizations while Peace Party DJs spin the finest jams, dancers dance, delicious beverages are imbibed and splendid vibes are plied.

April's benefactor is Tamms Year Ten, a coalition that came together several years ago to protest the misguided and inhumane policies at Tamms C-MAX, and to call for an end to psychological torture.

Tamms Year Ten's mission was recently supercharged when Governor Quinn announced a proposal to close the prison. Significant forces have mobilized against the closure and Tamms Year Ten is in urgent need of funds at this crucial moment.

DJs Jocelyn Brown, David Marques, Naomi Walker and Kent Lambert will bring the music--we ask YOU to bring your smiling faces and as many friends as you can summon.

Come drink and dance for the closing of Tamms!

Wednesday, April 11 // 11:50AM – 12:50PM
DePaul College of Law
(25 E. Jackson St., Room 904)

Occupy Our Homes! Activists, Banks, and the Realities of Housing Preservation [PANEL]

The panel will focus on the role of civil disobedience in the fight to preserve housing. Speakers are professor/ attorney/ activist Kelli Dudley, and Mr. Rory Fanning. Mr. Fanning currently works with Communities United Against Foreclosure and Eviction, and is a former sales manager for one of the largest mortgage banks in the city.

Thursday, April 12 // 6:00PM
James R. Fennerty & Associates (36 S. Wabash #1310)

Legal Observer Subcommittee Meeting

The LO Subcommittee (a subset of the Mass Defense Committee) will be meeting to plan for NATO.

Friday, April 13 // 6:00-8:00PM
Green Mill (4802 N. Lawrence)

NLG Chicago Happy Hour

Come grab a drink with like-minded folks, listen to live jazz music courtesy of Chris Foreman, and hunt for Al Capone's ghost. It's going to be a good one!

Friday, April 20 // 5:00PM – 7:00PM
Grace Place (637 S. Dearborn).

NLG of Chicago Monthly Board Meeting

Wednesday, April 11 // 11:50AM – 12:50PM
Irene Dymkar's office
(300 W. Adams, 2nd floor)

National Police Accountability Project [MEETING]

Torri Hamilton will present on the City's system of tracking disciplinary records of Chicago's Police Officers and Flint Taylor of the People's Law Office will discuss a recent motion for sanctions filed in a case where the judge granted a new trial based on misconduct of defense counsel who were privately retained by the City to defend against police misconduct allegations.

Midwest Regional Conference

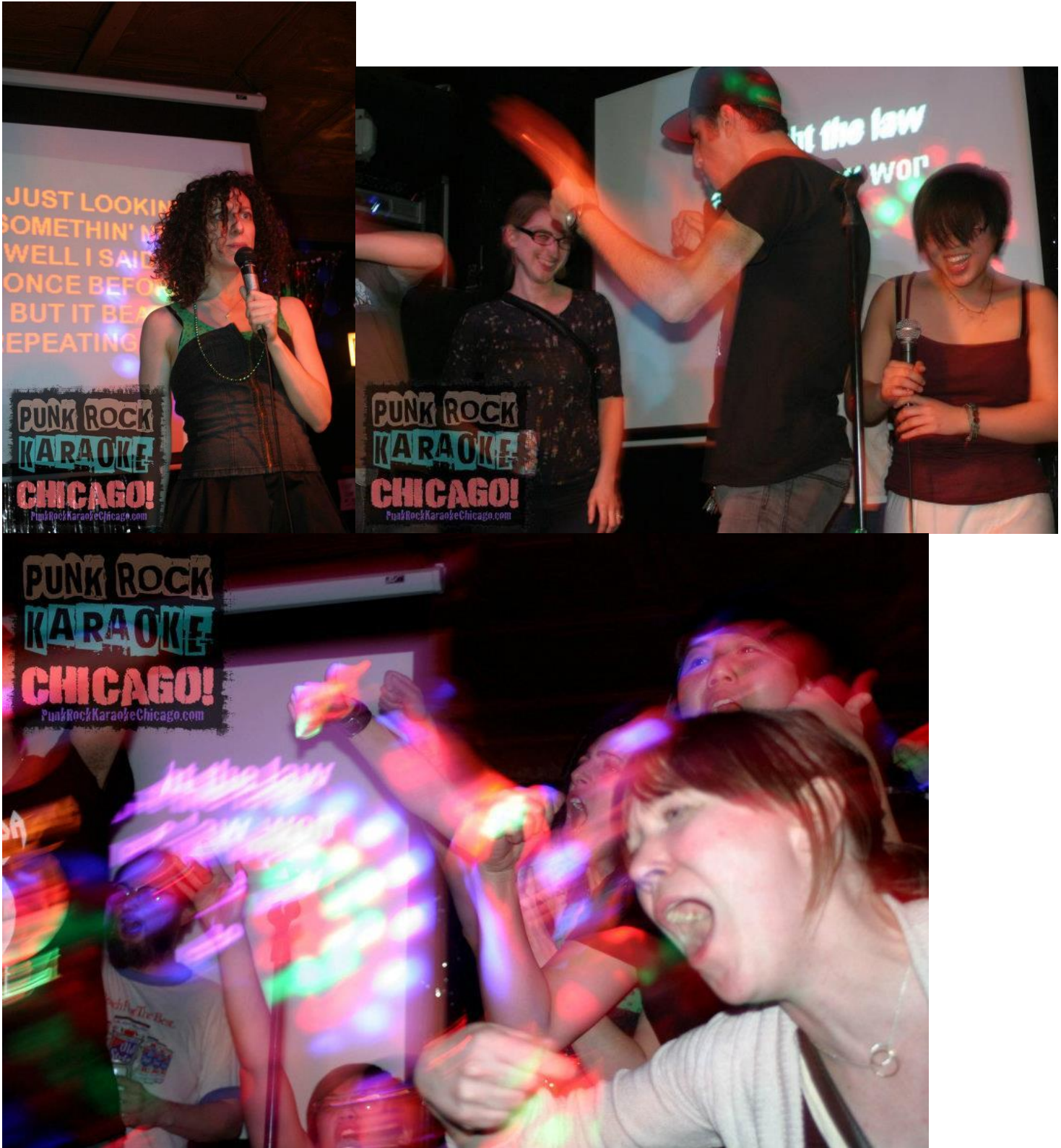






Guild Members on the Move

Next Gen Fundraiser - Punk Rock Karaoke







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