

National Lawyers Guild of Chicago

Newsletter
2Q 2014



2014 NLG Law for the People Convention

By: Molly Armour

Planning is in full swing in expectation of Chicago's hosting of the 2014 national Convention of the National Lawyers Guild. The Law for the People Convention will be held September 3-7, 2014 at the Crowne Plaza Chicago Metro hotel in the heart of Greektown. We are excited to bring together Guild members from far and wide and for our chapter to enjoy the full energy and intellect of the NLG national community. This year, the keynote speaker will be Karen Lewis, President of the Chicago Teacher's Union. And, our Law for the People Awardee will be Standish Willis. Many more awards and speakers to come!

We welcome your help as we prepare for the best Convention yet! The Convention Committee meets every other Wednesday.

To join the committee listserve and get notifications about meetings and events, email one of the Convention co-chairs: Ryann Moran (kryannmoran@gmail.com), Adriana Barboza (adbarboza@gmail.com), or Molly Armour (mearmour@gmail.com).

Publications & Promotions Committee

This committee identifies local union printer, conducts local advertisement solicitations, works with the National Organization on dinner journal, press releases, and produces general local PR

about the convention. Importantly, the committee is responsible for Convention outreach. Contact Amanda Graham for more information - agraham2000@gmail.com

Local Events Committee

This committee puts together information about Chicago and coordinates trips. Committee members should be familiar with Chicago and all the fun things it has to offer. This committee will have 4 subcommittees, including: (1) Music; (2) Restaurants; (3) Sponsored trips, walking tours, etc.; (4) Transportation & Maps. Contact Katie Calhoun for more information - kcalhoun805@gmail.com

Logistics Committee

This committee gets office equipment and supplies, coordinates convention packet, and coordinates volunteers at the convention. Contact Ginger Tanton for more information - gtanton@gmail.com

Special Events Committee

This is our event planning committee responsible for planning the Friday luncheon and the student party. Contact Amanda Graham or Jessica Schneider - agraham2000@gmail.com jachnei@gmail.com

REGISTER!

2014 NLG Law for
the People
Convention
in Chicago

September 3rd-7th

Crowne Plaza
Chicago Metro Hotel,
Greektown

nlg.org/convention

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Child Care & Alternative Housing Committee

This committee identifies childcare providers. The committee will also find alternative housing for convention attendees, including local folks who have rooms/beds to offer and also identifying other low-cost options. Contact Iveliz Orellano for more information -
iveliz.orellano@loop.colum.edu

CLE Committee

This Committee works to provide access to CLE credit for panel attendees. NLG Chicago is an accredited CLE provider. Contact Sandra Tsung for information -
stsung1@gmail.com

Merchandise Committee

This committee designs and manages production of t-shirts, posters, tote bags, logo, etc. along with the National Organization. This is the money maker for Chicago's NLG. Contact Lorry Sirkin for more information -
lorrysirkin@gmail.com

Fundraising Committee

This committee will include members from the national organization. The purpose of this committee is to help re-envision the format of the Saturday night banquet, which serves as the chief fundraising vehicle. Contact Molly for information -
mearmour@gmail.com

Banquet Journal Committee

This committee will help the national organization follow up via phone and email with ads for the banquet journal. Contact Molly for information -
mearmour@gmail.com

Panels & Awards Committee

This committee acts as a liaison with the agenda committee, identifies potential Chicago speakers for major panels and workshops, and works with the Special Events Committee. This committee is winding down its responsibilities. Contact Tess Kleinhaus for more information -
tess.kleinhaus@gmail.com



The NLG Chicago
Newsletter is
published quarterly.

Please submit
content to:

Sandra Tsung
stsung1@gmail.com

Iveliz Orellano
iveliz.orellano@loop.colum.edu

Joanne Kinoy
jkinoy@gmail.com

Lorry Sirkin
lorrysirkin@gmail.com

Register for the Convention!

Early bird registration is now open at the NLG national website. Please visit:
<http://nlg.org/convention>

National Lawyers Guild

Law for the People Convention

September 3-7, 2014

Crowne Plaza Chicago Metro



NLG Fact-Finding Delegation Calls for End of U.S.-Backed Administrative Detention of Palestinians by Israel

NEW YORK -- Approximately 200 Palestinians from the West Bank have been held for months or years by Israeli occupation forces without access to a just legal system, members of the National Lawyers Guild (NLG) learned in a fact-finding delegation from May 18-24, 2014. A formal report is forthcoming, but several observations merit preliminary mention.

About 135 incarcerated Palestinians have begun a hunger strike -- and more are joining daily -- demanding an end to administrative detention, which under the Fourth Geneva Convention is permitted for only a very short time and in situations of severe urgency. After a widely publicized 2012 mass hunger strike, Israel agreed to improve some security prison conditions throughout the system and release a number of administrative detainees. But it has abrogated many of its promises and re-arrested many of those released, again without charge or trial.

As in 2012, the health of several current strikers is failing fast, exacerbated by inadequate medical care. The NLG joins these Palestinian prisoners, most of whom have now been on hunger strike for over 33 days, in calling for the immediate end of the policy and practice of administrative detention.

The NLG delegation concluded that administrative detention is used primarily as a tool to intimidate and deter political resistance and undermine the popular indigenous leadership. This is in contradiction to Israel's supposed commitment to diplomatically end its 47-year-old occupation of the West Bank.

The U.S. government is in large part responsible for the increasing oppression of Palestinian life under occupation. "Despite pretending to be an honest broker, the U.S. has continued to provide Israel with more than \$3 billion a year in military aid along with diplomatic and other financial backing. That aid must immediately stop," said Azadeh Shahshahani, NLG President and delegation participant.

The delegation learned that approximately 5,000 Palestinians currently held in military prisons -- including hundreds of children -- suffer from conditions far worse than those of Israeli convicts and the handful of settlers convicted of security offenses such as violent attacks on Palestinians or destruction of Palestinian property. The Assassin of Prime Minister Yitzhak Rabin in 1995, for instance, has been allowed to marry and father children in prison -- an unheard of perk when it comes to Palestinian "security" prisoners, the vast majority convicted of charges that were political in nature. Military courts rely on thousands of arbitrary military orders to define charges and sentences. 99.74% of Palestinians who go before military courts are convicted, most on the basis of coerced confessions.

Most administrative detainees are political leaders, including, for instance, elected members of the Palestinian Legislative Council, now defunct in part because of the arrests. A military judge can order them held for up to six months at a time -- renewable indefinitely -- based on supposed secret evidence of unknown offenses and no trial.

The NLG delegation met with human rights advocates in the West



Bank and in Israel and learned of many other techniques used to fortify the occupation and pave the way for Israeli annexation of large swaths of territory. Methods include the oppressive "separation barrier" that drastically restricts movement and violent repression of civil protest against it -- including the widely publicized killing of two unarmed teens just before the delegation arrived; relentless land confiscations for expansion of Jewish-only settlements; widespread home demolitions and discriminatory residential rules reminiscent of apartheid in areas where ethnic cleansing is an openly stated goal; and pervasive economic exploitation of labor, resources and consumers. These measures stand in stark violation of international humanitarian law.

On May 23, delegates heard firsthand from the family of a "wanted" 26-year-old, Moataz Washahe. In the town of Bir Zeit in February 2014, hundreds of soldiers rocketed and bulldozed their home, then shot Washahe 65 times, killing him. Washahe was unarmed. "Backing by the U.S. government gives Israel the cover of legitimacy to continue its violations of human rights and the rule of law," said delegate Andrew Dalack, Co-Chair of the NLG Palestine Subcommittee.

A detailed report from delegation members is forthcoming for submission to Congress, the Obama administration and the general public.

Brazil's Landless Movement and its Defense

By: Jeff Frank

In the early 1980's, the military dictatorship in Brazil was forced to concede power and reinstate democratic rights through the resistance of the social movements – massive labor strikes in the auto industry, occupation of land by the peasantry and, in general, the inability to stop massive street demonstrations without violence which would have alienated international finance capital. The smoke and mirrors of the Brazilian "economic miracle" could not buy off the national bourgeoisie; much less garner the credit from the World Bank and International Monetary Fund that Brazil needed (or at least thought it needed).

So, when the time came to write a new constitution for the renewed democracy, the social movements were in ascendency. As a result, in 1988, Brazil adopted a new constitution with many progressive features including a requirement that land serve a social purpose. This concept had been in Brazilian (and many other Latin American countries) law under the concept of effective use.

The Brazilian constitution requires land serve a social function. [Article 5, Section XXIII.] As such, the

constitution requires the Brazilian government to "expropriate for the purpose of agrarian reform, rural property that is not performing its social function." [Article 184.]

According to Article 186 of the constitution, the social function is performed when rural property simultaneously meets the following requirements:

- ~ Rational and adequate use;
- ~ Adequate use of available natural resources and preservation of the environment;
- ~ Compliance with the provisions which regulate labor relations; and
- ~ Exploitation which favors the well-being of the owners and workers.

If any one of these factors is not met, then the government is able to expropriate the land and provide it to those who will use the land to fulfill the social function. INCRA (National Institute for Colonization and Agrarian Reform) is the government agency that has the responsibility to exam claims of failure of social function and bring the claim to court. If the lack of social function is upheld, the court (after a hearing) sets a price and the land is bought from the owner, usually for



government issued bonds. INCRA also has the responsibility to provide production credits and assist in land development.

However the governments that came into power immediately after the end of the dictatorship were not interested in agrarian reform or fulfilling the terms of the constitution. In 1982 and 1983, principally in the south of Brazil, groups of peasants organized themselves to occupy land that had either been set aside for agrarian reform or that they believed did not fulfill a social function. The occupations were designed to force the issue with the government to expropriate the land. The occupations had an additional effect in giving marginalized people the control over their lives for the first time. In the struggle of the occupation, they had to deal with shelter, food, organizing systems of work, sanitation, education and external support, all in the face of actual and threatened violence. The largest of these occupations (600 families), in the southern state of Rio Grande do Sul, won their land rights.

Out of these initial occupations (and victories), in 1984, the occupying peasants from all over Brazil met to form the Movimento dos Trabalhadores Rurais Sem Terra (Movement of Rural Workers Without Land – generally known as the Movimento Sem Terra (Landless Worker Movement or MST). Over the last thirty years, the MST has accomplished much:

- ~ Over 370,000 families resettled



"Cutting the Wires" by Sebastião Salgado

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in over 2,500 settlements on over 18,500,000 acres (29,000 square miles)

~ Production: 400 production, commercialization, and services associations; 79 Agricultural production Cooperatives, both Collective and Semi-Collective with 2,299 associated families; 50 Trade Services Cooperatives with 11,174 direct members; 3 Credit Cooperatives (People's Banks) with 5,400 associates; 100's of small and medium agro-industrial food processors of fruits and vegetables, dairy, cereals, meats, and confectionery

~ Education: Training of educators at middle and higher levels; Basic education of 50,000 youth and adults in literacy projects; 2,000 public schools in settlements and encampments throughout the country; 200,000 landless children



and adolescents attending school, 95% in special curriculum designed for rural youth; Training of more than 3,900 educators in secondary and higher education; Partnership with more than 13 public universities for bachelor's and master's course in education, history, agronomy and more; Establishment of more than 250 pre-school centers for children 0 to 6 years of age; Development of "itinerant schools" that accompany encampments, currently more than 45 in 7 states with 350 teachers and 4,000 students

~ Health: The MST has achieved: Training of community health educators; HIV/AIDS prevention

program in partnership with the Ministry of Health; Land and Health Program, with groves for medicinal plant production, with the Ministry of Health; completion of medical training in Cuba for youth from settlements with 100 medical students currently in Cuba and Venezuela; and diagnostics reaching 9,000 settled families regarding quality of life and housing, in partnership with UNB/ Ministry of Health

~ Communications: The MST has newspapers, journals, community radio and television stations, website. The goals of the MST are more than winning land and agrarian reform, but also social change where men and women transform themselves through struggle and learn, in the pedagogy of the renowned Brazilian educator Paulo Freire, through the act of changing the world. In this respect, the MST has, since the beginning, struggled against machismo, insisting on the sharing of all labor, equality of leadership and freeing women to develop through childcare programs.

At its Sixth Congress, held in February 2014, the MST analyzed the current situation in Brazil and the world and concluded that the invasion of multi-national agribusiness (think Monsanto, Cargill, ADM etc.) in alliance with the Brazilian rural elite had changed the balance of power against agrarian reform. Even though the Partido dos Trabalhadores (Workers' Party), nominally an ally of the MST, has held the presidency for 11 years, agrarian reform has ground to a halt. At the Congress, the MST adopted an Agrarian Program with the focus on building a program of "People's Agrarian Reform." For more information on these developments, visit the English language website <http://www.mstbrazil.org>.

However, these victories have come at a price: Since the country's



re-democratization in 1985, through 2010, 1,742 people – mostly peasant activists – have been murdered in Brazil as a result of agrarian conflicts; less than 3% of these cases were ever brought to trial, and barely 14 of the rural elite, who the hired gunmen to carry out such crimes have been convicted by the courts. In addition there have been documented 820 additional assassination attempts and 2,412 death threats.

The strategy of the Brazilian government is to criminalize not just the MST, but progressive social movements and protest, in general. The criminalization is in conjunction with media campaigns seeking to delegitimize the social movements. This criminalization and de-legitimization takes many forms, most of which are familiar to those of us in the NLG.

Stigmatization of social movements seeks to treat the demands of social movements as anti-populist and against the group the social movements seek to support. For example, opponents of child labor are characterized as supporting use of children by drug traffickers (since that would be the only work available). The MST is pilloried in the mainstream media as corrupt land grabbing thugs.

Qualification as terrorism: Legitimate protest and civil disobedience are characterized as acts of terrorism. The MST's land occupations are deemed to be terrorist acts by the media, which also seek to link the MST to al-Qaeda. More ominous is

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the revival of dictatorship era laws, many of which are still on the books. Act No. 5 (National Security Law) is similar in many respects to the USA Patriot Act. In a complaint offered against eight MST militants in a federal court charges them with violation of Articles 16, 17, 20 and 23.1 of National Security Law:

~ Article 16. Integrate or maintain an association, party, committee, class entity or grouping that has the objective of changing the regime or the rule of law, by violence or the employment of a serious threat. Penalty: imprisonment of 1-5 years.

~ Article 17. Trying to change with use of violence or serious threats the order, the current regime or the rule of law. Penalty: imprisonment of 3-15 years.

~ Article 20. Devastate, plunder, extort, steal, kidnap, keep in false imprisonment, arson, plundering, cause an explosion, commit personal attacks or acts of terrorism for political nonconformity or to raise funds for the maintenance clandestine or subversive political organizations. Penalty: imprisonment of 3-10 years.

~ Article 23.1. Encourage the subversion of the political or social order.

The result is an attempt to criminalize membership in an organization.

Restrictions on freedom of information and opinion: Limited in the objective coverage by the mass media, the social movements use demonstrations as a means of dissemination of information. However, the government seeks to suppress demonstrations by arguing that they limit the public's the right to come and go, causing hindrances to social life and even as threats to life and health, with the argument that the demonstrations prevent the movement of ambulances and cars rescuing the infirm. Further, the government points to the costs of policing the demonstrations as a harm to the public. As a result numerous restrictions are placed on the right to demonstrate.

Restrictions on freedom of organization: Although the constitution does not set limits on freedom of association for lawful purposes, restricted only to that of paramilitary, requirements aimed at preventing, in practice, the right of association are becoming increasingly frequent. In particular, in relation to indigenous peoples, although the constitution guarantees their social organizations, and they are legitimate parties to file legal actions to defend their rights and interests, both the judiciary and the executive have refused to validate the device, establishing requirements that such organizations be registered with the land office. These registration requirements have been made also to the quilombola (communities established by run-away slaves that continue to exist) organizations.



The MST has responded on both the legal and organizational fronts. The NLG was formed to serve as the legal arm of the social movements – in particular, at the time of formation, the needs of the labor movement which was under intense legal repression. Likewise, the Rede Nacional de Advogados e Advogadas Populares (National Network of People's Attorneys – RENAP) was formed as a response to the legal needs of the MST and other social movements.

The NLG as worked with and supported RENAP and its attorneys in combatting the criminalization of the social movements and protest. We have circulated petitions demanding the end of the amnesty for dictatorship torturers and violators of human rights. We have exchanged information and experiences on defending protestors. We have brought a RENAP attorney to our convention. Through this mutual support, we are developing the international connections to continue our struggle for a more just world.



Committee Updates

National Police Accountability Project (NPAP)

NPAP is a project of the National Lawyers Guild, and a separate non-profit organization of plaintiff's lawyers, law students and legal workers dedicated to ending police abuse of authority through coordinated legal action, public education, and support for grassroots and victims' organizations combating police misconduct. <http://www.nlg-npap.org>

Chicago lawyers were founding members of NPAP, joining with other practitioners and legal educators across the country to form the organization approximately two decades ago. More recently, local lawyers actively engaged in civil rights litigation have been regularly meeting to discuss and exchange information about police misconduct in our community. Meetings are held every couple months on various topics suggested by the group and CLE credit is provided for those in attendance thanks to the NLG being a certified provider. The local group also participates in a list serve and receives relevant Seventh Circuit and district court cases through the effort of Ken Flaxman.

The next local meeting will be held on June 11, 2014, with University of Chicago Professor Craig Futterman discussing the recent victory in *Kalven v. City of Chicago*, 2014 IL App. (1st) 121846 in which the Illinois appellate court rejected the City's efforts to exempt a police officer's disciplinary history from public disclosure. Contact Melinda Power (773) 278-6706 or Janine Hoft (773) 235-0070, Ext. 115 for more information.

The United People of Color Caucus (TUPOCC)

TUPOCC Chicago submitted several workshop and panel applications for the upcoming Convention on a wide range of topics including using restorative justice principles to stop the school-to-prison pipeline, combating gentrification in Chicago, how queer/trans (LGBTQ) folks have been the backbone of the immigration rights movement, and other topics. This is going to be a special convention because it will mark the 10th anniversary of the formation of TUPOCC, so TUPOCC is brainstorming ways to commemorate that.

TUPOCC co-sponsored a CLE on April 17th called Tools for Successfully Litigating Workplace Sexual Assault Case with hopes that it would foster coalitions between the labor rights movements and the anti-rape movements. TUPOCC has also submitted a variation of this CLE as a proposed workshop for the Convention.

Another TUPOCC co-sponsored CLE, Criminalizing Immigration: The Case of Rasmea Odeh, took place on May 19th. The event chronicled the detention and indictment of Rasmea Odeh on charges of Unlawful Procurement of Naturalization, an allegation based on an answer she gave on a 20 year old immigration application, and also spoke generally about the selective prosecution of key activists in the Palestinian and anti-war solidarity communities. Rasmea is the Associate Director of the Arab American Action Network (AAAN) and an individual who has dedicated her life to serve and empower the Arab American and immigrant communities.

For more info or to be added to the TUPOCC listserv: chicagonlgtupocc@gmail.com



Labor & Employment
choiniere.randy@gmail.com

Mass Defense
bmeyer1@gmail.com

Military Law Task Force
libby.frank@comcast.net

NPAP
melindapower@comcast.net

Next Gen
nextgenchicago@gmail.com

Palestine Solidarity
dkhalidi@gmail.com

TUPOCC
chicagonlgtupocc@gmail.com

Law School Updates

Northwestern

In only its second full year as an officially recognized student organization, Northwestern Law School's student NLG chapter continued to expand its presence on campus. In the 2013-14 academic year, NU's NLG hosted several events. Professor Stephen Kimber spoke about the real story of the Cuban 5; NLG Immigration Project member Kalman Resnick spoke on practicing law while maintaining progressive values; and a legal observer training that had to be postponed due to a last-minute conflict introduced NU students to the concept of the LO and the opportunities available.

In addition, during Student Week Against the Death Penalty, NU's NLG chapter hosted a presentation and panel featuring professors and students who are actively engaged in death penalty work. Panelists included Clinical Professor Rob Owen and Professor Sandra Babcock, the Northwestern's Clinical Director for the Center for International Human Rights. Professor Babcock and her students had recently defended Edgar Tamayo, who was executed in Texas at the end of January. The event was very well attended and had a great impact on attendees, including one who approached us after the event to tell us that she'd gone into the talk on the fence about the death penalty, but had walked out with no doubt that it should be abolished.

In hosting and promoting our great events this year, we were also able to secure cosponsorships and partnerships with other campus organizations, including the ACLU, the ACS, the Northwestern University Human Rights Project, and the MacArthur Justice Center. NU's NLG chapter celebrated another great victory when two active NLG 1Ls were elected SBA president and SBA treasurer. With these excellent cross-organizational partnerships, Northwestern Law's NLG chapter is sure to keep growing!

Loyola

Each month, Jon Sheffield leads a bevy of LUC students down the block to help serve a meal to residents at the Lawson House YMCA (30 W. Chicago Ave). And while the Lawson House staff and volunteers undoubtedly appreciate the additional sets of helping hands, the monthly congruence -- known as Jackie's Meal and organized by Loyola's branch of the NLG -- is more an opportunity for Loyola law students to meaningfully engage with the residents. It is an experience that is both enlightening and rejuvenating amid the often-narrow, self-centered scope of a legal education.

The Lawson House is the largest single-room occupancy supportive housing facility in the Midwest, and since 1931 it has provided safe, affordable housing and social services for extremely low-income or formerly homeless residents. Through these services -- they include free medical care and a closet to provide appropriate job interview attire -- residents will hopefully achieve eventual housing stability and become independent members of the community. Partnerships with area agencies and organizations help to effectuate that goal, and one of those organizations is Loyola's NLG.

NLG is intent on fostering solidarity with the marginalized Chicago community and building an impactful social justice-based relationship between Loyola's law students and the "forgotten" members of the Gold Coast neighborhood. Although historically



Chicago-Kent
Charlie Burns
cburns3@kentlaw.iit.edu

DePaul
Ryan Levitt
depaul.nlg@gmail.com

John Marshall
John McCoy
mccoy.john@gmail.com

Loyola
Emily Coffey
emily.coffey@gmail.com

Northwestern
Victoria Otero
nlg@nlaw.northwestern.edu

University of Chicago
Christine Ricardo
christinemricardo@gmail.com

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Gold Coast is known to house Chicago's wealthiest denizens, many of its residents are men and women who are homeless, disabled, overworked, underpaid, and in general, underappreciated. These monthly Jackie's Meals are a perfect opportunity for law students at all levels to re-invigorate their passion for justice and serving the community by forging lasting relationships with less fortunate citizens. These relationships provide students with invaluable exposure to myriad legal issues and the people who encounter them, and for those interested in pursuing public interest law, Jackie's Meal even acts as an outside-the-classroom learning experience providing the foreground narrative for the legal situations they will soon face. And, of course, students uninterested in the public interest field are still welcome to volunteer; in fact, Professor Waller is a frequent participant in the program.

In short, NLG provides law students with an immersive, important opportunity once a month to reinforce the degree of need in our own communities -- right under our noses -- and an outlet not only to don a pair of plastic gloves to serve spaghetti, but to build relationships with people who are often neglected in the shadow of the Water Tower Campus. Loyola's branch of NLG was honored in the fall with a banquet, where some of its most enthusiastic volunteers wore shiny nametags and snacked on luxurious hors d'oeuvre. But as the night wore on, most of those volunteers began to leave the well-stocked tables and find the residents -- the formerly homeless man who had become a computer expert, or the woman who manned the food pantry each day. This shift was a natural one, because as Loyola's volunteers learned throughout the year, it was never about serving the food.

In Memoriam

On May 13, Steve Seliger passed away a week after suffering a stroke. For many years, Steve was a Guild lawyer, and a friend to many. Steve was an alum of the Legal Assistance Foundation and later went into private practice as a fierce litigator on behalf of working people. He was also a very well-known civil rights lawyer, and specialized in Title VII work among many other things. He taught at DePaul College of Law as well as Northwestern Law School and Northwestern's School of Education and Social Policy. He was a wonderful teacher and mentor, whose lessons were passed down to the next generation through his teaching. A memorial service will be held during the month of June.

NLG Chicago would also like to express its condolences at the passing of Fred Cohn on April 30 after a long struggle with cancer. Fred was a well-known criminal defense and appellate attorney who represented many throughout his career, including Fred Hampton in his 1969 robbery trial.



National
Lawyers Guild
of Chicago

637 S. Dearborn Ave.
Chicago, IL 60605
312-913-0039
chicago@nlg.org
nlgchicago.org