

May 2002

UC BERKELEY CURBS FREE SPEECH

On April 9, Students for Justice in Palestine and their supporters participated in a nonviolent demonstration on the UC Berkeley campus to encourage UC divestment from Israel. Two Guild members were among the 79 people arrested, Boalt student and Board member Michael Froehlich and immigration attorney Nancy Hormachea. The cases are set for trial in Oakland on June 3 and 10. The Guild's Demonstrations Committee assembled a team of 12 attorneys to represent the defendants, however, much work needs to be done to prepare for the trials. There will be an office set up in Oakland for the duration of the trial. Attorney, law student and legal worker help would be appreciated. The Guild will be working with the ACLU to help with the disciplinary proceedings. Help in this area is needed as well.

The Guild Executive Board sent the following letter to Chancellor Berdahl, Assistant Chancellor Cummins, Vice Chancellor Padilla and Student Judicial Affairs Officer Rajmaira.

The San Francisco Bay Area Chapter of the National Lawyers Guild stands in strong support of UC-Berkeley's Students for Justice in Palestine (SJP) in their struggle against the University's efforts to shut down free speech and squelch student activism.

As a result of a nonviolent sit-in in Wheeler Hall on April 9th, 79 students and community members now face up to six months in jail and \$800 in fines. In addition, the University suspended SJP as a recognized student organization and has reinstated SJP only with restrictions on political activities and the threat of further suspension. The University has also brought academic disciplinary charges against the 41 students involved in the action, which could result in up to one year's suspension.

The National Lawyers Guild, a 65-year old organization uniting lawyers, law students, legal workers and jailhouse lawyers in the interests of human rights and social justice, has throughout its existence united with people of conscience who find themselves targeted by the powerful for expressing their views.

Free speech, including nonviolent civil disobedience, is the most fundamental and precious of all political rights. From the Civil Rights Movement to today, students have played a critical role in progressive, democratic activism, often embodying the social conscience of our society. We are outraged that UC-Berkeley, where the Free Speech Movement of the 1960s highlighted an era of political awakening on colleges across the country and around the world, would dishonor this rich tradition.

We are further outraged by the creation and implementation of a policy that has as its sole purpose the stifling of students' political activism. The academic disciplinary policy under which the students are being prosecuted was enacted just two days prior to, and in direct anticipation of, the April 9 demonstration and sit-in. This fact, and the fact that the campus administration has authority to determine whether and against whom the policy is enforced, lead to a sound conclusion that the policy is ripe for selective prosecution, and that only student groups with unpopular positions will be targeted.

continued on back page

HELP NEEDED FOR WOMEN IN PRISON

Before many Executive Board Meetings we invite guest speakers to make presentations to the board about events, issues, projects or programs of interest to Guild members. Frequently, after the discussion, we realize there are areas in which Guild members may be of assistance. At our April meeting we invited Olivia Wang, the Domestic Violence Project Coordinator for Legal Services for Prisoners with Children. She spoke mostly of her work with the California Coalition for Battered Women in Prison (CCBWP). After giving a brief overview of the development of, and limitations on, the "battered women's defense" and the early victories of increasing awareness of the complexities involved in these cases, she noted how the movement for clemencies, pardons and paroles has stalled. One bright spot was the recent passage of state legislation which allows women convicted prior to 1992 (when evidence of domestic violence became admissible at trial) to file writs of habeas corpus on the grounds of Battered Women's Syndrome (BWS). This is a narrow window of opportunity and there are scores of women potentially eligible for assistance under the new legislation, but very few have representation.

According to CCBWP literature, in 1991, the California legislature enacted Assembly Bill 785 which amended the Evidence Code to allow expert testimony regarding battered women's syndrome to be admitted as evidence in criminal cases, including those where a battered woman is charged with the homicide or assault of her batterer. This amendment affected the trials of women after 1992, it was not retroactive. However, last year, Governor Davis signed into law Senate Bill 799 (codified as Penal Code 1473.5) which effectively made AB 785 retroactive, giving battered women convicted prior to 1992 of killing their abusers an opportunity to file a writ of habeas corpus to seek new trials if BWS expert testimony was not presented at their criminal trial and they were prejudiced by its absence.

The California Women's Law Center, the University of Southern California Law School's Post-Conviction Justice Project and Family Violence Clinic and the California Coalition for Battered Women in Prison have spearheaded a project to assist women in California State Prisons who may be eligible under the new state law. Currently, there are 10,146 adult female

continued on page 3

GUILD BRIEFS

May

16 The Impact Fund Annual Awards Reception The City Club in SF, 5:30-7:30pm Info: 510/845-3473 ex 301. www.impactfund.org.

19 NLG Women's/Gender Committee Meeting Cafe Macondo, 3159 16th St., near 16th and Mission BART, 6pm. Info: 415/431-7516

20 NLG Civil Rights Committee Meeting Saperstein law offices, Oakland. 6pm Info: pela2@earthlink.net or call office.

21 Health Care Town Hall Meeting 10am - noon at the ZEUM Theater at 221 Fourth St. (near Howard) Sponsored by SF Gray Panthers: 415/552-8800 or www.SPANcoalition.org.

22 Gender, Identity, & New Developments in Employment Law CLE 6:30-8:30. Presented by NCLR. Info: Chris at 415/392-6257 x308.

June

11 NLG Forum: Ongoing Crisis in the Middle East, 7-9:00, HERE Loc. 2850, 548 20th St. (@ Telegraph), Oakland

29 The "War On Terrorism", Labor and Democratic Rights Conference Sponsored by the Labor Video Project. Berkeley, location tba. Info: 415/282-1908 or lvpsf@labornet.org.

JOBS-AVAILABLE & SOUGHT

Is anyone interested in hiring an ambitious, motivated VERY recent GGU Law School grad., with a sense of humor and a STRONG commitment to Public Interest Law? I have experience with: Civil Rights/ Civil Liberties, Employment Discrimination, Environmental Justice, Women's Issues, GLBT Rights, and more... I also externed in Federal Court. I am looking for employment beginning in September. Please contact me for Resume/ References. Sarah Kraemer 415/585-1372 or SarahK220@cs.com

Project Manager. The Legal Language Access Project (LLAP) seeks an experienced professional to serve as its project manager. LLAP's mission is to facilitate full and equal access to justice and legal services by low-income individuals and seniors who have limited English proficiency through the provision of affordable community interpretation and translation services. The project manager is responsible for overall management of LLAP, including fiscal management, fundraising, program development, and managing day-to-day operations. Qualifications: Significant experience in non-profit management; at least 3-5 years administrative experience; established record in fundraising; familiarity with community resources; near-native proficiency in a language other than English preferred; background in poverty law, interpreting/translation, preferred. Salary: Negotiable, DOE, plus benefits. Applicants may mail, fax, or e-mail a cover letter, résumé, and two references from employers to Elaine Chen at Legal Language Access Project, 168 11th Street, Oakland, CA 94607. Fax: 510/839-2435. E-mail: llap@fambridges.org.

LAW STUDENT ORGANIZING

by Alyse Ceirante

One of the most difficult and frustrating aspects of law school is our isolation from the issues and communities we will someday be representing. More specifically, many of us feel cut off from the vibrant activism that so characterizes the Bay Area.

One of my first tasks as Law Student Organizer will be to develop a list of places where students, volunteering as little as three hours a month, can feel in touch with the issues that concern them. For example, law students interested in civil rights can learn a great deal from doing weekly shelter outreach with the Coalition on Homelessness. Students interested in immigrant's rights would be welcomed at Living Wage Coalition meetings, where they can work on solutions to the problem of job termination faced by baggage screeners at our local airports. Reparations are going to be a major issue this summer, and any grassroots group organizing on that issue would be an excellent place for students to volunteer a few hours a month. For students interested in juvenile justice, Nancy Schiff of the Guild has a wonderful program where you can mentor at-risk youth. Riva Enteen can still use help on the 9-11 hotline; and we always need a large pool of legal observers to be available on short notice for any planned civil disobedience actions. In short, there are numerous ways in which students, without taking on any major time commitments, can feel a part of the community-at-large.

This student guide is a "work-in-progress", and I welcome suggestions from the Guild board, the membership at large, and from other students.

I look forward to working with student representatives from other schools on Alternative Law Day; I hope to arrange a meeting the last week of May. I will be in touch soon; until then, good luck on your finals!

CACJ's Criminal Defense Update Seminar *Inciting Fear and Loathing in Las Vegas: Realities of Criminal Law in the Ashcroft Era*. June 1, at Harrah's Las Vegas. Public Defenders and those who work with nonprofit organizations may attend the seminar at a 15% discount when five or more persons (excluding students) from the same office or organization pre-register together. For more info, www.cacj.org.

Available: Complete set of West's California Reporter [286 volumes] and California Reporter 2d [105 volumes, plus advance sheets to March 2002/Vol. 116]. Call Jeff Kupers at (510) 893-3160 or e-mail to jbkupers@earthlink.net.

Civic Center Offices. 3 private offices with congenial, progressive attorneys available. Reception, phone system, DSL, conf. room, copier, fax, library included. \$850-\$1000 per office. Call Cheryl Sena at 415-863-5300.

PROTECTING OUR FILES FROM THE GOVERNMENT

Bay Area Police Watch is presenting an MCLE that will focus on recent changes in the law, including the Patriot Act. Presenters will discuss how these changes do or should affect the work of attorneys and organizers. Presenters will also discuss practical steps that should be taken to protect our offices/files/conversations/etc. The evening will end with a discussion between the presenters and the attendees. Co-sponsored by the NLG.

When: Thursday, May 23, 2002 6-9pm

Where: Moot Court Room @ Golden Gate University, 536 Mission Street, SF

Speakers: Speakers will include NLG members Sheila O'Donnell, private investigator, and Elizabeth Fink, civil rights and criminal defense attorney, lead counsel in the Attica case.

MUMIA – FORGOTTEN MAN?

by Matthew Rinaldi, NLG representative to the Mobilization to Free Mumia Abu-Jamal.

Two major developments in the case of Mumia Abu-Jamal have impacted the movement on his behalf.

First, in the spring of 2001 Mumia fired his longtime counsel Leonard Weinglass and associate Dan Williams, hiring in their place a legal team including Elliot Grossman and Marlene Kamish. The change in counsel paralleled a change in legal strategy; Mumia for the first time signed an affidavit describing his activities on the night of December 9, 1981. He swore under oath that he did not shoot Officer Daniel Faulkner. The defense also went public with a 1999 confession by Arnold Beverly who swore that he, not Mumia, shot Officer Faulkner. This change in counsel led to significant uneasiness among many supporters.

Second, on December 18, 2001 U.S. District Judge William H. Yohn finally ruled on the 1999 habeas corpus petition, upholding Mumia's conviction but throwing out the death penalty, instead ordering a new sentencing hearing.

Philadelphia D.A. Lynne Abraham appealed this ruling to the Court of Appeals for the Third Circuit. The defense also appealed the denial of a new hearing on the issue of guilt or innocence. Judge Yohn's order is stayed pending further review.

As a result of the ruling there is no pending execution date, which makes the case appear less urgent.

Meanwhile, Mumia remains on Death Row. He is locked down 23 hours a day and denied tactile visitation rights. He has lived this way since 1982, from age 27 to age 47. We seek to continue to focus on this injustice.

For further information about the rally or the case, contact Matthew Rinaldi at (510) 286-2991.

THE IMPACT FUND AWARDS

On May 16th The Impact Fund will hold its annual awards reception at the City Club in San Francisco at 5:30pm. They will be honoring Denise Hulett, a civil rights attorney with the Mexican American Legal Defense and Education Fund and also honoring Critical Resistance for their work challenging the construction of a prison in Delano, CA. Admission is \$75. For more information, check their website at www.impactfund.org or call 510/845-3473 ext 301.

Women In Prison, *con't from front*

inmates in the California penal system. According to the Board of Prison terms (the parole board), approximately 70 women may be eligible to file a writ of habeas corpus under SB 799. The 70 women are currently in prisons both in southern and northern California.

There is a three year time frame within which to submit all writs of habeas corpus to the court. However, it is important that the petitions are filed within a year in order to avoid any unnecessary court delays or prejudice towards the women.

We are seeking volunteer attorneys and law students to assist with this project in the following areas:

Screening of the cases must be done at the outset to determine eligibility for relief under the new law. Case screening will consist of reviewing all available documents and interviewing potential clients. Each interview will take approximately three hours and will take place in the prisons.

Direct representation for the eligible women is crucial. A writ of habeas corpus based on battered women's syndrome will be highly dependent on fact-finding and evidence gathering. This is particularly difficult for incarcerated women to do without outside assistance. Additionally, these claims can be legally complex.

In addition, attorneys will be needed to conduct evidentiary hearings and to donate experts to provide testimony.

Olivia asked us to make it know to our membership that they could use the help of Guild lawyers, legal workers and law students in preparing these writs. For more information you can check out the web site at www.prisonactivist.org/ccbwp. If you are interested in this area and able to help, or would like to make a donation, please contact her at olivia@prisonerswithchildren.org.

Attend the first meeting of the NLG Women's/Gender Committee on May 16 (see calendar section). This issue will be addressed.

JUVENILE JUSTICE ADVISORY COMMITTEE [JJAC]

The JJAC of the San Francisco Board of Supervisors, on which Guild members Riva Enteen and Whitney Leigh sit, has had three meetings thus far. It now has a website on which minutes, agenda and notice of meetings (which are open to the public under the Sunshine Law) are posted. Check out www.ci.sf.ca.us/jjac/index.htm if interested.

The purpose of the Committee is to review and make recommendations to the Board on possible legislative and budgetary actions regarding San Francisco's juvenile justice system. The likely expansion of the Youth Guidance Center is one topic of discussion. In addition, it is looking at what the political roadblocks have been to implementation of numerous recommendations made over the years.

The Guild has formed a committee to work on these issues. The first meeting of this committee is Tuesday, May 14 [too late notice for new members]. Please call Riva at 415/285-1055 or e-mail her at nlgriva@nlg.org if you want to be involved.

HELP RESIST GOVERNMENT ILLEGALITIES

by Ken Greenstein, Exec. Brd member

The U.S. Government's response to the 9/11 attacks were swift, comprehensive and are continuing at break-neck speed. Our government continues to violate international law and the U.S. Constitution. It has been many decades since our civil liberties have been threatened to such an extent. These are dark times for dissenters, people of diverse national origins and diverse ethnicities. In the last 6 months there has been the U.S. war on Afghanistan, increasing tensions between India and Pakistan and the explosion of the Middle East crisis.

Many NLG lawyers have stepped up their commitment since 9/11. Some have represented the 2000 incarcerated immigrants who are being held without any due process rights. Others have advised people contacted by the FBI, responded to hotline calls, and spoken to community groups and college campuses in the name of the Guild about attacks on people's civil liberties and this serious threat to democracy.

However, there are many of you out there who have not yet gotten involved since 9/11. The NLG needs you more than ever. Cynicism and paralysis are pervading the nation, especially among educated progressives. Lawyers and legal workers have skills that are in high demand within the movement for social justice today. Below are a small number of the many ways you can get involved with the NLG and the many projects we are affiliated with.

1) Assist with 2 cases per year related to Civil Liberties or defending demonstrators.

2) NLG has more needs and requests for involvement than most years. Consider making a donation specifically for the Guild's Post 9-11 work and it will be so designated or make a larger dues payment this year.

3) Join an NLG committee. The Executive Board recently decided to develop work in areas of Police Misconduct and Women's Rights. In addition, some of the areas of work include Death Penalty, Juvenile Justice, Immigration, Labor, Civil Rights and Economic Justice.

4) Speaker's Bureau: speak at universities and other events.

5) Hotline: Receive calls from people contacted by the FBI.

6) Demonstrations: We need legal observers, criminal defense and student discipline representation.

Ann Fagan Ginger said recently that she worked in the Guild's National Office from 1956-1959, and currently we are facing more difficult political times. We have an important part to play as history shapes itself.

VIDEO AVAILABLE: "CIVIL LIBERTIES SINCE SEPTEMBER 11"

The National Lawyers Guild panel at the April 8, 2002 Socialist Scholars Conference in NYC is available on video from the national office of the NLG. Panelists for the forum were Abdeen Jabara, Clark Kissinger, Michael Ratner, Lynne Stewart and Leonard Weinglass. Send a \$15 check to the national office, NLG, 126 University Place, NY, NY 10003 requesting the Civil Liberties panel video or download an order form from www.nlg.org.

DELANO PRISON STILL STOPPED

Dear Coalition Partners and Supporters,

On April 24, after a STRONG showing from our coalition, a Senate Budget Subcommittee cut monies in the Governor's Proposed 2002-03 budget slated for the Delano Prison!!! This is a GREAT Victory, but only a first step in a long process. Thanks to all who supported this effort...and stay tuned for the next steps...Below are excerpts from a newspaper article on our victory!

In Solidarity,

Critical Resistance

PANEL DELETES FUNDING FOR DELANO PRISON

By VIC POLLARD, Californian Sacramento Bureau

SACRAMENTO — Opponents of a new state prison in Delano scored a preliminary victory Wednesday when Gov. Gray Davis' proposed funding for the facility was deleted from the Senate's version of the state budget...

Rose Braz, [NLG Chapter member] director of the opposition coalition that recently lost a Bakersfield court battle to block construction of the prison, was one of several witnesses who said the department has a large surplus of prison cells because of a declining growth in prison population...

Senator Polanco also agreed with Braz and other members of the Critical Resistance coalition, who said there is growing opposition to the prison from residents of Delano...

YOUTH IN LAW

by Nancy Schiff

As summer approaches, the Guild is still hoping to raise the funds to pay for a disadvantaged high school student of color to intern in the San Francisco Guild office this summer. While enhancing Rob and Riva's work in the office, the intern will likely be exposed to progressive activism for the very first time.

Both Adela Armas and Rokeeshia Anderson, the high school interns from previous years, came from communities whose needs are ignored by those in power and where the law is an oppressive force on a regular basis. They were inspired to see that there are concrete ways to challenge the status quo and to use law as a tool for positive social change. They also formed lasting bonds with the Guild staff, which will help them as they pursue their education under challenging circumstances. They are both attending college currently, and are the first in their families to go to college.

The Guild internship will be part of a program that will provide opportunities for 30 disadvantaged youth overall. Guild offices such as Van Bourg, Weinberg, Roger & Rosenfeld and the Law Office of David Harrison are participating in the effort as well by hosting interns. Contributions for the Guild intern are beginning to come in, but we have a ways to go to acquire the needed funds.

Here's your chance to foster legal literacy and social activism among low income youth of color, as well as ensure that they have an equal opportunity to pursue legal careers. To contribute or to obtain information, contact Nancy Schiff at 510/642-4520 or nschiff@youthlawworks.org.

SJP, *con't from front*

UC-Berkeley has attempted to justify its actions by charging SJP with interfering with students' education. Ignoring for the moment the fact that it was University police who shut down Wheeler Hall, the moral fortitude it took for the students to stand up and demand that the University divest itself from Israel and its unlawful occupation of Palestine, is education in action. Education means vastly more than attending lectures and reading textbooks. Here, the students learned and applied the lessons of student activists who a generation ago demanded the University divest from South Africa. History has shown those students and others like them around the world to have been instrumental in eradicating the unlawful and immoral Apartheid state. So may it one day show these students to be crucial players in ending the cycle of violence in the Middle East.

The Bay Area Chapter of the National Lawyers Guild demands that UC-Berkeley immediately drop the pending criminal and student disciplinary charges against those who participated in the nonviolent sit-in on April 9, as these actions are excessive and unjustified. Furthermore, we demand that the University cease its threats against SJP as a recognized student organization, as collective punishment and the repression of ideas violate both the University's mission and the First Amendment.

NATIONAL LAWYERS GUILD FORUM ON THE ONGOING CRISIS IN THE MIDDLE EAST

The Guild will be hosting a forum to discuss the current crisis in the Middle East in order to engage our membership in discussion, as well as to contribute to education and discussion in the greater community.

During the Guild's history it has passed nine resolutions on Palestine and Israel, beginning in 1948. Last month the Guild issued a statement entitled *Violating International Law: Israel's Military Offensive Against Palestinian Towns and Villages*. [see NLG website at www.nlg.org]. This forum will feature Hastings professor of Law and Middle East Societies George Bisharat, speaking on legal issues in the conflict; Joel Beinon, Stanford history professor, talking about the origins of Zionism, and a report back from Chapter member Nancy Hormachea, who will have just returned from the Guild's high level delegation to the Middle East. There will be time for discussions of strategies for achieving peace in the region.

Tuesday June 11

7-9pm

HERE Local 2850

548 20th St (at Telegraph Ave)

Oakland

National Lawyers Guild
San Francisco Bay Area Chapter
558 Capp Street
San Francisco, CA 94110

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Thank you
to Fran
Schreiberg
and to
all who
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Dinner.
It was a
fabulous
event!