



DC NLG July 2009 Newsletter

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1. "Soup to Nuts" Legal Support: An Interview with Mark Goldstone and Ann Wilcox on the DC NLG's Demonstration Support Committee

The *DC NLG Newsletter* virtually sat down with two NLG attorneys who between them have made the DC NLG's Demonstration Support Committee (DSC) an integral resource for activists in DC - Mark Goldstone, former chair of the DSC, and Ann Wilcox, current chair of the DSC.

What sort of activities does the Demonstration Support Committee do?

Mark: The DSC has been able to provide "soup to nuts" legal support for many years, which means that we can provide legal observers, legal briefings, negotiations before the action with the authorities, and on the scene counseling/negotiating. If people are arrested, either intentionally or unintentionally we can provide jail support, and court support, and often represent activists either directly or as attorney advisors from arraignment thru their criminal trial and thru appeal. If there are injuries or incidents of a civil nature, we can refer them to civil lawyers who can evaluate possible legal claims.

Ann: Over the past 2-3 years, the DSC has worked with groups such as Code Pink, Witness against Torture, Christian Peace Witness, anti-globalization activists and others, as they bring their message to the nation's capital. Code Pink Women for Peace has had a visible presence in Congressional hearings, especially on strategy and funding for the wars in Iraq and Afghanistan; we have assisted with several jury trials under the Unlawful Conduct in Congress statute. Code Pink has also held several large Mother's Day actions at the White House, which have not resulted in arrests.

What are some of the most memorable political actions the DSC has participated in?

Mark: Witness against Torture conducted an action at the US Supreme Court on January 11, 2008, which helped create public opposition to Guantanamo, by dressing up as Guantanamo prisoners with Orange jump suits and black hoods, and silently demonstrating on the Supreme Court steps and plaza. Upon arrest for illegally demonstrating, activists were arraigned in court and 35 co-defendants were put on trial in Superior Court. The defendants gave the name of a Guantanamo detainee as their name, which represented the "first time" the Guantanamo defendants had their "names" heard in US courts, since the habeas cases had not yet been decided. It was considered a breakthrough, even though it was purely symbolic.

Ann: An anti-Iraq War group known as the "Hart 7" had a victory, in a jury trial held in July 2007 stemming from arrests in the Hart Senate Office Building. That trial involved the tourist standard, in which defendants argue that they have not made more noise than that of the average tourist.

Another faith-based group, Christian Peace Witness in Iraq, held actions at the White House and Capitol Hill, in March of 2008 and 2009; for both actions, small trials were held in DC Superior Court, on charges including unlawful assembly and failure to obey an order. An action on the opening day of Congress (Jan. 6, 2009) by a group known as "March of the Dead" resulted in a number of arrests and follow-up court actions. Many of these are pro se trials, in which the activists speak about their motivations in carrying out these actions, as well as handle many of the legal/technical aspects of the trial.

Why does the DSC help and encourage defendants to go pro se?

Mark: By training pro se defendants to appear in Court and defend themselves we serve to empower them to stand up for themselves and not be intimidated by Courts and Judges and the entire judicial system. It allows their voices to be heard loud and clear in the Courts plainly and directly and politically, without being filtered by the rules of evidence, rules of Court, customs or decorum and makes their message of speaking truth to power that much more powerful.

Any last words?

Ann: NLG has also provided trainings and support to actions around globalization and the IMF, as well as health care, disability rights, climate change and other issues. In all of these, NLG may provide "know your rights" training, as well as briefings about possible charges and arrest procedures for particular actions. We often provide follow-up jail support as well as legal representation in DC Superior Court. For more information, please contact Ann Wilcox or Rachael Moshman of the DC NLG board.

Mark: Representing activists is fun and rewarding, and a good way to use your legal abilities, since there is no lack of legal work or interesting legal issues, so the DSC would encourage lawyers, law students, and paralegals to get involved in any aspect of the representation of demonstrators that they want to. Those who like to obtain permits, there

is opportunity for that, those who enjoy being on the street can do legal observing, those who enjoy criminal trial work, they can participate in that.

I personally am working on appeals of demonstrations at the White House, Capitol and US Supreme Court and these cases could help set the rules for demonstrations at these important locales for some time to come, so would encourage anyone with interest in appeals, to contact me.

2. Former Vermont Attorney General Candidate Charlotte Dennett Joins FOIA Party

On Wednesday, June 17, DC NLG co-sponsored a "FOIA Party," a gathering of local activists to write letters under the Freedom of Information Act. The activists, representing a range of peace and justice groups, requested files held on them by agencies such as the Maryland State Police, US Capitol Police and others. FOIA materials were provided by the ACLU and Defending Dissent Foundation. We were joined at the FOIA event by Charlotte Dennett, a Vermont lawyer who ran for Attorney General in 2008. If elected, Charlotte had pledged to seek accountability for President Bush, VP Cheney and other government officials for authorizing illegal spying on US citizens, torture and other officially-sanctioned crimes. Charlotte is currently researching and writing a book on accountability for official crimes; more information is available at her website, www.charlottedennettforattorneygeneral.com. Charlotte greatly enjoyed meeting with DC-area activists at the FOIA event, as well as at the weekly Code Pink community potluck later that evening.

- contributed by Ann Wilcox, DC NLG Board Member

3. Justice for the Jena 6

In December 2006, six black teenagers in Jena, Louisiana, population 4000, were arrested for attacking a white classmate, Justin Barker, who suffered a concussion and multiple bruises. The altercation occurred after racial tensions in the students' high school were raised when a black student sat under a tree in the schoolyard where only white students sat. The following day, three nooses were hung from the tree.

First charged with attempted murder, the case of the Jena 6 soon became known around the world as a modern example of Jim Crow justice. Last week, the five remaining Jena 6 cases were concluded when the teenagers pleaded "no contest" to misdemeanor simple battery charges. They will serve no jail time, perform seven days of probation, and pay relatively minor fines and court fees. The sixth teenager, Mychal Bell, pleaded guilty to battery in juvenile court in December 2007.

The story of the Jena 6 ignited activists everywhere to fight the obvious racism behind the boys' murder charges. 10,000 people marched in Jena in September 2007 to show their support for the Jena 6. On Sept 24, 2007 the NLG released a press release calling for the Release of Mychal Bell, for all charges against the Jena 6 to be dropped, and for Federal investigation into Jena 6 arrests and prosecutions (<http://www.nlg.org/news/index.php?entry=entry070924-114458>). In

December 2007, 10,000 people marched in DC to demand federal intervention in the case of the Jena 6 and improve enforcement of hate crimes.

Attorneys defending the Jena 6, organized by the Southern Poverty Law Center, credit the raised awareness activists brought to this issue as a major factor in stopping the criminal injustice system from putting the Jena 6 away for their lifetimes, when the victim of their crime was out of the hospital and at a school event later that night. People wrote 300,000 letters to Governor Bianco and the DA, and they contributed \$275,000 to the legal work.

Attorneys fought hard to ensure the youths received fair and just treatment. One battle won earlier in the case was the removal of Judge J.P. Mauffray Jr. who referred to the teens as “a violent bunch” and “trouble makers.” Mauffray has since retired.

- Contributed by Rachael Moshman, DC NLG Board Member

4. DC Statehood, Not DC “Voting Rights”: Letter in Response to “NLG Members Argue for DC Voting Rights Act,” June 2009 Newsletter

I speak only for myself, and not for any organization. But I do want to note that many progressive people, including DC NLG members, are adamantly opposed to the so-called voting rights legislation (currently withdrawn) that has been proposed by Eleanor Holmes Norton and Tom Davis. This opposition goes beyond merely tactical considerations or our serious doubts about its constitutionality. It goes to the heart of what exactly we are seeking as a solution to the intolerable colonized partial citizenship we experience in the District today. One seat for Delegate Norton will not block Congress from imposing its will and veto power on D.C. It will not give us the same full citizenship that residents of states enjoy. But it will help to legitimize our current colonial status.

"Don't be fooled -- the Norton-Davis bill is a symbolic piece of legislation dressed up to look like democracy," said Gail Dixon, a Statehood Green member and longtime statehood activist, and former elected member of the D.C School Board. "Imagine if the outcome of the Montgomery bus boycott were that Dr. Martin Luther King alone was given the right to sit in front of the bus, while all other black citizens of Montgomery still had to sit in the back. In effect, that's what the Norton-Davis bill would enact."

Last month's newsletter may have left the impression that NLG members overall are solidly supporting HR 157, the DC Voting Rights Act, and generally believe that this Act is constitutional. This is not the case. There are many people of good will on the left, including NLG members, who adamantly believe that such voting rights only legislation is a good stepping stone towards full democracy, and believe it is worth supporting and is constitutional. The good will, good intentions, and progressive politics of NLG members such as Jamie Raskin are beyond reproach. However, we who oppose this legislation believe the “voting rights only” approach is worse than flawed; it is active acceptance of a less than half-citizenship that we should be rejecting with every fiber.

It is not true that people who believe in the voting rights approach and the statehood approach are after the same goal with different strategies. The effort to get a single voting representative through legislation creates a distraction and a legislative roadblock to efforts to achieve true equality through statehood. It drains energy, money and attention from what should be the real goal for progressive people in DC. Just a few days ago Obama's spokesman stated that the president is committed to changing DC's status, and when asked what that meant he said "Giving it voting rights, giving it statehood," as if those two radically different goals meant the same thing. Organizations such as DC Statehood Yes We Can! and the DC Statehood Green Party do not support the voting rights legislation: they support statehood. Only when we are our own state or part of an existing state will we have the same rights under the Constitution as other citizens. No change of the conditions of our colonial status, such as would result from the Norton-Davis bill, can change this simple truth.

I would ask members who believe in the goal of statehood not to join organizations such as DC Vote that seek "voting rights" legislation, but instead organizations such as DC Statehood Yes We Can! and the DC Statehood Green Party. If you believe in the Norton-Davis bill and its aims, by all means join organizations that support that effort. But please do not make the same mistake that Obama's Press Secretary made and treat the two very different efforts as identical or compatible.

- contributed by Aaron Lloyd, DC NLG member.

5. "A Taste of Justice" Video Release

The DC Justice and Solidarity Law Collective's latest project is a Know Your Rights instructional video called "A Taste of Justice." Watch and learn with the hosts of legal rights talk show "Whose Law? Our Law!" as they witness a well-planned pie-ing fall apart when the accomplice doesn't know her rights.

<http://www.youtube.com/watch?v=VHrV4kzmdlA>

6. Events

July 14 –Board Meeting, 6:30pm, at Law Office of Jim Drew, 2000 P Street, NW, #415

July 16 – "Democratizing the Electoral College," 6:45pm – 8:45pm, 1112 16th St., NW, Ste 600. Chair of the DC Statehood Green Party Electoral College Task Force, Asa Gordon, will lead a discussion about the movement to make voting in the US more democratic. Go here to sign up for free: <http://www.hotsalsa.org/index.php?cid=1001188>

July 26 – DC NLG Annual Summer Picnic, 2-6pm, at the home of Kay Guinane and Rob Cunningham, 7915 Bounding Bend Court, Derwood, Maryland. Save the date, more information to follow.

July 30 – Submission due for the August Newsletter – please send events, accounts of interesting events, relevant news stories, letters in response to previous newsletter items, etc. to rmoshman@hotmail.com