



DC

NATIONAL

LAWYERS

GUILD

NEWSLETTER

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1. **“Open Government in DC” Program Held**
2. **"Stand Down: Panel Discussion on Private Military Industry"**
3. **2009 NLG Convention Report**
4. **National Referral Directory Ready for New and Renewed Listings**
5. **NLG Student Chapters DISORIENT Their Fellow Law Students**
6. **Events**

1. “Open Government in DC” Program Held

On Wednesday, October 21, a program on Open Government in DC was held, at the Sumner School and Museum in downtown Washington. The panel discussion was sponsored by the recently-formed Open Government-DC Coalition, a local affiliate of the national Open the Government coalition, a network of organizations and state affiliates advocating for greater openness and accountability in Government (www.openthegovernment.org; DC group at www.dccogc.org). Among the DC board members are former DC Councilmember Kathy Patterson, UDC Law School Dean Shelley Broderick, reform activist Dorothy Brizill, and others.

The evening was emceed by Washington Post columnist Colbert King, who described his own efforts to gain access to DC Council "closed-door" discussions. The first panel included remarks by Kathy Patterson, and Reporters Committee for Freedom of the Press director Lucy Dalglish, discussing the state of open meetings and FOIA in DC. They agreed that while the open meetings law is adequate (if enforced), the DC FOIA law needs improvement.

A second panel featured reporters Mark Segraves of WTOP, and Bill Myers of the Washington Times, along with budget activist Ed Lazere and Mara Verheyden-Hilliard of the Partnership for Civil Justice. Segraves and Myers discussed efforts to gain access to DC Council

sessions, particularly budget discussions (where budget "deals" are made prior to Council sessions). The media has recently been allowed into budget negotiations, but other off-the-record sessions are still held. Budget activist Ed Lazere discussed his frustration in obtaining programmatic back-up and justification for budget bills.

Mara Verheyden-Hilliard described her efforts to obtain police documents and records through civil cases involving police misconduct and mass arrests, as well as the Trinidad "neighborhood checkpoints" cases. In particular, she has been unable to obtain MPD Special and General orders, which govern police use of force and conduct toward civilians. Police Union official Kris Baumann later commented on the frustration of police union officials, who themselves cannot obtain copies of these orders - which govern police conduct!

The DC Open Government Coalition will sponsor future events and programs. A local affiliate organization is Public Citizen, and PC Staff member (and NLG board member) Margaret Kwoka has authored a handbook on DC FOIA. See web-site at www.dcofc.org.

-Ann Wilcox

2. "Stand Down: Panel Discussion on Private Military Industry"

On October 27, a panel discussion was sponsored in DC by the Center for Constitutional Rights, focusing on the private military industry ("war profiteers"). It featured remarks by CCR Ex. Dir. Vince Warren; Jeremy Scahill, author of "Blackwater: Rise of the World's Most Powerful Mercenary Army"; Emira Woods of the Institute for Policy Studies; and Rep. Jan Schakowsky of Illinois. Discussants focused on the vast private military industry - personified by Blackwater and KBR, but including many others - which is largely unaccountable to the American people, even to Congress.

Vince Warren of the Center for Constitutional Rights discussed the range of immunity for private contractors, enshrined in Iraqi law by the US provisional authority. CCR and others are now bringing lawsuits against Blackwater contractors, stemming from incidents such as the indiscriminate shooting of Iraqi civilians in Nisoor Square in Baghdad, Iraq in 2007. The suits are brought under the Federal Tort Claims Act, which allows non-US citizens to bring claims for human rights abuses, in US courts; the cases are in the Eastern District of Virginia. Other suits have been brought against prison contractors Titan/L-3 and CACI, charging that the contractors violated international, federal and state law by participating in a torture conspiracy, along with US government personnel, that led to torture and deaths of Iraqi detainees at Abu Ghraib and other prisons in Iraq. These cases are in the federal courts in DC and Maryland. More information is available at the CCR website (www.ccrjustice.org)

Emira Woods, of the Foreign Policy in Focus program of the Institute for Policy Studies, discussed the growth of AfriComm, the Africa command begun under Pres. Bush and continued in the Obama Administration. Ostensibly to train African military and security forces, AfriComm seems geared to securing access to African oil and strategic minerals. (The US may soon obtain as much as 23% of its oil from Africa.) Private military contractors operating in Africa also recruit former child soldiers for military service in Iraq and Afghanistan.

Author Jeremy Scahill discussed the rise of Blackwater, spurred by the "messianic" outlook of its founder Erik Prince. For example, shortly after Hurricane Katrina, Prince sent Blackwater operatives to help "secure" the city of New Orleans - without invitation or prior authorization. Scahill also discussed the "Westfall Act" (Federal Employees Liability Reform and Tort Compensation Act of 1988), which substitutes the US Government as the defendant in the place of government employees, in common law tort claims arising out of acts they undertook in the course of their official duties. Thus, the Obama Justice Department recently confirmed it would defend charges against former Defense Secretary Donald Rumsfeld,

in suits brought on behalf of detainees held in Abu Ghraib, charging torture and inhumane treatment.

Finally, Congresswoman Jan Schakowsky (D-III) discussed the frustration of many in Congress, in providing accountability and oversight of private military contractors. Budgets and mission details are hidden in an array of defense and intelligence budgets; this also helps to hide the true cost and scope of current wars from the American people. In addition, there is waste, fraud and abuse, as contractors provide military operations, security, and support services (such as food services and transportation). Schakowsky's "Stop Outsourcing our Security (SOS Act)" is designed to help address this issue. Rep. David Price (D-NC) has also sponsored HR 963, the "Accountability and Transparency in Contracting Act."

The program was web-cast to a larger audience, and is available as a podcast on the CCR web-site (www.ccrjustice.org).

-Ann Wilcox

3. 2009 NLG Convention Report

NLG Covention - Seattle - October - rain. But despite the weather (actually it was warmer than usual), the Convention was a great success. David Gespass, a former DC Chapter member transferred to Birmingham, Alabama, took over as President from Marjorie Cohen.

For the first time programs and workshops at the Convention qualified for CLE credits by Washington State and thus most other states having CLE requirements as well. Both the National Immigration Project and the National Police Accountability Project held all day programs on the first day of the Convention. A half-day skills workshop on handling courts-martial was conducted by the Military Law Taskforce.

The Convention was well attended, attributable in some degree to the CLE credit offerings. Dr. Richard Falk of Princeton University gave the keynote speech at the opening plenary session. He provided a lengthy rundown of U.S. foreign policy. It was not what you could call as upbeat.

A follow on to this presentation was an informative presentation of the UN's Goldstone Report on the Gaza invasion by Israel at a later plenary.

Next year's Convention will be much closer to home - Philadelphia, but I don't think we will be able to use Independence Hall for any of the plenary sessions.

Remember there is an election of national officers pending and you should be receiving a mail ballot soon, if not already.

-Jim Klimaski

4. National Referral Directory Ready for New and Renewed Listings

The National Office of the NLG publishes a National Referral Directory each year. Thirty-five dollars for a full listing, taking advantage of this opportunity will open up the possibility for you of referrals from other Guild members around the country. You are also supporting the national office. If you need an application form, please phone Jim Drew at 202-331-1639. He can fax or mail you one. Or link here for the application:

<http://nlg.org/rd/RD%20form%202010.pdf>. The deadline for applications is November 20.

5. NLG Student Chapters DISORIENT Their Fellow Law Students

Both the George Washington University NLG Student Chapter and the American University NLG Student Chapter hosted Student Disorientations at their schools in October. Law students from all over the city were invited. A long-standing NLG tradition for law students, the purpose of the Disorientation program is to introduce progressive law students to the National Lawyers

Guild and talk to them about finding ways to survive law school with one's principles intact. Both chapters created interesting programs that challenged students to think about law school as an institution and its role within society.

At the GW event on October 10, DC NLG members talked to students about how the NLG is organized and what we do. DC NLG Board Chair Turna Lewis spoke about the anti-apartheid work she did with the NLG in law school. Jeff Light talked to students about the rates of high depression that law students experience and how to cope with the pressures of law school. After the panel, most students stayed for a Legal Observing training.

The AU Disorientation was hosted October 30, and was three parts. While I missed the first panel, I arrived in time for a great discussion led from the front of the room by NLG students. Focusing on what it's like to have radical politics in law school, students talked about what it meant to be a radical lawyer, and how to bring those politics to the classroom. While some students couldn't fight the urge to continue to confront the conservative or bigoted rhetoric of their classmates, other students felt it was a waste of time to constantly make these arguments. Turning to the last panel, Professor Pamela Bridgewater, AU's NLG advisor, led a general discussion amongst a diverse group of lefty practitioners speaking about their work.

-Rachael Moshman

6. Events

November 11 – Private Practitioner's Luncheon, 12pm at Jim Klimaski's office, 1625 Massachusetts Ave., NW, #500. Please bring your own lunch, beverages will be provided. All NLG members and friends in private practice, or thinking about it, are welcome to attend.

November 12 – FREE MUMIA March and Rally: The Free Mumia Coalition and supporters will hold a press conference, march to the Justice Department and rally in support of imprisoned activist Mumia Abu-Jamal. Recent appeals to the Supreme Court were denied, and supporters - including the NAACP - are calling on Attorney General Eric Holder to investigate civil rights improprieties in Mumia's case. The press conference will be held at 11:30 a.m., at New York Avenue Presbyterian Church (1313 NY Ave., NW); participants will then march to the Justice Department and rally at DOJ beginning at 1:30 p.m. (9th and Constitution Ave., NW).

November 12 - "The Future of DC Public Schools," sponsored by the DC branch of the NAACP. 7pm at Israel Baptist Church 1251 Saratoga St., NE (at 12th St., NE, near the Home Depot)

November 13 – "Reaffirming the Role of School Integration in K-12 Public Education Policy: A Conversation Among Policymakers, Advocates, and Educators," Howard University School of Law, 10 am, register at https://secure.www.alumnicconnections.com/olc/pub/UNOL/events/event_order.cgi?tmpl=events&event=2234402

November 19 – DC NLG Happy Hour. More details coming...

November 20 – deadline for applications to NLG National Referral Directory