



DC NATIONAL LAWYERS GUILD NEWSLETTER OCTOBER 2009

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1. **Preview of the National Convention, Seattle, October 14 -18**

Hosted by the Seattle chapter, the 2009 NLG National Convention will take place October 14 – 18. Major panels at the conference include: “Economic Collapse: Surviving the Crisis on the Legal Front” for attorneys looking for work or funding, “Police Occupation of Communities of Color: Litigating and Organizing to Fight Back” including a report on the fight to end checkpoints in DC, and “Who is to Blame: The Economic Crisis, Attacks on Workers’ Wages, and the Growth of Protectionism and Anti-immigrant Sentiment?” considering the policies that brought the economic crisis and fighting back with international trade union solidarity and working class unity.

Other activities include the annual anti-racism training, a variety of cle's and a walking tour commemorating the 1999 Battle of Seattle. Look for highlights of the convention written by attending members featured in next month's newsletter.

2. The Norfolk Four

In the early morning hours of July 8, 1997, Omar Ballard stabbed and strangled eighteen-year-old Michelle Moore-Bosko in the apartment she shared with her husband who was then on assignment for the US Navy. The autopsy revealed that she had also been raped. Ms. Moore Bosko knew and trusted Mr. Ballard, who also had a history of violence against women. Later tests found only his DNA in semen and blood recovered from the crime scene.

Police detectives, however, immediately focused their suspicions on Ms. Moore-Bosko's neighbor, 25-year-old sailor Daniel Williams. Mr. Williams had recently married his long-time girlfriend and his parents were in town for a visit. That evening, Mr. Williams, his wife, and his parents were getting ready for dinner when police arrived and requested that he answer a few questions about his neighbor's death.

Detective Robert Glen Ford went into the interrogation room that evening with one goal: to obtain a confession from Daniel Williams. More than nine hours later, Detective Ford had what he wanted. At 7 am the next morning, Daniel Williams confessed that he raped and murdered Michelle Moore-Bosko.

The only problem was that it wasn't true. Not a word of it. Detective Ford had threatened him with the death penalty if he didn't confess to the crime and after hours of harsh interrogation Daniel gave him what he wanted.

Unfortunately for the prosecution, the DNA recovered at the crime scene didn't match Daniel's profile. Easy enough, they then argued that there was another perpetrator that had assisted him in committing the crime. Detective Ford then obtained a confession from Daniel's roommate, Joseph Dick. However, the DNA didn't match his profile either. Detective Ford then obtained confessions from two other of Daniel's friends: Derek Tice and Eric Wilson.

Omar Ballard only came to the attention of the investigating officers much later, when they discovered a letter that he had written to a friend bragging about his crime. He has stated that he committed the crime alone and that "them four people that opened their mouths is stupid." However, instead of charging and prosecuting Ballard as the sole perpetrator, the prosecution simply inserted him into their theory. Despite the fact that there was no evidence that Ballard had ever met his co-defendants, the prosecutors argued at trial that he was merely one of several men who raped and murdered Ms. Moore-Bosko. The Norfolk Four were convicted and sentenced to decades in prison.

However, these four men had a team of lawyers who believed in their innocence and who continued to fight for their freedom. On August 6th, Governor Tim Kaine granted the four men conditional pardons and they were released from prison to rejoin their families. In September, a federal District Court judge granted Derek Tice's federal habeas petition and overturned his conviction.

It is important to realize, however, that these four men only obtained justice because they were able to leverage support from many powerful people who believed in their innocence. The four are also white and Omar Ballard is black. Given the structural inequalities embedded in the American criminal justice system, it is an inescapable fact that many people remain imprisoned for crimes they did not commit and that these people are disproportionately from the dispossessed and oppressed classes.

-John Hardenbergh

3. Police Unleash New Weapons on G-20 Protesters in Pittsburgh

Both protesters and police were long-preparing for the G-20's visit to Pittsburgh last month. In response to reports of huge police numbers and heavily militarized preparations, NLG members formed a legal team to support demonstrators against predicted over-reaction of police forces. What they could not predict was the first ever use of long range acoustic devices (LRADs) against U.S. civilians. Executive Director of the NLG, Heidi Boghosian, explains further in the Jurist:

“The police response to protests at the G-20 Summit in Pittsburgh will be remembered as especially brutal, given the debut of military sonic weapons against civilians. Technology used in Iraq, LRADs, are more insidious than other so called less-lethal munitions because they leave no visible marks and can cause permanent hearing loss....”

Such gratuitous assaults on protesters sends the message that the thousands of police and military personnel are not engaged in professional crowd control; rather, they are pre-emptive and aggressive techniques to punish protesters and bystanders for exercising their First Amendment rights...”

Excerpts from <http://jurist.law.pitt.edu/hotline/2009/09/police-response-to-g-20-protests.php>

4. DC Court of Appeals Stomps on the Right to Demonstrate; NLG Attorneys say “No Way!”

A team of National Lawyers Guild attorneys are currently working to challenge a DC Court of Appeals decision that carelessly jeopardizes the vibrant protest and demonstration scene the District of Columbia has always played host to.

After a week of anti-war protests in September 2006, defendants were found guilty of crossing a police line outside the Capitol Building and unlawful assembly inside the Raymond House

Office Building. On appeal, in *Tataz et. al. v. D.C.*, argued by NLG attorney Mark Goldstone and several pro se defendants, the three judge panel upheld both sets of convictions.

Judge Ruiz, however, dissented in part, looking specifically at the unlawful assembly charge. She wrote in her dissent that *Adams v. United States*, 256 A.2d 563, 564 (D.C. 1969) requires that for an unlawful assembly charge 1) protesters must have incommoded or obstructed the pathway and 2) engaged in or threatened a breach of the peace. In the case of *Tataz*, appellants were never charged with breaching the peace. In fact, judges noted how peaceful their protest was.

The implications of the *Tataz* ruling is that demonstrators now only have to block a pathway in order to be arrested for unlawful assembly. Not only does this narrow demonstrators' lawful opportunities to protest, but it leaves a single standard – whether protesters are actually incommoding or obstructing the pathway – that is often difficult to clearly interpret.

In response, the team of NLG attorneys, including Goldstone, Jeff Light, and Ann Wilcox, have filed a petition for rehearing *en banc* of the *Tataz* decision, and are otherwise organizing to publicize the impact of this decision on first amendment activity in the District of Columbia.

5. 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.

6. Events

October 2-3 – Conference On War Powers at Georgetown University. Featuring Benson Scotch, John Bonifaz, John Nichols, Jamie Raskin, and many more. More information at www.whodecidesaboutwar.org

October 3-4 – Eyes Wide Open Exhibit showing the Cost of War in Afghanistan, sponsored by Military Families Speak Out. Over 830 pairs of combat boots representing fallen troops in Afghanistan and 100 shoes, a fraction of those civilians killed during 8 years of war and occupation, will be displayed on the Ellipse.

October 5 – Anti-Afghanistan War actions – Legal Observers needed – 10am at McPherson Square for rally and march to the White House. Training offered Oct. 4, contact wilcox_ann@yahoo.com for more information.

October 10 – Student Disorientation, 12:00 – 2:30pm at George Washington Law School, 720 20th Street (at H street) , NW in SCC (5th floor). Legal Observer training to follow. Panelists will speak on surviving law school as a progressive law student, what the Guild has to offer law students, and other issues relevant to legal types on the left.

October 10 – Join Cleve Jones and Sherry Wolf on Why We Must March for LGBT Civil Rights, 4:30pm, Busboys and Poets at 5th and K Streets, NW. Veteran activist Cleve Jones has been at the center of the LGBT rights movement for the last thirty years... Now, as it is becoming clearer that LGBT people and allies across the country are feeling like we can no longer wait for the marriage rights, work rights, and other protections we deserve, Jones and other activists from across the country are coming to DC for the National Equality March.

October 11 – National Equality March – Demand Equal Protection for Lesbian, Gay, Bisexual, and Transgender people in All Matters Governed by Civil Law in All 50 States. Now! March begins at Noon at 15th and I Street, NW, near McPherson Square. Rally, 2-5pm, on the west lawn of the Capitol Building.

October 13 – DC NLG Board Meeting, 6:30pm, 2000 P Street, NW, Ste 415. All members are welcome.

October 24 – International Day of Climate Action – 12pm – 5pm. March from Malcolm X Park to rally at Lafayette Park. More information at www.350.org/dc

October 28 – Private Practitioners’ Luncheon, 12:15pm, Jim Klimaski’s office, 1625 Massachusetts Ave., NW, Ste 500. Bring your own lunch – beverages will be provided. All chapter members in private practice, or thinking about it, are urged to attend.