



HUMAN RIGHTS NOW!

Meiklejohn Civil Liberties Institute

Winter 2011

New Human Rights Posters are Bigger & Better

Most of the people and organizations we talk to have never heard of the three U.S.-ratified human rights treaties.* It's not surprising that people don't know their human rights because the U.S. is not carrying out its duty to publicize the text of the treaties. So, we at MCLI decided to take up the project ourselves.

We created posters that include all of the human rights set forth in the text of the treaties and we are asking you to help us put them up.

We want to see the posters in every workplace, every government office, every law office & library, and anywhere else you can think of.



The latest version of the poster is 2' x 3' and easy to read. Consider posting one in the name of a friend as a gift alternative this holiday season.

Get a copy for your community today! Fill out the form on page 7 or visit our website at www.mcli.org

*The treaties are: International Covenant on Civil & Political Rights; International Convention Against Racism, & International Convention Against Torture.

The Occupy Movement's Protest Roots & the 1712 Slave Revolt in New York



by Rev. Daniel Buford
President, MCLI Board of Directors

There is an Old Testament scriptural passage that fits when looking at the current expressions of resistance taken up by the Occupy Movement that has spread around the USA and exported to Canada and Great Britain: "...There is nothing new under the sun..." Almost exactly three hundred years before New York residents would occupy Wall Street and spark a new era in social protest in 2011, African Slaves and Free Blacks lit their own fires of protest.

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Pelican Bay Hunger Strike Spurs Investigation by the O.I.G.

by Josephine Weinberg
Attorney & Member of MCLI Board of Directors

In October, prisoners at Pelican Bay State Prison and thousands of other prisoners across California decided to end their hunger strike which was re-initiated after the California Department of Corrections (CDCR) failed to meaningfully address their demands. In MCLI's previous newsletter, we published the statement from the hunger strikers demanding that the inhumane conditions in California's SHUs (Security Housing Units) and ASUs (Administrative Segregation Units) be addressed.

Continued on p. 3

Reflection on Oakland General Strike



by MCLI Intern Javier Kord

On November 2nd, I went to downtown Oakland to participate in the first General Strike since 1946. Businesses in the area were closed, and thousands of people filled up the plaza and the surrounding streets. There were many people who have never participated in activism present in the plaza, as if their political minds had been awakened by all the recent trouble brewing in paradise. I overheard a man talking on his cell phone: "I'm down here to see what's up with the people who were on the news. I think they are here because the police, the banks, and all that stuff. I think it's good. The place is full.."

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NLG Passes Resolution In Support of MCLI's Work

At the 2011 National Lawyers Guild Convention in Philadelphia, the NLG resolved to:

- ◆ Support efforts to convince all cities, counties, and states to follow the example of California's ACR 129 to publicize the text of the ratified U.N. human rights treaties and protocols, and to send reports to the U.S. State Department, the U.S. Human Rights Network, and to the four U.N. Human Rights Treaty Reporting Committees.
- ◆ Support efforts by MCLI to distribute its UN Treaty Posters.
- ◆ Continue holding training sessions utilizing MCLI materials and other materials on human rights treaties and protocols and their use in litigation, in legislation, and in administration at all levels of government.
- ◆ Continue efforts to make clear the absolute necessity of the United States ratifying many other International Human Rights Treaties, including the Convention on the Rights of the Child, the Convention on the Elimination of Discrimination Against Women, and the International Covenant on Economic, Social and Cultural Rights.

To read the entire Resolution, visit www.mcli.org

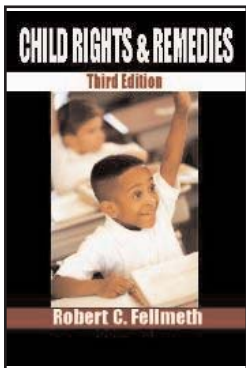
Michael Heyman

Secretary, Smithsonian Institute, 1995-1999
Chancellor, University of California at Berkeley, 1980-1990
Meiklejohn Civil Liberties Institute, Board of Directors, 1965-1974

Presenté

BOOK REVIEWS

Child Rights and Remedies, 3rd ed. by Robert Fellmeth

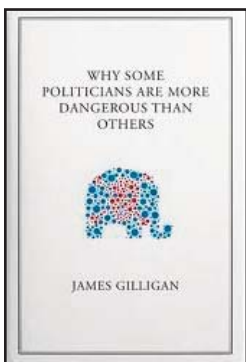


This is an encyclopedic work covering every aspect of children in the law. As noted in the Preface by M. Ventrell, Exec. Dir. of the Juvenile Law Society, the first book on the subject was published in 1697. At that time children were regarded as property ("paternal chattel"); they gradually came to be regarded as a protected underclass, and this work "represents the next step in our evolving understanding of the place of children in society."

A call to the publisher revealed that this third edition has expanded the treatment of children in international law (Chapter 14 now deals with international conventions on child abduction, adoption, custody and support, direct enforcement of child rights, child labor, sex trafficking, trade in child dangerous products, etc.). This is an area of growing concern; for example, more international marriages mean that in divorces one parent may fly away with the children to his or her own country, leaving the other parent in an extremely difficult situation. Anyone who is concerned about the status of children in our society will find this work indispensable.

-Jim Syfers, Book Review Editor.

Why Some Politicians Are More Dangerous Than Others by James Gilligan, M.D.



The author compares the violent death rates (suicide and homicide combined) from 1900 to 2007 with the periods in which the government had a Republican President and those having a Democratic President. The result is a bit of a shock.

When the Republicans have been in power the death rate has increased steadily. With the Democrats in power it has decreased steadily. In both cases there are, of course, a few perturbations due to other factors, but the evidence is overwhelming. In the author's words: "It is only when Republicans are in the White House that the rates of suicide and homicide increase to epidemic levels, and only when Democrats are in the White House that they decrease below these levels." So some politicians are indeed more dangerous than others!

-Jim Syfers, Book Review Editor.

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SUPPORT HUMAN RIGHTS AND PEACE LAW!

As we look ahead to 2012, MCLI is planning for a year of writing “shadow reports” to the United Nations treaty committees on human rights violations, training interns on activism and human rights law, providing technical assistance to other cities and states that want to pass legislation like ACR 129, advising other activists and organizations on the use of human rights law at the local level, and continuing to build our network of supporters for a sustainable future.

**Individual donations from our supporters make our work possible.
Please consider donating today.**

Pelican Bay *Continued from p.1*

As a result of the hunger strike, the Senate requested that the Office of the Inspector General review the actions taken by the CDCR during the hunger strike. The report notes that the main concern of the prisoners interviewed was that the CDCR review and revise the SHU policies and gang validation policies. According to the report a result of the July 2011 hunger strike, the CDCR formed a “Warden’s Advisory Group” (WAG) to review the gang validation policies and to develop recommendations for improvement. The group consists of “wardens, Office of Correctional Safety (OCS) staff, a former prison director from another state, and several high-ranking CDCR executives.” An OIG monitor also participates in the meeting of WAG and is responsible for monitoring the group’s progress and reporting back to the Inspector General.

The report recommends that: “the department should continue the WAG review of validation and debriefing policies; SHU inmate programming; criteria for SHU placement, retention and release; and the improvement of inmates’ due process protections in relation to gang validation and SHU placement...the OIG should continue to monitor the department’s efforts to resolve the hunger strike issues.” The report does not give any timeframes for review or implementation of these new policies. It is also not clear from the report whether another report will be issued regarding the actions of the WAG committee.

Despite testimony of retaliation against the hunger strikers, the report found that no incidents of retaliation could be substantiated. However, the report noted that there was evidence of increased enforcement of RVRs (Rules Violation Reports) suggesting that hunger strikers were being treated differently. Also included was a finding that policies and procedures around defining a hunger strike and the medical treatment of hunger strikers were not consistent throughout the CDCR, and these

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inconsistencies allowed for inaccurate hunger strike reporting. This might explain the major numerical discrepancies, which were in the thousands, of the number of prisoners reported to be on a hunger strike reported by the CDCR versus what was being reported by supporters and those corresponding with the hunger strikers. To view the full OIG report which included other findings and recommendations go to: <http://www.oig.ca.gov/pages/reports/reviews.php>

It remains to be seen whether meaningful change will come to the prisoners in ASUs and SHUs across the state, many of whom languish in isolation for decades purportedly based on coerced confessions from other prisoners. One thing that is clear, is thousands of prisoners created a movement. Their efforts, combined with the efforts of those in solidarity, spurred legislative hearings in Sacramento and external oversight of CDCR gang validation policies by the OIG in just a matter of months.



Image by Rashid Johnson, SHU prisoner

To view the legislative hearings on the Hunger Strike go to: www.calchannel.com/channel/viewVideo/2949 & www.calchannel.com/channel/viewvideo/2950

For more information about events that occurred during the hunger strike, and continued efforts of those organizing around conditions in the SHU go to: prisons.org & prisonershungerstrikesolidarity.wordpress.com

Occupy: A National Local Movement

by Lucy Rodriguez

Attorney, MCLI Board of Directors

Recently I have visited a number of Occupy sites – Wall Street, Philadelphia, Portland, Oakland, San Francisco, and Berkeley. I expected to find a wide variety of people, and I was not mistaken – the Occupiers are young and old, male and female, well-dressed and scruffy, and of many ethnic backgrounds. What I didn't expect, what surprised me, was to find that each site was an autonomous community.

At each site (except for Berkeley's Occupy, which was very small when I saw it), the people had organized many aspects of community life. They each had a medical tent, food service, media center, religious altar, security, library/information center, and other functions. Public discourse and governance took place in General Assemblies, at which anyone could speak, as well as in smaller meetings and committees (including an assembly in Spanish). All of this was done without any identifiable leaders or central committee.



I was impressed with the ability of the people to improvise. In New York City when they were forbidden to have a loud speaker, they improvised by speaking in different voices down the line. When Mayor Blomberg threatened police forced removal because of house keeping issues, the group got together to maintain cleanliness. Oct. 13, when I was there, it was cleaner than the streets in NYC.

Mainstream media in general has decried the lack of leadership and clear platform of demands in the Occupy movement, but this seems to be a source of their strength. Each of these communities has self-organized with the energy and know-how of the people who volunteer their time to the various services and activities. Common themes are evident across the communities -- e.g., dissatisfaction with the failings of our current capitalism -- but local issues have a prominent place.

Most recently, there has been a move towards increasing the localness of the movement by encouraging the formation of neighborhood groups that can connect people with the issues that arise where they live. In New York City, the emphasis is on efforts to make banks accountable for the economic crisis that has caused suffering to people, with cuts to county and city budgets, while CEOs of financial

institutions receive enormous bonuses. In Oakland, which has seen a lot of excessive force by the police (e.g., the killing of Oscar Grant, and the police assault on Scott Olsen, who remains in the hospital as a result of a gas canister thrown by the police to his head), there is a cry for control of the police brutality. In Berkeley, the emphasis is on the increase in students' college tuition and the need for an increase in the educational budget. In Philadelphia, the emphasis is on putting an end to a high rate of incarceration, especially for young black men.

The reactions of authorities has also varied by locality. In most cities, the police have been called to dismantle the tent cities erected by the demonstrators. In Bethlehem, home of the defunct steel industry, there has been open communication between the local authorities and the movement; the demonstrators agreed to a request to move their tents temporarily in order to allow wedding couples to get pictures for their weddings. On the other hand, when police routed the demonstrators from Liberty Park in NYC, the police burned hundreds of books in the free library, and destroyed tents and other supplies.

Occupy Human Rights!

We all have the right to:

- Human Dignity ♦ Employment & Decent Pay
- Not to be mistreated by Police ♦ Use Public Parks
- Housing & Medical Care ♦ Use Loud Speakers
- Associate with Others

MCLI created a four-page flyer detailing the text of the treaties that protects the afore mentioned rights. Hundreds of copies have been distributed at S.F. Occupy, Oakland Occupy, & Berkeley Occupy. To download a copy, visit www.mcli.org

MCLI Treaty Law Posters @ Occupy

Three young Occupy activists came to MCLI for information on how Occupy could incorporate human rights in the movement.

They eagerly listened while Ann Fagan Ginger explained that the U.S. ratified three human rights treaties and they are the law according to the U.S. Constitution. They wanted to get the message out and bought 16 posters to put up at Occupy camps around the Bay Area.

They reported back that two posters were removed by police from San Francisco bus stops.

MCLI in Milwaukee

The Greater Milwaukee Human Rights Network approached the local Equal Rights Commission to request open hearings in the community about human rights concerns.

As part of their remarks, they suggested the Commission examine MCLI materials and the California Assembly Concurrent Resolution No. 129.

Occupy's Protest Roots Continued from p. 1

The New York Colony was occupied by the Dutch government's business ventures in every aspect of the slave economy. This included banks, insurance companies, ship builders, traders, etc. Slavery in the New York Colony commenced around the same time as it did in Jamestown, Virginia in 1662. The high profits and great demand for African Slaves led the English to take control of the New York Colony in 1664.

Wall Street was the scene of auction blocks where Indians and Africans could be bought or sold within North America or sold away to other countries involved in the slave trade such as Spain, Portugal, France, and Holland. African Slaves not only built the wall that "Wall Street" is named for; they were also traded as commodities as part of the stock that was exchanged during business transactions between Europeans. They were not classed as human beings, but given a property status akin to cattle, horses, and hogs.

The English take over of the New York Colony led to more repressive measures to control slaves and free Blacks. This repression took the shape of being excluded from schools that had operated under the Dutch regime; prohibition of land ownership; no right of self defense if struck by a Christian or Jew; no rights to testify against Europeans in court; increased police activity of whipping bosses; no rights that need to be respected by the English courts of law in the colony.

Then, as now, the combination of repression and the protection of economic privileges led to uprisings that were prophetic statements against an unjust social arrangement. Slave revolts from this era took place in 1708 on Long Island and in 1712 and 1763 in New York City. These revolts were economic and racial in nature with houses burned and many whites and blacks killed before the revolts were suppressed by the militia. With this legacy of brutal repression, New York was able to become the principal port in the world for the slave trade and, by the 1850s, was the prime source for funding elections throughout New England. Sound familiar?

Phillip Livingston of New York (a "one percent" of the colonial era) traded slaves in his youth, signed the Declaration of Independence in his maturity, and founded a Chair of Theology at Yale in his old age. The new "Occupy Movement" would be well served by knowing the roots of their discontent from the very beginning of American History. The struggle for human rights and the struggle for humane definitions of humanity in the face of an inhumane social order is an historical link that will remain as long as corporations have more civil rights than people.

The Right to Occupy

by Victoria Sawicki, Secretary, MCLI Board of Directors

Danny Glover invoked the legacy of the Civil Rights Movement at Occupy Oakland with the words of the Civil Rights leader Fannie Lou Hamer when he said: "We are sick and tired of being sick and tired." The massive income gap; unprecedented levels of unemployment; mortgage foreclosures; skyrocketing tuition; school closures; increased classroom size; health care premiums off the charts; lack of economic security; and more have driven people to the streets across this country and the world.

Watching history repeat itself, the police have been sent in to "evict" the protestors, often claiming restrictions on the right of the people to protest and "Occupy." But these evictions violate the law.

According to the First Amendment of the U.S. Constitution: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

There are no restrictions. The Constitution does not specify what hours are acceptable -- it does not restrict the right to assemble to week days, 8am to 5pm; or that you can stand, talk, sing, but not sleep. It does not outlaw tents. No, it simply states that the people have a right to peaceably assemble.



And our right to peaceably assemble is also protected by the International Convention on Elimination of all forms of Racial Discrimination (ICERD), Article 5: "States Parties undertake [...] to guarantee the right of everyone, without distinction [...] the right to freedom of peaceful assembly and association [and] the right of access to any place or service intended for use by the general public, such as [...] parks." (The U.S. ratified ICERD in 1994, making it the "supreme Law of the Land" (US Constitution, Article 6).)

The law is on the side of "Occupy," and it is up to the people to make sure everyone knows it.

I was glad to see that something good came out of the raid by police last week; it shocked several thousand people out of their ideological numbness. The nature of Occupy, insofar as it does not ascribe to a specific political aim, makes it universal.

Looking around Oscar Grant Plaza, there were children, grandparents, college students—people from all walks of life. This is not a marginal segment of society; this is a representation of mainstream American society opposing a global political economy for the first time in history.

Despite the seriousness of the cause, the atmosphere in downtown Oakland was one of cheeriness, of unity and communal bonding. For the first time in decades—since the community was effectively removed from the political sphere and replaced by the corporation—the people were rebuilding a political community. It was very uplifting.



At 5 PM, thousands of people departed from 14th and Broadway to march to the Port of Oakland, one of the largest maritime ports in the nation. As helicopters hovered overhead, the crowd chanted “the people, united, will never be defeated.”

The people shut down the Port of Oakland as a symbolic gesture that the fabric of the global political economy (which is the people, not the corporations) can shut down business as usual whenever they want—that we, the people, are in control of capitalism, that we have the power to destroy it whenever we feel it appropriate.

The next morning, I read the headlines in the news—“protesters provoke police, OPD respond with tear gas and rubber bullets”. Initially, I was frustrated to see that a few idiotic individuals had sabotaged the peacefulness of the movement with reckless acts of violence. But then again, isn’t some provocation necessary? The police have been bought off by private corporations, armed by the Department of Defense, and have been able to legally justify their raids due to opaque permit requirements. The provocation by some rowdy activists served to expose the true extent of our unfreedom.

The Politics of Sympathy: Police vs. Occupy

by MCLI Intern Javier Kordi

In a week preceding the notorious raid by the police on ‘OccupyOakland’, there were 4 murders, 37 aggravated assaults, 5 rapes, 61 robberies, 98 burglaries, 75 motor vehicle thefts, and 44 counts of larceny in the city of Oakland. The OPD claims to not have enough staff to tame this crime epidemic. Yet, in the early morning hours of October 25th, the city of Oakland—with the assistance of several other local policing agencies, such as Dublin PD, Berkeley PD, Palo Alto PD, the San Francisco Sheriff’s Department—came in full force with riot gear to dismantle a congregation of peaceful activists in Frank Ogawa (Oscar Grant) Plaza.

Why would police guard these public spaces so vehemently, treating tents as if they were a deadly contagion? If Occupy has showed us anything, it is that police officers have become private security guards of the rich. This privatization of police hit home on November 9th when I witnessed University Police, along with the Alameda County Sheriff, beating my fellow students with nightsticks in front of U.C. Berkeley’s symbolic beacon of free speech—Sproul Hall.

Yet, this brutality aside, I can almost call my personal experiences with police comedic due to their utter absurdity. At 4 A.M. on the 10th, approximately 50 police officers stood around a group of 15 students on the steps of Sproul. I walked past the excess mass of police to join the students “camped” out on the steps. [I put ‘camp’ in quotations, because, as the Chancellor pointed out a day prior, assembly will be permitted 24/7 but sleeping is forbidden.] So here we are, stuck in the bizarre world of pseudo-rights, where we are allowed to protest—on the condition that we willingly subject ourselves to extended sleep deprivation. True to this rule, every few minutes we would be probed by police to make sure we weren’t slipping away into slumber.

If police can’t see the absurdity or the brutality of such practices, they can’t be expected to rationalize the grievances of the people. So I refrain from calling police ‘the enemy’. Their actions do not make them bad people. They have been victimized, exploited, and degraded by the same power structure that has the 99% en masse on the streets. Thus, they express their agony through the only avenue known a re-primitivized mind—clobbering others with clubs. Insofar as police have been reduced to cave-(wo)men, they are not the enemy; their dehumanization is in and of itself a tragedy.

Thank you!

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for the U.S. Human Rights Network Conference

MCLI Board President Rev. Daniel Buford
will present on Human Rights Struggles in CA
on Friday, December 9, 7:00pm

&

Rev. Buford will present on State and Local
Implementation of Human Rights Law
on Sunday, December 11, 9am

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Register for the conference at:
<http://www.ushrnetwork.org/2011conference>

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To apply, send resume & cover letter to:

jennifer@mcli.org

Int'l Human Rights Day - 12/10

Celebrate the 63rd Anniversary of the signing of the Universal Declaration of Human Rights with a copy of MCLI's *The U.D.H.R. is the Law*

Order on page 7 or at www.mcli.org/store