

HUMAN RIGHTS NOW!

*Newsletter of the
Meiklejohn Civil Liberties Institute*



December 2010

The Relative Worth of Human Life

by Rev. Daniel A. Buford

You don't have to espouse a religious creed to embrace a value system that says that all human life is special, possessing equal worth and equal rights. Recent developments in the murder trial of former BART police officer Johannes Mehserle must lead thoughtful people to ponder on the notion that some lives are more valuable than others and that some inherently possess more worth and more rights than others.

On November 5th, 2010 Johannes Mehserle was sentenced to two years in prison (minus time served) for the cold blooded execution of an unarmed man named Oscar Grant. A gun was used in this murder yet gun charges were eliminated from consideration in the sentence by the judge.

Pro football quarterback Michael Vick received a twenty-three month prison sentence for animal cruelty that led to the death of several pit bull dogs. A man was recently convicted and sentenced to twenty-one months in prison merely for phoning threats to Speaker of the House, Ms. Nancy Pelosi. Three Strikes inmates make up a quarter of California's prison population and more than half of them have committed non-violent crimes.

You may gather from this that Oscar Grant's life is not worth the life of Nancy Pelosi and was roughly equivalent to the lives of the dogs that Michael Vick killed. The life of Johannes Mehserle, who killed a man while being recorded in the act, is worth more than Oscar Grant's life and the Three Strikes inmates who are incarcerated for multiple years for non-violent offenses. This is liberty and justice for some but not for all.

Johannes Mehserle is white and has been protected by his civil rights under the U.S. Constitution and was protected by his right to a trial without African Americans



Johannes Mehserle in Court
Picture by Cathleen Allison of the AP

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Ratify CEDAW Now!

by Victoria Sawicki

CEDAW, The Convention on the Elimination of All Forms of Discrimination Against Women, was signed by President Carter in 1980. Thirty years later, it has yet to be ratified. (Ratification takes 2/3 vote in the Senate.)

To date, 186 out of 193 countries have ratified CEDAW. The U.S.A. is one of only seven (7) countries -- including Iran, Sudan, Somalia, and three small Pacific Island nations --Nauru, Palau, and Tonga-- that have not ratified CEDAW.

In countries that have ratified CEDAW, women have partnered with their governments to engage in a national dialogue about the status of women and girls, and as a result have shaped policies to create greater safety and opportunity for women and their families.

One example: Kuwait's Parliament voted to extend voting rights to women in 2005 following a recommendation by the CEDAW Committee to eliminate discriminatory provisions in its electoral law.

On the question of infant mortality, maternal mortality, and paid maternity leave, women in the United States lag far behind women from most other countries. According to the Institute for Women's Policy Research, Latinas earn 53 cents on the dollar, Black women earn 62 cents on the dollar and White women make 75 cents on the dollar, compared to men. Obviously, we need CEDAW.

Senator Durbin (D. Ill) held hearings on CEDAW on November 18, 2010 in Washington DC. Carol Rosenblatt, Executive Director of Coalition of Labor Union Women (CLUW), attended the hearing. Carol stated she has attended many hearings on the Hill, this one, however was overflowing with a diversity of speakers expressing their upset and passion for the ratification of CEDAW.

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The Relative Worth of Human Life

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on a jury in Los Angeles instead of Oakland. His rights as a police officer, under the "Bill of Rights" for California police officers, delayed his initial arrest. Oscar Grant, an African American, was slain while exercising his right to free speech when he protested the treatment of one of his friends who had been punched by a BART police officer. If you are keeping count Oscar Grant had about three fifths of the rights of his uniformed slayer.

We often hear the question about human worth when ever a rich person dies. News reports will include information on how much the person's worth in material assets are.

We never hear this question of worth when poor or working people die; they are just dead. Thus human worth is relegated to property worth in the same way that human rights are often trumped by property rights. This is why it is important to keep this case alive. Oscar Grant's civil rights were not only violated, his human rights were violated too.

Rev. Daniel Buford is Director of the Prophetic Justice Ministry at Allen Temple Baptist Church in Oakland, CA, and is President of the MCLI Board of Directors.



News Briefs

MCLI Helps With Amicus Brief for "The Plowshare 5"

Nov. 2, 2009, a Roman Catholic sister, two priests, and two Catholic mothers and grandmothers went to the U.S. Naval Base Kitsap/Bangor, in Washington, where eight nuclear-armed Trident Submarines are home-ported. They entered the Strategic Weapons Facility Pacific to begin disarmament of the nuclear weapons stored there. Their banner said:



DISARM NOW PLOWSHARES, TRIDENT: ILLEGAL AND IMMORAL

.....U.S. Marines soon arrested them at gunpoint, hooded them, and held them on the ground for four hours. They were charged with destruction and depredation of property, conspiracy to take part in unlawful activity, and trespass. The defendants will defend themselves in court, with advice from Prof. Bill Quigley. The federal district court judge has denied their motion for acquittal before trial.

Sister Stella Goodpasture asked MCLI for help in editing the amicus brief supporting the motion the Defendants will make before trial for acquittal on all charges. The amicus brief will be submitted by Dominican Promoters of the Western States and signed by many individual Dominican Sisters.

MCLI spent several hours suggesting how the Amicus Brief could include more references to relevant laws -- the U.N. Charter, Art. 2.4 and Art. 55, International Court of Justice 1996 Opinion on the Legality of Nuclear Weapons, and the First Amendment rights to exercise freedom of religion and conscience. These would enhance the many references to religious leaders throughout history who opposed weapons, especially weapons of mass destruction -- Isaiah, Luke, Micah, Francis, and Franz Jagerstatter (against Hitler in 1943), Bishop Romero of El Salvador, Gandhi, and many other Dominicans and Jesuits, both clergy and laity.

For copies of the Defendants' brief, and the Dominican amicus brief, go to www.mcli.org

Order MCLI Books for the Holidays!

"Hollywood Red" by Lester Cole

The intimate, inside story of one of the Hollywood Ten screenwriters and directors jailed for defying the House "Un-American Activities" Committee.....\$10.00

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A Note from the Executive Director:

MCLI at the 2010 National Lawyers Guild Convention

by George Lippman

Going to a National Lawyers Guild (NLG) National Convention is like taking a master class in human rights law. This year's Convention in New Orleans was also an object lesson in human rights violations that the people of this city have suffered since Hurricane Katrina hit in 2005.

I brought to the Convention a resolution proposing that the NLG reaffirm its participation in the human rights framework by encouraging its chapters and committees to report violations to the United Nations treaty committees. The resolution also called for the NLG to strengthen its long-term relationship with MCLI by placing a member on the MCLI Board, and holding trainings utilizing MCLI materials on the treaties and their use in litigation and legislation. The resolution passed unanimously.

I found a high level of interest in human rights law pervading the Convention. MCLI Board member Susan Scott had introduced a resolution at the 2009 Convention in support of her "Toolkit" for local support for ratification of the International Covenant on Economic, Social and Cultural Rights (see www.nlginternational.org).

In New Orleans, Susan presented a workshop on using the human rights framework in housing rights struggles, titled "Housing is a Human Right". Wilhelm Joseph, well known Executive Director of Maryland Legal Aid, told the packed room that his young staffers asked him to adopt the framework and were surprised when he said "Yes, let us measure human rights by a single yardstick. We should seek at home what the U.S. seeks abroad."

Mr. Joseph's associate, Tabinda Riaz, explained why housing preservation works so much better in a human rights framework. "Everyone has the right to peace and security. Housing is not simply a commodity. This is the basis for a holistic approach." Maryland Legal Aid uses human rights law creatively, not only in court filings but also in conversation with HUD and the Housing Authority. (HUD is on record saying housing is a human right, creating an opening for activists and lawyers to hold them accountable to their words.)

Another panelist, Maria Hernandez Torrales, Puerto Rican law professor and co-founder /board member of the huge (25,000+) community resident land trust in San Juan, gave a powerful presentation about how squatters in San Juan are fighting to gain collective title to their land and how lawyers can assist in defending land/housing rights. She concluded, "Housing may be a human right, but no right is acknowledged that you do not fight for."

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U.S. on the Hot Seat in Geneva Universal Periodic Report

by Ann Fagan Ginger

NOV. 5: The U.N. Human Rights Council met in Geneva for the first Universal Periodic Review (UPR) of the U.S. human rights record. The Council heard questions and criticisms from 56 nations.



The U.S. recognized the importance of the UPR by sending 26 officials from the U.S. Departments of State, Justice, Defense, Homeland Security, Labor, Education, Health & Human Services, Interior, and the Equal Employment Opportunity Commission and Environmental Protection Agency.

MCLI and many other NGOs sent information, e.g., on the Berkeley City Council Resolution and ACR 129 making the City and State the first to publicize the text of the 3 ratified human rights treaties and to make the required periodic reports.

World media made the UPR report front page news and reported the questions and criticisms in detail. U.S. media gave very little coverage of the breadth of the criticisms from the "friendly" U.K. to Venezuela.

Several nations criticized the U.S. for:

- Frequently using the death penalty
- Violent crimes against LGBTQI people
- Ignoring the rights of indigenous peoples
- Violating the rights of peoples of color
- Issuing life sentences without possibility of parole for juveniles
- Failing to carry out the recommendations of the U.N. Committee Against Torture and the U.N. Committee on Elimination of Racial Discrimination to apply these ratified treaties in times of war
- Failing to immediately close Guantanamo detention center.

Several nations urged establishment of a national U.S. human rights commission or bureau.

The Council concluded by recommending that the U.S.:

- Repeal norms that require journalists to reveal their sources of information
- Make all anti-terrorism laws consistent with human rights standards
- Prevent violation of privacy rights and control of cyberspace
- Stop human rights violations by the military and private

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MCLI at the NLG Convention

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Housing was just one of many issues that speakers viewed through a human rights lens. I attended stimulating workshops on struggles against police torture, the near-dismantling of the New Orleans public school system, the school-to-prison pipeline, and the human right to peace. The testimony about how the concepts and law of human rights have been used helped me realize that the framework can be a unifying force for the Guild and other progressive organizations, as they bring together issues of racism, sexism, and economic and social rights.

One brief note about New Orleans. I can't believe I never made it there before! Visiting the city and meeting people struggling to rebuild it made me feel like I had left my country—or perhaps I was seeing my country for the first time. With 100,000 African Americans forced out of the city due to a policy of “gentrification en masse”, community groups like the Lower Ninth Ward Village (see www.lower9thwardvillage.org) are volunteering to help community members return to their homes without receiving a dime in grants or government aid.

George Lippman is the Executive Director of the Meiklejohn Civil Liberties Institute.

THE MCLI ARCHIVES

Latest Addition

The Passion of Harold Walman

This play by long-time NLG member and MCLI supporter Solomon Fisher portrays the conflicting pressures on a small-town legislator, a civically-active Jewish attorney, elected repeatedly by his blue-collar Roman Catholic constituency, who must vote on whether New York State should legalize abortion. The story is historically true.

Assemblymember Walman voices his dilemma: should he vote “No” as his constituency passionately desires, or “Yes” because he knows that illegal abortions maim and kill many women?

Walman votes “No”. When the bill fails by one vote, he changes his vote to “Yes” (enabling the bill to pass), stating that he realizes he is terminating his political career (also historically accurate) but he feels he has done the right thing.

The play reminds us of a crucial turning point for American women. It also brings to attention an unsung hero for women's rights, and gives insight into the political and personal price that leaders pay when they make the choice to follow their principles.



U.S. in the Hot Seat in Geneva

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- security firms in Afghanistan, etc.
- Change federal and state laws in consultation with civil society to prohibit racial discrimination in employment, housing, health care, education, and justice.
- Enact a federal law against torture encompassing “enhanced interrogation techniques.”
- Provide health care and education in prisons.
- Raise minimum age of military recruitment to 18 years.
- Establish an independent national human rights institution to strengthen human rights at the federal and local levels.
- End the embargo against Cuba
- Attempt to restrain any restrictive state laws on immigration, and take necessary measures to protect the rights of women and immigrant workers.
- Halt serious violations of human rights including covert external operations by the CIA on the pretext of combating terrorism, and try all cases in traditional courts.
- Reduce greenhouse gas emissions.
- Take positive steps in regard to climate change, by assuming the responsibilities arising from capitalism that have generated major natural disasters particularly in the most impoverished countries.
- Continue consultations with Non-Governmental Organizations and civil society in the follow up
- Apply the Leahy Laws: have the human rights records of all countries receiving U.S. military assistance documented, evaluated, and made available and followed up on in the case of abuses.
- Continue consultations with Non-Governmental Organizations and civil society in the follow up
- Consider including a report on the human rights situation in the U.S. in its annual reports on the human rights in all other nations!

For a copy of the complete UPR Report, go to:
<http://www.state.gov/g/drl/upr/index.htm>

MCLI's Fall Semester Interns

MCLI's seven interns have been hard at work preparing questions for state, county, city, and regional agencies to help them fulfill the self-reporting requirements for the Convention Against Torture. These reports are due to the UN by July 2011, and should be submitted earlier to the U.S. State Department. The questions are tailored to specific types of agencies, e.g. police or prison authorities, and are meant to evaluate whether cruel, inhuman or degrading treatment or punishment is being employed. We gratefully thank all our past and present interns, acknowledging that without their support, MCLI would not have gotten to this stage.

FBI Raids in the Northland

by George Lippman

As the summer turned into autumn, word arrived of FBI raids and grand jury subpoenas directed at eight homes of anti-war activists in Chicago and Minneapolis. Twin Cities activists have called the September 24 raids part of a government intimidation campaign. The FBI seized many boxes of documents, computers, and telephones.

The subpoenas demand "all records of any telephonic or electronic communication with anyone in Colombia, Jordan, Syria, the Palestinian Territories, or Israel," alleging that the non-violent activists are providing material aid to Palestinian and Colombian resistance groups.

The subpoenaed activists are refusing to testify. Witnesses can assert their First Amendment rights to freedom of speech and assembly, and/or their Fifth Amendment right not to say anything that will incriminate them, unless they are granted immunity from prosecution. Given a grant of immunity, refusal to testify can result in imprisonment for up to 18 months. In an October 4 press release, several defendants stated their positions:



"We believe the FBI is targeting and investigating people for their ideas. We think we have the right to this political speech. You don't have to agree with our conclusions and ideas about these international movements or

even oppose the war, to agree that being targeted for those views is wrong and a dangerous attack on our civil liberties", said Stef Yorek, whose home was raided on September 24th.

Jess Sundin, another target of the raids, said: "These raids and subpoenas are an attack on anti-war and other progressive movements. It is an attack on our freedom to speak, our freedom to assemble with like-minded people, and our freedom to tell the government that their actions and policies are wrong. It is an attempt to clear the way for more wars and occupations of other countries by the U.S. military."

"Many people of conscience have traveled to understand our government's role in places like Palestine and Colombia. We went to learn about how Palestinians and Colombians experience brutal repression from U.S.-sponsored regimes and to bring their stories back, so that Americans are connected to these people. Hearing about the reality of U.S. military aid is not a crime," stated Meredith Aby.

UPDATE: As of December 9th, a total of 19 activists have been subpoenaed to the Federal Grand Jury. Please refer to www.stopfbi.net and www.grandjuryresistance.org to stay abreast of developments in this case.

Human Rights Now! encourages its readers to support those subpoenaed and resist this attack on civil liberties.

Where You Live Affects Your Health

by Victoria Sawicki

The third and last hearing of the Toxic Triangle Coalition was held October 23, at the North Richmond Baptist Church.

The Coalition was founded by Rev. Daniel Buford, President of MCLI and includes many environmental, health justice, civil rights, church and education organizations.



Toxic Triangle Hearing in Richmond, CA; 10-23-2010

The first hearing was held in Bayview Hunter's Point; the second was in Oakland, and the third in Richmond. These communities literally form a triangle on the map and consist predominately of low income and people of color. As Tesse Ester of Huntersview Tenants Association observed, "People are sick and are not being heard." All three communities are disproportionately impacted by the toxins in their communities.

Marie Harrison, from Greenaction, said "I was able to connect the dots: lack of jobs, lack of education, lack of opportunities combined with toxic air, water and land. We are all connected and we are all dealing with the same health problems and the same regulating agencies."

The Right to Breathe Clean Air

Beware! The air you breathe may be hazardous to your health. The residents living in these communities are exposed to pollutants emanating from cars, trucks, tankers, trains and buses. Stationary sources include refineries, chemical plants and factories. All living beings have the right to breathe clean air.

Warning of Cumulative Impacts of Pollution

Greenaction for Health and Environmental Justice described the cumulative impacts of toxic exposure, the combined effect of adding pollutants to the environment and into our bodies, over time.

Lead, arsenic, dioxin, and mercury are examples of chemicals for which small doses can add up to toxic concentrations over time, sometimes resulting in cancer, asthma, neurological damage and even death. Multiple sources of these chemicals, even at low concentrations can add up to serious health problems.

Rev. Buford quoted Fredrick Douglass: "Agitate, agitate, agitate." He also referenced Clinton's executive order: EO12898, and to CERD and CAT. CERD, or the Convention on the Elimination of all forms of Racial

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An Excerpt from Former MCLI intern and Current Arkansas Representative, Lindsley Smith

I was honored to be an intern for the Meiklejohn Civil Liberties Institute in the summer of 1997. I was looking for an internship, and I came across the opportunity to learn about civil rights and liberties and work to forward the cause of liberty....I received the internship, and I am a better person because of it. The opportunity to work at MCLI and with Ann was thrilling, from meeting dignitaries sent by the White House to working with my MCLI colleagues to research civil rights violations and prepare documentation for the United Nations. Most importantly, I learned from Ann one of the most important skills anyone can possess, the ability to know how to ask the right questions.

MCLI gave me what it has given over a hundred interns that have graced its humble doors, a life-changing wake-up call to action for The People, no matter who they are or where they live. I knew that I could no longer sit by and not volunteer, or take a job or stay in a job that did not benefit people. Essentially, my life was opened to the importance of public service—an opportunity to help people live a quality of life, help the environment, increase open government principles, help working families, and work to assure and increase human rights, liberty, and dignity. That is what I have worked to do since my internship in 1997.

Meiklejohn Civil Liberties Institute has served as a support system to many public servants to move civil liberties forward and serve as the engine that has the back of those leading the march. MCLI asks the questions and does the research that no other institution does. MCLI finds the violations that need to be fixed, and it works to fix them. MCLI continues to remind us that Treaties are not trivial, but have real meaning, real authority, and require real impact. Thank you Meiklejohn for pointing me in the correct direction and for your work to make the world a better and more just place for all. You are truly a national and world treasure. Thank you Ann Ginger for changing so many of our lives by giving us the eyes to see Truth, the heart to help others, and the skills of logical and factual analysis to do our part to advance the world together.

Where You Live Affects Your Health

Continued from p. 5, col. 2

Discrimination, is applicable because the communities affected are predominately of color: Environmental Racism. Rev. Buford insisted we learn about the Conventions, use them, and make our government accountable.

Dr. Henry Clark, longtime environmental activist, repeated his claim that what this all amounts to is 'environmental racism. Dr. Clark concluded the hearing on a fiery note: "the hearings are over, but the fight will continue!"

Vicki Sawicki is one of the National Vice Presidents of the Coalition of Labor Union Women [CLUW] and an MCLI Board Member.

Thank You Solomon Fisher!

Long-time MCLI friend Solomon Fisher contacted us in October with a two-part offer. Sol, a retired attorney living in the Bay Area, is re-writing his will to include MCLI and other progressive legal organizations. But he wants his money to go to work immediately, so he is also donating \$40,000 in municipal bonds to MCLI right now.

Sol Fisher has been a member of the National Lawyers Guild since 1939! In addition to his career in law, he is a talented playwright (see "MCLI Archives" in this issue) and a lover of the opera. MCLI is truly honored to be remembered by Sol.

Sol has urged us to publicize his gift in hopes it will inspire others to help as well. We've explained above about the opportunities we've created for ourselves to educate and organize for human rights through law.

MCLI's New Office Manager: Laura Barringer

A college friend of MCLI's previous office manager--Kot Hordynski--Laura Barringer joins the MCLI team after graduating from UC Santa Cruz with degrees in Feminist Studies and Latin American/Latino Studies. She is excited to continue to aid MCLI in its important work for civil liberties and human rights.



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MCLI would like to thank its recent contributors -- your help makes our work possible!

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Join MCLI today!

Does Your Boss Know Your Human Rights?

MCLI is preparing a large poster to fit on the door where you work that describes all of your human rights in three human rights treaties:

-ICCPR: International Covenant on Civil & Political Rights

-ICERD: International Convention to Eliminate all forms of Racial Discrimination

-ICAT: International Convention Against Torture

...all ratified by the U.S. in 1992 and 1994.

The poster will also list the human rights obligations of the police and all city, county and state government agencies.

MCLI will submit the poster to the new Attorney General of California when she takes office in January. She can use it to carry out Assemblymember Bill Monning's ACR 129 to publicize the text of the treaties in all state, county and city agencies to enforce the treaty rights.

Watch for the announcement about publications of the poster on our website:

www.mcli.org

Deterioration of Government Aid

I walked through throngs of people towing babies, dogs, folders, paperwork and wearing hardened stares when I entered the Alameda County Multi-Service Center in downtown Oakland this week, seeking food stamps. Mine was one of the only white faces waiting in line and I was one of the only childless women in the room....[you can continue reading this article at: www.mcli.org/newsletter/foodstamps.htm]

Review of *Ultimate Sanction*

"Understanding the Death Penalty Through Its Many Voices and Sides," by Robert Bohm (Kaplan Publishing, 2010) This book sympathetically examines the tasks and experience of all those who participate in death penalty cases, from the homicide detectives to prosecutors, judges, defense attorneys, jurors, victim's and offender's families, prison wardens, death row officers and witnesses of executions....[you can continue reading this article at: www.mcli.org/newsletter/sanction.htm]

A Different Halloween

I live just North of Sonoma in the "wine country" where there are Mexicans who work seasonally in the vineyards as well as Mexican American families who are permanent residents and U.S. citizens, some of whom are vineyard or winery owners....[you can continue reading this article at: www.mcli.org/newsletter/halloween.htm]