

HUMAN RIGHTS NOW!

**Newsletter of the
Meiklejohn Civil Liberties Institute**



Dec.
2008

"UNDOING THE BUSH-CHENEY LEGACY"

Nov. 22: People are walking into the MCLI office every day now, to buy their copies of "Undoing the Bush-Cheney Legacy" for themselves, their relatives, and their Congress Members. Several are sending copies to various addresses of Pres.-Elect Barak Obama.

Why?

Because this MCLI Little Orange Bok 3 provides all of the information you need to lobby your representatives in Washington on the bills passed by Congress that should be immediately amended or repealed by the New Congress in January. It also describes the worst Signing Statements and Executive Orders by Bush that should be immediately repudiated by Pres. Obama.

It covers laws from Agriculture and Anti-Trust to Veterans and Wars in Afghanistan and Iraq, including the Mortgage/Bail Out bills of October.

For each law, the book provides:

- * Name of the law
- * Citation
- * Who is hurt by this law
- * What the law provides
- * What laws this new law violates
- * Name and number of each Senate and House bill introduced in 2008 to repeal or amend the law.

The book is 178 pages packed with specific information. *If you can review this book for a publication or radio or TV show, let us know and we will quickly supply a free review copy.*

HUMAN RIGHTS DAY DECEMBER 10

MCLI will proudly display and sell "THE UNIVERSAL DECLARATION OF HUMAN RIGHTS IS THE LAW: A Guide to U.D.H.R. Articles in Treaties Ratified by the U.S." **Wednesday, Dec. 10**

w/ United Nations Association at International Center: **12 to 2 p.m.**

and

w/ Gray Panthers at N. Berkeley Senior Ctr., Cedar & M.L.K., Jr. Way: **1:30-3:30 p.m.**

"THE UNIVERSAL DECLARATION OF HUMAN RIGHTS IS THE LAW: A Guide to U.D.H.R. Articles in Treaties Ratified by the U.S."

"Today all of the 30 articles in the Universal Declaration of Human Rights are the law in the United States. We can all use them in our work.

"This fact is not well known.

"Millions of people in the United States and all over the world know about -- and treasure -- the Universal Declaration of Human Rights. Many are aware, and some are angry, that all of the rights are not being consistently enforced in the United States or in other countries."

This is the beginning of MCLI's new book, which explains that the Declaration is not law, but the UDHR articles have been made part of three treaties that are law because they have been ratified by the U.S. So this handy small book goes on to print each article in the UDHR, followed by each article in the three ratified treaties that spells out that right: International Covenant on Civil and Political Rights, International Convention Against Torture, and International Convention on Elimination of all

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PROF. JOHN YOO RESOLUTION BEFORE BERKELEY CITY COUNCIL MONDAY, DEC. 8 at 7 p.m. 2134 M.L.King Jr. Way

The Berkeley Commission on Peace & Justice resolution on John Yoo will be discussed at the Berkeley City Council meeting on Monday (not the usual Tuesday), December 8 at 7 p.m. In the resolution, the City calls on the UC Board of Regents to investigate whether it should take action against a professor charged with war crimes; asks the Law School Dean to provide another professor to teach each course taught now by John Yoo so students will have the academic freedom not to take a course from him if they wish; asks the U.S. Attorney in San Francisco to bring war crimes charges against Yoo immediately; if that does not happen, calls on the new U.S. Attorney General to bring such charges against Yoo after Jan. 20.

**The Failed Welfare Revolution:
America's Struggle over Guaranteed
Income Policy.**

*Brian Steensland, Princeton University
Press, 2008.*

This is a valuable study of the attempts to get a Guaranteed Annual Income plan (GAI) through Congress. It begins with Richard Nixon's Family Assistance Plan, a response to the rioting in the cities in the late 1960's, and goes on to discuss similar efforts in the Ford and Carter administrations. What makes it valuable, beyond the historical record it provides, is the analysis of the reasons for the failure of these plans, and the discussion of strategies for overcoming them.

Faced with the need for a program to alleviate poverty, Nixon tried to avoid offering a plan that could be characterized as "welfare," since too many in Congress had objections to any plan that provided income to the "undeserving poor," as distinct from the "deserving poor." The "deserving poor" were those who were working but had an income below the poverty level. The "undeserving poor" were those who were able-bodied but not working. There was evidently little discussion as to why numbers of the able bodied were not working, I suppose because that would have raised the question as to whether the problem lay in the economic system rather than in the so-called "undeserving poor."

Besides what some saw as the moral horror of providing something to the undeserving, Nixon was faced with the political problem of anger from some in the White working class at seeing non-working Black people receiving government support while White people were "forced to work for a living". To get around these issues, Nixon's plan was to provide income to working and non-working poor alike. Both categories would be raised above the poverty line. Objections to the plan, however, were many. For example, Southerners in Congress objected that it would equalize power between Whites and Blacks. Others objected that it allowed employers to go on paying poverty level wages instead of requiring them to provide a decent living wage.

One thing that is heartening about the book, despite it being a record of failure, is that the idea of a Guaranteed Annual Income has persisted through the last fifty years, and has received sometime support from nearly every quarter, even

the National Chamber of Commerce.

My impression is that behind the continuing battles over welfare and the GAI are different views as to the purposes of society and government. Some of us see a main purpose of a human social system to be that of providing everyone in it with as decent a life as possible, and the task of government as that of providing the legal framework to insure this is so. Others have some other view of the purpose of social systems, I'm not sure what. Or perhaps they haven't thought about it at all. I don't know. In any case, with the Obama administration, we have a chance to put the Guaranteed Annual Income back on the front burner, and a president who could probably pull all the parties together. - Editor

SAVE THE DATE:

Friday, January 9 7 p.m.

For a **book party** for MCLI's 2 new books: "UNDOING THE BUSH-CHENEY LEGACY" and "THE UNIVERSAL DECLARATION OF HUMAN RIGHTS IS THE LAW" at Berkeley Fellowship of Unitarian Universalists, Cedar & Bonita, Berkeley with Music by Eliot Kenin and Food and Conversation with · Twila Flores · Ann Fagan Ginger · Rev. Daniel Buford

HELP WANTED

MCLI is looking for a dedicated, detail-minded person to put together the 13th edition of MCLI "Human Rights Organizations & Periodicals Directory" in 2009. For more information, contact Kot at 510) 848-0599 M-F 11am-6 pm.

MCLI immediately needs a Grant Writer Extraordinaire to draft grant proposals on a series of MCLI projects in 2009. For more information, contact Ann at 510) 848-0599.

MCLI is looking for a strong Publications Outreach Expert to help sell MCLI's two newest books and discs. For more information, contact Kot at 510) 848-0599.

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MCLI human rights case histories at UC-Bancroft:
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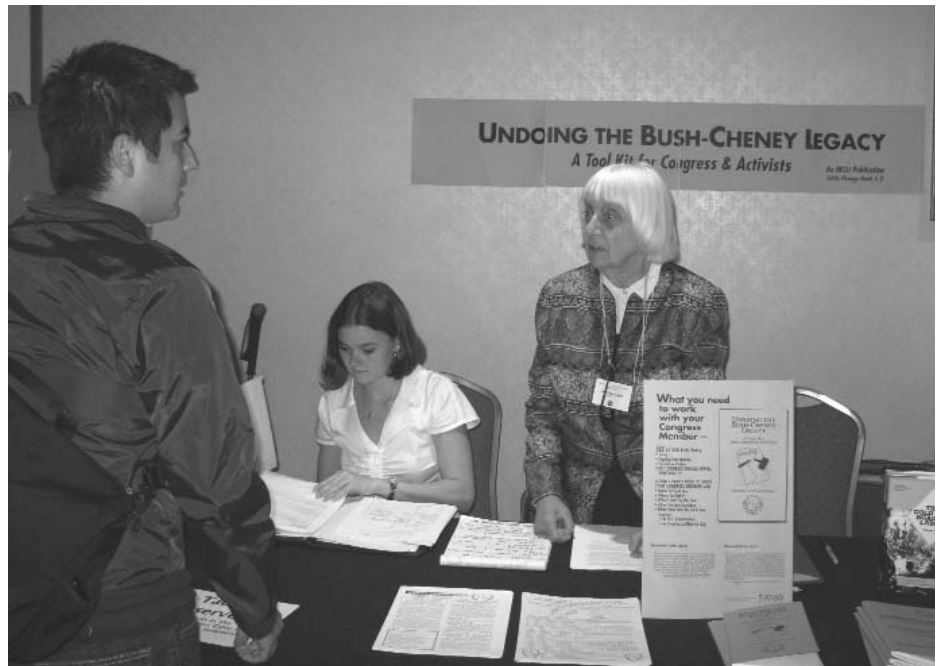
MCLI STRONG CONTINUING LEGAL EDUCATION SESSION AT NATIONAL LAWYERS GUILD CONVENTION

Judge Claudia Morcom (ret.), 3-L MCLI Intern Liz Troutman, *Guild Practitioner* Editor David Gepas, Legal Services Attorney Stephen Bingham, and MCLI's Ann Fagan Ginger made strong presentations to a room full of activist lawyers and professors at the October convention of the National Lawyers Guild in Detroit.

Each speaker discussed an issue in the new MCLI book: "HOW TO WIN for Clients and Causes Using Treaties and Offices of Inspector General." They said they had gotten new insights by studying the successes won outside the customary litigation path in this Roberts Court era.

Participating lawyers heard speakers describe cases won by using ratified U.N. treaties, and conditions improved by filing OIG complaints and shaming

the Government. They had many questions about the efficacy of filing complaints with the OIG and U.N. Committees compared with filing lawsuits at this time.



Liz Troutman and Ann Fagan Ginger making presentations at the MCLI CLE at the NLG Convention in Detroit, October 2008.

(from p. 1)

forms of Elimination of all forms of Racial Discrimination.

MCLI Interns Ralou Diallo and Twila Flores worked all summer and fall with Editor Ann Fagan Ginger to finish this book by Dec. 10th, the 60th anniversary of the adoption of the UDHR by the United Nations General Assembly in 1948. Kot Hordynski worked on production.

The Appendix includes President Franklin D. Roosevelt's proposal for a Second (Economic) Bill of Rights in 1944 because of its relevance in Second Depression 2008. It also includes significant articles from the Code of Hammurabi 1760 B.C., Magna Carta of 1215 A.D., British Bill of Rights of 1689, French Declaration on the Rights of Man of 1789, and the Universal Islamic Declaration of Human Rights of 1981.

This will make a wonderful Holiday present! For copies of the book, email us at

mcli@mcli.org or call 510) 848-0599 or fax 510) 848-0599. For more info on the book go to our website: www.mcli.org

For a review copy, contact Kot at kot@mcli.org

A SHORT REPORT ON THE INTERNATIONAL LABOUR ORGANIZATION CONFERENCE JUNE 2008

Just as many people in the U.S. seldom think about our relationship with the United Nations and UN law, so even fewer people in the U.S. think about our relationship with the ILO, the only international organization that has survived since the League of Nations.

Scanning the Resolutions adopted by the ILO at its 97th meeting in Geneva in June 2008, one is struck by its consideration of issues raised sharply this fall in the economic crisis. For example, Conclusions on promoting rural employment for poverty reduction.

NAMAGUA CAMPAIGN FOR JUSTICE JOINS MCLI TO IMPLEMENT TREATIES

[The following letter, of Nov. 11, 2008, seeks to convince the Obama Transition Team to reinstate Clinton's proposed Human Rights Treaties Interagency Working Group, also described in MCLI's "Undoing the Bush / Cheney Legacy" book.]

John Podesta and Valerie Jarrett, Co-Chairs
Obama Transition Team, Washington, D.C.

Dear Mr. Podesta and Ms. Jarrett:

Re: Human Rights Executive Orders ---
Amend Bush's National Security
Directive #1 (SD-1) - February 13, 2001
Restore and Improve Upon Clinton's
Executive Order 13107 - Dec. 10, 1998

We commend the Obama Transition Team's public announcement that it is preparing a comprehensive list of Bush Administration Executive Orders that the President Obama can reverse, consistent with his pledges to move the United States in policy directions outlined in the campaign, including human rights at home and abroad. Thank you for considering our proposal.

Rejoin the World

In the area of human rights, a major step to "rejoin the world" and restore our country's leading role in promoting human rights will be to reverse the part of Pres. Bush's National Security Presidential Directive #1 (SD-1)[1] that countermanded Pres. Clinton's Executive Order 13107[2] by abolishing the Human Rights Treaties Interagency Working Group, ... and submerging the duties of the abolished Working Group into a Policy Coordinating Committee (PCC), the PCC on Democracy, Human Rights, and International Operations, an entity that has taken not one step to implement ... Exec. Order #13107. ...

Positively stated, the Obama Presidency can restore and extend, consistent with the country's treaty obligations, Pres. Clinton's Executive Order 13107 to promote implementation of the ratified human rights treaties. ... [W]e urge that President Obama take this action at the first opportunity.

Editor's note: For further information on the background and what to do about it, see "Undoing the Bush/Cheney Legacy: A Tool Kit for Congress and Activists" p. 87.

IT'S ALL IN THE TIMING

On Aug. 29, 2008, just before the Bubble Burst, Sam Pizzigati posted on the web: "Too Much: A Commentary on Excess and Inequality" (<http://www.alternet.org/story/96670/>)

Deleting some of the rhetoric, this was the story:

The just-released latest edition of the annual CEO pay report from the Institute for Policy Studies and United for a Fair Economy tells two stories. ... Last year, ... top CEOs in the U.S. continued to pocket \$10.5 million on average. That's 344 times the pay of an average U.S. worker -- and ten times the pay gap that existed 30 years ago.

... Our tax dollars are actually subsidizing this incredible excess. The federal government, through the tax code, is directly rewarding companies that overpay their top executives... Two of these direct subsidies ... involve rather arcane accounting conventions that corporations exploit to both cheat Uncle Sam at tax time and pump up their quarterly earnings. But the other three don't require a CPA to decipher: "deferred pay" — through 401(k) plans.

401 (k) Plans

If you have a 401(k), you can have part of your income deferred from taxes. But you can only defer a limited amount -- usually just \$15,500 a year -- and if the investments where you put that money go sour, you're out of luck.

Top executives, by contrast, can have deferred pay plans with no limits. They can defer millions every year -- and they quite often get a guaranteed, above-market rate return on all the dollars they stuff in these no-limit stashes. Last January, Target CEO Robert Ulrich retired with over \$140 million in his deferred pay account.

... The top 50 of these fund managers last year averaged \$588 million each in earnings. These incomes don't show up in the annual CEO pay rankings because fund managers aren't technically CEOs.

Fund managers take their compensation in the form of fees they assess on the investments they manage. They typically cream off, as a "carried interest" fee, 20 percent of the profits they make buying and selling companies and other assets. On these wind-falls, fund managers pay taxes at just a 15 percent rate -- not the 35 percent top rate on ordinary income.... *[For the rest of the story, go to the web page above.]*

**THE TOXIC TRIANGLE
NEEDS YOU, SAYS REV.
DANIEL BUFORD**

If you live in Richmond and you want an end to the smell, sight and real dangers of the Superfund Site near Chevron at Pt. Richmond, now is the time to call and write Richmond City Council Chair and Mayor Gayle McLaughlin.

This is the December '08 advice of Rev. Daniel Buford in his work with MCLI to end the Toxic Triangle. "There is money in the budgets to end these Superfund Sites! Everyone should demand that elected officials take action."

If you live in Oakland and you want an end to the dangers of the Superfund Sites at Verdese Center Park and Mandela Parkway near West Oakland BART station, now is the time to call and write Oakland Mayor Ron Dellums and Council-Member Desley Brooks.

If you live in San Francisco and you want an end to the dangers of the Superfund Site in Bayview Hunter's Point, now is the time to call and write San Francisco Board of Supervisors members Chris Daly, and Sophie Maxwell, who represents the Bayview district.

And contact California Assembly members Sandré Swanson, Bill Monning and California Senator Loni Hancock. All contact info is on the MCLI web site: www.mcli.org.



Berkeley -- Ralph Nader discussing how to spread the word about the "Undoing the Bush - Cheney Legacy" book with editor Ann Fagan Ginger after buying a copy at a reception following services for Peter Camejo.

Meiklejohn thanks its recent 2008 donors:

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* Or the same number of copies of "Landmark Cases" or "The Living Constitution"

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