

# HUMAN RIGHTS NOW!

## Newsletter of the Meiklejohn Civil Liberties Institute



Summer 2006

### 15,000 Attend Immigrants' Rally in Fresno

On May 1st, Fresno, in California's agricultural Central Valley, had its largest political rally ever, as over 15,000 persons filled Fresno's City Hall Plaza and street in solidarity for immigrant rights and in united opposition to HR 4437. People of all ages, carrying flags of the United States and Mexico and banners in English and Spanish heard great music followed by speeches from local community organizers.

Scheduled to start at 5:30 p.m., several thousand people were already gathering shortly after the noon hour. The energized crowd, which includ-



ed a large number of students, showed a sense of political empowerment on a magnitude not seen before in Fresno. Several local Hispanic, peace, and social justice groups were also visible at the rally.

-- Howard Watkins, MCLI Advisory Board

### REAL CHANGE IS POSSIBLE!

Not long ago the *Wall Street Journal* announced that the world was fast approaching the total of one billion cars. The thrilling news was tempered by the acknowledgment that in many cities the traffic was becoming unendurable. No mention was made of the fact that automobiles are the chief problem in global warming. And no mention was made of what is probably the most remarkable development in the industrial/industrializing world.

The *London Guardian* reports (May 5-11) that faced with a continuing migration from the countryside to the cities, estimated to total around 300 million persons, China has decided to create ecologically sustainable cities. So a contract was signed at Number 10 Downing Street with a British company called Arup to design such a city. It will be built at Dongtan in the mouth of the Yangtse river. The city layout will allow most residents to walk or bicycle to work. It is to be energy self-sufficient, so all buildings will have photovoltaic cells as well as

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### Meiklejohn Institute Honored by City, County, State, U.S., Venezuela (& Nepal)

MCLI was honored by the City of Berkeley proclaiming April 15th "Meiklejohn Civil Liberties Institute Day" on its 40th anniversary! Council members **Kriss Worthington** and **Max Anderson** told the 200 people gathered at the N. Berkeley Senior Center some of the reasons they hold MCLI in high esteem. Alameda County Supervisor **Keith Carson** described some of the issues MCLI had raised with the county since 1965. At the State Capitol, Assemblywoman **Loni Hancock** introduced a resolution congratulating the MCLI and commending it for its many contributions to the community. In Washington, Hon. **Barbara Lee** of California addressed the House of Representatives congratulating MCLI on its report "Challenging U.S. Human Rights Violations since 9/11."

MCLI Pres. **Barbara Blong** and Vice Pres. **Daniel Buford** MCed in style.

**Johnny "El Guajiro" Escobedo** and his Cuban Sun music, and **Raymond Nat Turner** and his "100 Librarians" charmed everyone.

Prof. **Marge Frantz** told Who was **Alexander Meiklejohn** and quoted him on issues as current today as when he told off McCarthyites. (See note to J. Edgar, Tribute Book--order p.7).

**Judge Claudia Morcom** described her continuing "Challenging" the U.S. Report to the UN Rights Committee.

Then **Ann Fagan Ginger** talked about the spirit in Berkeley when she founded MCLI in 1965, the crises we face today, and the New Paths for Action MCLI is proposing. The MCs and many in the audience helped pass the baskets to fund MCLI's next 40 years.

**David Welsh** sang his "Let the Little Yellow Bus Just Go" with supplies to Cuba.

Next a Supreme Court Justice spoke to MCLI for the first time since California Justice **Frank Newman**. He was invited by Attorney **Susan Scott** of Inverness, one of many who began as MCLI Interns/Volunteers and contributed to the celebration. (See her background remarks on p. 3) Justice **Fernando Vegas** of the Venezuelan Supreme Court spoke briefly and eloquently. (See his remarks on page 2).

**Dinesh Tripathi**, human rights lawyer, talked briefly on problems in Nepal, and asked for concern by people in the U.S.

Photo journalist **David Bacon** raised the issue of the rights of immigrants contributing to the U.S. economy through their work in the fields and factories and retail stores, and the urgent need to stop passage of anti-immigrant bills in this Congress.

The evening ended in song.

## JUSTICE FERNANDO VEGAS OF VENEZUELAN SUPREME COURT

Remarks at MCLI 40th Anniversary, April 15, 2006

I am privileged to be among you good people. We met with the National Lawyers Guild comrades at the High Court in February in Caracas. Out of that came this invitation to come to the States to get acquainted and try to answer whatever questions you may have. And let me tell you, I have only found support among you everywhere in the States, warm support. [Applause]

People say a lot about independence of the judiciary: Justices have to be independent. I don't really buy that. It is a personal view, of course, because I think everybody is entitled to have his own political opinions. And believe me, judges and justices do. [laughter] A judge or justice has to prove himself as an independent person whenever he makes a decision. He has to be able to withstand pressure, political or economic pressure that comes on him. That's the only way to demonstrate your independence, not just by saying he is apolitical. That is plain old what you call bull crap. [laughter]

When I heard the last song, I remembered there was a time in the Viet Nam era there were protests around the world at the American embassies. Back in those days there was a wall around the American embassy. We are coming back to those days because of the military presence of the U.S. in the world. People who know this just go there and tell them they don't like it.

You know this crooner, Dean Martin? He was interviewed by a journalist who asked, "How do you feel today?" And he said, "I am more stoned than the American Embassy." [laughter]

There is no going back to those days.

I am privileged to be among you, to be sitting by Ann Ginger, who is almost mythical in our minds. I didn't even know she existed till I sat here and faced and touched her.

I will take this evening in my heart back home.

In Venezuela we have a revolution going on, a process of deep changes. [applause] I can't say all that is in my mind. I can say, in the middle of this process, in the heart of it, we have this Constitution, this programmatic Constitution, that is empowering the people, enhancing the rights of the people. It is a Constitution that not only allows freedom of speech, which we have in a very ample way in Venezuela. But it also enhances the right to buy homes at affordable prices, enhances the right to free education, and it also enhances the right for free health care. [applause] It also enhances the right for everybody to have access to buy food at affordable prices, even if it has to be subsidized by the government. They are obliged to do this.

In my nation we have perfected communication with the people of the United States, although we have to bypass the Government in Washington. It is not doing a good job of keeping good relations going. They don't do their homework properly. [laughter]

We have to keep a perfect form of communication with the people. We have to be the people, the government.

I remember this very cynical statement by this gentleman, Winston Churchill. He said something like: "Whoever is not a Left at age 18 has no heart. But whoever remains a Left after he is age 30 has no brain." This is a very cynical statement.

We are the living evidence that all the brains are on the left side. The heart and brain are on the Left side.

Revolution is the future of mankind, paves the way to the future. That is the power that will save mankind. [applause]

Thank you for your warm support. [standing ovation]



Venezuelan President Hugo Chavez  
and Justice Fernando Vegas

**HUMAN RIGHTS NOW! Jim Syfers, Editor**

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## ATTORNEY SUSAN SCOTT INTRODUCES NEW VENEZUELAN CONSTITUTION

Susan Scott is now chair of the Venezuela Legal Delegation of the International Committee of the National Lawyers Guild, and is active on housing law issues in West Marin.

Justice Fernando Vegas from the Venezuelan Supreme Court was on a 9 city US tour, hosted by members of the NLG Venezuela Legal Delegation. Vegas spent 19 days in the states, visiting New York City, Washington DC, Chicago, Milwaukee, LA, Sacramento, Monterey and the Bay Area. Members of our delegation in those cities arranged a busy schedule for him, meeting with lawyer groups and bar associations, law students and professors, peace and solidarity groups and numerous media representatives. Our own KPFA interviewed him three times on three different programs, Channel 19 (Univision) did a televised interview in Sacramento, and the editorial board of the *Sacramento Bee* met with him for almost 2 hours.

As a member of the Electoral Chamber of the TSJ (Tribunal Supremo de Justicia) and a long-time activist in support of social justice (his mother's father was imprisoned by one of Venezuela's dictators), Justice Vegas was a fount of information about the Bolivarian Revolution and the role played in it by the rule of law.

Justice Vegas' gift to Ann was the gift Venezuela can give to us all: the 1999 Bolivarian Constitution.

The day after I arrived on my first trip to Venezuela, in 2005, I was given a copy of this little blue book and read all the way through during my first week in Caracas. When people saw me reading the constitution, they came up to me to tell me their favorite article and the role they played in drafting the document.

When Hugo Chavez was elected in 1998 (a rather miraculous event in itself, given the 40 year lock on power of the two major parties of the oligarchy), his first public act was to call for a constituent assembly to draft a new constitution. Elections were held throughout the country and an assembly of 131 members was elected in July of 1999. Between July and December, the Bolivarian Constitution was born out of countless grassroots gatherings throughout the country, with faxes and emails and hand-delivered letters flying back and forth. According to the people I met on the streets and shops of Venezuela, as well as the admission of the main opposition party Primero Justicia, the vast majority of the populace felt connected to the drafting process and celebrated the approval of the final document, after the national referendum on December 15, 1999.

### **What the Bolivarian Constitution is all about:**

The Bolivarian Constitution outlines a different approach to democracy, based on a 5 power system proposed by Simon Bolivar (executive, judicial, legislative plus citizens and electoral), that locates real power with the people, rather than relying on a balance of the executive, judicial and legislative powers of Montesquieu. Neo-liberal notions of free trade were traded in for prohibitions on privatization of resources and public services, and structural adjustment austerity programs were slapped down by guarantees of state-supported health, education and employment. The tired old "representative" notion of democracy which had resulted in the familiar two party lock on power was replaced by a democracy

called "protagonist" and "participatory" in which power is decentralized and re-located in the villages and barrios where the government programs operate. All elected officials are subject to popular recall; legislation can be initiated by popular referendum, and civil society nominates Supreme Court justices, the Attorney General and Controller, as well as the independent Electoral Counsel. The National Assembly has confirmation power but is reduced to a single chamber (like many small and culturally homogeneous countries such as Sweden, Denmark and Israel) to facilitate the implementation of the new constitution.

Guaranteed are: state supplied health care, education and a minimum wage and social security for all (including homemakers). Prohibited are: privatization of resources and health care, foreign military bases and nuclear weapons, and the death penalty. The constitution also prohibits the patenting of the genome of living beings and guarantees equal rights, the territorial and political rights of indigenous people, and state protection of genetic and biologic diversity.

Barrio dwellers, the vast majority of the inhabitants of the teeming cities we visited, carry their Bolivarian Constitutions in their pockets, and street vendors sell them on tables spread with a rainbow of codigo pamphlets – separate pamphlets for each of the new laws passed under the new constitution, such as the Hydrocarbon Law (providing for majority ownership by the state oil company of all joint ventures with multinationals) and increases in royalties and taxes on multinationals), and the Social Security Law (providing payment of 90% of minimum wage for homemakers).

Since Chavez and his supporters started re-directing oil profits to education, health care, food, housing and employment programs for the poor, the difference between "participatory" and "free market" democracies is coming into stark relief.

In Caracas our Guild delegation also met with the Attorney General's staff, the Executive Secretary of the main opposition party Primero Justicia, lawyers from SUMATE (the opposition NGO being prosecuted for taking US /NED funds to promote the 2004 recall election of Hugo Chavez), human rights groups involved in Colombian refugee and prison issues, neighborhood groups from a large barrio and a large Caracas co-op. We also met with local lawyers involved in FOIA litigation to investigate US involvement in the 2002 coup and subsequent events as well as those involved in litigation against the opposition-controlled media for their role in the coup.

We hope to do additional legal delegations, including an election monitoring delegation for the presidential elections in December. If you are interested in participating, write me at [syscott@prodigy.net](mailto:syscott@prodigy.net).

*After graduation from law school, Susan Scott worked for MCLI doing research on people's economic rights. She recently retired from the California Agricultural Labor Relations Board and Board of Equalization.*

## The Great Decider and The Law

Traditionally a bill becomes a law in Washington when it has been passed by both houses of Congress and is signed by the President. However that is now old hat, for recently the House Republican leadership sent the budget bill to the President without a vote, and the President signed it into law.

This is what happened. The budget bill was passed in the House and went to the Joint Committee for reconciliation with the Senate's version. Changes were made. At this point the Republican leadership simply certified the House bill as the same as the Senate bill instead of returning it to the House for a final vote. **The President, informed that the bill did not represent the consensus of Congress, signed it anyway.**

This did not sit well with Rep. John Conyers or ten other House Democrats. "We were deprived of our right to vote on a bill that is now being treated as the law of the land," said Conyers. "So, I am going to court. With many of my Democratic Colleagues. I plan to file suit ... in federal court in Detroit against the President, members of the Cabinet and other federal officers seeking to have a simple truth confirmed: a bill not passed by the House and Senate is not a law, even if the President signs it."

This is not the only liberty taken by the Great Decider. When a sovereign nation ratifies an international treaty, it may attach reservations or declarations, a dubious practice that no court has yet prohibited. Bush, evidently seeing himself as a sovereign power, does the same when presented with new legislation. According to the *Boston Globe*, Bush adds a "**signing statement**" to one out of ten acts he signs into law. He has, for example, indicated that he is not bound by Congress' prohibition of torture, that he can ignore Congressional oversight provisions of the PATRIOT Act or Congressional prohibitions on U.S. troops engaging in combat in Colombia.

The Nazi legal philosopher, Carl Schmidt, a favorite of many of the neoconservatives, advocated absolute sovereignty for Hitler. It would appear that the President's legal advisors are close students of his writings.

FLASH! As of May 12th -- 36 Congress members have signed on to HR 635, Conyers' bill to establish a Select Committee to examine grounds for impeachment of the President and Vice President.

-JS

## Bush Lamponed at White House Correspondents Dinner

April 29: A blistering comedy "tribute" to President Bush by Comedy Central's faux talk-show host Stephen Colbert at the White House Correspondent Dinner left George and Laura Bush unsmiling at its close...

Colbert, who spoke in the guise of his talk-show character, who ostensibly supports the President strongly, urged Bush to ignore his low approval ratings, saying they were based on reality, "and reality has a well-known liberal bias."

...Observing that Bush sticks to his principles, he said, "When the president decides something on Monday, he still believes it on Wednesday -- **no matter what happened Tuesday.**" ...

- [www.editorandpublisher.com](http://www.editorandpublisher.com)

## Call for a World Conference of Nations

Modern industrial civilization is based upon fossil fuels, chiefly oil, and we know two things are happening: on the one hand the world is running out of profitably exploitable **oil deposits**, and on the other hand industrial civilization is still growing and encompassing more and more of the globe.

Given the present still unregulated world system of sovereign nation states competing with one another for diminishing resources, as the U.S. attempt to monopolize Iraqi oil by force or Russia and China "exchanging" arms for oil in the Sudan, it is clear that we face a very rocky future.

Add to this the breakdown of the global climate system from further and unrestrained industrialization, and it seems vital that we call for an international conference at the United Nations to decide two things:

1. A fair and peaceable distribution of the remaining oil and other fossil fuel supplies among the nations, and
2. Stringent requirements for **conservation and conversion from fossil fuels** to be tied to each nation's allocation.

This could surely be done if the United States government were capable of assuming the leadership responsibilities it has to the world community; responsibilities it has legally -- having made the United Nations Charter part of the supreme law of the United States, and ethically -- in being the world's dominant military and political power.

It is not clear, however, that the present U.S. government is capable of assuming its responsibilities, nor even that it recognizes them. At some point in the future, however, there will have to be a world conference to share what remains of the fossil fuels, if we are to avoid collapsing into total war and anarchy.

-JS

## Kofi Annan Is on the Same Page

At the World Economic Forum on Jan. 26, 2006 in Davos, Switzerland, the Secretary General of the UN described A New Mindset for the United Nations:

"... I have repeatedly urged all the organs of the United Nations to be more open to civil society, so that their decisions can fully reflect the contribution made by groups and individuals who devote themselves to studying specific problems or working in specific areas. ... **The United Nations cannot stand still, because the threats to humanity do not stand still.** Every day, the world presents new challenges, which the founders of the UN sixty years ago could never have anticipated."

[UN Chronicle, No. 4, 2005:

<http://www.un.org/Pubs/chronicle/2005/issue4/0405p4.html>]

## Real Change Is Possible

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windmills to generate electricity. All vehicles will be lightweight and non-polluting, and the maximum possible amount of waste will be recycled. Initial population is expected to be 50 to 80 thousand in 2010, expanding to half a million residents by 2030. The city is meant to be **a prototype** for the rest of the country, and two further ecologically sustainable cities have also been commissioned.

**Hey! Washington, wake up and check it out!** -JS

## DIRECTOR's DIARY

**Apr. 2:** Rachel Chazin interviewed me for a high school term paper about how **McCarthyism** affected me and my family and my clients. But I could not remember every name and date I needed. And I had to clearly state that Bush/Cheney/Rumsfeld are worse for civil liberties than McCarthy was -- are destroying more people's lives in the U.S. and the world. Though we know fewer of the people being surveilled, deported, and jailed, we must struggle harder!

**Apr. 6:** The first of many long, complicated conference calls with the **NGO network** being built of lawyers/activists working on U.S. 2d/3d Report to UN Human Rights Committee. Needed: good ears, patience, ability to **insert new (really old) ideas into neatly-framed issues.**

**Apr. 8:** Attended wonderful opening of **Paul Robeson Exhibit** at Oakland African American Museum. Don't miss it if it comes your way!

**Apr. 20:** Attended a terrible meeting on the **budgets** - federal, state, county, and city. U.S. has eliminated Head Start and other excellent programs, so state and local budgets should be bigger to take up the slack. Instead, they are smaller because of increased expenses for fire and police! What **NEW THING CAN WE DO?**

**Apr. 24:** I got a new **LARGE-type** computer, through the **California Dept. of Rehabilitation!**

**Apr. 28:** To **Bolshevik Café** to listen to T-Bill Banks criticize us for not moving to the right of Bush and Cheney in protecting her millions!

**May 6:** At Common Agenda meeting, a Gray Panther reported going with the **Raging Grannies** to the Army Recruitment office to **enlist** so the young folks could come home.

**May 3:** I learned a lot, and perhaps did a little teaching, at the World Can't Wait reports of the **Bush Crimes Commission** members at UC-Berkeley. I had a strong discussion with a young activist in between speeches by **Larry Everest**, author of "Oil, Power and Empire: Iraq and the U.S. Global Agenda"; former **Brig. General Janis Karpinski**, **Daniel Ellsberg**, and **Craig Murray**, outspoken former UK ambassador to Uzbekistan.

Karpinski made a very clear and dramatic speech about the position she was put in by the Army sending her 800th Military Police Brigade to be in charge of 17 prisons in Iraq, including Abu Ghraib, but preventing her from actually running them. She was being asked to **violate the Uniform Code of Military Justice**, so she retired from the Service. But she said the private contractors hired to work in the Iraq prisons were not covered by the Code. I asked her to add that they are covered by the **UN Convention Against Torture**, which the U.S. has ratified. She seemed unwilling to go that far. So I asked her at least to delete the phrase about the contractors not being covered by the Code, so that knowledgeable people could report that they, and everyone under U.S. jurisdiction, is covered by the CAT.

I don't know that I convinced her.

**May 4:** What Path can one possibly propose to deal with the news that Anthony Soltero, a 14-year-old A and B student at DeAnza Middle School in Ontario, CA **committed suicide** after a school administrator threatened that he could be sent to prison for three years if he continued participating in the protests at his school against the attacks on **immigrants** in the House bill?

**May 5:** Got a notice from a previous and potential future funder that their grant selection process will be on hold a little longer.

How should I/we respond after my experiences the last two days?



Former Brig. Gen. **Janis Karpinski** with Ann Fagan Ginger on May 3 after her presentation.

### The Pledge Made in Jackson Square, New Orleans, September 15, 2005

"To all who carry a burden of loss, I extend the deepest sympathy of our country. To every person who has served and sacrificed in this emergency, I offer the gratitude of our country. And tonight I also offer this pledge of the American people: Throughout the area hit by the hurricane, we will do what it takes, we will stay as long as it takes, to help citizens rebuild their communities and their lives. And all who question the future of the Crescent City need to know there is no way to imagine America without New Orleans, and this great city will rise again.

"When communities are rebuilt, they must be even better and stronger than before the storm. Within the Gulf region are some of the most beautiful and historic places in America. As all of us saw on television, there's also some deep, persistent poverty in this region, as well. That poverty has roots in a history of racial discrimination, which cut off generations from the opportunity of America. We have a duty to confront this poverty with bold action. So let us restore all that we have cherished from yesterday, and let us rise above the legacy of inequality."

--Pres. George W. Bush,

The Compassionate Conservative

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| • <b>NEW!</b> <b>Violations of Human Rights of Political Prisoners, Katrina Victims, the Unemployed, and the Duty to Report:</b> MCLI Statements to UN Human Rights Committee (7pp) Jy 2006 <span style="float: right;">1.00</span>   | _____ | _____ | _____ |
| • <b>NEW!</b> <b>Katrina: Human Rights Violations in U.S. Treatment of Victims: MCLI w/ People's Inst. West; UN Independent Expert on Extreme Poverty Report</b> (4pp) 1/06. <span style="float: right;">\$0.50</span>  | _____ | _____ | _____ |
| • <b>Is the Bush Administration Violating U.S. Const. &amp; Bill of Rights, UN Charter &amp; Treaties?</b> (2pp) <span style="float: right;">2cc/\$0.50</span>  | _____ | _____ | _____ |
| • <b>How To Use 'New' Civil Rights Laws After 9-11</b> The basic book on Exec. Orders, PATRIOT Act, FBI/CIA actions, for activists, lawyers, teachers, media. Full texts of U.S. Const., UN Charter, 6 ratified treaties, sample complaint, ordinance. (320 pp.) MCLI. Nov. '03. <span style="float: right;">\$30.00</span> | _____ | _____ | _____ |
| • <b>Human Rights Protection: A Guide to United Nations Treaties &amp; Their Application in the U.S.</b> <span style="float: right;">\$40.00</span>   | _____ | _____ | _____ |
| • <b>Socially Responsible Cities:</b> Resolutions against PATRIOT Act and war in Iraq, Human Rights Ordinance, Precautionary Principle, <b>2004 Ed.</b> updated 2005. <span style="float: right;">\$22.00</span>  | _____ | _____ | _____ |
| • <b>The Cold War Against Labor.</b> MCLI, reissued. (2 vols.) A rich anthology. <span style="float: right;">\$10.00</span>   | _____ | _____ | _____ |
| • <b>Carol Weiss King: Human Rights Lawyer (1895-1952).</b> By A.F. Ginger. (1993) <span style="float: right;"><b>\$5.00</b></span> <del>\$10.00</del>  | _____ | _____ | _____ |
| • <b>Nuclear Weapons Are Illegal: The Historic Opinion of the World Court &amp; How It Will Be Enforced.</b> (14 judges' opinions) A.F. Ginger, Editor. (1998) <span style="float: right;">\$20.00</span>   | _____ | _____ | _____ |
| • <b>Alexander Meiklejohn: Teacher of Freedom.</b> Cynthia Stokes Brown. (MCLI, 1981) <span style="float: right;">\$10.00</span>  | _____ | _____ | _____ |
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| • <b>NEW!</b> <b>Michigan Campaign To Free the Cuban Five</b> (5pp) (2006) <span style="float: right;">\$0.50</span>  | _____ | _____ | _____ |
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