

# HUMAN RIGHTS NOW!

Newsletter of the Meiklejohn Civil Liberties Institute

<http://mcli.org>



FALL 2005

## UN HUMAN RIGHTS COMMITTEE ASKS MCLI FOR INFORMATION ON U.S. and PATRIOT ACT, ABU GHRAIB and GUANTANAMO

On Aug. 3, the UN Human Rights Committee took the unprecedented step of requesting Meiklejohn Institute to send them information they can use to consider U.S. Government human rights violations in its "war on terror." The request to MCLI came after MCLI sent copies of its landmark study, "Challenging U.S. Human Rights Violations Since 9/11" to each member of the Committee charged with enforcing the International Covenant on Civil and Political Rights. They also contacted ACLU, Tandem, and WOHR.

This unprecedented UN request came on the heels of recent actions by the Bush Administration regarding the UN -- the interim appointment of John Bolton as ambassador to the UN, and the politicizing of Congressional hearings concerning detention without charges at Guantanamo.

This is the first time this UN Committee -- which includes experts from the US, UK, France, Russia, China, and other nations -- has ever made such a request of U.S. NGOs.

### MCLI Did Send the Requested Report

MCLI interns and staff immediately set aside all other projects and went to work. First MCLI sent notices to 45 other U.S. NGOs, urging them also to send information. Then came the job of pulling out of the "Challenging" book 71 of the 180 reports directly related to enforcement of the PATRIOT Act and detentions and treatment of prisoners at Abu Ghraib, Guantanamo, and other places in Iraq and Afghanistan.

*cont. on page 6*

## COME TO MCLI's 40th ANNIVERSARY HOUSE PARTY NOV. 12th at PHOEBE WATTS'

Were you ever an Intern at MCLI? On the Board? A Volunteer? A Contributor of time, or money?

Nov. 12th is a good time to get together with others who have been around MCLI some time since 1965 -- share stories, catch up with friends, and maybe even talk about Where Do We Go From Here on this Armistice Day plus one.

Who knows? Some of your thoughts may end

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## LEONARD WEINGLASS and JOHN CONYERS and BARBARA LEE ARE COMING TO THE GREAT MCLI GALA

The great Gala Event to celebrate the first 40 years of Meiklejohn Institute will take place on Thursday, February 23, 2006. (Bay Area location to be announced.)

Leonard Weinglass will be honored for his dedicated work as a human rights trial lawyer. John Conyers and Barbara Lee will be honored for their consistent work for human rights and peace as members of Congress. They will join one of the Gold Star Families for Peace from Camp Casey in sharing their thoughts with MCLI members and friends. Howard Zinn and Michael Tigar will be honored in absentia for their distinctive contributions to American culture.

Prof. Marge Frantz will describe how Alex Meiklejohn convinced so many students (and a few deans and college presidents) that the First Amendment really comes first.

"Everyone from all the Movements since 1964 is invited to this reunion!" says MCLI President Steve Birnbaum. The tribute book will be filled with stories and pictures of MCLI campaigns, including several successes.

Soula Culver and Sarah Kotzamani, MCLI staff, and the MCLI Board Committee welcome your help, starting now!

Please call or email if you can help in ... (*see p. 7*)

### EXTRA!

We just checked with MCLI Intern Lisa Kane-Arnolds at Loyola University. She and her relatives made it out of New Orleans in time. Attorney Bill Quigley is calling for help from the hospital where he is working with his wife, who is a nurse.

What can humans in the U.S. do immediately to limit the effects of natural disasters? Bring home National Guard members who know the local problems! Start carrying out the long-range planning proposals of environmental experts who are not trying to make a profit.

### Highlights in this issue:

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## WRONGFUL USE OF U.N. PEACEKEEPERS IN HAITI

On July 6 more than 400 United Nations "Blue Helmets" serving in the Mission des Nations Unies pour la Stabilisation en Haiti (MINUSTAH) entered Cite Soleil district of Port-au-Prince with the aim of "apprehending and bringing to justice a prominent gang leader, Emmanuel Wilmer (alias 'Dread Wilme'), who is believed to have been involved in murder, kidnapping, rape, arson, carjacking, and extortion...MINUSTAH has reason to believe that 'Dread Wilme' was killed together with four of his associates". (Statement of MINUSTAH, dated July 22).

Somehow, however, 23 civilians were killed including 6 children, and Doctors Without Borders reported 26 treated at St. Joseph's Hospital for gunshot wounds. About this MINUSTAH had this to say: "MINUSTAH forces did not target civilians in the operation on 6 July, but the nature of such missions in densely populated urban areas is such that there is always a risk of civilian casualties."

At the very least one might say that the risk is evidently too great to tolerate such missions, or that perhaps Dread Wilme could have been arrested in circumstances less dangerous to the civilian population. But there is something more here than bad judgment, because this is not the first time the U.N. troops, mainly Brazilian, have been implicated in operations resulting in the death of Haitian civilians.

MINUSTAH was established on April 30th, 2004, and currently has 1413 police and 6211 troops from many different countries, chiefly Jordan, Nepal, Uruguay, Argentina and Brazil. According to Secretary General Kofi Annan's Report to the Security Council, May 13 of this year, it is directed by a troika: his Special Representative Juan Valdes, the Police Commissioner David C. Beer (Canada), and the Force Commander, Lt. Gen. A.H. Rebeiro (Brazil).

On the 22nd of June, 2005, the U.N. Security Council, in Resolution 1608, unanimously extended the mandate of MINUSTAH and formally requested that these forces and "the Haitian authorities take all necessary steps to achieve optimal coordination between MINUSTAH's civilian police and the HNP." The HNP is the Haitian National Police. The problem here is that the authorities in question are the illegitimate government established by the coup d'etat against Jean-Bertrand Aristide backed by the U.S. and Canada in February 2004. This coup government -- called the transitional government -- has been using the HNP to carry on constant low intensity warfare against the major political party in Haiti, Lavalas, which demands the return of their democratically elected President, Aristide.

When the HNP fired on a peaceful demonstration of Lavalas supporters on February 28, Lt. Gen. A.H. Ribeiro said, according to Associated Press on March 1, "police killings had poisoned the atmosphere that peacekeepers had been working to improve for two months".

It seems clear that U.N. Peacekeeping forces cannot carry out their proper functions when required by the Security Council to "support" the transitional government and "coordinate" with the lawless Haitian National Police. It should be noted that the U.N. Charter limits the Secretary General to being chief administrative officer with "such other functions as are entrusted to him" by the Security Council, General Assembly, and other U.N. organs (Charter, Art. 97, 98). The Security Council has 15 members, five of which are permanent. They are the five major nuclear powers: Russian Federation, U.K., U.S., France, and China, and each one has the authority to veto any Council action. The other members are currently Algeria, Argentina, Benin, Brazil, Denmark, Greece, Japan, Philippines, Romania, and United Republic of Tanzania.

On March 21 of this year Sec.-General Annan proposed two reform plans for the Security Council, both of which enlarge the Council to a more democratic 24 members with no additional members with veto power. Hopefully one of the two reform plans will be adopted and the Council will be less influenced by the U.S. Government in regard to Haiti, despite the President's appointment of John Bolton as our new ambassador to the U.N.

-- J.S., ed.

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## DEMOCRATIC REFORMS

In 1626 Michael Geismayr, dreaming in his chimney corner, as he put it, devised a progressive constitution for the Tyrol, a center of peasant revolt during the Reformation. Dreaming in my own chimney corner of a political reformation, I made a list of five reforms for democratizing the US of A. Readers are invited to comment or propose your own reforms.

I. The 1909 federal anti-bribery act should be amended to include campaign contributions, and all state and federal elections should be publicly financed. This would go a long way by itself toward ending corporate control of legislatures and returning them to the people.

### **Removing a Vestige of Monarchism**

II. The power of the President and of State governors to veto legislation should be eliminated. When a bill is introduced in a legislature it is typically vetted by a number of different committees which may or may not send it on to their respective houses, and it is usually debated in both houses of the legislature before it is voted on. If a bill passes after all this legislative time and effort it seems outrageous that one person should have the power to veto it. That should require an extremely good reason. The only reason I am aware of is the claim that it is a necessary part of a system of checks and balances.

I am sure that there must be examples of laws vetoed that deserved to be vetoed, but to my knowledge the veto power has been used almost exclusively to kill progressive legislation. And this is to be expected, given the usual corporate and wealthy campaign contributors to presidents and governors. Is the veto power necessary/ I don't believe so; historically speaking anti-democratic and unconstitutional legislation has eventually been dealt with by the courts, not by governors or presidents.

III. Ever since the National Judiciary Act established the Supreme Court in 1789, presidential appointments have made it a court protecting the interests of the wealthy and powerful. The

Warren Court has been our only exception to this dreary history, but even there it wasn't long before we got a Chief Justice - under Nixon - who made it his life work to reverse all the Warren Court's progressive decisions. He has not, thankfully, entirely succeeded.

How can Supreme Court judges be better chosen/ I am not sure, but one idea is to have them elected by the legislatures (both houses) of the states. We could, for example, have a 15 judge Supreme Court with judges serving 15 year staggered terms. Every five years five of the states could each elect one judge to replace five on the bench. Would this give us a court that is more respectful of democracy and human rights/ The odds, I think, would be better than they are now.

IV. Taking back our rights. The Supreme Court decision in 1896 to give constitutional rights to corporations, and all the subsequent acts by the court reinforcing and extending this decision should be nullified, or made unconstitutional by an amendment to the constitution.

### **Money Is a Public Utility**

V. Democracy can probably exist with some degree of spread between the wealthy and the poor, but I do not believe it can exist except in name with some families holding tens and even hundreds of billions in property (as they do) while other families (a lot more of them) have barely enough to stay fed and clothed. Since the very wealthy do not want to pay income taxes or estate taxes, the two methods we have used to redistribute wealth, I suggest a constitutional amendment allowing an annual tax on property over ten million dollars, and confiscation of everything over 100 million. Michael Geismayer had a price put on his head and was assassinated in 1628; I am thankful, myself, for the First Amendment.

- the editor.

(Opinions of the editor should not be confused with those of the Meiklejohn Institute.)

— • —

**Samuel Handelman**  
*Presenté*

**Helen Lima**  
*Presenté*

**Sumner Rosen**  
*Presenté*

**Jane Edenbaum**  
*Presenté*

**COME TO MCLI'S ANNIVERSARY PARTY**  
*(cont. from p. 1)*

up in the MCLI Tribute Book for the February Gala!

P.S.: If you can give Phoebe a little help sending out mailings, setting up before people arrive, and ..., please give her a call: (510) 525-6614. Address: 1419 Grant St., Berkeley (near MCLI).

## More Instructions to the Supreme Court from Congress

In our Winter issue we reported on two bills in Congress that forbade the U. S. Supreme Court from hearing or deciding any case regarding the Defense of Marriage Act (HR 3313) or concerning the pledge of allegiance to the United States (HR 2028). Both bills are still in Committee. The latest idea for curtailing powers of the Supreme Court is The Streamlined Procedures Act (S 1088), a bill to restrict habeas corpus petitions introduced by Senator Jon Kyl (AZ), co-sponsored by Grassley (IA), Hatch (UT), Corwyn (TX), and Chambliss (GA).

### Writ of Habeas Corpus

The writ of habeas corpus is generally considered the most important safeguard of personal liberty in the Anglo-American legal tradition. It allows a person in custody to have an immediate court hearing on the reason for the detention and if there is no good reason, to be freed. The petition goes back to section 39 of the Magna Carta of 1215 (which took hold despite Pope Innocent III declaring the whole thing null and void), though it owes its modern form to the Habeas Corpus Act of the English Parliament in 1679.

The Streamlined Procedures Act has 14 sections; Section 9 on capital cases will illustrate its draconian nature. Under this section the Supreme Court is prohibited from reviewing a habeas corpus petition by a person on death row unless: 1) the applicant can show that the claim relies on a new rule of constitutional law, made retroactive by the Court, or 2) the “factual predicate” for the claim could not have been discovered previously through the exercise of due diligence, AND “the facts underlying the claim...would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable fact finder would have found the applicant guilty of the underlying offense.”

So evidently a habeas corpus petition based on the existence of evidence that would allow DNA testing could not be reviewed by the Court under this act unless the conviction occurred before DNA testing was in use. Saving the innocent from being executed by the state is clearly not a priority for these five senators. Let us hope this bill languishes in committee along with the other two, but it deserves a letter to one’s congressman or congresswoman.

Thanks to MCLI Intern Lisa Kane-Arnolds for information used here.

## Thumbnail History of MCLI

In 1964 the Free Speech Movement at the UC Campus in Berkeley was born out of the Freedom Summer in the South. And there was enough news out of Vietnam to cause some of the delegates to the National Lawyers Guild Convention in San Francisco to skip one more session on how to stop the UnAmerican Activities Committee and talk about how to help young men who opposed the draft.

At the same time, no one seemed to be collecting copies of the briefs being written all over the country in all of the cases growing out of these movements, or in the school desegregation cases and capital punishment cases and all the other constitutional issues pending in the state and federal courts. So lawyers had to try to contact other lawyers (whose names they couldn't always remember) or just spend hours in the law library rushing to write their own briefs. And no one was saving all the reports and flyers and case studies by civil rights groups and union organizing drives and forums on how to stop all-white juries.

This worried Ann Fagan Ginger, who had been reporting all of these hundreds of cases in the *Civil Liberties Docket* since 1955. She had copies of dozens of these briefs, and reports, sent to her by lawyers and activists answering her queries about the status of their cases so she could update them for the next issue of the Docket.

The fervent words of Alexander Meiklejohn on the First Amendment led her to ask him for the use of his name on the new library/research center she was opening in Berkeley. So, the Meiklejohn Civil Liberties Institute (MCLI) was born in 1965.

Immediately activists began calling for help in finding a lawyer or writing a flyer about their rights under the First Amendment. Students began asking if they could work at MCLI as interns for school credit or to learn something about this human rights law business. Lawyers began calling to get copies of the latest briefs on conscientious objector status.

### Picking Juries, Stopping Police

In its first decade, MCLI was a pioneer in several new areas of law. One was the development of Jury Selection Procedures to insure that juries were free of persons with race, class, and sex prejudices that would make fair verdicts impossible. Another was the field of Police Misconduct Law, litigation against law enforcement agencies for false arrest, beatings and other violations of individual's rights.

In the Southern civil rights struggles MCLI provided model complaints and briefs for attorneys, including an omnibus civil rights complaint against discrimination and segregation in all its governmental forms. The Vietnam War led to another role of the Institute, when the staff developed a much needed and successful due process approach that

*cont. on p.5*

## MCLI at WILPF 90th Congress

**Aug. 12-13, San Francisco:** Ann Ginger made a presentation on the “Challenging” book at the 90th Congress of the Women's International League for Peace and Freedom. Hundreds of women from all over the U.S., and a few from other nations, attended the gathering to work on major campaigns on the Middle east and Water. Ginger also participated in the workshop on WILPF and the UN, presenting information on how the UN human rights committees and treaties work. Board Member Barbara Blong participated in the Raging Grannies presentation Saturday evening.

## NANCY HORMACHEA, JAN GOODMAN and ANN GINGER at IADL CONGRESS in PARIS

**June 7-12, Paris:** The Sixteenth Congress of the International Association of Democratic Lawyers brought together hundreds of lawyers and law students from 44 nations to discuss Law and Lawyers in the Service of the People for Peace, Justice and Development. MCLI Board Members Nancy Hormachea and Jan Goodman, Advisory Committee member Judge Claudia Morcom, and executive director Ann Ginger all participated in panels and discussions with other U.S. delegates, and with delegations from North and South Korea, Canada, Cuba, Palestine, and ...

The spirit was very strong against U.S. actions in every part of the world, and the actions of other rich nations failing to carry out their duties under the UN Charter and international law. Hormachea helped lead the Working group on Palestine and the Middle East, gaining approval for more lawyers to form delegations to go to Palestine to work with lawyers and activists there.

Delegates bought many copies of the “Challenging” book, leading to discussions on the need to spend more IADL time on the UN Human Rights Committee and other UN committees enforcing human rights treaties.

### A Salute to: William Gordon,

who sends a check from Portland  
after receiving each newsletter,  
and very often in between.

He remembers **Alex Meiklejohn's** first  
class, which he attended. He's 97.

## LONDON LAWYERS HOST “CHALLENGING” EVENT

**June 13, London:** Michael Mansfield, QC, noted UK barrister, introduced the “Challenging” book to the Haldane Society of Socialist Lawyers and to many barristers, solicitors and law students at the chambers shared by Richard Harvey. In her remarks, Ann Ginger noted some of the differences between law practice in the UK and the U.S. “But our common commitment to civil liberties, fair procedures, equal protection, and against war -- that message comes out clear as a bell.”

### Thumbnail History (*cont. from p. 4*)

had widespread use in draft and military law cases.

Most recently Ann Fagan Ginger asked “If they can have Military Law, why can't we have Peace Law? If we put together all of the relevant international treaties, including the United Nations Charter, the Nuremberg Principles, and the Geneva Conventions with U.S. constitutional law on the war powers, that's certainly a whole field of law. If you add the cases arising out of the anti-war, anti-nuclear, and related movements it makes a logical field of study.”

In the 1990s, MCLI began making the connections between filing a lawsuit in a U.S. court and filing a report with a UN committee. Then MCLI added two steps: sending copies to the Office of Inspector General of the U.S. agencies involved and convincing a city council or an NGO to join in the submission to the UN committee.

Thus for forty years MCLI has been on the legal front lines in the struggle for moral and social progress. Now it joins with others facing the daily attack on democracy and peace.



Ann Ginger, Leonard Weinglass, and Jan Goodman  
in Paris at IADL Congress

## From Paris to Brussels to Amsterdam: A “CHALLENGING” BOOK TOUR FOR GINGER AND BIRNBAUM

Democrats Abroad and Americans Against the War organized lively discussions with Ann Fagan Ginger on MCLI's new book “Challenging U.S. Human rights Violations Since 9/11” in Toulouse, Brussels, and Paris in June. Then the Amsterdam Dems Abroad organized a session with Steve Birnbaum on August 11th.

“I learned a lot from these meetings with Americans who live and work abroad for years, and are deeply committed to helping the United States regain the image of a democratic, peaceful country,” Ginger said. “They keep up with the news from the U.S. that they can get from the foreign media. They don't know about some human rights activities in the U.S. that are not reported, like the formation of U.S. Labor Against the War, and the work of thousands of young people against the war in many small university towns across the U.S.

“These are people working in the computer industry, teaching English as a second language, are traders, staffers at NATO and UNESCO and the European Union. They are meeting every week to plan letter writing campaigns and other actions to let it be known that many Americans do not agree with the war in Iraq or the denial of visas to people who have worked with Muslim or Arab NGOs for peaceful purposes, and other actions by the Bush Administration under the PATRIOT Act,” Ginger said.

Connie Borde, chair of the Paris Dems Abroad, reported that she has been elected to represent this group of thousands around the globe in the Democratic National Committee.

### MCLI Report to UN Committee *(cont. from p. 1)*

#### MCLI Report onto UN Web Page

On Aug. 29, the Committee's deadline, MCLI sent the material by email to Mylene Bidault, at the Secretariat of the UN Human Rights Committee in Geneva. She quickly emailed back to thank MCLI for the material and said she will post it on the UN web page: [www.ohrcr.org](http://www.ohrcr.org)

This was the second step in 2005 by UN bodies seeking to hold the U.S. Government to its treaty commitments to uphold human rights in the U.S. and elsewhere. On April 21, after reports of mistreatment of nationals of many nations by the U.S. Government, the UN Human Rights Commission appointed a Special Rapporteur to investigate such charges. (Reported in the last MCLI newsletter.)

“The Committee request stems from the refusal of the U.S. Government to discuss allegations of human rights violations at Abu Ghraib and

The Democrats Abroad posted an article about Steve Birnbaum's visit, titled “Civil Liberties in America... in Amsterdam!” on their website at <http://www.democratsabroad.nl/newsarchives/000031.php>

An excerpt from that article: “As Americans living overseas, we are perennially confronted with the frustration of how to bring own experience and the opinion of the international community to bear in a country that devalues anything foreign. The application of international treaties is a powerful way to force international compliance, and Meiklejohn's work largely focuses on arming lawyers with the tools and knowledge they need to bring these arguments before US courts.”



**Ann Ginger addresses Democrats Abroad in Paris**

Guantanamo in its second report to the UN Committee that enforces the Convention Against Torture.”(See last MCLI newsletter)

“These actions by UN bodies indicates a determination by many nations to stop the U.S. Government from continuing to deny basic human rights,” said Ann Ginger, editor of the MCLI report. “Our book report has the added feature of getting our local community involved in what the U.S. is doing abroad. The City Council of Berkeley voted to submit this MCLI report to the U.S. State Department and to three UN committees that enforce human rights treaties.”

#### The Mobilization of Shame

“The UN method of enforcing human rights is through the Mobilization of Shame,” Ginger said, quoting the late Justice Frank Newman.

“If the media covers the reports issued by UN committees, this can lead governments to take steps to change their actions.”

## **AFL-CIO CONVENTION RESOLUTION ON THE WAR IN IRAQ**

*(Submitted by the Executive Council, as amended from the floor and adopted by the delegates in Chicago, July 26, 2005)*

The AFL-CIO supports the brave men and women deployed in Iraq, which include our members in all branches of the armed services.

Our soldiers -- the men and women risking their lives in Iraq -- come from America's working families. They are our sons and daughters, our sisters and brothers, our husbands and wives. They deserve to be properly equipped with protective body gear and up-armored vehicles. And they deserve leadership that fully values their courage and sacrifice. Most importantly, they deserve a commitment from our country's leaders to bring them home rapidly. An unending military presence will waste lives and resources, undermine our nation's security and weaken our military.

We have lost more than 1,700 brave Americans in Iraq to date, and Iraqi civilian casualties are in the thousands. In recent months, the insurgency increasingly has focused its terror on the Iraqi people, engaging in a deliberate campaign to frustrate their aspirations to take control of their own destiny. These aspirations were clearly demonstrated earlier this year when Iraqis defied widespread intimidation and escalating violence by turning out in the millions to elect a new Iraqi interim government tasked with writing a constitution. The AFL-CIO applauds the courage of the Iraqi people and unequivocally condemns the use of terror in Iraq and indeed anywhere in the world.

No foreign policy can be sustained without the informed consent of the American people. The American people were misinformed before the war began and have not been informed about the reality on the ground and the very difficult challenges that lie ahead.

It is long past time for the Bush administration to level with the American people and for Congress to fulfill its constitutionally mandated oversight responsibilities. The AFL-CIO supports the call from members of Congress for the establishment of benchmarks in the key areas of security, governance, reconstruction and internationalization.

Since the beginning of the war almost two-and-a-half years ago, the AFL-CIO has emphasized the support and participation of a broad coalition of nations and the United Nations is vital to building a democratic Iraq. ... The AFL-CIO calls on the international community to help the Iraqi people build its capacity to maintain law and order through a concerted international effort to train Iraqi security and police forces.

*(cont. on page 8)*

## **What's "Challenging" This Fall?**

MCLI will be participating in several book parties and conventions this fall in San Francisco and Portland. *See the Calendar on page 12.*

But what's this debate on whether the war on terror is unconstitutional at the Yale Political Union? Turns out the YPU is "a non-partisan undergraduate debate organization devoted to political discourse and the free exchange of ideas and a training ground for future leaders since its founding in 1934."

Everyone is welcome, but preference in responding to Ann Ginger's presentation will be given to Yale undergrads. (Justice Scalia will debate the week before, on whether the PATRIOT Act is unconstitutional.)

## **A Turning of the Tide?**

Recently a number of activists I know in Sonoma County agreed that the political tide in the United States is beginning to turn against the Iraq War and the Bush Administration, citing the outpouring of support for Cindy Sheehan's encampment on the President's doorstep. Political tides are hard to judge, but the lead article in the September/October issue of Foreign Affairs, bimonthly of the foreign policy establishment, finds that citizen dissatisfaction with the war, our relation with the Muslim world, illegal immigration, and outsourcing of jobs to other countries has reached the "tipping point".

The tipping point is defined as the point at which "large swaths of the public begin to demand that the government address their concerns." It is the point at which public opinion starts to have an effect on government policy. Public opinion, the author says, is otherwise simply ignored.

J.S.

## **YOU CAN BE A PART OF MCLI'S 40TH ANNIVERSARY GALA!**

**February 23, 2006**

Sign up to:

- Help with mailings
  - Make phone calls
  - Do research to find old friends (find addresses and phone numbers)
  - Gala Book: Get stories of MCLI history and page ads honoring many MCLI friends
  - Help plan event with Phoebe, Steve, Barbara and Victoria
- Please sign up on p. 11*

## SERVICES RENDERED RECENTLY

Answered a query from Kit Gage, who is writing a biography of Frank Wilkinson, on the successful conclusion of *National Lawyers Guild v. Brownell* in the McCarthy Period. MCLI collected the legal papers in that case, then donated them to the UC-Bancroft Archival Collections, along with 400 cartons of material on 12,000 other human rights cases since 1955. The case history can be found at <http://Bancroft.berkeley.edu/collections/meiklejohn/project.html>

This is important because, like thousands of human rights cases in state and federal U.S. courts, the outcome of this case was never published in the law reports. Why? Because it ended in a settlement, not a written opinion by a judge, which is all that is included in the official law report books.

## AFL-CIO RESOLUTION (cont. from page 7)

Future efforts to rebuild the country are hampered by the weight of the massive foreign debt accumulated under the Saddam Hussein regime. The AFL-CIO calls for cancellation of Saddam's foreign debt without any conditions ... Further, the AFL-CIO calls for the cancellation of reparations imposed as a result of wars waged by Saddam Hussein's regime and the return of all Iraqi property and antiquities taken during the war and occupation.

The bedrock of any democracy is a strong, free, democratic labor movement.

That is true in the United States and Iraq.

Our returning troops should be afforded all resources and services available to meet their needs. Our members should return to their jobs, with seniority and benefits.

The AFL-CIO calls on Congress and President Bush to expand benefits for veterans and assist those affected by military base closings, including a G.I. Bill for returning Iraq veterans and a Veterans Administration housing program that meets current needs.

The AFL-CIO supports the efforts of Iraqi workers to form independent labor unions. In the absence of an adequate labor law, the AFL-CIO calls on the Iraqi government, as well as domestic and international companies operating in Iraq, to respect internationally recognized International Labor Organization standards ... and the right to organize and bargain collectively in both the public and private sectors. These rights must be extended to include full equality for working women. ...

Despite legal obstacles, Iraq's workers and their institutions are already leaders in the struggle for democracy. Trade unionists are being targeted for their activism, and some have paid for their valor with their lives. The AFL-CIO condemns these brutal acts of intimidation. ...

## PENTAGON PAPERS CASE

### 34th Anniversary of Jailing; Now Defendant Expecting U.S. Senate Run

MCLI published in 1975 "PENTAGON PAPERS CASE COLLECTION, an Annotated Procedural Guide and Index" to 35,000 pages of the trial record and briefs.

August 16, 2005 marked the 34th anniversary of the jailing of Anthony "Tony" Russo for contempt of court for his refusal to testify against Dr. Daniel Ellsberg in grand jury proceedings preliminary to their joint trial for releasing the "Pentagon Papers," which exposed U.S. Government duplicity in its conduct of the Vietnam War.

"I deprived the Nixon administration of its best source of evidence against Ellsberg, which in turn led to the desperate move of illegally breaking into Dan's psychiatrist's office. The revelation of that offense against democracy itself helped undo the Nixon presidency" and it led to a chain of indictments and convictions of Nixon administration operatives that enabled "the Vietnam War to come to an end and Vietnam to become an independent and united nation for the first time in centuries."

Russo said he will soon announce his candidacy for the U.S. Senate "to help the new generation of Americans learn from history, ... how government duplicity leads to senseless wars and thousands of preventable deaths."



TO ALL THOSE WHO HAVE ESTABLISHED AND ARE MAINTAINING THE RIGHT TO REFUSE TO KILL  
Their foresight and courage give us hope  
To commemorate men and women conscientious objectors to military service all over the world and in every age,  
THIS STONE WAS DEDICATED ON 15 MAY, 1994,  
INTERNATIONAL CONSCIENTIOUS OBJECTORS DAY  
in Tavistock Square, London

## DIRECTOR's DIARY

**June 4:** Met in person **Meredith Wheeler** and her husband in **Toulouse**, then went quickly to the **Democrats Abroad** meeting to discuss the "Challenging" book with U.S. expatriots. Wonderful people, a warm experience.

**June 7-9:** attended Congress of **International Association of Democratic Lawyers** in Paris, seeing old friends from France, North Korea, Japan, making new friends from Canada, India, (and enjoying a dramatic dance troupe).

**June 6-7, 17-19:** met **Julie Wornan** of **Americans Against the War** and **Connie Borde** and



all the **Democrats Abroad** in **Paris**, with their understanding of the U.S. as seen from a distance, and an absolute determination to Do Something About It!

**June 13:** exhilarating to meet barristers and solicitors (mostly women!) in **London** who come from a much older tradition than mine and share the common law!

**June 16:** **Brussels** is truly beautiful! Driving down clean streets past painted houses out of a picture book with **Kevin Prager** and **Amanda von Koppenfels** of **Dems Abroad**. Learned that some want to split Belgium into Walloons, Flemish and German-speaking!

**June 20:** Very impressed by meeting with International Law folks among the hundreds of small offices doing very significant work at the massive **UN Educational, Scientific and Cultural Organization** hqtrs in **Paris**. It is really parallel to, as well as part of the UN.

**June 26:** Back home to UN Day celebration at Grace Cathedral for **Mary Robinson** and **Kofi Annan**, truly great figures given little attention by many as they spoke in the broad, deep manner based on their work in the UN all over the world.

Quickly to Finn Hall for celebration of the life of **Helen Lima**, worker, wife, mother, grandmother, union member, communist, friend to many.

**July 6:** Meeting at Global Exchange re **Livermore Action** for Aug. 7th.

**July 10:** Bay Area Labor 4 Peace & Justice on **ALF-CIO Convention**, and split.

**July 13:** On **KPFA** Morning show re the

"Challenging" report -- a short time, a big book.

**July 16:** **MCLI Board meeting** -- spelling out problems when I retire in 2006.

**July 23:** Picked blackberries, baked blackberry pie for birthday party for me and son Jim.

**Aug. 10:** Learned that the **Berkeley Bowl** and its 200 employees got a good union contract after the NLRB ruled that UFCW Local 120 had won the bargaining election. (That's United Food and Commercial Workers in the new Unite to Win national organization.)

**Aug. 11:** Joined active picketing at **Berkeley Honda** salesroom. New owners fired the workers to break the union weeks ago. Many honked horns in solidarity but new owner hasn't budged.

Rushed to **Niebyl-Proctor Library** for discussion of "Challenging" book with neighbors and friends.

**Aug. 12-13:** Exhilarating to meet with all the women in the **WILPF Congress** in SF. And then to meet **Congresswoman Jeannette Rankin** on stage (played expertly by Jeanmarie Simpson).

**Aug. 15:** Started meeting and planning for **40th Gala** (see page 1). Learned how to make five phone calls to get the name of the agent of a Big Musical Name, and then how to wait for an email answer.

**Aug. 16:** Interviewed by **Rebecca Mills** at **WBAI** on UN Human Rights Commission Special Rapporteur (see p. 6).

**Aug. 23:** UC-Berkeley Optometry Dept. declared me legally blind, offered lessons in using walking stick, various magnifiers -- no reading glasses.

**Aug. 24:** Answered a phone call from **Michael Meyers**, now leading the **New York Coalition for Civil Rights**. He was a college chum of my late son, **Tom Ginger**, at Antioch, and shared some memories.

**Aug. 24-26:** Sent one short email to **Howard Zinn** to ask him to come to the **Gala**; quickly got one short thanks but will have to be honored in absentia... leaving a nice feeling.

**Aug. 25:** A good half hour discussion with **students** about the "Challenging" book on UC-Berkeley radio station **KALX**.

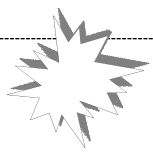
**Aug. 26:** Received a good review of the "Challenging" book by **Marion Wake** in the Myers Book Commentary of the **Gustavus Myers Center for Study of Bigotry and Human Rights**.

**Aug. 27:** **MCLI Board meeting**: good, short, to the point(s)--see many pp. of this newsletter.

**Aug. 28:** A very short interview for **KPFA** on California legislation against the **PATRIOT Act**, with little time to put this into its international context.

**Aug. 29:** Thanks to **Lisa** and **Abby** and **Soula** and **Sarah**, we actually emailed 71 edited reports from the "Challenging" book on time to **UN Human Rights Committee** in Geneva! (see p. 1)

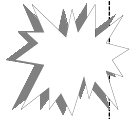
**Aug. 30:** Long conversation with attorney **Brian Concannon** about what more can be done to get **Father Jean-Juste** out of harm's way in prison in Haiti. Any nation could sue Haiti and U.S. in World Court, or could try to get a majority vote in the General Assembly to ask the World Court whether the removal of **Aristide** and jailing of Jean-Juste were legal.



# The 40th Gala Celebration

on Thursday evening, February 23, 2006

will be a wonderful reunion for  
MCLI Interns, old and new Board Members, Friends from Everywhere  
*a sharing of history*



**SAVE THE DATE!**

*a silent auction*

*an adieu to Ann Fagan Ginger as Executive Director  
and Greetings to the new MCLI leadership*

## Helping MCLI Enforce Human Rights and Peace Law

**\$2,500**

Samuel Rubin Foundation

**\$500**

Peter A. Hunt in memory of RWS • Phoebe Watts

**\$250-\$499**

Steven Birnbaum • Leonard Grossman • Doris & Donald Shaffer

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Leo Baefsky • Allan Brotsky • David Gilson • William Gordon • Richard Grosboll •  
Louise Hagihara • Siegfried Hesse • Aron Laub • Kenneth McCarthy • Edward Setchko •  
Elizabeth Sklut • Warren Wilson • Doris Brin Walker

**\$25-\$99**

Madeleine Bratt • Polly Connely • Democrats Abroad - Brussels • Solomon Fisher •  
Toby Glickman • Neil Fox • Ed Frey • Haldane Society - London • Helen & Joel Isaacson •  
Louis Katz • Marshall Krause • Leon Lefson • Emily Maloney • Ann Mariposa • Sally Rainer  
• Vivian Raineri • Dorothy & Albert Rothfarb • Susan Severin • Deborah Smaller •  
Edward Shaffer • E.H. Ted Smith • Francis Steadman

### You Can Make Easy Monthly Credit Card Donations

Sign up using the updated donation envelope or call (510) 848-0599. This way of giving really helps us pay our bills and maintain our educational projects!!

### How Can Buying or Selling a HOME Help Protect Civil Rights?

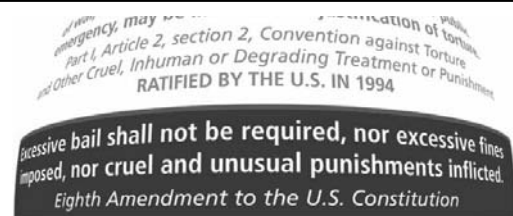
20% of the commission on a real estate transaction will be donated to MCLI if you work through Mickey Tenenbaum or Kate Tanaka. Tell them you want MCLI to get the donation and let your move be a productive one.

**Mickey Tenenbaum** (510) 843-8075  
Mickeyten@aol.com

**Kate Tanaka** (510) 839-4767  
KateTanaka@aol.com



### 1st and 8th Amendment T-Shirts



T-shirt fronts say **“Make the Fabric of Democracy Visible.”** Back design of 8th Amendment shirt partially shown above. Designed by MCLI alum Wendy Surinsky. Not for profit, available at <http://democracyshirts.com>

# MCLI PUBLICATIONS THAT I WANT TO ORDER

- |   | <i>qty.</i> | <i>amt.</i>              |
|---|-------------|--------------------------|
| • <b>Challenging U.S. Human Rights Violations Since 9/11:</b> Paths for action against PATRIOT Act, Iraq war, censorship, deportations, detentions, "enemy combatants," library checks, budget cuts -- 180 Reports on U.S. & UN laws violated (with law text). MCLI Report. 574 pp. Prometheus Books. (March '05) | _____       | \$24.00 _____            |
| • <b>MCLI's Report on the U.S. State Department Second Report to the UN Committee Against Torture:</b> (4 pp) 5/05  | _____       | \$1.00 _____             |
| • <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. '02.                                  | _____       | \$36.95 _____            |
| <b>Human Rights Protection: A Guide to United Nations Treaties &amp; Their Application in the U.S.</b>  | _____       | \$40.00 _____            |
| <b>The United States &amp; UN Human Rights Treaties</b> Pamphlet issued by Dismantle the War Economy Committee of Women's International League for Peace and Freedom  | _____       | \$1.00 _____             |
| • <b>MCLI Issue Sheets</b> (Shadow Report) for 1st U.S. Report to UN Committee on Elimination of All Forms of Racial Discrimination in and by the U.S. ('01)  | _____       | \$12.00 _____            |
| • <b>MCLI Issue Sheets</b> on U.S. Violations of <b>Convention Against Torture.</b> (1999)  | _____       | \$12.00 _____            |
| • <b>Socially Responsible Cities:</b> Nuclear Weapons Free Zone, Immigrant Rights, Human Rights Ordinance, Precautionary Principle, Resolutions against PATRIOT Act and war in Iraq, corporate personhood. <b>2004 Edition</b> , revised & updated.   | _____       | \$20.00 _____            |
| • <b>The Cold War Against Labor.</b> MCLI, reissued. (2 vols.) A rich anthology.  | _____       | \$5.00 \$10.00 _____     |
| • <b>Carol Weiss King: Human Rights Lawyer (1895-1952).</b> By A.F. Ginger. (1993)  | _____       | <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)  | _____       | \$20.00 _____            |
| • <b>Alexander Meiklejohn: Teacher of Freedom.</b> Cynthia Stokes Brown. (MCLI, 1981)   | _____       | \$10.00 _____            |

*Yes, I want to help:*  Call me for help on the Gala at \_\_\_\_\_ or \_\_\_\_\_  
*phone number* *email address*

I am making a tax-deductible donation of  \$500  \$250  \$150  \$100  \$75  \$50  \$\_\_\_\_\_

I am subscribing to the *Human Rights Now!* Quarterly newsletter for 2004 (\$15-\$25)  
 Please send it only by email

I am making a regular credit card donation of \$\_\_\_\_\_  monthly  quarterly (*details below*)

Name (please print)	MCLI New Director Fund
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*This issue is dedicated  
to Lisa and Bill and all  
the Katrina victims.*



**“CHALLENGING U.S. HUMAN RIGHTS VIOLATIONS SINCE 9/11”  
THIS FALL WITH ANN FAGAN GINGER +**

**BERKELEY: Fri. Sept. 23 at 7 pm**

**“How I Became An Activist”**

**Ann Fagan Ginger & Aimee Allison**

Berkeley Fellowship, Cedar & Bonita. Call: 510-841-4824

**SAN FRANCISCO: Tues. Sept. 27 7:30 pm**

**Discussion and book signing**

**Modern Times Book Store**

888 Valencia St. Call: 415-282-9246

**PORTLAND, OREGON:**

• **Tues. Oct. 25** : WILPF -- For more info: Olivia Watt <gowap13@hotmail.net>

• **Wed. Oct. 26 6:30 pm**: NLG -- in Eugene, at University of Oregon  
School of Law, Rm 175: Chris Edgar (541) 683-8277

• **Thurs. Oct. 27 9am-4pm**: National Lawyers Guild Convention: Continuing Legal  
Education on **How To Use International Law in Our Everyday Law Practice**  
Benson Hotel, 309 SW Broadway. For more Info: <stevengoldberg@comcast.net>

• **Fri. Oct. 28 7 pm**: **Laughing Horse Book Store**:  
Discussion and Book Signing, 3652 SE Division St., (503) 236-2893

**BERKELEY: Sat. Nov. 12 at 2 pm**

**MCLI 40TH ANNIVERSARY  
HOUSE PARTY**

at the home of Phoebe Watts  
1419 Grant Street ( 510) 525-6614

**NEW HAVEN, CT: Tues. Nov. 15 at 7:30 pm**

**Yale Political Union**

Debate: Resolved: The War on  
Terror Is Unconstitutional

Contact: <lea.oksman@yale.edu>

