

HUMAN RIGHTS NOW!

Newsletter of the Meiklejohn Civil Liberties Institute



winter 2006

A CALL TO ATTEND UN HUMAN RIGHTS COMMITTEE MEETINGS in NYC and GENEVA

The U.S. Government's actions since 9/11 will be at issue in March 2006 at the New York meeting of the UN Human Rights Committee, enforcing the International Covenant on Civil and Political Rights (ICCPR), and at its Geneva meeting in July.

This is the moment for people who care about human rights -- in Iraq and Guantanamo and New Orleans and Detroit and on Houma Native American reservations, and in all U.S. communities -- to let their voices be heard.

MCLI is calling on all concerned organizations to send representatives to the UN meeting in NYC on Monday, March 13 with a list of Issues to be raised by the Committee with the U.S. Government when it considers the U.S. 2d and 3d reports in Geneva in July.

MCLI will also work with others to plan a massive Briefing Session of NGOs between March 21-23 in NYC when the Committee sets the date.

This call from Meiklejohn came after intense work since August in Berkeley, Detroit, Portland, and Geneva, and many places in-between.

cont. on page 4

ACTIONS TO STOP GOVERNMENT VIOLATIONS OF KATRINA VICTIMS' RIGHTS

The day after the Katrina crisis was reported, MCLI got involved through Rev. Daniel Buford of the West Coast office of the People's Institute for Survival and Beyond, whose New Orleans office was destroyed. Rev. Buford started receiving information directly from the field. So did MCLI, from 2005 MCLI intern Lisa Kane-Arnolds.

Soon MCLI and the Institute wrote a long, angry list of specific violations of the human rights of people hit by Katrina and by actions, and refusals to act, of agents of the U.S. Government at every level and in many departments. The list of 17 violations begins with:

1. **Failing** to continue **funding work on old levees** and flooding regions where African American and poor people lived, including the Ninth Ward in New Orleans.

A few of the violations described:

5. **Ordering** thousands of untrained Government employees to the area to **define people as "looters"** (and even "cockroaches") from poor and African American communities, and to round them up and send them to massive coliseums with no human rights protections;

cont. on page 4

THE FALL OF THE BUSH EMPIRE AND THE RISE OF HUMAN RIGHTS MCLI'S 40th Anniversary Gala

Dec. 26, 2005: The Good News is that the "New York Times" finally published the expose of spying by the National Security Agency on all kinds of American citizens and residents committing legal acts of protest! And Congressman John Conyers, Vice Chair of the House Judiciary Committee, issued "The Constitution in Crisis: The Downing Street Minutes and Deception, Manipulation, Torture, Retribution, and Coverups in the Iraq War." It is an Investigative Status Report of the House Judiciary Committee Democratic Staff and is available, all 250 pp of it, on line at: http://www.afterdowningstreet.org/downloads/fina_lrept.pdf

These two documents are being quoted widely by activists seeking censure, and/or impeachment, of lying government officials, from Bush and Cheney down.

The difficulty is that Congressman Conyers had to cancel all public appearances outside Washington for the next many months in order to keep on top of all developments, in the House, and in many House Committees, and joint House and Senate Committees.

And that includes canceling his appearance for Meiklejohn Institute on Feb. 23.

SO, the Meiklejohn Board is planning a festive occasion of a different sort but with the same theme: The Fall of the Bush Empire and the Rise of Human Rights. The date will be April. The place will be the Bay Area. The participants will be active MCLI friends and members and staff who have Something to Say -- connecting the dots between events in MCLI's history since 1965 and the present, and immediate future.

Hon. Claudia Morcom has been invited to report on the exciting events in Geneva in October and in New York in March when the U.S. Government had to begin to answer questions about its human rights violations since 1995, and

cont. on page 6

Highlights in this issue:

Global Warming	p. 2
UN: End Discrimination in US	p. 3
Mandela Human Rights Reporting Project	p. 5
Mike Tigar, MCLI Alum	p. 7

web-update!

A COMMONALITY OF INTERESTS

One of the questions raised by this last hurricane season is whether it will be possible for people to permanently inhabit the Gulf Coast region as global warming continues to increase the frequency and magnitude of hurricanes. One of the factors contributing to this warming (25% of it on one estimate) is global deforestation, with the demand for firewood, paper, and wood exceeding sustainable levels.

Despite the importance of forests in the global climate system, the United Nations has been unable to produce an international convention on their preservation after some ten years of dialogue.¹ Last year many NGOs and indigenous peoples' organizations expressed the fear that supporting the development of such a convention at this point in time would mean at least another ten-year delay in action. The alternative they proposed is for the nations of the UN to work on more immediately effective means, such as curtailing unsustainable consumption of forest products, modifying trade policies, and recognition of indigenous peoples' rights. The importance of the latter has not been generally understood.

Most of the world's forests have been inhabited for centuries by peoples whose ways of life have preserved the ecological integrity of the forests.² They continue to be threatened or displaced by state policies that treat forests as wilderness areas available for logging, mining, oil and gas exploitation, and agribusiness.

Over the period from 1982 to 1994 the United Nations has developed a Declaration on the Rights of Indigenous Peoples, the text of which has been accepted by the International Indian Treaty Council and many other indigenous groups in the 1994 version. Unfortunately, after ten years, articles are still being debated in its UN Working Group. Some of the articles would give indigenous peoples substantial control over their environment. Article 26 says they have the right "to own, develop, control and use the lands and territories ... they have traditionally owned or otherwise occupied or used." Article 30 includes the right "to require that States obtain their free and informed consent prior to the approval of any project affecting their lands, territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources." These articles are in accord with Article I of the International Covenant on Civil and Political Rights, which enunciates the right of all peoples to self-determination and free disposition of their natural wealth and resources.

This is an area of law where the interests of indigenous peoples and environmentalists substantially overlap. For example, the Gwich'in people of the Arctic National Wildlife Refuge have recently called for help in persuading Congress not to open the refuge to oil drilling. The Declaration could be of moral and legal help to them in resisting invasion by the oil companies. And this, of course, is probably the chief underlying reason for the resistance to the Declaration: it adversely affects the interests of many powerful corporations with government connections.

But twenty years of discussion is enough. Forest peoples are being dispossessed; forests are disappearing and species are becoming extinct. It is time for all of us to get behind the adoption of the Declaration of Indigenous Peoples Rights by the General Assembly and push for the next step -- making it an international treaty on indigenous peoples' rights. We should also work for the ratification by the United States of the International Labor Organization's Indigenous and Tribal Peoples Convention of 1989 (ILO #169), which includes some of the same rights and protections.

--Ed.

1. The Intergovernmental Panel on Forests (1995-97), The Intergovernmental Forum on Forests (1997-2000), and the UN Forum on Forests (2000-ongoing).

2. Much information is available from www.forestpeoples.org.

WORLD-CLASS DOINGS IN LAS VEGAS

In the United States we have for the most part allowed private owners of our national resources to exploit them as they saw fit, with some exceptions in wartime. It would appear that this policy will need to be changed at the federal level, for there is an ongoing project in Nevada called the "Manhattanization of Las Vegas" that involves an extraordinary disregard for the rational use of resources. In fact, given the ecological crisis we are facing, it could properly be called a criminal disregard of same.

Some ten years ago Mike Davis wrote an article titled "A House of Cards," questioning the expansion of Las Vegas in a valley in which there is no source of water to support it. But as we know, that fact did not stop the building of casinos with extravagant fountains and pools, and even a canal for Italian gondolas.

Today the situation is much worse than it was. Las Vegas imports its water from Lake Mead, which in turn draws on the Colorado River. After 4 years or more of drought, Lake Mead is nearly half its size. The diminishing water in the Colorado River is fought over by five states and by the time the river reaches the Gulf of California, there is now very little left.

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MCLI human rights case histories at UC-Bancroft:

<http://Bancroft.berkeley.edu/collections/meiklejohn/project.html>

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in-house publication

Yet in this situation here comes this massive Manhattanization building project, recently advertised in an eleven page spread in the *New York Times* magazine. Ten, twenty, and forty story towers are going up all over the place, offering condominiums from \$500,000 to \$3,000,000. Tenants in these towers can have cocktails in their jacuzzis looking down on the spectacular lights of the Las Vegas strip, then take an elevator to a restaurant or in-house casino. No mention in the advertisements, however, that the city has a scheme to tap into the ground water used by the farmers in the surrounding counties at a cost of \$1 billion in drilling and piping. (When farmers protest this theft of their farming water, they are told it belongs to the state, not to them). But even if this stop-gap can be managed, no one knows how long it will be before the jacuzzis go dry and the gondolas are shipped back to Italy. What then ? And nothing is said about where the city will get the additional megawatts of electricity, or what this will require in terms of more coal burning power plants.

At first I saw all this as an unfortunate lapse, sheer lunacy. Then as a grave failure of responsibility on the part of the state government of Nevada and the county and city of Las Vegas.

Finally I realized it also has a darker side. When the wealthy condo owners from various cities of the U.S. and abroad find their condos are uninhabitable most of the year and their market value has gone through the basement and they realize they have been had, by then the corporations behind the developments will have already sold off the towers, banked the money, and gone on to something new. So not only do we have here a world-class failure of government and colossal waste of resources, but probably a world-class swindle as well.

--Ed.

A SCOOP! UN COMMITTEE TELLS U.S. WHAT IT MUST DO TO OVERCOME DISCRIMINATION

Aug. 13, Geneva: The U.S. Government was advised to take affirmative action to deal with massive discrimination based on race and national origin by the UN Committee on Elimination of Racial Discrimination meeting with many high U.S. government officials.

The UN Committee, which enforces the Convention on Elimination of all forms of Racial Discrimination (CERD), laid out its concerns in 11 very strong paragraphs (390-400). The Committee concluded that the U.S. has not acknowledged that:

* The CERD treaty covers the actions of each of the 50 states, not just the federal government. (390)

* Private racially discriminatory conduct is forbidden by the treaty and the U.S. must enforce this provision. (392)

* Police violence and brutality, including deaths from excessive use of force against minorities and foreigners, must be addressed; appropriate training is required, and there must be reparations for damages. (394)

BY THE WAY, that's AUG 13, 2001!

Why you didn't hear this on the local news or see it in the *New York Times* is one more problem we face in the U.S.!

* The majority of U.S. prison inmates are African Americans and Hispanics, and there is socio-economic marginalization of African American, Hispanic and Arab populations. (395)

* There is a disturbing correlation between the race of the victim and the defendant and the imposition of the death penalty, especially in Ala., Fla., Ga., La., Miss., and Texas. (396)

* Many ex-felons are disenfranchised. (397)

The Committee concluded that:

* The U.S. Government has a duty to go over all legislation at federal, state and local levels to prohibit such legislation if it has a discriminatory effect, even if it does not have that purpose (as Australia now does). (393)

* The U.S. should take special measures to address persistent disparities based on race in enforcing the right to adequate housing, equal opportunities for education and employment, and access to private and public health care. (398)

* The U.S. has been abrogating treaties with Indian tribes and expanding mining and nuclear waste storage on Western Shoshone ancestral land, rather than following ILO Convention 169. (400)

Committee Asked for Statistics

The Committee asked the U.S. to provide information in its next report in 2003:

* racial discrimination in prisons and complaints of mistreatment. (401)

* how the Interagency Working Group is succeeding in raising the awareness of U.S. federal agencies about the three treaties the U.S. has ratified. (402)

But Bush has not continued this Working Group, and its functions are not being carried out.

* socio-economic data "disaggregated by race, ethnic origin and gender, especially indigenous and Arab-American populations and in Alaska and Hawaii." (403)

The U.S. did not file the reports in 2003 and has not answered any of these questions to date. The few steps taken by the Clinton Administration were soon ended by the Bush Administration.

The Report also encouraged the U.S. to consider making the optional declaration so that U.S. residents could make complaints directly to the Committee concerning U.S. policies and practices. (404)

The Committee recommended that the U.S. make its report(s) available to the public and the media. (406)

Positive Aspects of First U.S. Report

The Committee found:

* The U.S. Government acknowledgement of the multiethnic, multiracial and multicultural nature of American society. (385)

cont. on page 8

Breaking It Down

The U.S. Government failed to comply with the Committee's request to file its tardy 2d and 3d reports on how it has been enforcing the ICCPR in the U.S. and its territories, due in 1998 and 2003. The federal government did not seek information from cities, counties and states required for inclusion in all reports after the initial report.

Berkeley, Aug. 29: MCLI answered the request of the Human Rights Committee and submitted 71 reports of U.S. Government human rights violations since 9/11 under the PATRIOT Act, in Abu Ghraib and Guantanamo, and in treatment of detainees.

Geneva, Oct. 17: Detroit Circuit Court Judge Claudia Morcom (ret.) made an unprecedented report to the UN Human Rights Committee members based on MCLI's "Challenging U.S. Human Rights Violations Since 9/11," presented to the UN by the Berkeley City Council.

Monique Beadle made a report for the World Organization for Human Rights U.S.A.

Note: A copy of Judge Morcom's report can be found at <http://mcli.org/morcom-un.html> or order on p. 11.

Geneva, Oct. 21: The UN Human Rights Committee notified MCLI and other concerned NonGovernmental Organizations that the U.S. had just filed a 250-page combined 2d and 3d report—too late for it to be translated into the six UN languages, and too late for NGOs to list Issues to be covered for the March meeting in New York.

The U.S. also submitted a copy of the supplemental report it had just filed with the UN Committee Against Torture dealing with allegations of U.S. torture and other mistreatment of prisoners at Abu Ghraib, in Afghanistan and Guantanamo.

Geneva, Oct. 24: Judge Morcom appeared before an NGO Briefing Session with Edith Ballantyne, of Women's International League for Peace & Freedom. Morcom's report of the new U.S. Government human rights violations in its treatment of victims of Katrina from African American and poor neighborhoods was greeted with great concern.

Oct. 24: The State Department announced it had posted the report at <http://www.state.gov/g/drl/rls/55504.htm>.

Berkeley, Nov. 21: MCLI emailed the UN Committee describing the great interest in the Committee's work with the U.S. and its report, asking for dates of next meetings.

Geneva, Nov. 22: The Committee notified MCLI of the dates for NGO meetings in New York.

After her appearance before the Committee, Judge Morcom said she is "calling on the U.S. media to cover the UN Human Rights Committee meetings from now on, since the U.S. Government must eventually file its reports and they will be discussed by the Committee."

8. **Failing** to protect the civil rights of evacuating citizens who were seeking peacefully to obey U.S. Government evacuation orders and were stopped by **Gretna police department** and city government and Louisiana Bridge security forces from leaving New Orleans via the Crescent City Connection Bridge leading to Gretna, and confiscating their food and water;

9. **Failing to retrieve dead bodies** immediately, even when pointed out, making identification of decomposing bodies difficult or impossible, then refusing, in Louisiana, to use methods of identification used in Mississippi;

11. **Ordering citizens to get into buses**, without being told the destination and forbidden to get off sooner and passing up elderly and disabled people waiting by the side of the road;

12. **Failing to immediately send available buses** equipped with water, food, and supplies to disaster areas and prohibiting entry of water, food and supplies brought by private individuals and organizations;

13. **Immediately announcing no-bid contracts** with large, white-owned corporations already fulfilling contracts to "rebuild Iraq" and not based in the Gulf Coast to rebuild, with no local input or guarantee of jobs to locals;

14. **Making threats and confiscating photos and cameras when the media** tried to take photos of the body retrieval operations, or actions by officers;

15. **Enforcing the curfew unequally** by arresting and **even shooting at black residents** for not obeying the curfew in Algiers, LA while permitting white residents to ride around in pick up trucks with guns, leaving the impression that David Duke and the KKK were active.

MCLI supplied the specific laws being violated, including: U.S. Constitution preamble: to provide for the general welfare, and equal protection clause of the 14th Amendment; UN Charter enunciating the right to human dignity in the preamble and provisions in Art. 55 and 56; International Covenant on Civil and Political Rights Articles 2.1, 2, 4.1, 6.1, 7, 9.1, 10.1, 12.1, 17, 23, 24.1. See

cont. on page 8



Doris Brin Walker and Marjorie Cohn, first and latest women presidents of NLG, & Ann Fagan Ginger at Portland NLG Convention

**REP. BARBARA LEE WILL USE
MCLI REPORTS TO UN COMMITTEES
ON U.S. HUMAN RIGHTS VIOLATIONS**

Nov. 5, Berkeley -- Congressmember Barbara Lee (D-CA) met with MCLI's Ann Fagan Ginger at a brunch meeting with constituents to discuss many current issues facing Congress, and the nation and the world. Lee was pleased to report that she was able to keep in the U.S. Appropriations Act her amendment forbidding U.S. funding of any U.S. military actions in Haiti. Only a Bush veto could omit this provision, which she thought highly unlikely.

MCLI's Executive Director described at some length recent work with UN committees, including the historic report by Judge Claudia Morcom to the UN Human Rights Committee based on MCLI's "Challenging" book (see p. 1). Ginger said MCLI would send Rep. Lee its critique of the completeness and accuracy of the U.S. State Department reports to the UN Committee Against Torture and the UN Human Rights Committee based on the Department of State including, or ignoring, the 180 reports they received in the MCLI "Challenging" book.

Congressmember Lee said she would be glad to receive the report as a member of the House Foreign Relations Subcommittee on Africa and Human Rights. She said she could use it in speaking to the House and placing it in the "Congressional Record Appendix" if appropriate.

Ginger also gave Congressmember Lee a copy of the 17 violations of the human rights of the Katrina victims prepared by MCLI with the People's Institute. Lee said she and the Congressional Black Caucus have been working hard on this issue, and will continue to do so.



**MCLI's 40th CELEBRATIONS
THROUGHOUT 2005 and 2006**

Phoebe Watts was the gracious hostess of the first 40th anniversary celebrations of MCLI on Nov. 12. Her Berkeley home was full of MCLI friends and former interns and volunteers, each with a tale of how they met Ann Ginger or got involved with MCLI. (A CD will be available soon. Call Soula to get a copy: 510) 848-0599.)

* Prof. Marge Frantz will bring to life the thoughts and writings of Alexander Meiklejohn on the firstness of the First Amendment. Date and place to be announced.

* MCLI's enormous collection of human rights cases since 1955 will be described by some of the plaintiffs and defendants and their attorneys and friends. The significance of these gifts to the UC Bancroft Archival Collection will be put into historical perspective by librarians and historians. Date and place to be announced.

**MANDELA HUMAN RIGHTS
REPORTING PROJECT**

This new MCLI Project takes its cue from the work of the African National Congress in issuing careful periodic reports of violations of rights guaranteed in UN human rights treaties in waging its successful fight against the South African apartheid regime. The MCLI Mandela Project will work with a diverse group of community activists, teachers, lawyers, students and victims of discrimination from every neighborhood and culture to convince their local governments to protect human rights. The Project will work on the specific duty of local governments to make periodic reports on how their departments and commissions are enforcing the rights enunciated in three little known ratified UN treaties: Convention on Elimination all forms of Racial Discrimination (CERD), Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and International Covenant on Civil and Political Rights (ICCPR).

* The Project will use its diverse Board members to conduct the first training sessions on local human rights abuses, based on the 180 reports in MCLI's "Challenging" book and the U.S. Bill of Rights and the three treaties.

* The Project will recruit students from community colleges, colleges and law schools to become interns (and will not turn away interested high school students). Interns will collect new examples of local and regional human rights violations from their communities, and will participate in public presentations.

* The Project will work with activists drafting resolutions to city councils and county boards of supervisors to require reports on human rights violations from Departments of Human Services, Police, Health, Labor, etc.

* It will continue the Meiklejohn tradition of sending a Board member and an intern to NYC and to Geneva to discuss the city and county reports with the UN Committees.

* The Project will recruit and train a diverse core of speakers to be interviewed, and will send speakers throughout the U.S. as requested.

See www.mcli.org for full description of the Project. Interns should apply through the National Lawyers Guild Haywood Burns Fellowship program. Applications will be on www.mcli.org after Dec. 15th or can be found now at <http://www.nlg.org/students/Haywood%20Burns06.pdf>.

Freedom March (Freedom from the Shackles of Racism, War and Social Injustice) Celebrating the Spirit of **Detroit** and Honoring Dr. Martin Luther King, Jr.: Jan. 16, 12 noon, Central United Methodist Church, in Detroit. See www.mecawi.org

especially since 9/11. Judge Morcom represented MCLI at the UN Human Rights Committee in Geneva and later at the Committee meeting in New York, where she presented 13 issues raised by Meiklejohn.

Copies of the 13 Issues are posted on MCLI's web site: www.mcli.org and are available by email or fax.

Other participants will talk about how they are using what they learned in the struggles of the '60s and '70s and '80 and '90s now in 2005. And also they will describe NEW PATHS they are charting to meet the new conditions we face today.

LET'S PASS SOME LAWS!

John Conyers is saying he thinks it is possible to build enough votes to pass a few positive measures, when the revelations in the *NYTimes* and Judiciary Committee reports sink in and build on the unfulfilled duties listed by the 9/11 Commission and many other recent studies.

Conyers is working with other Congress members: for universal health care, for corrections in counting election ballots, to save Social Security, to get out of Iraq rapidly, and to stop union busting.

MCLI is moving more strongly into the campaign to forgive all student loans so that college graduates are not indentured servants, forced to take whatever job they can get so they can start paying off massive student loans, and unable to marry and have children until some of their loans are paid off.



SCOTT CAMIL re "CHALLENGING" BOOK

I have been an activist for almost 35 years. When people ask me what can they do, I always say that the most important thing is to become educated on the issues and to understand their rights and responsibilities as citizens in our Democracy. I have just finished reading "**CHALLENGING U.S. HUMAN RIGHTS VIOLATIONS SINCE 9/11,**" edited by Ann Fagan Ginger for the Meiklejohn Civil Liberties Institute. This book is like a gift from the heavens. It provides the citizens with everything they need to understand the law, their rights, the wholesale violation of those laws and rights and the information on what actions can be taken to rectify these crimes against us and the world. This book is **INVALUABLE** and a **MUST** for anyone who works for Peace and Justice.

Scott Camil is a founding member of Vietnam Veterans Against the War Inc.; defendant in the *Gainesville 8 Conspiracy case*; a counselor for The GI Rights Hotline; Ex. Ctee. member of Suwannee St-Johns Group Sierra Club; currently touring with the film "Winter Soldier."

INTERN UPDATES

2005 MCLI intern **Abigail Parolise**, at Washington and Lee University, has started an "Innocence Project" with other students, inspired by their research on issues in the criminal justice system. She will be working for the Washington, D.C. Public Defender next summer.

2005 MCLI intern **Lisa Kane Arnolds** couldn't return to Loyola U. Law School in New Orleans because of Katrina. Moving to Houston to attend Loyola in its temporary home, she quickly went to work with Prof. Bill Quigley to collect info on human rights violations by the US Government in dealing with Katrina victims.

The Arkansas House of Representatives selected **Lindsley Smith** as the Legislator of the Month in October 2005. In her first term, Rep. Smith introduced a contraceptive equity bill with the approval of the women's legislative caucus, after previous bills had been defeated. Her bill requires health plans that cover prescription drugs to cover FDA-approved contraception in an equivalent manner. Her HB 2618 was subsequently enacted into law -- with two amendments: a religious employer exception and an abortion and emergency contraception exclusion.

Lindsley Smith was an MCLI intern while a law student at the University of Arkansas.



SERVICES RENDERED

Wendy Oshima of Chico called to describe her First Amendment problem: the Mount Shasta Spring Water Company canceled water delivery because her house flew Cuban, Palestinian, and Iraq flags. Bill Ellis, Gen. Manager of the company, stated he does not wish to do business "with someone who doesn't support our troops or our government." Ms. Oshima has sent letters to several newspapers in the area with this statement "We must maintain a constant vigilance against the erosion of our basic freedoms, the freedoms Mount Shasta Spring Water Company mistakenly believes our troops in Iraq are fighting and dying for."

MCLI received a second long distance call from Ireland from one of the defendants in the first trial of peace protesters there against a U.S. military installation holding nuclear weapons. After MCLI gave some advice on UN treaty law and how it has been used successfully in some U.S. trials, the first trial ended in a mistrial. So did the second. The third trial will be in mid 2006.

Fred Whitehead of the **International Committee to Protect Freethinkers** has published the sixth issue of "Brave Minds" and is now starting a free internet newsletter, the *Freethought Solidarity Bulletin*. Contact him at fredwh@swbell.net with FSB SUBSCRIBE in the subject line to subscribe, and contact diahumanism-institute@sympatico.ca for the ICPF

MIKE TIGAR, MCLI ALUMNUS

It is said to be the 40th anniversary of the Meiklejohn Civil Liberties Institute. Ann admits that the timing may be a little off. Before there was MCLI there was the *Civil Liberties Docket*, and that is where I would like to start the story.

In 1963, I came back to Berkeley to enter law school. I wanted my part in law to involve what were then called civil rights and civil liberties. I had been involved in the political events on the Berkeley campus while I was an undergraduate from 1958 to 1962. I had worked at KPFA-FM, first as volunteer, then as paid staff member, then in 1962-63 as European correspondent. In 1963, I worked in public affairs and news at KPFK in Los Angeles.

My friend Dennis Roberts, who was a year ahead of me at law school, got me a job with Ann Fagan Ginger, working on the *Civil Liberties Docket*. Ann collected, and had us collect, pleadings and opinions in the human rights cases that were going on all over the United States. In the Southern states, these were desegregation cases, voter registration cases, and resistance to the violent attacks on the civil rights movement. The House Committee on Un-American Activities and the Senate Internal Security Subcommittee were in full cry .

The place we did our work in 1963 was not yet called MCLI -- that was to come a bit later. So there I sat, and learned from the work of the greatest lawyers of the past century, as I digested pleadings and opinions and was then subjected to Ann's careful editing. This work made law school come alive for me. The cold dead appellate opinions did not speak simply of doctrine. I could see in each one the story of real people seeking justice.

Today it is fashionable to understand that law is about stories, and that the great lawyers of this or any other time hear and understand the people's stories, and try to translate them into calls for attainable justice. It is less fashionable, but no less true, to understand that when the people's call for justice is frustrated, a movement for change will eventually arise, grow strong and change the understanding of justice.

It is this tension between formal systems that call themselves "justice" and the people's will that Ann Fagan Ginger has understood better than the vast majority of people who have worked in this field.

Think about it. From the earliest days of opposition to the war in Vietnam, we were invoking not

only domestic constitutional law but also the law of nations, the law of all people. The refugee cases that arose from conflicts in El Salvador and elsewhere broadened our understanding. But Ann Fagan Ginger was already there, for she had understood the central meaning of the post-World War II change in the international landscape and began to write about it. Civil liberties and civil rights became human rights, and among those rights were those to peace and economic security, and against torture and genocide.

I have spent forty years mostly doing a certain kind of law. I first learned how to do that kind of law, and where to look for guidance, from Ann Fagan Ginger.

It is also providential that the Center is named for Alexander Meiklejohn, whose work on freedom of expression has special meaning today. For Meiklejohn, the First Amendment was "first" because discourse about matters of public concern is indispensable. He and those who built upon his work understood how debate could be crowded out of the public forum, for example in wartime. After all, there was the example of the Japanese relocation, nurtured by historic patterns of racism and justified to the courts and the public by lies. We see today the worst examples of the forces at work to corrupt the very process of public debate. The Supreme Court has reaffirmed that "money is speech," which means that the rights of those who own and control the means of communication triumph over those who have something to say. The rhetoric of war leads to ever more repressive inventions to suppress speech.

But through it all, Ann Ginger continues on the path. Her latest work shows us that the values for which MCLI has stood derive their strength from an increasingly articulate international community. These principles were always "there," for they were decisively shaped in the aftermath of World War II. But today, through a network of treaties and peremptory norms, they provide context for an international struggle.

Ann introduced me to a way of seeing the world and lawyers' roles in it that has sustained me for more than forty years. I cannot find words enough to express my thanks.

--Michael E. Tigar, New Haven, CT, September 2005

Some of Mike Tigar's cases include the defense of the Chicago Seven war protestors, Angela Davis, Lynne Stewart -- and countless others.

UN COMMITTEE *(cont. from page 3)*

* Clinton's 1998 Exec. Order 13107 on Implementation of Human Rights Treaties. (386)

* The 1997 Initiative on Race, establishment of Minority Business Development Agency under the Department of Commerce, and efforts to eliminate racial profiling. (388)

* The constitutional framework for human rights in the Bill of Rights and federal laws. (387)

* The increase in African-Americans and Hispanics in jobs previously held only by Whites, especially within the police force. (389) But then the Committee noted "the persistence of the discriminatory effects of the legacy of slavery, segregation, and destructive policies with regard to Native Americans." (384).

Note: For a copy of the complete report go to:
<http://sim.law.uu.nl> Netherlands Institute of Human Rights, Faculty of Law for CERD 1486 meeting on USA dated 13-08-2001 Annual Report A/56/18 paras. 380-407) on State Report (USA) CERD/C/351/Add.1 Summary: CERD/C/SR. J474, 1475 and 1476

KATRINA *(cont. from page 4)*

also Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of all forms of Racial Discrimination.

Buford and Ginger took this message on the road: first added to a People's Institute teach-in on Undoing Racism at the YMCA in San Francisco. Then Ginger wrote a resolution for adoption at the National Lawyers Guild Convention in Portland, where it was adopted. (Can be ordered on p. 11; also found at mcli.org)

Ginger discussed this problem, along with many other human rights problems, in her appearances in De Anza College, Portland UN-A and WILPF, Yale Political Union, Albany Law School, U of Michigan and Wayne State Law Schools.

Rev. Buford will present teach-ins on Katrina, and the need for changes before the next natural disaster hits somewhere, at a dozen colleges across the U.S. MCLI activists will participate whenever they are able to do so.



Singing "We Shall Overcome" at Laughing Horse bookstore in Portland, Oregon

HELP WANTED NOW!

The U.S. Government filed its combined 2d and 3d reports with the UN Human Rights Committee in October, 2005, consisting of about 250 pages concerning each right in the International Covenant on Civil and Political Rights.

MCLI needs people who will check this report to see whether (and how) it discussed each of the 180 reports in our MCLI report, "Challenging U.S. Human Rights Violations Since 9/11," all of which should have been included.

A quick look at the U.S. Report makes clear that it contains very few of the 180 reports, although the State Department received a copy of our book in early March 2005. We need to let the Committee know what problems the Government report describes and what they say has been done to redress them.

Meiklejohn has been asked to submit an initial list of Issues by Dec. 27 and MCLI plans to complete this work before February, 2006 so that it can be submitted to the Committee before its March 2006 meeting in NYC.

If you have some time before Jan. 15, please contact us quickly so we can tell you which of the numbered reports you will check. The State Department report is at:

<http://www.state.gov/g/drl/rls/55504.htm>

— 4 —

Sonoma Peace & Justice's latest issue of *Peace Press* is devoted to human rights and features the 'Challenging' book; see a copy online at peaceandjusticesonomaco.org.

-- Quick Quiz --

Name the country that has the largest stockpile of weapons of mass destruction.

Name the country that has backed out of the most major treaties in the past decade.

Name the country that has dropped the most bombs on other countries in the past decade.

Name the country that has imprisoned hundreds of people in secret, without charges or trial, and without access to lawyers.

Name the country that sends billions of dollars in military aid every year to a Middle Eastern country that makes war and violates United Nations resolutions.

Name a country that uses sanctions that cause suffering to people in poorer countries.

If you answered "U.S.A." to all the questions, you are 100 percent correct.

--Ruth Emerson
New Haven, CT

DIRECTOR's DIARY

Sept. 17: Enjoyed Mary Lee and Bill Tramplesures 50th wedding anniversary affair, with UN thoughts everywhere!

Sept. 23: Appeared in BFUU Activism Series, described How I Became an Activist at birth in the Fagan/Robinson Family ... with **Aimee Allison**, CO client in first Gulf War.

Sept. 27: **Barbara Blong** interviewed me about the "Challenging" book at Modern Times Bookstore.

Oct. 8: MCLI Board meeting, including new members: **Deb Lagutaris**, **Bridget Sumser**, and **Daniel Buford**. Frank and encouraging discussion on future of MCLI.

Oct. 9: To celebration of the life of **Bob Purdy**, of Lansing, Havana, and Berkeley, working creatively all his life for the rights of working folks.

Oct. 16: Presented UN Day service at BFUU, trying to recapture the great affirmation in the founding of the UN, with **Phoebe Sorgen** singing from the "Human Rights Cantata" by James F. Wood.

Oct. 23: Interviewed on **KBOO** about "Challenging" book.

There is not room enough to list and thank each of the thoughtful, friendly, bright people who organized gatherings, met me at airports, walked me across streets, asked good questions in all the following events!

Oct. 24: to Portland for NLG Law for the People Convention. Dinner gathering with **Olivia Watt** and **Carol Urner** and UNA and WILPF.

Oct. 25: Discussion with NLG students at University of Oregon in Eugene.

Oct. 27: Presentation in NLG International Committee's CLE: "How to Use International Law in Our Everyday Law Practices." Then to Lewis and Clark Law School to describe some treaties not taught and how to use reporting to get rights.

Oct. 28-30: introduced resolutions on lawyers, law students, legal workers getting involved in Katrina (*see p. 1*) and to use UN treaties with U.S. Bill of Rights (*Order copy on p. 11 or see www.mcli.org*).

Oct. 28: Spoke at rally of **Women in Black/WILPF** against the war near Portland federal building. Then to "Challenging" party at **Laughing Horse** cooperative bookstore. Met with William Gordon, many other old and new MCLI friends.

Halloween: The time to openly expose the ghost: MCLI is now running a deficit every month of about \$2,000. I am retiring in 2006 as an unpaid Exec. Dir., who must be replaced by a half-time PAID Ex Dir. Now you know; *use form on p. 11!*

Nov. 3: on Kris Welch show on KPFA.

Nov. 4: Added some history and concepts of

law to **Undoing Racism Workshop** of People's Institute for Survival and Beyond at SF YMCA. Rev. Daniel Buford and Valerie Tulier in 2-day workshop for 13 committed women and men workers and students from Mills College to the SF Mission district.

Nov. 8: an interesting half-hour on KPFA in Jennifer Stone's slot, with Barbara Blong. (*See page 11 to order a CD.*)

Nov. 9: Awakened to beautiful music! Shwarzenegger's propositions were all defeated! V. important moment for us all! We CAN stop them when we unite! **P.S.:** Next we have to learn how to write affirmative propositions, unite around them, and get them adopted -- by the city council or state legislature, or by popular vote.

Nov. 10: Joined Profs. **Richard Wood** and **Greg Druehl** and other professors and students at De Anza College in a War Crimes Tribunal for former Sec'y. of State **Colin Powell**, speaking at Flint Center. Unforgettably sharp testimony by a student back from Iraq now in Iraq Vets Against the War; **Retired Army Col. Amy Wright** and **Retired Air Force Capt. Joyce Riley**.

Nov. 12: Such a warm and wonderful affair at Phoebe Watts' for MCLI's 40th! So many people cooked and served and told stories!

Nov. 13: Met with **Ward Morehouse**, of Apex Press, and his granddaughter, a student at newly-militant Mills College.

Nov. 15: Went to New Haven for the **Yale Political Union** to debate -- Resolved: the U.S. must comply with international human rights treaties, with chairs of its six parties: Liberal, Progressive, Independent, Conservative, Tory, and Party of the Right. (Learned that Yale tuition, rm&bd = \$40,000/yr.) Final vote: 12 Yes, 13 No, 3 Abs.

Nov. 16: spoke at Albany Law School, then to wonderful party at **Mark Mishler's**.

Nov. 17. U of Michigan Law School meeting for NLG, ACLU, Women Law Students Assn., Am. Constitutional Society, Hopwood Program, and Off. of Pub. Affairs arranged by Kate Crosby and Eleanore Eveleth.

Nov. 18: From Wayne State U Law School to Anti Police Brutality Symposium Dinner honoring the families of victims.

Nov. 20: Celebration of life of **Geneva Gates Foote**, the amazing woman with more insight than almost any sighted person.

Nov. 26: Saw "**Good Night and Good Luck**," the masterpiece movie about Edward R. Murrow and Joe McCarthy in 1954! That was also the year of attacks on "Lefties" in universities, including **Harvard** breaking their contract with Ray Ginger and others. Do bring it to your local theater, with time afterward for people to describe what McCism did to their lives and organizations and ideas -- and to their kids

MCLI GALA POSTPONED

see page 1

Helping MCLI Enforce Human Rights and Peace Law:

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Steven Birnbaum · Jim Syfers · Al Wasserman

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Claudia Morcom · Jean Nunn · Ann Schafer · Elizabeth Sibley · Doris Brin Walker

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Barbara Blong · Jean Braun · Jean Crawford ·

Madeline Duckles · Solomon Fisher · Stella Levy · Thelma Meyers · J.B. Murray ·

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Elsbeth Wilson · Viola Young

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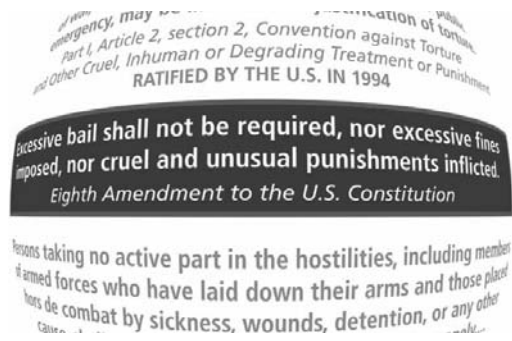
How Can Buying or Selling a HOME Help Protect Civil Rights?

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> |
|---|-------------|---------------------------------|
| • Challenging U.S. Human Rights Violations Since 9/11: Paths for action, 180 Reports [574 pp. Prometheus Books. (March '05)] | _____ | \$24.00 _____ |
| • How To Use 'New' Civil Rights Laws After 9-11 The basic book on Exec. Orders, PATRIOT Act, FBI/CIA, for activists, lawyers, teachers, media. Full texts of U.S. Const., UN Charter, 6 ratified treaties, sample complaint, ordinance. (320 pp.) [MCLI. '03.] | _____ | \$30.00 _____ |
| • Socially Responsible Cities: includes Nuclear Weapons Free Zone, Precautionary Principle, Resolutions re PATRIOT Act & war in Iraq, corporate personhood. 2004 Edition , updated. | _____ | \$20.00 _____ |
| • The Cold War Against Labor. MCLI, reissued. (2 vols.) A rich anthology. | _____ | \$10.00 _____ |
| • Carol Weiss King: Human Rights Lawyer (1895-1952). By A.F. Ginger. (1993) | _____ | \$5.00 \$10.00 _____ |
| • Nuclear Weapons Are Illegal: The Historic Opinion of the World Court. A.F. Ginger, Editor. (1998) | _____ | \$20.00 _____ |
| • Alexander Meiklejohn: Teacher of Freedom. Cynthia Stokes Brown. [MCLI, 1981] | _____ | \$10.00 _____ |
| • U.S. Judge Reports Massive U.S. Human Rights Violations to UN Human Rights Committee in Geneva (3 pp) 10/05 | _____ | 10cc/\$1.00 _____ |
| • Human Rights Violations in U.S. Government Treatment of Katrina Victims: A joint report by MCLI with People's Institute West (2 pp) 10/05 | _____ | 10cc/\$1.00 _____ |
| • MCLI's Report on U.S. State Dept. Second Report to the UN Committee Against Torture (4 pp) 5/05 | _____ | \$0.50 _____ |
| • National Lawyers Guild Resolutions: on NLG Members Participating in UN Human Rights Committee Reporting Process. (1pp) and on U.S. Government Violations of Human Rights of Katrina Victims. Adopted at the Portland NLG Convention, Oct. 2005 | _____ | 10cc/\$1.00 _____ |
| • Is the Bush Administration Violating U.S. Const. & Bill of Rights, UN Charter & Treaties? (2pp) | _____ | 10cc/\$1.00 _____ |
| • Audio CD: Great Stories from Meiklejohn Institute's Past. Recordings from MCLI's Nov. 12, 2005 40th Anniversary House Party in Berkeley. | _____ | \$5.00 _____ |
| • Audio CD: Ann Fagan Ginger & Barbara Blong on "Challenging" book (KPFA Radio Nov. 8, '05) | _____ | \$5.00 _____ |

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

I would like to help distribute invitations to the Gala! Please send me _____ packs of 10 (at no cost to me.)

I am subscribing to the *Human Rights Now!* Quarterly newsletter for 2006 (\$15-\$25)
 Please send it only by email

I am making a tax-deductible donation of \$1,000 \$500 \$250 \$150 \$100 \$75 \$50 \$_____

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VISA / MASTERCARD _____ Exp. Date _____	Book Total _____
<p style="text-align: center;"><i>Make checks payable to MCLI. Send payments with order form to:</i> MCLI, P.O. Box 673, Berkeley, CA 94701-0673 (510) 848-0599, Fax (510) 848-6008, 2005@mcli.org Order online at website: www.mcli.org <i>MCLI cases at UC-Bancroft:</i> http://Bancroft.berkeley.edu/collections/meiklejohn/project.html</p>	CA add 8.75% sales tax _____ Shipping/Handling: Orders up to \$4.00: \$1 _____ CDs (up to 2): \$3 _____ Orders up to \$39: \$10 _____ Orders \$40 and up: \$15 _____
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TIME VALUE!

*Time to renew
(on p. 11)*



**The Fall of the Bush Empire and
the Rise of Human Rights**
MCLI's 40th Anniversary Gala

Early April
*date and place and speakers
to be announced!*

ANN FAGAN GINGER SPEAKING ENGAGEMENTS

Mendocino County and environs:
Friday, Dec. 30, 2005, at 1:00 pm
Ginger interviewed by Joy LaClaire on
KZYX Radio (88.3, 90.7, or 91.5 FM)

Laguna Woods, CA

Tuesday, Feb. 7, 2006, 7:30 pm
Concerned Citizens of Leisure World
"New Paths for Action to Challenge the U.S. "War on Terror"
Leisure World, Clubhouse 1 (Details: Julia Ross, 949-458-6642)
For info about more events in the Los Angeles Area,
call Grace Aaron, 310-386-1011

Hayward, California
Friday, Jan. 6, 2006, 7 pm
Hayward Demos Democratic Club
Potluck Dinner at 6 pm
Westminster Hills Presbyterian Church
Call 510-538-0209 for details

Your Community
Date: You select
Place: You decide
Contact: YOU at --- - ---
(and let MCLI know!)