



"...to the ends that human rights shall be regarded as more sacred than property interests."

# NEWS

National Lawyers Guild • San Francisco Bay Area Chapter

December 2008

## Monning Joins California Assembly

An interview



**Bill Monning is a member of the NLG recently elected to the California Assembly from the Central Coast. We spoke to him recently about his victory and his other political, legal work.**

Legal Services, Inc. to recruit and support law students who worked in the Martin Luther King Jr. Service Centers of the UFW. Upon completion of law school, I joined the UFW Legal Department as a staff attorney from 1976-1978.

The UFW taught me fundamental organizing skills including field organizing and electoral arena organizing. I was inspired by the leadership of Cesar Chavez and Dolores Huerta and the training of Fred Ross Sr., Marshall Ganz, Eliseo Medina and others. My future political and legal work has been influenced by the skills I learned with the UFW along with the sense of the possible in multi-cultural/ethnic organizing efforts.

**NLGSF:** How did you get involved in the National Lawyers Guild and what kind of Guild projects have you worked on?

**Monning:** I joined the NLG during my first year of law school at USF in the Fall of 1973. A group of us formed the first law student chapter of the Guild at USF. I have been a member ever since and have focused on prison work, the international committee, UFW support, labor and employment. I joined Guild delegations to Guatemala in 1979 (with La Raza Legal Alliance); Honduras in 1982 (prisoner negotiations); El Salvador in 1983 (prisoner negotiations); Guerrero, Mexico in 2002 (human rights violations documentation); and Venezuela in 2006. I have been a member of the Central American Task Force and the Latin American Task Force. I served on the NEC in the late 1970s, early 1980s and on the Bay Area Chapter Executive Committee as law school representative during my law school years.

**NLGSF:** Could you give a real life example or two about what Global Majority Inc. does?

**Monning:** Global Majority, Inc., founded in 2003, is committed to education, training, and advocacy in the field of non-violent conflict resolution. We have established an international advisory board (IAB) with representatives from 22 countries. We have initiated education and training programs in K-12 schools in Monterey and Santa Cruz counties and convened international conferences in the Middle East, Costa Rica, and the USA with plans for programs in South Africa and Chile in 2009. We believe that global civil society can organize to persuade governments and non-state actors to come to the negotiation table. Leaders of the organization include representatives from Northern Ireland, South Africa, Palestine, Israel, Colombia, Chile, Sri Lanka, and Nepal. See [www.globalmajority.org](http://www.globalmajority.org)

*"Monning Joins" Continues on p.7*

**NLGSF:** Tell us about your involvement with farmworkers and how that work shaped your future political and legal work.

**Monning:** I began work with UFW support committees while a student at U.C. Berkeley. I joined the UFW Legal Department as a volunteer during the summer of 1973 and the general strike in the grapes when the Teamsters raided the UFW contracts. During law school (1973-1976), I remained active as a law student volunteer with the Legal Department and helped organize Migrant

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# Economic and Political Shifts Dominate 2008 National Convention

by Carlos Villarreal, NLGSF Executive Director



This year's Law for the People Convention in Detroit was as inspiring and enlightening as always, but there was a sense throughout of hope and a bit of uncertainty.

We met in the enormous and bewildering General Motors Renaissance Center – where

the Marriott hotel occupied one of a handful of cylindrical skyscrapers. In the same complex executives from General Motors were negotiating a merger with Chrysler just as NLG members heard locals talking about deindustrialization and an economic slump that is nothing new to Detroit. The disorienting and sterile Renaissance Center – a monument to American capitalism – was surrounded by the reality of capitalism – empty buildings, crumbling infrastructure, and a downtown where most of the life seemed to inhabit stadiums and casinos.

The convention, of course, had a different feel. It was an energetic mix of hope and fear. It was weeks before the November elections, and although Obama had the lead, there were still grave concerns about disenfranchisement. We all had seen the polls, however, and hope was also in the air – both because of the prospect of an Obama victory and rejection of some right-wing talking points about voting for a socialist who pals around with terrorists.

Members also debated whether to support and or vote for Obama at all, and the strategic reasons for doing so versus supporting 3rd party candidates or not voting for anybody. Most I spoke to agreed it was critical to vote for Obama, at least in swing states; but even the “vote for Obama” members fell somewhere between reluctant and enthusiastic support.

The convention was also scheduled in the midst of an economic crisis that was just getting serious. Members and presenters had different ideas of where the crisis might lead. As an organization that was born in 1937, it was not surprising to find many who saw hope and

opportunity in the crisis, even as all acknowledged that any positive outcome would take a lot of hard work.

The opening keynotes had highly contrasting messages, but both alluded to the tumultuous political and economic times.

Dan Ellsberg spoke of the increasingly out-of-control power of the Executive under Bush: the President and Vice-President think they can do anything, as long as it is couched in terms of national security. But he also described the Executive Office, generally, as a “monarchy” – something that is bad for democracy regardless of who actually sits on the throne.

Grace Lee Boggs provided some local wisdom and a reason for optimism that had nothing to do with the upcoming election. We shouldn't be holding out for someone who will be capitalism's savior so that we can continue to struggle against it, she said. While downtown Detroit was relatively desolate, Detroit is much more than its downtown; and even in the empty warehouses and buildings downtown she saw reasons for hope. In Detroit, Boggs described the seeds of something new – community gardens, community-led food programs, cooperative services.

Despite Boggs' optimism, questions lingered about what progressives should do after an Obama victory and as the economy continued to suffer. I took a bit of wisdom on this question from Ann Fagan Ginger, who wasn't specifically addressing the presidential elections or the economic crisis at her seminar on using international laws and treaties. She encouraged attorneys to make legal arguments based on what we think the law ought to be, even if the Supreme Court and other courts are rejecting those arguments. Guild lawyers ought to do this – just as they made arguments all over the country before *Brown v. Board of Education* that courts rejected until the *Brown* decision.

Lawyers and legal workers should be pushing the right policies and political principles, regardless of who is in office. This is true whether we are citing to international treaties before hostile, Republican-appointed judges, or we are supporting anti-war activists who are critical of Obama's stand on Pakistan.

What should we do now that Obama is the next President? Celebrate a little, and then get to work fighting for human rights like we have for more than 70 years. As our economy slips into recession, the need is greater than it has been since our organization was born.

# Deconstructing “the Other”

by NLGSF Member Zoe Polk

Seventy percent. The first time I heard that seventy percent of blacks voters in California voted for Proposition 8 was via email from my white straight friend on the East Coast. And then I began to hear it over and over, from news sources, web blogs and colleagues. Each source, including my friend, made sure to argue that there was an ugly irony embedded in that statistic: African Americans, historical victims of institutional discrimination, were now perpetrating the discrimination. As one prop 8 protester told the SF Chronicle “The black community should be ashamed of themselves.”

My first expression was outrage. In the months leading up to the vote, I spent a substantial amount of time on volunteering. I phone banked, flyered and talked to my friends- gay, lesbian, straight, black and white, about the need to get involved in the campaign. When Prop 8 passed, I joined thousands of others in the protest march down Market Street. So when the media and sadly, fellow members of the queer community vocally pointed the finger at African Americans, I became disenchanted. I felt like my presence on the No on 8 campaign and at subsequent rallies was ignored or even worse, didn't matter. It reminded me that the gay civil rights movement still struggles with recognizing the voices of black gays and lesbians.

But if there's anything to learn from this backlash, it is that scapegoating only contributes to the destruction and divisiveness that our foes used to our disadvantage. And it is not an effective way to launch a stronger and successful campaign. In that vein, I would like to challenge members of the progressive community who are having a hard time reconciling the African American community's response to Prop 8 to engage in more productive activity than blaming. I have thought about some recommendations of my own.

1. Stop making broad sweeping comparisons between the African American civil rights movement and the gay rights movement. As a legal professional, I have studied both movements extensively, and I have thought a lot about the easy comparisons people have drawn between the two. While I believe that the queer community can

and has learned a lot from the African American civil rights movement, I do not think all these comparisons are justified. Those who are having such difficulty with the “70 percent” statistic should drop the mentality that African Americans “owe” the gay community their support. Blacks, particularly the older generation, are rightfully sensitive to any argument that belittles their suffering or achievements. Further, “blamers” should remember that black ancestors instilled in me and my African American peers, a sense of justice that we rely on to fight in the human rights struggles of today, including marriage equality.



2. Employ marketing techniques that focuses on why gay marriage and Proposition 8 are important to the black community. Instead of relying on the parallel to the 1960's civil rights movement marketing should tie gay marriage to issues plaguing the black community, including poverty, healthcare, and troubled

youth. Black voters have to understand that gay marriage helps black families, not just white couples. Most importantly, advertisements on main stream media outlets should include testimonials from black parents, allies, religious leaders as well as black gays and lesbians. While I recognize that a lot of Californians may identify better with a white view point, advertisements from a black viewpoint can be just as emotional, powerful and universally appealing.

3. Engage people of color, and not just when you need their vote. It is important for the gay rights movement to take a stronger, public interest in issues that directly affect black gays and lesbians. These issues include socio economic exclusion in queer social circles, the legitimate and the illegitimate controversy surrounding interracial adoption, and the lack of openly gay blacks in positions of power. There is a tendency in the main stream gay rights movement to ignore racism within our own community either because it seems to detract from the larger movement or because it is uncomfortable to talk about. Willful blindness only supports the position that we are being ignored or that we don't matter.

# The Real Change We're Looking For

by Jacob Rimler, Law for the People Intern



The legacy of the Bush administration will not go quietly. After eight years of malfeasant leadership, the workings of our government have strayed even further from the Founders' intent. It will take a vigilant, concerted effort to alter course, and

with Barack Obama having just swept into office on the mantra of "change," perhaps we have the right man at the helm. The antidote to the Bush malady, however, is not a return to the policies of the Clinton era. Early indicators – in his proposed policies and in his cabinet – suggest Obama may be harkening back to the neo-liberal ideas of the nineties. This, I would argue, is the wrong direction.

Clinton's administration declared the right to apply force anywhere in the world at any time for any reason, under the nebulous Clinton Doctrine. It cemented in place the pro-corporate economic policies which are bankrupting the world, and supported "free trade" policies which torture the global poor. It incarcerated more young men of color than Reagan did, and dismantled domestic entitlements for the destitute. It awarded through copious aid the worst human rights offenders in our hemisphere, and effected, through horrific sanctions, the deaths of at least half a million Iraqi children.

One of the first measures the Obama team purports to take is the closure of Guantanamo Bay prison, something the NLG called for in 2005 and which National President Marjorie Cohn reiterated recently when she described it as "a legal black hole that has become a symbol of injustice, abuse, and U.S. hypocrisy." If Obama does close Guantanamo and give detainees their fair day in court, it would mark a major victory for human rights and the rule of law. The incoming administration is already fudging on this, however, considering the creation of some third option – neither military tribunals nor American courts. Such a possibility is disturbing, especially as the Democrats' landslide victory should easily allow a firm stance on an issue so vital to the rehabilitation of our constitution.

The ongoing wars overseas present another moral

challenge. Obama's stated foreign policy looks largely to continue the unfortunate tradition – especially grotesque under Bush, but also explicit under Clinton – of American leaders believing our country has a right to dominate the globe militarily. The majority of Americans, not to mention the overwhelming majority of Iraqis, want our forces out of Iraq. Though Obama's early stance against the war is celebrated, and he now pledges to begin withdrawing troops immediately, his actual plan is still questionable and may leave tens of thousands of troops in Iraq for some unspecified amount of time. In Afghanistan, a country with historically unconquerable topography, he wants a drastic increase in troop levels – and he's called for unilateral bombing within nuclear-armed Pakistan.

Our economic policy is plagued by a similarly rotten ideology. Though Bush's hyper-deregulation and supercronyism were a tad extreme, they certainly were not without precedent. The basic premise – crystallized in the Reagan administration – also guided Clinton's economic vision. It's the idea that the corporation, its only goal profit and only responsibility its own shareholders, should be awarded more rights, respect, and recognition than living, breathing human beings. As a result, our corporate-dominated agenda runs roughshod over American citizens and the rest of the world alike. It isn't clear that this philosophy will change dramatically. Obama was the preferred choice of the corporate heads; he does not make them nervous.

There is, however, a reason for hope tangled up in the reasons to feel outraged. It would be wrong to lay all the blame at Obama's feet when he disappoints us. As hard as we should pressure the new administration to adopt the right policies, we should push ourselves just as hard to capitalize on an unusual moment: Millions of previously apathetic, disenfranchised citizens have now, thanks to Obama's campaign, become interested in the political process. They are expecting real, tangible improvements in their lives. And when significant improvement fails to materialize, we should harness the newly motivated populace to work together for the actual, substantive change we're seeking.

Real progress always comes through the hard work of a large group of people working together. It comes when we force our reactionary representatives to react to us. Real change – from abolishing slavery and fighting for women's suffrage, to facing down imperialism and saving our planet – has always come this way. Let's not expect otherwise.

# Beyond the Fields

by Chris Tiedemann

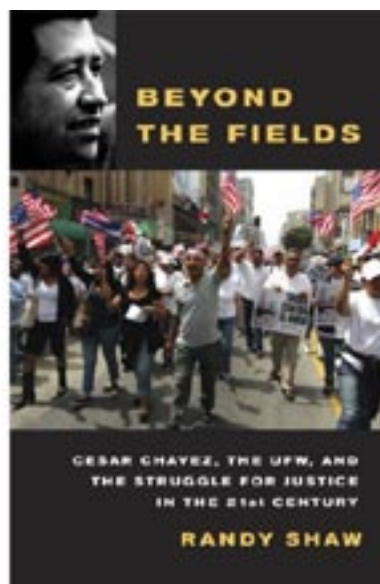
During the 1960s and 1970s, many of the new generation's best legal minds were staff attorneys for the United Farmworkers of America (UFW). Led by Jerry Cohen, the UFW's legal team continually out-strategized big growers; the latter had the best attorneys money could buy, but the UFW had brilliant lawyers who could not be bought. Randy Shaw, a longtime Bay Area attorney and Director of the Tenderloin Housing Clinic, acknowledges the accomplishments of these UFW attorneys in his new book from the University of California Press, *Beyond the Fields: Cesar Chavez, the UFW and the Struggle for Justice in the 21st Century*. *Beyond the Fields* reveals the untold story of how the legacy of Cesar Chavez – and the strategies and tactics of the UFW in its heyday – continue to set the course for today's social justice movements. It also traces for the first time how UFW alumni have played leading roles in these movements.

*Beyond the Fields* follows in the tradition of Howard Zinn's *People's History of the United States*, by providing little known history about the UFW, its organizing tactics and its profound legacy on political activism in America over the past four decades. The book provides a historic overview of the UFW, its leaders – particularly Chavez – its achievements, and the lasting impact of tactics developed and used by the UFW on organizing around the country. Many of the stories of post-UFW social justice struggles in *Beyond the Fields* are riveting, including a description of the Justice for Janitors campaign in Miami and a history of the national immigrant rights movement. Shaw describes how a key building block for this movement was the Immigrant Workers Freedom Ride in 2003, an event in which the National Lawyers Guild played an important role.

The book is particularly timely because of the use of UFW organizing strategies in the ground game to elect Barack Obama. Shaw traces the roots of Obama's vaunted field campaign back to the organizing genius of Fred Ross, who recruited and mentored Chavez during the 1950s, and whose voter outreach strategies became part of the UFW during the 1960s. Shaw shows how the UFW's voter registration and "get out the vote" drives for Robert Kennedy in 1968, and for the California state ballot initiatives in 1972 and 1976, trained a generation of activists in how to win elections through grassroots organizing. UFW alums, including Marshall Ganz and Miguel Contreras, then took the UFW electoral model beyond the fields, expanding Latino voting to transform politics in Los Angeles, California, and now the nation.

Shaw lists many of the UFW attorneys who worked for justice after leaving the union, and discusses their post-UFW positions. He also describes why Jerry Cohen and most of his legal team left the UFW, and how growers conspired to deny Cohen a seat on the Court of Appeal.

Shaw notes that one of his goals in writing the book was to rectify the lack of public recognition of UFW veterans, and to give them thanks for their years of fighting for social justice. His book fulfills that goal. Great as it will be to have Obama in the White House, Obama's election isn't a magic solution to the country's many and deep social problems. Shaw's book provides valuable history to guide activists in the battles to come, and is an inspiring read.



For more information about the book, see <http://beyondthefields.net>.

## Deconstructing... continues from page 3

4. Take statistics with a grain of salt. Various sources have various ways of analyzing and using statistical data. For example, while it is generally accepted that 70% of black people voted Yes on Prop 8, it is also known that blacks made up 10% of actual voters. It has also been widely circulated that people over 60 were more likely to vote Yes and people under 30 were more likely to vote No. Only 50% of San Franciscans voted. A large majority of people who attend church every Sunday voted yes. From my own experiences phone banking, I learned that, even in October, many people thought that voting Yes meant that they supported gay marriage. The Yes on 8 campaign was very effective at spinning the truth and openly spreading lies. In discussing and relying on statistics, we must remember that not everyone has the same access to information that those of us who are privileged do, i.e. email, internet, even television and politically active friends. California is a huge state with a lot of rural communities and a lot of impoverished communities. It was very easy for our opponents to confuse, manipulate and play into these peoples fears through misinformation campaigns.

5. Stop searching for more scapegoats i.e. the Mormon Church and the immigrant communities. Instead of attempting to shame their entire community for the beliefs of many, be gracious for the support of minority voices. Targeting anger at the larger group isolates those who sided with us. And makes them feel like we don't appreciate their support. For many of those people, going against their church or social group was a difficult and extraordinarily brave decision. We must come up with ways to acknowledge and encourage their continued support. Further, we must be conscious that our foes are enjoying this blame game and encouraging us to keep at it. Any energy that our community exerts on blaming other minorities is energy that could be better spent on coming with ways to engage those who voted against us.

6. Think critically about "No on 8" but even more critically about your involvement (or lack of involvement) in the campaign. In talking with many people, phone banking was a daunting task that kept them away from the headquarters. I would encourage those people to learn about the many positive phone conversations that phone bankers had and the other ways people donated time to the campaign. It is clear that the bodies we had on Market Street the Friday following the passage of Prop 8 outnumbered volunteers before vote. Every discussion about "what went wrong" must include self reflection.

Along with these recommendations I would like to offer my thanks to the National Center for Lesbian Rights and Equality California for reminding everyone that a diverse coalition of people worked on "No on 8;" and for calling for unity following the passage of Proposition 8. I hope that as the Marriage Equality movement moves forward, we learn from the mistakes of "No on 8" and especially, the ugly accusations that followed the vote. In the end, those accusations revealed more about what's standing in the way of our victory than voter exit polls did.



*Photo: Stephen Dickter*

# Monning Joins...

*Cont. from page 1*

**NLGSF:** How do mediation skills help you with this work or with any of the other work you do?

**Monning:** Mediation skills can facilitate the process of constructive dialogue and negotiation. There is no “magic wand” in the negotiation process, but a planned and strategic approach that takes into account cultural, gender, language and other variants can increase the probability of successful outcomes. There is also great utility to approaching legislative and media strategy with a foundation in strategic negotiation planning and learning how to aggregate power (community organizing) in asymmetric power relationships. The key to successful mediation is the “political will” of the parties to find a solution. When a party or parties are resistant to participating in negotiation, then an understanding of party interests and constituent interests can provide a focal point for community organizing efforts to complement legal and negotiation strategies.

**NLGSF:** Why did you decide to run for the California Assembly?

**Monning:** We live in the 5th or 8th largest economy in the world (State of California), but have growing poverty, disenfranchisement, and decline of health services, education, and environmental protections. The California State Assembly offers a platform to advance reform initiatives; to educate constituents; and to build alliances and coalitions to advance grassroots power. The current budget crisis calls into question the very means by which the budget is achieved in California. We are only one of three states in the union that require a 2/3 vote in both houses to pass a budget. This requirement cedes power to the minority party while blocking efforts to secure adequate funding for healthcare, education, early infant care and education, elder care, mental health care, and other needs. I look forward to working with community groups and like-minded legislators to promote fundamental budget reform probably through a ballot initiative efforts in 2009.

**NLGSF:** What do you hope to accomplish?

**Monning:** I am particularly interested in promotion of basic conflict resolution training in K-12 education; expansion of mediation options in California courts; protection of communities from toxic waste and exposure; protection of fundamental civil and human rights; and, building of statewide networks that will unite environmental, labor, minority, and other organizations to advance electoral, campaign finance, and economic justice reforms.

**NLGSF:** How do you feel generally about the recent election and in particular the victory of Barack Obama on the one hand and Proposition 8 on the other?

**Monning:** The success of the Barack Obama campaign is testament to the power of community organizing and represents the largest scale electoral organizing campaign rooted in an explicit commitment to civil rights. The movement that helped elect Barack Obama will be challenged to maintain its structure and vitality. It will be interesting to see how Barack Obama sustains the election campaign network or whether the network finds the means to sustain itself. The convergence of forces that led to the Obama victory represents an historic step forward, but is only a step. For those who argue that the election of Barack Obama represents “the final chapter” in the civil rights movement, I would disagree. We have a long march ahead to effectively challenge the ongoing impacts of racism and sexism in the USA. The election of Barack creates an opening and serves as affirmation to the many young people who were activated. Many Barack supporters were introduced to basic campaign election skills that can now be applied in local and state election campaigns of the future.

The apparent passage of Prop 8 represents a temporary defeat in the civil rights movement for same sex marriage equality that is directly linked to the struggle to win acceptance and tolerance for gay, lesbian, bi, and transgendered rights. The progress made since the Knight Initiative (Prop 22) of several years ago to the very close outcome of Prop 8 represents a big step forward in the California electorate. As in all civil rights struggles, the road to victory can be long and elusive. We must sustain ourselves through recognition of the justice of the cause and the enduring friendships and progress made in the recent campaign to defeat Prop 8. Education, outreach, and organizing along with some future legal victories will keep the historic imperative of acceptance and tolerance of LGBT marriage within reach.

**NLGSF:** Is there anything else you'd like to add.

**Monning:** I look forward to drawing on the many resources of my longtime colleagues in the Guild for inspiration and expertise in navigating this new challenge. I invite inputs and ideas from Guild members on ideas for legislation or community action. I look forward to continued collaboration with members of the Bay Area Chapter and the national organization. Si Se Puede!

**Testimonial Dinner - Save The Date!**



**Honoring  
Stephen Bingham  
with the Champion of  
Justice Award**

Evening of April 18, 2009

Oakland Marriot City Center

More details to follow

[www.nlgsf.org](http://www.nlgsf.org)

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