HISTORY OF THE PEOPLE'S LAW OFFICE

Early Days

The idea for the office originated in 1968, in the aftermath of the 1968 Democratic Convention, when a group of lawyers, trying to figure out how to deal with the hundreds of criminal cases of people arrested in the protests, decided they wanted to work in, with, and for the movement for social and political change. The idea was to have an office that would be part of the movement in some real way, with a workload determined by political events and involvements, and thus free of the normal constraints of a law firm. Primarily, that meant the office would be a collective, whatever that meant; not a firm in any event. Ted Stein brought the idea to Dennis Cunningham, Skip Andrew and Don Stang, Dennis talked to Jeff Haas, and the five of them started meeting to discuss whether such a thing could be done, and whether they ought to try it. Before they got very far, Dennis met Bobby Rush and Fred Hampton, who asked for help with the many legal problems the new Illinois Chapter of the Black Panther Party (BPP) was already having. The opportunity to go to work for such clients - even though the lawyers were so green that they had little idea of what to do - made the decision to start the office easy.

There ensued a baptism of fire. Dennis had his first jury trial in late February 1969, on one day's notice, representing Fred Hampton in a case about a demonstration in Maywood City Council chambers. By April of that year a high level of conflict had developed between the police on the one hand and the Panthers and Young Lords on the other, and there was a series of major confrontations between them. Fred Hampton was convicted of robbery for allegedly stealing ice cream bars from an ice cream truck and passing them out to neighborhood kids, and though the trial judge had originally promised him probation, a vicious attack on Hampton in the press by Cook County State's Attorney Edward Hanrahan led the judge to sentence him to two to five years in prison. We got involved at the appeal level and joined the efforts to free Fred and defend the Panthers, drafting a motion for an appeal bond.

It was a time of tremendous political activity and drama in the city, involving the BPP, the Young Lords, Young Patriots, Students for a Democratic Society (SDS), an increasingly radical anti-war movement, and militant community organizations such as Concerned Citizens of Lincoln Park and the Latin American Defense Organization (LADO). In May, Young Lords' member Manuel Ramos was killed by a police officer, leading to a tense protest march by some 2000 activists from People's Park (Armitage and Halsted) to the Chicago Avenue Police Station. Major police raids and shooting incidents against the Panthers occurred throughout the summer, and by summer's end the lawyers were making multiple appearances in courts almost every day, and not feeling that green anymore.

The actual office was opened in a converted sausage shop at Halsted and Webster on August 1, 1969, with a collective that included Skip, Don, Jeff, Dennis, Flint Taylor, Seva Dubuar, Ray McClain, Mariha Kuechmann and Norrie Davis, while Ted Stein and Burt Steck ran the Chicago Legal Defense Committee and the Chicago Area Military Law Project in the front

room. The storefront space was laid out in a unique honeycomb of tiny hexagonal chambers, designed by Howard Alan, and there was a six-inch-thick concrete wall and steel gate across the front, behind the plate glass window, to protect us in case of an armed attack. We had already boldly decided to call ourselves the Peoples Law Office - informally at least - and our purpose was easily encapsulated in the obligation to be worthy of that name. We were soon joined by a wonderful older man, Eugene Feldman, who volunteered his services as a receptionist, and who inspired us with his lifelong commitment to the movement and his first person stories of the civil rights struggle in the South and against HUAC in the forties and fifties.

In late August, our efforts to free Fred Hampton were successful and he was released on an appeal bond, returning home to a tumultuous and inspiring welcome. The frenetic pace of work intensified in the fall: Marc Kadish moved from Detroit to organize a National Lawyers Guild chapter in Chicago and to work in our office; the Chicago Conspiracy trial began in September with a boisterous demonstration at which numerous Weathermen were arrested for felony mob action and for freeing a comrade from a police wagon; a faction of SDS, the Revolutionary Youth Movement, had their National Action; and in October the Weathermen had their "Days of Rage." There was also another shootout at Panther headquarters, and six Panthers were arrested; Skip and Dennis got most of the cases thrown out. Bobby Seale was bound and gagged in the Conspiracy trial, and the Panthers and other supporters held daily protests at the Federal Building. In November there was a shootout in which Panther Spurgeon "Jake" Winters and two Chicago police officers were killed. Working with Warren Wolfson, we represented Brian Flanagan, who was charged with the attempted murder of Corporation Counsel Richard Elrod, who had broken his neck trying to tackle Brian as he ran through the streets of Chicago in the Days of Rage. Flanagan was acquitted of the charges.

The Murder of Fred Hampton

On December 4, 1969, at 4:30 a.m., Edward Hanrahan and his squad of special police raided the Black Panther Party apartment at 2337 W. Monroe Street in Chicago. A hail of police gunfire from rifles, a submachine gun, shotguns and handguns left Fred Hampton and Mark Clark dead and four other Panthers wounded. In a carefully staged press conference only hours later, Hanrahan falsely claimed that there was a fierce shootout and that Fred and other Panthers had fired numerous shots at police.

.

In their arrogance, the police neglected to seal the apartment from the public after the raid. Panther leader, now U.S. Representative, Bobby Rush contacted Skip and Dennis, and they mobilized the Office to go to 2337 W. Monroe to take pictures and to gather evidence which the police left behind. The entire apartment had been torn apart, and it was quickly apparent from the bullet holes that all the bullets went into the rooms where the Panthers were sleeping. The bloody mattress and pool of blood on the floor showed that Fred was shot at point blank range in his bed, and his body was dragged out into the hall.

With the help of several friends, including Mike Gray, who was making a documentary

on the Panthers, which later became the "Murder of Fred Hampton," we filmed, photographed and documented the location of each piece of evidence, then removed it to a secret location: Reverend Jim Reed's church. We also took custody of the front door panel, which showed that the police had fired a shot through the front door – contrary to their story. Jeff Haas and Marc Kadish were at the police station where they heard the firsthand accounts of the survivors: that the police came in shooting, that Fred and Mark and the survivors never had a chance to defend themselves, and that the police had said "[Bobby] Rush is next." Rush was warned and went underground for several days, thereby avoiding being home when the police raided his apartment on December 5th. Two new members of the office were recruited that day – Northwestern students Susan Jordan and Jackson Welch.

The raid and Fred's murder had a tremendous impact on our lives and the work of the office. We worked continuously for weeks and months, first at the apartment and the police station, then on the legal defense of the survivors, drafting civil rights lawsuits, dealing with the federal grand jury, the coroner's inquest and the People's Inquest. While Hanrahan used the Chicago Tribune and local television stations in an attempt to further his lies and cover-up, the Panthers and we were able to demonstrate at the apartment that the police fired all but one of the shots and to publicly establish that it was a "shoot-in" and murder, rather than a shootout.

In May 1970, the U.S. Justice Department continued the Hampton cover-up by refusing to indict the raiders, but rather issued a grand jury report which condemned both the Panthers and the police, while admitting that the police fired 90-99 shots to one by the Panthers. In June, with the assistance of Arthur Kinoy, Bill Bender, and the Center for Constitutional Rights, we filed several civil rights lawsuits against Hanrahan and the police on behalf of the Hampton family and the raid survivors. These suits were to prove pivotal in exposing the true facts of the raid, and were to define the office in the years to come. To continue reading about the Hampton case, click here.

Government Surveillance

Meanwhile, several members of the office moved in together and set up a living collective at Jeff's house. There, we were the targets of daily surveillance by the Chicago Police Department Red Squad and particularly one Maurie Daley, who made it a point to aggressively taunt us. We later discovered that the FBI had rented a room across the street from our collective and was filming us and reading our mail. We duly documented the Red Squad surveillance, and even drafted a lawsuit, but didn't file it because it never seemed like a priority, given all the other work that we were doing. The surveillance of our office did come to the attention of the United States Supreme Court, however, and was referenced in an opinion by Justice Douglas, which noted that the attorneys for a petitioner whose telephone conversations with her attorneys were illegally tapped "include an organization in Chicago known as the 'Peoples Law Office.' Peoples is a firm almost exclusively devoted to the criminal defense of 'militants' and 'radicals,' including Chairman Fred Hampton of the Black Panther Party and Bernadine Dohrn and Marc

Rudd of the Weatherman faction of the SDS." *Heutsche v. United States*, 414 U.S. 898, 903 (1973) (Douglas, J., dissenting).

Although we did not file a lawsuit challenging the Red Squad's surveillance of us, several of us were named plaintiffs in a lawsuit filed by others in 1974 to stop police spying and disruption. The FBI, the CIA, and Military Intelligence were later added as defendants, and in 1981 many of the named plaintiffs agreed to consent decrees to end the injunctive aspect of the litigation. We felt that the decrees did not go far enough, and that many of the most frequent movement targets were not sufficiently protected, so we intervened in the lawsuit on behalf of those individuals and organizations, and opposed the entry of the decrees, but they were eventually approved over our objections.

Representing the Panthers in Downstate Illinois

On November 12,1970, there was a predawn shootout between the Panthers and police at a Panther house in downstate Carbondale, Illinois and three Panthers were arrested. At the request of Bobby Rush, we went down to investigate and to get the Panthers out on bond. Jeff and Flint were joined by Michael Deutsch, who had recently given up a clerkship in the Seventh Circuit Court of Appeals in order to join the office. We were successful in getting the defendants freed on bond, and gathered physical evidence at the apartment in a similar manner to the Hampton case.

In the spring of 1971, we decided to open a branch office in Carbondale to deal with the Panther defense, as well as other movement cases arising from Southern Illinois University and the community. Michael, Flint, and Steven White moved south, and were assisted by local people including Patricia Handlin and Arnie Jochums. In the summer of 1971, the case went to trial, with the legal team consisting of Jeff, Michael, Flint, and Steve White. At the end of the trial the "Carbondale 3" were acquitted on all 41 counts. We became close to the Panthers in Carbondale, and were moved by their dedication and commitment. We were particularly impressed by the leadership of Jimmy Brewton, later known as Ali Shanna, who displayed many of the same qualities as Fred Hampton.

Attica

On September 9, 1971, prisoners at Attica prison in western New York State, protesting their appalling living conditions, outraged by the killing of George Jackson in San Quentin a few weeks earlier, and fortified by a growing black and brown power and prisoners' rights movement, rebelled and took over the prison, seizing guards as hostages. Four days of negotiations, and the presence of several outside observers including New York Times journalist Tom Wicker, state representative Arthur Eve and attorney William Kunstler, brought significant progress in reaching a resolution. New York State Governor Nelson Rockefeller refused to intervene in the negotiations and instead decided on a state police assault on September 13. The assault and ensuing massacre killed 39 people, 29 of them prisoners. Immediately after the

retaking of the prison, law enforcement alleged that the killings had been committed by the prisoners, but this story was soon revealed to be false, and the actual facts were that all 39 victims of the retaking were killed by the state.

The retaking of the prison was followed by an orgy of violence and retaliation by prison guards and police, with prisoners brutally tortured for hours, and some prisoners likely executed. Jeff and Mzizi Woodson, a legal worker who had recently joined the office, went to New York and were among the first legal people allowed to see the prisoners. They met many of the Attica brothers, including Frank "Big Black" Smith, who had been tortured by the prison guards after the massacre. They also met Mara Siegel, a Buffalo law student who had responded to the call for legal support. Over the next several months, many different lawyers, law students and legal workers from the office made trips to Attica, where we learned first hand of the atrocities, developed relationships with many of the brothers, and worked on several of the injunctive cases which sought relief from the hideous maltreatment of prisoners in the aftermath of the massacre.

Although the killings in the retaking of Attica had all been committed by law enforcement, and although a later investigations by a special prosecutor concluded that "at least sixty-five or seventy [law enforcement] shooters were subject to possible indictment for murder, attempted murder, reckless endangerment and other felonies," 62 prisoners were the only ones charged with crimes. Michael and Dennis relocated to Buffalo to help coordinate the defense of the criminal cases, support the Attica brothers, prepare a civil lawsuit on behalf of the prisoners and work with groups to raise political support for the Brothers. There, they worked tirelessly with other lawyers and a large group of law students and paralegals (including John Stainthorp, who was later to become an attorney, move to Chicago and become a member of the office), and eventually obtained the dismissal or acquittal of almost all the charges. In 1976, New York Governor Hugh Carey pardoned all of the Attica Brothers who had pled guilty in return for reduced sentences, and commuted the sentences of the two prisoners who had been convicted at trial. The civil case continued for years, and eventually resulted in a settlement for the prisoners, which will be described later. To continue reading about the case, click here.

The Hampton Trial

In the summer of 1972, Hanrahan and his men, who had been indicted by a special state grand jury for obstruction of justice in the Hampton and Clark killings, went on trial before a Democratic machine judge, Philip Romiti. We had no illusions about what the result of this case would be, and Romiti duly did his part, entering a directed verdict for Hanrahan and his men. Only a week later, the Black community delivered a very different verdict as Hanrahan was defeated by Republican Bernard Carey in the State's Attorney election.

Our own civil case against Hanrahan and the raiders had been assigned to a hostile judge, who had dismissed many of the claims before trial. The tide in the *Hampton* case turned, however, after the Seventh Circuit restored Hanrahan as a defendant, and a separate prosecution of a rogue police officer revealed that William O'Neal, an original member of the Panthers who

served as Fred's bodyguard and who was a client of ours who had frequently visited our office and our houses, was in reality an FBI informant who had been intimately involved in setting up the Hampton raid and who had been reporting to the FBI all along.

Armed with this information, we began to pursue the FBI's involvement in the murders. In conjunction with William Bender and the Rutgers Law School Constitutional Law Clinic, we subpoenaed documents, which revealed that O'Neal and the FBI had supplied a floor plan to Hanrahan's men, which marked the bed on which Fred would be sleeping. We deposed O'Neal, his FBI contact and other FBI officials, and began to focus on the role of the FBI's COINTELPRO (Counter Intelligence Program) in the conspiracy to assassinate Fred. By this time another Northwestern Law student, Holly Hill, had joined the office and she, Flint, Jeff, Ralph, Peter Schmiedel (who had joined the office as a law student in 1972), were working with the Rutgers personnel and numerous volunteers on the *Hampton* case.

In November of 1975, we left the sausage factory and moved our offices downtown in anticipation of the impending Hampton trial, which began before Judge Sam Perry in January of 1976 . The office at the time consisted of Jeff and Flint, who were working full time on the trial; Peter, Pat Handlin and Chick Hoffman (who had joined the office in late 1975), and several volunteers. James Montgomery and Herb Reid were also active members of the Hampton trial team, and Dianne Rapaport and the December 4th Committee lent invaluable political and legal support.

Dennis took a break from Buffalo and dealing with the Attica trials to help during the first few months of the trial, during which it was revealed that the FBI had withheld 200 volumes of documents from us during discovery. In those volumes were documents, which established that the raid was part of the FBI COINTELPRO program designed to destroy the Panthers, and that O'Neal was paid a $300 bonus by the FBI for making the raid a "success." While Jeff and Flint tried Hampton, everyone else hustled cases for money, and did as much *Hampton* work as possible, while we lived on $75 each per week.

The *Hampton* trial lasted for 18 months, with the judge attempting to block our evidence at every turn, finding Jeff and Flint in contempt several times, and displaying outright hostility towards us and the case. The jury eventually hung, and rather than ordering a retrial Judge Perry threw out the whole case and assessed $100,000 in costs against the plaintiffs. Now we would have to get that verdict reversed on appeal to the Seventh Circuit. Click here to go to the next Hampton section.

Prison Work

Our work with the Panthers in Carbondale had brought us into contact with prisoners at the nearby Marion Federal Penitentiary in Marion, Illinois. In 1972, there was a work stoppage at the prison which led to the segregation of over one hundred protesting prisoners. We filed a suit, *Adams* v. *Carlson,* which challenged this segregation, eventually winning the case on appeal, and

the men were released from segregation in early 1974.

We fought against prison behavior modification units, later named "control units" both in the federal and the state systems. Our challenge to Stateville Prison's Special Programs Unit (SPU) ultimately established the right to due process before placement in such control units. In the wake of the *Adams* decision, Marion authorities converted the segregation unit to a control unit, and we filed a second suit, *Bono* v. *Saxbe,* which challenged that unit, and which became another piece of protracted litigation as the Bureau of Prisons developed their draconian maxi-maxi penology and offered it as a brazen defense to their unconstitutional conduct.

During this time period, we also began to work with women in prison, particularly with the women at Dwight Correctional Center. Pat, Holly and several other women started the Women's Prison Project, which taught weekly classes to the women at Dwight. In 1976, however, the Department of Corrections cracked down on the Project, barring the law class and locking Maxine Smith, an African American woman who was the only jailhouse lawyer at the prison, in indefinite segregation on the pretextual charge of possession of a camera. The Department offered to release Maxine if she would stop her jailhouse lawyer activities and relinquish her law library job, but she refused on principle. Peter, Pat and the Women's Prison Project filed a complaint seeking her release and damages. Several years later, in 1978, the Seventh Circuit ordered her release from segregation, and several years after that, in June 1983, we obtained a $100,000 award in her favor from an all-white jury in Peoria.

In July, 1978, Pontiac Prison erupted, with three guards killed. The prison was placed on total deadlock, and lawyers were barred. Together with other lawyers we first filed a suit to regain entry into the prison, and then sought to end the deadlock. We obtained a preliminary injunction ending the deadlock and defended it on appeal, and then spent several months in early 1979 pressing contempt against the Department of Corrections for noncompliance with the injunction. As a result, the DOC ended the deadlock and we received a substantial attorney's fee award for our work. During this time we also began to meet with prisoners who were targeted for indictment and began to plan their defense.

When 17 Pontiac prisoners were indicted for the murders of the three guards, Jeff and Michael, along with several other criminal defense lawyers, took a major role in coordinating the defense and adopting a strategy of maintaining unity among the defendants, working with the Pontiac Brothers Defense Committee, exposing the prison conditions, and putting the state on trial. In the first trial, the prosecution proceeded against ten of the defendants, including Jeff's client, Joe Smith, but after a lengthy trial the jury acquitted all defendants on all counts. The state then dropped all remaining murder charges.

We also litigated to improve the abysmal medical care in prisons. In *Green* v. *Carlson,* we sued the federal Bureau of Prisons officials for the 1975 death of Joseph Jones in the Terre Haute Prison Hospital. Jones was the fourth Black prisoner to die at Terre Haute in eight months due to grossly inadequate medical care. The district court had dismissed the complaint, but the

Supreme Court accepted the case and in early 1980, the entire *Green* team piled into a station wagon dubbed the Butz (for *Butz v. Economu*) Express and descended upon Washington and the Supreme Court. Michael argued the case, with the major issue being whether a prisoner's cruel and unusual punishment claim for damages could be implied against federal officials under the Eighth Amendment. Later that year, the Supreme Court decided the case in our favor.

Another case that we litigated dealing with medical care in prison also ended up in the U.S. Supreme Court, with a favorable decision for the plaintiffs. David Saxner and Alfred Cain, prisoners at Terre Haute, had protested the substandard medical care, which had caused the death of another prisoner, William Lowe, and had been "active in gathering information about Lowe's death and about conditions at the prison hospital, and in passing that information to the press, Members of Congress, prison officials, and Saxner's attorney." *Cleavinger v. Saxner,* 474 U.S. 193, 194 (1985). In retaliation for the exposure of their misdeeds, the prison authorities punished Saxner and Cain by taking away their good time. We filed suit against members of the prison disciplinary commission and won a damages award from a jury. The prison appealed, but the Supreme Court affirmed the denial of absolute immunity to the prison officials, ruling that they could be liable in money damages.

Our prison work continued in the 1980s with litigation as well as work with Amnesty International, congressional committees, human rights organizations, the United Nations, and the various Marion committees. Some of the major issues which we dealt with were the banning of the Marion Prisoners Rights Project from the prison, the imposition of a complete and permanent lockdown at Marion, and the opening of a new political prison for women in Lexington, Kentucky. We obtained injunctive relief and then a jury verdict against Marion officials for the banning of the Marion Prisoners Rights Project and subsequently helped obtain an injunction which prohibited the Bureau of Prisons from placing women into the High Security Unit at Lexington prison on the basis of their political beliefs and associations, an injunction which, unfortunately, was later overturned by the Court of appeals for the D.C. Circuit.

Support for The Puerto Rican Independence Movement and the Puerto Rican Community

In 1974, Michael and Mara Siegel, who had joined the office after moving from Buffalo, became deeply involved in the struggle to free the Five Puerto Rican Nationalist prisoners: Rafael Cancel Miranda, Irvin Flores, Oscar Collazo, Lolita Lebrón, and Andrés Figueroa Cordero, and helped organize a national committee to "Free the Five." The five were fighters for Puerto Rican independence, with Oscar Collazo involved in a shooting outside Blair House in 1950, while the other four had opened fired in the U.S. Congress in 1954. The office worked with Puerto Rican lawyers, filed lawsuits in the District of Columbia, and later with the International Human Rights Commission in Geneva, and Michael testified before the United Nations.

In November of 1976, leading independence activists, as well as some of their most militant Chicano supporters, were subpoenaed to grand juries in New York and Chicago in

connection with the U.S. search for Fuerzas Armadas de Liberación Nacional (FALN) fugitives and in order to harass the above-ground movement. We worked to fight the subpoenas, upholding the movement's strong position of non-collaboration, and for 14 months were successful in keeping all those subpoenaed out of jail. Ultimately many of the subpoenas were dropped, but José López, Ricardo Romero, Pedro Archuleta, and Roberto Caldero were held in contempt and jailed. It was during this period that we began our close association with the Puerto Rican Cultural Center and the Rafael Cancel Miranda (now Pedro Albizu Campos) alternative high school.

After the Puerto Rican Parade in 1977, Police Sergeant Thomas Walton led a contingent of charging police into a picnic area of Humboldt Park, a center of the Puerto Rican Community in Chicago, shooting in the back and killing 2 unarmed men, Julio Osorio and Rafael Cruz. This led to a two day uprising by outraged members of the West Town community, and we filed a law suit against Walton and the City, which became known as the Humboldt Park case. The case eventually went to trial in 1981, and was on the verge of a verdict when the judge had a heart attack and a mistrial was ordered. When we interviewed the jurors we learned that all but one were strongly for us and would likely have ordered a large plaintiffs' verdict, but after the case dragged on we ultimately settled the case for $625,000.

In September of 1979, the international struggle to Free the Five Puerto Rican Nationalist Prisoners culminated in victory when the sentences of the four who remained in prison (Andrés Cordero had been released the year before because he had terminal cancer) were unconditionally commuted and they were released. 3,000 people greeted the freed patriots in Chicago, 10,000 in New York, and 25,000 jammed the airport in San Juan for their triumphant return home.

In April of 1980, eleven alleged FALN members were arrested in Evanston and charged in state and federal court with numerous criminal offenses including seditious conspiracy. These independence fighters, citing international law, did not recognize the authority of the U.S. courts to criminalize their struggle against colonialism, and asserted a prisoner of war position. We gave legal assistance to them by preparing a petition to the U.N. Decolonization Committee and the Human Rights Commission in support of their position.

In state court, a judge held Mara in contempt and threatened to throw Michael out of a window. In federal court 10 of the 11 were given sentences from 55 to 90 years and Haydée Torres received a life sentence. The 11 were shipped off to prison, and a major task of the Office became the protection of their human rights against the politically motivated treatment of state and federal prison authorities and the campaign for the recognition of their prisoner of war status. Michael appeared before international human rights conferences in Malta, Cuba, and Barcelona, and at the United Nations in support of their claim for status as anti-colonial POWs.

Hampton **Appeal**

After spending 18 months fighting Judge Perry's attempts to hide the truth of the murders of Fred Hampton and Mark Clark at the *Hampton* trial, we spent much of 1978 preparing the *Hampton* appeal. This was a massive task which involved reading and abstracting a 37,000 page record, and writing a 250 page brief, which had Fred and Mark's pictures on the inside cover and a signature page which proclaimed "All Power to the People." We were assisted in our efforts by Jon Moore, a graduating DePaul law student, and a crew of devoted typists who tirelessly did many of our large typing tasks, often working with us through the night.

In April 1979, the Seventh Circuit issued its opinion in *Hampton*. In a landmark decision authored by Judge Luther Swygert, the court reversed Judge Perry's entry of directed verdicts, found there to be substantial evidence of a conspiracy between the FBI, Hanrahan, and the police to murder Fred and destroy the Panthers, found that the FBI had obstructed justice by suppressing 200 volumes of documents, and reversed the contempt citations against Flint and Jeff. Soon thereafter, Judge Swygert received a "Right on Luther" tee shirt, compliments of the People's Law Office.

After the case was sent back to the District Court for trial it was assigned to a new judge. Utilizing the powerful Court of Appeals decision, we sought sanctions against the defendants for their obstruction of justice and fabrication of a second informant, complete discovery, and enforcement of the Court of Appeals' finding that our evidence had proven a conspiracy among the defendants. Given these new realities, in 1983 the City, County, and FBI combined to provide a $1.85 million settlement.

George Jones and Street Files

In May of 1981, the office became involved in a murder case, which eventually led to the discovery of "street files" - secret police files in which evidence favorable to criminal defendants was systematically hidden. George Jones, an 18- year-old African American man who was about to graduate from high school, was arrested for the murder and rape of a 12-year-old girl and brought by Area 2 detectives to a hospital room for a show up. Fortunately, the family promptly contacted us, and Peter rushed to the hospital and was present in the hospital room when the witness - the victim's 7-year-old brother who had suffered serious brain damage in the attack - could not identify George. Nonetheless, George was charged, indicted, and held for 5 weeks in Cook County Jail before he could make bond. Jeff and Peter became George's lawyers and the case was set for trial in April of 1982.

At trial, the 7-year-old dramatically broke down while testifying, leading to a story on the case to appear in the *Chicago Tribune.* Frank Laverty, an Area 2 detective who had investigated the case and had uncovered evidence showing that Jones was not the offender, had been assured by his superiors and coworkers that the case would never go to trial. Upon reading the *Tribune* article (as he was at O'Hare airport, about to leave on vacation), he was shocked that the case was proceeding and immediately telephoned the courtroom. Jeff was called to the phone and Laverty told him that he had information establishing that Jones was the wrong man and that the

detectives had framed him. Laverty then came to the courthouse and revealed that the evidence, which established Jones' innocence, was hidden in the secret "street files."

As a result of Laverty's revelations and his subsequent testimony in the trial, the prosecution was dismissed, and we immediately filed a class action lawsuit seeking to end the use of street files. After establishing that the use of "street files" was a longstanding and widespread practice, which was often utilized by the police to hide exculpatory evidence, we obtained a preliminary injunction enjoining the practice. Although the injunction was subsequently reversed on appeal, our litigation had been widely covered in the media and effectively ended the practice, at least in its previous form. The CPD adopted new policies, and the Police Superintendent was forced to admit that the prior practice was wrong. The publicity surrounding exposure of the street file policy led to many criminal defendants filing discovery requests for street files and obtaining evidence that helped establish their innocence. Although we lost the injunctive case, we determined that we would not let this issue drop, and we filed a civil case on George's behalf.

When the case eventually reached trial, in early 1987, Jeff, Flint and John Stainthorp (who had joined the office in 1980) obtained a $801,000 verdict against the city, the Commander of Area 2, and ten police detectives and supervisory personnel. The verdict was subsequently affirmed by the Seventh Circuit in a decision which set the legal standard for when police officers are liable for malicious prosecutions. When all was said and done, the total award in the case, including attorneys' fees, was nearly $1.5 million.

Representing Demonstrators and Activists

Throughout the 1970s we continued our work representing demonstrators and activists. In 1978 we represented Iranian students who were arrested at several militant demonstrations in Chicago against the Shah and his secret police (SAVAK), and obtained documentation which linked the FBI, the Chicago Police Department and SAVAK. We also represented Palestinian students who were expelled from the University of Illinois for protesting against Israeli Day. In 1983, together with Susan Gzesh, we successfully fought the government's efforts to deport Dennis Brutus, a noted South African poet and political activist, and won him political asylum. We participated in demonstrations against U.S. intervention in Central America and helped to form the Chicago National Lawyers Guild (NLG) Central America Task Force, defending activists arrested for civil disobedience and sanctuary networking, staging a major war crimes tribunal as part of a national effort, and organizing a march on contra headquarters at the 50th anniversary of the Guild. In 1984, Janine Hoft became a full time PLO lawyer and represented anti-intervention and anti-nuclear demonstrators, successfully pursuing a necessity defense to trespass charges at Great Lakes Naval Training Center.

In the 1980s we represented women who were arrested on International Women's Day for chaining themselves to the Playboy Club, demonstrators arrested at protests against the Rock Island Arsenal, Pledge of Resistance demonstrators, Armed Forces Day demonstrators,

Hiroshima Day demonstrators, and Sanctuary supporters, anti-apartheid protestors, toxic waste demonstrators, homeless activists, anti-CIA protesters, anti-Zionist protesters, and demonstrators who protested discriminatory CTA hiring practices.

Greensboro

During 1983 and 1984, Dennis and Flint became more deeply involved in the lawsuit brought by Lewis Pitts, Gayle Korotkin, Dan Sheehan and the Greensboro Justice Fund against the Klan, the Nazis, police, FBI and the Bureau of Alcohol, Tobacco and Firearms (BATF) in Greensboro, North Carolina for the murder of five Communist Workers Party (CWP) leaders at an anti-Klan demonstration in 1979. In January 1985, Flint moved to North Carolina for six months for discovery and trial. The evidence showed that a BATF agent provoked the Nazis, that an FBI and police informant planned and led the Klan's assault on the demonstrators, and that the local and federal authorities knew that the assault was going to take place and consciously absented themselves. Much of the massacre itself was filmed by the local TV stations and videotapes were repeatedly shown on monitors in the courtroom. Although we were faced with constant efforts by the defendants to vilify the plaintiffs because of their political viewpoints and membership in the CWP, the jury returned a verdict against several of the Klan, Nazis and police - the first such verdict ever obtained in the South.

Puerto Rico Work Continues

In 1982, Michael, Liz Fink, and Margaret Ratner from the Center for Constitutional Rights represented five political activists from New York who were indicted for criminal contempt for refusing to testify before another grand jury investigating the Puerto Rican Independence Movement and the FALN. The government asked for a 15-year sentence, supported by a memorandum accusing the five and Michael of being members of the FALN. The five were given three years in prison.

Jan Susler, who joined the office in 1982, continued her work on behalf of the Puerto Rican prisoners of war by monitoring their prison conditions, speaking extensively concerning their treatment, and by working with churches and human rights groups; and Michael and Jan worked to revive and coordinate the NLG Puerto Rico Subcommittee.

In the summer of 1985 in Chicago, Dennis and Michael participated in the trial and defense of four alleged FALN members charged with seditious conspiracy, three of whom asserted the prisoner of war position. In August,16 Puerto Rican independence activists, accused of being members of the Macheteros, a clandestine pro- independence organization, were arrested and brought to Hartford, Conneticutt, where they were charged with conspiracy to rob Wells Fargo of $7.3 million. Michael soon became involved in the defense of one of the alleged leaders and thus became embroiled in the longest federal criminal proceedings in history, which would require his presence in Hartford for months at a time. This case also marked the most extensive use ever of pretrial preventive detention, and it was only after protracted argument and

struggle that the defense lawyers were able to secure the release of all defendants on bond. Eventually, Michael was instrumental in obtaining a resolution of the case in which his clients were sentenced to minimal prison terms.

Police Brutality and Torture

Throughout the existence of the office we have litigated many cases in which victims were physically abused by the police or other government agents. In 1988 this involvement intensified when John, Flint, and Jeff became involved in the Andrew Wilson civil rights case. Wilson was beaten, burned and electroshocked by several Area 2 detectives, including the commanding officer of the Violent Crimes Unit, Lt. Jon Burge, after being arrested for killing two police officers. When the civil case went to trial in 1989, we presented compelling evidence of Wilson's injuries and also showed that the police investigation of the police killings had been characterized by generalized torture and police brutality against other suspects and witnesses. During the trial, an anonymous police source revealed to us that Burge and a group of fellow detectives under his command had also systematically tortured numerous suspects in other cases. Unfortunately, we were confronted with a trial judge who did everything he could to help Burge and the other defendants, and allowed them to present interminable evidence about the crimes which the plaintiff was alleged to have committed, while barring evidence that Burge had tortured numerous other suspects over a 12 year period, or that he tortured another suspect at police headquarters only days before he tortured Wilson. The first jury was deadlocked, and at a retrial the jury found the City had a policy and practice of abusing and torturing persons suspected of injuring or killing police officers but refused to award damages or find Burge liable. Our continuing investigation of the pattern and practice of torture under Burge's command made it clear that Burge's torture interrogations were an open secret within the police department, and the evidence adduced at the Wilson trials and in our investigation led to an Amnesty International Report on police torture in Chicago, increased public attention on the issue of police torture, fueled community activism, and led to the police department's opening of an internal investigation into the allegations of systematic police torture.

The office continued to investigate other cases of police torture and to furnish this evidence to the CPD Office of Professional Standards investigators who were conducting the police torture investigations. Additionally, we continued to work closely with organizations fighting police torture and activists who were demonstrating at City Council meetings, meeting with the police superintendent, making a film concerning torture in Chicago, and otherwise educating the public. Prominent in this work with community groups was Stan Willis, who had joined the office in 1983. In late 1990, we presented this evidence of police torture to the Chicago City Council, and less than a year later, the OPS completed two unprecedented reports, one of which (the Sanders Report) recommended the firing of Jon Burge for torturing Andrew Wilson, while the other (the Goldston Report) found that the abuse of suspects at Area 2 from 1973 to 1986 included "psychological techniques and planned torture," was "systematic," "methodical," and that Area 2 command members, particularly Jon Burge, "were aware of the systematic abuse and perpetuated it either by actively participating in same or failing to take any

action to bring it to an end." The Department suspended Burge, then a police Commander, for his torture of Wilson, but suppressed the report which found systematic torture and abuse. We were able to obtain the report through discovery in another case which alleged a policy and practice of failure to discipline, and in February of 1992, obtained a court order releasing it to the public. Its release on the eve of Burge's hearing before the Police Board gained national and international attention, and we were frequent commentators on the nightly news coverage of the hearings. Later that year we argued the appeal of the *Wilson* case before a conservative panel of the Seventh Circuit, which nonetheless seemed sympathetic to our arguments that the trial judge had wrongly suppressed evidence of a pattern of torture while allowing improper evidence about the alleged crimes of Wilson.

In February, 1993, the Chicago Police Board found that Burge had physically abused Wilson, failed to stop the physical abuse and to provide him medical care, and ordered that he be fired. In April, the Seventh Circuit reversed the jury's verdict in favor of Burge in the civil case, holding that the plaintiff's case was "strong," and that the "torrent of inflammatory evidence and argument" which the trial judge permitted the jury to hear concerning Wilson, as well as his barring of clearly relevant acts of torture by Burge and his detectives, mandated reversal. In the course of our investigations in *Wilson* we learned of several other cases of police torture, and we filed several individual cases for other torture victims, including one on behalf of a thirteen year old boy who was tortured under Burge's command only a month before Burge was suspended. We also won a reversal of another torture victim's conviction, in part on the basis of the findings of systematic torture found in the Goldston Report.

In 1994, the *Wilson* case was remanded to the District Court and was ultimately assigned to a fair-minded judge, Robert Gettleman. As was the case in *Hampton*, the uncovering of damning evidence and the intervening political and legal events had turned the tide in the case, and we aggressively pursued judgment against Burge and the City. Relying on the Police Board findings, which ultimately were affirmed by the Illinois Appellate Court, we successfully obtained a judgment finding that Burge was liable. The City then reversed its position, arguing that it was not legally responsible for Burge's torture of Wilson, and did not have to pay any judgment to Wilson or his lawyers, because Burge was acting outside the scope of his employment. After the judge rejected this argument and entered a judgement against Burge and the City for approximately $1 million in damages and fees, the City appealed. In another unequivocal opinion, which has since been used in several other cases to force the City to pay for the unlawful acts of its police officers, the Court found that Burge's torture of Wilson during his interrogation was clearly within the scope of his employment, and affirmed the judgement. After appellate fees were assessed, we collected $1.1 million dollars in judgments and fees for more than ten hard-fought years of litigation.

Representing Demonstrators

In the 1990s the Office continued its tradition of representing militant and revolutionary activists and demonstrators, a tradition which originally encompassed the Black Panther Party,

the Young Lords Organization, the Puerto Rican Independence Movement, and SDS. We joined with the NLG to provide legal observers at demonstrations, and joined in the protests against U.S. involvement in Central America, South Africa, and the Middle East. We also represented activists who were arrested for acts of direct action and civil disobedience in criminal court, and activists from many different organizations, including student groups, the Emergency Clinic Defense Coalition (a pro-choice direct action group), Homeless on the Move for Equality, Greenpeace, Queer Nation, ADAPT (a disability rights activist group), activists protesting the lack of Latino hiring at the Chicago Transit Authority, and ACORN.

Several activist groups, including the Pledge of Resistance and Queer Nation, faced civil lawsuits for injunctions to curtail their activities. Queer Nation was sued by a Cracker Barrel restaurant in Indiana to enjoin protests concerning homophobic incidents and discriminatory hiring practices. The Pledge and individual members were served with emergency injunctions late in the evening at their homes by process servers hired by attorneys for the Water Tower Place shopping center management company, seeking to prohibit them from creatively bringing their message to holiday consumers by singing rewritten lyrics to popular carols. Jani defended these lawsuits, and the Illinois Appellate Court upheld the trial judge's decision to hold the activists in contempt but to issue no penalty.

Misdemeanor charges against activists were often dismissed as the prosecution feared the exposure of our clients' courageous politics and the heavy-handed conduct of the police who were ostensibly assigned to "serve and protect" the demonstrators. Northwestern University activists against apartheid and CIA recruiting on campus prepared defenses only to have charges dropped on the eve of trial. During the early 1990's a major antiwar mobilization against the War in the Persian Gulf yielded large numbers of protestors and arrests. In the winter of 1990, the "Chicago 19," a group of steadfast activists who were arrested while protesting the Persian Gulf War, refused to negotiate pleas and demanded trials until their charges were also dropped. PLO attorneys were part of the Legal Committee on the Persian Gulf, coordinating the legal defense of arrested activists and providing legal counsel to conscientious objectors. PLO lawyers Erica Thompson (who had joined the office as a lawyer in1991) and Jani were themselves arrested in January of 1991, along with then Chicago NLG President Ora Schub and Pasquale Lombardo in the lobby of the federal building, gathering signatures for an anti-war statement which was to appear in the Chicago Daily Law Bulletin.

PLO's involvement with activist groups in the 90s was exemplified by work with the AIDS Coalition to Unleash Power (ACT UP CHICAGO). We and other NLG lawyers and students attended meetings to discuss legal issues, coordinated legal observers at demonstrations and provided representation in criminal and civil courts. ACT UP activists demonstrated, protested, met with officials and disrupted speeches, including a speech by then President Bush at the Hyatt which resulted in criminal trespass charges against four ACT UP members. At the National AIDS Actions for Healthcare in April 1990 more than 100 activists were arrested, many from out of state. We helped coordinate the legal defense of all those who were arrested on mob action and trespassing charges, negotiating pleas, demanding jury trials and attempting to

conduct in absentia trials for out-of-state activists who chose not to return to appear in court.

At another large demonstration against the American Medical Association in June 1991, the Chicago police stepped up harassment and 27 ACT UP members were arrested and brutalized. One person was charged with a felony, that was reduced to a misdemeanor, and all remaining charges were subsequently dismissed. PLO then filed and litigated civil rights complaints on behalf of several of the demonstrators, and the cases were ultimately settled for a total of $80,000.

The Attica Civil Case

In September, 1991, twenty years after the massacre, the Attica civil trial began in Buffalo, New York. The trial team of Michael and Dennis, as well as Elizabeth Fink and Joe Heath, sought to hold the defendants liable to the entire class of Attica prisoners for the murderous attack, the brutal reprisals which followed the retaking of the prison, and the failure to provide medical care. After a grueling four month trial, the jury returned a mixed verdict, holding one defendant liable to the class while deadlocking on other claims. The trial was followed, several years later, by damages trials on behalf of prisoners who were victims of reprisals. Frank "Big Black" Smith, who had been tortured after the takeover, went to trial first, and the jury returned a record verdict of $4 million. After a further appeal and a reversal the class cases were eventually settled in 2000 for a total of $12 million. While we considered this an insufficient amount given the outrageous nature of the State's actions and the injuries suffered by the plaintiffs, we recognized that securing some recovery for the long-suffering prisoners, many of whom were now in poor health or had died, made the settlement the right thing to do.

Back to the Supreme Court

PLO lawyers argued two cases before the United States Supreme Court in the early 1990s. In 1992, John successfully briefed and argued the *Soldal* case, reversing an *en banc* decision of the Seventh Circuit Court of Appeals which held that the seizure of Soldal's mobile home did not violate the Fourth Amendment because it did not infringe on his privacy rights. In a unanimous decision written by Justice Byron White, the Supreme Court held that the seizure of the home, which White wryly noted gave "new meaning" to the term "mobile home," did in fact violate the Fourth Amendment because it interfered with Soldal's property rights. The next year, Flint and John returned to the Court and in *Buckley v. Fitzsimmons* obtained a decision which narrowed the scope of absolute prosecutorial immunity and held that a prosecutor was not absolutely immune for his actions in holding a defamatory press conference or for acting as an investigator during the early stages of a prosecution.

Puerto Rico

PLO's work with Chicago's Puerto Rican community continued throughout the 1990s. In 1993, the office worked with the community to defend its right to express its political and

cultural views by installing a statue of Nationalist icon Dr. Pedro Albizu Campos in a local park. After a lengthy political and legal struggle against political discrimination, the statue was erected on private property close to the park. In 1997-1998, the Puerto Rican community organized to encourage the local public high school to become more responsive to the needs of the community by creating a progressive educational environment which was socially and culturally relevant. These efforts were attacked by a right-wing conspiracy, led by pro-statehood proponents and their gentrifying benefactors, who used an FBI informant-provocateur and waged a campaign of lies, innuendos and distortion and falsely alleging misuse of funds. The office represented the community in defending against this highly political and baseless investigation that ultimately did not find a single violation of any financial or academic standard.

In 1994-1995, we represented Donna Willmott and Claude Marks who had been accused of participating in a 1986 conspiracy to free Puerto Rican political prisoner Oscar López Rivera. Oscar had been convicted of seditious conspiracy - "attempting to overthrow the government of the United States in Puerto Rico by force" - in 1981, at a trial in which he refused to participate, asserting prisoner of war status. We were able to negotiate the case, eventually obtaining sentences of three and five years, over the U.S. Attorney's argument for the maximum ten year prison terms.

In 1997, the FBI continued its attempts to destroy the campaign for the release of the Puerto Rican political prisoners, subpoenaing activists in relation to baseless allegations of misappropriation of funds, encouraging collaborators to defame local independence leaders, and using an informant provocateur to recruit a university professor into a botched bombing at a military recruitment center. We joined in the political and legal fight against these efforts, and were able to expose the relentless and blatantly political attacks on the campaign.

Throughout the 1980s and 1990s the office, primarily through Jan, was intensively involved in monitoring the prison conditions of the Puerto Rican political prisoners, speaking and writing about the violations of their human rights, participating in delegations and meetings with the Department of Justice and the White House advocating for their release, and coordinating with the campaign for their release. By 1999, the prisoners, who had been convicted of seditious conspiracy and being members of clandestine organizations fighting for Puerto Rican independence, had spent 16 and 20 years behind bars, serving wildly disproportionate sentences ranging from 35 to 98 years. Support for their release came from the U.S., Puerto Rico, and internationally, and included elected officials, churches, Nobel laureates, bar associations, academics and Puerto Rican civil society.

In response to this movement, in August 1999 President Clinton declared that their sentences were indeed disproportionate, and offered to release most of them. For the next month, as the political prisoners discussed whether to accept the offer, the right wing in the U.S. viciously attacked the president for this exercise of his constitutional power, while the office helped mobilize a political and legal counter-offensive and coordinated with the prisoners. On September 10, Edwin Cortés, Elizam Escobar, Ricardo Jiménez, Adolfo Matos, Dylcia Pagán,

Alberto Rodríguez, Alicia Rodríguez, Lucy Rodríguez, Luis Rosa, Alejandrina Torres and Carmen Valentín walked out of U.S. prisons and into the welcoming arms of the Puerto Rican people. PLO was fortunate that one of the prisoners who was released, Alberto Rodríguez, came to work at the office as a paralegal and intake specialist. In 2005, the office was successful in obtaining early termination of the prisoners' conditions of release.

One of the prisoners, Oscar López Rivera, did not accept the offer to him, which involved him serving an additional ten years. The offer did not include all of the political prisoners, and, given the hostility towards him from the guards in prison, he believed that his jailers would not allow him to successfully complete the conditions. Had he accepted the offer, he would have been released in 2009. While those not included in the president's offer were released on parole in 2009 and 2010, Oscar was not, and is now the only one of the 1980s Puerto Rican political prisoners remaining in prison, while all of those released - whether by presidential commutation or parole - are living productive, exemplary, law-abiding lives. Oscar has now served 31 years in prison, the longest of any Puerto Rican political prisoner since the U.S. invasion in 1898. The office continues to work in the ongoing campaign for his release.

From 1999 to 2007, Jan, while continuing to be a member of PLO, lived in Puerto Rico where she worked with the independence movement, filing Freedom of Information Act requests to obtain FBI records on independence activists, monitoring the U.S. government's interception of activists who traveled internationally, defending activists under FBI attack, and working with the campaign for the release of the remaining political prisoners. In 2005, when an FBI commando squad assassinated clandestine independence fighter Filiberto Ojeda Ríos, she worked with the team of lawyers representing his widow, to expose the human rights violations committed by the FBI. In 2006, as the FBI, in full military regalia, executed a search warrant at the home of an independence activist the FBI alleged to be a leader of Ojeda Ríos' clandestine organization, she worked with Puerto Rican lawyers to defend the activist, and later appeared at a U.S. Congressional hearing to expose the FBI's human rights violations.

In 2008, in an attempt to intimidate independence movement activists and distract attention from its murder of Ojeda Ríos, the FBI served grand jury subpoenas on several young Puerto Rican activists in New York City. The office worked with Guild lawyers in New York who filed motions to quash the subpoenas, thus representing yet another generation of independentistas who understood the grand jury as a tool of repression against their movement. No one was ever jailed, and the government never pursued the subpoenas.

Jan continues to be one of the stalwarts of the National Lawyers Guild's Puerto Rico Subcommittee, and in this capacity testifies annually at the United Nations Decolonization Committee hearings on Puerto Rico. The Guild Puerto Rico work has resulted in a relationship of solidarity between the Guild and the Puerto Rico Bar Association, of which she is an honorary member.

Fighting the Death Penalty

While we had worked on several significant and politically important death penalty cases during our first 20 years - the Pontiac cases in the early 1980s were one example - in the early 1990s we began to take on cases where the political significance of the case was the death penalty itself. As Illinois sent more and more people to death row, and the reality of the death sentence being carried out became more stark, we decided that fighting death penalty cases was significant and important work, and that it was right to put a substantial portion of our energy there and we began to represent a number of death row prisoners in post conviction proceedings.

One of our first cases involved Larry Mack, who had been sentenced to death after he was convicted of the murder of a bank guard during a bank robbery. As was true with many death penalty cases, he was represented at trial by an attorney who was extremely ineffective and who mounted almost no challenge to the State's case. We argued that Mack had never been properly found eligible for the death penalty, since the jury never determined that he intentionally killed the guard, and we were successful in persuading the judge to throw out the death penalty and then successfully defended the decision on appeal before the Illinois Supreme Court. The *Mack* decision was then used by several other persons sentenced to death in getting their death sentences reversed. On remand, the State again attempted to obtain the death penalty but we were successful in persuading the jury to reject it.

In the mid-1990s we took on the death penalty case of Nathson Fields, who was accused of being an El Rukn gang member who had shot two rival gang members in a supposed battle over drug turf. Although the case against Fields was never strong and rested almost entirely on very questionable eyewitness identifications, the trial judge, Thomas Maloney, who was renowned for being nasty, racist and pro-prosecution, ruled that the witnesses were credible and sentenced Fields and his co-defendant to death. After we filed the post-conviction petition Maloney was indicted for official corruption, and one of the counts was that in Fields' case he had extorted a bribe of $10,000 from Field's co-defendant in return for promising to acquit, had actually received the cash, but had then returned the bribe when he, correctly, suspected that he was under surveillance by the FBI. Eventually Maloney was convicted and served a lengthy prison term. Although the State did not acknowledge that trial before a corrupt judge who had taken a bribe from a co-defendant denied Fields a fair trial, and appealed the case to the Illinois Supreme Court, we were able to get the conviction and sentence thrown out. Many years later the case was retried and Fields was acquitted.

We also took on another death penalty case involving Maloney, representing William Bracy in a federal habeas corpus petition. Bracy had also been tried and sentenced to death before Maloney, at a time when Maloney was actively soliciting bribes. Although no bribes were passed in Bracy's case, we argued that Maloney was prejudiced against defendants who did not bribe them - he treated them very severely in order to conceal his pro-defendant rulings in cases in which he did take bribes, and to recruit more defense attorneys to pay bribes by making it clear that you had to pay to win. The Seventh Circuit Court of Appeals initially scoffed at this theory (over an impassioned dissent by Judge Rovner), but the United States Supreme Court held that Bracy was entitled to discovery to see if the theory could be backed up. When we did this

discovery we found a previously hidden report from the United States Attorney's office which concluded that Maloney used precisely this strategy to conceal his corruption and recruit more bribers. Eventually, after several years of litigation and appeals, we were able to have Bracy's death penalty thrown out for good.

Our work exposing torture in the Chicago Police Department also led directly to another death penalty case. Aaron Patterson was tortured by Area 2 police into assenting to an inculpatory statement, then, only moments later, scratched a recantation which documented his torture onto the bench in his interrogation room. The detectives who obtained the statement were some of the same detectives who had been involved in many other cases of torture, and included the notorious Jon Burge, yet this information had never been presented to the trial court. In 1994 we took over the case on post conviction review and began to build a powerful evidentiary record of the torture history of Burge and the other police involved in Patterson's interrogation, and demanded an evidentiary hearing. After being turned down at the trial court level we pursued an appeal to the Illinois Supreme Court and obtained a landmark ruling that defendants who alleged that they were tortured by Chicago police officers were entitled to post conviction relief, even if there was no evidence of lasting physical injuries. After remand, and several years later, Patterson was pardoned on the basis of his innocence.

We also represented two Indiana death row prisoners. In one, the case of Kevin Hough, we battled for years to get a new sentencing hearing, but by the time we got the case it was already on federal habeas review, which makes it very difficult to obtain relief. Eventually, Kevin was executed. In the other, where we represented Zolo Azania, the case was still in the state court system, where Zolo had twice been sentenced to death. Through the extensive research and indefatigable efforts of Erica and Michael we were able to establish that the jury pool used at Zolo's second death sentence trial excluded many African Americans, and this was enough to get him a new trial, though we had to go to the Indiana Supreme Court to get it. We then represented Zolo in the trial court, where the State was still aggressively seeking the death penalty, and after years of litigation and yet another appeal to the Indiana Supreme Court were able to get the death sentence rejected and Zolo sentenced to a term of years

In addition to representing individual clients who had been sentenced to death we also were actively involved in the movement to abolish the death penalty in Illinois. This movement took years to foster and develop, led by committed activists including our old friend Dick Cunningham who was tragically killed in 2001, and our former partner and continued comrade Chick Hoffman. Steps along the way included a moratorium on the infliction of the death penalty, and later the mass commutation of all death sentences in Illinois by former Governor Ryan in early 2003. At the hearings into the commutations we represented several clients, including Renaldo Hudson, Cortez Brown, William Bracy, Leroy Orange and Bernina Matta, and presented compelling evidence about the torture ring led by Burge which was implicated in several of the death penalty cases. After the commutations were announced we helped successfully defend them before the Illinois Supreme Court. We then continued to participate in the fight to abolish the death penalty in the state, efforts which reached fruition with abolition in

Illinois in 2011.

Sexual Abuse Litigation

We also continued to pursue cases of sexual abuse by law enforcement officers and others, illegal strip searches, and other cases involving gender-based violence. We successfully represented a Nigerian doctor who was strip searched at O'Hare airport, a woman who was illegally strip searched in the police lockup pursuant to an unconstitutional policy and practice, a woman who was strip searched on the street by a "repeater" cop, and obtained a large settlement for a woman who was sexually abused by her priest and psychologist. We also represented a young woman who was picked up on a specious curfew charge by a Chicago police officer who took her to his house and raped her at gunpoint and included the City as a defendant under a *Monell* policy and practice theory, on the grounds that the officer was an obvious problem who should never have been hired, and that his prior history with the Department clearly mandated that he should have been fired well before the rape. In *Czajkowski v. City of Chicago*, the office represented the wife of a Chicago police officer who was a victim of spousal abuse, and successfully alleged that the City had a policy and practice of failing to discipline officers who committed acts of domestic violence. We obtained an award for our client of $625,000. We also obtained a substantial settlement from the City of Waukegan for the family of a woman who was killed by a police informer after the police were told of his repeated threats against her but took no action. Beginning in 1997, we filed a series of cases challenging Pontiac Correctional Center's practice of conducting random strip searches of visitors to the prison, obtaining money damages and forcing the prison to change its policies.

The 1996 Democratic Convention

In 1996, twenty eight years after the 1968 Democratic National Convention spotlighted the brutality of Mayor Richard J. Daley's police, the DNC returned to Chicago and placed Mayor Richard M. Daley's police under scrutiny. Many different progressive groups planned actions, demonstrations and celebrations throughout the convention week. One broad coalition entitled "Not on the Guest List" planned a march to the convention site, focusing on issues of political prisoners. Although police personnel reported that the march was peaceful, five people who were present at the march were arrested by Chicago police almost 48 hours later and charged with felony mob action and aggravated battery. We participated in the criminal defense, all five were acquitted of all charges, and we then filed a civil suit on their behalf for false arrest and malicious prosecution.

Policy and Practice Cases

Our policy and practice cases gave us another avenue to pursue additional torture evidence and to expose the Police Department's continuing coverup and failure to discipline many of the officers who were implicated with Burge in torturing suspects. In the *Wiggins* and *Santiago* cases we were able to obtain the Chicago Police Department Office of Professional

Standards (OPS) files of the torture investigations which were opened in the early 1990s in response to the OPS findings of systematic torture and abuse. Additionally, we were able to get court orders in those cases which permitted the files to be publicly released, and which directed the officials involved, including the Police Superintendent and the OPS Director, to testify about these investigations. This evidence and testimony established that OPS investigators had sustained charges of torture during interrogations, including electroshock and simulated suffocation by baggings, in six cases, including several where the victim was in the penitentiary or on death row because of a tortured confession, and that the officers against whom the cases were sustained included one influential lieutenant who was still on the force. This evidence further showed that the Director of the OPS and the Superintendent's Office refused to accept these findings, suppressed them for more than four years, then summarily reversed them because they were stale. The release of this evidence brought widespread public attention and demands by community groups that these cases be reopened and that more than 30 other torture cases be investigated for the first time, and aided several death row inmates in their pursuit of evidentiary hearings on their claims of police torture.

False Arrests and Convictions

Our work fighting for the rights of the wrongly convicted and the falsely arrested continued. In 1996, we became the lawyers for Kenneth Adams, one of the Ford Heights Four, innocent men who spent a total of 65 years in prison for a crime which they did not commit. In 1978, the Cook County Sheriff's police coerced witnesses to falsely implicate the men in a double murder and rape, then suppressed evidence which identified who the real killers were. Eighteen years later, all four of the men were still in prison, two on death row, when journalism students who were investigating the case finally uncovered the suppressed evidence and obtained confessions from the real killers. DNA tests further established their innocence, and they were released in 1996. We then filed a civil suit on behalf of Adams, and together with the other three plaintiffs further developed powerful proof that crucial evidence was coerced, manufactured and suppressed, as well as compelling damage evidence, particularly the daily horrors that these men suffered while languishing in prison and on death row. On the basis of this evidence, and buoyed by the gathering strength of anti-death penalty sentiment in cases of innocence, the Ford Heights Four obtained a record $36 million settlement in March of 1999.

In 1998, we took up the representation of the seven-year-old boy who, in a case that made national headlines, was falsely accused by Chicago police detectives of the murder of an 11 year old girl named Ryan Harris. For several hours, detectives interrogated the seven-year-old and his eight year old friend, outside the presence of his family or an attorney. The detectives then produced statements from the children which were inconsistent with the known physical evidence, defied all logic and common sense, and were totally bereft of any intent to commit the crime. Nonetheless, they charged the boys with murder, placed the seven year old in custody in a mental hospital, and forced the boys to sit through an evidentiary hearing at which they were repeatedly accused of being murderers. The case against the boys was subsequently devastated

when semen was found on the body of the victim, and medical evidence showed that the boys were too young and were incapable of producing it. Public outrage in the African American community led to dismissal of the charges, and DNA tests later showed that the semen came from a repeat sexual offender who was subsequently convicted of the crime. After a hard-fought case, in which the City continued to claim that the boys were involved with the murder, we were able to secure a multi-million dollar award for our client, but nothing could compensate for the unspeakable trauma visited upon these young children by these callous detectives which caused the boys extreme psychological injury which threatens to be with them for the rest of their lives.

One notable case during this period was our representation of Miguel Castillo, a Latino man who was wrongfully convicted of killing a gay Cuban émigré in 1988 based on an entirely false, fabricated confession. Chicago Police Officers claimed that Mr. Castillo confessed to brutally stabbing and dismembering the victim because the victim allegedly cheated on him (even though there was no evidence to indicate Mr. Castillo was gay or had any romantic relationship with the victim). Tim Lohraff and Joey Mogul, who had both joined the office in the mid-1990s, worked with Jeff to file a post conviction petition, and we were able to establish that it was physically impossible for Mr. Castillo to have committed the murder because he was incarcerated at Cook County Jail at the time of the crime. We obtained the reversal of his conviction and his release in 2000, then obtained an innocence pardon and sued the officers responsible for the false conviction. We eventually settled the suit for $1.2 million in 2004.

Around 2000 we began to represent Ronald Jones, who our friend Dick Cunningham had represented in criminal court where he won the reversal of his death penalty and conviction. Jones had been convicted in 1988 of the rape and murder of a young woman whose body was found in an abandoned motel. His conviction was based entirely upon a confession which Chicago police officers had coerced from Jones through repeated brutality. No physical evidence linked Jones to the crime, but there was semen recovered from the victim which the police alleged came from Jones. In the late 1980s DNA testing was in its infancy, but once it became practical to test the semen Dick sought that testing. Though the trial judge refused to order it and scoffed at Dick's efforts, the Illinois Supreme Court reversed, the semen was tested, and it was established that it was not Jones'. His conviction was eventually reversed and we then sued the police for coercion of the confession. The case settled for $2.2 million.

In another DNA exoneration case we and attorneys from Neufeld, Scheck and Brustin in New York represented Larry Mayes who was wrongly convicted of rape in Indiana in 1982 and sentenced to 75 years in prison. The only evidence linking Mayes to the crime was an identification by the victim, who was adamant that she had correctly identified Mayes, as well as a co-defendant, whom Mayes had never met. When Mayes sought DNA testing in the 1990s, not only did the testing show that neither he nor his co-defendant were the rapists, the victim acknowledged that she had been hypnotized by the police prior to making an identification, a procedure which had been hidden by the police. Even after Mayes' release, the police refused to acknowledge his innocence, and the case went to trial before a jury. The jury showed its disgust at the police behavior by returning a $9 million award in favor of Mayes.

In 2003 we began to represent Paul Terry, who served 27 years in prison for a murder and rape conviction before DNA established his innocence. In 1976, 9-year-old Lisa Cabassa was raped and murdered near her home on the south side of Chicago. Several days later a neighborhood woman claimed that she had seen Lisa struggling with two men, and several weeks after that she claimed that she knew the identity of one of the men, identifying Michael Evans. After several more weeks, and several more conflicting statements, the woman claimed that Paul Terry, a friend of Evans', was the other man. Somehow, this incredibly flimsy evidence was deemed sufficient to warrant the convictions of Evans and Terry, and their sentence to life in prison. In the late 1990s the Northwestern Law School Center on Wrongful Convictions and attorney Jeff Urdangen forced the testing of semen found on the victim, and it was established that it excluded Evans and Terry. After their release, we sued the police officers involved in the investigation, who had manipulated evidence in order to make the neighborhood woman seem more credible. The police were from the same Area 2 we had sued in the George Jones case, and we were able to use much of the information about "street files" that we had gathered in that earlier case to establish liability in this case. Our client had suffered greatly while in prison, experiencing untreated mental illness, and when we were able to obtain a relatively modest settlement, $2.7 million (which would enable his family to take care of him for the rest of his life) we accepted, rather than take the risk of going to trial. Michael Evans, represented by other counsel, did go to trial and unfortunately received nothing.

In another DNA exoneration case we again teamed up with attorneys from Neufeld, Scheck and Brustin and represented Jerry Miller, who served 25 years for a 1981 rape and then was exonerated after he had served his full term. In Miller's case, the eventual DNA testing not only showed that Miller was innocent, it also established who the actual perpetrator was - a vicious repeat sexual predator who had committed a string of sex attacks after the one for which Jerry was wrongly convicted. Miller's case again involved a faulty eyewitness identification (as well as the same corrupt judge, Maloney, whom we had dealt with previously in the Fields and Bracy death penalty cases), but establishing liability involved proving more than just a mistake. We studied the forensic evidence that had been used against Jerry in the early 1980s, and suspected that the serological (blood and semen) evidence which the prosecution claimed was neutral was in fact strongly exculpatory of Jerry and had been misrepresented by the Crime Lab scientist. To prove this, we had to recreate the same testing which had been done in 1981-82 and show that any competent scientist would have obtained results which established Jerry's innocence. Fortunately, we were able to do this - using, ironically, a brilliant scientist who had been one of the primary developers of DNA testing - and on the verge of trial the City settled for $6.3 million.

We currently represent Randy Steidl, wrongly convicted of a 1986 double murder in downstate Paris, Illinois, who spent 12 years on death row, and an additional 5 years imprisoned before he was released in 2004 after a federal judge found that law enforcement had failed to produce exculpatory evidence. After his release, Randy distinguished himself by becoming a very public spokesperson for the campaign to abolish the death penalty in Illinois and throughout the U.S., eloquently demonstrating the danger of executing innocent persons. Presently, we represent

Randy in civil lawsuits against several of the law enforcement personnel involved in his prosecution, although the state police defendants have recently settled the claims against them for $2.5 million.

Defending Dissent

Our work defending the right to dissent was put to an intense, and lengthy, test with our representation of people protesting the 2003 Iraq war. On March 20, 2003, when the U.S. invaded Iraq, over 10,000 protestors took to the streets in Chicago in a spontaneous demonstration, marching up Lake Shore Drive and exiting at Oak Street. As the night progressed and the crowd grew smaller, around 1,000 people ended up on Chicago Avenue near the intersection of Michigan Avenue. Without providing an order to disperse or giving an opportunity to leave, Chicago Police corralled, detained and arrested hundreds of protestors and bystanders. In total, over 800 people were detained and more than 500 of them were taken to a police station, many of them criminally charged.

We coordinated the legal defense for the almost 300 people charged with the criminal offense of Reckless Conduct, working actively with other lawyers from the Chicago chapter of the National Lawyers Guild. After fighting the prosecutions for several months, almost all of the charges were thrown out. With NLG attorneys Melinda Power and Jim Fennerty, we filed a class action lawsuit, *Vodak v. Chicago*, challenging the legality of the detentions, arrests and prosecutions. After the criminal cases were over, the office gained a new member, Brad Thomson, who had been arrested and brutalized at the demonstration, and who joined us as a paralegal.

The City fought the case aggressively and fiercely, hiring private counsel from large law firms and paying them millions of dollars to do whatever they needed to do to crush us. They noticed deposition after deposition, filed motion after motion, and attempted to intimidate us by conducting discovery into the political opinions and activities of our clients. They also filed a counter-claim against our class representatives, claiming over $1 million in damages for the costs of police overtime resulting from the mass arrests. We fought back and prevailed at a class certification hearing, but on the verge of trial, after over 5 years of litigation, the judge granted summary judgment to the City, ruling that the arrests were not unlawful because there was no permit to demonstrate. That portion of the litigation was a baptism of fire for Sarah Gelsomino, who joined the office right after law school, and was immediately immersed in the Vodak litigation.

Disappointed but not dispirited, we appealed the decision to the Seventh Circuit Court of Appeals and eventually obtained a highly favorable ruling which excoriated the City and strongly affirmed the right to demonstrate, and the obligation of the police to clearly order demonstrators to disperse prior to arresting them. Back in the District Court, we aggressively prepared for trial, but then were able to settle the case for a total of $6.2 million for the class members, with attorneys' fees and costs to be paid separately.

In addition to the *Vodak* litigation, we have continued to represent people arrested for a wide array of political activities, including fighting against police brutality, anti-war activists, environmentalists, immigrant rights activists, international solidarity activists, along with numerous other movements. In 2007, attorneys from People's Law Office represented over 150 disability rights activists affiliated with ADAPT, who came to Chicago from around the world to commit civil disobedience as part of a campaign to demand that individuals with disabilities have the right to choose community services rather than be forced into a nursing home or institution.

We are currently part of the legal team which is fighting to protect the rights of Occupy Chicago, have appeared in court for persons arrested as part of that movement, and have challenged the constitutionality of the arrests of Occupy Chicago participants. We are also currently involved in fighting to ensure that the City does not prevent political dissent at the upcoming NATO summit in Chicago in May 2012, and will be involved in representing anyone who is arrested as a result of those protests.

Continuing the Fight for Justice in the Chicago Police Torture Cases

We continue to be deeply committed to the struggle to obtain justice on behalf of survivors of Chicago's now notorious Police Torture ring. This work has involved criminal and post-conviction representation for men who have been sent to prison based on tortured confessions, along with obtaining exonerations and filing civil rights damages suits on behalf of torture survivors after they have been released, as well as concerted public pressure to ensure that the torture does not remain hidden and that the perpetrators are punished.

Since 1999, we have been counsel for torture survivor Darrell Cannon, whom we represented in a ground breaking motion to suppress hearing, ordered by the Illinois Appellate Court, at which we presented a wealth of evidence establishing systemic Area 2 torture. This hearing led to the State dismissing Cannon's case in 2004, and after additional litigation, to his release in 2007. Our office also brought a civil rights damages action on Cannon's behalf, and is presently fighting its unfair dismissal, in the Court of Appeals.

Our investigation into Cannon's case led us to yet another victim of Area 2 detectives, and yet another case where we, and attorneys for Northwestern University's MacArthur Center, obtained the release of an innocent man. We had listed Michael Tillman as a potential witness in Cannon's case, and when the defendants took his deposition at the penitentiary, Ben Elson, who had joined the office in 2005, interviewed Tillman and became convinced that he was also a torture victim, and that he was innocent. Tillman had been convicted of a 1986 murder and rape after police officers waterboarded him with 7-Up, suffocated him with a plastic bag, beat him with a phone book and punched him in the face and stomach until he vomited blood, then claimed that he gave inculpatory statements. Tillman had consistently proclaimed his innocence, and had testified that any inculpatory statements were caused by the torture, but his protests had been denied. We filed a post conviction petition on behalf of Tillman, succeeded in getting his conviction thrown out, and then obtained a certificate of innocence for him. We are currently

representing him in a suit for money damages for compensation for the 24 years of his life taken from him because of the coerced statements. Federal Judge Rebecca Pallmeyer recently issued a precedent-setting decision in this case which, for the first time, holds that former Mayor Richard M. Daley may be found liable as a defendant for his role in a racially based conspiracy to suppress evidence and cover-up the pattern and practice of torture.

We were also co-counsel, with attorneys from Northwestern University's Bluhm Legal Clinic, for pardoned torture survivor Leroy Orange. Orange had been convicted of murdering four people in 1984, and once again a confession coerced by Burge and his men comprised almost the entire case against him. He had been sentenced to death, and had post conviction claims alleging torture pending at the time that former governor Ryan granted him an innocence pardon. We and Bluhm attorneys then filed a civil suit based on the coerced confession, and we won several important legal decisions upholding the right to bring such claims, before the City and County agreed to settle his case for more than $6 million.

We also worked with MacArthur Center attorneys to obtain a new trial in 2009 for Victor Safforld, who had also been convicted based on a coerced confession. After we obtained the new trial, Safforld was released in 2010. With the MacArthur Center, we also currently represent Ronald Kitchen, wrongly convicted of five murders in the 1980s based on a coerced confession, whose conviction was reversed in 2009 based upon his torture.

Our work obtaining justice in these cases has also involved fighting to have Burge and the other white detectives who committed torture found criminally liable. People's Law Office was at the forefront of the Campaign to Prosecute Torture, a broad-based movement of community activists and legal professionals, which successfully pressured Chief Judge Paul Biebel to appoint Cook County Special Prosecutors to investigate police torture. The office then provided these prosecutors with the copious evidence we collected for decades, demonstrating the systematic and racist nature of this widespread torture scandal. Unfortunately, the prosecutors published a whitewash report in 2006 and refused to indict Burge and his men, claiming the abuse happened too long ago. In response, PLO lawyers in collaboration with Northwestern's Center on Wrongful Convictions wrote and released a Shadow Report, signed by over 200 organizations and prominent individuals, which led to Cook County Board and Chicago City Council hearings at which People's Law Office attorneys and their clients testified. The Cook County Board passed resolutions calling for federal prosecutions of Burge and his men and new hearings for torture survivors behind bars.

In October of 2008, after decades of impunity, Jon Burge was finally indicted in Federal Court in the Northern District of Illinois. While the statute of limitations had passed for the physical acts of torture, he was indicted for perjury and obstruction of justice for lying on interrogatories in a civil suit of one of the torture survivors. In a month-long trial in 2010, Burge's defense was that no torture ever took place at Area 2, even taking the stand to deny the claims. In June of 2010, we were present at the Dirksen Federal Building as the jury came back

with a unanimous finding of guilty on all three counts. He was sentenced to 4 ½ years, which he is currently serving at Butner Federal Correction Complex in North Carolina.

As with many other aspects of our work, we have recognized that the fight for justice in these cases includes going beyond litigation and battles in court and we have been invested in bringing the Chicago Police torture scandal to local, national, and international attention. In 2005, we, along with our clients, testified about police torture in front of the Inter-American Commission on Human Rights, while in 2006 we collaborated on drafting a Shadow Report which we presented to, and argued before the United Nations Committee Against Torture. We and our clients have also played a significant role in the Chicago Torture Justice Memorials, a project calling for artists and community members to propose possible memorials as a public recognition of Chicago Police Torture and an expression of solidarity with those who have survived the torture.

Criminal Defense

While we continued to represent criminal defendants during the 2000s, most of this representation was either in death penalty cases, cases related to civil rights violations, or cases where our client was prosecuted because of his or her political beliefs. One of our most important criminal cases during the past ten years was the defense of Muhammad Salah.

Mr. Salah, a Palestinian American man and naturalized U.S. citizen, was indicted in federal court in August 2004 for material support for terrorism, racketeering conspiracy and obstruction of justice for allegedly supporting Hamas and providing incomplete answers to an interrogatory in a civil suit. The charges were based on a confession Mr. Salah allegedly gave in 1993 that was the result of over 80 days of confinement and torture at the hands of Israel's secret police, the Shin Bet. Salah had been arrested by the Israeli military in January 1993 while traveling to provide funds to poverty-stricken Palestinians living in the Occupied Territories and refugees who had been driven into neighboring countries. The coerced confession was used against him in a military tribunal in Israel, where he was convicted and spent almost five years in prison. After his release from Israeli prison, he returned to the United States in 1997 with the label of "specially designated terrorist," the only U.S. citizen so branded. He was surveilled, followed by an FBI informant and targeted as part of an investigation into terrorism funding, which was dropped because of a lack of evidence. However, in the wake of September 11, 2001, and in a blatantly political prosecution, the investigation was reactivated and Salah was indicted, with the announcement of the indictment made by Attorney General Ashcroft himself at a splashy press-conference, based on the same tortured confession that led to his imprisonment in Israel.

As part of the defense of Mr. Salah, in March of 2006, there was an unprecedented suppression hearing where we argued that Mr. Salah's confession should be suppressed since it was the product of torture and that his arrest and interrogation in Israel did not comport with the U.S. Constitution and basic principles of International Law. The government's position was that

the hearing would reveal confidential information and secrets of the State of Israel and that the U.S. must defer to whatever Israel determined confidential. Ultimately, the judge agreed with the government and allowed the hearing to take place in a closed court room, with attorneys representing the Israeli government present. Only two of Salah's twelve interrogators testified, often refusing to answer questions, claiming confidentiality and numerous times throughout the hearing and at numerous times having ex parte meetings with the judge and prosecutor about information that was not disclosed to Salah or his attorneys.

The judge ruled against suppression and allowed the tortured confession to be used against Mr. Salah. The trial began in October of 2006 and lasted over three months, with members of the Arab American and progressive community from the Chicagoland area regularly attending trial in large numbers. We faced challenges in being able to present crucial evidence, since important witnesses to the Shin Bet interrogation were in Israel and the U.S. government was determining which of them would testify. In addition, the judge refused to allow us to call significant witnesses, such as two Palestinian men who had been interrogated by the same team of agents who tortured Salah. However, we were able to call human rights experts who testified about Israel's pattern and practice of torture and the way that psychological and physical abuse causes unreliable confessions. In February of 2007, after two weeks of deliberation, the jury acquitted Salah of the terrorism-related charges, finding him guilty of the much less serious obstruction count based on the incomplete interrogatory. The community rallied in his support and we were able to collect over 600 letters on his behalf, which we submitted to the Court before sentencing. The judge ended up sentencing him to 21 months in prison, significantly less than what the government was seeking.

Mr. Salah had a co-defendant, Dr. Abdelhaleem Ashqar, who faced similar charges and was represented by different counsel. Dr. Ashqar was also acquitted of all conspiracy and terrorism charges, but convicted of an obstruction charge for refusing to testify before a grand jury. The judge applied the terrorism-enhancement to his sentencing and sentenced him to 135 months (over 11 years). When Dr. Ashqar's lawyer died after conviction, our office took over his defense, unsuccessfully challenging his sentence in the Supreme Court, and subsequently through a writ of habeas corpus.

People's Law Office also recently represented a "Green Scare" defendant, who was targeted by the government for his connection to environmentalist or animal rights causes. In November of 2009, Scott DeMuth, a radical activist from Minneapolis, Minnesota was subpoenaed to testify before a federal grand jury in Davenport, Iowa that was investigating an Animal Liberation Front (ALF) action from 2004 at the University of Iowa where property was destroyed and laboratory animals were freed from captivity. Although he had no knowledge of the University of Iowa action, DeMuth refused to testify against movements he ideologically supported and was held in civil contempt. He was then indicted for "conspiracy to commit animal enterprise terrorism" for the incident in Iowa, despite the fact that he was a high school student living in Minnesota at the time.

DeMuth was charged under the Animal Enterprise Protection Act (AEPA), the pre-cursor to the Animal Enterprise Terrorism Act (AETA). The primary evidence used against him were writings in his journal and on his computer which were seized during a raid of his home during the 2008 Republican National Convention. In addition, the Assistant U.S. Attorney used DeMuth's anarchist beliefs and the fact that he had supported political prisoners as evidence of his involvement in a conspiracy.

We filed motions to suppress evidence gathered from the raid of his home and several motions to dismiss the charges. In September of 2010, following pre-trial hearings and on the eve of trial, the U.S. Attorney agreed to abandon all charges related to the University of Iowa action. In return, DeMuth pleaded guilty to a separate incident in Minnesota and received a six-month sentence.

Currently, we are also leading a coalition of lawyers representing anti-war and international solidarity activists, whose homes were raided in September of 2010. They and others doing Palestine solidarity work were subpoenaed to a federal grand jury in Chicago. All 23 people refused to collaborate with the grand jury and now await the possibility of indictments under the draconian "material support law" which makes it a crime to act in solidarity with groups who have been designated as foreign terrorists by the U.S. government. This prosecution relies heavily on a recent holding by the United States Supreme Court, *Holder v. The Humanitarian Law Project*, which held that even First Amendment solidarity work can be the basis for violations of the material support law. We are continuing to counsel these activists and are awaiting possible indictments.

Jail Suicide

As part of PLO's long legacy of prison work, the office has litigated - and continues to litigate - several cases where people in custody have taken their own lives. Though these cases are tremendously sad and difficult, we feel that they are an important tool in forcing jails to respect the rights of the detainees and publicizing their plight. The adage "out of sight, out of mind," applies all too well to people in custody, and when they are young, immigrants, and mentally ill, the consequences are even more dire.

Austin Wells was a 17-year-old, detained in the Bureau County, Illinois jail in 2007, charged with keeping his 16-year-old girlfriend out past curfew. He was in jail less than a week, when, after he didn't respond to the daily breakfast call, an officer opened the cell door and found him hanging by a bedsheet strung to the top bunk, his body cold to the touch. The office established that jail officers had not complied with the Illinois state law requiring 30 minute checks, but rather had followed the sheriff's policy not to leave an enclosed area - from which they could not see inside Austin's cell - during the night shift. Austin had been dead for some seven hours by the time they found him. In 2010 the case settled in the high six figures.

Hassiba Belbachir was a 27 year old Muslim woman from Algeria, taken into immigration custody in 2005 at O'Hare airport. With no family in the country, unable to speak much English, and emerging from an abusive relationship, this fragile young woman would have benefitted from her right to contact with her consulate, but no one notified her of this right, and no one notified the consulate that she was in custody. Though she told the jail social worker that she was suicidal, no one provided her the medical care or monitoring she obviously needed. After 8 days in detention, Hassiba took her own life. The office has been litigating the case for 7 years, with the defendants - McHenry County, Centegra health and Immigration and the U.S. government - attempting to avoid any liability for Hassiba's death and seeking to conceal the actual conditions in the jail and the nation-wide problem of attempted suicide among immigration detainees. Meanwhile, we have been able to establish that despite a history of problems at the jail, the U.S. has financed construction of a new immigration unit and McHenry County has generated profits of more than $50 million renting beds to the immigration authorities. The case continues.

Lyvita Gomes was a 52 year old former airline attendant from India, living in a Chicago suburb, who was arrested in December 2011 for failing to respond to a summons for jury duty (which, as a non-U.S. citizen she was not eligible for). Held at Lake County Jail, she declared a hunger strike, refusing to eat or drink. Though jail officials determined that she was not competent to participate in her treatment plan, jail and medical staff simply watched as she lost weight and became severely dehydrated. After 15 days, she was finally taken to intensive care at a hospital - at which point the County released her from custody, attempting to avoid responsibility for her medical care. She died within five days. The Indian community, outraged at her unnecessary suffering and death, met with the Indian consulate to insist on action. The faith community, similarly outraged, met with the sheriff to protest as well. The office is currently preparing a lawsuit on behalf of Lyvita's family.

Opposing the Criminalization of the LGBTQ Community

Our work fighting against police misconduct and brutality has largely been supporting individuals who are targeted and criminalized based on their race. In recent years, we have been representing more and more individuals from the lesbian, gay, bisexual, transgender or queer (LGBTQ) communities, who have been targeted or punished in the criminal legal system because of their gender identity or sexual orientation. Many of these clients have been people of color and are subject to racism, homophobia, transphobia and intersecting forms of oppression by the police, courts and legal system.

One notable case where we fought against homophobic prosecution was the case of Bernina Mata. Ms. Mata, a Latina lesbian, was convicted and sentenced to die on Illinois' death row in 1998 after Boone County prosecutors argued the deceased made an unwanted pass at her and this so enraged her as a "hard core lesbian" that she killed him. The office represented her in post-conviction and clemency proceedings challenging the homophobic prosecutorial misconduct

at her trial. Her death sentence was commuted to life in 2003 like those of all others on Illinois death row.

We have also been committed to representing transgender and gender non-conforming people who are falsely charged or harassed based on their gender expression. We have filed civil rights lawsuits and argued in front of the Chicago and Illinois Human Rights Commissions on behalf of these clients. We currently represent several transgender and gender non-conforming people who have been illegally and unconstitutionally strip searched, harassed or discriminated against while in police custody. The Office is currently partnering with counsel in New York to challenge the New York Police Department's lack of policies and training on how to properly and humanely treat transgender and gender non-conforming people in police custody. People's Law Office also represents gay men who are falsely accused of engaging in public sex acts and LGBTQ people in detention facilities who face sexual and or physical violence, denial of medically necessary treatment, or other retributive and harassing conduct.

People's Law Office and The National Lawyers Guild

Throughout its history, PLO, has proudly been active within the National Lawyers Guild, participating on the local and national level.

The National Lawyers Guild (NLG) was founded in 1937 as an association of progressive lawyers and jurists who joined together to fight for the reconstruction of legal values to emphasize human rights over property rights. At its initial convention the Guild passed resolutions demanding anti-lynching legislation, an end to restricted suffrage, and more public defenders. The Guild supported labor's right to collective bargaining, and to organize "free from employer interference of any kind," supported a full-scale Social Security program and called on the federal government to create neighborhood "legal aid bureaus" to provide full services for those unable to afford legal fees. The Guild is the oldest and most extensive network of public interest and human rights activists working within the legal system. See www.nlg.org.

In the late 1960s and early 1970s, Guild members, including PLO lawyers, represented Vietnam War draft resisters, antiwar activists and people arrested during the 1968 Chicago Democratic Convention, while we helped organize support for the NLG lawyers who were representing defendants in the Chicago 8 Conspiracy trial. We were active participants in the national movement within the NLG to admit legal workers as equal members of the Guild, which achieved success in 1971, and on a local level we worked on many Guild projects, including helping produce a local newsletter, "Up Against the Bench." Throughout the 1970s the Chicago chapter NLG offices were in the same building as the PLO, and several PLO members were active officers within the Chicago chapter.

In the early 1980s both the PLO and the Chicago NLG chapter were active supporters of the progressive mayoral candidacy of Harold Washington, speaking and canvassing on his behalf. After his election, we and members of the Chicago NLG chapter engaged in important

discussions of the proper role of progressive lawyers as municipal corporation counsel. Throughout PLO's existence the issues raised in many of PLO's cases have been shared by the NLG nationally, including the recognition and struggle of the Palestinian and Puerto Rican people, representing the Attica prisoners, providing legal support for progressive groups and fighting against government brutality and repression.

The office took a leading role in the creation and production of the NLG affiliated Police Misconduct and Civil Rights Law Report, a newsletter containing articles on the most current issues in police misconduct and civil rights litigation under section 1983 and related statutes, and are regular contributors to articles in the newsletter. In 1999, we and a handful of NLG members from across the country working on police misconduct cases founded the National Police Accountability Project (NPAP) "with the intent of helping end police abuse of authority and to provide support for grassroots and victims' organizations combating police misconduct." www.nlg-npap.org We continue to serve on the board of directors of NPAP, which has become the nation's foremost listserv and provider of continuing legal education to the police misconduct civil rights plaintiff's bar.

The NLG has honored PLO lawyers and legal workers at its national conventions, while the local Chicago NLG has also honored us at its annual dinners, including a 30th anniversary celebration in 1999. PLO has consistently been in the leadership of the local NLG, has promoted and supported its activities, has attended and presented at conventions and panels and has always maintained a serious commitment to mentor NLG law students and help them develop into progressive lawyers. The purpose and philosophies of the NLG and PLO are virtually inseparable, both committed to serving people who are the victims of government power, and, as the NLG Preamble aptly declares, both working from the basis that "human rights shall be held more sacred than property interests."