

# Mass Dissent

Massachusetts Chapter

National Lawyers Guild

14 Beacon St., Boston, MA 02108

Summer 2014

www.nlgmass.org

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## BOARD MEETING

**June 18, 6:00 pm**

14 Beacon St., 1st Fl.  
Boston

## Environmental Justice and Indigenous Resistance Movements

Indigenous communities are at the forefront of environmental justice movements around the world. The articles in this issue of *Mass Dissent* give the readers snapshots of some of the biggest indigenous mobilization and resistance movements here in North America: the indigenous mass movement that originated in Canada, Idle No More, opposition to coal and uranium mining, and to the Keystone XL pipeline extension, which would span nearly 2,000 miles in total and transport almost one million barrels of crude oil a day from Canada's oil sands to refineries on the American Gulf Coast. In each of these examples, indigenous communities put their bodies on the line to protest the environmental destruction and toxicity that are the cost of the current energy industry, which threaten to spell "game-over for the planet."

In the opening article, **Nick Estes** introduces us to indigenous grassroots organizations that have responded forcefully to Keystone XL. In the second article, **Kent Lebsack** describes one of these organizations in greater detail—Owe Aku. Lebsack gives us a picture of the philosophy and history of Owe Aku's work,

which includes a legal battle to protect the waters from uranium mining in the Black Hills.

The next three pieces were delivered together at a protest action on April 30, 2014, calling on Harvard University to divest from the corporations heavily involved with the extraction, production and distribution of fossil fuels. The first writing is by **Sylvia McAdam** and **Sheelah Mclean**, co-founders of the massive global movement Idle No More that began with the First Nations of Canada to oppose the Canadian tar sands industry. The next speech by **Rita Sebastian** describes the long struggle of the Navajo against Peabody Coal, now the issue of an ongoing lawsuit.

We close with a statement by **Raymond Robinson**, Grand Elder of the Manitoba Cross Lake First Nation, whose hunger strike helped launch Idle No More. Robinson emphasizes that the struggle for environmental justice is a common one, and requires Native and non-Native allies to work together.

These authors call upon all of us to join the movement.

- K-Sue Park -  
Harvard Law School

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**Join a Guild Committee**

**Street Law Clinic Project:** The Street Law Clinic project provides workshops for Massachusetts organizations that address legal needs of various communities. Legal education workshops on 4th Amendment Rights (Stop & Search), Landlord/Tenant Disputes, Workers' Rights, Civil Disobedience Defense, Bankruptcy Law, Foreclosure Prevention Law, and Immigration Law are held at community organizations, youth centers, labor unions, shelters, and pre-release centers. If you are a Guild attorney, law student, or legal worker interested in leading a workshop, please contact the project at 617-723-4330 or nlgmass-slc@igc.org.

**Lawyer Referral Service Panel (LRS):** Members of the panel provide legal services at reasonable rates. Referral Service Committee members: Benjamin Dowling, Sebastian Korth, Douglas Lovenberg, and Jonathan Messinger. For more information, contact the LRS Coordinator at 617-227-7008 or nlgmass@igc.org.

**Foreclosure Prevention Task Force:** Created in June 2008, the Task Force's goal is threefold: (1) advocate for policies that address issues that homeowners and tenants of foreclosed houses face, (2) to provide legal assistance to these homeowners and tenants, *and* (3) to conduct legal clinics for them. If you are interested in working with the Task Force, please call the office at 617-227-7335.

**Mass Defense Committee:** Consists of two sub-committees: (1) "Legal Observers" (students, lawyers, activists) who are trained to serve as legal observers at political demonstrations *and* (2) "Mass Defense Team" (criminal defense attorneys) who represent activists arrested for political activism. To get involved, please contact the office at 617-227-7335.

**Litigation Committee:** Established in 2010, the Committee brings civil lawsuits against large institutions (such as government agencies, law enforcement, banks, financial institutions, and/or large corporations) that engage in repressive or predatory actions that affect large numbers of people and that serve to perpetuate social, racial and/or economic injustice or inequality. To get involved, please contact the Guild office.

**NLG National Immigration Project:** Works to defend and extend the human and civil rights of all immigrants, both documented and undocumented. The Committee works in coalitions with community groups to organize support for immigrant rights in the face of right-wing political attacks. For more information contact the NLG National Immigration Project at 617-227-9727.

**NLG Military Law Task Force:** Provides legal advice and assistance to those in the military and to others, especially members of the GIRights Hotline, who are counseling military personnel on their rights. It also provides legal support and helps to find local legal referrals when needed. For advice and information, GIs can call 877-447-4487. To get involved, please contact Neil Berman (njberman2@juno.com) or Marguerite Helen (mugsm@mindspring.com).

# GUILD NEWS

## NLG HAPPY HOUR

You are invited to the “*NLG Presents...*” Happy Hour - an event held quarterly on the **2nd Wednesday of January, April, September, and November**. See below for information about the next event (a report from the most recent Happy Hour is on page 4 of *Mass Dissent* issued in the following month.) If you have ideas for a presentation or would like to be a speaker, please call the NLG office at 617-227-7335.

## NLG SUMMER RETREAT

All NLG members are invited to this year’s NLG Summer Retreat. The Retreat will be on **Thursday, July 31, from 3pm to 8pm**. We will be hosted by Judy Somberg in her beautiful Central Square home and flowery back yard. The Retreat allows our NLG community to get together and discuss our current political work and make plans for the upcoming academic year. For more information, please contact the office at 617-227-7335.

## Street Law Clinic Report

*The following clinics and trainings were conducted for members of Boston area community organizations and agencies:*

**April 16:** *Civil Disobedience* trainings for activists involved in Not1More movement, by **Makis Antzoulatos** and **Josh Raisler Cohn**.

**April 17:** *Legal Observing* at a New England Not1More protest against immigrant deportations, by **Makis Antzoulatos**, **kt crossman** (Northeastern), **Ariel Oshinsky**, and **Josh Raisler Cohn**.

**April 22:** *Civil Disobedience* and *Legal Observer* trainings for Harvard University and Law School students involved in the Divestment Campaign at Harvard, by **Jeff Feuer**, **Benjie Hiller**, and **Urszula Masny-Latos**.

**May 1:** *Stop & Search* clinic for activists involved with Boston Workers’ Alliance, by **Makis Antzoulatos**.

**May 14:** *Tenant Rights* clinic for members of the Blue Hill Boys and Girls Club, by **Daniel Hyman** and **Margaret Laffan** (Northeastern).

NLG Happy Hour

**Presenting a Political  
Necessity Defense in a  
Civil Disobedience Trial**

*an evening with*

**Jeff Feuer & Benjie Hiller**

**Wednesday, June 4, 2014**  
**6:00 - 8:00 pm**  
**Red Hat Cafe (9 Bowdoin St., Boston)**

Jeff Feuer and Benjie Hiller will discuss how to work with politically conscious and motivated civil disobedience defendants to present a necessity defense at trial, including the importance of having self-representation by some of the defendants, the strategy for presenting a necessity defense, the use of expert witnesses and the power of opening and closing statements in a political trial.

**May 29:** *Tenant Rights* clinic for members of the Commonwealth Tenants’ Association, by **Matt McDonough** and **Dave Mitchell** (Northeastern).

## ARTICLES FOR MASS DISSENT

The September issue of *Mass Dissent* will focus on the Supreme Court and prisoners’ rights.

If you are interested in submitting an article, essay, analysis, or art work (cartoons, pictures) related to the topic, please e-mail your work to [nlgmass-director@igc.org](mailto:nlgmass-director@igc.org).

**The deadline for articles is August 15.**



## NLG Happy Hour

Leading criminal defense attorney **J.W. Carney** held the crowd rapt as he discussed the trial of his client Tarek Mehanna, a young man convicted of terrorism largely because of his online speech and the videos he circulated. Jay is seeking certiorari to the U.S.



(Above) Bonnie Tenneriello (c.) introduces the speaker J.W. Carney (l.)

(Left) Attendees of the Happy Hour engaged in the presentation.

(Photos by Urszula Masny-Latos and Ariel Oshinsky.)

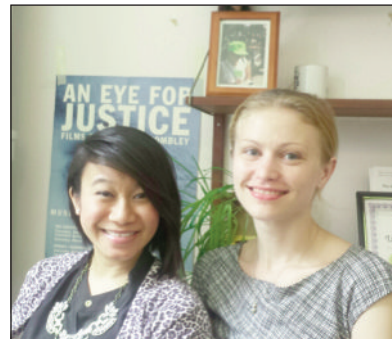
Supreme Court on First Amendment issues raised by the case. Those attending also heard how a consummate trial lawyer thinks strategically.

## Good-bye and Welcome

The NLG Litigation Committee would like to thank **Negar Mortazavi** for her outstanding work for the Committee. During the last academic year, Negar was our Legal Fellow and worked mostly against shackling of pregnant prisoners and for prisoners' access to court. We've benefited enormously from Negar's work, and we wish her success in her future endeavours.

This summer, the Committee is fortunate to wel-

come two interns, **Angela Linhardt** and **Czara Venegas**, who will continue the Committee's on-going work and also explore and prepare new cases.



(Above) Thank you dinner for Negar (l.) in Cambridge.  
(Top right) Czara Venegas (l.) and Angela Linhardt (r.).

Angela is a 3L at Boston University School of Law with a background in Russian language and history. As a result of her experiences living in Russia, she has focused her legal studies on combating human trafficking in post-Soviet countries.

Czara is a Texas transplant and now attends the New England School of Law. Before law school, she worked in the offices of State Sen. Leticia Van de Putte and State Rep. Dawnna Dukes as a public policy analyst on legislation for social welfare programs and education issues.

## Declaring War on KXL: Indigenous Peoples Mobilize

by Nick Estes

**“W**e’re going to declare war on the Keystone XL Pipeline,” Oglala Sioux Tribe President Bryan Brewer told a crowd of several hundred Natives and non-Natives on March 29 at the opening ceremony of the Rosebud Sioux Tribe’s (RST) Oyate Wahacanka Woecun (“shield the people”) camp. The next day, at the “Stand Sacred Ground” meeting in Lower Brule, South Dakota (SD), RST President Cyril Scott similarly stated, “It’s time for a declaration of war.” A five-year limbo of uncertainty about KXL has prompted outrage from the Oceti Sakowin (“The Great Sioux Nation”). It has even galvanized an unlikely “Cowboy-Indian Alliance” with non-Native Nebraskan landowners. Thousands of members of this alliance recently marched and camped on the Washington National Mall in honor of Earth Day on April 22—just days after the State Department announced an “indefinite” delay on making any decision on KXL.

In spite of continued political foot dragging, anti-KXL actions continue to unite communities along the proposed pipeline corridor, across the nation, and even with Canadian First Nations, whose lands and communities are most directly affected by the highly exploitive oil sands extraction. Urgency grips the Oceti

Sakowin, who make up a majority of the populations in six of the ten poorest counties in the U.S. Social and economic precarity, however, has not stopped grassroots organizations such as the Owe Aku, Wica Agli, and Protect the Sacred from creating protest camps at Witten, SD on the Rosebud Reservation and



Tribal Nations’ flags line the Rosebud Sioux Tribe’s Oyate Wahacanka Woecun (“shield the people”) camp.

Bridger, SD on the Cheyenne River Reservation. Debra White Plume of Owe Aku has for the last several years offered training workshops in non-violent direct action against heavy machinery that would be used to construct the pipeline. Other grassroots organizations have begun planning and setting up protest camps to thwart construction plans.

Regardless of strategy, the Oceti Sakowin, among North America’s most disenfranchised populations, have pledged to halt TransCanada’s pipeline, which spans 875 miles from Montana to Nebraska alone, at all costs. Stakes are high. KXL’s planned

path would cross ancestral Lakota territory protected under the 1868 Fort Laramie Treaty, which includes 24 million acres comprising all of Western South Dakota and parts of Nebraska, Wyoming, North Dakota, and Montana. Treaty rights have reignited claims to defend what many consider tribal national territory protected under international law, even if that land was dispossessed.

TransCanada, however, has neglected these rights. The *Final Supplemental Environmental Impact Statement for the Keystone XL Project* requires programmatic agreements with tribal nations regarding culturally and historically sensitive sites and rights of way for ancillary infra-

structure that would cross tribal trust land, but many argue that the way TransCanada carried out tribal consultation directly violates UN Declaration on Rights of Indigenous Peoples’ provision of “prior and informed consent” and undermines tribal sovereignty. For example, the 2010 and 2013 tribal programmatic agreements set up a three-tiered system of “consent,” determining certain privileges in negotiating tribal rights to cultural resource management and rights of way. Non-participating tribes are completely exempt from negotiations. This presents a double-bind for

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## Declaring War on KXL: Indigenous Peoples Mobilize

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tribes opposed to KXL: only by consulting with TransCanada can a tribe negotiate cultural resource management and its rights of way.

Many are also concerned that leaks or spills would contaminate vital freshwater resources. KXL would slurry toxic and high viscosity oil sands bitumen (830,000 barrels per day) heated to 150°F across tribal freshwater utility services, the Mni Wiconi Rural Water Supply; across approximately 357 rivers and streams, all direct or indirect tributaries to North America's largest drainage system, the Mississippi River; and across the Ogallala Aquifer, one of the world's largest aquifers that provides a major source of freshwater for agriculture and individual consumption in eight states (South Dakota, Nebraska, Wyoming, Colorado, Kansas, Oklahoma, New Mexico, and Texas). The contamination of these highly fragile, interconnected water systems could be catastrophic for all plants, animals, and humans (an estimated 30 million) dependent on them for life.

While Canadian First Nations have called for a moratorium of oil sands extraction in the Western Canadian Sedimentary Basin in province of Alberta, U.S.-based Native nations are mounting legal and political resistance against KXL, a pipeline that would connect Alberta oil sands extraction with refineries in the Gulf of Mexico. "Declaring war" on KXL and TransCanada should not be taken lightly. Grassroots organizations and tribal governments are leading the opposition against KXL on the Northern Great Plains, but they need resources and legal support. The Obama's administra-

tion's ambivalent stance on KXL only raises the stakes for tribal communities, whose lands and lives are most vulnerable. A district court recently ruled Nebraska's state government's approval for KXL "unconstitutional," revealing avenues for legal resistance and challenge.

However, the challenge of building effective opposition is also contingent upon grassroots action. While many of the grass-

ed for these small-scale, tribally-based movements for not only anti-KXL work, but also sustained community development programs that provide much needed services and resources in the U.S.'s poorest counties. If these movements are to succeed beyond stopping KXL, they will require financial and legal support to continue their projects.

For more information on the work our organizations do or to



Members of Bold Nebraska, a coalition of non-Native landowners and anti-KXL activists, united with Wica Agli in the Cowboy-Indian Alliance.

roots organizations are plugged into the large anti-KXL movement, they do not have the financial and legal support necessary to carry out sustained resistance. Many operate on a volunteer basis and also work on community-based projects, such as providing social and economic services, cultural and language revitalization, environmental protection and conservation, defending tribal lands and resources, and working on international Indigenous human rights. Immediate action and financial resources are desperately need-

get in touch with people on the ground, go to our websites:

Wica Agli: [www.wicaagli.org](http://www.wicaagli.org),  
Owe Aku's: [www.oweakuiinternational.org](http://www.oweakuiinternational.org),  
and Protect the Sacred's: [www.protectthesacred.org](http://www.protectthesacred.org).

*Nick Estes is an enrolled member of the Lower Brule Sioux Tribe and a PhD student in American Studies at the University of New Mexico. He is involved with his tribal nation's anti-KXL and constitutional reform movement.*

## Building Community Requires Building

by Kent Lebsock

Since its inception over 20 years ago, Owe Aku has worked for the Lakota culture and landbase preservation in forums from the living rooms of Pine Ridge elders to the Human Rights Council at the United Nations in Geneva. In Lakota, Owe Aku means “Bring Back the Way.” It was founded by the White Plume tiyospaye (extended family or community) on the Oglala Lakota Sioux Indian Reservation in South Dakota, where unemployment can run as high as 85%. A multi-faceted approach to social change and cultural revitalization is necessary within the tiyospaye system that is the basic form of social organization amongst traditional Lakota people. Relatives and “family” are not just human beings. The standing silent nations (grass, flowers, trees), the four-leggeds, sacred water and Mother Earth herself are all a part of the community, and being a good relative is the objective within the tiyospaye system. For the past several years Owe Aku has been on the frontlines of sacred water protection work, vowing to stop uranium mining in the Black Hills and the KXL Pipeline from entering Lakota treaty territory. It is our duty, responsibility and pleasure to do this work solely as full-time volunteers.

A few years back a suspicious fire destroyed the White Plume home out on the land near Wounded Knee Creek. The fire was devastating to the family, the community and to Owe Aku’s work. Priceless ceremonial objects, ancestral art and historic documentation were lost. This



A Moccasins on the Ground training was held inside the office structure before we even had a chance to finish closing it in.

fire occurred during an ongoing legal and administrative hearing designed to fight one of the largest uranium mining companies in the world, to keep it from expanding, and thereby bringing contamination and depletion of water resources. Tests have already shown that much of the drinking water for the reservation contains contaminant levels of such substances as radionuclides and arsenic in excess of the maximum permitted by the EPA. After losing much of the paperwork for the hearings in the fire, Debra White Plume worked tirelessly for many weeks to recreate the documentation from an ironing board set up in a motel room on the reservation. Things improved over time, and Alex White Plume rebuilt the family home, which is the heart of their tiyospaye. At any given time several grandchildren, a few great grandchildren and guests from all over the world can be found living and working at their house. The “office” has moved to a spare room now that

is bursting at the seams and the “inbox” is a corner of Debra’s bed.

The work has never stopped. Owe Aku is well-known now in North America as a driving force behind the alliances bringing together Lakota people and non-Native allies and supporters to stop the Keystone XL pipeline. The “ironing board” uranium case goes on. Several weeks of hearings will begin again in August. Owe Aku has also organized a number of non-violent direct action camps called Moccasins on the Ground. The purpose of these camps is to put up an organized, peaceful, and well-disciplined response to any invasion of Lakota territory by TransCanada if Obama should approve the pipeline. Although the President of the United States has once again delayed a decision, the need for vigilance is constant. At Moccasins on the Ground an inter-generational, inter-racial and geographically diverse community of three or four

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## Party Like It's 2014!

by Barb Dougan

So what if it was gray and rainy? The mood was festive as the NLG celebrated several outstanding honorees and a year of good work at the 2014 Guild Gala. We also paused to remember those whom we had loved but lost this past year.

Our Lawyer Awards went to two superb defense attorneys and Occupy defenders, **Beverly Chorbajian** and **Susan Church**. True to form, Beverly had to bolt from the courtroom and fight traffic in order to arrive shortly before getting her award. I hope she got some dinner! Susan was surrounded by her entire household (except for the dog) as we cheered her accomplishments.

It was a truly satisfying moment when **Robert Meeropol** was honored with the Lifetime Achievement Award, as he turns over the reins of the Rosenberg Fund for Children to his daughter. The son of Ethel and Julius Rosenberg, Robby found his “constructive revenge” for his parents’ execution by creating a fund to help other children of activist parents, or targeted youth themselves.

**Craig Altemose** accepted his Legal Worker Award surrounded by many of the climate change activists who were arrest-

ed at the Brayton Point power plant last summer. **Oren Nimni**, one of our Student Awardees, surely has a bright future ahead, given his community organizing and advocacy.



2014 NLG Gala Honorees (above l.-r.): Craig Altemose, Oren Nimni, Robert Meeropol, Susan Church, and Beverly Chorbajian. (Below) Olayemi Ajayi-Lamanna (r.) and Carla Austin (l.) accept Jay Lamanna's award.

We also ached for those who left us too soon. With their baby boy Ayodele nestled on her shoulder, Olayemi Ajayi-Lamanna spoke about her late husband, Student Award honoree **Jay Lamanna**, as

did his mother, Carla Austin. Mark Stern delivered an epic limerick in honor of chapter co-founder **Rob Doyle**, who died unexpectedly on May 1, International Workers’ Day. The Guild’s own NLG Troubadours then performed

their rendition of the late Pete Seeger’s classic, “If I Had a Hammer.”

Go ahead and doubt me, but the auction was actually a lot of fun – and it brought in



almost \$7,000 to fund the chapter’s work. Susan Church, were your kids instructed to drive up the bids or did they just get caught up in the moment? Hank Phillippi Ryan cleverly worked the

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## Party Like It's 2014!

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already-frenzied crowd that was competing to lend their name to a character in her next book. OMG, I wanted that one but forgot to stop at an ATM before the party. Next year ...

Finally, we may have ended our on-going search for just the right venue with the Dante Alighieri Cultural Center in Cambridge. A small but classy (and accessible) facility, it offered both nearby parking and access to public transportation. Not to mention a bar and dance floor, requisites for any respectable bash.



(Clockwise from top left) Mark Stern (c.) delivers a tribute to Rob Doyle, with helpers Iris Gomez (r.) and David Kelston (l.); Makis Antzoulatos and Jonathan Messinger (stage) in action emceeding the Gala; NLG Troubadours lead the crowd in a Pete Seeger's song; Susan Church's family wearing NLG buttons "I do not consent to a search"; Joyous and happy crowd finishes the evening on the dance floor.

(Photos by Rebecca Amdemariam & Josh Raisler Cohn)

*Barb Dougan is a long-time NLG member and Editor-for-Life of the annual dinner journal.*

## Building Community Requires Building

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hundred individuals comes together in order to learn to resist intimidation tactics, to be 'street' medics, to write a press release, to maximize the use of social media and of course, the tactics of civil disobedience. The first time the President rejected the Pipeline, he cited activism as one of his reasons for his decision. We are making a difference.

Owe Aku never had an office or even a real desk. Finally, however, the tiyospaye has come together to help provide a beautiful 20 x 20 office space, complete with a loft for storage and/or a 'bunkhouse' for the multitude of visitors that come to work with Owe Aku. During the first days of construction word spread and



The roof going up. No scaffolds, no machines, just ropes and ladders and muscle.

grandchildren, nieces, nephews and friends would come by and lend a hand. Some brought supplies. Some donated a few bucks.



What will be the view from the deck: the beautiful Lakota homeland near Wounded Knee Creek.

### Congratulations to Rachel!

We would like to congratulate the NLG member **Rachel Chunnha** and her partner Curran Chunnha on the March birth of their daughter, **Lailah Dragonfly Chunnha**.

We wish Rachel and Curran the most enjoyable life as parents, and we also hope Lailah will follow her parents' revolutionary footsteps!

Some came with snacks or pop and many brought steaming pots of beef or buffalo soup.

Additionally, many of the boards have been cut on the White Plume's portable saw mill from the pine trees at Pine Ridge. The exterior is up and now we need to finish the interior. Visit our website at [www.oweakuinternational.org](http://www.oweakuinternational.org) to learn more about the project and to get involved. Wopila!

*Kent Lebsock is the Director of Owe Aku International Justice Project which advocates for human rights for the Lakota nation through the observance of treaties, protection of the environment and preservation of Lakota stewardship over land. He is also committed to Owe Aku's sacred water protection work including Moccasins on the Ground and the Lakota Media Project in opposition to the KXL Pipeline, uranium mining in the Black Hills.*



## *Speeches from the Divest Harvard Rally, April 30, 2014*

### **In Solidarity Against The Corporate Financing of the Destruction of our Planet**

*by Sylvia McAdam and Sheelah Mclean*

#### **The Story of Idle No More**

Idle No More has quickly become one of the largest Indigenous-led mass grassroots movements in Canadian history – sparking hundreds of teach-ins, rallies, and protests across Turtle Island (Canada) and beyond. What began as a series of teach-ins throughout Treaty 6 (Saskatchewan) to protest impending parliamentary bills that will erode Indigenous sovereignty and environmental protections, has now changed the social and political landscape of Turtle Island. Idle No More has become a global grassroots movement in protection of Indigenous Sovereignty, land and water.

Each day that Indigenous rights are not honored or fulfilled, inequality between Indigenous peoples and the settler society grows. Idle No More has provided hope and love at a time when global corporate profits rule. We invite everyone to join in this movement.

#### **Issues**

In violation of Treaties made with Indigenous peoples, the Canadian state is currently passing legislation to remove protections of land and water to make it easier for corporations to access our water for corporations' extractive purposes. What does this have to do with the United States? The United States is the biggest exporter of oil and gas taken from unceded and unsurrendered lands and waters of Indigenous peoples. The resources extracted are taken from lands forever changed and contaminated beyond repair, forever impacting the lands and waters needed to sustain the lives of all people. The Alberta Tar Sands are about to become the biggest emitters of greenhouse gases, which in turn will affect the climate not only in Canada but of the world. The largest bodies of fresh water are located in Canada. These waters are now at risk of contamination so

horrendous that nothing that exists will bring it back to a drinkable state.

#### **What can you do?**

The vibration of the earth is out of balance. Our human actions and activities have brought us to a situation of crisis and threaten our humanity and creation. Now is the time for the world to reach into that place of a collective profound love and peace. What can all of you do? For one thing, SILENCE is deadly. In law, there is something called "acquiescence" that interprets silence as consent. We must find our voices and we must not be silent about what is happening locally, regionally, nationally and globally. The spirit of resistance instilled within Idle No More has spanned generations, since Europeans arrived on the shores of Indigenous people's lands. This resistance is steeped in a sacred hope and dream for justice, freedom and liberation for all.

It is not enough to say, "I love children": we are now called upon to take meaningful peaceful action in times of conflict and destruction, and to remember that our defending must be layered with collective sacred love of all children. Let our actions unfold the future. Let us be Idle No More.

#### **Thank you from all the Organizers of Idle No More.**

*Sylvia McAdam Saysewahum, and Sheelah Mclean are Co-founders of Idle No More. McAdam (Saysewahum) is a direct descendant of Treaty makers from the Treaty 6 territory. She has a law degree and currently resides in the Whitefish Lake Reserve lands #118. Sheelah McLean is from Treaty 6 territory, and a 3rd generation immigrant whose Scottish and Scandinavian ancestors settled from Western Europe. Born and raised in Saskatoon, Sheelah is an anti-racist anti-colonial teacher and activist.*



## *Speeches from the Divest Harvard Rally, April 30, 2014*

### **The Navajo Nation and the Human Cost of Coal**

*by Rita Sebastian*

Greetings. I am honored to stand here beside the next generation of activists. I was asked to speak today about the impact of energy policy on Indigenous people within the US and Canada as well as the efforts underway in these communities to fight these policies. I have been working with these communities in their struggles against the impacts of the energy policies for over 30 years, mostly in the Black Mesa region shared by the Hopi and Navajo, but also with various first nations in Canada.

We want Harvard to stop investing in and promoting the use of fossil fuels that threaten the future of our planet. But this energy policy also has profound, destructive effects on the communities where the energy production and distribution occurs. These costs fall disproportionately on the poor and minorities – especially on Indigenous communities. I would like to share a few examples of these effects in the communities where I have been working.

Since 1967, Black Mesa has been the home of Peabody Coals' largest U.S. strip mines, whose coal fuels the power plants that electrify much of the West and Southwest. When these power plants were built, they were the largest point source of pollutants in the US, and their pollution plumes were the one man-made effect visible to the Apollo astronauts. However, the impact down below on local communities was much worse.

As an example of the scale of the destruction, consider the number of what they call "artifacts" the company accumulates during strip mining. As giant bulldozers tear through the ground, they constantly unearth burial sites, human remains, and other remnants from over 1000 years of habitation by the Navajo and their Anasazi ancestors. Peabody scoops up the bones and objects, throws them into bags that they haul up

to a depository they run in Missouri, which now contains over 3 million "artifacts". Roy Tso, who works at the mine, testified that he found human bones and was told to bulldoze them. He refused, so they forced another worker to do it. Roy Tso died of Black Lung and Silicosis after going on an Office of Surface Mining inspection to protect burial and sacred sites.

The coal mining has devastated the communities that used to exist in the region. The current tribal governments were first assembled by lawyers affiliated with energy companies, largely for the purpose of creating entities that would sign over leasing rights to the land. In the 1960s and 70s, these puppet governments then created a so-called Hopi-Navajo Land Dispute. This dispute caused the forcible relocation of over 15,000 Navajo from their ancestral lands, in the largest relocation in the U.S. since the internment of the Japanese-Americans during World War II. As Roberta Blackgoat, Big Mountain Resister said: "There is no word for relocation in the Navajo language; to relocate is to disappear and never be seen again". In addition, the residents across Black Mesa were forbidden from performing any repairs on their homes – even fixing leaky roofs – for over 40 years, while the tribal government lawyers sorted out their royalty checks. This so-called "Bennett Freeze" was finally lifted by President Obama in 2009.

On the ground, native miners suffer from black lung disease, and the people in the surrounding communities have extremely high rates of respiratory diseases from the dust and smoke from the mine. To collect disability, the miners have to go to Peabody doctors. Most have experiences similar to Simon Crank's, who stated:

*"I have black lung, thyroid cancer, and skin cancer on my face. I go to the Pinon or Page clinic for my black lung. My lungs*

*Continued on page 13*

## NLG & PLS Win Case for Essex County Prisoners

by David Kelston

Our NLG Chapter, working in cooperation with Massachusetts Prisoners Legal Services, has won an important case on behalf of Essex County prisoners. For years the Essex County Sheriff had been charging prisoners what NLG and PLS believed to be unlawful "medical processing

fees', and on October 7, 2011, we filed a class action lawsuit against Sheriff Cousins claiming that the fees violated various Massachusetts statutes and the due process clauses of the Massachusetts and United States constitutions. The complaint asked for certification of a class of all prisoners who had been charged the fees within the prior three years, repayment of the

fees to the prisoners, and injunctive relief to prevent the Sheriff from continuing to charge the fees. While the Sheriff stopped charging the fees within a few months of our filing the lawsuit – an obvious recognition of the likely unlawfulness of the fees -- it nevertheless took months, until March 27, 2012, for the class to be certified, and almost two more

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## The Navajo Nation

*Continued from page 12*

*are so bad that it is hard for me to breathe. I am given oxygen and have oxygen tanks in my home. But the Peabody doctors are telling me I only have a cold and are denying me black lung benefits."*

While the people in the area suffer the consequences of energy production, they see none of the benefits: most of the homes on Black Mesa do not have electricity, running water, or sanitation. The Navajo Nation contains the largest group of Americans who lack running water.

This wholesale destruction of the communities and the environment contrasts with the spiritual beliefs of the people in these communities. Lorenzo Teeasyatoh, Medicine Man of Black Mesa gave this message to Congress: "What the US government looks at as mineral resources, we look at as sacred resources." Norris Nez, Medicine Man of Coalmine Mesa said: "When prayers are said on lands that are desecrated by mining the effects of the prayers are destroyed".

One final note about Black Mesa: the communities have a long history of suffering the consequences of America's energy policies. The disease called "Navajo Neuropathy" provides a frightening example. Its devastating symptoms

include liver dysfunction, blindness, and usually death. Many scholarly articles in medical journals described it as a rare genetic disorder that only affects Navajo children living in the Black Mesa region. Except that one researcher a few years ago found that the children were in fact suffering from acute uranium poisoning. There are currently 1,400 abandoned unreclaimed uranium mines on the Navajo Nation - the legacy leftover from another one of America's energy crusades.

At the same time, the commitment of these communities to protecting the environment continues in the present and is shared by the Indigenous Nations in Canada, who are playing a major role in the struggle against the tar sands oil production and the export of this oil into the U.S. via the KXL pipeline.

*Rita Sebastian is recipient of the NLG Worker Award, 2013. She works with Attorneys currently representing traditional Navajo residents (Dine') of Arizona in a coal mining permit appeal before the federal Office of Surface Mining versus Peabody Coal. The case, which is currently in mediation, involves alleged violations of the Surface Mining Control and Reclamation Act, the federal mining law, and issues involving water and air pollution, and destruction of historic, archaeological, and sacred sites.*

## Call to Action

*by Grand Elder Raymond Robinson*

Greetings my brothers & sisters: It is indeed an honor and a privilege to have this opportunity to speak to you through our mutual friend Rita: First of all, a little introduction: my name is Winter Blizzard Man: also known as Raymond Robinson of Cross Lake First Nation of northern Manitoba, Canada:

I fasted for 43 days & 5.5 days on hunger strike: 48.5 days in total for our Mother Earth: yes, again I reiterate, "our Mother Earth":

Brothers & Sisters, we are faced with the gravest & greatest challenge in our lives--the continued, deliberate annihilation and destruction of our most precious and delicate supporter & provider of each and everyone of us--Mother Earth: Without her, we, as humanity, will surely perish: it doesn't matter what color, race, religion, belief, or ideology you may come from, but Creator and Mother Earth does not, nor ever did, base their love on these bases: but equally, without distinction: she has fed, nurtured, cared for & loved us all through our lives: right to this very moment of our lives: think of it-- without her, none of us standing here would be alive: it is through her unselfish act of devotion towards us that we have the strength to face the daily struggles in our lives: The time has come to repay the kindness & love Mother Earth has shown us: no borders, no races, no divisions based on needless paradigms: but we must come together as one race, one nation, one people:

yes, as one united family in the preservation & protection of our Mother-- Mother Earth: Let us all join forces as brothers & sisters of humanity so that we do all we can to ensure that

our Mother Earth's precious resources will be there for generations to come: To stand or sit "Idle" as corporations, governments, multi-nationals, which only see green and make the fast buck at the expense of Mother Earth and us, the human race, must not, must never be tolerated:

The exploration, excavation and extraction of oil, gas, trees & fossil fuel must be stopped if our Mother Earth is to have a chance to survive for the generation that comes after us:

And in conclusion, I urge all of you that are listening here today to join me and our brothers & sisters here & everywhere in saying that we will do all we can to preserve & protect our Mother Earth from here on in: this is what it takes at times for our voices to be heard: affirmative action - Civil Disobedience! Proud of what you are doing: power to you: I will pray for all of you:

Thank You for listening to Grand Elder Raymond Robinson, "Winter Blizzard Man".

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*Raymond Robinson, Grand Elder, from Cross Lake First Nation of Manitoba wished to share with you all the urgency we are facing from our Mother the Earth. His hunger strike helped launch the Idle No More movement. He is a Spiritual Elder in the movement, and Grand Elder status was bestowed upon him after his sacrifice.*



## NLG Massachusetts Chapter Sustainers

In the spring of 2003, the Massachusetts Chapter of the NLG initiated the Chapter Sustainer Program. Since its inception, the Program has been very successful and has been enthusiastically joined by the following Guild members:

**2 Anonymous • Michael Avery • Steven Buckley • Patricia Cantor • Howard Cooper • Barb Dougan • Robert Doyle • Melinda Drew & Jeff Feuer • Carolyn Federoff • Roger Geller & Marjorie Suisman • Lee Goldstein & Shelley Kroll • Lisa Gordon • Benjie Hiller • Andrei Joseph • Shaun Joseph • Myong Joun • Martin Kantrovitz • Nancy Kelly & John Willshire-Carrera • David Kelston • Petrucelly, Nadler & Norris • Hank Phillippi Ryan & Jonathan Shapiro • Allan Rodgers • Martin Rosenthal • Sharryn Ross & Mark Stern • Anne Sills & Howard Silverman • Judy Somberg • Stern, Shapiro, Weissberg & Garin**

The Sustainer Program is one of the most important Chapter initiatives to secure its future existence. Please consider joining the Program.

## YES, INCLUDE MY NAME AMONG NLG MASSACHUSETTS CHAPTER SUSTAINERS!

I, \_\_\_\_\_, am making a commitment to support the Massachusetts Chapter of the Guild with an annual contribution of:  
\_\_\_\_\_ \$500 (not including my membership dues)  
\$ \_\_\_\_\_ (other above \$500)

### As a sustainer I will receive:

- special listing in the Dinner Program;
- 1/8 page ad in the Dinner Program;
- acknowledgement in every issue of *Mass Dissent*;
- two (2) free raffle tickets for a Holiday Party raffle;
- invitation to special events.

### Three ways to become a sustainer:

- contribute \$500 or more a year (in addition to dues)
- pair up with another person and pay \$250 each, or
- join the "Guild Circle" and pay \$50/month minimum.

Please mail to: NLG, Massachusetts Chapter  
14 Beacon St., Suite 407, Boston, MA 02108

## NLG & PLS Win Case for Essex County Prisoners

*Continued from page 13*

years of litigation before defendant signed, earlier this year, a settlement agreement to return all fees collected during class action period (October 7, 2008 until the fees stopped, December 15, 2011), and to administrative procedures to get notice to affected current and former prisoners and to mechanisms to return fees previously paid. The settlement agreement was approved by Superior Court Judge Timothy Feeley in February, and payments are and will continue to be made over the next few months.

### How to claim a refund?

Anyone who was incarcerated in an Essex County correction-

al facility anytime between October 7, 2008 until December 15, 2011, was charged a medical processing fee, and who has not already gotten notice of the settlement and information on how to get reimbursement, should contact either **me at 617-367-1040** or the claims administrator:

**Essex County Claims  
Administrator  
P.O. Box 2007  
Chanhassen, MN 55317-2007**

This case against Sheriff Cousins was one of the first two filed by our NLG Litigation Committee, and we are happy with its late, but successful conclusion. (The other of our first two cases, against the Boston Police Department, also had a success-

ful, and much quicker, outcome.) The Litigation Committee has lots of ideas for cases, lots of energy, and welcomes participation. We usually meet the last Wednesday of the month, in the Guild's conference room at 14 Beacon Street, and we welcome lawyers and legal workers interested in bringing cases for institutional change. Current ideas we are exploring include matters concerning the Watertown lock-down, certain passport restrictions, stop and frisk and other police practices, and protecting tenants in foreclosures.

*David Kelston is a member of the NLG Litigation Committee and a law partner at Adkins Kelston & Zavez in Boston.*

# Mass Dissent

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*Preamble to the Constitution of the National Lawyers Guild*

### Donate to Support the Guild!

The Massachusetts Chapter of the National Lawyers Guild's **Mass Defense Committee** provides legal representation and assistance to activists from all progressive political movements.

#### We need your support.

Please help us by donating to the Mass Chapter. Mail this form and your check to **14 Beacon St., Suite 407, Boston, MA 02108** or visiting [www.nlgmass.org/donate](http://www.nlgmass.org/donate).

I, \_\_\_\_\_ (name), am donating \$ \_\_\_\_\_ to the NLG  
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Circle one:

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Dues (from schedule): \_\_\_\_\_

**I am interested in working on the following projects:**

- ☐ Lawyer Referral Service
- ☐ Street Law Clinic
- ☐ Mass Defense Committee
- ☐ Litigation Committee
- ☐ Mass Dissent (monthly publication)
- ☐ National Immigration Project

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Dues are calculated on a calendar year basis  
(Jan.1-Dec.31) according to your income\*:

Jailhouse Lawyers. . . . .	Free
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over \$20,000 to \$25,000 . . . . .	\$75
over \$25,000 to \$30,000 . . . . .	\$100
over \$30,000 to \$40,000 . . . . .	\$150
over \$40,000 to \$50,000 . . . . .	\$200
over \$50,000 to \$60,000 . . . . .	\$250
over \$60,000 to \$70,000 . . . . .	\$300
over \$70,000 to \$80,000 . . . . .	\$350
over \$80,000 to \$90,000 . . . . .	\$400
over \$100,000 . . . . .	\$500

\* Any **new** member who joins after September 1 will be carried over to the following year. Dues may be paid in full or in quarterly installments. Dues of \$80 cover the basic membership costs, which include publication and mailing of *Mass Dissent* (the Chapter's monthly newsletter), national and regional dues, and the office and staff.