

# The National Lawyers Guild NEWSLETTER of the Labor & Employment Committee



April 2007

## The Cuban 5 - Legal Abuse Masquerades as National Security

by Eileen Silverstein

*Editor's Note:* This newsletter contains several articles about *international labor and human rights concerns*. Our lead article and our annual Labor & Employment Committee breakfast at the AFL-CIO Lawyers Coordinating Committee meeting in Chicago focus on *human rights abuses in a national context*. Each has implications for the work of labor and employment lawyers. We hope you will attend the breakfast and get involved. **Fran Schreiber**

Abuses of the legal system masquerading as legitimate national security proceedings have become familiar. But the nine-year journey of the Cuban Five through the American legal system has the capacity to startle even the most jaded observer. At virtually every stage—from arrest, through trial and sentencing, to the most recent appellate decision—the FBI, prison authorities, federal prosecutors and judges have subjected the men to arbitrary decisions and demeaning treatment. Herein a brief update (or perhaps an introduction given the national media's indifference or calculated refusal to tell the story).

The **Cuban Five** are **Gerardo Hernandez Nordelo**, **Ramon Labanino Salazar**, **Antonio Guerrero Rodriguez**, **Fernando Gonzalez Llort**, and **Rene Gonzalez** (not related). Guerrero Rodriguez and Gonzalez are United States citizens; Hernandez Nordelo, Labanino Salazar and Gonzalez Llort entered the United States using false names and failed to register as enemy agents. Each embraces the values of socialist Cuba and has worked with the Cuban government to protect that nation from invasion and terrorism, by infiltrating the numerous Miami-based organizations dedicated to the destabilization and overthrow of the Cuban government. In Cuba and to their supporters around the world, the Five are considered heroes being persecuted for their non-violent defense of the Revolution.

In September 1998, the FBI arrested the Five, charging them, *inter alia*, with conspiracy to commit espionage and conspiracy to commit murder in connection with the Cuban Armed Forces' shooting down of two Cessna aircraft operated out of Miami by **Brothers to the Rescue**, an anti-Castro group that has repeatedly invaded Cuban air space in violation of Cuban and United States law. As every first-year law student knows, charges of conspiracy, an agreement to engage in criminal activity now or in the future, facilitate convictions in cases where prosecutors lack convincing evidence that a crime has actually been committed. The agreement is the crime. In

this case, the Miami-based pilots unlawfully invaded Cuban airspace, as they and others had done at least 25 times in the preceding 20 months, and ignored warnings from Cuban air control that failure to leave the restricted area was itself a crime against which Cuba could defend itself with force. All of the Five were in Miami at the time of this incident and no evidence connects them to the Cuban authorities decision to shoot down the planes.

Although the arrests occurred without incident and the FBI's warrantless searches discovered neither classified documents nor weapons, the Five were held without bail for 33 months, seventeen of those months in solitary confinement, before being brought to trial. Access to their lawyers was restricted and family visits prohibited.

Defendants repeatedly moved for a change of venue from Miami to another city in Broward County. The trial judge refused each motion, denying that pretrial publicity and the well-known hostility in Miami to Castro and the Cuban revolution would make it impossible to secure either a jury free of prejudice or a fair trial. The trial took place over a nearly seven-month long period with intense coverage by local media. As described by the UN Working Group on Arbitrary Detention which investigated the treatment of the Five,

The trial did not take place in a climate of objectivity and impartiality which is required . . . . Outside the courtroom, noisy demonstrations were organized by Cuban-American organizations. Relatives of the four persons killed during the Cessna incident of 24 February 1996 gave press conferences at the courthouse steps while jurors were arriving for hearings. (Human Rights Commission Opinion No. 19/2005, at 29, 11)

The jury deliberated for four days, neither requesting clarifications on legal principles from the judge nor asking to have any testimony from the 74 witnesses repeated. The jury found the Five guilty on each of 26 counts in the indictment.

The judge sentenced Guerrero Rodriguez to life in prison plus 10 years; Gerardo Hernandez to two life sentences plus 15 years; Labanino Salazar Gonzalez to life imprisonment plus 18 years. Llort received a sentence of 19 years; Gonzalez Sehweret 15 years.

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# National Lawyers Guild - Labor & Employment Committee Annual Breakfast

at the AFL-CIO Lawyers Coordinating Committee Conference

## GUANTANAMO - The Fight for Human Rights

**When:** Thursday  
April 26, 2007  
7:00 a.m.

**Where:** Hyatt Regency Chicago  
151 East Walker Street

**Speaker: Bill Goodman**  
former Legal Director  
Center for Constitutional Rights



## **Moderator: Mike Healey**

*Bill Goodman was Legal Director of the Center for Constitutional Rights (CCR) from 1998 to 2003 and from 2005 to 2007. The CCR litigated the principal constitutional law cases involving Guantanamo, including **Rasul v. Bush** in the U.S. Supreme Court, and coordinates the work of hundreds of attorneys representing individual detainees. Bill will talk about the legal and political issues raised by Guantanamo, including the legal doctrines used to expand the use of Executive powers in derogation of separation of powers principles. The discussion will also focus on how these cases have implications for the work of labor and employment lawyers.*

## **For more information contact:**

Mike Healey at (412) 391-7711 or [mike@unionlawyers.net](mailto:mike@unionlawyers.net)

## **Please RSVP:**

Fran Schreiber at [fcs@kazanlaw.com](mailto:fcs@kazanlaw.com) or (510) 302-1071 or (510) 333-9907 (cell)

# The Cuban 5 - Is the U.S. Guilty of Harboring Terrorists and Jailing Terror Foes?

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At the request of the United States, the judge added that on release,

“As a further special condition of supervised release the defendant is prohibited from association with or visiting specific places where individuals or groups such as terrorists, members of organizations advocating violence, and organized crime figures are known to be or frequent.”

That is, a defendant must refrain from spying on those in the United States engaging in criminal activity which the United States government tacitly approves or tolerates.

The sentences are being served in five separate maximum security prisons in California, Wisconsin, South Carolina, Texas and Colorado; and, once again, the Five sometimes are placed in solitary confinement for unspecified *national security reasons*.

On appeal, a unanimous panel of the Court of Appeals for the Eleventh Circuit, reversed and remanded for a new trial. See 419 F. 3d 1219 (2005). In a 93 page opinion dense with citations to the *voir dire* and the trial, the Court agreed that the “massive” evidence submitted by the defense in support of a change of venue “is of such a nature that a new trial would reasonably produce a new result”. Further,

“Empaneling an [impartial] jury in the community was an unreasonable probability because of pervasive community prejudice. The entire community is sensitive to and permeated by concerns for the Cuban exile population in Miami.

“The perception that these groups [of Cuban exiles in the Miami community] could harm jurors that rendered a verdict unfavorable to their views was palpable.” <sup>fn1</sup>

The panel decision and its rigorous examination of the evidence and legal arguments vindicated supporters of the Five and of the rule of law. The celebration was short-lived. The Eleventh Circuit, sitting *en banc*, vacated the panel’s decision and affirmed the rulings of the district court regarding change of venue, citing the district court’s

“effective uses of prophylactic measures to carefully manage individual *voir dire* examination of each and every panel member and its successful steps to isolate the jury from every extrinsic influence.”

See 459 F.3d 1121(2006; ten judges voted to affirm the district court’s rulings; two judges dissented).

Since the arrests and convictions of the Five, international legal opinion has chastised the judicial process in Miami. Among those arguing for a new trial in a fair venue are the UN Working Group on Arbitrary Detention (Human Rights Commission), the XIII Continental Conference of the American Association of Lawyers, the International Association of Democratic Lawyers, National Lawyers Guild and the National Jury Project. Protests in the United States are ongoing. For more information, contact **Alicia Jrapko** (510) 219-0092 or [AJrapko@yahoo.com](mailto:AJrapko@yahoo.com), **International Committee for the Freedom of the Cuban Five**. See also [www.antiterroristas.cu](http://www.antiterroristas.cu) and [www.freethethefive.org](http://www.freethethefive.org) and [www.nlg.org/cuba](http://www.nlg.org/cuba).

Media coverage in Miami continues its decidedly hostile tone, and the case receives scant coverage from national TV and print sources. In Cuba’s high end tourist hotels, prominent lobby displays tell the story of and demand freedom for the five Heroes.

<sup>1</sup> The Court did not address other issues raised on appeal because analysis of the venue question required setting aside the jury verdicts.

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## Major Whistleblower Protection Bill Moves Through Congress Grassroots Activism Urgently Needed

*by Marshall Chriswell, National Whistleblower Center*

Last month, Federal employees moved one step closer to gaining increased protection from retaliation when they *blow the whistle* on misconduct in their agencies. On March 14, as part of the 110th Congress’ ambitious *Sunshine Week*, The U.S. House of Representatives passed HR 985 *The Whistleblower Protection Enhancement Act of 2007*. If this bill becomes law, it will expand the legal rights of federal whistleblowers in several crucial areas:

1. Federal whistleblowers would no longer have their cases relegated only to the Federal Circuit, which has been notoriously unfriendly to employees. Whistleblowers would, at last, enjoy the right to all-circuit review in federal court.

2. Federal employees who report misconduct internally, through their chain of command, would be protected from retaliation. This provision would partially overturn the detrimental 2006 Supreme Court ruling in *Garcetti v. Ceballos*.

3. Employees of federal contractors would, for the first time, have an effective legal remedy against retaliation when they blow the whistle on fraud or malfeasance when working under a federal contract.

There has been a groundswell of public support for whistleblower laws to protect employees from retaliation when they risk their careers in defense of the public interest.

A recent public opinion poll of 1014 *likely voters* found 79% believe Congress should “institute a strong whistleblower law to protect government employees from retribution if they report waste or corruption.” And 41% believe whistleblower protection is among the most vital issues facing Congress today, with 41% of those surveyed stating they would be “much more likely” to support a Congress that enacts strong whistleblower protections.

In addition to increased protection for government employees, we have seen signs that there is public and congressional support for legislation to protect private employees as well.

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# Just Cause in China

by Ursula Levelt

Liu Cheng, one of China's few labor lawyers and a teacher at Shanghai Normal University, visited the U.S. in March 2007. His visits to New York and elsewhere were organized by the International Commission on Labor Rights. Liu Cheng has been instrumental in drafting a new labor code to strengthen Chinese workers' rights.

According to Liu, the law's impetus came from the one and only trade union organization in China, the All-China Federation of Trade Unions (ACFTU). This union once represented all workers in China, but its membership began to dwindle with privatization. Although the ACFTU can technically represent employees in private enterprises, representation is dependent on a request from the employees. Thus privatization is forcing the ACFTU to organize, something it has not previously done. Liu describes the ACFTU as engaged in *welfare work*. With a reference to problems in the US labor movement, he states that the union realized it had to *change or die*. Now, Liu says, the ACFTU has adopted a major mobilization plan. It has also become the primary sponsor of legislative efforts to strengthen labor laws.

The most important problem for Chinese workers is simply to be paid for work performed. Backpay claims are very common, either because employers are unscrupulous or because employers, who are subcontractors of multinationals, accept contracts on such poor terms that they cannot pay their bills themselves. Liu calls this the *low price policy*, not referring to the low prices in Walmart, but the low prices paid to subcontractors. Currently, there is no real cost to employers for violating the law.

Another major problem leading to massive labor unrest are the layoffs of employees in state enterprises, estimated at some 120 million. Once laid off, these employees not only lose income but also medical and other benefits such as housing and social security. Last year, there were an estimated 90,000 *wildcat* strikes and work stoppages in China. These are *wildcat* because there is no legal right to strike in China. As well, trade unions do not have the right to bargain collectively. Liu believes it is this social unrest that pushed the Chinese government at the highest level to embrace the idea of labor law reform.

The first draft of the new labor code addressed these issues by providing trade unions, for the first time, the right to bargain, by requiring that all employment contracts be in writing, and by implementing a universal severance pay scheme.

This brave attempt prompted the American Chamber of Commerce in Shanghai to engage in one of its most aggressive lobbying campaigns ever, joined by the European Chamber of Commerce. It sent a 42 page report attacking the code to all members of the People's National Congress. Its publication, *Insight*, refers to the code as the *Iron Rice Bowl* or a return to a planned economy.

Liu points out that U.S. corporations in China are not the main perpetrators of labor law violations. However, they benefit

from subcontracting work to Chinese corporations, who, in turn, exploit their workers. With stricter labor laws in place, China hopes to raise the bar for all contractors and would thus cut into the profits of multinationals, although, Liu believes, by only a negligible amount.

Ellen David Friedman, the organizer of Liu's tour to the U.S., emphasizes that this move by the foreign corporations exposes their hypocrisy. After they defended trade with China for years with the argument that free trade would lead to respect for the basic human rights of all Chinese workers and improve their working conditions and living standards, the same corporations now oppose any attempts by the Chinese government to indeed improve living standards for its citizens across the board, and not just the lucky few.

Unfortunately, the lobby was successful in changing some key elements of the bill. For example, the original bill attempted to require written contracts for all employment relations which would greatly enhance workers' ability to enforce their rights in court. If an employer failed to extend a fixed-term contract, the code implied an open-term contract, making it harder to fire the employee. In the second draft, after expiration of the fixed-term contract, the code only guarantees the rights under the trade union contract, if such exists at the particular workplace, or the wages of similarly situated employees which would be much harder to prove.

The right to bargain was diminished to an employer's duty to *refer* proposed changes in terms and conditions of work to the union and permit comment and consultation. In the case of mass lay-offs, an employer only needs to *explain* the situation to the union. However, other sections of the law still provide an opening for unions or employees to engage in collective bargaining.

Fortunately, the second draft of the code still retains important protections, light years ahead of U.S. labor laws. Most importantly, it creates a *just cause* standard for individual firings. In order to create more job security, employers are not allowed to hire employees for more than two fixed-term contracts. The code also requires severance payments for termination of both fixed and non-fixed term workers of one month per year of service. Probation periods may not be longer than two months.

The outcry over the shameless lobbying by foreign corporations has forced the European Chamber of Commerce to change its position and renounce its threat that its members may leave China if the law is passed. Other U.S. corporations have now distanced themselves from the American Chamber of Commerce's position. Congresswoman Lynn Woolsey (D-CA) has introduced a resolution repudiating the efforts of the U.S. business community in China and calling on President Bush to support the workers' rights protections in China's new labor contract law.

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# Guild Lawyers Participate in Human Rights Delegation to Oaxaca Guild Follows up with Support for Human Rights Organizations

by Robin Alexander & Jennifer Harbury

In May 2006 some 70,000 teachers in Oaxaca went on strike. Their demands included raising the wages of teachers working in the state to a level commensurate with a higher cost of living, as well as assistance to students from impoverished regions. When their demands were not met, the teachers set up a makeshift encampment in the historical *zócalo*, or town-square, and there they stayed.

At first the state government responded with a media attack. When that did not work, on June 14, at 4:00 a.m. armed police, accompanied by dogs, attacked the teachers who were sleeping with their family members and other supporters in the encampment and assaulted them with tear gas. At the same time, they took over the offices and the hotel of the union, detaining a dozen people including those who had been operating the union's radio station known as *radio plantón*. The police were subsequently supported by two helicopters, throwing grenades of pepper smoke and tear gas which affected not only the strikers but also neighbors and guests in nearby hotels. The tents were destroyed and burned by police in large bonfires. This also resulted in various detentions and disappearances as well as one spontaneous abortion due to exposure to tear gas. While repression had been common, this sort of attack on sleeping people, affording them no notice or opportunity to leave, was unprecedented. Members of the community reacted with outrage, fighting back with anything they could find. They chased the police from the square and re-established the camp

On June 17, several hundred local organizations came together to form the *Asamblea Popular del Pueblo de Oaxaca* [APPO] demanding that Governor Ulises Ruiz step down. Meanwhile, the movement continued to grow with large but peaceful marches and demonstrations.

Police raids, beatings and shooting continued throughout this period. On October 28 four people were killed, including indymedia journalist and U.S. citizen Brad Will and a Mexican teacher, Emilio Alonso Fabian.

The Federal Preventive Police were then sent in by the Mexican government, and on November 25 they appeared in full riot gear and encircled the entire area, firing tear gas. As people fled, many were arrested and beaten. Among the prisoners were many people who were simply on their way to work or to the market place that morning; 170 people were arrested that day, and most were taken to the far away prison of Nayarit. Thirty four were women and five were minors.

On our first day in Oaxaca, some of the Nayarit prisoners were released and we hurried to the square to hear the news. As we listened to civic leaders address the press, a woman ran by asking for a doctor. One of the prisoners was still suffering from broken ribs. Other released prisoners and desperate relatives came to visit us quietly to tell their stories. As word got out about their presence, more and more people lined up to speak with them. One indigenous woman found her husband dying.

His body bore nine bullet wounds from above – providing conclusive evidence he had been shot from the roof top. All the prisoners had been badly battered, kicked, struck with rifle butts, and bound so tightly some lost feeling in their arms or hands. Many were seriously injured but received no medical care at all. One man, an architect, came close to losing an eye; half of his face remains paralyzed.

Although the police were beginning to withdraw from the *Zócalo* as we arrived on December 16 the government repression continued. During the time we were in Oaxaca, an APPO leader and two activists were picked up leaving a meeting, badly beaten as a warning to others, then released. The woman whose husband was shot to death has been subject to intimidation. A battered lawyer had his office ransacked and remains in jeopardy.

Meanwhile, the attacks have also been focused on local human rights advocates. An attorney was beaten so badly that his motorcycle helmet was broken. A broken rib pierced his lung. He received no medical care for nearly a week. He had long been working with the rural organizations and had defended friends who were imprisoned this year. He remains in hiding now as he recovers from his emergency surgery for a collapsed lung. His office has been ransacked and many files stolen. The police continue to look for him although he does not even know what the charges against him are. Another attorney has been forced to flee the country. Threats against Yésica Sánchez are yet another example.

The National Commission for Human Rights issued its preliminary report on December 18. It concluded that 20 people had been killed, 370 injured and 349 imprisoned since June 2.

Although November 25 was a particularly egregious day, the violence continues. And the popular movement also continues in the face of repression. Marcos Leyva, a leader of the NGO sector of APPO explained that APPO represents the convergence of various types of movements: social, ecological indigenous. He told us that APPO has two dimensions: "One is a political organization with leadership, internal organization and structure. Another is the dimension of spirituality, community, rebellion, and a spirit of struggle and resistance. This APPO was thirty years in the making. So even if the leadership is crushed, APPO is only an expression of what is underneath."

## NLG developing relations with human rights offices representing the movement

A delegation from Oaxaca, Mexico composed of lawyers and victims of government repression visited Washington, D.C. March 2 - 8, 2007 for a hearing before the Inter-American Commission on Human Rights. With virtually no notice, members of the **National Lawyers Guild** coordinated housing and a series of events hosted by community groups, unions and universities. This was made possible due to the warmth and generosity of  
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## Notice: Human Rights Internships in Oaxaca

The **International Committee** and **International Labor Justice Working Group** of the **National Lawyers Guild** and the **Liga Mexicana por la Defensa de los Derechos Humanos (LIMEDDH)** (**Mexican League for the Defense of Human Rights**) are seeking applicants for a legal internship in Oaxaca. Interns will work with lawyers from **LIMEDDH** and **Red Oaxaqueña de Derechos Humanos (Oaxacan Human Rights Network)** to support their human rights work. Interns duties will include taking and organizing testimonies, preparing cases, documenting abuses and other related work.

**Applicants must be able to speak, read and write Spanish proficiently.** Those interested should contact **Robin** or **Vanessa** (see below) for an application (in Spanish) and return it by email to the addresses listed on the application along with a resume and two references. Several positions are available. Interns must be available for a minimum of three months and a six month commitment is preferred. This is an unpaid position and interns will be responsible for their costs. Inexpensive housing is available and will be arranged for interns.

Please share this notice with law students, legal workers or lawyers you feel would be interested in one of these internships.

**Questions** about the internship may be directed to **Robin Alexander** [international@rankfile-ue.org](mailto:international@rankfile-ue.org) and **Vanessa Lucas** [v\\_rock\\_2000@yahoo.com](mailto:v_rock_2000@yahoo.com).

For more information about the situation in Oaxaca, please see <http://www.nlginternational.org> and <http://ueinternational.org/>

## Labor & Human Rights Abuses in Oaxaca

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many organizations and individuals. Of special note within the **Guild** in Washington were the **American University chapter**, which organized an event and held a bake sale to raise funds and labor lawyer **Dan Smith** who worked with the **DC Guild chapter** to organize a **Guild** reception for them and worked with **Robin Alexander** on overall coordination.

### Legal Support Work Planned

Legal support work in coordination with human rights organizations in Oaxaca is also being planned. In June, **Guild President Marjorie Cohn** and **International Committee co-coordinator Jeanne Mirer** will participate in a small, high level delegation which will travel to Oaxaca together with lawyers from the National Association of Democratic Lawyers of (ANAD) of Mexico.

### The Movement in Oaxaca May Need You!

In addition, we are launching an internship program. Lawyers, law students and legal workers willing to work 3 - 6 months with human rights organizations are needed. Fluency in

Spanish is essential, legal experience is a big plus, and volunteers must have their own funding (although costs will be low). Delegation possibilities also exist. Lawyers who speak Spanish are especially encouraged to apply. For more information, please contact **Robin Alexander** [international@rankfile-ue.org](mailto:international@rankfile-ue.org) and **Vanessa Lucas** [v\\_rock\\_2000@yahoo.com](mailto:v_rock_2000@yahoo.com). We are in discussions with ANAD, and it is likely that this will become a joint project.

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*This article was co-written by **Robin Alexander**, Director of International Affairs for the United Electrical, Radio & Machine Workers of America (UE), a progressive union headquartered in Pittsburgh, and by human rights attorney **Jennifer Harbury**. They participated in a delegation composed of lawyers – Guild attorney **Merrilyn Onisko** also participated – independent media, professors, students and other activists, who traveled to Oaxaca in late December, 2006 as part of a human rights delegation. A full report appears on the UE web site at: [http://www.ueinternational.org/Mexico\\_info/mlna\\_articles.php?id=112#622](http://www.ueinternational.org/Mexico_info/mlna_articles.php?id=112#622)*

## NLG Labor & Employment Committee

# PARTY

## Wednesday - April 25, 2007

### 8:30 - 10:30 p.m.

at the home of Laurie Burgess  
5537 So Woodlawn Avenue  
Chicago, IL 60637

RSVP to  
[fcs@kazanlaw.com](mailto:fcs@kazanlaw.com)  
(510) 302-1071 or  
(510) 333-9907



## Support Whistleblower Legislation

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This year we can achieve some legislative victories! The NWC urges employee advocates to make sure that the full Congress passes strong whistleblower legislation. We saw firsthand the power that a unified grassroots constituency can have on legislation during *Sunshine Week*. As National Whistleblower Center President Steve Kohn noted, "The grassroots support we received was critical on the House floor. It was because of the flood of emails and calls from supporters that we were able to combat the opposition's attempts to gut the bill."

The National Whistleblower Center has launched a nationwide petition drive to show public support for whistleblower protections. To sign the petition, please visit: [http://www.ipetitions.com/petition/Whistleblower\\_Law/](http://www.ipetitions.com/petition/Whistleblower_Law/)

We urge you not only to sign the petition but also to share it with other supporters. For more ways to get involved, visit [www.whistleblowers.org](http://www.whistleblowers.org).

### SEMINAR - Whistleblower Law & Protections

**Wednesday, May 16, 2007**

The Willard Inter-Continental Hotel  
1401 Pennsylvania Avenue NW  
Washington, DC 20004

This seminar will provide clear, comprehensive and easy-to-understand explanations of employee-protection requirements of whistleblower law. You will learn how the laws work, including the legal and procedural requirements that must be met by the employee whistleblower. CLE Credit may be available, please contact Estelle Kohn for more information.

#### Brief Summary of Classes and Instructors

- *ABCs of a Successful Whistleblower Case* - **Stephen M. Kohn**
- *Environmental/Nuclear Whistleblower Protection: Federal and State Public Policy Remedies* - **Michael Kohn** and **Richard Renner**
- *Fraud and Corporate Whistleblowing: False Claims Act, Qui Tam, IRS and SOX* - **David Colapinto**, **Jason Zuckerman** and **Joseph (Jeb) E. B. White**
- *Whistleblower Protections for Federal Employees* - **Debra Katz**, **Michael Kohn** and **Tim Hannapel**

#### Seminar Registration Information

Seminar cost is \$495 and includes course materials. Financial aid is available in order to provide affordable registration fees on a sliding scale for attorneys with annual incomes of \$20,000 or less. For more information, contact:

**Estelle S. Kohn, NWLDEF Seminar Coordinator**  
3238 P Street NW, Washington, DC 20007  
(202) 342-1903 or [ek@whistleblowers.org](mailto:ek@whistleblowers.org)

## OSH Policy Conference Set

**October 7 & 8, 2007**

**WORKSAFE!** is hosting a conference in Emeryville, CA, to develop a cutting edge occupational safety and health policy agenda — identifying priorities for future legislative, regulatory and other action. **WORKSAFE!** is currently drafting a comprehensive policy paper on occupational safety and health and invites readers to review the issues and help identify those of greatest importance to workers, those who are represented by unions and those yet to be organized.

The conference will bring together worker advocates nationally and from California. **WORKSAFE!** seeks broad input to develop a progressive occupational safety and health agenda for all workers, including representatives from labor councils and unions, worker centers, legal services and labor attorneys, and safety and health specialists and activists.

A copy of a detailed draft outline of the policy paper is at: <http://www.worksafe.org/about/policypapermeetings.cfm> A form is available if readers wish to volunteer to participate in developing one or more of the policy issues. For more information, contact **Fran Schreiber** at [fcs@worksafe.org](mailto:fcs@worksafe.org) or (510) 302-1071.

**WORKSAFE!** is a California based statewide non-profit organization dedicated to promoting occupational safety and health through education, training, advocacy, technical and legal assistance. It focuses on eliminating all types of workplace hazards and also on workplace-created toxic hazards that impact at-risk communities in California. It supports a network of health and safety activists and the **Worksafe Law Center**, a legal services support center, which focuses on California's most vulnerable workers and provides advocacy support, technical assistance and training to legal services programs regarding the effective use of workplace and environmental health and safety laws and remedies - including workers' compensation and third party remedies. **WORKSAFE!** is comprised of labor and community groups, individual workers, occupational safety and health and other professionals, environmentalists and other interested persons. **WORKSAFE!** welcomes members.

## Just Cause in China

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Labor and employment lawyers should support Congresswoman Woolsey's efforts is now as a third draft of the law, not yet public, will be up for a *reading* in June 2007. Liu expects the law to go into effect January 1, 2008, and is already at work on additional legislation which will focus on procedures. In addition to the already existing private right of action, the new legislation would create a duty and legal liability for a union to pursue claims of its members. Liu also envisages employers paying attorneys' fees when workers prevail in court.

Many thanks to Ellen David Friedman for organizing the tour. For more information on the battle over China's new labor law, visit the website of Global Labor Strategies at [www.laborstrategies.org](http://www.laborstrategies.org).

**National Lawyers Guild L&EC MEETING  
during the 2007 LCC in CHICAGO**

**Thursday - April 26 - 12:50 - 2:30 pm**

location of meeting to be posted at LCC or call (415) 385-3905 or (510) 333-9907

**NLG L&EC breakfast at the LCC in CHICAGO**

**Thursday April 26 - 7:00 am**

Hyatt Regency Chicago - 151 East Walker Street - room to be posted

**Guantanamo - The Fight for Human Rights**

**Speaker: Bill Goodman**

former Legal Director of Center for Constitutional Rights

*Moderator: Mike Healey*

**RSVP** so we can order breakfasts - [fcs@kazanlaw.com](mailto:fcs@kazanlaw.com) or (510) 302-1071 or (510) 333-9907

**National Lawyers Guild**

**Labor & Employment Committee**

c/o Kazan McClain Abrams Lyons Farris & Greenwood

171 - 12th Street

Oakland, CA 94607

Save the Date - 70 Years of Law for the People

Wed Oct 31 - Sun Nov 4, 2007 - 70th Anniversary NLG Convention - Washington, DC

<http://www.nlg.org/convention/>