

IN THE SUPREME COURT OF PENNSYLVANIA

Docket No. 125 EM 2019

**In re: Conflict of Interest of the Office of the Philadelphia District Attorney,
Petition of Maureen Faulkner, Widow of deceased Police Officer Daniel
Faulkner**

**PETITIONER'S ANSWER TO PHILADELPHIA DISTRICT
ATTORNEY'S APPLICATION TO WITHDRAW EXHIBIT FROM
RESPONSE TO KING'S BENCH PETITION**

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Faulkner*

Petitioner opposes the District Attorney's Application to Withdraw an Exhibit from the Response to the King's Bench Petition. The Exhibit the District Attorney seeks to withdraw -- a copy of the District Attorney's website that the Response incorrectly claims existed at the time the King's Bench Petition was filed -- is emblematic of the District Attorney's entire Response: it is full of inaccurate and incomplete statements.¹

The inaccurate and incomplete statements in the District Attorney's Response concern material issues underlying the conflicts of interest raised by Petitioner, including, among others: (1) Paul George's role as Mumia Abu-Jamal's lawyer and his current role as the second in command of the Law Division supervising the Assistant District Attorneys handling the appeal in the *Mumia Abu-Jamal* case; and (2) Jody Dodd's inaccurate and incomplete affidavit and her affiliation with organizations that advocate for Jamal.

That the District Attorney's Office would submit a Response to the Supreme Court containing incomplete and wrong information on these crucial material

¹ While the District Attorney's Application is somewhat vague as to why it wants to withdraw this Exhibit, it appears the earlier version of the DA's website did not provide any information about what role Paul George played in supervising the appeals division whereas the Exhibit originally attached lists him as second in command of the entire Law Division with the title "Assistant Supervisor." His authority in that role is clear: he participates in decisions affecting the Law Division, including the Appeals Unit, which is one of five "Units" supervised by George and Nancy Winkleman, the Supervisor.

issues only highlights the urgency of the conflicts raised by the King’s Bench Petition. In the end, the District Attorney’s Response itself provides even further evidence supporting the need for disqualification.

I. Paul George

The District Attorney does not dispute Paul George was Jamal’s lawyer. Instead, the District Attorney cites to George’s Affidavit wherein he attempts to minimize his role as appellate counsel for Jamal, contending that he merely served as “Local Counsel” at the “request of defendant Cook’s attorneys because, unlike them, [he] was qualified in Pennsylvania to represent capital defendants.”² George then says “he simply read the appellate brief after it had been written by Defendant Cook’s other attorneys and, along with one of those attorneys, signed his name to it.”³

George’s Affidavit is problematic for a few reasons. For one, if it is true that Cook’s other attorneys were not qualified to handle capital cases, George’s description of his “limited” role appears to be in conflict with Rule 801 of the Criminal Rules of Procedure, which governs the “Qualifications for Defense Counsel in Capital Cases.” That Rule required any lead counsel to have a minimum number of years’ experience in a minimum number of “significant

² See DA Response at Ex. B, George Affidavit at ¶2.

³ See *Id.* at ¶ 3.

cases,” as well as meeting training and education standards.⁴ Comments to this Rule are published on the Disciplinary Board’s website:

The restrictions [of Rule 801] apply only to "first chair" counsel with primary responsibility for the case. Attorneys who do not meet the qualifications may serve as "second chair," and may present "minor or perfunctory evidence or argument," as determined by the court, but cannot have significant responsibility for presentation of significant evidence or argument.⁵

The Disciplinary Board expressly states that counsel who are certified under Rule 801 must be “*first chair*” counsel “with primary responsibility for the [capital] case,” not mere rubber-stamps as George would purport. Either George complied with Rule 801 and served as lead counsel (as was required) and is thus misleading this Court as to his role, or he deliberately violated that Rule by only serving as a rubber stamp.

In any event, even if George served only as “local counsel,” such does not exempt him from the same professional responsibilities to the Court that pertain to out-of-state counsel admitted *pro hac vice*.⁶ Nor would that fact diminish the

⁴ Pa.R.Crim.P. 801.

⁵ Ex. A, Disciplinary Board of the Supreme Court of Pennsylvania website: *Supreme Court sets New Standards for Counsel in Capital Criminal Cases*, <http://64.207.153.74/newsroom/rules/2004/0603.php>

⁶ Pa.Bar Rule 301 (procedure for *pro hac vice* admission for civil and criminal practice in Pennsylvania, incorporating Pa.R.C.P. 1012.1(d)(1) (“The sponsor [local counsel] shall enter an appearance as attorney of record in the action on behalf of the party whom the candidate seeks to represent . . . the sponsor shall remain the attorney of record for that party, and shall sign and

significance of the pleadings he filed wherein he asserted that Jamal’s conviction was the result of fabricated evidence, subornation of perjury, and a false confession.⁷ Indeed, George was obligated under the relevant rules of practice and ethics to not only “read” and “sign” Jamal’s Brief, but certify to the Court that based on his personal knowledge the legal arguments and the factual allegations were not knowingly false.⁸ There is no “local counsel” exception to George’s obligations of candor to the court. What is more, George’s obligations do not cease to exist with the conclusion of his representation of Jamal; indeed, George’s duties continue to this day.⁹

Finally with regard to George, the District Attorney argues that Petitioner should have known from “a simple review” of the Office’s public website that George is not the immediate supervisor of the assistant district attorney assigned to handle Jamal’s appeal. This claim is false for at least two reasons: First, George’s

serve, or be served with as the case may be, all notices, others, pleadings or other papers filed in the action, and shall attend all proceedings before the court unless excused by the court.”); *Ingemi v. Pelino & Lentz*, 866 F.Supp. 156, 161 (D.N.J. 1994)(“The rule clearly indicates that local counsel is the counsel of record with attendant responsibilities, *not* out-of-state counsel admitted *pro hac vice*. . . .This court trusts that responsible local counsel is aware of the import of signing a pleading and a concomitant duty owed to clients.”)

⁷ Exhibit B to the original King’s Bench Petition.

⁸ Pa. R.P.C. 3.3(a)(1) (duty of candor to tribunal: “(a) A lawyer shall not knowingly: (1) make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer.”)

⁹ Pa. R.P.C. 3.3(c)(“The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceedings, and apply even if compliance requires disclosures of information otherwise protected by Rule 1.6”)

title as “Assistant Supervisor” of the Law Division was not listed on the Office website until *after* the King’s Bench Petition was filed. In fact, prior to the website being updated after Petitioner filed her King’s Bench Petition, the only public indication of George’s role at the office was the appearance of his name on filed pleadings. In those pleadings, he appears as a direct supervisor to attorneys underneath him in the hierarchy of the Office, including attorneys in the Appeals Unit. Indeed, as recently as July 2019, it is Paul George, *not* Lawrence J. Goode, who is listed on an appellate brief filed with this Court as a superior to Grady Gervino – the same ADA currently assigned to the *Mumia Abu-Jamal* appeal pending in the Superior Court.¹⁰ Neither George’s Affidavit nor the District Attorney’s Response explains these facts to the Court.

Second, as demonstrated above, for the purpose of the conflict raised in the Petition, any distinction between the Chief of Appeals and Assistant Supervisor of the Law Division is pure sophistry. The facts demonstrate that George actually has more authority over assistant district attorneys in the Appeals Unit than the Chief of Appeals because he is second in command of the *entire* Law Division.¹¹ In

¹⁰ The Brief was filed in connection with the King’s Bench Petition at 102 EM 2018, a case which concerned whether the Pennsylvania’s death penalty should be deemed unconstitutional. A copy of the cover page for the District Attorney’s Brief is attached as Exhibit “B.”

¹¹ See Law Division webpage of the Philadelphia District Attorney’s Office’s website, <https://www.phila.gov/districtattorney/aboutus/divisions/Pages/Law.aspx>

other words, George does not directly supervise the assistants in the Appeals Unit, he supervises their supervisor.

II. The Jody Dodd Affidavit

In her affidavit, Jody Dodd explains her association with Mumia Abu- Jamal supporters by claiming that she has “volunteered” since 2002 for a group called “Up Against the Law,” which she says “simply supports the people’s right to protest.” Dodd’s Affidavit also implies that she does not personally support any particular right of Jamal and has never been associated with a group that does.¹²

Dodd’s Affidavit is both inaccurate and incomplete. For one, “Up Against the Law” (“UAL”) did not exist in 2002.¹³ It was founded nine years later in 2011. Dodd should know this because she was the founder.¹⁴

Although Dodd could not have been associated with UAL in 2002, she was associated with another legal collective that year, called “R2K.” As demonstrated by Petitioner’s Supplement (filed November 25, 2019), R2K worked directly with

¹² See Dodd Affidavit at ¶¶ 3-4, Exhibit I to DA Response.

¹³ In Exhibit H to the original King’s Bench Petition in this matter, Petitioner attached a full transcript of an interview with Dodd wherein she reports: *During the Republican National Convention here in 2000, she worked as a legal observer during protests. And when Occupy activists set up at Dilworth Plaza in 2011, she formed the Occupy Philadelphia legal collective [R2K] to help activists overcome resulting legal troubles. She reformed that [in 2011] as the Up Against the Law legal collective for the DNC.*”

¹⁴ Ex. C, *Philadelphia Inquirer; Not guilty! No charge!*” March 6th, 2014.

Mumia Abu-Jamal and his supporters to advance his cause.¹⁵ The District Attorney's attempt to discount the involvement of Dodd with the Friends of Mumia Abu-Jamal completely ignores **Exhibit N** of the King's Bench Petition. That exhibit, which appears to have been authored by Dodd, is entitled "IMPORTANT GUIDELINES FOR TALKING (& E-MAILING) ABOUT WHAT YOU SAW IN PHILLY, from the International Concerned Family and Friends of *Mumia Abu-Jamal* posted [ICFFMAJ] Dec. 11, 2001."¹⁶ The document concludes with a signature block:

*ICFFMAJ*¹⁷

Jody Dodd

215 563-7110

¹⁵ There are many links between the R2K Legal collective, the 2000 RNC protest and Mumia Abu-Jamal, including: (a) that R2K was started by members of the National Lawyers Guild where Jamal is a board member (Supplement at 2, Ex. O-P); (b) Jamal was a significant part of the motivation for the founding of R2K (Supplement at 2-3, Ex. Q); (c) Jamal was a featured author on the R2K website under "Background" of the collective (Supplement at 5-6, Ex. W); (d) a Jamal editorial was published on the R2K website during the time that Dodd and Krasner were active members (Supplement at 6); (e) R2K published press releases that included the exaltation "Freedom for Mumia Abu-Jamal" (Supplement at 6, Ex. X); and (f) the R2K Legal Collective (including Krasner himself) advocated for the recusal of a Judge based on his alleged close association with Daniel Faulkner in light of the R2K protestors/clients being vocal advocates for Mumia Abu-Jamal. (Supplement at 12-14, Ex. FF, R2K Legal Update Re: Judge McCaffery.)

¹⁶ It is not clear why Dodd selected 2002 as the date of her association with a legal collective since Ex N and the R2K website demonstrate her association with these organizations in 2000 and 2001.

¹⁷ International Concerned Family and Friends of Mumia Abu-Jamal.

It is therefore obvious that in 2001 Dodd was “assisting” ICFFMAJ through R2K, **not** through UAL, which did not then exist. It is equally obvious Dodd affirmatively acted to free Mumia Abu-Jamal.

In addition to R2K and ICFFMAJ, Dodd also publicly associated with a *third* organization that advocates to free Jamal: the Women’s International League for Peace and Freedom (“WILPF). Dodd is a long-time member of WILPF and in 2000 was the organization’s national coordinator.¹⁸ The phone number listed on the ICFFMAJ “Guideline” document¹⁹ was the phone number for the WILPF office in Philadelphia.²⁰ In 1995, thirteen years after Jamal was convicted of the pre-meditated murder of Officer Faulkner, WILPF issued a Resolution for submission to the U.N. calling for stay of execution and a “fair trial” for Jamal.²¹ As recently as October 2014, during a time that Dodd was still a member, the Greater Philadelphia Branch of WILPF presented Noelle Hanrahan with the “Peace and Justice Dove Award” for her work broadcasting the radio programs of “political prisoner, Mumia Abu- Jamal.”²² Jamal’s brother, Keith Cook, attended

¹⁸ Ex. C, *Philadelphia Inquirer; Not guilty! No charge!* March 6th, 2014.

¹⁹ Ex N to King’s Bench Petition.

²⁰ Ex. D, Yelp website connecting 215 563-7110 to WILPF.

²¹ Ex. E, WILPF Resolution.

²² Ex. F, WILPF News Report.

the ceremony. In January 2017, Dodd also personally directed Jamal's supporters in a public Facebook post to contact the Governor of Pennsylvania to pursue a pardon for Jamal.²³

Dodd's Affidavit fails to explain her work for ICFMAJ and does not disclose any of the other facts that show her longtime, close associations with organizations that expressly advocate for the freedom of Mumia Abu-Jamal. These material defects sworn to by Dodd and submitted by the District Attorney provide additional evidence of the incurable conflicts of interest raised by the Petition.²⁴

III. Conclusion

When all of the facts from the King's Bench Petition, the Supplement to the King's Bench Petition, and the various misstatements in the District Attorney's Response are considered together, the personal conflicts and appearances of impropriety of the District Attorney's Office are overwhelming. The District Attorney should not be permitted to withdraw its false exhibit, as it speaks volumes

²³ Ex. G, Dodd Facebook Post.

²⁴ To be clear, Petitioner is not lodging any criticism of protestors exercising their First Amendment right. Nor is Petitioner criticizing George, Dodd or Krasner for assisting and/or acting as a strategist for such protestors. As private individuals, George, Dodd and Krasner can support whatever cause they choose – that is their right. However, having made the choice to do so with respect to organizations such as WILPF, R2K and NLG concerning issues directly associated with the effort to free Mumia Abu-Jamal, George, Dodd, Krasner and the District Attorney's Office should be disqualified from continued involvement in the prosecution of the *Mumia Abu-Jamal* case.

about the District Attorney's disingenuous attempts to distort the record in order to avoid the appropriate remedy in this case: the disqualification of the District Attorney's Office from further representing the Commonwealth in the *Mumia Abu-Jamal* matter.

Respectfully submitted,

BOCHETTO & LENTZ, P.C.

Dated: December 12, 2019

By: /s/ George Bochetto
George Bochetto, Esquire
David P. Heim, Esquire
John A. O'Connell, Esquire

Attorneys for Petitioner

CERTIFICATE OF PUBLIC ACCESS COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Dated: December 12, 2019

/s/ George Bochetto
George Bochetto, Esquire

EXHIBIT A

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The Disciplinary Board

of the Supreme Court of Pennsylvania

Supreme Court Sets New Standards for Counsel in Capital Criminal Cases

On June 4, 2004, the Supreme Court adopted a new rule setting standards for experience and continuing legal education required of all criminal defense counsel representing defendants in proceedings involving possible capital punishment.

The Court adopted new Rule 801 to the Pennsylvania Rules of Criminal Procedure. This rule applies to all cases in which the district attorney has filed a Notice of Aggravating Circumstances pursuant to Rule 802 (formerly Rule 801), which means that the prosecution may seek the death penalty. Before an attorney may participate in a capital case either as retained or appointed counsel, he or she must meet several qualifying standards, including:

- At least five years of experience in criminal litigation.
- Service as lead or co-counsel in a minimum of 8 significant cases which were tried to verdict before a jury. Representation in appellate proceedings requires prior appellate or post-conviction representation in a minimum of 8 significant cases. A "significant case" for purposes of this rule shall be a murder, including manslaughter and vehicular homicide, or a felony of the first or second degree.
- Within the preceding three years, a minimum of 18 hours of training relevant to representation in capital cases, as approved by the Pennsylvania Continuing Legal Education Board.

These requirements apply to counsel at all stages of a capital case, including pretrial, trial, post-conviction, and appellate. A court may allow out-of-state counsel to serve pro hac vice if the court finds that the out-of-state attorney has equivalent experience and qualifications.

The restrictions apply only to "first chair" counsel with primary responsibility for the case. Attorneys who do not meet the qualifications may serve as "second chair," and may present "minor or perfunctory evidence or argument," as determined by the court, but cannot have significant responsibility for presentation of significant evidence or argument.

New Rule 801 was published in the [Pennsylvania Bulletin](#) (<http://www.pabulletin.com/secure/data/vol34/34-25/1058.html>) on June 19, 2004 becomes effective November 1, 2004. The text of the new rule is available online [here](#) (<http://www.aopc.org/OpPosting/Supreme/out/310crim.2attach.pdf>) (beginning at Page 33). The order adopting the rule appears [here](#) (<http://www.aopc.org/OpPosting/Supreme/out/310crim.2.pdf>). The Order sets a schedule for continuing legal education which attorneys must meet in order to qualify as capital

defense counsel. Several of the Rules of Criminal Procedure are also renumbered or amended to reflect the new rule.

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EXHIBIT B

**IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT**

No. 102 EM 2018

JERMONT COX,

Petitioner,

v.

COMMONWEALTH OF PENNSYLVANIA,

Respondent.

COMMONWEALTH'S BRIEF FOR RESPONDENT

JOANNA H. KUNZ

Assistant District Attorney

GRADY GERVINO

Assistant District Attorney

MICHAEL ERLICH

Assistant District Attorney

PAUL M. GEORGE

Assistant Supervisor, Law Division

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July 15, 2019

EXHIBIT C

Not guilty! No charge!

by JOSEPH SLOBODZIAN, Posted: March 6, 2013



When a Philadelphia Common Pleas Court jury on Tuesday acquitted all 12 Occupy Philadelphia protesters arrested in a 2011 Center City bank sit-in, it was a personal vindication for the defendants.

For the seven lawyers who represented the 12 for 16 months -- free of charge -- it was a professional vindication of the concept of "pro bono" representation and the work of what became known as the Occupy Philadelphia Legal Collective.

The Occupy demonstrators were charged with conspiracy and defiant trespass in the Nov. 18, 2011 sit-in inside a Wells Fargo Bank branch at 17th and Market Streets in Center City.

The sit-in was to draw attention to what Occupy called Wells Fargo's "racist predatory lending" policies that caused a disproportionately large number of home foreclosures in black neighborhoods.

It was a classic confrontation between Occupy's First Amendment free-speech rights and Wells Fargo's private property rights and last June Philadelphia Municipal Court President Judge Marsha H. Neifield found all 12 guilty of trespass and fined each \$500 and court costs.

One month later, Wells Fargo, the nation's largest mortgage lender, agreed to pay \$175 million to settle allegations by the U.S. Justice Department that independent brokers originating its loans charged higher fees and rates to minority borrowers than they did to white borrowers with similar credit risks.

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Though convicted, the Occupy protesters still had the right under Philadelphia court rules to reverse Neifield's verdict in a new Common Pleas Court trial. On Tuesday, a Common Pleas Court jury acquitted all 12 of all charges after the defense lawyers argued that protests' "greater good for society" outweighed the charge of defiant trespass on private property.

The seven defense lawyers who won the reversal included three veteran Center City criminal/civil rights lawyers: Lawrence S. Krasner, Paul J. Hetznecker and Jonathan Feinberg. Also on board was Michael L. Coard, another veteran criminal defense lawyer known outside the courtroom for leading the Avenging the Ancestors Coalition, the group founded in 2002 to ensure that a memorial to enslaved Africans was part of the President's House site at Independence National Historical Park.

Three others – Marni Snyder, Michael Lee and Leo M. Mulvihill Jr. – were relative newcomers to the Philadelphia legal scene. Snyder has been a lawyer in Center City since 2006. But for Lee, a lawyer for three years and member of the first graduating class at Drexel University’s law school and Mulvihill, a lawyer since 2010 who graduated from Drexel’s second law school class, the Occupy case was their first jury trial.

The seven lawyers and a half-dozen others represented about 150 Occupy Philadelphia demonstrators arrested in late 2011 in various encampments and sit-ins around Center City.

“One-thousand percent acquittals!” said Jody Dodd, a member and founder of the legal collective, referring to its record after Tuesday’s verdicts.

Dodd, a long-time social activist, was a national coordinator for the Women’s International League for Peace and Freedom when she met Krasner in 2000 at a legal collective formed to represent demonstrators arrested at the Republican National Convention in Philadelphia.

Krasner subsequently hired Dodd as his legal assistant. But when the Occupy movement began building in 2011, Dodd said she began rebuilding the legal collective to prepare for the inevitable conflict with authorities.

Dodd said she works for the legal collective on her own, sometimes enlisting Krasner, Hetznecker or other lawyers for one of its pro bono projects and recruiting recently minted lawyers who want to join the effort.

With the Occupy cases now out of the Philadelphia court system, Dodd said the group has renamed itself the “Up Against the Law Legal Collective” and is waiting for the next demonstration.

“We’re like the scouts,” Dodd said. “We like to be prepared.”

Posted: March 6, 2013 - 5:15 PM

JOSEPH SLOBODZIAN

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EXHIBIT D

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Languages

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Countries

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EXHIBIT E



WILPF RESOLUTIONS

26th Congress
Helsinki, Finland
1995

United Nations

Next UN Secretary-General

The 26th International WILPF Congress urges that when the position of UN Secretary-General next becomes vacant, the General Assembly elect a woman.

Action: *The statement to be sent by International WILPF to the member states of the UN.*

UN Security Council Reform

The 26th International WILPF Congress is deeply concerned about the Security Council's future structure and scope now under discussion. This is the opportunity to democratize the Security Council. We urge you to increase the number of members by adding at least 10 more non-permanent members all to be elected by the General Assembly.

Adding new permanent members as is proposed by some would be a retrogression and an insult to the overwhelming majority of smaller states who have significantly contributed to the UN peace efforts over the years.

It is our ardent wish that in the not too distant future all members of the Security Council will be elected, and that there will no longer be a privileged group of permanent members with the right to veto decisions taken by a majority of Member States. It is our conviction that it would be a great disservice to the people of the United Nations, and against the interests of the organization itself, to add to the present number of privileged Permanent Members or establish another category of privileged members of the Security Council.

As women we know what discrimination and domination mean. We oppose them with all our strength, and work for the democratization of society which must include the full participation of women in planning, decision-making, and in all peace and security processes. We will do our utmost to prevent the institutionalizing of further privileges at any level and in all areas of activity.

Actions:

- (a) To send the statement of all UN Member States; and*
- (b) to launch or join in a women's support campaign for the democratization of the Security Council.*

(**Note:** A petition with a text based on this resolution has been prepared jointly by ISMUN and WILPF. WILPF sections are asked to collect signatures of women who wish to support the WILPF position).

Special Rapporteur on Colombia

The 26th International WILPF Congress of WILPF calls on the United Nations Commission on Human Rights to appoint a Special Rapporteur to investigate and report on the human rights situation in Columbia, and asks the Commission to take appropriate action in light of the findings of the Special Rapporteur.

Action: *International WILPF to send the statement to the Members of the UN Commission on Human Rights, to the UN High Commissioner for Human Rights and the Director of the UN Center for Human Rights.*

International Day of Nonviolence

The 26th International WILPF Congress calls on the United Nations to declare 6 April the International Day of Nonviolence.

Background: From 6 August 1995 to 6 August 1996, the Indian cooperation for Peace (Shanti Sayog) has launched a campaign for nonviolence inspired by Gandhi's philosophy. In his efforts for peace, Gandhi would not listen to violence, riots or terrorism. His philosophy was based on the equality of all human beings, be they friends or enemies, and conflicts should be solved in a way that is advantageous to all sides in order to meet be able to meet without feelings of shame. A good conflict resolution makes all parties winners. By the Salt March of 6 April 1930, Gandhi proved to the English authorities that they could not for ever prevent people from using the resources of their own country . In spite of attacks, the Indians marched in thousands to the sea to take salt and defeated the English salt monopoly.

Shanti Sayog's international campaign for nonviolence 1995-1996 wants to reduce the sums of money spent for weapons. They demand to have one day of national military expenses allocated to NGOs working for nonviolence, to legalize nonviolent civilian-based defence everywhere and give to tax payers the legal option to divert their defence tax from military defence to nonviolent defence.

Actions:

(a) *International WILPF to send the statement to the UN Secretary- General; and*
(b) *National WILPF sections to write to their governments urging them to support the proposal and introduce it at the next session of the UN General Assembly.*

Disarmament

Nuclear Weapons Testing

The 26th International WILPF Congress calls for an immediate halt to the French plans to explode nuclear devices in the South Pacific's Mururoa atoll. These actions will cause irreparable damage to the environment, to the health of the region's citizens as well as to global disarmament efforts. There must be NO MORE nuclear testing anywhere by any country.

Action: *Write or fax to French President Jacques Chirac; and (b) petition to go to each section.*

Nuclear production

The 26th International WILPF Congress reaffirms WILPF's demands that

- a. research, development, production and use of nuclear weapons and energy be stopped;
- b. uranium mining be halted; and
- c. nuclear power production be phased out and replaced by environmentally friendly energy sources.

Action: *WILPF sections to campaign with others for appropriate government decisions.*

Human Rights

Protection of the Rights of Migrants

The 26th International WILPF Congress is deeply concerned that increasing poverty and deprivation in many developing countries drives citizens into massive economic migration, and that migrant workers suffer a host of problems such as violence, racism, trafficking and poor working conditions.

Actions:

- (a) *All WILPF sections to urge their government to ratify the UN Convention for the Protection of Rights of Migrants and their Families and to ratify, if not already done so, all other international instruments that seek to uphold the rights of migrants;*
- (b) *International WILPF develop a program that addresses the issues of migration, including research, education and campaigns;*
- (c) *WILPF sections to support positive actions that seek to address the root causes of migration of peoples;*
- (d) *WILPF to ask the UN to monitor and provide appropriate actions against countries that do not observe the rights of migrants.*

Racism

The 26th International WILPF Congress defines racism as 'an international system of power that places one group superior and another inferior, based on colour' and mandates the International Executive Committee to establish a Working Group to:

- a) formulate policy to combat racism both within and outside WILPF;
- b) formulate an anti-racist and equal-opportunities WILPF policy which includes a clear definition of racism;
- c) recruit actively a multi-racial membership; and (d) network with multi-racial and anti-racist organizations.

WILPF shall include its anti-racist and equal opportunities policy on all of its policy statement and confront all other forms of discrimination, internally and externally. WILPF shall pay special attention to the issue of racism in its relations with international and all other institutions and organizations.

Human Rights for Silvia Baraldini

The 26th International WILPF Congress urges the US Government to repatriate Silvia Baraldini, Italian citizen and political prisoner in the US, from prison in the US to a prison in Italy, in accordance with the Strasbourg Rights Convention, which provides for the repatriation of prisoners to their country of origin. The US and several European countries have accepted the Convention early on, and Italy ratified it in 1989.

Actions:

- (a) To mobilize public awareness of the situation of Silvia Baraldini by undertaking a worldwide campaign for her repatriation to Italy; and*
- (b) for WILPF section to write to US President Bill Clinton to take steps for the repatriation of Silvia Baraldini to Italy.*

Protection of Human Rights of Women and Children

The 26th International WILPF Congress, concerned about the continuing human rights violations against, and exploitation of children and women, urges the United Nations and other international organizations to:

- a) work to end the practice of child slavery
- b) stop the trafficking in women and children;
- c) Educate and train all UN peace-keeping personnel to respect the culture and human rights of the peoples whom they are seconded to protect, in particular to ensure that all UN personnel practice a code of conduct which respect the integrity of women and children.

Human Rights Campaigns

The 26th International WILPF Congress calls for

- a) Boycotting those business corporations whose labour policies and practices contravene international labour standards as set out in ILO Conventions and other international instruments;
- b) Joining the campaigns of human rights advocates working for the application of legislation which support the women victims of rape and incest to obtain justice;
- c) Supporting the campaign for obtaining justice for the women who were sexually enslaved by the Japanese Imperial Army during the Second World War;
- d) Working in solidarity with human rights groups to expose the practice of rape in war as a war crime;
- e) Working in solidarity with oppressed peoples in the Asia-Pacific region including the people of Tibet, Aceh, West Papua, East Timor Bougainville, the Karen in Burma, the Indigenous people of Australia and all the indigenous peoples of the region for social and economic justice;
- f) Supporting peace-building initiatives in Cambodia as an important barrier to the spread of war in the region.

Save the life of Mumia Abu-Jamal

The 26th International WILPF Congress urges the Pennsylvania Governor Tom Ridge to stay the execution of Mumia Abu-Jamal scheduled for 17 August 1995, and to permit Mr. Jamal his inalienable right to a fair trial according to the constitution of the US and under the laws of the Commonwealth of Pennsylvania.

Background: On 2 June Governor Ridge signed a death warrant for Mumia Abu-Jamal. Mumia Abu-Jamal is an African American accused of killing a Philadelphia police officer, Daniel Faulkner, on 3 December 1981.

Action: WILPF to appeal to the Governor of Pennsylvania. (Fax: +(1-717) 783 3369.

Economic Relations

Foreign Investment

The 26th International WILPF Congress demands:

- a. that the European Commission drop moves to initiate the setting up of a multilateral set of rules governing the policies of governments on foreign direct investments and also proposing to widen the authority of the World Trade Organizations (WTO) over the regulation of terms of foreign investments worldwide;

- b. that this proposal not be adopted by the World Trade Organization. (The present Trade Related Investment Measures [TRIMS] clause of the GATT Agreement does not cover all foreign investments. It only includes trade-related foreign investments. This EC proposal calls for a blanket coverage of all forms of foreign investment, whether these are trade-related or not).
- c. that every country be allowed to continue to have sovereign rights to determine which foreign investors should come in, what sectors they can invest in, and under which conditions investments can be made.
- d. that multilateral regulations within the WTO and the Regional Trade Agreements (such as NAFTA, APEC, etc.) should affirm and retain the positive discrimination principles, which means giving weaker countries the needed support to enable them to compete on an equal basis with powerful countries and their corporations.

Background: The proposal, contained in a paper entitled 'A Level Playing Field for Direct Investment Worldwide' is

- (a) that foreign corporations be given generally free access to any country in the world and be given the legal rights to invest and operate competitively in all sectors of the economy;
- (b) that they be accorded national treatment, meaning equal treatment with local corporations but also the most favoured nation status (host countries granting foreign investors specific favourable conditions not available to national investors).
- (c) that all restrictions on their operations be removed.

If these proposals are adopted, it would have very significant implications for developing countries, such as:

- (a) the restriction or removal of the right to adopt their own independent policies on the conditions under which foreign investments can be made;
- (b) the curtailing of freedom to choose their own particular mixture of [p;policies and conditions on foreign investments (e.g., 60% local equity and %40 foreign equity, restriction on foreign investments for strategic industries such as transportation, communication, health, joint ventures);
- (c) surrender of their sovereign right to determine investment programs and policies for the benefit of their citizens.

These rules would further disenfranchise the indigenous peoples, women, farmers, local communities, of their rights to have access, control and own lands and resources. They would entrench and perpetuate the domination and power of industrialized nations, and transnational corporations over the weak third world countries and thereby facilitate a return to colonialism.

Intellectual Property Rights

The 26th International WILPF Congress is deeply concerned the Article 26.5.3b of the TRIPS clause in the Final Agreement of the Uruguay Round of the GATT allows for the obligatory patenting of micro-origins.

While this Article appears to be an agreement on the exclusion of living organisms from patentability by stating that "plants and animals other than micro-organisms and essentially biological processes for production of plants or animals other than non-biological and micro-biological processes", recent judgments and interpretations say otherwise.

This phrase is interpreted to mean that genes, cell -lines, etc., are considered micro-organisms and genetic engineering is not considered a biological process, which therefore allows for the patenting of genes, cell-lines, and genetically engineered organisms, plants and animals. It also allows parts of plants and animals and altered plans and animals to be patented.

The patenting of life forms is already allowed in the USA and the GATT agreement requires member countries of WTO to change and harmonize their patent laws to make it consistent with the TRIPS clause of GATT.

Allowing the TRIPS clause only recognizes as innovation that which is done by industry and laboratories, and denies the creativity and innovation of indigenous peoples, women, farmers and nature.

The patenting of life forms leads to the privatization and commodification of biological diversity and genetic resources from plants, animals and human beings, and facilitates the appropriation of these by agribusiness corporations, pharmaceuticals, biotechnology corporations, and individuals.

Genetic engineering is also being used to produce weapons for biological warfare.

For these reasons, WILPF shall

- a. actively participate in the ongoing campaigns against patenting of life forms and the demand for compulsory labeling of genetically-engineered foods and products;
- b. demand that the WTO allow countries not to patent life forms through intellectual property rights laws if they so desire.
- c. support the campaigns and struggles of indigenous peoples, farmers and women against the appropriation of their indigenous seeds, medicinal plants and indigenous knowledge;
- d. consider the monitoring and lobbying of WTO as one of its activities, especially because of the implications of WTO for world peace.

Youth

The 26th International WILPF Congress, having received the recommendation from the Gertrud Baer Seminar to establish a volunteer youth council and fill speedily the position of Youth Coordinator, mandates the International Executive Committee to take appropriate action within financial feasibility.

Communication and Information

The 26th International WILPF Congress mandates the International Executive Committee to pool all available resources with a view to providing language interpretation at international meetings.

It further requests all sections and branches to prepare information packets on WILPF history and policy as well as its organizational structure, and ensure that each new member is provided with this information.

Africa

Algeria

A hundred and thirty years of French colonization has ruined the Algerian identity. The 30 years of one-party rule that followed independence completely muzzled civilians through the use of education, justice, culture and the media. It brought an economic crash and favoured the rise of fundamentalism. The people now seek justice.

WILPF believes that a democratic debate is necessary to stop hatred of one party towards another. It calls for discussion among all concerned in this tragic crisis, especially with the Algerian feminist associations which struggle for the rights of women. Peace and freedom will only be won back through respect and dialogue.

WILPF salutes the Algerian people's pacific resistance and expresses its support to progressive forces which are working for a solution to the crisis.

WILPF demands:

- a) that murders carried out by the armed AGI (Groupe Armé Islamique) be stopped;
- b) that government repression against citizens be stopped;
- c) that freedom of the press, of expression, of the organization and the independence of justice be established;
- d) that free and democratic legislative elections be held;
- e) that there be equality of men and women before the law, that the Family Code be repealed;
- f) that the IMF debt of 26 million dollars be repudiated without condition;

- g) that the restrictions France imposes on the free movement of Algerian citizens, and that other European countries look favorably upon Algerians entering their countries;
- h) that military and financial support from whatever source to armed groups be stopped;
- i) that the alleged 36 thousand million private dollars obtained through corruption be given back to the Algerian people.

Action: *WILPF sections to educate members on the above matters.*

Asia - Pacific

Indigenous Peoples Rights

The 26th International WILPF Congress supports the indigenous peoples in the struggles for their rights. WILPF urges the United Nations to press governments to facilitate at all levels the:

- a) implementation of land rights legislation;
- b) recognition and achievement of self determination
- c) provision of comprehensive health care and other social services

WILPF supports the West Papuan people in their desire to achieve self-determination by the year 2000 and will make representation to the UN and the Indonesian government accordingly.

Action: *WILPF sections to support and work with West Papuan solidarity groups.*

East Timor

WILPF continues to

- a) support the East Timorese people in their struggle for self-determination;
- b) recognize the violation of human rights that has occurred in their country
- c) make continued representation to the UN on behalf of East Timorese people.

Bougainville

WILPF actively supports the efforts of the women of Bougainville to bring about the resolution of conflict and reconciliation.

Europe

Institute for Security Issues

The 26th International WILPF Congress fully supports the proposal put forward by Finland's President, Ahtisaari to establish within the Organizations for European Security and Cooperation an 'Institute for Security issues', building on the experience gained within the Helsinki process.

We suggest that the entire human experience, especially that of women, regarding conflict resolution, human rights, early warning and ecology both in theory and practice should be utilized. WILPF offers its expertise and hope for a fruitful cooperation in the future.

Action: *WILPF's President to write to President Ahtisaari.*

Peace in the Countries of Former Yugoslavia

The 26th International WILPF Congress believes that the peacemaking process in the countries of former Yugoslavia should be to restore the multicultural society and not to divide Bosnia and Herzegovina and Croatia.

WILPF does not support an expanded mandate for the UN peacekeeping forces in the region. It must remain that of peacekeeping.

Instead of the deployment of Rapid Intervention Forces we call for large-scale international civilian assistance by sending, for example, teams of doctors, social workers, peace educators, peace witnesses and others to help build democratic societies.

We call for women to be at least equal in number to men in all phases of the peacemaking process, including negotiation and mediation.

We request total disarmament in the region to be monitored by joint UN/NGO teams. Monitoring of arms coming to the region as a whole must be reinforced.

WILPF supports the International War Crimes Tribunal on former Yugoslavia to bring to justice those on all sides of the conflict who are responsible for, and have committed, war crimes and human rights violations. Because of the vicious and massive crimes committed against women and their need to feel safe, we demand that the Tribunal be composed of a majority of women judges.

WILPF supports all democratic and human rights forces in the region. We fully support plans for, and are ready to assist in, the establishment of International Women's Peace Centers wherever there is an interest.

Action: *Each WILPF section to (a) press their governments to offer asylum and other assistance to deserters and war resisters from the countries of former Yugoslavia; (b) help provide better treatment and acceptance of refugees; and (c) to better coordinate assistance given to the region.*

Latin America and Caribbean

Ending the embargo against Cuba

The 26th International WILPF Congress calls on all its members and sections to lobby their governments to put pressure on the US to end its embargo against Cuba and to promote trade with Cuba.

Actions:

(a) WILPF sections to urge US President Bill Clinton to take steps to end the embargo (White House, Washington DC, USA); and

(b) report on actions to the US Section Committee on Cuba, c/o Mary Zepernick, 314 Wood Road, South Yarmouth, MA 02664, USA).

Security

The 26th International WILPF Congress denounces violations of social political, economic and cultural rights and the conditions of exploitation and subordination in which the majority of women in Latin America live . The specific areas are labour, education, health and housing. These violations are the main obstacles to reaching social security for the people and peace in the region.

Rio de Janeiro Protocol

The 26th International WILPF Congress supports the process of demilitarization taking place by the ratification of the Rio de Janeiro Protocol of 1942, meeting thus the hopes of Peru and Ecuador of the Andean region.

Guatemalan Elections

The 26th International WILPF Congress calls on the Organization of American States to monitor the Guatemalan elections scheduled to take place in November 1995. The obscured background of presidential candidate Rios-Montt has allowed for human rights violations of thousands of indigenous people in other countries of Central America and has severely undermined the process of democratic elections in this region.

The Middle East

Israel/Palestine

The 26th International WILPF Congress strongly opposes the continued occupation by Israel of the Arab Palestinian Territories, causing increased tensions and serious human rights violation in the area. Innocent Palestinian and Israeli civilians have been and continue to be killed as a tragic result of the dangerous situation. We oppose all acts of gratuitous violence. We demand that these heinous crimes be

stopped; They are unacceptable, and they are an impediment to the peace process. We urge the parties concerned to extend self-rule immediately to all the Occupied Territories leading to the speedy establishment of the independent state of Palestine alongside Israel.

Lebanon

The 26th International WILPF Congress reaffirms the resolution adopted by WILPF's International Executive Committee meeting in Musashiranzan, Japan in August 1994:

"The Women's International League for Peace and Freedom is deeply concerned that at a time when negotiations of peace in the Middle East are being held, Israel continues to occupy the South of Lebanon. This situation is a dangerous obstacle to the peace process.

We call on Israel to immediately withdraw from the South of Lebanon in accordance with UN Security Council resolution 425, and call on the international community to ensure its implementation.

We demand that the Israeli Government pay indemnities to Lebanon to enable the immediate reconstruction of Lebanese homes that have been destroyed by Israel soldiers and that compensation be given to the people.

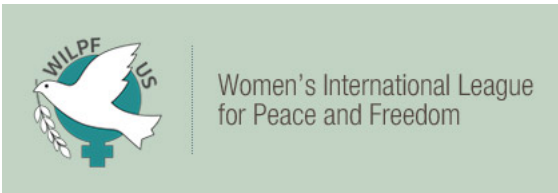
We call on Israel to halt the deviation of the Litani waters into Israel.

We call for the cessation of vicious acts, such as kidnapping, the destruction of crops and land, continuous raids, and shelling of Lebanese people. Only then will civilians on both sides be able to live in peace.

We call on the international community to exert every pressure on Israel to withdraw from South Lebanon."

This 26th International WILPF Congress calls on all its sections and members to take concrete actions in the coming months to press for the implementation of UN Security Council resolution 425, and for the water of the Litani river to be left to the Lebanese people.

EXHIBIT F



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Philadelphia honors Prison Radio director



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The Greater Philadelphia Branch on October 18 presented the Peace and Justice Dove Award to Noelle Hanrahan of Prison Radio. With this award, Greater Philadelphia WILPF recognized the work Ms. Hanrahan does to bring the voices of those behind prison walls to the public. Through interviews, books and film, Prison Radio has given the public a glimpse of prison life and has challenged misconceptions, said Vivian Schatz.

Prior to giving the award, the Branch enjoyed a one-woman play, Mother Jones, with Margaret Orner portraying the labor reformer who joined coal miners in their struggle to improve working conditions in Colorado 100 years ago.

Photo: Keith Cook, brother of Mumia Abu Jamal, Noelle Hanrahan of Prison Radio, and Vivian Schatz, presenter of Peace and Justice Dove Award and Greater Philadelphia Branch WILPF member. The broadcasts by political prisoner, Mumia Abu Jamal, air on Pacifica stations nationwide. Photo credit: Judith Elson

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WILPF US Section
 Friends House
 PO Box 13075
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EXHIBIT G



Mole Verde updated his status.



January 18, 2017 · 🌐

from **Jody Dodd**:

For all the folks listing those that they think Obama should pardon/commute sentences... He legally cannot pardon/commute anyone who was tried/convicted in State Courts. He only can do this for folks tried and convicted in federal courts. So, Mumia, Move 9, Russell Shoatz, other Panthers... focus on your Governor... they can pardon/commute, not Obama or any president.

So YES that means Leonard Peltier!

UPDATE: Never mind. Obama said he won't do it. 😞

👍 😞 12

4 Comments 1 Share

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Jesse Strauss They officially announced Peltier will not be pardoned, according to democracy now...

Like · 2y



Mole Verde yeah just heard that now.

Like · 2y



Kay Martinez oh, ho. i was really hoping.

Like · 2y



Kay Martinez supposed to say oh, no.

Like · 2y