

People's Lawyering on the Bus

The story of how a small band of National Lawyers Guild Members became the Legal Vanguard for Immigrant Freedom Riders

By Victor Narro and Dan Gregor*

Background on the Immigrant Workers Freedom Ride of 2003

From the garment industry to the car wash industry, from providing for clean rooms and hospitality at hotels to janitorial services at fancy downtown skyscrapers, from looking for work on street corners as day laborers to working in private homes as domestic workers or gardeners, immigrant workers daily endure much hard work and sacrifice, but they often fail to earn enough to raise themselves out of abject poverty. They comprise almost one in eight workers, and one in four low-wage workers. They fill critical jobs, are the backbone of many industries, and are net contributors to the nation's tax base. Without current and future immigrants in the workforce, our aging society will be dramatically short of workers, and the economy will face collapse.

Immigrants live in the shadows of every region of the country, traveling hundreds or thousands of miles, crossing state lines and international borders, and enduring dislocation and uncertainty, in search of opportunity. Despite their critical contributions to our economy and societies, immigrant workers remain hidden from our view, their struggles unrecognized. Many suffer daily exploitation at the hands of their employers – unpaid wages, discrimination, long working hours without overtime, and sexual harassment – with little to no resources to protect themselves. Those who do stand up and exercise their rights under the law become victims of retaliation, termination and blacklisting.

The Immigrant Workers Freedom Ride was inspired by the Freedom Rides of the Civil Rights Movement. Over forty years later after these historic rides, more than 900 immigrants and allies rode to Washington D.C. demanding basic rights and civil liberties for immigrant workers. The Immigrant Workers Freedom Ride, a historic campaign led by a coalition of unions from the AFL-CIO, immigrant rights groups, community organizations, worker centers, and religious groups, brought national attention to the status of immigrant workers and the racism and legal barriers to equality they face in their daily lives. Part of the planning process included building solidarity with the original Freedom Riders of the 1960s to connect the Civil Rights Movement of that era with the Immigrant Rights Movement of today. The Immigrant Workers Freedom Ride was a post-9/11 effort to change the terms of the debate and the political climate around immigration to one with focused public attention on five major demands to improve the lives of millions of hardworking immigrants:

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- 1) Reward work by granting legal status to hardworking, taxpaying, law-abiding immigrant workers already established in the United States;
- 2) Renew our democracy by clearing the path to citizenship and full political participation for our newest Americans;
- 3) Restore labor protections so that all workers, including immigrant workers, have the right to fair treatment on the job;
- 4) Reunite families in a timely fashion by streamlining our outdated immigration policies; and
- 5) Respect the civil rights and civil liberties of all so that immigrants are treated equally under the law.

For millions of hardworking immigrants, the Immigrant Workers Freedom Ride saw nearly a thousand of their coworkers come out of the shadows and make themselves visible to cities and small towns throughout the country. The Immigrant Workers Freedom Ride was the beginning of getting back on the pre-9/11 road to citizenship and full civic participation.

The Immigrant Workers Freedom Ride left from ten major cities around the United States beginning on September 23rd and arrived in Washington, D.C. on October 1st. Once there, the riders delivered their list of five demands to Congress. From Washington the riders caravanned to New York City for the historic rally on October 4th, which filled Flushing Meadows in Queens with over 100,000 immigrants and allies.

The new Freedom Riders carried a strong message proudly and loudly across the country in over 80 different cities and small towns as they made their way to the historic gathering in Washington D.C. and the huge rally in New York City. A back grounded but critical component of the success of the Freedom Ride was the legal support provided by the National Lawyers Guild, and the solidarity action plan developed by the NLG and the Freedom Ride coalition.

Legal Support and Solidarity Action Plans

Protecting immigrant freedom riders and their allies from potential legal problems became a priority during the latter part of the planning stages for the campaign. Three months before the launching of the Immigrant Workers Freedom Ride, the national steering committee created a legal coordinating committee made up of the National Lawyers Guild, the ACLU, the National Immigration Law Center, and the American Immigration Lawyers Association. Because most of the freedom riders were immigrants, many of them potentially undocumented, the legal coordinating committee members needed a strong organization to take the lead in providing legal support in case of problems with federal and local law enforcement. After much internal discussion and debate over legal issues between the different legal and civil liberties organizations, we came up with an effective solidarity and legal strategy for the Freedom Ride. As part of this national strategy, the National Lawyers Guild - Los Angeles Chapter became the core group to create and implement the legal support plan. In addition to legal support, the Los

Angeles Guild chapter helped create a solidarity plan that would help these new freedom riders reach their historic destination.

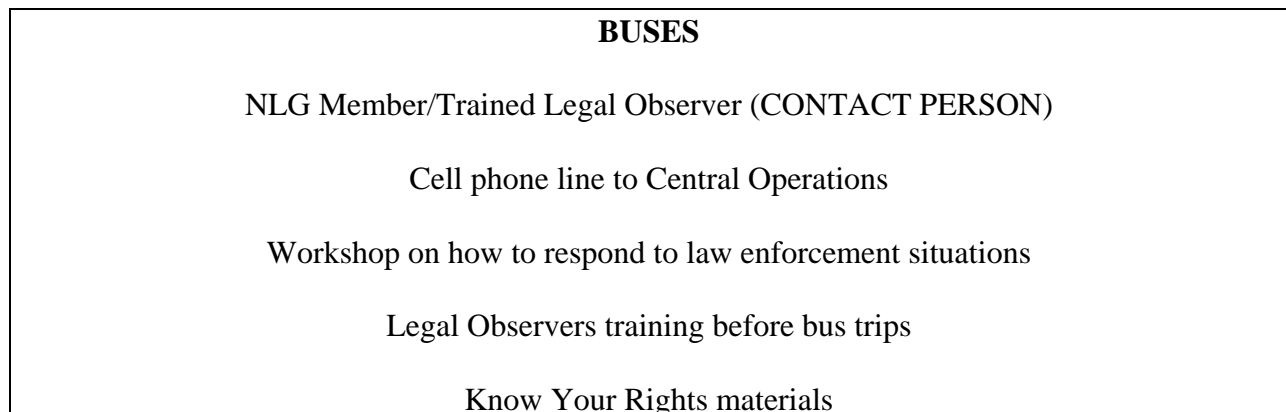
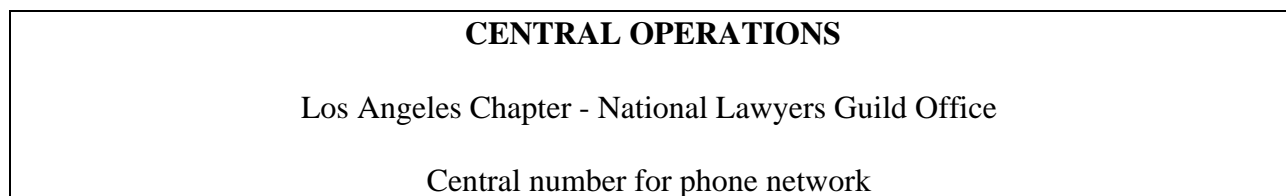
After approval by the Executive Board of the Los Angeles Guild Chapter, board members Victor Narro, Bob Myers, and Executive Director Jim Lafferty took on the major responsibility of coordinating the national legal support network. By agreeing to coordinate the legal support and legal response plan, the Los Angeles Guild chapter stepped into the national spotlight and became an important part of this new chapter of the immigrant rights movement. The Los Angeles Guild Chapter assumed overall responsibility for providing a legal support network for eighteen buses and over 900 Freedom Riders.

The coordination of legal support took place on two levels:

- Creation and training of a team of 18 legal observers, one per bus, to provide legal observing at over eighty different rallies, marches, and events across the country.
- Assembly of a national network of attorneys from the National Lawyers Guild, AFL-CIO, American Immigration Lawyers Association, and ACLU to provide legal observers and volunteer attorneys at or near each of the numerous places where the buses stopped for a rally or community event.

The following chart outlines the legal support plan generated by the Los Angeles NLG Chapter:

Coordination of Legal Observers and Legal Support System



EACH STOP

NLG Chapters will have members/legal observers available and on-call

AILA attorneys and other legal groups available and on-call

Emergency Response Team comprised of Central Operations and local attorneys

To establish a strong network of communication and an emergency response plan, the Los Angeles Guild chapter created a 24/7 hotline number. In preparation for the launching of the Legal Support Network on September 23, the Los Angeles Guild chapter provided a three hour legal observer training via telephone. Most of the 18 legal observers were young organizers and recent college graduates. For many of them, this was their first experience as NLG legal observers. In addition to the training, each Legal Observer received a comprehensive guide to being a legal observer for the Immigrant Workers Freedom Ride, and the famous green caps identifying them as NLG legal observers.

With the help of the legal organizations mentioned above, most notably AFL-CIO Labor Coordinating Committee members, the Los Angeles Guild Chapter created a network of 89 volunteer labor and civil rights attorneys throughout the country ready and willing to greet the buses as they rolled into their area, and to be on-call in case of emergencies. Overall, the Labor Coordinating Committee labor lawyers became the “heart and soul” of the legal support network for the new freedom riders.

In addition to creating the Legal Support Network, the Los Angeles Guild Chapter participated in the creation of a solidarity curriculum that provided the framework for a solidarity action plan for the Freedom Riders. This training curriculum also included a train-the-trainer component so that local steering committee members throughout the country could customize it in order to address the needs and concerns of riders on their particular route. However, the central solidarity action plan was never altered, and at a minimum, trainers consistently covered the core components of the solidarity action plan with each and every rider who boarded a bus. In Los Angeles, NLG members led a series of trainings for bus riders at the UCLA Downtown Labor Center and the Los Angeles County Federation of Labor. These trainings included legal workshops, Know Your Rights trainings, and the solidarity action plan training for the Los Angeles route’s riders and organizers. The trainings included role play exercises on the solidarity action plan the riders would employ in the event that they were questioned by local police or immigration authorities regarding their identity and/or immigration status. Finally, part of the training included a workshop for the spokesperson for both of the Los Angeles buses. This person would be responsible for the direct communication with law enforcement in case of a stop or detention.

In the strongest tradition of sharing solidarity in the struggle, each rider would only carry one piece of identification, worn around her neck – an official Immigrant Workers Freedom Ride badge with a photograph on one side, and the following written message on the other side:

To Whom It May Concern: I am a participant in the Immigrant Workers Freedom Ride, a peaceful campaign by citizens and immigrants in support of equal rights for all workers. I wish to exercise my right to remain silent. I will not speak to anyone, answer questions, respond to accusations, waiver any of my legal rights, or consent to any search of my person, papers, or property until I have first obtained the advice of an attorney. If I am detained, I wish to contact the following person in order to obtain legal advice: [name of Legal Observer]

Through the solidarity training, every rider, documented or undocumented, became one and the same in the solidarity action. The identification badge reinforced this concept, and the riders not only came to share space on the bus, but also shared each other's hopes and dreams.

Immigrant Workers Freedom Ride Begins Long Journey

On September 23, 2003, with the departure of buses from Los Angeles, Seattle, and San Francisco, the Immigrant Workers Freedom Ride got underway, and the Los Angeles Guild Chapter activated the Legal Support Network and hotline number. Throughout the next two weeks, the Los Angeles Guild Chapter office communicated daily with each legal observer on each bus. They provided daily e-mail reports to all the volunteer attorneys within the Legal Support Network so they would know of all the latest developments and the status of each bus. Many anti-immigrant hate groups mobilized throughout the country to demonstrate against the planned events and rallies. They announced a series of actions on websites, and posted flyers in the towns where the marches and rallies were taking place. The Los Angeles Guild Chapter informed the legal observers of different counter demonstrations throughout the country so the Freedom Riders could prepare for them. The hotline number was on 24 hours a day, and the Los Angeles Guild Chapter responded to every call and request.

Climatic Moments and Tests of the Solidarity between the Riders

During the two weeks of the Ride, two climatic moments tested the strength of the solidarity action plan, and the solidarity of the riders — the border patrol checkpoint at Sierra Blanca, east of El Paso, Texas, and the tense standoff with anti-immigrant hate groups in Little Rock, Arkansas.

Sierra Blanca, Texas

The first climatic experience for the Immigrant Workers Freedom Ride and the NLG legal support network took place on Friday, September 26, from 6am – 10am PST. The two Los Angeles buses traveling along the southern border reached an official border patrol checkpoint near Sierra Blanca, about 88 miles east of El Paso. The Los Angeles route was traveling through Arizona, New Mexico, and Texas, and so had a particularly high risk of encountering immigration authorities. Because of this risk, during each of the previous three days, Dan

Gregor, an NLG attorney and the spokesperson for one of the buses, provided a series of solidarity workshops for the Riders. The solidarity plan was repeatedly explained and reinforced, and its basic tenets emphasized, namely that everyone would exercise their constitutional right to remain silent, and decline to answer any questions or respond to any accusations, including by voice or body language, and in response to all questioning, Freedom Riders would hold up the ID cards with the invocation of their constitutional rights. In the event of questioning or detention, these solidarity actions were to be continued indefinitely, until all Freedom Riders were free and back together.

From the beginning moments of the stop, all the hard work and careful planning of the Los Angeles Guild Chapter and the Freedom Ride coalition began to pay off, as wheels began turning on numerous fronts. Working side by side with Dan in Sierra Blanca were Belinda Lum, the spokesperson for the second bus, and two NLG-trained legal observers, Raquel Trinidad and Genelle Gaudinez. Upon entering the buses and attempting to engage in questioning of the Freedom Riders, the border patrol agents were met with a strong solidarity action from the riders. The riders held out their identification and constitutional rights invocation cards, and sang “We Shall Overcome,” the anthem from the Civil Rights Movement. The border patrol tried to break the solidarity by detaining and questioning the riders one by one. During this crisis, Dan engaged in a continuing dialogue with border patrol officers, and Belinda, Raquel and Genelle provided reports and updates to the Los Angeles Guild Chapter office via the hotline number. Additional legal observers from El Paso, recruited just the night before, posted themselves at the exit to the checkpoint with cameras and cell phones when they were told to leave by the border patrol. The Los Angeles Guild Chapter provided updates to the national coordinators of the Immigrant Workers Freedom Ride in Washington, D.C., which implemented an emergency response plan. For their part, the border patrol officers were clearly bewildered by the response they received to their standard announcements and questioning upon boarding a bus.

The border patrol used various interrogation techniques, including lining up the Freedom Riders in rows and making them stand in the blazing west Texas sun, interrogations and false promises, individual and group detention, loud yelling and verbal coercion, and some physical roughness, albeit relatively minor. The lead agents negotiating with Dan actually requested that he just give them a few names of “illegal” people, and repeatedly stressed that they were just doing their jobs. These approaches were also tried with some of Freedom Riders, coupled with empty assurances of leniency in the immigration process for individuals who cooperated. From an attorney’s perspective, this was a fairly peculiar “negotiation” to be engaging in: Dan had no information, or cooperation, that he was willing to give. Early on, at the inquiry of the border patrol, Dan staked out his position: the only acceptable outcome from the Ride’s perspective was that they continue down the road to San Antonio. Such a hard line position was only possible, of course, due to the strength of the solidarity action plan, and the individual strength and commitment, and group solidarity, of the Freedom Riders. While legal skills and national coordination were important pieces of solving the dilemma, looking around and seeing Freedom Riders bravely standing together, repeatedly singing We Shall Overcome, provided an intangible and critical strength for Dan in his ‘negotiations.’

All the while that the negotiation, detention, and interrogations were going on, the Freedom Riders remained strong: singing, chanting, praying, and unwaveringly committed to the

solidarity action plan. After nearly four hours of detention, the border patrol made the decision to let the buses proceed on their historic journey. Unfortunately, the border patrol's propaganda machine was vastly more effective than their field agents, and handily won the ensuing media skirmish. The disinformation began while the Freedom Ride drove down the highway with poor cell phone coverage, and immediately plied the newsmedia with false reports that 'everyone checked out' and provided documentation of their immigration status, and the nonsensical falsity that the Riders were offered coffee and croissants. (Did they really expect people to believe that they kept coffee and croissants on hand for eighty, on a daily basis, in the rural west Texas desert?!?) Nevertheless, thanks to effective solidarity planning and its courageous implementation by the individual riders, the Freedom Ride clearly won the larger battle, and the Sierra Blanca detention became a defining moment for the entire national Freedom Ride.

Much has been written and reported as to why the border patrol allowed the buses to move on without detaining anyone. From the Bishop of El Paso to political and community leaders, many people offered credit, and some claimed credit, for the successful outcome of this crisis. We do know that the Border Patrol locally did not have any pre-existing orders from their superiors to not detain and question the riders, as Freedom Ride organizers had naïvely hoped. Throughout the morning, the Sierra Blanca officers explained that they were waiting on word from their superiors in Washington, D.C. On our end, phone calls were being made, media contacted, and the legal support network was in high gear, while the Freedom Riders braved the west Texas desert and the border patrol. One can only speculate as to what combination of circumstances finally caused the border patrol to allow the buses to move on. However, one thing is clear – it was only through the heroic efforts of each rider never breaking her silence, and staying true to the act and concept of solidarity, that they succeeded collectively in preventing the arrest of immigrants on those two buses. Moreover, the leadership provided by Dan, Belinda, Raquel and Genelle, and their sound judgment and calm demeanor in reacting to an extremely tense and stressful situation, provided a strong sense of support and comfort to each rider during her detention.

Little Rock, Arkansas

The second climatic moment was of a much smaller scale in terms of severity, but highlighted the important role of the Los Angeles Guild Chapter nonetheless. Not long after the situation in Sierra Blanca, two buses that originated in Las Vegas encountered a tense situation when they arrived in Little Rock. The day prior to their arrival, the Los Angeles Guild Chapter informed the legal observers on the two buses that some anti-immigrant hate groups were planning a large counter demonstration against them. When the buses made it to Little Rock, they were met by a large group of anti-immigrant protestors, numbering around 200. There were no police present in the area even though the coordinators had called the police to let them know about the arrival of the buses in Little Rock, and the planned community event to greet them. The situation became very tense when the demonstrators began to surround the buses. The legal observers immediately called the Los Angeles Guild Chapter members staffing the hotline, and they in turn informed the Little Rock police about the situation. Immediately thereafter, police officers arrived at the scene and were able to disperse the anti-immigrant protestors. The riders got off the bus and proceeded to the community event honoring their arrival and the ride.

Conclusion

For college and law students aspiring to be people's lawyers and legal workers in the movement, the National Lawyers Guild's role in the Immigrant Workers Freedom Ride served as a testimony of the true essence of people's lawyering. The experiences of Dan Gregor and other Guild members who participated in the legal support network for the freedom riders went beyond the traditional approach of being well versed in the law and educating community members about their rights. Their work during the 10 day period of the freedom ride defined "people's lawyering" as using the law as a vehicle to promote and strengthen the solidarity between a group of individuals caught up in a collective struggle. Their work demonstrated how the law should expand, rather than limit, the solidarity – building process that is fundamental to the successful outcome of any collective effort.

For the domestic workers, day laborers, janitors, farm workers, hotel workers and other low-wage immigrant workers who rode the buses and made history, the National Lawyers Guild will forever remain a symbol of solidarity and strength. At a welcome back ceremony in Los Angeles, some of the workers who rode on the Los Angeles buses expressed to everyone how to them the symbol of the green NLG legal observer cap represented the hands of guidance, solidarity and hope. The Los Angeles Guild Chapter received similar feedback from legal observers on the other buses. The Immigrant Workers Freedom Ride allowed the National Lawyers Guild to serve as the legal guardian for the civil rights of immigrant workers.