



**NATIONAL LAWYERS GUILD**  
**2007 ANNUAL REPORT**

70 YEARS OF LAW FOR THE PEOPLE



For 70 years, our mission has been to ensure that the law serves as a tool to protect and expand the rights of the people, rather than to further their oppression.

**OUR PURPOSE**





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As the Bush administration builds permanent mega-bases in Iraq and pushes to privatize Iraq's oil, more than 3,600 American soldiers and hundreds of thousands of Iraqis have died from "Operation Iraqi Freedom." The Guild's newly-formed Joint Anti-War Working Group is coordinating the critical work of our International Committee, Military Law Task Force and Mass Defense Committee to assist the struggle to end the occupation.

At home, Congress is investigating the administration's malfeasance in many areas, including the U.S. Attorney purge and Bush's secret spying program. Bush has responded to Congressional subpoenas with blanket claims of executive privilege; we are poised for a contempt showdown. The NLG is calling for impeachment of Bush and Cheney, and helping to educate Congress about their high crimes and misdemeanors.

Meanwhile, the Bush administration continues to devise new ways to deny the Guantánamo prisoners access to federal courts. When Deputy Assistant Secretary of Defense Charles Stimson suggested a boycott of law firms that represent Guantánamo detainees, the NLG quickly organized a press release from several progressive groups condemning his remarks. The day after our story was picked up, Stimson issued an apology and resigned soon after.

I am reminded of the preamble to the NLG Constitution, committing us to use "the law as an instrument for the protection of the people, rather than their repression." We have always lived by this creed; it is vital to maintaining democracy in times like these.

It could not matter more than it does today that the Guild is here, as it has been for 70 years, protecting the rights of dissenters and using the law as a tool for human liberation, rather than to serve the interests of the ruling elite. Thank you for standing with us!



*Margie Col*





A good measure of integrity is the respect one garners from one's peers. As the Guild marks its 70th anniversary, we are held in high esteem by progressives in this country and abroad, heralded for vigorous advocacy on issues that other organizations are reluctant to take up.

Since our founding, we have never bowed to pressure to conform: we refused to require loyalty oaths and were the target of FBI covert operations for nearly four decades. Again in dangerous times, the Guild's record continues to inspire trust among those who speak out against the Bush administration. Because we've been the subject of government scrutiny—just for standing up for human rights and for a just society where the rule of law protects individual rights—the Guild has a well-deserved place in history.

Our legacy is rich: Guild members worked on such cases as *Hansberry v. Lee* which struck down segregationist Jim Crow laws in Chicago; *Dombrowski v. Pfister* enjoining thousands of racially-motivated state court criminal prosecutions; *Goldberg v. Kelly* establishing the concept of “entitlements” to social benefits which require due process protections, and *Monell v. Dept. of Social Services* which holds municipalities liable for unconstitutional conduct by their employees. Especially dear to our heart, Arthur Kinoy argued *U.S. v. U.S. District Court*, the Supreme Court case establishing that Richard Nixon could not ignore the Bill of Rights. This seminal case is apparently little read among White House lawyers today.

Our future will be equally rich as we see history repeating itself in insidious ways to persecute and silence dissent. As long as there are activists and social movements to defend, the Guild will remain vibrant and relevant.

*PUNISHING PROTEST: GOVERNMENT TACTICS THAT SUPPRESS FREE SPEECH*, A NEW NLG REPORT ON CIVIL LIBERTIES AND THE RIGHT TO DISSENT, WAS RELEASED ON JULY 18, 2007. THE REPORT OFFERS A TOP-TO-BOTTOM ANALYSIS OF GOVERNMENT ACTIONS THAT THREATEN THE FIRST AMENDMENT.

THIS REPORT BUILDS ON OUR 2004 REPORT THAT LOOKED PRIMARILY AT ACTIONS BY POLICE

OFFICERS AND DEPARTMENTS IN RESPONSE TO STREET DEMONSTRATIONS. SINCE THEN, NEW TRENDS HAVE EMERGED IN THE



STREETS, ON THE STATE AND FEDERAL LEVELS, AND IN THE WHITE HOUSE.

WE HAVE SEEN EFFORTS TO DISRUPT POLITICAL EVENTS BEFORE THEY EVEN BEGIN, BY CALLING ACTIVISTS “TERRORISTS,” BY ENACTING NEW LEGISLATION TARGETING CERTAIN PROTESTORS, AND BY FALSIFYING POLICE TESTIMONY AND EVIDENCE.

PUNISHING PROTEST IS AVAILABLE IN PDF OR PRINTED FORM THROUGH THE GUILD WEBSITE AT NLG.ORG



**THE MILITARY LAW TASK FORCE: HELPING GIs STAND UP TO WAR**

As the war grinds on, and a growing number of soldiers and veterans are coming out against it, the MLTF is there to offer legal support. Soldiers are the bravest front in the antiwar movement, for the consequences of taking a stand while in uniform are stark.

“Courts-martial are a terrible venue for defendants like ours,” says MLTF member Dan Mayfield. “In ordinary criminal cases, you are tried by a jury of your peers. In a court-martial, defendants are judged by a jury of their superior officers.”

There was good news in one of the most prominent cases of resistance this year. In June 2006, Lt. Ehren Watada became the first commissioned officer to refuse to deploy to Iraq. He was court martialled, and on February 7, 2007, having ruled that part of a statement by Watada explaining his actions could not be admitted, the judge in the case declared a mistrial.

Lt. Watada was represented by Eric Seitz of the MLTF. “I think the case is dead, but if they try to proceed our first motion will be a motion to dismiss because of [double jeopardy],” says Seitz.

Lt. Watada’s courageous act was rooted in his belief that the Iraq war is unjustifiable, not in an objection to war as such. Other GIs are increasingly seeking Conscientious Objector status after coming to the realization that they cannot kill another. MLTF member Steve Collier recently helped Robert Zarbala win an order from a federal judge granting CO status and releasing him from the Marine Corps.

“Virtually every publicized resister case is being handled by MLTF lawyers,” says Task Force co-chair Marti Hiken. “This work is essential: when soldiers begin to speak out in numbers against a war, you can be sure that it will come to an end.”

**OFFICERS OF THE PEACE: NLG MAKES THE CASE THAT IRAQ WAR IS ILLEGAL**

Public opinion has turned against the conflict in Iraq, which has claimed thousands of Americans, and countless more Iraqis, and failed to halt Iraq’s descent into civil war. Antiwar activists continue to protest across the country, while ordinary citizens begin to demand accountability from the White House on when this war will end. Yet in all the arguments being made for withdrawal from Iraq, few today remember that the war was launched without legal authority.

Guild experts in international and constitutional law agree that the 2003 invasion of Iraq was unlawful, and we are beginning a campaign to bring greater attention to the illegality of this war.

“It’s a crucial point in bringing the troops home from Iraq,” says Heidi Boghosian, “but more than that, we must make this argument forcefully now as a way to prevent illegal conflicts in the future.”

In July 2007, the Guild issued a brochure, the first in a planned series of advocacy and education measures that we will take over the coming year. The brochure, *The War – It’s Not a Mistake, It’s Illegal*, is a point-by-point articulation of the international and domestic laws broken in the pursuit of Saddam Hussein.

“It’s not as if the White House did not know all of this,” says NLG President Marjorie Cohn, an expert in international law. “The lawyers who serve the president know how to read a statute, they know what the standards are under international law. But they chose to disregard it.”

**AMICUS COMMITTEE**

Given the range of expertise of its members, and the political analysis we bring to the law, the NLG is often well positioned to weigh in on critical legal issues before the courts. Our Amicus Committee seeks opportunities for the NLG to file friend-of-the-court briefs on issues of importance.

In October 2006, the Amicus Committee submitted an amicus

brief to the Supreme Court in *Parents Involved in Community Schools v. Seattle School District No. 1*. The case addressed persistent inequality of education afforded to Seattle students based on race. Defendants invoked the idea, increasingly popular in conservative circles, that any race-conscious policies constitute unlawful racial discrimination. The NLG amicus urged the Supreme Court to consider the issue in a broader context. We urged the Court to consider the issue in terms of our obligations under international law. Treaties such as the Convention on the Elimination of all forms of Racial Discrimination mandate steps to correct for persistent inequality between different groups that is based in race. Our treaty obligations, the brief argues, create an additional compelling interest in developing race-conscious solutions to educational inequality in Seattle, and elsewhere.

*NLG support for Mumia Abu-Jamal*

In July 2006, the NLG submitted an amicus brief in support of Mumia Abu-Jamal, the journalist sentenced to death in the shooting of a Philadelphia police officer.

The trial was riddled with procedural errors and racial bias, and Abu-Jamal and his attorneys seek a new trial in the case.

The NLG brief argued that the prosecutor improperly minimized the responsibility of jurors, by implying that there was no finality in their decision. It has been shown that jurors are more likely to sentence defendants to death if they feel less personal responsibility for the decision. We also argued that judicial bias – evidenced in the use of racial epithets in comments by the judge – violated Abu-Jamal’s rights to due process.

On May 19, 2007, the appeals court heard oral arguments in the effort to seek a new trial. Guild members were present in the courtroom as lead attorney Robert Bryan and co-counsel argued the case.





**ENVIRONMENTAL JUSTICE COMMITTEE: LINKING ENVIRONMENTAL RIGHTS AND CIVIL LIBERTIES**

The environmental justice movement links traditional environmental activism with class and racial justice concerns, recognizing environmental threats fall most heavily on the most disenfranchised communities. A crucial part of the movement has generally been to focus the attention of environmentalists on communities of color. The Guild’s Environmental Justice Committee recognizes that the linkage can be mutually beneficial: if environmental advocacy is essential to true racial justice, the environmental movement can learn from the threats that racial justice activists have endured.

Across the country, people in poor communities that receive inadequate government support often suffer devastating health consequences from toxic waste, inadequate public health support, and the influence of more politically powerful communities in prioritizing environmental protection of some areas over others. New Orleans in the wake of Katrina is but the most glaring case of a nationwide problem.

If racism and social marginalization leave communities more vulnerable to environmental dangers, partisanship and political animus can pose similar threats. During the 2004 Republican National Convention, the NYPD arrested thousands of demonstrators and housed them for processing in Pier 57, a decrepit former bus depot on Manhattan’s

west side. The site was visibly contaminated with motor oil, and we believe that detainees, held in Pier 57 for hours, may have been exposed to asbestos and other toxic substances. The Environmental Justice Committee has made a FOIA request, and will file suit if necessary to obtain documents detailing environmental conditions in the facility.

Our presence on law school campuses has grown dramatically in recent years, and the dedication of student members continues to inspire the Guild as a whole. Two of our most committed student members – K. Ryann Moran and Grainne O’Neill – are following their passion for the promise of the law to serve the people as newly minted J.D.s.

Moran is known to NLG members for her work on the National Executive Committee, where she is the Midwest Regional Vice President. She is also the NLG liaison to the Student Hurricane Action Network, where she helped organize students for a lobbying day in Congress on March 14, 2007.

As a student at Columbia Law School, O’Neill was deeply involved in Guild mass defense work in New York. She played a primary role in exposing the scope of government surveillance, infiltration and grand jury abuse against environmental activists, a trend we have named the “Green Scare.”

**“MANY AMERICANS HAVE DONATED TO RELIEF EFFORTS, BUT FEW UNDERSTAND THE OVERWHELMING LEGAL PROBLEMS VICTIMS FACE – PEOPLE ARE LOSING THEIR HOMES, OR LANGUISH UNJUSTLY IN JAIL BECAUSE OF LOST RECORDS.”**

Moran and O’Neill moved this summer to New Orleans, where legal needs are as pressing as anywhere in the United States. O’Neill will be working for the public defenders office; Moran has completed the Louisiana bar exam in preparation for working to provide legal assistance to the thousands of Louisiana residents in dire need.

“The ongoing neglect of victims of Hurricane Katrina by our government is disgraceful,” says Moran. “Many Americans have donated to relief efforts, but few understand the overwhelming legal problems victims face – people are losing their homes, or languish unjustly in jail because of lost records. Tens of thousands have a cause of action to sue, if only there were lawyers to take the case.”

“I have loved the work I’ve been doing to defend activists in New York, and nationally,” says O’Neill. “But as a lawyer, I feel that I must offer my skills and resources where the need is greatest. And in the wake of Katrina and the indifference of the Bush Administration to the human toll of that disaster, I feel that working in New Orleans is where I am called.”





As U.S.-Cuba relations have deteriorated, the National Lawyers Guild has continued to play a key role in maintaining ties between Cubans and Americans. This year, NLG President Marjorie Cohn and Executive Director Heidi Boghosian

lawyers and others - came from 15 countries to discuss issues such as healthcare, globalization and immigrants' rights.

Meanwhile, NLG Executive Director Heidi Boghosian and member Molly

Boghosian noted a rise in tension between the countries, at official levels and in the streets. She discussed the case at length with Cuban National Assembly President Ricardo Alarcon, who expressed hope that the NLG will continue to

**“THE UNITED STATES’ REFUSAL TO EXTRADITE THE TERRORIST POSADA HAS DAMAGED OUR CREDIBILITY AND INFLAMED RELATIONS WITH CUBA.”**

both led trips to Cuba to deepen our understanding of some of the critical issues we have in common.

In March, Cohn spoke at a conference in Havana, co-sponsored by the Labor and Employment Committee of the NLG, on labor law, union movements and workers rights throughout the Americas. Participants – progressive labor

Doherty went to Cuba in April to conduct research on the Cuban Five, Cuban nationals imprisoned as spies in the U.S. for conducting surveillance of violent anti-Castro groups in Florida. Boghosian and Doherty met with attorneys for the Five, members of the government and with Roberto Gonzalez, whose brother is one of those detained by the U.S.

advocate for the Cuban Five, whose case stands in stark contrast to the decision to free Luis Posada Carilles, whose many bombings have killed scores of Cubans. Noting the many anti-Bush posters seen in the streets, Boghosian says: “The United States’ refusal to extradite the terrorist Posada has damaged our credibility and inflamed relations with Cuba.”





It is common knowledge that prisoners frequently endure brutal assaults on their most basic human rights. But few lawyers will take their cases, and few prisoners have the resources to pay attorneys' fees. Too often, the only way for prisoners to seek justice is to file lawsuits on their own behalf.

The National Lawyers Guild works to fill this gap by distributing *The*

provide an inmate with everything he needs to know to get his day in court. The *JLH* is a prized possession among prisoners in many facilities – who knows how many times each copy is used to defend inmates' rights?"

We receive hundreds of request each month; some inmates write back to let us know how important the handbook is:

Says another: "I want to thank you for sending me your Jailhouse Handbook, it means a lot to me. Because it is hard to survive this system in here, especially now, since BOP [Bureau of Prisons] has all the support and inmates very little; BOP knows all the tricks in preventing lawsuits...."

You can support this work. If you are a member, check the box to

Super-maximum Security prisons are among the most inhumane places on the prison landscape: prisoners in 'supermax' are kept in

Brown is a whistleblower, and he has paid a great price for speaking out. He was a key informant for an award-winning series on prison

officials at the Maine State Prison, where Brown was until recently incarcerated. The suit alleges that the defendants violated his First

## “SUPERMAX PRISONERS SUFFER GROSS ABUSES OF HUMAN RIGHTS, WHERE GUARDS ROUTINELY WITHHOLD MEDICATIONS AND TAUNT PRISONERS TO COMMIT SUICIDE.”

## “THE JAILHOUSE LAWYERS HANDBOOK IS ONE OF THE MOST COST EFFECTIVE HUMAN RIGHTS PROGRAMS IN EXISTENCE.”

*Jailhouse Lawyers Handbook: How to Bring a Federal Lawsuit to Challenge Violations of Your Rights in Prison.* The handbook is available upon request to inmates and their supporters.

*“The Jailhouse Lawyers Handbook is one of the most cost effective human rights programs in existence,”* says Handbook editor Ian Head. *“For about two dollars, we can*

*“Let me thank you for the Jailhouse Lawyers Handbook which you sent me free last year when I was being abused, starved and beat, etc. by prison guards.*

*“I used it to file a Sec. 1983 claim and held my own in court. The Handbook saved my life. I think it was very helpful in providing me with a roadmap for my LAWSUIT.... Now they leave me the hell alone!”*

make a donation for sending handbooks to prisoners on your dues payment form. If you are not a member, go to [nlg.org/jlh](http://nlg.org/jlh) to download the handbook or make a secure donation to the Jailhouse Lawyers Support Project.

almost total isolation from other human beings. In supermax, also known as administrative segregation, prisoners have little opportunity to speak out about the conditions they endure. In Maine, Department of Corrections officials have deepened the silence in which supermax exists by trying to stifle prisoners' ability to speak out publicly about conditions "in the hole."

*“My friend...found a razor blade in his stewed tomatoes,”* wrote inmate Deane Brown while in supermax confinement in 2005. *“Folks are finding rocks and glass and jagged metal in their food. We don't have access to these things so it is not us doing it.”*

conditions published in the Portland Phoenix, reporting on gross abuses of the human rights of supermax prisoners, where guards routinely withheld medications and taunted prisoners to commit suicide. Brown was also a frequent contributor to radio station WFRF.

In response, the warden restricted his use of the telephone, and he was sent to the supermax unit multiple times on unsubstantiated charges that he was dangerous to others or himself. In November 2006, he was transferred to a prison in Maryland, where there is no prisoner telephone access.

On May 8, 2007, the National Lawyers Guild filed suit against

Amendment rights in denying him access to the news media, and that his repeated transfer to Administrative Segregation subjected him to dangerous and inhumane conditions in violation of the Eighth Amendment.

*“Deane Brown is a hero for the work he's done,”* says Lynne Williams, lead attorney on the case. *“He has been absolutely courageous in reporting on the brutality he witnessed, and sometimes experienced. In a country where prison conditions almost never make the news, we need more citizen-journalists on the inside who are willing to step up and report on the human rights abuses that prisoners so frequently suffer.”*





*We have always known that they are watching us.*

In 1977, the National Lawyers Guild filed suit to obtain information on FBI surveillance of our work. The case was settled 12 years later, and

In June, the findings of Tamiment archivists were released, garnering an article on the front page of the Metro section of the *New York Times*.

Speaking to the *Times*, Michael Nash said: "It is an extremely sig-

Library and Wagner Archive, which contains historical materials on the labor movement.

"These files are a record of guilt," says NLG President Marjorie Cohn. "In addition to subverting the First

**"IN 1977, THE NATIONAL LAWYERS GUILD FILED SUIT TO OBTAIN INFORMATION ON FBI SURVEILLANCE OF OUR WORK. THE CASE WAS SETTLED 12 YEARS LATER, AND PARTIES AGREED THAT THE DOCUMENTS WOULD BE KEPT SEALED UNTIL 2025."**

parties agreed that the documents would be kept sealed until 2025. However, in 1997, Guild attorneys in the case donated their copies of the files – some 400,000 pages – to the Tamiment Library at New York University, which holds most of the NLG archives.

nificant archive. In many respects, the F.B.I. has done a very good job in documenting the National Lawyers Guild relationships with the movements that shaped progressive politics in the United States from the 1930s through the 1970s." Nash heads the Tamiment

Amendment, the FBI took steps to discredit, undermine, and frame Guild members. Who is to say how American history might have been different if we had been allowed to work toward greater social justice without government interference?"





During the historic May 1 immigrants' rights protests of 2006, NLG attorneys in Los Angeles took on the overwhelming task of representing thousands of students who faced disciplinary action for missing school in support of their rights. The marches, in L.A. and elsewhere, were exuberant, bringing tens of thousands to the streets.

In 2007, the scene on May 1 was much uglier in the streets of Los

Angeles. Roughly 5,000 people marched to MacArthur Park that day, under a permit obtained by the Multi-Ethnic Immigrant Workers Organizing Network. At approximately 6:17 p.m., orders to disperse were issued from a helicopter above the crowd. The orders were inaudible to many, and were issued only in English. When some marchers – and many innocent bystanders – began to leave the park, police

attacked, using foam bullets or other “less lethal” weapons, and struck individuals – including at least one child, and at least one reporter – with batons, in a shocking melee that was captured on news video.

"This was nothing short of a police riot," said Carol Sobel, President of the Los Angeles Chapter of the National Lawyers Guild. "The police shot munitions at anyone in the

## "THIS WAS NOTHING SHORT OF A POLICE RIOT."

park. In a democracy, law enforcement is charged with protecting the right to free speech. The use of violence against marchers – to club and shoot them in the streets – tears apart everything that this nation of immigrants stands for."

Among the injured were at least two NLG Legal Observers, Kevin Breslin, who was struck by two officers, and Sanjukta Paul, who

was beaten repeatedly as she tried to protect marchers from assault.

On May 9, 2007, the NLG filed suit for violations of the First, Fourth and Fourteenth Amendments by LAPD officers at the scene. The suit, brought with attorneys from the Mexican American Legal Defense and Education Fund, alleges that the LAPD violated the constitution and also a settlement in an earlier Guild case, *National Lawyers Guild*

*et al. v. City of Los Angeles et al.* This settlement was intended to restrain the behavior of police at demonstrations, prohibiting the use of motorcycle charging as a means of crowd control, and restricting the use of less lethal weapons against unarmed protestors.





The highlight of the 50th Anniversary NLG Convention in 1987 was the premiere of "Justice is a Constant Struggle," a documentary by Abby Ginzberg tracing the role of the National Lawyers Guild in a half century of progressive political movements. Narrated by Studs Terkel, "Justice" featured interviews with Guild founders on challenging McCarthyism, supporting the civil rights movement, and building an

updated the film to reflect the ways that the Guild remains at the center of the movements and challenges of the day.

"The current film picks up where the first left off, and many of the issues are a continuation of the themes that led to the founding of the Guild seven decades ago. In fact," says Ginzberg, "I'm more struck by the similarities than the

she has traveled around the country to trace the tracks of the NLG in issues that range from the local to the global. This film is a great reminder for us of the times we have lived in, but more importantly, it will be a tremendous resource to historians and others who want to understand the evolution of American society, uncover persistent threats to the values and liberties on which this country was founded, and see

**"AT CONSIDERABLE OUT-OF-POCKET COST, SHE HAS TRAVELED AROUND THE COUNTRY TO TRACE THE TRACKS OF THE NLG IN ISSUES THAT RANGE FROM THE LOCAL TO THE GLOBAL."**

organization of progressive legal professionals through the turbulent middle of the 20th century.

The past 20 years have seen shifts in the political landscape, with new challenges for social justice advocacy alongside the resurgence of long-dormant threats to civil liberties and human rights. To honor our 70th anniversary, Ginzberg has

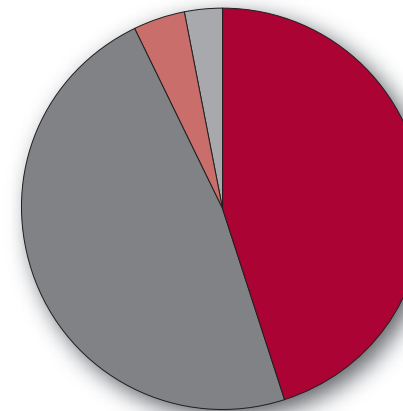
differences. Seeing how the Guild has always been there makes me proud to be a member – I am very impressed by all the good work that is going on and I only feel badly that I could not showcase it all."

"We are so grateful to Abby for undertaking this very difficult project," says Heidi Boghosian. "At considerable out-of-pocket cost,

in black and white the heroic efforts of so many Guild members in standing up for justice."

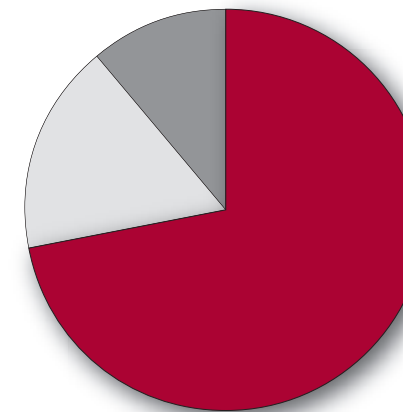
The film, entitled "Justice Is Still a Constant Struggle," will be available for purchase on the NLG website or at [soulofjustice.org](http://soulofjustice.org).

**INCOME**



MEMBERSHIP	45%
DONATIONS/GRANTS	48%
PUBLICATIONS	4%
MISC. INCOME	3%

**EXPENSES**



PROGRAM EXPENSES	72%
ADMINISTRATIVE AND GENERAL	17%
FUNDRAISING EXPENSES	11%





DUES-PAYING MEMBERSHIP FORMS THE BACKBONE OF THE NLG; WITHOUT MEMBERS' COMMITMENT OF MONEY, TIME AND THOUGHT, WE COULD NOT CARRY ON WITH THE WORK THAT WE DO. BETWEEN AUGUST 2006 AND JULY 2007, THE FOLLOWING INDIVIDUALS HAVE MADE CONTRIBUTIONS IN SUPPORT OF THE NATIONAL LAWYERS GUILD.

\$25,000 +

George August  
The CS Fund  
Abby Ginzberg (in kind)

\$10,000 - 24,999

Cathy Dreyfuss  
Craig Kaplan  
The Maverick Lloyd Foundation

\$5,000 - 9,999

Anonymous (1)  
Michael Avery  
Cathy Connealy  
Peter Erlinder  
The Estate of Freda K. Goodman  
Barbara Kessler and  
Richard Sobel  
Karen Jo Koonan  
Jodi LeWitter and  
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Barry Litt  
Jeanne Mirer  
Jonathan Moore

1,000 - 4,999

Anonymous (1)  
Cynthia Anderson-Barker  
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Abraham Flaxman  
Kit Gage  
Walter Gerash  
Frances Goldin  
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Luke and Marti Hiken  
The Isabel Johnson Hiss Bequest  
Tim Hoffman

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Michael Kennedy  
Dan Kesselbrenner  
Terry Koch  
Jim Lafferty  
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Emily Maloney  
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Stephen Smith  
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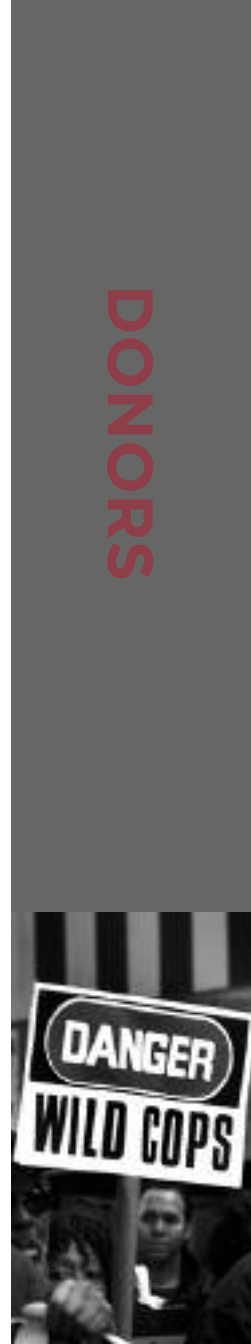
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