Occupy Pittsburgh Now

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One Year Of Occupy

PA VOTER ID RETURNED

Pennsylvania's Voter ID law, the most restrictive of its kind in the nation, and one that opponents have pointed out will keep tens of thousands, maybe hundreds of thousands of eligible Pennsylvanians from voting, faces a serious challenge at press time. On Tuesday, Sept. 18, the State Supreme Court's 6 justices remanded the law back to the lower court, issuing specific directions to review the law's Constitutionality.

"[The State Supreme Court] has directed the Commonwealth Court to issue a preliminary injunction stopping the law from going into effect now, unless it is convinced that there will be no voter disenfranchisement arising out of the implementation of the voter identification requirement for purposes of the upcoming election," explained Mike Healey, attorney at Healey & Hornack and board member of the ACLU of Pennsylvania. "Many months after the statute was passed there are hundreds of thousands of registered voters without the type of identification required to vote under the photo ID law."

Although it is impossible to predict how the lower court will rule, the instructions from the State Supreme Court seem to indicate that the law's enforcement must be delayed until after the November election, at least. The Commonwealth court's Judge Robert Simpson, who earlier upheld the law, now must make a new decision by October 2.

Chicago Teachers Strike Close To Home

President of the Pittsburgh Federation of Teachers (PFT) Nina Esposito-Visgitis says the recently resolved strike in Chicago "will have an impact on all teachers," including those here in the Pittsburgh area.

The Chicago Teachers Union (CTU) reached an agreement after 7 days on the picket line, and as of Sept. 19, classes have resumed. The teachers called for a work stoppage to demand a contract that offered better wages, fairer teacher evaluations, and smaller class sizes.

The CTU hadn't gone on strike since 1987, but the vote to strike was met with approval by 98% of the 26,000 CTU members. It also met approval in Chicago households. A poll taken by We Ask America showed that 55.5% of Chicago families approved of the strike, with support at 66% among parents of children attending public schools.

Esposito-Visgitis, who's been in the district for 32 years, sees many of the same factors that led to the Chicago strike at work in the Pittsburgh area. "I guess we are kind of a mini-Chicago," she said.



View of BNY Mellon Center and occupied People's Park, Sixth Ave & Grant St, from the U.S. Steel Tower. *Photographer Unknown*

"We can have democracy in this country, or we can have great wealth concentrated in the hands of the few, but we can't have both." Louis D. Brandeis (Supreme Court Justice)

On September 17, 2011, in the financial district of Wall Street, over 200 people descended upon Zuccotti Park transforming it into Liberty Plaza. They provided anyone wishing to join them with free basic healthcare, food and water, a library, clothing, a place to rest or sleep, an independent media center—a people's oasis in the corporate desert.

Liberty Plaza wasn't just a refuge for people, but also for ideas. One of the most powerful ideas that came out of the park was that a more just world was possible. Declaring "We Are the 99%," members of the Occupy movement began a new American Revolution, and Wall Street was Occupied.

This stand for economic and social justice spread across the nation and beyond. There was violence: there were many incidents of police brutality and wrongful arrest, even of journalists reporting those abuses. Repression of protest continues, as this is written, in New York during the anniversary of Occupy Wall Street.

At the height of the OWS Movement last fall, hundreds of cities around the world had established their own indigenous encampments. Pittsburgh joined the movement, and on October 15, 2011 over 4,000 people gathered at historic Freedom Corner in the Hill District and marched to join that effort.

On that morning, those thousands started from a rally that included live music, sign making, and speeches calling for change. Chanting "Banks Got Bailed Out, We Got Sold Out" and "The People United, Will Never Be Defeated", they wound through the downtown streets of this city's own financial district, and protested at financial institutions. The march culminated in the occupation of another park adjoining a financial district.

But from the beginning, Pittsburgh's occupation was different from the one on Wall Street. Ours is the only occupation to have seized land from a bank, and not just any bank, but "The Bank of Banks": BNY Mellon, whose corporate headquarters is located, coincidentally, at One Wall Street. More than symbolic, that address reveals the breadth of the dominance of plutocratic institutions not seen in America since the Gilded Age, a dominance that has led the country to the brink of corporate ownership of Government itself.

Occupy Pittsburgh spent 118 days at People's Park, formerly Mellon Green, at 6th Avenue & Grant Street, always peacefully. The group fought for the guaranteed Constitutional rights of free speech and peaceful assembly, the rights of minorities and the disenfranchised, worker's rights and women's rights, a right to clean water and food, the right to an affordable education and healthcare,

(Continued on page 3)

ADJUNCTS Unionize

The National Labor Relations Board (NLRB) announced an overwhelming election victory for the Adjunct Faculty Association of the United Steelworkers (USW) in Duquesne University's liberal arts college on September 20.

Union supporters waited over two months for the NLRB to release the impounded ballots, locked away after Duquesne declared their religious exemption from the United States' labor law, the National Labor Relations Act. When votes were tallied on September 20, 85% were marked "yes": 50 in support and 9 opposed.

"We are delighted, but not surprised, that the adjuncts of [the liberal arts college] so strongly favor seeking to improve our working conditions through collective bargaining," adjunct instructor Robin Sowards says, "And we are hopeful that Duquesne's administration will see this as a sign that immediately negotiating in good faith is the most prudent course of action."

Before the ballots were even counted, Duquesne University spokesperson Bridget Faire told the press that they would appeal the results in the event of a union victory. Although they have contracts with three other unions, the administration claims that an adjunct faculty union would interfere with the mission of the university.

Several other universities across the U.S. have seen their adjuncts band together for collective bargaining rights, but what makes this event significant is that Duquesne University has claimed a religious exemption from the jurisdiction of NLRB because of their status as a Catholic University. They claim it violates their Constitutional right to Freedom of Religion, and violates their mission to serve God by serving students

"At this point, we believe Duquesne has a legal duty to bargain with the USW as the collective bargaining agent of the adjuncts," explains USW General Council Dan Kovalik, "and we're disappointed that they've already announced their intentions to shirk their legal and moral obligations."

Observers of the situation say the University could follow several courses of action, some requiring a long legal battle.

The NLRB will certify the results of the vote. Then the union will request the beginning of bargaining from the company, and the company either responds and begins bargaining "in good faith," or denies the request, at which point the union is likely to file the charge of an "Unfair Labor Practice" with the NLRB.

Since the NLRB certified the election, they are likely to rule in favor of the union. The company can then file an appeal with the Federal Circuit Court. If the union wins there, the company can appeal again.

The case at Duquesne could possibly see the Supreme Court of the United States before administration officials go to the bargaining table. It's important to note that during the course of this legal battle, the university is likely to spend a great

(Continued on page 2)



Labor Rights are Civil Rights

By Moshe Marvit

The issue of labor has always come down to a question of power. Collective bargaining seeks to fix the significant power imbalance that exists between the individual employee and the employer.

A quick look at the history of labor law, especially in the 20th Century, shows a series of reactions to that imbalance, with the government entering the fray when it perceives one side has become too strong or too weak.

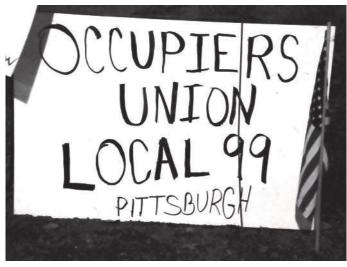
In 1932, after several decades of employers using the federal judiciary and National Guard in service of union repression and often violent strikebreaking, Congress passed the Norris-Laguardia Act which got state courts out of the business of enforcing yellow-dog contracts (contracts in which employees had to promise never to join a union as a condition of their job) and stripped federal courts of the power to issue injunctions over labor disputes.

A few years later, Congress passed the Wagner Act, which created a legislative framework for labor relations. Whether intended to temper employees that had become increasingly radicalized, or to temper employers, which were engaging in blatant abuses, the Act clearly aimed for a balance of power between employees and employers to promote industrial peace and included the right of employees to join unions.

The Wagner Act, also known as the National Labor Relations Act (NLRA), was then amended by the Taft Hartley Act of 1947 following a massive 1946 strike, when some believed that labor had become too powerful. Taft-Hartley placed limits on the power of unions by, among other things, articulating a broad conception of employer free speech, banning secondary boycotts, creating actionable union unfair labor practices, allowing states to pass so-called "right to work" laws, and re-opening the door to federal injunctions of worker strikes. As a result, private sector unions are at their lowest level in a century, and employees receive only a meager share of the enormous productivity gains of the last few decades.

It's time for the federal government to step in again and rebalance the scales by making labor organizing a civil right.

This type of legislation would allow workers who suffer discrimination for labor activity to remove their cases from the NLRB to federal court, in the way that workers who suffer employment discrimination may remove their cases from the EEOC to federal court. This would also give workers the right to pretrial discovery.



As Joe Burns has described in *Reviving the Strike*, the labor movement has been enormously weakened since it lost the ability (and will) to shut down production and disrupt the employer's business. The right to pretrial discovery, which is part of any federal case and would be included under this plan, may sound like a technical matter, but anyone who has ever participated in litigation knows that it could serve as a way to put a large burden on employers.

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Supervisors and managers can be forced to leave work and answer questions under oath concerning treatment of workers and internal company communications. The employer's records and emails, financial documents, and communications with anti-labor consultants can all be

demanded for review, giving workers and unions an unadulterated view of the company. Whereas now employers can simply ignore striking workers and hire permanent replacements, discovery would offer a new path to increase power through the disruptive and probing nature of the pretrial process. Rather than employers using the government to break strikes and enforce yellow-dog contracts, now the employees would use the federal government to hold employers responsible for their actions.

Such a proposed amendment would provide real remedies for aggrieved workers, and make it harder for employers considering violating workers' rights. Under the NLRA, an employer can violate the Act with relative impunity. Aside from their own legal fees, employers bear almost no burden if they are found to have violated workers' rights. However, under the Civil Rights Act, successful employees would be awarded their actual damages, plus their attorneys' fees, and the possibility of punitive damages. Such penalties would make employers think twice before violating workers' rights.

On a more general level, this proposal takes the conversation of labor law reform out of the technical and often confusing arena of labor law and into the realm of civil rights. A debate under these terms is more difficult to mischaracterize and provides an intuitive moral grounding that resonates with a far greater number of Americans. Any approach to labor law reform must be simple and show promise of surviving intact after a sustained attack by conservative and corporate interests; civil rights hold that promise.

Moshe Z. Marvit is an employment discrimination and labor attorney, and a coauthor of Why Labor Organizing Should Be a Civil Right: Rebuilding a Middle-Class Democracy by Enhancing Worker Voice.

Teachers' Working Conditions Suffer

(Continued from page 1)

Pittsburgh's last teachers' strike was in 1976. But across the state, Governor Tom Corbett's education cuts--\$1 billion since he came to office—have impacted public schools through larger class sizes and fewer teachers. Esposito-Visgitis says, "In Pittsburgh we are struggling because we've furloughed so many teachers that our class sizes are higher than they've been in a very long time."

Over the last two years Pittsburgh Public Schools have cut over 700 positions, and 400 of those were from the PFT's bargaining unit. To show support, members of the PFT marching in Pittsburgh's Labor Day parade wore Hawaiian leis around their necks for their laid-off colleagues.

She displays the frustrations that come from working in the public sector under a neoliberal governor. "He truly is doing his best to privatize public education. He is certainly no friend to public education. He's cut early childhood, and you don't have to be a teacher, you just have to have a brain, to know that early childhood education is the key for later development."

For the first time this year, teachers furloughed from Pittsburgh Public Schools also include Special Education teachers. "Our Special Ed program was the Cadillac of Western Pennsylvania, people would move into Pittsburgh for our Special Ed program," Esposito-Visgitis says. "He cut funding there, so we lost a number of teachers. For the first time ever we had furloughs of 60 Special Ed teachers."

"We closed six more schools, so it's been a rough two years. I shudder to think of what [Corbett] has in store for us this year, while he expands money to charter schools and cyber schools," she says. "We're a lot more like Chicago than I'd like to think...it's awful."

"The bottom line is, no matter how you can it, it's less services for kids," she says. "Once again something they're talking about in Chicago."

Teachers in Pittsburgh Public Schools will renegotiate their contracts in 2015, the same year Governor Tom Corbett may or may not be sworn in for a second term.

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Adjunct Faculty Joins USW

(Continued from page 1)

deal of money—money they could otherwise use to pay a fair wage to their adjunct faculty employees.

Many adjuncts work for earnings well below the poverty line, though some have taught at the university for more than 20 years. Meanwhile, each day University President Charles Dougherty takes home approximately what these instructors earn for teaching a class for an entire semester.

Although President Dougherty is considered an expert in Health Care Ethics, previously serving as director of the Creighton University's Center for Health Policy and Ethics from 1988 to 1995, he has chosen to deny adjunct faculty members access to healthcare. Meanwhile, even Duquesne students have access to a Highmark PPO through the university.

The adjunct faculty's contracts are renewed weeks or even days before each semester, so they have no job security, no ability to plan for the future, and their employment at Duquesne can be severed without reason regardless of their performance or seniority.

"We will continue to fight for them in the face of opposition from the [university] administration," says USW International President Leo W. Gerard, adding that following the election, "[They] should proudly celebrate their victory as a triumph of solidarity."

The USW is continuing its city-wide campaign to organize the adjunct instructor workforce in the Pittsburgh area. In April they are sponsoring an academic conference planned by adjunct faculty members from several universities in the Pittsburgh area called *Countering Contingency: Teaching, Scholarship, and Creativity in the Age of the Adjunct.* For more information contact: nttfconference@gmail.com or jcech@usw.org





One Term Tommy

Why Tom Corbett is the Worst PA Governor Ever

Top Reasons Governor Corbett is the Worst Governor Ever: First in the Series

In this election season, it's easy to lose sight of one politician who isn't seeking re-election, at least yet: our Governor, Tom Corbett. But soon enough the focus will be back on the man some are beginning to call "One-term Tommy" and the swath of destruction he's caused in Pennsylvania. Check out the list below and keep it in mind –the next gubernatorial election is in 2014.

1) Jobs, jobs, jobs.

In August, Pennsylvania's jobless rate rose to the national average for the first time in more than 4 years. Since 2010, PA has dropped to 39th from 12th in job growth. Just since May 2011, we have lost 5,400 public-sector jobs. These are teachers, first responders, and other public servants—people who live in our state, spend their money in our state, and invest in our communities. Corbett's story has always been that the private sector—especially Marcellus Shale-related job growth—more than makes up for the public sector jobs he's slashing. But in August, mining and logging jobs, which include gas drilling, were down; as well as construction jobs and trade, transportation and utilities, which includes retail and wholesale stores. The governor's enormous public sector cuts have, as predicted, dragged down the entire state, and Marcellus hasn't been able to stop that.

2) Taxpayer-funded billion-dollar giveaways to huge corporations.

\$1.7 billion over the next 25 years to Shell Oil (the world's second largest corporation in revenue) to locate a gas cracker plant in Beaver County—a place it almost certainly was going to build the plant anyway. Estimates say there will be 70 jobs in the plant, and perhaps as many as 20,000 jobs created. But it will cost the state a lot to build and maintain the infrastructure to service the plant and its employees, and with all the tax breaks Shell is getting, who will pay for it? \$1.7 billion is a lot to pony up for something that may be a net loss—as well as bad for the environment.

3) Two words: Second Mile.

Gov. Corbett was the state's District Attorney during the time charges were being considered against convicted serial child rapist, Jerry Sandusky. His understaffed, 3-year investigation didn't manage to make an arrest until Corbett had won the Governor's seat. Critics have asked pointed questions about the delay—for example, could it possibly be that Corbett was slowing the investigation so that he wasn't the one who brought down JoePa and Penn State? Also, it seems odd that Corbett joined the Board of Trustees of Penn State as the investigation was ongoing...and that he over saw a \$3 million taxpayer-funded grant to Sandusky's Second Mile charity during the same time. How many boys did Sandusky molest during those 3 years Corbett dragged his feet? How many were molested with the help of that \$3 million of our money? We'll probably never know.

4) Short-term thinking.

Corbett talks about working for the future of our state, but his actions say "fire sale" rather than "investment in the future." He is adamant about wanting to privatize the Pennsylvania Liquor Control Board, a move that would gain the state a one-time big cash payment, but would force it to forego the revenue the PCLB reliably generates as a state asset—while sacrificing thousands of family-supporting jobs. Great trade! He is in favor of leasing even more of our state forest land to drilling operations, while pushing the Delaware River Basin Commission to lift the moratorium there and allow drilling. More than 700,000 acres of forest land have already been leased for drilling—20% for Marcellus Shale. One of our best assets—Pennsylvania's extensive forests and the tourism and recreational opportunities they provide—are being taken away from future generations so that multinational corporations can make a quick buck. Hey, it's just trees, right?

5) Anti-union.

Charles McCollester, retired professor of Industrial and Labor Relations at Indiana University of Pennsylvania, said it best in an op-ed that appeared in the *Post-Gazette*. "[Corbett's] efforts to starve and privatize public education and collapse public transportation while shielding gas interests from reasonable taxation and adequate health, safety and zoning regulation are stunningly bold. Once the teacher and transit unions are broken, can construction unions and state workers be far behind?" Check the record.

6) Voter ID law.

Corbett's administration pushed for the most restrictive Voter ID law in the nation, which stands to prevent hundreds of thousands of eligible Pennsylvania voters from exercising their right to vote. Conveniently for Corbett, many of those disenfranchised voters are likely Democrats, a fact that House Majority Leader Mike Turzai (R-Allegheny) alluded to when he said that the new Voter ID law would allow Republican nominee Mitt Romney to win Pennsylvania. Subtle. A new ruling on the law is expected October 2.

7) Just "close your eyes."

Although mercifully it was tabled and never came to a vote, Pennsylvania's proposed "Women's Right to Know Act," or HB 1077, was one of the most restrictive anti-abortion bills proposed in the wave of such legislation introduced over the last 2 years in the U.S. It required transvaginal ultrasounds before a woman could obtain a legal abortion, directed the technicians and doctors involved to push the women to view the ultrasound, as well as force her to take home the test results, and required a long waiting period after having the ultrasound and before obtaining an abortion. Corbett's reaction to criticism of the bill? That women could just "close their eyes" if they didn't want to look at their state-mandated, invasively obtained ultrasound results.

8) Seems to hate kids, especially poor ones.

Although his most recent budget restored some of his earlier \$1 billion in cuts to education, Corbett has slashed funding to schools—early education, grade schools, high schools, and higher education—while supporting voucher programs that further weaken and defund public education. He has also targeted human services across the state, which either directly or indirectly benefit the children of less affluent families. We already know about his support of Sandusky's Second Mile charity and his failure to stop a serial child rapist who preyed on less fortunate boys, but his latest act may be an even greater failure—he has refused to halt the fast-approaching execution of Terrence Williams, an African-American man who was convicted of the murder of 2 men in the 1980s, when he was a teenager. Williams has said both men sexually molested him, but this evidence was not presented at his trial—reason enough to reconsider the verdict, one would think. Williams is scheduled to die October 3. He will be the first person executed in the state of Pennsylvania since 1999. What a legacy, Gov. Corbett.

Occupy Year One

(Continued from page 1)

the right to fairness and equality for all. The camp was helped and supported by hundreds of people and organizations in the Pittsburgh area who donated food, water, and other materials, as well as their time and labor.

Unlike many Occupy encampments, which were forcibly evicted in violation of the Constitutional right to protest, Occupy Pittsburgh voluntarily left People's Park. But across the world, new laws were hastily passed or old ones misused to end the very visible evidence that millions demanded change.

Our fundamental rights of free speech and freedom of peaceful assembly have been erased. American protest is now almost entirely illegal. Whether by Police baton, pepper spray or a judge's gavel, the law has been used to suppress freedom and to encourage obedience and apathy.

Now, without the visibility of the camps, many have come to believe the standard media line: since the camps are gone, Occupy is dead.

But focus on the camps has obscured the fact that occupation is a tactic, not an end unto itself. The point of People's Park and other encampments was to shine a bright light on the world of crony capitalism and corporate welfare, wars for profit, a world ruled by the 1%, for the 1%. Last autumn was only part of what we know will be a much longer struggle. As lunch counter sitins were only one tactic of the Civil Rights Movement, which continues, encampments are only one tactic of the Occupy Movement, which also continues.

Some question what the Occupy
Movement has accomplished, both
nationally and locally. Yet, since Occupy
Pittsburgh claimed People's Park, it's
contributed to the reawakening and
reconnection of Labor causes and Social
Justice organizations, the fending off of
draconian cuts to our Public Transit system,
and the exposure of gluttonous organizations
who dodge tax obligations by masquerading
as "non-profits."

The work goes on. Across the world and in Pittsburgh, supporters of the Occupy movement continue to commit themselves at their jobs, in our schools and universities, at our places of worship, out in the streets, in our neighborhoods, even within their families and circle of friends, to a more just and fair world.

Occupy Pittsburgh also inspired this newspaper, now in its 8th month, committed to serving the 99% of the Pittsburgh area by focusing on issues critical to working people. A true example of independent media, it is funded through donations by its readers.

Occupy hasn't gone anywhere—it is all around. We Occupy Everywhere. We are the

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Amy Goodman

"It's Movements That Make History"

"Paul Ryan says a fertilized egg is a person, Mitt Romney says a corporation is a person, I think we need to concentrate on the flesh and blood people in this country," says Amy Goodman, host of *Democracy Now!*, speaking before a packed Carnegie Mellon University auditorium on September 13. Goodman is touring in support of a new book she wrote with Denis Moynihan, a co-founder of *Democracy Now!* Released August 2012, *The Silenced Majority: Stories of Uprisings, Occupations, Resistance, and Hope* deals with mainstream media's failure to serve and connect to the "silenced majority." She spoke about the need for a more powerful "fourth estate," a free press that can check the power elites. As Goodman explains, "we need a media that goes to the grass roots."

Declaring the growing importance of independent media as a dissenting voice, Goodman says that "bipartisan bickering" is not troubling, but "bi-partisan consensus" is. She pointed to several examples of issues that, inside the beltway, become non-issues by the way of "bi-partisan consensus"—like the prison camp at Guantanamo Bay, which neither of the major parties has a real interest in closing. As a result, it's faded from mainstream political debate, although it was a major talking point four years ago.

She also pointed to the news coverage prior to the 2003 U.S. Invasion of Iraq, when 24-hour cable news networks operated as cheerleaders for warfare. Goodman noted that of 392 interviews conducted before American boots hit Iraqi soil, only 3 were with anti-war sources. In fact, *Democracy Now!* is noted as one of the few media outlets that provided a voice to those opposed to the war during that period.

Speaking critically of her colleagues working for mainstream news operations, Goodman says, "too many reporters trade truth for the access of evil." Rather than speaking with real people, they report the official line from Washington, and in return gain access to big name sources "who know so little about so much."

The veteran reporter illustrates her points with stories from her latest book: among them, her harrowing tale of being arrested while covering the 2008 Republican National Convention (RNC) in St. Paul, MN.

When two of her co-workers were handcuffed and held by riot police while covering the protest outside of the convention, Goodman had just received her RNC credentials and was on the convention floor. She got a phone call alerting her to the situation, she raced to find *Democracy Now!* producers Sharif Abdel Kouddous and Nichole Salazar. "I ran up to the police, my credentials hanging around my neck. I asked for the commanding officer to get my journalist colleagues released. It wasn't seconds before they tore me through the police line, twisted my arms behind my back, and handcuffed me." Goodman found her friends beaten and bloodied. They all had press credentials around their necks, and when they demanded to be released, a Secret Service agent ripped them away.

Goodman was arrested along with 42 journalists. After her release, she was interviewed at the RNC by a network news reporter who was stationed in a suite overlooking the convention center floor. He was wondering why he hadn't been arrested with the others. She explained, "I don't get arrested in the skybox either."

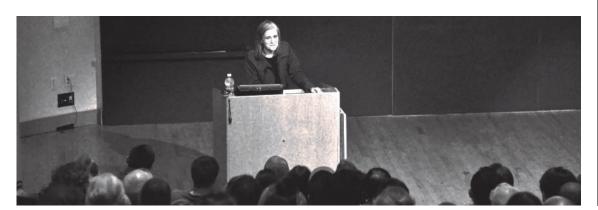
The *Democracy Now!* staff later sued the St. Paul, MN police department and announced their \$100,000 settlement three years later from Liberty Square, aka Occupy Wall Street's Zuccotti Park.

Goodman comments, "Democracy is a messy thing and it's our job to capture it all, and she shouldn't have to get a record to put things on the record."

The bottom line message of her talk, according to Goodman, is that, "it's movements that make history." In Goodman's view, independent media have an important role to play in people's movements, sharing the stories and images that otherwise go uncovered. "What if we showed the image of war for just one week? A baby dying from a drone attack, a woman with her legs blown off from a cluster bomb, a dying soldier."

Her belief in the power and duty of media is clear in her statement that "the most important issues [to cover] are of war and peace, life and death – anything else is a disservice to a democratic society." She ended with the story of the White Rose Collective, a group of dissenters in Nazi Germany who were beheaded for distributing anti-fascist pamphlets. The group's final document ended with the phrase, "We will not be cilent."

Broadcasting *Democracy Now!* from Pittsburgh the following morning, Goodman interviewed Vic Walczak, the Director of the American Civil Liberties Union (ACLU) in Pennsylvania, about the state's new voter ID law, and former Pittsburgh City Councilman Doug Shields about fracking for shale gas. She also covered the case of death row inmate Terry Williams, who, as a teenager, was sentenced before revealing information that he had been sexually assaulted by the church official he was convicted of killing.





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