

Mass Dissent

Massachusetts Chapter

National Lawyers Guild

14 Beacon St., Boston, MA 02108

February 2010

www.nlgmass.org

Vol. 33, No. 1

In This Edition

Guild News
page 3

**NLG Brown Bag Lunch
Program**
page 4

Obama's Foreign Policy
page 5

Health Reform in America 2010
page 6

NLG Happy Hour in Pictures
page 7

**Obama's Mortgage
Modification Program**
page 8

**President Obama and the
LGBT Community**
page 9

NLG Students in Action
page 10

BOARD MEETING

February 16, 6:00 pm

**14 Beacon St., 1st Fl.
Boston**

Obama One Year Later

In this issue of *Mass Dissent* we take a look, a year later, at the Obama administration. Many of us had great hopes, great expectations, and great energy when, first, Barack Obama made a serious run for the Democratic Party nomination, then when he won it; and at least some of us were ecstatic when he actually won the Presidency.

So, what do we say a year later?

First in this issue is Judy Somberg's analysis of Obama's foreign policy – perhaps the single area, because of candidate Obama's Afghanistan rhetoric, about which progressives felt most uneasy. Judy's article confirms our early doubts; though, to be fair, there is not now the raw, aggressive unilateralism that characterized the prior administration.

Next are articles on domestic policy. Guild friend Cathy Dunham writes on Obama's health care reform efforts, explaining what progressives have advocated for, how short of that current undertakings have fallen, but why we should still be pleased with the administration's efforts. Nadine Cohen writes on the administration's faint efforts to help dis-

tressed homeowners, efforts she concludes have been an utter failure to date. Finally, Tony Benningfield writes on Obama's efforts to support the rights of the lesbian, gay, bisexual and transgender community, another area where the new administration's efforts have disappointed.

But we keep our perspective. We have an African-American President, and he has been in office only a year. His agenda has been strikingly ambitious – it has been almost two decades since any President took on health care – and it should not surprise us as well that it has been thoroughly centrist. But even that centrist agenda has unleashed a response from the right that must alarm us. It must be our mission to bring equal pressure from the left, and to realize, when all is said and done, that there is a much more compatible presence in the White House than we have seen in years. And as Tony suggests in his article, while our "friend" in the White House has not met all (or even most) of our hopes, the alternative to him is almost surely much worse.

- Tony Benningfield &
David Kelston -

**NATIONAL LAWYERS GUILD
Massachusetts Chapter, Inc.**

14 Beacon St., Suite 407
Boston, MA 02108
tel. 617-227-7335 • fax: 617-227-5495
nlgmass@igc.org • nlgmass-director@igc.org
www.nlgmass.org

BOARD OF DIRECTORS

CHAIRPERSONS

Neil Berman, Common Sense Legal Counseling
Barb Dougan, FAMM

TREASURERS

Patricia Cantor
Jeff Petrucelly, Petrucelly, Nadler & Norris

MEMBERS

Laura Alfring, Juvenile Justice Center
Tony Benningfield, solo practitioner
Hillary Farber, Northeastern University
Jeff Feuer, Goldstein & Feuer
Iilana Greenstein, Kaplan O'Sullivan Friedman
Myong Joun, Law Offices of Myong Joun
David Kelston, Adkins, Kelston, Zavez
Mary Lu Mendonça, Suffolk Lawyers for Justice
Halim Moris, Moris & O'Shea
Eleanor Newhoff, GBLS
Judy Somberg, solo practitioner
Bonnie Tenneriello, MCLS
Carl Williams, CPCS Public Defenders

LAW STUDENT REPRESENTATIVES

Margaret Aylward, Suffolk
Margaret Ciborowski, New England
Justinian Doreste Guzman, Harvard
Marissa Vahlsing, Harvard
Jillian Tuck, Northeastern

STAFF

EXECUTIVE DIRECTOR
Urszula Masny-Latos

LRS COORDINATOR/ADMIN. ASSIST.
Sara DeConde

STREET LAW CLINIC COORDINATORS
Margaret Aylward
Charu Verma

Mass Dissent (ISSN 0887-8536) is published monthly except January, May, July and August by the National Lawyers Guild, Mass. Chapter, 14 Beacon St., Suite 407, Boston, MA 02108. Second-class postage paid at Boston, MA. POSTMASTER: Send address changes to *Mass Dissent*, NLG, 14 Beacon St., Suite 407, Boston, MA 02108.

Join a Guild Committee

Street Law Clinic Project: The Street Law Clinic project provides workshops for Massachusetts organizations that address legal needs of various communities. Legal education workshops on 4th Amendment Rights (Stop & Search), Landlord/Tenant Disputes, Workers' Rights, Civil Disobedience Defense, Bankruptcy Law, Foreclosure Prevention Law, and Immigration Law are held at community organizations, youth centers, labor unions, shelters, and pre-release centers. If you are a Guild attorney, law student, or legal worker interested in leading a workshop, please contact the project at 617-723-4330 or nlgmass-slc@igc.org.

Lawyer Referral Service Panel (LRS): Members of the panel provide legal services at reasonable rates. Referral Service Administrative/Oversight Committee members: Neil Berman, Neil Burns, Joshua Goldstein, Jeremy Robin, and Azizah Yasin. For more information, contact the Referral Service Coordinator at 617-227-7008 or nlgmass@igc.org.

Foreclosure Prevention Task Force: Created in June 2008, the Task Force's goal is threefold: (1) to draft and introduce policies that address issues that homeowners and tenants of foreclosed on houses face, (2) to provide legal assistance to these homeowners and tenants, *and* (3) to conduct legal clinics for them. If you are interested in working with the Task Force, please call the office at 617-227-7335.

Independent Civilian Review Board: In coalition with the American Friends Service Committee and Greater Boston Civil Rights Coalition, the NLG has been pushing for the creation of an independent civilian board to review complaints against Boston police officers. To get involved in the campaign, please contact the office at 617-227-7335.

NLG National Immigration Project: Works to defend and extend the human and civil rights of all immigrants, both documented and undocumented. The Committee works in coalition with community groups to organize support for immigrant rights in the face of right-wing political attacks. For more information contact the NLG National Immigration Project at 617-227-9727.

NLG Military Law Task Force: Provides legal advice and assistance to those in the military and to others, especially members of the GIRights Hotline, who are counseling military personnel on their rights. It also provides legal support and helps to find local legal referrals when needed. The MLTF and the Hotline exchange many questions and information through their listserves. For advice and information, GI's can call 877-447-4487. To get involved, please contact Neil Berman (njberman2@juno.com) or Marguerite Helen (mugsm@mindspring.com).

COALITIONS:

Jobs with Justice, a coalition-based organization addressing workers' rights. The NLG is a member of Jobs with Justice; any interested Guild members can attend meetings & events.

GUILD NEWS

NLG HAPPY HOUR

The NLG Massachusetts Chapter's Happy Hour - for Guild members and non-Guild members - takes place on the **2nd Wednesday of every month, 6:30 - 8:00pm, at Kennedy's Mid-Town Pub** (44 Province St., 2nd Fl., Boston, close to Suffolk Law School), and will follow the **NLG Presents...** event. Next Happy Hour will be on February 10, 2010. Please join us.

ANNUAL MEETING

All Guild members are invited to the Chapter's Annual Meeting on **Tuesday, March 16**. We will start at **5:30 pm** with a cozy (and wonderfully stuffed) reception and continue with the **meeting at 6:00 pm**. At the meeting, the Chapter will elect new Officers and members of the Board of Directors. We will also have a presentation on the current crisis in Haiti by local Haitian activists.

Street Law Clinic Report

The following Guild member conducted trainings for law students and/or clinics for members of Boston area community organizations and agencies:

January 19: *Foreclosure/Eviction Prevention* training at Suffolk Law School, by **Jeff Feuer**.

January 25: *Immigration Law* presentation at BU School of Law, by **Ellen Kief**.

January 25: *Immigration Law* clinic at Mass. Association of Portuguese Speakers in Cambridge, by Amy Wax.

January 27: *Stop & Search* training at BU School of Law, by **Bob Cohen**.

January 28: *Foreclosure/Eviction Prevention* training at BC School of Law, by **Deborah Roher**.

February 3: *Workers Rights* clinic at The Workplace in Boston, by **Mark Stern**.

GUILD MEMBERS IN ACTION

MICHAEL AVERY has been elected to the Board of Governors of the Society of American Law Teachers (SALT), a national organization of liberal and progressive law professors. CONGRATULATIONS!

Starting in February, we are changing the format of the NLG Brown Bag Lunch from the usual **"Lunch & Learn"** to a **"Think & Drink"** discussion taking place before our monthly happy hour (2nd Wednesday). We'll gather at Kennedy's at 5:30 pm for our discussion, and those who wish may stay for the Happy Hour at 6:30 pm.

NLG Presents....

The Prospects for Drug Sentencing Reform

with Barb Dougan

**Wednesday, February 10, 2010
5:30 - 6:30 PM**

**Kennedy's Midtown 44 Province St., 2nd Fl.,
Boston
(next to Suffolk Law School, off Bromfield St.)**

Barbara Dougan, Director of Massachusetts Families Against Mandatory Minimums, will talk about pending legislation to reform harsh drug sentencing laws and why change is urgently needed. *(Co-Sponsored with Community Change.)*

OFFICE NEEDED:

Guild attorney and his partner are looking to rent an office space near downtown. Ideally - two small office rooms, with access to a conference room; alternatively - one large office room that fits two attorneys. Please contact **Halim Moris, Esq. at (617) 357-9800**.

ARTICLES FOR MASS DISSENT

The March issue of *Mass Dissent* will focus on criminal justice policy.

If you are interested in submitting an article, essay, analysis, or art work (cartoons, pictures) related to the topic, please e-mail the articles to **nlgmass-director@igc.org**.

The deadline for articles is February 15, 2010.

2010 NLG TESTIMONIAL DINNER

At the January meeting, the NLG Massachusetts Chapter Board of directors decided on this year's Testimonial Dinner Honorees. We are proud to announce that the 2010 NLG Honorees are: **Jill Soffiyah Elijah & Howard Cooper** (lawyers), **Dan Kesselbrenner** (legal worker), **Charlotte Noss & Josh Raisler-Cohn** (students).

Soffiyah Elijah is Deputy Director of the Criminal Justice Institute at Harvard Law School, where she concentrates on "the urgent needs of the powerless, voiceless and indigent" in the criminal justice system. Soffiyah has represented numerous political prisoners and social activists, most recently the San Francisco 8/Black Panthers.

Howard Cooper, a partner at Boston's Todd & Weld, is one of the Massachusetts' most prominent litigators. He has distinguished himself defending the rights of minorities, including the Islamic community in its epic battle to build a Mosque in Roxbury, and the poor and disabled in suburban towns seeking housing and services. Howard is a member and sustainer of the Guild.

Dan Kesselbrenner is the Executive Director of the NLG National Immigration Project and a long-time

Guild member. He is a nationally recognized expert on the immigration consequences of criminal convictions. Dan has devoted his life to advancing and defending immigrants' rights.

Charlie Noss is a third year Northeastern law student and has been very active in the Guild. Among other activities, she provided leadership on campaigns supporting Northeastern Janitors in improving their union contract. During her first year of law school, she did an outstanding job as a coordinator of the NLG Street Law Clinic.

Josh Raisler-Cohn, a third year Northeastern student, has been active in the Guild for 10 years as a legal worker and student. Through legal observing and advocacy he has worked to support prisoners, activists and organizers, criminal defendants, low income people, tenants, and others targeted by state.

We are honored to have such accomplished legal professionals in our Guild community. We hope you will join us in honoring this year's NLG Awardees and attend the 2010 Testimonial Dinner, which will be held on **Friday, May 7, 6:00 pm, at the Colonnade Hotel.**

NLG BROWN BAG LUNCHEON SERIES

And in case you missed the January Brown Bag...

"Saving Homes: Lawyers and Activists Partner Against Foreclosures"

On January 12, 2010 **Nadine Cohen**, Managing Attorney of the Consumer Rights Unit of GBLS, and Guild practitioner **Jeff Feuer**, discussed the work of the Guild's Foreclosure Prevention Task Force and other efforts by activists and lawyers to help low-income residents keep their homes. Massachusetts is far from immune from the national catastrophe, with foreclosure initiations increasing by 28.1% in 2009. The Obama administration's Home Affordable Modification Program has been a near complete failure (*see article on page 8*). There were about 28,000 foreclosures in Massachusetts alone in 2009.

The legal news was largely bad, with extremely few legal remedies in Massachusetts and banks largely unwilling to negotiate (or even speak with counsel). Legislative proposals may offer some relief. For example the Tenant Protection Bill would keep tenants and possibly foreclosed homeowners in place if the buyer was not occupying the property, and a judicial foreclosure bill would for the first time subject foreclosures to judicial review. But the speakers agreed that the greatest



Nadine Cohen (first left) and Jeff Feuer (second left) conduct the January Brown Bag luncheon.
Photo by Judy Somberg

impact has come not from legal or legislative action but from political action aimed at forcing the banks to the table. We were fortunate to be joined by Steve Meachem and others from City Life/Vida Urbana, a community organization pioneering the use of protests, blockades and occupation to force banks to negotiate with owners and keep tenants – with legal representation from Guild attorneys. Boston Community Capital has worked with City Life to buy foreclosed properties to sell back to foreclosed homeowners. This successful model of community empowerment was a beacon of hope amidst a distressing national picture.
- Bonnie Tenneriello -

Obama's Foreign Policy One Year Later

by Judy Somborg

If there was much to be excited about during Obama's campaign for the presidency, it was certainly not because of his articulated foreign policy views. Although he said the Iraq war was a mistake and that he would withdraw US troops as soon as possible, he was clear that he would escalate the war in Afghanistan. Obama was going to continue what Bush had called "fighting terrorism," but he was sharpening the terminology and speaking of the particular groups the U.S. would be targeting. Nonetheless, many of us hoped - and somehow believed - that there would be a new approach to foreign policy, a relinquishment of the belief that the US was entitled to be the sole arbiter and enforcer of justice in the world. Would the U.S. begin to work multilaterally with other countries? Within the UN? Would it begin to look to international law and human rights law instead of corporate interests as a basis for our foreign policy?

The high point of our short-lived hopes for Obama was perhaps his June speech in Egypt, where he spoke of respect for the Muslim world and did seem to be articulating a desire to end hostilities and to adopt a multilateral approach to regional conflicts. Obama had raised hopes for the people in Latin America with his speech at the Summit of the Americas in April 2009 when he said the U.S. would seek an "equal partnership" and begin "engagement based on mutual respect and common interests and shared values." This took place shortly after Obama had eased restrictions on Cuban Americans' ability to travel and to send remittances

back home. Then, in June, the US yielded to demands for Cuba's readmission to the OAS after a 47-year suspension. There seemed to be some real action to back up the noble orations that Obama was known for.

But by October 9, when it was announced that Obama had won the 2009 Nobel Peace Prize, many people had already become disaffected. There was a general feeling of "How could this be?", since Obama had proven himself to be a president of war, not of peace. And if any hope remained it was certainly dashed by his Nobel speech on December 10, when he articulated clearly his defense of war and was lauded by many leading conservatives.

Hopes for a rapid de-escalation of the war in Iraq proved futile with the announcement in February that U.S. combat troops would be withdrawn slowly over the next 18 months. At the same time the troop buildup in Afghanistan was increasing rapidly. Just nine days before his Nobel speech, Obama announced he was sending 30,000 more troops to Afghanistan. And missile strikes in Pakistan, carried out via unmanned drones, caused hundreds of deaths of civilians and unknown numbers of new recruits to join the anti-American insurgents. What exactly are our foreign policy goals in Iraq, Afghanistan, and Pakistan? Will fighting "terrorism" help the people of the region, lead to democratic governments, or make Americans safer? And now it appears that Yemen may be the next country where our harsh and ineffective interventions are likely to lead to an increase rather than a decrease in anti-US attacks.

Obama's policy in Israel/

Palestine began with some promise. In his first days in office, Obama signaled his intention to make rapid progress toward achieving peace with high-profile phone calls to Palestinian Authority President Mahmoud Abbas and then-Israeli Prime Minister Ehud Olmert. He quickly appointed former Senator George Mitchell to be Special Envoy for Middle East Peace. Obama followed these initial moves by demanding that Israel stop all new settlement activity. But he soon backed off when Israeli Prime Minister Benjamin Netanyahu called for only a partial freeze on settlement building and by his actions made clear that he had no intention of negotiating a peace in the foreseeable future. Meanwhile, in Gaza, the U.S. took no action to ease the plight of the 1.5 million Palestinians living there in horrendous conditions, almost totally cut off from food, medicines, and building supplies. Now, Obama refuses to acknowledge the validity of the Goldstone Report.

What about Iran? Obama seems to be engaging in serious diplomacy to reach our stated goal of keeping Iran from developing and using nuclear weapons. But how can that goal be met when the U.S. is unwilling to reaffirm and seriously carry out its obligations under the Nuclear Non-Proliferation Treaty, and when it won't challenge Israel - a known nuclear power - about its refusal to sign?

Perhaps the biggest disappointment has been Obama's policy toward Latin America. Here, real opportunities exist for working alongside the countries with oil and other natural resources we so desire --- or for that matter, with

Continued on page 10

If You Can't Be with the One You Love, Love the One You're with: Health Reform in America 2010

by Catherine M. Dunham

Barack Obama ran for President on a centrist, relatively cautious, health reform platform that promised to reduce the number of uninsured people, improve health care quality, and encourage efficiency and effectiveness in the delivery of health care. As he entered office, he placed health reform as a high domestic priority, second only to economic stabilization. Hopes and expectations escalated. The fact that Democrats controlled both the House and the Senate contributed to the belief that major structural reform was on the way, far more ambitious than the President's original platform.

The reform would include universal coverage, with both employer and individual mandates, in addition to significant expansions to Medicaid and Medicare. Reformers believed that an employer mandate would require that larger employers make a substantial contribution to the cost of an employee's health insurance premiums, with a significant penalty for those who did not comply. The individual mandate, it was hoped, required that everyone who could find affordable insurance must purchase it. The individual mandate would also be enforced with significant penalties for those who did not comply. Provisions for major expansion of the Medicaid program, a state and federal partnership providing care to poor and disabled people, would bring over 15 million new uninsured people into coverage.

Quality would be improved, again it was hoped, by the sup-

port of research to better distinguish health care practices that actually worked from those that didn't, and put that knowledge to work in shaping care and financing policies. The new Administration also made the cost of health care a central economic issue early in 2009. Health care costs have risen at two and three times the inflation rate for the past twenty years. The costs of Medicare, Medicaid and health insurance for public employees was squeezing all funding flexibility out of local, state and federal budgets to the detriment of other high public priorities such as education and job creation.

Many in the progressive community saw moving to a "single payer" system as a logical and fair solution to the cost, equity and quality problems. In many other industrialized countries, oversight and financing of health care is delegated to government or quasi-governmental entities that regulate and negotiate the shape, cost and quality of services, pharmaceuticals and medical equipment. Physicians, hospitals and other caregivers are reimbursed for their services through a predictable and transparent process.

In contrast, the United States has a mix of public and private plans that vary from state to state, even from county to county. Little or no public input exists. Our market-driven system has resulted in a situation where over 40 million uninsured Americans have no coverage on a given day (perhaps double that number over the course of a year), primarily because of the cost of coverage, and another under-insured 65 million Americans struggle to

afford the quality of coverage that will protect them from financial ruin. We spend substantially more and get less in terms of quality, equity and life expectancy.

But a "single payer" approach favored by progressives (physicians, too!) was dismissed early on by congressional Democratic leaders as being politically infeasible. Progressives then pinned their hopes on winning a "public option" in the array of new coverage plans to be required in the new system. They thought that a public option would have the advantage of lowering overhead costs associated with traditional insurance industry marketing, exclusionary underwriting, and profits models. The hope was for a public option to compete with private plans to drive down the overall cost of premiums. One example of this approach was the Federal Employee Health Benefits program.

But the length and nastiness of the year-long debate on features of a bill exposed deep divisions among Democrats, presented an easy target for Republicans, became a source of concern among the public at large over cost and size, and an organizing principle for a new political force in American politics, the right-leaning tea party movement.

The final version of a bill, if there is to be one, will be drawn from the separate bills that the House and Senate passed in late-2009. The prospects for a "public option" are dim. The employer mandate has been shrunk to a modest requirement for large employers to contribute

Continued on page 7

Health Reform in America 2010

Continued from page 6

to coverage of their employees, or pay a minimal fine. There is troublesome new language regarding access to abortion services.

What, then, is to like in a probable compromise from among watered down versions of health reform?

Insurers will no longer be able to drop or deny coverage to people who develop serious or chronic illnesses. Most low- and lower-middle income families should be able to afford decent insurance coverage. Over 30 million Americans will be newly covered. Investments will be made to effectiveness research

so that investments in care and prevention can be made more wisely. This package represents significant progress that justifies support.

Despite leadership by President Obama, as well as House and Senate Democratic Party leaders and others, reform will not reduce the flow of money and control to powerful industry groups such as insurers, hospitals, pharmaceutical companies and physicians. These are battles for another day. The President and the Congress probably underestimated the political difficulty of advancing the cause of reform in this economic environment. The war between interest groups over the details of the leg-

islation has grown tiresome. It is time to move on to other pressing priorities related to jobs, the economy and peace. We need to take the gains of anticipated legislation and use them as building blocks for a more affordable and higher quality health care system for all Americans.

Catherine M. Dunham is President of the Access Project, a national health reform research and advocacy organization. In 1988 she was an architect of one of the first state universal health plans in her capacity as policy coordinator for then-Massachusetts Governor Michael S. Dukakis.

NLG JANUARY HAPPY HOUR

The first NLG Happy Hour of 2010 was on January 13. As always, the event brought together a nice group of Guild members and friends who spent Wednesday evening enjoying each others company, snacking on free appetizers, and sipping refreshing beverages.

It's hard to believe, but this is



(l.-r.) Edward Kammerer, Elizabeth Kelleher, Neil Berman, Doug Bobcock



(l.-r.): Danny Beck, Carl Williams, Mary Lu Mendonça, Tom Zito & Dan Pond (Northeastern)
Photos by Urszula Masny-Latos

our third year of operation. When the Happy Hour program was launched, in October 2007, no one envisioned it as such a success.

If you haven't participated yet, please give it a try and come to the next one - **February 10, 5:30pm, Kennedy's Mid-Town Pub** (44 Province St., 2nd Fl., Boston).

The Obama Mortgage Modification Program: A Dismal Failure

by Nadine Cohen

In March 2009, the Obama administration unveiled a new initiative touted as a way to stop mortgage foreclosures. The Home Affordable Modification Program ("HAMP") was supposed to help 3 to 4 million homeowners avoid foreclosure. The plan was simple – lenders and servicers (the companies that collect the mortgage payments for the owners of the mortgages) were going to get government money for reducing homeowners' mortgage payments to make them affordable. Servicers were supposed to lower homeowners' payments down to 31% of household income by reducing interest rates for five years and adding arrears to the end of the loans. Not great, but it was hoped that it would provide some relief for struggling homeowners, particularly those with adjustable mortgages whose payments were increasing. Well, to date only 31,000 out of 728,000 trial modifications have been made permanent. In fact, in the Boston, Cambridge, Quincy metropolitan area, just 1.6% of loans have been modified under the HAMP program. Yet for the 9th straight month, more than 300,000 properties in the U.S. have entered foreclosure, according to Realty Trac; and there have been 3,826 new foreclosures begun in Massachusetts in the past 60 days, as reported by Foreclosures Mass.com. Almost 26,000 Massachusetts homeowners went into foreclosure during the first 11 months of 2009, up 28% from the same period in 2008, according to data from the Warren Group.

Despite the enormous need for relief, homeowners are getting

very little help from the HAMP loan modification program. Borrowers who have made all required payments under their trial modifications are being rejected for permanent modifications – often with no information as to why. An elderly couple in Pembroke, who both lost their jobs after paying their mortgage faithfully for 14 years, was told they were not going to get a permanent modification because they made their trial payments too early! A disabled Somerville woman who was scammed into a high cost, adjustable rate mortgage, was told after making all of her trial modification payments, that her income was not sufficient to support the modified payments, despite the fact that she submitted detailed documentation of her income prior to getting the trial modification. Under what rational theory does a bank decide that someone can't afford \$1,600 a month, and yet require them to pay \$2,400 a month?

Other borrowers have actually had their homes foreclosed on after making all their trial modification payments and while waiting for a decision on a permanent loan modification. There have been several lawsuits challenging denials of HAMP modifications, but a California judge recently ruled that qualified borrowers under the HAMP program are only "incidental beneficiaries" and have no enforceable rights under the modification agreements. Exactly who, then, is supposed to benefit by a loan modification?

So what went wrong with the Obama administration's well-intentioned plan? For one, it is totally voluntary. It was hoped that by paying servicers for each loan modification they made, they would be induced into participat-

ing. But servicers make more money on non-performing loans, and the few thousand dollars they get for each loan modification is not a big incentive. Once again Wall Street wins out over Main Street.

There needs to be a meaningful federal program to help homeowners who were lured into mortgages they could never afford, those who lost their jobs and need some temporary help to pay their mortgage, and those whose mortgages are way more than their properties are worth. If we can give trillions of taxpayer dollars to help the financial institutions that created this economic mess, why can't we figure out a way to help homeowners keep their homes? The foreclosure crisis is a large part of our economic meltdown, yet we have not focused on stopping foreclosures. Banks should be required to write down loan principal to the actual value of the home, and modify loans in a timely fashion to stop foreclosures that continue to weaken our economy. In addition, the bankruptcy laws need to be changed to allow homeowners the ability to modify their loans. It's unconscionable that businesses are allowed to restructure all sorts of debts by filing bankruptcy, yet the American homeowner is not afforded the same right to restructure their home mortgage to stay in their home. Hard working, struggling homeowners deserve at least the same consideration given to the banks when they were in crisis.

We need to be outraged at the lack of help for homeowners facing foreclosure. In Massachusetts, we need to support foreclosure legislation that would allow tenants and former homeowners to stay in their

Continued on page 10

President Obama and the LGBT Community

by Tony Benningfield

On May 17, 2004, the Commonwealth of Massachusetts became the first state to issue same-sex marriage licenses. Currently, four other states, Connecticut, Iowa, Vermont, and New Hampshire, now also issue these same-sex marriage licenses.

Within the context that the Commonwealth of Massachusetts has been a national leader on certain issues important to the lesbian, gay, bisexual, and transgender ("LGBT") community and that the LGBT community largely supported President Obama's candidacy, the question whether President Obama kept his campaign promises on LGBT issues during his first year in office can now be asked.

Marriage

Then-candidate Obama stated that he believes that marriage is between a "man and a woman" and that he is "not in favor of gay marriage." He went on to state that he supports civil unions that would carry equal legal standing to that of marriage, but he believes that decisions about the title of marriage should be left to the states.

Although then-candidate Obama did not make any campaign promises regarding marriage per-se, he did promise to "repeal the Defense of Marriage Act ("DOMA") and enact legislation that would ensure that the 1,100+ federal legal rights and benefits currently provided on the basis of marital status are extended to same-sex couples in civil unions and other legally-recognized unions." DOMA states that the federal government defines marriage as between a man and a woman and that no state needs to

treat a same-sex relationship as a marriage, even if the relationship is considered a marriage in another state.

President Obama's actions on this topic have been mixed. President Obama's administration has defended the constitutionality of DOMA, stating that "the Department of Justice has long followed the practice of defending federal statutes as long as reasonable arguments can be made in support of their constitutionality, even if the department disagrees with a particular statute as a policy matter." The administration went on to say that it does "not support DOMA as a matter of policy, believes that it is discriminatory, and supports its repeal." In September 2009, legislators in the House of Representatives introduced a bill that would repeal DOMA. This bill has 97 co-sponsors, but it appears to lack any strong support from President Obama.

Family

Then-candidate Obama promised to "use the bully pulpit to urge states to treat same-sex couples with full equality in their family and adoption laws." It appears that outside of some supportive comments to gay rights groups, President Obama has failed to take any hard stances on this issue in his first year in office.

Employment

Then-candidate Obama promised to "place the weight of (his) administration behind...a fully inclusive Employment Non-Discrimination Act to outlaw workplace discrimination on the basis of sexual orientation and gender identity." This past summer, legislators in the House of Representatives and the Senate introduced legislation that would make it illegal to fire, refuse to hire, or refuse to promote a person based on sexual identity or

gender identity, with certain exceptions. These proposed acts are still in committee.

Recently, President Obama has signed an executive order listing gender identity among the classes protected by the federal Equal Employment Opportunity policies preventing discrimination of federal employees based on gender identity. President Obama also has extended some benefits, but not health care, to partners of federal gay employees.

Hate Crimes

Then-candidate Obama promised to "place the weight of (his) administration behind the enactment of the Matthew Shepard Act to outlaw hate crimes." This bill was signed in October.

Military

Then-candidate Obama promised to call for the repeal of the "Don't Ask, Don't Tell" policy of the military. This policy needs to be repealed by Congress, and President Obama has not been willing to make it a priority now.

Conclusion

In November, a coalition of liberal activists and websites announced that they will not donate any money to the Democratic National Committee, Organizing for America, or the Obama campaign until the president's campaign promises to the LGBT community are fulfilled. This coalition stated that President Obama must repeal DOMA, sign the Employment Non-Discrimination Act, and repeal "Don't Ask, Don't Tell."

Now, a year into President Obama's presidency, the coalition of liberal activists and websites still have strong justification for their stance. It appears that only a small percentage of the LGBT community, members who are federal employees or partners of federal employees, have seen any

Continued on page 10

NLG STUDENTS IN ACTION

NORTHEASTERN

The Northeastern NLG chapter finished 2009 with a party celebrating the end of finals. It was a wonderful opportunity for the incoming upperclassmen to get to know the 1Ls and share ideas for the upcoming year. Congratulations go out to NLG member Charlotte Noss, who received a Skadden fellowship to work at the Wage Justice Center in Los Angeles, where she will focus on combating wage theft against low-wage immigrant workers.

So far, 2010 is shaping up to be a great year:

- We met with Sujatha Baliga, the 2010 Daynard Fellow, who shared her experience working to reform the criminal justice system through restorative justice.
- Corporina, one of the Hyatt staff fired in the recent scandal, attended an NLG meet-

ing and shared her story. We are currently writing a statement pledging to boycott the Hyatt, as well as trying to garner support for our position within the law school.

- A group of NLG members will be attending Reblaw, a conference that brings together practitioners, law students, and community advocates to discuss progressive approaches to law and social change.

- We are planning fundraising events to help the relief effort in Haiti, as well as working with other NUSL organizations on a joint campaign.

SUFFOLK

The Suffolk NLG chapter ended last semester with a well-attended Foreclosure/Eviction street law training led by Attorney Neil Berman.

The spring semester is in full bloom at Suffolk Guild...even if the weather isn't cooperating.

This semester, we are planning to:

- host several SLC trainings;
- sponsor student "meetings" to discuss Guild campaigns and projects.

The debates will feature a Guild member debating a colleague from the Federalist Society. We hope to use these debates as way to educate the Suffolk community to the types of topics that interest Guild members.

To continue a "new" tradition, we will also host a Guild party at Prof. Michael Avery's house. These parties are always a wonderful way for students to get to know each other and to meet other Guild members.

Obama's Foreign Policy

Continued from page 5

all countries -- rather than continuing our typical demonization with false claims of human rights violations to soften up the American public for possible military and economic intervention. If there are any questions about whether this is our tactic, consider the fact that we choose to ignore the human rights records of our "allies", for example, Colombia, Egypt, Saudi Arabia, and Israel. And when a real opportunity came along for Obama to refuse to accept the overthrow of a democratically elected government -- in Honduras -- Obama instead threw away the opportunity after making small, ineffective gestures to reinstate the democratic government.

It's true that there are reformers in the Obama government who are trying to change our foreign policy. There have been some appointments of more progressive voices and some decent appointments held up in Congress. But with foreign policy very much established by the president, we can and should expect much more.

The April issue of *Mass Dissent* will be devoted to foreign policy issues, and that will be a chance to explore this topic in greater depth. Please contact us if you are interested in writing an article.

Judy Somberg, a Cambridge solo-practitioner, is a member of the NLG International Committee and serves on the Chapter Board.

Mortgage Modification Program

Continued from page 8

foreclosed homes until the property is sold to someone who will actually be living in the home; legislation to create a judicial foreclosure process; mandatory mediation before foreclosures are permitted; and a temporary moratorium on foreclosures.

Nadine Cohen, a Guild member, is the Managing Attorney of the Consumer Rights Unit of GBLS and represents low-income homeowners facing foreclosure.

Obama and the LGBT Community

Continued from page 9

real change to their daily lives, while the vast majority of the LGBT community still does not have the right to form families, receive protection from employment discrimination, or even serve their country openly in a time of two wars. Simply, the daily lives of the vast majority of the LGBT community have not changed in any real way. The dilemma now facing this coalition and community is to choose to continue to support a "friend" in the White House, a "friend" who has not satisfied the hopes of and the promises to the LGBT community, or to pull the support away from this "friend." Unfortunately, there may not be much of a choice as future candidates will most likely be enemies.

Tony Benningfield is a member of the Mass Chapter Board of Directors and a solo-practitioner in Somerville.

NLG Massachusetts Chapter Sustainers

In the spring of 2003, the Massachusetts Chapter of the NLG initiated the Chapter Sustainer Program. Since its inception, the Program has been very successful and has been enthusiastically joined by the following Guild members:

Adkins, Kelston & Zavez • Anonymous • Michael Avery • Susan Barney & Kamal Ahmed • Samuel Berk • Neil Berman • Steven Buckley • Howard Cooper • Andrew Cornell & Shelley Kroll • Barb Dougan • Melinda Drew & Jeff Feuer • Carolyn Federoff • Howard Friedman • Roger Geller • Lee Goldstein & Ken Quat • Benjie Hiller • Stephen Hrones • Myong Joun • Martin Kantrovitz • Nancy Kelly & John Willshire-Carrera • David Kelston • Leslee Klein & Mark Stern • Petrucelly, Nadler & Norris • Hank Phillippi Ryan & Jonathan Shapiro • Allan Rodgers • Martin Rosenthal • Sharryn Ross • Anne Sills & Howard Silverman • Judy Somberg • Stern, Shapiro, Weissberg & Garin

The Sustainer Program is one of the most important Chapter's initiatives to secure its future existence. Please consider joining the Program.

YES, INCLUDE MY NAME AMONG NLG MASSACHUSETTS CHAPTER SUSTAINERS!

I, _____, am making a commitment to support the Massachusetts Chapter of the Guild with an annual contribution of:
_____ \$500 (not including my membership dues)
\$ _____ (other above \$500)

As a sustainer I will receive:

- special listing in the Dinner Program;
- 1/8 page ad in the Dinner Program;
- acknowledgement in every issue of *Mass Dissent*;
- two (2) free raffle tickets for a Holiday Party raffle;
- invitation to special events.

Three ways to become a sustainer:

- contribute \$500 or more a year (not including dues)
- pair up with another person and pay \$250 each, or
- join the "Guild Circle" and pay \$50/month minimum.

Please mail to: NLG, Massachusetts Chapter
14 Beacon St., Suite 407, Boston, MA 02108

Statement of Ownership, Management, and Circulation

1. Publication Title: *Mass Dissent*
2. Publication Number: 7601-10
3. Filing Date: December 30, 2009
4. Issue Frequency: Monthly, ex. Jan., May, July, Aug.
5. Number of Issues Published Annually: 8
6. Annual Subscription Price: 0
7. Complete Mailing Address of Office of Publication:
Boston, MA 02108
Contact Person: Urszula Masny-Latos
Telephone: 617-227-7335
8. Complete Mailing Address of Publisher: as above
9. Full Name and Address of Publisher: National Lawyers Guild,
Massachusetts Chapter,
14 Beacon St., Suite 407,
Boston, MA 02108
Editor: Urszula Masny-Latos
14 Beacon St., Suite 407
Boston, MA 02108
Managing Editor: as above
10. Owner: NLG, Mass. Chapter,
14 Beacon St., Suite 407,
Boston, MA 02108
11. Known Bondholders: none
12. Tax Status: Has not Changed
13. Publication Title: *Mass Dissent*

14. Issue Date for Circulation Data Below: December 2006

15. Extent & Nature of Circulation	Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date
a. Total No. of Copies	286	248
b. 1- Paid/Requested Outside-County	93	71
2- Paid In-County Subscriptions	40	26
3- Sales Through Dealers	0	0
4- Other Classes Mailed Through USPS	0	0
c. Total Paid/Requested Circulation:	133	97
d. 1- Free Distribution Outside-County	129	130
2- Free Distribution In-County	21	17
3- Other Classes Mailed Through USPS	0	0
e. Free Distribution Outside the Mail	0	0
f. Total Free Distribution:	150	147
g. Total Distribution:	283	244
h. Copies not Distributed:	3	4
i. TOTAL:	286	248
j. % Paid/Requested Circulation	33%	29%

16. Publication of Statement of Ownership required. Printed in the February issue of this publication.

17. I certify that all information furnished on this form is true and complete.

Urszula Masny-Latos, Director 1/30/2010

Mass Dissent

USPS 0760-110 PERIODICAL

Periodical
Postage & Fees
PAID
USPS Permit
0760-110

The National Lawyers Guild is...



"... an association dedicated to the need for basic change in the structure of our political and economic system. We seek to unite the lawyers, law students, legal workers and jailhouse lawyers of America in an organization which shall function as an effective political and social force in the service of people, to the end that human rights shall be regarded as more sacred than property interests. Our aim is to bring together all those who regard adjustments to new conditions as more important than the veneration of precedent; who recognize the importance of safeguarding and extending the rights of workers, women, farmers, and minority groups upon whom the welfare of the entire nation depends; who seek actively to eliminate racism; who work to maintain and protect our civil rights and liberties in the face of persistent attacks upon them; and who look upon the law as an instrument for the protection of the people, rather than for their repression."

Preamble to the Constitution of the National Lawyers Guild, originally adopted February 22, 1937, and most recently amended in July 1971.

Please Join Us!

Dues are calculated on a calendar year basis (Jan.1-Dec.31) according to your income*:

Jailhouse Lawyers.	Free
Law Students	\$25
up to \$15,000.	\$40
over \$15,000 to \$20,000.	\$50
over \$20,000 to \$25,000	\$75
over \$25,000 to \$30,000	\$100
over \$30,000 to \$40,000	\$150
over \$40,000 to \$50,000	\$200
over \$50,000 to \$60,000	\$250
over \$60,000 to \$70,000	\$300
over \$70,000 to \$80,000	\$350
over \$80,000 to \$90,000	\$400
over \$100,000	\$500

* Any **new** member who joins after September 1 will be carried over to the following year. Dues may be paid in full or in quarterly installments. Dues of \$80 cover the basic membership costs, which include publication and mailing of *Mass Dissent* (the Chapter's monthly newsletter), national and regional dues, and the office and staff.

No one will be denied membership because of inability to pay.

Fill out and send to:

National Lawyers Guild, Massachusetts Chapter
14 Beacon St., Suite 407, Boston, MA 02108

NAME: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: (w) _____ (h) _____

E-MAIL: _____

FAX: _____

Circle one:

____ Lawyer ____ Legal Worker ____ Law Student ____ Jailhouse Lawyer

Alumna/Alumnus of _____ Year _____

Dues (from schedule): _____

I am interested in working on the following projects:

- ____ Lawyer Referral Service
- ____ Street Law Clinic
- ____ Mass Defense Committee
- ____ *Mass Dissent* (monthly publication)
- ____ National Immigration Project