

Mass Dissent

Massachusetts Chapter

National Lawyers Guild

14 Beacon St., Boston, MA 02108

September 2014

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BOARD MEETING

September 17, 6:00 pm

14 Beacon St., 1st Fl.
Boston

Supreme Court & Life in Prison

We combine in this issue of *Mass Dissent* our usual September subject – the last Supreme Court term – and our traditional October issue devoted to articles written by men and women incarcerated in Massachusetts.

As to the Supreme Court, as always there were major decisions, good and bad – see *Hall v. Florida*, striking down that state's rigid I.Q. cutoff in determining when mentally disabled persons could be executed; *Utility Air v. EPA*, upholding the agency's authority to regulate greenhouse gasses; *Riley v. California*, ruling that the police must obtain warrants to search cell phones seized incident to arrest; and *Harris v. Quinn*, allowing certain government workers to opt out of union dues; *Burwell v. Hobby Lobby*, allowing corporations to refuse contraceptive health care on religious grounds; *McCutcheon v. FEC*, striking down another effort to limit money in politics; *Schuette v. BAMN*, upholding a Michigan voter initiative banning considering race in state university admissions.

On balance, for us NLG members, and as usual, there was more bad than good, not surprising when the Justice most often in the majority continues to be Justice Kennedy, and he is

closely followed by the Chief Justice. But perhaps most interesting about the term was the fact that the Court was unanimous almost two-thirds of the time, a record since 1953, which is probably attributable to the Chief Justice's skill finding narrow ways to build majorities, see last term's *Affordable Care Act* decision. We review in more detail two of those unanimous decisions in this issue, both authored by the Chief Justice and both arising, in whole or part, in Massachusetts – the cell phone decision and the abortion buffer zone decision.

This year as every year, our Jailhouse Lawyer members submitted articles and poems that address issues essential to prisoners. **Dirk Greineder** explains how the current approach to parole costs the state millions of dollars and keeps people in prison longer than necessary. **Timothy Muise** discusses the 2011 Supreme Court decision that found mandatory life-without parole sentences imposed on juveniles unconstitutional. We are also printing announcements about new programs and organizations for prisoners.

- David Kelston & Urszula Masny-Latos -

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Massachusetts Chapter, Inc.**

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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 Committee members: Benjamin Dowling, Sebastian Korth, Douglas Lovenberg, and Jonathan Messinger. For more information, contact the LRS Coordinator at 617-227-7008 or nlgmass-lrs@igc.org.

Foreclosure Prevention Task Force: Created in June 2008, the Task Force's goal is threefold: (1) advocate for policies that address issues that homeowners and tenants of foreclosed 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.

Mass Defense Committee: Consists of two sub-committees: (1) "Legal Observers" (students, lawyers, activists) who are trained to serve as legal observers at political demonstrations and (2) "Mass Defense Team" (criminal defense attorneys) who represent activists arrested for political activism. To get involved, please contact the office at 617-227-7335.

Litigation Committee: Established in 2010, the Committee brings civil lawsuits against large institutions (such as government agencies, law enforcement, banks, financial institutions, and/or large corporations) that engage in repressive or predatory actions that affect large numbers of people and that serve to perpetuate social, racial and/or economic injustice or inequality. To get involved, please contact the Guild office.

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 coalitions 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. 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).

GUILD NEWS

NLG HAPPY HOUR

You are invited to the “NLG Presents...” Happy Hour - an event held quarterly on the **2nd Wednesday of January, April, September, and November**. See below information about the next event (a report from the most recent Happy Hour is on page 4 of *Mass Dissent* issued in the following month.) If you have ideas for a presentation or would like to be a speaker, please call the NLG office at 617-227-7335.

NLG CONVENTION

This year's NLG “Law for the People” Convention will be held from **September 3 to September 7 in Chicago (Crowne Plaza Chicago Metro, 733 West Madison, 312-829-5000)**. The Convention Keynote Speaker will be **Karen Lewis**, President of the Chicago Teachers Union. Among the 2014 Convention honorees is our own **Hannah Adams**, 3rd-year law student at Northeastern who will receive C.B. King Award.

Street Law Clinic Report

The following clinics and trainings were conducted for members of Boston area community organizations and agencies:

June 4 & 5: *Civil Disobedience* training for activists from the Youth Affordability Coalition (YAC) in Roxbury who organize to establish a youth T-pass program, by **Makis Antzoulatos, Josh Raisler Cohn, and Carl Williams**.

June 9: *Legal Observing* at a rally in support of youth T passes organized by Youth Affordability Coalition (YAC) of the Roxbury Environmental Empowerment Project at the Massachusetts Secretary of Transportation office in Boston, by **Lee Goldstein and Stefanie Grindle**.

July 20: *Civil Disobedience* training for activists from Jewish Voice for Peace, by **Jeff Feuer, Stefanie Grindle, and Carl Williams**.

July 21: *Civil Disobedience* training for activists from Jewish Voice for Peace, by **Jeff Feuer, Stefanie Grindle, and Carl Williams**.

July 22: *Legal Observing* at a protest against attack on Gaza organized by Jewish Voice for Peace, by **Melinda Drew, Jeff Feuer, and Stefanie Grindle and Andrew Pappone**.

NLG Happy Hour

EYES IN THE SKY & PRIVACY CONCERNS ON THE GROUND

an evening with

Hillary Farber

Wednesday, September 10, 2014

6:00 - 8:00 pm

Red Hat Cafe (9 Bowdoin St., Boston)

Hillary Farber, Associate Professor of Law at University of Massachusetts Law School in Dartmouth and NLG Massachusetts Chapter board member, will discuss the constitutional and regulatory issues concerning unmanned aerial surveillance (domestic drones).

August 8: *Legal Observing* at a rally against attacks on Gaza organized by Jewish Voice for Peace, by Northeastern law students **Maddie Thomson and Hannah Adams**.

August 11: *Legal Observing* at a rally against attacks on Gaza organized by a coalition of human rights organizations, Boston for Gaza, by **Stefanie Grindle and Ariel Oshinsky**.

ARTICLES FOR MASS DISSENT

The Fall issue of *Mass Dissent* will focus on privacy and surveillance.

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

The deadline for articles is September 15.

2014 NLG Summer Retreat

In July, a group of Mass Chapter members got together in Judy Somberg's beautiful garden to discuss the Chapter's work, mission, role, impact, and to make plans for the upcoming year. The gathering was skillfully facilitated by Beverly Chorbajian (Chapter Co-Chair) and Josh Raisler Cohn.

This year, our Chapter celebrates its 45th

anniversary! Yes, we were born in the fall of 1969 as a child of collective revolutionary thinking and determination. What makes us very fortunate is that several of our foreparents are still with the Chapter. One of them, Mark Stern, comes to NLG Summer Retreats every year, and this year was not an exception. Our foreparents involvement in the Guild is essential.



(Above, l.-r.) Nancy Kelly, Judy Somberg, and John Willshire-Carrera.

(Left) Conversing over wine and snacks.

(Photos by Urszula Masny-Latos and Ariel Oshinsky.)

Saying "Good-bye" to Ariel and "Hello" to Corinne

After two years at the NLG, **Ariel Oshinsky** will be leaving us to start a new phase in her life and explore new adventures. She has been an enormous asset to our Chapter, and we have benefited tremendously from her intellect, creativity, and commitment to the NLG's mission. We wish her fulfillment and endless successes in her new endeavors.

We are delighted to announce hiring **Corinne Wolfson**, who will coordinate our Lawyer Referral Service and provide administrative support. Corinne graduated from McGill University (Montréal) in 2013, where she studied history. She is interested in history of native nations in North America and in the role law plays in society.

Bill Newman's New Book

The slogan "Bring the War Home," a rallying cry of the anti-Vietnam War movement, was transformed on May 4, 1970 into a macabre irony when the war indeed came home—with the Ohio National Guard opening fire on anti-war protesters at Kent State University, killing four and wounding nine. Long-time NLG member Bill Newman's new book *When the War Came Home* follows the threads of the movement from those state-sanctioned killings to today's political and legal struggles. Available on-line, but best to purchase the book directly through Levellers Press at levellerspress.com.



Corinne Wolfson, our new Lawyer Referral Service Coordinator/Administrative Assistant.

Searching Cell Phones

by David Kelston

Riley v. California and companion case U.S. v. Wurie addressed the question whether police may, without a warrant, search digital information on cell phones seized incident to arrest. The Chief Justice wrote for the unanimous Court.

Riley had been stopped for a driving offense, and the police found weapons in his impounded car. They arrested him, seized and searched his “smart phone”, finding videos and photos that linked him to gang activity including an attempted murder. He was tried on the firearms and attempted murder charges, convicted and sentenced to 15 years in prison. Wurie had been arrested after police observed an apparent drug sale, and when his “flip phone” rang a number of times in the station, police accessed its data and used it to identify and

eventually search a residence and seize cocaine leading to a federal sentence of over 20 years.

The Supreme Court reversed. Its reasoning was straight-forward. Reasonable searches generally require a warrant. A long-established exception is searches incident to arrest (the majority of searches, in fact, are incident to arrest), with the justifications of officer safety and preservation of evidence, see *Chimel v. California*, 395 U.S. 752 (1969). How, then, the Court asked, to apply this exception to “modern cell phones” now so common that a “visitor from Mars might conclude they were an important feature of human anatomy”. Balancing the right to privacy and public safety, the Court had no difficulty enforcing a warrant requirement: search of a cell phone places vast personal information in the hands of police (thus going far beyond the priva-

cy intrusion from the arrest alone), and neither protects officers nor evidence, since the phone can be seized and searched later pursuant to a warrant assuming probable cause.

While the *Riley* result seems obvious, four courts, including the California trial and Supreme Court and the District Court and First Circuit here, reached a different result, relying in part on tortured arguments that third parties conceivably could destroy cell phone data remotely. And any case striking the privacy/security balance in favor of privacy is welcome, especially from a unanimous Supreme Court.

David Kelston is a Co-Chair of the NLG Massachusetts Chapter, and an attorney with Stern Shapiro Weissberg & Garin in Boston.

SUPPORT NEEDED FOR TWO BILLS

PRISONERS BONE MARROW DONATION PROGRAM: Since the 1990s, the Commonwealth of Massachusetts doesn’t allow prisoners to donate bone-marrow, blood or organs. Prisoners For Life, an organization of Massachusetts prisoners, is dedicated to changing the current law so prisoners can make organ donations if they wish.

PRISON PHONE LITIGATION MOVEMENT: Even though Congress imposed a duty on the Department of Telecommunications to prevent unnecessarily high rates for phone calls made from prison, Global Tel*Link - current provider of prison phones in the Commonwealth - imposes exorbitant phone rates. This needs to be stopped. High cost of telephone services prevents prisoners from communicating with the outside world and thus infringes on their constitutional rights.

Contact Info:

Tom Toolan
P.O. Box 1218, Shirley, MA 01464

AFRICAN AMERICAN COALITION GROUP AT SHIRLEY

On April 23, 2014, The African American prisoners at MCI Shirley Medium prison have won recognition by the Department of Correction for the “African American Coalition Group” (AACG), as a prisoner-run self-improvement group.

The purpose of AACG is to address issues related to restorative justice, rehabilitation, re-entry, CORI, recidivism, basic life skills, family bonding, fatherhood, education, cultural awareness, and positive socialization.

The AACG seeks affiliation and collaboration with all entities (governmental, non-governmental, and private) associated with rehabilitation.

Contact: Robert Aldrich, Founder
MCI Medium, P.O. Box 1218, Shirley, MA 01464

Speaker Panel Against Shackling of Pregnant Prisoners

Last Spring, our Chapter was part of a coalition which worked stop a brutal practice of shackling pregnant prisoners who were in labor. In March, the Massachusetts and Suffolk Law School Chapters of the National Lawyers Guild organized a discussion panel to present to the public how the shackling practice was affecting

incarcerated women, and what medical, moral, and legal implications it had.

Among the panelists we had a former prisoner who gave birth in prison, a mid-wife who for years witnessed the treatment incarcerated women received during labor, and a long-time prisoner rights activist from Pink & Black. The NLG was represented by Negar Mortazavi, the Litigation Committee Fellow.

The event was held at the Suffolk Law School.



(Above) Negar Mortazavi (first left), from the NLG Litigation Committee, speaks on the panel.

(Right) Full room of attendees of the anti-shackling panel.

(Photos by Urszula Masny-Latos)



The Abortion Buffer Zone Case

by David Kelston

In *McCullen v. Coakley*, Chief Justice Roberts again wrote for a unanimous Court, although in fact Justices Scalia, Kennedy, Thomas, and Alito only concurred in the judgment, and would have gone further in protecting “antiabortion speech” by applying strict scrutiny to any restriction of it.

In 2000 Massachusetts enacted the Reproductive Health Care Facilities Act, establishing an 18 foot buffer zone around the entrances to clinics where abortions are performed and prohibiting contact with persons inside the zone for “counseling” without permission. By 2007, the Massachusetts legislature had concluded that the 2000 statute was ineffective and regularly violated by anti-abortion protesters, and enacted a 35 foot buffer zone which protesters could not enter, plain and simple. The petitioners challenging the law claimed to engage only in polite, non-confrontational conversation and dissemination of literature. The District Court and First Circuit upheld the expanded and more stringent buffer zone as a reasonable “time, place, and manner” regulation. The Supreme Court reversed.

The Court noted first that streets and sidewalks are traditional public forums open for speech activities, and that any restriction must be speech neutral and narrow in scope. The Court, absent the four concurring justices, found the statute to be speech neutral, since it depended not on the content of the speech, but “where they say it.” Thus, the buffer zone law escaped strict scrutiny. But the Court further

found that the expanded buffer zones, unique among state laws, “burden substantially more speech than necessary to achieve the Commonwealth’s” interests, and pointed Massachusetts to other laws, including a New York City ordinance seemingly aimed at harassment. Essentially, the Court sent Massachusetts back to the drawing board, and to what appeared to be the failed 2000 statute.

McCullen was the Court’s only abortion case last term, and

illustrates the Chief Justice’s skill forging consensus through narrow decisions, see the Affordable Care Act decision. But we make no mistake. This Court is, like the Rehnquist Court before it, and perhaps a bit more (substitute Justice Alito for Justice O’Conner), deeply conservative, and that is not about to change.

David Kelston is a Co-Chair of the NLG Massachusetts Chapter and an attorney with Stern Shapiro Weissberg & Garin.

A Day in December

A man died in prison today.

I guess it happens all the time.

Two officers came and emptied his cell;
took down hand-drawn pictures
from his grandkids birthday.

Cards from his wife

They say he killed a child
forty-two years ago when driving
drunk wasn't a crime. He
killed a seven-year-old girl
crossing the street, chasing
a ball; Mother screaming at her to stop.

They came to every parole hearing
shouting, begging, pleading.
A life was lost. A life was lost.
futures both filled with promise,
gone. They came to every hearing
shaking their fists-and weeping.

A man died in prison today.

I guess it happens all the time.

*by Douglass Weed
MCI Norfolk*

Costly Consequences of the Parole Board Restructuring

by Dirk Greineder

On December 26, 2010, a previously paroled felon killed a veteran police officer during a fire-fight after a robbery in which both men died. After an ensuing media uproar in early 2011, Governor Patrick arbitrarily replaced five members of the Parole Board with five others, all with predominantly prosecutorial backgrounds. This new Parole Board has released substantially lower percentages of those prisoners eligible for parole than the previous Board(s).¹

The Parole Board reviews both State and County prisoner eligibility for parole. Larger numbers are reviewed during “release” hearings (those eligible for first release or release after re-incarceration resulting from prior revocations) and smaller numbers are reviewed during “revocation hearings” (to determine whether previously granted paroles should be revoked). Both groups are being paroled at lower rates by the new Parole Board than previous Boards, resulting in increased costs of incarceration that currently total more than **\$73 million every year**.

Comparison of the overall paroling rate for 2009/2010 by the old board² (63.5%; 11,084 of 17,445 hearings) with the 2011/2012 rate by the new board (50.4%; 7,242 of 14,357 hearings) reveals a significant reduction in paroles granted. Had 2011/2012

prisoners been paroled at the 2009/2010 rates, 1854 additional prisoner would have been released in 2011/2012.

At the State level, 62% of 3,338 “release” hearings were paroled in 2009/2010 while only 45% of 3,252 “release” hearings were paroled in 2011/2012. Had the latter group been paroled at 62%, an additional 546 prisoners would have been released. Similarly, for State “revocation” hearings, paroling rates decreased from 47% to 36%, resulting in 34 fewer paroles. This combined excess of 580 State prisoners retained in prison at an annual cost \$45,000/inmate³ has added **\$26.3 million per year** to the costs of incarceration.

At the County level in 2009/2010, 66% of “release” hearings were paroled (8,537 of 12,939) while in 2011/2012 only 54% were paroled (6,704 of 10,159), resulting in 1,221 fewer paroles at that lower rate. For “revocation” hearings, the rates were 36% for 2009/2010 and 28% for 2011/2012, resulting in 53 fewer paroles. This combined increase in county incarceration of 1,274 inmates at a cost of \$37,00/inmate⁴ totals a staggering **\$47.2 million each year**. It is important to note that in Massachusetts, unlike in most states, county prisoner sentences range up to two and a half years, so that many county prisoners will actually serve that additional time.

Even if some county prisoners are eventually released early after being denied parole, the cumulative delay in the release of such a large number will nonetheless lead to a major increase in costs.

Furthermore, all of these additional prisoners will eventually be released without post-release supervision or assistance from parole officers, inevitably resulting in higher recidivism rates, a lose-lose situation. Meanwhile, crime and violence rates in Massachusetts have undergone minimal changes⁵; decreases are mostly attributable to increased and targeted efforts by the Boston police as well as the overall reductions in crime consistent with other large cities and national trends; increases that are due to upsurges of gun violence and shooting as well as gang-related activities and violence. These variable trends strongly suggest that there has been no measurable change in public safety because of the retention of these otherwise parole eligible prisoners. In short, the Governor’s emotional, knee-jerk reaction in response to one rare, deplorable and unfortunate event has had serious financial consequences for the Commonwealth, with no apparent benefit in public safety. This poorly considered action has already cost the Commonwealth some **\$200 million** since 2011, and this will continue at a rate of some \$70 million per year for each future year that the parole rates remain at these lower levels.

1 Data derived from MA parole Board annual reports and other reports.

2 It is important to note that the 2009/2010 rates for State and County (62% and 66%) are typical of earlier Parole Boards and virtually identical with the 5-year average rates between 2006-2010 (61% and 67%, respectively).

3 Forman B and Laravee J. “Crime,

Cost and Consequences”, MassINC, 3/2013.

4 Id.

5 *Boston Globe*: Cramer M. “Mixed Picture on City Crime”, 12/31/2013, A1; Cramer M. “Early-year Killings Climb”, 1/28/2014, A1; Allen E. “Police, Community Groups meet on Violence”, 2/14/2014, B2; Allen E. “Police See Results in Stemming Violence”, 5/22/14.

Dirk Greineder is imprisoned at MCI Norfolk.

Speak not of What You do not Know

Miller v. Alabama and Massachusetts Justice

by Timothy J. Muise

In 2011 the U.S. Supreme Court came down with a ruling in the case *Miller v. Alabama* that a mandatory life-without parole sentence imposed upon juvenile offenders was unconstitutional. Although the High Court gave vague instructions as to how the states should carry this out, they left quite a bit to interpretation, protecting the autonomy of the individual states. This decision was based upon the premise that the accepted "brain science" for juveniles has advanced and indicates that the ability to formulate understanding of consequences for actions does not fully develop in the human brain until the early to mid-20s. These advancements in science and technology had formally compelled the High Court to eliminate death sentences for juveniles convicted as adults through the ruling in the case *Roper v. Simmons*, with the court opining that these "children" could not be thrown away as there was an extreme likelihood that they could be rehabilitated.

Massachusetts' Supreme Judicial Court came down with a ruling in the wake of *Miller v.*

Alabama which made all 62 juvenile offenders who had been tried as adults and sentenced to life-without parole immediately eligible for parole consideration here in the Commonwealth as long as they have served 15 years of their sentence. The ruling in *Diatchenko v. Attorney General* also follows the language in *Miller v. Alabama*, stating that these juvenile offenders, who are now adults, must be afforded a "meaningful opportunity for release." Some argue that the Massachusetts Parole Board does not offer such a meaningful opportunity, as their parole rate for "lifers" is at about 15%, but at least these men went from no hope of release to some hope for freedom. Too bad the Massachusetts legislature does not deal in hope. Let me explain.

Massachusetts State Senator Bruce Tarr, who's "tough on crime" votes have devastated his (and my) hometown of Gloucester, MA, for years now (his funding "enforcement" rather than treatment has disgraced Gloucester with one of the highest addiction/overdose rates in the state) has proposed a bill which would call for these juvenile offenders to serve a minimum

of 35 years before parole eligibility. He wants to keep 17-year old children in prison, even if they have been fully rehabilitated, until they are at least 52 years old. This draconian rhetoric/thinking is what creates juvenile violence, not cures it, but Mr. Tarr seems to care not that his party's "tough on crime" Weld era, mistakes were so adverse to public safety that the state's legislature has had to overturn many of the mandatory sentences Mr. Tarr and his "law & order" crowd promoted. I guess either he has not learned from past mistakes or he knows such rhetoric is the bread and butter of his brand of political machine. The real tragedy here is that Senator Tarr has never even met one of these juvenile "lifers." He seems not to know they are human beings, not just numbers on a spread sheet.

My work here in the prisons has brought me into contact with several of the 62 juvenile offenders here in the Commonwealth. I work very closely with two in particular who allow me to advocate their positions. I have offered Senator Tarr an open invitation to come to the prison and meet with these fine young men, both

Continued on page 11

Try a Novel

The prison general library has a selection of novels. Each novel offers its unique means for a reader to go on a quest with the characters. I "was" on Mars with John Carter in "*A Princess of Mars*" by Edgar Rice Burroughs, on Vulcan with Spock in "*Star Trek-Vulcan's Forge*" by Josepha Sherman and Susan Schwartz. Thanks must be given to such authors for giving us a chance to, at least temporarily, "leave" prison and let our mind take us somewhere else.

Perhaps a prisoner would like to do the same for others, by writing a novel. Even though it's not easy to have a novel published, there is a way to make it available to others. Prisons Foundation (2512 Virginia Ave. NW, Washington, DC 20037; www.prisonsfoundation.org) offers a free service of putting novels on their website. Write for the requirements. You might give a quest to others.

*Howard Brown
SBCC, Shirley*

The Walls, My Friend and Me

My worse enemy
turns out to be
my trusted friend,
talking to the walls.

High class prison fence
human rights on display
crime and business underway.

Spring days are falling
from April to May,
important passing days
over the years they all
become the same.

There is no Christmas
or birthdays, 365 days
without Sundays or holidays.

Decades of dying loved ones,
releasing the emotions which
bleed out on papers.
The silent pain is raising
memories of the youth.

The comparison of Justice,
the Gulag and the business
between oppression and job security.
The physical death or
Dying by age, they both
are the same.

While I was talking to my
friendly walls, social
species is being experimented
on by two different Gulags.

Job security, concrete souls,
through the bars,
I see America, sucked the
breath out of me.

Torture and physiological
punishment are human rights
violation, unbearable cold
cell doors, suffocating chains
waiting for my death.

Socialists and Democrats have their
own Gulags, one finished life
fasted and terrorizes the public,
while the other one published the
terrible crimes. Increases the
prison population to create
jobs without conscience.

HYPOCRITES,
corrupted governments
mutating functions
and arrogance are the
ingredients of modern
GULAGS

Gang culture reflects
multiple nations,
gangsters in power are
running the country,
while we are seeing freedom
through the flying birds
and talking to the walls

The Walls, My Friend and Me.

by Luis D. Perez
NCCI Gardner



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:

2 Anonymous • Michael Avery • Mary Lu Bilek • Patricia Cantor • Howard Cooper • Barb Dougan • Robert Doyle • Melinda Drew & Jeff Feuer • Carolyn Federoff • Roger Geller & Marjorie Suisman • Lee Goldstein & Shelley Kroll • Lisa Gordon • Benjie Hiller • Andrei Joseph • Shaun Joseph • Myong Joun • Martin Kantrovitz • Nancy Kelly & John Willshire-Carrera • David Kelston • Petrucelly, Nadler & Norris • Hank Phillippi Ryan & Jonathan Shapiro • Allan Rodgers • Martin Rosenthal • Sharryn Ross & Mark Stern • Anne Sills & Howard Silverman • Judy Somberg • Stern, Shapiro, Weissberg & Garin

The Sustainer Program is one of the most important Chapter 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 (in addition to 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

Speak not of What You do not Know *Miller v. Alabama and Massachusetts Justice*

Continued from page 9

through the mail and via email, but he has failed to respond. The fact is that if Mr. Tarr met these good men he could never again stand on the Senate floor and argue for them to languish for decades in prison. These are human beings, kids who made tragic mistakes, but who have shown they are rehabilitated and would be productive members of society; that same society that failed many of them in the first place. I ask Mr. Tarr to "Speak Not of What You Do Not Know!" These fine men deserve much better, as do your constituents. Justice tempered with mercy mends the social fabric. Tough-

on-crime rhetoric, based on revenge and retribution, erodes that precious fabric while laying moral landmines for the generation yet to come to clean up.

The time is long overdue for Massachusetts to once again be the leader in progressive human services. Our proud nation has fallen behind our European counterparts, behind every civilized nation in the world, as far as crime and punishment is concerned. How could we even think of executing children? But we did. How could we think of keeping children in prison for life, even if they were rehabilitated? But we did. How can our State Legislature entertain arguments about keeping kids in prison for

decades? But they do. "Speak Not of What You Do Not Know?" Our humanity and survival, as a nation demands it.

Timothy J. Muise is a Jailhouse Lawyer. His work is posted on his blog (betweenthebars.org.) He can be reached at P.O. Box 1218 Shirley, MA 01464

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