

# Mass Dissent

Massachusetts Chapter

National Lawyers Guild

14 Beacon St., Boston, MA 02108

April-May 2016

www.nlgmass.org

Vol. 39, No. 2

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## BOARD MEETING

**April 20, 6:00 pm**

14 Beacon St., 1st Fl.  
Boston

## The Never-Ending Fight for Women's Rights

This issue of *Mass Dissent* is dedicated to women's fight for equality on various fronts. Yes, it's the 21st century but not much has changed since the last century when it comes to issues affecting women. Reproductive rights are still under attack, women continue to be sexually and physically assaulted, women make less than men for equal work, and it was just reported that professions traditionally dominated by men lower salaries when they become dominated by women. We've come a long way, but there is still a long way to go.

In this issue, we hear from **Lisa Laurel Weinberg**, recently back from providing representation for Central American women and children at the detention center in Dilley, Texas, who outlines the due-process challenges that women and children face after having fled severe violence in their home countries.

**Patty DeJuneas** uncovers the invasive searches that

female attorneys are sometimes subjected to when visiting incarcerated clients.

**Nai Collymore-Henry** updates us on the continuing efforts in Massachusetts to pass An Act to Establish Pay Equity which would provide a previously missing definition of comparable work and provide greater pay transparency.

**Grace Sterling Stowell** describes her experience, particularly with youth, in the forefront of advocating for LGBTQ justice, and the struggle for gender identity protections.

**kt crossman** informs us about the work of Andrea James, Executive Director of Families for Justice As Healing (FJAH), this year's NLG Legal Worker Awardee, who has dedicated her life to addressing and advocating for the needs of currently and formerly incarcerated women.

We also have a short report from **Mark Stern** on the recent work of the NLG Mass Chapter Mass Defense Committee.

- Rhonda Roselli -

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*Mass Dissent* (ISSN 0887-8536) is published six times a year (February, April, June, September, October, December) 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 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 facing homeowners and tenants of foreclosed houses, (2) provide legal assistance to these homeowners and tenants, and (3) 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 GI Rights 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 - Think & Drink” Happy Hour - an event held quarterly on the **2nd Wednesday of January, April, September, and November (or June)**. A report from the most recent Happy Hour is on page 4. If you have ideas for a presentation or would like to be a speaker, please call the NLG office at 617-227-7335.

tem: **Miriam Conrad & Hon. Raymond Dougan** (*Lawyer Awards*), **Jeffrey Petrucelly** (*Lifetime Achievement Award*), **Andrea James** from Families for Justice as Healing & **Youth Against Mass Incarceration** (*Legal Worker Awards*), and **Trevor Maloney & Tasha Marshall** (*Student Awards*). To reserve tickets and space in the dinner journal please go to [www.nlgmass.org](http://www.nlgmass.org).

## NLG ANNUAL DINNER

We are thrilled to invite you to the **NLG 2016 Annual Testimonial Dinner**. The Dinner will take place on **Friday, May 13, 6:00pm, at Dante Alighieri Cultural Center in Cambridge**. This year, the Mass Chapter will honor the following legal professionals who have had a tremendous impact in the work for a better justice sys-

## NLG CONVENTION

This year’s NLG “Law For the People” Convention will be from **October 21-25 in Oakland, at the Marriott City Center**. The Convention will offer workshops, panels, and meetings on legal and political issues related to domestic and international affairs (<http://www.nlg.org/2015-law-people-convention>).

## Street Law Clinic Report

*Since the last issue of Mass Dissent, the following clinics and trainings have been conducted for community organizations and agencies in Massachusetts:*

**March 1:** *Direct Action* clinic for Black Lives Matter in Cambridge, by **Makis Antzoulatos**.

**March 5:** *Direct Action* clinic for activists working against the West Roxbury Pipeline, by **Makis Antzoulatos**.

**March 5:** *Direct Action* clinic for the Campaign for Affordable & Accessible Public Transportation, by **Josh Raisler Cohn**.

**March 7:** *Legal Observing* at a rally and march for affordable and accessible public transportation, by **Trevor Maloney** and **Josh Raisler Cohn**.

**April 8:** *Stop & Search* clinic for Youth Build in Brockton, by **Makis Antzoulatos**.

### NLG Happy Hour

#### THE PUBLIC RECORDS ACT: Problems & Prospects for Reform

*an evening with*

**David Kelston (NLG), Jessie Rossman (ACLU), & Jesse White (PLS)**

**Wednesday, April 13, 2016**

**6:00 - 8:00 pm**

**Red Hat Café** (9 Bowdoin St., Boston)

Public access to government information is key to accountability, but Massachusetts has one of the weakest public records laws in the country. Come hear from attorneys who have experience using the Public Records Act and learn about current legislative efforts to reform it.

### ARTICLES FOR MASS DISSENT

The June issue of *Mass Dissent* will focus on the new and on-going social movements.

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](mailto:nlgmass-director@igc.org).

**The deadline for articles is May 15.**

## NLG Mass Defense Committee at Work

*Reported by Mark D. Stern*

I want to tell you how amazingly well the Guild Mass Defense Committee (MDC) functions. I volunteered to represent two medics who had observed but not participated in or planned the I-93 Somerville Black Lives Matter (BLM) protest blockade. I had never done a criminal jury trial in my forty-three years of practice, but I assumed the District Attorney would have the charges dropped against the two medics eventually, or that we would get an offer of a plea deal with nothing but pretrial probation and community service. Instead Middlesex DA Marian Ryan insisted that her staff go after forty-five (not a typo) days jail time, and she ultimately assigned seven to nine ADA's (not a typo: two up front and between five to seven backup workers, including a regional supervisor) to the case involving two misdemeanor charges – trespass on state land and disorderly conduct by a joint venture theory.

Jeff Feuer joined me as co-counsel after he pled out all the remaining defendants, all of the blockaders and the other medic (with no jail time at all imposed by the judge), and stayed up all night before the last day of the trial writing jury instructions (which he brilliantly argued but lost on) as well as editing everything I planned to say. Stephen Hrones and Joe Goldberg-Guiliano represented other protestors/defendants whose cases were favorably resolved by plea deals. Neil Berman was representing a co-defendant whose case was to be tried together with my client's case. Carl Williams and Makis Antzoulatos met with Neil, my client, and myself to plan our defense, and in the process we found evidence that exonerated Neil's client (whom the DA then *nolle prossed*). Makis came back another time to run my client through a cross examination and play the cop for my cross examination. Oren Nimni came forward

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## NLG Massachusetts Chapter Annual Meeting

In March, the Chapter held its Annual Meeting and elected Chapter's new Board of Directors and Officers.

The meeting was attended by over 30 NLG members who engaged in a lively conversation about Chapter's current work, finances, and how to sustain us in the future.

We welcome new Board members and officers (*see page 2*) and would like to thank Board members who will not continue their service on the Chapter Board - Beverly Chorbajian, Steven Buckley, Emily Camin, Stefanie Grindle, Stephen Hrones, and Halim Moris. We

*(Photo by Rita Sebastian)*



tremendously appreciate your work and contributions to the Board and the NLG. Thank you!

## Congratulations to Dave Conforto

An early surprise by nearly three weeks, Grace Conforto was born on Thursday, February 4 at Newton-Wellesley Hospital. Proud parents Dave and Tara had one last date night planned for Friday, February 5. Grace foiled our plans, and we couldn't be happier to have her crash our party!





## *Detaining Central American Women with their Children Violates Due Process and Humanitarian Principles*

by *Lisa Laurel Weinberg*

*"Where death is on the table, there is a heightened need for reliability and accuracy."*

**D.M.L.** fled Honduras with her 17-year-old and 8-month-old daughters. She had been beaten, threatened and raped at gunpoint by her husband. D.M.L., 33 years old, met her husband at 15 and married him at 16. The abuse escalated in the past two years, with her husband beating and threatening to kill her and pointing a gun to her head several times. She tried to leave, but her husband found her and their children. D.M.L. didn't go to the police because she knew they wouldn't help and she was unaware of other resources. She fled to the U.S. and was detained in Artesia New Mexico with her children.

In June 2014, Immigration and Customs Enforcement (ICE) began detaining the Central American women and children who fled from Central America and crossed the U.S. Mexico border at the Federal Law Enforcement Training Center in Artesia New Mexico at a temporary detention center that was a modified ICE training center. In September 2014, I successfully represented D.M.L. in her political asylum case while she and her two children (one a nursing infant) were detained at this detention center. D.M.L. is just one of the hundreds of Central American women with children who have fled from the Northern Triangle countries of Honduras, Guatemala, and El Salvador. Central America has

high rates of murder and violence against women. The detainees are mothers with their children primarily fleeing this violence. We met women who were fleeing domestic violence, sexual and physical violence perpetrated on their children, violence on account of their sexual orientation, violence and death threats against their children for refusing to join gangs, death threats against them for not allowing their children to join gangs, and violence and rape by gangs simply because they are women.

In a departure from previous practice and policy, where women with children were allowed to live in the community while they navigated their immigration proceedings, the Obama Administration began detaining them for the duration of their immigration proceedings. The rationale for detaining these women and children is to deter other Central American women and children from fleeing to the U.S. The 672-bed facility in Artesia, New Mexico was closed in December 2014, but family detention did not end. The remaining women and children were transferred to a permanent 532-bed immigration detention facility in Karnes City, Texas (now expanded to 800 beds). New arrivals of women and children are being detained in Karnes and in a newly built 2,400-bed facility in Dilley, Texas and at an 89-bed facility in Berks County, Pennsylvania. Overall family detention centers now have space for 3,500 women and children.

Individuals who are apprehended by ICE within 100 miles of the border or turn themselves

in to ICE at the border are subjected to "expedited removal proceedings." "Expedited removal" or in plain language, rapid deportation, allows the government to quickly remove or deport an individual who does not have valid documents to enter the U.S. or who enters the U.S. fraudulently. These individuals can be rapidly deported without a hearing before an immigration judge or a hearing officer unless they tell a Customs and Border Patrol (CBP) agent that they have the intention to apply for asylum or that they fear of persecution or torture if they are returned to their home countries. Many women don't know they must state their fear as soon as they encounter a border patrol agent or they will be deported. If they express fear or intention to apply for asylum to a CBP officer, this is when they are detained, otherwise they are deported.

When they are detained they are entitled to a "credible fear" or a "reasonable fear" interview in front of a Department of Homeland Security (DHS) hearing officer. This is where an asylum officer interviews the individual and does an initial screening of the case to determine whether there is a "significant possibility" that the alien could establish eligibility for asylum" or that the person has a "reasonable fear they will be persecuted or tortured."

In early February 2016, I visited the largest (2400-bed) family detention center, in Dilley, Texas, a town with a population of 3674. According to DHS Secretary, Jeh Johnson, the new detention facilities were built to quickly deport people and to deter future migrants.<sup>1</sup> This is evident at the

<sup>1</sup> National Immigrant Justice Center; Stop Detaining Families, [immigrantjustice.org](http://immigrantjustice.org).

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## Detaining Central American Women

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Dilley Detention Center. At Dilley, the immigration court and the hearing offices are set up inside the detention center right next to where the women and children meet with volunteer lawyers. In cases where a judge hears the case, the cases are adjudicated remotely and a judge hears the case through a Video Technology System while the women sit in a “court room” with their attorney (if they are lucky enough to get a volunteer attorney) and the ICE agents. The administrative hearing offices are also in the detention center, steps away from the court, down a guarded hallway.

As in Artesia, the Dilley detention centers (or as the *New York Times* calls them “detention camps”<sup>2</sup>) are located in isolated rural areas. It took me a two-hour drive through the desert to get to Dilley. Dilley is a dusty little town with no law offices or social services nearby. The closest hospital has 18 beds. Even if there were sufficient legal, medical, and social services nearby, the women and children cannot leave to seek them out. There is a committed volunteer core of self-funded immigration attorneys led by a small paid staff of the CARA Pro Bono Project, but there are not nearly enough lawyers to meet all of the legal needs of the women and children.

The physical conditions were better than I observed in Artesia, but that does not negate the fact that there are still vulnerable

women and children being detained who have fled for their lives, have often been harmed before they fled, have taken a long dangerous arduous journey with their children, may have been harmed en route to the U.S., may have gone without food, water, and medical care on their journey, and are mentally traumatized. Further, I did not observe the living or dining quarters or the medical facilities because legal visitors are not permitted in those areas, however, the U.S. Civil Rights Commission, and independent monitoring body which held hearings visited the family detention centers concluded that the physical conditions were poor and the medical treatment was inadequate.<sup>3</sup> Further, numerous studies have shown that even very short periods of detention can undermine a child’s psychological health and physical well being and compromise their cognitive development. Children held in detention are at risk of suffering depression and anxiety, and frequently exhibit symptoms consistent with post-traumatic stress disorder such as nightmares, insomnia, and bed-wetting.<sup>4</sup> I myself observed a 15-month-old child who had stopped eating solid foods and had reverted to breastfeeding and was physically listless and whose eyes were staring and vacant.

The detention of children and their mothers is not only inhumane, but incompatible with a fair legal process. In immigration proceedings, migrants have the right to an attorney, but they do not get a

court-appointed attorney, they must acquire an attorney independently who will volunteer or they must hire one at their own expense. Many are not told about their right to seek legal counsel or their right to appeal a negative decision.<sup>5</sup> Once detained, a woman in expedited proceedings in a detention center has great barriers to success if she has an attorney, and even greater barriers if she doesn’t have an attorney. The woman seeking refuge has no knowledge of the legal system, does not speak the language, does not know the culture, does not have access to corroborating evidence, may be afraid of the authorities, may be traumatized, may be unfamiliar with technology (hearings are held by video technology), may not be functionally literate, and may be suffering from physical ailments. Further, they may have never told anyone the details about why they had to flee their country, often details of a highly personal and traumatic nature. Many women cannot articulate their fear in such a way that fits within the definition of a refugee entitled to protection. Data from one study shows that only 2.3 percent of Central American families without counsel were allowed to stay in the country, while those with attorneys are 14 times less likely to receive deportation orders.<sup>6</sup>

On February 20, 2015, in the *Matter of R.I.L-R v. Jeh Charles Johnson*, the United States District Court for the District of Columbia issued a preliminary injunction enjoining DHS from detaining Central American families en masse for the purpose of deterring future immigration to the United States, and from considering deterrence of future immigration as a factor in custody determinations.<sup>7</sup> However, notwithstanding this order, DHS is still detaining women and children during their eligibility proceedings.

The stakes in refugee cases are grave. An incorrect decision

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<sup>2</sup> The Shame of America’s Family Detention Camps, *New York Times*, Feb. 4, 2015.

<sup>3</sup> Detention Conditions ‘similar, if not worse’ than migrants’ home countries, report says; *Los Angeles Times*, Sep. 18, 2015.

<sup>4</sup> End Immigrant Detention of Children (endchilddetention.org) citing numerous studies.

<sup>5</sup> Id.

<sup>6</sup> Ensuring Due Process Protections for Central American Refugees, Rights in Exile, March 1, 2016.

<sup>7</sup> MATTER OF R.I.L-R v. Jeh Charles Johnson, Case 1:15-cv-00011-JEB Document 32 Filed 2/20/2015 p. 1.

## *Strip Searches of Female Attorneys in Prisons*

by *Patty DeJuneas*

First women fought to burn the bra. Now we're fighting to keep it on. Over the past year, women attorneys who represent incarcerated clients throughout the country have spoken out about the unnecessarily invasive and downright indecent practices at prisons and jails which required them to "shake" out their bras in full view of guards or, in some cases, to remove their bras entirely. The justification, of course, is always "safety" because apparently no one is safe around us bra-wearing attorney types. I say that in jest, of course, because studies have repeatedly shown that the vast majority of prison contraband is not smuggled in our undergarments, but by prison staff.

Thanks to the generations of women who came before me, I have been fortunate to feel safe and secure in my chosen profession, which requires me to visit clients incarcerated for all types of crimes, many violent. But last year, I learned firsthand what it means to feel unsafe in a prison, and it was the prison staff who were responsible, not the young man convicted of murder who I was there to see. Passing through the visitation area, the metal detector alerted to the presence of my underwire bra. I immediately consented to a search with a handheld scanner, as I always do, and the young female guard was just about to wave me through when an older male lieutenant announced that I was to be denied entry unless I consented to a "patdown." I refused, explaining that it was my bra that triggered the alarm and

that the request was illegal under the applicable state regulations. Not satisfied, the lieutenant said that all attorneys wearing underwire bras are required to consent to a "patdown." Having visited the same prison many times in the past, I knew this not to be true, but I had a choice to make: stand my ground and leave without seeing the young man eagerly awaiting my legal visit, or give in.

Undecided, I was left to sit inside the "trap" -- an area of the prison where I could neither enter nor leave without permission -- for nearly two hours. I relented and reluctantly agreed to the search. But the "patdown" turned out to be strip search: with two female guards standing over me, I was told to lift my sweater above my breasts, to pull my bra away from my body, and to "shake it." I was horrified, angry, loud, and adamant that no one would be touching me let alone watching me "shake it." So much for my dangerous bra -- it seems that an angry woman is much scarier than a woman with a bra and so I was allowed to visit my client without first enduring the indignity of having to "shake it."

I soon learned that these "shake it" searches were not the least bit uncommon -- they had been going on for decades, not as an every-day occurrence but only if you were unlucky enough to show up on a day when the guard in charge decided that the price for admission was, in essence, "show us your tits." In at least one instance, a female guard even touched an attorney's breasts and in others, attorneys were made to remove their bras entirely, and not just for the metal detector, but for the duration of their visits. Wearing a sports bra

with no underwire did not afford immunity. It was the culture -- breasts and bras are dangerous. This culture is unconscionable, but with the Trumpification of America, I fear that it will only grow.

Attorneys should not feel unsafe or violated for doing their jobs, nor should their clients suffer. We go to these prisons to serve constitutional functions, fulfilling constitutional rights to counsel, to the effective assistance of that counsel, and to access the courts for the men and women locked away from the rest of society. Requiring us to "shake it" or worse chills their rights, too. Thankfully, the media has helped to expose these practices in Massachusetts and a handful of other states. New regulations in Massachusetts seem to have stopped the "shake it" searches of attorneys, but not law students or the women who visit their friends, family members, and loved ones behind bars.

Just last week I received a call from a clinical law professor in New York. She and her students will soon visit a prison that requires all women, including attorneys and law students, to take off their bras, hand them to a guard, don filthy oversized t-shirts, then traipse through the visiting area to await their turn at the metal detector. How many aspiring young attorneys will want to represent those who need them the most when it means stripping down just to get in the door?

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*Patty DeJuneas is a partner at Sibbison & DeJuneas specializing in civil and criminal appeals and post-conviction matters.*

## Equal Pay for Equal Work

by *Nai Collymore-Henry*

On January 28th, 2016, the Massachusetts Senate voted to pass S. 2119, An Act to Establish Pay Equity. As I sat in the balcony of the Senate chambers with other members of the Equal Pay Coalition, I realized that I was surrounded by advocates who, in addition to fighting for equal pay, were advocating for themselves. They were advocating for fair pay across industries and workplaces that will allow people to ask for more - workplaces that will allow people to ask for what they deserve.

The Massachusetts Equal Pay Coalition was founded by the Women's Bar Association of Massachusetts, the Massachusetts Commission on the Status of Women, and the Massachusetts Chapter of the National Organization for Women. These three organizations, in addition to countless coalition partners and advocates have made it their mission to pass this new law that will amend

the current Massachusetts Equal Pay Act to include pay transparency provisions and a definition of comparable work.

The current Massachusetts Equal Pay Act does not define comparable work, which prevents employees from having a definition to advocate for their work and an increase in salary. The bill creates pay transparency provisions by preventing an employer from asking salary history in the interview process and prevents employers from firing people for disclosing their previous salary histories.

This legislation is monumental because, in Massachusetts, women are paid 82 cents on the dollar. Black women are paid 66 cents on the dollar and Latina women are paid 54 cents on the dollar. Not only is this unacceptable, but we have to make sure that the necessary framework exists for people to advocate for higher pay.

As a representative of Mass NOW, I feel so lucky to speak about this bill regularly... and to everyone. I have heard countless

stories from women who learned that they were being paid less than their male colleagues for the same job, and across all industries. I've spoken to women in various industries who live across the Commonwealth who discovered that they were paid less and who have had various outcomes when advocating for themselves. Some were successful, some remained at the same salary, and some were fired.

Legislation that protects people in the workplace is invaluable. Please contact your legislator about S. 2119 so people in our Commonwealth can have pay transparency provisions that will allow for self-advocacy.

To learn more about the efforts of the coalition as we aim to get S. 2119 passed in the House, please visit <http://www.maequalpaycoalition.com/>.

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*Nai Collymore-Henry is the Communications Director for the Equal Pay Coalition.*

## Detaining Central American Women

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can lead a person to severe physical harm, death, or other severe human rights violations. According to one report, 83 people deported back to Central American since January 2014 have been killed, some within a short time of arrival.<sup>8</sup> The attorneys who are volunteer-

ing at the detention center have their proverbial finger in the dam and are doing their best to get legal information to the detained women to prepare as many women as possible, but it is not enough to ensure adequate due process protections for their legal cases. Finally, it is inhumane for the U.S. government to detain women and force

them to make the choice to be detained and to watch their children deteriorate in order to keep themselves and their children safe, or to return to where they will likely be killed. It is inhumane and a violation of the children's human rights to detain them at all.

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*Lisa Laurel Weinberg is an immigration attorney at Community Legal Services and Counseling Center in Cambridge, MA.*

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<sup>8</sup> Ensuring Due Process Protections for Central American Refugees, Rights in Exile, March 1, 2016



## *Demanding Equal Rights and Recognition for Transgender and Gender Non-Conforming People*

*by Grace Sterling Stowell*

**A**s the founding Executive Director of the Boston Alliance of LGBTQ Youth (BAGLY, Inc.), as well as a long-time openly transgender woman in the Commonwealth, I know first hand about the harassment, discrimination and violence that are all too often experienced by transgender and gender non-conforming youth and adults in our communities.

Transgender and gender non-conforming youth, especially youth of color, are at much higher risk for experiencing bullying, harassment, inadequate health care, employment and housing discrimination, and violence than their cisgender peers. Despite increased public awareness and high profile celebrities such as Laverne Cox and Caitlin Jenner, there were more documented murders of trans women, primarily young trans women of color, in 2015 than ever before.

In recognition of these and other challenges, BAGLY's public policy and advocacy efforts continue to have a primary focus on the needs facing trans and gender non-conforming youth. Youth members of BAGLY and I have provided hundreds of trainings and technical assistance on gender identity and expression to schools, health care providers, and advocacy groups, both locally and nationally, including the Center for Disease Control in Atlanta, GA.

BAGLY has been a leader in working in coalition with other community partners to change local and state non-discrimination

laws to include protections based on gender identity and expression. I, along with other coalition members provided testimony in front of the Boston and Cambridge City Councils in their successful efforts to add gender identity to their city non-discrimination ordinances. As a steering committee member of the Massachusetts Transgender Political Coalition (MTPC), I worked with the MTPC-led coalition that successfully added gender identity to the state's non-discrimination laws in 2011.

Despite these successes, there is much work still to be done. The 2011 state law changes did not include gender identity protections in public accommodations (health care sites, restaurants, theaters, stores and public transportation among others), and so transgender and gender non-conforming people continue to be at significant risk every day.

Although Massachusetts often prides itself on being a leader in many areas of LGBTQ civil rights, the state lags behind in providing full protections based on gender identity. Over 17 states and the District of Columbia have passed laws fully protecting transgender people in having equal access to public accommodations, and Massachusetts is not yet among them.

BAGLY participates on the executive committee of Freedom Massachusetts, a coalition of community groups led by MTPC and Freedom for All Americans that seeks to add gender identity to the state's public accommodations non-discrimination laws.

One of BAGLY's roles has been to educate LGBTQ youth about their rights, develop their leadership skills, and support them in advocating to policy makers on behalf of their communities. By providing programs and services specifically designed to develop youth leadership, BAGLY has supported three generations of LGBTQ youth leaders in advocating for social justice.

BAGLY has served over 30,000 young people since its inception in 1980, and I feel privileged to have worked with, and on their behalf, for all of that time. The largest impact in our legislative and advocacy work has been the effectiveness of youth leaders in speaking out about their experiences, and demanding to be recognized, protected and valued. Changing hearts and minds is one of the most important ways to influence policy makers, and young people are often their most effective advocates.

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*Grace Sterling Stowell has been on the front lines advocating for LGBTQ, gender, racial, and economic justice for over 40 years. In addition to her role as Executive Director of BAGLY, Grace also serves as a member of the MA Transgender Political Coalition, the Freedom Massachusetts Coalition, Massachusetts Legislative Commission on LGBTQ Youth, and the MA Unaccompanied Homeless Youth Commission. More information about BAGLY can be found at [www.bagly.org](http://www.bagly.org).*

## *Terrorist Tactics Used Against Us by the Government*

by *kt crossman*

Andrea James is telling me about the Real Women Real Voices conference at Columbia University in New York. Andrea is Executive Director of Families for Justice As Healing (FJAH) which co-hosted the conference. Two incarcerated women presented via conference call from prisons in the Northeast. Almost immediately afterward, one of the prisons shut down all communication from the inside. Andrea is almost positive the woman has been put in solitary confinement as punishment for participating, but no one has been able to get in touch with her. Another presenter who was formerly incarcerated and is now on federal probation is being told that she is not allowed to be on the email list that Andrea and others are putting together as a resource for incarcerated and formerly incarcerated women. The reason? Being in contact, even via email, with people who are or were incarcerated is a violation of her probation. Almost everyone at the conference, including Andrea, was formerly incarcerated.

Andrea grew up in a community devastated by the war on drugs. Her family had resources others in Roxbury did not, but they stayed there by choice – her parents were long time civil rights activists and educators. As a teenager, Andrea attended Milton Academy, where the stark disparity was driven home: wealthy white teens in her school were being sent to rehab when they were caught with drugs; her peers in Roxbury were being sent to adult prison. “There was no structural support,” she says, “it

was shredded in poor Black and Brown communities.” Still, she says, she didn’t realize the full impact until she walked into a federal prison herself to serve a 5 year sentence. Despite being devastated by the separation from her husband, 12-year-old daughter, and 5-month-old son, Andrea soon became a teacher in the prison. She got her own classroom and began organizing. FJAH was started at a picnic table in the yard.

Women in prison are predominantly poor women of color, and Andrea says most of them are there because of trauma, often inflicted by men, for which the women never had the opportunity to seek help. Either that trauma caused the women to self-medicate or they’d been convicted on conspiracy charges. Most of the women were afraid of everything, living in a prison that had been built for men and was run by men, where they weren’t allowed to be in groups larger than four women at a time or allowed to touch each other. Many of the women, Andrea says, were medicated into zombies. More than just the physical separation, she saw that women had to forget about their families in order to survive. And in order to survive, women build relationships and community in prison. Often, due to mandatory minimum sentences, women spend decades in prison.

For women who are incarcerated at 18 or 19, that’s their entire adult life. Cut off from their communities on the outside, they have sisters, daughters, friends, lovers inside. And when they finally do get out, often on 3-5 years of federal probation – they’re cut off all over again.

Their entire support system evaporates, they’re isolated, alone, afraid, and their family has dissolved all over again.

This is what Andrea, FJAH, and many, many other women and organizations around the country are working to heal. Andrea is putting together a national council for incarcerated and formerly incarcerated women and girls who are doing what she calls restructuring work. The council is a platform where women can connect, share advice, and get help starting their own programs.

A group of women in Indiana, currently serving life sentences, are working on a history project around incarcerated women. Teresa Y. Hodge has started Mission: Launch in Washington, DC that works to make re-entry less traumatic and isolating. And of course, there’s FJAH, currently working on legislation that would allow judges to consider a person’s status as primary caretaker and impose an alternative sentence.

“The public needs to know [about these tactics],” Andrea says. “The re-entry systems treat [returning women] worse than animals. I was a trial lawyer and I couldn’t put a sentence together for the first six months [after getting out] I was so fucked up. We need you to have our back.”

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*kt crossman is an attorney in Boston and last month was elected to be a co-chair of the NLG Massachusetts Chapter.*

## 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 • Mary Lu Bilek • Steve Buckley • Patricia Cantor • Howard Cooper • Barb Dougan • Melinda Drew & Jeff Feuer • Carolyn Federoff • Roger Geller & Marjorie Suisman • Lee Goldstein • Steven Grindle • Benjie Hiller • Stephen Hrones • Andrei Joseph & Bonnie Tenneriello • Shaun Joseph • Martin Kantrovitz • Nancy Kelly & John Willshire-Carrera • David Kelston • John Mannheim • Jonthan Messinger • Petrucelly, Nadler & Norris • Hank Phillippi Ryan & Jonathan Shapiro • Allan Rodgers • Martin Rosenthal • Mark Stern • Anne Sills & Howard Silverman • Judy Somberg • 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 amount 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;
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**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
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*By mail:* NLG, Massachusetts Chapter  
14 Beacon St., Suite 407, Boston, MA 02108

*Online:* [www.nlgmass.org/donate](http://www.nlgmass.org/donate)

## NLG Mass Defense

*Continued from page 4*

during the trial to represent a potential witness and offered to provide testimony on BLM, neither of which we ultimately presented.

At the trial the defense we presented was that a citizen may disregard repeated instructions from the police to remove herself from observing a crime scene, and therefore cannot be convicted of trespass for refusing an order of a state trooper to get off of state land which was not for public use. Although the Judge refused to give an instruction to this effect, I presented an extended argument to the effect that, given that there was a constitutional right to observe the police (which the Judge's instructions failed to acknowl-

edge), our client could not be guilty of willfully remaining on the land without right. We also argued that agreeing to be a medic for an unlawful demonstration is not aiding and abetting disorderly conduct by the demonstrators.

The jury came back with two NOT GUILTY verdicts, at which point the ADA's advised the judge they would now proceed against our client on charges of conspiracy, which had been scheduled for a separate trial. Sarah Wunsch, Carl Williams, Josh Raisler-Cohn, and Makis repeatedly responded to dozens of questions I had about the law and the criminal defense process, as well as whether I could or should do a number of stupid things I thought about doing. In addition to the aforementioned, the other BLM protestors who were involved in the Quincy I-93

demonstration and who were charged with multiple counts of trespass, disorderly conduct, conspiracy, resisting arrest and blocking an emergency vehicle, were ably represented by NLG attorneys Susan Church, Benjie Hiller, Mark McMahon, and Neil Berman. All of those cases were resolved as well without any of the demonstrators receiving any jail time.

The MDC works like a well-oiled machine. It was a pleasure and of the greatest assistance to get to work with the aforementioned named members of the Committee to achieve this small victory against an overzealous district attorney and in support of the Black Lives Matter movement.

*Mark Stern is an NLG member and a co-founder of the Massachusetts Chapter.*

# Mass Dissent

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*Preamble to the Constitution of the National Lawyers Guild*



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The Massachusetts Chapter of the National Lawyers Guild's **Mass Defense Committee** provides legal representation and assistance to activists from all progressive political movements.

#### We need your support.

Please help us by donating to the Mass Chapter. Mail this form and your check to **14 Beacon St., Suite 407, Boston, MA 02108** or visiting [www.nlgmass.org/donate](http://www.nlgmass.org/donate).

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