

# Mass Dissent

Massachusetts Chapter

National Lawyers Guild

14 Beacon St., Boston, MA 02108

October-November 2017

www.nlgmass.org

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## BOARD MEETING

October 18, 6:00 pm

14 Beacon St., 1st Fl.  
Boston

## U.S. of Prisons

There is a little good news to report about Massachusetts prisons - since 2011 the prison population has gone down 12 %; not much, but something. However, as with everything in today's world, when there is something good to report, there is usually "but" that follows. Yes, we see a slight decrease in incarceration rate, but the state now spends 18% more on prisons than it did in 2011. (Massachusetts now spends more on the so-called "correctional system" than it spends on higher education!) Unfortunately this increase in spending is not going to cover services and programs for prisoners, such as medical care, re-entry support, education. (The budget for services for prisoners has actually gone down 3% since 2011!) Most of the increase in spending has been used to hire more prison staff (even though the prison population went down!) and for higher wages. (2017 MassINC Report)

Prisons in the U.S. have been used as money-making businesses for a while now. Many in power profit from it, but the poor, minorities, and all the disfranchised are stuck with the human price tag.

In this issue of *Mass Dissent* we hear voices from behind the

bars of those who suffer daily. **Shawn Fisher** reflects on the impact that Nelson Mandela's speech in Roxbury had on him when he witnessed it as a teenager, and how he understands this impact now as a grown up man, incarcerated for years. **James Riva** analyses the Anti-Terrorism and Effective Death Penalty Act (AEDPA) and the devastating results of its one year statute of limitation on habeas corpus petitions. **Daniel Holland** paints a dire picture of food in prison, especially for those with medical dietary requirements. **Shawn Fisher**, in his second article in this issue, urges us to fight against constitutionally sanctioned slavery that continues in our prisons. **Keith Niemic** and **Stanley Donald**, in their beautiful and very moving poems, contemplate on love, neglect, abuse, disappointment, and all range of emotions that make us who we are. We also hear from **Bonnie Tenneriello** about services available to prisoners at Prisoners' Legal Services.

We are privileged to hear these voices. We thank all prisoners who submitted their work and apologize for not being able to print all submissions.

- 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 an NLG attorney, law student, or legal worker interested in leading a workshop, please contact the project at 617-227-7335 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 NLG 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 perpetuate social, racial and/or economic injustice or inequality. To get involved, please contact the NLG office.

**NLG National Immigration Project:** Works to defend and extend the human and civil rights of all immigrants, documented and undocumented. The Project works in coalitions with community groups to organize support for immigrants' 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 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).

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# GUILD NEWS

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## NLG HAPPY HOUR

You are invited to the “NLG Presents - Think & Drink” Happy Hour - a quarterly event held 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.

## HOLIDAY PARTY

Once again, this year’s NLG Holiday Party will be at **Shapiro Weissberg & Garin on Friday, December 8, from 5:30 to 8:30 pm**. As always, we will serve wonderful food and a variety of beverages, and there will be many attractions, including a raffle drawing of very exciting prizes. Raffle tickets are \$10/each. If you have questions please contact the NLG office at 617-227-7335.

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## Street Law Clinic Report

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

**August 19:** *Legal Observing* at anti-nazis protests in Boston, by **Rebecca Amdemariam, Loreto Ansaldo, Makis Antzoulatos, Lisa Arnold, Queen Arsem-O’Malley, Maiyim Baron, Nadia Ben-Youssef, Natasha Chabria, Judith Cohen, Daniel D’Lugoff, Barb Dougan, Daniel Finn, Aida Fitzgerald, Judith Glaubman, Charles Haigh, Joanna Holmes, Eric Martin, Urszula Masny-Latos, Connie Mortara, Rick Rabin, Josh Raisler Cohn, Julia Remotti, Rita Sebastian, Monica Shah, Ragini Shah, Marecca Vertin, Daniel Werner and Debra Wilmer.**

**August 22:** *Stop & Search* clinic for members of the Dorchester YMCA, by **Makis Antzoulatos.**

**September 5:** *Legal Observer* training for law students at Northeastern, by **Melinda Drew.**

**September 7:** *Housing Law* training for attorney trainers by **Jeff Feuer.**

**September 8:** *Legal Observer* training for law students at Northeastern, by **Melinda Drew.**

**September 11:** *Housing Law* training for law students at Boston University, by **Jeff Feuer.**

**September 13:** *Immigration Law* clinic for Communities for People in Somerville, by **Maddie Thomson.** • *Stop & Search* clinic for Boston Asian YES, by **Makis Antzoulatos.**

**September 16:** *Legal Observing* at rally in support of DACA, organized by Boston May Day Coalition, by **Loreto Ansaldo, Charles Haigh, Melissa McWhinney & Debra Wilmer.**

**September 19:** *Know Your Rights* training for union members at Harvard, by **Jeff Feuer & Howard Silverman.**

**September 20:** *Legal Observing* at rally organized by Huskie Organizing With Labor (HOWL) in support of dining service workers at Northeastern, by **Keally Cieslik, Daniel Finn, Alaina Gilchrist, Monica Shah, Mackenzie Speer, & Larisa Zehr.** • *Housing Law* clinic for members of the St. Ambrose community in Boston, by **Melinda Drew.**

**September 25:** *Legal Observing* at a rally for tenant rights organized by Lynn United, by **Kyleen Burke.**

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## ARTICLES FOR MASS DISSENT

The December issue of *Mass Dissent* will review Chapter’s work in 2017.

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 November 10.**



## “NLG Presents...” - Think & Drink Happy Hour

NLGeers and community activists gathered to hear from three founders of the local sanctuary movement, Gaby Chavez, Nestor Pimienta, and Alfredo Garcia, and from Luke Abdow, an organizer with Massachusetts Community Action Network. The sanctuary movement, through networks of congregations, supports immigrant families at risk of deportation, by hosting them “in sanctuary” in houses of worship. The movement is also developing rapid response networks to help immigrants at legal risk. We heard about how there is a need for lawyers with many different skills, but also talked about how we could support the movement as activists.



(Top, l.-r.) Alfredo Garcia, Gaby Chavez, Nestor Pimienta, and Luke Abdow lead a conversation on the fight for sanctuary cities.  
(Photo by Urszula Masny-Latos & Julia Wedgle)

## NLG Student Meeting

On a Saturday morning in early September NLG student representatives met at Andala in Cambridge to get to know each other and to discuss current political affairs and plan our political work for this academic year.

We welcomed Debra Wilmer from our newly re-created student chapter at UMass School of Law in Dartmouth, after a 5-year hiatus.



Enjoying great Middle Eastern brunch at Andala. (l.-r.). Daniel Espo (Harvard), Zachary Klein (Boston College), Debra Wilmer (UMass Dartmouth), Carey Shockey (Suffolk), Elizabeth Ingeman (Northeastern), Coco Holbrook (Boston University), Yatzel Sabat (Northeastern), Alexandra Arnold (Boston University), and Urszula Masny-Latos.

## *This I Believe*

*by Shawn Fisher*

**O**n June 27, 1990, I stood, along with a few hundred people, inside the gymnasium of Madison Park High School in Roxbury, Massachusetts and waited for my hero to take the stage. The excitement grew with each passing minute. After 45 minutes the crowd was in such revelry that security warned us to “sit and calm down” or they would “not allow him to come on stage.”

Ignoring the plea the crowd erupted as Nelson Mandela, with his wife Winnie by his side, walked on stage and waved to us. In an unscripted speech he thanked us for being there and how he appreciated our support. He encouraged us to never give up fighting against injustice. The speech lasted only a few moments but it left a lasting impression and an unforgettable memory.

Twenty six years later, as I sit in an 8-by-10 cell, I reflect back with fond memories when life seemed so much simpler. Back then I was filled with the conviction that comes from a little knowledge and regarded compromise with contempt. Morality, it seemed to my 17 year-old self, was black and white.

I admired Mandela for his wisdom, courage and loyalty, but above all for fighting for an ideal that was worthy of imprisonment. Unfortunately, at 17 my moral values were skewed not to differentiate between ideals that were just and those that were driven by self-interest. In my misguidedness I fought against everything and everyone. Each time I did so from what I believed was moral high ground: I was right and everybody else was wrong. Like

many tragedies that follow in the footsteps of good intentions I left a wake of suffering in my quest to right the wrongs against me. Often times I would find myself wondering, “Why are people mad at me?” or “What did I do wrong?”

As I have gotten older I have come to believe that life is grey, not black and white. Not everything is personal and people are not perfect. Sometimes, they’re doing the best they can in difficult circumstances. Much to my chagrin, I realized that I too, was guilty of far worse things than what I blame others for. I, more than

anyone, was guilty of pettiness, betrayal, injustice and astonishing acts of foolishness. It was difficult to look in the mirror and know that my hero and I were nowhere near as similar as I had imagined. The things I admired in him I perverted to suit my own agenda.

It was humbling, as well as liberating to step down from the Ivory Tower of purity. It is puerile to hold others to standards you can’t meet yourself.

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*Shawn Fisher is a prisoner at the Old Colony Correctional Center in Bridgewater.*

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## **Forever One**

*by Keith Niemic*  
*South Walpole*

Off her face glow all the dreams of youth, fulfilling her goals and thrilled by truth

I found myself wanting the moment we met, memories of my soul shall never fade or forget

The subtle meanings we will find my heart does sing, she’s the reflection of beauty on the birth of spring

He is revolution, she is conciliation, opposite ends of the spectrum divided further by education

Still the taste of temptation forever whets her tongue, insatiable desire for her is forever this convicts song

The fulfillment of a dream is itself but a dream, a brief moment in time that I never could have seen

Searching many lifetimes over for that woman he could not find, don’t know what he’s looking for till her beauty stills his mind

To look into your eyes would only bring me bliss, to breath the air about you my spirit could only miss  
I’m lost in this love I feel in the continuity of moments strung in time, while the bliss he feels is forever now the eternal equal of his heart he did find.

## Is the AEDPA Solid Steel?

by James Riva

In 1996 Congress and Bill Clinton enacted the Anti-Terrorism and Effective Death Penalty Act (AEDPA). The Prisoner Frivolous Lawsuit Act came in close proximity. By far the most devastating and worst for prisoners in American prisons was the AEDPA one year statute of limitations on habeas corpus petitions.

This had little to do with justice and a lot to do with easing the case-load of attorneys general and judges. Convicted criminals who had been damaged by major constitutional violations at trial could be forever time-barred from raising their claims by missing the one year window of opportunity. This Act, which is a statute, not Amendment to the Constitution, seemingly in practice supersedes Article 1, Section 9 of the United States Constitution whether Congress wishes to admit it or not:

*"The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it."*

Clearly the framers only intended a temporary suspension of habeas corpus in cases of rebellion or invasion.

Although arguably we have been invaded from time to time by terrorists, it is a natural consequence of being a warrior nation. Even when the United States is not engaged in a public major war, there are always the small wars the public seldom hears about (*i.e.* the Philippines), which puzzles the citizens when sud-

denly there's a seemingly senseless attack on the people.

If this is business as usual - the prosecution of endless small wars, then that is not a legitimate pretext to suspend the writ of habeas corpus when isolated terrorist attacks occur. The Great Writ is a cornerstone of American Constitutional Law, and should not be legislated out of its efficacy as a needed safety valve for wrongful convictions when the individual states for whatever reason refuse to apply the Constitution.

The way the AEDPA works in daily practice in 2017 is to hope-

lessly preclude the federal judicial remedy if the petition is not properly filed within the one year time limit, regardless if the conviction is predicated upon perjured testimony or other structural error. Out of all the laws that are being revisited, that portion of AEDPA would be a good choice for revision.

*James Riva is a prisoner at Old Colony Correctional Center in Bridgewater.*

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## Convicted and Unwanted

by Stanley L. Donald  
*Norfolk Prison*

I went to school without a coat.  
My mother was always high on dope.  
I had huge holes in my socks.  
My father sold cocaine rocks.

One day I slept outside in a box.  
I cried in the cold and lost part of my soul.  
How did I get this way?  
Lord, bring the rain to wash away these pains.  
Convicted and unwanted in chains.

There's a stain inside my uneducated brain.  
A hole in the floor where I wrote my troubles  
behind the cell door.  
Convicted and poor.  
Wait! There's more.



## Penny Wise, Pound Foolish

by Daniel Holland

**T**rying to control diabetes, through diet and exercise in today's DOC, is a discouraging up-hill battle. The exercise is not the problem, I am able to run over five miles per day. The diet is the tricky part.

As a diabetic I am entitled to a medically prescribed diet pursuant to 103 CMR 761, Therapeutic Diets and 103 DOC 760, Food Services Policy. These regulations were established because of the Class Action Settlement in Connors v. Dubois Commissioner (Suffolk #95-5522-C), which was litigated by MCLS (PLS) and the Disability Law Center. The settlement, amongst other benefits, afforded that dietitian approved menus and recipes would be followed and food would be measured and weighed. It also set forth a grievance procedure, which has to be exhausted before filing for contempt or seeking specific performance. Pretty straight forward.

Over the past ten years the therapeutic diet has gone from bad to worse; there is little that resembles the post settlement diet. So in late February, when the diet started to rapidly degrade, again, I began to document deviations from the approved menus, recipes and serving amounts. There were 131 instances between March 24 and May 23. After unsuccessfully trying to resolve these issues, I attached lists to three separate grievances, which were ignored, and my

appeal was denied. One would have to imagine that once such gross disregard of established CMRS and policy was brought to the attention of the Food Services Director (FSD), the State FSD, the Superintendent and an Associate Commissioner, that someone would simply correct the issue. Not in today's DOC. The only response I received was from the FSD, who personally searched

*Like Sisyphus, I am forced  
to push along with an  
"8.1 A1C" trying to make  
healthy choices from  
unhealthy selections.  
Today's DOC is jeopardizing  
prisoners' long term health,  
and I'm afraid I am becoming  
one of those statistics.*

my cell. When I inquired why he was doing this, he stated: "because you like to file grievances." Eleven days later I was removed from the therapeutic diet, by medical, for being non-compliant.

According to 103 CMR 761, only two people can remove you from this diet - you yourself or the doctor. The only reason you can be non-compliant is for refusing the meal, and before you can be removed medical MUST "counsel" you. Thirty days later I am still trying to see the doctor to learn why I am non-compliant.

The diet for the general population, which I am now forced to eat, is also supposed to follow dietician-approved menus/recipes (103 DOC 760). But due to some semantics, a wily FSD and a clause in this CMR which states "substitutions must be made in accordance with 'approved substitutions guidelines'" - there are no such guidelines - FSDs believe they can make changes which are not nutritionally adequate. See Holland v. Bates, WORC. #1785CV 01017D.

Like Sisyphus, I am forced to push along with an "8.1 A1C" trying to make healthy choices from unhealthy selections. Today's DOC is jeopardizing prisoners' long term health, and I'm afraid I am becoming one of those statistics. By forcing the Food Services Director to adhere to dietitian approved menus/

recipes has the potential of reducing the \$108 million spent yearly on inmate medical.

Anyone seeking more information or offering advice or guidance can contact Daniel L. Holland, at:

MCI, P.O. Box 43,  
Norfolk, MA, 02056-0043

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*Daniel Holland is a prisoner at Massachusetts Correctional Institution in Norfolk.*

# Prisoners' Legal Services: Here's What We Do

by Bonnie Tenneriello

The many jailhouse lawyers who read *Mass Dissent* are likely familiar with Prisoners' Legal Services — indeed, many have collaborated with us in advocacy and litigation. PLS provides civil legal services to some 23,000 people incarcerated in the Massachusetts Department of Correction and in county jails. Our main priorities are health and mental health care, assaults by staff, extreme conditions of confinement (particularly overcrowding), and misuse of segregation and isolation. We currently have over 18 active lawsuits, including eight class actions affecting more than 10,000 people, and we work in coalition with other groups and individuals toward a more rational and humane criminal justice policy. Here is a sample of some of our current work:

- **Substance Use Treatment:**

Although substance use is now broadly understood as a medical disorder requiring treatment, the DOC continues to treat it as a behavioral problem and a risk factor associated with recidivism. PLS is planning litigation to secure the right to substance use treatment for all DOC prisoners.

- **Hepatitis C treatment:**

PLS, together with the NLG-Mass Litigation Committee and the law firm Shapiro, Weissberg & Garin, has filed suit over the failure to provide DOC prisoners with life-saving treatment for Hepatitis C.

- **Solitary confinement:**

PLS continues to confront the horror of solitary confinement through policy advocacy and litigation. We're working with other groups in the newly-formed Massachusetts Against Solitary Confinement to press for change statewide, and to bring the voices of those in solitary - and survivors - to bear on policy. If you or your loved ones wish to join the effort, contact Cassandra Bensahih at [MASCCoordinator@gmail.com](mailto:MASCCoordinator@gmail.com). Prisoners can contact her through PLS (*see below*). In addition, PLS litigation seeks to limit the use of solitary in the DOC and in counties.

- **Accommodations for Prisoners who are Deaf or Hard of Hearing:**

Together with the law firm WilmerHale, PLS has sued to obtain accommodations to allow deaf and hard of hearing prisoners the opportunity to have equal access to the programs and activities offered in the DOC, to safety alarms and notifications, and to telecommunications so that they are able to effectively communicate with their loved ones outside the wall.

- **Dog searches of visitors:**

Together with the American Civil Liberties Union, PLS sued over the DOC's implementation of dog searches of visitors without the notice and comment required by the Administrative Procedures Act. The case will soon be

heard by the Supreme Judicial Court.

- **Video "visitation" at Bristol County & Phone Rates in Massachusetts:**

PLS is working with other groups and individuals outraged over Bristol County's announcement that it will substitute video conferences for actual visitation, and we plan to file suit. We've also got pending litigation over prison telephone rates statewide.

- **Disability discrimination in parole:**

An amicus brief that PLS drafted contributed to a ruling from the Supreme Judicial Court requiring the parole board to help prisoners with disabilities develop reentry plans that will allow them to be successful on parole. We plan to continue working to ensure disabled prisoners an equal chance at parole.

- **Prison brutality:**

PLS continues to investigate and litigate cases of staff assaults on prisoners in county facilities and the DOC.

In addition to litigation, Prisoners' Legal Services staff assist prisoners with informal advocacy and advice. Prisoners can call with new matters on Mondays from 1:00-4:00 pm (or Tuesday if Monday is a holiday). State prisoners can use the speed dial, \*9004#, and county prisoners can call collect at 617-482-4154. Or prisoners can open an intake by writing PLS at 10

*Continued on page 9*



## Slave Wages

by Shawn Fisher

In 1865, the Thirteenth Amendment was passed and although it banned slavery in the U.S., it did not do so entirely. An exclusion clause was added: slavery would be allowed as punishment for a crime:

*“Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States...”*

At the time, penal slavery was not uncommon. It was delineated by Judge Christian, in his opinion in Ruffin v. Commonwealth of Virginia (1871):

*“A convict felon, whom the law in its humanity punishes by confinement in the penitentiary instead of death [...] for the time being, during his term of service in the penitentiary he is in a state of penal servitude to the state [...] being the slave of the state. He is civiliter mortis (civil death); and his estate, if he has any, is administered like that of a dead man.”*

This destructive and unconscionable legalese defined the maltreatment of prisoners for years to come. It was not until 1970, in Gilmore v. Lynch, that action was taken to try to change that belief:

*“[A] prisoner is not a temporary slave of the state, and prison officials are not such masters of their own domain as to be free of constitutional restraints.”*

Yet, prisons in our modern days continue with penal slavery. It's reflected in laws that ban prisoners from voting and in the daily practice of forcing prisoners to work for slave wages. In Massachusetts, prisoners' wages are set up by pay scales:

Level III...\$1.00 a day  
Level II.....\$1.50 a day  
Level I.....\$2.00 a day

These slave wages offer little to help in rehabilitation or in preparing a prisoner for eventual release. As one prisoner aptly stated, “I'll have \$400 in my pocket. That's enough to catch a bus and get in trouble.”

The Department of Correc-

tion (DOC) tells a different story: “We make every attempt to equip the inmates in our care with the tools that they need to re-enter society and become productive law-abiding citizens” (DOC Deputy Commissioner, 2013). But with a 45% recidivism rate their policies and practices say otherwise.

It is time for legislators and government officials to change their approach to corrections. There are many obstacles that lead to recidivism. Employment is near or at the top of the list. With nearly 47,000 barriers created by state and federal legislation that hinders the employment of an ex-felon, radical change is needed. Change that should begin long before a prisoner is released – not after! Change that is owed; not to the prisoner but to each and every victim of a recidivist. *“The test of every system is the man which it forms”* - Henri Amiel.

END CONSTITUTIONAL  
SLAVERY!

*Shawn Fisher is a prisoner at the Old Colony Correctional Center in Bridgewater.*

## Prisoners' Legal Services:

Continued from page 8

Winthrop Square, 3rd Floor, Boston MA 02110), and you will be assigned an advocate.

Incarcerated people and returning citizens are having an ever-greater impact on our crimi-

nal justice system, and their voices guide PLS — when we collaborate in litigation, when we conduct “liaison” visits to learn about conditions and treatment in prisons, and when we set our institutional priorities (we survey a random sample of prisoners). With

our limited staff, we cannot address all issues and problems, but we try to represent all prisoners.

*Bonnie Tenneriello is a staff attorney at Prisoners' Legal Services in Boston, and she serves on the NLG Mass Chapter Board.*

## Letters to Editor

### *Is the First Amendment Dead in Prison?*

Dear Reader:

I am a prisoner at MCI-Norfolk. Since June 2015 I have been producing and hosting my own radio show from behind the walls of Norfolk once a month. The show was broadcast through Tuch Radio 106.1 fm.org and aired on Thursdays at 9am and 2pm.

On January 5, 2017, the Department of Corrections interfered with and then shut down my show. What followed was locking me up in the hole for 15 days, followed by a trip to Kangaroo Court (Disciplinary Board). Then a Guilty finding and denied appeal, resulting in the loss of my job (Institutional income), my housing status (back to living in multiple-man quarters after having my own cell for upwards of 15 years) and the loss of the use of the phone for 30 days- all for what essentially comes down to me making a phone call! Ironically, the subject of the show for that day was the lack of accountability for prison staff.

Now I'm not a wiz-kid in the law but I'm pretty good at reading the English language. The First Amendment of the U.S. Constitution says in mandatory language that Congress shall make no laws to prohibit free speech, freedom of the press, freedom of religion and the peaceful assembly of the people to seek redress for wrongs done to them.

How a prison can make up

regs to override that or how courts can overrule the Constitution, that is a real dilemma for me, and should be for you the reader as well. My position is unless I'm shouting "fire" in a crowded movie theatre, my First Amendment rights should be intact. It would be if I was in Wellesley, Brookline, Beverly Hills, etc. So I ask you Is the First Amendment dead in prison? Because if it is, it will soon be in your home too.

**J. Jabir Pope**

*Host of Voices Behind the Walls*

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### *NLG 2017 Convention*

Dear Editor:

I wish to share my view of the recent NLG National Convention. Nineteen of the twenty workshops and six major panels at the Convention, and all of the CLE's, on police misconduct, using international law to confront the Trump agenda, and fighting enforcement of immigration laws, focused on the work we need to do. In particular, as always, I was greatly impressed by the work of the International Committee around the Globe, and at that meeting and in several workshops heard of great work being done in support of liberation and resistance struggles such as, among other things, the tribunal in Mexico related to the disappearance of 43 students, and the involvement of our members in the struggle in Puerto Rico against the U.S. Business Junta. I

also heard from lawyers with whom we are associated from Mexico, Japan, Brazil, and Canada talk of the struggles there and the work to be done.

I attended a Keynote by Winona LaDuke, which focused on what is to be done in support of Native American struggles. The rest of that evening involved awards to a recently released leader of the Puerto Rican struggle for independence who was effusive in his praise of Guild work, including but not limited to work done to secure his freedom, and a Guild Law School Immigration Clinic director whose work is remarkable, a Dinner speech by a woman who talked about the struggle at Standing Rock and spoke highly of the Guild support there. I also attended a function honoring two Guild lawyers who have spent a handful of decades doing the most amazing work in support of the struggles in Puerto Rico and Palestine respectively, whose acceptance speeches also focused on what is to be done.

You hardly have to look back to the Civil Rights movement in the '60's to see amazing work being done by Guild Lawyers all over the world, including the great work of the Sugar Law Center on whose Board I am honored to serve, and their visions for future work. The Convention focused on all of this great work.

In short, I found the Convention exhilarating and inspiring.

**Mark Stern**

*Long-time NLG member*

## 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:

**Anonymous • Steve Buckley • Patricia Cantor & Jeff Petrucelly • J.W. Carney • Howard Cooper • Caroline Darman • Melinda Drew & Jeff Feuer • Roger Geller & Marjorie Suisman • Lee Goldstein & Mark Stern • Benjie Hiller • Andrei Joseph & Bonnie Tenneriello • Martin Kantrovitz • Nancy Kelly & John Willshire-Carrera • David Kelston • John Mannheim • Jonthan Messinger • Hank Phillippi Ryan & Jonathan Shapiro • Allan Rodgers • Martin Rosenthal • Shapiro, Weissberg & Garin • Elaine Sharp • Anne Sills & Howard Silverman • Judy Somberg**

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

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Urszula Masny-Latos, Executive Director 10/1/2017

# Mass Dissent

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## 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."

*Preamble to the Constitution of the National Lawyers Guild*

### Donate to Support the Guild!

The Massachusetts Chapter of the National Lawyers Guild's **Mass Defense Committee** provides legal representation and assistance to the **Occupy Boston** movement.

#### We need your support.

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

I, \_\_\_\_\_ (name), am donating \$ \_\_\_\_\_ to the NLG Mass Chapter to help support the Mass Defense Committee and their work,

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**I am interested in working on the following projects:**

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

## Please Join Us!

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

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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.