Every October we publish a *Mass Dissent* Prisoner Edition, highlighting issues that are of concern to our members in prison. This year we focus on the difficulties of life and lifetimes behind bars, the incredible impact of Life Without Parole (LWOP) sentences, and the absence of comprehensive dedication to rehabilitative programs from the Department of Correction (DOC).

Between severe sentencing that came with mandatory minimums, expanding prison populations due to mass incarceration and lacking rehabilitation services, life within the penitentiary has become even more difficult and even less about reformation and eventual reintegration into society then before. Whether due to lack of interest or engagement from Prison Administration or the dismantling of prisoner initiated programs, opportunities to learn critical professional and social skills have diminished. The system has been and continues to be, stacked against those under its purview.

The DOC has not only continued to fail the prisoners but also those who upon release seek to return to the world outside as productive members of society, placing them at risk of social and financial isolation as well as at risk of recidivism. And contrary to popular opinion, this issue does not only impact prisoners but also those waiting for them to come home and the communities that they will eventually come to live in.

Thanks to the contributions made to this issue by our members behind bars, our attention to and understanding of emerging issues affecting prisoners are deeper and allow us to be a better ally in pushing towards necessary and desperately needed prison reform.

- Editors -
Join A Guild Committee

Litigation Committee:
Established in 2011, the Committee brings civil lawsuits against large institutions (such as government agencies, law enforcement, banks, financial institutions, and/or large corporations) which 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 at 617-227-7335 or nlgmass-director@igc.org.

Mass Defense Committee:
The Committee consists of two sub-committees: (1) “Legal Observers” who are trained to serve as NLG 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.

Street Law Clinic Project:
The Street Law Clinic project was established in 1989. It provides workshops in Massachusetts to address legal needs of various communities. Legal education workshops on 4th Amendment Rights (Stop & Search), Housing Law, Workers’ Rights, Direct Action, Bankruptcy Law, and Immigration Law are held at community organizations, youth centers, labor unions, and shelters. If you are an NLG member and would like to lead a workshop, please contact the NLG office.

NLG National Projects & Committees
(Full list at https://nlg.org/committees/)

NLG National Immigration Project (NIP):
NIP works to defend and extend the human and civil rights of all immigrants, documented and undocumented. Located in Boston, NIP works in coalition with community groups to organize support for immigrants’ rights in the face of right-wing political attacks. For more information contact NIP at 617-227-9727.

NLG International Committee (IC):
IC supports legal work around the world “to the end that human rights shall be regarded as more sacred than property interests.” It plays an active role in international conferences, delegations and on-going projects that examine and seek to remedy conditions caused by illegal U.S. or corporate practices. IC has done work in Cuba, the Middle East, Korea, Haiti, and other countries. For more info go to https://nlginternational.org.
GUILD CALENDAR

National Convention

NLG National “Law 4 the People” Convention returns to the South! This year the Convention will be hosted by the North Carolina NLG Chapter in Durham.

Join hundreds of attorneys, legal workers, law students, scholars and activists for five days of movement CLEs, workshops, panels, and discussions by members of the oldest and most progressive public interest bar association in the country!

All information about the event can be found at the NLG National website: www.nlg.org.

NLG LAW 4 THE PEOPLE CONVENTION
Wednesday - Sunday, October 16 - 20, 2019
21c Museum Hotel
111 Corcoran St., Durham, NC

NLG Happy Hour

If you couldn’t come to our last Happy Hour “Supporting Puerto Rico” please check out the report our speaker Jasmine Gomez wrote in 2018 “Blackout in Puerto Rico: How 120 Years of Corporate Dominance & Political Inequality Stifle Self-Determination Today”.

Details about our next Happy Hour will be announced soon, but please reserve the time. As always, if you have an idea for a happy hour please reach out to Judy Somberg (judy_somberg@igc.org) or Coco Holbrook (cocoh@protonmail.com).

NLG HAPPY HOUR
Wednesday, November 13, 2019
6:00 am - 8:00 pm
Red Hat Café
9 Bowdoin St., Boston

NLG Board Meeting

NLG-Mass Chapter members are invited to participate in monthly meetings of the Chapter’s Board of Directors. The meetings are held on the 3rd Wednesday of a month (except July and August), from 6:00 to 8:00 pm, at the NLG Office (41 West St., Suite 700, Boston). Please notify the office if you plan to attend.

Articles for Mass Dissent

The December issue of Mass Dissent will review the NLG-Mass Chapter work in 2019.

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 November 10.
GUILD NEWS

On the morning of September 4, member of the NLG Mass Defense Committee (MDC) Susan Church was at the Boston Municipal Court in front of Judge Sinnott, defending activists who on August 31 protested against the “Straight Pride” parade. (Out of 35 arrested protesters, 30 were represented by the NLG MDC.)

The prosecutors filed the nolle prosequi motion for Susan’s client, and when Judge Sinnott rejected it, she started reading case law into the record which explains that a judge does not have power to reject nolle prosequi. Sinnott ordered Susan to stop reading; when she continued, he ordered her to be arrested on charges of contempt of the court.

Susan Church leaving her contempt hearing to the embrace and greetings of friends and supporters.

After several hours in jail, in the afternoon, Susan was brought to her contempt hearing where, in the courtroom packed with Susan’s supporters, NLG attorney Max Stern argued against the contempt charges, and all charges were removed.

September NLG Happy Hour: Supporting Puerto Rico

This past summer tens of thousands of protesters took to the streets in Puerto Rico demanding the ouster of the corrupt governor Ricardo Rosselló. Amazingly, they succeeded in their demands. Rosselló resigned August 2nd under threats of impeachment. But that was just one chapter in the long history of the 120 years of corporate dominance and political inequality in this U.S. colonial territory. NLG Chapter board member Jasmine Gomez (2nd from right) lead us in a discussion of that history and what the struggle looks like for the future of Puerto Rico.

One example was how over 4,500 people in Puerto Rico died from the effects of Hurricane Maria and government negligence, and more than 100,000 people sought refuge on mainland U.S. without true support from FEMA. Another was how the U.S. has laws like the Jones-Shafroth Act (1917) and PROMESA (2016) which isolate Puerto Rico and devastate its economy. Puerto Ricans, both at home and in diaspora, are fighting against these as well, and we must understand and acknowledge those struggles.

(Photo by Urszula Masny-Latos)
GUILD NEWS

Hepatitis C in the Department of Correction

We want to hear from you if you are (or were) a prisoner in the Department of Correction and have concerns about Hepatitis C, including if:

- You have asked to be tested for Hepatitis C but have been denied testing;
- You have Hepatitis C but have not been evaluated recently, or told whether and when you will be treated for it;
- You have Hepatitis C and have not been assigned a priority level for treatment; and/or
- You have other questions or concerns about Hepatitis C treatment.

Prisoners’ Legal Services and the National Lawyers Guild are monitoring the settlement in Fowler v. Turen, a class action concerning the testing, evaluation, and treatment of Hepatitis C in the DOC. The Settlement calls for universal testing for Hepatitis C (the prisoner can decline testing,) regular assessments of those who have Hepatitis C to determine their priority level for treatment, and treatment to be given within certain time frames to those who qualify. The settlement also limits the reasons why the DOC can deny treatment to prisoners who otherwise qualify for it.

If you have questions or concerns about Hepatitis C, please contact PLS or NLG with as much detail as you can give about your specific issue:
- PLS: 617-482-2773
- NLG: 617-227-7335

Street Law Clinic Report

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

August 31: Legal Observing at a protest against “Straight Pride” parade, by Lindsay Greyerbiehl, Patricia Manos, Noah Meister Julia Simon and Deb Wilmer.

September 1: Know Your Rights training for activists from IfNotNow, by Makis Antzoulatos.

September 5: Legal Observing at a protest organized by IfNotNow & Never Again against ICE in Boston, by Rebecca Amdemariam, Anna Nathanson, and Lily Ann Ritter.

September 14: Legal Observing for immigrant organization over a weekend of actions against mistreatment of immigrants, by Deb Wilmer.

September 20 & 27: Legal Observing at demonstrations organized by Extinction Rebellion in Amherst, MA, to raise awareness about the climate crisis, by Kristen Wilmer.

September 26: Legal Observer trainings for activists & students at Northeastern School of Law, by Melinda Drew & Jeff Feuer.

September 27: Legal Observing at actions organized by Extinction Rebellion about climate crisis, by Jacqueline Baum, Zach Coto, Peter Daniels, and Deb Wilmer.


New NLG-Mass Chapter On-line Store

Please visit our new on-line store where we offer items to commemorate our 50th Anniversary: a copy of a new 30-min. documentary about our Chapter’s beginnings (on a pen with USB drive and on a USB drive) and a business card holder (https://nlgmass.org/featured_news/nlg-mass-chapter-store/).
Can Prosecutors Be Accountable?

by Patricia Olsen

Being sentenced to life without parole is the other death penalty. Even though the death penalty is no longer used in Massachusetts, we still have over one thousand prisoners serving life with no parole, which is just as bad. At least with the death penalty, your life is over and you don’t have to wake up every day knowing you are never leaving prison.

I was offered a 10-year sentence which I didn’t take because I didn’t do what I was accused of, and I trusted the judicial process, so I took it to trial. My court appointed attorney didn’t call one witness in my defense. He was confident I would be found not guilty. I insisted to be put on the stand, and I was - for about five hours. After three weeks of prosecution’s turn and my five hours, the verdict came back, “Guilty of First Degree Murder.” The sentence - life with no chance of parole.

Fourteen years later and I’m still in prison. Serving a life sentence is a slow death. Each year you lose family and friends, either they’re dying or just forgetting you. I understand that life goes on out there, but I’m not dead. I’m still here.

The first five years I felt confident; that I would prove my innocence and I would be exonerated. But as the years go by, the light at the end of the tunnel grows dimmer and dimmer, to the point you just give up.

While incarcerated our resources are limited. Without having internet access, we are left to rely on others. If you don’t have family or friends in the real world, you ask around for lawyers to write. I’ve written so many letters, I’ve lost count. I’ve had a few visit, but they all want money ... something I don’t have. I have done interviews for two shows in hopes it would generate interest. Instead the shows sold clips and other horrific stories were done. My DNA has nothing to do with my case, so I’m not a good candidate for innocence projects.

My case is built on hearsay. I was named the Mastermind by a pathological liar. I had witnesses that would have helped, but none were interviewed or called to testify. I’ve lost contact with many and, without a computer, cannot track them down.

Recently there has been a lot of talk about changing the natural life sentence to 25 to life and giving clemencies. Neither of these help me. When you see a parole/clemency board you have to show remorse and prove you have changed. What does an innocent person do? Do I lie and say I did it? What was I supposed to improve on? My record consists of two speeding tickets and this trumped up charge.

Prosecutors have too much power and have absolute immunity from civil lawsuits even if their misconduct leads to false convictions. They control deals with witnesses. If these witnesses are telling the truth, why not sentence them prior to testifying? They control the distribution of evidence. How many times have you read where prosecutors withheld evidence? My trial judge was being investigated during my trial about withholding evidence when he was prosecutor in the Bernard Baron case in 1985. Two weeks after my conviction Mr. Baron was released and the whole investigation seemed to disappear.

The judge should make prosecutors swear under oath that they turned over all exculpatory evidence. Then if it is found later that they withheld evidence, they should be charged with perjury.

One way to keep innocent people out of prison is holding prosecutors responsible for their actions. They should not be allowed to speak to witnesses without defense being there when they are offering please,

Continued on page 11
Legislation for Parole Eligibility

by Dirk Greineder

In a momentous move, the Massachusetts legislature is considering two bills that propose offering parole eligibility after 25 years for all prisoners, even those sentenced to Life WithOut the possibility of Parole (LWOP). Those two identical bills, S826 and H3358, sponsored, respectively, by Senator Joseph Boncore and Representative Jay Livingstone and attracting significant co-sponsorship in both House and Senate, are currently scheduled for hearing in October 2019. These bills, if enacted, would at last reduce the excessive and unparalleled surge in the numbers (1082) and percentage (13.4%) of LWOP prisoners in Massachusetts, a state that purports to be progressive whose criminal justice practices typically belie that claim.

These bills do NOT mandate release for any prisoner, but would only provide for a parole hearing after no more than 25 years for all prisoners. These hearings would then determine whether individual prisoners are able to demonstrate that they have changed and become rehabilitated, such that they can live in society without violating the law.

Massachusetts prisons currently incarcerate the second highest percentage of LWOP prisoner in the United States, trailing only Louisiana. Massachusetts LWOP prisoners have increased 56% (from 695 to 1082) in only 21 years, between 1999-2019, and are aging rapidly. Half are aged 50 years or older, an age which experts, recognizing that prisoners age prematurely, consider elderly. Since 2009, an average of eight LWOP prisoners are dying in prison each year. 9% of LWOP prisoners are aged 70 and over, more than seven times the rate of non-lifers. Evidence also shows that these elderly prisoners have markedly reduced risks of reoffending if released.

It is for reasons such as these that Marc Maurer and Ashley Nellig, of the Sentencing Project, have recently published a book, “The Meaning of Life”, that recommends, as part of a national movement, the abolition of LWOP sentences in the U.S., as is successfully practiced in much of the developed world. Several other states also are considering similar legislation. Criminal justice experts nationwide are adding their voices, affirming that the time has come to eliminate these excessive and unnecessary sentences that have been shown to be ineffective at deterring crime and that mostly serve to bloat prison populations with elderly prisoners. These elderly and often infirm present little or no risk to public safety if released, while consuming significant financial resources for specialized housing and medical care.

Massachusetts legislators would be well advised to listen to these expert voices as they consider enactment of S826 and H3358. These sensible bills would move Massachusetts criminal justice practices into rational evidence-based policy. They will protect public safety while simultaneously validating sound human rights practices by offering a second chance to select individual prisoners who can demonstrate rehabilitation. They would conserve fiscal resources and, at last, justify the Commonwealth’s claim as the home of progressive criminal justice policy. We ask the legal community also to support this sensible and long overdue reform.

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Dirk Greineder has been incarcerated at MCI in Norfolk since 2000 for first degree murder.
A Look Ahead

by Kevin Costa
MCI-Norfolk

We sit and watch
As the grey haired men
Shuffle along in their
Sagging ashen skins
And shiny steel shackles.
Tattoos of exotic jungle cats
Once dark and proud
Have greened with age
And now look as tired and worn
As the arms they melt down.

As the line stops
Their swaying stances
Resemble withered trees
Leafless, wrung-out
Waiting for a final tempest
To rip them from their
Shallow rooted hold on life.

Tired of the monotonous routine
Of time
They go like lemmings
To the darked dungeons
Of the prison's health Care-
Less system, to survive
From med call to med call.

Before they're herded away
They look back at us with their cloudy eyes
And see what once was.

We look ahead
As the line moves on
To see what will be:
Prison bars
To the last rattling breath.

Drawing by Patricia Olsen
MCI-Framingham
Failure Costs DOC $198,000
by Shawn Fisher

Often times, I reflect on the scene from “Shawshank Redemption” when Morgan Freeman tells the parole board, “what is rehabilitation? That’s just some fancy made-up word to justify your jobs.” Although I don’t believe it’s a made up word, I do believe many Department of Corrections (D.O.C.) administrators hide behind it to justify their salaries.

Massachusetts is unique in that the rehabilitation is mandated by law. The prison reform law entitled Chapter 777 of the Acts of 1972 was incorporated into Mass. law, Chapter 124, sec 1 €. The D.O.C. Commissioner “shall: establish, maintain and administer programs of rehabilitation… M.G.L. Ch 127 sec 48 repeats and reinforces this legislative mandate for “education, training and employment programs.

Yet far to many administrators who are in charge of this process do next to nothing in generating rehabilitative opportunities. The reason for this is obvious. First, they don’t believe it’s their responsibility to rehabilitate prisoners in their care. Lastly, they don’t appreciate the gravity of the rehabilitation process nor the responsibilities that job position encompasses.

Take for example both the Deputy Superintendent of Reentry and the Director of Treatment here at Old Colony Correctional Center in Bridgewater. In 2018 both earned salaries that exceeded $99,000 dollars respectively. A figure indicative to the importance of their jobs. Both are responsible for all the programs offered at this facility. The success or failure of these programs are directly impacted by their decisions, involvement and support. For lack of a better term, “the buck stops with them”.

Therein lies the problem. Both are referred to by many as absentee landlords because of their lackadaisical approach to rehabilitative programming. As a result, volunteers who run programs are discouraged and have either quit in frustration or “given up” in trying to work with them. Countless prisoners who facilitate self-help groups, have expressed their disgust and frustration at the lack of effort to help and support these groups. Myself included. The on going joke is that just like the weed killer “Round-up” whose slogan is “kills weeds gone”, there should be a sign on their desk that reads “kills programs gone.”

The lack of rehabilitation at this facility is so prevalent it prompted one inmate to file a complaint against the D.O.C. for “failure to establish adequate rehabilitation programming based on M.G.L. and the 5th and 8th amendments.” In the span of two years I have witnessed 10-15 inmates recidivate after wrapping up their sentences from here. The charges range from possession, assault, robbery and murder. And that’s just off my head. I wonder what the real numbers are!

Interestingly enough, neither one of those administrators take responsibility for the return of those recidivists. They don’t sit down and ask “where did we go wrong?” or “what can we do better to prevent this from happening again?” Better yet, I can guarantee neither of them; or anyone else from the D.O.C. spoke to the victims of those recidivists and said “I’m sorry”. “I’m sorry for failing to protect public safety”. Recently, a Florida security guard from Marjorie Stoneham High School was charged for failing to protect students from an active shooter. If he can be held accountable, why can’t the D.O.C.?!.

At a time when rehabilitation is at the forefront of many Prison reform conversations writing this article means we have a long road ahead of us. In an article by Jean Trounstine, entitled “The fight for life in Massachusetts she writes, “in the first-ever survey on victims’ views on safety and jus-

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The Systemic Destruction of Community-Based Prison

by William J. Duclos

There is a systematic destruction of the spirit of MCI-Norfolk. Now, since becoming the Majority Co-Camp Chairman of the Norfolk Inmate Council 28 months ago, it has become undisputable that administrators within the Massachusetts Department of Correction (DOC) see the recently passed “Act of Criminal Justice Reform” as an attack on their “department of corruption.”

Most upper level administrators entered the DOC under a practice of punishment during the William Weld era of “The Joy of Busting Rocks”. Thus, this leaves staff within the DOC untrained and unwilling to implement the new crime reforms. Prisoners living in the hostile environments of Massachusetts prisons see a negative down turn from staff and administrators. This has created a hopelessness that cannot be measured by interviews and made up data.

MCI-Norfolk is a very unique prison in that it was designed by an innovator Howard Gill (former Superintendent) and it was meant to be a Community-based prison with a self-functioning government of prisoner stakeholders who sought a better prison community and take personal responsibility for our growth and development. Over the years this has been watered down in the name of security. These actions have now destabilized the prison and created an addiction problem. The administrators’ approach to addiction has been to punish the addicted prisoner, rather than to treat them. It should be noted that there has never been a riot at MCI-Norfolk as a means to settle issues between inmates and staff. This attests to the fact that the Norfolk Inmate Council (NIC) has always come to the table with resolutions to disagreements. MCI-Norfolk is the only prison in the State with an Inmate Council, which is a unique and valuable resource for a dialog. A mutual respect existed, and that has now been done away with by administrators who now see the NIC as only an opposition body. A “program” staff recently said: “It is an ‘us against you’ thing”. Corporate punishment is rampant without any real plan of action. It has become increasingly difficult to stabilize MCI-Norfolk since new administrators filter through every three months at a rate unseen before in prison administration. Upper level administrators often state that they believe in mass incarceration. Which simply tells of the DOC’s true motivations.

The Department of Justice Civil Rights Unit has begun an investigation into the corruption within the DOC. With the New Criminal Reform efforts there was great hope for the future on this side of the walls and fences. However I regret to report that this hope is beginning to disappear. Connections to society (friends & family) are being dissolved. Visits are down by more than 50% by recent figures from the DOC.

This will not deter those of us in the struggle from behind the walls, and we will continue to reach out and do our best to offer solutions and seek better options not just for ourselves but friends, family and society as a whole.

William J. Duclos is a prisoner at MCI-Norfolk. (He can be contacted at P.O. Box 43, Norfolk, MA 02056)
NLG-Mass 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 NLG members & friends:

Anonymous • Patricia Cantor & Jeff Petrucelly • J.W. Carney • Howard Cooper • 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 • Jonathan Messinger • Hank Phillippi Ryan & Jonathan Shapiro • Allan Rodgers • Martin Rosenthal • 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.

Prosecutors’ Accountability

Continued from page 6

deals or threats. Defense attorneys should be allowed to be at Grand Jury indictments and be able to object. They should also be allowed to offer immunity to potential witnesses in exchange for testimony just like prosecutors.

Prosecutors commit serious acts of obstruction of justice, yet you will never see their names listed in a civil suit or in a appeal argument as the ones who did or didn’t do something. The highest court has said “prosecutors can not be scared to prosecute,” therefore, are not responsible for miscarriages of justice. Like a child with no rules, they eventually don’t know right from wrong-only getting what they want.

Patricia Olsen is a prisoner at MCI-Framingham.

Costs of DOC’s Failures

Continued from page 9

tice, in 2016, most victims say that they prefer rehabilitation to punishment, while 3 to 1 believe in holding people accountable through options beyond prison, and 6 to 10 advocate for shorter prison sentences…and want more money spent on prevention and rehabilitation.”

When a word like “rehabilitation” is used to create legislation; start surveys; write articles and begged for by inmates, then those in power need to prioritize it. Enough with the lip service. The longer the status quo continues, the longer people will hide behind a salary that pays them to fail. Fail us.
 Fail you.
 Fail Public Safety.

Shawn Fisher is a prisoner at OCCC-Bridgewater.
"... 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