

Mass Dissent

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Resurgence of Labor Activism

In this era of needed mass mobilization, Labor (with a capital “L”) is seeing a resurgence in recruiting new workers and in successfully negotiating collective bargaining agreements.

As America becomes more stratified, organized labor is expanding its influence and depth, including not only its traditional base, but seeing a resurgence of activity among tech workers at places like Amazon and Wayfair, drivers at Uber and Lyft, government employees, teachers at all levels and even college athletes.

As written in bold headlines in the January 2020 issue of *Labor Notes*, “The Strike is Back.” Witness strikes (putatively prohibited by statute) lead to teacher friendly collective bargaining agreements in Los Angeles, Denver, West Virginia, Chicago and, locally in Dedham.

This issue of *Mass Dissent* contains a description of the organizing and concerted collective activity of the Harvard Graduate Student Union of the United Auto Workers. All uni-

versities rely on the unpaid labor of graduate students to function. The Harvard Graduate students’ struggle and strike is both a symbol and a reflection of the increased self-awareness of college teachers’ role as workers and their power to effect change in their working conditions. Currently, the Harvard Graduate’s Student Union is suspending its strike because their action has resulted in the Harvard Administration beginning to bargain in good faith about the union’s demands for better wages, working conditions and the handling of discrimination complaints.

Employment attorney and a long-time NLG member Mark Stern writes about union democracy and its value to all, how unions should not replicate undemocratic forms of

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**NATIONAL LAWYERS GUILD
MASSACHUSETTS CHAPTER, INC.**

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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/](https://nlg.org/committees/))

NLG National Immigration Project (NIP):

NLGNIP works to defend and extend the human and civil rights of all immigrants, documented and undocumented. Located in Washington, DC, NLGNIP works in coalition with community groups to organize support for immigrants' rights in the face of right-wing political attacks. For more information contact 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>.

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GUILD CALENDAR

NLG ANNUAL MEETING

NLG-Mass Chapter members are invited and encouraged to attend the Chapter's **Annual Meeting**.

We will start with a cheese & wine reception and then continue with a meeting and elections of the the Chapter's Board of Directors.

If you are a **current** member of the NLG-Mass Chapter and are interested in running in the election and serving on the Board, please fill out the Nomination Form inserted in this issue of *Mass Dissent* or call the NLG office (617-227-7335).

NLG-MASS CHAPTER ANNUAL MEETING

Wednesday, March 18, 2020

5:30 pm - 8:00 pm

Greater Boston Legal Services

197 Friend St., 2nd Fl., Boston

NLG ANNUAL DINNER

We are thrilled to announce the 2020 NLG Testimonial Dinner Awardees. It is an honor for us to award the following:

Lawyer Award - **Andrew Fischer** (Jason & Fischer) & **Bonnie Tenneriello** (Prisoners' Legal Services).

Legal Worker Award - **Cosecha Movement**.

Student Award - **Anna Nathanson** (Harvard) & **Debra Wilmer** (UMass Dartmouth).

"Contemptuous Courage" Award - **Susan Church**.

NLG ANNUAL DINNER

Friday, May 15, 2020

6:00 am - 9:30 pm

St. Paul African Cultural Center

85 Bishop Allen Drive, Cambridge

NLG HAPPY HOUR

NLG "Think & Drink" Happy Hour is held quarterly on the **2nd Wednesday of January, April, September, and November**. The event brings together legal professionals and activists to discuss current political and legal topics. If you have ideas for a presentation or would like to be a speaker, please call the NLG office at 617-227-7335.

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 April issue of *Mass Dissent* will discuss **Housing Crisis & Gentrification**.

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 MARCH 10.

GUILD NEWS

NLG Holiday Party

On December 6, 2019, NLG-Mass Chapter members and friends gathered at Encuentro 5, a community center in downtown Boston, to celebrate a long year of hard fought cases in pursuit of justice for the people.

This was our first time at this location after many years of being at the law office of Shapiro, Weissberg and Garin. The evening was lively and all those present enjoyed good food, great wine, company, and a fun raffle drawing to tie things up.

For this year, we are looking for a new space to have our holiday party, so if you have any suggestions, please let us know.



Resurgence of Labor Activism

Continued from page 1

organization, but be structured to truly reflect the interest of union members.

This demand for democracy should be instructive for not just the union members, but for all progressive organizations. We should pre-figure the way we want to live and work, not just accept and reproduce oppressive structures imposed by those in power. (You know who - those rich, gender normative, white guys!)

Stay tuned.

- Lee Goldstein -



(Photos by Jonathan Messinger, Roberto Patterson & Eden Williams)

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 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. Tureo, 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 since last issue of Mass Dissent:

December 2: *Legal Observing* at a protest at Harvard in the students' fight for Ethnic Studies, by **Geoff Carens**.

December 3: *Legal Observing* at a continued protest at Harvard in their fight for Ethnic Studies, by **Sarah Block**.

December 6: *Direct Action & Know Your Rights* training for climate change activists from Sunrise Movement, by **Andrew Fischer & Lee Goldstein**.

December 8: *Know Your Rights & Direct Action* training for students from Harvard Graduate Students Union/UAW involved in union activities, by **Lee Goldstein**.

December 12: *Legal Observing* at a rally and protest organized by Harvard students fighting for Ethnic Studies, by **Sarah Block, Marina Multhaup, and Anna Nathanson**.

January 17: *Legal Observing* at an action in Concord, NH, organized by Cosecha, by **Noah Meister, Chris Williams, and Debra 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/).



Striking to Win, Striking to Transform: HGSU-UAW's Historic Student-Worker Strike

by *Ria Modak*

On December 3, 2019, thousands of graduate and undergraduate student-workers represented by the Harvard Graduate Students Union-United Auto Workers (HGSU-UAW) went out on strike. Bundled in winter coats and sporting “UAW On Strike” signs, strikers picketed, marched, and rallied in falling snow and pouring rain. For nearly four weeks, HGSU-UAW withheld grading,

research and teaching; disrupted deliveries, trash collection and construction; and built worker power with Boston-based and national unions to show the university administration that student-workers will continue to organize and fight until they win a fair contract.

Before HGSU-UAW authorized the strike in late October 2019, the union and the univer-

sity's bargaining team had met for 28 negotiating sessions since bargaining began in October 2018. From petition deliveries to rallies and work-ins to occupations, the union tried every escalatory tactic before calling for a strike authorization vote in the hopes of reaching an agreement. However, thousands of student-workers were forced to

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Striking to Win, Striking to Transform: HGSU-UAW's Historic Student-Worker Strike

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strike, forgoing weeks of pay, because the university refused to hear the union's demands.

The three main demands that have framed HGSU-UAW's fight for a fair contract are:

1. protections from discrimination and harassment
2. affordable healthcare
3. fair pay.

Student-workers are calling for a fair mechanism to address issues of discrimination and harassment: a neutral third-party grievance procedure. This grievance procedure would remove the conflict of interest in the university-controlled Title IX and Office of Dispute Resolution processes, which often fail survivors and students of color experiencing unfair treatment and abuse. In addition, it would apply unambiguously to all types of discrimination and harassment, including complaints on the basis of race, ethnicity, disability and other marginalized identities.

In addition to demanding just recourse for discrimination and harassment, HGSU-UAW

is calling on the university to provide better healthcare and wages. As it stands, many student-workers are unable to afford specialist and mental healthcare as well as dependent care for their families. Some are unable to afford their rent and are barely paid minimum wage. Yet instead of working to reach a fair agreement on these vital issues, throughout the strike, the administration spent thousands of dollars on police details, sacrificed educational quality by canceling exams and replacing finals with Scantrons, and threatened student workers with retaliation.

While tensions between HGSU-UAW and the administration continued to escalate throughout the strike, the strike had undeniable consequences on the ongoing struggle for a contract: both sides signed six new tentative agreements that will protect student-workers' rights. In addition, the university committed to begin federal mediation on January 7, 2020 to attempt to reach an agreement within the month.

Citing these victories, HGSU-

UAW ended the strike on January 1, 2020 and returned to work with hopes of winning a fair contract.

However, their fight for economic justice transcends the individual fight for discrimination and harassment protections, healthcare and fair wages; the strike holds unimaginable potential to interrogate the culture of academia itself. Through a bold reimagining of labor and work in the university context, a call for widespread political education, and the mobilization of community allies, HGSU-UAW's strike has proven that collective action can effectively change structures.

A student-worker strike has the power to challenge the turgid status-quo of the institution.

Ria Modak is an Organizer with HGSU-UAW and has been working on the Harvard students' strike.

Union Democracy Legal Work

by *Mark Stern*

Representing Labor Union Members

Union democracy is desirable, not because democracy is good in itself (as it is) but because on balance democracy increases union effectiveness in representing members' interests and in mobilizing these members to support its collective bargaining objectives.

Institute For Research On Labor And Employment, Working Paper #30-91, May 1991

I have represented labor union members for nearly 50 years. Sometimes my work has involved representing the most democratic of unions, the UE, but more often than not the members of that union prefer to get things done themselves and not involve lawyers.

Other times, most frequently, this work has involved getting a union member and a union on the same page about pursuing a workplace grievance. Only rarely have these cases involved the member's having to sue the union for failing to carry out its "duty of fair representation," but I have done a

few of these, with mixed success as the minimum standard of care is low and what you have to prove is high.

Finally this work (and the most rewarding of it) has at times involved raising issues of democracy, or the lack thereof, in the context of union elections or the exercise of free speech to criticize union officers or policies. This work is by some regarded as "anti-union," and by others what is absolutely necessary to revive a declining labor movement.

I began doing with work with local chapters of the Teamsters for a Democratic Union, a national organization working for four or more decades to eliminate corruption, company unions, and heavy-handed leadership (at times associated with organized crime). I represented a campaign worker (former Vietnam Vet) who was thrown down a flight of stairs at the polls while advocating for a dissident running against a leader of a large local, who later became the International President. This case settled for a cash payment to the Plaintiff.

I also represented the same dissident after his local subsequently got his employer to fire him. In that case we first established a statute of limita-

tions for a Title I LMRDA claim (Doty v. Sewell, 784 F.2d 1 (1st Cir. 1986)), and, after trial, won an award of \$250,000 (Doty v. Sewell, 908 F.2d 1053 (1st Cir. 1990)). The second appeal was sustained by a First Circuit panel including Judge Torruella.

Finally, I represented a dissident whose nomination for union office was simply ignored and the election scheduled to be conducted without his name on the ballot. In that case we attempted to establish for the first time that a post-election complaint to the Department of Labor (which often resolves them after the entire term has run with the offender in office) was not, as the statute says in plain words, the only remedy for election misconduct: that is, that a complaint filed before the election is conducted was cognizable by a Court (Furniture Movers Local 42 v. Crowley, 467 U.S. 526 (1984)). The Supreme Court, in a 9-0 decision, agreed with our argument, but said our case was filed one day too late.

In 2017 I was engaged by members of AFSCME to

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Union Democracy Legal Work

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address retaliation against members of the local for their exercise of free speech critical of union leaders (Conille v. Joint Council 93, CA 17-11495). The retaliation was the dissolution of their local union, which had the effect of removing the only dissident on the New England Council Executive Board from the remainder of his term in office. The dissident members complained about the underrepresentation of some state employees on the Executive Board. My clients challenged the manner in which the Constitution of the Council allocated representation, giving some Legislative Districts with fewer members more seats on the Board than other Legislative Districts with more members. No one had ever successfully gotten a court to apply the Equal Voting Rights provision to a District Council. The federal trial court found that the allocation by the New England Council was so grossly disproportional that it violated the Equal Voting Rights provision. (<https://www.leagle.com/decision/infeco20180523869>.) To achieve that result I relied on the dictum in the Crowley case.

The Union appealed the 2017

decision in our favor and this matter remains before the First Circuit, undecided in over a year. When I argued the appeal, one of the panel members was Judge Torruella. He asked me a challenging hypothetical based on varying the facts of my case. I responded, “Your honor, that is an interesting question, but not this case; however, I would love the get that case in the future and perhaps I will appear before you in another 26 years to answer that question.” He replied, one old guy to another, “I’ll be waiting for you!”

Conille, the lead Plaintiff and a leading dissident ran for the Executive Board of the Council again in November 2019, and was declared a winner of a seat along with another independent minded member. After his observers left the counting room, celebrating his victory, the union leaders did a recount and declared that he actually lost the election. As a result of his protest, the election is being rerun in January, but under much less favorable conditions.

In all this work, I have been helped by Board Members of the Association for Union Democracy scattered around the country. It is a great organ-

ization as is the Teamsters for a Democratic Union, and both are worth looking at their websites.

In a democratic union the members see themselves as responsible for everything impacting their workplaces and act accordingly. They see their leaders as executioners, in the best sense of the word. The members tell the leaders what to do and the leaders do it. By contract, when the leaders see themselves as the decision-makers, they are also executioners, in the worst sense of the word: they weaken if not kill the strength of the union, which depends for its well-being on the active participation and sense of ownership of the members that only comes from democracy.

Mark Stern is a labor & employment attorney based in Somerville and a long-time member of the NLG-Mass Chapter.

NLG Mass Defense Committee in Action

by Makis Antzoulatos

The last few months have been an incredibly busy time for the Mass Defense Committee. People around Massachusetts are organizing incredible resistance in the fight against oppression, and for liberation. As always, the Mass Defense Committee is honored and proud to stand alongside our people, and defend them in Court when the state comes down on them. There has been incredible climate justice actions in the Central part of the state and in Southern New Hampshire, with dozens of activists putting their bodies on the line to block trains filled with coal that are trying to move through our state. MDC lawyers are representing these activists in both Massachusetts and New Hampshire.

The MDC did two trainings for our comrades at Cosecha, to help them prepare for an action in protection of Nelson, a leader in the immigrant rights struggle that ICE was trying to kidnap. We trained dozens of activists, and provided two legal observers for an action at the Federal Courthouse in Concord, New Hampshire. An MDC attorney was also available to represent people in the case of arrest. There was a brave group of activists who

did their best to save Nelson from ICE, and get him into sanctuary at a local church. Unfortunately, ICE agents were able to get into the courtroom and kidnap him directly from the defense table. The fight is far from over, and this was a hard reminder of the horrific tragedies perpetrated by our government on a daily basis.

The MDC was awarded the Massachusetts Association of Criminal Defense Lawyers (MACDL) President's Award, at their winter meeting. This was an incredible honor to receive from MACDL, an organization made up of incredible defense attorneys who fight injustice daily in our criminal courts. MACDL and the MDC have been working closely together over the past few years, and MACDL lawyers have answered the call on multiple occasions with the MDC needs additional support in court. We are hopeful this relationship will continue to blossom.

Until next time....from the streets to the courts...keep loving and keep fighting.



On December 10, 2019, the NLG Mass Defense Committee received an award from MACDL.

(Above) Jude Glaubman from the MDC thanks for the Award.
(Right) Makis Antzoulatos (l.) with MACDL Board members Shira Diner & Michael Hussey.



Makis Antzoulatos is a Co-Coordinator of the NLG Mass Defense Committee. He is a criminal defense attorney with CPCS.

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 • Jonthan 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.

NLG-Mass Chapter Sustainers are NLG members and friends who make a commitment to support the NLG Massachusetts Chapter with an annual contribution of \$500 or more (not including the NLG membership dues).

The NLG Sustainers receive:

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

There are 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 or more.

If you are interested in learning more about the NLG-Mass Chapter Sustainer Program or if you would like to become a Sustainer, please contact our office at

617-227-7335 or nlgmass-director@igc.org.

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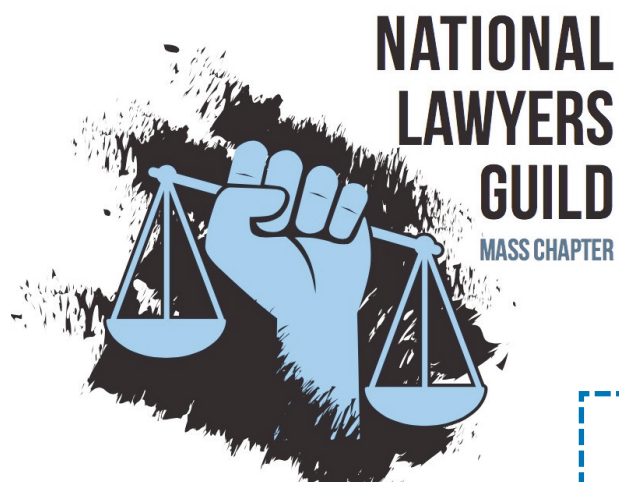
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" ... an association dedicated to the need for basic change in the structure of our political and economic system. We seek to unite the lawyers, law students, legal workers and jailhouse lawyers of America in an organization which shall function as 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

WE NEED YOUR SUPPORT!

The NLG-Mass Chapter provides legal representation and assistance to the **radical and progressive** movements.

Please help by donating to the Mass Chapter by sending this form and a check to
41 West St., Suite 700, Boston, MA 02111
or visiting **www.nlgmass.org/donate**.

I, _____ (name), am donating \$ _____ to the
NLG-Mass Chapter to help support the fight for the people,

JOIN US!

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

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

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

Fill out and send to:

National Lawyers Guild-Mass Chapter
41 West St., Suite 700, Boston, MA 02111

NAME: _____

ADDRESS: _____

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PHONE: (w) _____ (c) _____

E-MAIL: _____

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Circle one:

Lawyer Legal Worker Law Student Jailhouse Lawyer

Alumna/Alumnus of _____ Year _____

Dues (from schedule): _____

I am interested in working on the following projects:

- _____ Street Law Clinic
- _____ Mass Defense Committee
- _____ Litigation Committee
- _____ *Mass Dissent* (bi-monthly publication)