

Mass Dissent

SEPTEMBER 2020

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Supreme Court's Term

This is our annual Supreme Court issue. This last term was recognized as the most consequential in recent memory.

IN THIS ISSUE

Guild Calendar
page 3

Guild News
page 4-5

Trump's Taxes
page 6

McGirt v. Oklahoma
page 7

DHS v. Regents of the University of California
page 8

Louisiana Abortion Law
page 9

Decisions from last term, Adam Liptak wrote in the *N.Y. Times*, “will be taught to law students for generations – on presidential power and on the rights of gay and transgender workers, [on] abortion rights and protect[ing] young immigrants knows as Dreamers”....[a]nd it handed Native Americans their biggest legal victory in decades.” We write articles on all those cases (except the LGBT case, Bostock v. Clayton County, reviewed in brief in this column). Long-term NLG member, **Mark Stern**, writes on the two presidential power cases, both decided against Trump by 7-2 votes, where even the dissenters (Thomas and Alito) rejected the president’s broadest claims of immunity from process. Harvard Law School student and NLG member, **Dasha**

Dubinsky, writes on McGirt v. Oklahoma, where Justice Gorsuch, joined by the four more-liberal justices, affirmed the ongoing existence and self-governance of the Creek Reservation in Oklahoma. NLG member, **Tara Wilson**, writes on DHS v. Regents of the Univ. of California, where the Chief Justice joined the liberal bloc and wrote the majority opinion saving DACA. NLG law student at Suffolk University Law School, **Kylah Clay**, writes on June Medical Services v. Russo, where the Chief Justice joined the majority to reaffirm important abortion rights earlier protected by Whole Woman’s Health. In Bostock, it was Justice Gorsuch who wrote for the 6-member majority holding that Title VII of the Civil Rights Act of 1964,

Continued on page 4

**NATIONAL LAWYERS GUILD
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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 "Know Your Rights" when encountered by law enforcement (Stop & Search) and Immigration Law, and "Direct Action" 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 CONVENTION

This year's the NLG "Law 4 the People" National Convention will be held digitally. It will be held over a period of two weeks, starting on Monday, September 21 and ending on Sunday, October 4.

The two weeks of the Convention will be filled with workshops, presentations, panel discussions, planeries, and virtual social events.

The program with the schedule of all events will be announced soon and will be posted on the NLG-National Office's website (www.nlg.org).

All questions regarding the Convention and registration can be directed to Pooja Gehi at director@nlg.org.

NLG NATIONAL CONVENTION
September 21 - October 4, 2020
Digital

NLG ANNUAL DINNER

The 2020 NLG Testimonial Dinner Awardees are:

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).

'Contemtpuous Courage' Award - **Susan Church**.

Because of the Coronavirus pandemic, the Dinner will be conducted **via Zoom**. Unusual times call for unusual measures! Ticket buyers will still be provided with tasty dinner prepared by Taste de Tropiks and delivered to their home. Please buy a greeting/ad in the Dinner Journal to support the honorees & NLG!

NLG ANNUAL DINNER
Friday, October 23, 2020
6:00 pm - 9:30 pm

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 the month** (except July and August), from **6:00 to 8:00 pm**, at the NLG Office (41 West St., Suite 700, Boston) **after the pandemic**. Please notify the office if you plan to attend.

ARTICLES FOR MASS DISSENT

The October issue of *Mass Dissent* will discuss **life in prison & prisoners' rights**.

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

The deadline for articles is SEPTEMBER 10.

GUILD NEWS

NLG Summer Board Meeting

This year, NLG-Mass Chapter members gathered over Zoom for a Summer Retreat to check-in how we manage during the pandemic and to discuss the current work of the Chapter. We also spent some time talking about the future and what our work priorities should be.



Supreme Court's Term

Continued from page 1

barring employment discrimination based on race, religion, national origin and sex, applies to gay and transgender workers “It is impossible,” Justice Gorsuch wrote, “to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex.” While the case was narrowly written (“we do not purport to address bathrooms, locker rooms or anything else of the kind”), it was nevertheless both a relief to and welcome on the left.

While a surprise from the last term was Justice Gorsuch’s textualist approach carrying the day on LGBT and Native American rights, one thing that was not a surprise was the Chief Justice’s continuing to make this Court his. John Roberts is not only the Chief

Justice, he was in the majority more often than any other justice, dissenting only twice (including in McGirt v. Oklahoma) and otherwise being in the majority in 94 percent of the divided cases. The other justices most often in the majority were Justice Kavanaugh (89% of the time) and Justice Gorsuch (77% of the time). The Chief Justice and Justices Kavanaugh and Gorsuch have become the middle of the Court, which means that the Court is far from liberal. While Bostock created a milestone ruling protecting LBTG workers, in Our Lady of Guadalupe School v. Morrissey-Berru and a companion case, also this term, the Court ruled by a 7-2 vote that employment discrimination laws did not apply to teachers in religious schools. While the majority

protected DACA this term, only Justice Sotomayor argued that there was an equal protection claim that survived the motions to dismiss, and DACA may only survive until DHS comes up with a fuller rationale for terminating it. And in a series of five voting rights cases, decided without argument or opinion at or near the end of the term, the Court’s rulings uniformly sided with efforts to restrict rather than expand voting rights, which was of a piece with the Chief Justice’s landmark 2013 decision in Shelby County v. Holder, invalidating a major component of the Voting Rights Act, and last year’s decisions to leave for the states enforcing the constitutional mandate of one person, one vote in political gerrymandering cases.

- David Kelston -

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

Mass Defense Report

The following clinics and trainings were conducted since last issue of Mass Dissent:

June 16: *Direct Action* training organized by Northeastern law students as part of a weekly series, by **Jeff Feuer**.

June 18: *Legal Observer* training organized by Northeastern law students as part of a weekly series, by **Melinda Drew**.

June 19: *Legal Observing* at a protest organized by Black Lives Matter in Dorchester, by **Elliot Bartel, Rachel Lee Pincus, Emily McCorry, Noah Meister, Benjamin Pitta, and Liz Rover Bailey**. • *Legal Observing* at a Juneteenth rally in Brookline, organized Enough is Enough, by **Tess Berkowitz, Max Fowler, Charley Gibson, Ellen Messing, Saranna Soroka, Jason Tauches, Nora Wells, Eliza Walker, Deb Wilmer, and Ren Workman**.

June 20: *Legal Observing* at a protest in Cambridge, organized by Movement For Black Lives (M4BL), by **Miriam Arghavani, Sarah Block, Shree Churasama, Prati Date, Reed Drake, Haley Eagon, Annemarie Guare, Emily Guare, Drew Heckman, Lavran Johnson, Rachel Lee Pincus, Katherine Mateo, Emily McCorry, Marina Multhaup, Patricia Peters, Sara Powell, Asya Rozental, and Lester Smiley**.

Continued on page 11

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/).



The Court's Rulings on Trump's Taxes

by Mark Stern

The majority of seven on the Supreme Court feel that there is a legal basis for obtaining documents from the President outside of the context of an impeachment hearing. Five of them believe that a prosecutor (state or federal) can subpoena documents for a grand jury investigation without any showing of special circumstances. The same Justices believe that Congress can obtain such documents if it shows special circumstances. What is mildly heartening about these decisions is that Gorus and Kavanaugh joined the majority in the decision about the Congressional subpoena, and do not depart widely from the one about prosecutors, asserting the President is not above the law, and challenges to the President may proceed by avenues other than through the Senate. Only two of the justices, Alito and Thomas, would effectively insulate the President entirely, and they are the two older of the conservatives (although they could be around for another score of years).

TRUMP V. VANCE

Even though in 200 years a state prosecutor had never subpoenaed records from a sitting President of the United States,

in Trump v. Vance, the Supreme Court determined by a 7-2 margin that the New York State Prosecutor could enforce such a subpoena for the President's private records issued by a state grand jury investigating the President. The Chief Justice wrote the opinion, joined by Ginsburg, Breyer, Sotomayor and Kagan.

The Court remanded the case for proceedings to determine if the President had any subpoena-specific challenges that any ordinary citizen could raise. It also determined that such challenges could be raised by a President in state or federal court, and could argue among other things, bad faith, malice or an intent to harass.

All nine Justices rejected Trump's contentions that a sitting President enjoys absolute immunity under Article II and the Supremacy Clause. Seven of the Justices also rejected the President's claim that a heightened standard must be met to enforce such a subpoena (*citing United States v. Burr*, 25 F.Cas. 30, 33-34).

Along the way the Court rejected the arguments that such a subpoena would distract the President from his duties (noting the subpoena was to his

accountants not to him), that a subpoena would stigmatize the President (citing grand jury secrecy), and that it could be used to harass a President (citing prohibitions against using grand juries for harassment).

Justice Kavanaugh filed a concurring opinion in which Gorsuch joined, noting "no one is above the law." However, they asserted a state prosecutor must establish a demonstrated, specific need for the President's information, *citing United States v. Nixon*, 418 U.S. 683 (1974). Apparently they agreed that standard would not have saved Trump in this case.

Thomas and Alito dissented. As noted above, even the dissenters agreed that the President had no absolute immunity. They contended such a subpoena could be enforced "unless it meets a test that takes into account the need to prevent interference with a President's discharge of the responsibilities of his office;" ergo, "not all such subpoenas should be barred." They argued for a remand to consider the matter by said standard.

Do not expect to learn anything the grand jury finds before the election, after which

Continued on page 10

McGirt v. Oklahoma

by Dasha Dubinsky

Last term, in McGirt v. Oklahoma, the Supreme Court undertook an inquiry into Indian law and territorial jurisdiction. The case arose from McGirt's state court conviction for three sexual offenses. McGirt argued that the State was precluded from trying him because of the federal Major Crimes Act, under which Indians on tribal lands could only be tried by the federal government or the tribe, not the state. The question in this case, therefore, was whether McGirt had committed his crimes in "Indian country." In a 5-4 decision, the Supreme Court affirmed the ongoing existence and self-governance of the Creek Reservation in Oklahoma. While the facts of the case were limited, McGirt symbolizes a larger victory for the Native American community, indicating that the Court will refuse to adjust reservation borders without a clear expression of intent from Congress.

Notably, and perhaps surprisingly, Justice Gorsuch delivered the opinion, joining the liberal wing of the Court. His analysis utilized a conservative textualist approach and centered on the role of Congress in both establishing and dismantling Indian reservations. The opinion described the historical

background that led to Congress establishing a reservation for the Creek Nation, through multiple treaties in the 19th century. Once a reservation is established, only Congress has authority to dismantle it. Justice Gorsuch rejected Oklahoma's arguments that Congress had expressed its intent through congressional intrusions and limitations on the Tribe's autonomy. As Congress had never passed a law explicitly disestablishing the reservation, no extratextual sources, government practices, or demographics could be used to prove that the reservation was disestablished. In a simple but memorable holding, Gorsuch writes, "Because Congress has not said otherwise, we hold the government to its word."

In contrast, the dissenters argued that to determine whether Congress had disestablished the reservation, the Court must look at both the acts of Congress and all surrounding circumstances. The dissent written by Chief Justice Roberts, in which Justices Alito, Kavanaugh, and Thomas (except for one footnote) joined, argued that the numerous statutes passed by Congress limiting tribal autonomy, along with the contempo-

aneous understanding of the statutes, the State practice of "unquestioned jurisdiction," and the "subsequent demographic history," illustrated that the reservation no longer existed. Roberts' dissent also expressed concern that the majority's decision would create uncertainty and instability by altering jurisdiction in 19 million acres of reservations in Oklahoma, limiting the State's ability to prosecute offenders within this territory and causing past state convictions to be overturned. In addition, Justice Thomas filed a separate, stand-alone dissent arguing that the Court lacked jurisdiction to hear the case at all, because the underlying claim was procedurally barred under Oklahoma state law.

In comparison to America's long history of breaking its promises to Native nations, the McGirt decision symbolizes a respect for the promises made to tribes, regardless of whether these have always been upheld. The split between Justice Gorsuch and the other conservative justices may also indicate a brighter future for Indian law jurisprudence going forward. More specifically, while this decision may, in some cases, change who has jurisdic-

Continued on page 12

DHS v. Regents of the Univ. of California

by *Tara Wilson*

The Supreme Court, in a 5-4 decision, found the Trump administration's end to Deferred Action for Childhood Arrivals (DACA) program failed to meet the requirements of the Administrative Procedure Act (APA) in Department of Homeland Security v. Regents of the University of California.

In 2012, President Obama created protections for undocumented persons in the U.S. through executive order. At issue here, DACA allows many undocumented youth, often referred to as "Dreamers," to avoid deportation and gain access to education, work visas, and, by virtue of becoming lawfully present, public benefits such as Social Security and Medicare. As of 2020, 700,000 Dreamers participate in the DACA program. They have grown up and built their lives in the United States.

Following the election of President Trump, the administration reversed course, creating significant instability for Dreamers. In June 2017, the Department of Homeland Security (DHS) rescinded a similar program, the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA). DAPA pro-

tections some undocumented parents of U.S. citizens or lawful permanent residents from deportation and grants them access to education, work visas, and benefits programs. DHS justified this decision by citing successful legal challenges to DAPA participants' receipt of benefits and the administration's change in "immigration enforcement priorities."

In September 2017, Acting DHS Secretary Elaine C. Duke rescinded DACA via memorandum based on Attorney General Jeff Sessions' finding that DACA shares the same legal defects as DAPA. DACA participants, the Board of Regents, and the National Association for the Advancement of Colored People challenged the decision, arguing the rescission of DACA is arbitrary and capricious and a violates Equal Protection guaranteed by the 5th Amendment.

Justice Roberts, writing for the majority, found that, while the administration does have the authority to rescind DACA, DHS did not comply with APA in doing so. The majority rejected DHS attempts to provide "belated justification" of the decision to rescind DACA. Further, the majority found that withdrawing DACA, based on

the Attorney General's questioned legality of DAPA participants' eligibility for benefits like Social Security and Medicare, was insufficient to justify rescinding the entire program because the decision did not address the role of DACA in preventing the deportation of Dreamers. DHS also failed to incorporate reliant interests of recipients, their families, their schools, their employers, or beneficiaries of their tax revenue in its decision making. DHS's rescission of DACA, then, was arbitrary and capricious under APA. A plurality found the Trump administration did not violate Equal Protection, with Justice Sotomayor concurring but arguing for remand of the Equal Protection challenge. Justices Kavanaugh, Alito, Gorsuch, and Thomas dissented.

Movimiento Cosecha responded to the decision: "For too long, we've been denied justice and lived with the daily fear of being separated from our loved ones and being left to suffer or even die in detention centers... We are ready to fight for all 11 million [undocumented immigrants]!"

Tara Wilson is an Equal Justice Works Fellow and Attorney at Greater Boston Legal Service.

Supreme Court Revisits Admitting Privileges in Louisiana Abortion Law

by *Kylah Clay*

Once thought to be settled law after the Whole Woman's Health v. Hellerstedt holding in 2016, the U.S. Supreme Court has yet again considered the constitutionality of legislation requiring abortion providers to have admitting privileges at a hospital within thirty miles in June Medical Services, L.L.C. v. Russo. Bearing impeccable resemblance to the Texas legislation in Whole Woman's Health, Louisiana's Act 620 sought to further regulate abortion providers by creating barriers that would lead to the closure of two out of the three abortion clinics in the state. Consequently, likely only one provider in the state would be left to attend to approximately 10,000 people per year. In a 5-4 decision, the court upheld the precedent established by Whole Woman's Health and determined that Louisiana's Act 620 is unconstitutional because of the undue burden it placed on women.

Successfully arguing there were no material differences between

this case and Whole Woman's Health, counsel for June Medical Services asserted that the Louisiana law created an undue burden on women seeking an abortion. Ultimately, this law would go directly against the holdings of Planned Parenthood v. Casey, holding that a substantial obstacle for women seeking abortion is unconstitutional, because of the additional burden traveling to the only clinic would create.¹ Drawing on the substantial travel women would be required to do, the plaintiff stated, "In order for a woman to access abortion there needs to be access to those resources." The plaintiff narrowed in on the burden created by requiring all abortion providers have admitting privileges. Admitting privileges allow certain providers to admit their patients to a particular hospital.² These privileges are typically granted to medical staff who work frequently in the hospital they have formed an admitting relationship with and can be difficult for abortion providers to access. By requir-

ing these admitting privileges, only a single provider would be legally capable of performing abortions in the entire state of Louisiana. In addition to the burden imposed on women, the court found that admitting privileges do not provide any substantial benefits to those patients due to the low risk of hospitalization post procedure. As noted by the plaintiff, one of the reasons the Court decided the Texas law in Whole Woman's Health was unconstitutional is because the complication rate of abortion is rather low so the requirement of admitting privileges is an additional burden limiting access to abortion.³ Moreover, these complications "almost always [happen] after the woman has left the clinic."⁴ Weighing the undue burden on women in comparison with the state's justifications of the regulation, the court held that Act 620 creates an undue burden on patients with little benefits in return.

Despite dissenting in the Whole Woman's Health case, Chief Justice Roberts cast the deciding vote in June Medical Services. Attributing his concurring decision to a respect for *precedent*, he stated that "[t]he question

¹ *Planned Parenthood v. Casey*, 505 U.S. 833, 874 (1992)

² *Admitting Privileges*, U.S. Legal Dictionary.

³ *Whole Woman's Health v. Hellerstedt*, 136 S. Ct. 2292 (2016)

⁴ Transcript of Oral Argument, *June Medical Services L.L.C. v. Russo*, 591 U.S. ____ (2020)

Continued on page 10

The Court's Rulings on Trump's Taxes

Continued from page 6

Trump could be subject to prosecution.

TRUMP V. MAZARS

In another case involving Trump's tax returns, the Court in Trump v. Mazars, ruled 7-2 that Congress could only obtain the President's private documents if they met four conditions. Roberts writing, and Ginsburg, Breyer, Sotomayor, Kagan, Gorsuch and Kavanaugh joining, stated Courts should carefully assess whether the asserted legislative purpose warranted the disclosure. Adopting something akin to the standard set out in United States v. Nixon, 418 U.S. 683 (1974), a standard it rejected in the Vance case, the Court determined the purposes

asserted in the record by Congress were inadequate in these regards, and remanded the matter for consideration in light of the following three additional standards: whether the request is too broad, and whether it is sufficiently detailed (specific) and substantial; and they further asserted that the lower court should balance that against the burdens placed on the President.

The majority noted again the question had not been before the Court in 200 years because the branches had always been able to reach a compromise about what documents were relevant to a legislative purpose. With this history in mind, it urged lower courts to make certain the subpoena is not designed to obtain an insti-

tutional advantage over a separate branch of government.

Thomas dissented, joined by Alito, stating essentially that Congress has no power to issue a legislative subpoena against the President, but rather must proceed under the impeachment power. They stated indeed that the Fourth Amendment limits Congress' subpoena power to subpoena private documents from anyone, a position, they stated, rejected by the other seven Justices, whose four part test they described as "better than nothing."

Mark Stern is an employment attorney in Somerville; he is also a co-founder of the NLG-Mass Chapter.

Louisiana Abortion Law Revisited

Continued from page 9

today, however, is not whether Whole Woman's Health was right or wrong, but whether to adhere to it in deciding the present case."⁵ However, Roberts made clear that at no point did

the case present an opportunity to reassess the constitutionality of Planned Parenthood v. Casey, leaving the opportunity open for future litigation.⁶ The stark split between the court

coupled with Robert's concurring opinion reminds us that though June Medical Services was just a reiteration of Whole Woman's Health, abortion law is far from settled.

⁵ *June Medical Services L.L.C. v. Russo*, 591 U. S. ____ (2020)

⁶ *Id.*

Kylah Clay is a 2nd year law student at Suffolk University.

Mass Defense Report

Continued from page 5

June 21: *Legal Observing* at an action at Boston Mayor Walsh's house in Dorchester, organized by For The People, by **Olivia Dubois, Andrew Patterson, and Katie Sheldon.**

June 22: *Legal Observing* at a protest in Cambridge, organized by Black youth, by **Ben Pitta & Saranna Soroka.** • *Legal Observing* at a Juneteenth rally and march in Boston, by **Sarah Duncan, Seth Gadbois, Dave Glob, Liz Martin, Olivia Petipas, Haley Pleskow, Melissa Tobin, Eliza Walker, and Judith Young.**

June 23: *Legal Observing* at a Black Lives Matter protest in Boston, by **Tava Ahluwalia, Charley Gibson, Max May Fowler, Samuel Pollak, Robert Swanson, Julie Waechter, and Ren Workman.** • *Legal Observing* at a Black Lives Matter Solidarity Rally in Worcester, by **Hallie Blashfield & Noah Meister.** • *Direct Action* training organized by Northeastern law students, by **Jeff Feuer.**

June 24: *Legal Observing* at a car caravan action for Driver's Licenses for All, organized by Cosecha in Boston, by **Makis Antzoulatos, Rose Ballantyne, Kylah Clay, Bri Crocker, Lisa Gordon, Drew Heckman, Andrew Lending, Samuel Pollak, and Ren Workman.**

June 25: *Legal Observer* training organized by NLG Northeastern law students, by **Melinda Drew.**

June 26: *Legal Observing* at a protest against police brutality in Lynn, by **Katarina Ezikovich, Max Fowler, Charley Gibson, and Ren Workman.**

June 27: *Legal Observing* at a counter-protest against right-wing action organized by the Straight Pride people in Boston, by **Makis Antzoulatos, Shree Chudasama, Kylah Clay, Garth Davis, Max Fowler, Charley Gibson, Annemarie Guare, Rachel Lee Pincus, Samuel Pollak, Becca Shailor, Eliza Walker, and Deb Wilmer.**

June 30: *Direct Action* training organized by Northeastern law students, by **Jeff Feuer.**

July 2: *Legal Observer* training organized by Northeastern law students as part of a weekly series, by **Melinda Drew.**

July 4: *Legal Observing* at a "SayHerName" protest in Boston, by **Rebecca Amdemariam, Jacqueline Baum, Kylah Clay, Garth Davis, Elizabeth Martin, Sara O'Brien, Felix O'Connor, Nikki Pire, Samuel Pollak, Katie Sheldon, Eliza Walker, Deb Wilmer, and Chelsea Wilson.**

July 11: *Legal Observing* at an anti-nazis protest in Boston, by **Ryan Casper, Garth Davis, Liam Hofmeister, Urszula Masny-Latos, Noah Meister, Jamie Rodriguez, Asya Rosentla, Rebecca Shailor, and Ren Workman.**

July 15: *Legal Observing* at a counter-protest to a pro-police rally in Peabody, by **Kimberly Barboza & Rebecca Shailor.**

July 18: *Legal Observing* in solidarity with BLM in Lowell, by **Monica Allard, Kim Barboza, Zara Mahmood, Kelly Morgan, and Eliza Walker.**

July 19: *Legal Observing* at a rally organized by Sunrise Western Mass, by **Sam Charron, Candace Clement, Rachel Katler, Andrew Kapinos, Priscilla Lynch, Catherine Matthews, Noah Meister, Harry Miles, Ace Tayloe, and Valerie Vignaux.**

July 21-29: *Legal Observing* at a Cosecha encampment at the State House, by **Garth Davis, Liam Hofmeister, Emily Law, Olivia Petipass, Andrew Patterson, Sam Pollack, Rebecca Shailor and Jocelyn Volk.**

July 23: *Legal Observer* state-wide training in Maine organized by NLG members there, by **Lee Goldstein.**

July 26: *Legal Observing* at a march in Boston organized by the Freedom Fighters, by **Garth Davis, Andrew Lending, Evelyn O'Regan, and Eliza Walker.**

July 28: *Legal Observing* at a rally in Cambridge against campus police, by **Kimberly Barboza, Shree Chudasama, Brianne Crocker, Andrew Lending, Sara Powell, Melissa Tobin, and Jocelyn Volk.**

Continued on page 12

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.

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.

Mass Defense Report

Continued from page 11

August 1: *Legal Observing* at a rally in Easthampton in support of more resources for the community, by **Sam Charron, Amie Clark, Rachel Katler, Harry Miles, and Rebecca Shailor.**

August 8: *Direct Action* training for activists from Extinction Rebellion, by **Jeff Feuer.**

August 16: *Legal Observing* at a rally and march from the Salem Police Department to the Beverly Police Department, organized by Solidarity Northshore in support of police abolition and Black liberation, by **Ryan Casper** and **Rebecca Shailor.**

August 19: *Legal Observer* training for activists in Western Massachusetts, by **Melinda Drew.**

August 28: *Legal Observing* at a protest in Cambridge, organized by Free the Vaccine Boston, by **Jason Golfinos & Liam Hofmeister.**

McGirt v. Oklahoma

Continued from page 11

tion to enforce criminal laws within the reservation territories in Oklahoma, given the limited number of Native people living on tribal land and the ability of the State to form agreements and work together with the Tribes, it is unlikely that any major instability will ensue.

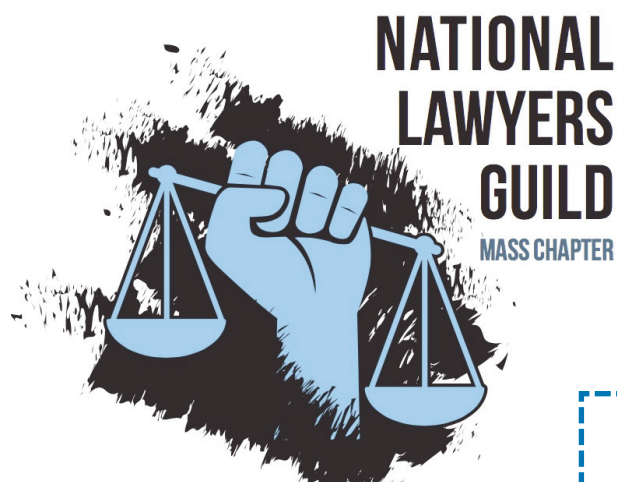
Dasha Dubinsky is a student at Harvard Law School and an NLG member.

August 16: *Legal Observing* at a rally and march in Quincy, organized by Quincy 4 Justice and Quincy for Transformative Change to demand the City declares racism as public health crisis, by **Lauren Bird, Annemarie Guare, Emily Guare, and Asya Rozental.**

Mass Dissent

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

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over \$30,000 to \$40,000	\$150
over \$40,000 to \$50,000	\$200
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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.

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I am interested in working on the following projects:

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