

Voices from Massachusetts Prisons

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Since early 1990s, the NLG- of articles from Massachusetts Mass Chapter has devoted the October issue of Mass Dissent to prisoners, their rights and lives. Every year, for almost three decades, we hope that one day there would be some posi- **Patricia Olsen** uses loneliness, tive change in the way our society treats people who enter the "justice" system and those who end up incarcerated in one of feelings and experiences of the Massachusetts prisons. Unfortunately, there is no discusses drastic increases in change. Looking back, it seems the cost of incarceration and like every year we've been re- how the increased budget someprinting the same articles from prisoners who report on the situation within prison walls - the brutality of the system, racism, sexism, harassment, discrimination, mistreatment, lack of suffering of the opioid users opportunities for prisoners, lack who have no access to proper of medical treatment, and the overall desperation and hopelessness of prisoners.

This year is not an exception. We've received a large number

prisoners, and in this issue we are presenting some which review problems the incarcerated members of the society deal with.

isolation, and despair many of us have experienced during the pandemic to illustrate daily prisoners. Dirk Greineder how doesn't include any increases in spendings on programs for prisoners. Eric **Bargoot** writes about opioid crisis in prisons and tremendous treatment. We end with **Stanley Donald's** testimony on how prisoners are discriminated against in prison employment.

- Urszula Masny-Latos -

NATIONAL LAWYERS GUILD MASSACHUSETTS CHAPTER, INC.

185 Devonshire Street, Suite 302 Boston, MA 02110 tel.: 617-227-7335 nlgmass@riseup.net nlgmass-director@riseup.net https://nlgmass.org Facebook & Twitter: @nlgmass

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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 nlgmassdirector@riseup.net.

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 legal clinics and workshops in Massachusetts to address legal needs of various communities. Legal educational clinics and workshops on 4th Amendment Rights (Stop & Search) and Direct Action are held at community organizations, youth centers, labor unions, schools and shelters. If you are an NLG member and would like to lead a clinic or workshop, please contact the NLG office (nlgmass-director@riseup.net).

NLG NATIONAL PROJECTS & COMMITTEES

(FULL LIST AT 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 DINNER

Please join us at this year's NLG Testimonial Dinner on Friday, October 1st, at which we will award and celebrate:

Lawyer Award - Ricardo Arroyo (Boston City Council) & Dick Bauer (GBLS).

Legal Worker Award - Grace Ross (Mass. Alliance Against Predatory Lending)

Student Award - Noah Meister (Western New England Law School).

NLG ANNUAL TESTIMONIAL DINNER

Friday, October 1, 2021 6:00 pm - 8:00 pm Virtual (ticket reservation)

NLG HAPPY HOUR

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

ARTICLES FOR MASS DISSENT

The December issue of *Mass Dissent* will review the Chapter's work in 2021.

If you are interested in submitting an article, essay, analysis, or art work related to the topic, please e-mail your work to nlgmass-director@riseup.net.

NLG CONVENTION

This year, as in 2020, the Convention will be convening virtually. The events will be scheduled to accommodate attendees across multiple time zones, and it will be aimed to make programming as accessible as possible.

The registration fees will be on a sliding scale and fee waivers will be available upon request.

Attendees who can't join events in real time will be able to access recordings of programming to watch it at their convenience.

> **NLG CONVENTION** #Law4ThePeople Monday-Sunday, October 11-17, 2021 Virtual

NLG BOARD MEETING

eld	NLG-Mass Chapter members are invited to
ſy,	participate in monthly meetings of the
•	Chapter's Board of Directors. The meetings
ent	1
nd	are held on the 3rd Wednesday of the month
gal	(except July and August), from 6:00-8:00 pm,
or	at the NLG Office (185 Devonshire St., Suite
G	302, Boston), but now virtually. Please notify
	the office if you plan to attend.

The deadline for articles is November 10.

GUILD NEWS

Update on the Anti-Tear Gas City Ordinances

Since the police murder of George Floyd, our Litigation Committee has worked with progressive city councilors in Boston, Somerville, and Cambridge to have those cities adopt an ordinance which would severely restrict the use of so-called "non-lethal" chemical crowd control and kinetic impact weapons on demonstrations involving ten or more citizens. A model ordinance was drafted by NLG Litigation Committee attorneys Jeff Feuer, David Kelston and Lee Goldstein with pro bono support from attorneys at Wilmer Hale. As a result of the Guild's intense advocacy efforts, testimony at public hearings, and supplying supporting legal memoranda, we have been successful in getting ordinances passed in all three cities.

On April 8, 2021, Somerville the became first Massachusetts city to adopt a version of the NLG ordinance, when it passed a comprehensive law that completely bans the use of tear gas by police and places substantial restrictions on the use of so-called "non-lethal" projectiles and other crowd control weapons on demonstrations of ten or more people.

On May 13, 2021, Mayor Kim Janey signed a similar ordinance into law for Boston. In many ways, the Boston law is a stronger version of the Somerville ordinance, as it more stringently restricts the use of pepper spray and tear gas, though it does not outright ban the use of tear gas as the Somerville ordinance does.

Then, on September 13, 2021, after more than a year of work, a similar ordinance was passed by the Cambridge City Council. After a lot of pushback from the city's law department, and following significant testimony from NLG attorney Jeff Feuer, there was enough support on the city council to finally pass the ordinance. The fact that Somerville and Boston had enacted similar ordinances refuted the city solicitor's argument that Cambridge didn't have the authority to enact such a law. The Cambridge ordinance outright bans the use of all chemical crowd control

weapons (not just tear gas) on groups of ten or more people, severely limits the use of kinetic impact weapons, and provides for treble damages and attorney's fees for anyone injured by a violation of the ordinance. It also removes the defense of qualified immunity and provides for discipline of police officers who violate the law, up to and including discharge.

The NLG Litigation Committee will now seek to have similar laws passed in other Massachusetts cities and on a state-wide level as well.

If you are a member of the NLG-Mass Chapter and you are interested to joining the Litigation Committee, please contact the Chapter's Executive Director Urszula Masny-Latos either at 617-227-7335 or nlgmass-director@riseup.net.

- Jeff Feuer, member of the NLG-Mass Chapter Litigation Committee and the Board of Directors -

GUILD NEWS

Hepatits 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 be 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

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/).

Street Law Clinic Report

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

August 31: Direct Action clinic for activists from Building Up People, Not Prisons to prepare them for a one-week march against new prisons from Springfield to Boston, by Melinda Drew & Jeff Feuer.

September 2: Legal Observing at a resistance to a police sweep of homeless people at South Hampton Street Shelter in Boston, by Leah Hastings, Elizabeth Martin, Sean McNamara, Benjamin Pitta, and Byung Yo Kim.

September 9: Legal Observing at a protest at Harvard University organized by Harvard Prison Divestment Campaign against ICE detention centers and universities' involvement in prison industry, by Anita Alem.

September 12: Legal Observing at actions in Cambridge which were part of a week-long protests against new prisons, by Daniel Donadio, Jeannie Lieder, and Tara Wilson.

September 13: Legal Observing at actions in Boston which were part of a week-long protests against new prisons, by Daniel Donadio.

September 15: Legal Observing at a counterprotest to a pro-cop rally in West Roxbury, organized by Solidarity Against Hate, by Daniel Donadio, Sean McNamara, and Tara Wilson.

Continued on page 7



PAGE 5

The Whole World Doing Time

by Patricia Olsen

and unable to enjoy life?

lockdown was not having its toll on us. human contact. Sure, we had Zoom visits, but it wasn't What could we do for enter- Parole sentences, some enough. To receive a hug is an tainment? We couldn't go to embrace of love. We were the movies or out to eat. Nor years in a pandemic lifestyle unable to witness new births could we go to sporting events before they die in prison, or bury our loved ones with or swimming in a public pool alone. dignity and respect.

There were no yearly exams als. No, instead we stayed such as mammograms, dental within four walls trying not to as an example of what it's like check-ups or much needed go crazy. follow-up tests such as a colonoscopy. If you had a How about the fear of con- cated people on what could be tooth ache or a new cavity, tracting COVID-19? We were called "Cruel and unusual you were told you had to wait. scared to be near people, even punishment." You couldn't see your chiro- family. Then when a loved Sentence was abolished in practor or any other specialist. one contracted COVID, what Massachusetts, but don't be The physicians were getting could we do? We couldn't go fooled, Life Without Parole is pulled to help with COVID to their homes or hospital to a long, slow death penalty, patients.

students relied on Zoom or never got to tell them we We all deserve a second their parent's help. Church loved them or said good-bye. chance - a chance at freedom. services were not being held at We didn't even get to be with a time we needed it most. them as they were cremated or Jobs were in short supply. Our buried. physical contact with others was gone, unless we lived After a year or so of such segwith them.

person/people all day 24/7. process the loss of loved ones,

Remember being locked down with our income being workplace. reduced and short supply on necessities. The stress from Imagine living like this for 15, One of the hardest parts of the living in such conditions took 20, 30 years. This way of liv-

or lake. And forget birthday

pray and when one didn't sur- year. Education was put on hold and vive, they died alone. We

regation, many came out of it with mental health issues such Basic living changed. We as depression, anxiety and with the same grief. With this, we had to

Remember 2020 and the We had no choice. We had to reconnect with family and beginning of the pandemic? make things work, especially friends, and go back to the

> ing is also known as incarceration. Due to Life Without inmates can spend over 40

parties, weddings and funer- Society did a year of this way of living, which should serve to be in prison every day. Hopefully this past year edu-The Death see them. All we could do was costing society millions every

Patricia Olsen is incarcerated at the Massachusetts Correctional Institution in Framingham.

Sunny Rainy Day

by Luis D. Perez North Central Correctional Institute-Gardner

It was raining and I did not get wet, maybe I was dead. It was like walking in my spirit without my naked body.

I did not get wet, but I was carrying a bucket full of rain water.

The drizzilin rain continued to fall, in contrast a sunny day with no clouds.

I wonder if the rain or winter snow are different as those who get outside the walls.

Rain continued to fall, creating riverbeds, I began

Street Law Clinic Report

Continued from page 5

September 17: Stop & Search clinic for 1 Degrees (formerly Berkshire Children & Families in Pittsfield, by Mason Kortz.

September 25: Legal Observing at a march in September 23: Legal Observing at a rally and Mattapoisett for driver's licenses for immigrants, march against prisons in Plymouth, organized by organized by COSECHA, by Margaret Henry. Never Again, BIJAN, and AMOR, by Kimberly Barboza, Nora Wells, and Deb Wilmer. September 28: Legal Observing at actions organized by Extinction Rebellion at Governor Baker's September 24: Legal Observing at a march house in Swampscott to address climate change, by

against prisons and deaths at South Bay Jail in

to get wet and saw the sun on a cloudy rainy day.

I looked at my bucket again and there was no rain water in it.

I was not hallucinating and I notice that we are living in a world that does not have perfect harmony. It was a reflection of God's promises, He never promised sunny days every day; Just a rainbow at the end of a stormy rainy day... Or the sun on a cloudy rainy day.

8	Boston, by Annie Guare, Liz Martin, and Sarah
s)	Tansey.

Sean McNamara.

The Escalating and Staggering Costs of Incarcerating Massachusetts State Prisoners

by Dirk Greineder

Massachusetts state prisoners per state prisoner in FY2022 is a programming and rehabilitahas always been among the staggering \$121,139! highest in the nation, but now it has ballooned to over \$120,000 Although it is likely that the DOC Expenditures and Staffing per year per prisoner (see *table*). With a progressive decrease in crime over the last decade, the number of prisoners state prison, it is important to also has steadily decreased. This trend continued and accelerated during the COVID-19 pandemic over the last year.

Much of the decrease in prison population during 2020 and early 2021 can be attributed to the closure of courts which prevented during FY2022. new criminal commitments to state prison. The greatest Such increases in costs of incarincrease in costs, however, ceration might be understood if preceded the pandemic, with they were accompanied by a the increase of more than \$50 million from 2019 to 2020. Surprisingly, in spite of a 20% decrease of prisoners between January 1, 2020 and July 1, 2021, Department of Correction the projected FY2022 budget

The cost of incarcerating lion. The projected annual cost amounts expended for prisoner

upcoming year will see the gradual resumption of criminal only 1.15% of the DOC annual trials and new commitments to budget is allocated for this purremember that the currently budget, it appears that the DOC incarcerated population will has decided to ignore the rehacontinue to shrink as sentences bilitative mandate of M.G.L.C. wrap up. Historically, this will largely balance the influx of new commitments, suggesting that the net prison population will increase only marginally

concomitant increase in rehabilitative services for prisoners, resulting in better outcomes and lowered recidivism. In fact, the (DOC) continues to decrease increased by more than \$32 mil- the percentage and dollar Institution in Norfolk.

tion. The largest available data (G. Haas, Lifer's Group, "MA *Levels for FY2019"*) show that pose. Sadly, even with a lavish 124 1(e) and to forgo its own Mission and Vision Statements which require the provision of "programming in preparation for successful re-entry" and "to effect positive behavioral change in order to eliminate violence, victimization and recidivism." It appears that "correction" is not a priority for the Department of Correction.

Dirk Greineder is incarcerated at Massachusetts Correctional

AVERAGE ANNUAL COST PER PRISONER IN MASSACHUSETTS

	FY 2018	FY 2019	FY 2020	FY 2022 (projected)
Number of Prisoners	8,835	8,425	7,900	6,300
Annual DOC Budget	\$658,899,943	\$678,557,394	\$730,879,636	\$763,178,786
Cost Per Prisoners	\$74,480	\$80,541	\$92,516	\$121,139

Opioid Use Disorder Continues to Go Untreated

by Eric Bargoot

has, despite all his best intentions, high hopes, and great family support, repeatedly fallen victim to relapse and spent decades in prison (due solely to an insanely repetitive and unsolicited-demon-of-an-addiction), I can tell you first-hand: The DOC proportionate implementation of opioid replacement treatment could care less about the sys-– both institution-wide and in a business as usual.

Most prisoners in DOC custody know: following release from lengthy prison terms, addicts without proper preventative care (specifically, medication assisted treatment, or "MAT" for short) are dying. Suboxone and Methadone – both components of MAT therapy - work, and prisoners unable to avail themselves of those tools are those most likely to receive the crashcourse in Fentanyl-relapse-101: abrupt, often fatal, overdose. Personally, I have lost nine close friends and family members to that now-ubiquitously known synthetic opioid (1,000 times more potent than morphine). Moreover, troubling and mismanaged issues already inherent fact that most county jails have

As a life-long opioid addict who to an unqualified prison envi- been offering it for over two ronment are uniquely compounded by the lack of MAT finds itself in a serious legal therapy – likely no more apparent than in the field of prisoner mental health treatment. Start first with the fact that universal studies have shown that longterm opioid addiction actually continues to drop the ball on fair, reshapes the brain and all of its our taxpayer dollars defending neurological connections through natural neuroplastic turning, and people know. It is program modalities. In fact, it ability, crafting a blueprint for thought and feeling in newer, temic issues brought to bear by opioid-damaged – semi-permathe all-too-real opioid epidemic nent—image. It only follows that removing from, or refusing re-entry sense. For DOC, it is to treat, an already-ill brain with MAT therapy – when required – is a direct exacerbation of an extremely delicate condition to begin with. This may cause profuse mental distress and potential suicidality, and should be avoided at all costs. However, this is exactly what the DOC is requiring of its opioid-addicted prisoners at present.

made strides with respect to MAT therapy, and to be as objective as possible – reluctantly so – there have been some very minor developments and changes, as it has recently started offering MAT therapy at three or four of its facilities. However, the DOC is still dead-last on the issue (especially considering the

years now). Additionally, DOC quagmire, given the latest, onesided rulings by the various courts of our Commonwealth. Even everyday citizens are beginning to ask the obvious questions: Is the DOC wasting the indefensible? The tide is socially irresponsible to deny opioid addicts - everyday folks who, unfortunately, suffer from the disease of addiction - recognized and recommended medical and mental health treatment.

Nevertheless, our friends and family members keep dving, our prisoners are suffering – dragging themselves through the blackcloud of depression – and the DOC keeps turning a blind-eye to it. It needs to stop. Legislators need to put their pens to paper, attorneys their feet to courthouse hallways, and judges their The DOC claims that it has integrity on the line for the timehonored idea of justice, for all.

> Until that time: my name is Eric, and I am an addict. I know I am not alone.

> Eric Bargoot is incarcerated at North Central Correctional Institute in Gardner.

Employment Discrimination in Prison

by Stanley Donald

A Black prisoner applying for a job in prison is no different than applying for a job in society. The Black prisoners clean bathrooms and collect trash while white prisoners ride lawn-mowers and get hired for less degrading jobs. It seems certain prisoners are hired based on their skin color. Some prisoners are paid one dollar a day to clean bathrooms with no pay raise in sight.

"Wherever we reside, we should all be treated equal."

The rights of the incarcerated have diminished. Many are high school drop-outs with no guidance. The Coronavirus pandemic has caused many to fall short of rehabilitation. Employment discrimination in prison has been around since reconstruction of slavery after the American Civil War, when

cotton fields were turned into prisons for the unwary black citizens. This is still the case were certain criminal statutes are designed to incarcerate the poor, and while they are incarcerated they are given derogatory jobs instead of education.

Stanley Donald is incarcerated at Massachusetts Correctional Institution in Norfolk.

A Prisoner's Love Letter

by Stanley Donald Massachusetts Correctional Institution-Norfolk

Dearly Beloved,

I'm lost without you because we met at a time in my life when I was becoming a grown man. I wish you well and pray you can manage to keep yourself together.

As for me, I keep memories of us holding hands while we walked along the Charles River, where we took pictures of two swans that mirrored our love. We went everywhere together, and it felt spiritual to hold you in my arms as you hugged me. Now that we are apart; by me being in prison, my soul wanders and my heart hurts.

You are the cure that can only heal me of this pain.

I know you must have the same feelings because we were designed to be true Lovebirds. I remember the good times we smiled and the sad times we cried. But when we locked eyes and held hands we kept each other strong.

When it rains and I look out these prison bars, I always shed a tear thinking of our love. The only way I survive is by looking at your picture on the cell wall that I kiss every morning and night, to give me hope that our souls will be together again.

NLG-Mass Chapter Sustaine

In the spring of 2003, the Massachusetts Chapter NLG initiated the Chapter Sustainer Program. Si inception, the Program has been very successful has been enthusiastically joined by the following members & friends:

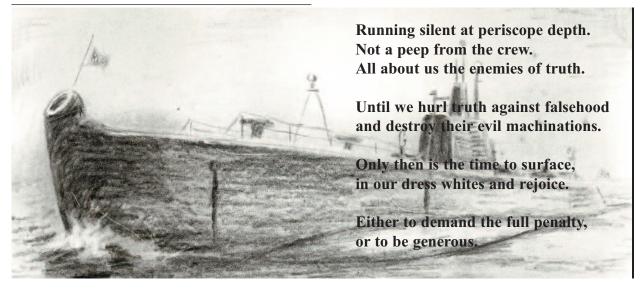
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Sills & Howard Silverman • Judy Somb Daniel Walters • John Dazhong Xi

The Sustainer Program is one of the most import Chapter initiatives to secure its future existence. consider joining the Program.

Periscope

by James Rivas Old Colony Correctional Center-Bridgewater



OCTOBER 2021

er of the Since its I and ng NLG	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 membeship dues).
tricia oper • euer • ijorie	 The NLG Sustainers receive: special listing in the Dinner Program 1/8 page ad in the Dinner Program acknowledgement in <i>Mass Dissent</i> two (2) free raffle tickets for a Holiday Party raffle invitation to special events.
rn • mie Nancy Kelston & •	 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.
Anne berg • (ia tant . Please	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@riseup.net

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 **185 Devonshire St., Suite 302, Boston, MA 02110** *or* visiting **www.nlgmass.org/donate**.

_____ (*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.

<u>Fill out and send to:</u> National Lawyers Guild-Mass Chapter 185 Devonshire St., Suite 302, Boston, MA 02110		
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<u>Circle one</u> : 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)		