

Mass Dissent

Massachusetts Chapter

National Lawyers Guild

14 Beacon St., Boston, MA 02108

December 2007

www.nlgmass.org

Vol. 30, No. 8

NLG Massachusetts Chapter in 2007

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BOARD MEETING

December 18, 6:00pm

14 Beacon St., 1st Fl.
Boston

This December issue of *Mass Dissent* reviews, as is our tradition, the chapter's activities over the last year and its plans for the future; in the pages that follow you will find discussions of our activities and programs by some of the Guild activists most involved in them. Barb Dougan, who has spent countless hours over the last few years working with the Chapter's Committee to get an effective Civilian Review Board established in Boston writes about that campaign. Jeff Feuer, on the front lines of virtually every Chapter's effort to reign in MBTA searches since they began at the time of the Democratic National Convention in Boston, reviews those efforts and the current status of the MBTA searches. Laura Alfring, our former and now again coordinator of the Street Law Clinic, writes about that program, which has become one of our bedrock programs. LRS Coordinator Robin Trangsrud writes about the Lawyers Referral Service, which has established itself as a critical part of our activities, providing affordable legal services to the community and income for its participating attorneys.

We also have reports from

Guild law students at New England and Northeastern about their "Students in Action."

Finally, Jeff Feuer, Cassie Haynes (Northeastern), and Damon Thomas share with us their experiences at and thought about the last NLG National Convention in Washington, D.C.

In general, the past year, while not dramatic for us, has been a time of relative stability and important planning. Membership (roughly 300 members) and revenues have remained fairly steady, but with a significant new grant from the Boston Bar Foundation that is earmarked toward expansion of the Street Law Clinic program. We have, as in the past, trained legal observers (about 50 this year) who have served as monitors at several anti-war demonstrations including the recent Sabeel conference bringing together local Palestinian and Jewish peace activists, Boston's May Day Rally, and the spring Sacco and Vanzetti march. It is worth noting that the last time there were mass arrests of activists in Boston was in 2003, just before the invasion of Iraq. Guild negotiations with the BPD after those arrests have

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NATIONAL LAWYERS GUILD
Massachusetts Chapter, Inc.
14 Beacon St., Suite 407
Boston, MA 02108
tel. 617-227-7335, fax. 617-227-5495
nlgmass@igc.org; nlgmass-director@igc.org
http://www.nlgmass.org

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STREET LAW CLINIC COORDINATOR

Laura Alfring

Mass Dissent (ISSN 0887-8536) is published monthly except January, May, July and August by the National Lawyers Guild, Mass. Chapter, 14 Beacon St., Suite 407, Boston, MA 02108. Second-class postage paid at Boston, MA. POSTMASTER: Send address changes to *Mass Dissent*, NLG, 14 Beacon St., Suite 407, Boston, MA 02108.

Join a Guild Committee

Street Law Clinic Project: Community legal education workshops on 4th Amendment Rights (Stop & Search), Landlord/Tenant Disputes, Workers' Rights, Civil Disobedience Defense, and Immigration Law. Conceptualized and coordinated by law students, the Street Law Clinic project provides workshops for the Boston community which address community legal needs. Clinics are held at community organizations, youth centers, labor unions, shelters, and pre-release centers. If you are a student, legal worker or attorney interested in leading workshops, contact the Project at 617-723-4330 or nlgmass-slc@igc.org.

"No to MBTA Searches": Works in coalition with the American Arab Anti-Discrimination Committee, American Friends Service Committee and ACLU of Massachusetts to stop searches on the MBTA. If you would like to be involved in the campaign, either on its political or legal end, please call the office at 617-227-7335.

Lawyer Referral Service Panel: Members of the panel provide legal services at reasonable rates. Referral Service Administrative/Oversight Committee members: Neil Burns, Neil Berman, Joshua Goldstein, Jeremy Robin, and Azizah Yasin. For more information, contact the Referral Service Coordinator at 617-227-7008 or nlgmass@igc.org.

Independent Civilian Review Board: In coalition with the American Friends Service Committee and Greater Boston Civil Rights Coalition, the NLG has been pushing for the creation of an independent civilian board to review complaints against Boston police officers. To get involved in the campaign, please contact the office at 617-227-7335.

NLG National Immigration Project: Works to defend and extend the human and civil rights of all immigrants, both documented and undocumented. The Committee works in coalition with community groups to organize support for immigrant rights in the face of right-wing political attacks. Ongoing projects include asylum advocacy and the rights of immigrant minors. For more information contact the NLG National Immigration Project at 617-227-9727.

NLG Military Law Task Force: Provides legal advice and assistance to those in the military and to others, especially members of the GIRights Hotline, who are counseling military personnel on their rights. It also provides legal support and helps to find local legal referrals when needed. The MLTF and the Hotline exchange many questions and information through their listserves. Calls to the GIRights Hotline from phones in New England are handled from the AFSC office in Cambridge. To get involved, please contact Neil Berman (njberman2@juno.com) or Marguerite Helen (mugsm@mindspring.com).

COALITIONS:

Jobs with Justice, a coalition-based organization addressing workers' rights. The NLG is a member of Jobs with Justice; any interested Guild members can attend meetings & events.

GUILD NEWS

NLG HAPPY HOUR

The NLG Massachusetts Chapter is proud to announce that our new program, **NLG Happy Hour**, has been a great success - over 30 people came to the first Happy Hour in October! The Happy Hour is for Guild members and non-Guild members, and will take place on the **2nd Wednesday of every month, between 5:30 and 7:30pm, at Felt Billiards Club** (533 Washington St., Downtown Crossing, next to Paramount). We hope you will join us for the next NLG Happy Hour on **December 12** - and bring friends!

HOLIDAY PARTY

All Guild members are invited to the Chapter's Annual Holiday party on **Friday, December 7, 2007, from 5:30 to 9:00pm**. Once again, the party will be hosted by **Stern Shapiro Weissberg and Garin** (90 Canal St., 5th Fl. Boston). We are currently collecting items for the holiday raffle drawing, so if you have any item(s) you would like to donate - a restaurant certificate, theater tickets, massage certificates, foreign craft, please contact the office (617-227-7335 or nlgmass@igc.org).

SLC Report

October 24: Terry Coles conducted a Workers' Rights clinic at St. Ambrose Family Shelter in Dorchester. The clinic was attended by homeless individuals looking for employment.

The Street Law clinic is looking for a new coordinator. If you are a work-study eligible law student and you are interested in applying, please contact the Guild office (617-227-7335 or nlgmass-director@igc.org).

Downtown Boston Office for Rent:

One large office and one small office for rent at 6 Beacon Street. Conference room, kitchenette, copy machine, reception area. Rent a function of services needed.

Call Neil Burns at 617-227-7423.

NLG November Happy Hour



(l.-r.) Caroline Lorenz, Allison Garren, Nina Kana, Halim Moris

Photos by Urszula Masny-Latos



(l.-r.) Neil Burns, Robin Trangsrud, Keith Slattery, Naomi Meyer, Doug Babcock, Neil Berman.

ARTICLES FOR MASS DISSENT

The February issue of *Mass Dissent* will focus on legal services.

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

The deadline for articles is January 15th.

STUDENT CORNER

NEW ENGLAND SCHOOL OF LAW NLG CHAPTER made a great impact in 2007. We are pleased to announce that our 2008 budget has been significantly increased, and we believe that the increase is a reflection of the past year's accomplishments, particularly our Same Sex Adoption Panel, featuring Justice Robert Cordy of the Supreme Judicial Court and Attorney Katherine Triantafillou from Adoption of Tammy. The NESL Student Bar Association has budgeted us \$1100, up from \$400 the previous academic year. We are excited to put the funds to work!

This fall, the NESL NLG Chapter formed a larger, dedicated executive committee, which we expect to result in an even greater impact in 2008. We are pleased to announce that the following students have been elected to our board: Sarah Roxburgh, Co-President; Lauren Vitale, Co-President; Nancy Wheeler, Event Planner; Laura Mannion, Street Law Clinic Coordinator; Caitlin Cianflone, Treasurer; and Tracey Kowalski, Evening Division Liaison. The increase in the number of board members will allow us to delegate tasks and be more effective overall.

For our first event of the 2007 academic year, we hosted a Stop & Search clinic training in October for NESL students—and the training was one of the best attended to date! We are extremely grateful to NLG Attorney Bob Cohen, who conducted the event. Attorney Cohen fielded many questions from eager students and, following the event, said that the event was so well attended that it renewed his faith in the younger generation!

The NESL NLG Chapter is regularly seeking engaging speakers. Interested in speaking at a NESL event? We will be hosting an upcoming fall/winter event, with a possible topic of public interest law career paths. Additionally, we are planning a spring panel, with a possible topic of the impact of immigration laws on domestic violence victims lacking permanent resident status. If you are interested in speaking, or have an idea for a topic or speaker, please contact Sarah Roxburgh or Lauren Vitale at sarah_roxburgh@hotmail.com or laurenvitale@gmail.com.

NORTHEASTERN SCHOOL OF LAW'S STUDENT CHAPTER OF THE NLG presented an extensive report on its Spring and Summer work in the November issue of *Mass Dissent*. Our fall work has included two legal observer trainings with members serving as observers for anti-war rallies and the Sabeel Conference, a variety of speaking events on campus, and substantial committee work dedicated to strengthening the entire community in and around the university.

Our speaker events from the fall have included:

- Presentation by Prof. David Cole from Georgetown University who spoke about his new book *Less Safe. Less Free. Why America is Losing the War on Terror*.

- Screening of "Legacy of Torture: The War Against The Black Liberation Movement". A second year NLG student currently working with attorney Attorney Soffiyah Elijah (SF8 defense team member at the Criminal Justice Institute at Harvard Law School) facilitated the event. (Several members are continuing to assist in discovery research for the defense team.)

- Presentation by Chaplain James Yee who spoke about his experiences serving as a chaplain at Guantanamo Bay, his firsthand accounts of the mistreatment of the detainees there, and his subsequent, controversial arrest in the U.S. that denied him his due process rights.

- Discussion with Prof. Andrew Reynolds about the current crisis in Burma. Reynolds, is a Professor of Political Science at the University of North Carolina, Chapel Hill.

NLG members will continue to work on their Justice for Janitors Campaign: campaigning with the undergrad Progressive Student Alliance to rally student organizations and individuals to encourage the university to improve the wages and working conditions of janitors currently working under a subcontract. Students immediate goals are to educate students and gain their support through petitions to then present to both student governmental bodies (undergrad and law) before addressing the administration.

Finally members will wrap up the year with a December forum on the University's expansion into Roxbury with city councilmen, community members, professors, and university administration on the panel. This panel sprung from the work of NLG's Roxbury working group, a committee created to open communication between the university and the community, and help articulate the concerns and goals of the community to the university.



Northeastern students at the NLG 2007 Convention (l.-r.): Lee Palmer, Cassie Haynes, Kate Krepel and Alyssa Vangeli. Urszula Masny-Latos in the center.

Boston's Civilian Review Board: Open for Business but No Customers

by Barb Dougan

Over a year after announcing that Boston would make another try at a civilian review board to oversee its police department, the City unveiled the details of its newest version on October 11. The media and representatives from a few other community groups were present, but the meeting occurred because of the persistence of the three organizations that have led the charge: the Guild, American Friends Service Committee and the Greater Boston Civil Rights Coalition. This was the first opportunity to meet the three ombudsmen appointed to the board in their official capacities – David Hall (Northeastern University School of Law), Ruth Suber (retired Board of Probation) and John O'Brien (New England School of Law).

We came to the meeting knowing that the board has very limited authority. It can only review the investigation conducted by the police department's Internal Affairs Division and can only recommend that further investigation take place. It cannot conduct its own investigation nor make itself available to the public in any other capacity, such as receiving direct complaints. But we were impressed with the board's commitment to do its best within the confines of the role it has undertaken and its willingness to suggest improvements to the existing process.

The good news – on paper. We were pleased to see that the City included in its plan several of the suggestions we made in our January 2007 comprehensive review of its proposal.

- Cases to be reviewed: Initially the City proposed reviewing appeals of just one category of

dismissals of civilian complainants. But according to the Executive Order issued by the City, the board will review all such appeals as we recommended. It should be noted that the board is also supposed to review a random sample of all cases where Internal Affairs rules against a complainant as well as all cases where IAD dismisses a case involving "allegations of serious misconduct and justified use of force."

- Board location: We had recommended that the board's office be located outside the police department, to emphasize its independence and to lessen intimidation of complainants. We were disappointed when *the Globe* reported in July that the board would be located within Internal Affairs itself. However, we learned that appeals can be mailed in or dropped off at City Hall. The board members also emphasized their ability to meet wherever they choose – which so far has often been at Northeastern's or New England's law schools.

- Community outreach: We had also urged the City to publicize the board procedures and activities by conducting extensive outreach and posting information on-line. The board now has a brochure (printed the night before our meeting) and a one-page website. Unfortunately, there is no link to the board on the Boston Police Department's website. One would need to know to type in "CO-OP" (the board's official title is Community Ombudsman Oversight Panel) to locate the board's website. We doubt that even a clever Northeastern student would make that leap of logic. In addition, appeals cannot be filed on-line. The board members seemed willing to consider adding that feature. They also welcomed

opportunities to conduct outreach, agreeing with our view that youth groups should be a priority.

Moving to action. In the course of our conversation, a number of problems came to light that have not been addressed adequately, even though the board has been open for business since July.

- No appeals! Although IAD has dismissed about 20 civilian complaints since July, no one has filed an appeal. We urged the board to consider this lack of response in the context of months, even years of delay before a civilian is notified of Internal Affairs' decision. Did IAD's notices actually reach the complainants or instead go to an out-of-date address? We learned that notices are sent by certified mail but no one had checked with IAD to see if the letters had come back. The board agreed to follow up on the issue.

- No automatic or random reviews! The board still has not seen a randomly selected file even though IAD has dismissed about 50 complaints (including interdepartmental ones) since July. As for automatic reviews of cases alleging serious misconduct, Internal Affairs has not agreed with the City on the appropriate definition. *The Globe* reports that IAD acknowledges that cases involving serious injury or death amount to possible "serious misconduct" – good heavens, we'd hope so – but wants to consider claims of excessive force, false imprisonment, etc. on a case by case basis. Of course the larger question is why IAD is being allowed to decide which of its cases will be reviewed. Surely any measure of oversight will be pointless if the outcome can be controlled by those being reviewed.

- No explanations. The board

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STREET LAW CLINIC

The Project has been very busy this year. This last fall, student trainings have seen an unprecedented turnout. Stop & Search trainings were extremely well-attended. Bob Cohen conducted one at New England School of Law that had so many students (50+) that Bob stated afterwards "it redeem[ed] my faith in the idealism of the up and coming generation." A Workers Rights training conducted by Deborah Roher (her first training) at Harvard had a great student turnout as well. Boston College hosted a Stop & Search training which attracted a large number of students - a sign of renewed students' interest and enthusiasm about the Guild.

We've conducted several clinics and many of them were led by "first timers." Attorney Terry Coles conducted his first Workers' Rights clinic at St. Ambrose Family Shelter and he did an excellent job. St. Ambrose has been a great organization to work with as they are always so grateful for the legal services and information we provide. Now that the student trainings are done, the focus of the Street Law Clinic will be to schedule more clinics and to incorporate student participation.

Due to community demand, we are now developing a new bankruptcy clinic. Attorney Neil Burns has offered to help conduct clinics, and hopefully other attorneys will join in our efforts. If you practice bankruptcy law and would be willing to help prepare and edit materials or conduct a clinic, please do not hesitate to contact the Street Law Clinic Project at nlgmass-slc@igc.org.
- Laura Alfring -

Open for Business

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seemed surprised to learn that IAD's decisions only state its finding, omitting any information on how the investigation was conducted and in particular, which witnesses were interviewed. If the purpose of a review process is to consider the quality of the investigation, we questioned how a complainant would know if it was worth the effort to appeal. The board seemed willing to suggest improvements to IAD's procedures

after they have started to review cases and can better assess the process.

It would be easy to take a cynical approach to the new civilian review board and to assume it will fail as prior models have done. Granted, accountability seems an elusive goal but we are willing to keep pushing for improvements. The community deserves no less.

Barb Dougan is a NLG board member and Co-Chair of the Greater Boston Civil Rights Coalition.

LAWYER REFERRAL SERVICE

In the early 1980s, the Massachusetts Chapter of the National Lawyers Guild became the first and only Chapter to create a Lawyer Referral Service (LRS). And since that time, the project has made thousands of referrals and has consistently assisted low and moderate income people gain access to Guild Lawyers at reasonable rates. Because the LRS is often the only recourse for the state's under-served, the LRS is undertaking a series of initiatives to expand their services, including an updated website, a transition towards 'paperless' referrals, increased collaboration with other Massachusetts' non-profit organizations, and more.

The LRS receives on average 300 calls a month, with clients seeking assistance in a broad range of legal areas including: immigration, divorce, criminal defense, landlord/tenant, disability, tax, patents, estate planning, police misconduct, personal injury, medical malpractice and more. Many of our callers feel they are stuck between a rock and a hard place: their income is too high to qualify for the pro bono legal services offered by other referral services but too low to pay for the full fees demanded by most attorneys. The 55 attorneys currently on the LRS panel provide a solution by offering a free phone consultation and, when possible, reduced rates for their legal services.

The LRS's new initiatives aim to enhance efficiency and, therefore, extend assistance to more Massachusetts residents. We are conducting more research on how our callers learn about the Guild's Referral Service and are linking the locations of our

callers with their categorizations of legal problems in order to strategically promote our services. In addition to seeking referrals via phone, people now can make requests and receive referrals via email. Please visit our website to see the improvements: www.nlgmass.org/lrs/

LRS's attorneys speak over 13 languages combined and are able to assist numerous callers from the greater Boston-area. However, we are seeking to expand our panel to outside the Greater Boston area and we are particularly looking for bilingual attorneys. Please help those in need by joining the Referral Service and/or by informing people of our services. Contact our office at nlgmass@igc.org or 617-227-7008 for more details.

- Robin Trangsrud -

Subway Searches are Just the Beginning

by Jeff Feuer

The warrantless searches of passengers on Boston's subways, begun during the Democratic Convention in 2004 and re-instituted in 2006, continues to erode our right to privacy and our right to be free from warrantless and suspicionless searches by the government. Using 9/11 as an excuse to implement the government surveillance and control that we associate with totalitarian states (warrantless wiretapping without judicial review, compiling dossiers on protestors engaged in legal First Amendment activity, reading mail that they deem suspicious, secret courts like FISA, undermining the U.S. Civil Rights Commission, etc.), the Bush administration is rolling back the Constitution in hundreds of different areas and there appears to be no end in sight.

The Guild continues to lead the fight against these unconstitutional expansion of government power. As the driving force behind the Safe-T Coalition of community organizations, the Guild is continuing its battle against these unreasonable and ineffective searches. Through the first two months of the MBTA's search campaign, there were 2,449 unwarranted "inspections" of MBTA customers, which turned up absolutely nothing except 27 false positives for explosives. Moreover, information that we have gathered during our campaign indicate that the explosive "detectors" being used by the MBTA are inaccurate and ineffective, the police dogs used in these searches have not been properly trained to uncover explosives and that the staffing and cost of these searches may lead to a decrease in the use of the police to combat serious crime in our neighborhoods.

Consequently, representatives of the Safe-T Coalition, including NLG Executive Director Urszula Masny-Latos, have met with State Senator Cynthia Creem to assist in her efforts to get legislation passed that will require the MBTA to justify its search policy, legally, economically and prac-

tically, at a public hearing. We are also in the process of arranging a meeting with Governor Patrick to try to persuade him to rescind the search policy by executive order. In addition, the Coalition has been seeking information from the MBTA under the Freedom of Information Act concerning the effectiveness, consumption of resources and racial or ethnic targeting of the policy. Guild members Andrew Fischer and Jeffrey Feuer have continued to research the possibility of bringing a lawsuit against the MBTA to halt or restrict these searches.

A system that announces that searches will take place before anyone is actually searched and that allows people to decline, turn around and simply try again at the next subway entrance, is objectively worthless. Therefore, it is also objectively unreasonable, and hence unconstitutional — even under our current, heavily-diluted Fourth Amendment jurisprudence. Even the FBI seems to acknowledge grudgingly that mass warrantless suspicionless searches will implicate protected constitutional rights. In its June 2006 Law Enforcement Bulletin (Vol. 75, No. 6) which is sent out to law enforcement agencies throughout the country, the FBI stated that "[e]ven granting that the threat of terrorism is omnipresent, simply referring to 9/11 or otherwise to a threat of terrorism generally will not, without more, provide a sufficient basis for restricting the scope of the Fourth Amendment's protections in any large gathering of people."

The unquestioning judicial approval of these searches is a manifestation of an alarming trend: the replacement of the "rational basis review" of government actions with a new jurisprudence of absolute deference to the non-judicial branches of government. The courts are increasingly refusing to question the assertions of legislators, executives and law enforcement officials. A "finding" by a legislature, or a police chief, or a general, is increasingly accepted as an incontrovertible fact, no matter how little evidence supports the assertion or how much opposing evidence may contradict it:

"We will not peruse, parse, or extrapolate four months' worth of data in an attempt to divine how many checkpoints the City ought to deploy in the exercise of its day-to-day police power. Counter-terrorism experts and politically accountable officials have undertaken the delicate and esoteric task of deciding how best to marshal their available resources in light of the conditions prevailing on any given day. We will not — and *may not* — second-guess the minutiae of their considered decisions."

MacWade v. Kelly, 460 F.3d 260, 274 (2nd Cir. 2006)(upholding the legality of the New York City subway search program, emphasis in original). In announcing the program, NYC Mayor Bloomberg "We just live in a world where, sadly, these kinds of security measures are necessary. Are they intrusive? Yes. A little bit." NYC Police Kelly, keenly aware that such unconstitutional measures require the government to build public support in order to be able to institute them, told the *New York Times* that "[t]he reality is, you need an event such as [the] London [subway bombings] for people to realize this is a procedure put in place for their safety.... The issue is what the public will accept. You still need an event to get public support."

The question is what is next? In 2004, the U.S. Supreme Court held that citizens must identify themselves to cops. Refusal can result in arrest. See *Hiibel v. Sixth Judicial Dist. Court of Nev.*, 542 U.S. 177 (2004). There are now more than 100 government and private security cameras monitoring public activity throughout downtown Boston to which law enforcement officials have access. It is not at all inconceivable that at some point, following another terrorist "event" somewhere in the world, that passengers will no longer be allowed to leave the transit system rather than be searched. And searching can spread to protests; if one consents to being frisked by riding in planes, busses or subways, some court will find that one consents to being searched by using

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Subway Searches are Just the Beginning

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the public parks or streets. Those who don't cooperate, who complain or hesitate or perhaps don't raise their hands overhead as quickly as ordered, will immediately rouse suspicion. Names, identification and purpose of your business may be demanded and compared against dossiers and video files of "protestors." The real "1984" may become even more of a reality than it is now.

The attempted use by the government of the amorphous nature of potential terrorist activity to widen their search powers and curtail civil liberties was well illustrated in *Bourgeois v. Peters*, 387 F.3d 1303, 1311 (11th Cir. 2004) wherein the city of Columbus, Georgia argued that "[l]ocal governments need an opinion that without question, allows nondiscriminatory, low level magnetometer searches at large gatherings... post September 11, 2001, this Court can determine [that] the preventive mea-

sure of a magnetometer at large gatherings is constitutional as a matter of law," despite the fact that no members of the group staging the protest had been arrested for acts of violence during the group's 13-year history. The 11th Circuit, rejected this argument and convincingly defended the Constitution:

The City's position would effectively eviscerate the Fourth Amendment. It is quite possible that both protesters and passersby would be safer if the City were permitted to engage in mass, warrantless, suspicionless searches. Indeed, it is quite possible that our nation would be safer if police were permitted to stop and search anyone they wanted, at any time, for no reason at all. Nevertheless, the Fourth Amendment embodies a value judgment by the framers that prevents us from gradually trading ever-increasing amounts of freedom and privacy for additional security. It establishes searches based on evi-

dence—rather than potentially effective, broad, prophylactic dragnets— as the constitutional norm. We also reject the notion that the Department of Homeland Security's threat advisory level somehow justifies these searches.

Bourgeois, 387 F.3d at 1312. As Justice Brandeis warned us almost 80 years ago in *Olmstead v. United States*, 277 U.S. 438, 479 (1928) (dissenting), "[e]xperience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent.... The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding [of our constitutionally protected liberties]."

Jeff Feuer is a member of the Chapter's Board of Directors and a partner at Goldstein & Feuer in Cambridge.

2007 in Review

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been successful since then in avoiding confrontations between police and demonstrators and mass arrests at rallies.

By the time you read this, the Chapter's delegation of referendum

observers to Venezuela will have returned from its December travels, and likely you will read about that (as well as about our November 13, 2007 rally in support of Pakistan's lawyers) in the next *Mass Dissent*.

Our plans for the coming months include a spring 2008 human rights delegation to Palestine and Israel that will focus on the

treatment of political prisoners, particularly women. We are also planning a three-event speaker series in February, March and April at Boston area law schools on the legal, political and social legacies of the Bush administration. We will

continue with a new, so far very successful, Happy Hour program - and we hope you will be part of it. Finally, we are evaluating a significant expansion of Guild litigation through the Chapter's hiring a staff litigation attorney. We will keep our membership posted on this.

As we have written in the past, the Guild is at its best when our government is at its worst. A good example was the horrendous immigration raids in New Bedford, and the extraordinary response by the immigration bar. We can take pride in the fact that virtually every one of the immigration lawyers who stepped forward then was an active Guild member, and we take pride in our Guild membership.

David Kelston, a Mass Chapter Co-chair and attorney in Boston.



November NLG Happy Hour at Felt Billiard Club (l.-r.): Jason Corral, Halim Moris, Laura Alfring, Nancy Kelly, Malana Gleason, and John Willshire-Carrerra.

REPORTS FROM THE NLG NATIONAL CONVENTION

DAMON THOMAS:

Several Massachusetts Chapter members of the Guild were in attendance among hundreds of other fellow Guild attorneys, legal workers, and law students from across the country during the 70th anniversary Convention held this year in Washington, DC from October 31 through November 4.

As has been the tradition, various major panels and workshops dominated the schedule and afforded convention-goers numerous opportunities (sometimes conflicting, schedule-wise) to share and exchange updates, experiences, and strategies. Major panels included, among others, "The War on Drugs, The War on Gangs, The War on Communities of Color", "Got to Have Habeas: Challenging Guantanamo and the Military Commissions Act", and "The Intersection of Sexism and Militarism". Workshops included "Ending the Occupation of Iraq", "Using Mass Defense Litigation to Push Back the Security State", "Protecting Indigenous Right to Land", and "Anti-War Organizing: Vietnam and Iraq". Lynne Stewart and Andrew Erba (lead counsel in *USA vs. SHAC, Inc.*) anchored a panel discussion "From E-mails to Arson: the New 'Domestic Terrorism'" which was notable for its emphasis on government targeting of persons engaged in domestic activism, particularly in (but certainly not limited to) the environmental and animal rights realms.

My most notable impression of the Convention occurred on Thursday evening, November 1st during a keynote address delivered by U.S. Representative John Conyers (D-Michigan). Representative Conyers has served in the U.S. House of Representatives for over 40 years, and his work on legislation benefiting minorities and disaffected persons is both significant and well known. Prior to the 2006 federal elections, Representative Conyers spoke openly about the need and the prospect of instituting hearings regarding the impeachment of President

Bush and other Administration officials. Conyers gave, in my view, a rambling speech in which he loosely documented certain of his accomplishments and spoke of his desire to implement some sort of a health insurance program to cover all persons.

Save for the topic of health insurance, Conyers' address did not dwell on any particular topic, and, quite frankly, side-stepped the issue of impeachment altogether. He remained non-committal on the subject of impeachment, stating only that he was open to being convinced about why impeachment proceedings should be instituted at this time. During a brief question-and-

Presidential Candidate and Representative Dennis Kucinich (D-Ohio) went forward with House Resolution No. 333 calling for the impeachment of Vice President Cheney. After vigorous debate, resulting in some 165 Republican members joining 85 Democrats, calling for a hearing on the House floor, Democratic "leaders" managed to, instead, block debate on the bill and refer it to the House Judiciary Committee. While there is some division among Democrats on the Committee as to whether or not impeachment hearings should be commenced, it is incumbent upon Guild members and progressive allies to inundate members of the Judiciary Committee with calls for investi-



Photo by Urszula Masny-Latos

Massachusetts NLG members at the 2007 Convention Banquet (l.-r.): Millie Drew, Astrid af Klinteberg, Denny Beck, and Damon Thomas.

answer period, Conyers was repeatedly confronted by several persons, including our own Michael Avery, on his apparent unwillingness (or inability) to pursue impeachment proceedings or, alternatively, to suggest to the gathering what Guild members might do so as to influence representatives in Congress to act on the issue of impeachment. Conyers' failure to exercise a leadership role as to the issue of impeachment, particularly after he spent some time extolling the virtues of his leadership position as Chairman of the powerful House Judiciary Committee, was particularly disappointing.

Ironically, following the Convention, on November 6th (Election Day),

gations and impeachment proceedings, first as to Vice President Cheney, then as to George W. Bush.

The Guild Convention, once again, served an essential function of constituting a forum for the exchange of opinions and ideas on issues having a timely and profound impact on all of our lives.

(Damon Thomas is a solo practitioner in Haverhill.)

CASSIE HAYNES:

The 2007 Convention was my first NLG large gathering. I was particularly moved, inspired, charged, and piqued – among other adjectives – by the panel I attended on immigration and gangs. As a first year

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REPORTS FROM THE NLG NATIONAL CONVENTION

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law student, I was not sure what to expect from the conference. I expected the speakers, the material they spoke on, and the words that drew from their mouths to be over my head. Way over my head. I was pleasantly surprised when I realized that this was not going to be the case, particularly with this panel. The speakers were well chosen and spoke with understanding and wisdom, about experience, from the heart.

My knowledge of gangs, as well as immigration issues is somewhat limited, and even more limited is my knowledge of foreign gangs and the issues that members/ex members face when trying to leave. Before last weekend, I was not thinking about the struggles that families go through to guarantee the safety of their loved ones. I was not thinking about a sister's monthly pay-offs to the gang controlled prison guards to make certain that her brother's face remained free of tattoos. I wasn't thinking about the ways our system can help – but sometimes

ference got my head out of case books and outlines and reminded me that I am going to law school for a reason. It reminded me that it's okay to be another eager, idealistic law student in line to change the world, because as I looked around, I realized that I was surrounded by people who are not content with the way things are. People who refuse to be shut up, shut down, or shut out. People who are working every day with little praise and a whole lot of struggle, to change the world.

(Cassie Haynes is a 1st year law student at Northeastern.)

JEFF FEUER:

There was a terrific turnout of members of the national Mass Defense Committee at the Guild Convention held in Washington, D.C. Beginning with a meeting on the first day (in a local brewpub!), law students, veteran lawyers and new attorneys alike gathered to discuss the focus of the Committee for the next year and to share strategies and information about combating the ever

misconduct and attempts to limit the First Amendment rights of demonstrators, the Committee had workshops focused on affirmative litigation to “push back” the ever-growing power of the “security state”, the increasingly important role of Guild lawyers working with activist legal workers and legal collectives, the use of discovery tools to check and restrain the more outrageous police tactics at demonstrations and the growing battle in San Francisco over the indictment of eight former members of the Black Panther party for a crime that occurred more than 30 years ago. Our fantastic Committee co-chairs, Carol Sobel (who was honored with the Ernie Goodman award at the Convention) and Mara Verheyden-Hilliard, along with other notables such as Carl Messineo, Jonathan Moore, Sofia Elijah, Michael Avery, Eileen Clancy (of I-Witness Video), and Lynne Williams conducted a number of extremely useful and practically oriented workshops and buoyed the spirits of all attendees with their accounts of recent triumphs in defense work and class



Reception at the Venezuelan Embassy (l.-r.): Supreme Court Judge Fernando Vegas, Urszula Masny-Latos, Venezuelan Ambassador Bernardo Alvarez Herrera, Susan Scott (NLG International Committee), Judy Somberg, NLG President Marjorie Cohn.



Northeastern School of Law students at Northeastern Region Meeting (l.-r.): Nora Carrol, Josh Raisler-Cohn.

refuses to help – these gang war refugees. And I certainly wasn't thinking that a week later I would be (in the little free time that a first year law student has) doing my own research on these gangs, these policies, and these advocates that work tirelessly for their clients.

As I said, I was inspired by this panel. The speakers got me thinking. They got me riled up. The whole con-

increasing government crackdown on political and union demonstrations. Of course, the Committee will be gearing up to provide on the ground support for political activists attending next year the Democratic National Convention in Denver (Aug. 25-28) and the Republican National Convention in Minneapolis-St. Paul (Sep. 1-4).

In addition to planning defensive tactics to deal with mass arrests, police

action lawsuits against the police and government officials in Washington, D.C., Los Angeles, Miami and Philadelphia.

The energy, creative thinking and supportive focus of both the workshops and the numerous informal conversations that went on throughout the Convention provided all of us with renewed spirit and inspiration for the continuing struggle.

(Jeff Feuer is at Goldstein & Feuer.)

Massachusetts Chapter Sustainers

In the spring of 2003, the Massachusetts Chapter of the NLG initiated the Chapter Sustainer Program.

Since its inception, the Program has been very successful and has been enthusiastically joined by the following Guild members:

Adkins, Kelston & Zavez; Jane Alper; Michael Avery; Samuel Berk; Neil Berman; Melinda Drew & Jeff Feuer; Howard Friedman; Benjie Hiller; David Hoffman; Stephen Hrones; Martin Kantrovitz; David Kelston; Leslee Klein & Mark Stern; William Newman; Petrucelly & Nadler; Allan Rodgers; Martin Rosenthal; Sharryn Ross; Anne Sills & Howard Silverman; Judy Somberg; and Stern, Shapiro, Weissberg & Garin.

This is one of the most important initiatives the Chapter has undertaken to secure its future existence. Please consider joining the Program. We need you in order to have a strong and active Guild!

YES, INCLUDE MY NAME AMONG NLG MASSACHUSETTS CHAPTER SUSTAINERS

I, _____, am making a commitment to support the Massachusetts Chapter of the Guild with an annual contribution of:

_____ \$500 (not including my membership dues)

\$_____ (Other above \$500)

As a Sustainer I will receive:

- Special listing in the Dinner Program;
- 1/8 page ad in the Dinner Program;
- Acknowledgement in every issue of *Mass Dissent*;
- Two free raffle tickets for a December Holiday Party;
- Invitation to a Guild reception.

Please mail to: NLG, Massachusetts Chapter
14 Beacon St., Suite 407, Boston, MA 02108

Statement of Ownership, Management, and Circulation		15. Extent & Nature of Circulation	Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date
1. Publication Title:	Mass Dissent			
2. Publication Number:	7601-10			
3. Filing Date:	December, 2007			
4. Issue Frequency:	Monthly, ex. Jan., May, June, Aug.			
5. Number of Issues Published Annually:	8	a. Total No. of Copies	390	397
6. Annual Subscription Price:	0			
7. Complete Mailing Address of Office of Publication:	NLG, 14 Beacon St., Suite 407 Boston, MA 02108	b. 1- Paid/Requested Outside-County	151	191
Contact Person:	Urszula Masny-Latos	2- Paid In-County Subscriptions	127	102
Telephone:	617-227-7335	3- Sales Through Dealers	Ø	Ø
		4- Other Classes Mailed Through USPS	Ø	Ø
		c. Total Paid/Requested Circulation:	278	293
8. Complete Mailing Address of Publisher:	as above	d. 1- Free Distribution Outside-County	97	91
9. Full Name and Address of Publisher:	National Lawyers Guild, Massachusetts Chapter, 14 Beacon St., Suite 407, Boston, MA 02108	2- Free Distribution In-County	15	13
Editor:	Urszula Masny-Latos 14 Beacon St., Suite 407 Boston, MA 02108	3- Other Classes Mailed Through USPS	Ø	Ø
Managing Editor:	as above	e. Free Distribution Outside the Mail	Ø	Ø
10. Owner:	NLG, Mass. Chapter, 14 Beacon St., Suite 407, Boston, MA 02108	f. Total Free Distribution:	112	104
11. Known Bondholders:	none	g. Total Distribution:	379	397
12. Tax Status:	Has not Changed	h. Copies not Distributed:	11	Ø
13. Publication Title:	Mass Dissent	i. TOTAL:	390	397
14. Issue Date for Circulation Data Below:	December 2007	j. % Paid/Requested Circulation	71%	74%
		16. Publication of Statement of Ownership required. Printed in the February issue of this publication.		
		17. I certify that all information furnished on this form is true and complete.		
		Urszula Masny-Latos, Director	12/01/07	

Mass Dissent

USPS 0760-110 PERIODICAL

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0760-110

The National Lawyers Guild is...



"... an association dedicated to the need for basic change in the structure of our political and economic system. We seek to unite the lawyers, law students, legal workers and jailhouse lawyers of America in an organization which shall function as an effective political and social force in the service of people, to the end that human rights shall be regarded as more sacred than property interests. Our aim is to bring together all those who regard adjustments to new conditions as more important than the veneration of precedent; who recognize the importance of safeguarding and extending the rights of workers, women, farmers, and minority groups upon whom the welfare of the entire nation depends; who seek actively to eliminate racism; who work to maintain and protect our civil rights and liberties in the face of persistent attacks upon them; and who look upon the law as an instrument for the protection of the people, rather than for their repression."

Preamble to the Constitution of the National Lawyers Guild, originally adopted February 22, 1937, and most recently amended in July 1971.

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over \$50,000 to \$60,000.....	\$250
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over \$70,000 to \$80,000.....	\$350
over \$80,000 to \$90,000.....	\$400
over \$100,000.....	\$500

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No one will be denied membership because of inability to pay.

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