

# Mass Dissent

Massachusetts Chapter

National Lawyers Guild

14 Beacon St., Boston, MA 02108

June/July/August 2008

www.nlgmass.org

Vol. 31, No. 4

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## BOARD MEETING

**June 17, 6:00pm**  
14 Beacon St., 1st Fl.  
Boston

## *The Unavoidable Legacy of George W. Bush*

As the current administration nears its end, we are devoting the June issue of *Mass Dissent* to an assessment of some of the challenges we will face dealing with the legacy of George W. Bush.

Recently, Father Michael Gillgannon, a catholic priest who has spent over 30 years working in Bolivia, spoke at GBLS about how in his work to provide relief from poverty he often found himself working side by side with Marxists, as well as conservatives. One of his basic messages was that the Latin America of 2008 has moved beyond the antiquated notions of political "left" and "right," leaving the U.S. in an ideology that has not changed. He warned that the U.S. will continue to fall behind globally without an evolution in consciousness.

Father Gillgannon was a reminder of how Guild members have always worked to overcome antiquated notions of hierarchy, oligarchy, racism, sexism, elitism and divine right. George W. Bush's presidency has challenged Guild members to struggle on a daily basis in order to preserve our goals as set forth in the preamble to our Constitution which are as follows:

*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; [...] and who look upon the law as an instrument for the protection of the people, rather than for their repression.*

First, we have an article from Judy Somberg, who explains the NLG Campaign Against the Use of Torture and the Guild campaign calling for the dismissal of John Yoo, UC Berkeley faculty member and author of the "torture memos."

Next we have an article drafted by members of El Salvador's leading opposition party, Frente Farabundo Marti Para Liberacion Nacional (FMLN), that describes how the ARENA government has taken a page out of Bush's anti-terrorism handbook in order to suppress speech and suppress the anti-privatization movement.

We finish with a piece by Bonnie Tennierillo on the NLG March forum at Suffolk Law School, "*The End of the Imperial Presidency*," where Prof. Michael Avery stated that the theory of "coordinate construction" amplified by the Bush administration threatens to enable an ongoing pattern of "executive overreaching," even in a new administration unless Congress acts with more courage and independence.

- Jason Corral -

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*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:** The Street Law Clinic project provides workshops for Massachusetts organizations that address legal needs of various communities. Legal education workshops on 4th Amendment Rights (Stop & Search), Landlord/Tenant Disputes, Workers' Rights, Civil Disobedience Defense, Bankruptcy Law, and Immigration Law are held at community organizations, youth centers, labor unions, shelters, and pre-release centers. If you are a Guild attorney, law student, or legal worker interested in leading a workshop, please 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 American Civil Liberties Union 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.

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# GUILD NEWS

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## NLG HAPPY HOUR

The NLG Massachusetts Chapter's **Happy Hour** - for Guild members and non-Guild members - takes place on the **2nd Wednesday of every month, 5:30 - 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 **June 11th** - and bring friends!

## SUMMER RETREAT

All NLG members are invited to our Chapter's Summer Retreat. This year the retreat will be on **Thursday, June 26, 3:00 - 8:00pm, at Judy Somberg's house in Cambridge** (please call the office for the address). The

retreat serves as a forum for the Chapter members to get together and discuss our programs, campaigns, and activism for the next academic year. Because we are a membership organization, it's very important for the Board and staff to hear opinions and thoughts of our members. If you have questions, please call us at 617-227-7335.

## NATIONAL CONVENTION

This year's NLG National Convention will be held in Detroit between **Wed., October 15 - Sun., October 19**, at the **Marriott Detroit** (Renaissance Center). To register and for more information, please contact the National Office at 212-679-5100 x.13. Please make your hotel reservation soon to secure a discount rate.

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## Street Law Clinic Report

The following Guild members conducted clinics for members and residents of Boston area community organizations and agencies:

**April 7:** North End Family Shelter hosted a Tenants' Rights clinic conducted by **Neil Berman**.

**April 16:** Cambridge Family Shelter hosted two clinics: Tenants' Rights conducted by **Melinda Drew**, and Immigration Law by **Josh Goldstein**.

**April 24:** Boston Living hosted an Immigration Law clinic conducted by **Howie Silverman**.

**April 28:** Bridge Over Troubled Waters hosted a Stop & Search clinic conducted by **Carl Williams**.

**May 1:** Boston Family Shelter hosted a Workers' Right clinic conducted by **Victor Forberger**.

**May 8:** Boston Family Shelter hosted a Tenants' Rights clinic conducted by **Robert Doyle**.

**May 10:** Mass Migrant hosted an Immigration Law clinic conducted by **Shiva Karimi**.

**May 13:** SCALE hosted a Tenants' Rights clinic conducted by **Mark Stern**, TEMPO hosted a Stop & Search clinic conducted by **David Nathanson**, and Hope Found hosted a Stop & Search clinic conducted by **Myong Joun**.

**May 14:** Hastings hosted a Tenants' Rights clinic conducted by Jeff **Petrucelly**.

**May 15:** Early Intervention hosted an Immigration Law clinic conducted by **Liliana Magiafico**.

**May 17:** CORES hosted in Immigration Law clinic conducted by **Susan Church**.

**May 19:** Charlestown's Kennedy Center hosted an Immigration Law clinic with **Halim Moris**.

**May 20:** SCALE hosted a Stop & Search clinic conducted by **Ben Falkner**, and City Life hosted a Bankruptcy Law clinic with **Deborah Roher** and **Neil Burns**.

**May 21:** Hastings hosted a Workers' Rights clinic conducted by **Deborah Roher**, and Hyde Square hosted a Stop & Search clinic conducted by **Bob Cohen**.

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## ARTICLES FOR MASS DISSENT

The September issue of *Mass Dissent* will focus on the Supreme Court's last term.

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](mailto:nlgmass-director@igc.org).

**The deadline for articles is August 15th.**

## NLG 2008 Testimonial Dinner

Laura Alfring  
(Undercover Reporter-at-Large)

This year's NLG dinner was a ridiculous success and every single attendee is a better person for participating. The wine flowed like water, and the beer also flowed like a liquid commonly known for flowing. Much was done to promote awareness of press-on tattoos. Fashion luminary Urszula "The Ursz" Masny-Latos was on the scene and sporting wash-off ink. Not everyone understood the "temporary" bit though, and Guild member David Kelston now will be representing the Guild via permanent neck tattoo. We appreciate his support.



David Kelston (r.) interrupted the auction to explain quantum physics to Barb Dougan (l.) while Hank Phillippi Ryan (c.) pleaded with him to stop.

The glamorous Hank Phillippi Ryan MC'ed this whole shindig, bringing an air of class and poise that we are unaccustomed to at Guild events. Hank offered to one lucky bidder the opportunity to appear as a character in one of her upcoming books, but this was misleadingly entitled on the auction sheet as "Would you like immortality?," causing many to excitedly offer away their life savings thinking they would be cryogenically frozen.

The honorees were quite honorable indeed. The first award was presented to Tony Naro, a graduating Suffolk law student. We learned that Tony has dedicated his time at Suffolk Law to two ambitions: 1) administering swift, Guild-style justice to those in need, and 2) pocketing the free soup crackers from the school cafeteria. (Survival advice from a fellow Suffolk graduate: Tony, if you also steal the peanut butter packets they keep by the silverware, well that's a full meal right there.)

Anibal Lucas was our next honoree and received the Legal Worker award. He gave a rousing and inspiring speech but then attempted to actually eat the award he was given, right after he stated his signature

motto: "I am hungry." This forced the translator to awkwardly pry it from his mouth.



All photos by Carl Williams

After singing "Born to Run," Jeff Feuer happily accepted (from Jeff Thompson, in the back) and displayed his award.

Jeff Feuer, our Lawyer Honoree, was commended for his tireless dedication to tenants' rights, but instead of actually addressing this, he simply took to the stage, donned a jean jacket, and ran around singing, 'cause tramps like us, baby, we were boorn to ruun!' Seriously, Jeff, we took a vote and you are now limited to four Springsteen concerts a year. This has got to stop.

Sharryn Ross was honored for her enduring commitment to getting the Guild into the public spotlight. Many people know that she tried out for "Jeopardy," but what many don't know is that her efforts also included a stint on "American Idol" where she sang an inspiring but slightly off-key rendition of "I Will Survive" by Gloria



The Guild dinner was an unexpected place for a meeting of Sharryn Ross' (c. standing) book club, but we were excited and happy to have them.

Gaynor, and she was on a reality show that never quite got off the ground entitled "Lefty Lawyers in a House Doing Lefty Stuff," where she was the token troublemaker.

The behind-the-scenes efforts of many hard-working people also helped make this dinner a suc-

## NLG 2008 Testimonial Dinner

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cess. Jeff Thompson manned the merchandise table, hocking t-shirts with such catchy advertising slogans as “One size fits some” and brilliantly marketing the out-dated, faded 1978 Guild recipe book as “retro”. (I’m pretty sure I saw a recipe in there using MSG.) 1978 was not a joke, it’s the actual date the cookbook was created. Check out the recipes. Just don’t invite me to dinner. Some of you may also recognize Jeff from such places as “the stage,” where he struggled to hand honorees bouquets of flowers that were all unexpectedly tied together at the bottom.



Tony Naro looking guilty after being caught scooping dinner rolls into his pockets.

Our own Carl Williams roamed around in his high fashion attire, snapping away pictures of happy diners and documenting Guild leadership in action. Captured (or caught) on film: David Kelston, who took his role as an auctioneer so seriously that he bid on every single auction item, including his own vacation house -- twice!

Neil Berman placed an extremely high bid on the beautiful pink scarf handcrafted by Rhonda Roselli. Neil is already a fashion staple on the Guild scene, but this scarf will finally propel him to the forefront of haute-couture. I expect to see him wearing it with his signature jeans, blazer and general air of recklessness.

Still others naively volunteered to help “The Ursz”

in the office with pre-dinner preparation and got involved in such crucial tasks as documenting who was eating what. I personally was there one night until 3 am, begging for mercy after Ursz discovered that I erroneously claimed a known vegetarian was having chicken.



Anibal Lucas delivering inspiration and hope.

David Milton volunteered to perform the important task of time-keeping, otherwise known as holding up cards with numbers on them; the smaller the numbers get, the more important it is that the speaker shut up. David took his job extremely seriously, rehearsing for hours in the days before the big event. During the dinner, nevertheless, his stage fright took over, and at one point he accidentally held up two cards at the same time, completely confusing auctioneer Barb



Jonathan Shapiro (l.) looks doubtful at whether David (r.) can really lead a revolution. “The Ursz” and Hank (c.) already know...



This photo from Carl Williams’s Calvin Klein audition somehow got into our files...

Dougan who didn’t know whether she had 1 minute, 2 minutes, or 21 minutes before she’d be yanked off stage. Meanwhile, David could be heard muttering to himself, “No! David, no! One card at a time!” Oh, what a night!

I hope to see everyone again at next year’s extravaganza. In the meantime, stay beautiful!

Laura Alfring is a member of the Board of the NLG Massachusetts Chapter and works at Adkins, Kelston & Zavez in Boston.

## NLG Joins Mass. Alliance Against Predatory Lending

by Jeff Feuer & Lee Goldstein

In response to the current foreclosure crisis which is severely undermining the stability of our country and affecting all class levels in Massachusetts, the Mass. Chapter has joined the Massachusetts Alliance Against Predatory Lending (MAAPL), a large coalition of progressive and activist organizations and individuals fighting for the rights of tenants and working class homeowners who have been devastated by the unscrupulous tactics and greed of the mortgage and banking industries. In four New England states, Connecticut, Massachusetts, New Hampshire and Rhode Island, the majority of homes in the final stages of the foreclosure process are in multi-family buildings. Estimates show that from January 2007 to March 2008 45% of all units in those states, which were scheduled for auction or for becoming bank-owned, were rental homes, and the number of multi-family units owned by a bank or being scheduled for auction has been increasing faster than for single-family homes. While the number of single family homes in the latter stages of foreclosure was 3.5 times greater in the first quarter of 2008 compared to the first quarter of 2007, the number of multi-family units increased over five-fold in this period. One critical measure is that 29,607 petitions for foreclosure were filed in Massachusetts in 2007 (up 45% from the year before) and 41,000 more are projected for this year.

The adverse impact of these foreclosures has a severe ripple effect throughout our state when you consider the tenants in these buildings whose lives are disrupted by evictions and who cannot find affordable housing elsewhere, the decreased property values in working class neighborhoods where foreclosed homes sit unoccupied and decaying because of bank inactivity, the loss of revenue due to a shrinking municipal tax bases and the loss of local economic activity.

The MAAPL coalition is battling on a variety of fronts to ameliorate the severe problems caused by this economic epidemic.

They have conducted an extensive public awareness campaign concerning the breadth and depth of the foreclosure crisis and its deleterious effects on our communities and they have provided a significant resource network for activists working in this area. Most recently, MAAPL has filed three foreclosure bills with the state legislature and the Boston City Council to effect needed foreclosure protections for tenants, consumers and homeowners. One bill would require a "just cause for eviction." If a bank is foreclosing on a property, it would need a reason to evict the residents of the foreclosed building. Thus, if the tenants have been paying their rents on time, but the owners have not paid their mortgage, the tenants would not be forced to move simply because the bank wants to empty the building. A second bill would impose an emergency moratorium for six months on foreclosures based on a "predatory" loan, as was previously done during the 90s in Massachusetts. The third bill would bring Massachusetts in line with the majority of states in the country by requiring judicial review and approval of foreclosures (which is not now required). This bill would define "predatory loans" and would allow homeowners with mortgages with certain definable characteristics to have their day in court.

The Guild's Predatory Lending Project will work closely with MAAPL to provide legal and political support to prevent the foreclosures and tenant displacements brought about by the unscrupulous conduct of predatory financial institutions over the last eight years. The Guild's work will be coordinated by two law students working full-time on this project throughout the summer, **Lori Hill** and **Meg Schroeder**, under the supervision of Guild attorneys Lee Goldstein and Jeff Feuer. The Guild will concentrate on three areas: (1) conducting free pro se legal clinics in neighborhoods directly affected by predatory lending practices to provide information about people's rights with regard to foreclosures and post-foreclosure evictions of tenants; (2) developing teams of legal observers and pro bono attorneys to support eviction blocking actions conducted by community-based groups such as City Life; and (3) researching the structure



Lori Hill and Meg Schroeder in the Guild office ready to assume their responsibilities.

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## NLG Starts Campaign Against Torture Defender John Yoo

by Judy Somberg

On May 17 of this year some 100 protestors, many clad in orange jumpsuits and black hoods, demonstrated at Boalt Hall graduation demanding that UC Berkeley fire Professor John Yoo for drafting the “torture memos” giving legal justification for the use of torture by the Bush administration. Although information had slowly been emerging about the role of Bush administration lawyers in orchestrating a legal basis for the use of torture in Guantanamo, Abu Ghraib prison, and secret CIA prisons, in early spring another memo was declassified corroborating earlier information about the specific role of administration lawyers. In addition, Vanity Fair published an exposé by British attorney Philippe Sands showing that John Yoo and other high-ranking administration lawyers helped design and implement the specific interrogation policies and techniques used.

### Predatory Lending

*Continued from page 6*

of the predatory lending/foreclosure industry to determine where in the country and by whom foreclosure decisions are actually being made, so that information can be disseminated nationally to local activist groups and organizations which can pressure those power structures to cease their most destructive practices. If you would like to participate in any of these activities, please contact Urszula, Lori Hill or Meg Schroeder at the Guild office (617-227-7335).

*Jeff Feuer & Lee Goldstein are law partners at Goldstein & Feuer in Cambridge.*

Recognizing that Yoo and others were justifying the use of torture under the guise of giving objective legal advice and that nobody was raising objections to his actions, NLG President Marjorie Cohn drafted a press release calling for Boalt Hall to dismiss John Yoo. The Guild released the statement on April 9. The statement received wide notice by journalists, lawmakers, students, and even the dean of Boalt Hall. Many people joined in the call for his dismissal; others claimed that we were abridging Yoo’s academic freedom. UC Berkeley students wanted to know how they could defend the call for Yoo’s dismissal.

In response the Guild, along with the International Association of Democratic Lawyers, issued the “White Paper on the Law of Torture and Holding Accountable Those Who are Complicit in Approving Torture of Persons in U.S. Custody.” The paper explains that the prohibition of torture is a jus cogens norm – a principle of international law so fundamental that no nation may ignore it or attempt to contract out of it through treaties – and applies to persons in U.S. custody in times of peace, armed conflict, or state of emergency. It goes on to state, “. . . the legal memoranda drafted by government lawyers purposely or recklessly misconstrued and/or ignored jus cogens, customary international law, and various U.S. treaty obligations in order to justify the unjustifiable, claiming that clearly unlawful interrogation ‘techniques’ were lawful.”

House Judiciary Chair John Conyers took note of the criticisms of the Administration and its lawyers made by the Guild

and Attorney Sands. The Subcommittee on the Constitution, Civil Rights, and Civil Liberties of the House Judiciary Committee then convened a hearing on May 6 entitled “From the Department of Justice to Guantanamo Bay: Administration Lawyers and Administration Interrogation Rules.” Along with Sands and others, Guild President Cohn testified that it was “reasonably foreseeable” that the lawyers’ advice “would result in great physical and mental harm or death to many detainees.”

On May 12 the Guild called for Congress to appoint a Special Prosecutor, independent of the Department of Justice, to investigate and prosecute John Yoo and other high Bush officials and lawyers for their role in the torture of prisoners in U.S. custody. As Cohn had testified, “They are all liable under the War Crimes Act and the Torture Statute. Under the doctrine of command responsibility, commanders, all the way up the chain of command to the commander-in-chief, are liable for war crimes if they knew or should have known their subordinates would commit them, and they did nothing to stop or prevent it. The Bush officials ordered the torture after seeking legal cover from their lawyers.”

(Copies of the white paper, as well as the press releases and Cohn’s testimony, are posted on the Guild website: [www.nlg.org](http://www.nlg.org).)

*Judy Somberg, a solo practitioner in Cambridge, is a member of the Board of the NLG Massachusetts Chapter and an NLG Executive Vice President.*

## What a Legacy!

by Daniel Navas

**D**uring the eight years of the George W. Bush administration, we have seen the United States involve itself in unjust foreign wars, and we have seen the war against terrorism used to justify divisive policies within the United States through the creation of anti-immigrant and anti-terrorisms laws. Such policies not only have a negative effect within the U.S. but also in Latin America. Mr. Bush leaves behind a legacy of laws and agreements that have created destruction and violated human rights. This destructive foreign policy has led to poverty and violence in places such as El Salvador. Here in Massachusetts, as well as other parts of the United States we have seen an influx of immigrants from El Salvador who are fleeing the poverty and violence created by neoliberal foreign policy.

The Bush administration's use of fear, the fear of terrorism, has led to an anti-immigrant sentiment. It is not uncommon to hear anti-immigrant sentiments in the popular media. Many anti-immigrant groups have sprouted up all over the country. The groups call for such "quick fixes" as putting up a wall to keep people out, and the use of force to deport and break up families. Such groups claim to use "the law" as their rationale breaking working families. They say such thing as, "I don't care if a mother is separated from her child. She should have known better than to break the law." These groups are blind to the fact that people are forced to migrate to the United States due to the difficult conditions which are the legacy of neoliberal policies and human

rights violations that have been perpetuated by Mr. Bush. In effect it is the neoliberal foreign policy that is creating the domestic immigration "problem".

El Salvador provides a perfect snapshot of the effects neoliberal policies have had in Central America. The most recent economic policy is the Central America Free Trade Agreement (CAFTA), under which El Salvador was forced to privatize traditional sources of social services and jobs. In recent years El Salvador has seen the privatization of such things as: banking, telecommunications, distribution of electrical energy, pension system, airport, healthcare, educative system, majors sources of exports such as sugar and coffee, and now the drinking water is also in the process of being privatized.

To ensure the success of the privatization process, the government of El Salvador has taken the cue from the Bush administration and has used the war on terror as a means to punish those who are opposed to privatization and neoliberal policies. In order to create fear, the Salvadoran Legislative Assembly approved the decree #108 called the "Special Law Against Acts of Terrorism." This law criminalizes anyone who belongs to social movement organizations. Under this laws a person can be sentenced to from 5 -70 years in jail. This law has ambiguous language which leaves open the ability of the government to criminally prosecute individuals who voice opposition, protest, or participate in strikes against privatization. These laws are an attempt to criminalize political opposition and have nothing to

do with protecting the country against terrorism. It is particularly targeted at the growing opposition to the privatization that has occurred under CAFTA

In order to enforce these antiterrorist laws, the Bush's administration has installed in El Salvador the International Law Enforcement Academy (ILEA), directed by the FBI and the Marines of the United States, to train police forces in Central America. The ILEA, like its predecessor, the School of the Americas, is a means by which to secure the investments of private companies while suppressing political opposition. People in El Salvador are being incarcerated and shot at if they publicly demonstrate in opposition to the privatization of basic services and in support of respect for human rights. Most recently, individuals were shot and arrested during a protest against the privatization of the water.

Despite the country's increased privatization, the people continue to pay taxes both directly and indirectly. So where is all the tax money, traditionally used for state run services, going? We do know that El Salvador is **spending \$700 million annually to maintain Salvadoran troops in Iraq.**

While El Salvador is fighting the U.S. war in Iraq, they are losing war at home. In El Salvador, the current statistics show that ten Salvadorans die every day as result of crime caused by gang activities. Most of these gang members have been deported from the United States in the last few years. These numbers surpass the data of criminally related deaths during the war in the

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## Avery and Capuano on “The End of the Imperial Presidency”

by *Bonnie Tenneriello*

“The future is in the hands of the citizens of this country,” concluded Suffolk University Law School Professor Michael Avery during a March forum at Suffolk Law School, co-sponsored by the Massachusetts Chapter and the Suffolk Law School Chapter of the Guild. “We’re either going to demand a constitutional democracy or we’re not.” Avery, a past Guild President, had just reviewed the many ways in which the Bush Administration has used the “war on terror” to trample on traditional checks on executive authority. These include warrantless surveillance, claims of state secrecy aimed at defeating judicial oversight, and a legal theory of “coordinate construction” which denies the judiciary the authority to limit executive power.

These practices did not originate with the Bush administration, he observed. And after detailing the many ways that civil liberties have come under new

and vigorous assault under this Administration, he warned, “If we expect things to be different after the next election, just because we have another president, we better think again. Regardless of who the president is, we’re going to have executive overreaching.” He urged continued activism to protect civil liberties. “We need a Congress more resistant to the culture of fear.”

Congressman Michael Capuano of Somerville told the assembled crowd, “Don’t trust me. I’m the government. To put too much power in anybody’s hands is a mistake. Nobody walks away from power.” He talked about the political realities of supporting civil liberties during the post-9/11 era, when fear has held sway. “The battle in my world is not about the Constitution. It’s about the hearts and minds of the people.” Capuano was one of only 33 Members of Congress to oppose the USA Patriot Act in 2001, an act which brought him “the greatest grief” of any vote he has cast. But the vote, he says, “was a gut

reaction. Because I believe...the reason we were attacked was because of our civil liberties. I refuse to allow them to defeat us in that way.”

Capuano is co-sponsoring legislation to establish a national independent commission on National Security Agency wiretapping. While the Administration has refused in many cases to comply with the warrant requirements of the Foreign Intelligence Surveillance Act (FISA), Capuano believes that even FISA warrants from a special national security court are too easy to obtain. Out of some 15,000 warrant applications, only three have been rejected. “There’s something wrong with that,” he said.

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*Bonnie Tenneriello serves on the Board of the NLG Massachusetts Chapter and is an attorney with Massachusetts Correctional Legal Services in Boston.*



## By Any Other Name

by Melvin B. Miller

There is a long tradition in the United States of restricting housing to members of a certain race or religion. In the old days, night riders and arson expelled undesirables. The techniques later became more sophisticated, as those seeking residential homogeneity developed the restrictive covenant.

Residents of a neighborhood would sign an agreement not to sell to blacks or Jews. Any deviation from the covenant would provoke litigation that usually succeeded in stopping the sale. Then the U.S. Supreme Court ruled in 1948 in the case of *Shelley v. Kraemer* that restrictive covenants violated the Equal Protection Clause of the 14th Amendment and were therefore unconstitutional.

Massachusetts and most other states now have laws against racial or religious discrimination in the sale or rental of housing. Nonetheless, landlords

still find ways to circumvent the non-discrimination laws. For example, members of the management board of a housing cooperative can with impunity simply find a prospective buyer of a unit unsuitable.

It has been public policy to erect barriers that make it more

difficult to evade the reach of the law when discriminating. The recently decided case of *Moore Real Estate Trust v. Indralakshmi Din-Dayal* reverses that trend.

In a 17-unit Cambridge building, the landlord was aware of the race of 10 tenants. In each case, non-white tenants paid higher rents than whites for similar apartments. The state Supreme Judicial Court found that this did not constitute racial discrimination.

This ruling gives bigots a new strategy: Discourage black applicants by charging extremely high rents. If they accept, then at least the landlord has a windfall.

The court's decision makes it profitable to be a bigot.



*“Charge them twice the rent,  
and go away.”*

*Melvin B. Miller is Editor and Publisher of the Boston Bay State Banner. Reprinted with permission from the October 25, 2007, Vol. 43 issue of the Boston Bay State Banner.*

### Two Office Spaces with NLG Attorneys Available

Great downtown Boston address - large office (16x12 ft.) and smaller office (10x9 ft.) available. Rent includes high speed internet connection, conference room, copier/printer and fax. Shared with two other attorneys (immigration and plaintiff discrimination).

*Call Josh Daley Paulin (617-482-4669)  
or Neil Osborne (617-482-1163).*

\*\*\*\*\*

Lee Goldstein & Jeff Feuer have a large bright, sunny corner office for rent in their cozy office suite in an elevator building in Central Sq., Cambridge, starting July 1, 2008. Includes receptionist service, use of telephone system (2 lines available), access to law library, fax, copier and conference room, plus friendly, progressive office-mates. Case referrals/sharing possible. Rent is negotiable. Looking for long-term sub-tenant.

*Call Jeff or Lee at 617-492-8473  
or e-mail us at feuer.gandf@verizon.net.*

## 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; Howard Cooper; Andrew Cornell & Shelley Kroll; Melinda Drew & Jeff Feuer; Howard Friedman; Benjie Hiller; David Hoffman; Stephen Hrones; Martin Kantrovitz; David Kelston; Leslee Klein & Mark Stern; William Newman; Petrucelly, Nadler & Norris; Allan Rodgers; Martin Rosenthal; Sharryn Ross; Anne Sills & Howard Silverman; Ira Sills; 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

## What a Legacy!

*Continued from page 8*

1980s. Unfortunately, no resources are being employed to address the causes of this violence.

A look at Salvadoran emigration clearly shows the effects of the country's neo-liberal policies. Before CAFTA, 800 Salvadorans a month initiated trips to the United States searching for a safe haven. After CAFTA, nearly 700 Salvadorans leave each day. Of these, 50 may manage to cross the border while the others are deported or die in the long, and hard journey to the United States.

So why do so many Salvadorans risk dying en route to United States? The answer is that they have nothing left to lose. To individuals who are facing extreme poverty and violence,

the chance of finding a safe haven is worth the risk. Salvadorans are well-aware of the risks involved in emigrating, including facing unscrupulous people or "coyotes" who often traffic women and young girls into prostitution. But many people feel they have no other choice but to leave their country because neoliberal policies have destroyed the possibility of living in peace and safety within El Salvador.

In 2007, the US government deported 34,000 Salvadorans. During 2008, more than 7000 have been already deported. The numbers are expected to surpass the numbers from last year. These are numbers that the anti-immigrants groups would be gratified to hear. But they should know that their tax dollars are being spent to break up these

families. And at the same time, their tax dollars are creating and supporting the neoliberal policies that caused these families to flee their country in the first place. Breaking up families creates a never-ending cycle in which families continue to seek unification and a viable livelihood. So unless the U.S. addresses its foreign economic policies that create poverty in neighboring countries, immigration will always be a "problem".

*Daniel Navas is a Coordinator of the FMLN in Massachusetts.*

# Mass Dissent

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## 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.*

## Please 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 monthly newsletter), national and regional dues, and the office and staff.

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

*Fill out and send to:* National Lawyers Guild, Massachusetts Chapter, 14 Beacon St., Suite 407, Boston, MA 02108. Tel. 617-227-7335.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: (w) \_\_\_\_\_ (h) \_\_\_\_\_

Fax: \_\_\_\_\_ e-mail: \_\_\_\_\_

**Circle one:** Lawyer, Legal Worker, Law Student, Jailhouse Lawyer

Alumna/Alumnus of/year: \_\_\_\_\_

Dues (from schedule): \_\_\_\_\_

Amount Enclosed: \_\_\_\_\_

**I am interested in working on the following projects:**

\_\_\_\_\_ Lawyer Referral Service

\_\_\_\_\_ Workers' Rights Board

\_\_\_\_\_ Street Law Clinic

\_\_\_\_\_ Civil Disobedience Defense Group

\_\_\_\_\_ National Immigration Project

\_\_\_\_\_ *Mass Dissent* (monthly publication)