

To: Mayor Duehay, and the entire
Cambridge City Council
City Hall, Cambridge, MA
02139

1999 JAN 12 P 4:47

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Honorable Mayor and City Councillors,

I am herein requesting your support in the implementation of the enclosed proposed legislative action which I have filed entitled the; (i.e. "Employment Discrimination Law Advocacy Initiative"). Vice Mayor Galluccio has already pledged his support; (e.g. see enclosed letter from Vice Mayor Galluccio to Astor D. Chance). However, I feel that a solid showing of unified support from the entire City Council, would be a very important factor in creating the best possible appearance to the select committee I will speak before in the new legislative session in 1999. The possibilities are either the Joint Commerce and Labor, or quite possibly Taxation, with regards to the first public hearings that will be heard on the issues I have addressed.

It is imperative that I know well in advance, who will support my initiative. Therefore, I would like to request that if I need to speak before the Cambridge City Council in a public or private hearing, that I please be advised of that immediately forthwith, so that a date and time can be assigned that I may appear in a timely fashion, before I must speak in hearings at the State House.

If support will be forthcoming upon submission of these documents to each member individually, **I must request that I be notified in writing** by each individual City Councillors', of his or hers, affirmation or denial of support for my proposed legislation, no later than (21) twenty one days after receipt of these accompanying documents.

Thank you in advance, for your time and consideration in this matter.

cc to: Mayor Duehay, and Cambridge City Councillors; Kathy Born, Henrietta Davis,

Ken Reeves, Sheila Russell, Michael Sullivan, Timothy Toomey, Kathrine Trantafillou

Date: January 13, 1999

Respectfull yours,

Astor D. Chance
Astor D. Chance PRO SE
362 Rindge Avenue #17L
Cambridge, MA 02140
Tel.# (617) 354-5947



OFFICE OF THE VICE MAYOR

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4323

FAX (617) 349-4287

TTY/TDD (617) 349-4242

Anthony D. Galluccio
Vice Mayor

January 8, 1999

To whom it may concern:

I have been contacted by Astor D. Chance regarding legislation which he filed titled "An Employment Discrimination Law Advocacy Initiative." First let me say I have known Mr. Chance for a number of years and I know him to be hardworking, reliable, compassionate and caring towards the Cambridge Community.

I am interested and supportive of the concept of a joint effort between State agencies and the private sector, which would provide additional support for income qualifying residence who face employment discrimination. Clearly minority groups are most vulnerable in employment settings and should be a focal point of such representation. I applaud Mr. Chance's efforts to increase representation for those most vulnerable and suggest your consideration in this regard. I am aware of the constant funding struggle both locally and in the legislature to fund a variety of legal support for low income individuals. I would leave that decision of specific budget allocations up to the legislature.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony D. Galluccio", is written over a horizontal line.

Anthony D. Galluccio
Vice Mayor

Senator Steven Lynch
State House, Room No. 312 D
Boston, MA 02133

**Memorandum to Joint Commerce
and Labor Committee**

Now comes the co-sponsor, Astor D. Chance of this legislative action, which shall be hereafter referred to by the title; **"The Employment Discrimination Law Advocacy Initiative"**.

1. Whereby it has become a virtual impossibility for indigent African American male citizens of the Commonwealth of Massachusetts to receive legal representation with regards to employment discrimination in the work place, due to the joint participation of white employers and white employees in unlawful acts, such as; (e.g. the creation of a hostile work environments against black employees, and the all other such acts that could be considered in violation of M.G.L., Chapter 151B, Section 4, Paragraph 1 and Title VII of the Civil Rights Act of 1964. It is herein requested that consideration be given toward the organizing of a State agency, comprised of members of the State Civil Service and representatives of Private Law Practice in the public sector, with the specific objective of legal representation of indigent and/or low income citizens of the Commonwealth of Massachusetts with regards to Employment Discrimination. **The "First and Highest Priority" should be Race and must be directed towards the legal representation of indigent and/or low income African American males,** (emphasis added) whereby they bear the most difficult burden as a direct result of Slavery. It is also consistent with the Civil Rights Act of 1964, to seeks remedies that will overcome the damage suffered by African American males, due to the pernicious nature of the vestiges of Slavery, which are still directed upon black males in American society, currently at present. Subsequently, Age, Gender, Religion, and Sexual Orientation, are secondary material issues that require the combined efforts of the entire legal community within the Commonwealth to terminate and eradicate employment discrimination.

2. Furthermore, whereby gainful legitimate **lawful employment is not an optional endeavor** within the Commonwealth of Massachusetts, or within the United States, it is only logical and/or practical for there to be a specific State agency to deal with the "particulars" of only Employment Discrimination, specifically. The Attorney Generals refuses to hear such cases. The Massachusetts Commission Against Discrimination, (hereafter " M.C.A.D.") is unable, as well as, incapable of hearing and rendering fair and equitable judgements on all employment related cases, they are too numerous in number. M.C.A.D. is back-logged with thousands of cases, and it receives new cases everyday. The Equal Employment Opportunity Commission, (hereafter "E.E.O.C.) is back-logged and unable to deal with its case load also. The only logical answer is to incorporate the legal resources of private attorneys/law firms from the public sector, this could be accomplished by way of, the creation of a incentive program in which, private attorneys could voluntarily donate PRO BONO services to the Employment Discrimination Law Advocacy Initiative, (hereafter " E.D.L.A.I.), and an office could be created through State funding to administrate and coordinate the program, which would keep track of which attorneys and/or law firms donated; (e.g. No(s). Of Hours, No(s). Cases, and No(s). Of

Losses and/or Victories of cases, and in what type of lawsuits). The purposes therein being, at present, there are hundreds of thousands of attorneys stating they provide; (e.g. X = Amount of Hours) towards PRO BONO services, however, there is no record of what type of cases are being litigated, and more importantly who's contributing to the system, and who's not. This type of honor system is not only not working, a better system can be implemented, easily. Participation in the E.D.L.A.I., should be voluntary, however, as a incentive, a State and/or Federal Tax exemption and/or write-offs for a certain percentage of hours donated or hours worked, could be used by the attorney and/or law firm for payment of State and/or Federal Tax purposes. A second strategy could be, the Commonwealth could fund a small pilot program in entirety to determine feasibility for a larger State-wide program. Obviously, there would have to be strict guidelines for participation in the program, but the most optimistic view is; there is a identifiable and verifiable need for such a program. At present, Employers are opposing indigent African American males and other low income PRO SE litigants, with the services of attorneys who charge anywhere between \$100. and \$500. per hour in Employment Discrimination disputes. The Employers are using company and corporate funds to pay for those legal expenses, and later at tax time they are able to write-off those expenses, as business related. It was never the intentions of the founding Fore Fathers of this great Republic, to constructively remove and banished any segment of society from use, or of their rights to access of their Judicial Tribunals, based upon financial insolvency. It is inappropriate in appearance and as a matter of Equity within the Law for an indigent PRO SE litigants to be placed in opposition against lawyers and law firms with hundreds and/or tens of thousands of hours of legal expertise at arguing the merits of "a prima facia case". Additionally, judges are suppose to observe a lower "standard of review", when adjudicating a Cause of Action brought before the honorable court by a PRO SE litigant; (See * a PRO SE complaint must be held to a less stringent standard, Gale v. Wagg, D.C. Mich.1956,140 F.SUPP.6. The co-sponsor cites further the precedent established by Dixon v. City of Lawton, Okl. C.A. 10 (OKL)1990, 898, F.2d 1443 whereby a member of a protected group of individuals seeks relief for damages suffered as a results of wrongful acts of a defendant), however, they do not.

State and Federal governments by allowing indigent and low income individuals to be forced into competing with the corporate and/or company based finances of Employers, are placed in a "de facto" situation resulting in an unjust bias on the side of the Employer, simply because the accused individuals of an Employer are not mandated to use their own personal financial resources to oppose a claim of wrongdoing. The only logical solution, is to allow a means for private attorneys and law firms of the public sector, to participate in a manner whereby they will not feel they are, " **Providing a Service for Nothing, with No Visible Return**". Attorneys must be vigorously encouraged to participate in the E.D.L.A.I., and they must be ensured that their valuable time and services are not being wasted. A "level playing field", mentality must be achieved, before any substantial gain can be obtained and the fight against all discrimination can be won.

3. The Attorney Generals office, M.C.A.D., and E.E.O.C., are not viable options. The M.C.A.D. and the E.E.O.C. are a complete and total failure, and a cruel cruel hoax on the citizens of the Commonwealth of Massachusetts. Their collective inability to deal with this problem is documented. The "standard of review" was lowered to its all time lowest level in 1995, when

since the inception of the Civil Rights Act in 1964, more detailed investigations had been performed. Unfortunately, that approach led to a case load back-log. The system that replaced the old "standard of review" is now called the "prioritized case load" system. The categories are as follows; (i.e. A) Probable Cause Cases, B) Cases Need More Investigation, C) Dismissed Immediately). At present, M.C.A.D., and the E.E.O.C. are using category B) for dismissal of 95% to 99% of all complaints made to their agencies. The findings are entered as; (i.e. " more than likely discrimination did not occur "), **simply because a case will require further investigation**, not because the complaint does not bear merit. The reason, I have been informed for this action is to; (i.e. a) reduce the sizable back-log in cases, and b) this "prioritized case load" system lowers the standard of review for purposes of more easily removing cases to ensure reduction of the back-log in complaints, and to assist in preventing of future case load back-log.

With regards to the funding of this non-profit organization, for the purpose of addressing the fiscal concerns of the Ways and Means Appropriations Committee, an annual budget of (\$850,000.00), eight hundred and fifty thousand dollars would be sufficient to create in the City of Cambridge; (but to service the Boston Area), the smaller pilot program previously mentioned within the text of this memorandum, the establishment of a model employment discrimination law advocacy project, for the eventual implementation of a larger State-wide agency, specifically addressing the concerns of employment discrimination within the Commonwealth. The outlay in monetary resources by the Commonwealth of Massachusetts to fund such a initiative, would be recovered immediately, by the lessening of new claims of employment discrimination related cases with the MC.A.D. by citizens of Massachusetts, and would additionally decrease the new claims of employment discrimination related cases simultaneously registered with the E.E.O.C. The establishment of the E.D.L.A.I. would also as a by-measure contribute to the decrease in the "back-log" of existing caseload in conjunction with the, "prioritized caseload system" that is currently in place at M.C.A.D. and the E.E.O.C., because the staff and resources of both agencies could be more usefully utilized in the **full and complete investigation** (emphasis added) and adjudication of all other aspects of alleged discrimination in the Commonwealth, a service which both agencies are currently unable to provide.

Dated: December 2, 1998

Astor D. Chance

Astor D. Chance PRO SE
362 Rindge Avenue #17L
Cambridge, MA 02140
Tel.# (617) 354-5947

I hereby certify that a true copy of the
above document was served upon the attorney
of record for each other party in-hand.

Consent Communication #5 **S-598**

A communication was received from
Astor D. Chance, requesting support
in the implementation of the proposed
legislative action entitled
"Employment Discrimination Law
Advocacy Initiative.

In City Council January 25, 1999

PLACED ON FILE