



**LAWYERS FOR
CIVIL RIGHTS
BOSTON**

February 23, 2021

Via Email

Louise Montanino, President of the Board of Directors
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East Boston Advisory Committee, Inc.
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Re: Unlawful Racism and National Origin Discrimination by PierPac

Dear President Montanino and Attorney Lynds:

On behalf of the undersigned organizations and individuals, Lawyers for Civil Rights is writing to condemn the discriminatory and anti-immigrant remarks by members of the Board of Directors of the East Boston Advisory Committee, Inc. (“PierPac”), as well as the Board’s refusal to provide basic language access for members of the East Boston community. PierPac was created by the Massachusetts Legislature to advise on and advocate for community interests with respect to East Boston parks. It has failed in its community obligations.

As further detailed below, discriminatory and exclusionary behavior by Members of a Board created to serve the public interest is untenable and constitutes public accommodations discrimination in violation of state and federal law. The undersigned call for the immediate resignation of Board Members responsible for anti-immigrant sentiments; for a public apology from the Board to the East Boston immigrant community; for comprehensive language access at future Board meetings; and for mandatory bias and cultural competency training for all current and future Board Members. By this letter, the undersigned are also notifying the Board that they have requested that the Civil Rights and Non-Profit Organizations/Public Charities Divisions of the Office of the Attorney General launch formal investigations into the Board’s unlawful and discriminatory conduct.

The Board of Directors Has Ignored the Needs of the Community It Serves

PierPac is an advisory committee established to provide “community-based advisory assistance to the Massachusetts Port Authority” (“Massport”) on matters relating to the establishment, operation, security and maintenance of the East Boston Parks System, including Piers Park, the Bremen Street Park, the Navy Fuel Pier and the Greenway Extension.¹ The PAC has 19 Directors; as relevant here, eight are appointed by Boston’s Mayor and eight are appointed by the Commissioner of the Department of Public Works. There are no term limits. Directors serve on a

¹ Article II, Articles of Organization of the East Boston Project Advisory Committee, Inc.; *see also* Amendments to the Enabling Legislation Establishing the East Boston Project Advisory Committee, Ch. 33 of the Acts of 1991, Sections 121-139.

voluntary basis and are required to meet to review the operation and maintenance of the parks and to advise Massport on their compliance with state law. PierPac creates its own bylaws and procedures, and vacancies are filled by current PierPac directors, who nominate and elect new directors.

PierPac was created to communicate and respond to the needs of East Boston, a working-class neighborhood largely composed of immigrants of color. Indeed, more than half of East Boston residents identify as Latinx or Latin-American, and nearly half were born outside the United States to non-citizen parents.² By comparison, 44.5% of Boston’s overall population (and in many neighborhoods, well more than 70%) identifies as white and non-Hispanic, while only 33.2% of East Boston residents do.³ According to census data, nearly half of East Boston’s residents also have limited English proficiency (LEP), meaning that they do not speak English as their primary language and have a limited ability to speak, read, write or understand English.⁴

For decades, East Boston residents have been forced to shoulder a disproportionate share of the burdens that come with modern urban life, with numerous environmental hazards and heavy industrial uses sited in close proximity to residential neighborhoods. As just one example, the Logan International Airport, one of the busiest in the country, dominates much of East Boston’s available space, while simultaneously subjecting residents to air and noise pollution.

Because of the high proportion of racial minorities, low-income households, and LEP residents, East Boston has been designated as an “environmental justice” community by the Commonwealth of Massachusetts, with attendant obligations upon state agencies to “increase access to open space and parks” and “enhance[e] opportunities for residents to participate in environmental decision-making.”⁵

The Board of Directors of PierPac are neither representative of nor attentive to the particular needs of the East Boston community. Despite the demographics of the neighborhood, only 1 of the 19 Voting Members is a person of color. Over the past several months, the Board has been outright hostile to the need for increased language access in East Boston parks and has rejected calls to make Board meetings linguistically accessible in order to facilitate resident engagement.

PierPac cannot provide “community-based advisory assistance” to Massport when it is unwilling to respect the rights and needs of East Boston residents.

² See, e.g., Boston Planning & Development Agency, Boston in Context: Neighborhoods 8, 10 (Feb. 2020), <http://www.bostonplans.org/getattachment/1882b00d-48fe-41bc-ac1a-6979e25dbaf1> (reporting that 56.4% of East Boston residents are Hispanic or Latino and that 49.5% are foreign born).

³ *Id.* at 8.

⁴ See, e.g., City of Boston, Language and Communications Access: Demographic Data Report—Limited English Proficiency 1, 3 (2018), https://www.boston.gov/sites/default/files/document-file-11-2018/demographic_data_report_-_neighborhood_depth_lep_with_accom_notice_2.pdf (reporting, based on 2011-2015 data, that 46% of East Boston residents, or more than 19,000 people, have LEP).

⁵ See Environmental Justice Policy of the Executive Office of Energy and Environmental Affairs (2017) at 4; Commonwealth of Massachusetts, 2010 Environmental Justice Populations—Boston Metro, <https://www.mass.gov/doc/ej-2010-pdf-map-boston-metro/download> (identifying East Boston as an EJ community based on applicable income, minority population, and English isolation criteria).

The Board of Directors Has Engaged in Public Accommodations Discrimination

The Board's unwillingness to meet its statutory mandate came to a head in its December 21, 2020 meeting, held virtually over Zoom and attended by many of the undersigned.⁶ During that meeting, David Halbert, the single non-white Member of the Board, raised the issue of term limits for Board Directors. Mr. Halbert noted that turnover is both a matter of "best practices" for a non-profit board overseeing public goods and a means of incorporating new and different perspectives. In particular, Mr. Halbert observed that the Board is "very homogenous" and that certain areas of East Boston, such as the heavily immigrant area of Eagle Hill, have only one voting member of the Board.

In response, Board Member Mary Hanlon stated, in relevant part, that those presently serving on PierPac "deserve to stay" as long as they feel they are contributing: "The new families have to wait their turn, just like other people have waited their turn."

When Ms. Hanlon questioned what was motivating Mr. Halbert's proposal, Mr. Halbert expressed a desire for the Board to be as "representative as we can," utilizing the example that, although East Boston is a majority-immigrant community with a significant population of Spanish-speakers, not one voting member of the Board speaks Spanish. That background and knowledge would, in turn, influence the Board's engagement with issues raised by community members (including the undersigned) such as providing multilingual park signage or ensuring language access in the event of a natural disaster or emergency.

Ms. Hanlon's response was shocking in its naked animus towards the immigrant community:

But, David, we have a board that is committed. I understand about the Spanish and the signs and all that, but I am sorry. This is America. They need to learn English. I'm sorry, but that is how I feel and I am going to stay with that. No one is changing my mind about that. Why don't you get somebody that speaks Spanish? Go out there and get somebody that speaks Spanish and put them in your position. There are people that want to stay and I don't understand why they are being pushed out.

When Mr. Halbert responded by telling Ms. Hanlon he appreciated her perspective and was merely providing one example, Ms. Hanlon persisted in her problematic remarks:

That's fine. I don't care what examples, but my belief is that all of our parents came here from other countries. It is the greatest country in the world and our parents had to learn English and work in this community too. So, they have to do the same.

Although Ms. Hanlon's comments were the most blatantly exclusionary, she was not alone. In response to Abdi Ali, a member of the community who provided a public comment that the

⁶ All quotations in this section are taken from December 15, 2020 Draft Meeting Minutes, as posted on the PierPac website and available here: <https://www.dropbox.com/s/6111s9qjzy8quxh/Minutes%2012-15-20%20Draft.pdf?dl=0>.

Board should reflect the diversity of East Boston and allow immigrant families a seat at the table, Board Member Lucille Reed rejoined:

My point is all these diversified people want to be included, but do diversified people come to the meetings? You are allowed to state your opinion. I state mine and I am an Associate Member. You stated yours by just coming to the meeting. You can state your opinion, you can get involved, but no, you don't want to stay out, sit there and do that, you want to be right there on the Board you want to govern, you want to be the Director. Well, maybe you can. You have to start somewhere. Why can't you come to the meetings?

Despite chastisement from Attorney Richard Lynds, who observed that this was not a debate and the public is "entitled to state their comments," Ms. Reed persisted:

I am not asking you to answer me. I am just stating my opinion. This is what I think, if they want to be involved they should come to the meetings, raise their hands and speak. That's all I am saying. It's as simple as that. You want to be diversified, diversified people can come. Nobody said they can't come, nobody is closing the doors to them.

After a number of other community members spoke in favor of Mr. Halbert's proposal to establish term limits, Board President Louise Montanino stated, in relevant part:

I just want them to know that I have never seen any of these people at any of the meetings. You are definitely welcome and we would love to have you and we would love to have your input. As far as the parks go right now. Phase II is now in, the planning stage is over. Everything has been decided so there is nothing to be done right now. Where were you when we needed you?

The matter was tabled for a vote at a subsequent Board of Directors meeting in January, where Mr. Halbert's term limits proposal was voted down.

The Board's conduct and comments are inexcusable. Setting aside the repeated mistruth that immigrant residents and residents of color are never present at Board meetings—corrected during the December meeting itself⁷—the Board's comments and conduct have created a hostile, discriminatory environment violative of public accommodations law and contrary to the spirit and letter of their statutory obligation to represent the needs of East Boston residents. In their contempt for Spanish speakers and continued refusal to provide necessary language access, the

⁷ As just one example, community member Margaret Farmer observed during the December 15, 2020 meeting that, in her experience as a non-voting Director, she has been told at Board meetings that "[her] opinions don't matter" and she has been "told to be quiet at meetings."



Board has engaged in national origin discrimination. *See, e.g., Lau v. Nichols*, 414 U.S. 563 (1974).

Demands

As recent events at the national level have continually reminded us, rhetoric matters. It is incumbent upon every one of us to call out racism, discrimination, and xenophobia whenever we encounter it and ensure it has no place in our political or public life.

The Board has lost the trust of the East Boston community; it cannot function in its statutory, advisory role until it has taken affirmative steps to rebuild and regain that trust. Those steps must include the following:

- The immediate resignation of Board Members responsible for the anti-immigrant sentiments;
- A public apology from the Board to attendees of the December 2020 meeting and members of the East Boston immigrant community, including the Board's commitment to comply with language access;
- Mandatory implicit bias and cultural competency training for all current and future Board Members;
- The immediate creation of a Board committee empowered to 1) evaluate the proposal to impose term limits on Members, including any legislative requirements; and 2) initiate a formal planning process to diversify the Board, including robust and multilingual community engagement and participation;
- Complete cooperation with any investigation undertaken by the Attorney General's Office; and
- Beginning with the next Board meeting, translation of all Board materials into Spanish and consecutive or simultaneous interpretation of the meeting into Spanish.

Thank you for your attention to this critical matter. Please do not hesitate to contact me at lsampson@lawyersforcivilrights.org or 617 988 0609.

Sincerely,

Lauren Sampson
Lawyers for Civil Rights

Abdi Ali
Eastie Anti-Racism Community Coalition

Rita Lara
Maverick Landing Community Service

Brian Gannon
East Boston Resident

John Walkey
GreenRoots, Inc.

Patricia Montes
Centro Presente

Alex DeFronzo
Piers Park Sailing Center

Tania Del Rio
East Boston Resident



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BOSTON**

cc: Courtney Aladro, Chief of the Non-Profit Organizations/Public Charities Division of the
Massachusetts Office of the Attorney General
Abigail Taylor, Chief of the Civil Rights Division of the Massachusetts Office of the
Attorney General
Boston City Councilors
Lewis Evangelidis, Chairman of the Board of Directors of Massport
Lisa S. Wieland, Chief Executive Officer of Massport
Representative Adrian Madaro (1st Suffolk)
Senator Joseph A. Boncore (1st Suffolk and Middlesex)
Congresswoman Ayanna Pressley (MA-07)
Edward McGuire, Director of the City of Boston Office of Neighborhood Services
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Services