

2011 ACTION REPORT



Photo by Marilyn Humphries

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DEAR FRIEND AND SUPPORTER OF THE ACLU,



The last time our country faced a presidential election year, many of us hoped we would move decisively back in the direction of the rule of law, as well as respect for the Constitution, civil rights, and civil liberties.

While we have certainly seen steps in the right direction—such as the Obama administration’s official renunciation of torture, and the bipartisan vote to finally end the discriminatory “Don’t Ask, Don’t Tell” policy in the US military—much remains to be done.

That’s where the ACLU comes in—no matter who comes out ahead on Election Day.

When we see threats to civil liberties—such as the arrest of a man on Boston Common for using his phone to record video of police in action, or the federal “Secure Communities” anti-immigrant dragnet, or funneling taxpayer funds through Catholic agencies that bar the use of contraception—the ACLU gets to work: in court, in the court of public opinion, and in Washington and at the Massachusetts State House.

We also lead the way by setting important civil liberties precedents. That’s why we filed a lawsuit that compelled the Massachusetts legislature to amend a law imposing severe restrictions on Internet content, including discussion of topics such as literature, art, and sexual and reproductive health. That’s why we are working for passage of a bill to add gender identity and expression to state civil rights laws. That’s why we worked with supporters in Brookline to win—for the first time in Massachusetts, and possibly nationwide—a vote to reject federal funding for automatic license plate readers.

All this work, and more, is highlighted in this annual report.

Especially in an election year, if there is one thing we can all learn from demonstrations by both the Occupy movement and the Tea Party, it’s that rights and liberties must be exercised to stay strong. Whether or not you agree with these movements, there’s no denying that they have influenced our national conversation in a dramatic way and have reminded all of us of the critical importance of the right to free expression and to peaceably assemble in a healthy democracy.

And that’s why I’m proud that the ACLU of Massachusetts has stepped up, defending the rights of protestors of all political stripes, and offering legal training and materials on the rights of demonstrators. An important part of our work is to take action in defense of others taking action—just as we have throughout the ACLU’s 91-year history.

Thank you for your support of the ACLU’s unique and critical work.

Carol Rose
 Executive Director

YOUR RIGHTS

The ACLU works to defend and promote liberty, justice, equality, and democracy in Massachusetts and across the nation through an “integrated advocacy” model including litigation, education, communication, organizing, and advocacy strategies, with extensive coordination and cooperation between the national and state organizations.

LIBERTY & PRIVACY The ACLU is dedicated to the principle that we are all entitled to determine the course of our lives based on who we are and what we believe, free from unreasonable government constraint and baseless stereotypes. Current ACLUM priorities include stopping unchecked government surveillance, limiting corporate data-mining and privacy abuses, and protecting personal autonomy—including reproductive freedom and religious liberty.

JUSTICE The ACLU is focused on the problems in the U.S. criminal justice system, including the treatment of prisoners, the death penalty and the policies of over-incarceration that have led the United States to imprison more people than any other country in the world. Current ACLUM priorities include ending overincarceration, stopping abusive police practices, and demanding accountability from law enforcement.

EQUALITY The ACLU is proud of our long history of working to fulfill America’s ideal of equal rights for all. Current ACLUM priorities include promoting racial, LGBT, and gender equality, defending the rights of immigrants, and protecting the civil liberties of poor people.

DEMOCRACY The ACLU works to strengthen democratic values, promote human rights, and ensure government accountability. Current ACLUM priorities include promoting transparency in government and defending freedom of speech, expression, and association in the 21st century.

See inside for profiles of recent ACLU of Massachusetts cases and clients!



Protecting Privacy Rights and Freedom of Association

The Department of Homeland Security claims the authority to confiscate the computers and other property of international travelers—whether they are U.S. citizens or not, without a warrant, for any reason or none at all, and for as long as they want.



David House, a computer programmer who lives in Cambridge, found this out the hard way. Agents detained Mr. House after his return

from a trip to Mexico, asking him about his involvement with the legal defense fund for accused WikiLeaks source Bradley Manning.

Ignoring the First and Fourth Amendments, the agents who stopped Mr. House confiscated his laptop, a USB storage device, and video camera, and kept them for seven weeks. In fact, they didn't return them until the ACLU sent a letter demanding their return—then Mr. House got his property back the next day.

But we didn't stop there. In May 2011, the ACLU filed a lawsuit in federal court, seeking the return or destruction of any of Mr. House's personal data that the government might have copied, and disclosure of whether and to whom the data was disseminated.

We need safeguards to ensure that targeting people for unconstitutional searches and seizures based on their political associations comes to a stop. **Learn more at aclum.org/house**



ACLU Helps Keep Big Brother From Watching You... And Your Car

The ACLU discovered last year that the Massachusetts Executive Office of Public Safety and Security (EOPSS) received a \$300,000 grant from the federal Department of Transportation for the purchase of Automatic License Plate Recognition (ALPR) systems. Through a public records request, we also learned that 43 towns and the State Police received grants to buy the machines.

Without privacy-protecting data policies, which most agencies lack, ALPR is a dangerous tracking technology, enabling law enforcement to map our movements with frightening precision. ALPR captures not only license plate numbers, but also a photograph of each car, its GPS location, and the time and date—all maintained in a permanent government database, unless we act to limit the government's ability to keep that information.

With ACLU help, residents of Brookline—one of the towns that received ALPR grant money—fought back. They brought these concerns to their Board of Selectmen, and said they didn't want Brookline residents' movements being tracked by their own police, or worse, by other local or even federal government officials who will have access to the data once it is shared with the state under the conditions of the grant. **Learn more at aclum.org/alpr**

Protecting Privacy by Stopping Unchecked Surveillance

Ten years after the attacks of Sept. 11, 2001, the ACLU partnered with the widely-read site Truthout.org to create a 10-part series on what has gone wrong since 9/11—and where we go from here—called "Ten Years Later: Surveillance in the 'Homeland'." Read our report at **surveillanceinthehomeland.org**, and learn more at our own new website dedicated to protecting your privacy, **privacySOS.org**

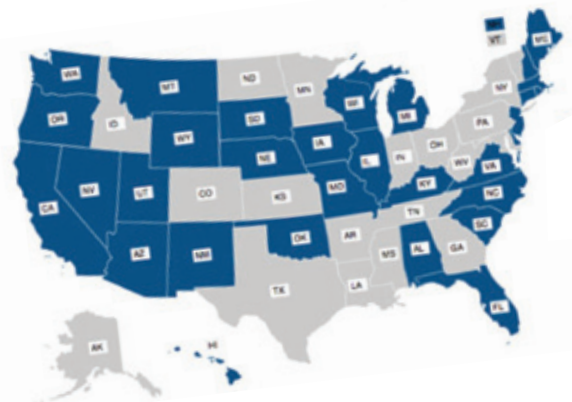


DEFENDING THE PRIVACY OF CELL PHONE USERS

The ACLU went to work in August to safeguard the privacy of cell phone users. In a massive, coordinated information-seeking campaign, ACLU affiliates across the nation sent requests to 379 local law enforcement agencies—including 11 in Massachusetts—demanding to know when, why, and how they are using cell phone location data to track Americans. This campaign is one of the largest

coordinated information act requests in American history.

In Massachusetts, the ACLU seeks information from the State Police, along with police departments in Springfield, Worcester, Pittsfield, New Bedford, Fall River, Lawrence, Lowell, Barnstable, Brockton, and Newton. **Learn more at aclu.org/locationtracking**



ACLU IMPACT IN MASSACHUSETTS:

Defending Reproductive Freedom and Religious Liberty

The ACLU continued its work to prevent federal tax dollars from being used to promote religious doctrines that restrict reproductive health services.

The issue in *ACLU of Massachusetts v. Sebelius* is that the U.S. Dept. of Health and Human Services chose the U.S. Conference of Catholic Bishops to distribute funds authorized by the Trafficking Victims Protection Act, despite

knowing that the USCCB intended to prohibit subcontractors from using any of the TVPA funds to provide or refer for contraception and abortion.

“Taxpayer funds should not have been given to an organization that insisted on withholding vital services from vulnerable victims based on religious doctrine,” said ACLU of Massachusetts acting legal director Sarah Wunsch. “That is a violation of the requirement of separation between church and state.” [Learn more at aclum.org/reproductive_freedom](http://aclum.org/reproductive_freedom)

ACLU WINS RESOUNDING VICTORY FOR THE FIRST AMENDMENT

The US Court of Appeals for the First Circuit in August unanimously affirmed that the First Amendment protects the right to record the conduct of police officers in public.

Simon Glik sued three police officers and the City of Boston for violating his civil rights after police arrested him and charged him with illegal wiretapping, aiding the escape of a prisoner, and disturbing the peace—even though all Mr. Glik did was hold up his cell phone and openly record Boston police officers who were using force against another man on Boston Common in October 2007.

“This is a resounding victory for the First Amendment,” said Sarah Wunsch, ACLU of Massachusetts acting legal director. “The court emphasized the importance in a free society of people being able to observe and document what public officials like the police are doing in public places.” [Learn more at aclum.org/glik](http://aclum.org/glik)

Pictured below is ACLU of Massachusetts acting legal director Sarah Wunsch, who spoke in September at a news conference in Roxbury, condemning the Suffolk County District Attorney’s finding of no wrongdoing in the video-recorded beating and arrest of a 16-year-old African-American at Roxbury Community College.

ACLU Files Suit to Shed Sunlight on Police Surveillance Operations

The ACLU of Massachusetts and the National Lawyers Guild of Massachusetts filed suit in August on behalf of eight Boston-area political groups and four individual activists, seeking public disclosure of records detailing the BPD’s practice of monitoring political organizations and activists. The lawsuit has recently been updated to include information about Occupy Boston protests.

“We brought this suit,” said ACLU of Massachusetts staff attorney Laura Rótolo, “because we believe the public should know what information is being collected about political activities, how it is being used, and what policies, if any, are in place to protect privacy and individual liberty.” [Learn more at aclum.org/secretcy](http://aclum.org/secretcy)

Ensuring Police Accountability—And Genetic Privacy

Keith Amato voluntarily provided a DNA sample as part of the investigation into the murder of fashion writer Christa Worthington in 2002, on one simple condition: Mr. Amato got assurances from police that they would destroy the information they collected from his sample when they were done—but they didn’t, even though his DNA didn’t match, and another man was prosecuted and convicted.

A lower court dismissed the challenge that the ACLU of Massachusetts brought on Mr. Amato’s behalf, but the state Appeals Court ruled unanimously in August that his lawsuit can go forward.

The right to genetic privacy is not only important to each of us as individuals. Our genes can reveal current and future health concerns about blood relatives, since close relations share much of the same genetic code. And in a time in which government agencies are compiling more and more data on ordinary Americans in the name of security, the significance of Amato’s challenge goes beyond DNA to the government’s retention of records of any kind about innocent people. [Learn more at aclum.org/amato](http://aclum.org/amato)



Photo by Marilyn Humphries

LIBERTY AND JUSTICE FOR ALL!



Photo by David Graves

ACLU MARCHES IN PRIDE CELEBRATIONS STATEWIDE

For the first time, ACLU of Massachusetts supporters this year marched in every major Pride Parade in the state: Boston, Northampton, and Worcester. The ACLU is hard at work for lesbian and gay rights all across the country. [Learn more at aclum.org/lgbt](http://aclum.org/lgbt)

Civil Rights Lawsuit filed in Worcester

With help from the ACLU of Massachusetts, Wakeelah Cocroft filed a civil rights lawsuit early this year in U.S. District Court against a Worcester police officer, alleging the use of excessive force during a routine motor vehicle stop.

The complaint alleges that the use of force against Ms. Cocroft was excessive and unnecessary and that there was no probable cause to arrest her for charges of disturbing the peace and resisting arrest.

ACLU of Massachusetts cooperating attorney Beverly Chorbajian said, "It is understandable that the police are concerned about their own safety, but it is equally important that citizens feel safe when they interact with the police." [Learn more at aclum.org/criminal_justice](http://aclum.org/criminal_justice)



This report highlights only a few of the many civil liberties struggles the ACLU of Massachusetts engaged in this year. For more information on our work, please visit us—now and often—at aclum.org, and on aclum.org/facebook and aclum.org/twitter!

DEFENDING THE RIGHTS OF IMMIGRANTS

The ACLU of Massachusetts sprang into statewide action late last year in response to the threat that the federal S-Comm anti-immigrant dragnet (also known as "Secure Communities") being piloted in Boston would be expanded throughout the Commonwealth.

We've brought out hundreds of people to rallies against S-Comm, and alerted our statewide email network of thousands, all in support of important wins: Gov. Patrick announced in June that he would not sign an agreement with Immigration and Customs Enforcement (ICE) to implement S-Comm; Mayor Menino of Boston told ICE he needs answers before the city will continue participating; and the city councils of Cambridge, Northampton, and Springfield passed resolutions against S-Comm participation.

However, we can't take anything for granted. ICE still claims the authority to implement S-Comm nationwide, with or without local consent. To join our work against S-Comm, please make sure you're on our email action list: aclum.org/email. [Learn more at aclum.org/s-comm](http://aclum.org/s-comm)

PROMOTING TRANSPARENCY IN GOVERNMENT

Massachusetts public records law hasn't been substantially updated since 1973. An awful lot has changed since then—not many people use microfilm or make literal carbon copies anymore, for instance—but this critical law hasn't kept pace with the arrival and evolution of the Internet.

The ACLU is working to bring the law into the electronic age, make access less costly, and create incentives for government transparency.

Learn more at aclum.org/public_records


ACLU of Massachusetts legislative counsel Gavi Wolfe (left, back row) and Board member State Rep. Byron Rushing (right) joined other civil rights activists at a ceremony in February, when Gov. Patrick signed an executive order banning anti-transgender discrimination in state employment and contracts. Learn more at aclum.org/lgbt



Photo by Marilyn Humphries

ACLU Supports Free Speech Rights of “Occupy” Demonstrators


Massachusetts demonstrators, inspired by the “Occupy Wall Street” protest, are exercising rights of free speech and assembly that the ACLU has long defended—and the ACLU of Massachusetts has responded quickly to threats to those rights. We called for police restraint as demonstrations grew, and sent a letter to Boston’s Mayor Menino, calling on him to respect demonstrators’ rights. We spoke out in the media for the rights of demonstrators, and provided trainings on topics such as domestic surveillance and the Patriot Act.


 Follow the ACLU on twitter.com/aclu_mass


Springfield passes first language-access ordinance in Massachusetts


In May, the City of Springfield enacted a language-access ordinance to ensure that police, fire, emergency medical, and 911 dispatchers can serve non-English speakers. With support from the ACLU of Massachusetts and the western Massachusetts American Friends Service Committee, the Pioneer Valley Project (PVP)—a faith-based organizing project in Springfield—led an 18-month campaign of education and negotiations with the Springfield City Council and Springfield Police Department.


“Springfield is leading the way by passing this ordinance,” said Bill Newman, director of the ACLU’s Western Massachusetts Legal Office. “It creates a mandate for meeting the safety needs of non-English speakers, and other cities could use this as a model.”


 **IraSass** 10 mins
thanks! RT @ACLU_Mass
ACLUm lawyers and media
crew just checked out scene at
@occupy_boston. All is ok.
#gotyourback

 **Occupy_...** 10 mins
@ACLU_Mass thanks ACLU!
we love you dearly!

 **OccupyPics** 2 mins
BREAKING: ACLUm letter to
Mayor Menino on
#occupyboston goo.gl/Xti3K
@occupy_boston
@OccupyBOS_Media #OWS
via @ACLU_Mass

 **LizJoyce3** 3 mins
@ACLU_Mass thank you for the
eloquent and meaningful letter
to @mayortommenino I hope it
resonates

 **harmonywho** 6 mins
I'm so proud to be a card-
carrying member!! RT
@ACLU_Mass: ACLUm letter to
Mayor Menino on
#occupyboston bit.ly/oXOgxn
#OWS #mapoli

 **kidcaregiver** 46 mins
@ACLU_Mass
@occupy_boston Thank God
for the ACLU!

The ACLU depends on membership gifts and individual and foundation donations for almost all of our support. The ACLU wouldn't exist without the members, donors, activists, and volunteers who make our work possible. We never charge clients for legal representation, and do not accept any government funding, in order to maintain absolute and unequivocal independence.

Over 20,000 people in Massachusetts, and over 500,000 across the nation, care enough about liberty, justice, equality, and democracy to make an investment in protecting those principles. This page lists some of the people who are responsible for the success of the ACLU of Massachusetts, but make no mistake—we wish we had enough space to recognize and personally thank *every* supporter by name, because the power of the ACLU comes from the combined impact of *all* those who support our work!

Grateful to all, we offer special appreciation to the following leadership donors:

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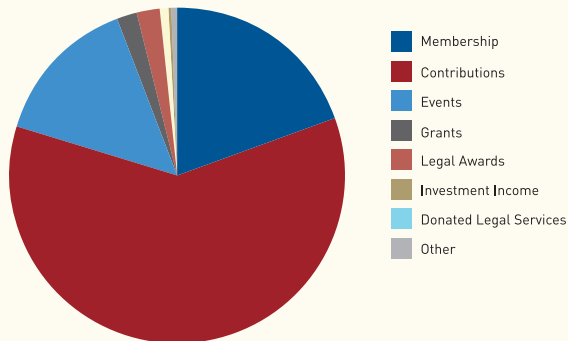
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FISCAL YEAR 2011 SUPPORT

The ACLU of Massachusetts and ACLU Foundation of Massachusetts are separately incorporated non-profit organizations, each engaged in litigation, education, communication, and organizing activities—and for the ACLUM, legislative advocacy as well—to protect the civil liberties of all people in Massachusetts. For the purpose of more simply presenting our finances, the revenue of both entities is combined together for this basic summary; more detailed information about revenue and expenses is available at www.aclum.org/2011.

Combined ACLU and ACLU Foundation of Massachusetts Revenue for FY2011

Membership	\$ 470,275
Contributions	\$ 1,438,762
Events	\$ 344,196
Grants	\$ 48,000
Legal Awards	\$ 47,526
Investment Income	\$ 22,095
Donated Legal Services	\$ 10,246
Other	\$ 7,151
FY2011 Total Revenue*	\$ 2,388,251



*Revenue shown here does not include non-recurring bequests received in FY2011. For a more comprehensive look at audited ACLUM finances for FY2011, visit www.aclum.org/2011.



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