



**The ACLU of Massachusetts'**  
**CONGRESSIONAL SCORECARD**  
**on**  
**Abuse of Power Issues**

**Domestic Spying** **Torture** **Rendition** **Secret Prisons**

**Is this YOUR AMERICA?**



# **ACLU CONGRESSIONAL PRIORITIES TO RECLAIM CIVIL LIBERTIES**

## **Restore habeas corpus**

Congress must conduct oversight hearings to expose the problems with the Military Commissions Act and enact legislation to restore habeas corpus, ban the use of coerced evidence, and limit the president's unfettered authority to define torture and abuse. It should also end the practice of extraordinary rendition and close the detention camps at Guantanamo Bay, instead of building a new \$125 million court complex there.

## **Investigate and stop torture, abuse and rendition**

Lawmakers should appoint a special counsel or create a congressional oversight committee to determine where the illegal policies originated in the chain-of-command and seek appropriate disciplinary action for those responsible.

## **Investigate warrantless spying and ensure oversight**

Lawmakers must investigate and ensure vigorous oversight of the National Security Agency (NSA) program, and reject generalized wiretapping warrants as a violation of the Foreign Intelligence Surveillance Act. They must roll back the "Protect America Act." They should also ensure that the FBI focuses its investigations on people suspected of crimes, rather than on law-abiding activists.

## **Better protect Americans' privacy**

Congress should fix the library records and National Security Letters provisions of the USA PATRIOT Act, block unwarranted data mining programs, and prohibit the formation of centralized databases containing personal information that are not subject to adequate privacy controls.

## **Repeal REAL ID**

The Real ID Act of 2005, which has not yet been implemented, would create America's first national identity card, enable the routine tracking of individuals, and propel us toward a surveillance society. It would impose numerous new burdens on taxpayers, citizens, immigrants and state governments and would do nothing to protect against terrorism. It should be repealed.

## **Curb state secrets privilege and "Sensitive Security Information"**

Lawmakers should restore greater transparency by limiting the state secrets doctrine and the use of the Sensitive Security Information designation for unclassified material. Both have been used to hide embarrassing information from the public - exposure of which would not harm national security. Congress must also strengthen FOIA and protect whistleblowers.

# KEY ABUSE OF POWER CONGRESSIONAL VOTES SINCE 2001

## US SENATE

### 1. USA PATRIOT Act

On October 25, 2001 the Senate voted to pass it by a margin of 98-1. It gives enormous power to the executive branch unchecked by meaningful judicial review.

### 2. Reporting on Guantanamo Bay Detainees

On July 18, 2003 the Senate voted to table by 52-42 a measure that would make public the names of Guantanamo Bay detainees.

### 3. Expanding Surveillance Powers

On May 8, 2003 the Senate passed the "Lone Wolf" Act (S.113) by a vote of 90-4 which allowed surveillance without probable cause of wrongdoing.

### 4. Torture Prevention Amendment

On October 5, 2005 the Senate by 90-9 agreed to Senator McCain's torture prevention amendment which was added to the Defense Appropriations Act of 2006.

### 5. Judicial Review of Torture

On November 15, 2005 the Senate by a vote of 84-14 passed the Graham-Levin amendment that stripped detainees at Guantanamo of most of their due process rights, including the ability to file habeas petitions.

### 6. PATRIOT Act Reauthorization Cloture Vote

On December 16, 2005 the Senate by 52-47 rejected a motion to invoke cloture and expedite a vote on the reauthorization of the USA PATRIOT Act.

### 7. PATRIOT Improvement and Reauthorization Act

On March 2, 2006 the Senate by 89-10 reauthorized the USA PATRIOT Act although necessary safeguards to protect civil liberties had not been incorporated.

### 8. Military Commissions Act of 2006

On September 28, 2006 the Senate voted 65-34 to approve legislation which undermined the habeas protections of the Constitution and international law.

### 9. Removing Judicial Protections from Detainees

On September 28, 2006 the Senate voted 48-51 to reject an amendment to restore habeas to detainees.

### 10. Expansion of REAL ID

On June 27, 2007 the Senate voted 45-52 to defeat a motion that sought to kill an amendment opposing the expansion of the REAL ID Act.

### 11. Protect America Act of 2007

On August 3, 2007 the Senate by a vote of 60-28 passed S. 1927 that allows massive, untargeted collection of international communications without court order or protections for people at the US end of the calls.

## US HOUSE OF REPRESENTATIVES

### 1. USA PATRIOT Act

On October 24, 2001 the House of Representatives voted 357-66 to pass the Act. Five Massachusetts Members of Congress opposed it.

### 2. PATRIOT Act Fixes

On July 8, 2004 the House failed to pass by a vote of 210 to 210 the "Freedom to Read" Amendment which would have prevented the PATRIOT Act from being used to demand records from libraries and bookstores.

### 3. Library Record Searches

On June 15, 2005 the House agreed by 238-187 to an amendment prohibiting the use of Section 215 of the PATRIOT Act to get records from libraries and bookstores. The amendment ultimately failed.

### 4. USA PATRIOT Act Reauthorization

On December 14, 2005 the House by 25-174 passed the USA PATRIOT and Terrorism Prevention Reauthorization Act which the ACLU opposed because of its lack of adequate civil liberties protections.

### 5. Torture Prevention

On December 14, 2005 the House by 308-122 approved a motion instructing conferees to pass the McCain amendment against torture.

### 6. Warrantless Wiretapping

On September 26, 2006 the House by 232-191 passed the "Electronic Surveillance Modernization Act" that would allow warrantless surveillance of communications that Americans have with people abroad.

### 7. Military Commissions Act of 2006

On September 27, 2006, the House voted 253-168 to approve this legislation which gutted the Geneva Conventions, stripped habeas from detainees, gave immunity to civilians who authorized torture, and set up military commissions that can order executions of defendants based on evidence that the defendant cannot see and that was obtained only as the result of torture.

### 8. Preventing Illegal Wiretapping

On May 11, 2007 the House passed by 245-178 an amendment to prevent illegal domestic wiretapping.

### 9. Videotaping Detainee Interrogations

On May 17, 2007 the House rejected by 199-229 an amendment that would bring the potential of accountability to the interrogation process.

### 10. Protect America Act of 2007

On August 4, 2007 the House passed this Act expanding warrantless surveillance by 227-183.

## How They Voted: Senator Edward M. Kennedy



### Key Committees

Judiciary Committee - Subcommittee on the Constitution, Federalism and Property Rights;  
Foreign Relations Committee - Subcommittee on International Operations & Terrorism

### Contact Information

Suite 2400, JFK Federal Office Building  
Boston, MA 02203  
tel (617) 565 3170

317 Russell Senate Office Building  
Washington, DC 20510  
tel (202) 224 4543

**Lifetime score from the national ACLU: 79%**

LEGISLATION	VOTE	ACLU POSITION
1. USA PATRIOT ACT	<b>yes</b>	<b>no</b> overbroad powers
2. Reporting on Guantanamo Bay Detainees	<b>no</b>	<b>no</b> opposing tabling bill
3. Extending Surveillance Powers	<b>did not vote</b>	<b>no</b> overbroad powers
4. Torture Prevention Amendment	<b>yes</b>	<b>yes</b> opposing torture
5. Judicial Review of Torture	<b>no</b>	<b>no</b> opposing end of habeas
6. PATRIOT Act Reauthorization Cloture Vote	<b>no</b>	<b>no</b> opposing PATRIOT Act vote
7. PATRIOT Act Improvement and Reauthorization	<b>yes</b>	<b>no</b> too few meaningful fixes
8. Military Commissions Act of 2006	<b>no</b>	<b>no</b> a thoroughly bad bill
9. Removing Judicial Protections from Detainees	<b>yes</b>	<b>yes</b> for restoring habeas
10. Expansion of REAL ID	<b>yes</b>	<b>no</b> dangerous to civil liberties
11. Protect America Act of 2007	<b>no</b>	<b>no</b> opposing warrantless spying

## Leadership on Abuse of Power Issues: Support for Key Legislation as of 9/10/07

PROPOSED LEGISLATION	CHIEF SPONSOR	CO-SPONSOR
<p><b>Restoring the Constitution Act of 2007 (S.576)</b> A broad fix to the Military Commissions Act of 2006 that ends indefinite detention; makes it clear that the Constitution is the law of the land; restores habeas corpus to Guantanamo detainees; stops any president from arbitrarily deciding who is an enemy combatant; ensures that no one will be prosecuted based on evidence obtained through torture; ensures that top government officials are held accountable.</p>	<b>no</b>	<b>yes</b>
<p><b>Habeas Corpus Restoration Act (S.185)</b> Restores the constitutional due process right of due process taken away by the Military Commissions Act.</p>	<b>no</b>	<b>yes</b>
<p><b>Close Guantanamo Bay Detention Facility (S.1249)</b> Would close Guantanamo but the ACLU has reservations because it still authorizes indefinite detention for "enemy combatants."</p>	<b>no</b>	<b>yes</b>
<p><b>Identification Security Enhancement Act (S.717)</b> Would repeal driver's license section of REAL ID.</p>	<b>no</b>	<b>no</b>

## How They Voted: Senator John F. Kerry



### Key Committees

Foreign Relations Committee -  
International Operations and  
Terrorism Subcommittee

### Contact Information

One Bowdoin Square, 10th Floor  
Boston, MA 02114  
tel (617) 565 8519

304 Russell Senate Office Building  
Washington, DC 20510  
tel (202) 224 2742

**Lifetime score from the national ACLU: 76%**

LEGISLATION	VOTE	ACLU POSITION
1. USA PATRIOT ACT	<b>yes</b>	<b>no</b> overbroad powers
2. Reporting on Guantanamo Bay Detainees	<b>did not vote</b>	<b>no</b> opposing tabling bill
3. Extending Surveillance Powers	<b>did not vote</b>	<b>no</b> overbroad powers
4. Torture Prevention Amendment	<b>yes</b>	<b>yes</b> opposing torture
5. Judicial Review of Torture	<b>yes</b>	<b>no</b> opposing end of habeas
6. PATRIOT Act Reauthorization Cloture Vote	<b>no</b>	<b>no</b> opposing PATRIOT Act vote
7. PATRIOT Act Improvement and Reauthorization	<b>yes</b>	<b>no</b> too few meaningful fixes
8. Military Commissions Act of 2006	<b>no</b>	<b>no</b> a thoroughly bad bill
9. Removing Judicial Protections from Detainees	<b>yes</b>	<b>yes</b> for restoring habeas
10. Expansion of REAL ID	<b>no</b>	<b>no</b> dangerous to civil liberties
11. Protect America Act of 2007	<b>did not vote</b>	<b>no</b> opposing warrantless spying

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<p><b>Identification Security Enhancement Act (S.717)</b> Would repeal driver's license section of REAL ID.</p>	<b>no</b>	<b>no</b>

## How They Voted: Representative Michael E. Capuano



**Key Committees**  
Patriot Act Reform Caucus

**Contact Information**  
110 First Street  
Cambridge, MA 02141  
tel (617) 621 6208; fax (617) 549 6909  
  
1530 Longworth House Office Building  
Washington DC 20515  
tel (202) 225 5111 fax (202) 225 9322

**Lifetime score from the national ACLU: 94%**

LEGISLATION	VOTE	ACLU POSITION
1. USA PATRIOT Act	<b>no</b>	<b>no</b> overbroad powers
2. PATRIOT Act Fixes	<b>yes</b>	<b>yes</b> end library searches
3. Library Record Searches	<b>yes</b>	<b>yes</b> end library searches
4. USA PATRIOT Act Reauthorization	<b>no</b>	<b>no</b> too few meaningful fixes
5. Torture Prevention	<b>yes</b>	<b>yes</b> end torture
6. Warrantless Wiretapping	<b>no</b>	<b>no</b> would expand surveillance
7. Military Commissions Act of 2006	<b>no</b>	<b>no</b> a thoroughly bad bill
8. Preventing Illegal Wiretapping	<b>yes</b>	<b>yes</b> end illegal wiretapping
9. Videotaping Detainee Interrogations	<b>yes</b>	<b>yes</b> to bring accountability
10. Protect America Act of 2007	<b>no</b>	<b>no</b> dangerous to civil liberties

### Leadership on Abuse of Power Issues: Support for Key Legislation as of 9/10/07

PROPOSED LEGISLATION	CHIEF SPONSOR	CO-SPONSOR
<b>Restoring the Constitution Act of 2007 (H.R.1415)</b> Companion Bill to S. 576 (see previous page).	<b>no</b>	<b>yes</b>
<b>Habeas Corpus Restoration Act (H.R. 1416)</b> Companion Bill to S. 185 (see previous page).	<b>no</b>	<b>yes</b>
<b>Torture Outsourcing Prevention Act (H.R. 1352)</b> Would end "extraordinary rendition."	<b>no</b>	<b>yes</b>

## How They Voted: Representative William D. Delahunt



### Key Committees

House Committee on the Judiciary; House Committee on Standards of Official Conduct

### Contact Information

1250 Hancock Street Suite 802-N  
Quincy, MA 02169  
tel (617) 770 3700

2454 Rayburn House Office Building  
Washington DC 20515  
tel (202) 225 3111; fax (202) 225 5658

Lifetime score from the national ACLU: 93%

LEGISLATION	VOTE	ACLU POSITION
1. USA PATRIOT Act	<b>yes</b>	<b>no</b> overbroad powers
2. PATRIOT Act Fixes	<b>yes</b>	<b>yes</b> end library searches
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<b>Habeas Corpus Restoration Act (H.R. 1416)</b> Companion Bill to S. 185.	<b>no</b>	<b>yes</b>
<b>Torture Outsourcing Prevention Act (H.R. 1352)</b> Would end "extraordinary rendition."	<b>no</b>	<b>no</b>

## How They Voted: Representative Barney Frank



**Key Committees**  
House Committee on  
Financial Services

**Contact Information**  
29 Crafts Street, Suite 375  
Newton, MA 02458  
tel (617) 332 3920

2252 Rayburn House Office Building  
Washington DC 20515  
tel (202) 225 5931; fax (202) 225 0182

**Lifetime score from the national ACLU: 97%**

LEGISLATION	VOTE	ACLU POSITION
1. USA PATRIOT Act	<b>no</b>	<b>no</b> overbroad powers
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<b>Habeas Corpus Restoration Act (H.R. 1416)</b> Companion Bill to S. 185.	<b>no</b>	<b>yes</b>
<b>Torture Outsourcing Prevention Act (H.R. 1352)</b> Would end "extraordinary rendition."	<b>no</b>	<b>no</b>

## How They Voted: Representative Stephen F. Lynch



### Key Committees

Subcommittee on National Security and Foreign Affairs

### Contact Information

88 Black Falcon Avenue  
Suite 340  
Boston, MA 02210  
tel (617) 428 2000

221 Cannon House Office Building  
Washington DC 20515  
tel (202) 225 8273; fax (202) 225 3984

**Lifetime score from the national ACLU: 65%**

LEGISLATION	VOTE	ACLU POSITION
1. USA PATRIOT Act	<b>yes</b>	<b>no</b> overbroad powers
2. PATRIOT Act Fixes	<b>yes</b>	<b>yes</b> end library searches
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<b>Habeas Corpus Restoration Act (H.R. 1416)</b> Companion Bill to S. 185.	<b>no</b>	<b>no</b>
<b>Torture Outsourcing Prevention Act (H.R. 1352)</b> Would end "extraordinary rendition."	<b>no</b>	<b>no</b>

## How They Voted: Representative Edward J. Markey



### Key Committees

Subcommittee on  
Telecommunications and the  
Internet

### Contact Information

5 High Street, Suite 101  
Medford, MA 02155  
tel (781) 396 2900

2108 Rayburn House Office Building  
Washington DC 20515  
tel (202) 225 2836; fax (202) 226 0092

Lifetime score from the national ACLU: 94%

LEGISLATION	VOTE	ACLU POSITION
1. USA PATRIOT Act	<b>yes</b>	<b>no</b> overbroad powers
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<b>Habeas Corpus Restoration Act (H.R. 1416)</b> Companion Bill to S. 185	<b>no</b>	<b>yes</b>
<b>Torture Outsourcing Prevention Act (H.R. 1352)</b> Would end "extraordinary rendition."	<b>yes</b>	

## How They Voted: Representative James McGovern



### Key Committees

Subcommittee on Rules and Organization of the House

### Contact Information

34 Mechanic Street, 1st Floor  
Worcester, MA 01608  
tel (508) 831 7356; fax (508) 754 0982

438 Cannon House Office Building  
Washington DC 20515  
tel (202) 225 6101; fax (202) 225 5759

**Lifetime score from the national ACLU: 90%**

LEGISLATION	VOTE	ACLU POSITION
1. USA PATRIOT Act	<b>no</b>	<b>no</b> overbroad powers
2. PATRIOT Act Fixes	<b>yes</b>	<b>yes</b> end library searches
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<b>Restoring the Constitution Act of 2007 (H.R.1415)</b> Companion Bill to S. 576	<b>no</b>	<b>yes</b>
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<b>Torture Outsourcing Prevention Act (H.R. 1352)</b> Would end "extraordinary rendition."	<b>no</b>	<b>yes</b>

## How They Voted: Representative Richard E. Neal



### Key Committees

House Committee on Appropriations

### Contact Information

1550 Main Street, Room 309  
Springfield, MA 01103  
tel (413) 785 0325

2208 Rayburn House Office Building  
Washington DC 20515  
tel (202) 225 5601; fax (202) 225 8112

**Lifetime score from the national ACLU: 81%**

LEGISLATION	VOTE	ACLU POSITION
1. USA PATRIOT Act	<b>yes</b>	<b>no</b> overbroad powers
2. PATRIOT Act Fixes	<b>yes</b>	<b>yes</b> end library searches
3. Library Record Searches	<b>yes</b>	<b>yes</b> end library searches
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<b>Torture Outsourcing Prevention Act (H.R. 1352)</b> Would end "extraordinary rendition."	<b>no</b>	<b>no</b>

## How They Voted: Representative John Olver



**Key Committees**  
House Committee on Appropriations

**Contact Information**  
78 Center Street  
Pittsfield, MA 01202  
tel (413) 442 0946

1111 Longworth House Office Building  
Washington DC 20515  
tel (202) 225 5335; fax (202) 226 1224

**Lifetime score from the national ACLU: 97%**

LEGISLATION	VOTE	ACLU POSITION
1. USA PATRIOT Act	<b>no</b>	<b>no</b> overbroad powers
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<b>Torture Outsourcing Prevention Act (H.R. 1352)</b> Would end "extraordinary rendition."	<b>no</b>	<b>yes</b>

## How They Voted: Representative John F. Tierney



### Key Committees

House Committee on Oversight and Government Reform; Subcommittee on National Security and Foreign Affairs; House Permanent Committee on Intelligence

### Contact Information

17 Peabody Square  
Peabody, MA 01960  
tel (978) 531 1669

2238 Rayburn House Office Building  
Washington DC 20515  
tel (202) 225 8020; fax (202) 225 5915

**Lifetime score from the national ACLU: 97%**

LEGISLATION	VOTE	ACLU POSITION
1. USA PATRIOT Act	<b>no</b>	<b>no</b> overbroad powers
2. PATRIOT Act Fixes	<b>yes</b>	<b>yes</b> end library searches
3. Library Record Searches	<b>yes</b>	<b>yes</b> end library searches
4. USA PATRIOT Act Reauthorization	<b>no</b>	<b>no</b> too few meaningful fixes
5. Torture Prevention	<b>yes</b>	<b>yes</b> end torture
6. Warrantless Wiretapping	<b>no</b>	<b>no</b> would expand surveillance
7. Military Commissions Act of 2006	<b>no</b>	<b>no</b> a thoroughly bad bill
8. Preventing Illegal Wiretapping	<b>yes</b>	<b>yes</b> end illegal wiretapping
9. Videotaping Detainee Interrogations	<b>yes</b>	<b>yes</b> to bring accountability
10. Protect America Act of 2007	<b>no</b>	<b>no</b> dangerous to civil liberties

## Leadership on Abuse of Power Issues: Support for Key Legislation as of 9/10/07

PROPOSED LEGISLATION	CHIEF SPONSOR	CO-SPONSOR
<b>Restoring the Constitution Act of 2007 (H.R.1415)</b> Companion Bill to S. 576	<b>no</b>	<b>yes</b>
<b>Habeas Corpus Restoration Act (H.R. 1416)</b> Companion Bill to S. 185	<b>no</b>	<b>yes</b>
<b>Torture Outsourcing Prevention Act (H.R. 1352)</b> Would end "extraordinary rendition."	<b>no</b>	<b>yes</b>

# HOW YOU CAN TAKE A STAND FOR CIVIL LIBERTIES

The activities listed below are meaningful ways of raising public awareness and shifting policy.

## 1. LET YOUR MEMBERS OF CONGRESS HEAR FROM YOU!

## 2. BLOG FOR CIVIL LIBERTIES.

Here are some blogs which you may want to contact:

Local

<http://www.bluemassgroup.com/>

<http://www.truthandprogress.com/>

<http://www.massrightsblog.org/>

National

<http://harpers.org/subjects/NoComment>

<http://www.dailykos.com/>

<http://www.talkingpointsmemo.com/>

Here is a useful legal guide about blogging:

<http://www.eff.org/bloggers/lg/>

Let us know when you blog – email [cott@aclum.org](mailto:cott@aclum.org).

## 3. TABLE FOR CIVIL LIBERTIES.

Contact [bcorr@aclum.org](mailto:bcorr@aclum.org) for packets of REAL ID bumperstickers, REAL ID postcards (you get the names and addresses, and we will deliver them to state representatives), buttons and a range of handouts about key civil liberties issues.

## 4. SHOW THE SECOND SERIES OF THE FREEDOM FILES.

Arrange house parties or community viewings of one or all of the following episodes:

Freedom to Live: The Death Penalty

Freedom to Marry: Same-Sex Couples

Freedom to Vote: Protecting the Ballot

Freedom to Parent: Lesbian and Gay Families

Freedom to Dream: Rights of Immigrants

Freedom from Government Spying: Surveillance

Freedom to Know: Sex Education

Freedom to Learn: School to Prison Pipeline

Freedom from Abuse of Power: Torture and Unlawful Imprisonment

Filmmaker and political activist Robert Greenwald, whose groundbreaking films include Iraq for Sale: The War Profiteers and Outfoxed: Rupert Murdoch's War on Journalism, is the executive producer of the series.

Contact [bcorr@aclum.org](mailto:bcorr@aclum.org) for more information.

## 5. JOIN OUR EMAIL ACTION LIST.

To receive our timely electronic information and Action Alerts go to <http://action.aclum.org/signup>

## 6. JOIN THE ACLU - TOGETHER WE CAN RECLAIM CIVIL LIBERTIES!



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