Report to the ACLUM Board of Directors
Worcester County Chapter
September 2007 to March 2008

EVENTS

10/14 We conducted a **Mayoral Debate** in Worcester.

10/13 We held the **Annual Meeting** and Banquet of the American Civil Liberties Union Foundation of Massachusetts, Worcester County Chapter on Saturday, October 13th, 2007 at Clark University.

A report on the activities of the Worcester County Chapter was given by director **Ron Madnick.** A report on the activities of the ACLUM was given by **Carol Rose**, Executive Director of the ACLUM. Essay Awards were given to three students. The award recipient was **Sarah Assefa,** a Clark University graduate student. The featured speaker was **Neil McGaraghan**. He spoke on "The Abuse of (Our) Power Through the Looking Glass of Guantanamo Bay."

Neil McGaraghan is an attorney at the law firm of Bingham McCutchen LLP. He is representing several detainees held at the United States Naval Station at Guantanamo Bay, Cuba.

11/14 **Ellery Schempp** spoke to the Clark University ACLU Club. The title of his speech was "*Ellery's Protest: How One Young Man Defied Tradition and Sparked the Battle Over School Prayer* ".

Schempp is famous for being the primary student involved in the 1963 Supreme Court Case of **Abington School District V.**

Schempp declared that public school-sanctioned Bible readings were an religious exercises, and it was unconstitutional for a public school to require them.

In 1956, he was a 16 year old Pennsylvania school boy who decided to protest his public schools mandatory prayer and Bible reading period by reading silently from the Koran.

After he refused to stand for the Lord's Prayer, his teacher called him aside, and he was sent out of the classroom. That evening, he wrote to the American Civil Liberties Union asking for help.

11/16 We spoke about civil liberties at **Algonquin Regional High School** in Northborough to about 50 students who are in AP government.

11/30 **"The Abortion Diaries"** DVD was shown at Clark University. Ron Madnick was on a panel after the screening of **"The Abortion Diaries".**

1/19 We attended the MLK WSC Youth Breakfast.

12/3 City Manager O'Brien invited us to join the City of Worcester at a press conference to announce an expansion of services and programs provided by the **City's Office of Human Rights** and the **Massachusetts Commission Against Discrimination.**

We have now accomplished one of our main goals. For many years, working quietly and often publicly, we have helped to convinced **the MCAD, the Human Rights Commission of the City of Worcester, the Worcester City Council, the Worcester City Manager, state senators and representatives to unite the MCAD and the Human Rights Office of the City of Worcester** and have them return full time to a location at Worcester City Hall.

The Worcester County Chapter of the American Civil Liberties Union of Massachusetts congratulated **City Manager O'Brien** and **State Senator Augustus** for bringing back to Worcester City Hall the Massachusetts Commission Against Discrimination and the **Human Rights Commission** to City Hall. The MCAD and Human Rights Commission will share an office at City Hall.

The sharing of the space shows what can happen when city officials and our elected state representatives and senators work together. This is a win-win situation in that the city and state will be sharing space and expenses, which will benefit both.

Years ago, the Massachusetts Commission Against Discrimination had an office on Front Street, which later was closed. The Worcester Human Rights Commission office later was moved to Meade Street. Now both organizations are back in Worcester at one location.

3/11 We attended a presentation at the **Worcester County House of Correction** of the 2008 American Correctional Association Accreditation Awards Ceremony and went on a tour of part of the WCHC.

3/12 We spoke at **Framingham State College** after showing the DVD "The Abortion Diaries".

3/7 We attended a conference for high school students held at Clark University by the organization **Education and Leadership for a Nonviolent Age**. We conducted workshops involving students from Harvard, Hudson, Lincoln, Lunenburg, Maynard, `Natick, Shrewsbury, Wayland, and Westborough.

Public Health

10/9 We spoke to the **City of Worcester Board of Health** at City Hall concerning the disposal of dirty needles. We said, "Is there anyone who really prefers to have syringes lying in the gutters and playgrounds or in the city garbage bags, where a child or sanitation worker could be pricked and end up with AIDS? Having these needles deposited in a safe place is a public health necessity. This is not a political issue, this is a health issue. It is time to take politics out and let the Worcester Public Health Commissioner, Dr. Morse, do his job." We made this statement after to speaking to ACLUM attorney Ann Lambert.

11/27 We went with three Worcester City Counselors on the Standing Committee of Health on a tour to Providence R.I. to see how Yellow Box sites work.

12/3 We spoke on **"Operation Yellow Box"** before the Worcester City Council's Standing Committee on Health. "The Worcester County Chapter of the American Civil Liberties Union of Massachusetts wishes to compliment the Health Committee and the City Council led by **Chairman Frederick C. Rushton**, chairperson of the Standing Committee on Health, and the other committee members, **Councilor Gary Rosen** and **Councilor Geoffrey Smith**, for inviting concerned citizens and organizations to accompany them on Tuesday, November 27, 2007 to travel to Providence, Rhode Island to review Yellow Box sites.

`` The state is planning to ban needles and all other sharps from being disposed of in ordinary trash by 2008. Some safe way has to be found for their disposal. Yellow Boxes would help to resolve that problem. The program will place 8 boxes around the city.

IMMIGRATION

When we speak we pass out ACLU materials and membership forms. We sometimes speak alone or with **MIRA**, **Attorney Randy Feldman,** and the chief litigating attorney at Central Mass Legal Assistance, **Alan Rohm**. When translations are necessary it takes about two hours. When translations are not necessary it takes about an hour. We have materials in about six different languages. We still need Russian, Albanian, and Vietnamese.

9/27	We attended training on immigration at **Legal Assistance Corporation of Central Massachusetts.**
9/28	We attended a training session on immigration law overview at the **Legal Assistance Corporation of Central Massachusetts.**
10/3, 10/5	We spoke to immigrants at **Quinsigamond Community College** on the rights of immigrants.
10/21	We spoke to the **Greater Worcester Immigration Coalition** to acquaint them with their rights as immigrants.
10/22	We spoke to immigrants in six GED immigration classes at **Quinsigamond Community College** on the rights of immigrants.
10/26	We spoke to immigrants at Quinsigamond Community College on the rights of immigrants.
11/7	We attended a meeting with the **Legal Assistance Corporation of Central Massachusetts.**
11/29	We attended a meeting with the Board of **Centro las Americas.**
11/29	We attended a meeting with the Worcester County Immigration Coalition.
12/2	We attended a meeting at Salisbury Green with the **League of Women Voters** on Immigration Issues.
12/8	We attended the **Massachusetts Immigration and Refugee Advocacy** summit meeting at Clark University.
12/9	We met with **Congressman McGovern** concerning immigration.
12/12	We attended meetings with the **Worcester Emergency Response Network** and with the **Worcester Immigration Coalition**. A phone tree was established hiring an immigration attorney. MIRA has an organizer working in the area.
1/20	We attended a meeting with the **League of Women Voters** on

Immigration

2/28/08 We attended a meeting of the **Worcester Immigration Coalition**.

3/11 We attended a meeting at the **Lutheran Advocacy and Refugee Office on Immigration**.

3/12 We attended meeting of the **Rapid Response Immigration Task Force** in Worcester.

We have now spoken to nine ESL classes and four GED classes at Quinsigamond Community College on Know Your Rights. We have used ACLU documents for both basic rights when stopped by the police and information for immigrants.

We continue to meet with the immigration organizations.

MEDIA

The Worcester County Chapter of the ACLU of Massachusetts frequently appears on radio and television news and talk shows to analyze and debate civil liberties. The following list includes many of our appearances.

10/5 We spoke on **TV 3** about **drug testing** of fire fighters and police officers.

12/10 We appeared in the press concerning a **raid** carried out by **ICE** in **Milford**, Massachusetts. We urged federal immigration officials to comply with humanitarian and due process standards when enforcing immigration law following reports of an early morning raid in Milford.

We stated that "The US Constitution says that everyone's fundamental due process rights must be respected while it is being determined whether or not they have a right to be here. Most US citizens could not prove their citizenship on demand. Most people don't carry documents such as a passport or birth certificate with them at all times. And, in a free society, you shouldn't have to."

"People detained by ICE deserve basic human rights protections, such as the right to a hearing before an immigration judge, legal representation, and, when necessary, interpretive services. They need time and a fair chance to prove their case. It's also critical to make provisions for the children and other dependents of those arrested."

"Throughout Massachusetts, ICE-led immigration sweeps have been tearing apart families and communities. A recent study,

released by the National Council of Law Raza shows that this approach is especially destructive to young children of people who are detained."

"We are concerned about the way these sweeps are being conducted. People often are detained and deported quickly without having the opportunity to exercise their rights to call family members or a lawyer. We urge ICE officials to give the people they detain an opportunity to exercise their rights to speak to an attorney and call their family members, and that they be allowed to remain in Massachusetts where their lawyers, families and community can have access to them."

1/7/08 We wrote an article, published in the Worcester Telegram and Gazette on "**Roe v. Wade and Women's Equality**."

Roe v. Wade turns 35 this month. With this anniversary we mark not only 35 years of reproductive freedom, but 35 years of impressive gains in the fight for women's equality. However, not all women have had equal access to reproductive health care: poor women, teens, and women living in rural communities have increasingly faced real obstacles because of government restrictions. That is one reason why many women have not benefited equally in the expansion of women's access to higher education, better paying jobs, and other socio-economic gains. However, the legalization of contraception in the 1960s and abortion in the 1970s have fostered the ability for many women to make important life decisions about themselves and their families. At the core of women's equality is the ability to control whether and when to have children. These last 35 years have witnessed important advances for many women.

Thirty years ago, there were 15 women in Congress; only 3 had held the office of state governor. Today, 92 women sit in congress, including the first Madame Speaker; 26 women have served as governors; and in the current race for president, for the time in our nation's history, a woman candidate is one of the leading contenders for the nomination of a major political party.

Women currently make up 57 percent of college students (up from 42 percent in 1970) and are obtaining advanced degrees in record numbers. In the mid 1970s, women made up only 16 percent of medical school graduates; today they constitute nearly 50 percent. Likewise women holding science and engineering doctoral degrees have more than quadrupled since the late 1960s. And the ranks of

female Fortune 500 CEOs have grown from 1 in 1973 to 12 in 2007.

This fact is not lost on the only two women to date ever to serve on the Supreme Court. Justice Sandra Day O'Connor co-authored an opinion preserving *Roe* in 1992 that acknowledged, "The ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives." And just last year, in a powerful dissent to a Supreme Court decision upholding the first-ever federal ban on certain abortion procedures, Justice Ruth Bader Ginsburg passionately argued that the core of the right to abortion "centers on a woman's autonomy to determine her life's course, and thus to enjoy equal citizenship stature."

In this year's presidential election we should ask candidates where they stand on the issue of *Roe v. Wade.* One reason why the answer is important is because of the connection between reproductive rights and gender equality. Access to birth control and abortion plays an important role in opening up the classrooms, boardrooms, and legislatures to women.

The next President of the United States will name new judges to the Supreme Court who may vote to overturn Roe vs. Wade. We must elect a president who will support Roe so that decisions about whether and when to bear children will be left to women so that they may continue the impressive gains they have made in the fight for women's equality.

1/8 We appeared in the press after we spoke before Worcester City Council on the installation of **cameras at intersections**. We said that they raise troubling privacy and due process concerns. Presently, when one receives a traffic violation, a motorist is, of course, made immediately aware of the violation by the officer who provides the ticket. With red light cameras, however, it may be weeks before a person is given notification of a citation, making his or her ability to challenge it much harder. In addition, the system is based on the imperfect assumption that the driver of the car and the person to whom the car is registered are one and the same, as tickets are issued based on car registration information. In many instances, of course, this assumption is not true, but the owner of the car will nonetheless be forced to pay. At a minimum, the burden of proof falls on him or her to prove he or she was not driving at the time, an overturning of the bedrock principle regarding the presumption of innocence.

"While the invasion of privacy occasioned by this system may seem minor, any implementation of a system that leads to the widespread installation of cameras in a city cannot be ignored or minimized. In some other municipalities where these systems were installed, litigation discovered that traffic intersections were specifically chosen where, for example, yellow lights were shorter, in order to catch more people.

The public should remain vigilant about what we call function creep, where you start out by gathering information for one purpose, and then begin using it for purposes that were never intended. Obviously, we have to guard against that. We do not want to live in a society where we have cameras almost everywhere. We do not want to be watched all the time.

2/11/08 Letter to the editor:

"Recently, a West Boylston citizen objected to **voting in a Church**. We wrote to the **West Boylston** town manager and informed him. I did not say religious items in the voting area had to be removed. However, many readers responded to the Telegram and Gazette news article and wrote letters to the editor claiming the ACLU opposes religion and particularly Catholicism. That is not true.

There are many examples where the ACLU has defended peoples' right to express their faith. Here is one example from many I could give if I had more space.

In 1995, the Worcester County Chapter of the ACLU of Massachusetts sued Worcester County **Jail officials** for **confiscating rosaries and crucifixes** worn by inmates. Jail Officials said the beads and colors were gang-affiliated. 50 inmates were disciplined for having what the jail said was "gang-related items"- crosses, rosaries, Stars of David, and Muslim emblems.

A **jury** in Worcester in 1995 found that the items were in fact used by the prisoners in connection with sincerely held religious beliefs. In 1995, a judge in the Worcester Superior Court ruled that the religious articles had been illegally seized. The Court held that prisoners have a right to possess and use religious articles in their cells and to wear such articles under their clothing. The court affirmed the prisoners' right to possess religious items The articles that had been confiscated were returned to the prisoners.

2/25/08 Appeared on **WCCA TV, Channel 13 Worcester**. Spoke about

Senate Bill 1959, also known as “The Violent Radicalization and Home-Grown Terrorist Prevention Act”. The legislation proposes a commission to study what are called extreme belief systems. We are concerned that this legislation could lead to legislation that would intimidate and prosecute people based on what they think and believe instead of what they do

MEETINGS:

10/30	Attended ACLUM speaker’s training in Boston.
11/29	We Attended meeting with **Governor Patrick, Lieutenant Governor Murray, Congressman McGovern, and Senator Augustus.**
12/11/07	Attended meeting with **Society of Professional Communicators** attorney Mary C. Casey, founder of Harbor Law Group on copyright law.
12/11/07	Elm Park- Took part in a press conference concerning a bill passed by the house to set up a commission to study homegrown terrorism.
1/9	Attended meeting of the **Jane Fund.**
1/25	Met with **Congressman McGovern** concerning Immigration.
1/31	Attended meeting at Old South Church –Boston- on a proposed **Innocence Project.**
2/6/08	Attended a fair at Clark University from 12 to 3.
2/11/08	Spoke in person to Senator Augustus today about **MCAS.**
2/13	Attended Massachusetts Citizen Against the **Death Penalty** in Boston.
2/24/08	Met with **Clark University Student Club.**

LEGAL

11/9 We appeared in the press concerning **Ben Franklin**. We stated that the client of the Worcester County Chapter of the American Civil Liberties Union of Massachusetts was Sponsor Spot, LLC. Sponsor Spot erects signs and banners on buildings. It leased the outside wall of a residential building in Worcester on Chandler Street to hang a banner extolling the virtues of Ben Franklin, the "patron saint of advertising". The banner did not offer for sale any product or service, and did not mention the name of any commercial enterprise.

The city issued a citation to the owner of the building contending that the hanging of the banner without a special permit (which our client did not obtain) was a violation of the city's zoning ordinance. The client sought our assistance. After consultation with **John Reinstein, legal** director of the American Civil liberties Union of Massachusetts it was decided that the client would appear with its

own counsel, but that we would appear as amicus. The hearing to determine if a complaint would issue was held on Wednesday, 7 November.

The client appeared with counsel, and **Attorney Russell Chernin**, a cooperating attorney for Worcester County Chapter of the American Civil Liberties Union of Massachusetts appeared for ACLUM as amicus.

Attorney Chernin submitted a memo on the subject. The memo contained three arguments. First, we contended that since the banner did not offer any product or service for sale, it was non-commercial. Non-commercial banners are exempt from the ordinance, by the ordinance's own terms. Second, relying on City of Ladue v. Gilleo, 512 U.S. 43 (1994), Attorney Chernin argued that the city's authority to regulate banners erected on a residential building was limited to objective criteria such as whether the banner obstructs views. No such obstruction existed in this case. Finally, also relying on Gilleo, Attorney Chernin argued that the ordinance was unconstitutional because it impermissibly discriminated between banners erected by government entities (which were exempt from the ordinance's requirements) and those erected by non-government entities.

The city withdrew the citation.

3/13 We are representing **two college students** who were **arrested by the Massachusetts State Police** a few minutes into a **protest** in which they tied a banner reading “Have a heart, boycott KFC” on a bridge in Worcester overlooking 290. The two Worcester Polytechnic Institute (WPI) students were protesting what they see as cruel treatment of animals by the KFC Corporation. **One of the students wore a bright yellow chicken suit.** The police charged the students with disturbing the peace and defacing public property. The ACLU of Massachusetts sees this as a free speech issue, and cooperating attorneys **Hector Pineiro** and **Robin Scott** have come to the students’ defense. Flags, wreaths, and signs can be found on the fences of other overpasses throughout the state, but are not removed, which suggests selective enforcement based on the content of the signs.

OTHER ATIVITIES

11/15 We wrote to the superintendent of the **Narraganset Regional School District** concerning a search of school lockers by 16 area lower

enforcement officials and 8 dogs while surprised students and teachers were in a lockdown mode.

11/29 We wrote a letter to Congressman McGovern

12/15/07 We petitioned the Worcester City Council that "the first ten amendments to the Constitution of the United States, known collectively as the **Bill of Rights**, which was ratified on December 15,1791. In 1941, 150 years after the Ten Amendment were ratified, President Franklin Roosevelt declared December 15 Bill of Rights Day. Permission was received and the Bill of Rights was read. The reading reconceived television and newspaper coverage.

1/21 To the Worcester Police Chief:

I know that you will be working on the issue of **video surveillance cameras** at selected intersections as a way to identify and find motorists who go through red lights. In researching the issue, I came across what is called a red light camera studies roundup, which lists ten studies, which include three different countries and three different states among them. I thought it might be useful to you, so I'm enclosing a copy of the summary.

CHURCH/STATE

3/4/08 We received a letter from an inmate. We had written to the **North Central Correction Institution** concerning the **Nation of Islam** and **Orthodox Islam** being consolidated against the wishes of the Nation of Islam. We received a letter that "the department of corrections ultimately hired a minister for all adherents who subscribe to the tenets of this particular belief. Thus, they are now separated once again. Finally, I just want, not only to write you back, but to express my sincere appreciation to you and your office for taking the time".

3/5 On February 18, 2008, we sent a letter to the **Souza-Baranowski Correctional Center** concerning a prisoner who wanted a **kosher meal.** Then, on March 5, 2008, we received a letter than the inmate would meet with the department rabbi, "prior to a decision being made on his request for a kosher diet. Once this meeting occurs, the rabbi will make the final decision."