

A black and white photograph of two women standing on the steps of a building with classical columns. The woman on the left is wearing glasses and a light-colored cardigan. The woman on the right is wearing a hat, a textured cardigan, and distressed jeans. The text 'THE FUTURE OF FREEDOM' is overlaid in large red letters.

THE

FUTURE

OF

FREEDOM

ACTION REPORT

ACLU

Massachusetts

The future is in our hands.

For the ACLU, it's a future in which families stay together. A future in which racial and gender equality is the norm, and no one faces discrimination based on who they are or who they love. A future in which technology supports individual rights and data collection is not used against the people. A future in which a woman's right to choose is unequivocally protected.

For the last 98 years, the ACLU has responded to the urgent threats of today while building the future of freedom. The work we do in the courts, in the legislature, online, and in the streets shapes the future of civil rights and civil liberties in Massachusetts and in the nation for each generation and those still to come.

Freedom is strengthened when ordinary people engage in extraordinary acts: when parents fight to be reunited with their children at the border; when incarcerated women and men are able to pose questions directly to district attorney candidates; when teenagers are inspired to knock on doors to defend equality for transgender people at the ballot; and when thousands of ACLU members call and email their elected officials to demand respect for civil rights and civil liberties.

Today, ACLU members across the nation are mobilizing to build a powerful movement to resist efforts to turn back the clock on liberty and justice for all. The ACLU's work to defend and advance freedom has never been more important than it is right now. Together, we can build a future in which liberty is the norm and everyone is free.

Thank you for your ACLU membership, support, and contributions to building a more just, vibrant, and inclusive future for all people in Massachusetts and across the nation.

Carol Rose,
Executive Director, ACLU of Massachusetts



Carol Rose | ACLU of Massachusetts Executive Director | Boston, MA

IMMIGRANTS' RIGHTS



The Future of Freedom is...

WELCOMING

For more than three months, Lucimar de Souza sat behind bars at a detention facility in Boston, wondering if she'd ever see her husband and 10-year-old son again. The Brazilian native had lived in Massachusetts for two decades, was married to a U.S. citizen, and had a U.S. citizen son.

But her peaceful life fell apart in January when Lucimar and her husband arrived at a local U.S. Citizenship and Immigration Services office for an interview to validate their marriage, the first step toward Lucimar becoming a lawful permanent resident. What they didn't know was that U.S. Immigration and Customs Enforcement (ICE) agents were laying in wait for Lucimar outside the government office. Immediately after immigration officials declared that her marriage was legitimate, five ICE agents swooped in to handcuff Lucimar and drag her to jail. The marriage interview had been a set-up by the Trump administration's deportation machine.

“Under pressure from the ACLU, the government agreed to release Lucimar just in time for Mother's Day.”

ACLU of Massachusetts lawyers moved quickly on behalf of Lucimar and other families who had been caught in the trap. ACLU attorneys filed a class action lawsuit challenging the Trump administration's illegal bait-and-switch tactic of separating families pursuing lawful immigration status. In Lucimar's case and others like it, the Department of Homeland Security had misused its own regulations – which had been designed to protect the families from unnecessary separation during the legalization process – to instead target couples for detention and deportation.

Under pressure from the ACLU, the government agreed to release Lucimar just in time for Mother's Day. Her son burst into tears and collapsed in her arms when she finally came home.

It was a tearful scene replicated with families across the country, thanks to the ACLU's successful challenge to the Trump administration's policy of intentionally and cruelly separating parents and children. From Massachusetts to California, the ACLU is fighting to keep families together.

In June, a federal judge stopped the Trump administration's family separation policy and ordered the government to reunite families. Since then, thousands of children have been reunited with parents and sponsors. The ACLU also negotiated an agreement with the government that, if approved by the court, will give many reunited families a second shot at asylum.

The ACLU's work to build a more welcoming future has been comprehensive, relentless, and effective. The ACLU will continue working to protect our country's promise as a beacon of liberty for those yearning to breathe free.

Lucimar de Souza | *Calderon v. Nielsen* Plaintiff | *Everett, MA*

The ACLU is suing on behalf of Lucimar and other immigrants separated from their families by the federal deportation machine.

The Future of Freedom is...

JUST

With over two million people incarcerated in the United States, the ACLU set a simple but daring goal for the future: cut the U.S. incarceration rate in half and reduce racial disparities in U.S. prisons and jails.

Achieving this ambitious goal starts with a closer look at the most powerful player in the criminal legal system: district attorneys. This year, the ACLU launched voter education campaigns in 40 district attorney races in 15 states, including the “What a Difference a DA Makes” campaign in Massachusetts to highlight the role and power of district attorneys.

The ACLU’s “What a Difference a DA Makes” campaign mobilized a network of volunteers and partner organizations in court-watch trainings, digital outreach, door-to-door canvassing, phone banks, and candidate debates and forums in the five contested DA races across Massachusetts.

One debate, organized by the ACLU of Massachusetts, was held in the Suffolk County House of Correction. In a historic first, currently incarcerated people posed questions to candidates running for Suffolk County district attorney.

The ACLU’s voter education efforts in Massachusetts paid off. On primary day this fall, there was a 35 percent increase in people voting for a district attorney candidate in Suffolk County – and an increase of 123 percent in Berkshire County. Most importantly, these newly-engaged voters, from Boston to the Berkshires, now have the tools to hold elected district attorneys accountable going forward.

The ACLU also played a leadership role in efforts to achieve sweeping criminal law reform in the Massachusetts legislature. As a key player in a broad coalition of advocates, the ACLU won important reforms, including eliminating several mandatory minimum sentences, providing alternative sentencing for parents and primary caretakers, and raising the minimum age of juvenile court jurisdiction.

The ACLU also achieved critical protections for people incarcerated in Massachusetts, including restrictions on the use of solitary confinement, guaranteed access to in-person visitation, and a mechanism to enable compassionate medical release of people who would otherwise die behind bars. This far-reaching legislation represents a critical step toward a fairer, safer, and more just Massachusetts.

“These newly-engaged voters, from Boston to the Berkshires, now have the tools to hold elected district attorneys accountable.”

Cassandra Bensahih | “What a Difference a DA Makes” Canvassing Coordinator | *Worcester, MA*

The ACLU is knocking on doors, holding public events, and spreading awareness about the prosecutor’s role in the justice system.



SMART JUSTICE

ACLU

The Future of Freedom is...

DIGITAL

In a landmark victory for privacy rights in the digital age, the ACLU won a Supreme Court decision in *Carpenter v. United States*, requiring police to get a warrant before they can seize people's sensitive location information stored by cell phone companies.

In *Carpenter*, the ACLU challenged the government obtaining – without seeking a warrant – four months of location information from a man's cell phone company. The records revealed nearly 13,000 separate points of data, including where he slept and attended church.

The case specifically concerns the privacy of cell phone location data. But the ruling, delivered in June, has broad implications for government access to all information collected about people and stored by the purveyors of popular technologies. The Supreme Court's ruling rejected the government's expansive argument that people lose their privacy rights merely by using these technologies. Consider the consequences of unfettered digital surveillance: Facebook stores our photographs and messages; many of us own smart devices, which know our musical tastes, shopping history, and even the contents of intimate conversations; and our health and fitness apps know about our physical activity and sleep patterns.

The ACLU's victory creates momentum for expanding privacy protections for other sensitive digital data, including emails and smart home appliances to technology that has yet to be invented.

“The ACLU's victory creates momentum for expanding privacy protections for other sensitive digital data...”

At the state level, the ACLU successfully blocked efforts by Governor Charlie Baker and prosecutors to expand warrantless wiretapping in the Commonwealth. Prosecutors wanted the power to use wiretapping in even the lowest level drug investigations, as well as the power to force technology companies like Google and Facebook to provide “technical assistance” to facilitate real-time surveillance of emails, chats, and other online communications. The ACLU fought back and won.

A few months later, the prosecutors returned to the legislature during budget negotiations with an amendment that was nearly identical to Governor Baker's initial proposal. Acting quickly, the ACLU of Massachusetts activated supporters to mount opposition to warrantless wiretapping, beating back sweeping expansions of the state wiretap law.

From the courts to the State House, the ACLU leads the way to ensure the Fourth Amendment keeps pace with technology – now and in the future.

Kade Crockford | ACLU Technology for Liberty Director | *Boston, MA*

The ACLU's Technology for Liberty Program works to protect and expand civil rights and civil liberties in the digital age.



TECHNOLOGY FOR

LIBERTY

The Future of Freedom is...

VIBRANT

Through litigation and advocacy, the ACLU is fighting back against attempts to suppress an essential right in our democracy: the right to vote.

In a headline-generating Kansas lawsuit, the ACLU represented more than 30,000 voters threatened by a state law that required Kansans to produce a document proving citizenship before registering to vote. The ACLU won a court order blocking Kansas' proof-of-citizenship law and prompting a federal judge to sanction Kansas Secretary of State Kris Kobach.

Meanwhile, in Georgia, the ACLU won a temporary restraining order blocking election officials from throwing out absentee ballots or applications for a supposed signature mismatch without giving the voter an opportunity to contest the determination and confirm their identity. The ACLU sent Georgia a message loud and clear: Signatures may vary, but due process and the constitutionally-protected right to vote does not.

This November, the ACLU helped expand voting rights to more than two million people in key states: by re-enfranchising 1.4 million people with prior convictions in Florida, and through a suite of voting reforms in Michigan and Nevada. These reforms enacted by ballot referenda will have impacts for elections to come. They will help create a groundswell of energy and engagement in future elections.

In Massachusetts, the ACLU worked with lawmakers and advocates this legislative session to make the Commonwealth the 14th state to adopt automatic voter registration. As a result, we now have the chance to engage nearly 700,000 more Bay Staters in the democratic process starting in January 2020. Thanks to the ACLU, Massachusetts leads the way to a more vibrant democracy by expanding ballot access and modernizing how our voter registration system works.



“...the ACLU is fighting back against attempts to suppress an essential right in our democracy: the right to vote.”



VOTING RIGHTS



Damaris Velasquez | First-time Voter | *Natick, MA*

The ACLU advocates to ensure our electoral system is fair and accessible to everyone eligible to vote.

LGBTQ RIGHTS



The Future of Freedom is...

INCLUSIVE

On Election Day, Massachusetts voters upheld protections for transgender people. The victory affirms a 2016 state law that protects transgender people from discrimination in public places, like restaurants, shops, and doctors' offices.

As a member of the Yes on 3 Executive Committee, the ACLU committed \$400,000 to support and empower transgender and nonbinary people through the campaign. Collectively, Yes on 3 staff and volunteers knocked on more than 300,000 doors and made more than two million phone calls.

By winning the first statewide popular vote on transgender rights, Massachusetts voters reaffirmed the Commonwealth as a place that fiercely defends our basic values of dignity and respect for everyone.

“**We see that when people meet their transgender neighbors, equality will prevail.**”

The Massachusetts victory follows an ACLU win in Anchorage, where another anti-transgender ballot measure was defeated this spring. The two campaigns share a common thread: Transgender people told their own stories at voters' front doors and on the phones. Once again, we see that when people meet their transgender neighbors, equality will prevail.

Nationally, the *Masterpiece Cakeshop* ruling – recognizing states can expressly forbid LGBTQ discrimination – offers hope for the future.

In June, the Supreme Court ruled for a bakery that had refused to sell a wedding cake to a same-sex couple. But – despite arguments from the Trump administration and other opponents of LGBTQ equality – the court declined to rule that any business has a right to discriminate against customers because of who they are. Instead, the court's decision affirms again and again that our nation's laws against discrimination are essential, and that states can pass and enforce those laws, including in the context of LGBTQ people.

In the face of the Trump administration's unabashed abandonment of LGBTQ protections, the ACLU continues to stand strong in working to ensure that LGBTQ people can live openly without discrimination and enjoy equal rights, personal autonomy, and freedom of expression and association.

Leo Austin-Spooner | Yes on 3 Volunteer | Cambridge, MA

A leading member of the Freedom for All Massachusetts campaign, the ACLU stood with a coalition to uphold transgender protections at the ballot.

The Future of Freedom is...

EQUAL

Fiercely desiring a better future, 17-year-old Jane Doe escaped violence in Central America only to be detained at the United States border.

In detention, Jane discovered she was pregnant and secured a Texas judge's permission to get an abortion. But one immigration official made it his mission to stop her, requiring every unaccompanied minor in the federal Office of Refugee Resettlement (ORR) who sought an abortion to get his personal permission.

ORR shelter staff refused to get Jane an appointment for an abortion, and instead sent her to a crisis pregnancy center, where she was counseled against abortion. Meanwhile, the clock was ticking – and the time for Jane to obtain an abortion was running out.

Jane's local attorney called the ACLU for assistance. ACLU attorneys sought an emergency order – only to confront one government roadblock after another. Still, the ACLU persisted – and Jane prevailed.

The ACLU has since leveraged this ruling to win protections for potentially hundreds of vulnerable young immigrant women in federal custody, so that they don't face Jane's struggle to exercise basic reproductive freedoms.

Meanwhile, the ACLU helped defeat over 40 new abortion restrictions in state legislatures and through litigation. Here in Massachusetts, the ACLU worked on Beacon Hill to strengthen our state's commitment to reproductive freedom. Together with allies in the legislature, the Choice Coalition, and the health insurance industry, the ACLU helped to pass legislation ensuring access to contraception for rich and poor families alike.

When President Trump appointed Supreme Court justices who threatened to overturn *Roe v. Wade*, the ACLU worked with Massachusetts lawmakers to swiftly repeal an archaic, unconstitutional abortion ban still moldering on the books – and they did.

No matter what happens in the U.S. Supreme Court, the ACLU remains committed to defending reproductive freedom for women and their families in Massachusetts and nationwide.

“The ACLU helped defeat over 40 new abortion restrictions in state legislatures and through litigation.”

A close-up portrait of Emerita Harriette Chandler, an older woman with short, wavy blonde hair. She is wearing a red collared shirt under a dark blue cardigan and a necklace with a large, ornate pendant. The background is slightly blurred, showing a red and white striped flag. Two red rectangular boxes with white text are overlaid on the top right of the image.

REPRODUCTIVE

FREEDOM

Senate President Emerita Harriette Chandler | Contraceptive ACCESS Act and
Negating Archaic Statutes Targeting Young Women Act Sponsor | *Worcester, MA*

Working together with advocates and allies, the ACLU is protecting access to contraception and abortion in Massachusetts.

The Future of Freedom...

BY THE NUMBERS

83,000

overall supporters

.....
16,000

monthly supporters

.....
119

leadership donors

96

public records requests sent by ACLU of Massachusetts to local police departments and other government entities to shine sunlight on secret surveillance

300,000

doors knocked by Yes on 3 volunteers to encourage voters to uphold protections for transgender people

50,000

approximate drug charges dismissed in the Hinton and Amherst drug lab scandals after years of ACLU of Massachusetts litigation

6,600

TV, radio, and print media stories published about the ACLU of Massachusetts

.....

50,000

followers on ACLU of Massachusetts's social media platforms

.....

120,000

subscribers receiving ACLU of Massachusetts emails and actions

700,000

new Massachusetts voters engaged by automatic voter registration beginning in January 2020

Some figures have been rounded to the closest even number.

The Future of Freedom is...

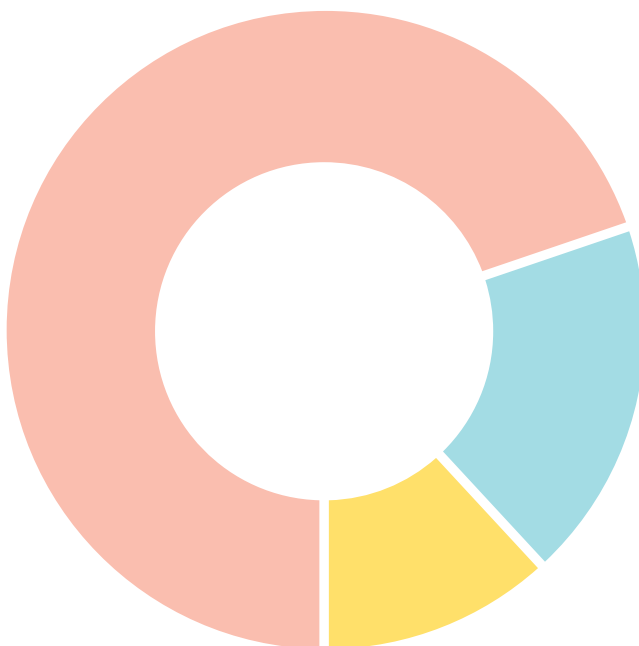
IN YOUR HANDS

ACLU's work is possible because of the 83,000 individuals in Massachusetts who supported us this last year: new members, monthly sustainers, and leadership donors. Your continued support will ensure the ACLU is able to keep up the fight for a future that is just, inclusive, vibrant, equal, and welcoming.

ACLU OF MASSACHUSETTS & FOUNDATION COMBINED FY 2018 REVENUE & EXPENSES



REVENUE	
Individual Contributions	48% \$3,426,845
Memberships	34% \$2,486,098
Legal Fees	7% \$480,085
Grants	5% \$341,000
Bequests	3% \$241,214
Interest/Other Income	3% \$240,151



EXPENSES	
Program	70% \$3,816,801
Fundraising	18% \$990,606
Management/Admin	12% \$632,583

For comprehensive audited financials, visit aclum.org/2018.

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