



AMERICAN CIVIL LIBERTIES UNION
of MASSACHUSETTS

ANNUAL REPORT
2007



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According to Environmental Defense, a leading environmental organization, the ACLU of Massachusetts has saved 10 trees, 7 million BTUs of energy, 1,119 lbs of carbon dioxide, 3,669 gallons of wastewater and 607 lbs of solid waste.

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Letter from the Leadership The ACLU Stands for America



Carol Rose
Executive Director

When “Born in the USA” rock star and cultural icon **Bruce Springsteen** appeared on *60 Minutes* in October, he summed up how many Americans feel about what is going on in this country, saying:

We’ve seen things happen over the past six years that I don’t think anybody ever thought they’d ever see in the United States. When people think of the American identity, they don’t think of torture. They don’t think of illegal wiretapping. They don’t think of voter suppression. They don’t think of no habeas corpus. No right to a lawyer... you know. Those are things that are anti-American.

The Boss got it right. The abuses of power taking place in our country are not simply wrong, they are also unpatriotic. It’s time for us to take back America and the principles for which it stands: freedom and justice for all.

That’s what the ACLU is all about. We defend traditional American values—not only in theory but, more importantly, in the everyday lives of ordinary people.

This annual report describes just a few of the instances where the ACLU of Massachusetts has been defending traditional American values over the last year—and we simply could not have done it without you, our members and supporters.

So, fellow patriots, say it with pride: the ACLU stands for you and for America.



Nancy Ryan, President,
ACLU of Massachusetts
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Ron Ansin, Chairman,
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Save the Date!

**1st Annual
ACLU of
Massachusetts
Membership
Conference**

Jan. 26, 2008

Details & registration
online:
aclum.org/2007

Learn more about
our work this year
online at
aclum.org/2007

Standing Up to Abuses of Power



Being a member of the American Civil Liberties Union of Massachusetts makes you one of the true patriots in our country and Commonwealth.

For six years, we have endured appalling abuses of presidential and governmental power. Even worse, we've been subjected to the outrageous claim that those responsible for these abuses have a monopoly on patriotism, and that anyone who questions them is under a cloud of suspicion.

They've got it exactly wrong.

The ACLU of Massachusetts has stood up with new strength this year to say that we can't preserve fundamental American rights and principles by compromising them. And we certainly can't preserve these rights and principles if we outright ignore them, the way that the Bush administration—and an all-too-compliant Congress—have done.

One of the things we're most proud of this year is Massachusetts' participation in the ACLU's national [Day of Action to Restore Law and Justice](#) on June 26. More than a hundred people from Massachusetts joined thousands of others in Washington, DC, to demand the restoration of constitutional rights such as habeas corpus, as well as an end to torture and rendition. We organized parallel demonstrations in Boston and Worcester too.



Another point of pride was our observance of [Constitution Day](#) on Sept. 18. Hundreds joined us to hear our panel of national experts speak about the abuse of power and what to do about it. To find out what you can [do](#) to join our efforts to stop the abuse of power and restore the rule of law, go to our website and get a copy of our ACLU of Massachusetts 2007 [Congressional Scorecard](#).

For your copy of the
ACLU of Massachusetts
2007 Congressional
Scorecard, and more
information about all our
work, visit
www.aclum.org/2007

Freedom of Speech



ACLU of Massachusetts Board Member Inez Friedman-Boyce introduces a talk by David Cole, a Georgetown professor and author who argues that America is losing the so-called war on terror, despite measures that erode or destroy civil liberties. This is a dangerous message to ignore—and an example of free speech at its best.

On many issues, the ACLU of Massachusetts works closely with our national office to make an impact. The need to protect freedom of speech, however, is often local.

Again and again, we fight for people's right to speak out on the issues that matter to them—and for the right of the rest of us to hear what they have to say.

[Adam Habib](#), a renowned scholar from South Africa, is a perfect example. Habib used to travel frequently to the United States to give invited lectures, and in fact, he lived here for years. But in October 2006, the U.S. government revoked Habib's visa, along with the visas of his wife and children, with no explanation.

We believe the reason is that Habib is a vocal critic of the Iraq war and U.S. terrorism policies.

That's why the national ACLU and the ACLU of Massachusetts filed a lawsuit on Sept. 25, seeking the immediate processing of Professor Habib's pending visa application. We also want a declaration that Habib's exclusion violates the First Amendment rights of U.S. organizations, citizens, and residents, who have a right to invite Habib and hear him speak. Immigration officials have no business blocking our borders to people simply based on political views that they don't like.



ACLU client Adam Habib

To find out more about our work on these issues, go to

www.aclum.org/2007

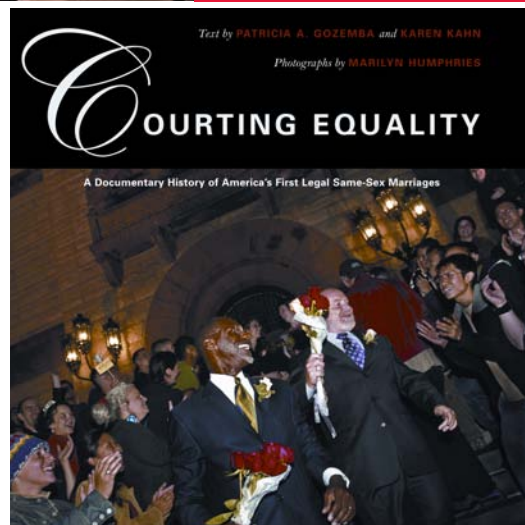
Equal Marriage Rights



Our historic success defending marriage equality at the **Constitutional Convention** on June 14 wasn't only a victory for those of us who believe in equality.

This year, the Massachusetts Legislature voted 151-45 not to send a proposed constitutional amendment to voters that would have codified discrimination against LGBT families into our state Constitution. This victory spared our Commonwealth an ugly, divisive battle that would have cost tens of millions of dollars and required untold hours from supporters of equality throughout Massachusetts. All those hours and dollars are now available for other, much-needed civil liberties work. It also ensures that equal rights for *all people* remains the law of the land in Massachusetts.

This is an enormous victory for the ACLU of Massachusetts' strategy as a founding member of the **MassEquality** coalition. MassEquality coordinated the effort that culminated at the ConCon, and it was under the MassEquality banner that we lent the considerable expertise of our staff and board.



The ACLU of Massachusetts supported the publication of *Courting Equality*, a history of the struggle for equal marriage rights.

Educating the Public

To many people, legal work is what defines the ACLU. After all, our legal staff and cooperating attorneys have always been on the front lines of our efforts.

But our work has another critical component—educating the public.

In 2006, we launched a new program to educate young people about the Bill of Rights and the need to defend those rights and bring them to life. It's called **Rights Matter**, a book and web-based curriculum that we make available to teachers around the state, as well as online at www.rightsmatter.org.

In June, we conducted an all-day training for 20 middle and high school teachers on how to use Rights Matter. We've already distributed more than 4,500 copies, and we just published a Spanish edition, called *Los Derechos Importan*.

But our educational efforts go beyond the classroom. Our **Amicus Club** brings experts on constitutional, legal, and political issues to the Massachusetts legal community. Our annual Constitution Day program focused on privacy and domestic spying.

We also conduct special events, like our **Evening Without... Giving Voice to the Excluded** program, in which authors and actors read works by writers and activists who have been banned from the United States for their perceived beliefs and associations. Our March "Evening Without" program in Northampton featured readings from writers and activists barred from the United States. The event drew more than 500 people.

On January 26, 2008, we will host our first statewide membership conference to both educate and mobilize ACLU members in Massachusetts. To find out more, go to aclum.org/2007



David Cole (above) author of *Less Safe, Less Free: Why America Is Losing the War on Terror*, addressed our Amicus Club this fall. For more information about the Amicus Club, see www.aclum.org/2007. Below, the participants in our Northampton "Evening Without." Photo by Paul Shoul



Fighting for Privacy in a Surveillance Society



Participants in an ACLU protest at the State House, left, call the Dept. of Telecommunications and Energy. Below, Mayor Mary Clare Higgins of Northampton, Mayor David B. Cohen of Newton, and Executive Director Carol Rose present stacks of ACLU petitions calling for privacy protection. *Photos by Marilyn Humphries*



Again and again since 9/11, we've been told the White House and government security agencies need expanded powers to keep us safe from terrorists—but with centuries-old limits on their power being swept away, who will work to keep us safe from an out-of-control government?

That job that has fallen to the ACLU.

This year we've stood up against [warrantless wiretapping](#), through protests, email and phone campaigns against bad legislation like the so-called "Protect America Act." We also presented thousands of petitions to companies including Verizon and AT&T, which complied with the White House's illegal, warrantless wiretapping effort.

We're working to stop [Real ID](#), the coming national identity card that will replace current driver's licenses in 2009 unless we stop it. Real ID will be our country's first internal passport, allowing the government to track and control people's movements as in the former Soviet bloc and South Africa under apartheid—and Real ID's massive databases of detailed information on nearly everyone in the country would be a treasure trove for identity thieves.

We're doing traditional lobbying and grassroots work to stop implementation of Real ID in Massachusetts, and we aired anti-Real ID [radio ads](#) to reach more than half a million people in the Greater Boston area.

In April, the Taunton school committee wisely decided to cancel the \$40,000 [LunchBytes](#) program, which would have scanned students' fingerprints to identify them in the cafeteria lunch line. As Sarah Wunsch, our Staff Attorney, wrote to the Superintendent of Schools in February, "The last thing we should do is teach parents and their children, starting from a young age, to be casual about turning over biometric data for the sake of convenience."

Women's Rights and Reproductive Freedom



The ACLU of Massachusetts is working to level the playing field for women.

In a victory for **female athletes**, we won a case in Hampden County Superior Court in February. The Court overturned a Massachusetts Interscholastic Athletic Association (MIAA) rule that prevented girls from competing as individuals in the fall statewide golf tournament. The court ruled that Lindsey Thomka (below, left), whose high school team just missed qualifying for the statewide finals, should be allowed to compete as an individual—just as a male student would be allowed to.

At the State House this year, we are closely watching the gender neutral **annuities bill**. It's part of our decades-long work to bring an end to insurance discrimination against women, who are often charged more or denied needed services, or both.

When it comes to **reproductive freedom**, the ACLU of Massachusetts is working locally to shore up protections for reproductive rights in the Commonwealth, despite national setbacks such as the U.S. Supreme Court decision in *Gonzales v. Carhart*.

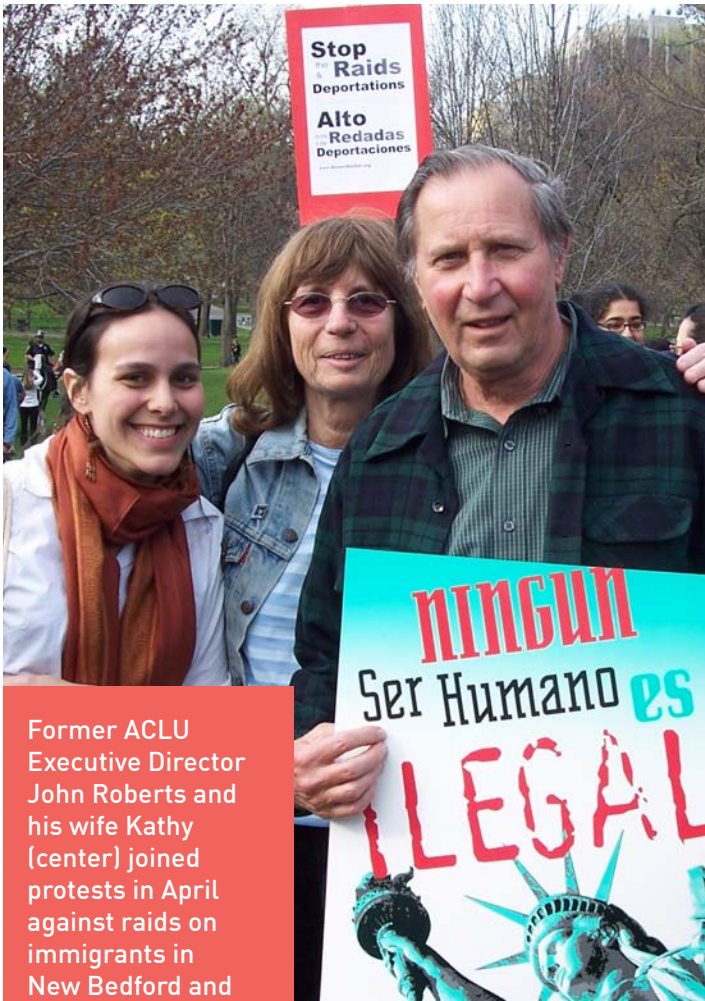
We are also working for comprehensive **health education** in Massachusetts public schools. Following Governor Patrick's veto of dangerous abstinence-only program funds in the budget, the health education we support would follow state curriculum frameworks and provide preventive health and safety information that is medically accurate and encourages healthy choices—and not limited by abstinence-only ideologues.



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To find out more about our work on these issues, go to www.aclum.org/2007

Immigrant Rights to Due Process



Former ACLU Executive Director John Roberts and his wife Kathy (center) joined protests in April against raids on immigrants in New Bedford and elsewhere.



In March, the need to protect immigrant rights became even more evident right in our own backyard.

On March 6, Immigration and Customs Enforcement (ICE) raided the Michael Bianco, Inc., factory in [New Bedford](#). They arrested 361 workers, most of whom were rushed to a detention facility in Texas, and many of which have since been deported. Many of these workers had children who were in daycare or school when the raids took place, and they found themselves without parents that evening—and ever since.

The ACLU of Massachusetts immediately sprang into action. Laura Rótolo, our Human Rights Fellow, joined a team of lawyers at the Fort Devens detention facility that first night until 4 am, trying to help the detainees. Ever since, we've been involved in [Aguilar v. ICE](#), the lawsuit to protect the detainees' rights.

We also worked to shed light on the implications of the raids. In a March 26 editorial published in *The Boston Globe*, we pointed out the consistencies between the New Bedford raid and [Operation Endgame](#), a little known Dept. of Homeland Security plan to deport 12 million immigrants without documentation by 2012. The next day, ICE removed references to Endgame from its website.

We also sued on behalf of lawful immigrants denied driver's licenses and other forms of identification by the Massachusetts [Registry of Motor Vehicles](#).

"Immigration status has nothing to do with whether they're entitled to a license," says Kenneth Berman, a cooperating attorney at Nutter, McClennen & Fish, who filed the case along with the ACLU of Massachusetts and Massachusetts Law Reform Institute.

Our work for immigrant rights is actually international in scope. In May, the ACLU of Massachusetts testified before the [United Nations](#) Special Rapporteur on Migration. The Special Rapporteur was conducting a three-week fact-finding trip to investigate alleged human rights abuses of immigrants in the United States.

Racial Justice and Police Practices



“Tocqueville... might wonder how a democracy can so earnestly debate the justice of detaining foreign nationals at Guantánamo while displaying not a whiff of discomfort about the record number of its own citizens—now more than two million—stuffed into jails and prisons, or about the causes of racial disparity in this forgotten population.”

—Steve Coll, *The New Yorker*,
Oct. 8, 2007



Human rights abuses abroad in American prisons like Abu Ghraib and Guantánamo Bay have rightly drawn outrage. Police practices inside our own country, however, require monitoring as well—and the ACLU of Massachusetts has stood up to take these issues on.

Working with local activists, we’ve begun monitoring accusations of **police abuse** in Lawrence, Worcester, Springfield, and elsewhere. In Lawrence, more than 120 people attended a meeting in April with ACLU of Massachusetts representatives. Already, the Lawrence Police Department suspended and later fired one of the officers accused of mistreating residents.

We are working to address reports that **immigrant motorists** stopped for minor traffic violations are being transferred to federal immigration custody to face deportation—even though Gov. Patrick rescinded an 11th-hour order from ex-Gov. Romney to do this. In September, we also called for an investigation into the deaths of two Massachusetts immigrants in police custody.

We’re devoting more resources to the issue of **disproportionate minority contact** and the so-called “school to prison pipeline,” both of which lead to the overrepresentation of children of color in the juvenile justice system. Specifically, our work on the school-to-prison-pipeline focuses on schools’ increasing reliance on the criminal justice system to handle school-based behaviors. This trend is particularly evident in schools attended by poor minority youth.

Finally, we’ve urged caution in the introduction of **Tasers**. These electronic stun guns are often thought of as “non lethal,” but hundreds of people in the United States and Canada have died after being shocked with Tasers. Their supposed non-lethality can also ratchet up the use of force, particularly against people of color and young men.

Cooperating Attorneys

The ACLU of Massachusetts is deeply grateful to the attorneys who donate their time to litigate, research, and provide expertise to our cases. These contributions, both large and small, make it possible for the ACLU to extend its reach to many more cases than we would otherwise be able to handle. Thank you to each of our cooperating attorneys:

Susan Akram—Boston University School of Law
Jonathan Albano—Bingham McCutchen LLP
Michael Albert—Wolf, Greenfield & Sacks, P.C.
Kathryn Alessi—Goodwin Procter LLP
Bonnie Allen—Law Office of Bonnie Allen
David Apfel—Goodwin Procter LLP
Fred Bartmon—Allison, Angier & Bartmon LLP
Mark Batten—Proskauer Rose LLP
Ken Berman—Nutter, McClennen & Fish LLP
Dorothy Bickford—Badger, Dolan, Parker & Cohen
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Amicus Club

The Amicus Club, now in its fourteenth year, is our annual luncheon series for the Boston area legal community and others interested in constitutional law issues. Kicking off an extraordinary 2006–2007 series was James Bamford, author of the *The Puzzle Palace* and *Body of Secrets: Anatomy of the Ultra-Secret National Security Agency*, presenting “The NSA and Domestic Spying: When Technology and the Law Collide.” And in keeping with tradition, our series concluded with the ever popular Steve Shapiro, ACLU National Legal Director, who provided his incisive review of 2006–2007 Supreme Court decisions.

We are grateful to Bingham McCutcheon, LLP for generously hosting this popular series. Membership dues for the Amicus Club are the cash equivalent of one billable hour. For additional information about joining the Amicus Club, please contact Nan Haverstock, Director of Development, at nhaverstock@aclum.org.

Development and Financial Report

The ACLU of Massachusetts is fortunate to have thoughtful and committed supporters who so generously donate significant financial resources to defend civil rights and civil liberties. This support has enabled us to strengthen and redouble our combined strategies of litigation, lobbying, public education, and grassroots activism.

The ACLU receives no government funding, and we never charge our clients for legal representation. Our financial resources are provided solely by dedicated private donors, foundation grants, court-awarded fees from successful cases, bequests, and membership dues from individuals who are unwavering in their defense of the fundamental liberties written in our Constitution and the Bill of Rights.

Your exceptional support this past year played a vital role in underwriting our mission to repair the damage done, and

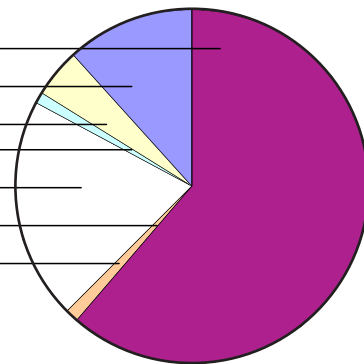
just as important, to continue to advance the frontiers of freedom.

The ACLU and the ACLU Foundation of Massachusetts are separately incorporated non-profit organizations. The ACLU Foundation supports our litigation and public education programs and is a 501(c)3 organization, with contributions tax deductible to the fullest extent of the law. The ACLU (the "Union") administers membership outreach and organizing, legislative advocacy and lobbying, and is supported through membership dues. The Union is tax exempt as a 501(c)4 organization; however, donations to it are not tax deductible. Most of the funding for the ACLU and the ACLU Foundation comes from individuals like you who have chosen to make a generous philanthropic investment in building a future where liberty is the highest American ideal.

ACLU Foundation of Massachusetts Income and Expenses FY07 (April 1, 2006 – March 31, 2007) Preliminary Audited Financials

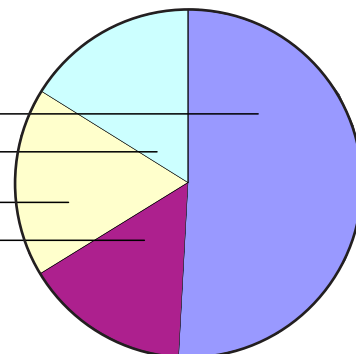
Support & Revenue:

Contributions	\$	1,163,633
Income from Investments	\$	219,685
Grants	\$	81,875
Other	\$	23,009
In-Kind	\$	385,800
Legal Awards	\$	1,500
Bequests	\$	21,000
Total	\$	1,896,502



Expenses:

Legal	\$	887,833
General & Administration	\$	283,699
Fundraising	\$	308,877
Education	\$	266,587
Total	\$	1,746,996



To maximize the ACLU's ability to defend and promote civil liberties and civil rights of all people nationwide, all gifts and membership dues are shared equally between the National ACLU Foundation and the ACLU Foundation of Massachusetts. Through this unique sharing arrangement, a portion of the National ACLU's share is allocated to help smaller affiliates throughout the country that otherwise would not have the financial resources to address the serious abuses of power and indifference to civil liberties issues within their respective states.

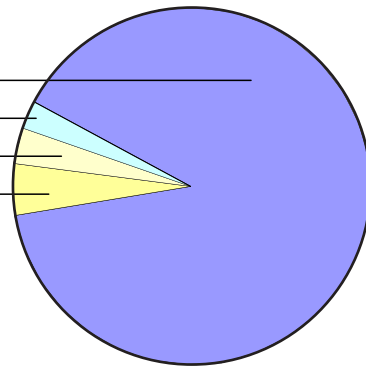
education programs. Generous in so many ways, these individuals are the driving force behind the ACLU's many accomplishments. *We are enormously grateful for their contributions to our work.*

We owe a heartfelt debt of gratitude to our remarkable Board members and the many dedicated volunteers who make our work possible. In addition to providing extraordinary financial support, they give countless hours of their time and talent to raise the critical funding necessary to underwrite our litigation, advocacy, and public

ACLU of Massachusetts
Income and Expenses
FY07 (April 1, 2006 – March 31, 2007)
Preliminary Audited Financials

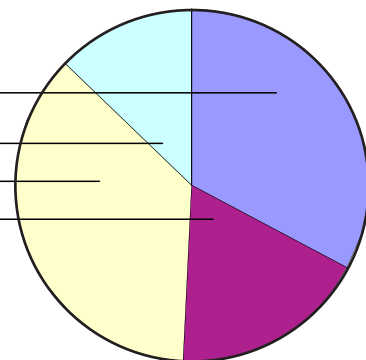
Support & Revenue:

Membership Income	\$	495,498	
Bequest	\$	18,514	
Other Revenue	\$	14,285	
Contributions	\$	24,940	
Total	\$	553,237	



Expenses:

General & Administration	\$	117,198	
Worcester Chapter	\$	45,469	
Legislative	\$	130,155	
Education	\$	64,687	
Total	\$	357,509	



Bill of Rights Dinner

The Bill of Rights dinner held at the Boston Park Plaza hotel on May 31, 2007 was a huge success. Attended by more than 700 guests, it was the ACLU Foundation of Massachusetts' largest Bill of Rights dinner ever.

The evening honored Lt. Commander Charles Swift and Georgetown Law Professor Neal Katyal, lead counsel in the groundbreaking U.S. Supreme Court case *Hamdan v. Rumsfeld*. Keith Olbermann, of the MSNBC show "Countdown with Keith Olbermann," spoke, and humorist Roy Blount Jr. contributed his wit to the festivities.

Frank and Ellen Fisher offered a \$50,000 Challenge Match, which was quickly met by the end of the evening.



Carol Rose, Patricia Hogan, Paul Hogan



Roy Blount Jr.



Alex MacDonald, Neal Katyal



Lori Ehrlich, Keith Olbermann, Bruce Ehrlich

Save the Date!

Bill of Rights Dinner

May 28, 2008

Featuring former White House Counsel John Dean and humorist Kate Clinton

For sponsorship and ticket information, please contact Nancy Haverstock at nhaverstock@aclum.org



Ellen Fisher

Photos by Marilyn Humphries



Norma Shapiro and Lt. Commander Charles Swift

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