



ACLU applauds amendment to 2010 state law, which now narrows restrictions on Internet content

Following a successful legal challenge from the ACLU of Massachusetts, local booksellers, and others, the state legislature has passed an amendment to a controversial 2010 law that imposed severe restrictions on Internet content, including discussion of topics such as literature, art, and sexual and reproductive health. At press time, Gov. Patrick was expected to sign the measure, which would go into effect immediately.

The amendment is a direct response to a preliminary injunction granted by U.S. District Judge Rya Zobel last fall, which found the law likely violated the First Amendment. Attorney General Martha Coakley filed the bill in order to address constitutional flaws in the existing law. The Harvard Book Store, Porter Square Books, the Photographic Resource Center, a licensed marriage and family therapist, trade associations, and the ACLU of Massachusetts filed suit last July to block the law because it made providers of constitutionally protected speech on the Internet criminally liable if such material might be deemed "harmful to minors."

[Learn more > aclum.org/abffe_v_coakley](http://aclum.org/abffe_v_coakley)



ACLU of Massachusetts education director Nancy Murray fires up the crowd at an anti-S-Comm rally at the Massachusetts State House in December.

Help fight "S-Comm" in Massachusetts!

The ACLU repodded quickly and with profound concern last December to reports that Massachusetts would voluntarily sign on to a federal program giving Immigration and Customs Enforcement (ICE) automatic access to the identifying information of anyone arrested in the state.

The program, called "Secure Communities" or "S-Comm," creates an automatic pipeline of information from every city and town in Massachusetts to ICE, feeding it tens of thousands of names and fingerprints a year—most of them from U.S. citizens. Such information-sharing is triggered when there is an arrest in any and all instances, including misdemeanors. Even in the case of a wrongful arrest, where the charge is thrown out, the fingerprints and information will still be sent to ICE.

"The ACLU is asking Gov. Patrick to be a national leader against the poorly named and ineffectual Secure Communities program," said Nancy Murray, ACLU of Massachusetts education director. "Boston became a pilot for this program in 2006, so we know that it is not working as intended and is creating an atmosphere of racial profiling, community mistrust of local law enforcement, and an over-reaching fingerprint database system."

[Learn more > aclum.org/s-comm](http://aclum.org/s-comm)

Should the U.S. Government be allowed to seize your property at the border without a warrant?

On Nov. 3, 2010, Dept. of Homeland Security agents at O'Hare International Airport detained David House, a computer programmer and U.S. citizen who lives in Cambridge, for questioning after his return from a trip to Mexico.

While detaining Mr. House, agents asked him about his involvement with the Bradley Manning Support Network, and confiscated his laptop, a USB storage device, and video camera. The detention and search of these devices were not authorized by law and violated the First and Fourth Amendments.

The ACLU of Massachusetts sent a letter on December 21, 2010 to the Department of Homeland Security, U.S. Customs and Border Protection, and Immigration and Customs Enforcement seeking the return of Mr. House's property. The government returned his electronics on December 22, 2010.

[See page 6 for more about your options during airport searches.](#)



[Learn more and watch our interview with David House > aclum.org/house](http://aclum.org/house)



Activists Jessica Mink (left), Sara Schnorr (center), and Massachusetts Transgender Political Coalition executive director Gunner Scott at a State House lobby day for transgender rights in January.

Join the ACLU at Transgender Equal Rights Day, May 11!

Equality can't defend itself—that's why we need you at the Transgender Equal Rights Day at the State House, on Wednesday, May 11.

On February 17, 2011, Gov. Patrick signed an executive order banning discrimination against transgender people in state hiring and contracts.

Now it's time for the Legislature to follow Patrick's lead and add gender identity and expression to all the state's civil rights laws!

[Sign up! > aclum.org/events](http://aclum.org/events)



Gov. Patrick (right) with ACLU legislative counsel Gavi Wolfe after signing an executive order in February banning anti-transgender discrimination in state employment and contracts. Photo by Marilyn Humphries.

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GET INVOLVED

Use the new ACLU of Massachusetts website to take action on top legislative priorities!

In March, we relaunched our website, *aclum.org*, with a brand-new look and action page, where we highlight ways that you can make a difference here in Massachusetts, and in Washington. Here are three current top priorities that you can help with.

[Get involved > aclum.org/action](#)

Support the Transgender Equal Rights Bill!

On Feb. 17, Gov. Deval Patrick signed an executive order prohibiting discrimination based on gender identity and expression in state employment. This is a landmark step in the right direction—but we still need the State Legislature to pass the transgender equal rights bill (Senate Bill 764/House Bill 502).

The Governor's executive order only covers state employees, yet many transgender residents of the Commonwealth face workplace and other discrimination in the private sector. A study released earlier this year by the National Gay & Lesbian Task Force found that 76 percent of transgender respondents from Massachusetts were harassed or mistreated on the job, and 20 percent reported losing their jobs because they are transgender.

Please go to [aclum.org/action](#) and write your state senator and representative now!

Help Pass "An Act to Protect Privacy & Personal Data"!

This bill (Senate Bill 1194/House Bill 1336) is based on the fundamental principle: that law enforcement may not collect information about people's political and religious views, associations, or activities without reasonable suspicion of criminal conduct. It would establish sensible standards for securing personal data, and an oversight structure to ensure compliance with those standards.

In recent years, the U.S. government has funded over 70 information super-hubs called "fusion centers" all around the country. These data-collection operations are gathering huge quantities of personal information about ordinary people's everyday activities. There are two right here in Massachusetts, but there is no oversight of how the data is used, or even whether it is accurate. Without quality controls or oversight, these operations threaten to undermine our basic liberties, while failing to keep us safe.

The U.S. government has made it clear that states have the responsibility for protecting their citizens' rights by applying state privacy-protection laws to these data operations. Massachusetts needs to keep government collection of our personal information within proper bounds by passing this legislation.



It's Time for Public Records Reform!

At the ACLU, we care about good journalism, robust public interest advocacy, and open government. The Massachusetts public records law is the pillar on which those things stand, and it needs to be strengthened for the 21st century.

Unfortunately, our public records law hasn't been substantially updated since 1973. We need to pass three bills to bring the law into the electronic age, make access less costly, and apply the law to administrative offices of the courts that currently operate without transparency:

1) An Act Improving Access to Public Records (Senate Bill 1576/House Bill 1737), which will reduce and rationalize the fees requestors must pay to obtain records, permit requestors to obtain attorneys' fees if they have been denied access to public records without valid reasons, and put systems in place to fa-

cilitate state agencies' management of public records requests;

2) An Act Enhancing Access to Electronic Public Records (Senate Bill 1575/House Bill 1736), which will make it routine for electronic public records to be provided to requestors in usable electronic form, and to post information of significant interest to the public online;

3) An Act Defining Certain Administrative Records as Public Records (Senate Bill 769/House Bill 1286) applies the public records law to administrative offices of the courts, including Probation and the Office of the Chief Justice for Administration and Management. It does not impact confidentiality for criminal justice records or other court records.

We cannot afford to let our law governing freedom of information become so outdated that it impedes access to information instead of promoting it!

FROM THE EXECUTIVE DIRECTOR

When political courage is in short supply, the ACLU stands for principles over fear

By Carol Rose

As our nation's premier civil rights and civil liberties organization, the ACLU is at its best when we defend people who act with the courage of their convictions.

From our earliest days, when we defended the speech rights of Margaret Sanger to talk about birth control on the Boston Common, the ACLU of Massachusetts has been in the vanguard of defending the rights of people who are willing to take a risk by advocating new ideas, acting as whistle-blowers, or speaking out against popular prejudice (while, of course, also defending the constitutional rights of those with whom we disagree).

A lot has changed since the ACLU's founding in 1920. Among other things, the soapbox on the Common has been replaced by websites, blogs, tweets, Facebook, email, and podcasts. Not only does the ACLU defend online speech, we also use all the best new electronic tools in the defense of liberty, as you can see by checking our new website at aclum.org.

But even as technology changes, the ACLU stays true to first principles. We're still defending free speech for controversial topics such as birth control. This spring, we joined with the Harvard Book Store, Porter Square Books, the Photographic Resource Center, a licensed marriage and family therapist, and trade associations in a successful challenge to a vaguely worded Massachusetts statute that criminalized any Internet content that might be deemed "harmful to minors." The language of the law was so broad that it threatened jail time for anyone using the Internet to discuss topics such as literature, art, and sexual and reproductive health, if such material might be deemed "harmful to minors." After obtaining a preliminary injunction in court, we worked with the Massachusetts Attorney General to amend the law to remove this unconstitutional restriction on speech.

In another instance of defending free speech, the ACLU also stepped up to ensure that Americans are able to engage in dialogue with dissidents from other countries. The case involved the visit by Afghan human rights activist Malalai Joya, who was denied a visa to enter the U.S. for a speaking tour that included stops in Boston, Cambridge, and Amherst.

We challenged Ms. Joya's exclusion as the latest example of the State Department's use of "ideological exclusion" to deny visas to scholars, writers, poets, and activists who publicly criticize U.S. foreign policy. Following the ACLU's intervention, Ms. Joya was granted a visa and was able to meet and talk with hundreds of Massachusetts residents about her opposition to the U.S. war in her country.



This was just the latest in a string of successful ACLU challenges to ideological exclusion, enabling Massachusetts residents to meet and exchange ideas with the Colombian Nieman Fellow and journalist Hollman Morris, Swiss scholar Tariq Ramadan, and South African sociologist Adam Habib.

We also stepped up to defend the rights of David House, an MIT researcher whose laptop was seized and searched without probable cause at the border.

The ACLU is at its best when we stand with people willing to speak out against popular prejudice—particularly when doing so requires uncommon courage.

Mr. House's laptop was presumably seized because he is an outspoken supporter of PFC Bradley Manning, the soldier accused of leaking secret government documents to Wikileaks. The ACLU argued that Mr. House and others who support a legal defense network for Bradley Manning should not be targeted for warrantless searches of their personal papers and effects absent a proper warrant. Almost immediately after the ACLU intervened on behalf of Mr. House, his laptop and other property were returned by the government.

On Liberty

Read more on Carol Rose's boston.com blog, "On Liberty"!

> aclum.org/onliberty

Recent topics have included:

- Geraldine Ferraro: Shaper of history
- Senator Scott Brown and the courage to do what's right
- Access to safe and legal abortions is pro-life

In addition to our advocacy on behalf of individuals, the ACLU is at its best when we stand with people willing to speak out against popular prejudice—particularly when doing so requires uncommon courage.

For this reason, at the annual Bill of Rights gala on May 26, the ACLU of Massachusetts will bestow the Roger Baldwin Lifetime Achievement Award on long-time Massachusetts Supreme Court Chief Justice Margaret Marshall.

Justice Marshall has shown uncommon courage throughout her life, from her time as an anti-apartheid activist in South Africa to defending the rights of the poor to counsel in civil cases. Most notably, she extended the constitutional principle of equal rights to include equal marriage rights for gay and lesbian couples in Massachusetts in her now famous decision, *Goodrich v. Department of Public Health*.

Justice Marshall didn't follow popular opinion when she penned this historic opinion; she shaped it. And when the backlash came in the form of a proposed ballot initiative to rescind equality for LGBT couples, the ACLU of Massachusetts mobilized our members and allied groups to defend equality under the law.

At times when political courage seems in short supply, it's important to acknowledge those among us who are willing to stand for principles over fear. By standing with them—shoulder to shoulder—members of the ACLU are at our best.

After all, the rights you save may be your own.



30TH ANNUAL

BILL OF RIGHTS DINNER

May 26, 2011
Westin Copley Place Hotel
Reception 5:45pm, Dinner 6:30pm

Featuring



The Honorable
Chief Justice (ret.)
Margaret Marshall



State
Representative
Byron Rushing



Salon.com
columnist
Glenn Greenwald



From "The Onion"
Comedian and pundit
Baratunde Thurston



Join hundreds of supporters of liberty and justice for all at the ACLU's only local annual fundraising event!

Purchase tickets at www.aclum.org/dinner



In Northampton on Dec. 1, ACLU of Massachusetts field director Whitney Taylor, staff attorney Laura Rótolo, western Massachusetts legal office director Bill Newman, and national ACLU privacy and technology counsel Chris Calabrese from the ACLU Washington Legislative Office spoke on "Secrecy & Surveillance: The Department of Homeland Security in Massachusetts." Photo by Mary Serreze, northamptonmedia.com.

Afghan women's rights hero Malalai Joya gets visa

In March, ACLU rallied and worked for Joya's right to speak in Massachusetts

On March 24, the U.S. State Department granted a visa to prominent Afghan politician, writer, and human rights activist Malalai Joya— named by *Foreign Policy* magazine as one of "the most influential people in the world." The reversal of an earlier decision to deny Joya entry to the U.S. allowed her to give several invited talks, including in the Boston area and Amherst.

Ms. Joya sought a visa to visit the United States for a three-week speaking tour relating to the paperback edition of her memoir, *A Woman Among Warlords*. She toured the U.S. last year in connection with the release of the hardcover edition of the book. Last year, she was named to the "TIME 100" list, the magazine's annual list of the 100 most influential people in the world, and *Foreign Policy* named Joya one of the "Top 100 Global Thinkers."

The ACLU of Massachusetts had pushed to end Ms. Joya's exclusion through its "On Liberty" blog at *boston.com*, participation in a rally on her behalf, and a letter to Sen. John Kerry.

"We hope the decision to grant a visa to Ms. Joya is a signal that the Obama administration is committed to facilitating, rather than obstructing, the exchange of ideas across international borders," said Carol Rose, executive director of the ACLU of Massachusetts. "As Americans, we have a First Amendment right to hear what Ms. Joya and other notable thinkers from around the world have to say and to engage with them in face-to-face dialogues. When our government excludes leaders, journalists, scholars, authors, and poets from our shores, it violates the First Amendment rights of the American people."

[Listen to an interview with Joya and learn more > aclum.org/joya](http://aclum.org/joya)

Citizens advance "Preserving Our Civil Rights" ordinance in Northampton

The ACLU is working with the American Friends Service Committee, the Bill of Rights Defense Committee, and community volunteers to pass a Northampton ordinance called "Preserving Our Civil Rights," focusing on local law enforcement practices with these provisions:

- protection of groups and individuals participating in First Amendment-protected activities from surveillance and infiltration by police;
- barring the City of Northampton and its employees from participating in federal and local law enforcement programs relating to federal immigration law enforcement;
- creating new individualized suspicion requirements that prohibit profiling according to race, religion, or national origin; and
- increased reporting of law enforcement encounter-related demographic information, including police perceptions of possible suspects, language barriers, ethnicity, age, as well as ultimate criminal charges brought against suspects.

For more information on the Northampton Preserving Our Civil Rights Ordinance, go to: www.preservingcivilrights.org.

ACLU members meet Sen. Rosenberg despite rain, sleet, and snow

Despite harsh weather on Dec. 28, four ACLU members met with Sen. Stanley Rosenberg in his Northampton District Office to discuss two pieces of ACLU priority legislation: the Personal Data Protection Act, and reform of public records laws (see p. 2).

"Even with many roads closed due to the snow, our members made it to the meeting with Sen. Rosenberg to ask for his support on these important civil liberties issues," said Whitney A. Taylor, ACLU of Massachusetts field director. "It is wonderful to see the dedication of ACLU members and their desire to protect civil liberties."

[Take action on these bills > aclum.org/action](http://aclum.org/action)

After two-year ordeal, Vassell wins in Hampshire Superior Court

While the ACLU works to make systemic changes to end discrimination, ensuring racial justice often comes down to defending the rights of one person at a time.



Jason Vassell speaks to the media after the dismissal of charges against him. Photo: KingCast.net

That's what happened in the case of Jason Vassell, an African-American student at UMass Amherst, who was assaulted by two drunk intruders at his dormitory. The two men, neither of whom was a UMass student, broke the window in Mr. Vassell's dorm room while shouting racial slurs, then entered the dormitory and assaulted him. Rather than treat Mr. Vassell as the victim, prosecutors charged him with a crime because he used a pocketknife to defend himself. Overnight, Mr. Vassell faced 30 years in prison.

The ACLU joined his defence, and last year the Hampshire Superior Court ordered the case against Jason Vassell dismissed—bringing a measure of justice to one person, and sending a message to all that unjust prosecutions tainted by race will not be tolerated.

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Greenfield students launch ACLU club after talk on domestic surveillance



Photo courtesy The Recorder, Paul Franz photographer

Greenfield Community College students Johannes Broman and Aiyana McConnell-Beepath (above) founded an ACLU club following a November talk on domestic surveillance of ordinary Americans, given by ACLU of Massachusetts executive director Carol Rose.

For information about starting an ACLU of Massachusetts student club, contact education director Nancy Murray: nancy@aclum.org.

Puerto Rican birth certificates issued before July 1, 2010 declared void

ACLU & MLRI ask Mass. residents to report problems

A change in the law has voided the birth certificates of approximately five million Puerto Ricans, including some 1.4 million on the U.S. mainland, if they were issued before July 1, 2010. The Massachusetts Law Reform Institute (MLRI) and the ACLU of Massachusetts urge those affected to take steps now to obtain new birth certificates, and to report any problems or delays in obtaining new birth certificates from Puerto Rico—or in obtaining IDs and driver's licenses from Massachusetts, which often depend on having a valid birth certificate.

On Nov. 1, 2010, the Puerto Rican government invalidated the birth certificates of anyone born in Puerto Rico before July 1, 2010. The Vital Statistics Record Office responsible for issuing new, allegedly more secure birth certificates has been unable to cope with a flood of more than 1.9 million applications. Many applicants report long lines and extensive processing delays.

MLRI and the ACLU are particularly concerned that some Puerto Rican-born residents may find themselves in a catch-22 situation, unable to begin the birth certificate replacement process for lack of a current government-issued photo ID. A valid birth certificate is one of the main documents used to obtain a Massachusetts state ID or a driver's license, but without one of these forms of ID or a U.S. passport, it is nearly impossible to receive a new birth certificate.

People with problems to report can contact the ACLU of Massachusetts at 617-482-3170.

100+ ACLU supporters travel from Worcester to Boston for Immigrants' Day



The ACLU of Massachusetts' Worcester County Chapter brought more than 100 Worcester residents to the State House for Immigrants' Day on April 6. In Boston, the group advocated for pro-immigrant policies including in-state tuition for immigrants attending public college in the Commonwealth, and against the misnamed, anti-immigrant federal "Secure Communities" program, or S-Comm.

[Learn more and help stop S-Comm > aclum.org/s-comm](http://aclum.org/s-comm)

Appeals court holds hearing on challenge to gene patents

On April 4, the Court of Appeals for the Federal Circuit held a hearing before a crowded courtroom in Washington on the landmark lawsuit challenging gene patents. The case, brought by the ACLU and the Public Patent Foundation, on behalf of geneticists, pathologists, health advocates, and patients, seeks to invalidate Myriad Genetics' patents on two genes associated with hereditary breast and ovarian cancer, BRCA1 and BRCA2. Plaintiffs in the case include Lisbeth Ceriani of Newton, a breast cancer survivor and single mother, and Our Bodies Ourselves (also known as the Boston Women's Health Book Collective).

For over 20 years, the U.S. Patent and Trademark Office (PTO) has been granting patents on human genes, which give the patent owners exclusive rights to test and examine certain genes. About 20 percent of the human genome is now patented. But last year, federal district court Judge Robert Sweet ruled in favor of the plaintiffs' position that genes are not patentable. Myriad appealed the ruling to the Court of Appeals for the Federal Circuit.

The key question at the April hearing was whether an "isolated" BRCA gene, separated from the rest of a person's DNA, can be patented. The question is crucial because allowing patents on an isolated gene prevents labs from sequencing that gene in any and every patient, unless they obtain permission from the patentholder. That means patients' ability to find out about their own genetic information is dictated by the patentholder.

Save the Date!

Thursday, July 28, 2011
Chilmark Community Center
Martha's Vineyard

The ACLU of Massachusetts will be at the Chilmark Community Center on Martha's Vineyard on the evening of Thursday, July 28th, for a civil liberties program featuring the Hon. Nancy Gertner and ACLU national legal director Steve Shapiro!

The program will be free and open to the public. For more details, visit aclum.org/events.

For details as soon as they become available, make sure you're on our email list: aclum.org/email.

Civil rights lawsuit filed against Worcester police officer

The ACLU of Massachusetts announced in January that Wakeelah Cocroft, of Chicago, has filed a civil rights lawsuit in U.S. District Court against Worcester Police Officer Jeremy Smith, 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 Ms. Cocroft for charges of Disturbing the Peace and Resisting Arrest. Officer Smith allegedly grabbed her from behind and threw her on the ground, slamming her face against the concrete, then knelt on her back, causing bodily injury to Ms. Cocroft's face and shoulder, until a second officer arrived in response to a 911 call by Cocroft's sister. In addition, the complaint alleges that Officer Smith arrested Ms. Cocroft in retaliation for speaking up about his conduct.

ACLU of Massachusetts cooperating attorneys Beverly Chorbajian and Marina Matuzek, of Worcester, stated, "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."



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ACLU RESOURCES

Clip and save this page!

Know Your Options at the Airport



The ACLU supports security policies that are effective and do not unreasonably intrude on Americans' civil liberties. Until measures that meet this standard are in effect, we have prepared this guide to procedures and technologies you may encounter in your travels. Much of the information here is based on DHS internal policy—not law—so it is subject to change and inconsistent application. If you encounter differences, or feel your rights are being violated, please contact the ACLU.

Tell the ACLU

If you live in Massachusetts or encounter TSA difficulty at a Massachusetts airport, let the ACLU of Massachusetts know about your complaint by contacting us at 617-482-3170. We might be able to help you file your complaint or try to get an answer.

In other parts of the country, you may file a complaint online: aclu.org/tsastory

For details about how to complain directly to the U.S. Department of Homeland Security, and for other information, go to aclum.org/tsa.

Types of Airport Searches

Scanning

Many airports now require passengers to go through a scanner that uses advanced imaging technology. The scanner uses radiation to provide agents with an electronic image of your naked body. Although TSA says that the capability to store and transmit images of passengers' bodies will not normally be activated, the agency requires this functionality in all the airport scanners it purchases.

These scanners are known by a variety of names:

- "Advanced Imaging Technology" (AIT) scanners
- "Whole Body Imaging" (WBI) scanners
- "full-body" scanners
- "naked" scanners

The scanners use "backscatter" or "millimeter wave" radiation to see through your clothes. A TSA agent in another room will see an image of your body that could include a revealing look at your entire body, including breasts, genitals, buttocks, and external medical devices.

Option: Ask not to go through this scanner

You can tell the TSA agent that you do not wish to go through the scanner. TSA agents are required under TSA policy to honor your request, but might try to encourage or pressure you to go through anyway. To be as clear as possible, say, "I opt out." If you opt out, you will be subject to a "standard pat-down."

You also have the right to opt your children out of the scan.

The "standard pat-down"

The TSA's "standard pat-down" procedure is now a more invasive form of the pat-down search that you might have experienced in the past.

TSA says that during the new standard pat-down, a screener of the same sex will examine your head, shirt collar area, and waistband, and may use either the front or back of his or her hands to feel your body, including buttocks, around breasts, and between the legs, feeling up to the top of the thigh. Women in tight skirts that don't allow an agent to feel the thigh area may be asked to remove the skirt in a private screening area and will be given a gown or towel to put on.

Option: Let TSA know about sensitive areas

Tell TSA agents about things such as injuries or conditions that could cause you pain if certain parts

of your body are touched or pressed, as well as any medical devices that could be dislodged by a search, or any other reason that TSA agents should be careful when touching your body.

Option: Ask for privacy

If you are uncomfortable being patted down in front of other passengers, you can request that TSA agents take you to a private area.

The "resolution pat-down"

If an "anomaly" is detected during the pat-down—or when you go through the AIT scanner—you will be subjected to a "resolution pat-down." TSA agents will take you to a private area and do a more intense pat-down, which includes using the front of the agent's hands for a more thorough search, including the groin area.

Option: Ask to take a witness with you

If you are taken to a private area for a "resolution pat-down" search, you can ask to bring a witness with you, or ask TSA to provide a witness for you. This search should also be conducted by a person of the same gender.

Other Things to Know

Traveling with Children

While you may opt your children out of an airport scan, there is no exemption for children from the pat-down searches. TSA says it must "screen everyone, regardless of age (even babies)."

Religious Head Coverings

Option: Tell TSA about religious head coverings

If your religion does not allow you to remove your head covering, you can tell TSA officials. They may ask you to pat-down your headwear, then rub your hands with a cloth and place it in a machine to test for chemical residue. If the TSA official still wants you to remove your religious head covering, you have the right to ask to do this in a private area.

Searches of Bags, Laptops, and Electronics

U.S. Customs and Border Protection (CBP) claims the right to search and confiscate laptops, mobile phones, digital cameras, and other electronic devices upon entry to the United States, without any suspicion of wrongdoing. In some reported cases, CBP has held travelers' electronics for more than a year.

The ACLU and other organizations have filed a lawsuit challenging these searches.

Option: Ask to see a supervisor, and get a receipt

You have the right to have the initial search conducted in front of a supervisor. If they take your electronics, you can ask for a receipt so you can track where they are and seek their return.

Fingerprinting

All visitors and lawful permanent residents are fingerprinted on entry into the U.S. from abroad.

Border Interrogations

Customs and Border Protection (CBP) officials have the authority to ask your immigration status when you are entering or returning to the United States or leaving the country. They have the power to determine whether or not non-U.S. citizens and lawful permanent residents have the right of entry.

Law enforcement officials reportedly ask some people about their political and religious beliefs, where they worship, and how often they pray. The ACLU believes that such questions are inappropriate.

Option: Decline to answer

If you think you are being asked inappropriate questions, you may say, "I am sorry. I believe you are asking me questions about my protected religious and/or political beliefs and practices. I do not wish to answer these questions." This may cause you delay, but is permissible.

Option: Ask to speak to a supervisor

If you think you are being asked inappropriate questions, you can ask to speak to a supervisor—but be aware that this might cause you further delay. Also ask to speak to a supervisor if you are denied the right to use a restroom or to have family or friends told where you are. You may also file a complaint with the Civil Rights Office of the Department of Homeland Security if you have been held for a long time, asked inappropriate questions, or treated inhumanely.

Option: Ask to have an attorney present

If you are selected for a longer interview by law enforcement officials and you are a U.S. citizen, you have the right to have an attorney present. If you are not a U.S. citizen, you generally do not have the right to an attorney when you are having an extended interview.

Option: Ask for help

If you are delayed a considerable length of time, you can ask CBP officials to allow you to make a call, or make a call for you.

At Logan Airport in Boston, MassPort officials have said they can provide help on many problems. You can look for agents with jackets that say "MassPort" on them and ask them for help. Or you can call 1-800-23LOGAN.



For a free "Hands Off!" sticker, go to aclum.org/tsa

BOARD OF DIRECTORS

Candidate Statements for Election to ACLU of Massachusetts Board Class of 2014

The Nominating Committee offers the following slate for election to a three-year term on the ACLU of Massachusetts Board of Directors.

NOMINATED NEW MEMBERS' STATEMENTS

Gabe Camacho: I am honored to submit my candidacy to the Board of the ACLUM. As a Latino youth, I experienced first-hand the overreach of law enforcement on poor and vulnerable populations. As a professional dedicated to defending the rights of immigrants in Massachusetts, I have fought daily to prevent the "heavy hand" of the law to once again abuse yet another vulnerable population. I also have a history of labor organizing both as a rank and file union activist and as a union organizer and business agent of two decades. In that capacity I have organized militant labor actions as well as negotiated hundreds of collective bargaining agreements. Currently as New England immigration program director for the AFSC, I am keenly aware of the valuable work the ACLU has done for immigrant communities. Much of our work is complementary in this area, and I look forward to continuing this collaboration. As a board member of the ACLUM, I will continue to fight for immigrant, minority and workers' rights.

Peter J. Epstein is an attorney with Epstein & August, LLP in downtown Boston. He specializes in telecommunications law for municipalities. He also represents non-profit organizations that program local cable television channels, something that frequently involves First Amendment matters. He is a graduate of George Washington University and Suffolk University Law School. Peter was an elected member of the Board of Trustees of the Brookline Public Library for many years, including serving as its Chairman and Treasurer. Until recently, he was on the Board of Directors of GLAD (Gay & Lesbian Advocates & Defenders), including serving as its Clerk and head of the planned giving campaign. Currently, he serves on the Board of Regents of the Point Foundation, a national non-profit organization that raises money and awards scholarships for LGBT students to attend college and graduate school; he chairs its Mentoring Committee. Peter is also on the Board of Visitors of the Fenway Community Health Center.

Holly Gunner: An ACLUM member since 1974, I came to the board in 1998 because of my LGBT Rights activism and grassroots work to shine light on the stealthy 1990's Massachusetts organizing activities of the Religious Right. During our fight for marriage equality here, I represented ACLUM on MassEquality's board and was deeply involved in field work and lobbying. An ACLUM Board member from 1998-2010, my professional background as a management consultant and Harvard MBA were soon tapped to help our affiliate address managerial issues, including strategy, governance, financial and investment management, marketing and membership development, fundraising and organization structure. Returning to the board, I would bring prior experience from several board committees: Executive (11 years), Nominating (Chair), Development and Major Gifts, Investment (Chair), Speakers Bureau, Governance, Trustees, Strategic Initiative. I hold a B.A. in English from Barnard College.

Carlos Perez-Albuerne is a Partner at Choate Hall and Stewart in Boston. His practice focuses on litigation involving Intellectual Property, data security and privacy issues. He received a Bachelor's of Science from Clarkson University and his J.D. from Georgetown University Law Center. Mr. Perez has also spent time as a Special Assistant District Attorney for Suffolk County. Mr. Perez has spent significant time litigating matters on behalf of clients on a pro bono basis, including representation of the Electronic Privacy Information Center in matters relating to the first regulations implementing CALEA (the Communications Assistance for Law Enforcement Act). He looks forward to an opportunity to serve on the Board, and in particular hopes that his background and experience can help the organization as it continues to refine and improve its approach to the critically important, but quickly evolving, issues around electronic privacy, free speech and access to technology.

Kevin Prussia is a Senior Associate in the IP litigation group at WilmerHale and a member of the Steering Committee of the ACLUM's Amicus Club. Although Kevin specializes in patent litigation, pro bono representation is an important part of his practice. In 2009, Kevin represented ACLUM in an amicus submission to the Massachusetts Supreme Judicial Court concerning the lawful boundaries of pat frisks under the Fourth Amendment. The brief challenged nearly 20 year-old precedent in the Commonwealth that permitted police officers to conduct warrantless

and suspicionless pat-frisks of persons in so-called "high crime" areas. In a May 2010 decision, the Supreme Judicial Court abrogated that erroneous precedent and adopted several of the positions advanced by ACLUM. Kevin takes great personal satisfaction in the outcome of the decision as he was subjected to a similarly unlawful pat-frisk while enrolled as an undergraduate at New York University. Kevin lives in Milton with his wife Daniella Giraldi.

Jeffrey Pyle, a partner at the Boston firm Prince Lobel, is a trial lawyer specializing in First Amendment and media law. The son of constitutional law professor and ACLUM board member Chris Pyle, Jeff reportedly learned to recite the preamble to the Constitution at age two. In high school, Jeff and his brother, Jonathan, became ACLUM clients when they brought a successful challenge to their school's censorship of T-shirts. After graduating from Boston College Law School in 2000, Jeff joined the firm of Hill & Barlow. He later moved to Prince Lobel, where he represents newspapers, magazines and broadcasters in First Amendment-related matters, including defending against libel claims and subpoenas for reporters' notes. Jeff is an ACLUM cooperating attorney, and has served on several of its committees. He is also a board member of Massachusetts Citizens Against the Death Penalty, Inc. He lives in Arlington with his wife, Liz, and daughter, Lucy, who bested her father by reciting the preamble at age one.

Michael Schneider: The ACLU has long supported robust debate, even within its ranks, and I, like most members, do not always agree with every position it has ever taken (e.g., Citizens United). But I have always been impressed by the ACLU's commitment to individual rights and civil liberties, even when the causes championed are difficult and unpopular. At a time when constitutional fundamentalists are pressing a constricted view of the Constitution as a frozen document whose meaning must be defined by reference to 18th century mores, using 18th century dictionaries, in order to push 18th century political visions, I think the ACLU must continue to take stances and litigate cases that educate the public about the evolution of this open-ended document and its meaning in the 21st century. As a criminal defense lawyer who teaches a class on wrongful convictions, I am particularly interested in working on the rights of the criminally accused, an area in which the ACLU has a long and proud tradition.

Bryan Simmons is a marketing and communications professional. Most recently, he was a vice president in Marketing and Communications at IBM Corp. where he completed a number of executive assignments over the past 20 years. Prior to IBM, he was head of communications and company spokesperson at Lotus Development Corp. A native of Memphis, Tennessee, Bryan attended Phillips Exeter Academy and Harvard College, and has since made his life in Boston. Bryan currently serves on the boards of the Commonwealth Shakespeare Company and the Cambridge Center for Family Connections, which provides counseling and other services to individuals and families touched by adoption and foster care. He has also served on the boards of Aids Action Committee and Gay & Lesbian Advocates & Defenders. Bryan and his husband, Ralph Veters, live in Somerville.

INCUMBENTS' STATEMENTS

Ellen Paradise Fisher: I am a member of the Union and Foundation boards and the Union Executive and Development committees. I serve on the Ad Hoc Committee on the Citizens United case and lead the program on social/information evenings for members and prospective members. The ACLU and its goals have been an important part of my life since childhood when my father served as the founding President of the Cincinnati affiliate of the ACLU. I have served on the Board of NARAL Pro-choice Massachusetts for 6 years and for fourteen years I volunteered at Planned Parenthood of Massachusetts as a counselor, chair of the escort volunteers, and member of the board. I currently volunteer at the Asylum Project of the Cambridge Legal Services and Counseling Corporation I bring time, energy, experience, and a lifetime of passionate interest in civil liberties and personal freedom to the ACLU.

Inez Friedman-Boyce is a partner at Goodwin Procter LLP in Boston, where her practice focuses on securities litigation, SEC enforcement, and mergers and acquisitions-related litigation. Ms. Friedman-Boyce is a past co-chair of the Class Actions and Membership Committees of the Boston Bar Association, and lectures on class actions at Suffolk University Law School. She is a member of her firm's

Pro Bono Committee, an alumna of the Lead-Boston Class of 2002, and a member of the Executive Committee and Board of Directors of the Lawyers' Committee for Civil Rights Under Law of the Boston Bar Association. She has acted as counsel in numerous pro bono matters, including a prominent class action lawsuit involving racial violence in Boston public housing. She has served as a special assistant district attorney for Middlesex County, Massachusetts. Ms. Friedman-Boyce lives in Newton with her husband Ray Boyce and their two young children, Walter (8) and Rory (4).

Kim Marrkand is a partner at Mintz, Levin, Cohn, Ferris, Glovsky and Popeo P.C., a member of the Litigation Section and chairs the firm's Insurance/Reinsurance Practice Group and the firm's Insurance Bankruptcy Group. Prior to practicing law, Kim was a licensed social worker who worked with families and their children in the juvenile justice system. Kim founded the CASA (Court Appointed Special Advocates) Program in 1982 in Boston Juvenile Court with Judge Francis G. Poitras with a goal of providing children enmeshed in the juvenile justice system with their own independent special advocate. Kim is a long-time member of the ACLU (1973) and is the current President of the Board of ACLUM.

Laura R. Studen is a Senior Partner and Co-Chair of the Business Litigation Group at Burns & Levinson LLP. She concentrates her litigation practice in the areas of employment law, civil rights, business litigation, and complex family and probate law cases. Attorney Studen is past president of the Massachusetts Association of Women Lawyers, a Fellow in the Litigation Counsel of America, she frequently participates as faculty for Massachusetts Continuing Legal Education, and has been selected by Best Lawyers in America as a leader in her field. Attorney Studen also serves as Vice-Chair of the non-profit New England School of Acupuncture. Attorney Studen has made protecting civil liberties and access to justice a lifelong commitment, and participation with the ACLU remains a cornerstone of those efforts, both professionally and personally.

2011

ACLU of
Massachusetts
Board Ballot

The ACLU of Massachusetts annual meeting where new board members are announced will be held on Monday, June 27, 2011. For information, call 617-482-3170.

Two check boxes are provided for joint members. One can vote using the first box and the other using the second.

Ballots must be received in the ACLU of Massachusetts office, 211 Congress Street, Boston, MA 02110 by Friday, May 27, 2011.

For more information on the ACLU of Massachusetts nominating and voting procedures for the Board of Directors, go to aclum.org/board.

Vote for 12 or fewer

- Gabe Camacho
- Peter J. Epstein
- Ellen Paradise Fisher
- Inez Friedman-Boyce
- Holly Gunner
- Kim Marrkand
- Carlos Perez-Albuerne
- Kevin Prussia
- Jeffrey Pyle
- Michael Schneider
- Bryan Simmons
- Laura R. Studen

Faces of the ACLU



1 / Legal Director John Reinstein at the celebration of his 40th anniversary with the ACLU of Massachusetts on March 10, 2011. Praised as a “fearless, dogged, skillful and respected advocate,” John has had a profound impact on the law in areas including freedom of religion, women’s rights, privacy, police misconduct and prisoners’ rights. He has been a leading advocate for the recognition of expanded protection for individual rights under the state constitution, winning landmark cases in the Supreme Judicial Court involving abortion rights, the death penalty, search and seizure, and freedom of speech.

Donate in John’s honor to the Fund for Freedom’s Law Firm: aclum.org/reinstein

2 / Board member Nancy Ryan, Elsa Dorfman, and Judge Nancy Gertner at the Reinstein 40th anniversary.

3 / Cindy Pyle, ACLU national legal director Steve Shapiro, board member Christopher Pyle, John Reinstein, and attorney Jeffrey Pyle at the Reinstein 40th anniversary.

4 / ACLU of Massachusetts staff attorney Laura Rótoló (right) worked to win freedom for Baskaran Balasundaram (left), a refugee from Sri Lanka. Balasundaram is a Tamil farmer who suffered severe persecution from both sides in Sri Lanka’s bloody civil war. When Balasundaram arrived at Logan Airport in 2008, he asked for asylum but instead was immediately put in a Boston jail, where he remained for two years. The Department of Homeland Security claimed that Balasundaram’s forced labor in a kitchen making food for other captives constituted “material support” for terrorism.

5 / Laura Kiritsy and Chris Mason took part in the Transgender Equal Rights Action Day at the Massachusetts State House in January, organized by the Massachusetts Transgender Political Coalition, of which the ACLU of Massachusetts is a part. For information about the upcoming Transgender Equal Rights Lobby Day, see page 1.

6 / ACLU of Massachusetts annual fund manager Megan Warde reads from Toni Morrison’s *Beloved* at an overnight reading of banned books organized by students at Salem Academy Charter School in November. Warde traveled to Salem with other ACLU staff to take part.

7 / Executive Director Carol Rose, Judge Nancy Gertner, Harvard Law School Dean Martha Minow, and attorney Kevin Prussia gather after Minow’s talk to the ACLU of Massachusetts Amicus Club, a luncheon series for the Boston-area legal community and others interested in civil rights, civil liberties, and constitutional law. For more information, see aclum.org/amicus.

8 / ACLU staff attorney Sarah Wunsch, B.U. drama professor Ilana Brownstein, and musician and performer Amanda Palmer—a graduate of Lexington High School—took part in a discussion of Lexington High School’s controversial decision to cancel a production of the play “Columbinus,” about the 1999 Columbine school shootings. The discussion was organized by Brownstein and Steven Bogart, a Lexington drama teacher and director.