

ACCESS DENIED

Massachusetts' public records law is broken. That's why we have symbolically censored this front page. See inside for how you and the ACLU can fix it.

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FROM THE EXECUTIVE DIRECTOR



Shining light on Massachusetts' broken public records law

By Carol Rose

We in the cradle of liberty think of ourselves as national leaders when it comes to government openness and democracy. We know that an informed citizenry is necessary to preserve our democracy.

Given this proud history, it is ironic, and not a little sad, that Massachusetts now ranks among the worst in the nation when it comes to government transparency. The Center for Public Integrity gives Massachusetts an "F" grade in their most recent 50-state survey of public access to information. That's why we have symbolically censored the front page of this *Docket* newsletter.

We want you, as ACLU members, to join our Sunshine Campaign (aclum.org/sunshine) to update the Massachusetts public records law that is now 40 years out of date.

Government records in Massachusetts are supposed to be public unless specifically exempt under the law. In practice, however, agencies routinely deny access to public records with impunity. They get away with it because of a gaping hole in the law, namely, a lack of an enforcement mechanism. In all but three other states, courts can award attorney fees to people who are forced to go to court to obtain public records.

Attorney fees provide incentives for government agencies to take the law seriously. But Massachusetts does not authorize such fees. As a result, government agencies face no consequences for being public records scofflaws. Indeed, without the enforcement mechanism of attorney fees, bureaucrats have every incentive to simply ignore records requests, and they do so regularly in ways that undermine the public's trust in government.

The result is secret government. Last October, for example, the ACLU of Massachusetts released a report, *Black, Brown and Targeted* (see aclum.org/stopandfrisk), documenting evidence of racial bias in stop and frisk practices by the Boston Police Department between 2007 and 2010. We would have published the data sooner, but the BPD initially charged more than \$100,000 to release it, then dragged its heels until the data seemed outdated.

Since then, the BPD has refused repeated ACLU public records requests to release all of the data—including information about patterns of racial bias in policing since 2010 and evidence of any policy reform in police practices. Sadly, government officials suffer no consequences for dragging out the process or running up the legal bills at taxpayer expense. Public trust in government suffers, and so does democracy.

Sometimes, it's hard to even fathom why officials keep records secret. Consider the case of a Massachusetts writer, Craig Shibley, who was reflexively denied access to records about a 1951 murder, on the grounds that an investigation was ongoing—even though the suspect had died decades before, and State Police were pursuing no new leads.

Other times, secrecy covers up government misdeeds and unequal treatment under the law. In this category,

consider *The Boston Globe* report in March, which found that Massachusetts police departments, including Boston's and the State Police, hide from public scrutiny details of drunken-driving incidents and other misbehavior involving their officers, while posting photos of civilians arrested for drunk driving on public police blogs.

While the Commonwealth never pays for its failure to abide by the law, the public always pays a price—either in secrecy or in hefty fees for public information. Charging exorbitant amounts for records requests is yet another way that Massachusetts agencies hide their actions from public view.

In 2013, for example, the Massachusetts Executive Office of Health and Human Services demanded \$70,000 for records showing how many newly hired state employees had immediate relatives on the state payroll. Similarly, when *Commonwealth Magazine* and

Fox News tried to document whether Boston city employees and their relatives were winning the affordable housing lottery more often than members of the general public, the Boston Redevelopment Authority demanded \$47,000 to produce documents that BRA officials admitted were

While the Commonwealth never pays for its failure to abide by the law, the public always pays a price.

public records.

Too often, stories of public agencies overcharging regular citizens border on the absurd. In this category is the blogger who sought records of parking tickets in the city of Somerville and was told it would cost him \$200,000 for the city to fulfill his request. Similarly, the Springfield Police Department demanded that the ACLU pay more than \$50,000 for computer printouts of emails regarding an experimental and controversial police program.

Given the Commonwealth's history as a model for open and accountable government, Massachusetts must stop this slide into secrecy. Legislation sponsored by Northampton State Representative Peter Kocot and Senator Jason Lewis contains the necessary fixes to update the broken public records law. It will give courts the power to award attorney fees when public information is wrongfully withheld, bring costs down by directing government agencies to provide documents in digital form and streamline the public records system to save both time and tax dollars. These simple improvements to modernize the public records system are critical steps to ensure transparent government—not to mention a free press!

Our founders believed in a transparent government. They knew, as we do today, that democracy dies behind closed doors. We, the people, have a right to know how we are being governed. Please join the ACLU of Massachusetts in our Sunshine Campaign (aclum.org/sunshine) to pass this critical law and keep the light of democracy burning bright in Massachusetts! ■

A longer version of this article appeared in the January issue of Commonwealth Magazine.

Learn about our other priorities in this session: aclum.org/legislative

Raise your voice
ACLU of Massachusetts supporters sent 20,887 messages to legislators in 2014!
Make sure you're on our email alert list: aclum.org/email



Community members unite against racially discriminatory policing last fall, outside the Islamic Society of Boston Cultural Center, after a meeting with ACLU speakers.

ACLU supports rights of demonstrators for racial justice, challenges police practices

Boston Police data reveals racial discrimination, and ACLU lawsuit challenges secrecy around police militarization

In the context of nationwide protests sparked by police killings of unarmed Black men, the ACLU of Massachusetts sprang into action to protect the rights of participants in local protests. We sent legal observers to rallies for justice across the Commonwealth, and ACLU attorneys went to court to defend peaceful demonstrators who found themselves arrested. *See page 5 for details.*

As important as defending the rights of individuals is, however, the ACLU also works to address systemic problems.

In October, the ACLU of Massachusetts revealed that the Boston Police Department has used racially discriminatory policing. A major ACLU report called *Black, Brown and Targeted* showed data from reports of more than 200,000 encounters between Boston police officers and civilians from 2007–2010. According to researchers, the data show that police targeted Blacks in 63.3 percent of encounters—even though Blacks make up less than a quarter of Boston’s population.

This racial disparity cannot be explained away by BPD efforts to target crime. The researchers’ preliminary statistical analysis found that the racial composition of Boston neighborhoods drove police-civilian encounters even after controlling for crime rates and other factors. They also found that Blacks were more likely than whites to be subjected to repeat police-civilian encounters and to be frisked or searched, even after controlling for civilians’ alleged gang involvement and history of prior arrest.

Continued on p.4

ACLU urges state high court to provide justice in drug lab scandal

Tens of thousands of people convicted with tainted evidence still cannot clear their names

More than three years after the revelation of criminal misconduct by Annie Dookhan at the Hinton state drug lab, defendants convicted with tainted evidence still cannot clear their names.

In a case that reached the Massachusetts Supreme Judicial Court in January, the ACLU of Massachusetts, national ACLU and the firm Foley Hoag LLP have asked for justice. A suit on behalf of three affected individuals seeks a remedy for tens of thousands of others unfairly convicted of drug crimes on the basis of tainted evidence, and to allow those people to challenge their wrongful convictions without fear of retaliation by prosecutors.

The scale of the problem created by the state drug lab scandal has no match anywhere in the country, and the Commonwealth has been slow to respond. Even a list of docket numbers for the affected cases is still not available.

“The Commonwealth’s political branches have reacted to this criminal justice scandal largely by doing the bare minimum necessary to make it go away,” said ACLU of Massachusetts legal director Matthew Segal. “This has further eroded, rather than restored, the integrity of the Commonwealth’s criminal justice system.”

As the law now stands, prosecutors can use the threat of longer prison terms, including mandatory minimum sentences, to discourage Dookhan’s victims—who were largely poor people of color—from demanding new trials free of tainted evidence. These harsher punishments could even apply to people who have already served their sentences but who risk returning to prison if they seek to vindicate their rights.

“Unless the Supreme Judicial Court takes decisive action to guarantee fair trials without threat of reprisals, thousands of people like our clients will have their lives held back by felony records that restrict the kinds of jobs they can hold and affect their standing in the community,” said Emma Andersson of the national ACLU’s Criminal Law Reform Project. ■

[Read more at aclum.org/tainted_convictions](http://aclum.org/tainted_convictions)

INSIDE

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ACLU brings marriage equality cases to Supreme Court

Historic ruling expected this summer

With a ruling expected this summer, the ACLU has helped to bring cases to the nation’s highest court that could grant gay and lesbian Americans the right to marry nationwide.

The Supreme Court in March announced it would hear four freedom-to-marry cases, originating from Ohio, Kentucky, Tennessee and Michigan, with arguments scheduled for April 28.

“We are entering what we hope will be the last phase of a journey toward greater dignity and equality for



lesbian, gay and bisexual people that started decades ago and has accelerated at a truly astounding rate over the last year and a half,” said James Esseks, director of the ACLU Lesbian Gay Bisexual Transgender & AIDS Project.


As co-counsel in the Ohio case, *Obergefell, et al. v. Hodges*, and the Kentucky case, *Bourke v. Beshear*, the ACLU returns to the Supreme Court to continue its fight for LGBT equality. In 2013, ACLU client Edie Windsor’s case struck down the so-called “Defense of Marriage Act,” which defined marriage as between one man and one woman.

The *Windsor* ruling gave an estimated 130,000 married gay and lesbian couples in the nation immediate access to the more than 1,100 federal benefits they had previously been denied, including eligibility for family medical leave, Social Security survivor’s benefits, access to health care for a spouse, and the ability to sponsor a spouse for citizenship. ■

ACLU OF MASSACHUSETTS

2015 BILL OF RIGHTS DINNER

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Westin Copley Place Hotel
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Reception 5:30 PM
Dinner 6:30 PM

Purchase tickets at
aclum.org/dinner



ACLU ACROSS THE NATION AND COMMONWEALTH...

Continued from p.1

ACLU challenges racist police practices

To address this problem, the ACLU has made three recommendations:

- Require police officers to use body-worn cameras when interacting with the public;
- Provide a receipt to any civilian involved in an interrogation, stop, frisk or search; and
- Publish data quarterly on all such stops, including a breakdown by race, gender, age, outcome and the officer's basis for the encounter.

See aclum.org/stopandfrisk for more information.

Meanwhile, just weeks before the world saw images of heavy military equipment on the streets of Ferguson, Missouri, the ACLU of Massachusetts sued the North Eastern Massachusetts Law Enforcement Council (NEMLEC) for records regarding its Special Weapons and Tactics (SWAT) team. The lawsuit is part of the ACLU's effort to fight the growing trend toward the militarization of civilian police forces—as well as the secrecy that surrounds it.

NEMLEC operates as a regional law enforcement unit, yet when the ACLU of Massachusetts requested records from NEMLEC—including policies guiding the SWAT team's use of deadly force, training materials, incident reports, deployment statistics and equipment contracts—the agency responded that it is a private, nonprofit organization, wholly exempt from public records laws.

"NEMLEC can't have it both ways," said ACLU of Massachusetts staff attorney Jessie Rossman. "Either it is a public entity subject to public records laws, or what it is doing is illegal."

See aclum.org/swat for details. ■



A protestor demands justice for victims of police violence in a December rally at Boston Common that brought thousands of people to the streets. Photo by Marilyn Humphries.

"COUNTERING VIOLENT EXTREMISM"

ACLU raises concerns over discredited counterterrorism program set to launch in Boston

The Department of Homeland Security and Department of Justice has named Boston, along with Minneapolis and Los Angeles, as sites for a pilot program known as "Countering Violent Extremism" (CVE), prompting serious concerns from the ACLU about the civil rights, civil liberties and public safety implications of this unproven and seemingly discriminatory approach to law enforcement.

The ACLU of Massachusetts, in collaboration with the Brennan Center for Justice, hosted two forums—at the Islamic Society of Boston Cultural Center and Harvard Law School—in an effort to promote genuine public discourse about the CVE program's potential impacts on Greater Boston, and continues to inform people of their rights when talking to federal law enforcement agents. ■

[Read more at aclum.org/cve](http://aclum.org/cve)



MARRIAGE EQUALITY

As marriage equality advances, ACLU fights backlash from "Religious Freedom Restoration Acts"

As the ACLU and others argue cases before the U.S. Supreme Court that could usher in equal marriage rights nationwide for lesbian and gay couples (*See page 3*), the controversy over the so-called "Religious Freedom Restoration Act," or RFRA, in Indiana showed the need to guard against other kinds of discrimination.

The original RFRA signed by Indiana Gov. Mike Pence in March essentially authorized discrimination against LGBT people, in the guise of protecting religious freedom. Fortunately, a national outcry—with leaders including our 2015 Bill of Rights Dinner honoree George Takei—prompted not only a partial rewrite of the law, but a conversation about the need to affirmatively protect the rights of LGBT people in Indiana and elsewhere.

"The ACLU is proud to have had a central role in this moment, working with allies in Indiana and nationally," said James Esseks, director of the national ACLU's Lesbian Gay Bisexual Transgender & AIDS Project. "The ACLU of Indiana staffed Freedom Indiana, which was the public face of the LGBT rights movement there and led the successful effort to focus national attention on the state's license-to-discriminate law. And we worked with our affiliate offices in Arkansas, Georgia and several other states to narrow or defeat similar bills. Finally, we're working for LGBT non-discrimination protections in Arizona, Indiana, Florida, Ohio and Pennsylvania." ■



Actor, activist and ACLU honoree George Takei has spoken out against "Religious Freedom Restoration Acts."

VICTORY!

YOUNG V. UNITED PARCEL SERVICE, INC.

Supreme Court delivers fairness to pregnant workers in ACLU case against UPS

In March, the U.S. Supreme Court ruled 6-3 in favor of ACLU client Peggy Young, a UPS driver who was forced to take unpaid leave with no medical coverage after she became pregnant and was advised by her doctor not to lift more than 20 pounds. The court ruled that employers cannot impose a "significant burden" on pregnant workers and that a pregnant worker can show that her employer's practices are unjustified if the employer makes accommodations for a large percentage of non-pregnant workers, while denying the same kinds of accommodations to pregnant workers.

The Supreme Court's decision was an important win for pregnant workers across the nation. Still, protections for a pregnant worker should not depend on proving how her employer treats other employees. That's why the ACLU is working to pass the state Pregnant Workers Fairness Act: to provide an unmistakably clear rule that ensures pregnant workers can get accommodations when they need them. ■

[Read more about the ACLU's cases at the Supreme Court at aclum.org/scotus](http://aclum.org/scotus)

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FRAMINGHAM

ACLU sues on behalf of women imprisoned for addiction

Joining law firm WilmerHale, the ACLU of Massachusetts—along with Prisoners' Legal Services and the Center for Public Representation—filed a federal class-action suit last year challenging the imprisonment of Massachusetts women who are civilly committed for addictions to drugs or alcohol.

The lawsuit was brought on behalf of women imprisoned at MCI-Framingham solely because they are civilly committed under a law, "Section 35." Under Section 35, an alcoholic or substance abuser can be civilly committed to a treatment facility if her addiction risks "serious harm." But if "suitable facilities" are unavailable, the law says that men or women can be sent to prison. In the last several years, hundreds of civilly committed women have been sent to MCI-Framingham under Section 35. ■

[Read more at aclum.org/section35](http://aclum.org/section35)

BOSTON

ACLU suit defending right of Veterans for Peace to march goes forward

Despite praise for finally allowing two gay groups to march in the Allied War Veterans Council's St. Patrick's Day Parade, the event is still not open to all. That's why Veterans for Peace (VFP) has held its alternative, non-discriminatory St. Patrick's Peace Parade for several years, as a better way to celebrate St. Patrick. But because the City of Boston has discriminated against the Peace Parade, the ACLU of Massachusetts brought a lawsuit on behalf of VFP.

This March, VFP had to cancel its all-welcome Peace Parade after the City of Boston refused to respond for nearly a year to VFP's permit application for a noon start. The judge in the ACLU lawsuit declined to order the City to allow VFP to begin earlier in the day than the Allied War Veterans parade, instead of being relegated again to a late-afternoon start.

While the initial court ruling was disappointing, the lawsuit continues. "Veterans for Peace has First Amendment rights to be heard and seen by those who gather in South Boston to celebrate St. Patrick's Day, and we hope those rights will be vindicated as this case goes forward," said Sarah Wunsch, deputy legal director for the ACLU of Massachusetts. ■

VICTORIES FOR RACIAL JUSTICE AND THE RIGHTS OF DEMONSTRATORS

WESTFORD

ACLU wins 11-year-old activist's right to protest



Margaleet "Leetka" Katzenblickstein exercises her right to free speech.

Speech should be free—including free of charge. That's why the ACLU of Massachusetts helped 11-year-old Margaleet "Leetka" Katzenblickstein of Westford, Mass. When Leetka planned a "Black Lives Matter" demonstration for police accountability, the police department asked town selectmen to require her to pay up to \$400 for a permit and a police detail. "Imposing financial conditions on a Black Lives Matter demonstration by requiring peaceful protestors to pay money in order to exercise their First Amendment rights to free speech and peaceful assembly

offends our Constitution," our deputy legal director Sarah Wunsch wrote in a letter to the selectmen. After persuasion by the ACLU and others concerned about respecting the rights of the young activist, Westford let Leetka exercise her freedom of speech at no charge on Jan. 5. ■

BOSTON

ACLU defends rights of protestors

Husband and wife Boston schoolteachers have successfully fought charges against them of disorderly conduct and trespassing, which followed their participation in a large rally on December 4 after the failure to indict the New York police officer who choked to death an unarmed Black man, Eric Garner. ACLU of Massachusetts staff attorney Carl Williams represented the couple—Addis Niambe Summerhill and Edward Christiaan Summerhill, who refused to accept any deal or a reduction in charges—and a judge in Boston Municipal Court found them "not responsible" for the charges against them.

"I'm proud to have represented the Summerhills," said ACLU attorney Williams. "They have shown that it is possible to fight the charges sometimes brought against peaceful demonstrators, and to win."

"It was important for us to stand up for what we knew was right," said Ms. Summerhill. "This is just a tiny example of what is happening to people of color, specifically Black people, all across the country. There are so many others in the same position who, for one reason or another, don't have the same security and opportunity to stand up that we did." ■

WORCESTER

Judge upholds ACLU victory against Worcester police officer

Worcester ACLU extends police documentation initiative

A U.S. District Judge in March rejected a motion from Worcester Police Officer Jeremy Smith for a new trial in the *Cocroft* wrongful arrest case against him.

Previously, in March 2014, a jury awarded Ms. Wakeelah Cocroft \$15,000, finding that Smith violated her Fourth Amendment rights and the Massachusetts Civil Rights Act. The ACLU represents Cocroft.

The federal suit stemmed from an incident in which Officer Smith pulled over Ms. Cocroft's sister, Clytheia Mwangi, of Worcester, for speeding. At trial, Ms. Cocroft testified that the officer aggressively approached Ms. Mwangi's car, began screaming at Ms. Mwangi, and eventually slammed Ms. Cocroft's face against the concrete.

As part of ongoing work on police practices, the ACLU of Massachusetts has expanded its Worcester initiative to include street outreach and listening sessions at which residents could share their experiences of encounters with the Worcester Police Department.

Submitting documentation takes just a few minutes, and the identities of participants can be kept anonymous. For details, contact Chris Robarge at (508) 444-2258. The ACLU of Massachusetts plans to release aggregate data about complaints against Worcester police later in 2015. ■

SOMERVILLE

ACLU successfully defends right to film police

The Somerville District Court dismissed a criminal complaint against Ms. Wenzday Jane, initially applied for by police after Jane audio-recorded police questioning three teenagers at a playground in Somerville's Prospect Hill neighborhood.

"Essentially, Ms. Jane was criminally charged because she chose to exercise her constitutionally protected right to record the police," said Jessie Rossman, staff attorney with the ACLU of Massachusetts, which represented Ms. Jane. "We need to encourage more citizens to do what Ms. Jane did." ■



ACLU client Wenzday Jane (center) joins staff attorneys Jessie Rossman and Carl Williams.

TECHNOLOGY FOR LIBERTY

Boston 2024 Olympics bid: a civil liberties perspective

Boston's bid to host the Olympic Games in summer 2024 has generated a lot of controversy in recent months. There's one thing upon which all should agree: public calls for an open and transparent process are neither attacks on the Olympics itself, nor of course on the inspiring dedication of Olympic athletes.

To the contrary, an informed and robust public discussion will help to ensure that, if Boston hosts the games, we show the world that we can do so while upholding Massachusetts' traditional ideals of public participation, democracy and respect for constitutional rights.

So, let the discussion of the Games begin!

To date, the public conversation has barely touched on civil liberties. But if the Olympics come to town, the government will likely treat it as a "National Security Special Event." That means the Boston Police Department and the Massachusetts State Police will fall under the authority of the U.S. Secret Service, Department of Homeland Security and FBI. All people within the NSSE "security" zone—possibly the entire Boston metro area and beyond—risk losing a host of constitutional rights, including the right to protest on public land and to be free from searches absent any reasonable suspicion of wrongdoing.

According to Rocky Anderson, the mayor of Salt Lake City during the 2002 Winter Olympics, "We found out that the NSA for up to six months prior to and during the Olympics had not only gathered metadata about what calls were made and to whom and for how long, but they actually captured the contents, spied on the contents of every single e-mail and text message sent and received by anyone in this area. It was the most massive, indiscriminate, unconstitutional and, under federal law, felonious spying on the American people by our own government."

In Boston, proponents have already said that the security at the Democratic National Convention in 2004

(another NSSE-designated event) provides a model for possible 2024 games. And Dave Zirin reported in *The Nation* that the International Olympic Committee was particularly interested in Boston "because of how the city was able to shut itself down after the Boston Marathon bombing."

Using the 2004 DNC in Boston as a model for security in 2024 is troubling. In the days leading up to the DNC,

"You can't have a transparent process or good public deliberation when public employees are chilled and made to be afraid of speaking out on these public matters."

— Our deputy legal director Sarah Wunsch on an agreement between Mayor Walsh and Olympics organizers banning city employees from criticizing the Olympic bid. Walsh reversed the gag order after criticism.

authorities built a protest cage for "free speech" sealed by razor wire, overhead netting and chain fencing, monitored by rooftop snipers. A federal judge called the cage "an offense to the spirit of the First Amendment," writing:

"Protesters, demonstrators, and dissidents outside a national political convention are not meddling interlopers who are an irritant to the smooth functioning of politics. They are participants in our democratic life. The Constitution commands the government to treat their peaceful expression of dissent with great respect—respect equal to that of the invited delegates."

But the court nonetheless upheld the use of the cage.

In advance of the DNC, hundreds of federally networked surveillance cameras were put in Boston without any public debate. Those cameras (or more powerful replacements) still watch us a decade later. Subway bag checks started with the DNC, too—but, like so much less-

visible surveillance, they didn't leave with the out-of-town guests. Moreover, history suggests that the people targeted by the permanent surveillance regime won't be elite athletes or business leaders; it will be poor people, communities of color and political activists.

Before hosting the games in 1996, Atlanta officials arrested more than 9,000 people—most of them African Americans. In Atlanta and in Salt Lake City in 2002, the ACLU sued to challenge antidemocratic secrecy and unconstitutional limits on free speech. In Georgia, for instance, our colleagues challenged the Centennial Olympic Park's regulations that "make it a criminal offense to 'hold vigils or religious services, and other like forms of conduct which principally involve the communication or expression of views or grievances.'"

Boston, like the rest of the nation, is struggling with issues of public safety and community concern: police militarization from the wars on drugs and terror; the disproportionate targeting of young people of color for harassment and arrest; and the trickle-down of "national security" warrantless surveillance to the state and local level. At a time when communities of color are calling on police departments to reform stop-and-frisk policies and demilitarize their forces, the prospect of turning local police departments over to even less accountable federal agencies is worrisome.

Boston's bid for the 2024 Olympics must include clear guarantees of how the city will protect civil liberties during and after the Games. Otherwise, if the Olympic Games come to town, the civil liberties landscape for the ordinary people of Massachusetts could be forever damaged, long after the visitors go home. ■

—Kade Crockford, Director, ACLU of Massachusetts Technology for Liberty Project

A version of this piece originally appeared in The Guardian

AWARDS AND RECOGNITION

Boston Coalition for Police Accountability wins award

The Boston Coalition for Police Accountability will receive Alternatives for Community and Environment's "Jammin' for Justice" award for leading the local effort to address and end the violence inflicted upon communities of color by law enforcement.

The coalition grew from the protests over unarmed Black teenager Michael Brown's death at the hands of a white Ferguson, Missouri police officer, and the release of *Black, Brown and Targeted*, the ACLU of Massachusetts report on racially discriminatory stop-and-frisk practices in the Boston Police Department. Read the report at aclum.org/stopandfrisk and follow the latest from the coalition at facebook.com/BostonCoalitionforPoliceAccountability

ACLU attorney Adriana Lafaille honored for immigrants' rights work

The Massachusetts Bar Association honored our legal fellow Adriana Lafaille (pictured, center) with its 2015 Access to Justice Rising Star award, given each year to one lawyer who has practiced law for fewer than seven years and who "has distinguished herself or himself by a particular accomplishment or body of work that has made a significant and meaningful contribution to access to justice to an underserved population within the Commonwealth of Massachusetts."

Massachusetts Lawyers Weekly also honored Lafaille as one of 26 up-and-coming attorneys.

Thanks to Lafaille's work, more than 50 people have been released from immigration detention and reunited with their families, including ACLU client Mr. Clayton Gordon and Mr. Richard Thompson, a member of the class on whose behalf we sued (pictured left and right with their families). ■



ACLU of Massachusetts staff attorney Carl Williams (center) calls for change at an October rally held outside the Boston Police Department headquarters. Joining him are (left to right) our public advocacy fellow Nashwa Gewaily, staff attorney Jessie Rossman, former legal fellow Miriam Mack and Boston Coalition for Police Accountability member Johannes Wilson. Photo by Tony Irving.



Photo by Paul Shoul.



Photo courtesy of family.

2015

ACLU of
Massachusetts
Board Ballot

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

Please cut out and mail this ballot. Ballots must be received in the ACLU of Massachusetts office, 211 Congress Street, Boston, MA 02110 by May 29, 2015.

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

Vote for 7 or fewer

- Aziza Ahmed
 Iphigenia Demetriades
 April Evans
 Maria Manning
 Leslie Shapiro
 Marianne Smith
 Robert M. Thomas, Jr.

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

CANDIDATES' STATEMENTS

Aziza Ahmed (nominated for a 1st term). Professor Ahmed is Associate Professor of Law at Northeastern University School of Law. She holds a J.D. from the University of California Berkeley, an MS in Population and International Health from the Harvard School of Public Health, and a BA from Emory University. Prior to joining the Northeastern faculty, Professor Ahmed was a research associate at the Harvard School of Public Health Program on International Health and Human Rights. She came to that position after a Women's Law and Public Policy Fellowship with the International Community of Women Living with HIV/AIDS (ICW). At ICW Professor Ahmed engaged in numerous human rights projects pertaining to law and health. Professor Ahmed has worked on legal issues in a variety of country contexts including South Africa, Namibia, India, the United States and the Caribbean, and has worked with various United Nations agencies and international and domestic non-governmental organizations. She served as a member of the Technical Advisory Group to the Global Commission on HIV and the Law.

Iphigenia Demetriades (nominated for a 1st term). I became a member of the ACLU after graduating from Wellesley College in 1984 and have supported it ever

since. Three years ago, Holly Gunner encouraged me to become a more active member of ACLUM. After meeting Carol Rose and being impressed with her leadership and vision, I joined the Bill of Rights Dinner Committee and became a member of the Host Committee as well. It has been a pleasure to work with the staff of ACLUM and to get to know other members who share my passion for the ACLUM's mission. On the professional side, I have over 30 years of experience in the real estate industry. I began my career working for a local developer, Cabot, Cabot and Forbes, and am currently working with Boston Residential Group and Gables Residential developing apartments in the Boston area. In between, I was a portfolio manager for AEW Capital Management, a real estate investment advisor. I am excited about this opportunity to join the ACLUM Board. I have been active on several non-profit boards, including The Home for Little Wanderers, Ellis South End Neighborhood Association (served as president), Harvard Business School Association of Boston, and Wellesley College Alumnae of Boston. I am also a commissioner serving on the Back Bay Architectural Commission.

April Evans (nominated for a 1st term). April E. Evans is Partner and Chief Financial Officer of Monitor Clipper Partners, a lower middle market private equity firm, which has raised and managed \$2 billion in private equity. Previously, Ms. Evans was Partner and CFO of Advanced Technology Ventures, a \$1.5 billion venture capital firm. Ms. Evans, a certified public accountant, received her M.B.A. from Simmons College, two masters degrees from Boston University, and her B.A. from Duke University. Ms. Evans is currently a member of the Business Advisory Council for the Simmons College Graduate School of Management, a member of the Boards of Directors of the Women's Association of Venture and Equity and the Financial Executives Alliance, as well as Co-Chair of the Association for Corporate Growth's Private Equity Regulatory Taskforce. She is currently providing strategic consulting services to the Boston Area Rape Crisis Center. She has also been an Adjunct Professor at the Simmons College Graduate School of Management. Ms. Evans is a frequent speaker at industry conferences. "My areas of greatest passion in the context of the civil liberties front are three: a woman's right to choose, GLBT rights, and privacy rights. I am honored to be nominated to serve on the board of the ACLUM. If elected, I look forward to working directly with the ACLU on these, and other, vitally important issues."

Maria Manning (nominated for a 2nd term). Maria has a proven track record providing leadership in operational financial management, strategic planning, and new product development in high growth and profit optimization environments. She resides in the Newton area, yet, give her a long weekend and she could be anywhere on the globe sharing a cup of tea with a local. She earned her Mathematics degree from Wellesley College and studied business at Babson College and MIT Sloan. She has a passion for international and community advocacy, civic leadership, and is a champion for issues affecting the av-

erage person. In her spare time, she practices hot yoga, trains for sprint triathlon relays, and seeks out thought provoking discussions that enable her to contribute a bit more to her community over time.

Leslie Shapiro (nominated for a 1st term). Leslie Shapiro has been a member of the ACLU for more than 45 years. She was a member of ACLUM's Board of Directors from 1998 - 2010, during which time she served on the By-laws Committee (member and Chair), Development Committee and Nominating Committee (member and Chair). She has been a Trustee of the ACLU Foundation of Massachusetts since 2011. Leslie currently chairs the By-laws and Policies Review Task Force. Leslie is a graduate of Barnard College, Columbia University (1964) and New York University School of Law (1967). She practiced corporate and general business law for 46 years before retiring in 2012. Leslie has been affiliated with, and served on the boards and committees of, a variety of civic, charitable, political and religious organizations. She is married and has two children and three grandchildren.

Marianne Smith (nominated for a 2nd term). Marianne Smith, MD, became an associate director for Physician Health Services, Inc. in 2010. She graduated from the Medical College of Virginia and completed a psychiatry residency at the University of Massachusetts Medical Center. Dr. Smith is an assistant professor of psychiatry at the University of Massachusetts Medical School and has previously coordinated the substance abuse curriculum for psychiatry residents at UMass. Her career has focused on public sector psychiatry and campus mental health. She has worked in the Student Counseling Service at UMass Medical School. She is board certified by the American Board of Psychiatry and Neurology.

Robert M. Thomas, Jr. (nominated for a 1st term). Bob Thomas is the principal and founder of Thomas & Associates in Boston, Massachusetts, a law practice concentrating in the representation of whistleblowers. Bob is a 1985 graduate of Harvard Law School, and a member of the Massachusetts, Maryland, and D.C. bars. Mr. Thomas and Attorney Suzanne Durrell, both former federal prosecutors, practice together as the Whistleblower Law Collaborative, in which they jointly prosecute qui tam cases under the False Claims Act ("FCA") and pursue securities fraud and IRS whistleblower cases as well. www.ThomasDurrell.com. Bob serves as an adjunct professor of law at Boston University School of Law, where he teaches a course on Health Care Fraud and Abuse. He also teaches financial literacy to Boston high school students attending the Beacon Academy, and is a guest speaker annually in a course on Race & Justice at the Belmont Hill School. Bob's interest in civil liberties and civil rights issues are life-long. He is passionate about the work of the ACLU, particularly efforts to ensure fairness in the criminal justice system, and efforts to slow the rise of the government surveillance culture. ■

Notice of Annual Meeting of Members

The Annual Meeting of the members of the ACLU of Massachusetts will be held on June 15, 2015 at 5:30 PM at the offices of WilmerHale, 60 State Street, Boston, MA. New Board members will be announced at this meeting. If you wish to attend, please contact Ms. Munro via mmunro@aclum.org.

Notice of Recent Bylaws Changes

The Board has approved a restatement of ACLUM's Bylaws effective as of June 16, 2014, including the following updates: the maximum size of the Board is set at 33; the term of the affiliate representative to the national Board is set at three years; the number of Members required to nominate Directors by petition is set at 50; each Director's term of office will begin the first calendar day after the Board's Annual Meeting; provisions for voting by a Director absent from the meeting at which the vote is taken have been deleted; clarifications have been adopted regarding who may attend and speak at meetings; service as Treasurer is capped at four consecutive years; the composition of the Executive Committee is revised to include the President, Vice-President, Treasurer, Nominating Committee Chair, Development Committee Chair and four at-large Directors elected by the Board; regional chapters have been replaced by professional field staff and volunteer advisory committees; the Legal Committee has been replaced by an Advisory Legal Council to the legal director; newly-created standing committees are Audit, Investment and Development Committees.

To obtain a copy of the restated ACLU of Massachusetts Bylaws marked to show changes and additions from the prior version, write to: info@aclum.org.

For updates and invitations, text **ACLU** to **36453**

Envíe un mensaje de texto con la palabra **JUSTICIA** al **36453**

Faces of the ACLU



1-2/ The ACLU has reunited families separated by immigration detention. Our client Cesar Chavarria and his wife Kelly (2) learned that they were expecting Kaylee (1), their first child, on the day that Cesar was put into immigration detention. Because of our litigation, Cesar was released from detention and returned to his family in March 2014, just months before Kaylee's arrival. Photos courtesy of the family.

3/ Dale Ho, director of the national ACLU's Voting Rights Project, discussed the ACLU's continued efforts to protect vulnerable voters against an increase in laws that would limit their access to the polls, at a talk, hosted by the ACLU of Massachusetts, in Boston.

4/ Staff members Vira Douangmany Cage and Bill Newman (holding banner) led ACLU supporters in the 2014 Northampton Pride parade. The ACLU of Massachusetts contingent marches again on May 2! See aclum.org/events for details.

5/ At the start of the new legislative session in January, ACLU of Massachusetts executive director Carol Rose addressed legislators at a State House briefing on civil liberties. For details on our ambitious 2015-16 legislative agenda, see aclum.org/legislative

6/ Jamaica Plain resident Ivan Richiez estimates that he has been stopped and frisked "Many times...30 to 40 times. Maybe 50." Ivan and others affected by stop and frisk shared their experiences in a video produced by the ACLU, available at aclum.org/stopandfrisk/video.

7/ Activist Daunasia Yancey called for an end to racism in policing during a protest at the headquarters of the Boston Police Department, held the day after the release of the ACLU of Massachusetts report on racially discriminatory policing in Boston. See aclum.org/stopandfrisk for details. Photo by Tony Irving.