

The Docket



After years of litigation and advocacy from the ACLU of Massachusetts, the national ACLU, the state public defender's office, and law firms Fick & Marx LLP and Foley Hoag LLP, 21,587 drug cases tainted in the Hinton Lab scandal involving Annie Dookhan were dismissed in April 2017. The ACLU of Massachusetts legal team that fought for justice for thousands of people affected by the drug lab scandal included (from left to right) **Adriana Lafaille**, staff attorney; **Matthew Segal**, legal director; and **Carl Williams**, staff attorney. Photo by Rachel Tine.

Contents

- 2** Advancing a Freedom Agenda locally and nationally
- 3** Challenging Massachusetts' voter cutoff law
- 4** Victory for Massachusetts Welcoming Cities
- 5** Comic: Presidential conflicts of interest
- 6** State's highest court affirms that Black lives matter
- 7** Board elections and updates
- 8** Faces of the ACLU

VICTORY! ENDING THE WAR ON DRUGS

ACLU wins largest dismissal of wrongful convictions in U.S. history

For nearly a decade, drug lab chemist Annie Dookhan falsified and fabricated evidence at the Hinton Drug Lab in Boston. Dookhan's egregious misconduct resulted in tens of thousands of drug-related convictions based on tainted evidence and fraud. After revelations about the scandal broke, the ACLU of Massachusetts—along with the national ACLU, the state public defender's office, and law firms Fick & Marx LLP and Foley Hoag LLP—spent years fighting in court for a comprehensive remedy through the lawsuit *Bridgeman v. District Attorney for Suffolk County*.

In April 2017, we secured 21,587 dismissals of tainted cases—the largest dismissal in the nation's history. After years of living with the collateral consequences of their wrongful convictions—among them, severely limited employment and housing opportunities—a majority of so-called "Dookhan defendants" finally have the opportunity to wipe those marks from their records and move on with their lives.

CONTINUES ON PAGE 3

#RESIST + IMMIGRANTS' RIGHTS

ACLU defeats Trump's unconstitutional Muslim ban

The ACLU told President Trump that if he followed through on his illegal, unconstitutional, and dangerous campaign promises, we would see him in court.

We kept our word.

When the president signed an executive order in January banning people from seven Muslim-majority countries, we sprang into action. ACLU attorneys rushed to airports and federal courthouses across the country. Working around the clock, our team in Boston secured a historic ruling to temporarily block the ban, allowing its victims to reunite with their loved ones. Soon after, a federal court in Washington state halted the ban nationwide. The administration later issued a second, nearly identical, ban that has also been blocked by federal courts in Hawaii and Maryland.

CONTINUES ON PAGE 3



Rahsaan Hall, director of the Racial Justice Program at the ACLU of Massachusetts, tells thousands gathered at Copley Square to protest President Trump's Muslim ban, "We've been working for freedom a long time, and we're not tired yet." Photo by Laura Everett.

#RESIST

ACLU of Massachusetts launches Freedom Agenda

This is how we push back against the Trump administration

The 2016 presidential election unleashed renewed forces of racism, sexism, anti-immigrant sentiment, and authoritarianism throughout the country.

Fortunately, when threats to liberty are greatest, the ACLU is at our finest. With nearly 100 years of experience holding the United States government accountable, the ACLU of Massachusetts has mobilized with a concrete plan for resistance—the ACLU Freedom Agenda.

CONTINUES ON PAGE 2

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From the Executive Director

By Carol Rose



Carol Rose, executive director.
Photo by Betsy Schneider.

Massachusetts plays a unique role, historically and today, in advancing freedom. The American Revolution began in Massachusetts. Our state constitution served as a model for the United States Constitution for protecting individual rights. The Bay State is a center of scientific innovation and higher learning for local and international scholars, as well as a vibrant home for the arts. And the ACLU of Massachusetts is the first and oldest state affiliate in the nationwide ACLU network!

These roots come with a deep obligation: to guarantee for present and future generations that Massachusetts remains a free state, as one of the best hopes for ensuring that America remains a free nation.

Tens of thousands of you in Massachusetts have taken on this obligation personally. Since the November 2016 election, the number of ACLU supporters across the Commonwealth more than quadrupled, and thousands more have stepped forward as volunteers, donors, and cooperating attorneys.

Each ACLU supporter has shown, through your active commitment to our work, that you trust the ACLU to be courageous in the face of the challenges ahead—and we will deliver.

In this critical period, we are scaling up to confront the grave challenges ahead.

Through the ACLU’s People Power platform, activists across the Commonwealth are convening in groups, both large and small, to devise ways to stand together against threats to civil rights, civil liberties, and our republican form of government.

At the Massachusetts State House, the ACLU has launched the Freedom Agenda to achieve state-level protections against the worst excesses of the Trump administration. The Freedom Agenda includes proposed legislation to defend the rights of immigrants, freedom of speech and association, voting rights, open government, smart justice, women’s rights, reproductive freedom, and LGBTQ equality.

PICTURED FROM TOP TO BOTTOM ON THE RIGHT

Senator Karen Spilka, Representative Sarah Peake (pictured with Carol Rose), and Representative Byron Rushing discuss legislative priorities during an ACLU of Massachusetts briefing on the Freedom Agenda at the State House. Photos by Natalie Goodin.

Sen. Spilka and Rep. Peake co-sponsor the Electronic Privacy Act, which would ensure that laws keep pace with technology, and Rep. Rushing co-sponsors the Arrest Data Transparency Act, a key criminal justice reform bill.

Learn more about these ACLU priorities: aclum.org/legislative

In court, the ACLU of Massachusetts already has successfully challenged the Trump administration’s efforts to impose a discriminatory ban on travel by Muslims, and we are fighting federal efforts to force local law enforcement to serve as agents of Immigration and Customs Enforcement (ICE).

In the coming months, we will add more advocates through our newly-launched Constitution Defense Fund, created after the election to ensure that we have the capacity to challenge the Trump administration’s efforts to dismantle our republic. Your donations to the Constitution Defense Fund will provide the ACLU with the resources necessary to take on the most powerful government on earth and to defend basic civil rights and civil liberties for all.

This is not the time to abandon the promise of America. We must fight to keep our commitment to one another, and to the Bill of Rights and the Constitution.

It is in our collective power to use this historical moment to move forward

A true Freedom Agenda requires action at the national, state, and local levels. It demands leadership and courage from elected officials in all branches of government—the courts, the legislature, and the executive branch. It requires a courageous and robust press; never has the “Fourth Estate” been more critical to our republic, or more vulnerable to intimidation. Most of all, it requires every person who cares about civil rights and civil liberties to get involved, stay engaged, and take a stand.

It is in our collective power to use this historical moment to move forward. I hope you will join us in advancing a Freedom Agenda in Massachusetts and nationwide. •

Get involved with the ACLU Freedom Agenda: aclum.org/freedomagenda

Support the Constitution Defense Fund: aclum.org/defense



#RESIST

Freedom Agenda

The Freedom Agenda is a blueprint for action to defend civil rights and civil liberties by passing critical legislative reforms at the local and state level, including:

- **Defense of Immigrants** – We will limit state and local involvement in federal immigration enforcement, roundups, and raids.
- **Freedom of Speech, Association, and Religious Belief** – We will challenge discriminatory registration systems, such as the Muslim registry called for by President Trump, and protect First Amendment activity, including speech, press, associations, and religious liberty.
- **Voting Rights** – We will strive to increase voter engagement in the democratic process by making voter registration easier and more efficient, and by ensuring meaningful, unimpeded ballot access.
- **Open Government** – We will work to ensure robust public access to information about key issues to inform future policymaking.
- **Smart Justice** – We will work to end the system of incarceration and advocate for rehabilitation, diversion, and community re-entry throughout the criminal justice system.
- **Defense of Gender Equality and Reproductive Freedom** – We will fight to ensure economic equality and reproductive freedom, including access to contraception and abortion.
- **LGBTQ Equality** – We will defend equality and human rights of people of all sexual orientations and gender identities.

States play a key role in defending against the most egregious threats to liberty. State and local officials can—and must—refuse to collaborate with federal agents seeking to undermine fundamental freedoms and rights. This is work that needs to happen in the courts, in the State House, online, and in the streets.

Ensuring that Massachusetts remains a free state is critical for the people of the Commonwealth, and offers Massachusetts an opportunity to serve as a beacon of liberty for the entire nation.

To get involved, go to: aclum.org/freedomagenda



Building resistance through People Power

While the Freedom Agenda is a blueprint for action at the state level, nationwide the ACLU has launched People Power—a national grassroots action network to support local activism on civil liberties and resist increased threats from the Trump administration. More than 9,000 Massachusetts residents have joined this action network and have quickly made their mark, bringing ACLU priorities to the forefront of conversations with elected officials and growing the presence of People Power by hosting local events.

As your local ACLU affiliate, the ACLU of Massachusetts is working with People Power to develop local actions focused on the needs, laws, and policies of local communities. We encourage you to use the materials designed specifically for Massachusetts when it comes to building local ordinance campaigns or policy campaigns.

View our series of Advocacy Toolkits to learn how to introduce local ordinances that would protect immigrants’ rights, ensure accountability and transparency of police, and more: aclum.org/toolkits •

#RESIST + IMMIGRANTS' RIGHTS**Challenging Trump's Muslim ban**

The Trump administration also tried to strong-arm local and state law enforcement into detaining undocumented immigrants at the request of Immigration and Customs Enforcement (ICE). We believe local enforcement of these requests, called "ICE detainers," violates constitutional protections against warrantless arrests and risks discriminatory enforcement.

And that is exactly what we argued in our April brief to the Massachusetts Supreme Judicial Court in the case [Commonwealth v. Lunn](#).

In coordination with advocacy and legislative efforts, the ACLU of Massachusetts and ACLU affiliates across the country continue to hold the Trump administration accountable in the courts. We will continue to fight every step of the way until all of the Trump administration's discriminatory, harmful, and unlawful policies are defeated.



ACLU of Massachusetts' deputy legal director **Sarah Wunsch** (right) stands with the Moghadam family, plaintiffs in our Muslim ban lawsuit, as they await the arrival of their mother from Iran. She was turned back when President Trump's Muslim ban went into effect but was able to come to Boston for the wedding of her son and his fiancée (middle) after we won a court order temporarily halting the ban.

Follow updates on the case about ICE detainers: aclum.org/cases-briefs/commonwealth-v-lunn/ •



Matthew Segal, legal director, speaks to a crowd of reporters about a February 2017 hearing on our legal challenge to President Trump's Muslim travel ban at the John Joseph Moakley United States Courthouse in Boston, as **Carol Rose** (left), executive director, looks on.

VICTORY! ENDING THE WAR ON DRUGS**Righting wrongful convictions**

Some have attributed the Hinton Lab tragedy to one rogue chemist. But doing so ignores the fact that the system itself is designed to facilitate convictions and made it all too easy for Dookhan to aid prosecutors in imprisoning people for addiction and drug use. The war on drugs has prioritized prosecution and imprisonment over a public health and community-based approach to drugs. This created the perfect conditions for Dookhan to tamper with evidence for years.

Widespread injustice like this should prompt—not just Massachusetts, but every state, to declare an end to our country's failed, costly, unfair war on drugs, and to reduce the thousands of unnecessary arrests and prosecutions taking place every day across this country.

This point is further illustrated by a second Massachusetts drug lab scandal. Sonja Farak, a chemist at a state drug lab in Amherst, engaged in staggering misconduct for eight years, affecting thousands more cases across the Commonwealth. It was revealed through court findings that state officials concealed the scope of Farak's abuses, withholding information about tainted evidence in service of putting people behind bars. In response to these injustices, the ACLU of Massachusetts, together with the Innocence Project and Schulte Roth & Zabel LLP, urged the court in March 2017 to address the state's wrongdoing and order meaningful and prompt judicial remedy to the victims.

These astounding revelations highlight how the drug war has sown injustice into the system. Abuses like those committed by Dookhan, Farak, and state officials are the inevitable result of a system that is dedicated to punishment instead of healing.

For decades, we have helped lead the way to end the war on drugs—and we won't stop until it is over.

Learn more about our win in [Bridgeman v. District Attorney for Suffolk County](#): aclum.org/cases-briefs/bridgeman-v-district-attorney-for-suffolk-county/

And learn more about our continued advocacy in [Commonwealth v. Cotto](#): aclum.org/cases-briefs/commonwealth-v-cotto/ •

VOTING RIGHTS**ACLU leads challenge to Massachusetts' 20-day voter registration cutoff law**

In November, the ACLU of Massachusetts, along with the national ACLU's Voting Rights Project and the law firm Ropes & Gray LLP, challenged the Massachusetts requirement that eligible voters in the state register 20 days before an election.

This voter cutoff law bars thousands of people from voting until the next election, even though no one doubts they are otherwise qualified to vote on Election Day. This arbitrary deadline thus interferes with the fundamental right to vote and unnecessarily disenfranchises voters.

"Campaigns make vigorous use of the last 20 days before an election, working into the final hours to identify and attract potential voters," said Jessie Rossman, staff attorney at the ACLU of Massachusetts. "A 20-day cutoff turns people away just as some of the most significant campaign events begin to unfold."

"Reporters, too, make intensive use of the last 20 days before an election. In some cases, newspapers do not even make endorsements until just one or two days before an election. The only people who can't take advantage of these final, critical days are voters," she added.

"This law turns the constitutional right to vote on its head, and it cannot stand."

The ACLU filed this case on behalf of the Chelsea Collaborative, MassVOTE, several individual registered voters, and a class of similarly situated individuals. In response to our lawsuit, Suffolk



Jessie Rossman, staff attorney at the ACLU of Massachusetts, is part of the legal team challenging the Massachusetts requirement that eligible voters register 20 days before an election. Photo by Betsy Schneider.

Superior Court Associate Justice Douglas Wilkins ordered the individual plaintiffs' provisional ballots to be counted in the November 2016 election—an early victory, but the case continues.

"We are asking the court to remove the unnecessary and unconstitutional 20-day voter cutoff law and to simply let more people—particularly first-time voters, students, people in poorer communities, and the elderly—vote," said Rahsaan Hall, director of the Racial Justice Program at the ACLU of Massachusetts.

Follow updates on the case [Chelsea Collaborative v. Galvin](#): aclum.org/cases-briefs/chelsea-collaborative-v-galvin/ •



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#RESIST + IMMIGRANTS' RIGHTS

ACLU challenges sheriff's proposal to force inmates to build border wall

When Bristol County Sheriff Thomas Hodgson proposed in January that he wanted to use people in his custody to build President Trump's wall along the U.S.-Mexico border, we took swift action to condemn the proposal for what it is: perverse, inhumane, and likely unconstitutional. Then we demanded to see any records relating to this outrageous proposal.

"Not only is Sheriff Hodgson willing to get involved with Trump's racially discriminatory plan to build a wall along the US-Mexico border, he is proposing to use modern-day slave labor to do it," said Carol Rose, executive director. "The men and women incarcerated at the Bristol County House of Corrections are mostly poor people and People of Color. The idea of sending them to build a wall to keep out other People of Color who are fleeing violence or devastating poverty is abhorrent."

The ACLU of Massachusetts submitted a public records request to the Bristol County Sheriff's Department asking for documents to shed light on Sheriff Hodgson's proposal to have Massachusetts inmates help build a border wall. In response, we received one document only: a transcript of the very statement that Sheriff Hodgson made, leading some to wonder if this was just a publicity stunt.

If Sheriff Hodgson does follow through with his shameful plan, the ACLU of Massachusetts is prepared to use every tool in our toolbox, including litigation, to stop him. •

ENDING THE WAR ON DRUGS

Rejecting "reefer madness": implementing the voters' choice to legalize marijuana

On Election Day, Massachusetts voters passed an ACLU-backed ballot initiative to legalize marijuana, allowing it to be taxed and regulated by the state. By choosing legalization, voters endorsed public safety, health, and social justice over perpetuating the discriminatory and ineffective war on drugs.

Parts of the new law, which went into effect in December, permit adults (21 and older) to keep up to 10 ounces of marijuana in their homes for personal use, grow a certain amount of marijuana plants per household, and travel with one ounce at a time.

The law also calls for the state's newly created Cannabis Control Commission to issue regulations to oversee a tightly controlled system of licensed retail stores and manufacturing and testing facilities. Unfortunately, this is where opponents in the legislature have attempted to dismantle and hinder what the voters demanded last November. That is why the ACLU of Massachusetts is working to ensure smooth and safe implementation—without unwarranted delay. Until regulations on legal sales are created, sales and trafficking remain criminal offenses.

Establishing regulations to implement sensible marijuana policy cannot wait. Adopting a new regulatory system removes a significant barrier to racial equality and at the same time provides the state with the much-needed tax revenue to improve the lives of all residents.

This is a crucial step, and thanks to the voters' choice, Massachusetts can lead the rest of the country in developing a safe and successful recreational marijuana system. •



Hundreds rally outside Newton City Hall in support of the Welcoming City ordinance. In February, Newton City Council voted 16 to 1 in favor of the ordinance, making Newton one of the latest cities and towns in Massachusetts to refuse to be coerced into collaborating with the Trump administration.

VICTORY! #RESIST + IMMIGRANTS' RIGHTS

ACLU supports Newton decision to be a Welcoming City

When ACLU supporters in Newton spoke out for immigrants' rights, the city listened. This February, ACLU leaders testified before the City Council, sent hundreds of messages to councilors, and petitioned Mayor Setti Warren to advance the Welcoming City ordinance. Our advocacy worked: the Newton City Council voted 16 to 1 in favor.

The ordinance sends a strong message to immigrants who live and work in Newton that local police and agencies will not take part in any deportation efforts.

Newton joins a growing network of Massachusetts cities and towns that are refusing to be coerced into collaborating with the Trump administration's racially motivated and inhumane deportation plans.

The ACLU stands with them. Cities and towns cannot legally be forced to use their own resources to assist in the enforcement of immigration laws, and they cannot be forced to turn over their own community members for deportation. They can, however, create policies that send a clear message: immigrants are welcome here and they should not fear their local government.

If you want to advocate for a similar policy in your city or town—whether you call it a Sanctuary City, a Welcoming Resolution, a Safe Community or a Freedom City initiative—please read our resources on how to build a local campaign: aclum.org/sanctuary •

VICTORY! TECHNOLOGY FOR LIBERTY

Boston Police cancel plan to acquire social media surveillance system

Demonstrating the power of local activism, the Boston Police Department in January canceled their plan to acquire dangerous online surveillance software after thousands of Bostonians raised their voices to oppose the program. The Boston Police Department scrapped their plans shortly after the ACLU of Massachusetts and the digital freedom organization Fight for the Future announced they would deliver petitions from Boston residents to Mayor Marty Walsh, urging him to drop the expensive and controversial plan.

Boston residents have a lot to be proud of with this victory—and residents of other cities should take note. It was a direct result of quick action and organization to stop surveillance that would be used to monitor speech and association protected by the First Amendment, and would disproportionately impact communities of color, Muslims, and other vulnerable people and groups.

"This is a victory not only for privacy and transparency but for the democratic process. The people flexed their muscle and the powers that be listened. That's how our system is supposed to work," said Kade Crockford, director of the Technology for Liberty Project at the ACLU of Massachusetts.

The ACLU will continue to pull back the curtain on secretive surveillance programs at every level of government—including the use of Stingrays by the Boston Police Department. The department has publicly claimed it requires its officers to get a warrant to use this highly controversial and invasive cell phone tracking technology. However, according to Boston Police Department records disclosed to the ACLU, the department had never obtained a search warrant to use the technology during a BPD investigation, raising serious questions about the legality of the surveillance pursuant to the Fourth Amendment to the United States Constitution and Article Fourteen of the Massachusetts Declaration of Rights.

We will keep advocating for programs, policies, and mechanisms that ensure transparency, accountability, and the protection of civil rights and civil liberties. To learn more and get involved, go to: aclum.org/action •

POLICE ACCOUNTABILITY + TECHNOLOGY FOR LIBERTY

ACLU files federal lawsuit defending right to record police

The ability of people to record police-civilian encounters has sparked an overdue public debate about policing in America. The right to record the police was brought to you by the ACLU of Massachusetts in a 2010 legal victory, *Glik v. Cunniffe*, as part of our work to promote technology in the service of liberty.

Today, the ACLU is working to ensure that civil rights activists who fear retribution have a right to record the police in the performance of their public duties, without first giving prior notice.

The suit, filed against Boston Police Department Commissioner William Evans and Suffolk County District Attorney Dan Conley, asks the court to affirm that it is unconstitutional to enforce the

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FIGHT BACK AGAINST ATTACKS ON OUR CIVIL LIBERTIES BY **BECOMING A MONTHLY DONOR**

Monthly donors (our Guardians of Liberty) enable us to respond to urgent threats to our civil liberties – ensuring that no challenge goes unanswered.



POLICE ACCOUNTABILITY + TECHNOLOGY FOR LIBERTY

Defending right to record police

Massachusetts wiretap law against people who exercise their right secretly to record the police in the public performance of their duties.

In March 2017, Judge Patti Saris of the U.S. District Court of Massachusetts denied the government's motions to dismiss the case, allowing it to move forward. This ruling marks an important step toward greater police accountability and toward the safe, effective exercise of the right to record the police.

"Recent years have demonstrated the profound power of such recordings. We all suffer when fear of retribution or prosecution stifles the contribution that recordings can make to our understanding of police-civilian encounters," said Jessie Rossman, staff attorney. "Our clients brought this lawsuit to fix this problem."

Follow updates on the case Martin v. Evans: aclum.org/cases-briefs/martin-v-evans/



#RESIST

Challenging the Trump administration's conflicts of interest

On January 19, 2017—the day before President Trump's Inauguration—the national ACLU filed a Freedom of Information Act request seeking documents relating to his actual or potential conflicts of interest relating to his business and family connections. The United States has a variety of legal safeguards, including the U.S. Constitution's Foreign Emoluments Clause, which are designed to make sure that our public officials aren't influenced by money when they make decisions affecting people's lives.

Want to know why conflicts of interests are so important? Molly the Emoluments Mole can explain. →

By Hallie Jay Pope of the Graphic Advocacy Project
Share online at aclum.org/conflicts

UNPRESIDENTED
conflicts of interest with Molly the Emoluments Mole

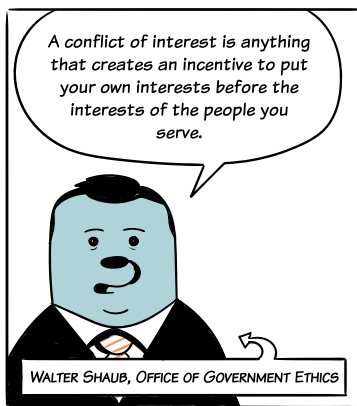
You may have been hearing about the *Foreign Emoluments Clause*, a constitutional provision that deals with a certain kind of conflict of interest: gifts from foreign governments.



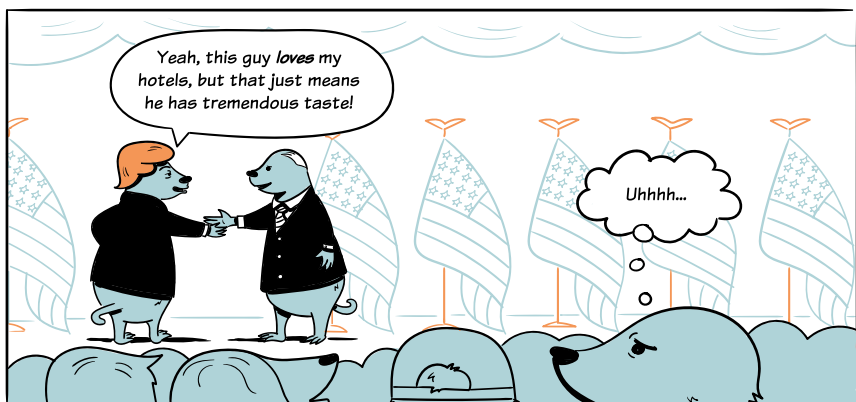
(Basically, anyone holding a federal office can't accept a gift from a foreign government without Congress's approval.)



But *why* did the country's Founders care about conflicts of interest, and why do we still care today?



First, conflicts of interest create the appearance of corruption. And that makes people lose faith in their government.



Second, conflicts of interest make it more likely that elected officials *actually will* act in ways that harm their constituents. They decide, incorrectly, that what's best for their constituents just happens to be what's best for their own bottom line.



That's why the ACLU has submitted a public records request about Trump's conflicts of interest. We want presidents to pursue a #FreedomAgenda, not their own agenda.



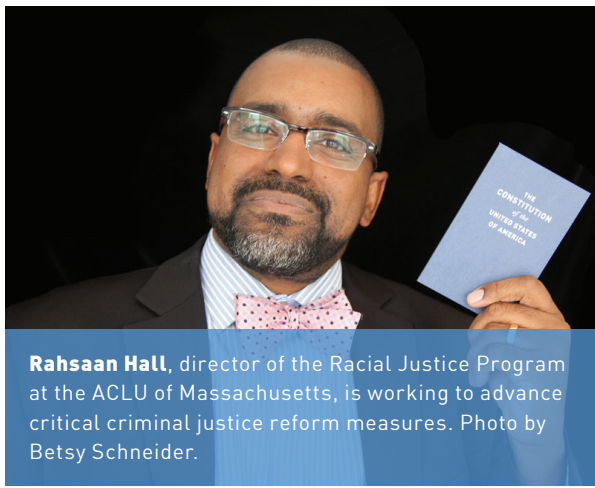
ENDING THE SYSTEM OF INCARCERATION

ACLU joins nearly 70 civil rights organizations to call for criminal justice reform

America’s addiction to mass incarceration needs to end. It breeds racial disparities, exacerbates the opioid crisis, and is counterproductive to public safety. That’s why ACLU of Massachusetts members are urging state leaders to repeal mandatory minimum sentences and end the failed war on drugs.

Racial disparities in the incarceration system are rampant. While Black and Latino residents make up roughly 22 percent of the Massachusetts population, they comprise 57 percent of those sentenced to prison, and 75 percent of people serving sentences for mandatory minimum drug offenses. The state imprisons Black defendants at eight times the rate—and Latino defendants at five times the rate—of white defendants.

“Such racial disparities cannot be justified as serving any legitimate public safety purpose,” said Rahsaan Hall, director of the Racial Justice Program at the ACLU of Massachusetts. “In fact, they undermine public safety by eroding community trust and draining communities of color of their human capital and potential.”

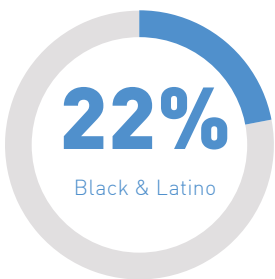


Rahsaan Hall, director of the Racial Justice Program at the ACLU of Massachusetts, is working to advance critical criminal justice reform measures. Photo by Betsy Schneider.

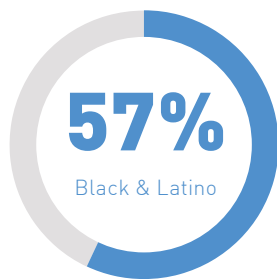
In January, 2017, the ACLU of Massachusetts joined with nearly 70 civil rights organizations urging leaders from all branches of state government—Governor Charlie Baker, Supreme Judicial Court Chief Justice Ralph Gants, House Speaker Robert DeLeo and Senate President Stanley Rosenberg—to address the clear and profound racial disparities that permeate our justice system. We called upon our leaders to pass legislative reforms, including, critically, repeal of mandatory minimum sentencing.

As the 2017-2019 session deepens, ACLU members can join the call for repeal of mandatory minimum sentences and an end to racial disparities in our justice system, as part of our Freedom Agenda. To learn more about joining the movement, go to: aclum.org/freedomagenda •

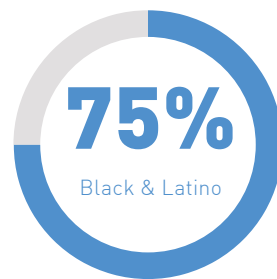
RACIAL DISPARITIES IN THE SYSTEM OF INCARCERATION



Massachusetts population



People sentenced to prison



People serving sentences for mandatory minimum drug offenses

VICTORY! RACIAL JUSTICE

State’s highest court rules that Black people have just cause to flee police

Citing both an ACLU of Massachusetts report and Boston Police Department data showing that Black men were disproportionately stopped by the Boston Police department, the Massachusetts Supreme Judicial Court, the state’s highest court, ruled in September 2016 that Black men may have legitimate reason to flee police, and that such action should not be deemed inherently suspicious.

“[A]n individual, when approached by the police, might just as easily be motivated by the desire to avoid the recurring indignity of being racially profiled as by the desire to hide criminal activity,” the court wrote.

The powerful decision makes *Commonwealth v. Warren*, in which the ACLU of Massachusetts submitted an amicus brief, one of the nation’s most significant cases on race and policing since the beginning of the Black Lives Matter movement.

“The state’s highest court, in talking about People of Color, is saying that their lives matter and under the law, their views matter,” said Matt Segal, legal director of the ACLU of Massachusetts. “This is an opinion that looks at police encounters through the eyes of a Black person who might justifiably be concerned that he will be the victim of profiling.” •

VICTORY! TECHNOLOGY FOR LIBERTY

Winning limits on cellphone search or seizure

In a victory for privacy rights, the Supreme Judicial Court unanimously affirmed in September 2016 that the government must have specific information that a cell phone contains evidence of a crime before it can search or seize your mobile device.

“The Court’s ruling ensures that simply owning a cell phone does not establish probable cause,” said Jessie Rossman, staff attorney at the ACLU of Massachusetts.

The case, *Commonwealth v. White*, asked whether a police officer’s warrantless seizure of a student’s cell phone, and subsequent 68-day delay in obtaining a search warrant, violated the Fourth Amendment to the U.S. Constitution and Article 14 of the Massachusetts Declaration of Rights. The Commonwealth’s argument that such actions were lawful would have permitted the government to seize virtually every criminal suspect’s cell phone and hold it for months without a warrant.

The ACLU of Massachusetts, along with the Berkman Center Cyber Law Clinic at Harvard Law School, filed an amicus brief arguing that this position would turn the constitutional warrant requirement on its head, and urged the Court to reject the Commonwealth’s overly broad views of governmental search and seizure powers.

Learn more about the case: aclum.org/cases-briefs/commonwealth-v-white/ •

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Board Elections and Updates

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

CANDIDATES' STATEMENTS

David Bowman (nominated for a first term)

Although I have been in the private sector for much of my career, most of my work has involved civil liberties. After graduating from Morehouse, I worked in HR at the Pepsi-Cola Company, focusing on diversity, EEO compliance, and affirmative action. In 1992, I left Pepsi and San Jose to attend Boston University Law School. Since then, I have practiced in labor and employment as a litigator, counselor and trainer. In the first half of my legal career I litigated employment matters in state and federal courts. Upon joining Morgan Lewis in 2003, I refocused around training, diversity consulting, and workplace investigations. In that role, I am proud to have managed some of the largest compliance training projects in the country. Within my firm, I am active on diversity issues, including serving on our firm-wide Diversity Committee.

I have served on several boards, including the African American Federation, the Partnership Inc., and the Lawyers' Committee for Civil Rights and Economic Justice. I also have an active pro bono training practice, including providing services to the ACLU.

On a personal note, I am a long-term resident of Milton, where I live with my wife of 25 years and our two boys. I enjoy photography, skiing, and sailing.

Jack Cushman (nominated for a second term)

Jack Cushman is a fellow at the Berkman Klein Center for Internet and Society, a member of the Harvard Library Innovation Lab, and a Lecturer at Law at Harvard Law School, where he teaches the law school's first computer programming course. He serves as faculty advisor to the Harvard Law School ACLU chapter. Before joining Harvard he practiced constitutional law as an appellate litigator at the firm of Stern, Shapiro, Weissberg, and Garin. His civil liberties priorities include digital surveillance, profiling, and criminal justice reform.

Martin Fantozzi (nominated for a second term)

A current member of the ACLUM Foundation and Union Boards, I served as a past President of the Union Board. I am an attorney and Co-managing Director of the firm Goulston & Storrs. In over 20 years of legal practice, I have counseled individuals, businesses and non-profit organizations in a range of litigation matters. I have acted as an ACLU cooperating attorney on free speech, establishment and other matters. I seek to continue to advocate for civil liberties in the criminal justice system and other traditional contexts, and to help preserve our rights in a new landscape in which the boundaries of liberty will be increasingly redefined by technology.

Ellen Paradise Fisher

(nominated for a first term after rotating off the Board)

I am currently a member of the Board of Directors of the ACLU MA Foundation. I serve on the Development Committee and am the Chair of the Presidents Council. I am also the lay leader in charge of planning informal house parties and meetings of the ACLU membership. 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 served on the Board of NARAL Pro-choice Massachusetts for 9 years and am now a member of their Foundation Board. For fourteen years I volunteered at Planned Parenthood of Massachusetts as a counselor, chair of the escort volunteers, and member of the board. For many years I volunteered in the Asylum Project of Cambridge Legal Services. I bring time, energy, experience, and a lifetime of passionate interest in civil liberties and personal freedom to the ACLU.

Adam Kessel (nominated for a second term)

Professionally: I am an IP litigator. My practice centers around software, Internet, and medical device disputes, mainly but not exclusively patent cases. I also handle many matters involving open source licensing. Personally: I'm originally from Boston and been back for nearly two decades, and have lived in Roslindale for the past thirteen. I'm married to an ordained Unitarian minister and we have two girls aged 9 and 12. I studied chemistry at Princeton and worked for a nonprofit environmental organization and a labor union local before attending Northeastern Law School. I was actively involved in civil liberties issues during law school, including an internship at the Electronic Privacy Information Center, and have worked nearly continuously on pro bono cases during my fourteen years of practice, including handling several cases as co-counsel with ACLUM and the Electronic Frontier Foundation. My top priorities include Internet free speech and online privacy. Since joining the ACLUM Board in 2014, I have served on the Nominating Committee and also been the affiliate's Equity Officer for two years. I spent six months as a Suffolk County prosecutor and am interested in reform of the criminal justice system. I also serve on the Alumni Board of Northeastern Law School as well as the Steering Committee

ACLU of Massachusetts Board Ballot

Vote only if you are an ACLU member. 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 12:00 PM on June 19, 2017.

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

VOTE FOR 12 OR FEWER

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| <input type="checkbox"/> | <input type="checkbox"/> | David Bowman | <input type="checkbox"/> | <input type="checkbox"/> | Kim McLaurin |
| <input type="checkbox"/> | <input type="checkbox"/> | Jack Cushman | <input type="checkbox"/> | <input type="checkbox"/> | Antonio Massa Viana |
| <input type="checkbox"/> | <input type="checkbox"/> | Martin Fantozzi | <input type="checkbox"/> | <input type="checkbox"/> | John Regier |
| <input type="checkbox"/> | <input type="checkbox"/> | Ellen Paradise Fisher | <input type="checkbox"/> | <input type="checkbox"/> | Charu Verma |
| <input type="checkbox"/> | <input type="checkbox"/> | Adam Kessel | <input type="checkbox"/> | <input type="checkbox"/> | Daryl Wiesen |
| <input type="checkbox"/> | <input type="checkbox"/> | Annamarie Levins | <input type="checkbox"/> | <input type="checkbox"/> | Harmony Wu |

of a neighborhood walkability advocacy organization I founded called WalkUP Roslindale.

Annamarie Levins (nominated for a first term)

Annamarie Levins is General Manager for Microsoft's Technology & Civic Engagement Group, which focuses on issues at the intersection of technology, law, and policy. She and her teams work with government, community, and academic leaders to address local challenges, including citizen engagement, open data, workforce development, access and inequality, and building sustainable cities. Her civic engagement teams are based in Boston, Chicago, DC, New York, Seattle, and the San Francisco Bay Area.

Annamarie joined Microsoft in 1998. After law school, she clerked for Judge James L. Oakes on the US Court of Appeals for the Second Circuit and Justice Lewis F. Powell on the US Supreme Court, served as an Assistant US Attorney in New York and Seattle, and taught at the University of Washington Law School. She holds a BA from Brown University, a PhD in Politics from Princeton University, and a JD from the University of Maine.

While virtually every issue that the ACLU addresses is of great concern to me, there are two areas in which I am most interested in focusing now: technology, privacy and civil liberties, and justice for immigrants and refugees.

Antonio Massa Viana (nominated for a first term)

Antonio Massa Viana became the first known undocumented immigrant sworn in as an attorney in Massachusetts, and the first to successfully petition the RI Supreme Court to sit for the bar in that state. He was subsequently admitted to RI after he was granted Permanent Resident Status. He runs a busy immigration practice in Framingham, MA, and is a vocal advocate for immigrant rights. Prior to law school, Antonio worked as a journalist and community organizer. He founded Projeto Nos Votamos (Project: We Vote), through which he has helped hundreds of Brazilian-Americans file for citizenship and register to vote in Massachusetts.

Antonio serves as a regional coordinator for AILA New England's current Know Your Rights campaign and on the organization's Litigation Committee, and is a board member for the Brazilian American Center, and the Massachusetts Alliance of Portuguese Speakers. He is passionate about immigrant rights, equal protection, and the religion clauses, among other issues.

Kim M. McLaurin (nominated for a second term)

Kim M. McLaurin is an Associate Dean and Clinical Professor of Law at Suffolk Law School. She received her undergraduate degree from Hampton University and is a graduate of Brooklyn Law School. She worked at the Legal Aid Society of New York City where she served as the Attorney in Charge of the Queens Office of the Juvenile Rights Division. At Legal Aid, she was responsible for running an interdisciplinary trial office and directly responsible for the office's representation of children involved in Family Court proceedings, including juvenile delinquency and child protection. Currently, she serves as the first Associate Dean of Experiential Education at Suffolk Law School. In this role, she oversees the work and management of clinical programs and externship programs. "Throughout my career I have focused on the rights of poor people and the historically disenfranchised. That has continued into my current role at Suffolk. Due to the nature of my work and interest, I continue to work on issues such as access to justice, immigration, over-incarceration and the criminal/juvenile justice systems, education, and discrimination. I believe that the current political climate is a call to action and mandates that I work more strategically and diligently on these issues."

John Regier (nominated for a second term)

John Regier is a partner at Mintz Levin, where he has spent his entire legal career. He specializes in public finance and bond counsel work. He wrote Mintz Levin's pro bono policy

and served as the first chair of its pro bono committee in the 1980's. An Oklahoma native, he is a graduate of the University of Kansas (1971) and Yale Law School (1976). He chairs the ACLUM board's Retirement Committee. He is a former chair of the Boston Lawyers' Committee for Civil Rights, former chair of the WGBH Community Advisory Board, and former vice-chair of the Massachusetts Bible Society. He currently chairs the board of the United Methodist Foundation of New England and serves on the boards of the Massachusetts Taxpayers Foundation and Christians for Fair Witness on the Middle East. He is a Belmont resident and an active member of Harvard-Epworth United Methodist Church in Cambridge. His civil liberties priorities include GLBT rights, prisoners' rights, voting rights, reproductive freedom, and freedom of expression/religious liberty.

Charu Verma (nominated for a second term)

I am very pleased to be nominated for a second term on the ACLUM Board of Directors. During my first term, I have become very engaged with the organization by participating in a number of committees. For the past year, I have also had the opportunity to be the Massachusetts representative to the ACLU National Board. I believe I have represented the vitality and integrity of the ACLUM at these meetings, and I have been proud to attend as its ambassador. My work as a public defender has also informed my work with the ACLU, and I have focused on creating and conducting "Know Your Rights" trainings at a variety of community organizations throughout the state. I would welcome a second-term on the board so I can to develop these programs, and also provide a voice to under-represented communities throughout the organization.

Daryl Wiesen (nominated for a second term)

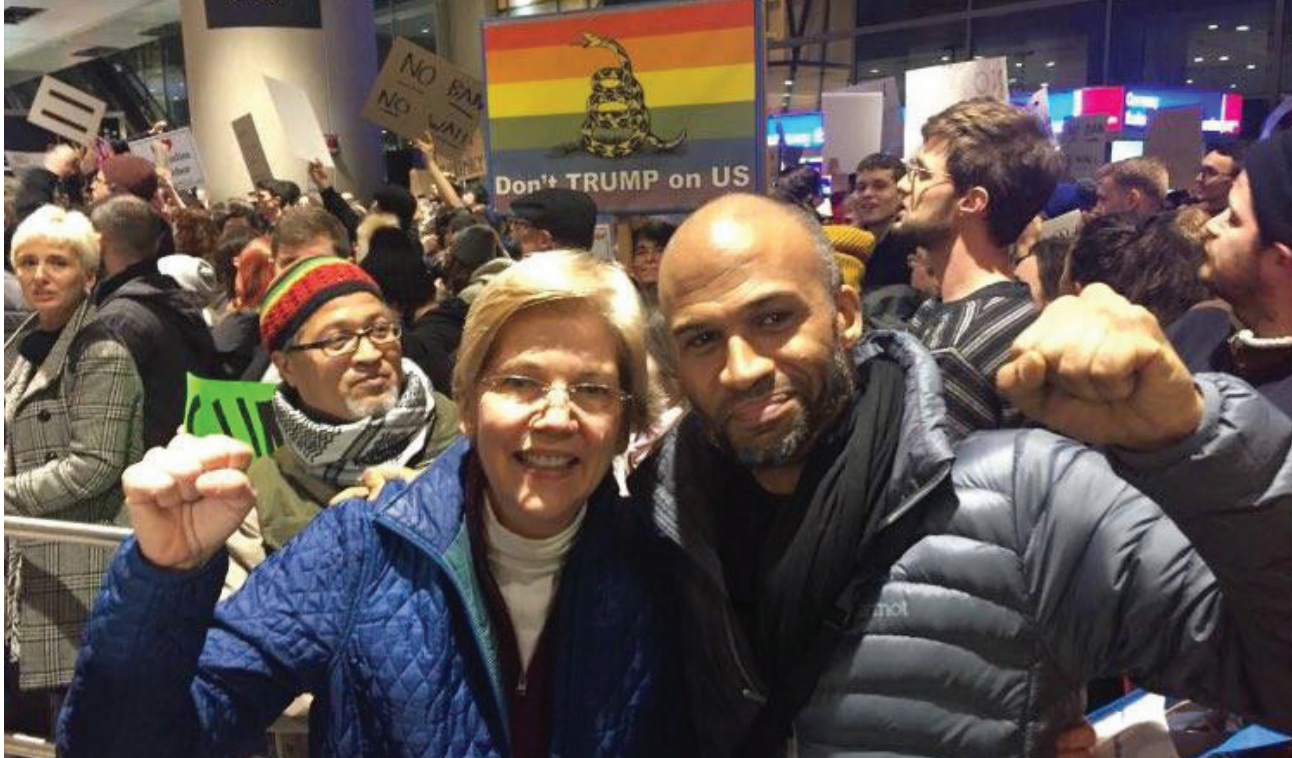
A current member of the Board, I am a litigation partner at Goodwin Procter LLP in Boston, where I focus on patent litigation, mainly in the pharmaceutical space. I have maintained a busy pro bono practice throughout my career and have a general interest in civil rights issues. I have represented prisoners who were mistreated during a shakedown at MCI Shirley and spent the first ten years of my career representing a wrongly convicted death row inmate in Ohio, successfully obtaining a habeas petition from the Sixth Circuit (and celebrating with our client on the day he walked out of prison a free man). More recently, I have been focused on immigrants' rights issues, spending time at Logan Airport to help people subject to President Trump's "travel ban" and representing the cities of Lawrence and Chelsea in challenging the constitutionality of the so-called "Sanctuary City" Executive Order. I look forward to an opportunity to continue this important work, including through service on the ACLUM Board.

Harmony Wu (nominated for a second term)

Motivated by Bush '43 and the conviction that citizen activism is critical for political change, Harmony is a founding member of Progressive Massachusetts (progressivemass.com), which has 19 chapters and growing. A lapsed academic (film, esp. Almodovar, gender, genre) now focused on political narratives, she was named "Activist of the Year" (2013) by the Young Democrats (MA). She used to be routinely thrown into twitter jail, but lately hasn't had the time. Her reputation for f-bombs can precede her; sometimes that is embarrassing. She is proud every damned day to be working with the ACLU, which she has admired fervently since childhood. Harmony has served on the Bill of Rights Dinner Committee since 2012 and is presently on the Nominating Committee. Harmony grew up in Acton and now lives in Needham with husband, Jason, and twins, Hazel and Oscar.

Please note: Notice of Annual Meeting of Members: The Annual Meeting of the members of the ACLU of Massachusetts will be held on June 19, 2017 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.

Faces of the ACLU



Senator Elizabeth Warren and Carl Williams, staff attorney, stand against President Trump's unconstitutional Muslim ban at Logan Airport.



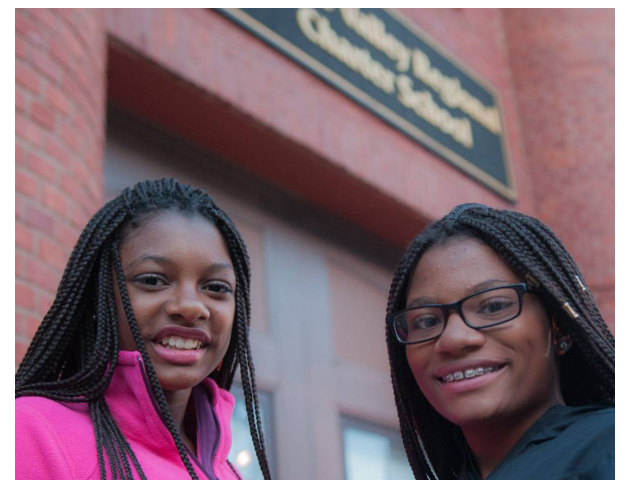
Laura Rótolo, staff counsel and community advocate, speaks to a crowd outside Boston City Hall in support of immigration activists who were detained by Immigration Customs and Enforcement (ICE).



On May Day, a child holds a sign celebrating Revere advocates' work in warding off an anti-immigrant City Council resolution.



Rahsaan Hall, director of the Racial Justice Program at the ACLU of Massachusetts, speaks out in support of the Safe Communities Act, which would ensure that tax dollars do not fund deportation efforts or the creation of a Muslim registry. Learn more at aclum.org/legislative



Mya (left) and Deanna Cook, students at Malden's Mystic Valley Regional Charter School, are fighting the discriminatory school policy under which they were punished for wearing braids with extensions. Learn more at aclum.org/mystic. Photo by Carl Williams.



After 18 years as legislative director, Ann Lambert celebrates her retirement in January. In recognition of her advocacy, the Massachusetts legislature honored her with a joint resolution, presented by (from left to right) Senator Jamie Eldridge, Representative Byron Rushing, Senator Cynthia Creem, Senator Pat Jehlen, and Senator Sal DiDomenico.



Carol Rose, executive director, addresses thousands of supporters at the Boston Women's March. Her speech focused on the role of the ACLU Freedom Agenda in resisting the threats of the Trump administration. Learn more at aclum.org/freedomagenda