

100 YEARS IN DEFENSE OF FREEDOM CENTENNIAL REPORT



ACLU
Massachusetts

In 1920—just after World War I—a small group of people met in a Beacon Hill home to resist a widespread government clampdown on immigrants, anti-war dissenters, and labor organizers. These Bay Staters joined the call of Massachusetts-born ACLU founder Roger Baldwin. Together, they formed the Civil Liberties Union of Massachusetts—the first ACLU state affiliate in the nation.

The ACLU has always been rooted in courage and guided by a vision: to extend the promise of civil rights and civil liberties to all people. In 1920, the U.S. Supreme Court had yet to uphold a single free speech claim. So-called radicals were rounded up and deported in droves. Activists languished in jail for distributing anti-war literature and for promoting contraception and equal rights. Women won the right to vote just that year, and the Voting Rights Act was decades away. Equal rights for LGBTQ people were unthinkable. And yet, the ACLU dared to envision how, by standing together in support of civil rights and civil liberties, we could create a more just and equitable nation for all.

Much has changed in the last century—but our role has not. For 100 years, the ACLU has been the leading defender of freedom here in Massachusetts and nationwide.

The ACLU has grown from a small group of idealists to a vast resistance movement. Every day, we carry on the revolutionary work that began 100 years ago. With 1.85 million card-carrying members, 4 million online activists, thousands of volunteer attorneys, and offices throughout the nation, the ACLU of today continues to vigorously defend civil rights and civil liberties including free speech, immigrants’ rights, due process, reproductive freedom, our right to privacy, and much more.

We are stronger than ever. But history teaches that we must never be complacent. The next 100 years of the ACLU starts now, with each of us. Thank you for helping build our strength today and our power for decades to come.

In defense of freedom,

Carol Rose
Executive Director, ACLU of Massachusetts



Home of ACLU of Massachusetts co-founder Margaret Shurcliff | Boston
Carol Rose, executive director at the ACLU of Massachusetts, stands outside the historic residence where a small group of activists founded the organization in 1920.

Immigrants' Rights

THEN

Governments have long used immigration policy as a tool of oppression. The ACLU was founded in the wake of the Palmer Raids, when hundreds of immigrants were arrested and deported simply because they dared to organize for a better society.

The Palmer Raids received little popular opposition at the time, but the ACLU resisted. Several founding members wrote an influential report detailing the government's egregious civil rights violations, taking officials to task for their lawlessness and xenophobia.

A century has passed, but two things remain the same: the fundamental injustice of the U.S. immigration

system, and the ACLU's willingness to challenge it. The last 100 years have made clear that when immigrants' rights are threatened, all people are at risk.

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After months in detention, Gilberto has been reunited with his wife and children, where he belongs.

NOW

Our client Gilberto was taken in front of his house. ICE snatched him as his children watched through tears—but that was merely the first injustice.

In the United States, freedom should be the norm. To lock someone up, the government has the burden of proving that detention is necessary. In Gilberto's bail hearing, however, the script was flipped. The government had to prove nothing, while Gilberto had to prove a negative: that he shouldn't be in jail.

The ACLU of Massachusetts sued to end this unconstitutional practice, securing release for all three clients—including Gilberto, who was reunited with his wife and children. Our case proceeded as a class action and, in November 2019, we secured a major victory when a federal judge ruled that the government must provide fair bond hearings to hundreds of people like Gilberto.


Meanwhile, the Trump administration sank to a new low. In September 2019, people with serious illnesses, including children with cancer and cerebral palsy, were told they and their families had 30 days to leave the country. For many, this was a death sentence.

The ACLU of Massachusetts sued, and the story received national attention. Faced with legal action and an overwhelming public outcry, the Trump administration appeared to reverse course. The ACLU stands ready to act while the families await news of their cases.

In the face of the cruel and unfettered ICE deportation machine, the ACLU will continue to fight for the rights of all immigrants and their families.



Constitution Wharf | Boston
Gilberto Pereira Brito and his family stand where many of Boston's immigrants landed in the 19th century.



Parkman Bandstand, Boston Common | Boston
ACLU of Massachusetts staff and ROE Act Coalition members Aaron Wolfson, Kate Lagreca, and Olivia Santoro stand where many protests and rallies for reproductive freedom took place during the ACLU's early years.

Reproductive Freedom

THEN

From its earliest years, the ACLU has stood alongside courageous activists seeking reproductive justice for themselves and future generations. The ACLU of Massachusetts defended birth control advocate Margaret Sanger when she was banned from speaking on Boston Common in 1929, and fought countless attempts to censor literature about contraception.

In the 1970s, almost immediately after *Roe v. Wade*, anti-abortion activists sought to undermine newly established abortion rights by passing restrictive laws at the state level. In 1981, the ACLU of Massachusetts won a definitive ruling in *Moe v. Secretary of Administration and Finance*, enshrining the right to abortion in the Massachusetts state constitution.

Thanks to this victory, the fundamental right to choose remains secure in Massachusetts. Building on 100 years of advocacy, the ACLU will always fight to ensure that abortion remains safe, legal, and accessible to all.

NOW

With the appointment of Brett Kavanaugh to the U.S. Supreme Court, the anti-abortion movement is more determined than ever to roll back the clock on reproductive rights. After Kavanaugh's confirmation, no fewer than seven states introduced abortion bans. The ACLU and its partners have blocked every single one of them.

Abortion remains legal in all 50 states, but access is by no means equal. Lawmakers across the country have imposed byzantine restrictions on reproductive health care providers, leaving states like Kentucky, Missouri, and Mississippi with only one clinic each.

In states like Massachusetts, where reproductive freedom is more secure, the ACLU is pushing to strengthen abortion rights by challenging outdated laws and removing barriers to access. As a leading coalition member, the ACLU is supporting the ROE Act, a key piece of legislation before state lawmakers.

The ROE Act would ensure that medical decisions stay between a person and their doctor, that people don't have to travel out-of-state for abortion care, and that income is never a barrier to basic treatment. In 2019, the ACLU testified in support of the ROE Act at a historic hearing on Beacon Hill.

The ACLU also continues to support the Commonwealth's lawsuit against a Trump administration proposal that would allow schools to refuse contraception coverage for students and employees on religious grounds. The government should never use faith as a pretext for repression.

Abortion is health care. In courts, in state houses, and in communities across the United States, the ACLU will never waver in defense of this fundamental right.

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Abortion remains legal in all 50 states,
but access is by no means equal.

Privacy & Technology

THEN

The Constitution affirms our right to live without government harassment and surveillance, and the ACLU has defended this principle for 100 years. No matter the threat, the United States should never sacrifice civil rights in the name of national security.

In the aftermath of 9/11, the Bush administration capitalized on national trauma by claiming expansive new powers for the federal government. The ACLU was quick to sound the alarm, filing the first legal challenges to the Patriot Act, and to later laws that sought to justify unbridled government surveillance.

In 2013, shortly after Edward Snowden revealed details of the program, we challenged the federal government’s secret collection of phone records, winning a landmark ruling in 2015. In 2019, after the ACLU revealed systemic abuse, the program was shut down for good. The fight was long, but the ACLU saw it through.

NOW

Technology often outpaces our laws, but the ACLU is always looking ahead. Today, one of the primary threats to privacy is the rise of face surveillance and biometric tracking. By analyzing facial features in real time, this technology gives the government unprecedented power to track who we are, where we go, and what we do.

Face surveillance is entirely unregulated, but government agencies around the country are deploying it in secret. In Massachusetts, the Registry of Motor Vehicles allows law enforcement to scan driver’s license photos without any oversight, implicating millions of ordinary people in a perpetual lineup.

In 2019, the ACLU of Massachusetts launched “Press Pause on Face Surveillance,” a campaign to pass a statewide moratorium on government use of this technology. In October, along with experts and community advocates such as artificial intelligence researcher Joy Buolamwini, ACLU staff testified at the first-ever Beacon Hill hearing on this issue.

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We must never let technology override our basic rights.

In advance of the hearing, the ACLU released the results of a face recognition test, which falsely matched 1 in 6 New England professional athletes with mugshots. The test received nationwide media coverage, amplified by New England Patriots player Duron Harmon, who endorsed the ACLU’s campaign.

While the ACLU pressures lawmakers to act, a statewide movement is growing. In partnership with the Press Pause campaign, Somerville became the first city on the East Coast to ban face surveillance, with Brookline, Cambridge, and Springfield considering similar proposals.

We must never let technology override our basic rights. The ACLU will continue to lead the fight against dystopian surveillance, and to ensure that Americans are always safe and free.

Council Chamber, Old State House | Boston

Joy Buolamwini, AI researcher, poet, and advocate, poses where the lawyer and activist James Otis first argued against British “writs of assistance,” which granted expansive powers to search people’s homes.



Massachusetts State House | Boston

Tanekwah Hinds, racial justice community advocate at the ACLU of Massachusetts, stands before a portrait of Governor Francis Bernard, who ordered the first census in Massachusetts.

Voting Rights

THEN

Voting rights are at the very core of a free society, and thus a key component of the ACLU’s mission. If we are to dismantle the machinery of repression, we must have the ability to control the shape and direction of our future.

The ACLU has long worked to guarantee free and easy access to the ballot box. In 1964, the ACLU won a landmark case before the U.S. Supreme Court, establishing the principle of “one person, one vote.” That same year, after decades of ACLU advocacy, a constitutional amendment abolished the “poll tax,” which had been designed to prevent Black Americans from voting. The ACLU was also the primary enforcer of the Voting Rights Act—a cornerstone of the civil rights movement.

Our cause is clear: Every person must have full access to the ballot. From felony disenfranchisement to gerrymandering, the ACLU will continue to fight voter suppression in all its forms.

NOW

The Trump era has seen some of the most brazen attacks on voting rights since the Jim Crow era. In Florida, lawmakers passed state-level restrictions to disenfranchise hundreds of thousands of formerly incarcerated people, in violation of a successful 2018 ballot measure.

The ACLU sued and, in October 2019, a federal judge blocked the new law from taking effect. The ACLU will not stand by while lawless actors use voter suppression initiatives to dismantle our democracy in plain sight.

The Trump administration launched its own poorly concealed attempt at voter suppression in 2019, when it proposed adding a question on citizenship to the upcoming census. This measure would have paved the way for undemocratic redistricting, diluting the voting power of communities of color.

The ACLU fought back and secured a major victory in the Supreme Court. In his ruling, Chief Justice Roberts found that Secretary of Commerce Wilbur Ross lied about his reason for including a citizenship question. Now, Americans will get the census they deserve in 2020.

In Massachusetts, the ACLU continues pushing for expanded voting rights by supporting a bill that would institute Election Day registration. This fall, the ACLU also joined a coalition backing a ballot initiative to restore voting rights to incarcerated people with felony convictions.

The ACLU is under no illusions: The Trump administration poses an existential threat to our democracy. Now more than ever, we must protect the right to vote so that we may secure liberty and justice for all.

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The ACLU will not stand by while lawless actors dismantle our democracy.”

LGBTQ Rights

THEN

The campaign for LGBTQ equality has progressed significantly, and the ACLU has been there every step of the way. Since 1936, when the organization first took legal action on this issue, the ACLU has brought more LGBTQ cases and advocacy initiatives than any other national group.

In 2004, the ACLU supported marriage equality in Massachusetts, the first state to take this historic leap. In 2007, the ACLU of Massachusetts helped block a proposed constitutional amendment that would have rolled back equal marriage. Then, in 2013, the ACLU represented Jim Obergefell in the Supreme Court case that instituted marriage equality nationwide.

Just last year—in 2018—Massachusetts saw the first statewide popular vote on transgender rights, reaffirming the Commonwealth as a place that fiercely defends dignity and respect for everyone. The ACLU of Massachusetts was a leading voice in support of this vote.

The ACLU envisions an America free of discrimination based on sexual orientation and gender identity—an America where LGBTQ people can love, work, and live openly and with respect and fair treatment.

NOW

Despite the Trump administration’s repeated efforts to undermine equality at the federal level, the ACLU led a remarkably successful campaign in 2019 to expand civil rights protections for LGBTQ people.

In August, the ACLU celebrated a pioneering victory for transgender rights when a federal court ruled in favor of Gavin Grimm, whose high school denied him access to the boys’ restrooms and an accurate transcript consistent with his gender identity.

The year’s efforts culminated in October, when the ACLU argued before the Supreme Court for LGBTQ workplace protections. In a landmark case for transgender rights, the ACLU argued on behalf of Aimee Stephens, a funeral director who was fired after coming out to her employer.

This case was momentous for many reasons: ACLU attorney Chase Strangio wrote beforehand that the hearing “may feature the first time the word ‘transgender’ is spoken during oral arguments in the highest court in the United States. And when the justices look out... it may be the first time they have looked at transgender attorneys defending our own existence before their powerful bench.”

The ACLU continues to fight for the rights of everyone, no matter who they are or whom they love. Whatever regressive policies this or any other administration promotes, the ACLU will affirm that lesbian, gay, bisexual, transgender, and queer people belong everywhere.



The ACLU envisions an America where LGBTQ people can love, work, and live openly and with respect and fair treatment.

Broadway | New York City
Chase Strangio, staff attorney at the ACLU, stands where plays would boast of their “banned in Boston” status – like “The Children’s Hour,” which was cited for its “lesbian content,” and which the ACLU defended.



Criminal Law Reform

THEN

The United States criminal justice system has never truly been just. Throughout our nation’s history, criminal laws have served, above all else, as vehicles for state-sanctioned cruelty. For 100 years, the ACLU has stood against this cruelty, advocating powerfully in cases like that of the Scottsboro Boys in the 1930s.

The ACLU played a key role in two monumental Supreme Court cases about due process. In 1963, the ACLU argued before the Court in *Gideon v. Wainright*, establishing the right to an attorney for indigent clients. In *Miranda v. Arizona*, the ACLU successfully argued that police must inform people of their rights upon arrest.

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The ACLU is working toward a criminal legal system that is fair, free of racism, respectful of civil rights.

John Joseph Moakley United States Courthouse | Boston
Geoffrey Pesce, ACLU of Massachusetts client, and his family stand outside the court where a federal judge ruled that Pesce was entitled to treatment for opioid use disorder during his incarceration.

The ACLU was founded to secure liberty and justice for all, and—building on a century of successful advocacy—will continue to fight for a more humane, more equitable criminal legal system.

NOW

Today, the ACLU is the leading national organization fighting for criminal legal reform throughout the country and at every stage of the system, from a person’s first contact with law enforcement and their time in confinement, to the day when they return home.

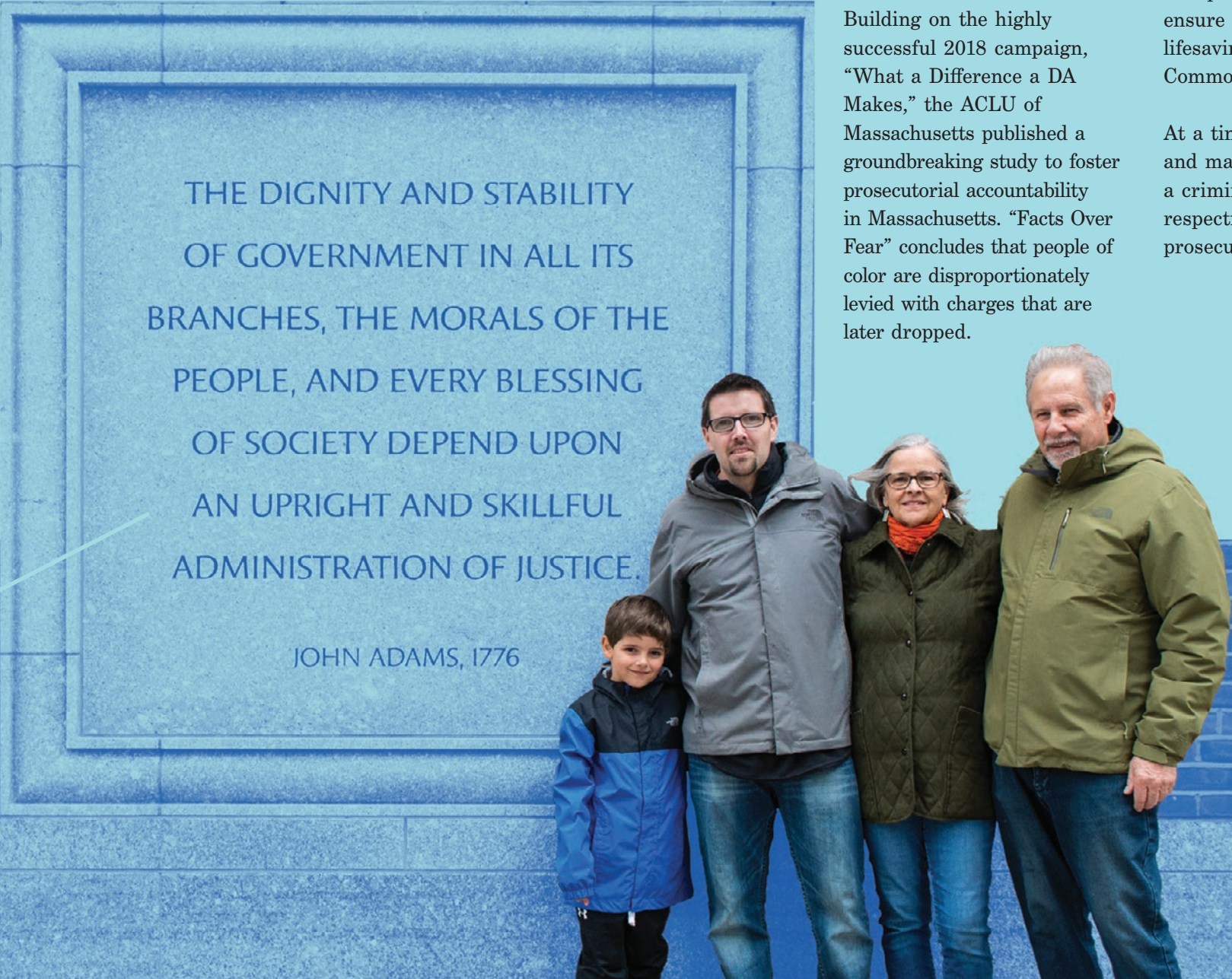
In 2019, the ACLU completed its 50-state blueprint to reduce prison populations nationwide, and the organization continues to shed a spotlight on the role of prosecutors—the most powerful players in the criminal legal system and the most significant drivers of mass incarceration.

Building on the highly successful 2018 campaign, “What a Difference a DA Makes,” the ACLU of Massachusetts published a groundbreaking study to foster prosecutorial accountability in Massachusetts. “Facts Over Fear” concludes that people of color are disproportionately levied with charges that are later dropped.

The ACLU is also working to ensure that prisons in Massachusetts are consistent with basic standards of health, safety, and human dignity. In June 2019, the Federal Bureau of Prisons agreed, after an ACLU of Massachusetts lawsuit, to provide our client with medication for opioid use disorder during her incarceration.

Like the ACLU’s victory for Geoffrey Pesce in 2018, this ruling affirms that people suffering from substance use disorder deserve just treatment. The ACLU is also pursuing several public records requests to ensure that all incarcerated people have access to lifesaving medication for addiction treatment—in the Commonwealth and beyond.

At a time of robust debate about criminal law reform and mass incarceration, the ACLU is working toward a criminal legal system that is fair, free of racism, respectful of civil rights, and committed to holding prosecutors and law enforcement to account.



100 Years in Support of Freedom

For 100 years, the ACLU of Massachusetts’ defense of freedom has been powered by individuals, and today the ACLU of Massachusetts is stronger than ever before.

The ACLU has not, and does not, accept government funding in any form. Instead, individual contributions make the ACLU’s work possible.

Today, the ACLU of Massachusetts is proud to have over 80,000 members, 15,000 monthly donors, and over 1,000 individuals generously supporting the ACLU with \$1,000 or more.

At this unprecedented time in history, we want to acknowledge individuals who are making leadership investments in ACLU’s work—to defend and define freedom now and for 100 years to come.

“The ACLU of Massachusetts is stronger than ever, thanks to over 80,000 donors.”

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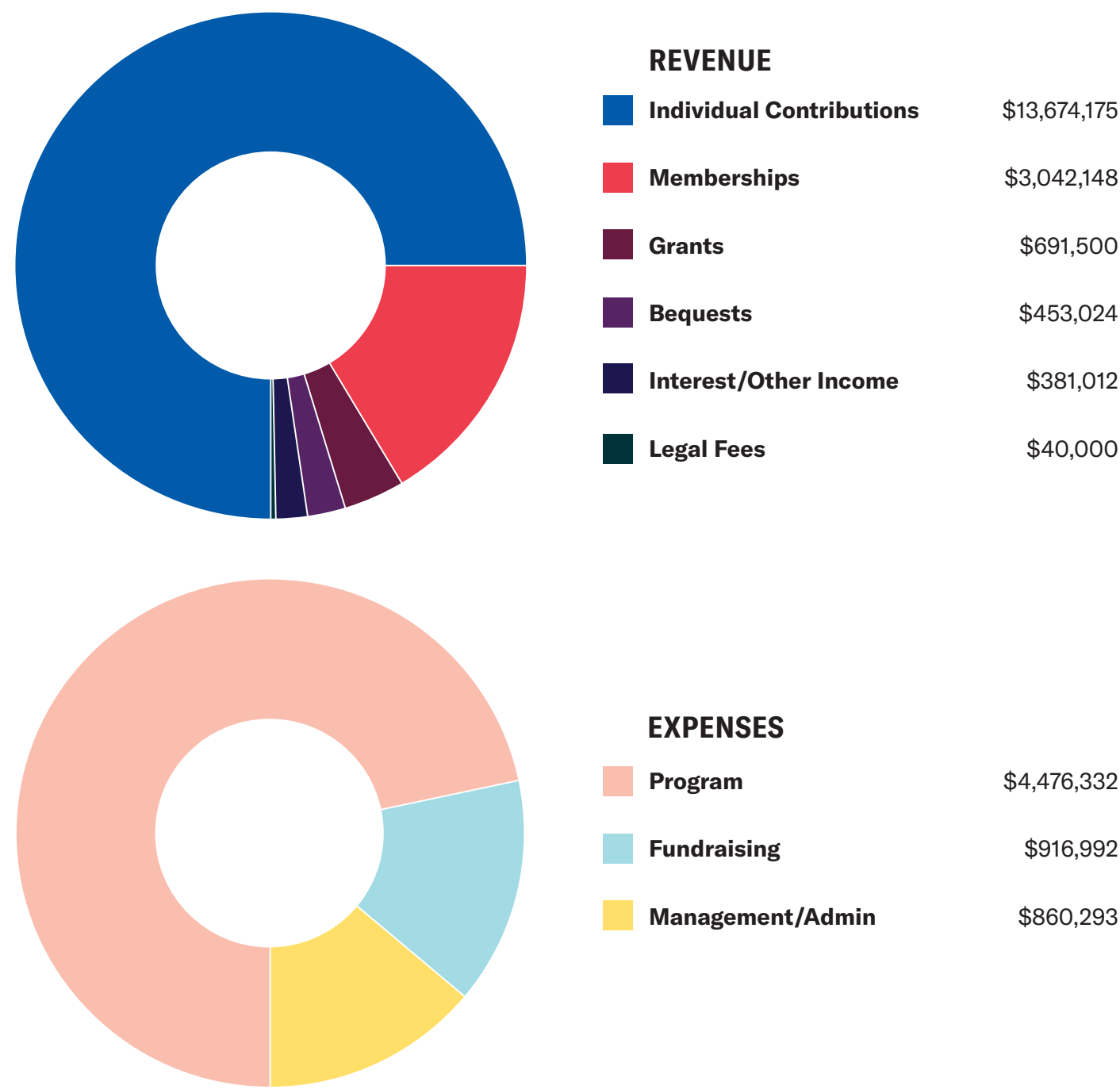
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For comprehensive audited financials, visit aclum.org/2019.

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