

Because We Believe It's More Than 'Just a Piece of Paper.'

2006 DEFENDING THE CONSTITUTION

ANNUAL REPORT 2006





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# Letter from the Leadership

The year 2006 will go down in history as a turning point in civil liberties for the American people. The question is: which way will our country turn?

This year, newspaper reports have exposed warrantless illegal government spying on thousands of ordinary Americans and tens of millions of Americans have had their phone records secretly turned over to the NSA. We learned that our president has signed quasi-secret “signing statements,” effectively declaring that he isn’t obligated to uphold more than 750 statutes passed by Congress. And Congress has stripped away the right of habeas corpus and authorized the continued use of indefinite detention, extraordinary rendition, and cruel and unusual punishment as tools of U.S. policy.

For the members and supporters of the ACLU in Massachusetts, this also has been a year in which people in the Commonwealth and around the country stood up in large numbers to call for an end to these abuses of power.

Since January, more than 2,700 Massachusetts residents have participated in the ACLU of Massachusetts campaign to *Stop the Abuse of Power: Restore the Rule of Law*. Aimed at restoring our fundamental system of checks and balances, this campaign is grounded in the principle that “We the People” have not only a right to expect that the President and all of our leaders obey the law: we also have a patriotic duty to demand that they do so.

We launched the campaign in January with an *ACLU Emergency Town Hall Meeting* at Faneuil Hall, followed by similar meetings across the state—in Chicopee, Cambridge, Lexington, the Cape, Worcester, Wayland, Newton and Pittsfield. These meetings have brought Massachusetts constituents together with members of the Massachusetts Congressional delegation to let them know that we are paying attention to what is going on in Washington, D.C. (check out our website at [www.aclum.org](http://www.aclum.org) if you want to learn ways that you can help Stop the Abuse of Power/Restore the Rule of Law).

Our goal is to build active and engaged communities of ACLU members around the state and country who, by standing together, can demand government accountability and respect for the individual rights set forth in the Constitution and Bill of Rights.

The ACLU’s multifaceted approach—working at the federal, state and local levels as well as in the courts and legislatures and with the public—is uniquely suited to meet the threats to freedom facing our country. In recent months, we have joined forces with some of the best lawyers and law firms around the state to defend the right to peacefully protest against government policies. We have challenged racial and ethnic discrimination in policing, while working to keep more of our kids in school and fewer in prison. We have defended reproductive choice, both as a matter of law and as a matter of access to physicians, emergency contraception and comprehensive health education.

In the weeks ahead, the ACLU of Massachusetts will continue to work with key coalition partners to defend equal marriage rights and to prevent discrimination from being written into our state constitution. And looking to future generations, in September we launched a new high school civil liberties curriculum with a web-based component, called *Rights Matter: The Story of the Bill of Rights*.

Together, we can transform this time in history into one in which individuals and communities join together to protect constitutional rights and demand accountability from our leaders. As we do so, let us remember the words of the famous Boston patriot Samuel Adams, whose statue stands outside of Faneuil Hall: “It does not require a majority to prevail, but rather an irate, tireless minority keen to set brush fires in people’s minds.”



Carol Rose, Executive Director



Nancy Ryan, President, ACLU of Massachusetts Board of Directors



Martin Fantozzi, Chairman, ACLU Foundation of Massachusetts Trustees

# Freedom of Speech

Defending the right to speak out becomes ever more critical in a post-9/11 world in which the government seizes greater power and tries to silence both dissenters and members of the press who dare expose government spying and lawbreaking. This past year, ACLUM has continued its core work in defense of free speech.

When billboard owner John Rosenthal erected a new billboard sign on top of a building he owns next to Fenway Park, he received a notice from the Romney Administration's Outdoor Advertising Board informing him that the sign was illegal and had to be taken down. What was on the billboard? A photo showing George Bush's eyes and the text, "Little Brother is Watching," <http://www.littlebrotheriswatching.com/>. This was the first time in many years of having signs on that billboard that Rosenthal had received such a notice. The state agency told Rosenthal that he was allowed to have a sign advertising a business in the building, but could not have the political message expressing his concerns about government spying. ACLUM has joined in an effort at the Outdoor Advertising Board, defending Rosenthal's right to display the billboard.

A different kind of billboard—an electronic one—was at issue in the case of *Jean v. Massachusetts State Police*, a case in which a "nanny camera" captured on videotape the arrest of a homeowner and what appeared to be an illegal search of the house. Both the video tape and sound recording were turned over to Mary Jean, the operator of a website, who posted the tape and recording on her website. The police sought to enjoin these postings and threatened Jean with criminal prosecution if she failed to take them down. Jean successfully sought an injunction against interference with her web broadcast on the grounds that she did not participate in the allegedly unlawful recording of the apparently illegal search. The ACLU of Massachusetts is representing her on appeal.

A key free speech victory came this year when Superior Court Judge Hiller Zobel held that the Massachusetts Department of Education violated the United States Constitution when it prevented a critic of the Massachusetts Comprehensive Assessment System

(MCAS) standardized test from speaking at a public education conference because it did not like his viewpoint. The case was filed by the ACLU of Massachusetts on behalf of Alfie Kohn, a nationally known critic of high-stakes testing, who was invited—and then dis-invited—to be a keynote speaker at a public education event.



ACLU client Alfie Kohn

Growing public protests against government policies led to increasing arrests of dissenters and subsequent ACLUM legal challenges. The annual St. Patrick's Day Breakfast in South Boston is an event that draws almost every politician in the Boston area and great media attention. In the spring of 2006, Military Families Speak Out and Veterans for Peace sought to demonstrate outside the new South Boston Convention Center where the breakfast was being held, in order to convey to elected officials and the public their opposition to the war in Iraq. The groups were advised by Convention Center officials that the area was private property and no demonstrations could take place there. With our support, the groups showed up at the

Center and were permitted to hold their demonstration right in front of the entrance. A follow-up ACLUM public records request to the Convention Center Authority showed that the policy banning demonstrations in the area outside the center has been rescinded.

In *Commonwealth v. Bernstein*, the ACLU of Massachusetts represented a man who had received a letter soliciting a campaign contribution to the Bush/Cheney '04 reelection committee. To express his feelings about the Bush administration's policies, Bernstein took the postage-paid return envelope from the campaign, attached it to a box on which he wrote, "DISSENT TREASON", and left the box next to a mailbox outside the Somerville post office, because it was too large to fit in. He later saw a large number of police officers and firefighters gathered there and identified himself to them as the person who had placed the package there. He found himself charged with creating a "hoax device" which is a felony under Massachusetts law. Fortunately, Bernstein was found not guilty after trial before a judge in Cambridge District Court.

In June 2005, the City of Cambridge, in conjunction with the U.S. Army, held a commemoration of the anniversary of George Washington taking command of the Continental Army on the Cambridge Common in the summer of 1775. The event, however, turned into a military recruitment effort, complete with helicopters, humvees and free baseball tickets for enlistees. Not surprisingly, the event drew a large number of anti-war protesters who were shunted to one side of the Common behind a police line or barred from the event altogether, even though it was open to the public on the Common. Seven people were ultimately arrested for failing to comply with these restrictions. ACLUM defended them in district court and we have reached an agreement that provides that, following a short period of unsupervised “pre-trial probation,” all charges will be dismissed.

In Northampton, we have appealed a lower court ruling that police may invoke the “riot act” under Massachusetts law to break up an anti-war demonstration. The ACLU of Massachusetts has challenged the constitutionality of the anti-riot statute on the basis that the anti-war protests were not violent and the statute is vague and overbroad. The Western Massachusetts ACLUM office also assisted students who were penalized by their public schools for their speech on websites. The office also persuaded a local vocational school to rescind its ban against certain symbols on clothing, and agreed to participate in school teach-ins on the constitutional guarantees of free speech. The Western Massachusetts office also represents college students at Mr. Holyoke Community College who have been subject to threats of discipline for participating in protests against campus police practices.



*ACLUM is defending the right of billboard owner John Rosenthal to display this sign near Fenway Park.*

ACLUM’s Worcester County Chapter this year helped ensure that activist Karen Leger was able to hold an anti-war vigil on Mother’s Day without first obtaining insurance coverage. The Worcester county chapter also was active in urging city officials to review existing sound ordinances to ensure that they do not unconstitutionally interfere with the right to free expression. The chapter also helped to defeat efforts in the Worcester city council to place a nonbinding referendum on the ballot regarding a proposed Constitutional Amendment to Prohibit the Physical Desecration of the Flag of the United States.

Finally, in July 2006, the ACLU joined with the Legal Assistance Corporation of Central Massachusetts in filing a class action lawsuit in federal court challenging the Worcester Public Library’s policy of restricting borrowing privileges of residents of homeless shelters, transitional housing programs, and adolescent programs. The suit alleges that the policy violates the guarantees of equal protection of the law, freedom of speech and expression, and due process in both the federal and state constitutions. ■

*Growing public protests against government policies led to increasing arrests of dissenters and subsequent ACLUM legal challenges.*

# Campaign to Restore the Rule of Law



Rep. Richard Neal, Carol Rose and former Georgia Republican Congressman Bob Barr share a light moment at the Town Hall meeting in Chicopee.

In the wake of continuing revelations that the U.S. government is unconstitutionally abusing its power, the ACLU of Massachusetts in January 2006 launched a statewide “Restore the Rule of Law” campaign. The campaign is focused on three key issues: government illegal spying on Americans; government policies of detaining and torturing so-called “enemy combatants” without any due process; and the persistent refusal by President Bush to follow the laws of the land by invoking national security in “signing statements.”

Tapping into public concern over the Bush Administration’s abuses of power, the ACLU of Massachusetts hosted a series of emergency “town meetings” across the state at which members of the public could speak directly with key members of Congress. Since January, the campaign has brought together more than 2,700 people—from the Berkshires to Worcester to Cape Cod. It has encouraged Massachusetts congressmen and thousands of their constituents to speak out against constitutional abuses taking place in this country.

On January 4, the first meeting brought out nearly 400 people in Lexington, where ACLUM Executive Director Carol Rose addressed the issues with Rep. Edward Markey. ACLUM then geared up for a massive public education effort with a January 30 Emergency Town Meeting in Boston’s Faneuil Hall. Over 500 people took part in this public forum and exploration of the “myths and realities” behind the NSA spying program. With Rep. Markey serving as moderator and Carol Rose as host, the program featured national ACLU Associate Legal Director Ann Beeson and Marc Rotenberg, executive director of the Electronic Privacy Information

Center. Together, Rep. Markey and the panelists debunked government arguments about the legality of the spying program and outlined the dangers it presents to our constitutional foundation.

The Faneuil Hall meeting became the model for seven more meetings across the state, as the campaign expanded to include unlawful government practices of kidnapping, rendition, torture, and the maintenance of secret prisons holding “ghost detainees” held beyond the rule of law.

Hundreds more came out for Emergency Town Meetings with Rep. Marty Meehan in Wayland on March 4, and Rep. Barney Frank and Mayor David Cohen in Newton on March 5. These meetings also featured along panels of experts, including civil liberties attorney and writer Harvey Silverglate and technology expert Anna Sabastianski.

On March 23, more than 600 people came to Chicopee to hear from and talk with Rep. Richard Neal, former Republican Congress Bob Barr, Carol Rose, and Bill Newman of the ACLUM Western Massachusetts office. Barr, a former Judiciary Committee member, exhorted the audience to urge the Senate Judiciary

Committee to initiate a meaningful investigation into the NSA program.

The Emergency Town Meetings continued: March 27 in Cambridge with Rep. Michael Capuano, Professor Mary Culnan of Bentley College, and Nancy Murray of ACLUM; April 11 in Worcester with Rep. Jim McGovern and Professor Christopher Pyle of Mt. Holyoke College; April 20 on Cape Cod with Rep. Bill Delahunt, Bob Barr, and Carol Rose; and June 1 in Pittsfield with Rep. John Olver, Chris Pyle, and Carol Rose.

Similar ACLU town meetings have taken place across the country—including Ann Arbor, Michigan; Denver, Colorado; and Seattle, Washington—all based on the Restore the Rule of Law Campaign begun here in Massachusetts.

As the government continues its abuse of power, ACLUM will continue its organizing and education work, building local activist groups across the state, encouraging people to speak out, and making sure that the state's elected officials know that the people of the Commonwealth will not rest until the rule of law is restored and respected across the nation. ■

### RESOLUTION AFFIRMING THE CIVIL RIGHTS AND LIBERTIES OF THE PEOPLE OF MASSACHUSETTS

The ACLU of Massachusetts has not just been working in the public arena to restore the rule of law.

It also pushed vigorously for the passage of a "Resolution Affirming the Civil Rights and Liberties of the People of Massachusetts" through the state legislature. Amended after the reauthorization of the USA PATRIOT Act to include language about the illegal warrantless NSA spying program, the Resolution was passed by a voice vote in the Senate on May 4, 2006. Massachusetts thereby joined eight other states in standing up for the principles that the nation was founded upon, and urging that the government to respect the Bill of Rights and restore constitutional checks and balances.

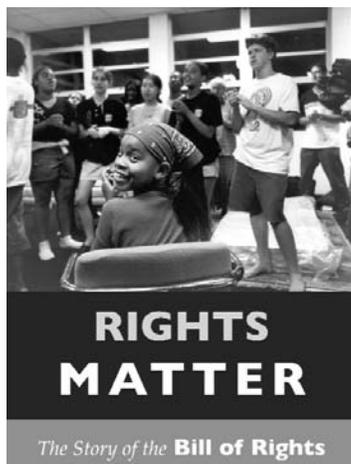
## Rights Matter: the Story of the Bill of Rights

The ACLU of Massachusetts has launched a new web-and-classroom based civil liberties curriculum that promises to make an especially significant contribution to preserving civil liberties for future generations.

*Rights Matter: the Story of the Bill of Rights* is designed to teach high school students what rights are, where they came from, and how they are threatened. But it also aims to inspire them to be the kind of citizens

Albert Einstein had in mind when he warned Americans who were living through the 1950s Red Scare:

"The strength of the Constitution lies entirely in the determination of each citizen to defend it. Only if every single citizen feels duty bound to do his share in this defense are constitutional rights secure."



*Rights Matter sweeps across American history, with an expressive Lady Liberty guiding the reader through the story of the Bill of Rights.*

*Rights Matter* sweeps across American history, with an expressive Lady Liberty guiding the reader through the story of the Bill of Rights. In fifteen chapters, it distills the lessons we need to learn if rights are to be more than a mere piece of paper.

We hope that teachers will order class sets of the 80-page printed curriculum, and put copies in the hands of their students. Students also will be encouraged to make use of the infinitely-expandable part of this teaching tool, the website [www.rightsmatter.org](http://www.rightsmatter.org), which will make learning about the Bill of Rights both exciting and interactive. The website will also be a "stand alone" educational resource. Teachers across the country who do not have access to printed copies of *Rights Matter* will be able to download the curriculum and make full use of the activities, audio files, slideshows and film clips on the site. ■

[WWW.RIGHTSMATTER.ORG](http://WWW.RIGHTSMATTER.ORG)

# Privacy Rights

Protecting privacy rights in the face of new technologies and government policies of expanded surveillance remains a core concern of the ACLU of Massachusetts. At the forefront, the ACLU protects the right to engage in political speech and activities free of illegal surveillance by government officials.

Responding to reports that local phone companies enabled illegal government spying by turning over private details about Americans' telephone calls to the National Security Agency, the ACLUM in May 2006 filed a complaint with the Massachusetts Department of Telecommunications and Energy (DTE) on behalf of its 22,000 members and four Massachusetts city mayors: Mayor Claire Higgins of Northampton; Mayor Michael Bisonette of Chicopee; Mayor David Cohen of Newton, and Somerville Mayor Joseph A. Curtatone. The complaint requested that the DTE hold a public hearing to determine the responsibility of AT & T and Verizon for possible violations of the Massachusetts Right of Privacy Statute and the state Consumer Protection Act. In addition, ACLUM urged the DTE to adopt regulations requiring phone companies to respect the privacy of telephone records and prohibit their disclosure without specific legal authority and notice to customers.

The phone companies responded by invoking a defense of "state secrets"—a defense typically reserved for government rather than private entities. While awaiting a response from the DTE, however, more than 2,000 ACLU members in Massachusetts have written letters of protest to the phone companies as part of the ACLU's "Stop the Abuse of Power: Don't Spy on Me" campaign. The ACLU remains determined to stand up for the fundamental right of privacy of people whose telephone records have been divulged without a warrant, notice or consent.

Concerns about database privacy, surveillance, and identity theft also led the ACLU to question the creation of a new "Fusion Center" at the Massachusetts State Police Headquarters. Created by Governor Mitt Romney and backed by a \$22 million contract with Raytheon, the Fusion Center has the potential to become an uber-database of information on everyone in Massachusetts. In the coming year, the ACLUM will seek hearings and legislative oversight of the center to ensure that it doesn't become a one-stop shop for identity theft or government abuse.

The civil liberties impact of new surveillance technology—from cameras to biometric technology—remains a key focus of the ACLUM. The ACLUM Science and Technology Committee has taken the lead in studying the

impact of emerging technologies on fundamental freedoms, including e-voting, surveillance, identity cards, and DNA databanks.

In the courts, meanwhile, the right to privacy suffered a setback when the Supreme Judicial Court of Massachusetts ruled that employees do not have any reasonable expectation of privacy in the workplace in areas that are accessible to the public at any time. The case involved a woman who was secretly video-taped by her employer in her semi-private office while she applied medical lotion to her body. Sadly, the SJC of Massachusetts held that she had no right to expect that such actions might not be captured on video-tape.

In another case, ACLUM has challenged the Boston Police Department on their surveillance tactics and preemptive arrests (without cause) in anticipation of a visit to Boston by President Bush.

In Worcester county, chapter representatives were instrumental in helping to keep a video monitoring system out of the public schools. In addition, the chapter obtained assurances from the Worcester police chief that use of video surveillance by law enforcement officials would be limited to solving crimes that had been committed.

In the Statehouse, concerns about privacy, identity theft, and the misuse of data bases led to an ACLUM letter to legislators working on the Health Care Reform legislation. We encouraged legislators to redraft sections of the bill so that the least amount of data necessary was transferred from one agency to another and that penalties were included for the misuse of data. In addition we objected to a House proposal to take away the drivers' licenses of those who do not purchase the new cheaper health policies, and a Senate proposal to notify and charge the employers of those who use emergency rooms without insurance. While all of our suggestions were accommodated in the final version of the bill that emerged from the conference committee, the implementation has been left to various commissions and boards. ACLUM will have to monitor the results of this regulatory phase to protect our privacy rights.

Finally, concerns about freedom of association, privacy, and religious liberty came together this year when the ACLU of Massachusetts joined religious leaders and groups interested in religious freedom in drafting a letter urging Governor Romney to abandon a proposal to wiretap and conduct surveillance on all Mosques. [See story p. 14 (religious freedom article)]. ■



# Reproductive Freedom

Nationally, reproductive health and freedom have been under sustained, serious attack, including efforts to deter physicians from providing abortion services to women. In the past year, we continued to represent a gynecologist whose office practice includes providing outpatient abortions and whose landlord threatened to evict him for doing so. We have been in settlement negotiations with the landlord and are hopeful this case will be successfully resolved soon.

In other ways, we are fortunate in Massachusetts that reproductive rights have been more secure than elsewhere across the nation. The ACLU, working with the Coalition for Choice, has been able to move positive, reproductive-rights-enhancing legislation into law. In September 2005, the Massachusetts legislature enacted an important new law for women's health when it voted to override Governor Romney's veto of the emergency contraception ("EC") bill. The new law mandates access to EC for rape victims at hospital emergency rooms and authorizes trained pharmacists to dispense EC if they have a collaborative agreement with a physician under a Department of Public Health protocol.

EC is a significant medical advance in contraception. This "morning after pill" (not to be confused with RU-486, Mefipristone®, the "abortion pill") is most effective within 72 hours of unprotected sex. As a contraceptive, it acts *before* pregnancy—implantation in the womb—and does not harm an established pregnancy. Its side effects are few, rare and unserious. "Plan B"® is the best known brand—also best-known because of the U.S. Food and Drug Administration's non-approval of the product for over-the-counter sale, despite the overwhelmingly favorable recommendation of the agency's scientific advisory panel.

In July 2005, the EC legislation was passed by the House (128-24) and the Senate (37-0), then vetoed by the Governor. Governor Romney used the occasion of his veto to announce, in a *The Boston Globe* op ed ("Why I vetoed contraception bill," July 26, 2005), that his convictions had "evolved and deepened" into an overall "pro-life" position, despite his earlier campaign statements and his specific statement of support for greater access to EC. Citing unidentified medical sources, Romney opined that the EC bill was actually an *abortion*

*In September 2005, the Massachusetts legislature enacted an important new law for women's health when it voted to override Governor Romney's veto of the emergency contraception ("EC") bill.*

bill. "I am pro-life," he announced. "I believe that abortion is the wrong choice except in cases of incest, rape and to save the life of the mother. I wish the people of America agreed, and that the laws of our nation could reflect that view..."

When the Senate took up Romney's veto, lead sponsor Sen. Pam Resor (D-Acton) noted the Governor's stated reasons for his veto—his "pledge not to change the laws of abortion." But, she continued, "We have said over and over that EC is a form of contraception.

There are people who believe the world is flat, but they are wrong." The Senate voted 37-0 to override, and the House, 139-16. The EC law became effective in mid-December, 2005 (90 days after the override votes); the Coalition for Choice is monitoring its implementation.

The ACLU's other projects during the current session include lobbying *for* a bill requiring comprehensive, scientific and medically accurate, health education, including sex education in public schools and *against* proposals which would put abstinence-only-until-marriage ("ab only") programs in school classrooms. The 2005 Report from U.S. Representative Henry Waxman (D-CA) demonstrates that many federally funded abstinence-only education programs use curricula that misinform young people about contraceptives, are scientifically inaccurate, promote stereotypes about men and women, and preach religion. Our Coalition for Choice sponsored an energetic lobby day at the State House in early October 2005 on the need for and value of comprehensive health education, and the ACLU provided testimony to the Education Committee at its hearing on the bill. The bill was placed in a "study"; we hope it is an active study that will gather data (implementation costs, etc.) needed to bolster the bill in the next session. Unfortunately, "ab only" federal grants were approved in the new Massachusetts budget for the year beginning July 1, 2006. In addition, Governor Romney vetoed budget language that would allow ab only programs in schools only if they are presented in conjunction with comprehensive sex education. We are organizing and planning for legislative action next year for comprehensive health education and against accepting federal money tied to the promotion of inaccurate, dangerous abstinence-only programs in our schools. ■

# Immigrant Rights

The US Supreme Court has long ruled that non-citizens—including undocumented ones—are “persons” under the Fifth and Fourteenth Amendments and entitled to basic freedoms, equal protection and due process. But the notion that immigrants have constitutional rights—and human rights—has been all but forgotten in the heated rhetoric surrounding immigration. As the debate has roiled the US Congress and Massachusetts legislature, it is crucial that we address the dangerous “us vs. them” mentality that has permitted immigration reform to be presented as a strategy for fighting terrorism.

Through speaking engagements, press conferences, newspaper editorials, lobbying, phone-banking and multi-lingual educational materials, the ACLU of Massachusetts aims to be a leading voice for immigrants. We continue to work in coalition and to mobilize our membership to support the rights of the 2 million Massachusetts residents who are immigrants or their children. In recent years, agencies of both the federal and state government have greatly expanded the scope and depth of law enforcement aimed at both documented and undocumented foreign born residents. More and more agencies

are adopting practices designed to limit and track the employment, travel and schooling of immigrant adults and children. These policies often affect legal residents and citizens as well.

To combat this trend, the ACLU of Massachusetts alerted the public to the error-riddled “Employment Eligibility Verification System,” a proposal that would require businesses to check the immigration status of prospective workers. At a press conference outside of the governor’s office on June 22, we highlighted our opposition to Governor Romney’s plan to require state police to “find and detain illegal aliens in the ordinary course of business.” Deputizing members of the state police to do the work of federal immigration authorities and arrest people for civil immigration violations will undermine trust between the police and newcomers and make communities less safe. It will also increase chances that residents—including US citizens—will be subjected to illegal racial and ethnic profiling.

*Deputizing members of the state police to do the work of federal immigration authorities and arrest people for civil immigration violations will undermine trust between the police and newcomers and make communities less safe.*

Throughout the state, the ACLU and its members have participated in rallies for beneficial immigration reform. In Worcester County, the ACLUM chapter helped to organize a rally featuring U.S. Representative James P. McGovern, Worcester Mayor Timothy P. Murray, and a crowd of 3,000 people in front of City Hall. Meanwhile, in the courts, the Western Massachusetts office has represented Muslim motorists and defendants who have been interrogated because of the ethnicity and about their immigration status.

In the state legislature, ACLUM testified and worked toward passage of the “in-state tuition bill” to allow undocumented students to pay the in-state rate at public colleges and universities if they meet all the admissions criteria, graduate from high school after three years attendance in Massachusetts schools, and commit to applying for U.S. citizenship. Nonetheless, in January 2006, the Massachusetts House of Representatives voted (57-97) resoundingly against the bill, which we expect to be re-filed in the 2007-2008 legislative session.

ACLUM also is participating in a nation-wide effort to prevent passage of the Real ID Act of

2005, which would establish a national identity card system. All drivers’ license applicants would have to submit documentary proof of identity—an original or certified birth certificate, official passport or immigration documentation, etc.—which would be verified and stored by the Registry, and would be fully available in an interstate data-sharing network to law enforcement and others. In the Commonwealth, we support legislation that would improve public safety by ensuring that all persons who meet the safety and skill tests for drivers’ licenses are able to obtain them in our state.

The ACLU will continue to evaluate and explain the dangers of an array of other anti-immigrant legislative proposals on Beacon Hill. And we will continue to alert the public to the relevance of Thomas Jefferson’s words about the Alien and Sedition Acts of 1798. Once the “friendless alien” has been deprived of rights, he wrote, “the citizen will soon follow, or rather, has already followed, for already has a sedition act marked him as its prey.” ■

# Racial and Ethnic Profiling

In the aftermath of 9/11, there has been a fundamental change in the treatment of Muslims, Arabs and people of Middle Eastern descent or appearance. They are not only viewed more frequently with suspicion, but are frequently stopped by police and other law enforcement officials solely on the basis of their race or appearance.

One such case involved Alex Abou-Hussein, a U.S. citizen who is a native of Egypt. When he was told he would not be allowed to fly on an airplane because of his appearance, the ACLU of Massachusetts filed a complaint of discrimination on the basis of national origin at the Massachusetts Commission Against Discrimination. The case was subsequently removed to federal court, where the ACLU of Massachusetts was able to obtain a satisfactory resolution on his behalf.

## JUVENILE JUSTICE AND RACE

In 2005-2006, the ACLU of Massachusetts continued to make juvenile justice reform a priority in its racial justice program. Thanks to a 2003 national ACLU report entitled *Disproportionate Minority Confinement in Massachusetts*, the Commonwealth adopted various reforms in order to comply with federal mandates requiring states to address the over-representation of kids of color in the juvenile justice system. With a grant from the national ACLU, we hired a full-time legal fellow in October 2005 to collaborate with national legal staff in preparing a follow-up study and report on the Massachusetts juvenile justice system.

Disproportionate minority contact—the notion that youth of color are stopped, searched, arrested, and confined at higher rate than white youth—is an ACLU priority. Our current research highlights the overrepresentation of minority youth in the pre-trial detention system. That report—due out this fall—will follow a series of forums around the state, entitled *Juvenile Justice Detention Forums*, at which the ACLU will present its preliminary findings to and gather feedback from key stakeholders in the juvenile justice system. This collaborative model of public education is designed to foster on-going dialogue among civil rights advocates and decision-makers in the juvenile justice system. The forums will be in Boston, Worcester, Springfield, Lawrence, Brockton/Fall River—six cities and towns that represent the highest overall detention rates or the highest minority detention rates in the Commonwealth. By exploring these trends through both data analysis and dialogue with key stakeholders, the ACLU of Massachusetts hopes to continue its role as a catalyst for juvenile justice reform.

In the case of *Rahman v. Chertoff*, the ACLU of Massachusetts joined a lawsuit filed in federal district court in Illinois on behalf of nine American citizens from around the country who have been subject to repeated lengthy stops, prolonged questioning, body searches, handcuffing, excessive force and confinement by customs officials whenever they return to the United States from traveling abroad. Our clients, Niaz Anwar and his wife Mawash are both U.S. citizens originally from Afghanistan, who have been repeatedly subject to such detentions. The suit is an effort to force the federal government to implement changes to the FBI's Terrorist Screening Center and the policies of Customs and Border Protection that will ensure that innocent Americans are not subjected to humiliating and unnecessary detentions by federal officials each time they enter the United States.

In February, the Supreme Judicial Court of Massachusetts issued an important civil rights decision when it upheld a requirement that police officers include their identification numbers when filling out a form developed to detect patterns of illegal racial profiling in traffic stops and citations. The ACLU of Massachusetts and other groups filed a friend of the court brief in the case.

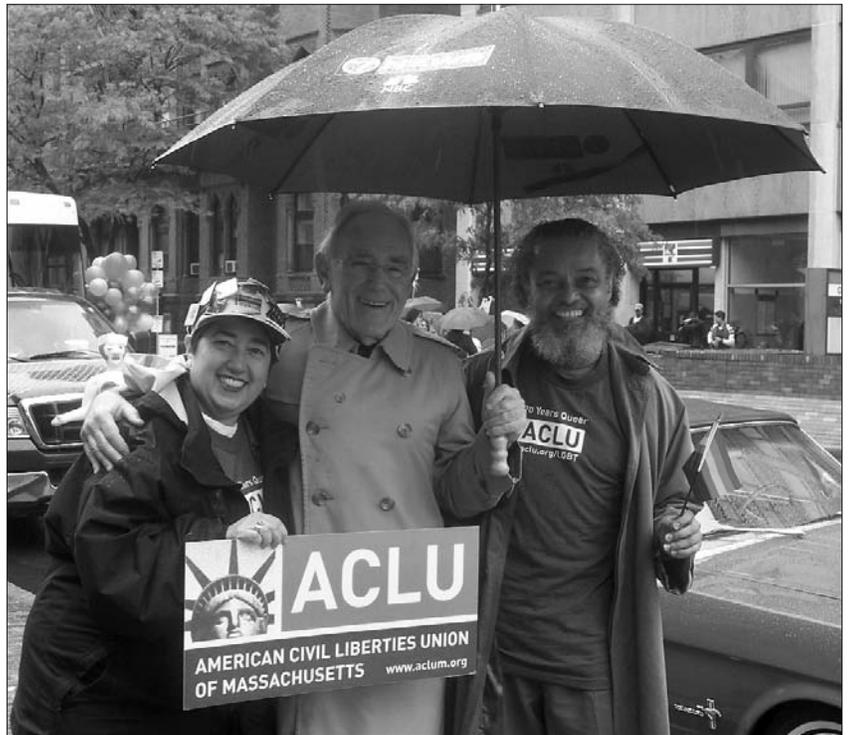
The Boston Police Patrolmen's Association had sought to enjoin the city of Boston and its police department from including officer identification numbers as part of a data collection required under the state racial profiling statute, but the high court denied this request. State law mandates that 247 Massachusetts law enforcement agencies and departments collect data for one year on the race and gender of drivers in traffic stops, based on preliminary analysis of traffic citations that showed a seeming appearance of racial disparities in traffic enforcement.

“Collection of officer identification is necessary to ensure that individual officers complete the racial profiling forms as required and enter accurate information,” said John Reinstein, Legal Director for the ACLU of Massachusetts. “This information is essential to the remedial scheme that the legislature has established. If police departments are going to address the issue of racial profiling, they need to know which officers are engaging in the practice.” ■

# GLBT Rights

The ACLU of Massachusetts was honored this year to serve as a marshal for the annual Gay Pride Parade in June. Our parade representatives—Byron Rushing, Ron Ansin, and Holly Gunner—led a large contingent of ACLU members and supporters marching for civil rights. This recognition capped a year in which the ACLUM was again on the front lines in the legislature and the courts in the ongoing struggle for LGBT equal rights.

On July 12, 2006, the state Constitutional Convention convened to consider proposed amendments to write discrimination against LGBT families into the Massachusetts constitution. In response, ACLUM and the coalition fighting for equal marriage rights for same-sex couples ([massequality.org](http://massequality.org)) devoted extraordinary time and resources to defeating the initiative amendment that, if passed, would ban future marriages without providing the benefit of legal recognition for same-sex partners and their families. 150 votes from 200 Representatives and Senators are needed to prevent the ban from reaching the ballot in 2008. We're not quite there yet. Fortunately, the Constitutional Convention voted for a recess to a later date. The next Constitutional Convention is set for November 7, two days after the state-wide election. During the past eighteen months, the ACLUM staff lobbyists and members have been working to increase the



*ACLU Trustees Holly Gunner and Ron Ansin along with Board member Rep. Byron Rushing at the Gay Pride parade in June.*

number of our votes. We've devoted countless hours to visiting with legislators, asking ACLU members in selected districts to call their representatives, and writing materials to help legislators understand their constitutional responsibility. While opponents of equal marriage rights campaign to "Let the People Vote," we remind legislators that the Constitution does not make them a rubber stamp. Rather, legislators must express, through their vote at the convention, their own judgment about whether they recommend the change that would put discrimination into the Constitution. ACLUM has been especially persuasive in arguing that civil rights of a minority group should never be put to a popular vote.

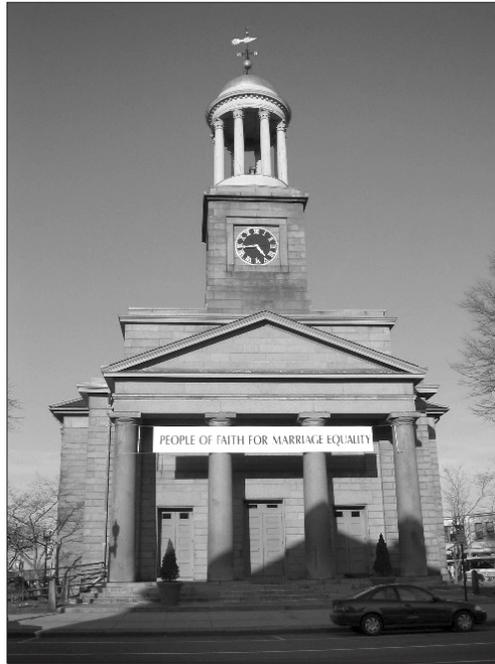
We have also stepped up our defense of equal marriage rights in the courts. In March, the Supreme Judicial Court rejected our appeal on behalf of thirteen city and town clerks who objected to the Attorney General's order that they not issue marriage licenses to same sex couples from out of state (who sought to marry here just as many heterosexual couples travel to the Commonwealth to marry). The clerks viewed the order as discriminatory treatment of nonresident same sex couples because the 1913 law invoked by the Attorney General had not been enforced until gay marriage was recognized in Massachusetts in 2004. The 1913 law provides that

## WHAT IS A FAMILY? ACLUM FIGHTS FOR FREEDOM IN FAMILY LIFE

In 2006 at the February town meeting in Milford, the Worcester ACLU chapter distributed an open letter to voters stating that a proposed new zoning by-law limiting the definition of a family that was allowed to live together in a dwelling was unconstitutional. The proposed by-law prevented a group of more than three people who are "not within the second degree of kinship" from living together in the town, meaning that aunts, uncles, nieces, nephews, cousins, and non-traditional families could not live together in a home with more than three people. After town meeting approved the by-law, the ACLU of Massachusetts asked the state attorney general's office to disapprove Milford's new definition of family. The AG's office rejected the bylaw in August 2006, meaning that it could not take effect.

licenses should not be issued to someone if the marriage would be void in his or her home state. While heterosexual couples must only sign a form saying they know of nothing that would make their marriage void at home, the Governor will not allow same sex couples to do the same. We won one small part of the appeal, however, getting recognition from the court that the clerks had legal standing to challenge the order as unconstitutional because it placed them in the position of violating their oath of office to uphold the state Constitution.

In another case, ACLUM attorneys are representing the municipal clerks of Provincetown and Somerville who were sued by Raymond Flynn, former ambassador to the Vatican. These clerks were among several that initially issued marriage licenses to out-of-state same sex couples right after the historic *SJC Goodridge* decision took effect. Flynn sought a declaration that any marriages contracted by nonresident same sex couples were null and void and asked the court to order municipal clerks to stop issuing marriage licenses to out-of-state gay and lesbian couples. We asked the



*United First Parish Church of Quincy.*

court to throw the case out, because the clerks were no longer issuing such licenses and Flynn had no personal legal interest at stake in the matter; he is simply just another person interested in the debate over gay marriage. Our motion to dismiss the case is pending.

The fight for equal rights frequently gets caught in debates over religious beliefs in the public sphere. In the spring of 2005, ACLUM helped ensure that the United First Parish Church of Quincy was able to hang a banner from the front of the church, proclaiming, “People of Faith For Marriage Equality.” Several city agencies were poised to deny the church the right to display the banner until ACLUM Cooperating

Attorney Elizabeth Pyle successfully intervened, enabling the church to proclaim freely its support of equal marriage rights for all.

Sometimes religious groups claim a right of religious freedom that goes beyond what the Constitution recognizes and, if accepted by the courts, would harm or burden the public. This year we opposed the claim by Catholic Charities that it had a constitutional right of

religious freedom to discriminate against same sex couples in providing adoption services, carried out under contract with the state. Even if the best match for a child in need of a home was with a same sex couple, Catholic Charities (as directed by the Boston Archdiocese), wanted the right to refuse to make this placement. Even if the best match for a child in need of a home was with a same sex couple, the Archdiocese wanted the right to refuse to make the placement. This effort to create a special religious exemption to state civil rights laws prohibiting discrimination would harm important public interests in the welfare of children and prohibiting invidious discrimination, and would violate principles of religious freedom in having the government favoring one religion’s views over others. ■



*ACLU supporters march in the Gay Pride parade.*

# Death Penalty

The resounding defeat of Governor Romney's proposal to reinstate the death penalty was the high point of the year for the ACLU of Massachusetts' criminal justice efforts in the Massachusetts legislature. The lopsided roll call vote—100-53—in the House of Representatives on November 15, 2005 was a marker event of national significance.

Our success in defeating the death penalty was the result of years of focused effort. In 1997, Massachusetts had come perilously, terrifyingly, close to bringing back capital punishment when legislation seemed headed for Acting Governor Paul Cellucci's desk and his signature, having passed both the Senate (21-13) and the House (81-79). But then it failed on enactment in the House, on a tie vote (80-80), when then Rep. John Slattery (D-Peabody) courageously voted "No." The ACLU, with our anti-death penalty coalition partners, vowed then that we were *not* going to allow the Commonwealth to get that close to reinstatement ever again. We were determined to achieve the healthy double-digit margins of legislators voting "No" as they had in the earlier 1990s.

Our strategy has been education—providing the facts, statistics, analyses, and true stories and personal accounts of how the death penalty actually operates. We took our cue from the late Supreme Court Justice Thurgood Marshall. He believed that people would see the death penalty in a new light once they understood how it works in practice. "The question with which we must deal," Justice Marshall wrote in his 1972 opinion in *Furman v. Georgia*, "is not whether a substantial proportion of American citizens would today, if polled, opine that capital punishment is barbarously cruel, but whether they would find it to be so in light of all information presently available." There's a lot more information available now, and it emphatically supports our position that the death penalty is unworthy of support. Over the last four legislative sessions, we have reached out to speak with and educate each legislator and candidate. In March 1999, the House voted No by a nine-vote margin—81-72. In May 2001, the vote was 94-60 in opposition.

In 2005, we were ready, with our coalition and legislative allies, when Governor Romney launched his bill. The Governor claimed his death penalty would be essentially "foolproof"—that there would be no troublesome "mistakes" (wrongful convictions and executions) under his plan. But facts and accurate information easily disproved that claim: human systems make mistakes. The Judiciary Committee members heard about those mis-

## DUE PROCESS UNDER LAW

Defending basic due process rights is crucial to the proper functioning of our criminal justice system. To this end, the ACLU of Massachusetts joined with the Committee for Public Counsel Services (CPCS) and the Massachusetts Association of Criminal Defense Lawyers in filing an amicus brief to the Supreme Judicial Court of Massachusetts, urging the court to revise procedures governing when and how defense counsel may obtain and review records that are otherwise confidential. At stake is the right for the accused to obtain exculpatory evidence, to confront witnesses against them, and to obtain a fair trial.

In a separate case, the ACLU of Massachusetts again joined with CPCS as amicus in a case challenging the transfer of prisoners from county jail to maximum security state prison prior to trial. Our Western Massachusetts office also filed suit against the Department of Social Services for using uncorroborated hearsay evidence in Probate Court proceedings. The Western Massachusetts office also helped secure an injunction against a school system that sought to prohibit a high school basketball player from participating his senior year because of an off-school activity that resulted in a criminal charge.

Finally, the ACLU of Massachusetts joined with CPCS and Massachusetts Correctional Legal Services to urge the Suffolk County Sheriff to end the practice of monitoring and recording pre-trial detainees' legal calls and that the DA discontinue requesting and listening to the recordings of detainees' telephone conversations until the Sheriff's office can guarantee that no privileged calls will be monitored or recorded.

takes and other flaws in the operation of any death penalty at its July 2005 hearings. As in past years, the ACLU helped pull together a broad array of civil rights and community groups to testify against all death penalty bills at committee hearings. Murder Victim Families for Human Rights, capital punishment scholars and social science researchers, death-sentenced and later exonerated individuals, bar association leadership, former prosecutors and elected officials, and many others expressed strong opposition.

The Judiciary Committee's recommendation was that the Governor's bill "ought not to pass." It failed by a record margin. The 100 Nays were almost twice the number of Yeas. The ACLU of Massachusetts will continue the successful education strategy that has kept our Commonwealth's criminal justice system death-penalty-free. ■

# ACLU student clubs challenge abuse of power

Throughout history, students have been among the most effective catalysts for social change. By organizing protests, writing scathing editorials and conducting ground-breaking research, students' voices transcend campus boundaries.

This year, the voices of student members of the ACLU of Massachusetts were heard deploring the practices of torture, rendition and domestic spying. Students collected signatures, staged protests, held film screenings, and organized forums and debates on the Bush administration's many abuses of power.

This fall, the Mt. Holyoke club will host a conference for ACLU student groups throughout New England. Entitled, *IS THIS YOUR AMERICA?*, the conference will focus on key ACLU issues, including women's rights, GLBTQ rights, racial justice and immigrant rights.

Student members of the ACLU are active on the undergraduate and law school campuses of Boston College, Boston University, Emmanuel College, Harvard, Mt. Holyoke, New England School of Law, Northeastern, Suffolk and Tufts. To join or start a club at your school, contact Brian Corr at [bcorr@aclum.org](mailto:bcorr@aclum.org) ■



*Mt. Holyoke students collected 642 signatures in their anti-torture petition drive, part of a larger torture awareness campaign.*



Marilyn Humphries

*Students collect signatures at the ACLU Town Meeting to Restore the Rule of Law, Faneuil Hall*

**To join or start a club  
at your school,  
contact Brian Corr at  
[bcorr@aclum.org](mailto:bcorr@aclum.org)**



*Pride Parade 2006*

# Religious Freedom

With well-known language, the First Amendment begins with its clauses concerning religion: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” Our mission has been to ensure that both are respected.

One particular concern in the past few years has been the government’s funding of so-called “faith-based” organizations to carry out public services. This past year, we had a victory in our federal court lawsuit against the U.S. Department of Health and Human Services, challenging on Establishment Clause grounds the government’s award of more than \$1 million dollars to the “Silver Ring Thing.” SRT is a Christian organization that engages in what has been referred to as “abstinence-only-until-marriage” education by asking young people to pledge themselves to Jesus. Our suit alleged that the government had failed to ensure that taxpayer dollars would not be used by this grantee for religious proselytizing. In settling the case, the government agreed to a number of important conditions, including that if the SRT is awarded any new grants, it must make detailed reports on the use of the money and the government must thoroughly monitor the programs.

Sometimes religious groups claim a right of religious freedom that goes beyond what the Constitution recognizes and, if accepted by the courts, would harm or burden the public. This year we opposed the claim by Catholic Charities that it had a constitutional right of religious freedom to discriminate against same sex couples in providing adoption services, carried out under contract with the state. Even if the best match for a child in need of a home was with a same sex couple, Catholic Charities (as directed by the Boston Archdiocese), wanted the right to refuse to make this placement. Even if the best match for a child in need of a home was with a same sex couple, Catholic Charities wanted the right to refuse to make the placement. This effort to create a special religious exemption to state civil rights laws prohibiting discrimination would harm important public interests in the welfare of children and prohibiting invidious discrimination, and would violate principles of religious freedom in having the government favoring one religion’s views over others.

Similarly, we are opposing a federal court claim by four parents that the Free Exercise Clause gives them the right to demand that the Lexington public schools provide them with prior notice and the right to opt their children out of any discussion of families headed by same sex couples or the existence of gay people. The ACLU of Massachusetts holds that the mere exposure of children in the public schools to ideas offensive to a parent’s religious or moral views does not violate the parents’ right to religious freedom. Recognizing such a right would be detrimental to academic freedom, discussion and debate in public education, and would essentially require schools to tailor a curriculum to conform to the individual beliefs of every parent, a step that the courts have routinely rejected.

Keeping religion out of the courthouse was a focus of the Worcester county ACLUM chapter this year. After receiving a number of complaints from people being forced to attend Alcoholics Anonymous’ 12 steps program as part of their probation, chapter representatives wrote to state Chief Justice Robert A. Mulligan arguing that people should be given options between AA and secular alternative programs. The chief justice agreed and

judges across the court system will soon be notified that if there are secular alternatives to AA, they should be made available to people who would prefer them.

The Worcester county chapter also was instrumental in obtaining assurances from Chief Justice Hon. Sean M. Dunphy of the Administrative office of the Probate Court that courtrooms would no longer display a Star of Bethlehem. According to a letter from Justice Dunphy, “Our courtrooms are intended to be neutral settings in which our judges provide equal and detached justice to litigants and lawyers who seek the assistance and intervention of our court. We will not have any decoration or other articles in our courtrooms which may detract from this neutral administration of justice.”

The ACLU of Massachusetts also continues to defend religious individuals and institutions from government interference where their practices do not harm anyone else and the government does not have a significant interest at stake. ACLUM assisted the historic United First Parish Church of Quincy when it encountered difficulties from the City of Quincy over displaying

*One particular concern in the past few years has been the government’s funding of so-called “faith-based” organizations to carry out public services.*



*Left to right: Hamza Pelletier, Sheila Decter, Rev. John P. Streit, Wright Salisbury, Bishop Filipe C. Teixeira, and Rep. Byron Rushing deliver a letter to Gov. Mitt Romney from religious leaders urging him not to wiretap religious communities.*

a banner on the front of the church proclaiming, “People of Faith For Marriage Equality.” The members of the church believed that “bearing public witness in support of same-sex marriage equality was an important component of its congregants’ faith.” When the City’s historical commission objected that the horizontal lines of the banner detracted from the vertical lines of the building and the zoning board appeared poised to deny a permit for the banner, ACLUM convinced the City that state and federal law exempted the church from local regulations on signs where no important public safety interests were at stake.

Also in support of religious freedom, we are representing a Rastafarian baggage screener who has worked at Logan Airport for the Transportation Security Administration since 2002. Almost three years after his hiring and despite the importance to public safety of having experienced and well-trained screeners, the TSA threatened to fire the screener if he did not cut his dreadlocks, which he had worn for religious reasons since he was first hired. Apparently, TSA’s desire for a uniform appearance is more important to the government than effective baggage screening. Our administrative com-

plaint that TSA has failed to make reasonable accommodation to a sincere religious practice is pending.

During the Christmas season of 2005, the Reverend Jerry Falwell unleashed a national campaign urging Americans to fight back against the so-called “War on Christmas,” which he blamed, in large measure, on the ACLU’s alleged hostility to Christmas. Falwell’s publicity campaign required an educational response, first that the ACLU supports religious freedom and there is no war on Christmas, and second, that religious freedom

goes hand in hand with the other religion clause of the First Amendment: religious liberty is best defended by keeping government out of the business of religious promotion.

Finally, concerns about freedom of association, privacy, and religious liberty came together this year when the ACLU of Massachusetts joined religious leaders and groups interested in religious freedom in drafting a letter urging Governor Romney to abandon a proposal to wiretap and conduct surveillance on all Mosques.

Said the letter: “As representatives of faith communities and organizations that care about religious freedom from around Massachusetts, we were saddened to learn that you are urging the government to monitor and wiretap religious communities in pursuit of the “war on terror.” A war fought to preserve and defend our liberty should not claim religious liberty as its victim....To target an entire religious community based on the words or deeds of a few people is to replace our system of individualized suspicion and responsibility with one of guilt by religious association. This path leads away from the rule of law and toward faith-based persecution.” ■

# Cooperating Attorneys

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

Jonathan Albano, Bingham McCutchen LLP  
Kathryn Alessi, Goodwin Procter LLP  
Iraida Alvarez, Goodwin Procter LLP  
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Larry Yackle, Boston University School of Law  
Ellen Zucker, Dwyer & Collora LLP

## AMICUS CLUB

The Amicus Club, our annual luncheon series for members of the legal community to discuss and debate current constitutional issues, enjoyed another remarkable year of engaging speakers. Dr. Jim Walsh of Harvard's Kennedy School of Government kicked off the 2005-2006 season with a presentation entitled "Security, Liberty and Terror." February's luncheon focused on religious liberty, and featured Dr. T. Jeremy Gunn, Director of the ACLU's Freedom and Belief Program. And by tradition and popular demand, our series concluded with the ACLU's National Legal Director Steve Shapiro, who analyzed the 2005-2006 Supreme Court decisions.

Amicus Club luncheons are generously hosted by Bingham McCutchen LLP. Membership dues to the Amicus Club equal the cash equivalent of one billable hour. For more information about joining the Amicus Club for the 2006-2007 season, please contact Bliss Austin Spooner, Director of Development, at [baustinspooner@aclu-mass.org](mailto:baustinspooner@aclu-mass.org).

*Would you like  
to read more  
about our cases?*

Our full legal docket  
for 2005-2006 is  
available on-line at  
[www.aclum.org/library](http://www.aclum.org/library)

# Development and Financial Report

Substantial financial resources are essential to pursuing the wide-ranging legal, legislative and educational activities of the ACLU of Massachusetts. The ACLU receives no government funding and never charges its clients for legal representation. Its existence depends entirely upon private donations, foundation grants, court-awarded legal fees from successful cases, bequests and membership dues from individuals who are dedicated to preserving the fundamental liberties written in the Constitution and the Bill of Rights.

The ACLU and ACLU Foundation are separately incorporated non-profit organizations operating in Massachusetts. The ACLU Foundation conducts litigation and public education programs in support of civil liberties. The Foundation is a 501©3 organization, and contributions to it are tax-deductible to the extent allowed by law. The ACLU (the "Union") conducts membership outreach and organizing, legislative advo-

cacy and lobbying. It is supported primarily by membership dues. It is a 501©4 organization which is tax-exempt, but donations to it are not tax-deductible. The majority of funding for the ACLU and ACLU Foundation comes from individuals like you.

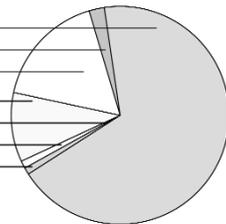
One of the remarkable aspects of the ACLU is the way that we raise financial support—through the energetic and dedicated work of committed Board members and dozens of volunteers who contact ACLU members and supporters. They are the engine that drives and makes possible all that the ACLU is able to accomplish.

All gifts and membership dues are shared between the National ACLU Foundation and the ACLU Foundation of Massachusetts. A portion of the National ACLU's share is allocated to help smaller ACLU affiliates around the country that otherwise would be unable to address the serious civil liberties needs in their states. ■

**ACLU Foundation of Massachusetts**  
**Income & Expenses 2005 – 2006**  
 (Unaudited Financials)

**Support & Revenue:**

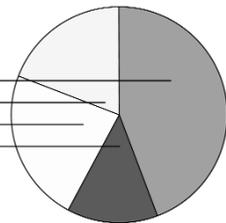
Contributions	\$ 765,245
Income from Investments <sup>1</sup>	\$ 26,200
Legal Awards	\$ 192,185
Grants	\$ 115,000
Other	\$ 2,127
In-Kind	\$ 12,500
Bequests	\$ 12,717
<b>Total</b>	<b>\$ 1,125,974</b>



1. Investment income excludes Unrealized appreciation/depreciation

**Expenses:**

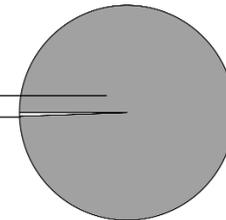
Legal	\$ 442,315
General & Administration	\$ 191,453
Fundraising	\$ 230,402
Education	\$ 137,354
<b>Total</b>	<b>\$ 1,001,524</b>



**ACLU of Massachusetts**  
**Income & Expenses 2005 – 2006**  
 (Unaudited Financials)

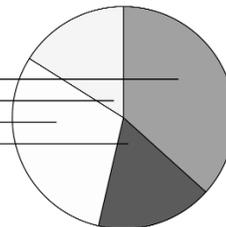
**Support & Revenue:**

Membership Income	\$ 489,299
Other (Bequest, Grants, Rev)	\$ 3,240
<b>Total</b>	<b>\$ 492,539</b>



**Expenses:**

General & Administration	\$ 107,666
Worcester Chapter	\$ 47,314
Legislative	\$ 89,091
Education	\$ 50,525
<b>Total</b>	<b>\$ 294,597</b>



# Bill of Rights Dinner

Nearly 700 people attended our Annual Bill of Rights Dinner on May 31, 2006, more than double our usual number. Senator Ted Kennedy, our Roger Baldwin award winner, made a memorable speech about the need for vigilance with our civil liberties. Long-time supporters Ben and Norma Shapiro issued an extraordinary Challenge Match, which raised \$142,000 for the ACLU

of Massachusetts in less than 3 hours. Noted comedian Lewis Black finished out the evening with his caustic brand of intelligent humor.

Our thanks to event Co-Chairs Buzzy Baron and Arnie Reisman, the Planning Committee and Table Captains, whose efforts led to record attendance and record revenue for the organization. ■



Senator Ted Kennedy



Ron Ansin, Paul Sagan



Judge Nancy Gertner, Vicki Kennedy, Bob Beal

## Additional thanks to our institutional supporters:

- Altman Reilly Esher LLP
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- WHDH TV - Channel 7



Lewis Black



Tom Dwyer, Sen. Ted Kennedy

## There's still time to take advantage of the Legacy Challenge!

If you notify us by December 31, 2006 that you have included the ACLU Foundation of Massachusetts in your will, then we will receive an immediate cash matching gift of 10% of the value of your bequest (with a matching cap of \$10,000 per bequest).

For example, if you notify us that you are leaving \$50,000 to the ACLU Foundation in your will, then we will receive an immediate \$5,000 matching gift. Or, if you prefer to state your bequest as a percentage of your estate, it qualifies for a matching gift according to the estimated present value. No bequest is too big or too small to qualify for the Challenge. Charitable gift annuities also qualify for the Challenge.

Please contact Bliss Austin Spooner at 617.482.3170 x312 for more information about including the ACLU in your estate plans. The Office of Gift Planning in New York can also answer your estate planning questions. Please call (toll free) 877-867-1025.

Photographs this page by Marilyn Humphries

# ACLUM Staff and Volunteers

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