

2016-17 ACTION REPORT

Carrying the Constitution Forward



Letter from the Executive Director

We won't give up. We never do.

These times demand renewed commitment to civil liberties and civil rights.

When threats to liberty are greatest, the ACLU is at its finest. Together with you, we resist policies that threaten immigrants, people of color, women, LGBTQ people, religious minorities, dissidents, and others who are targets of oppression.

As this Action Report shows, your support makes a huge difference. The ACLU of Massachusetts is challenging systemic racism in police practices, defending due process in the courts, fighting indefinite detention of immigrants, advancing sensible drug policies, ensuring reproductive justice, and defending free speech online and on the streets.

More than any other American institution, the ACLU is a bulwark against the forces of racism, sexism, anti-immigrant sentiment, homophobia, and authoritarianism. That's because the ACLU defends freedom for everyone.

But we don't take money from the government, and we don't charge our clients. Instead, we depend on your financial support. Every dollar makes a difference. We need your help to tackle challenges and seize the opportunities to advance social justice in Massachusetts and nationwide.

Tomorrow and in the days to come, the ACLU will be in the courthouse, in the State House, and on the streets, defending liberty and justice 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. Our country needs the ACLU now, more than ever. And the ACLU needs you. Thank you for standing with us—and thank you for your generous financial support.

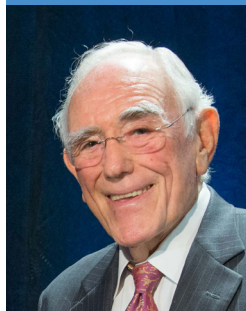
Yours in solidarity,



Carol Rose, Executive Director,
ACLU of Massachusetts



Carol Rose,
Executive Director



Ron Ansin,
Foundation President



Kevin Prussia,
Union President



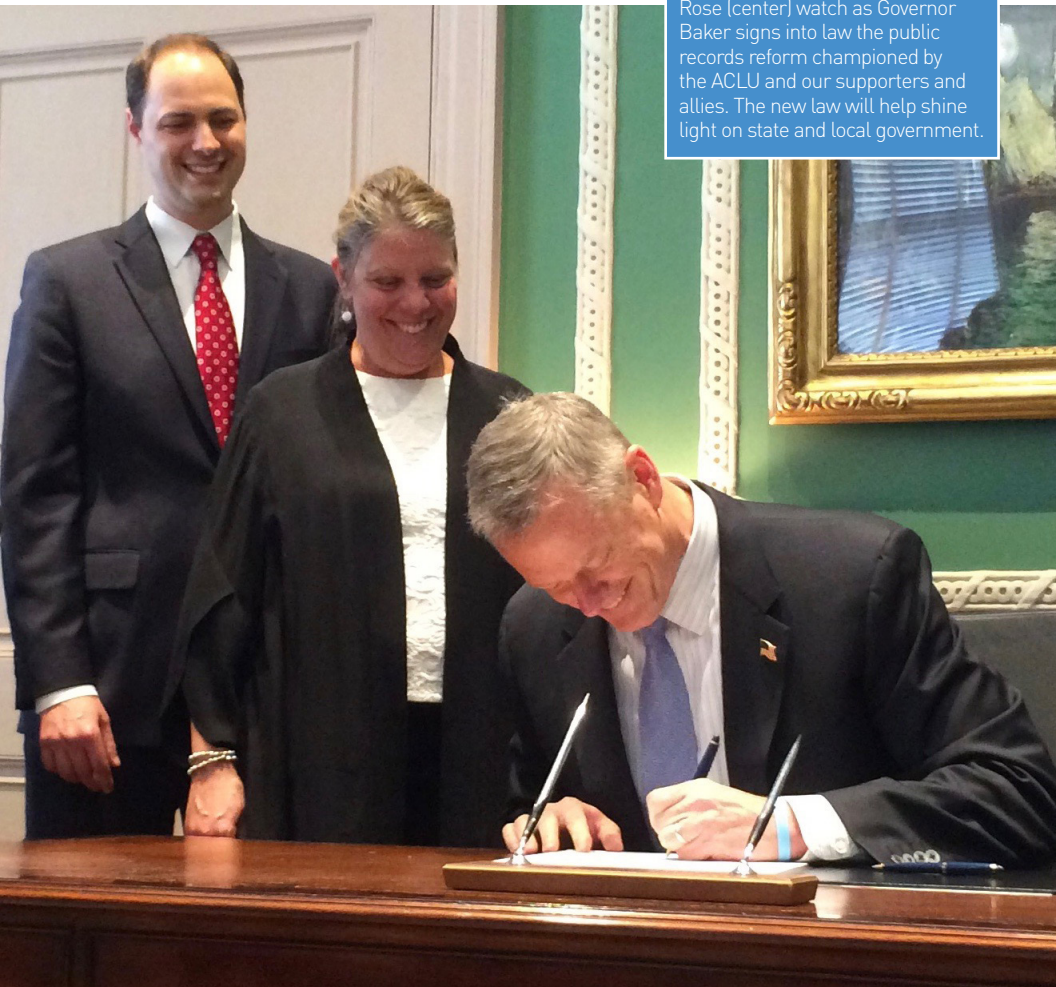
J.B. Kittredge,
Union Vice President

VICTORY! Public Records Law Reform

For the first time in more than four decades, we finally have a real way to enforce our state public records law. After years of advocacy from the ACLU and thousands of messages from ACLU supporters to elected officials, Governor Baker in June signed the ACLU-crafted public records reform bill.

"In this time of fierce partisanship, we achieved something remarkable: unanimous, bipartisan legislation to make government more open and accountable to the people," says Carol Rose, our executive director. "As in nearly every other state in the country, courts in Massachusetts will now have the power to make government agencies pay when they illegally deny access to information that rightfully belongs to the public."

Our legislative counsel Gavi Wolfe (left) and executive director Carol Rose (center) watch as Governor Baker signs into law the public records reform championed by the ACLU and our supporters and allies. The new law will help shine light on state and local government.



Staff attorney Carl Williams speaks to a crowd of reporters after a high-stakes court hearing that cleared the way for Boston police to begin wearing body cameras.



Police Accountability and Racial Justice

How bad is racial profiling in Massachusetts? In September, the state Supreme Judicial Court ruled that Black men may have legitimate reason to flee from police—and the Court cited the ACLU's 2014 report on racial profiling in Boston. This troubling context is why we have made police accountability a top priority.

Over the past two years, ACLU-led efforts moved Boston city and police leaders from publicly spurning the use of body-worn cameras to recording encounters with civilians to applauding the idea. Boston police finally began wearing body cameras in September.

We also continue fighting for the right of people to record the police in the public performance of their duties. People often fear taking out their cameras to record police encounters. We filed a federal lawsuit in June, asking the court to affirm that it is unconstitutional to criminalize the secret recording of officers performing their public duties.

We know that racial justice is not just a policing issue. After allegations of racial harassment came to light at Boston Latin School, we called on the Justice Department to investigate. The DOJ confirmed the climate of racial hostility and proposed promising solutions.

Ending the Drug War

For years, the ACLU of Massachusetts has led efforts to end the devastating and discriminatory war on drugs and promote an effective approach to handling addiction.

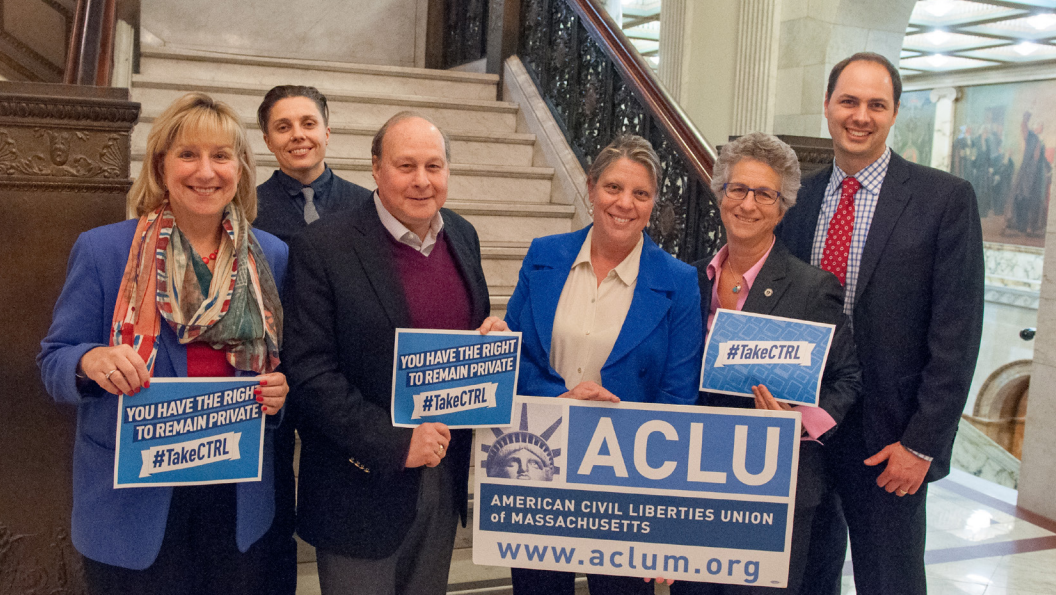
In 2016, we successfully campaigned for marijuana taxation and regulation, and released a report on racial disparities in marijuana policing. We challenged mandatory minimum drug sentencing in court and defended needle exchange programs. And our lawsuit against the unjust imprisonment of women suffering from addiction prompted legislators to pass a law curbing the practice.

When it came to light that a state drug lab chemist tampered with evidence in tens of thousands of cases, we brought a lawsuit to protect the victims. Our 2015 victory guaranteed that defendants seeking retrials could not receive harsher sentences, and our ongoing litigation aims to vacate the 24,000 unresolved cases. Those affected by this injustice should not have to bear the burden of clearing their names.

Right: Travel author and TV host Rick Steves joins ACLU of Massachusetts political director Whitney Taylor in endorsing the Massachusetts ballot initiative to tax and regulate marijuana.

Below: Newton mother and attorney Shanel Lindsay shares details of her 2010 arrest in Sharon for less than an ounce of marijuana, at a Roxbury news conference in favor of marijuana legalization, as City Councillor Tito Jackson and Kim Napoli, outreach director of the Yes on 4 campaign, look on.





Legal director Matthew Segal

Rep. Karen Spilka, Senate President Stan Rosenberg, and Rep. Sarah Peake take a stand for digital privacy at our #TakeCTRL event in January, with our executive director Carol Rose, Technology for Liberty Program director Kade Crockford (back), and legislative counsel Gavi Wolfe (right).

Privacy

We fight for your digital privacy, in Massachusetts and nationwide.

In September, the Supreme Judicial Court unanimously affirmed the ACLU's argument that the government must have specific information that a cell phone contains evidence of a crime before it can search or seize the device. An ACLU public records request to the Boston Police Department also revealed that the department has never obtained a warrant before using highly invasive cell phone tracking equipment known as a "Stingray." A Stingray acts like a cell phone tower, allowing law enforcement agencies to track a phone's location.

Earlier in 2016, when the FBI tried to force Apple to break the encryption on the iPhone belonging to one of the San Bernardino attackers, our legal team in Boston discovered that the government had secretly attempted the same thing in dozens of cases across the country. This ACLU of Massachusetts work earned coverage in publications including *USA Today*, *Forbes*, and the *Wall Street Journal*. We also went to court to challenge this secrecy and won: in April, we filed a motion to unseal one of these cases in Massachusetts, and after the U.S. District Court ordered a response, the government unsealed the docket.

Voting Rights

In 2016's historic and troubling election, the ACLU of Massachusetts did an unprecedented new level of work to expand and protect voter participation.

For the first time, more than a million Massachusetts residents voted early—an election reform that the ACLU championed.

The week before the election, the ACLU filed a lawsuit challenging Massachusetts' 20-day voter registration cutoff law, arguing that it led to the unreasonable disenfranchisement of our three clients, plus thousands of other eligible voters. A Suffolk Superior Court judge allowed our three named plaintiffs to cast ballots, and we'll continue to fight this unconstitutional barrier to voting.

The ACLU also trained and organized over a hundred volunteers to monitor the polls in Boston, Worcester, and Springfield. And on Election Day, with their help, we identified and rectified problems, such as broken voting machines, that could have disenfranchised hundreds of Massachusetts voters. Now more than ever, every vote matters, and the ACLU will fight to defend this critical right.

Metro

THE BOSTON GLOBE THURSDAY, NOVEMBER 3, 2016

ACLU sues over voter deadline

Wants more time
for registration

Points to early
voting as evidence

By Akielah Johnson
GLOBE STAFF

The ACLU of Massachusetts has filed suit against the Secretary of State's office, saying the state's voter registration deadline disenfranchises eligible voters from casting ballots on Nov. 8.

Photo by Caley McGuane



Racial Justice Program director Rahsaan Hall (left) and legislative counsel Gavi Wolfe (second from left) join members of the Massachusetts Election Modernization Coalition to celebrate the implementation of early voting, available for the first time in 2016.

Staff attorney Jessie Rossman and legal fellow Hallie Pope rally at the Supreme Court during the hearing in the landmark reproductive rights case *Whole Woman's Health v. Hellerstedt* in March 2016.



Reproductive Justice and Gender Equality

In June, a 5-3 U.S. Supreme Court ruling struck down two Texas abortion restrictions: a mandate that abortion providers have admitting privileges at local hospitals, and a requirement that abortion clinics be outfitted as mini-hospitals.

The ACLU filed an amicus brief in the case, *Whole Woman's Health v. Hellerstedt*, which has been described as the most important abortion case in decades. As our Massachusetts deputy legal director Sarah Wunsch says:

"The majority on the Court saw this law for what it really was, a sham effort in the guise of protecting women's health but really aimed at preventing abortions, which are part of the constitutional right to reproductive health care."

The ACLU celebrated a local victory for gender equality as well: Governor Charlie Baker signed into law an ACLU-backed bill extending nondiscrimination protections to transgender Bay Staters in places of public accommodation. As other states push for laws that criminalize transgender people, we are proud to lead the way towards making Massachusetts a more inclusive state.



Supporters of a bill that would grant full equality to transgender people in Massachusetts demonstrate at the State House after Ash Wednesday services. In July, Governor Baker signed that bill into law.

Immigrants' Rights



ACLU Massachusetts
@ACLU_Mass

These kids say "We are the future of Brockton!"
Support the [#BrocktonTrustAct](#)

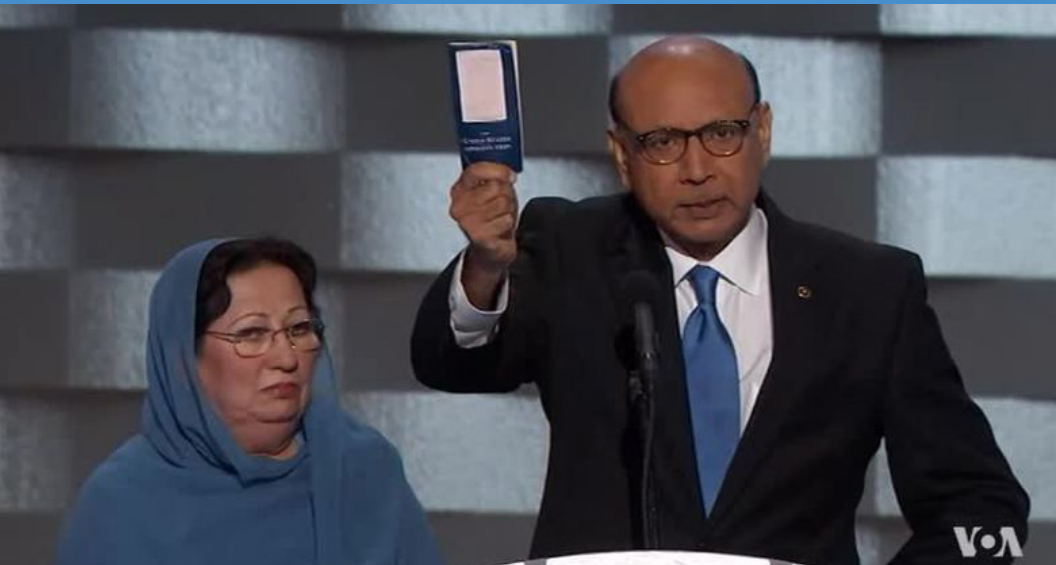


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As politics thrust immigrants into the spotlight this year, the ACLU continues working to protect their rights. We are pressing more Massachusetts cities to pass a TRUST Act, and to ensure that local police focus on community safety and don't divert resources into federal deportation efforts. And in federal court, we continue to defend our victory against the Obama administration's push to detain immigrants without bail, on the basis of old, relatively minor offenses.

We draw inspiration from the Muslim parents of Captain Humayun Khan. They held a pocket copy of the Constitution aloft during a Democratic National Convention speech to honor the sacrifice made by their son, who immigrated to the United States as a boy and died while serving in the U.S. Army in Iraq. We hold the Constitution high too, in solidarity with immigrants, and to guide us in meeting any and all challenges ahead.

Khizr Khan holds up his Constitution during his speech at the Democratic National Convention.



Still image extracted from Voice of America's footage



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 Michael Tumposky
 Charu Verma
 Daryl Wiesen
 Harmony Wu
 Susan Yanow





We won't give up.

We never do. And we can't do it without you.

All of us together make the ACLU as strong as it is. Your financial support ensures that the ACLU—here in Massachusetts and across the nation—is prepared to protect and promote the Bill of Rights and the Constitution for everyone. Thanks to you, the ACLU is a nationwide organization, with staff and volunteers on the ground in every state. Please consider making a gift to the ACLU, and know that we are grateful.

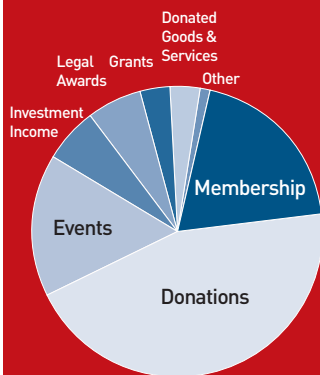
Fiscal Year 2016 Summary

The ACLU of Massachusetts and the ACLU Foundation of Massachusetts are separately incorporated non-profit organizations, each engaged in litigation, education, communication, and organizing activities—and for the ACLU of Massachusetts, legislative advocacy as well—to protect the civil liberties of all people in Massachusetts. The annual revenue of both entities is combined together for the basic summary at right. More detailed information about revenue and expenses is available at aclum.org/2016.

FY2016 ANNUAL REVENUE*

Membership	\$448,400
Donations	\$1,013,791
Events	\$362,959
Investment Income	\$136,485
Legal awards	\$138,474
Grants	\$80,000
Donated Goods & Services	\$74,785
Other	\$20,922

Total **\$2,275,816**



*For comprehensive audited financials, visit aclum.org/2016





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of MASSACHUSETTS

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