

ACLU

ANNUAL REPORT
2020





MESSAGE FROM THE PRESIDENT

A century ago, in 1920, the ACLU was founded in a year

scarred by a flu pandemic, rampant xenophobia, a depression, and the criminalization of dissident speech. From the ashes of this conflagration, the organization emerged with a mission to champion fundamental American values.

Over these past 100 years, the ACLU has participated in dozens of Supreme Court cases that have defined U.S. history. We helped

desegregate public schools (*Brown v. Board of Education*), legalize abortion (*Roe v. Wade*), ensure freedom of speech for internet users (*Reno v. ACLU*), win marriage equality for same-sex couples (*Obergefell v. Hodges*), and provide for a representative 2020 census (*Department of Commerce v. New York*).

The ACLU has endured because of the simple fact that our supporters believe fiercely in striving for equality and justice—even during times, like in 1920, when that vision seems more aspiration than reality.

Our future will take inspiration from our past. We will continue to promote civil liberties wherever we can most effectively do so, whether in the courts, state legislatures, the streets, or the court of public opinion.

No matter what lies ahead, I take heart in knowing that you are with us in this critical fight.

Susan N. Herman
President



MESSAGE FROM THE EXECUTIVE DIRECTOR

As I reflect on 2020, I am struck by the trauma of a global

pandemic, an economic recession, and a national reckoning with police violence. Our country's long history of racism has been further enflamed, and our perseverance has been tested.

This year, the ACLU's legal actions against the Trump administration surpassed 400, with more than 200 actions focused on protecting the right to vote, releasing medically vulnerable

people from prisons and jails, preserving access to abortion, and defending protesters and journalists. We also continued our litigation and advocacy challenging the administration's cruel and unconstitutional policy of separating children from parents in immigration proceedings.

At the Supreme Court, we won a landmark case that ruled LGBTQ people cannot be fired because of their identity. We also went before the Court to defend our victory last year that ensured undocumented and non-resident immigrants are included in the 2020 census.

Now, we turn the page on one of the darkest periods in American history. For his anti-civil rights and civil liberties agenda, Donald Trump will be democratically and ceremoniously removed from the Oval Office by his employer: the American people. But this is not the moment to sit back. We are still fighting, and we are more resolute than ever to ensure that in our America, "We the People" means all of us.

Anthony D. Romero
Executive Director

The people united will never be defeated

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Protecting Lives, Safeguarding Democracy

The ACLU held off the Trump administration’s worst impulses—filing our 400th case against it in our centennial year—and now, we turn our attention to boldly leading freedom forward.

This year, the very foundation of our democracy was tested. The COVID-19 pandemic and the epidemic of police violence laid bare the racial injustice that runs deep in our nation. As the pandemic disproportionately impacted people of color, it overlaid the outrage and calls for action against the horrific police killings of George Floyd, Breonna Taylor, and countless others. The stakes of the 2020 elections were raised even higher. But the ACLU rose to the challenge, facing these crises with resolve and action.

At every turn, we mobilized our 1,700 staff members nationwide to litigate, advocate, and educate in defense of all people, especially those who were most impacted by the novel coronavirus. We filed 195 pandemic-related legal actions to protect the right to vote; to demand the release of people vulnerable to the virus from prisons, jails, and detention centers; to challenge state efforts to use the crisis as an excuse to shut down abortion clinics; and to ensure the government’s pandemic response was rooted in science and public health needs, not in stigma or bias.

Photograph by Justin Barbini/ACLU

DEFENDING VOTING RIGHTS

From the early days of the pandemic, the ACLU called for universal mail-in voting and safe in-person options to protect public safety. Because the pandemic has hit communities of color especially hard, the health risks posed by in-person voting were severe for Black and Latinx voters. But some politicians refused to adopt common-sense measures, including expanded early voting periods and universal access to vote by mail, and instead played politics with people’s lives.

As part of our litigation strategy to mandate voting by mail during the pandemic, we brought 37 legal actions in 20 states and Puerto Rico so that every eligible voter could access the ballot. In Virginia, for example, our lawsuit ended a state requirement that would have forced people to get a witness signature on their ballots, which is unnecessary and a clear violation of public health experts’ social distancing recommendations. We also won crucial cases in states including Alabama, Alaska, Kentucky, Montana, Pennsylvania, Rhode Island, and Tennessee.

We brought 37 legal actions in 20 states and Puerto Rico so that every eligible voter could access the ballot.

DEMANDING JUSTICE

Every day, our communities fought back against racial injustice. Protesters across the country flooded the streets of our towns and cities, demanding an end to police brutality and the dismantling of systemic racism, boldly raising signs to amplify urgent truths. “No Justice, No Peace,” “Black Lives Matter,” and “Silence is Violence” became rallying cries.

The ACLU was right there with them, defending the right to protest in 18 cities as it came under attack by the government and law enforcement. We’ve also united with Black-led organizations to fight for a reimagined vision of policing in America—one that limits the scope, power, and responsibilities of police—and to reinvest in the communities that police unjustly target.

MAKING HISTORY

With all of this critical work in 2020, the ACLU surpassed more than 400 legal actions filed against the Trump administration since the president took office. We told his administration that we would see them in court if they enacted unconstitutional and illegal policies—and we meant it. More than 170 of those legal actions have protected immigrants’ rights, targeting the family



Photograph by James Daniele/ACLU



Photograph by Alisha Juevic/ACLU

separation policy, detention and deportation practices, and the administration's repeated attempts to make it harder to seek asylum at the U.S.-Mexico border. Additional lawsuits defended voting rights, LGBTQ equality, and reproductive freedom.

In order to keep up the fight, the ACLU was forced to adapt quickly this year due to COVID-19. Our staff has been working from kitchen tables and bedroom offices. Our litigation and advocacy teams have been collaborating remotely to establish emergency working groups, create and share resources, and submit late-night filings. The eight-day bench trial in our challenge to Florida's poll tax, for instance, was conducted virtually, with witnesses delivering their testimonies from home and clients calling in to listen during the trial.

As we navigate these uncertain times and look towards the future, the ACLU's history gives us strength. The scrappy group that created the ACLU in 1920 did so in response to the wave of government repression that accompanied World War I,

As we navigate these uncertain times and look towards the future, the ACLU's history gives us strength.

at the same time the country was decimated by the 1918 pandemic. During the desperate years of the Great Depression, we persevered, and our landmark legal victories began to make the Bill of Rights real for ordinary people.

It is that same grit and resilience that drives us today. While Trump's relentless attacks on our civil liberties will soon be over, there is still work to be done to create a more perfect union—and the ACLU is ready. ■

THE ACLU'S CONSTITUTION DEFENSE FUND

Immediately after Trump's election, we put the president and his administration on notice: If they enacted unconstitutional and illegal policies, we would see them in court.

We kept our promise. The ACLU has filed more than 400 legal actions against the Trump administration. Our 400th filing was a class-action lawsuit that seeks to block the removal of children seeking asylum at the border.

43

Legal Actions for
Free Speech and Privacy

13

Legal Actions for
Voting Rights

20

Legal Actions for
Women's Rights and
Reproductive Freedom

75

Legal Actions for
Government Oversight
and Accountability

406 TOTAL

Legal Actions Against
the Trump Administration
as of 10/29/20

7

Legal Actions against
Using Religion to
Discriminate

235

Legal Actions for
Immigrants' Rights

6

Legal Actions for
LGBTQ Equality

7

Legal Actions for
Racial Justice

Photograph by Caleb Adams/ACLU



NEW YORK, NY



Photograph by Alicia Vera/ACLU

Preserving the Right to Vote

In the face of the COVID-19 crisis, the ACLU fought tirelessly so that voters would not have to put their lives in jeopardy in order to cast a ballot in the 2020 elections.

At the core of our voting rights work this year was a clear goal: No one should have to choose between their health and their vote. Around the clock, the ACLU advocated and sued to expand access to no-excuse absentee voting so that people could exercise their right to vote safely during the pandemic.

Our nation's electoral systems withstood record turnout, an avalanche of mail-in ballots, and the attacks of a president who would rather tear down democratic norms and institutions than admit he lost the election. Our democracy worked as it should have: Every vote was counted, and the people chose their leader.

The legal mandate is clear: Every person counts in the census, and every person is represented in Congress.

SECURING ACCESS TO THE BALLOT

The ACLU filed 37 legal actions in 20 states and Puerto Rico to protect and expand voting by mail so that voters did not have to put their health at risk:

- **In Pennsylvania**, we defeated the Trump administration's lawsuit blocking the use of ballot drop boxes, which facilitate voting by mail, especially for people of color and medically vulnerable people.
- **In Minnesota**, we successfully challenged the state's witness signature requirement, which would force any voter who submits an absentee ballot to open the ballot envelope in front of another person and have that person sign the envelope, forcing voters to violate social distancing protocols recommended by public health officials to protect their health. Our lawsuit also got the state to send absentee ballot request forms to every registered voter who had not already requested a ballot.
- **In Wisconsin**, we were successful when a federal court ordered the state to immediately provide temporary free IDs to voters who need them for purposes of satisfying the state's strict voter ID requirement, and better public education regarding how to obtain a free ID before the November election.
- **In Georgia**, we sued on behalf of Black Voters Matter to challenge the constitutionality of requiring voters to buy postage stamps when submitting mail-in absentee ballots and mailing in absentee ballot applications. This is tantamount to a poll tax.
- **In Michigan**, we filed a lawsuit challenging the state's requirement that absentee ballots be received by Election Day in order to be counted.

On the advocacy front, in July we launched "Let People Vote," a vote-by-mail online educational tool to help voters protect their health and their civil liberties during the 2020 election cycle. The tool was equipped with election information ahead of the primaries and general election, including how to vote by mail in your state, resources to learn about your voting rights, and candidate score cards on civil liberties.

ENDING GERRYMANDERING

The ACLU will continue our work to end voter suppression in all of its forms, including onerous voter ID requirements, attempted cuts to early voting, and gerrymandering. With Election Day behind us, we're launching an aggressive litigation and organizing campaign to influence redistricting, which is triggered by the 2020 census results. When district lines are drawn to manipulate the boundaries and predetermine the outcome of elections, it threatens our democracy and our voting rights, particularly in communities of color.

We're working to ensure that undocumented immigrants are included in those census results, too. In 2019, the ACLU won a lawsuit challenging the Trump administration's attempt to keep undocumented immigrants from being counted in the 2020 census. But the Supreme Court heard the administration's request to review that ruling in November. The Court rejected Trump's weaponization of the census last year and must do so again. The legal mandate is clear: Every person counts in the census, and every person is represented in Congress.



Photograph by Molly Kaplan/ACLU

Reducing Prison and Jail Populations

In the streets, courts, and state legislatures, we fought back against America's racist criminal legal system—pushing for the release of people at risk of COVID-19 from jails and prisons and demanding justice for the countless Black lives killed by law enforcement.



ABOVE: Protesters come together outside of Minnesota Governor Tim Walz's mansion to demand the release of people in prison during the pandemic. Photograph by Brandon Bell/ACLU. OPPOSITE: Chalana McFarland is greeted by her daughter after being released from federal prison early due to the COVID-19 crisis. Photograph by Gary Bogdon/ACLU.

Public health officials have been clear in stating that law enforcement officials must reduce the number of people in jails and prisons by not incarcerating people who are bail-eligible or for low-level offenses and by releasing people who are vulnerable to the virus, such as the elderly or those with underlying medical conditions.

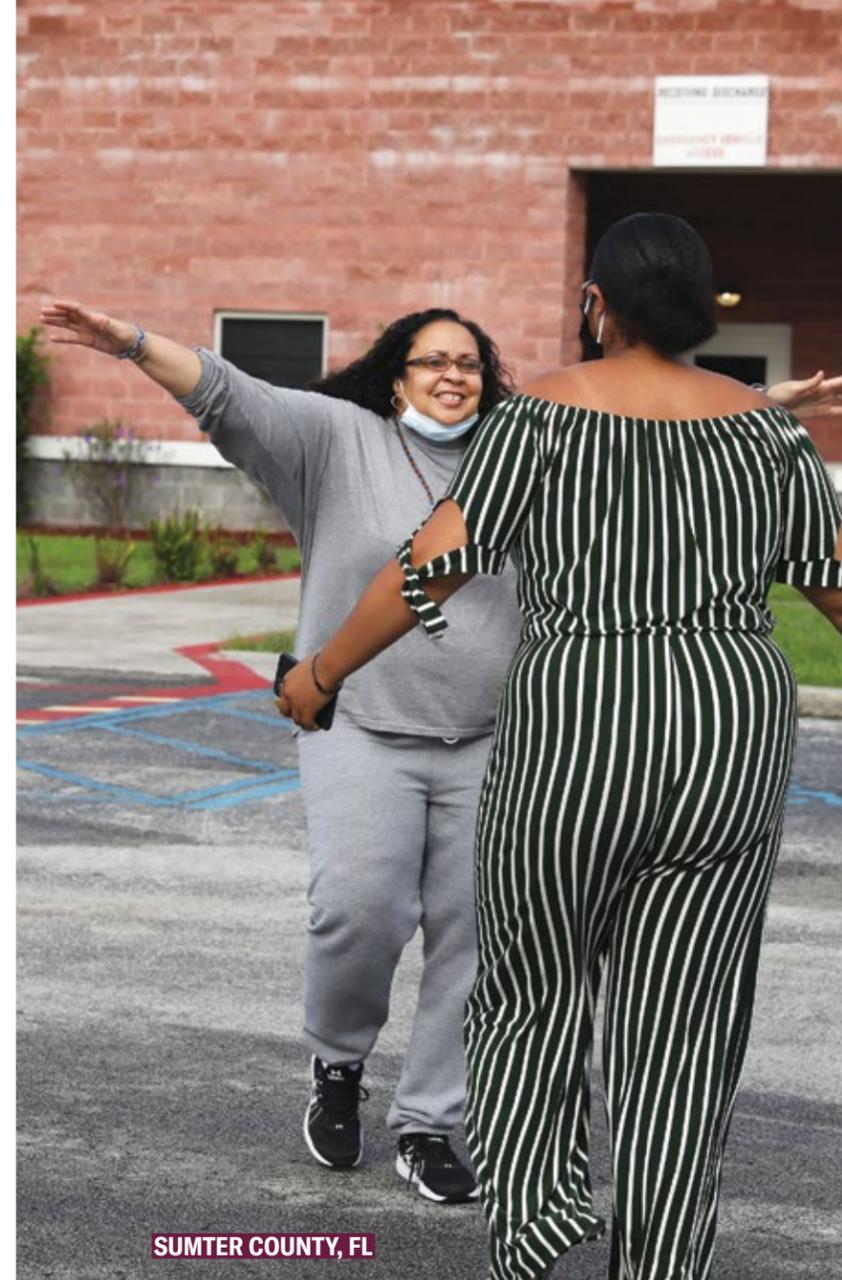
Since mid-March, the ACLU has filed more than 75 legal actions to get people out of prisons and jails—and has secured the release of more than 48,000 people. We've been working in 40 states to pressure governors, prosecutors, and other stakeholders to reduce their jail and prison populations, and we partnered with the Prison Policy Initiative to release a 50-state report showing that state governments refused to adequately address the threat the virus poses to those incarcerated, despite ample time and warning from public health experts.

Among those 48,000 people is Chalana McFarland. By April, Chalana had already served 15 years of a 30-year sentence in federal prison. As a Black woman with asthma, high blood pressure, and sickle cell trait, she was at a higher risk for COVID-19. Chalana was shocked when she saw her name on a list of just a few people eligible for early release due to COVID-19. She would finally realize her dream of reuniting with her 19-year-old daughter.

The Coleman Federal Correctional Institution in Florida where Chalana lived housed roughly 400 women. The living quarters are tightly packed cubicles with three walls and no ceiling. And because many of the women are elderly or have medical conditions that impede mobility, bunk beds are often cut in half and laid side-to-side, which covers most of the floor space.

"My greatest fear is to die in here," Chalana told the ACLU by phone days before her release.

The United States imprisons more people per capita than any other country on earth, 2.3 million, filling jails and prisons with people who can't afford fines or bail and disproportionately punishing Black communities. Our criminal legal system is plagued by police violence and racism at all levels, which impacts who gets arrested; how they're sentenced; and, in the case of the pandemic, whether they might live or die.



We're partnering with Black-led organizations like the Movement for Black Lives to implement a three-part formula to bring an end to our country's long nightmare with police violence:

- **Prohibiting** police from enforcing a range of non-serious offenses, including issuing fines and making arrests for non-dangerous behaviors, thus eliminating many of the unnecessary interactions between the police and community members that have led to so much violence and so many deaths;
- **Reinvesting** savings from the current policing budgets into alternatives to policing that will keep local communities safe and help them thrive; and
- **Implementing** enforceable legal constraints so that there will be only rare instances in which police officers can use force against community members.

ADVOCATING LOCALLY

Decisions made at the state and local levels often have the greatest impact on policies and practices affecting issues like criminal law reform.

That's why our 501(c)(4) organization continued our commitment to down-ballot races this year, like sheriffs and district attorneys, by investing in public education about their important role in protecting civil liberties. The focus on these hyper-local races has brought about critical improvements on bail reform, reductions in prison and jail populations, and the end of immigration detention agreements with the federal government.

As a nonpartisan organization, the ACLU does not endorse or oppose specific candidates. Our (c)(4) organization works to mobilize volunteers to ensure that Americans around the country understand the potential consequences of elections. ACLU volunteers have made millions of phone calls and sent millions of texts to voters over the course of this election. We also aim to educate voters about the civil liberties records of candidates, including through paid and earned media, and encourage voters to factor those records into how they vote, like in these 2020 down-ballot races:

- **Arizona:** State House District 20 and State House District 23
- **Florida:** Miami-Dade Mayor
- **Georgia:** Gwinnett County Sheriff and Cobb County Sheriff
- **Michigan:** Oakland County District Attorney
- **South Carolina:** Charleston County Sheriff

Fighting for Immigrants' Rights

Throughout the COVID-19 crisis, we've fought to reunite immigrant families and to drastically reduce the number of people in Immigration and Customs Enforcement (ICE) detention, while ensuring that due process and equal protection applies to every person, regardless of immigration status.



Photograph by Joshua Lott/ACLU

We continued our ongoing battle against the Trump administration's cruel and unconstitutional family separation policy this year. We also challenged the administration's attempt to use public health law to expel unaccompanied children without any due process—even if the child was fleeing danger and seeking asylum in the United States and showed no signs of having COVID-19. In November, a federal court issued an order blocking this attempt, an important win for immigrant children.

In June, we celebrated a 5-4 ruling from the Supreme Court rejecting the administration's attempt to end the Deferred Action for Childhood Arrivals (DACA) program and jeopardize the lives of 700,000 DACA recipients. This decision allows them to live and work without the daily fear of deportation. We'll keep fighting to protect them from abuses.

Now, we're back at the Supreme Court as it hears arguments in our challenge to the administration's diversion of \$2.5 billion from military pay and pension funds for border wall construction that Congress explicitly denied. The order came in a lawsuit we brought on behalf of the Sierra Club and the Southern Border Communities Coalition. A district court blocked construction last year, an order that the 9th U.S. Circuit Court of Appeals affirmed in June.

The Court also agreed to review a 9th Circuit decision that held a Trump administration policy sending asylum seekers to wait in Mexico—often in dangerous conditions as their claims for protection in the United States are considered—is illegal. Alongside our partners, we are challenging the policy, which was blocked by a federal court in California last year, but has remained in effect due to court-ordered stays as the case is litigated. Asylum seekers face grave danger every day that this illegal and depraved policy is in effect—and the Court must rule against it.



The ACLU successfully sued for the release of Adrian Rodriguez Alcantara and Yasmani Osorio Reyna, a couple originally from Cuba (pictured), and other medically vulnerable ICE detainees at Otay Mesa Detention Center in San Diego as COVID-19 cases at the facility surged. Photograph by Saul Martinez/ACLU.

We've secured the release of more than 430 individuals from detention, and we're urgently seeking new ways to leverage our wins to dramatically increase releases.

RELEASING PEOPLE IN ICE DETENTION

Mario Rodas Sr. sat in the Plymouth County Correctional Facility in Massachusetts when he first heard news of the deadly virus that was quickly sweeping across the country. In early March, the 59-year-old had been pulled over and arrested by ICE agents while driving to the supermarket with his wife, a legal resident and the mother of their three children. He was still in custody weeks later.

"I was scared for my health," Mario told the ACLU. "I was worried because I have diabetes, high cholesterol, and high blood pressure."

On March 25, the ACLU filed a petition asking a judge to order ICE to release Mario along with another detained immigrant on the grounds that their medical conditions placed them at high risk for COVID-19 complications, in violation of their constitutional rights.

He received news of his release from ICE two days after our petition was filed. "I think that the whole thing highlights how easy it is for immigration [authorities] to release detainees that have cases that are low priority and allow them to go back home during these very uncertain times," said Mario's son.

Tens of thousands of vulnerable people like Mario, held by ICE and Customs and Border Protection, are detained unnecessarily, as they pose little risk of danger or flight. And yet they're forced to remain in detention without the ability to maintain social distance, wash their hands, or obtain medical assistance. This also poses a threat to the health of detention center staff and the general public.

The ACLU has filed more than 50 pandemic-related immigrants' rights lawsuits, with the majority against ICE detention centers, seeking the release of individuals who are at high risk of severe illness or death as a result of COVID-19 infection. We've secured the release of more than 430 individuals from detention.

BIRMINGHAM, AL



Keeping Abortion Safe and Legal

The ACLU has been working to protect abortion rights and access throughout the COVID-19 pandemic.

During a national public health crisis, anti-abortion legislators have blocked access to abortion by declaring clinics nonessential, putting people's health at risk. Abortion is essential, time-sensitive health care—and the clinics that provide them must stay open.

Initially, we petitioned governors to keep clinics open. But as soon as our opponents made closing them their very public mission, we launched litigation. In the past year, we blocked more than 20 state abortion restrictions around the country from going into effect.

The Supreme Court was already hostile to reproductive freedom. But the judicial landscape has now shifted even more dramatically after the death of Justice Ruth Bader Ginsburg. With *Roe v. Wade* squarely in the crosshairs, the fight to protect reproductive freedom is more urgent than ever, and our litigation strategy will continue to evolve to meet whatever obstacles are thrown in the path of abortion access.

Photograph by Patrick Koits/ACLU

BLOCKING STATE BANS

In March, the ACLU filed emergency legal actions in Alabama, Iowa, and Ohio to prevent anti-abortion politicians from using the COVID-19 pandemic as an excuse to prevent people from getting abortion care.

We next filed legal actions in Arkansas, Tennessee, Texas, and West Virginia. We obtained court orders in Alabama, Ohio, and Tennessee allowing abortion care to proceed, and we forced the governor of Iowa to remove a blanket ban on abortion services during the crisis. As a result of our litigation and the fact that some orders have expired by their own terms, abortion care remains available in all of the above-mentioned states.

Given the recent spike in new COVID-19 cases around the country, we are remaining vigilant in the event that states re-issue orders to shut down “non-essential medical care,” including abortion. We will continue to monitor the states and file new litigation as needed.

As soon as our opponents made closing abortion clinics their very public mission, we launched litigation.

CHALLENGING FEDERAL RULES

In a major victory, after three years of ACLU litigation on behalf of Jane Doe and other unaccompanied immigrant minors in federal custody who had been denied abortion care, the Trump administration finally backed down. The Office of Refugee Resettlement changed its policy to ensure young people in its custody will not be blocked from accessing abortion.

We also filed a new federal lawsuit in May—brought on behalf of the American College of Obstetricians & Gynecologists and other medical experts and advocacy groups—challenging a Food and Drug Administration (FDA) rule requiring patients seeking the drug mifepristone for early abortion or miscarriage care, to pick up the pill directly from the clinician's medical facility rather than receiving it through the mail. This requirement creates unnecessary burdens for patients at the best of times; during the pandemic it also subjects them to unnecessary and potentially life-threatening risk.

In July, we got an injunction barring the FDA from enforcing this rule during the pandemic. The Trump administration then asked the Supreme Court to stay the injunction and allow the FDA to continue to enforce this rule. In its first opportunity to decide an abortion case after Justice Ginsburg's death, the Court delayed ruling on the administration's request. The injunction remains in place, and patients in many states

can continue to receive medication abortion without the burdens and health risks that an unnecessary trip to the clinic entails.

As we face further challenges to abortion access in the coming months, we will couple our critical litigation with strategic political work, led by the ACLU's National Political Advocacy Department. Using voter education and advocacy, we will work to build firewalls that block restrictions from being passed and enforced in certain states (for example, a governor in a hostile state that is prepared to veto restrictions). No matter what, across the country, we will keep fighting to ensure that people can get the reproductive care they need.



Photograph by Michelle Frankfurter/ACLU

Ensuring LGBTQ Equality

We fought to protect transgender youth and celebrated a landmark win at the Supreme Court for LGBTQ equality, but our work is far from finished.



Aimee Stephens and the ACLU team outside a U.S. Supreme Court hearing in Washington, D.C., on Oct. 8, 2019. Photograph by Molly Kaplan/ACLU.

It has been more than 50 years since Black and Brown trans women led the revolutionary Stonewall Riots, rising up against police brutality and discrimination and launching a movement for LGBTQ people. Their fight lives on through our work today as we push for lived and lasting equality for the queer and trans community.

In the very first days of 2020, state legislatures introduced a deluge of anti-trans bills threatening young people's ability to play secondary school sports and to receive life-saving health care. The ACLU successfully put an end to a major bill in South Dakota that would make it a felony for medical providers to affirm a transgender minor's gender. We also advocated an end to a bill in Idaho that would prevent student athletes from participating in sports according to their gender identity. This fight has been reinforced by an incredible swell of support from communities and protesters across the nation. Some even rode on horseback in South Dakota, hoisting the trans flag in the air.

Boosting our momentum, we celebrated a landmark victory when we won our Supreme Court case on behalf of Aimee Stephens, Don Zarda, and the entire LGBTQ community, determining that you cannot be fired because of your sexual orientation or gender identity. Our national legal director, David Cole, argued the case, which was the first trans civil rights case to go before the Supreme Court. The Court's decision clarifies for the first time that LGBTQ people are protected from employment discrimination from coast to coast, including in states and cities that have no express protection for LGBTQ people in their own laws.

Aimee Stephens passed away in May at the age of 59, and she will be remembered as a hero and a trailblazer. Aimee was fired from her job for being transgender, and when she decided to fight back, she simply wanted acknowledgment that what had happened to her was wrong. She didn't live to see the historic outcome of her Supreme Court case, but the ACLU continues the fight for trans equality in her honor.

LOOKING AHEAD

We're awaiting a critical decision in another Supreme Court case we argued in November involving a tax-funded Philadelphia foster care agency, Catholic Social Services, that will not allow same-sex couples to be foster parents based on the agency's religious beliefs, even though the city requires contract agencies to accept all qualified families. State governments that provide taxpayer dollars to foster care agencies—including faith-based agencies—should know that religion is not a license to discriminate.

Defending Speech and Privacy

The ACLU is challenging burgeoning threats to free speech and invasions of privacy—at protests, in our homes, everywhere.

We saw the true power of our country's collective action as protests against racist policing erupted across the country in the wake of George Floyd's death at the hands of Minneapolis police officers in May. The ACLU raised the alarm continuously against crackdowns on protesters and journalists exercising their fundamental rights—noting that these abuses of power, including mass arrests and detention, now carry the additional threat of spreading COVID-19.

The ACLU filed more than a dozen lawsuits in 18 cities to defend protesters' rights, including in St. Louis, Missouri, where video captured an officer hitting a fleeing man with his patrol SUV and then appearing to kick the man while he was on the ground. And on behalf of protesters who were abducted, beaten, and gassed by federal agents in Portland, Oregon, we sued Trump, the Department of Homeland Security (DHS), the U.S. Marshals Service, DHS officials, and the federal agents that violated the protesters' rights. We also challenged the Trump administration's flagrant abuse of D.C. protesters to clear the way for a presidential photo-op.

STOPPING FACIAL RECOGNITION

Early this year, facial recognition technology led Detroit police to arrest Robert Williams—a Black man living in the suburbs—as he stood on his front lawn with his wife and two small daughters. The problem is that the deeply flawed technology the Detroit officers were using can't tell Black people apart. That includes Robert, whose only trait in common with the real suspect police were seeking is that they are both large-framed Black men. Police held Robert for 30 hours before letting him go.

"I never thought I'd have to explain to my daughters why daddy got arrested," Robert said. "How does one explain to two little girls that a computer got it wrong, but the police listened to it anyway?"

The ACLU has taken this cause nationwide, advocating that law enforcement be banned from using face surveillance and



Detroit police arrested Robert Williams on his front lawn in front of his wife and two little daughters. He was hauled off and locked up for nearly 30 hours. Face recognition software owned by Michigan State Police mistakenly told the cops that Robert Williams was the person they were seeking. Photograph by Drew English/ACLU.

that tech companies stop selling it to them. Our advocacy has led to more than a dozen cities, including San Francisco, Boston, and Portland, banning this practice in police work. We also successfully pressured IBM, Microsoft, and Amazon to commit to no longer providing face surveillance products to law enforcement.

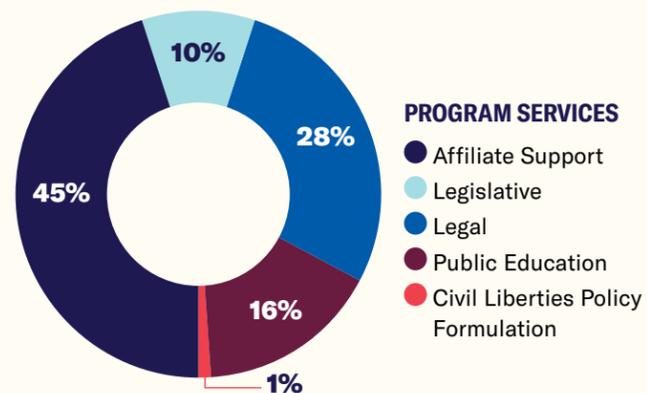
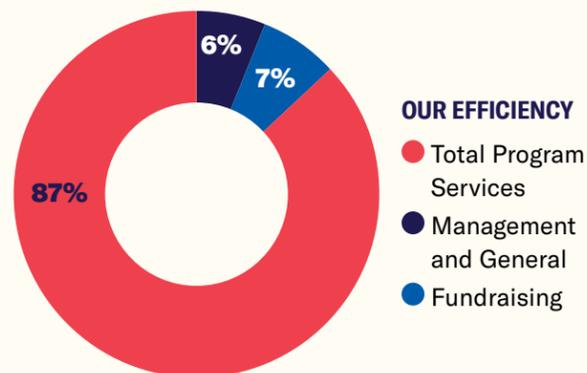
In addition, we have filed a public records request with the federal government seeking the records of their conversations with the tech industry and their plans for using location-tracking technology to address the COVID-19 crisis. We will continue to work to ensure that new technologies do not compromise our civil liberties and that privacy laws and policies keep pace with tech advancements.

Financial Summary

The ACLU is composed of two organizations: the American Civil Liberties Union (the 501(c)(4) arm), whose focus is legislative work at the federal and state levels; and the ACLU Foundation (the 501(c)(3) arm), whose focus is litigation and public education. Following is the financial summary for the American Civil Liberties Union, the ACLU Foundation, and consolidated entities (page 26), as well as the ACLU Foundation and subsidiary (page 27), for the years ending March 31, 2020 and March 31, 2019. The accounts and activities of ACLU affiliates are not included in these financial statements.

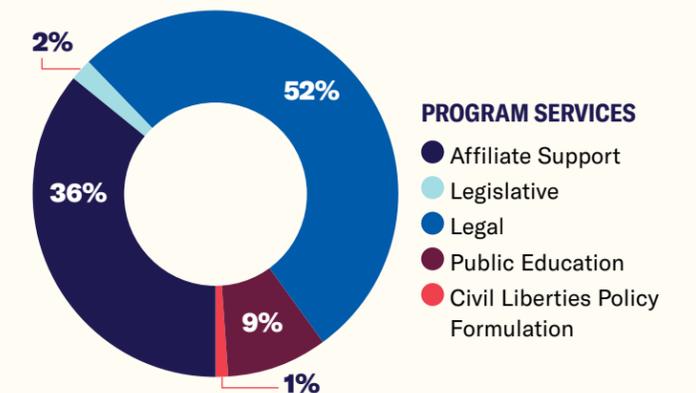
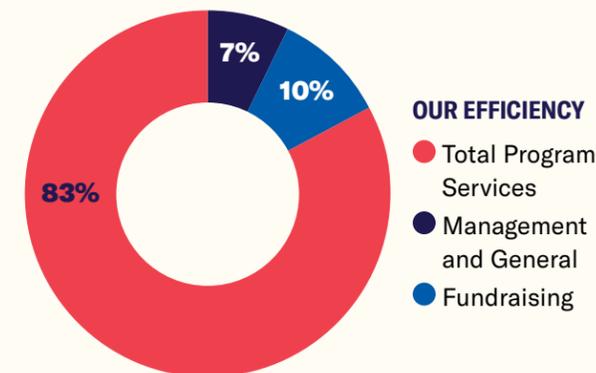
AMERICAN CIVIL LIBERTIES UNION, ACLU FOUNDATION & CONSOLIDATED ENTITIES

	FY2020	FY2019
Support & Revenue		
Grants & Contributions	\$288,301,761	\$262,339,542
Donated Legal Services	14,902,284	14,477,401
Bequests	26,619,278	29,817,727
Other Revenue	2,376,355	2,389,314
TOTAL SUPPORT AND REVENUE	332,199,678	\$309,023,984
Expenses		
Program Services:		
Legislative	25,612,318	32,488,643
Legal	73,016,684	68,912,165
Public Education	42,771,371	40,865,881
Civil Liberties Policy Formulation	2,289,473	1,610,509
Affiliate Support	117,115,574	124,624,406
Total Program Services	260,805,420	268,501,604
Supporting Services:		
Management & General	18,359,015	12,196,677
Fundraising	21,334,671	19,976,161
Total Supporting Services	39,693,686	32,172,838
TOTAL EXPENSES	300,499,106	300,674,442
Change in Net Assets Before Other Changes	31,700,572	8,349,542
Other Changes in Net Assets		
Net Legal Expenses Awarded	5,989,673	3,917,156
Net Investment Income, Gains & Losses	(25,449,398)	14,227,539
Changes in Value of Split-Interest Agreements	(1,733,332)	(1,420,881)
Recognition of Affiliates' Share of Pension Liability	8,276,339	(1,221,946)
Minimum Pension Liability Adjustment	(18,726,622)	(3,739,544)
TOTAL OTHER CHANGES IN NET ASSETS	(31,643,340)	11,762,324
Change in Net Assets	57,232	20,111,866
Net Assets		
Beginning	511,834,543	491,722,677
Ending	\$511,891,775	\$511,834,543



ACLU FOUNDATION & SUBSIDIARY

	FY2020	FY2019
Support & Revenue		
Grants & Contributions	\$159,583,469	\$132,948,593
Donated Legal Services	14,902,284	14,477,401
Bequests	16,853,643	23,991,974
Other Revenue	2,314,070	2,510,853
TOTAL SUPPORT AND REVENUE	193,653,466	173,928,821
Expenses		
Program Services:		
Legislative	2,946,742	4,334,926
Legal	67,007,235	64,664,167
Public Education	12,138,361	13,853,672
Civil Liberties Policy Formulation	1,154,159	870,395
Affiliate Support	46,800,594	50,480,274
Total Program Services	130,047,091	134,203,434
Supporting Services:		
Management & General	10,302,907	6,548,097
Fundraising	15,900,103	14,429,220
Total Supporting Services	26,203,010	20,977,317
TOTAL EXPENSES	156,250,101	155,180,751
Change in Net Assets Before Other Changes	37,403,365	18,748,070
Other Changes in Net Assets		
Net Legal Expenses Awarded	5,989,673	3,917,156
Net Investment Income, Gains & Losses	(21,853,384)	8,796,607
Changes in Value of Split-Interest Agreements	(1,733,332)	(1,420,881)
Recognition of Affiliates' Share of Minimum Pension Liability Adjustment	(1,772,345)	(833,082)
TOTAL OTHER CHANGES IN NET ASSETS	(19,369,388)	10,459,800
Change in Net Assets	18,033,977	29,207,870
Net Assets		
Beginning	371,494,411	342,286,541
Ending	\$389,528,388	\$371,494,411



The ACLU has a four-star Charity Navigator rating and meets the highest standards of the Better Business Bureau's Wise Giving Alliance.



A CENTURY OF THE ACLU

The ACLU turned 100 in 2020. That's 100 years of speaking truth to power, fighting for our fundamental freedoms, and demanding justice for all.

In 1917, war fever was sweeping the country, and so was anti-dissent hysteria. Opponents of America's entry into World War I—along with socialists and suspected draft evaders—faced prosecution, censorship, and violence.

It was in this climate that Crystal Eastman and Roger Baldwin created the Civil Liberties Bureau as part of the American Union Against Militarism. Three years later, in 1920, that small committee within an anti-war organization would evolve into the American Civil Liberties Union.

Since our founding, the ACLU has operated under Eastman and Baldwin's guiding star: the principled defense of civil liberties without compromise based on political considerations.

In the 100 years of our existence, the ACLU has always followed that principle, working tirelessly for the right to live and love freely. In the 1960s, we helped take down racist marriage laws. In 2015, we took the movement for marriage equality to the Supreme Court and won. Today, our attorneys and supporters continue fighting to reunite immigrant families.

These and so many other moments tell our organization's story—and the story of America, too. Together, we enter the ACLU's second century, ready to carry on our mission for true, lasting freedom.

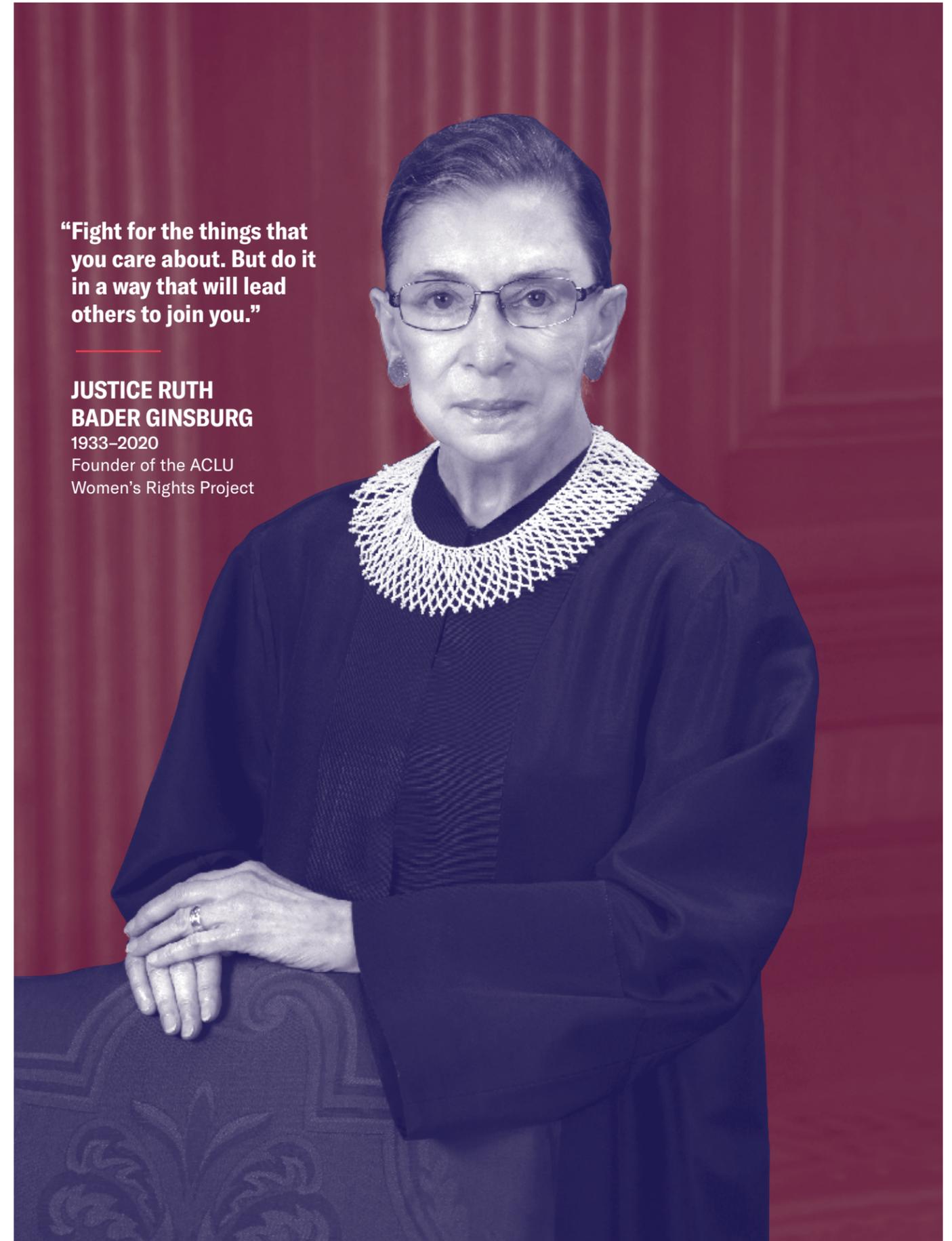
Over 7,000 anti-war protesters were arrested in Washington, D.C., in 1971, during the May Day Protests. The ACLU defended the protesters in the largest mass acquittal in U.S. history. (AP Photo)



“Fight for the things that you care about. But do it in a way that will lead others to join you.”

**JUSTICE RUTH
BADER GINSBURG**

1933–2020
Founder of the ACLU
Women's Rights Project





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