

THE AMERICAN CIVIL LIBERTIES UNION

Annual Report 2013



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Message from the President

ONE OF THE THINGS I ENJOY MOST in my role as president of the ACLU is the chance to travel around the country and hear our members and supporters tell me about what brought them to the ACLU. No matter what particular issue most inspires them, the common thread in these stories is the understanding that an injustice to any one of us is a loss for us all.

Our members and supporters know that when we stand up for our clients, we're standing up for their rights too, whether it's the Guantánamo detainee held indefinitely without trial or due process, the pacifist whose activities are spied on by the government without a warrant, or the student whose school won't allow her to start a Gay-Straight Alliance. What's at stake are our fundamental American values and our human rights.

As this 2013 Annual Report demonstrates, the ACLU has the opportunity—indeed the obligation—to advance rights across many areas. Working on diverse issues, we connect the dots and bring lessons from one area to another, for example, making the connection between today's religiously inspired attacks on birth control and LGBT people and the history of religiously based discrimination against racial minorities and women.

The ACLU has been at the forefront of every major battle for civil liberties and equal justice during the past century, and our critical role continues today. Our unique strength lies in our network of 53 affiliates in every state of the country, Washington, D.C., and Puerto Rico; the country's largest team of public interest lawyers; our expert lobbyists and communication strategists; and our wonderful members, supporters, and activists who are committed to advancing equality, fairness, and freedom for all.

The stories and highlights you will find here embody nothing less than our most profound principles in action. Each page gives me a tremendous sense of pride, and I hope that you will share in that pride—after all, without you, none of this work would be possible.

Every year we celebrate the triumphs (like Edie Windsor's victory over the Defense of Marriage Act) and we redouble our efforts in the wake of setbacks (like the evisceration of the Voting Rights Act), knowing that we can always count on you—our members and supporters—to stand with us as we take the next steps.



“The stories and highlights you will find here embody nothing less than our most profound principles in action.”

Message from the Executive Director

THE YEAR 2013 WAS FULL OF HISTORIC VICTORIES in civil liberties, many of them long overdue. It is with special pride that I share with you the achievements of this signature year for the ACLU, from the defeat of the discriminatory Defense of Marriage Act to the ban on solitary confinement of prisoners in Illinois and Mississippi to the end of an unconstitutional racial profiling program in Arizona—and so much more.

Behind every one of these significant battles is a courageous person, who is standing up to exemplify the values we're all fighting for: democracy, liberty, equality, and justice. In this report, we bring you behind the scenes to their inspiring stories. You'll meet people like Edie Windsor, whose 44-year commitment to her same-sex spouse was ignored by the federal government. She took on the Defense of Marriage Act and won, and in doing so advanced marriage recognition and equality for lesbian, gay, bisexual, and transgender people by leaps and bounds. And then there's Jordan Anderson, a South Carolina middle-schooler who wouldn't let school administrators—or his fellow students—bully him into participating in Christian prayers at his public school. When Jordan stood up to the bullies, the ACLU stood up for Jordan, and together we successfully defended the enduring principle of separation of church and state.

This report also highlights our successful strategies to move the public and thought leaders on key issues, and our legislative advocacy in Congress and in statehouses across the nation to protect and advance freedom. In addition, we provide an overview of our unprecedented six cases before the U.S. Supreme Court in the 2012 term, the outcomes of which are sure to transform civil liberties for decades to come.

No matter what lies ahead, the ACLU will be there to take on even the toughest battles. With offices around the country, we can call upon a far-reaching network of lawyers, lobbyists, organizers and over one million members, activists, and supporters like you, who are dedicated to advancing social justice and equality.

Together, we've accomplished so much in the past year. I am deeply grateful for your unwavering support, which provides a source of continuing inspiration for our work and an affirmation of our shared values. Thank you for your commitment to civil liberties and to the ACLU.



ACLU President Susan N. Herman with Executive Director Anthony D. Romero.

The Love that Brought Down DOMA

Despite their 44-year relationship built on love, commitment, and devotion, the federal government treated them like total strangers.

EDIE AND THEA'S LOVE STORY began with a dance. The couple first met at a restaurant in New York City in 1963. That night at a friend's apartment, they danced. They danced until the party wound down. They danced with their coats on while impatient friends waited at the door. They danced so long Edie left with a hole in the bottom of one of her stockings.

Four years later, on a drive to the countryside, Thea got down on one knee and asked Edie to marry her. She presented Edie with a diamond brooch, so as not to raise suspicion among curious co-workers over an engagement ring. Edie said yes, and for the next 40 years, the couple waited for the chance to legally wed in their home state.

At age 45, Thea was diagnosed with multiple sclerosis, and Edie became both companion and caregiver. She supported Thea as the debilitating paralysis progressed—first requiring a cane, then two crutches, then a manual wheelchair, and finally, when the MS rendered her quadriplegic, a motorized one. In 2007, with her health failing, Thea and Edie took a bittersweet trip to Canada and got married. They enjoyed married life until Thea's death in 2009, two years before New York State passed its Marriage Equality Act.

Under federal tax law, a spouse can leave assets to the other spouse without the survivor incurring estate taxes.

Because of the Defense of Marriage Act (DOMA), the federal government refused to recognize Edie and Thea's marriage—though, thanks to an ACLU lawsuit, the state of New York did—and treated Edie and Thea as legal strangers, hitting Edie with a \$363,000 estate tax bill. Had Thea been a man, Edie would not have paid a cent.

Hurt and angered by the government's wrongdoing, Edie enlisted legal help. The ACLU filed *Windsor v. United States*, a federal lawsuit seeking restitution for Edie and challenging the constitutionality of DOMA.

So evident were DOMA's financial and emotional harms that our challenge sailed through the Second Circuit courts, repeatedly convincing judges, the public, and even the Obama administration that the statute was unconstitutional. In December 2012, the U.S. Supreme Court took up the full range of marriage issues by granting petitions for our *Windsor* case and *Hollingsworth v. Perry*, the challenge to California's Proposition 8. And on June 26, 2013, the Court issued its rulings, giving our side a landmark decision in *Windsor* by striking down DOMA as unconstitutional on equal protection grounds.

"The fact is, marriage is this magic thing," Edie said after oral arguments in the Supreme Court. "Marriage symbolizes commitment and love like nothing else in the world."

Though the Court finally provided same-sex couples the federal recognition their marriages deserve, it dodged the opportunity presented in *Perry* to move the country to the right side of history by granting the freedom to marry to all couples in every state.

There is much more work ahead to win such a ruling from the Court, and the ACLU is leading the charge. Immediately after the rulings, we filed federal marriage cases in North Carolina, Pennsylvania, and Virginia, and we launched an ambitious campaign to win marriage fairness state by state. Building allies across the political spectrum, we will win marriage through legislative action where we still can—Hawaii, Illinois, and New Jersey are our initial targets. We must also confront the difficult work of repealing state constitutional amendments that define marriage as between a man and a woman. Twenty-nine states have such amendments. We will strategically select states—first up are Nevada and Oregon—where we can go back to the people through ballot initiatives to undo the damage. By the time our federal marriage cases reach the Supreme Court, this campaign will have generated a national consensus, proving once and for all that the country is ready for marriage for same-sex couples.

We have both the courage and the staying power to push the envelope on marriage in the states, and we will not stop until the equality we won for Edie is guaranteed for millions of LGBT Americans for generations to come. ■



Edie Windsor, ACLU plaintiff in the landmark Supreme Court case that ended the federal government's discrimination against married same-sex couples, sits in the New York City home that she and her spouse Thea shared (photo: Andy Ryan/andyryanphotography.com).

Other LGBT Priorities

- Securing comprehensive nondiscrimination protections for LGBT people on the job, in housing, and in businesses and public places.
- Protecting and advancing parenting rights, including adoption, custody, and visitation rights.
- Protecting the rights and freedoms of LGBT youth to be safe, visible, and open (or not) about their identity and ideas in schools and government facilities or programs.
- Expanding the rights of transgender people to safely express gender identity, and have it recognized, without fear of discrimination.

Victory

At Sultana High School in Hesperia, California, Gay-Straight Alliance club members and LGBT students endured routine censorship, name-calling, and pervasive harassment. Most shockingly, teachers and administrators were the primary bullies, commonly insulting LGBT students with no repercussions. After the students turned to the ACLU for help, the school district made a number of changes to create a safer environment for all students, including the adoption of stronger anti-bullying and discrimination policies and training for its 851 educators.

Voting Rights

PENNSYLVANIA'S VOTER ID LAW imperiled the vote of nearly 760,000 people on the state's voting rolls—and Philadelphia's Viviette Applewhite was one of them.

"I have voted my entire life. Never missed. And I'm really upset they're trying to stop me from voting this time," the then-93-year-old great-grandmother protested, in a 2012 interview with the *Los Angeles Times*.

Viviette, an outspoken civil rights activist, had marched with Martin Luther King in Macon, Georgia. She'd been a welder during the Second World War, and worked for decades for state and municipal agencies. She'd married and raised a daughter, and was proud that all five of her grandchildren were college graduates.

But she'd never driven a car or had a driver's license. And her lack of government-issued photo ID suddenly could keep her from the polls.

Indeed, by the state's own calculations, nine percent of Pennsylvania voters had no driver's license. That nine percent encompassed Pennsylvania's most vulnerable voters—the elderly, the poor, minorities, the disabled, and young adults.

Though the law was publicly touted as a defense against voter fraud, Pennsylvania had prosecuted not a single instance of in-person voter fraud in all the years prior to the law.

So what was the law's real purpose? Vulnerable voters disproportionately vote Democratic. The chairwoman of Philadelphia's election commission, a Democrat, contended that the law was a "cynical attempt...to steal the election."

And her accusation was backed up when the leader of the Republicans in the state house ticked off the Voter ID law as a partisan achievement, one "which is going to allow Governor Romney to win the state of Pennsylvania."

Viviette became the ACLU's lead plaintiff in *Applewhite v. Pennsylvania*, our successful lawsuit to prevent Pennsylvania's Voter ID law from going into effect before Election Day 2012.

This headline-generating case, on the front pages of newspapers across the country, sparked a public education bonanza, awakening the general public to an ongoing vicious campaign to block the vote.

The unprecedented 2008 turnout—the most racially diverse in American history—had triggered backlash. It spurred a fear-mongering misinformation campaign that raised countrywide alarm over a nonexistent epidemic of

Let Me Vote!

The partisan attack on voting rights in Pennsylvania is part of a systematic, nationwide campaign to disenfranchise our most vulnerable citizens.

voter fraud. In-person impersonation at the polls is not even a minor problem.

Nevertheless, in 2011, we saw an unprecedented assault on the right to vote in state legislatures nationwide. Indeed, restrictive laws were introduced in at least 34 states. The wave continued in 2012, with at least 32 states introducing restrictive laws.

The ACLU was on the case. We beat back many voter suppression bills in state legislatures. We fought bad laws in the courts—helping to keep at least seven bad state laws or regulations from going into effect before Election Day. We conducted massive "know your rights" campaigns in states where ongoing voter suppression battles had left the public dazed and confused. In Ohio, we conducted a "telephone town hall" with almost 10,000 people to let them know that people with felony convictions could still vote. In Pennsylvania, in the metro Philly area alone, we partnered with community groups to let 89,000 mostly poor, black voters know they would not need ID to vote.

And twice during the past year, we fiercely defended voting rights before the U.S. Supreme Court. In *Arizona v. Inter Tribal Council of Arizona*, we successfully challenged Arizona's authority to require new voters, contrary to federal law, to submit documentary proof of citizenship before registering to vote.

Unfortunately our Supreme Court defense of the Voting Rights Act, in *Shelby County v. Alabama*, was less successful. The Court gutted the Act—and we immediately launched a campaign to pressure Congress to replace it. ■



Viviette Applewhite was lead plaintiff in our challenge to Pennsylvania's Voter ID law, which would have prevented her from casting a ballot in the 2012 elections.

Other Voting Rights Priorities

- Fighting voter suppression efforts, including ID laws, proof of citizenship requirements, restrictions on volunteer voter registration efforts, and measures that roll back progressive voting laws.
- Improving access to the vote, including registration opportunities, early voting, and enfranchisement for individuals with criminal records.
- Confronting racial discrimination in voting, by, for example, fighting discriminatory voting districts that stifle minority representation, and by supporting a renewed Voting Rights Act.

Victory

The ACLU pioneered new efforts to vastly expand voter registration. Using the National Voter Registration Act and the Affordable Care Act, we persuaded California to make the new required state health care exchange (designed to serve the uninsured) also a voter registration agency. And then we convinced New York State to do the same—potentially adding millions of new voters to the voting rolls.



David House, affiliated with the Pvt. Manning Support Network, whose laptop was unconstitutionally seized by the government at the border (photo: Cydney Scott for Boston University Photography).

The Bill of Rights: Seized at the Border

*The Constitution protects us equally
wherever we go in the United States.
Or does it?*

RETURNING FROM A MEXICAN VACATION in 2010, David House experienced more than the usual hassle at the airport. Heading toward his connecting flight, David had his possessions seized at the gate by two Department of Homeland Security agents. They weren't after drugs. They weren't after weapons. They were after his electronics.

David was a founding member of the Pvt. Manning Support Network, an international grassroots effort to help Pfc. Chelsea (formerly Bradley) Manning, who gave government documents to WikiLeaks. David's electronics contained confidential information on the Support Network's members, supporters, donors, and internal organization communications. The agents took his phone, laptop, USB drive, and camera without consent or explanation.

A short while later, the agents returned to question him.

The agents did not ask David anything about customs or contraband, immigration, or terrorism. They did not suggest that he had engaged in illegal activity, or that his electronics might contain anything illegal. No, they asked him about Private Manning, the Support Network, and WikiLeaks. What was his association with Manning? What

Privacy and Technology

did he do for the Support Network? Did he have any connection or contact with WikiLeaks?

In other words, they had targeted David for his political beliefs and activities, violating his First Amendment rights to freedom of association and associational privacy, as well as his Fourth Amendment right to be free from unreasonable search and seizure. The government copied the data on his phone on the spot, and held his other electronics for 49 days—until the ACLU stepped in. We then sued on David's behalf.

In May 2013, we reached a settlement that gave David almost everything that he sought, including destruction of all remaining data copied from his devices, government records concerning his case, and removal from a customs watchlist that automatically flagged him for electronic device inspections.

As in the case of David, the ACLU has been working on all fronts to expose and limit secretive government practices, including border searches of electronics, warrantless location tracking, and suspicionless surveillance of phone records and electronic communications. While we have long challenged such actions against whistle-blowers and activists, today the stakes are much higher.

The fact is, technological change has given the government snooping powers that would have been unimaginable a generation ago. In particular, rapid innovation in the nature and scope of surveillance technology has fueled (and been fueled by) a gigantic industrial-surveillance complex on the one hand, and a new business model that relies on the collection and storage of vast amounts of informa-

tion about customers on the other. Working hand in hand, governments and corporations can now single out anyone and track that person's movements, purchases, reading habits, and sometimes even private conversations. For the first time ever, the government has the power to assemble detailed dossiers on every American at minimal cost and effort. And it appears to be using this power.

In June 2013, a whistle-blower revealed what we had long feared but never been able to prove: wholesale, suspicionless surveillance of Americans' phone-call data and Internet activity by the National Security Agency (NSA). Just four months earlier, the Supreme Court had dismissed our years-long challenge to a provision of the FISA Amendments Act—the controversial “warrantless wiretapping” statute—precisely because our clients couldn't prove that they had been monitored by the NSA. The new revelations not only suggest that they had been, but show that the ACLU itself and tens—perhaps hundreds—of millions of ordinary Americans had also been monitored.

We immediately filed a new lawsuit with the ACLU itself as a plaintiff, and a new motion with the secretive Foreign Intelligence Surveillance Court seeking public release of its opinions on the meaning, scope, and constitutionality of the provision. We also renewed our push for disclosure of the government's secret interpretation of the same provision in our Freedom of Information Act litigation. Through these three legal challenges—as well as other lawsuits, media outreach, and lobbying—the ACLU continues to challenge the government's chillingly expansive claims of surveillance powers. ■

Other Privacy and Technology Priorities

- Establishing the need for a judicial warrant based on probable cause before the government engages in any form of location tracking.
- Reforming the Electronic Communications Privacy Act of 1986 and other antiquated laws responsible for protecting our digital lives.
- Strengthening commercial privacy protections and weakening the so-called “third party doctrine,” which denies constitutional protection to any information “shared” with third parties such as banks, phone companies, and internet service providers.
- Placing legal limits around domestic surveillance by drones before the technology is widely deployed.

Victory

On April 15, 2013—“tax day”—the ACLU released documents from our earlier public records request to the Internal Revenue Service (IRS) revealing that the IRS sometimes reads Americans' e-mail without warrants. The story spread like wildfire across social media and high-profile news outlets. The IRS acting commissioner soon testified that the IRS would require warrants before accessing e-mails in future. The revelations also prompted new bipartisan calls for scrutiny into the IRS and revived efforts to reform the Electronic Communications Privacy Act.

Ambassador of Peace

“Now...when they think of America, they think of the terror they feel from the drones that hover over their heads ready to fire missiles at any time.”

IN APRIL 2013, a Senate Judiciary subcommittee held a hearing entitled, “Drone Wars: The Constitutional and Counterterrorism Implications of Targeted Killing.” The star witness was a 23-year-old Yemeni democracy activist from the remote mountain village of Wessab named Farea Al-Muslimi. The ACLU helped secure the testimony of Farea, who we knew was a perfect choice. He had worked on the ground helping international journalists report on drone strikes in Yemen. He was also a fan of the United States, having spent a year of high school in California through a U.S. State Department program.

As fate would have it, a drone bombed his own village just six days before he testified. This is some of his testimony:

I went to the U.S. as an ambassador for Yemen. I came back to Yemen as an ambassador of the U.S....

In the past, what Wessab’s villagers knew of the United States was based on my stories about my wonderful experiences here. The friendships and values I experienced and described to the villagers helped them understand the America that I know and love.

Now, however, when they think of America they think of the terror they feel from the drones that hover over their heads ready to fire missiles at any time. What violent militants had previously failed to achieve, one drone strike accomplished in an instant: there is now an intense anger against America in Wessab....

More than 40 civilians were killed [in another poor village], including four pregnant women. [B]odies were so decimated that it was impossible to differentiate between those of children, women and their animals.

Some of these innocent people were buried in the same grave as animals....

I believe in America, and I deeply believe that when Americans truly know about how much pain and suffering U.S. air strikes have caused, and how they are harming U.S. efforts to win the hearts and minds of the Yemeni people, they will reject this devastating targeted killing program.

The United States’ targeted killings outside armed conflict zones may be the worst-kept secret of the decade. Government officials have bragged about it when it suits their purpose. The existence of the killing program is well-known. Equally well-known is that outside of armed conflict zones the Constitution and international law prohibit the use of lethal force unless it is a last resort against a concrete, specific, and imminent threat of grave harm. Even in the context of an armed conflict against an armed group, the government may use lethal force only against individuals who are directly participating in hostilities against the United States. In all cases, the government must take every possible step to avoid harming civilian bystanders when using lethal force.

Yet these are not the standards that the executive branch has been using.

The targeted killing program operates with vague legal standards and evidence that is never tested by a court. Essential details about the program remain secret. The ACLU has been litigating two Freedom of Information Act lawsuits against the government seeking to uncover critical legal, procedural, and factual aspects of the program,



as well as a due process lawsuit on behalf of the family members of three U.S. citizens killed by drones in Yemen.

Our challenges have been gaining momentum. The month before Farea testified, a unanimous court of appeals did something nearly unprecedented: it put an end to the CIA's absurd claims that it "cannot confirm or deny" whether it has information about the government's use of drones to carry out targeted killings. And in May 2013, President Obama signaled that he would limit targeted killings. The ACLU will be there to hold him to this commitment. ■

Farea Al-Muslimi's firsthand account of drone strikes in Yemen provided what The Atlantic called "some of the most powerful testimony on drones ever uttered in the halls of the U.S. Congress" (photo: Cliff Owen/AP).

Other National Security Priorities

- Limiting or repealing the PATRIOT Act, which ushered in unprecedented levels of government spying on ordinary Americans.
- Effecting the safe closure of Guantánamo and an end to military commissions that deny fair process and have been used to censor from the public evidence obtained through torture.
- Ensuring that national security policies and programs, particularly expanded surveillance programs, are consistent with due process and do not discriminate against racial, ethnic, or religious minorities.

Victory

In June 2013, the ACLU argued that the inadequate redress process for people on the government's No-Fly List violates the Constitution's guarantee of due process. The list bars people from commercial air travel with no explanation and no meaningful chance to clear their names. For our clients and thousands of other people, just having this day in court was a victory—one made possible in July 2012 when an appeals court allowed our suit to go forward. We await a ruling.

Reproductive Freedom

The Military's Indefensible Policy

For decades, military women who became pregnant as a result of rape were banned from using their government health insurance to get an abortion.

CINDY McNALLY, a retired chief master sergeant in the U.S. Air Force, knows firsthand about the trauma of sexual assault. As a young Air Force trainee, she was sexually assaulted twice.

Cindy is not alone. An estimated one in three women is sexually assaulted during her time in service, with some of these assaults resulting in pregnancies. And although abortion is covered for other women insured through the government—including federal employees, members of Congress, and women enrolled in Medicaid—servicewomen have been forced to cover the cost on their own.

When the ACLU asked Cindy to join our legislative campaign to repeal this federal ban, she quickly stepped up. As she said, “This is not a political issue, nor should it be controversial. I am an anti-abortion Republican, but this law is indefensible and unjustifiable. I know all too well that when a woman is raped, it robs her of her self-image and her sense of power over her own body.”

Cindy, 20 retired generals and other officers, and the ACLU descended upon Capitol Hill to push for a repeal of the ban. As part of the Stand with Servicewomen Campaign, which was led by the ACLU, Cindy and others met with key members of Congress to explain why military women should be given the coverage they deserve. The ACLU recruited other high-ranking officials—including General Colin Powell—to lend their support and launched an intensive media campaign with TV and online advertisements. By galvanizing public support and putting intense pressure on targeted legislators, we won a landmark victory when Congress lifted the ban. Our hard-fought legislative campaign

led to the passage of the first federal pro-choice legislation in decades.

This was a significant federal win. However, the fight for abortion access is mostly playing out on the state level. State legislators around the country are passing record numbers of burdensome restrictions that deny critical services, stigmatize abortion, and turn back the clock on reproductive freedom. During the past year, we worked with our 53 affiliates around the country to help kill over 30 harmful restrictions, including bills that would have forced clinics to shut their doors. When we could not defeat the bills before they became law, we went to court to block their implementation.

Over the past year, the ACLU's litigation has had an enormous impact on women's ability to access abortion. We blocked laws in Arizona, Arkansas, and Georgia that would have banned some or all second-trimester abortions. Access to later abortions is critical for women who discover their fetuses have serious medical conditions and for poor women who need time to scrape together the necessary funds.

We prevented the enforcement of other burdensome restrictions on abortion access. For example, for almost two years, our litigation has prevented the enforcement of an unprecedented South Dakota law that requires women getting an abortion to first visit an anti-abortion pregnancy counseling center. We have also blocked a North Carolina law that requires doctors to show ultrasound images to a woman seeking an abortion even if she doesn't want to view them, as well as an Illinois law that prohibits teens from getting an abortion unless they tell a parent or go to court.



Retired U.S. Air Force Chief Master Sergeant Cindy McNally is one of many military veterans who lobbied Congress to stand up for the reproductive rights of servicewomen.

Our litigation also enabled Planned Parenthood health centers to keep their doors open in Arizona and Indiana, where we blocked laws that would have prevented Planned Parenthood from participating in Medicaid. Had these lawsuits not been successful, these health centers would have been forced to shut down, jeopardizing access to reproductive health services for thousands of low-income patients each year. ■

Other Reproductive Freedom Priorities

- Promoting safe, affordable access to the full range of contraceptive options.
- Fighting back against individuals and institutions who seek to use their religious beliefs to deny women the reproductive health care they need, including contraception and even life-saving abortions.
- Advocating for science-based sexuality education programming in schools that gives young people the information they need to lead healthy and fulfilling lives.
- Ending abstinence-only-until-marriage programs in schools, many of which are medically inaccurate, use taxpayer funds to promote religion, and are based on gender stereotypes.
- Securing reproductive health care for women in prisons and jails around the country, whether they decide to continue their pregnancy or have an abortion.

Victory

After the ACLU heard that a Walgreens pharmacist in New Mexico had refused to fill a birth control prescription on religious grounds, we sent a demand letter to Walgreens headquarters. Consequently, the Walgreens pharmacy chain adopted a new nationwide policy ensuring that customers can get their birth control prescriptions filled promptly, even if an individual pharmacist refuses to do so.



Manuel Nieto, Jr. and his sister Velia Meraz, who were racially profiled by the Maricopa County Sheriff's Office, experienced firsthand the abuses of "show me your papers"-type immigration enforcement (photo: Michael Chow, The Arizona Republic).

VELIA MERAZ WAS SINGING along to Spanish music as her brother Manuel drove to the local gas station on their lunch break. There they saw two handcuffed, Latino men being detained by a deputy from the Maricopa County Sheriff's Office. News of local crime suppression sweeps by the Sheriff's Office had been all over the radio that day. But Velia and Manuel had nothing to fear. They had done nothing wrong. Yet the deputy ordered them to leave the gas station. Velia dared to ask "why?" The officer then threatened to arrest them for disorderly conduct if they did not leave.

As Velia and Manuel left the station, the deputy called for backup. A motorcycle officer and three Sheriff's Office cruisers soon followed them. The siblings drove 50 yards to stop in front of the repair shop where they worked. As officers surrounded them with guns drawn, Manuel called 911 to report harassment. He told one approaching officer that he was on the phone with the police, but the officer said he didn't care. Manuel was yanked out of his car, thrown against it, and handcuffed.

People at the repair shop came outside to see what was going on, and officers told them to leave or they'd get arrested. Then the shop's owner announced he was the father of Velia and Manuel, and that all three of them were U.S. citizens. The officers left as quickly as they had come. No citations, no explanations, no apologies.

Such was the reign of terror in Maricopa County under Sheriff Joe Arpaio—until our pioneering class action lawsuit challenged the unlawful violations that went hand in hand with his single-minded focus on finding undocumented immigrants. In May 2013, a federal judge found that the Sheriff's Office had engaged in unconstitutional racial profiling, and ordered it to stop. That's all Velia, Manuel, and our other plaintiffs had sought: not money, just an end to racial profiling.

The Arpaio case has given us valuable experience that we can apply to challenging "show me your papers" laws in Arizona and other states. These laws invite police officers to demand a person's "papers" on the suspicion of unlawful presence—a standard that quickly devolves into racial

A Sheriff's Reign of Terror

*Stopped and harassed by the police,
their only crime was the color of their skin.*

and ethnic profiling. The ACLU has been leading the fight against such laws from the beginning.

After Hazleton, Pennsylvania passed ordinances that discriminated against immigrants in jobs and housing in 2005, anti-immigrant measures caught on like wildfire—at first. The ACLU came down hard on the first municipal copycats, and discouraged other communities from following their lead. When Arizona enacted the first state anti-immigrant law (SB 1070) in 2010, we came out full force against it, filing a lawsuit, working nationwide to deter copycat legislation, launching a massive public education campaign, and pressing the Department of Justice to second our lawsuit with one of its own.

Thanks to our aggressive advocacy, key provisions of state and local anti-immigrant laws have been blocked in court, and such measures are on the wane. The major exceptions are “show me your papers” provisions, which authorize police to demand proof of citizenship from suspected undocumented immigrants. The U.S. Supreme

Court and lower courts have allowed these provisions to go into effect absent proof that they will result in illegal profiling.

“Show me your papers” provisions are in effect in four states—Alabama, Arizona, Georgia, and South Carolina—and we are collecting stories and data to prove that these provisions will lead to profiling and the detaining people based solely on suspicion that they are undocumented immigrants. Such behavior would cross a constitutional line drawn by the Supreme Court. Our victory in Maricopa County shows that we can—and will—prove that such measures lead to racial and ethnic profiling.

While still battling “show me your papers” provisions, the ACLU has successfully stopped other state and local anti-immigrant laws, including measures that would have criminalized everyday activities such as giving undocumented immigrants a ride to work or church or the pursuit of work by day laborers. ■

Other Immigrants' Rights Priorities

- Ensuring that any comprehensive immigration reform bill builds in protections in the immigration detention and deportation system and a path for citizenship for immigrants.
- Restoring judicial review and fairness to removal proceedings, and ending the mass deportation of immigrants.
- Reforming abusive federal programs that empower local police to act as immigration enforcers, including the Secure Communities and 287(g) joint federal/local enforcement programs.
- Reining in militarization at the border and the use of excessive force by customs and border agents.
- Establishing a right to appointed counsel for vulnerable immigrants, including unaccompanied minors and those with mental disabilities.
- Ensuring that immigrants get meaningful, individualized hearings before being subject to prolonged detention—and improving the often-nightmarish conditions of such detention.

Victory

Few people have inspired the nation like DREAMers, the young immigrants who are American in all ways except on paper and who now have a temporary reprieve from deportation under the Deferred Action for Childhood Arrivals program. After about a dozen states began efforts to deny DREAMers driver's licenses, the ACLU sprang into action. Thanks to our litigation and advocacy, all but two states have abandoned their mean-spirited actions. We've sued the remaining two, Arizona and Nebraska.

Capital Punishment

Challenging the Machinery of Death

Wrongfully convicted, an innocent man waited 15 years on death row for justice.

WHEN DAMON THIBODEAUX'S 14-year-old cousin failed to return from the supermarket, he joined her father, friends, and law enforcement in looking for her. Her body was found the following evening. Law enforcement began interviewing those who had seen her last, including Damon. It soon became an interrogation—a nine-hour interrogation. Highly suggestible and by then “almost catatonic”—according to *The Washington Post*—Damon falsely confessed to her rape and murder. “I didn’t know that I had done it,” he said, “but I done it.” After a chance to eat and rest, he quickly recanted.

It was too late.

Based almost exclusively on his obviously false confession, Damon was sentenced to death. For the next 15 years, home would be death row at Louisiana’s notorious Angola prison, known as “the farm.” And for nearly all that time, a team that came to include the ACLU worked to set Damon free. It should never have taken so long.

The timeline didn’t fit.

The confession was an obvious hodge-podge of conjecture, police-leaked details, and error. The girl wasn’t murdered in the way Damon described. Nor was she raped.

Two “witnesses” who had seen a man loitering about the crime scene and picked out Damon from a photo lineup had previously seen his picture on the news. They also got the date wrong.

The murder weapon had male DNA on it. It wasn’t Damon’s.

Six years after a joint reinvestigation of Damon’s case was launched in 2007, he was told that exoneration would come soon. “‘Soon’ done come and gone,” he replied. Yet a month later, our client was a free man.

If Damon’s case were unique, it might be tragic but understandable. But his story is far from unique. Damon was the 141st death row inmate to be exonerated. He’s not the last. Louisiana has been exonerating death row inmates twice as often as it executes them. Still, despite an abundance of evidence showing routine miscarriages of justice, some jurisdictions keep handing out death sentences—and opposing our efforts to free the innocent.

The system is broken from end to end. And we are doing all we can to stop the barbaric practice. We’ve helped end capital punishment in six states in the past six years, and continue to press hard for abolition elsewhere. As part of these efforts, we work hard to expose the police, prosecutorial, and even judicial abuse that leads to innocent people being sentenced—and put to death. Unfortunately, the system is fraught with misconduct.

Good law enforcement officers assess confessions skeptically, knowing that harsh interrogation tactics often backfire, some people are especially prone to falsely confess, and that confessed details should be cross-checked with forensic evidence. But we know that not all officers are good. In Houston, for example, police sat on a crucial eyewitness report and obtained an obviously fictitious murder confession from a mentally ill man named Max Soffar, while the likely culprit slipped through their fingers. We’re fighting to vindicate Max.

Good prosecutors question convenient suspects in cases police are under pressure to solve. They look for reasons not to seek the death penalty—such as mental illness or other mitigating circumstances—and share exculpatory information with the defense. Not all prosecutors are good. In Damon’s case, for example, the prosecution’s own expert concluded that he had falsely confessed—a fact never shared with the defense.

Fair justice systems provide every opportunity to clear the innocent and apply equally to all. No capital punishment scheme is fair. The rules are stacked against defendants. They face professional snitches and expert witnesses tout-junk science. Capital jurors seldom understand the judge’s instructions. In Alabama, a judge can impose death even after the jury elects life in prison—as happened to our innocent client Montez Spradley, for whom we’ve secured a “best interest” plea that will lead to his release.

The problem is not just that a man like Damon Thibodeaux got sent to death row; it’s the untold number of Damon Thibodeauxs who remain there. ■



After spending most of his adult life on death row, a recently exonerated Damon Thibodeaux (in the white shirt) embraces Derrick Jones, another death row exoneree.

Other Capital Punishment Priorities

- Abolishing the death penalty or achieving moratoriums in additional states.
- Exposing and eradicating the racial bias inherent in every aspect of the capital punishment system.
- Creating new categories of exemptions from the death penalty, including the mentally ill and those who participated in burglaries or other crimes during which a murder took place without any intention of killing.
- Working to reduce sentences and executions in states with the highest death rates through legislative and policy advocacy, public education, direct representation, and systemic reform initiatives.

Victory

In December 2012, four ACLU death row clients were resentenced to life in prison under North Carolina's pioneering Racial Justice Act (RJA). The RJA was the first state law to address the systemic problems of racial discrimination in jury selection in capital cases. Our clients' cases unearthed a mountain of evidence of prosecutorial cheating and discriminatory practices. Although North Carolina has since repealed the RJA—apparently because it worked—at least four prisoners have been removed from death row.

Women's Rights

When a Call for Help Brings More Abuse

In cities around the country, domestic violence victims are being kicked out of their homes for contacting the police for help.



Lakisha Briggs was evicted by the city of Norristown because the police were called to her home when her ex-boyfriend violently attacked her (photo: Jessica Kourkounis).

WHEN LAKISHA BRIGGS WAS BEATEN with a brick, she didn't call the police. The last time her ex-boyfriend beat her and she reported it to the police, they had warned her that she was on "three strikes." If there were two more calls, she would be evicted. She didn't want to lose her home, so she stayed quiet. However, a neighbor called.

The city Lakisha lives in—Norristown, Pennsylvania—has a local "disorderly behavior ordinance" that penalizes landlords and tenants when the police respond to three instances of "disorderly behavior" within a four-month period. Unbelievably, the city lists domestic violence as falling within this category, so women who have been assaulted can be thrown out onto the street.

When Lakisha's ex-boyfriend attacked her a third time, stabbing her in the neck, she still refused to call the police. But because someone else reported the crime again, the city told the landlord to evict her. The ACLU filed a lawsuit challenging this absurd ordinance that has severe and life-threatening consequences for victims of domestic violence.

Unfortunately, Norristown is not alone. Cities and towns across the United States have similar laws, sometimes referred to as "nuisance ordinances." These senseless laws are symptomatic of a larger problem: the failure of government and other institutions to adequately respond to gender-based violence. By refusing to take domestic violence seriously, cities, schools, the military, and even the federal government are putting women's lives at risk and robbing women of their right to equal protection under the law.

The ACLU uses litigation and advocacy to dismantle the laws, policies, and practices that perpetuate sexual vio-

lence, discriminate against victims of violence, and treat women as second-class citizens. For example, we have litigated for years to force the military to hand over records documenting its treatment of victims of sexual violence and its efforts—or lack thereof—to hold perpetrators accountable. We have finally obtained some records from the U.S. Department of Veterans Affairs and continue to push for documents from the U.S. Department of Defense.

We also incorporate international human rights strategies into this work, bringing local human rights violations to national and international bodies, such as the United Nations, in order to hold the United States accountable.

For example, we went before the Inter-American Commission on Human Rights to seek justice for a woman whose young daughters were abducted and killed after the police refused to enforce a restraining order against her estranged, abusive husband. In 2011, the Commission issued a groundbreaking ruling holding the U.S. government accountable and providing policy recommendations to force police to adequately respond to domestic violence victims.

Over the past year, we have been using these recommendations to push for policies that will better protect women's lives and safety. We met with the U.S. Department of Justice, which has agreed to help us implement the policy recommendations, and we hired a part-time human rights attorney to implement the recommendations in Puerto Rico, which has the world's highest per capita rate of women who are killed by their partners. We are already making important advances—in December 2012, the Puerto Rico Police Department entered into an agreement with the Department of Justice that improves its policies on domestic violence and sexual assault policing. ■

Other Women's Rights Priorities

- Ensuring that women have equal access to employment free from discrimination based on gender stereotypes, pregnancy and parenting discrimination, and unsafe or unfair work conditions.
- Closing the gender wage gap.
- Pushing the military to implement the historic repeal of the ban on women in combat quickly and fairly.
- Removing the obstacles that block pregnant and parenting teens from obtaining an equal education.

Victory

Facing the pressure of an ACLU lawsuit, the Pentagon lifted the ban on women serving in combat roles. In reality, military women have served in combat for years, participating in hundreds of missions in active combat zones. But because of an official rule blocking them from combat roles, women were never granted recognition for their service, limiting their military careers and their promotion opportunities. Soon after we filed our lawsuit, this discriminatory ban was repealed.

Reining in Puerto Rico's Lawless Police

“Living in the United States with the right to free expression, I never thought this would happen when we try to protest.”

“I THOUGHT I WAS GOING TO DIE.”

So said Eliza Ramos Peña, speaking of that fateful June day three years ago, when she and her mother Betty attended a mass demonstration outside the Puerto Rico capitol building, peacefully protesting the layoffs of 30,000 public workers, sharp tuition hikes at the public university, and the expulsion of the public and the press from the legislative debate.

Eliza and Betty were approached by a low-flying helicopter and doused with tear gas. Betty, who has a respiratory condition, could not breathe. A wall of riot squad officers attacked the protesters with long batons and pepper spray. Police kept beating mother and daughter even while they were on the ground.

As Betty tried to shield her daughter with her own body, police pepper-sprayed Betty in the face at close range, causing her to lose consciousness. Betty was so badly affected by the chemical agents in the tear gas and pepper spray, she couldn't speak for a week—and then had trouble talking for an entire year. She told the ACLU “Living in the United States with the right to free expression, I never thought this would happen when we try to protest.”

Betty and Eliza were just two among the countless victims of Puerto Rico's huge outlaw police department, the second largest in the country at 17,000 strong, and notorious for its culture of unrestrained brutality.

For years, Puerto Rico's cops had been using excessive and lethal force, especially in poor and black neighborhoods. They had violently suppressed protesters like Eliza and Betty, using batons, rubber bullets, and a toxic form of tear gas. And they had failed so utterly to investigate or respond to domestic violence that Puerto Rico became a violence-against-women world capital, with the highest per capita rate in the world of women over age 14 killed by their partners.

We determined to put a stop to this police reign of terror. But we struggled to gain the notice of the mainland.



Neither the media nor the federal Justice Department seemed to care.

Human rights became our strategy of choice. We galvanized mainland media and the U.S. Department of Justice attention with a series of human rights documentation reports, culminating in the 180-page *Island of Impunity*. We brought in a high-profile, fact-finding delegation, including actor Rosie Perez and baseball legend Carlos Delgado. We brought suit on behalf of police victims.

And then, suddenly there was movement. Our human rights advocacy pushed the U.S. Justice Department to release its long-withheld scathing report on the Puerto Rico police. The police chief resigned.

And the Department of Justice finally filed its own lawsuit against the police, in which we participated as the acknowledged experts.

Indeed, our campaign in Puerto Rico both used and expanded upon years of pioneering ACLU work defending protesters against police brutality.

ACLU lawsuits against mass arrests, lethal force, and other police tactics at major demonstrations—including the protests at the 2004 Republican National Convention in New York City, the 2009 G20 Summit in Pittsburgh, and the nationwide “Occupy Wall Street” protests—informed our Puerto Rico litigation. Our research into pepper spray

Human Rights



In violation of their human rights, mother and daughter Betty Peña and Eliza Ramos Peña were attacked by police with batons and pepper spray while peacefully protesting (photo: Ricardo Arduengo/AP).

agreement in Oakland, California that strictly limited the use of force and chemical agents.

And our human rights innovations—including town hall meetings to air abuses and draw media attention—became a model for new campaigns. The ACLU of Nevada adopted our tactics of town hall meetings, human rights documentation, and pressure on the Department of Justice to give new momentum to their campaign against the notoriously brutal Las Vegas Police Department.

Meanwhile, back in Puerto Rico, in July 2013, the judge approved a landmark consent decree mandating reforms. These reforms give us—and our brave clients, Eliza and Betty among them—critical new tools to make the police accountable for their actions. ■



was immediately shared with other attorneys representing pepper-sprayed “Occupy Wall Street” protesters. Our proposals for reform incorporated “best practices” painstakingly developed through ACLU police litigation throughout the country, such as a groundbreaking 2004

Other Human Rights Priorities

- Sparking opposition to post-9/11 U.S. human rights abuses committed in the name of national security, from “targeted killing” to military commissions to the failure to close the prison at Guantánamo.
- Producing human rights documentation reports to jump-start media attention and advocacy on issues ranging from human trafficking to life without parole for nonviolent offenders.
- Collaborating with international human rights experts to compel new attention to long-standing crises, such as our collaboration with the UN Special Rapporteur on Torture to spotlight the extreme use of isolation in U.S. jails and prisons.
- Deploying international human rights bodies to speak out for justice when the U.S. justice system provides no redress to victims, for example, domestic violence victims ignored by the police.

Victory

The ACLU released *Victims of Complacency*, a fierce condemnation of U.S. complicity in human trafficking. U.S. government contractors routinely scam poor people from impoverished communities in India, the Philippines, and elsewhere, whom they recruit and defraud with false promises, and then use to support our armed forces overseas. Within weeks of our report’s release, President Obama responded by issuing an executive order that will better protect these vulnerable migrant workers.

Criminal Law Reform

A Nation Behind Bars

Our country's use of incarceration to deal with first-time, nonviolent, minor infractions of the law has made us the world's biggest jailer.

RODERICK BATTLE, AGE 29, IS A FAMILY MAN. He and his wife have four children—two daughters, 9 and 4, and 7-year-old twin boys. Roderick was recently laid off from his job as a cook, so he looks for work and watches his kids while his wife works as a supermarket cashier. On a year-long probation after he was convicted for marijuana possession, it will be harder for Roderick to find new work, as his case will appear as “pending” on employer background checks.

His is an unfortunately common story: Roderick was hanging out at a friend's house when the police arrived. When he admitted he had a small amount of marijuana, the cops arrested him and charged him with possession with intent to distribute, a felony offense. His wife borrowed \$300 to pay his bail, and, with the help of a public defender, the charge was reduced to simple possession, a misdemeanor.

To avoid jail time, Roderick enrolled in a court-supervised probation program. Any misstep—from a failed drug test to a traffic violation—will send him back to jail. If he completes the program and pays all his fines and fees, his record could be expunged. This is especially important to Roderick, who before this incident, had no criminal record and had never been arrested.

“I'm not a bad guy,” says Roderick. “I just had a little marijuana.”

Over the past 40 years, the United States has waged a losing war against drugs, especially marijuana, needlessly ensnaring people like Roderick in the criminal justice system for minor, nonviolent offenses. The ACLU is fighting for reform. We recently released a major report, *The War on Marijuana in Black and White*, in which we show that in 2010, there was one marijuana arrest every 37 seconds, and that the states spent more than \$3.6 billion enforcing marijuana possession laws with staggering racial bias. We found that black people are almost four times more likely to be arrested for marijuana possession than white people, despite comparable usage rates. This racial bias is pervasive, occurring throughout the country, regardless of region, county size, or demographic. In the worst counties, the disparity climbs to as high as 30 times.

The ACLU is using this widely publicized report, which is based on a county-by-county assessment of the FBI's Uniform Crime Reporting Program data for all 50 states from 2001 to 2010, as a jumping off point to promote comprehensive reforms to drug policy and police practices, including ending selective enforcement against poor communities of color and reducing pre-trial detention. These issues are significant contributors to the United States' role as the world's largest jailer: with 5 percent of the world's population, we house 25 percent of its prisoners. Nearly half of all people in state prisons are nonviolent offenders, and in federal prisons, that number skyrockets to 92 percent of



Roderick Battle had no prior criminal record when he was arrested at a friend's Memphis home for marijuana. He ended up serving a year-long probation and owing hundreds of dollars in fees he couldn't afford.

the population. Because racial bias infects the system at every turn, people of color are vastly overrepresented, with an astonishing one in nine black men between ages 20 and 34 behind bars.

The ACLU's Campaign to End Mass Incarceration aims to break our country's addiction to incarceration, enlisting conservatives and progressives alike to implement policies that stem the overflow of people entering prisons and shrink the number of people inside them.

Though there are more effective ways to ensure public safety, the United States uses the criminal justice system as a first, rather than last, response to a host of social problems. With incarceration and related costs making up the second-fastest growing category of state budgets—and 90 percent of that spending going to prisons—state and local governments stand to save millions with smart criminal justice reforms.

With a commitment to data-driven reforms that promote public safety, we are already seeing success. We won a tough local fight with the New Orleans City Council to reduce the size of the local jail and give minor offenders support services, rather than jail time. In California, where nearly 70 percent of the county jail population is made up of people awaiting their day in court for low-level, nonviolent charges, our aggressive pre-trial detention reforms are helping counties across the state reduce their populations safely.

These successes can be replicated nationwide, and for people like Roderick, whose first-time marijuana possession offense has deeply—and unfairly—affected him and his family, reforms cannot come fast enough. ■

Other Criminal Law Reform Priorities

- Protecting and expanding the Sixth Amendment right to meaningful legal counsel for poor criminal defendants and ensuring that states provide public defenders with sufficient resources and training to ensure zealous and competent representation.
- Reducing the number of people entering the prison and jail systems through reclassification and decriminalization of nonviolent offenses, establishing community-based alternatives to incarceration, and reducing the number of people behind bars who pose no threat to public safety, including the elderly, the infirm, youth, and drug offenders.
- Challenging police and prosecutorial misconduct, abuses of power, racial profiling, and selective enforcement of low-level offenses against people and communities of color that fosters resentment against the government and fails to enhance community health or public safety.

Victory

Fifty years ago, the U.S. Supreme Court unanimously issued a landmark ruling: under the Sixth Amendment, poor criminal defendants facing incarceration have a constitutional right to counsel, even if they cannot afford it. Unfortunately, today most states don't protect this right. Michigan served as an egregious example, and after we fought for years to correct its broken indigent defense system, lawmakers established this June a permanent commission to develop and oversee statewide standards for providing counsel to poor defendants. This law will help Michigan uphold its constitutional obligations and reduce the needlessly severe and, in some instances, wrongful convictions of those too poor to defend themselves.

Growing Up Locked Down

In jails and prisons across the United States, children are held in solitary confinement for 22 hours or more each day, isolated both physically and socially, for days, weeks, or even months on end.

DIAGNOSED WITH BIPOLAR DISORDER at age 11, Kevin DeMott has struggled with mental health problems both in and out of the criminal justice system. Kevin was arrested at the age of 13 and sent to a juvenile facility in Iowa. When the facility could no longer manage his care, he was transferred to an adult facility in Michigan, where he was kept in solitary confinement for extended periods of time. In the adult facility, Kevin's bipolar disorder symptoms intensified; at one point during his time in solitary, he was restrained for 72 hours straight and forcibly injected with medications.

Solitary confinement is supposed to be a place of punishment, but it's also used as a place of security for the most vulnerable: ex-cops, informants, the mentally ill, and kids like Kevin. But solitary confinement is anything but a secure place to stay mentally healthy.

Cells are very small, and prisoners are confined for 22 to 24 hours per day. There may be a tiny window allowing in natural light or even a view of the world outside. Sometimes it is possible to communicate with other prisoners by yelling, with distorted voices reverberating against concrete and metal. Occasionally, prisoners get a book or, if they are lucky, study materials. But inside these cramped cells, little distinguishes one hour, one day, one week, or one month from the next.

"It doesn't really sink in until the door is shut, until the handcuffs are off, or until the food slot is closed," Kevin says. "You realize, 'This is my home. This is all I'm going to see for the majority of the day.'"

In each of the last five years, more than 90,000 children under age 18 were held in adult jails and prisons across the United States, where solitary confinement is routinely used to manage youth offenders. Studies have found that adults with no history of mental health problems can develop symptoms of psychological disorders while in solitary confinement. For young people, who are still developing physically and psychologically, solitary confinement is particularly cruel and harmful.

Many youth in solitary confinement describe the desire to commit suicide or to harm others. In our 2012 advocacy report detailing the horrors of solitary confinement for youth, they described experiencing hallucinations, feelings of doom, and losing touch with reality or self-control. Young people in solitary are often denied exercise, adequate nutrition, education, and mental health care. Visits are rarely permitted, and some youth say the hardest part of solitary is not being able to hug their mother or father.

To put an end to this brutal practice, the ACLU has launched the No Child Left Alone initiative as part of our Stop Solitary Campaign. This effort is timely—a number of corrections officials have begun to recognize and speak out against the costly, ineffective, and harmful use of solitary confinement for all prisoners, and especially for vulnerable youth and the mentally ill. The ACLU is using this momentum to introduce effective reforms for youth held in both juvenile and adult facilities.

As a first step, we are calling for a ban on the placement of youth under age 18 in solitary confinement. We are also lobbying federal and state governments to prohibit housing adolescents with adults, sending them instead to specialized facilities organized to encourage positive behavior, healthy development, and rehabilitation. In addition, we are advocating with corrections officials and state governments for policies ensuring that punitive measures are proportional to misbehavior and that punishments involving separation from the general population are rare, strictly regulated, and short-term—no more than 72 hours.

These efforts are gaining tremendous attention. In states like Colorado, Illinois, and Mississippi, our work with lawmakers and corrections officials has resulted in the closure of several adult solitary facilities, leaving fewer isolation beds open for youth and adults alike. And after hearing our testimony about the excessive use of solitary confinement in the United States, in March 2013 the Inter-American Commission on Human Rights endorsed all of our recommendations for reforming the practice, including a ban on the solitary confinement of children. ■



Kevin DeMott is pictured at age 13 with his mother Lois, who has become an advocate on behalf of people with mental disabilities in Michigan's prisons since Kevin's incarceration. As a teenager, he was placed in solitary confinement in an adult prison, exacerbating his mental health problems.

Other Prisoners' Rights Priorities

- Exposing and putting an end to the use of long-term solitary confinement for adults, as well as ending sexual abuse, assault, retaliation, and other forms of torture and inhuman treatment during incarceration.
- Improving conditions of confinement, reducing overcrowding, and ensuring access to medical and mental health care in prisons, jails, and immigrant detention facilities.
- Protecting prisoners' access to the courts and legal services.
- Protecting the freedom of thought, expression, religion, and belief of incarcerated persons.

Victory

In December 2012, the ACLU won our highly publicized federal class-action lawsuit against the Alabama Department of Corrections' (ADOC) policy requiring prisoners living with HIV/AIDS to be segregated from the rest of the state's prison population and barring them from many rehabilitative and community re-entry programs. The blistering ruling found that the ADOC's policy violates the Americans with Disabilities Act. We are currently in mediation with the ADOC to devise and implement a plan to ensure that housing segregation ends safely and all rehabilitative and community re-entry programs are made available without discrimination.



Kathleen Maxian has advanced-stage ovarian cancer that could have been prevented. When Myriad Genetics patented two genes associated with breast and ovarian cancer, her ability to get the life-saving treatment she needed was compromised (photo: Dan Cappellazzo).

KATHLEEN MAXIAN HAS ONLY A 20 PERCENT CHANCE OF LIVING. She has ovarian cancer, caused by a hereditary genetic mutation. Women who discover they have this mutation often seek preventive surgery to save their lives. Had she known she carried the mutated gene, Kathleen would have had this surgery. But a biotechnology company, Myriad Genetics, denied her this choice.

Because Myriad Genetics had a patent on the two genes associated with breast and ovarian cancer, no other labs were allowed to research or test these genes. This dangerous monopoly not only impeded advances in cancer treatment but it deprived Kathleen—and thousands of women like her—from accessing crucial medical information, compromising her ability to get the life-saving care she needed.

Kathleen's sister, a breast cancer survivor, was tested years ago by Myriad for the hereditary genetic mutation.

"I believed that the test my sister got was a comprehensive test," Kathleen remembered, "It comes back, it's negative, and everyone in our family breathes a sigh of relief." But Myriad's test was not sufficiently comprehensive—the results did not show that Kathleen's sister did have a mutation. Other labs around the country could have provided a more accurate screening that would have identified the mutation. But these labs were blocked from doing so by Myriad's patents.

If Kathleen had discovered earlier that her family carried the mutated gene, she would have had a preventive hysterectomy. Because she did not get the information she needed, she did nothing, and is now paying the price. She has said, "I would love for [Myriad] to say, 'This is bigger than us—let's get rid of the patent.'"

The ACLU took on this groundbreaking case in 2009 to end the U.S. Patent Office's practice of granting patents

The Fight to Take Back Our Genes

A company's patent on two human genes has prevented thousands of women from accessing crucial medical information about their risk for breast and ovarian cancer.

for human genes. Currently 20 percent of human genes are patented. In April 2013, we argued the case before the U.S. Supreme Court, demanding that Myriad's gene patents be invalidated. And in a great victory in June 2013, the Supreme Court did so, unanimously ruling that corporations cannot own our DNA.

This case is not just about breast cancer—it is also about the basic right to understand our own genetic information. Granting a monopoly on genes and limiting the ability of scientists to study them violates the First Amendment, which protects the free exchange of information, scientific research, and ideas. The ACLU has been one of the leading defenders of the First Amendment for decades—defending James Joyce's *Ulysses* in the 1930s and striking down attempts to censor the Internet in the 1990s. As science and technology advance at lightning speed, the ACLU is working to ensure that our right to freedom of inquiry is not left behind.

Over the past year, we used litigation and legislative advocacy to protect our First Amendment rights against other 21st century threats.

We have been a leading champion for reform of the Electronic Communications Privacy Act (ECPA) of 1986, pushing Congress to update the law responsible for protecting free speech and user privacy online. Enacted before the World Wide Web existed, ECPA has utterly failed to keep pace with technology and electronic data, permitting the government to monitor our online speech. We have gotten thousands of ACLU members and activists to ask their representatives to reform ECPA.

We pushed back against school Internet filters that block LGBT-positive websites and violate students' First Amendment rights. After we sent a demand letter to a Pennsylvania school that was blocking web content geared toward LGBT communities like LGBT advocacy organizations and support groups—while allowing access to anti-LGBT sites—the web filters were quickly shut down.

We maintained that clicking “like” on Facebook is protected free speech in a court case where the employees of a sheriff running for reelection in Virginia were fired for “liking” the sheriff's opponent's webpage. The ACLU's position made national headlines.

We also launched a new blog, *Free Future*, that has become a critical forum for exploring how technology can enhance rather than compromise individual freedoms. This blog is regularly cited in leading tech media outlets.

As science and technology surge forward, the ACLU will be there to ensure that the law keeps pace. ■

Other First Amendment Priorities

- Providing legal counsel to whistle-blowers, protecting people who expose government wrongdoing or cover-ups.
- Standing up for the rights of protesters, who are often unjustly spied upon, arrested, denied permits for marches, corralled into “free speech pens,” and physically assaulted by the police.
- Getting banned books back on the shelves in order to promote the free exchange of ideas.
- Fighting for students' right to free expression when schools target them for refusing to say the Pledge of Allegiance, wearing controversial T-shirts, or even dyeing their hair.

Victory

ACLU litigation stopped a Utah elementary school from removing a library book for “advocacy of homosexuality.” After hearing that students had to get written parental permission to read *In Our Mothers' House*, a children's story about two moms, the ACLU filed a lawsuit. In response, the school is now providing unrestricted access to this book and has agreed not to remove any other books about LGBT families from the library.

Justice Foreclosed

The ACLU is holding Morgan Stanley accountable for Wall Street's deceptive and discriminatory lending practices that targeted black communities in Detroit.

EVERY DAY, RUBBIE MCCOY ASKED HERSELF whether today would be the day “the sheriff will knock on my door and the bank will foreclose on the home I’ve lived in for the past 10 years.”

Like many people in her Detroit neighborhood, Rubbie—a single mother supporting her four children and two nephews on her city lifeguard salary—was victimized by a lender that singled her out to pitch her a subprime loan.

Rubbie explained, “When my landlord told me I would either have to buy the home I had been renting or move, I was desperate to buy. I wanted to give my kids...stability.”

She didn’t know it at the time, but the bank and the mortgage broker, both so eager to lend her money, didn’t actually care about her ability to repay the loan.



Rubbie McCoy, a Detroit single mother of four, is a plaintiff in a landmark ACLU lawsuit against Morgan Stanley for its leading role in fueling the subprime lending bubble.

Rubbie was scammed by her now-out-of-business mortgage lender, who inflated her income and never told her that the bank would soon quit paying the taxes and insurance on her loan.

Devastated, Rubbie fought back, joining the ACLU's landmark lawsuit against investment bank Morgan Stanley.

Morgan Stanley designed the scheme that left Rubbie's family on the verge of homelessness. Targeting poor people of color who had previously been discriminated against by mortgage lenders, the bank effectively used racism to profiteer, laying waste to entire Detroit neighborhoods in the process.

Nationally, about one in 10 white homeowners have lost their homes to foreclosure or are seriously delinquent on their loans—but for black and Latino homeowners, the figure is roughly one in four.

Rubbie told the ACLU she wants “to send a message from Detroit to Wall Street.”

Our pioneering case is the first to pit victimized homeowners like Rubbie directly against the investment banks that fueled the subprime lending bubble. And it's the first to draw the connection between the banks' investment scheme—known as “securitization”—and race discrimination, holding the banks accountable to the federal Fair Housing Act and other federal anti-discrimination laws that determine discrimination based on impact.

When we filed our case in October 2012, we sparked a media firestorm. Building on the great public education opportunity we had created, we also released a slew of

resources to assist activists and sway policymakers and the public. These resources include a major national report, *Justice Foreclosed*, that documented the disproportionate impact of the foreclosure crisis on minorities throughout the country.

Our litigation and advocacy are making a difference. We've sparked new discussion in Washington among federal agencies, including the regulators and litigators eager to use our work to give new teeth to their own efforts.

The Morgan Stanley lawsuit is just a piece of our pioneering racial justice work spotlighting the tragic intersection of race and poverty and seeking systemic reforms. For example, we continue aggressive work pushing states to establish and adequately fund public defender systems—most recently securing landmark reforms in Michigan.

We are also addressing, through litigation and advocacy, the virulent and unconstitutional trend of incarcerating poor people because they can't pay fines—and then billing them for the costs of their incarceration. This vicious cycle, destructive to poor people in general, disproportionately affects people of color.

In addition, we have drawn new attention to largely unexplored problems of race and poverty, most recently producing a report, *Unshared Bounty*, documenting how the persistence of “food deserts”—areas with limited or no access to affordable, healthy food—is a consequence of entrenched systemic racial bias in policy-making and resource distribution. ■

Other Racial Justice Priorities

- Confronting the “school to prison pipeline,” wherein students, particularly students of color, are pushed out of public schools and into the criminal justice system.
- Addressing racial profiling by government agencies, the deliberate targeting of racial and ethnic groups by police, transportation agents, and others.
- Spotlighting the impact of racial bias in the criminal justice system, including the extremely disproportionate numbers of young people of color in juvenile facilities.

Victory

Among our recent racial justice achievements, we uncovered far-reaching efforts by the Salt Lake City police in Utah to identify, and document in a government database, young people of color as gang members. Following a police raid on an integrated school where innocent minority students were targeted by the police, and documented despite denying gang membership, we discovered that the police had developed a database of 1700 supposed gang members under age 19—which included minority children as young as four years old.

Freedom of Religion and Belief

PARENTS IN THE BIBLE BELT could hardly wish for a more devout education than that provided by New Heights Middle School in Chesterfield County, South Carolina. A plaque depicting Jesus hung in the lobby, and a poster of the Ten Commandments down a hall. Scriptural lessons were incorporated into schoolwork, even in math class. Churches were permitted to distribute Bibles on campus. School events began with prayers.

But Jordan Anderson had a problem with his religious education. Because Jordan is a nonbeliever. And New Heights is a public school.

It would have been easy for Jordan just to go along, to “get right with God”—as the principal advised his atheist father—or at least to pretend to. Maybe girls on his bus would stop praying over him, and teachers wouldn’t single him out. Sure, he wasn’t the only non-Christian student, but the deck was stacked against him. And then the school went too far.

It hosted a school-day assembly featuring a Christian rapper who calls himself “B-SHOC.” The assembly also included a sermon delivered by an evangelical youth minister, and students were asked to sign cards pledging themselves to Jesus. Students who did not want to attend the assembly were told that they could instead spend the afternoon in the in-school suspension room. It felt like punishment—like the religious essay Jordan once had to write for forgetting his belt, in which he had to proclaim that God would help him adhere to the dress code in the future.

After speaking with the school principal to no avail, Jordan’s family approached the ACLU for help. We asked the school to stop its unconstitutional practices. It didn’t, and we sued. In 2012, we reached a settlement with the school that ended its school-sponsored proselytizing. At the same time, the settlement protects the rights of students to express their faith or lack of one—rights which the ACLU has long supported.

Things haven’t gotten much easier for Jordan and his family. They’re sometimes referred to as “the dark forces,”

and have received death threats. But Jordan remains upbeat. “I had sued the school for a grand total of \$2,” he says, “but the outcome was priceless.” Even in the heart of the Bible Belt, hundreds of students now can be free to express—or not express—their faith in public school, thanks to the remarkable courage of one young boy and his family.

Although the U.S. Supreme Court declared school-sponsored prayer unconstitutional half a century ago, public school proselytizing has grown more aggressive in recent years. The ACLU works nationwide to stop unconstitutional proselytizing and protect students’ rights to express and exercise their faith—by, for example, defending their right to wear crosses, yarmulkes, rosaries, or other articles of faith. In Texas, for example, we joined our affiliate in defending the right of an American Indian kindergartner to wear his hair in traditional braids to reflect his family’s religious beliefs, after his school had suspended him in-house for violating the dress code.

Jordan’s case prompted us and our South Carolina affiliate to launch a statewide “Religious Freedom Goes to School” initiative in that state, one of the worst offenders. In addition to campaigns by affiliates in South Carolina and Texas tackling unconstitutional religious entanglement head-on, the ACLU of Tennessee—home to the original “Scopes Monkey Trial”—had made it a priority. The affiliate recently stopped egregious proselytizing that pervaded one public school district. It was the third such win in three years. Although we focus on states prone to unconstitutional policies and practices, especially in the South, the ACLU works nationwide. We recently ended one Connecticut school district’s practice of holding graduation ceremonies in a Christian church, for example, and a Florida school district’s long and unrepentant history of sponsoring prayers, proselytizing students, and promoting particular religious beliefs throughout district schools.

No matter where public schools cross the line of either proselytizing or preventing individual students from expressing their faith, the ACLU will take be there to take up the cause. ■



Beyond Belief

“I entered the doors of ... middle school expecting full respect for my beliefs because I have respected other people’s beliefs.”

A courageous Jordan Anderson successfully challenged his public school’s unconstitutional proselytizing.

Other Freedom of Religion and Belief Priorities

- Ensuring that taxpayer funds are not used to conduct or support religious activities or to discriminate based on religious beliefs, including through school voucher programs.
- Limiting government promotion of prayer, proselytizing, and religious displays at public schools.
- Promoting free exercise of religion, particularly on behalf of vulnerable populations, including religious minorities and prisoners.
- Ensuring that religious “refusal” clauses strike the appropriate balance between the free exercise of religion and the protection of civil rights.

Victory

The ACLU recently settled a lawsuit on behalf of a same-sex couple who were denied a wedding reception at a Vermont resort because of the owner’s personal religious beliefs about marriage. The settlement sent an important message to Vermont business owners that they cannot use personal religious beliefs to discriminate against LGBT people when they open their doors to the general public.

Our Message In the Media

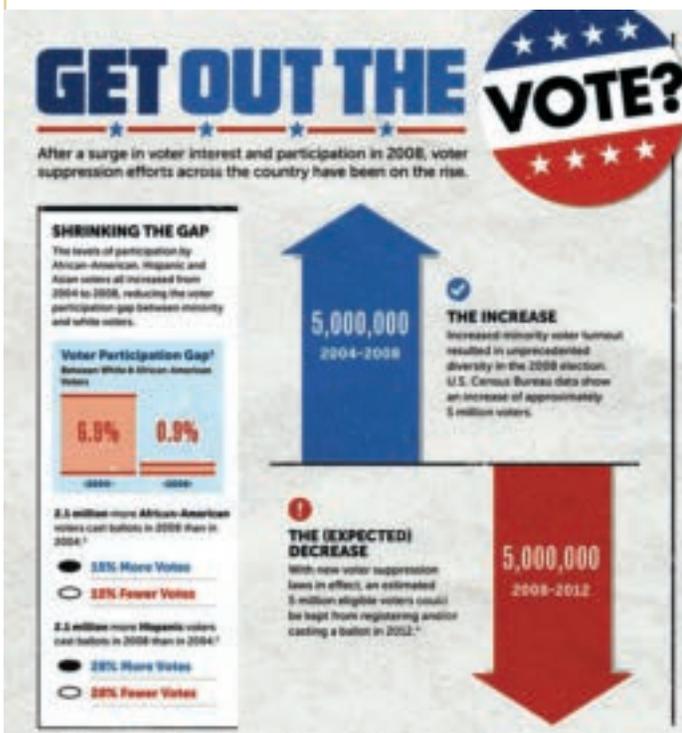
Our outreach helps change the hearts and minds of the public, thought leaders, and legislators to advance civil liberties and social justice. With expert communications staff across the country and a high-profile media presence, the ACLU makes news. We are in the national media every day, with human interest stories and data that lead to headline-worthy, often front-page content. Here is a sampling from the past year of the ways in which we use traditional and social media to make a difference.

Television and Print Coverage

Educating the public and building support for change is a critical part of our work.

Infographics

Through our maps and graphics, we break down the data on the defining civil liberties issues of the day and let the facts speak for themselves.



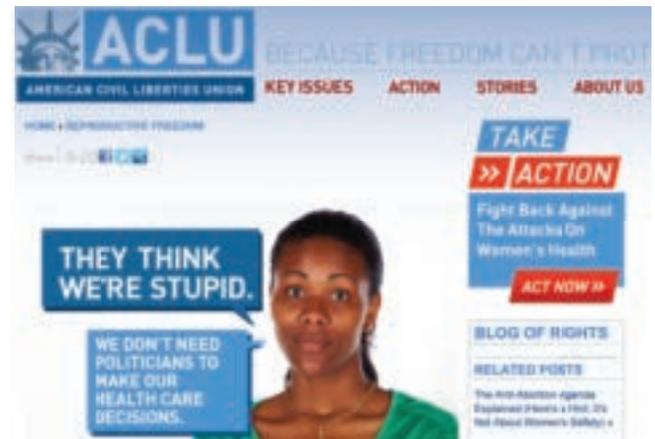
Videos

Our videos animate our issues and bring life to the values we're fighting for.



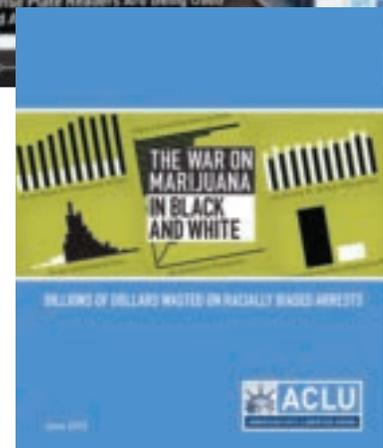
E-mail and Social Media

We use online and social media campaigns to jump-start movement and mobilize our members and activists to take action.



Reports

We use in-depth reports to rally the public and policy-makers to effect change.



Our Influence In Legislatures



As the only United States social justice organization with staffed local offices—53 in total—the ACLU is a nationwide lobbying powerhouse impossible to ignore. From the halls of Congress to statehouses across the country, we are a constant presence with policy-makers, building unique coalitions to advance any given issue.

Here, you will find highlights of our work over the past year from comprehensive immigration reform and abortion coverage for military service members to our strategic efforts to inject civil liberties issues into the presidential campaign and to hold the president accountable during his second term.

A Victory for Women in Uniform

One of our top 2012 priorities was an ongoing effort to lift a decades-old ban on insurance coverage of abortion care for servicewomen and military dependents who become pregnant as a result of rape or incest.

The ACLU helped create a major campaign called Stand with Servicewomen, bringing together a coalition of military veterans to advocate for an amendment offered by Sen. Jeanne Shaheen (D-NH) to the National Defense Authorization Act to remove the ban. ACLU affiliates helped identify many former members of the military who came to Washington to show Congress that this wasn't about politics, but about basic fairness and respect for the more than 400,000 women in the armed forces. Notably, General Colin Powell, former chairman of the Joint Chiefs of Staff and 65th secretary of state, joined more than 40 senior retired and former military leaders in signing a letter of support.

Congress passed the amendment in December, and it was signed into law by President Obama on January 2, 2013. This significant victory marks the only positive federal legislative progress on abortion in decades, and comes at a time when reports of sexual assaults in the military remain disturbingly high. After years of unjustly denying this essential service, and a long congressional session marked by vicious attacks on women's rights, we are celebrating a historical win for women's liberty.

Moving Forward on Comprehensive Immigration Reform

The ACLU is playing a critical role in our government's historic overhaul of the country's immigration system. The complex legislation introduced to date remains a source of both optimism and concern. We've been active on the frontlines and behind the scenes to ensure that the final result creates a welcoming roadmap to citizenship for aspiring Americans.

Our ability to influence this crucial debate grows out of the battle over Arizona's notorious anti-immigrant racial profiling law, SB 1070. Declaring that "What Starts in Arizona Stops in Arizona," in 2010 we mobilized a successful organization-wide campaign to halt the introduction of copycat laws across the country, while at the same time filing a legal challenge.

With the help of our quadrupled legislative staff dedicated to the issue, we built up state coalitions that responded swiftly and effectively to local anti-immigrant proposals. ACLU affiliate leaders, especially those in the southwest border states, provided bilingual expertise on a range of security matters, from the use of surveillance drones to harsh enforcement policies to arbitrary and money-wasting detention practices. After observing the widespread harms caused by these laws, many state legislators distanced themselves from the discriminatory Arizona model: not one state passed a copycat law in 2012. And in June 2012, the U.S. Supreme Court struck down three of the Arizona law's four major provisions.



When Congress put comprehensive immigration reform back on the table following the 2012 election, the ACLU was ready. ACLU Executive Director Anthony Romero personally briefed Democratic Senators on civil liberties concerns, while chief lobbyist Laura Murphy ensured an ACLU presence at dozens of Hill briefings and hearings. And affiliate leaders, already recognized as national experts, testified before Congress, appeared in the national media, and participated in lobbying visits. Together with our coalition partners, we're helping to turn the tide away from anti-immigrant sentiment toward a future where we recognize the contributions of all who live in—and contribute to—this great nation.

Keeping Civil Liberties on the President's Agenda

No matter who occupies the White House, the ACLU has always pressed for respect for civil liberties. This year was no different: Immediately following President Obama's re-election, we placed a full-page advertisement in *The New York Times* with the message, "Yes You Can...Create an America We Can Believe In." The ad highlighted such issues as closing Guantánamo prison, ensuring access to abortion and reforming immigration enforcement as important cornerstones in the president's legacy.

We followed up by sending the president a comprehensive 350-page document, entitled *A Civil Liberties Agenda to Move Forward: Recommendations for the Second Term of President Barack Obama*. Our Day One recommendations focused on three specific actions the president should take on the issues highlighted in *The New York Times* ad. Part Two included a set of ten recommendations that the Obama administration could accomplish in the first 100 days. The remainder of the document contained scores of detailed recommendations for the White House, eleven different federal departments, and six independent federal agencies.

Our legislative team has already seen victories as well as some bitter disappointments in early 2013. The ACLU will continue to press President Obama to earn his legacy as "the civil liberties president."

The ACLU's "Estamos Unidos" (We Are United) mobile rights team toured through 17 states with anti-immigrant laws and those with large Latino populations (photo: Kira Stackhouse).

Rating the Candidates with Liberty Watch 2012

Presidential candidates often invoke the Constitution during election season—but how often does their rhetoric live up to their actions? The ACLU put them to the test during the 2012 election with an innovative, nonpartisan legislative campaign called Liberty Watch.

We tracked the candidates on a variety of issues from reproductive rights to religious freedom to national security and issued report cards. Ratings were determined on a zero-to-four "torch" scale: the better a candidate's positions on civil liberties, the brighter Lady Liberty's torch shined. As we reminded voters—and candidates—the election was about choosing our president, not our liberties.

Our Cases in the Supreme Court

The ACLU participates in more U.S. Supreme Court cases than any organization besides the Department of Justice. This term, we served as lead counsel in an extraordinary six cases and as a friend-of-the-court in numerous others. Many of these cases were years in the making, and their historic outcomes will transform civil liberties for decades to come.



The ACLU as Lead Counsel

LGBT Equality

In what many saw as the term's blockbuster case, *United States v. Windsor*, we challenged the so-called Defense of Marriage Act (DOMA), which required the federal government to discriminate against married same-sex couples under more than 1,100 federal statutes and programs. We represented 83-year-old Edie Windsor who, after the death of her same-sex spouse and partner of 44 years, Thea Spyer, was forced to pay a \$363,000 estate tax bill from the IRS—a tax she never would have faced had she been married to a man. Though New York State recognized Edie and Thea's marriage, DOMA required the IRS to treat them as strangers.

In a historic decision, the Court held that the federal government could not deny recognition to married same-sex couples. "DOMA violated the fundamentally American principles of fairness and equality," says Edie. Thanks to the ruling in her case, "every child born today will be able to grow up in a world...where the federal government won't discriminate against their marriages no matter who they are. I know Thea would have been so happy and proud ..."

Warrantless Searches

In *Missouri v. McNeely*, we opposed the claim that the government can require every person arrested on suspicion of drunk driving to submit to a blood test without a warrant or consent. The Court held that the police may not order a warrantless blood test merely because someone has been arrested for drunk driving.

Government Surveillance

Clapper v. Amnesty International marked a loss with a surprising postscript. In the case, we defended the rights of our clients to challenge broad new government surveillance powers authorized by Congress in 2008 under the FISA Amendments Act. The Court dismissed our case because our clients could not prove they had been subject to surveillance—a fact that the government insisted was secret.

Just a few months later came the revelations about the National Security Agency's warrantless collection of Americans' phone records—the very sort of surveillance our clients had rightly feared. We immediately filed a new lawsuit challenging this unconstitutional, dragnet surveillance by the government, and may find ourselves before the Supreme Court once again.

Women's Health

In *Association for Molecular Pathology v. Myriad Genetics*, we challenged human gene patents. Even though products and laws of nature—such as iron or gravity—may not be patented, the U.S. Patent Office had been issuing patents on human genes for decades. Our landmark challenge focused on two human genes associated with breast and ovarian cancer. Myriad Genetics claimed patents on these genes, monopolizing every aspect of them. The corporation alone dictated the method and cost of testing, which insurance sufficed, and even whether other scientists could study the genes. Too many women facing excruciating, life-changing decisions about their health—such as whether to get a preventive mastectomy—did not have access to the medical information they needed because of Myriad's patents. This will now change—as will the future of genetic medicine—because of the Supreme Court's unanimous decision to invalidate these gene patents.

Voting Rights

Our keenest loss before the Court was in *Shelby County v. Holder*, in which we defended the constitutionality of Section 5 of the federal Voting Rights Act. Section 5 has long played a critical role in the battle against voting discrimination by requiring covered jurisdictions to obtain approval from the federal government before implementing changes in their voting laws. The Court struck down the coverage formula used to determine which states and political subdivisions are subject to Section 5's preclearance requirement, leaving it to Congress to devise a new coverage formula.

In *Arizona v. Inter Tribal Council of Arizona*, we challenged Arizona's authority to require new voters to submit proof of citizenship before registering to vote even though federal law does not impose any such requirement. In a victory for voting rights, the Court invalidated the Arizona law that imposed onerous requirements for voter registration above and beyond those set forth under federal law.

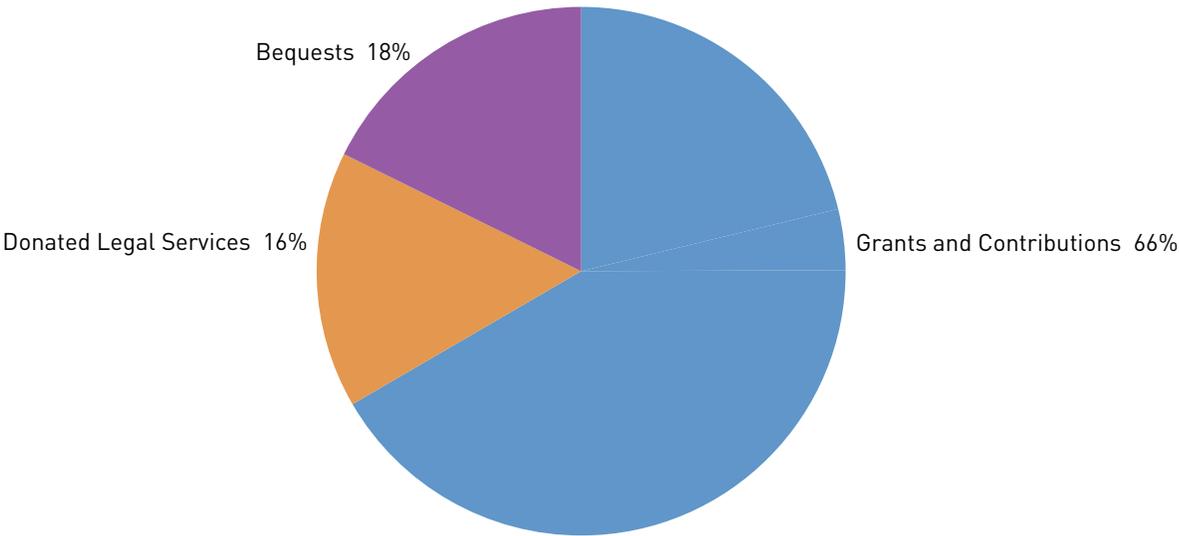
The ACLU as a Friend-of-the-Court

The ACLU participated as a friend-of-the-court in several cases, including *Fisher v. University of Texas*, in which the Court considered, but did not resolve, the constitutionality of using race as a factor in college admissions; *Agency for International Development v. Alliance for Open Society International, Inc.*, an important First Amendment win limiting the power of government to regulate speech as a condition of funding; and *Maryland v. King*, which upheld DNA testing for arrestees—without a warrant or consent—by characterizing it as simply a way of verifying the identity of the person arrested.

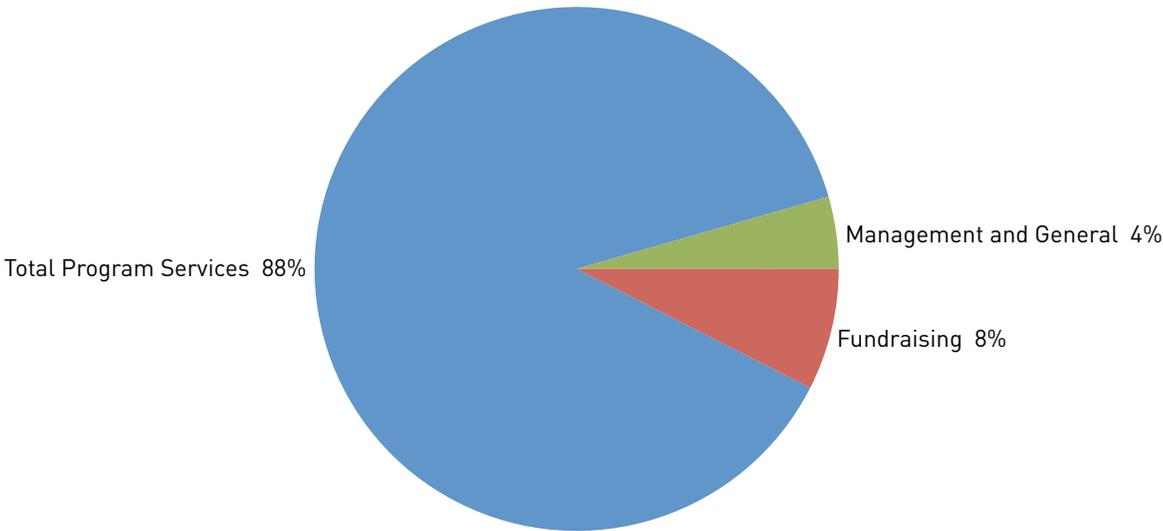
Financial Statement

Consolidated Statement of Activities for American Civil Liberties Union, Inc., American Civil Liberties Union Foundation, Inc. and Subsidiary
Year Ended March 31, 2013 (with summarized comparative information for the year ended March 31, 2012)

FY13 INCOME



FY13 EXPENSES



Support and Revenue	FY2013				FY2012
	Unrestricted	Temporarily Restricted	Permanently Restricted	Total	Total
Support					
Grants and Contributions	51,495,115	16,764,082	211,920	68,471,117	75,900,175
Donated Legal Services	16,135,081			16,135,081	7,960,818
Bequests	17,541,123	646,390		18,187,513	15,825,831
Total Support:	85,171,319	17,410,472	211,920	102,793,711	99,686,824
Revenue					
List Rentals	103,031			103,031	138,380
Rental Income	597,144			597,144	1,005,407
Pamphlet and Book Sales	28,490			28,490	8,482
Other Income	71,410			71,410	56,649
Total Revenue	800,075			800,075	1,208,918
Net Assets Released from Restrictions	31,115,054	(31,115,054)	-	-	-
TOTAL SUPPORT AND REVENUE	117,086,448	(13,704,582)	211,920	103,593,786	100,895,742

Expenses

Program Services:					
Legislative	6,168,737			6,168,737	5,205,384
Legal	45,513,722			45,513,722	31,644,009
Public Education	20,460,833			20,460,833	20,443,766
Policy Formulation	758,363			758,363	739,053
Affiliate Support	38,259,369			38,259,369	37,980,541
Total Program Services	111,161,024	-	-	111,161,024	96,012,753
Supporting Services					
Management and General	5,614,109			5,614,109	5,506,496
Fundraising	9,475,093			9,475,093	9,198,916
Total Supporting Services	15,089,202	-	-	15,089,202	14,705,412
TOTAL EXPENSES	126,250,226	-	-	126,250,226	110,718,165
Change in Net Assets Before Other Changes	(9,163,778)	(13,704,582)	211,920	(22,656,440)	(9,822,423)

Other Changes in Net Assets

Legal Expenses Awarded, Net	2,333,073			2,333,073	2,374,888
Net Investment Income, Gains and Losses	8,800,863	4,543,100		13,343,963	(5,644,936)
Changes in Value of Split-Interest Agreements	(729,897)	(145,488)		(875,385)	(917,736)
Loss on Uncollectible Pledge	-	-	-	-	-
Reclassification of Net Assets	-	-	-	-	-
Minimum Pension Liability Adjustment	(4,809,457)			(4,809,457)	(15,147,408)
Total Other Changes in Net Assets	5,594,582	4,397,612	-	9,992,194	(19,335,192)
CHANGE IN NET ASSETS	(3,569,196)	(9,306,970)	211,920	(12,664,246)	(29,157,615)

Net Assets

Beginning	147,566,233	64,468,463	40,353,335	252,388,031	281,545,646
Ending	143,997,037	55,161,493	40,565,255	239,723,785	252,388,031

How to Become Involved

*Take a stand now
to protect freedom,
justice, and equality.*

Make a Gift

A contribution to the ACLU is one of the strongest statements you can make about your commitment to civil liberties.

The ACLU is comprised of two organizations.

- Gifts to the **American Civil Liberties Union** qualify for ACLU membership and support our legislative work, including lobbying in Congress and in state legislatures. Gifts are not tax deductible. To make an online membership donation, go to: aclu.org/membership.
- Gifts to the **ACLU Foundation** support our litigation, public education, and nonlegislative advocacy programs. Gifts are tax deductible. To make an online donation, go to: aclu.org/donation.

To give by mail: Make a check payable to “American Civil Liberties Union” or “ACLU Foundation” and send it to:

ACLU Office of Leadership Gifts
125 Broad Street, 18th Floor
New York, NY 10004

For more information about other giving options, contact Jeff Vessels, Director of Leadership Gifts, at **212-549-2503** or jvessels@aclu.org.

Leave a Lasting Legacy

Join a special group of ACLU supporters who have made liberty, fairness, and equality their personal legacy by including the ACLU in their estate plans. For more information, contact our Gift Planning Office at legacy@aclu.org, call **877-867-1025**, or visit aclu.org/legacy.

Take Action

You can make your voice heard through our online action network—ACLU Action—and protect civil liberties in your community and across the country. Check out ACLU Action’s grassroots campaigns and sign up today at www.aclu.org/action.

Join the Conversation



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The ACLU Foundation is in the 1 percent of charities receiving at least 10 consecutive 4-star ratings from Charity Navigator (its highest rating) and meets all 20 standards of the Better Business Bureau Wise Giving Alliance.

