

# ANNUAL REVIEW 2012



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American Civil Liberties Union  
125 Broad Street, 18th Floor  
New York NY 10004  
212-549-2500  
aclu.org



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The ACLU is in the 1 percent of charities receiving at least 9 consecutive 4-star ratings from Charity Navigator (its highest rating) and meets all 20 standards of the Better Business Bureau Wise Giving Alliance.



# ANNUAL REVIEW

<b>ACLU at a Glance</b> .....	<b>2</b>
<b>Advancing Freedom: ACLU Highlights</b> .....	<b>3</b>
<b>The ACLU, Yesterday and Today</b> .....	<b>4</b>
<b>Center for Democracy</b> .....	<b>6</b>
National Security	
Human Rights	
Speech, Privacy, and Technology	
<b>Center for Equality</b> .....	<b>13</b>
Immigrants' Rights	
Voting Rights	
Racial Justice	
<b>Center for Justice</b> .....	<b>20</b>
Criminal Law Reform	
Prisoners' Rights	
Capital Punishment	
<b>Center for Liberty</b> .....	<b>27</b>
Reproductive Freedom	
Women's Rights	
Lesbian, Gay, Bisexual, and Transgender Rights	
Freedom of Religion and Belief	
<b>The ACLU in the U.S. Supreme Court</b> .....	<b>35</b>
<b>Financial Statement</b> .....	<b>37</b>
<b>Ways to Give</b> .....	<b>39</b>

# ACLU AT A GLANCE

For nearly a century, the ACLU has been at the forefront of virtually every major battle for civil liberties and equal justice in this country. Principled and nonpartisan, the ACLU has offices in all 50 states, Puerto Rico, and Washington, D.C., and brings together the country's largest team of public interest lawyers, lobbyists, communication strategists, and members and activists in the advancement of equality, fairness, and freedom, especially for the most vulnerable in our society.

Combining litigation with public education, media outreach, advocacy, and lobbying, the ACLU works at the local, state, and federal levels to effect change in the courts and legislatures, as well as in the court of public opinion. The ACLU tackles a vast array of issues, including national security and human rights, free speech, reproductive freedom, women's rights, separation of church and state, racial justice, equality for LGBT people, voting rights, immigrants' rights, criminal justice reform, and ending the death penalty. The ACLU has participated in more cases at the U.S. Supreme Court than any other nongovernmental organization.

## Fast Facts About the ACLU

The ACLU has staffed offices in all **50** states, Puerto Rico, and Washington, D.C.

The ACLU employs over **250** staff attorneys, who are supported by **thousands** of volunteer attorneys across the country.

The national office of the ACLU is engaged in **260** cases at any one time; combined with affiliate cases, the ACLU is involved in approximately **2000** cases.

No other nongovernmental organization participates in as many U.S. Supreme Court cases as the ACLU—**25 percent** of this term's cases in fact.

The ACLU includes a lobbying arm consisting of a **31**-member team of lobbyists and communications experts.

The ACLU has more than **500,000** members and supporters, **690,000** online activists, and nearly **700,000** social media followers.

The ACLU website is a major informational resource, getting **35,000** visits and **69,000** page views a day, as well as **11,000** visits per day to our blog.

The ACLU is in the **1 percent** of charities receiving at least **9** consecutive **4-star** ratings from Charity Navigator (its highest rating).

The ACLU Foundation meets the highest standards of the Wise Giving Alliance of the Better Business Bureau, including its 20 Standards of Accountability.

The national office has a total of **314** employees. Including affiliate offices, the overall organization has approximately **1,000** employees.



Photo: Brian Auer

# ADVANCING FREEDOM: ACLU HIGHLIGHTS

## Voting Rights

- Protected and advanced voting rights through 37 lawsuits in 22 states, including blocking key provisions of Florida's new voter suppression law, which restricted voter registration drives.
- Launched a voter empowerment campaign to get accessible, accurate information on registration and voting into the hands of vulnerable voters.

## Immigrants' Rights

- Led the charge to challenge and block key harmful provisions of anti-immigrant laws in Alabama, Arizona, Georgia, Indiana, South Carolina, and Utah and prevented copycat laws in over a dozen other states.
- Won a court order halting the systematic practice by the Maricopa County Sheriff's Office in Arizona of stopping and arresting Latinos based only on their perceived immigration status.

## LGBT Equality

- Won a federal ruling that the so called "Defense of Marriage Act" is unconstitutional because it denies married same-sex couples the federal benefits available to other married couples.
- Filed a lawsuit seeking marriage for same-sex couples in Illinois.
- Won a settlement in Vermont, affirming that businesses cannot use personal religious beliefs to discriminate against gay people.

## Free Speech

- Exposed routine government efforts to use cell phone location data to track Americans by releasing documents obtained through one of the largest public records requests in history.
- Defended free speech rights at the Democratic and Republican National Conventions by creating and distributing "Know Your Rights" materials and other resources.

## Reproductive Freedom

- Blocked 140 bills restricting reproductive health care since January 2011, including a personhood measure in Mississippi designed to ban abortion, some forms of contraceptives, and fertility treatments.
- Challenged and successfully blocked Arizona's abortion ban that would criminalize virtually all abortions after 20 weeks of pregnancy.
- Shut down a Louisiana charter school policy that required girls who were suspected of being pregnant to take a pregnancy test, and, if they tested positive or refused to take the test, were kicked out of school.

## Separation of Church and State

- Won a challenge to the federal government's distribution of funds to the United States Conference of Catholic Bishops (USCCB) to assist human-trafficking victims because the USCCB imposed religiously based restrictions on subgrantees, including prohibiting contraceptive and abortion referrals and services.

## National Security

- Filed a groundbreaking lawsuit challenging the government's targeted killing program, in which people far from any battlefield are determined to be enemies of the United States and killed without charge or trial.

## Racial Justice

- Filed a landmark lawsuit against Morgan Stanley for employing financial practices that resulted in black communities in Detroit being targeted for predatory loans.
- Won a settlement against officials in a "highway robbery case" in Texas where police officers routinely stopped drivers of color without any legal justification, threatened them with baseless criminal charges, and confiscated and kept their cash.

## Criminal Justice

- Helped end capital punishment in Connecticut and Oregon.
- Successfully petitioned for the first-ever hearing on solitary confinement in the Americas by the Inter-American Commission on Human Rights and secured live testimony and provided written testimony for the first-ever congressional hearing on solitary confinement before a Senate Judiciary subcommittee.
- Won a precedent-setting settlement banning solitary confinement for juveniles in Mississippi.
- Secured policy changes in Hidalgo County, Texas, to stop jailing poor teens for failure to pay school truancy fines.

# The ACLU, Yesterday and Today: Standing Strong for Principle

Since 1920, the ACLU has stood strong for freedom, wielding reason and principle against fearmongering and hysteria.

When the government locks up people without charge or trial, uses torture as an interrogation tool, spies on innocent Americans, or conducts public business in secret, we fight back.

When demagogues seek to frighten the public into demonizing minorities and the poor, rejecting reproductive and gay rights, or blocking the vote, we say no, and mobilize our considerable forces.

Because we care about principles—freedom, justice, equality, fairness—we stand strong for the people who otherwise would have no one in their corner.

We are in every corner of the United States, working to protect civil liberties: We fight on behalf of immigrants and racial minorities targeted by police, kids preached at in public school and people pepper-sprayed for protesting. We support the gay teen threatened by school bullies and the woman whose pharmacist refuses to fill her birth control prescription.

Wherever rights and freedoms are threatened, the response is “Call the ACLU!” Our famous effectiveness has made us an American institution.

## The ACLU: An American Institution

Since our founding in 1920, the ACLU has been at the forefront of virtually every legal battle for civil liberties and equal justice in this country. As individuals, groups, and movements have fought to gain rights, we’ve joined—and often led—these efforts, bringing our nonpartisan advocacy and legal expertise to bear. Indeed, we’ve litigated more cases before the United States Supreme Court than any other nongovernmental organization.

Yesterday, we led the legal battle for free speech, striking down once-widespread government restrictions, from prohibitions against the distribution of birth control information to outright bans of controversial movies and books.

Today, we defend Occupy Wall Street and innocent protestors tyrannized by outlaw police in Puerto Rico. We confront the spread of warrantless surveil-

lance, from cellphone and GPS tracking to drone “eyes in the sky.” And we extend free speech into new territory, contesting restrictions like human gene patents that not only privatize knowledge and stall medical research, but promote profiteering over patient care.

Yesterday, we were the first multi-issue national organization to tackle racism, condemning lynching and helping to bring the series of cases that culminated in *Brown v. Board of Education*, the landmark case that ended the segregationist doctrine of “separate but equal.” After the passage of the Voting Rights Act in 1965, we fought for the full political participation of minorities, at the polls and in elected office, securing the principle of “one person, one vote.”

Today, we lead the battle against stealth efforts to block the vote—especially of minorities, youth, the elderly, and the poor—with high profile litigation and “know your rights” materials that halt and expose these devious efforts to subvert democracy. And we confront the newest threat to racial justice, anti-immigrant laws that make everyone who looks or sounds “different”—namely, nonwhite or ethnic—a legitimate target for law enforcement scrutiny and harassment.

Yesterday, we pioneered to help establish reproductive rights and lesbian and gay rights. In 1965, we won the landmark birth control case that established the “right to privacy” and paved the way for abortion rights.

Today, we are on the reproductive rights frontlines, daily battling an unprecedented surge of anti-woman legislation—fighting in the legislatures, in the courts, and in the media to preserve contraception and abortion access.

We've been fearless. Yesterday, we brought two of our most controversial challenges to the federal government during the patriotic fervor of World War II, suing to stop the racial segregation of the draft and the internment of Japanese Americans. After 9/11, we faced down fierce opposition to stand up to government abuses of power—from mass detentions and deportations to crackdowns on protest to warrantless wiretapping to torture.

And today, we continue as David against Goliath, not only going to court to challenge “targeted killing” on behalf of the grandfather of a U.S.-assassinated 16-year-old, but going up against the investment banks that targeted minorities with predatory loans that triggered the foreclosure crisis.

Unlike politicians and pundits, the ACLU is here for the long haul. Our history gives weight to our unwavering commitment to fulfill America's promise.

### **Our Singular Capacity to Effect Change**

Among social justice organizations, the ACLU is unique, thanks to:

**Our extraordinary organizational breadth.** We are the “go-to” organization on issues ranging from free speech to religious freedom to voting rights to national security. And we are integral to a whole array of social justice movements—reproductive freedom; women's rights; lesbian, gay, bisexual, and transgender rights; immigrants' rights; criminal justice and drug law reform; death penalty abolition; racial justice; and human rights. Indeed, not only are we a major player within each of these movements, but when those movements have been threatened, we've typically stepped in to serve as that movement's lawyer and legal strategist.

**Our multiple strategies used to maximum effect.** To defend and advance freedom, we pull out any and everything in our toolbox—whether it's litigating in the courtroom, lobbying in the halls of statehouses and Congress, or building support in the court of public opinion. Our expert lawyers, lobbyists, and media and communications strategists will do what it takes to make real the promises of our Constitution for everyone.

**Our perseverance.** We stay the course. Some of our cases have taken years, even decades, to win. Other battles—from access to birth control to the teaching of

evolution—repeatedly re-emerge in new form and we use our hard-won experience to recognize and effectively respond to new threats.

**Our nationwide network and unparalleled reach.** We are the only national social justice organization with affiliates in every state. This means we can hit the ground running on virtually any good opportunity to move justice forward on a state-by-state basis. This is crucial to our effectiveness, because the states are bellwethers of change—so many civil liberties challenges and advances occur first at the state level.

**Our credibility.** In a world where single-issue groups are too often dismissed as “special interests” and thus suspect, the nonpartisan ACLU has built-in credibility that can reach the public, policymakers, the media, and new constituencies. Our reputation for principled nonpartisanship means that we can readily forge alliances, issue by issue, with “strange bedfellows”—including conservatives—when they agree with us. In a time of political stalemates, we can jumpstart movement.

The ACLU has played a critical role in nearly every major civil liberties battle of the past century. Throughout our history, we have used our singularly effective organizational assets to push the envelope of freedom. Today, our role is more important than ever, and we press forward, determined to defend the Constitution and fulfill its promise for everyone.

# CENTER FOR DEMOCRACY

The ACLU's Center for Democracy works to strengthen democratic institutions; to deepen the United States' commitment to democratic values, including the values of transparency and accountability; and to strengthen the country's commitment to human rights and the rule of law.

One of our overarching goals is to ensure accountability for government abuse in the name of national security. We are working to ensure that the United States is brought back into line with both constitutional and international human rights standards. We are also committed to protecting informational privacy, which has come under attack in recent years due to a perfect storm of technological innovation, post-9/11 anxiety, and a new business model that relies on the collection of vast amounts of customer information. We seek to bring privacy laws and policies up to date in order to maintain our country's long-standing commitment to "the right to be left alone."

On these and other issues, the Center for Democracy brings together the ACLU's unmatched expertise in national security, human rights, free speech, and privacy rights—all to uphold our most fundamental democratic ideals.



## National Security

The ACLU is at the forefront of virtually every major legal battle concerning national security, civil liberties, and human rights. We advocate for national security policies that are consistent with the Constitution, the rule of law, and fundamental human rights; and we litigate cases to challenge unlawful detention, torture, targeted killing, discrimination, surveillance, censorship, and secrecy.

### Stopping Unconstitutional Targeted Killing

The ACLU has led the charge against the claim that the president has the unilateral authority to kill U.S. citizens—without judicial oversight, outside a war zone—since August 2010, when we sued to challenge the government's asserted authority to carry out "targeted killings" of U.S. citizens. We sued on behalf of Nasser Al-Aulaqi, whose son

Anwar was reportedly on a "kill list." Although he hadn't yet been attacked, the ACLU tried to stop this "targeted killing" before it happened.

Just over a year later, unmanned drones killed three U.S. citizens—including Anwar Al-Aulaqi, his 16-year-old son (in a separate attack), and Samir Khan. The ACLU filed Freedom of Information Act (FOIA) requests seeking the legal and factual bases behind the killing of these

three U.S. citizens far from any battlefield, and we have since sued to compel the government to respond adequately to the request. As the government dragged its feet responding to our FOIA request, we took the next step and filed a landmark wrongful death suit against the government on behalf of Nasser Al-Aulaqi (the surviving father

“To spend an afternoon clicking through the ACLU database is to make some acquaintance, in a way that only primary documents allow, with the fact that behind every US act of torture is a massive, globe-spanning and poorly organized bureaucracy.” — *The Nation*

of Anwar and grandfather of 16-year-old Abdulrahman) and Sarah Khan (mother of Samir). The suit, filed in July 2012, drew press coverage worldwide, complementing our international advocacy against the targeted killing program at a June 2012 United Nations Human Rights Council meeting in Geneva.

### Demanding Accountability After 9/11

The ACLU has been singularly relentless in our demand for accountability for torture and other abuses in the wake of 9/11. We sued former Attorney General Ashcroft, for example, on behalf of Abdullah al-Kidd, who was wrongly held under the “material witness statute,” which the Department of Justice misused following 9/11. Though never called to testify nor charged with a crime al-Kidd endured 16 days of harsh imprisonment—shackled, strip-searched, kept among criminals under lockdown—followed by a year of release under punitive conditions.

While the Supreme Court dismissed the case against Ashcroft in May 2011 (but effectively ended the misuse of the statute), we continued against other defendants. In June 2012, we secured a major victory: a federal magistrate judge ruled that the government falsely imprisoned al-Kidd—the first ruling against the United States on the merits in any post-9/11 material witness case—and recommended a jury trial on the issue of whether the government misused the statute for preventive detention. The same month, the ACLU debuted a searchable, annotated database of more than 130,000 pages documenting U.S. torture we uncovered through FOIA litigation. Launched on International Day in Support of Victims of Torture, the Torture Database provides meaningful public access to the primary documentation of torture and abuse in the years after 9/11.

### Exposing the Charade of Military Commissions

On the tenth anniversary of the first prisoner arriving at

Guantánamo Bay—nearly two years after President Obama had vowed Gitmo would be closed—the ACLU renewed our call to finally close the prison and end the military commissions. We urged the administration to take two simple steps: set free prisoners who have already been cleared for release—who constitute over half of Gitmo’s detainees—and try the others in federal court.

As we have repeatedly observed, hundreds of terrorism suspects have been successfully prosecuted in federal courts, while fewer than 10 have been prosecuted in the flawed military commissions—roughly equivalent to the number of military prosecutors who have quit in disgust. We also mobilized over 170,000 activists in opposition to provisions of a law that would codify worldwide indefinite military detention authority, which Congress shamefully enacted anyway.

Even as we’ve opposed the very premise of the Guantánamo military commissions, we’ve worked

### A GRANDFATHER IN MOURNING

In July 2012, the ACLU filed a wrongful death suit on behalf of the survivors of three American citizens killed in Yemen. Nasser Al-Aulaqi survives two of them: his son Anwar, an alleged Al-Qaeda recruiter, and his grandson Abdulrahman, an innocent 16-year-old killed in a separate attack. He spoke in an ACLU video interview:



“I want Americans to know about my grandson, that he was a very nice boy. He was a very caring boy for his family.... I never thought that one day, this boy, this nice boy, will be killed by his own government—for no wrong he did....

For Anwar, we expected something will happen. But regarding Abdulrahman, we never thought that he will have the same fate.... A small boy being killed by an American drone away from his home, away from his family...cut into pieces.

I hope that any American will look to what happened to my grandson as an injustice.”

to ensure that defendants forced to participate receive the greatest measure of justice they can. We are supporting criminal defense attorneys who represent some of the men being tried. And we've served as official human rights observers at every military commission trial held in Gitmo over the past ten years. Most recently, we've filed a motion asking the commission to deny any government request to censor what defendants can say about their personal knowledge of their detention and treatment—including torture. Much as the government would like to sweep the shame of Guantánamo under the rug, we will never cease to demand justice.

### Confronting Unconstitutional Surveillance and Secrecy

The ACLU is challenging the FISA Amendments Act of 2008 (FAA), which allows the unconstitutional, dragnet surveillance of Americans' international communications. Our suit is on behalf of labor, media, and human rights organizations whose work depends on their ability to communicate in confidence. But the government has tried to rebuff any constitutional review of the law, arguing that our clients cannot sue because they can't prove that their communications were (or will be) monitored under it—a classic catch-22, since the government also refuses to reveal almost anything about its implementation. The Second Circuit rejected the government's cynical argument, and the U.S. Supreme Court will consider whether our suit can proceed in the 2013 term. In the meantime, we're aggressively urging Congress to fix FISA and to rein in the National Security Agency (NSA), the main user of the Act.

Unfortunately, the NSA is not alone in spying on innocent Americans. The ACLU's Mapping

the FBI campaign tracks that agency's abuse of surveillance authority, as well as its unconstitutional targeting of communities for investigation based on race, religion, and political activities. We've exposed biased training materials, for example, and a years-long "mosque outreach" program through which the FBI compiled intelligence on Muslim religious organizations

and members' constitutionally protected beliefs and activities without any suspicion of wrongdoing. The FBI has reportedly removed hundreds of biased training documents since we launched Mapping the FBI, and members of Congress have urged the Department of Justice to investigate the FBI's improper spying on Muslims.



**“I'm told that my Supreme Court case is now read in law schools. Perhaps one day that will give me satisfaction, but so long as Guantánamo stays open and innocent men remain there, my thoughts will be with those left behind in that place of suffering and injustice.”**

**—Lakhdar Boumediene, the lead plaintiff in the landmark case—in which the ACLU filed an amicus brief—holding that detainees have a right to challenge their detentions in federal court.**

## Human Rights

The ACLU works to ensure that the U.S. government complies with universal human rights principles in addition to the U.S. Constitution. We use human rights strategies to complement existing ACLU litigation and advocacy—issuing human rights reports, advocating before international human rights bodies, and bringing international law claims in U.S. courts.

### Challenging Police Brutality in Puerto Rico

For years, we have struggled to expose and rein in Puerto Rico's huge outlaw police department, the second largest in the United States at 17,000 strong, and notorious for its

culture of unrestrained abuse and brutality. Our human rights advocacy pushed the federal Justice Department finally to release its long-withheld scathing report on the Puerto Rico police and triggered the resignation of the police superintendent. And, in June 2012,

we released a 180-page human rights report, documenting use of excessive and lethal force against civilians, especially in poor and black neighborhoods; violent suppression of peaceful protestors using batons, rubber bullets, and a toxic form of tear gas; and failure to protect victims of domestic violence or to investigate reported crimes of domestic violence or rape. Puerto Rico has the highest per capita rate in the world of women over 14 years old killed by their partners.

The week after we released the report, we filed suit against the police superintendent, seeking to bring the island's police force into compliance with constitutional and human rights principles. We contend that the superintendent encouraged a pattern of violence against demonstrators. In a typical incident of police violence against peaceful protestors, the president of a local union was beaten with a baton after she had already been rendered helpless by pepper spray.

Our efforts led to major media coverage for two weeks straight, with front-page stories on multiple days. The story even received significant mainland coverage in national media, rare for Puerto Rico news. We expect that pressure will mount as our case continues.

Meanwhile, in August 2012, we amended our lawsuit to block Puerto Rico's new penal code, which could send protestors to prison for three years if they, within view of lawmakers, "reduce the respect due to their authority."

### Challenging U.S. Government Complicity in Trafficking

The ACLU has taken a lead role in exposing the human rights travesty created by U.S. government contract operations in Iraq

and Afghanistan. Some 70,000 "third-country nationals" serve as the "army behind the army," doing everything from cooking food to cleaning latrines. Tricked by private recruiters, these men and women from impoverished villages in countries such as Nepal, India, the Philippines, and Uganda are charged exorbitant recruitment fees, lied to about what country they will be taken to and how much they will be paid, and often have no choice but to live and work in unacceptable and unsafe conditions: all on the U.S. taxpayer's dime.

Although the United States claims to have a "zero tolerance policy" on trafficking, the FOIA documents that we obtained show otherwise. Indeed, although

trafficking is pervasive and ongoing, U.S. government agencies have yet to fine or prosecute a single contractor for trafficking or labor-related offenses. Nor have U.S. agencies ever exercised their authority to suspend or terminate a contract or a subcontract for such offenses.

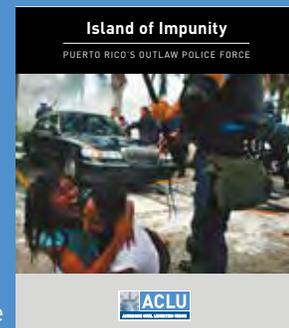
In June 2012, in partnership with the Lowenstein International Rights Clinic at Yale Law School, we released *Victims of Complacency: The Ongoing Trafficking and Abuse of Third-Country Nationals by U.S. Government Contractors*, a 100-page investigative report demanding reform. Already, there is White House and bipartisan congressional interest in addressing this scandal.

## SPOTLIGHT ON PUERTO RICO POLICE ABUSE

*Island of Impunity*, an ACLU human rights report on police abuse in Puerto Rico, tells many horrific stories of abuse, such as the mother-daughter story of Betty Peña and her 17-year-old, Elisa Ramos Peña. Attending a June 2010 protest at the Capitol Building, they were approached by a low-flying helicopter and doused with tear gas. Betty Peña, who has a respiratory condition, could not breathe and was blocked from escaping by riot squad officers. A wall of riot squad officers attacked the protesters with long batons and pepper spray; police continued to beat mother and daughter even while they were lying on the ground.

As Peña tried to shield her daughter with her own body, police pepper-sprayed her in the face at close range, causing her to lose consciousness. Elisa Peña, then a high school student, told the ACLU, "I thought I was going to die. At that moment, I thought that [my mom] was already dead....All I could think of was getting away, and I said, 'Oh my God, Lord, help me.'" The Peñas were badly affected by the tear gas and pepper spray. Indeed, Betty Peña was unable to speak for a week because of the chemical agents police used on her, and experienced difficulty speaking for a full year afterwards.

Betty Peña 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. The Capitol Building is the house of the people. It is an open house, and to close it is a blow to democracy."



## PAYING FOR TRAFFICKING WITH TAXPAYER DOLLARS

The ACLU filed a Freedom of Information Act lawsuit to document the problem of third-country nationals, and found wrenching stories of exploitation. Typical was Ramesh, a college graduate from India, who borrowed \$5,000 from a loan shark to pay a recruiting agent for the opportunity to work in Kuwait as a storekeeper. Instead, he was trafficked to a U.S. military base in Iraq where he was compelled to work as a janitor for \$150/month. This paltry sum, less than a fifth what he was promised for the nonexistent Kuwaiti job, meant he was unable to meet his loan repayments. In an attempt to intimidate Ramesh into making his payments, the loan shark sexually assaulted Ramesh's sister and seized the family home.

### Bringing International Pressure to Bear

More and more, the ACLU uses international human rights strategies to advance our core agenda. We have become a presence and a force at international human rights venues, where at public events and behind the scenes, we encourage international agencies and other nations to hold the United States accountable for its violations of international law from the national security context to issues of the anti-immigrant backlash, solitary confinement, and the harassment of LGBT youth.

In June 2012, we launched an international advocacy strategy on targeted killing and succeeded in making the issue an international *cause célèbre* during the U.N. Human Rights Council session in Geneva. On Monday, June 18, the High Commissioner for Human Rights called for transparency and accountability for targeted drone killings. On Tuesday, the United Nations' expert on unlawful killings repeated that call, and on Wednesday, we gave our statement in response. On Thursday, two top U.N. human rights officials made strong statements condemning the targeted killing program at a panel discussion we organized, which was covered in a detailed *Guardian* article. In addition, our statement to the Human Rights Council was prominently web-cast by the United Nations.

## Speech, Privacy, and Technology

The ACLU is dedicated to protecting and expanding the freedoms of expression, association, and inquiry; expanding the right to privacy and increasing the control that individuals have over their personal information; and ensuring that civil liberties are enhanced rather than compromised by new advances in science and technology. The ACLU has been a leader on these issues for decades—for example, curtailing government restrictions on James Joyce's *Ulysses* and the Pentagon Papers, striking down attempts to censor the Internet in the 1990s, and challenging PATRIOT Act surveillance provisions that severely threaten personal privacy. We work to ensure that our constitutional rights to privacy and freedom are not eroded by the government or by corporations in an era of rapidly advancing technology.

### Fighting Overreaching Government Surveillance

Today, the government is spying on us in ways the founders of our country never could have imagined. This explosion of surveillance—by federal agencies, local law enforcement, and even social media companies and

cell phone providers—vacuums up vast amounts of personal information about ordinary Americans. The ACLU has led the charge to protect our privacy and stop this government overreach.

ACLU affiliates filed 383 public record requests in 32 states to uncover when, why, and how law

enforcement uses cell phone location data to track people—something most Americans never even realized was possible until our work made it front-page news in the *New York Times*. We uncovered disturbing, inconsistent practices, but also that requiring a warrant based

location information—by GPS, cell phone, or other means.

Another emerging technology is automated license plate readers (ALPRs). The quiet but rapid adoption of ALPRs by law enforcement raises the specter of the government being able to retroactively track where you've gone; deduce the people you've visited (whether doctor, friend, clergy, or someone else); and determine whether you broke the speed limit. Building on our success with the nationwide cell phone initiative, in July 2012 the ACLU and our affiliates filed public records requests seeking information about the law enforcement collection and retention of ALPR data in 38 states and at the federal level.



on probable cause is entirely workable. Since we brought the issue to light, mobile phone providers have disclosed to Congress that they had received about 1.3 million law enforcement requests for customer records in 2011 alone.

The ACLU participated as a friend-of-the-court in *United States v. Jones*, which concerned the prolonged, warrantless tracking of a suspect through a GPS device placed on his car. A unanimous Supreme Court found this to violate the Fourth Amendment, dealing a major win for privacy in its first case considering the constitutionality of modern location-tracking technology. The ACLU has participated in cases nationwide to cement this win, and to make sure that it applies to other forms of location tracking. Bipartisan GPS Act bills have recently been introduced in the House and Senate that would require law enforcement to secure a warrant based on probable cause before obtaining

Perhaps the most ominous new technology, drones enable cheap, 24/7 surveillance of individuals. In December 2011, we released one of the first reports on the implications of domestic drone use on privacy and First Amendment-protected activities. The report and our subsequent follow-up have been widely cited in national news media, and helped to spark a public debate on the domestic drone use—and a proposed bill that would require the government to get a warrant before using drones to spy on U.S. citizens.

### Protecting Whistleblowers and Protestors

Even as the government delves ever deeper into our private affairs, it has grown more secretive in its own affairs—making whistleblowers more important than ever. The ACLU has stepped up to defend whistleblowers against an unprecedented crackdown. We represent the former chief

prosecutor at Guantánamo, who was fired from his job at the Library of Congress in 2009 because of op-ed pieces he wrote that criticized the Obama administration's decision to try some Guantánamo detainees in federal courts and others in military commissions. We likewise have written to the State Department on behalf of a 23-year veteran of the Foreign Service who has publicly criticized the U.S. rebuilding effort in Iraq after returning home from that country.

We also continue to champion the right to protest. ACLU affiliates have advised "Occupy" protestors in 42 states of their rights and often interceded with city officials. Our aggressive advocacy on behalf of free speech in Puerto Rico amid a

“...as the government delves ever deeper into our private affairs, it has grown more secretive in its own affairs.”

brutal police response continues. In June 2012, we issued our latest damning report on the suppression of protests on the island, and sued the superintendent of the Puerto Rico Police Department for violating the constitutional rights of peaceful protesters, who were beaten and abused during demonstrations against controversial government policies, including mass layoffs of public workers and cutbacks at a public university.

### Protecting Your Privacy Online

The ACLU regularly defends individuals' privacy online against overreach by both government and private corporations. For example, we have repeatedly stood up in court for the privacy of Twitter users against the abusive use of subpoenas by law enforcement trying to get private

information—most notably in the case of “Occupy” protestors in New York and Boston.

We’ve also fought for the privacy of Facebook users against demands by schools and employers that individuals hand over their passwords. In fact, an ACLU case in Maryland helped trigger the nationwide legislative push to prohibit employers from demanding access to employees’ personal Internet accounts. Maryland and Illinois have recently enacted such laws, and the ACLU has been active in pushing for legislative protections of privacy at the federal level, and in encouraging industry best practices more protective of consumers.



Lisbeth Ceriani, a breast cancer survivor and ACLU client in the BRCA case, could not afford necessary genetic tests that only Myriad Genetics offers.

## Stopping the Patenting of Our Genes

The ACLU’s challenge to human gene patenting continues. Although a lower court had allowed Myriad Genetics to patent two genes linked to breast and ovarian cancer and limit access to potentially life-saving genetic tests for at-risk women, the U.S. Supreme Court set aside that court’s ruling in March 2012. The Supreme Court instructed the lower court panel to reconsider our challenge in light of a unanimous and potentially favorable Supreme Court decision invalidating a class of patents. We argued again before the lower court in July 2012 on behalf of researchers, genetic counselors, patients, breast cancer and women’s health groups, and medical professional associations representing 150,000 geneticists, pathologists, and laboratory professionals.

## WHOSE INFORMATION?

The district attorney’s office in Manhattan is prosecuting Tweeter Malcolm Harris for disorderly conduct in connection with an Occupy Wall Street protest. The district attorney issued an administrative subpoena—which involves neither a warrant nor First Amendment scrutiny—to Twitter to get a wealth of information on Harris: not just the content of his tweets, but his personal e-mail address, IP addresses he used to access Twitter—through which his movements could be tracked—and other personal data. The government shouldn’t be able to get this sensitive and constitutionally protected information without a warrant and without first satisfying First Amendment scrutiny.

Twitter alerted Harris about the subpoena—something few Internet companies bother doing—and he filed a motion to quash it...only to be told he had no standing, because that wealth of information supposedly wasn’t his. It was Twitter’s. Twitter filed its own motion to quash it—again, a step few other companies would take. The ACLU filed a friend-of-the-court brief in support of Twitter’s efforts to protect the constitutional rights of one of its users. Twitter eventually lost its motion to quash the subpoena, but the issue is far from settled. While we applaud Twitter, we recognize that companies cannot challenge every request for information about their millions of users. That is why it is so important that individuals be allowed to protect their own rights in court, why this court’s decision is so wrong, and why we will fight to enhance users’ rights going forward.

# CENTER FOR EQUALITY

The Center for Equality aims to create an America in which every person has the access and opportunity to participate fully in all aspects of society. The Center focuses primarily on issues of race, immigration, and voting. We seek to address persistent discrimination and obstacles to equality that confront the most vulnerable populations, including those with disabilities. Priorities include racial profiling, an issue that has become an increasingly dangerous component of the backlash against immigrants, and the “school-to-prison pipeline,” the excessive disciplinary practices that push young people out of school and into the criminal justice system.



## Immigrants' Rights

The ACLU was founded to defend immigrants' rights during the Palmer Raids in 1920, and has continued to litigate and advocate on behalf of immigrants ever since. For over 90 years, the ACLU has been at the forefront of virtually every major legal struggle for immigrants' rights, and now conducts the largest litigation program in the United States dedicated to enforcing the Constitutional rights of immigrants.

### Responding to Arizona's SB 1070 and other 'copycat' laws

Arizona's anti-immigrant law, SB 1070—and other state laws inspired by SB 1070—invites rampant racial profiling against Latinos and others presumed to be “foreign” based on how they look or sound.

The ACLU has spearheaded the fight not only against

Arizona's discriminatory SB 1070, but against the “copycat” laws following Arizona's lead. Through aggressive state-based advocacy and media outreach efforts emphasizing the human impact of these laws, we have succeeded in limiting these copycats to just a handful of states (Alabama, Georgia, Indiana, South Carolina, and Utah). Our litigation has also blocked major provisions of the

laws in all five states, protecting Latinos and others from being unfairly targeted for traffic stops and arrests.

Since the Supreme Court handed down its decision in *Arizona v. United States* letting stand the “show me your papers” provision of SB 1070, we have been working tirelessly in the courts to prevent similar provisions from going into effect in Alabama, Georgia, Indiana, South Carolina, and Utah. Backed by a “war chest” of \$8.7 million, we are also prepared to bring new litigation throughout the United States challenging the racial profiling and illegal detention that will arise should these provisions (or new anti-immigrant laws) be enforced.

### Combatting Anti-Immigrant Local Ordinances and Practices

The ACLU is combatting discriminatory local ordinances and practices aimed at pushing immigrants (or those who “look like immigrants”) out of cities and communities. We have an impressive string of victories in the courts—striking down anti-immigrant ordinances in Hazleton, Pennsylvania, and Farmers Branch, Texas, and blocking provisions of a harmful rental ordinance in Fremont, Nebraska. These ordinances unfairly prevent innocent people from securing employment and housing.

### “We won our lawsuit challenging Arizona Sheriff Joe Arpaio’s discriminatory policies.”

We also won our lawsuit challenging Maricopa County, Arizona, Sheriff Joe Arpaio’s discriminatory immigration enforcement policies in the district court. The court ordered the sheriff’s office to

immediately halt its practice of stopping and arresting Latinos based only on the suspicion of unlawful presence in the United States. This case then proceeded to trial, where the ACLU confronted Arpaio with four years of damning evidence, including statements in which he called it “an honor” to be associated with the Klu Klux Klan, and said that undocumented immigrants could be identified by what they wore or how they looked.

### Challenging Prolonged Immigration Detention

We continue to challenge the federal government’s unconstitutional, inhumane, and wasteful immigration detention policies. Recently, we won our case on behalf of Neville Leslie—a 59-year-old, longtime lawful permanent resident from Jamaica whom Immigration and Customs Enforcement (ICE) detained without a bond hearing for four years while he fought his removal case. The government contended that it can detain immigrants like Leslie for years, on the theory that they are responsible for prolonging their own detention by appealing their removal orders rather than simply giving up and being deported. Ultimately, the court held that this is not a reasonable justification—an important step toward basic fairness and human rights in the federal immigration detention system.

We also raised public awareness of the civil liberties issues raised by needless immigration detention. In October 2011, two television documentaries on the immigration detention system were broadcast nationally by *PBS Frontline* and CNBC. Both investigative reports reflected significant input by the ACLU, and the *Frontline* piece included an interview with ACLU executive director Anthony Romero.

Coinciding with their broadcast, we created a blog series, “End ICE Abuse,” detailing the dire consequences of mass immigration detention, including the needless detention of immigrants for years, the warehousing of mentally ill U.S. citizens, the rape and sexual abuse of immigrant women, and the deaths in detention caused by deficient medical care.

### Standing Up for Immigrants’ Due Process Rights

The ACLU is working to establish due process rights—including bond hearings and a right to counsel—for the most

#### VOICES FROM ALABAMA



In Alabama, the one state where an SB 1070-type law has gone into effect, the ACLU created a series of videos to demonstrate the law’s human impact. One video featured Brian Cash—an Alabama farm owner who watched 85 percent of his workforce disappear in one day as workers fled the state in fear. Cash’s family has been farming for three generations, but if he can’t get his workers back, he may have to give it all up. This video went viral and was sent to key policy-makers; indeed, a top Justice Department official complained to us about the number of times others had forwarded the video to her.

## ESTAMOS UNIDOS

We launched the *Estamos Unidos* (We are united) campaign: a ten-day, 9,000-mile, coast-to-coast bus tour from California to South Carolina to engage Latino communities in the fight against ant-immigrant SB 1070-type laws. During the journey, the ACLU collected the stories of people harmed by anti-immigrant policies; provided “Know Your Rights” in English and Spanish throughout 17 states; and collected over 4,000 signatures on a petition to President Obama to continue his opposition to SB 1070-type laws and to reform federal immigration programs.



vulnerable immigrant detainees. We recently won a landmark order certifying a class action lawsuit on behalf of mentally ill immigrant detainees—a population that is especially at risk of getting “lost” in the detention system, sometimes for years on end. This class action could potentially benefit thousands of detainees.

We also won two federal district court orders rejecting the government’s effort to toss out our case on behalf of Mark Lyttle, a native-born U.S. citizen with mental disabilities who was mistakenly deported to Mexico in 2008. Wrongly assuming that Lyttle was from Mexico—when, in fact, he has no ties to Mexico and speaks no Spanish—ICE dropped Lyttle off alone and penniless in Mexico, where he suffered for over four months, living on the street and in shelters. The ACLU’s lawsuit dramatically illustrates the shortcomings of an immigration system that fails to provide basic due process protections, such as a right to appointed counsel.

## Voting Rights

In 1965, the ACLU launched our voting rights agenda to further our commitment to racial justice—working to protect the gains in political participation won by racial and language minorities with the passage of the 1965 Voting Rights Act. As part of that effort, we continue—aggressively and successfully—to challenge schemes that dilute minority voting rights or obstruct the ability of minority communities to elect candidates of their choice. This work includes frontline litigation and advocacy against current voter suppression efforts. The ACLU is protecting and advancing the right to vote through 37 lawsuits in 22 states.

### Confronting Voter Suppression

Since the unprecedented voter turnout of the 2008 election, more than 30 states have introduced laws to make voting more difficult. Supposedly designed

to “keep the vote honest,” these laws instead throw up roadblocks to voting that especially affect people of color, the poor, the elderly, students, and the disabled. Five million people, including those who have been

voting their entire lives, could be denied the right to vote in this year's presidential election, as well as in key state and local contests.

Voter suppression laws take many forms, including photo ID requirements; proof of citizenship requirements for registration; reducing the number of days for early voting; and restrictions on third-party voter registration activities.

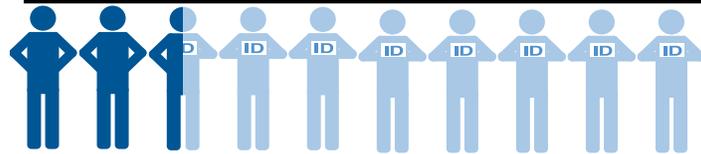
The ACLU has taken the lead in fighting these affronts to democracy, immediately seeking to halt these measures, with significant success. In June, for example, we blocked a Florida law discouraging voter registration drives, a measure so restrictive and punitive that the League of Women Voters had stopped registering Florida voters altogether, rather than risk fines and prosecution. As a result, almost 100,000 fewer Floridians had registered to vote in the months since Florida's new law took effect than during the same period in 2008—this in a state that famously decided the 2000 Bush-Gore presidential election by 537 votes. Thanks to our efforts, the League of Women Voters and other groups can begin again to register Florida voters.

### All Voters

1 in 10 do not have government-issued photo ID



### How photo ID laws target the minority vote



### African-American Voters

2.5 in 10 do not have government-issued photo ID

### Contesting Voter ID Laws

Eight states passed laws in 2011 requiring government-issued photo ID in order to vote. Approximately 1 in 10 Americans do not have a photo ID. The numbers are even higher among minority voters—1 in 4 African-American voters and 1 in 6 Hispanic voters are without such ID. What's more, most of these laws make it complicated and expensive to get an ID, essentially instituting a modern day poll tax.

Students are also especially vulnerable to voter ID laws. The Texas Voter ID law will accept

gun licenses—but not student IDs—as proof of identification.

We are in court actively battling Voter ID measures in Minnesota, Pennsylvania, South Carolina, Texas, and Wisconsin—and hope that none will be in effect on Election Day.

### Let Me Vote!

The ACLU has launched "Let Me Vote!"—a nationwide voter education campaign. We want voters targeted by block-the-vote laws to know their rights, and everyone else in the country to know how dangerous to democracy these laws are.

The campaign targets states where recent voting law changes have led to high levels of voter confusion. Partnering with local, state, and national allies, we're putting accessible, accurate information on registration and voting—in English and Spanish—into the hands of affected voters.

We're now getting word out to the media and general public, with op-eds, public service announcements, advertising, and social media. And we've released the online resource "Let Me Vote!" ([www.aclu.org/letmevote](http://www.aclu.org/letmevote)), providing the personal stories

## STOPPING A SECRET VOTER PURGE

In August, the ACLU rushed to court to stop Iowa's Secretary of State from secretly launching a purge and a witch hunt of Iowa voters imagined to be noncitizens. Word reached us that he had promulgated, without any notice or public comment, two "emergency" rules: one that would have removed voters from the voting rolls if they appeared on unspecified lists of foreign nationals—and would have given those removed just two weeks to get back on the rolls, by proving their citizenship—and a second rule that would have allowed any voter to trigger investigation of another voter through an open-ended complaint procedure with no requirement that the complainant base his or her complaint on personal knowledge rather than just rumor or suspicion.

We represent two organizations harmed by this stealth attack on voting rights and due process: the ACLU of Iowa and the League of United Latin American Citizens of Iowa.

of people affected by these laws, information about restrictive voting efforts throughout the country, and advocacy tools to fight these efforts.

### Protecting Minority Political Participation

The ACLU remains heavily engaged in redistricting work, particularly following the 2010 census. Our message to ACLU state offices and community groups has been that redistricting plans must not only comply with one person, one vote and traditional redistricting principles, but must provide racial and language minorities the equal opportunity to participate in the political process and elect representatives of their choice.

This work is ongoing and intensive. To date, we have engaged in redistricting efforts in some 35 jurisdictions since the release of census data in 2011, with more requests forthcoming. While there are perhaps a dozen national organizations engaged in redistricting work, the ACLU has the unique capacity to tackle redistricting issues thanks to the full-time demographer and litigators we employ. Thus, we perform statistical analyses that would be prohibitively expensive if conducted by outside experts, and when the results show harm to minority voters, often our statistical work plus the perceived threat of litigation is enough to force change. For example, when Telfair, Georgia recently attempted to redraw county commission lines and decrease the number of African-American voters in the two districts that had successfully elected African-American commissioners, our in-house analysis triggered questions from the Justice Department—and that federal interest was sufficient to prompt the city to drop its plans.

### STANDING UP TO VOTER ID

Wilola Lee was born in rural Georgia in the Jim Crow era. A Philadelphia resident since 1957, she worked as a poll official in several elections. Lee has been trying for nearly ten years to get a birth certificate, but the state of Georgia says it has no record of her birth. This means she can't get the photo ID that Pennsylvania law now requires in order to vote. And thus, after voting in nearly every election for more than 30 years, Lee may be unable to do so in November. Lee is a plaintiff in the ACLU's lawsuit against Pennsylvania's new voter ID law.



## Racial Justice

Committed to combatting racism in all its forms, the ACLU uses litigation, advocacy, and public education to address a broad spectrum of issues that disproportionately affect people of color. This includes the push-out of young people of color from the public schools, racial profiling, and economic concerns with racial impact.

### Spotlighting Race and Foreclosures

The foreclosure crisis was and is a catastrophe for Americans of all colors. But the worst lenders, with encouragement from the banks, targeted minority communities, and this created both a civil liberties issue crying out for redress, and also a great legal and public education opportunity to force accountability.

When the federal government removed restrictions on mortgages and allowed them to be bundled into investment vehicles, money and greed flooded the mortgage market. And people of color aspiring to homeownership constituted the borrower equivalent of "fish in a barrel." Long denied credit through the "redlining" of

minority neighborhoods, many blacks were quick to accept loans with bad terms. The banks had stocked the barrels with minority "fish" via redlining—and then shot their already captive prey through the "reverse redlining" that made minorities ideal targets for unscrupulous lenders.

We deployed forensic accountants and conducted a lengthy and complex investigation that culminated in the filing of a landmark lawsuit in October, against investment bank Morgan Stanley, charging that it put into motion a predatory lending scheme targeting poor black neighborhoods in Detroit. Our African-American clients were lied to, defrauded, and otherwise victimized by a now-defunct lender working with Morgan Stanley to churn

out loans regardless of the risk of default. Importantly, our case seeks not only damages for our clients, but to establish the principle that when the exploitive practices of an investment bank especially hurt minorities, under the Fair Housing Law, the bank is liable for that “racially disparate impact,” even if there is no proof it intended to discriminate.

At the same time that we filed suit, we also released a high-profile report documenting the disproportionate racial impact of mortgage securitization nationwide.

### Challenging the “School-to-Prison Pipeline”

The ACLU’s recent accomplishments have encompassed victories for victimized students and major advances promising systemic change.

In February 2012, we won a federal court ruling in Texas that jailing indigent teens for their inability to pay school truancy fines is unconstitutional. One of our clients, Francisco DeLuna, had unknowingly accumulated \$10,000 in unpaid tickets for such offenses as truancy, vulgar language, burping, and failure to follow a directive to tuck his shirttails in his pants; the county jailed him for 18 days—and would have kept him in jail for more than three months had a public defender not gotten him out. This ruling received significant local press and television coverage. In May 2012, we secured a settlement with the county to ensure that other young people will be informed of their rights.

In March 2012, we celebrated the long-awaited release of federal school discipline data from the Department of Education’s Office of Civil Rights. The Civil Rights Data Collection (CRDC) includes, for the first time since the CRDC began in 1968,

new categories of data points regarding overly punitive school discipline in public schools as well as state-run juvenile justice facilities. The ACLU successfully appealed to the Obama administration to reinstate

### “Jailing indigent teens for their inability to pay school truancy fines is unconstitutional.”

the data collection (after it was discontinued by the Bush administration in 2006) and to expand it to include new categories of data on the use of overly punitive school discipline. We were quoted in *The New York Times* story on the release of the data, as well as in other media coverage. We look forward to using this data in our advocacy and have already begun training ACLU affiliates in its use.

### Combatting Racial Profiling and Asset Forfeiture

In August, we filed a groundbreaking settlement in East Texas, where police routinely stopped innocent drivers of color, threatened them with baseless criminal charges, and confiscated and kept their cash.

Our class action settlement in this long-standing “highway robbery” case is against officials in Tenaha and Shelby County, where police seized about \$3 million between 2006 and 2008 in at least 140 cases. Police officers routinely pulled over motorists in the vicinity of Tenaha without any legal justification, asked if they were carrying cash and, if they were, ordered them to sign over the cash to the city or face charges of money laundering or other serious crimes.

### STOPPING “HIGHWAY ROBBERY”

Some of the clients in the ACLU’s asset forfeiture case lost thousands of dollars to police officers. If they refused to part with their money, officers threatened to arrest them on false money laundering charges and other serious felonies. Parents were threatened with the loss of their children.

Our plaintiff Dale Agostini, his fiancée, his 16-month-old son Amir, and a cook in Agostini’s successful restaurant had the misfortune to drive near Tenaha, Texas en route to a business deal. All of them are black, and they were stopped by a police officer who summoned a drug-sniffing dog and backup. Without a warrant, police searched the car and found the \$50,000 in business earnings Agostini was carrying to buy restaurant equipment.

When Agostini refused to hand over the \$50,000, police seized both his money and his 16-month-old son. When Agostini pleaded to keep his son or at least kiss him goodbye, the officers refused and simply continued counting the money they had seized from him.

The officers arrested the adults and summoned child protective services workers for Amir. Later, after Agostini showed proof that the money came from his business, his prosecution fell apart and he was released from jail. His son was returned. Only after several months and considerable expense did he succeed in getting his money back.

## ACHIEVING CHANGE IN WINNER, SOUTH DAKOTA

Since 2007, the ACLU has been monitoring the landmark settlement we secured in Winner, South Dakota, where we sued on behalf of Lakota students targeted for push-out and arrest by teachers and administrators. Prior to our involvement, Lakota students in the Winner school district were three times more likely than their white counterparts to be suspended, and ten times more likely to be referred to law enforcement. Principals in the middle and high schools forced Lakota students to sign “confessions” for perceived violations of school rules, then turned the students over to the police, often without notifying parents. Prosecutors used these confessions to secure convictions against these young people in juvenile court.



Today, there is good news in Winner. With the active support of a new school superintendent, the culture of the district is changing—and this year, a dozen Lakota seniors like Tatlor Long Crow, pictured above, graduated from high school, suddenly improving the Native American graduation rate from zero to 65 percent. Culturally inclusive material is now part of the curriculum, and, for the first time ever, there are Lakota students on the basketball team. We have interviewed members of the Lakota community; videotaped the graduation ceremony; and are preparing what promises to be a powerful video on the emotional impact of discrimination, and how it feels finally to receive justice and fair treatment. (Photo: Robin Dahlberg)

Almost all the stops involved black and Latino drivers. None of our clients was ever arrested or charged with a crime. The seized assets were used to enrich the defendants’ offices and themselves. Pending court approval, police will now be required to observe rigorous rules that will govern traffic stops in Tenaha and Shelby County. These rules include: videotaping all stops; stating the reason for the stop and the suspected criminal activity; stating the reason for seizing property (without which no property may be seized); advising motorists

that they can refuse a search; and returning improperly seized property within 30 days, among others.

To the best of our knowledge, there has never before been a settlement that not only strictly monitors traffic stops for racial profiling and other abuses, but that also removes the incentives that can lead law enforcement to engage in highway robbery. Asset forfeiture and racial profiling are both nationwide problems. We look forward to using this landmark, high-profile settlement to spotlight and curb these abuses.

# CENTER FOR JUSTICE

The ACLU Center for Justice works to reform our nation's bloated and broken criminal justice system. Today, after 40 years of a failed "war on drugs" and tough-on-crime policies, the United States holds the dubious distinction of being the world's largest jailer, ahead of China and Russia. But budget shortfalls of historic proportions are finally prompting states across the country to realize that less punitive approaches to criminal justice not only make more fiscal sense, but also better protect our communities.

The ACLU is seizing this window of opportunity to collaborate with conservatives and progressives alike to push for thoughtful de-incarceration policies. Through litigation, public education, and legislative advocacy, the ACLU is committed to helping America re-envision a criminal justice system that is fair and free of racial bias, that keeps our communities safe, and that respects the rights of all who come into contact with it.

At the same time, we continue to demand humane conditions of confinement for all prisoners and to abolish our country's barbaric use of the death penalty.



## Criminal Law Reform

The ACLU advocates for reforms to the criminal justice system that will address the crisis of over-incarceration in the United States and protect the constitutional and human rights of those in the system. We seek to address the factors that fuel overincarceration—such as the War on Drugs (responsible for most of the half-million nonviolent offenders now behind bars) and the profiteering private prison industry. We also work to reduce the number of people entering the system by promoting alternatives to pre-trial detention; advocating for constitutionally adequate public defender programs; and identifying and halting police and prosecutorial abuses of power.

### Promoting Drug Law Reform

We continued to hold the line against popular efforts to impose drug tests on applicants for welfare benefits. Although

even state-sponsored research shows the wastefulness of this crusade—drug tests are expensive and result in false positives, applicants are significantly less likely to test positive than the

general population, and those who test positive are just as likely to seek work and get off welfare as those who test negative—71 percent of the American public supports it.

We previously struck down a Michigan law imposing drug tests on all welfare recipients and in October 2011 we won an injunction in Florida against such testing. Florida has appealed and the case is scheduled for trial in October.

We've also effectively worked to reduce harsh drug sentences at the federal and state level. At the federal level, our friend-of-the-court brief contributed to a great win in which the U.S. Supreme Court ruled that the Fair Sentencing Act can apply retroactively to people who committed offenses before the enactment of the fairer sentencing rules. Thousands of people can now have their sentences reviewed. The Fair Sentencing Act, which the ACLU was instrumental in securing, was the landmark legislation that dramatically reduced the federal sentencing racially biased disparity between crack- and powder-cocaine-related offenses to a still-high 18:1.

At the state level, where 90 percent of people are sentenced, the ACLU helped generate reforms in multiple states across the nation.

Notably in Alabama, we succeeded in putting in motion a plan that the Alabama Sentencing Commission will carry out to reduce prison sentences for nonviolent offenses, many of them drug-related. In Missouri, after years of work, we persuaded the state legislature to reduce the state crack-powder cocaine disparity to almost the federal level.

In addition, we advanced marijuana decriminalization. In Massachusetts, where we previously helped achieve law reform—a successful ballot initiative that decriminalized possession of an ounce or less of marijuana—we won a precedent-setting decision to ensure effective implementation, with a 5-1 decision from the state's highest court that the police can no longer search or seize someone they suspect of having a small amount of marijuana, based on the smell of marijuana.

We also successfully defended Arizona's medical marijuana law against the governor's attempt to subvert it by claiming it was pre-empted by federal law. In January 2012, we got the governor's federal case against the law dismissed.

### Advancing Alternatives to Pre-Trial Detention

We continued to press for systemic reforms to keep people out of pre-trial detention, a key tactic in keeping them out of jail or prison altogether.

## SPOTLIGHT ON PUNITIVE DRUG TESTS FOR THE POOR



In February 2012, *The Daily Show* featured an interview with ACLU client Luis Lebron, a single father and full-time student who cares for his disabled mother. Lebron, a Navy veteran, took a stand for his constitutional rights after learning the state of Florida wanted to force him to take a drug test before he could receive temporary cash assistance from the state. Fortunately, Florida's drug testing program for welfare applicants has since been put on hold.

When Lebron found out that in order to qualify for public assistance he would need to take a drug test, he reached out to the ACLU of Florida for help. He refused to take the test because, as he said, Florida's drug testing program is "casting a cloud over a population of people with no factual evidence."

In fact, there is some evidence—but unfortunately for Gov. Rick Scott and other Florida lawmakers pushing this legislation, the evidence flies in the face of their rationale for the program, which was in place for several months before being enjoined by a federal court in October 2011. During that time, only two percent of Florida applicants seeking temporary cash assistance tested positive for drug use—compared to nine percent of Floridians in the general population that are estimated to use drugs.

So not only did Florida pass and implement an unconstitutional law, it passed a law that was a solution in search of a problem, cost the state more money than it saved, and violated the privacy of Floridians who had done nothing wrong. As *The Daily Show's* Aasif Mandvi quipped: "Humiliation for the 98 percent that pass is a small price to pay for a program that has saved Floridians negative \$200,000."

We are piloting an exciting model diversion program in the state of Washington, where we are helping direct policy for the state's newly operational Law Enforcement Assisted Diversion (LEAD) program in the Belltown neighborhood of Seattle. The pilot program allows law enforcement officers to redirect low-level offenders engaged in drug or prostitution activity to community-based services, instead of jail and prosecution. By diverting eligible individuals to services, LEAD is committed to improving public safety and public order, and reducing the criminal behavior of

people who participate in the program. Other members of this group include law enforcement, elected officials, and community stakeholders. The program will be rigorously evaluated and, we hope, expanded into other states.

Ensuring poor defendants' access to effective legal counsel is also a key strategy we've pursued to generate alternatives to pre-trial detention. Without legal counsel, defendants are much more likely to be unnecessarily remanded into custody while awaiting trial.

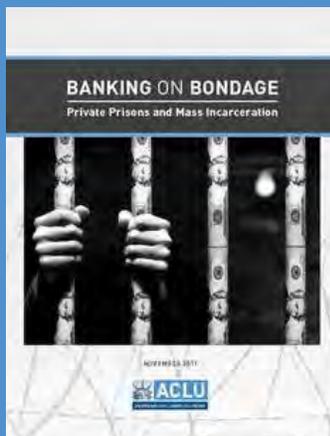
Toward that end, at the federal level, the ACLU joined a successful effort to extend the right to effective counsel to the plea bargaining process. We collaborated on the friend-of-the-court brief submitted to the Supreme Court by the National Association of Criminal Defense Lawyers and Connecticut Criminal Defense Lawyers Association in *Lafler v. Cooper* and *Missouri v. Frye*. The Court ruled that defendants have a right to effective counsel during plea bargaining, and that violations cannot be cured by a later fair trial or plea.

At the local level, in St. Tammany Parish, Louisiana, we recently persuaded the federal government to investigate an indigent defense crisis—public defenders suffered extraordinary caseloads (sometimes more than 400 felonies at once), and were so poorly paid they were expected to supplement their income with additional private cases.

Our investigation into the St. Tammany Parish Public Defenders Office resulted in our September 2011 "Letter of Concern" to the Louisiana Public Defender Board, which detailed our concerns regarding excessive caseloads, lack of investigatory resources, and an office culture that neither facilitated nor expected a zealous defense.

At the Board's request, the Department of Justice Bureau of Justice Assistance conducted a comprehensive audit of the office, releasing a 44-page report in January 2012 that echoed our urgent concerns. The embattled Chief Public Defender stepped down in March 2012 and was replaced by a veteran public defender who we hope will make significant improvements.

## TAKING ON THE PRIVATE PRISON INDUSTRY



The ACLU released a major report in November 2011 spotlighting the role of the private prison industry in spurring mass incarceration. *Banking on Bondage: Private Prisons and Mass Incarceration* found that mass incarceration provides a gigantic windfall for the private prison industry, even as current incarceration levels harm the country as a whole. Private for-profit prisons rake in billions each year for imprisoning nearly 130,000 Americans, all while shielded from public scrutiny.

As the biggest private prison company, the Corrections Corporation of America (CCA) acknowledged to the Securities and Exchange Commission, the private prison business model relies on overincarceration: "The demand for our facilities and services could be adversely affected by . . . leniency in conviction or parole standards and sentencing practices . . ."

In February 2012, we celebrated a great win when our advocacy helped defeat a proposal to privatize 26 state prisons.

In March 2012, the CCA disingenuously made an offer to all 50 states to buy their state prisons. We immediately fought back. Our letters to governors, written with our policy and faith partners, resulted in a spate of front-page stories and a *USA Today* article highlighting how the proposal could exacerbate the nation's mass incarceration crisis.

In May 2012, we challenged the chief executive officer of CCA to a public debate on the merits of prison privatization. Our challenge drew no response from CCA, but generated significant coverage and activism.

# Prisoners' Rights

The ACLU advocates for humane conditions of confinement and for reforms that will decrease the number of people currently incarcerated. In particular, we seek a reduction in the use of solitary confinement, which is widely considered to be a form of torture; policies that stop the dangerous overcrowding of prisons and ensure access to medical and mental health care; and the release of elderly prisoners. We are the only national organization litigating for the rights of prisoners, challenging unjust conditions and abusive treatment.

## Reducing Use of Solitary Confinement

Our "Stop Solitary" campaign generated momentum during 2012. We brought this issue to public consciousness through a front-page *New York Times* story about our work to close a solitary confinement unit in Mississippi infamous for its inhumane conditions. A follow-up on NPR's *The Takeaway* about the overuse of solitary confinement included the head of the Mississippi Department of Corrections crediting the ACLU with helping him understand how shuttering the state's solitary confinement unit could lead to a safer, more rehabilitative environment. We have initiated or helped shape several other high-profile news stories, editorials, and letters to the editor on solitary confinement in the *New York Times*, *Washington Post*, and other media outlets.

We won an end to solitary confinement for juveniles in Mississippi. The policy change came as part of an agreement to move young people out of the hellish Walnut Grove Youth Correctional Facility, a notorious, privately run prison where

youth have been routinely beaten, gassed, and raped.

In addition, Illinois Governor Pat Quinn called for the closure of Tamms supermax prison, where prisoners are held in solitary at least 23 hours a day, many for a decade or longer; the prison was scheduled to close August 31, 2012. The ACLU had pushed for closure for years because of the prison's egregious use of solitary confinement on prisoners with mental illness—such as Anthony Gay, whose sentence was increased to an incredible 97 years for throwing feces out his food slot, behavior that experts characterize as symptomatic for mentally ill people like him held in solitary confinement.

The Colorado Department of Corrections (CDOC) also announced that it will close a 316-bed supermax unit known as "CSP II" effective February 2013. The ACLU and our partners have long urged Colorado to reduce its use of solitary confinement; in June, we had a productive meeting with the executive director of the CDOC to discuss further reforms, including moving persons with mental illness out of solitary.

Finally, the ACLU actively participated in the first-ever congressional hearing on solitary confinement, held by the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights in June 2012. We submitted written testimony and organized other NGOs to do so, and assisted subcommittee staff in developing the list of witnesses providing in-person testimony.

## Addressing Conditions of Confinement

Overcrowding and blatant neglect in prisons leads to disastrous results, from unsafe and inhumane conditions to unmet medical and mental health needs.

The ACLU has served as a court-appointed monitor of the Los Angeles County jails since 1985. During this time, the ACLU has documented severe overcrowding, unsanitary conditions, mistreatment of the mentally ill, and extreme abuse of inmates at the hands of deputies, including retaliation against inmates when they lodge complaints.

After years of ACLU advocacy and facing mounting national pressure, Los Angeles County Sheriff Lee Baca finally agreed to allow access to the jails in early 2012 for a study on the feasibility of closing Men's Central Jail. In April 2012, the ACLU and Sheriff Baca joined in endorsing a new report that recommended closing the infamous jail within two years. This is significant because under Governor Jerry Brown's realignment plan, Los Angeles County jail is set to see the greatest influx of state prisoners. Closure of the Men's Central Jail through reliance on alternatives to incarceration and other measures detailed in the report would significantly reduce the incarcerated population in California.

## “A PICTURE OF SUCH HORROR AS SHOULD BE UNREALIZED ANYWHERE IN THE CIVILIZED WORLD”



Judge Carleton Reeves entered a blistering order in March 2012, giving final approval to a consent decree against Walnut Grove Youth Correctional Facility in Mississippi, which is operated by GEO Group, the second-largest private prison operator in the world. The order bans the horrendous practice of subjecting youth convicted as adults to solitary confinement and requires the state to move them out of the brutally violent prison.

The lawsuit detailed monstrous abuses by GEO staff—including peddling drugs to the teenagers in their custody and subjecting them to brutal beatings, sexual exploitation, and solitary confinement. Testimony from six young African-American youth and their parents—the youngest child only 15—demonstrated the horrors to which they had been subjected. In one case, a young prisoner had been so badly beaten that he suffers permanent brain damage; the boy’s father described spending six weeks desperately trying to locate his son after prison officials moved the boy to a hospital and refused to tell his family what had happened to him.

The federal government recognized the problem as well. Two days before the hearing, the U.S. Department of Justice (DOJ) issued a report concluding that “brazen” staff sexual misconduct and brutal prisoner rape at Walnut Grove was among the worst that DOJ had seen “in any facility anywhere in the nation.”

In his scathing order, Judge Reeves found that “youth are routinely subjected to excessive force by prison officials and staff consistently fails to report and investigate these claims,” which is unsurprising, “given that the facility employs correctional staffers affiliated with gangs.”

Judge Reeves wrote that the evidence left him “with the firm and unshakeable conviction that the Consent Decree must be entered WITHOUT DELAY. Those youth, some of whom are mere children, are at risk every minute, every hour, every day...[Walnut Grove] has allowed a cesspool of unconstitutional and inhuman acts and conditions to germinate.”

Furthermore, the Judge wrote, state officials “have been derelict in their duties” to monitor GEO “and remain deliberately indifferent to the serious medical and mental health needs” of the youth at Walnut Grove. “The sum of these actions and inactions... paints a picture of such horror as should be unrealized anywhere in the civilized world. Court intervention, as proposed by the parties, is undoubtedly necessary.”

In March 2012, we filed suit against the Arizona Department of Corrections, challenging systemically inadequate medical care for the state’s 34,000 prisoners. Our lawsuit describes a broken health care system, where critically ill prisoners beg for treatment only to be told “be patient,” “it’s all in your head,” or that they should “pray” to be cured. Prisoners with chronic health care needs suffer and die because of a lack of essential health care services.

In our separate ongoing case against the Maricopa County jail in Arizona, a federal judge has ordered sweeping improvements in medical care, including chronic care and medication continuity. The court has appointed independent experts to oversee the mandated improvements, and we continue to work with the experts to ensure that the jail complies with the court’s orders.

And this fall in Mississippi, we filed suit against the Eastern Mississippi Correctional Facility, a 1500-bed prison operated by a private, for-profit corporation. Medical care is shockingly deficient. Understaffing, frequent and extended lockdowns, and an atmosphere of chaos and disorganization mean that even basic medical care is often not provided. Our investigation has already uncovered several cases of inadequate care for prisoners, including at least one preventable death.

### Encouraging Early Release

One of the most promising solutions for decreasing the number of people in jail is releasing elderly prisoners, who pose little or no risk to public safety. In June 2012, the ACLU released a report, *At America’s Expense: The Mass Incarceration of the Elderly*, describing the costs and causes of the dramatic rise in our elderly prisoner population (considered 50 years and older by the

National Institute of Corrections). We found that by 2030, one-third of our prison population will be elderly, amounting to more than 400,000 elderly prisoners; by contrast, in 1981, only 8,853 state and federal prisoners were elderly.

In our report, we note that the rise in elderly prisoners is due to severe sentencing policies, not increased crime and that, if released, elderly prisoners are unlikely to commit new crimes.

The report uses original data collected from all 50 states and the federal system to demonstrate the astronomical costs and meager benefits of incarcerating the elderly. We found that the United States spends \$16 billion per year locking up elderly prisoners; in 1988, we spent about \$11 billion on the entire corrections system. The report also provides a fiscal analysis, which estimates that states would save \$66,000 per year for each elderly prisoner they release.

In addition, we detail how state governments could save substantial sums of taxpayer money by releasing aging state prisoners, who pose no substantial public safety threat, through age-based parole programs. These programs seek to remove elderly prisoners from the corrections system altogether, placing them instead on parole or direct community supervision, which, on average, costs about \$7 per day and \$2 to \$3 per day, respectively, substantially less than the cost of imprisoning them.

# CAPITAL PUNISHMENT

The United States is the only advanced Western democracy that does not view capital punishment as a profound human rights violation and a frightening abuse of governmental power. Race, class, and geography play an unacceptable role in who is charged, convicted, and executed. Virtually all current death row inmates are poor, many are mentally disabled, and a disproportionate number are African American, Native American, Latino, and Asian American. The ACLU works to protect and expand the rights of capital defendants, and to educate the courts and the public about the racism and injustice at the root of capital punishment.

## Exposing Systemic Misconduct

The ACLU works to shine a spotlight on a death penalty system fraught with misconduct, including witnesses who give false testimony and prosecutors who knowingly omit exonerating evidence at trial. We won a great victory in June when the Texas Court of Criminal Appeals threw out the death sentence of our client Manual Velez, as it was based on the false testimony of a state expert. The expert—whose false testimony resulted in the reversal of yet another ACLU client’s death sentence two years ago—provided incorrect information about the kind of freedoms Velez would have while in prison if not sentenced to the death penalty.

We also successfully won a retrial for our client Montez Spradley, who was sentenced to death based on false testimony and weak evidence. Spradley, a young African-American man, has always vigorously maintained his innocence in the 2004 murder of a white grandmother in Birmingham, Alabama. The

prosecution’s case against Spradley was alarmingly thin and riddled with inconsistencies, and in ordering a new trial the Alabama Court of Criminal Appeals found that much of it was “improperly admitted.” In fact, no physical evidence or eyewitness testimony connected him to the murder. We are now representing Spradley in his retrial.

We are also using North Carolina’s Racial Justice Act to challenge death sentences that were imposed largely due to intentional racial discrimination. We won a landmark ruling under the Racial Justice Act in April, when a judge found that the state of North Carolina had intentionally discriminated against African-American jurors over a twenty-year period in capital cases across the state, commuting our client Marcus Robinson’s death sentence to life without parole.

Unfortunately, the state legislature recently passed a bill that weakened the Racial Justice Act; however, we can still bring claims under the Act, and will



The North Carolina Racial Justice Act was passed to protect capital cases from racial bias, as there is a long and documented history of sentencing based on racial discrimination. North Carolina prosecutors removed qualified African-American jurors at more than twice the rate that they excluded white jurors, and 31 inmates now on death row in North Carolina were sentenced by all-white juries. To raise public awareness, the ACLU created a video telling the stories of three African Americans who have been excluded from capital case juries based on their race. Laverne Keys, pictured left, who was allegedly kept off a jury because her father was murdered (although a white woman whose father was murdered was allowed on the jury), says: “I felt like I was back in the 1960s.”

continue to represent Racial Justice Act clients. We are now preparing for more hearings in front of the same judge on behalf of three other clients who were similarly sentenced to death after prosecutors struck disproportionate numbers of qualified African-American jurors from the jury panels.

#### Addressing Failed Policies

We also worked to illuminate the arbitrary and unjust nature of the capital punishment system, even when there is no intentional wrongdoing or misconduct. The poor, the mentally ill, and those who are not well represented at trial are disproportionately sentenced to death because the deck is stacked against them. And the flaws in the system can lead to illogical and inconsistent sentencing—for example, giving a murderer life in prison and his nontriggerman accomplice the death penalty. The ACLU seeks to expose these flaws to the courts, the media, and the public.

We recently won a great victory for our client Elmer Ray McNeill, a mentally ill North Carolina man who suffers delusions and seizures and faced a possible death sentence. After we presented evidence at a competency hearing that McNeill suffers from epilepsy and serious mental illness problems—at the hearing itself, he had 81

brief seizures in a span of seven minutes—the state announced it would not seek the death penalty.

We also represent Lam Luong—a severely mentally ill Alabama inmate—who was sentenced to death by jurors clearly prejudiced against him, as his crime had received an enormous amount of pre-trial publicity and the trial judge refused to change the venue. We recently argued before the Alabama Court of Criminal Appeals and are hopeful about obtaining a new trial for Luong.

“The poor, the mentally ill, and those who are not well represented at trial are disproportionately sentenced to death.”

Finally, we continued to pursue a national study in order to document the rare and arbitrary nature of sentencing against defendants who did not kill or did not intend to kill. In addition to the study, we are representing LaSamuel Gamble, who was sentenced to death at the age of 18 for a crime in which he was the nontriggerman accomplice, while the actual shooter was spared the death penalty. In this case, the trial prosecutor himself called the situation unfair and stated that he does not support a death sentence for Gamble; however, the attorney

general took over the case to pursue the death penalty. We are currently representing Gamble in his retrial in order to seek a fair sentence and to highlight the arbitrary nature of the capital punishment system.

#### Building Momentum to Abolish the Death Penalty

We were thrilled when Connecticut repealed the death penalty, adding to the growing trend around the United States (five states in five years). The ACLU was heavily involved in these repeal efforts—engaging our members in the state and working closely with the local coalition. However, there are still ten people on death row in Connecticut—as the penalty was repealed but not “abolished”—and a new solitary confinement sentence structure is part of the repeal bill, so we still have a lot of work to do in that state. Solitary confinement may be considered an improvement over the death penalty, but it is still a brutal practice widely considered to be a form of torture. Repeal and abolition bills were also considered in eleven other states over the past year—Alabama, Arizona, Florida, Georgia, Kansas, Kentucky, Maryland, Missouri, Nebraska, Ohio, and Washington. We made sure compelling testimony in favor of abolition was read at the hearings.

# CENTER FOR LIBERTY

The Center for Liberty is dedicated to the principle that we are all entitled to determine the course of our lives based on who we are and what we believe—free from unreasonable government constraint and baseless stereotypes. In particular, we work to enforce the separation of church and state; to advance the rights of lesbian, gay, bisexual and transgender (LGBT) people; to eliminate discrimination against people with HIV; to protect individuals' freedom to make their own reproductive decisions; and to eliminate the gender bias faced by women.

By combining the ACLU's leadership in advocating for privacy, equality, and sexual liberty with our expertise in religious freedom, the Center for Liberty is able to bring a unique, nuanced, and compelling perspective to the fight to protect our personal freedoms and beliefs.



## Reproductive Freedom

The ACLU aims to give every woman the opportunity to build a secure, productive, and meaningful life by advancing reproductive rights around the country. Through litigation, public education, and state-level advocacy, we fight abortion restrictions, promote contraceptive access, advocate for science-based sex education, and protect the right to parent. For more than three decades, the ACLU—in collaboration with ACLU affiliates and chapters around the country—has participated in nearly every critical reproductive rights case before the U.S. Supreme Court and in other significant federal and state cases too numerous to mention. Since 2011, we have blocked over 140 bills restricting reproductive health care.

## Protecting Access to Abortion

This year, state legislators around the country pushed outrageous bills that restricted access to abortion, threatened women's health, and turned back the clock on reproductive freedom. In Colorado, a ballot measure was introduced that would ban all abortions—even in the case of incest or rape—and in Kansas, a bill was introduced that would require doctors to tell a woman seeking to terminate a pregnancy that abortion causes breast cancer—a patently false claim.

The ACLU has gone to court to stop many of these new restrictions from being enforced, successfully blocking 23 restrictions over the past year. For example, in Arizona we blocked the most extreme abortion ban in the nation one day before it would have gone into effect. We also stopped numerous “fetal personhood” measures designed to ban abortion and common forms of birth control. In Mississippi, we mobilized against a “personhood” ballot initiative—sending an ACLU organizer to the state to run the field operations, and harnessing the power of ACLU members and activists. We and our coalition partners ultimately defeated the initiative by convincing 58 percent of Mississippi voters to vote against the amendment. Our lawsuits kept similar measures off the ballot in Arkansas, Nevada, and Oklahoma.

As low-income women face the most obstacles to accessing abortion and other reproductive health services, we brought litigation to make sure these women get the care they need. An ACLU lawsuit blocked an Indiana law that de-funded Planned Parenthood because it provides abortions—ensuring that Planned Parenthood of Indiana could continue providing care to 10,000 Medicaid patients annually. We also blocked the

application of a similar Kansas law to a health center that was the only reliable source of family planning services to a poor and rural area of the state. Without our lawsuit, the health center would have closed.

## Restoring Insurance Coverage for Abortion and Contraception

The ACLU is working to protect insurance coverage for abortion and contraception, as many state lawmakers are seeking to take it away. In fact, since the Affordable Care Act was passed, 13 states have passed laws banning insurance companies from covering abortion in some or all of their policies. This alarming trend makes it more difficult for women to access the care they need. The ACLU filed the first



Representative Lisa Brown (D) was banned from speaking in the Michigan State House after referring to her vagina during a debate about abortion regulations. (Photo: AP)

challenge to this type of law in Kansas, and the case is now proceeding in federal court.

We are also working to repeal the extreme ban on military insurance for abortion, even in cases of rape or incest. We recently won a great victory when the Senate Armed Services Committee voted to lift the ban. As part of that effort, the ACLU led a two-day event during which we brought 18 retired generals and military officers to Capitol Hill to lobby the Senate and White House on the need to lift these restrictions. These events served to

kick off a longer-term campaign, “Stand With Servicewomen,” (please see sidebar on next page).

## Defending Against Religious Restrictions

More and more, we are seeing individuals and institutions refusing to provide services based on religious objections. Some pharmacists are refusing to fill birth control prescriptions, and state legislators are introducing bills designed to allow any hospital—religiously affiliated or not—to close their doors to women who need emergency lifesaving abortions.

We are pushing back, bringing the ACLU's dual expertise in religious liberty and reproductive freedom to the fight. We recently won a high-profile, years-long lawsuit challenging the United States Conference of Catholic Bishops' (USCCB's) denial of abortion care and contraceptives to trafficking victims. We also helped persuade the U.S. government not to renew the USCCB's federal grant.

In response, the USCCB launched an aggressive campaign decrying their alleged loss of religious liberty. The ACLU then crafted its own campaign refuting their claims and positioning the Bishops as a powerful lobbying group that seeks to impose their religious views on others. We have been successfully pushing out the frame that what the Bishops (and others) are attempting to do is to use religion to discriminate. We held a briefing for key journalists reframing the debate in this manner, and pushed our message out through appearances on CNN, *PBS NewsHour*, NPR; an op-ed in the *Washington Post*; and other press articles.

We are also playing a critical role in the public defense of

## STAND WITH SERVICEWOMEN

The ACLU launched a campaign—“Stand With Servicewomen”—to lift the unconscionable ban on military insurance for abortion. This ban forces servicewomen to pay out-of-pocket for the care they need, even in cases of rape and incest. As part of this campaign, we developed an ad campaign featuring three-star generals and veterans speaking out against the ban. In our television ad, retired Sergeant Kayla Williams, pictured right, says “I expected the horror of war in Iraq. But I expected better from my own government.”



birth control, spotlighting the plight of students and workers who depend on religious institutions for their insurance coverage.

### Advancing Healthy Sex Education

Abstinence-only programs have taken strong root in schools across the country, and teens are not getting the information they need to stay healthy and make good choices. The ACLU, with its nationwide network of affiliate offices, is uniquely positioned to work on the local level in communities across the United States—pressuring school districts and state lawmakers to replace medically inaccurate programs with programs that help teens make informed decisions about their sexual health.

With grants and support from the ACLU national office, the affiliates have enacted real change in sex education policy. For example, the ACLU of Utah helped to obtain the veto of an abstinence-only bill that would have created one of the worst sex education laws in the nation. The ACLU of Kentucky convinced the state to remove an abstinence-only curriculum from its approved sex education curricula list, and to add an evidence-based comprehensive sex education program in its place. And the New York Civil Liberties Union helped convince the Rochester Board of Education to make condoms available to the 17,000 students in the city’s high schools.

## Women’s Rights

The ACLU aims to ensure that all women and girls are able to lead lives of dignity free from violence and discrimination, including discrimination based on gender stereotypes. This means an America where all women and girls have access to quality education, employment, housing, and health care—regardless of race, class, income, immigration status, or involvement with the criminal justice system.

### Protecting Survivors of Domestic Violence

After six years of tireless efforts, the ACLU won a landmark victory when an international tribunal found the U.S. government responsible for human rights violations against ACLU client Jessica Lenahan (formerly Gonzales) and her three deceased children, who were victims of domestic violence. This case concerns a 1999 incident in which Lenahan’s three young daughters—ages seven, nine and ten—were abducted by her estranged husband and killed after the Colorado police refused to heed her pleas of concern and enforce a restraining order against him.

This ACLU case—the first brought by a domestic violence survivor against the United

States before an international human rights tribunal—has important implications. The Inter-American Commission’s ruling sets forth comprehensive recommendations for changes to U.S. law and policy with regard to the government’s responsibilities toward domestic



Jessica Lenahan

violence victims. The ACLU is now working to implement these recommendations at the federal, state, and local levels.

We are also fighting on behalf of domestic violence survivors who face housing discrimination. We recently filed a housing discrimination complaint against a Florida apartment complex and property management company that refused to rent to a survivor of domestic violence. Our client was told she had to provide the rental office with her children's Social Security numbers—an act that could reveal their location to their abuser—forcing her to choose between being safe and having housing. The Department of Housing and Urban Development (HUD) is now investigating our complaint.

### Curbing Gender Stereotyping in Public Schools

We continued our efforts to end sex-segregated programs in public schools that are based on gender stereotypes. Many of these programs rely on discredited theories suggesting that girls do badly under stress, that

boys should be given Nerf baseball bats to hit things to relieve tension, and that girls do not enjoy taking risks. These programs have not been shown to improve academic performance. For example, we heard from a mother whose daughter has attention-deficit disorder and would benefit from being able to move around the classroom; however, in her West Virginia school's single-sex program, only boys are allowed to blow off steam in this way while the girls must sit quietly in their seats.

Over the past year, we persuaded school boards in Alabama, Louisiana, Missouri, Pennsylvania, and Wisconsin to halt single-sex programs through aggressive litigation and advocacy. We also launched the "Teach Kids, Not Stereotypes" campaign—a nationwide initiative aimed at ending single-sex classes in public schools. As part of this campaign, ACLU affiliates across the country—including Alabama, Florida, Maine, Mississippi, Virginia, and West Virginia—sent demand letters to school districts insisting

that they halt these programs, and affiliates in Idaho, Illinois, Indiana, Massachusetts, North Carolina, South Carolina, Washington, and Wisconsin sent public records requests to investigate whether public schools in their states have single-sex programs.

### Combating Employment Discrimination

The ACLU works to ensure that all women, especially the most marginalized, have equal access to employment free from gender discrimination, sexual harassment, pregnancy and parenting discrimination, and unsafe work conditions.

During the past year, we successfully compelled Captain Charlie's Seafood, Inc. to institute a gender nondiscrimination policy and give back pay to three Mexican guest workers after the company unlawfully restricted them to certain jobs and offered them far fewer hours solely because they were women. An increasing number of agricultural and food-processing jobs in the rural south are filled by migrant workers, many of whom are precariously positioned to enforce their rights; this court-approved agreement puts food processing companies on notice that their Mexican workers are entitled to the full range of workers' rights, including equal treatment of women.

Under the consent decree, the court will monitor the company for three years to ensure the terms of the settlement are enforced, including offering all jobs on a gender-neutral basis, promulgating a nondiscrimination policy and explaining it to employees in English and Spanish, and providing outside antidiscrimination training to employees and officers.

## STANDING UP FOR STUDENTS' SAFETY



The ACLU is confronting schools that unfairly—and illegally—punish girls for being the victims of gender-based violence. For example, after a teenage girl in Texas was raped and she reported the rape to a teacher, she was told to confront her attacker and "work it out." The school then charged her with sexual misconduct, and sent both students to the same disciplinary school. The ACLU filed a complaint, and the Federal Office for Civil Rights

found that the school district violated the teen's rights. The school district is now required to revise its policies, train its staff in responding to sexual violence, provide a sexual harassment counselor at each of its schools, and clear the victim's disciplinary record. (Photo: Les Hassell/Longview News-Journal)

# Lesbian, Gay, Bisexual, and Transgender Rights

The ACLU works on multiple fronts to create an America free of discrimination based on sexual orientation and gender identity. We take on more LGBT rights cases and initiatives than any other national civil rights organization in the country.

## Winning Marriage Rights and Relationship Recognition

We celebrated new advances on the issue of marriage equality. In February 2012, a federal appeals court pronounced California's Proposition 8, which banned marriage for same-sex couples, to be unconstitutional, with a narrow ruling that followed the logic of our friend-of-the-court brief; this makes it more likely the decision will be upheld should the U.S. Supreme Court entertain an appeal.

And just within the first months of 2012, our advocacy helped secure marriage equality laws in the states of Maryland and Washington—and good progress toward laws in New Jersey and Maine. In addition, we filed a lawsuit challenging the constitutionality of the Illinois law that denies gay and lesbian couples the freedom to marry. Because getting other relationship protections is critical, the ACLU also has domestic partnership cases pending in Alaska, Michigan, Missouri, and Montana.

Of course, our great momentum has generated significant backlash, and there are now 2012 ballot initiatives against marriage for same-sex couples in the states of Maryland and Washington, as well as Minnesota and North Carolina. In each of these states, we are playing a leading role in state

coalition efforts to defeat these measures on Election Day.

We've made progress against the federal Defense of Marriage Act (DOMA), the federal law mandating discrimination against same-sex couples. In June 2012, we won a federal court ruling that DOMA violates the Constitution on behalf of our client Edie Windsor. Windsor was forced to pay \$363,000 in estate taxes because the government refused to recognize her marriage to her late same-sex partner of 44 years, Thea Spyer. If Windsor had been a straight widow, she would not have owed a dime.

Our challenge to DOMA helped persuade the Obama administration to stop defending the law, but the House of Representatives is still underwriting its defense of DOMA with tax dollars. The case is now on appeal, and we have also petitioned the U.S. Supreme Court to hear Windsor's case.

The Court will likely decide the constitutionality of DOMA this coming term, using one or more of the three current DOMA cases as vehicles for addressing the issue. Windsor and Spyer's story, which has already inspired so many, may just inspire the Supreme Court as well.

## Securing Parental Rights

In June 2012, the ACLU filed a new federal case in North Carolina to ensure that kids

## FIGHTING FOR FAIRNESS IN MICHIGAN

Last December, in a holiday swipe at LGBT rights, Michigan lawmakers expressly denied health benefits to same-sex couples, passing the Public Employee Domestic Partner Benefit Restriction Act. This mean-spirited law allows city and county employers to provide health care coverage to just about all other family members—uncles, nieces, even cousins. LGBT partners are the only family members that are excluded.

So in January 2012, the ACLU filed suit against the law, representing clients JoLinda Jach and Barbara Ramber, among others. Jach and Ramber have been together 17 years. Jach works for the



City of Kalamazoo and provided Ramber health care through the city's insurance plan. Last year, Ramber was hit in her left eye by a baseball, which has permanently damaged her eyesight and resulted in glaucoma. She now needs to take medications daily to prevent going blind, medications that Michigan's new law says she can't get through Jach's city job. With her eye problems, getting private insurance would be prohibitively expensive, to the extent it's even available. In August 2012, we argued the case, and we now await a ruling that would put an end to this invidious discrimination.

being raised by lesbian or gay parents can have legally protected relationships with both of the parents who are raising them through “second parent adoptions.” North Carolina bans second parent adoption, causing significant harm to families throughout the state.

For example, Megan Parker and Shana Carignan have been a couple for several years. In 2010, Parker adopted Jax, who has cerebral palsy, limited speech and mobility, and was living in a group foster home. Because of the second parent adoption ban, Carignan can’t become a legal parent to Jax. When Jax was hospitalized later that year, Parker and Carignan planned to take turns staying the night with him, but the hospital wouldn’t allow Carignan to stay past visiting hours because she wasn’t considered his parent. With no breaks for a good night’s sleep, Parker stayed at Jax’s side around the clock for an exhausting five days in a row. As Carignan explains, “Megan didn’t sign up to be a single mother. All I want is to be able to fully take on my responsibility as Jax’s mom, too.”

Bringing this case under the federal constitution is important—if we win, the ruling likely would affect other states in addition to North Carolina. Since there are hundreds of thousands of same-sex couples all over the country who are raising kids together, this case could potentially result in protections for all of those families, too.

### Standing Up for LGBT Youth

The ACLU strives to protect the right of LGBT youth to be safe and visible, and to have their identity embraced rather than belittled or erased. We help students protect their right to free expression, to establish gay-straight alliance clubs, and to be taught in an environment

respectful of their sexual orientation and gender identity.

As part of that work, last year, we launched “Don’t Filter Me!,” encouraging students to check their public school computers to see if they have access to LGBT-positive websites—like LGBT antibullying resources and LGBT scholarship aid—and to contact us with their findings.

In the first six months of this campaign, we changed filters in 96 schools covering 144,670 students; prompted reforms in the filtering software sold by five leading companies; and generated more than a hundred news stories. And in March 2012, following a great federal court ruling, we forced a Missouri school district to stop its censorship and had our campaign spotlighted in a *New York Times* feature.

### Advancing Gender Identity

If you look like a man but your driver’s license or birth certificate says you’re a woman (or vice versa), you can be outed as a transgender person every time a hotel clerk, a potential employer, or an airport security employee checks your ID. It’s an unnecessary invasion of privacy that undermines the medical standard of care for transgender people, which is to live full-time consistent with their gender identity. It’s also a nagging source of worry to know that important documents like these list the wrong gender.

Two ACLU cases have recently generated great progress. As a result of a court ruling in Alaska and a settlement in Illinois, both states have instituted new rules for how transgender people can change the gender marker on their driver’s licenses (Alaska) or birth certificates (Illinois). Alaska eliminated a surgery requirement altogether, and Illinois eliminated a genital surgery requirement. Since only

a small percentage of transgender people have genital surgery, the new rules mark a very significant leap forward. And the new rules also provide good examples for other states to follow, including a court decision that should help convince other recalcitrant states to stop requiring surgery altogether.

### INSTANT SUCCESS IN TENNESSEE

In March 2012, the ACLU heard that the principal of Haywood High School in Brownsville, Tennessee, Dorothy Bond, had held assemblies in which she said gay students are “not on God’s path” and threatened to expel them if they publicly showed affection for members of the same sex.

After reaching out to students at the school, phone calls flowed in laying out a startling array of problems with the principal. Among the reports we received, one student told us Bond had called her into her office and told her that being gay “isn’t the right choice,” and that she would end up “going to a bad place.” When the student asked what that meant, Bond replied, “You know what I mean. I mean you’re going to go to hell.” Other students confirmed these stories, and also said Bond had blocked attempts to form a gay-straight alliance club, banned same-sex dates at the prom, and used the school’s public address system to tell students to “remember Jesus and the sacrifice He made.”

We immediately wrote to the superintendent of schools. Writer and LGBT advocate Dan Savage picked up the story on the Slog blog and prophesied, “The ACLU means business and they will f#ck you up.” Within three hours of the district receiving our letter, Bond was out.

# Freedom of Religion and Belief

The ACLU advances religious liberty: the right to practice religion, or to practice no religion at all, without government interference. As one of America's foremost defenders of religious liberty, the ACLU combines strategic lawsuits, legislative work, and public education efforts to strengthen understanding of the risks to liberty when our government becomes an advocate for a given set of religious beliefs.

## Keeping Public Schools Free of Proselytizing

Just as the Constitution does, the ACLU rejects allowing public school officials to use their positions to impose religious beliefs on students by officially sanctioning religious activities. In South Carolina, we filed a lawsuit on behalf of a father



and his student son challenging proselytizing in Chesterfield County School District, where a school-day assembly featured a Christian rapper, a sermon by an evangelical youth minister, and a request that students sign cards pledging themselves to Jesus. Students who did not want to attend were told that the alternative was in-school suspension. Thanks to the ACLU's

involvement, the district agreed to end its unconstitutional practices (see A SHOC-king Disregard for the Constitution, next page).

In Enfield, Connecticut, public high schools used to hold graduation ceremonies in a church. Students would enter the building under a large cross and proceed to the main sanc-

“...a cross—originally dedicated as “a gleaming white symbol of Christianity”—stands atop Mt. Soledad on federal land.”

tuary, where graduation took place below a stained glass cross and banners declaring that “Jesus Christ is Lord” and “I am God.” The ACLU advised the school board that this was unconstitutional, and the board returned the ceremony to school property in 2010. Then a religious group convinced the board to move the ceremony back into church despite suitable secular

alternatives. This time we sued. A federal judge found the school's plan unconstitutional in May 2012, and two months later the school agreed to stop using the church for future graduations.

## Stopping Government Endorsement of Religion in Public Spaces

While the ACLU defends the right of religious organizations and individuals to express their religious beliefs in public, we oppose the government sponsoring, endorsing, promoting, or financing religious symbols. The government should not decide whose religious symbols should be promoted and whose should be ignored. Take a 43-foot high cross, for instance.

Such a cross—originally dedicated as “a gleaming white symbol of Christianity”—stands atop Mt. Soledad on federal land in La Jolla, California. Years of litigation eventually led to an agreement to move the cross to a nearby church—a constitutional remedy scuttled at the last minute by city officials. Congress tried to make an end run around the Constitution in 2006, by obtaining title to the cross and its surrounding property through eminent domain, and then declaring the cross to be a “national war memorial,” ostensibly representing all veterans. Not all veterans agreed. We challenged the cross display on behalf of a Jewish war veterans group and several local residents, and a unanimous Ninth Circuit recently found the display unconstitutional—a decision the U.S. Supreme Court has since declined to revisit.

## Protecting Core Rights From Religiously Based Discrimination

Freedom of religion does not give anyone the right to impose their beliefs on others—although

this is certainly a growing trend, particularly in the areas of reproductive freedom and LGBT rights. For example, the U.S. Conference of Catholic Bishops (USCCB) received a government contract to support organizations that provide services to sex trafficking victims. The catch is that USCCB required that no funds be used to provide or refer clients for contraceptive or abortion services. The ACLU sued the government to ensure that no taxpayer funds distributed through this contract were used to impose religiously based restrictions on reproductive

health services. The USCCB's contract was not renewed, and, in March 2012, the court ruled that a religious institution does not have the right to use taxpayer money to impose its beliefs on others.

In another recent case, a couple began planning a wedding reception at a Vermont inn, only to have the inn refuse to host it as soon as it discovered the fiancées were lesbians. The innkeepers refused to host gay receptions because of their "personal feelings." The ACLU sued for the couple—and the

Vermont Human Rights Commission moved to intervene—on the basis that a business open to the public cannot discriminate against customers who are lesbian or gay any more than it can against customers who are black, or female, or of any other group. In August 2012, we won a settlement that will stop such discrimination in the future, and make clear throughout Vermont that personal religious beliefs do not give businesses a license to discriminate.

### Defending Free Exercise of Religion

While the ACLU rejects the promotion of religion by schools and government, we vigorously defend the rights of individuals to exercise their faith freely. In schools, we defend students' freedom to pray in class, at lunch, or before a football game. We stand up for students who wish to express their faith by wearing rosaries, *yarmulkes*, uncut hair or anything else signifying their devotion to a particular creed. Likewise, we work to advance the accommodation of religious dress in the workplace and public places.

Since 9/11, a growing area of work has been ensuring that Muslims can construct and freely worship in mosques. We track antimosque activity from arson to zoning limits nationwide. We've recently provided litigation support to mosques and Islamic centers facing opposition in Minnesota and New Jersey, and met with local Muslim groups in hotspots such as California and Tennessee to strategize and strengthen coalitions.

## A SHOC-KING DISREGARD FOR THE CONSTITUTION



As if New Heights Middle School's religious iconography, official prayers, and religion-infused activities (such as punishments involving copying religious essays) weren't unconstitutional enough, the school hosted a concert with a Christian rapper known as "B-SHOC." A video of the event was then posted on YouTube.

"Because of this, people in public schools are going to get to know who Jesus Christ is," B-SHOC declares on the video, and "324 kids at this school have made a decision for Jesus Christ." The video also shows event organizers being instructed to pray with students before they return to classes, and a preacher delivering a sermon on how "a relationship with Jesus is what you need, more important than anything else." The preacher even admits that the event is legally problematic: "Your principal went to me today and I said, 'How are you getting away with this?' and he said, 'I'm not... I want these kids to know that eternal life is real, and I don't care what happens to me, they're going to hear it today.'"

The ACLU sued on behalf of a nonbelieving father and student, and secured a federal consent decree ending the school's unconstitutional promotion of religion while protecting individual students' First Amendment rights.

# THE ACLU IN THE U.S. SUPREME COURT



The ACLU brings more cases before the United States Supreme Court than any other non-governmental organization. Typically, we participate as counsel or friend-of-the-court in about one-quarter of the Supreme Court's docket. In the 2011 term alone, we participated in 18 cases—including in the two blockbuster cases of the term: *National Federation of Independent Business v. Sebelius* (regarding the health care reform law) and *Arizona v. United States* (regarding Arizona's anti-immigrant SB 1070 law).

The decision in the health care case, *National Federation of Independent Business v. Sebelius*, was perhaps more anxiously awaited than any decision by the U.S. Supreme Court since *Bush v. Gore*. Defying many predictions, Chief Justice Roberts, along with four other Justices, held that Congress had not exceeded its constitutional authority when it enacted the so-called individual mandate, requiring everyone either to purchase health insurance or make an additional payment on their federal taxes. Unfortunately, the Court's decision does make it easier for states to reject federal dollars intended to extend Medicaid coverage. Though disappointed by the Medicaid ruling, the ACLU is pleased that the Court upheld the individual mandate, as we had urged.

In *Arizona v. United States*, the Court reaffirmed the ultimate authority of the federal government to regulate immigration when it struck down three provisions of Arizona's SB 1070 law on the theory that they were inconsistent with federal law. Significantly, however, the Court did not strike down the "show-me-your-papers" provision that has generated so much attention and controversy. The Court acknowledged that the provision raised legitimate concerns about racial profiling and detention, but chose not to address them pending the outcome of further litigation.

While disappointed by the Court's unwillingness to confront the racial discrimination inherent in SB 1070, the ACLU is already challenging SB 1070

and copycat laws in other states on such grounds. In addition, on the day the Court's opinion was handed down, we announced that we had amassed a "war chest" of nearly \$9 million to fight discriminatory immigration laws.

In another major decision issued at the end of the term, *United States v. Alvarez*, the Court ruled that the Stolen Valor Act violates the First Amendment. The Act made it a federal crime to lie about receiving military honors. Justice Kennedy's plurality opinion emphatically rejected the government's contention that false statements of fact are categorically unprotected by the First Amendment. "The remedy for speech that is false is speech that is true," he wrote. "This is the ordinary course in a free society."

The ACLU was involved in many other cases this term, of which several are worth mentioning. In *United States v. Jones*, the Court held that the placement of a GPS device on a suspect's car constitutes a search under the Fourth Amendment. This was the first time the Supreme Court considered the constitutionality of modern location-tracking technology, and the ACLU has been working since to ensure it applies as broadly as possible.

A number of cases resulted in important wins for criminal defendants. In *Missouri v. Frye* and *Lafler v. Cooper*, the Court held that the Sixth Amendment right to effective legal representation applies at the plea bargaining stage, as we had argued. In *Maples v. Thomas*, the Court reinstated the habeas corpus petition of a



death row inmate—as we had urged—excusing his late filing on the ground that he had been effectively abandoned by his lawyers. Finally, in *Dorsey v. United States*, the Court ruled that the Fair Sentencing Act, which substantially reduced the racially biased disparity in federal sentences between crack and powder cocaine, applied to anyone sentenced after the law went into effect, regardless of when the crime was committed. The ACLU had argued for retroactive application of the law, which we previously had been instrumental in helping enact.

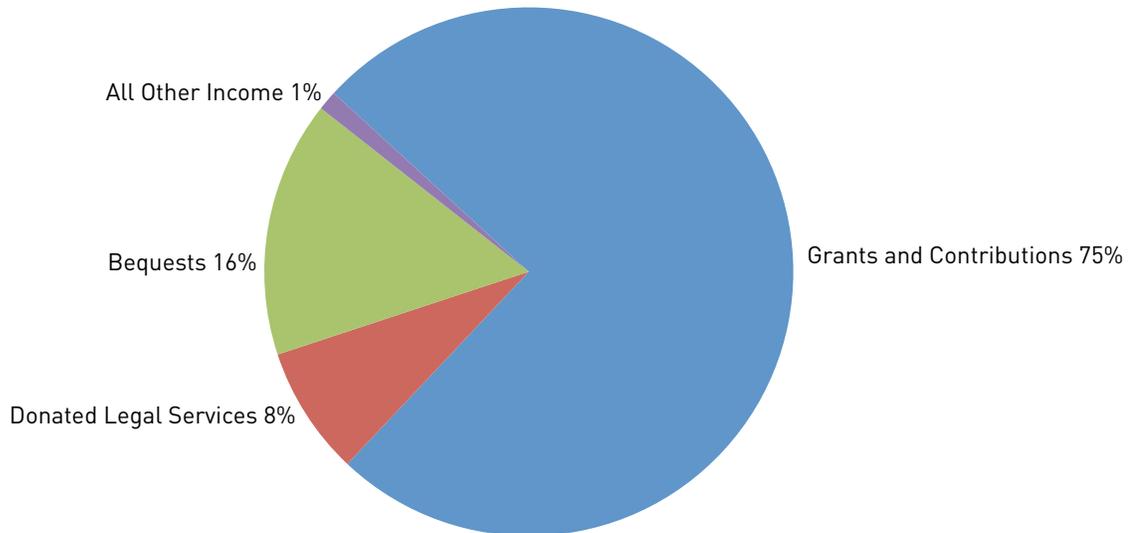
Next term is shaping up to be another blockbuster. The Court has already agreed to decide whether our plaintiffs—which include labor, media, and international human rights organizations whose work depends on their ability to communicate in confidence—can challenge the constitutionality of a law that gives the government unprecedented authority to monitor international emails and phone calls by Americans.

**“While disappointed by the Court’s unwillingness to confront the racial discrimination inherent in SB 1070, the ACLU is already challenging SB 1070 and copycat laws in other states on such grounds.”**

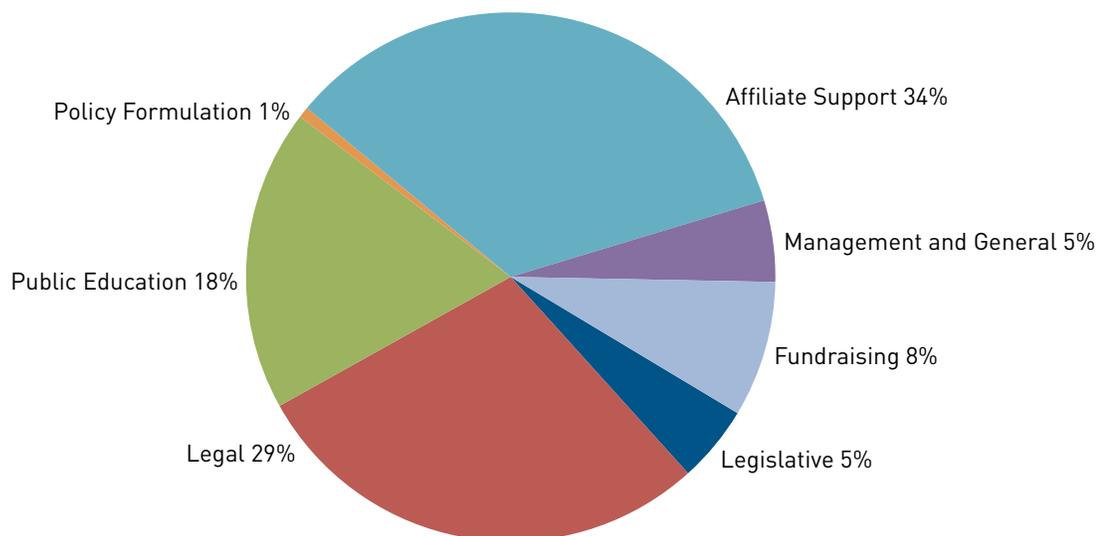
# FINANCIAL STATEMENT

Consolidated Statement of Activities for American Civil Liberties Union, Inc., American Civil Liberties Union Foundation, Inc. and Subsidiary  
Year Ended March 31, 2012 (with summarized comparative information for the year ended March 31, 2011)

## FY12 INCOME



## FY12 EXPENSES



Support and Revenue	FY2012				FY2011
	Unrestricted	Temporarily Restricted	Permanently Restricted	Total	Total
<b>Support</b>					
Grants & Contributions	53,095,682	22,653,367	151,126	75,900,175	77,298,193
Donated Legal Services	7,960,818			7,960,818	10,581,619
Bequests	15,538,331	287,500		15,825,831	17,848,990
<b>Total Support</b>	<b>76,594,831</b>	<b>22,940,867</b>	<b>151,126</b>	<b>99,686,824</b>	<b>105,728,802</b>
<b>Revenue</b>					
List Rentals	138,380			138,380	61,128
Rental Income	1,005,407			1,005,407	524,366
Pamphlet and Book Sales	8,482			8,482	14,816
Other Income	56,649			56,649	55,078
<b>Total Revenue</b>	<b>1,208,918</b>			<b>1,208,918</b>	<b>655,388</b>
Net Assests Released from Restrictions	26,237,226	(26,237,226)	-	-	-
<b>TOTAL SUPPORT AND REVENUE</b>	<b>104,040,975</b>	<b>(3,296,359)</b>	<b>151,126</b>	<b>100,895,742</b>	<b>106,384,190</b>

### Expenses

<b>Program Services</b>					
Legislative	5,205,384			5,205,384	2,003,632
Legal	31,644,009			31,644,009	32,890,954
Public Education	20,443,766			20,443,766	20,709,602
Policy Formulation	739,053			739,053	1,764,347
Affiliate Support	37,980,541			37,980,541	38,423,804
<b>Total Program Services</b>	<b>96,012,753</b>	<b>-</b>	<b>-</b>	<b>96,012,753</b>	<b>95,792,339</b>
<b>Supporting Services</b>					
Management and General	5,506,496			5,506,496	5,001,579
Fundraising	9,198,916			9,198,916	8,174,809
<b>Total Supporting Services</b>	<b>14,705,412</b>	<b>-</b>	<b>-</b>	<b>14,705,412</b>	<b>13,176,388</b>
<b>TOTAL EXPENSES</b>	<b>110,718,165</b>	<b>-</b>	<b>-</b>	<b>110,718,165</b>	<b>108,968,727</b>
Change in Net Assets Before Other Changes	(6,677,190)	(3,296,359)	151,126	(9,822,423)	(2,584,537)

### Other Changes in Net Assets

Legal Expenses Awarded, Net	2,374,888			2,374,888	2,189,804
Net Investment Income, Gains and Losses	(5,920,012)	275,076		(5,644,936)	29,039,127
Changes in Value of Split-Interest Agreements	(763,886)	(153,850)		(917,736)	(225,626)
Loss on Uncollectible Pledge	-	-		-	(250,000)
Reclassification of Net Assets		(1,200,000)	1,200,000	-	
Minimum Pension Liability Adjustment	(15,147,408)			(15,147,408)	(437,161)
<b>Total Other Changes in Net Assets</b>	<b>(19,456,418)</b>	<b>(1,078,774)</b>	<b>1,200,000</b>	<b>(19,335,192)</b>	<b>30,316,144</b>
<b>CHANGE IN NET ASSETS</b>	<b>(26,133,608)</b>	<b>(4,375,133)</b>	<b>1,351,126</b>	<b>(29,157,615)</b>	<b>27,731,607</b>

### Net Assets

Beginning	173,699,841	68,843,596	39,002,209	281,545,646	253,814,039
Ending	147,566,233	64,468,463	40,353,335	252,388,031	281,545,646

# WAYS TO GIVE

The ACLU's work to safeguard the individual rights and liberty of everyone in this country would not be possible without the commitment of our generous donors. There has never been a more important time to support our work.

You can support the ACLU in a number of ways, and the vehicle of giving you choose can be used to boost your financial leverage, tax savings, and the impact of your philanthropy.

**Gifts by Check:** Checks may be made payable to "ACLU Foundation" and mailed to ACLU Foundation, Office of Leadership Gifts, 125 Broad St., 18th Fl., New York, NY 10004.

**Appreciated Stock, Bonds, and Other Marketable Securities:**

Please contact Jeffrey Outler at the ACLU with your name and the type and number of shares at 212.549.2573 or via e-mail at fdngift@aclu.org.

You do not report capital gain on securities donated to the ACLU Foundation. In most cases, we are able to accept restricted shares that are subject to lock-up periods.

Stock transfer instructions:

DTC #: 0226

Account Name:

ACLU Foundation

Account #: AB2-027707

Brokerage: State Street Global Markets, Boston, MA

**IRA Charitable Rollovers and Roth IRA Conversions:** Please check with us about the status of the law that provides for direct charitable rollovers from IRAs, and about whether you may be able to structure a gift to avoid the income tax you would otherwise pay on a Roth conversion.

**Non-Tax-Deductible Giving:**

Please consider making a non-deductible gift to the ACLU's 501(c)(4) arm, which can be used more flexibly for our most pressing priorities, including legislative lobbying. Checks can be made payable to "ACLU" and mailed to ACLU, Office of Leadership Gifts, 125 Broad St., 18th Fl., New York, NY 10004. Please call Jeffrey Outler at 212-549-2573 for wire or stock transfer instructions.

**Donor Advised Funds:** You may recommend a donation to the "American Civil Liberties Union Foundation, Inc.", tax ID # 13-6213516, Office of Leadership Gifts, 125 Broad St, 18th Fl., New York, NY 10004.

**Beneficiary Designations:** To name the ACLU as beneficiary of a life insurance policy, an IRA, Keogh, 401(k), 403(b) or other qualified retirement plan, please provide the following information to your financial institution: American Civil Liberties Union Foundation, Inc., 125 Broad Street, 18th Floor, New York, NY 10004-2400. Tax I.D.#: 13-6213516.

**Life Income Gifts:** Make a contribution today and receive lifetime payments in return. In many cases, you can increase your income, enjoy a current tax deduction, avoid capital gains taxes, and reduce your potentially taxable estate.

**Bequests:** For sample bequest language, please visit: [www.aclu.org/bequest](http://www.aclu.org/bequest) or call to speak with a member of our Planned Gift staff at 877-867-1025.

**Real Estate, Business Interests, Artwork, Royalties, and Other Property:** There is a variety of gift arrangements that can be used with a range of property. Possible benefits include structuring estate tax strategies to provide for family inheritance; or funding a stream of payments for your own retirement, the support of a family member, college tuition, or other purpose. Details of plans will vary; please contact us for details.

**For further information,** contact Jeff Vessels, Director of Leadership Gifts, at 212-549-2503 or [jvessels@aclu.org](mailto:jvessels@aclu.org).

