

# ACLU

ANNUAL REPORT  
2023





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## Message from the President

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For me, one of the highlights of 2023 is also a source of inspiration for the year ahead: the ACLU National Advocacy Institute (NAI), an annual gathering of young people eager to learn about grassroots organizing, professional advocacy, and legal activism.

During sessions in Atlanta, Montgomery, New York, and Washington, D.C., leaders from the ACLU and partner organizations met with the NAI students. Chase Strangio, the ACLU's deputy director for trans justice, discussed the unprecedented surge in legislation attacking transgender people, particularly trans youth. During the 2023 legislative session, more than 500 anti-LGBTQ bills were introduced, many of which were anti-trans health care bills. Chase spoke about these bills, their effects on young people, and how we can fight back—together.

With these lessons in mind, NAI students took to the streets of D.C., holding a trans justice rally that featured speakers from ages 17 to 73. Such events embody the spirit of the ACLU: bringing the trailblazers of one generation together with those who will carry on the fight in the future.

I look forward to 2024 with appreciation for all we've achieved, renewed hope for battles still to be won, and deep gratitude for you, our steadfast supporters.



In solidarity,

A handwritten signature in black ink that reads "Deborah N. Archer".

Deborah N. Archer  
President

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## Message from the Executive Director

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As we head into a pivotal election year, I am heartened by our hard-won victory in *Allen v. Milligan* in June, which struck down Alabama's racially discriminatory congressional map. The Supreme Court's ruling in this case now benefits a dozen of our other redistricting lawsuits.

We can also take heart from the Supreme Court's decision upholding the Indian Child Welfare Act, which keeps Native families together and safeguards tribal sovereignty. Unfortunately, the court issued devastating decisions on affirmative action and LGBTQ equality that reverse decades of progress. Our response, as always, is to come back stronger with new strategies, such as our State Supreme Court Initiative, which aims to protect and expand our rights via state supreme courts.

Our political work was just as impactful as our legal work—as we helped lead an effort to successfully enshrine abortion rights in the Ohio constitution through a ballot referendum. Beyond contributing millions of dollars towards the effort, thousands of card-carrying ACLU members volunteered to protect reproductive freedom.

What sustains me year after year is the knowledge that you, our supporters, share our vision of a future where "We the People" means all of us. Thank you for being in this fight.



For the people,

A handwritten signature in black ink that reads "Anthony D. Romero".

Anthony D. Romero  
Executive Director

# In Defense of Democracy

Facing threats to our fundamental rights, the ACLU persevered for liberty, justice, and equality in 2023.

This year, the battle lines between those who seek to undermine democracy and those who strive to achieve its true promise became starker every day. The ACLU was built for these times.

Throughout the past year, we laid the groundwork for ensuring the integrity of the 2024 elections while establishing new initiatives to fuel our long-term vision. Our staff was on the ground in all 50 states, D.C., and Puerto Rico, working in courtrooms, statehouses, and public forums.

Despite tough obstacles, we made progress in our fights for reproductive freedom and LGBTQ equality, free speech and immigrants' rights, criminal justice, and the right to vote—the foundational franchise upon which all other civil rights and civil liberties rest. With your unwavering support, the ACLU's impact remains vital.

## Protecting the Vote

As the insidious “big lie” of election fraud in the 2020 elections persists, the ACLU has committed tremendous resources to preserving democratic norms. This year, we advanced voting rights in fundamental ways that improve the elections landscape before the 2024 presidential contest. Our huge win at the U.S. Supreme Court in *Allen v. Milligan* paved the way for fairer, more representative congressional maps in Alabama and Louisiana, and we successfully challenged unfair maps in Florida and Georgia.

The right to vote, especially for marginalized people, remained under siege in 2023. State by state, the ACLU pursued strategies to make voter registration easier, trained volunteers and election officials to maintain the integrity of voting infrastructure so that all eligible votes are counted, and blocked voter suppression efforts that targeted voters of color, voters with disabilities, and other historically disenfranchised communities.



Student Activists from the  
ACLU National Advocacy Institute

## Defending Bodily Autonomy

Our litigation to block abortion bans in states hostile to reproductive rights this year has protected access for millions of people around the country. We filed a lawsuit to prevent prosecutors in Alabama from targeting providers, abortion funds, and even family members who help people travel for abortion care outside the state, and we blocked a similar law in Idaho. With our partners, we also dedicated our full legal, political, and organizing firepower to keeping medication abortion available for the many people who use it.

At the same time, we defended the right of transgender people in Kansas to have authentic gender markers on their driver's licenses, we made it easier for transgender people in Montana to update their birth certificates, we blocked an effort to keep a 12-year-old transgender girl in West Virginia from participating in school sports, and we protected the privacy of transgender students at

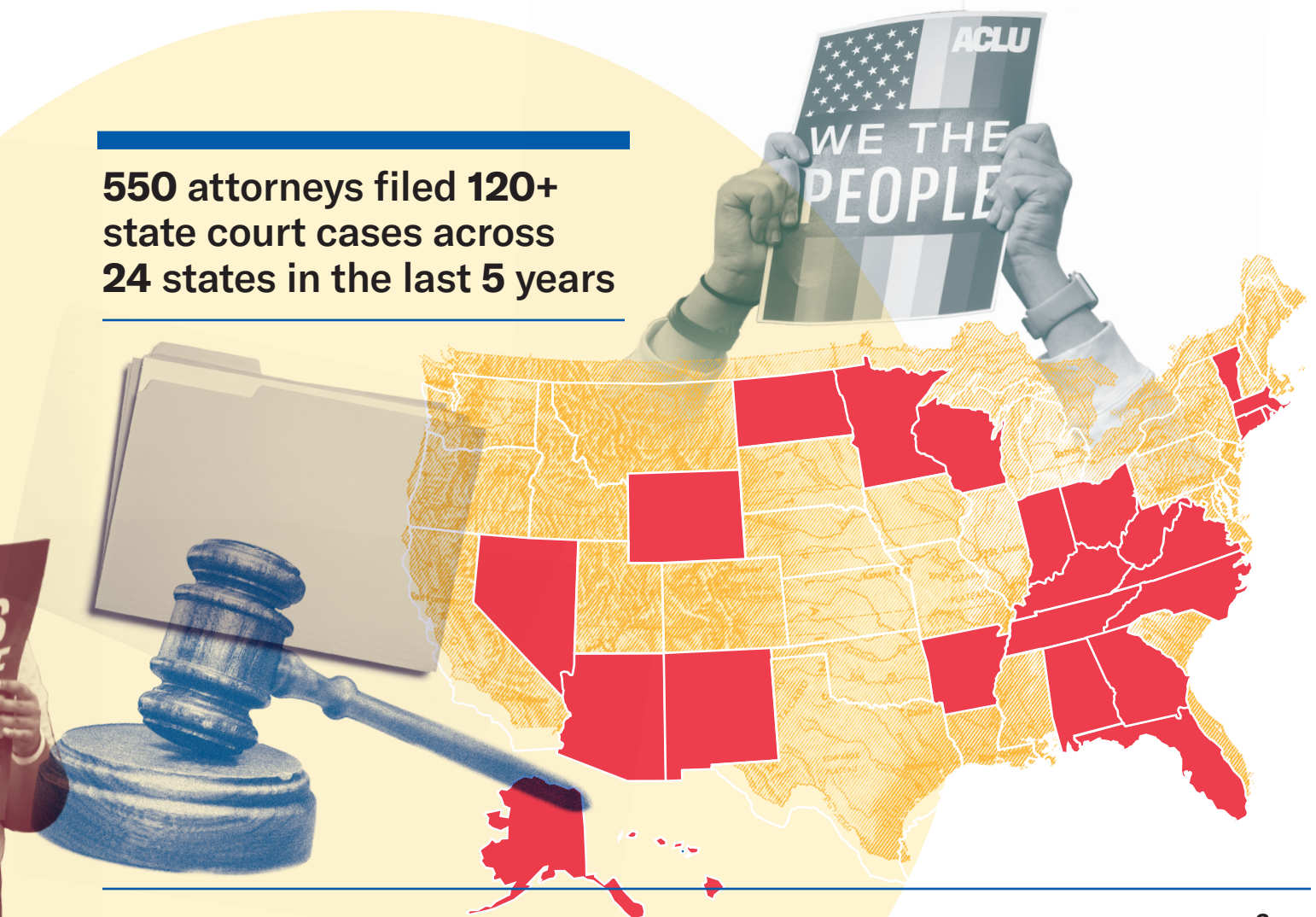
schools all over the country. Crucially, we challenged bans on gender-affirming health care in nine states, initially blocking them in six.

## Advancing Racial Justice

The fight for racial justice weaves through all our work—from voting to abortion rights—as the full promise of every civil right and civil liberty depends upon it. We challenged a Florida property law that discriminates against Chinese citizens, agreed to settle a case that will help the South Carolina chapter of the NAACP collect data to help tenants facing eviction, and filed a lawsuit in Chicago to challenge discriminatory lending policies that harm Black women. Meanwhile, the dozen state affiliates of our Southern Collective took aim at the anti-voter laws, police violence, and environmental racism that disproportionately impact communities of color across the South.

The next phase of our ambitious Systemic Equality agenda focuses on the fight for fair housing, voting *continued >*

**550 attorneys filed 120+ state court cases across 24 states in the last 5 years**



rights, criminal legal reform, economic justice, and education equity. We're using litigation, advocacy, and public education to advance laws and policies rooted in racial equity and to end discriminatory policies, laws, and practices that have an outsized impact on Black communities. This means strengthening equal access to the ballot, investing in education and mental health services, reducing the racial wealth gap, and ensuring all students have equal access to high-quality education in safe schools.

## Advocating at the Supreme Court

The ACLU completed the recent U.S. Supreme Court term on the winning side of 11 of the 18 cases in which we filed briefs. We played a role in two critical wins for voting rights. We were co-counsel in *Allen v. Milligan*, in which the court affirmed that the Alabama state legislature's congressional redistricting maps were unconstitutional because they deliberately diluted Black voting power. And we were amicus in *Moore v. Harper*, in which the court dismissed a radical argument that would have opened the gate further to partisan gerrymandering and racial discrimination in voting.

In another major victory, the court safeguarded tribal sovereignty and ensured Native families will stay together by upholding the constitutionality of the Indian Child Welfare Act in *Brackeen v. Haaland*, for which we filed an amicus brief. And in a win for free speech rights, the court ruled in *United States v. Hansen* that the government cannot criminalize speech that merely encourages a noncitizen to enter or stay in the United States unlawfully.

We're also responding to painful setbacks at the Supreme Court this year, as it overturned affirmative action—restricting schools' ability to address racial inequalities in education—and turned back the clock on equality by allowing certain businesses to discriminate against customers based on sexual orientation.

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**We launched several specialized initiatives that will allow us to respond nimbly as the political and judicial landscapes shift.**

**Protesters for Affirmative Action at the Supreme Court**



## Launching New Initiatives

This year, we launched several specialized initiatives that will allow us to respond nimbly as the political and judicial landscapes shift. Through our **State Supreme Court Initiative**, we're growing our litigating capacity in the states to fight for the expansion of civil rights and civil liberties through state supreme courts—which offer promise in the face of a hostile federal judiciary. With two experienced litigators leading the efforts, we've already challenged a ban on abortion and gender-affirming care in Nebraska and filed an amicus brief in a challenge to an unconstitutional redistricting plan in Utah.

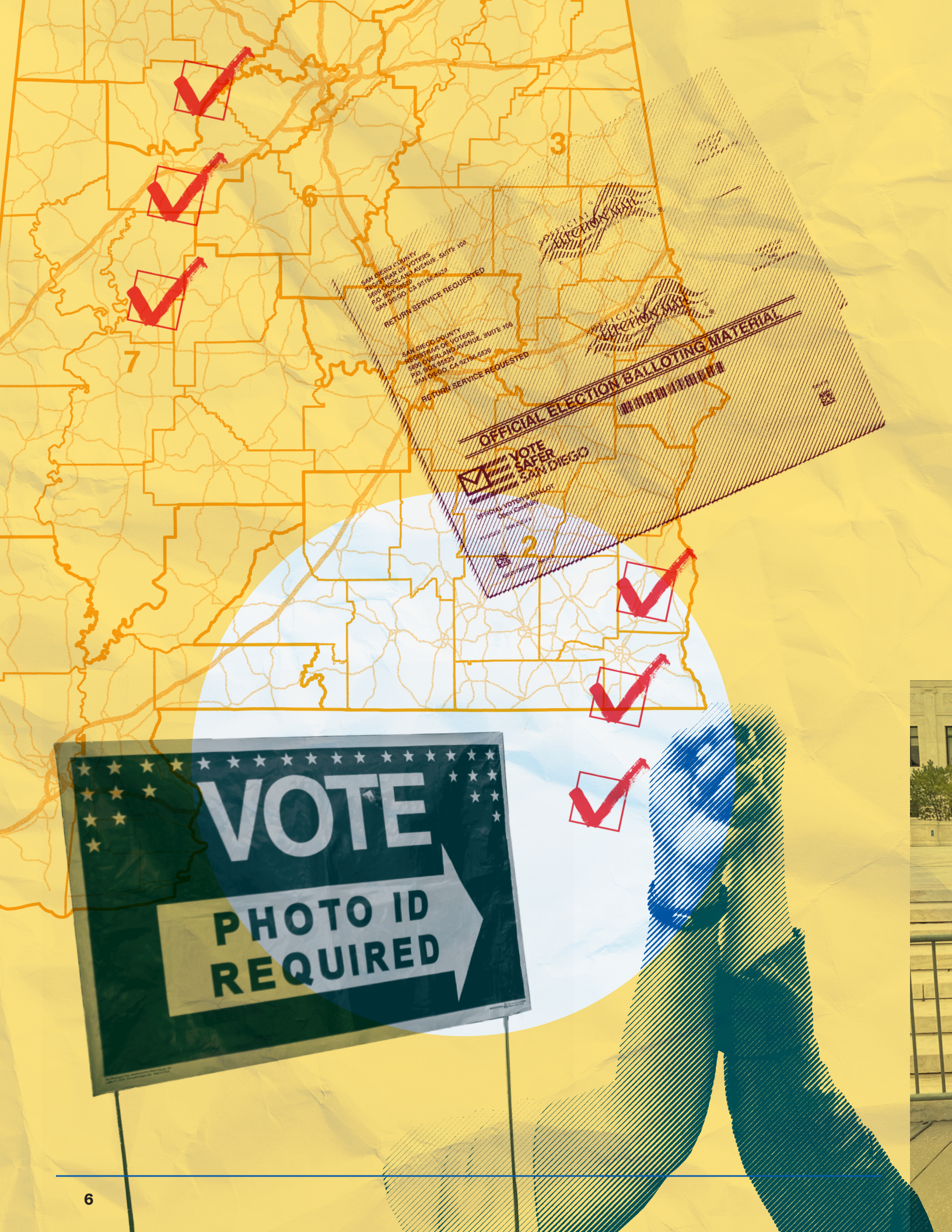
In our expanding **Battleground States Initiative**, we're executing a campaign to protect voting integrity and strengthen the right to vote in Arizona, Georgia, Michigan, Nevada, Pennsylvania, and Wisconsin throughout the 2024 election cycle. This means bolstering election infrastructure, recruiting local poll workers and election administrators, advancing policies that secure and expand access to the vote for disenfranchised voters, and combating misinformation and disinformation

through voter education. We will be responsive to the highest democracy threats in each battleground state as we develop a playbook that can be scaled nationally.

In response to the Supreme Court ripping away the federal protections of *Roe v. Wade* and state legislators expanding the criminalization of abortion care, the ACLU has launched the **Abortion Criminal Defense Initiative**, a nationwide system for providing high-quality criminal defense lawyers to those who are investigated and prosecuted for providing, assisting, or receiving abortion care.

Our efforts to advance the cause of liberty and justice would not be possible without your dedicated support, and we thank you for your commitment to our shared, centurylong mission to defend democracy and protect the civil rights of everyone—this year and in the years to come. ■





SAN DIEGO COUNTY  
REGISTRAR OF VOTERS  
5800 OVERLAND AVENUE, SUITE 100  
P.O. BOX 95520  
SAN DIEGO, CA 92194-0520  
RETURN SERVICE REQUESTED

SAN DIEGO COUNTY  
REGISTRAR OF VOTERS  
5800 OVERLAND AVENUE, SUITE 100  
P.O. BOX 95520  
SAN DIEGO, CA 92194-0520  
RETURN SERVICE REQUESTED

**VOTE SAFER**  
SAN DIEGO

OFFICIAL VOTER'S BALLOT  
Over Castballot  
PRIORITY MAIL PERMIT NO. 370 SAN DIEGO, CA 92161

**OFFICIAL ELECTION BALLOTING MATERIAL**

**VOTE**  
**PHOTO ID  
REQUIRED**



# Safeguarding Voting Rights

The ACLU is leveraging our on-the-ground presence in every state, D.C., and Puerto Rico to defend and expand the right to vote.

With the 2024 elections on the horizon, assaults on our voting rights continue unabated—from wide-ranging voter suppression efforts to racial gerrymandering and other tactics designed to disenfranchise voters of color. With your support and advocacy, we have mounted a robust defense against these anti-voter attacks. We spent the past year deploying strategic litigation and advocacy to fight for fair maps, voter restoration, policies that make voting easier, and equal access to the ballot, especially in the South.

While the “big lie” of election fraud remains a threat to our democracy, the U.S. Supreme Court unexpectedly bolstered voting rights in two critical cases. We submitted an amicus brief in *Moore v. Harper*, in which the court forcefully rejected the

radical “independent state legislature theory,” ruling that the U.S. Constitution’s elections clause does not allow state legislatures to ignore their own state constitutions when making rules for federal elections. And we secured a historic, far-reaching win in *Allen v. Milligan*, in which the court affirmed our claim that Alabama’s 2021 congressional map violated the Voting Rights Act by unfairly diluting Black voting power. This ruling may positively impact 12 active ACLU redistricting cases.

These victories have a direct impact on individual voters, such as activist and veteran Shalela Dowdy. One of the plaintiffs in *Allen v. Milligan*, Shalela is an Alabama native who joined the suit to make sure that the voice of everyday Alabamians is heard.



The Legal Team of *Allen v. Milligan*

## Client and activist Shalela Dowdy spoke to the ACLU about the significance of the Alabama redistricting case *Allen v. Milligan*:

The priorities of Black Alabamians are not being reflected in the state's politics. The state leadership doesn't look like what our state looks like. The bills passed in our statehouse are only reflective of a certain percentage of Alabamians. And then those who represent us in Congress and the Senate are only one demographic. It's as if the voices of Black voters in Alabama are silenced.

Mobile, Alabama, is my hometown. I knew with the 2020 census comes the redrawing of the maps. And I knew what the map looked like beforehand and what the Black population in the state was. I was in a fellowship with the Southern Coalition for Social Justice, where my goal was to educate people on what redistricting is and play a role in informing our legislation. I spoke at one of the public hearings in front of the state legislators who were part of the redistricting committee, and everybody was

advocating around the state to make sure the Black vote did not get diluted.

We have seven congressional districts, and in the new map, only one of the districts was drawn in a way where a Black candidate could be elected. That gave the Black population of Alabama only 14 percent representation when according to the 2020 census, the Black population of Alabama is around 27 percent. We should have two districts out of the seven. I was not surprised when I saw the maps. It just was disheartening to see that the voices of the people who spoke out about the maps went unheard.

**“If your vote wasn't powerful, they wouldn't be making it harder for you. Simple as that.”**

## ACLU Impact

### ALABAMA

In *Allen v. Milligan*, the U.S. Supreme Court ruled in our favor in a challenge to Alabama's racially discriminatory congressional map, which violated the Voting Rights Act by unfairly diluting Black political power.

### FLORIDA

In response to our challenge, a federal court blocked a provision of a Florida law that targets community-based organizations performing voter registration.

### GEORGIA

In our challenge to Senate Bill (SB) 202, we won two preliminary injunction motions blocking a ban on providing food and water to voters waiting in line and a birthdate requirement on mail-in ballot return envelopes. We also won a ruling that Georgia's state legislative district maps discriminate against Black voters and must be redrawn.

### MISSISSIPPI

A federal court granted our request to block SB 2358, which would significantly diminish access to the ballot for Mississippians who need assistance with voting.

### NORTH CAROLINA

We were amicus in *Moore v. Harper*, in which the U.S. Supreme Court ruled in a landmark decision that the Constitution's elections clause does not allow state legislatures to ignore their own state constitutions when making rules for federal elections.

### SOUTH CAROLINA

A federal court ordered the state to redraw its congressional map, ruling that a district anchored in Charleston County is a racial gerrymander. The Supreme Court has heard an appeal of that ruling.

### TEXAS

We won a motion for summary judgment in our challenge to a provision of SB 1 that requires election officials to reject mail ballots and applications for ID mistakes on elections paperwork.

I chose to get involved in this case because I was doing work centered around redistricting, and I didn't see a lot of people in my area of the state doing this work. We needed a plaintiff from every district, and I said, sign me up to represent the first congressional district. I'm ready.

Even though this was about Alabama, minorities and those who consider themselves allies all need to be amplifying this case. It's about representation and who's going to vote and care about not only Black citizens but all the citizens in their area.

I hear on a consistent basis, "Oh, I'm not going to vote. My vote doesn't matter. Nothing changes." But I always take it back to where we've come from. Somebody had to fight for us to get at least where we are now. We should not get comfortable, because the

playing field is not even. Alabama is leading the way in this Black vote dilution cause, and Alabama kind of led the way in voting rights back in the day. Bloody Sunday, they were literally trying to cross a bridge in Selma to walk 40 to 50 miles to register to vote.

What I try to do is talk about these voter suppression laws being passed across the country. I know people who sit in line for eight hours to vote because in Black communities they don't have as many voting machines; they want to encourage you not to vote. So, I talk about where we've been, where we're going. If your vote wasn't powerful, they wouldn't be making it harder for you. Simple as that. ■

You can listen to Shalela Dowdy's full episode of *At Liberty and more* at [aclu.org/podcast](https://www.aclu.org/podcast).

**Shalela Dowdy,**  
**ACLU Client**  
**and Activist**



# Protecting Reproductive Freedom

Across the country, the ACLU is tackling the criminalization of abortion care head on.

The ACLU is hard at work containing the fallout from the Supreme Court's disastrous *Dobbs v. Jackson Women's Health Organization* ruling, which revoked the federal constitutional right to abortion and put the health care of millions in jeopardy.

With our many supporters and partners, we've litigated to block severe restrictions and bans in 11 states and are currently protecting access in four of these states plus Guam; we've pushed to enshrine the right to abortion in state constitutions; and we've fought successfully to keep mifepristone—a medication used in half the abortions in the country—legally available and accessible as the case works its way through the appeals process and as we prepare for a Supreme Court ruling in 2024.

We have also moved to protect the well-being of those ensnared by these anti-abortion laws through our new Abortion Criminal Defense Initiative (ACDI). Co-led by former trial public defender Lauren Johnson, the ACDI harnesses the ACLU's strengths in abortion rights advocacy and litigation to defend those who face criminal investigation and prosecution related to abortion care.

## Lauren Johnson shared the importance of defending abortion providers against criminalization:

As a public defender in Washington, D.C., I witnessed how our criminal legal system is weaponized to unjustly constrain the freedom, dignity, and well-being of people, especially those in marginalized communities. I saw the devastating toll the system has taken and continues to take. The criminalization of abortion care is another way in which our criminal legal system is being wielded to control the bodies and futures of people who are disproportionately Black, Brown, and low-income.

The Supreme Court's decision to overturn *Roe v. Wade* continues to have life-altering and life-threatening consequences. With more than a dozen states banning abortion, a climate of fear and confusion has since loomed over health care providers, abortion funds, helpers, and anyone seeking to end their pregnancy.

Beyond exerting direct control over our bodies and our health, abortion bans and other criminal laws give prosecutors license to investigate, arrest, and prosecute people who provide necessary health care.

Lauren Johnson,  
Director, Abortion Criminal Defense Initiative



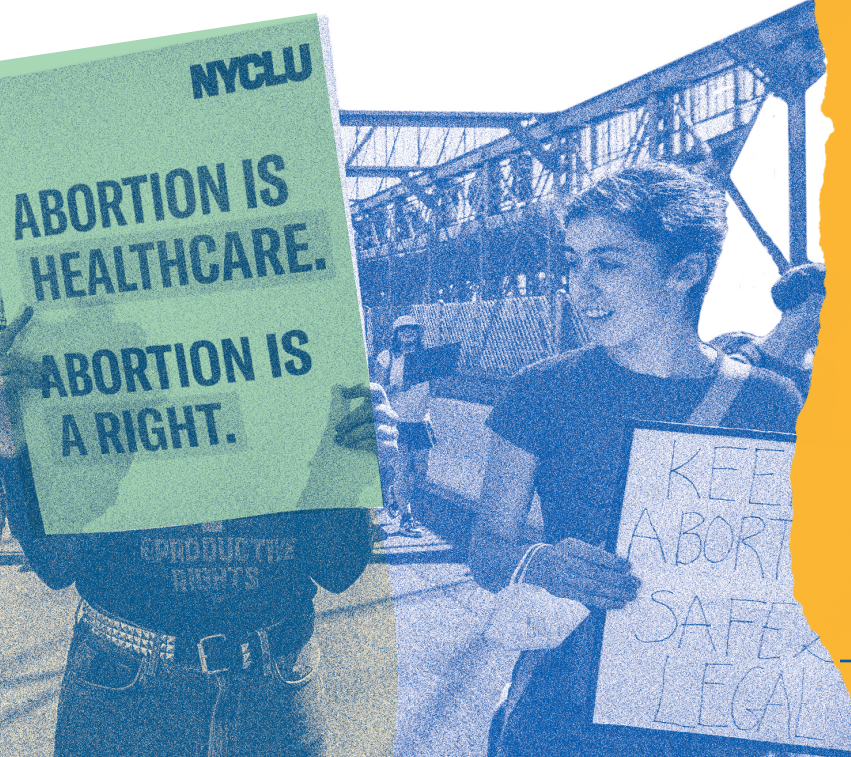
In some instances, bans and laws can be used or misused to target patients and other people who help them get the care they need. In state legislative sessions across the nation, lawmakers continue to push for more ways to restrict abortion and criminalize those who provide abortion care.

Criminalizing abortion care is wrong, and we're fighting back. The ACLU has a long history of seeking transformational change in our criminal legal system and protecting people's reproductive freedom. In this moment of crisis, we have brought together our expertise in both areas to launch the ACDI, which I am proud to lead.

Through the ACDI, the ACLU will fight on behalf of providers, supporters, and patients who face criminal investigation and prosecution related to abortion care. We have a presence in every state, Washington, D.C., and Puerto Rico, and we will build a strong network of experienced criminal defense attorneys to provide a zealous criminal defense.

For years, we have challenged abortion bans across the nation and been a leader in the fight to protect and expand access to abortion care. Leveraging our deep expertise in criminal defense and advocacy for reproductive freedom, the ACLU is prepared to meet the current moment. As we continue to work towards a world where everyone can get the reproductive care they need, we won't back down from defending the rights and dignity of individuals to make decisions about their bodies and their futures. ■

*To learn more about the ACDI and how to seek legal representation for prosecution related to abortion care, visit [aclu.org/acdi](https://aclu.org/acdi).*



## ACLU Impact

### ALABAMA

We have filed suit to prevent the Alabama attorney general and district attorneys from prosecuting those who assist Alabamians in traveling across state lines to access abortion care where abortion is legal.

### FLORIDA

We joined with Planned Parenthood and the Center for Reproductive Rights to challenge the state's 15-week abortion ban, and this case is now before the Florida Supreme Court.

### GUAM

We blocked the Guam attorney general's attempt to lift an injunction that has been keeping a 1990 abortion ban at bay for decades. If revived, the ban would have forced people to travel several thousand miles each way to obtain an abortion outside of Guam.

### IDAHO

We secured an injunction blocking the Idaho attorney general's legal opinion claiming that health care providers cannot refer patients out of state for abortion care under Idaho's abortion ban.

### IOWA

After the state held a special legislative session this summer and passed a new six-week ban, we filed a challenge with Planned Parenthood and have temporarily blocked the ban.

### NEBRASKA

We filed suit with Planned Parenthood seeking to block the new state law that bans abortion after 12 weeks of pregnancy as well as gender-affirming care for transgender youth.

### NORTH CAROLINA

We filed suit with Planned Parenthood and have temporarily blocked several provisions of the state's new law that severely restricts abortion access and bans abortions after 12 weeks.

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# Advancing LGBTQ Equality

The ACLU is fighting back against a coordinated and political attack on LGBTQ people nationwide.

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Through gender-affirming health care, Parker Saxton has become a funny, outgoing teenager. He loves being in choir, hanging out with friends, and volunteering in his community. But as a young transgender person in Arkansas, he almost saw this lifesaving care taken away. His home state is one of many that have sought to ban gender-affirming care for trans youth. As co-plaintiffs in the ACLU's successful lawsuit striking down Arkansas' ban, Parker and his father, Donnie Ray, know firsthand that progress for LGBTQ rights requires constant vigilance.

More than 500 anti-LGBTQ bills have been introduced in state legislatures in 2023 alone, and a growing number of school districts are attacking inclusive education with classroom censorship laws and book bans. The ACLU continues to push back against these discriminatory laws and policies, which we're mapping with our nationwide tracking system. Through this system, we're publicly documenting and categorizing anti-LGBTQ bills introduced in state legislatures and highlighting efforts to protect LGBTQ people and youth.

Despite setbacks, such as the Supreme Court's ruling in *303 Creative, Inc. v. Elenis* that gives businesses new license to discriminate based on sexual orientation, we have protected trans students' ability to participate in school sports, advocated against drag bans, and blocked a majority of the nine state gender-affirming health care bans we have challenged—including six in 2023—though most have gone into effect as appeals are being litigated. In addition, we celebrated a groundbreaking win against the nation's first categorical ban on gender-affirming care for trans youth in Arkansas.

Trans people like Parker deserve to live authentically and have access to the health care they need to thrive—a beautiful truth that Donnie Ray has discovered.



Parker and Donnie Ray Saxton,  
ACLU Clients

## ACLU client Donnie Ray Saxton shared how gender-affirming care changed his son's life:

I have not always understood what it means to be transgender, and I did not always support transgender rights. But as I watched my son Parker suffer, I learned more, and I keep trying every day to understand what he goes through. Seeing firsthand the benefits of gender-affirming health care for Parker has opened my eyes that this is the right thing.

I wish I could say that my little dude has spent his entire life being comfortable in his own skin, but that is just not true. Before he started his gender-affirming medical care, Parker was depressed, anxious, and withdrawn. I worried for his safety. He wore five sports bras to cover his body and couldn't bear to see himself in the mirror after a shower.

Like all of us, he just wants to look in the mirror and see the person that he is on the inside staring back at him. We all want our kids to be happy and live their best, most productive lives, and this ban would have really put up a roadblock for Parker.

Gender-affirming health care has helped Parker become the happy, healthy, confident guy he is today.

Now he's funny, outgoing, and always ready to face the day. He loves being active in choir, hanging out with his friends, and volunteering in our community. His transformation has been amazing to watch. That's what is so hard about other people trying to take away the medical care that has enabled him to be his best self. I was worried that all the progress Parker has made would be undone.

This law would not have protected kids. It would not have been what is best for teens, or for Arkansas. In our amazing community we are very supported—this is our shelter. The hardest part of this whole thing was the possibility of being forced to leave our shelter for the unknown in another state. If we went somewhere else, he would lose the safety and support of the community that we have here. Parker should not have to leave his home to get his health care.

I'm proud of my transgender son. The health care he needs should never be up for debate. ■

View our nationwide tracking system and take action at [aclu.org/lgbtq](https://aclu.org/lgbtq).

## ACLU Impact

### ARIZONA

The governor issued an executive order removing the ban on gender-affirming surgery for transgender state employees after years of ACLU litigation.

### ARKANSAS

A federal judge overturned the nation's first categorical ban on gender-affirming care for transgender youth in Arkansas, which we first challenged in 2021. The ban never went into effect thanks to ACLU litigation.

### IDAHO

In our lawsuit, an appeals court upheld an injunction against a law barring trans athletes from student athletics. We're also challenging the state's law that criminalizes gender-affirming health care for trans youth.

### INDIANA

We blocked an Indiana law that prohibits health care professionals from providing or even referring transgender youth for medically necessary health care.

### MONTANA

Following our challenge, a state district court judge blocked enforcement of a sweeping state law that would ban transgender youth from accessing age-appropriate gender-affirming health care.

### OKLAHOMA

We've secured a nonenforcement agreement with the state's attorney general, preserving the legality of gender-affirming care until the court can address our motion to bar enforcement of the law prior to trial.

### WASHINGTON

We secured a groundbreaking consent decree requiring Alaska Airlines to remove all gendered restrictions from its uniform policy for flight attendants.

### WEST VIRGINIA

The U.S. Supreme Court rejected an effort by West Virginia's attorney general to block a 12-year-old trans girl from participating in school sports with her peers, which we first challenged in 2021.

# Championing Free Speech

The ACLU is protecting the First Amendment rights of everyone—from students and journalists to protesters and drag performers.

A vibrant democracy depends on unfettered freedom of expression, yet state legislatures around the country are introducing classroom censorship bills and book bans that deprive students of their right to learn and encounter new ideas. Teenagers like Ella Scott, who co-created a banned book club at her Texas high school, understand the ways that these assaults on free speech damage our ability to safeguard other fundamental rights.

This past year, the ACLU vigorously championed freedom of expression by combating threats to free

speech and privacy from surveillance, censorship, and anti-protesting laws. We worked to protect drag performances and LGBTQ voices, journalists facing prosecution for reporting that contradicts official government narratives, and people's right to criticize public officials. We opposed state authorities seeking to impose criminal penalties on those who give out-of-state referrals for abortion care or gender-affirming health care, and our Right to Learn campaign pushed back against state and local efforts to exclude and erase students of marginalized groups.

Courts upheld the First Amendment more reliably than some other civil rights and liberties also championed by the ACLU. In May, we celebrated the Supreme Court's unanimous decisions in two important digital free speech cases that will ensure online platforms remain free to promote and recommend content without legal risk. In another case, the court ruled that the government cannot criminalize speech that merely encourages a noncitizen to enter or stay in the U.S. unlawfully.

Backed by our devoted supporters, these efforts are crucial to the freedom of future generations—led by activists like Ella—to learn, speak, and assemble as they wish.



Ella Scott, Activist



## For student-activist Ella Scott, starting a banned books club at her school was her way of fighting for her right to learn:

During my freshman year, the school district began removing books from the English curriculum at my school, Vandegrift High School (VHS), in Austin, Texas. My friend Alyssa and I heard the news through a teacher, and, after finding the list of removed books, we recognized titles we had read and loved such as *The Handmaid's Tale*. We knew we had to do something to show that students not only wanted but also needed these books in the classroom. We reached out to our friends to help us form the VHS Banned Book Club.

In our first year, we read seven books that had been removed from our school district's English reading lists. For each book, we created a statement that we sent to the reconsideration committees—groups of teachers, parents, and librarians that review books and decide whether they remain in our classrooms. Our statements share an overview of the conversations we have in our meetings, what we were able to learn through our reading and discussion, and how this aided our understanding of the world.

At our first meeting, only four people showed up. We kept meeting to raise student awareness, and now we have 28 members. As we read more books, I noticed just how much our club had grown—not just in size but also in confidence. What started as a few friends meeting to read banned books has turned into a community of confident and articulate students who preach their love for these books with passion.

When adults ban books, they attempt to silence ideas that seem unfamiliar to them, concepts that they're afraid to confront. But these books break a barrier and allow students to start conversations about underrepresented ideas and themes. Reading these stories allows us to learn about our society and the world we will one day be responsible for navigating. These books are so much more than what you read in English class; they're an opportunity to start conversations with other students and learn from other perspectives. Countless students—myself included—are prepared to fight for our right to learn. ■

You can join the ACLU's fight for students' right to learn at [aclu.org/righttolearn](https://www.aclu.org/righttolearn).

## ACLU Impact

### ARIZONA

The ACLU achieved a settlement agreement with the Arizona Attorney General permanently prohibiting enforcement of a new Arizona law that would have banned people from recording police, a clear violation of First Amendment rights.

### ARKANSAS

We filed an amicus brief in a lawsuit that blocked Arkansas' Social Media Safety Act, which would have placed unconstitutional age-verification and parental consent requirements on social media users.

### FLORIDA

A federal appeals court left in place our preliminary injunction blocking House Bill 7—also known as the “Stop Wrongs to Our Kids and Employees” (Stop W.O.K.E.) Act—from being enforced in higher education.

### IDAHO

On behalf of two teachers' unions and six professors, we're challenging the No Public Funds for Abortion Act, which criminalizes the use of any public funds to “promote” or “counsel in favor of abortion.”

### MONTANA

The ACLU and Electronic Frontier Foundation filed an amicus brief in the consolidated lawsuits challenging the constitutionality of the state's TikTok ban.

### PUERTO RICO

A U.S. federal district court granted our request to strike down a Puerto Rico law that made it a crime to knowingly raise a “false alarm” about public emergencies.

### SOUTH CAROLINA

With the settlement of a lawsuit filed by the ACLU and NAACP, the South Carolina NAACP secured access to the public docket information it requires to provide services to tenants in eviction proceedings, and to engage in advocacy to enforce fair housing laws.

### UTAH

We won a preliminary injunction enabling Southern Utah Drag Stars to host a family-friendly drag performance in St. George, Utah, after the city had earlier denied them a permit.

# Fighting for Criminal Justice

The ACLU is taking on an unjust criminal legal system and pushing for alternatives to incarceration.

The United States remains the world's largest jailer by far. Rooted in racial injustice, our country's shameful mass incarceration problem is driven by a wealth-based bail system, discriminatory policing, and underinvestment in over-criminalized communities. Long on the front lines of the battle for criminal legal reform, the ACLU spent the past year focused on improving conditions for those ensnared by a broken system.

After a decade of litigation, we won a sweeping injunction requiring major changes in Arizona prisons to bring medical care up to constitutional standards. We published an annual report on trends in clemency, highlighting how state and federal actions can correct injustice, offer second chances, and reverse the country's overreliance on incarceration.

The ACLU's settlement in *Rutherford v. Luna* on behalf of those enduring miserable conditions in Los Angeles County jails represents a watershed moment for decarceration. The groundbreaking agreement marks the first time a sued jurisdiction has agreed that the cornerstone of addressing abysmal conditions and overcrowding is to reduce the number of people being jailed in the first place and to create alternatives to incarceration.

## Jhean Banos is one of the many individuals caught in the system.

His mother, Celia, described how mental illness cycles him in and out of jail, where mental health services are grossly inadequate:

"I became involved in the protesting of the inhumane L.A. County jail system because Jhean was in the reception area for about four days. We noticed on the system that he was not housed yet, even though he had been diagnosed with a severe mental illness. I contacted them, I wanted to find out why was my son not housed, what condition was he in. Then I was contacted by the ACLU, who went to pay him a visit and found out that my son had been handcuffed for 99 hours. Jhean had cuts and bruises on both wrists from being handcuffed for four days.

"This is someone's son. Someone's brother. He's our family member, and he has an illness. Being sick doesn't mean that he is a criminal. My son does not belong in jail. I'm scared for him. What I want to say to the sheriff and the police department is that they need to treat people like humans. We care for pets more than we care for humans, especially inmates that have a record of severe mental illness. We need to treat them as human beings."



After seeing the conditions that those like Jhean were suffering in the Inmate Reception Center (IRC)—waiting days for a bed with little access to food or medication, in an overcrowded space filthy with trash and human waste—the ACLU sought an emergency order from a federal judge to force Los Angeles County and the Los Angeles sheriff to limit wait times and provide adequate medical care at the IRC.

The Rutherford agreement includes crucial reforms that will raise conditions for those incarcerated to constitutional standards of safety, hygiene, and decency. County supervisors must act on their stated “care first, jails last” mandate by creating nearly 2,000 new community beds as alternatives to jailing people with mental illness; increasing mental health staffing in the IRC to screen and prescribe medication for people within 24 hours of their intake; implementing strong limits on how long an incarcerated person may be handcuffed, chained, or tethered; and instituting higher standards for cleanliness and medical and mental health care in the IRC. The ACLU is closely monitoring progress on these reforms.

Humane treatment and alternatives to incarceration are essential for those like Jhean, who cycle in and out of jail because they cannot access necessary mental health care, substance use treatment, or housing. ■



**Celia Banos, Activist**

## ACLU Impact

### ARIZONA

In a lawsuit brought by the ACLU and partners, a federal court ordered sweeping changes to the appalling conditions of Arizona’s prisons to ensure they meet constitutional standards.

### CALIFORNIA

We reached an extraordinary settlement with Los Angeles County in our lawsuit that exposed horrific conditions in county jails, imposing standards for cleanliness and medical and mental health care.

### ILLINOIS

As a member of the Coalition to End Money Bond, the ACLU is working to implement the Pretrial Fairness Act, which the state supreme court upheld in July, making Illinois the first state to abolish cash bail.

### LOUISIANA

The state of Louisiana finally removed all children—nearly all of them Black boys, represented by the ACLU and partners—from the nation’s largest adult maximum security prison, Angola.

### MICHIGAN

We are using the settlement we and our partners reached last year to overhaul the city of Detroit’s bail system, boosting our yearslong effort at legislative bail reform in Michigan.

### PENNSYLVANIA

We continue to litigate our 2021 class-action lawsuit targeting Montgomery County’s practice of jailing people for parole and probation violations for weeks, months, and even years, without a hearing.

### SOUTH CAROLINA

A federal appeals court upheld a district court ruling we won that said a pair of laws allowing elementary and secondary students to be criminally charged for behaviors like cursing was unconstitutional.

### TENNESSEE

After the ACLU and partners pushed Shelby County to revamp its bail system into one of the most release-promoting systems nationwide, we’re now helping the county implement the reforms we drafted.

# Protecting Immigrants' Rights

The ACLU is fighting for a humane asylum system while defending immigrants from exploitation and abusive enforcement policies.

This year, we continued to remedy the xenophobic policymaking of the Trump administration while winning important victories to hold President Biden accountable for his own administration's failed immigration policies.

Under our sustained litigation and advocacy pressure, Title 42, the anti-asylum expulsion program that impacted hundreds of thousands of migrants finally ended, and when the Biden administration quickly established replacement restrictions, we filed two new legal challenges. We wrote an amicus brief in a case before the U.S. Supreme Court, which rejected an effort by Texas and Louisiana to force the administration to arrest migrants more aggressively. And after years of litigation, we reached a settlement in our lawsuit against President Trump's illegal

border wall that requires U.S. Customs and Border Protection to stop further construction and mitigate environmental damage.

In October, we reached a historic settlement involving our yearslong lawsuit on behalf of thousands of families who were illegally separated at the border by the Trump administration. The government agreed to not reenact this zero-tolerance policy, and it will continue to identify separated children and parents, fund their reunification in the United States, and provide a pathway for them to seek asylum here. Families will also have access to benefits such as work authorization, housing and legal assistance, and medical services. We look forward to the settlement being finalized and implemented.



**Maribel Hernández Rivera,**  
ACLU Director of Policy and Government Affairs,  
and her husband

## Maribel Hernández Rivera, the ACLU's director of policy and government affairs, knows what's at stake when we insist on a humane asylum system:

I was born and raised in Mexico City. My father came to the United States when I was a kid. When I was 13, we went to visit him in Houston, and my younger brother and I stayed. I didn't speak any English when I arrived, so I started ESL classes and was lucky to get into a boarding school. My father was so proud of me.

Years later, he passed away in a car accident, but no one contacted our family. I believe it was because they thought he was just another undocumented immigrant, and no one would care. My dad was a handyman, and we didn't find out he had died until days later even though he had his phone and driver's license on him. So many people could've called us—the paramedics, the police, the people at the morgue—and they didn't. That was what made me decide to go to law school. I said, "Okay, I cannot do anything for my dad at this point, but there's so many people like him whose rights are trampled on, who are not seen as human beings. This is how I can honor his legacy."

There are people at the border seeking asylum because they are running for their lives. My husband

is here on Temporary Protected Status from Honduras. He has family members who have been killed. I have family members in Mexico who have been kidnapped by the cartel. I know firsthand that this is not theoretical—these are people dying. The law says you should be able to come and seek asylum if you're being persecuted. But right now, the United States is making it really difficult.

I lead our political advocacy work on immigrants' rights at the ACLU. With this job, I'm able to fight for people who are seeking asylum, for families to remain united, for families like mine. To be able to use all my time and energy to do this work for immigrant communities is a privilege.

We are all human beings. We are going to do the best we can to provide for our families, for ourselves, and to contribute to society. There's this idea of us vs. them, but in the end we're all part of the same community, the same fabric. We should all be protecting each other. ■

## ACLU Impact

> **The Marion County Sheriff's Office** in Florida settled our federal lawsuit for its illegal detention and referral of Neville Brooks, a lawful permanent resident, to U.S. Immigration and Customs Enforcement. The office also made changes to the discriminatory policies that led to Brooks' illegal detention.

> **The Title 42 anti-asylum expulsion program**, which relied on the gross misuse of our public health laws to deny asylum, ended in May, in large part due to numerous ACLU lawsuits and advocacy.

> **In June, we sued when the Biden administration** replaced Title 42 with a combination of two other infamous Trump administration anti-asylum policies: its "entry" and "transit" bans.

> **The U.S. Supreme Court rejected a challenge** from Texas and Louisiana to the Biden

administration's immigration enforcement priorities in *United States v. Texas*, in which we were amicus. The court held that the states cannot force "the Executive Branch to alter its arrest policy so as to make more arrests" because that discretion belongs to the federal government.

> **We condemned Texas Gov. Greg Abbott's** multibillion-dollar, anti-immigrant initiative Operation Lone Star, under which state officials have reportedly been instructed to push young children and nursing mothers back into the Rio Grande.

> **We reached a historic settlement** on behalf of thousands of children and parents who were torn from each other under the Trump administration's illegal and unconscionable practice of family separation.

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# Celebrating Dale Ho and Nusrat Choudhury

Two of the ACLU's own were confirmed  
to U.S. District Court in 2023.

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On June 14, the U.S. Senate confirmed Dale Ho, then-director of the ACLU Voting Rights Project, to the U.S. District Court for the Southern District of New York. The next day, the U.S. Senate confirmed Nusrat Choudhury, then-legal director of the ACLU of Illinois and former deputy director of the ACLU Racial Justice Program, to the U.S. District Court for the Eastern District of New York.

Dale and Nusrat are just the second and third ACLU lawyers to go directly onto the federal bench as Article III judges. The first was Justice Ruth Bader Ginsburg, who was first appointed as a federal judge in 1980 by President Carter after founding and leading the ACLU Women's Rights Project. Nusrat also becomes the first Muslim woman and first Bangladeshi American in history to serve as a federal judge.

A hallmark of Dale's tenure at the ACLU was his exceptional advocacy before the U.S. Supreme Court. This proved instrumental in landmark cases,

notably in the successful challenge against the federal government's attempt to include a citizenship question in the 2020 census.

"Dale's leadership of the ACLU Voting Rights Project during the pivotal 2020 election further exemplified his prowess as a once-in-a-generation lawyer," ACLU Executive Director Anthony D. Romero said. "His relentless pursuit of justice, impartiality, and fairness benefits all Americans, transcends political affiliations, and exemplifies his steadfast dedication to upholding the rights of every citizen. This momentous achievement marks the next chapter in what has already been an extraordinary career dedicated to advancing civil rights and defending democracy."

Nusrat's successful legal challenges during her tenure at the ACLU included four lawsuits against the unlawful jailing of poor people for unpaid fines, which led to a landmark set of reforms in Biloxi, Mississippi, and statewide changes advancing equal treatment for rich and poor in Georgia, Mississippi, South Carolina, and Washington. Nusrat also served as a lead attorney in putative class action litigation against the Milwaukee Police Department's stop-and-frisk practices.

"This significant achievement is an exclamation point on Nusrat's long track record of protecting civil liberties and civil rights. She is a trailblazing civil rights lawyer with a remarkable record of advancing equal justice for all in our nation," Romero said. "Her tireless dedication to civil rights led her to pioneer litigation against practices that punish people for poverty, most notably how efforts to generate local revenue were causing poor people to be jailed for unpaid fines without court hearings. We congratulate Nusrat on this well-earned accomplishment."



# Linh Song's Fire Can't Be Extinguished

The activist and Ann Arbor City Council member is helping the ACLU protect civil rights and liberties in Michigan.

Like everyone at the University of Michigan in the early 2000s, Linh Song was highly aware of the legal battle over her school's affirmative action admissions policies, which had been challenged by a group of white students. Linh, a graduate student in social work and the daughter of Vietnamese political refugees who dealt with poverty during her childhood, was eager to join the fight.

"It was my first time marching," she recalls. It was also her introduction to the ACLU of Michigan, one of the organizations defending the policy. In April 2003, Linh boarded a bus to Washington, D.C., to protest outside the Supreme Court, where arguments were taking place. The experience, she says, "lit this fire in me to more closely follow the ACLU's work."

That fire has never gone out. Linh's social work career soon morphed into community organizing, which led to a stint on the local library board and then to her 2020 election to the Ann Arbor City Council. Along the way, Linh married "skate-punk nerd" Dug, whom she'd met as a student, and they had two children. In 2018, Dug's start-up company, Duo Security—which provides multifactor online authentication—was sold to Cisco Systems, catapulting the family from poverty to wealth in one generation. For Dug, a child of Korean immigrants, and Linh, this was an opportunity to put their values into action.

That's when they created the Song Foundation, whose motto, "Advancing revolutionary ideas rooted in community," is inspired by civil rights activist Grace Lee Boggs. A central philosophy of the foundation is "trust-based philanthropy"—eliminating onerous reporting requirements and allowing nonprofits to be nimbler. Making the ACLU one of their chief grantees, Linh says, was an easy decision.

Even before the foundation was established, Linh and Dug had collaborated with the ACLU on "Promote the Vote," a successful 2018 ballot initiative to strengthen voting rights in Michigan. In May 2022, when the Supreme Court's draft ruling in *Dobbs* leaked—eliminating the right to abortion—Linh's first call was to the ACLU. Soon after the ruling came down, she was out collecting over 5,000 petitions for Prop 3, a landmark ballot initiative to create a state constitutional right to reproductive freedom. The measure passed resoundingly later that year.

It's organizations like the ACLU that "work constantly no matter who's elected," she says. "Where would our country be without the ACLU?"

**"Where would our country be without the ACLU?"**

**—LINH SONG,**  
ACLU Donor and Activist

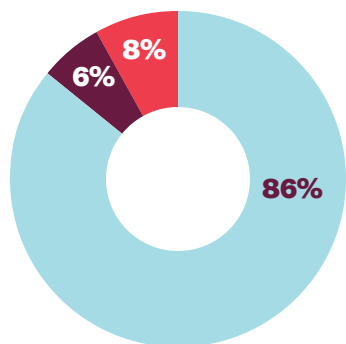


# Financial Summary

The ACLU is composed of two organizations: the American Civil Liberties Union (the 501(c)(4) arm), whose focus is legislative work at the federal and state levels, and the ACLU Foundation (the 501(c)(3) arm), whose focus is litigation and public education. Following is the financial summary for the American Civil Liberties Union, the ACLU Foundation, and consolidated entities (page 22), as well as the ACLU Foundation and subsidiary (page 23), for the years ending March 31, 2023, and March 31, 2022. The accounts and activities of ACLU affiliates are not included in these financial statements.

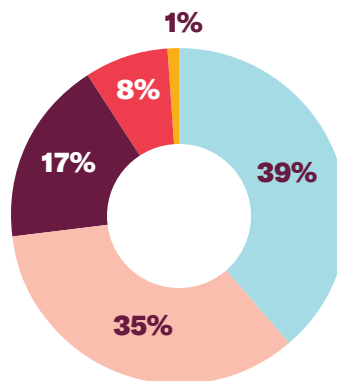
## American Civil Liberties Union, ACLU Foundation & Consolidated Entities

	FY2023	FY2022
<b>Support &amp; Revenue</b>		
Grants & Contributions	\$288,051,797	\$336,763,925
Donated Legal Services	39,375,260	25,253,603
Bequests	41,595,000	35,615,712
Other Revenue	4,648,786	4,169,619
<b>TOTAL SUPPORT &amp; REVENUE</b>	<b>\$373,670,843</b>	<b>\$401,802,859</b>
<b>Expenses</b>		
Program Services:		
Legislative	27,428,497	26,945,082
Legal	120,492,584	94,420,621
Public Education	60,593,666	48,827,173
Civil Liberties Policy Formulation	2,602,655	2,215,579
Affiliate Support	134,314,916	139,376,863
Total Program Services	345,432,318	311,785,318
Supporting Services:		
Management & General	23,161,133	19,817,046
Fundraising	32,577,825	26,426,854
Total Supporting Services	55,738,958	46,243,900
<b>TOTAL EXPENSES</b>	<b>401,171,276</b>	<b>358,029,218</b>
Change in Net Assets Before Other Changes	(27,500,433)	43,773,641
<b>Other Changes in Net Assets</b>		
Net Legal Expenses Awarded	5,073,338	2,459,308
Net Investment Income, Gains & Losses	(33,501,114)	22,212,180
Changes in Value of Split-Interest Agreements	285,936	(212,381)
Recognition of Affiliates' Share of Pension Liability	2,375,382	(3,055,979)
Other Components of Post-Retirement Benefit Cost	8,207,647	11,328,693
<b>TOTAL OTHER CHANGES IN NET ASSETS</b>	<b>(17,558,811)</b>	<b>32,731,821</b>
Change in Net Assets	(45,059,244)	76,505,462
<b>Net Assets</b>		
Beginning	\$24,815,164	748,309,702
Ending	\$779,755,920	\$824,815,164



### Our efficiency

- Total Program Services
- Management and General
- Fundraising



### Program services

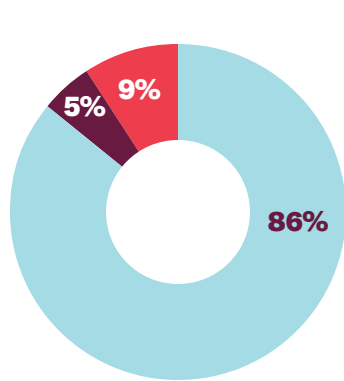
- Affiliate Support
- Legislative
- Legal
- Public Education
- Civil Liberties Policy Formulation



# ACLU Foundation & Subsidiary

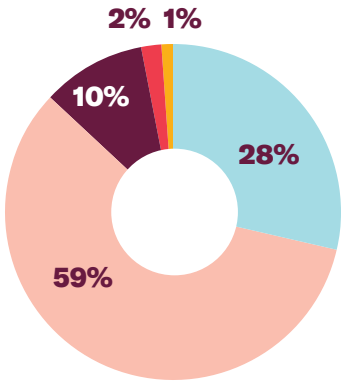
	FY2023	FY2022
<b>Support &amp; Revenue</b>		
Grants & Contributions	\$157,459,541	\$185,930,814
Donated Legal Services	39,375,260	25,253,603
Bequests	26,737,914	27,751,385
Other Revenue	3,694,322	3,159,702
<b>TOTAL SUPPORT &amp; REVENUE</b>	<b>\$227,267,037</b>	<b>\$242,095,504</b>
<b>Expenses</b>		
Program Services:		
Legislative	3,111,576	2,887,869
Legal	113,835,681	88,583,414
Public Education	19,899,907	14,144,639
Civil Liberties Policy Formulation	1,358,241	1,148,131
Affiliate Support	55,363,802	62,408,477
<b>Total Program Services</b>	<b>193,569,207</b>	<b>169,172,530</b>
Supporting Services:		
Management & General	12,746,050	10,568,293
Fundraising	19,684,099	15,790,315
<b>Total Supporting Services</b>	<b>32,430,149</b>	<b>26,358,608</b>
<b>TOTAL EXPENSES</b>	<b>225,999,356</b>	<b>195,531,138</b>
Change in Net Assets Before Other Changes	1,267,681	46,564,366
<b>Other Changes in Net Assets</b>		
Net Legal Expenses Awarded	5,073,338	2,459,308
Net Investment Income, Gains & Losses	(27,822,650)	19,657,132
Changes in Value of Split-Interest Agreements	285,936	(212,381)
Other Components of Post-Retirement Benefit Cost	2,534,764	3,481,510
<b>TOTAL OTHER CHANGES IN NET ASSETS</b>	<b>(19,928,612)</b>	<b>25,385,569</b>
Change in Net Assets	\$ (18,660,931)	\$ 71,949,935
<b>Net Assets</b>		
Beginning	658,764,036	586,814,101
Ending	\$640,103,105	\$658,764,036

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



### Our efficiency

- Total Program Services
- Management and General
- Fundraising



### Program services

- Affiliate Support
- Legal
- Public Education
- Civil Liberties Policy Formulation

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# How You Can Help

The ACLU works in courts, legislatures, and communities to defend and preserve the individual rights and liberties guaranteed to all people in this country by the Constitution and the laws of the United States. Join us as we continue the fight for the principles of equality, justice, liberty, and democracy.

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## How To Make A Gift

You can defend and advance civil liberties by donating to either the American Civil Liberties Union (ACLU) or the ACLU Foundation. Gifts to the ACLU support our legislative work at the federal and local level and are not tax deductible. Gifts to the Foundation are tax deductible and support our litigation, communications, and public education efforts.

Learn more at [aclu.org/donate](https://aclu.org/donate).

### To give by mail:

Please make a check payable to the American Civil Liberties Union or the ACLU Foundation and send to:

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

### To make a gift of stock:

Please visit [aclu.org/gifts-stock](https://aclu.org/gifts-stock)

For more information about supporting the ACLU through your will, trust, or retirement plan, please contact our Gift Planning Office at (877) 867-1025 or [legacy@aclu.org](mailto:legacy@aclu.org), or visit [aclu.org/legacy](https://aclu.org/legacy).

## Get Involved

People Power is the ACLU's platform for grassroots action. By mobilizing in defense of our civil liberties, volunteers build and strengthen local communities that affirm our American values of respect, equality, and solidarity.

Get involved with People Power in your area by visiting [peoplepower.org](https://peoplepower.org).

## Join the Conversation



 [aclu\\_nationwide](https://www.instagram.com/aclu_nationwide)

 [aclu.org/shop](https://aclu.org/shop)

# Bill of Rights

Congress OF THE United States

*Began and held at the City of New York  
Wednesday, the fourth of March 1789*



Student Activists from the  
ACLU National Advocacy Institute

# ACLU

125 Broad Street, 18th Floor  
New York, NY 10004  
[aclu.org](http://aclu.org)



prevent misconstruction or abuse of its powers, that  
the Government, will best insure the beneficent end,  
Resolved,  
two thirds of both Houses concurring. That the fol  
States; all, or any of which articles, when ratified  
Articles

by the Legislatures of the several States, pursu  
Article the first ..... After the first enumerat  
number shall amount to  
Representatives, nor  
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than one Representa

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shall have interve  
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Article the fifth ..... No Soldier shal  
scribed by law

Article the sixth ..... The right of th  
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