

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Consolidated Financial Statements
Years Ended March 31, 2024 and 2023
and Supplementary Information
Year Ended March 31, 2024

The report accompanying these financial statements was issued by BDO USA, P.C., a Virginia professional corporation, and the U.S. member of BDO International Limited, a UK company limited by guarantee.



**American Civil Liberties Union Foundation, Inc.
and Subsidiaries**

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Contents

Independent Auditor’s Report	3-5
Consolidated Financial Statements	
Consolidated Statements of Financial Position as of March 31, 2024 and 2023	6
Consolidated Statements of Activities for the Years Ended March 31, 2024 and 2023	7-8
Consolidated Statements of Functional Expenses for the Years Ended March 31, 2024 and 2023	9-10
Consolidated Statements of Cash Flows for the Years Ended March 31, 2024 and 2023	11
Notes to Consolidated Financial Statements	12-36
Supplementary Information	
Consolidating Schedule of Financial Position as of March 31, 2024	38
Consolidating Schedule of Activities for the Year Ended March 31, 2024	39



Independent Auditor's Report

Audit Committee
American Civil Liberties Union Foundation, Inc. and Subsidiaries
New York, New York

Opinion

We have audited the consolidated financial statements of American Civil Liberties Union Foundation, Inc. and its subsidiaries (collectively, the Foundation), which comprise the consolidated statements of financial position as of March 31, 2024 and 2023, the related consolidated statements of activities, functional expenses, and cash flows for the years then ended, and the related notes to the consolidated financial statements.

In our opinion, the accompanying consolidated financial statements present fairly, in all material respects, the financial position of the Foundation as of March 31, 2024 and 2023, and the changes in its net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audits in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Foundation and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audits. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the consolidated financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the consolidated financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Foundation's ability to continue as a going concern within one year after the date that the consolidated financial statements are available to be issued.



Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the consolidated financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and, therefore, is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the consolidated financial statements.

In performing an audit in accordance with GAAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the consolidated financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the consolidated financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Foundation's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the consolidated financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Foundation's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.



Supplementary Information

Our audits were conducted for the purpose of forming an opinion on the consolidated financial statements as a whole. The consolidating schedule of financial position and consolidating schedule of activities are presented for purposes of additional analysis rather than to present the financial position and changes in net assets of the individual entities and is not a required part of the consolidated financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the consolidated financial statements. The consolidating information has been subjected to the auditing procedures applied in the audits of the consolidated supplementary financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the consolidated financial statements or to the consolidated financial statements themselves, and other additional procedures in accordance with GAAS. In our opinion, the supplementary information is fairly stated in all material respects in relation to the consolidated financial statements as a whole.

BDO USA, P.C.

October 29, 2024

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Consolidated Statements of Financial Position

March 31,	2024	2023
Assets		
Cash and cash equivalents	\$ 94,389,521	\$ 122,723,768
Pledges, bequests, and contributions receivable, net	34,868,568	48,044,523
Investments, at fair value	666,246,483	588,767,709
Other assets	3,212,491	1,046,478
Due from affiliates	317,482	781,915
Right-of-use assets, operating leases	4,336,234	2,371,126
Property and equipment, net of accumulated depreciation and amortization	25,233,610	21,894,639
Total Assets	\$ 828,604,389	\$ 785,630,158
Liabilities and Net Assets		
Liabilities		
Accounts payable and accrued expenses	\$ 9,132,333	\$ 7,735,737
Grants payable	7,279,087	3,824,383
Due to the American Civil Liberties Union, Inc.:		
Allocated share of pension liability	208,650	1,434,224
Due to the American Civil Liberties Union, Inc., others	16,076,238	27,472,673
Due to affiliates	32,810,754	35,720,280
Liabilities under split-interest agreements	23,644,944	19,733,541
Bill of Rights Trust held for affiliates	54,936,948	47,166,017
Lease liabilities, operating leases	4,403,240	2,440,198
Total Liabilities	148,492,194	145,527,053
Commitments and Contingencies		
Net Assets		
Net assets without donor restrictions:		
Board-designated	276,060,517	248,179,224
Undesignated	136,861,498	126,333,308
Net Assets Without Donor Restrictions	412,922,015	374,512,532
Net assets with donor restrictions	267,190,180	265,590,573
Total Net Assets	680,112,195	640,103,105
Total Liabilities and Net Assets	\$ 828,604,389	\$ 785,630,158

See accompanying notes to consolidated financial statements.

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Consolidated Statement of Activities

Year ended March 31, 2024

	Without Donor Restrictions	With Donor Restrictions	Total
Operating Support and Revenue			
Support:			
Grants, bequests, and contributions	\$ 101,553,043	\$ 63,149,454	\$ 164,702,497
In-kind donated property	4,400,000	-	4,400,000
Donated legal services	39,504,757	-	39,504,757
Total Support	145,457,800	63,149,454	208,607,254
Revenue:			
Rental income	717,155	-	717,155
Merchandise and book sales	598,066	-	598,066
Other income	493,375	-	493,375
Total Revenue	1,808,596	-	1,808,596
Net assets released from restrictions	75,022,068	(75,022,068)	-
Total Operating Support and Revenue	222,288,464	(11,872,614)	210,415,850
Operating Expenses			
Program services:			
Legislative	5,236,621	-	5,236,621
Legal	115,362,727	-	115,362,727
Public education	19,065,039	-	19,065,039
Civil liberties policy formulation	1,804,609	-	1,804,609
Affiliate support	62,715,827	-	62,715,827
Total Program Services	204,184,823	-	204,184,823
Supporting services:			
Management and general	16,845,866	-	16,845,866
Fundraising	18,868,836	-	18,868,836
Total Supporting Services	35,714,702	-	35,714,702
Total Operating Expenses	239,899,525	-	239,899,525
Change in Net Assets, before non-operating activities	(17,611,061)	(11,872,614)	(29,483,675)
Other Changes in Net Assets from Non-Operating Activities			
Legal awards, net	7,009,067	-	7,009,067
Net investment income	49,088,122	15,740,064	64,828,186
Changes in value of split-interest agreements	-	(2,267,843)	(2,267,843)
Other components of postretirement benefit cost	(76,645)	-	(76,645)
Total Other Changes in Net Assets from Non-Operating Activities	56,020,544	13,472,221	69,492,765
Change in Net Assets	38,409,483	1,599,607	40,009,090
Net Assets, beginning of year	374,512,532	265,590,573	640,103,105
Net Assets, end of year	\$ 412,922,015	\$ 267,190,180	\$ 680,112,195

See accompanying notes to consolidated financial statements.

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Consolidated Statement of Activities

Year ended March 31, 2023

	Without Donor Restrictions	With Donor Restrictions	Total
Operating Support and Revenue			
Support:			
Grants, bequests, and contributions	\$ 106,209,620	\$ 77,987,835	\$ 184,197,455
Donated legal services	39,375,260	-	39,375,260
Total Support	145,584,880	77,987,835	223,572,715
Revenue:			
Rental income	808,442	-	808,442
Merchandise and book sales	772,776	-	772,776
Other income	2,113,104	-	2,113,104
Total Revenue	3,694,322	-	3,694,322
Net assets released from restrictions	51,979,714	(51,979,714)	-
Total Operating Support and Revenue	201,258,916	26,008,121	227,267,037
Operating Expenses			
Program services:			
Legislative	3,111,576	-	3,111,576
Legal	113,835,681	-	113,835,681
Public education	19,899,907	-	19,899,907
Civil liberties policy formulation	1,358,241	-	1,358,241
Affiliate support	55,363,802	-	55,363,802
Total Program Services	193,569,207	-	193,569,207
Supporting services:			
Management and general	12,746,050	-	12,746,050
Fundraising	19,684,099	-	19,684,099
Total Supporting Services	32,430,149	-	32,430,149
Total Operating Expenses	225,999,356	-	225,999,356
Change in Net Assets, before non-operating activities	(24,740,440)	26,008,121	1,267,681
Other Changes in Net Assets from Non-Operating Activities			
Legal awards, net	5,073,338	-	5,073,338
Net investment loss	(19,166,736)	(8,655,914)	(27,822,650)
Changes in value of split-interest agreements	-	285,936	285,936
Other components of postretirement benefit cost	2,534,764	-	2,534,764
Total Other Changes in Net Assets from Non-Operating Activities	(11,558,634)	(8,369,978)	(19,928,612)
Change in Net Assets	(36,299,074)	17,638,143	(18,660,931)
Net Assets, beginning of year	410,811,606	247,952,430	658,764,036
Net Assets, end of year	\$ 374,512,532	\$ 265,590,573	\$ 640,103,105

See accompanying notes to consolidated financial statements.

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Consolidated Statement of Functional Expenses

Year ended March 31, 2024

	Program Services						Supporting Services			Total Expenses
	Legislative	Legal	Public Education	Civil Liberties Policy Formulation	Affiliate Support	Total Program Services	Management and General	Fundraising	Total Supporting Services	
Salaries	\$ 2,187,418	\$ 32,481,086	\$ 6,332,106	\$ 977,716	\$ 9,227,730	\$ 51,206,056	\$ 8,078,912	\$ 10,279,568	\$ 18,358,480	\$ 69,564,536
Employee benefits	482,165	8,340,091	1,883,672	320,202	3,018,649	14,044,779	3,089,743	3,017,330	6,107,073	20,151,852
Rent and occupancy	29,846	1,532,323	343,074	1,391	400,940	2,307,574	823,323	684,812	1,508,135	3,815,709
Books	6,399	312,637	2,612	1,565	5,331	328,544	12,401	56,366	68,767	397,311
Building depreciation	-	861,983	190,620	-	158,850	1,211,453	270,363	381,240	651,603	1,863,056
Depreciation and amortization	-	177,033	41,359	-	31,594	249,986	465	168,309	168,774	418,760
Equipment rental and maintenance	550,515	1,787,318	663,255	122,929	963,982	4,087,999	910,040	981,694	1,891,734	5,979,733
Grants to affiliates	125,284	12,683,290	-	-	11,150,292	23,958,866	-	-	-	23,958,866
Shared portion of contributions	256,076	9,753,057	2,500	-	22,790,777	32,802,410	-	-	-	32,802,410
Shared portion of bequest	63,721	800,779	-	-	5,671,202	6,535,702	-	-	-	6,535,702
Meetings/conferences	46,485	156,115	2,476,943	22,634	536,328	3,238,505	104,874	48,294	153,168	3,391,673
Legal fees	-	63,506	25,749	50,204	314,301	453,760	652,651	147,339	799,990	1,253,750
Donated legal services	-	39,504,757	-	-	-	39,504,757	-	-	-	39,504,757
Accounting fees	-	-	-	-	-	-	289,750	-	289,750	289,750
Other professional services	1,081,265	2,888,785	4,402,966	244,165	1,734,497	10,351,678	2,111,023	973,507	3,084,530	13,436,208
Postage and supplies	3,803	45,314	826,400	806	22,680	899,003	11,747	716,774	728,521	1,627,524
Publishing, printing, and outreach	124,069	67,208	1,135,013	177	62,122	1,388,589	39,662	66,841	106,503	1,495,092
Special affiliate subsidies	65,690	656,900	-	-	5,846,410	6,569,000	-	-	-	6,569,000
Telephone	85,534	293,479	84,436	10,741	90,971	565,161	53,597	92,553	146,150	711,311
Telemarketing	-	-	8,844	-	-	8,844	-	79,597	79,597	88,441
Travel	37,993	913,282	118,925	3,249	217,984	1,291,433	8,521	141,136	149,657	1,441,090
Other grants and awards	170	382,448	40,000	-	15,109	437,727	-	-	-	437,727
Provision for doubtful allowances	50,041	158,465	96,237	8,340	54,212	367,295	41,701	428,274	469,975	837,270
Other expenses	40,147	1,502,871	390,328	40,490	401,866	2,375,702	347,093	605,202	952,295	3,327,997
Total Expenses, per consolidated statement of activities	5,236,621	115,362,727	19,065,039	1,804,609	62,715,827	204,184,823	16,845,866	18,868,836	35,714,702	239,899,525
Net Periodic Cost Other Than Service Cost	(33,873)	(747,219)	(123,526)	(11,653)	(406,161)	(1,322,432)	(109,076)	(122,283)	(231,359)	(1,553,791)
Total Expenses	\$ 5,202,748	\$ 114,615,508	\$ 18,941,513	\$ 1,792,956	\$ 62,309,666	\$ 202,862,391	\$ 16,736,790	\$ 18,746,553	\$ 35,483,343	\$ 238,345,734

See accompanying notes to consolidated financial statements.

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Consolidated Statement of Functional Expenses

Year ended March 31, 2023

	Program Services						Supporting Services			Total Expenses
	Legislative	Legal	Public Education	Civil Liberties Policy Formulation	Affiliate Support	Total Program Services	Management and General	Fundraising	Total Supporting Services	
Salaries	\$ 981,829	\$ 29,999,043	\$ 7,118,484	\$ 651,204	\$ 7,249,096	\$ 45,999,656	\$ 5,429,918	\$ 8,447,643	\$ 13,877,561	\$ 59,877,217
Employee benefits	249,497	7,865,224	1,997,791	240,951	2,618,157	12,971,620	2,611,668	2,417,549	5,029,217	18,000,837
Rent and occupancy	18,361	1,874,510	211,107	933	322,740	2,427,651	9,612	402,718	412,330	2,839,981
Books	1,917	401,230	25,387	104	(25,006)	403,632	2,863	105,449	108,312	511,944
Building depreciation	-	2,265,469	382,603	-	318,836	2,966,908	-	765,206	765,206	3,732,114
Depreciation and amortization	-	35,715	30,309	-	4,487	70,511	-	285,763	285,763	356,274
Equipment rental and maintenance	426,285	1,444,122	735,273	94,697	616,319	3,316,696	695,252	695,252	1,390,504	4,707,200
Grants to affiliates	55,700	10,981,938	-	-	4,957,308	15,994,946	-	-	-	15,994,946
Shared portion of contributions	239,736	10,139,168	-	-	21,336,505	31,715,409	-	-	-	31,715,409
Shared portion of bequest	94,686	1,705,478	-	-	8,427,076	10,227,240	-	-	-	10,227,240
Meetings/conferences	14,874	182,065	1,294,105	1,190	977,919	2,470,153	32,380	58,385	90,765	2,560,918
Legal fees	37	75,048	9,289	57,674	349,359	491,407	749,759	59,159	808,918	1,300,325
Donated legal services	-	39,375,260	-	-	-	39,375,260	-	-	-	39,375,260
Accounting fees	-	-	-	-	-	-	147,373	-	147,373	147,373
Other professional services	717,068	2,503,645	5,251,798	203,072	1,753,771	10,429,354	2,182,901	1,448,323	3,631,224	14,060,578
Postage and supplies	3,477	18,574	848,738	1,065	22,739	894,593	9,660	1,182,286	1,191,946	2,086,539
Publishing, printing, and outreach	530	59,770	1,126,852	56	6,671	1,193,879	43,646	604,138	647,784	1,841,663
Special affiliate subsidies	60,490	604,900	-	-	5,383,610	6,049,000	-	-	-	6,049,000
Telephone	43,970	288,834	62,571	6,503	67,577	469,455	31,322	75,824	107,146	576,601
Telemarketing	-	-	9,707	-	-	9,707	-	87,360	87,360	97,067
Travel	17,084	774,965	61,811	24,127	178,517	1,056,504	88,977	127,393	216,370	1,272,874
Other grants and awards	697	17,072	-	-	62,052	79,821	-	-	-	79,821
Provision for doubtful allowances	-	-	252,626	-	-	252,626	-	2,273,632	2,273,632	2,526,258
Other expenses	185,338	3,223,651	481,456	76,665	736,069	4,703,179	710,719	648,019	1,358,738	6,061,917
Total Expenses, per consolidated statement of activities	3,111,576	113,835,681	19,899,907	1,358,241	55,363,802	193,569,207	12,746,050	19,684,099	32,430,149	225,999,356
Net Periodic Cost Other Than Service Cost	(11,083)	(404,537)	(70,756)	(4,819)	(196,767)	(687,962)	(45,216)	(69,953)	(115,169)	(803,131)
Total Expenses	\$ 3,100,493	\$ 113,431,144	\$ 19,829,151	\$ 1,353,422	\$ 55,167,035	\$ 192,881,245	\$ 12,700,834	\$ 19,614,146	\$ 32,314,980	\$ 225,196,225

See accompanying notes to consolidated financial statements.

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Consolidated Statements of Cash Flows

<i>Year ended March 31,</i>	2024	2023
Cash Flows from Operating Activities		
Change in net assets	\$ 40,009,090	\$ (18,660,931)
Adjustments to reconcile change in net assets to net cash used in operating activities:		
Depreciation and amortization	2,281,816	4,088,388
In-kind donated property	(4,400,000)	-
Discount on pledges receivable	(969,057)	(509,725)
Provisions for doubtful allowances	837,270	2,526,258
Non-cash lease expense	1,424,818	1,649,265
Changes in value of split-interest agreements	2,267,843	1,297,592
Net realized and unrealized (gains) losses on investments, net, of adjustments for affiliate holdings	(66,017,187)	36,497,452
Donated investments	(5,365,367)	(9,607,161)
Changes in benefit obligations other than net periodic benefit cost	1,630,436	(1,731,633)
Cash received on contributions restricted for endowment	(122,946)	(11,118,573)
Changes in operating assets and liabilities:		
Decrease in pledges, bequests, and contributions receivable	13,307,742	11,193,378
(Increase) decrease in other assets	(2,166,013)	439,084
Increase in accounts payable and accrued expenses	1,396,596	1,294,572
Increase (decrease) in grants payable	3,454,704	(42,184)
Decrease in funds received in advance	-	(2,000,000)
Decrease in due to American Civil Liberties Union, Inc., allocated share of pension liability	(2,856,010)	(4,570,950)
Decrease in due to American Civil Liberties Union, Inc., others	(11,396,435)	(11,078,064)
Decrease in due to affiliates, net	(2,445,093)	(180,312)
Increase (decrease) in Bill of Rights Trust held for affiliates, net of unrealized	7,770,931	(3,650,333)
Principal reduction in operating lease liabilities	(1,426,884)	(1,580,193)
Net Cash Used in Operating Activities	(22,783,746)	(5,744,070)
Cash Flows from Investing Activities		
Proceeds from sale of investments	94,881,769	226,792,449
Purchase of investments	(100,977,989)	(251,830,476)
Purchase of property and equipment	(1,220,787)	(571,286)
Net Cash Used in Investing Activities	(7,317,007)	(25,609,313)
Cash Flows from Financing Activities		
Cash received on contributions restricted for endowment	122,946	11,118,573
Contributions subject to split-interest agreements	4,324,234	2,637,476
Payments on split-interest agreements	(2,515,387)	(2,345,450)
Payments of new annuities	(165,287)	(942,318)
Net Cash Provided by Financing Activities	1,766,506	10,468,281
Net Change in Cash and Cash Equivalents	(28,334,247)	(20,885,102)
Cash and Cash Equivalents, beginning of year	122,723,768	143,608,870
Cash and Cash Equivalents, end of year	\$ 94,389,521	\$ 122,723,768
Supplemental Disclosures of Cash Flow Information		
Investment in right-of-use assets - operating leases through operating lease liabilities	\$ 3,389,925	\$ 4,020,391
Donated legal services	39,504,757	39,375,260
Change in Investments for Bill of Rights Trust held for affiliates	5,948,586	(3,198,611)

See accompanying notes to consolidated financial statements.

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

1. Organization

The American Civil Liberties Union Foundation, Inc. (the ACLU Foundation) was established as a nonprofit corporation to preserve and promote individual civil rights and civil liberties as guaranteed by the United States Constitution and the nation's civil rights laws.

The ACLU Foundation is affiliated with the American Civil Liberties Union, Inc. (the Union), an organization that is exempt from federal income tax under Section 501(c)(4) of the Internal Revenue Code (IRC). The ACLU Foundation and the Union share common Board of Directors and management.

The ACLU Foundation and the Union are collectively referred to as the ACLU.

During fiscal year 2024, the ACLU Foundation received a donated property, which will subsequently be sold. In November 2023, the ACLU Foundation formed 104 Greenwich Ave LLC (Greenwich) to hold title of the ACLU Foundation's real property.

Both the ACLU Foundation and the Union are affiliated with 50 nonprofit, tax-exempt organizations in every state in the United States, the District of Columbia, and Puerto Rico. All affiliates include reference to the American Civil Liberties Union or some variation thereof in their names (the affiliates). The affiliates also operate through related Section 501(c)(3) and Section 501(c)(4) organizations. The affiliates share the same overall mission and purpose as the ACLU, but their programs focus more on local or regional issues, while the ACLU's program activities are focused on overarching civil liberties issues and initiatives. Although the ACLU plays no direct role in the governance of and, except in very limited instances, does not share employees with, the affiliates, the organizations jointly fundraise and work together on certain programs and the ACLU, through either the Union or the ACLU Foundation, as appropriate, at its sole discretion provides targeted financial and other support to the affiliates.

2. Summary of Significant Accounting Policies

Basis of Presentation

The accompanying consolidated financial statements have been prepared on the accrual basis of accounting in conformity with accounting principles generally accepted in the United States of America (GAAP).

Principles of Consolidation

The accompanying consolidated financial statements include the accounts and activities of the ACLU Foundation and its subsidiaries, 915 15th Street, LLC (the LLC) and Greenwich (collectively referred to as the Foundation). The LLC and Greenwich are single-member limited liability companies of which the ACLU Foundation is the sole member. All significant inter-organizational accounts and transactions have been eliminated in consolidation.

The accounts and activities of the Union and the affiliates are not included in these consolidated financial statements.

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

Use of Estimates

The preparation of consolidated financial statements in conformity with GAAP requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Cash and Cash Equivalents

The Foundation considers all highly liquid debt instruments purchased with a maturity of three months or less to be cash equivalents. Cash and cash equivalents held temporarily in the investment portfolio are included in investments.

Investments and Related Income, Gains, and Losses

Investments are reported at fair value in the consolidated statements of financial position. The consolidated statements of activities include net investment income consisting of interest and dividend income and realized and unrealized gains and losses. Interest income is recorded on the accrual basis. Dividends are recorded on the ex-dividend date.

Realized gains and losses on sale of investments are calculated on the basis of specific identification of the securities sold. Purchases and sales of securities are recognized on a trade-date basis.

Donated securities are recorded at their estimated fair values, as determined by the Foundation's management on the dates of donation. The Foundation's policy is to sell donated securities immediately, and accordingly, for purposes of the consolidated statements of cash flows, donated securities and the proceeds generated from their sale are included within operating activities.

For the fiscal years ended March 31, 2024 and 2023, net investment income, gains, and losses are reported net of direct investment expenses of \$2,127,086 and \$2,246,352, respectively.

Fair Value Measurements

Accounting Standards Codification (ASC) Topic 820, *Fair Value Measurements*, establishes a three-level valuation hierarchy of fair value measurements. These valuation techniques are based on observable and unobservable inputs. Observable inputs reflect market data obtained from independent sources, while unobservable inputs reflect market assumptions. These two types of inputs create the following fair value hierarchy:

Level 1 - This level consists of inputs that reflect unadjusted quoted market prices in active markets for identical assets or liabilities that the Foundation has the ability to access at the measurement date. The types of investments in Level 1 generally include listed equities, mutual funds, and exchange-traded funds.

Level 2 - This level consists of inputs other than quoted prices within Level 1 that are observable for the asset or liability, either directly or indirectly, including inputs in markets that are not considered to be active. Investments in this category generally include corporate debt, U.S. government debt, and less liquid securities, such as securities traded on certain foreign exchanges. A significant adjustment to a Level 2 input could result in the Level 2 measurement becoming a Level 3 measurement.

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

Level 3 - This level consists of inputs that are unobservable for the asset or liability and that include situations where there is little, if any, market activity for the asset or liability. The inputs into the determination of fair value are based upon the best information in the circumstances and may require significant management judgment or estimates. Investments in this category generally include equity and debt positions in private companies.

The availability of observable inputs can vary from security to security and is affected by a wide variety of factors, including, for example, the type of security, whether the security is new and not yet established in the marketplace, the liquidity of markets, and other characteristics particular to the security. To the extent that valuation is based on models or inputs that are less observable or unobservable in the market, the determination of fair value requires more judgment. Accordingly, the degree of judgment exercised in determining fair value is greatest for instruments categorized in Level 3.

Fair Value of Financial Instruments

The following methods and assumptions were used in estimating the fair values of significant financial instruments:

Cash and Cash Equivalents - The carrying amount approximates fair value because the instruments are liquid in nature and have short-term maturities.

Investments - The fair value is determined as described in Note 5.

Concentration of Market and Credit Risk

The Foundation's financial instruments that are potentially exposed to concentrations of credit risk consist primarily of cash and cash equivalents and investments.

Exposure to credit risk is reduced by the placement of such funds in high-credit quality financial institutions and financial instruments. At March 31, 2024 and 2023, the majority of the Foundation's money market accounts were in funds that invest in short-term direct government obligations, such as U.S. Treasury Bills, that are backed by the full faith and credit of the U.S. government.

Investments in general are exposed to various risks, such as interest rate, credit, and overall market volatility risk. Due to the level of risk associated with certain investments, it is reasonably possible that changes in the value of the Foundation's investments will occur in the near term and that such changes could materially affect the amounts reported in the accompanying consolidated financial statements.

In order to control market risk, the Foundation has an investment committee that reviews and updates investment policy statements for the organization's various investment portfolios, oversees its investment portfolio, and engages the services of investment advisors and managers to invest and manage the assets within the guidelines of the respective investment policy statements and perform ongoing due diligence and reporting. The Foundation monitors the market risk of its investment portfolio through ongoing review of asset allocation formulas and analysis of investment values, as reported by investment custodians and managers.

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

The clearing and depository operations for the Foundation's portfolio of investments held in managed accounts are provided principally by three financial institutions that held approximately 83% of the total portfolio at both March 31, 2024 and 2023.

Property and Equipment

Property and equipment (consisting of office buildings, furniture, fixtures, office equipment, and software) are carried at cost, less accumulated depreciation or amortization. Donations of property and equipment are stated at the estimated fair value at the date of the donation.

Minor costs or repairs and maintenance are expensed as incurred. Depreciation and amortization are provided for using the straight-line method over the estimated useful lives of the respective assets. Land is not depreciated. Amortization of leasehold improvements is provided using the straight-line method over the estimated useful lives of the improvements or the remaining lives of the leases, whichever is shorter.

Impairment of Long-Lived Assets

Management evaluates the recoverability of the investment in long-lived assets on an ongoing basis and recognizes any impairment in the year of determination. There were no triggering events during fiscal years 2024 or 2023 requiring management to test for impairment that would require any adjustments to property and equipment. However, it is reasonably possible that relevant conditions could change in the near term and necessitate a change in management's estimate of the recoverability of these assets.

Accrued Vacation

Accrued vacation represents the Foundation's obligation for the cost of unused employee vacation time that would be payable in the event that all employees leave the Foundation. As of March 31, 2024 and 2023, the accrued vacation obligation was approximately \$3,691,000 and \$3,439,000, respectively, and is reported as part of accounts payable and accrued expenses in the consolidated statements of financial position.

Grants Payable

Unconditional grants and awards are recognized as expenses in the consolidated financial statements at the time of approval. Unconditional grants and awards approved, but not yet paid are recognized as grants payable at each year-end. As of March 31, 2024 and 2023, grants payable amounted to approximately \$7,279,000 and \$3,824,000, respectively.

Leases

The Foundation determines if an arrangement is a lease or a service contract at inception. Where an arrangement is a lease, the Foundation determines if it is an operating lease or a finance lease. The Foundation currently does not have any finance leases. Subsequently, if the arrangement is modified, the Foundation reevaluates the classification. At lease commencement, the Foundation records a right-of-use (ROU) asset and a corresponding lease liability. ROU assets represent the Foundation's right to control the use of the leased asset during the lease and are recognized in an amount equal to the lease liability adjusted for any initial direct costs, prepaid or deferred rent, and lease incentives. Lease liabilities represent the present value of the future lease payments over

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

the expected lease term, which includes options to extend or terminate the lease when it is reasonably certain those options will be exercised. The present value of the lease liability is determined using the risk-free discount rate at lease inception for operating leases. Operating lease expense for lease payments is recognized on a straight-line basis over the lease term. Leases with a term of 12 months or less are considered short-term leases and are accounted for as rent expense on a straight-line basis over the lease term.

Lease payments related to periods subject to renewal options are excluded from the amounts used to determine the present value of the remaining lease payments unless the Foundation is reasonably certain to exercise the option to extend the lease. The Foundation has made an accounting policy election not to separate lease components from non-lease components in contracts when determining its lease payments for all of its asset classes, as permitted by GAAP. As such, the Foundation accounts for the applicable non-lease components together with the related lease components when determining the ROU assets and liabilities.

Net Assets

The Foundation reports information regarding its financial position and activities in two classes of net assets: without donor restrictions and with donor restrictions.

Net Assets Without Donor Restrictions - These assets represent those resources for which there are no restrictions by donors as to their use and are, therefore, available for current operations. Accordingly, the Board of Directors has allocated a portion of these funds to serve as board-designated endowments, the earnings from which will be applied to future support of the Foundation.

Net Assets with Donor Restrictions - These assets represent those resources that are subject to donor-imposed restrictions, such as specific purposes and/or a specific period of time. Also included within net assets with donor restrictions are donor restrictions that are perpetual in nature and subject to the requirements of New York's Prudent Management of Institutional Funds Act (NYPMIFA). These donors have stipulated that those resources be maintained in perpetuity, with the resultant income and net capital appreciation arising from the underlying assets to be used in satisfaction of the wishes of those donors.

When a donor restriction expires—that is, when a stipulated time restriction ends, or a purpose restriction is accomplished, or funds are appropriated through an action of the Board of Directors—net assets with donor restrictions are reclassified to net assets without donor restrictions and are reported in the consolidated statements of activities as net assets released from restrictions.

Endowment Funds

The Foundation's endowment is subject to the provision of the NYPMIFA. The Foundation classifies as donor-restricted endowment funds (a) the original value of gifts donated to the endowment, (b) the original value of subsequent gifts to the endowment, and (c) accumulations to the endowment made in accordance with the direction of the applicable donor gift instrument at the time the accumulation is added to the fund. The remaining portion of the donor-restricted endowment fund that is not held in perpetuity is classified as net assets with donor restrictions until appropriated for expenditure.

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

Revenue Recognition

Grants, Bequests, Contributions, and Related Receivables

The Foundation reports contributions as without donor restrictions or with donor restrictions, depending on the existence and/or nature of any donor restrictions.

Unconditional promises to give are recorded as pledges and contributions receivable in the period the promise is received. Payments received in subsequent periods on unconditional promises to give, such as payments on multi-year gifts, are not recognized as revenue; rather, these are recorded as decreases in the corresponding pledges and contributions receivable balance. Pledges and contributions receivable due within one year are recorded at their net realizable value. Pledges and contributions receivable due in more than one year are recorded at the present value of their net realizable value, using applicable risk-adjusted interest rates to discount the amounts. Allowances for doubtful pledges and contributions receivable are provided by management based on the Foundation's experience with the donors and their ability to pay.

Conditional promises to give are those with measurable performance or other barriers and right of return or release. Conditional promises to give are recognized when the donor's conditions have been met by requisite actions of the Foundation's management or necessary events have taken place.

Contributions of cash and other assets are reported as with donor restrictions if they are received with donor stipulations that limit the use of the donated assets.

Contributions that are to be maintained in perpetuity are recorded as with donor restrictions support.

The Foundation is a beneficiary under various wills and trust agreements, the total realizable amounts of which are not determinable at present. The Foundation's share of such bequests is recorded when the amounts and timing of the distributions can be estimated with reasonable certainty and the probate court declares the will valid. For the fiscal years ended March 31, 2024 and 2023, bequest contributions amounted to \$34,152,506 and \$26,737,914, respectively.

Approximately 12% and 11% of the total grants, bequests, and contributions revenue of approximately \$164,695,000 and \$184,198,000 was provided by one donor for the fiscal years ended March 31, 2024 and 2023, respectively. In addition, approximately 27% and 31% of the gross pledges, bequests, and contributions receivable of approximately \$37,611,000 and \$51,760,000 were due from one and two donors at March 31, 2024 and 2023, respectively.

Certain grants, bequests, and contributions revenue are subject to revenue-sharing agreements with affiliates. The Foundation's sharing rules specify the circumstances under which revenue shall be shared and the methodology for determining the specific portion of various categories of revenue that will be shared among the Foundation and the affiliates. Shared revenues are reported at gross amounts and the affiliates' share of the revenues are included as affiliate support expense in the consolidated statements of activities. The Foundation reports the affiliates' share of revenues as expenses when cash is received from the donor.

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

Contributions of Non-Financial Assets

The Foundation received contributions of non-financial assets and recognized within the consolidated statements of activities as follows:

<i>Year ended March 31,</i>	2024	2023
Donated Legal Services		
Program - State Supreme Court Initiative	\$ 176,921	\$ -
Program - Racial Justice Project	470,374	413,562
Program - National Prison Project	1,778,015	2,413,810
Program - Criminal Law Reform Project	2,184,646	3,249,886
Program - Capital Punishment Project	1,052,710	541,827
Program - Women Rights Project	618,813	1,301,211
Program - Freedom of Religion and Belief	516,412	755,399
Program - Disability Rights Project	703,684	1,736,595
Program - Reproductive Freedom Project	2,925,042	5,178,978
Program - LGBT	7,755,223	7,948,136
Program - Voting Rights Project	15,938,843	8,947,521
Program - Speech Privacy and Technology	1,343,675	930,161
Program - Human Rights Project	162,972	265,377
Program - Immigration Rights Project	2,805,025	4,573,164
Program - National Security Project	1,072,402	1,119,633
	39,504,757	39,375,260
Donated Property	4,400,000	-
Total	\$ 43,904,757	\$ 39,375,260

Donated legal services are valued at the estimated fair value based on current hourly rates by type of services used by the law firm that provide similar legal services. Donated property is valued based on the appraised value provided by a certified appraiser.

The Foundation recognizes contributions of non-financial assets at their estimated fair value at the date of donation. The Foundation recognizes contributions of services received if the services received create or enhance nonfinancial assets or if the services require specialized skills and would typically need to be purchased if not provided by donation.

Contributed nonfinancial assets did not have donor-imposed restrictions for the fiscal years ended March 31, 2024 and 2023.

A number of individuals have made contributions of their time to serve on the Foundation's board. The value of their contributed time is not reflected in the consolidated financial statements inasmuch as those services would not typically be purchased had they not been provided by donation.

Functional Expenses

The costs of providing various program and supporting services of the Foundation have been summarized on a functional basis in the accompanying consolidated financial statements. Each department within the Foundation is allocated to its program or supporting services based on a total analysis of its respective full-time equivalents and a determination of what functions it performs. Certain

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

departments, such as legal, are determined to be 100% programmatic and are reflected, therefore, under legal programs. Other departments, such as executive or administrative/finance are largely supportive in nature and reflected largely under management and general. Each year, the functional allocations are reviewed and modified based on initiatives and organizational changes to best reflect the activities within the Foundation for a specified year.

Measure of Operations

The Foundation includes, in its definition of operations, all revenues and expenses that are an integral part of its program and supporting activities. Net investment income, including net realized and unrealized gains and losses, is reported as part of non-operating activities, as are: (i) legal awards; (ii) changes in value of split-interest agreements; and (iii) other components of postretirement benefit cost.

Legal Awards

Pursuant to the Civil Rights Attorneys Fee Awards Act of 1976 and similar laws, legal fees and expenses may be awarded in certain legal actions. The amounts of these awards are the result of court determinations and/or negotiations between the parties to the matters. Management anticipates that the Foundation will be the recipient of legal awards of a substantial amount but is unable to determine the amounts receivable with any degree of accuracy. Accordingly, the Foundation's accounting policy is to accrue an award only when, in management's judgment, the amount appears relatively certain of collection.

Income Taxes

The ACLU Foundation is exempt from income taxes under Section 501(c)(3) of the U.S. IRC and is subject to taxes on unrelated business income, as applicable. The LLC and Greenwich are treated as disregarded (tax) entities.

The ACLU Foundation files tax and information returns with the Internal Revenue Service (IRS) and with various states.

Management evaluated the Foundation's tax positions and concluded that the organization had taken no uncertain tax positions that require additional adjustment or disclosure to the accompanying consolidated financial statements. Generally, the Foundation is no longer subject to income tax examinations by U.S. federal, state, or local tax authorities for tax years before 2021, which is the standard statute of limitations look-back period.

Evaluation of Subsequent Events

The Foundation evaluates events occurring after the date of the consolidated financial statements to consider whether or not the impact of such events needs to be reflected and/or disclosed in the consolidated financial statements. Such evaluation is performed through the date the consolidated financial statements are issued, which is October 29, 2024. There were no significant subsequent events requiring adjustment to the consolidated financial statements or disclosures.

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

Adoption of Issued Accounting Pronouncements

Financial Instruments - Credit Losses (Topic 326)

In June 2016, the Financial Accounting Standards Board (FASB) issued Accounting Standards Update (ASU) 2016-03, *Financial Instruments - Credit Losses (Topic 326): Measurement of Credit Losses on Financial Instruments*, as amended. The new credit loss standard changes the impairment model for most financial assets and certain other instruments. For trade and other receivables, contract assets recognized as a result of applying *Revenue from Contracts with Customers (Topic 606)*, loans, and certain other instruments, entities are required to use a new forward-looking “expected-loss” model that generally results in earlier recognition of credit losses than under the incurred-loss model. ASU 2016-03 is effective for fiscal years beginning after December 15, 2022. The Foundation adopted this ASU on April 1, 2023 prospectively, and there was no impact on the consolidated financial statements.

Accounting for Leases (Topic 842)

In February 2016, the FASB issued ASU 2016-02, *Accounting for Leases (Topic 842)*. This ASU requires a lessee to record, for all leases with a lease term of more than 12 months, an asset representing its right to use the underlying asset for the lease term and a liability to make lease payments. For leases with a lease term of 12 months or less, a practical expedient is available whereby a lessee may elect, by class of underlying asset, not to recognize an ROU asset or lease liability. A lessee making this accounting policy election will recognize lease expense over the term of the lease, generally in a straight-line pattern.

The Foundation adopted this ASU for the year ended March 31, 2023 on a modified retrospective basis transition approach using the effective-date method, which was April 1, 2022. Under this transition method, the Foundation applied the new requirements to only those leases that existed as of April 1, 2022, rather than at the earliest comparative period presented in the consolidated financial statements. Prior periods will be presented under the existing lease guidance. Upon transition, the Foundation applied the package of practical expedients permitted under the ASC 842 transition guidance. The Foundation also elected to apply practical expedients allowing it to: i) not reassess whether any expired or existing contracts previously assessed as not containing leases are, or contain, leases; ii) not reassess the lease classification for any expired or existing leases; and iii) not reassess initial direct costs for any existing leases. Additionally, the Foundation did not elect the hindsight practical expedient to determine the applicable term for leases within the Foundation’s lease population. See Note 10 for additional information.

The Foundation’s lessor accounting has remained similar, and the existing leases continue to be classified as operating leases.

Presentation and Disclosures by Not-for-Profit Entities for Contributed Nonfinancial Assets (Topic 958)

In September 2020, the FASB issued ASU 2020-07, *Not-for-Profit Entities (Topic 958): Presentation and Disclosures by Not-for-Profit Entities for Contributed Nonfinancial Assets*. The ASU improves the transparency of contributed nonfinancial assets through enhancements to presentation and disclosures. The ASU requires that a nonprofit present contributed nonfinancial assets as a separate line item in the statement of activities apart from contributions of cash or other financial assets. Information that shows contributed nonfinancial assets disaggregated by category is required to be disclosed. In addition, the ASU requires that for each type of contributed nonfinancial assets, the

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

following be disclosed: i) a policy (if any) on liquidating rather than using the contributed nonfinancial assets; ii) qualitative considerations on whether the contributed nonfinancial assets were liquidated or used during the reporting period and, if used, a description of how the asset was employed; iii) any donor-imposed restrictions related to contributed nonfinancial assets; iv) valuation methods and inputs utilized to determine a fair value measure at initial recognition; and v) the principal or most advantageous market utilized to calculate fair value if it is a market in which the organization is restricted by the donor from selling or utilizing the contributed nonfinancial assets.

The Foundation adopted this ASU for the year ended March 31, 2023. Accordingly, the consolidated statements of activities present contributed nonfinancial assets as a separate line item. In addition, the notes to the consolidated financial statements include disclosures identifying the types of assets contributed and the valuation methodology used.

3. Related Party Transactions

Amounts due from and to affiliates represent receivables and payables related to affiliate support and revenue sharing.

Amounts due from affiliates include income generated by the affiliates that is subject to the application of the Foundation's sharing rules, reimbursement to the Foundation for expenses paid by the Foundation on behalf of the affiliates, and receivables for affiliate health insurance, which amounted to approximately \$317,000 and \$782,000 for the fiscal years ended March 31, 2024 and 2023, respectively.

Amounts due to affiliates include the portion of contributions that are shared in accordance with the Foundation's sharing rules and payments related to certain affiliate subsidy programs. For the fiscal years ended March 31, 2024 and 2023, approximately \$32,811,000 and \$35,720,000 was due to affiliates, respectively.

During the fiscal years ended March 31, 2024 and 2023, the Foundation had expenses to affiliates for grants to affiliates, the shared portion of contributions and bequests, and the special affiliate subsidies of approximately \$69,866,000 and \$63,987,000, respectively.

During both fiscal years ended March 31, 2024 and 2023, the Foundation received approximately \$390,000 from the New York Civil Liberties Union, Inc. and the New York Civil Liberties Union Foundation, Inc. in payments for the use of space occupied at the Foundation's offices at 125 Broad Street. These payments include charges for cleaning and other customary services.

As of March 31, 2024, expected future receipts from the New York Civil Liberties Union, Inc. and New York Civil Liberties Union Foundation, Inc. for the use of space occupied are as follows:

Year ending March 31,

2025	\$	390,264
2026		390,264
	\$	780,528

Certain expenses, predominantly salaries and employee benefits, are shared between the Union and the Foundation. Expenses paid by the Union and allocated to the Foundation and recognized in the

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

accompanying consolidated financial statements amounted to \$40,695,523 and \$34,120,127 during the fiscal years ended March 31, 2024 and 2023, respectively.

4. Pledges, Bequests, and Contributions Receivable

Pledges, bequests, and contributions receivable that are expected to be collected after one year have been discounted to net present value at rates ranging from 3.04% to 4.59% and are reflected in the consolidated financial statements at their net realizable value.

Pledges, bequests, and contributions receivable are comprised of the following:

<i>March 31,</i>	2024	2023
Receivable due within one year or less	\$ 34,866,611	\$ 34,461,667
Receivable due in more than one year to five years	2,744,421	17,298,409
	37,611,032	51,760,076
Less: discount to present value	(254,623)	(1,223,680)
Less: allowance for uncollectible accounts	(2,487,841)	(2,491,873)
	\$ 34,868,568	\$ 48,044,523

Approximately \$8,679,000 and \$15,566,000 of pledges, bequests, and contributions receivable as of March 31, 2024 and 2023, respectively, are the affiliates' share of these revenues, which are based on the Foundation's revenue-sharing rules. These amounts will be recognized as expenses by the Foundation upon the receipt of cash from donors.

For the fiscal years ended March 31, 2024 and 2023, the Foundation received approximately \$450,000 and \$1,050,000, respectively, in new conditional contributions. For the fiscal years ended March 31, 2024 and 2023, the Foundation recognized approximately \$450,000 and \$4,350,000, respectively, in revenue from conditional contributions as barriers were met. At March 31, 2024 and 2023, there were no conditional contributions that did not meet the barriers to be recognized as revenue.

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American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

5. Investments and Fair Value Measurements

The following tables present the Foundation's investments that are measured at fair value on a recurring basis.

March 31, 2024

	Level 1	Level 2	Level 3	Total
Money Market Funds	\$ 12,034,149	\$ -	\$ -	\$ 12,034,149
Equities	133,260,907	-	-	133,260,907
Corporate Bonds (by S&P rating)				
AAA-A-	-	199,333	-	199,333
Total Corporate Bonds	-	199,333	-	199,333
U.S. Treasury Notes, Agency, and Related	-	29,854,958	-	29,854,958
Mutual Funds				
Large-cap U.S. equity	11,880,186	-	-	11,880,186
Small-/mid-cap U.S. equity	3,694,140	-	-	3,694,140
International equity	10,055,914	-	-	10,055,914
Short-term bond	14,139,735	-	-	14,139,735
Intermediate-term bond	8,732,064	-	-	8,732,064
High-yield bond	922,152	-	-	922,152
International fixed income	2,218,013	-	-	2,218,013
Other bond	2,091,485	-	-	2,091,485
International real estate	2,382,728	-	-	2,382,728
U.S. real estate	4,472,569	-	-	4,472,569
Total Mutual Funds	60,588,986	-	-	60,588,986
Exchange-Traded Funds				
Short-term, long-term, and intermediate-term bonds	27,799,518	-	-	27,799,518
Real estate and hard assets (commodities)	17,223,680	-	-	17,223,680
Total Exchange-Traded Funds	45,023,198	-	-	45,023,198
Total	\$ 250,907,240	\$ 30,054,291	\$ -	280,961,531
Private Equity Funds - Multi-Strategy⁽¹⁾				135,472,708
Proprietary Equity Funds - Multi-Strategy⁽¹⁾				249,812,244
Total Investments				\$ 666,246,483

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

March 31, 2023

	Level 1	Level 2	Level 3	Total
Money Market Funds	\$ 15,352,419	\$ -	\$ -	\$ 15,352,419
Equities	111,817,853	-	-	111,817,853
Corporate Bonds (by S&P rating)				
AAA–A-	-	641,471	-	641,471
Total Corporate Bonds	-	641,471	-	641,471
U.S. Treasury Notes, Agency, and Related	-	27,978,141	-	27,978,141
Mutual Funds				
Large-cap U.S. equity	10,189,167	-	-	10,189,167
Small-/mid-cap U.S. equity	2,924,643	-	-	2,924,643
International equity	8,647,285	-	-	8,647,285
Short-term bond	13,612,580	-	-	13,612,580
Intermediate-term bond	8,111,974	-	-	8,111,974
High-yield bond	785,917	-	-	785,917
International fixed income	1,931,467	-	-	1,931,467
Other bond	1,856,094	-	-	1,856,094
International real estate	1,881,376	-	-	1,881,376
U.S. real estate	3,787,005	-	-	3,787,005
Total Mutual Funds	53,727,508	-	-	53,727,508
Exchange-Traded Funds				
Short-term, long-term, and intermediate-term bonds	28,151,000	-	-	28,151,000
Real estate and hard assets (commodities)	15,254,509	-	-	15,254,509
Total Exchange-Traded Funds	43,405,509	-	-	43,405,509
Total	\$ 224,303,289	\$ 28,619,612	\$ -	252,922,901
Private Equity Funds - Multi-Strategy⁽¹⁾				113,514,074
Proprietary Equity Funds - Multi-Strategy⁽¹⁾				222,330,734
Total Investments				\$ 588,767,709

⁽¹⁾ In accordance with the fair value measurements topic, certain investments that are measured at fair value using the net asset value (NAV) per share (or its equivalent) practical expedient have not been classified in the fair value hierarchy. The fair value amounts presented in these tables are intended to permit reconciliation of the fair value hierarchy to the amounts presented in the consolidated statements of financial position.

Below are the valuation techniques used by the Foundation to measure different financial instruments at fair value and the level within the fair value hierarchy in which the financial instrument is categorized.

Equities, money market funds, and exchange-traded funds listed on a national securities exchange or reported on the NASDAQ global market are stated at the last reported sales or trade price on the day of valuation. These financial instruments are classified as Level 1 in the fair value hierarchy.

Investments in mutual funds are stated at fair value based on the last quoted evaluation price or NAV. To the extent these securities are actively traded, and valuation adjustments are not applied, they are classified as Level 1 in the fair value hierarchy.

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

U.S. government debt and corporate bonds are valued based on the last reported bid price provided by broker-dealers and are reported as Level 2 in the fair value hierarchy.

Investments in common trust funds, proprietary equity funds, and private equity funds are valued at fair value based on the applicable percentage ownership of the underlying net assets on the measurement date. In determining fair value, the Foundation utilizes, as a practical expedient, the NAV or equivalent provided by the fund managers (NAV of funds). The underlying common trust funds, proprietary equity funds, and private equity funds value securities and other financial instruments on a fair value basis. The estimated fair values of certain investments of the underlying common trust funds, proprietary equity funds, or private equity funds, which may include private placements and other securities for which prices are not readily available, are determined by the trustee of the common trust funds or sponsor of the proprietary equity funds or private equity funds and may not reflect amounts that could be realized upon immediate sale, nor amounts that ultimately may be realized. Accordingly, the estimated fair values may differ significantly from the values that would have been used had a ready market existed for these investments.

The Foundation assesses the fair value hierarchy levels of the investments at each measurement date, and transfers between levels are recognized on the actual date of the event or change in circumstances that caused the transfer. There were no significant transfers among Levels 1, 2, and 3 during fiscal years 2024 or 2023.

The Foundation has the ability to redeem its investments in common trust funds on a daily or monthly basis. The objectives of the investments in common trust funds are to approximate as closely as practicable or to provide total investment returns that are in excess of the performance of the following benchmarks over time with certain risk parameters:

Investment	Benchmark
Large-cap U.S. equity	S&P 500 Index
Small-/mid-cap U.S. equity	Russell 2000 Index, S&P Mid-Cap 400 Index
International equity	MSCI EAFE Index, MSCI Emerging Markets, JP Morgan CEMBI Broad Diversified Index
Intermediate-term bond	Barclays U.S. Aggregate Bond Index, Barclays U.S. Intermediate Bond Index
High-yield and other bonds	Barclays U.S. Treasury Inflation Protected Securities Index, Barclays Corporate High-Yield 2% Issuer Cap Index, Bloomberg Global High Yield Index, S&P/LSTA Leverage Loan Index
Real estate and hard assets (commodities)	Dow Jones U.S. Select REIT Index, Dow Jones-UBS Commodity Total Return Index

During fiscal year 2023, all investments in common trust funds were redeemed.

The Foundation did not have the ability to redeem the investments in private equity funds and proprietary equity funds on March 31, 2024, or in the near term, which is defined as 90 days or less from March 31, 2024. The investment objective of the private equity funds and proprietary equity funds is to generate consistent capital appreciation over the long term, with relatively low volatility and a low correlation with traditional equity and fixed-income markets.

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

The following tables summarize the investment strategies and liquidity provision of investments in the private equity and proprietary equity funds valued at NAV as provided by the fund managers:

March 31, 2024

	Fair Value	Unfunded Commitments	Redemption Frequency	Redemption Notice Period	Remaining Lock-Up Period
Private equity:					
Sequoia	\$ 40,896,358	\$ -	Annual	NA	NA*
SRA III	27,389,055	4,040,582	None	NA	NA
SRA IV	36,957,512	2,668,514	None	NA	NA
SRA V	27,658,298	22,207,641	None	NA	NA
SRA VI	2,571,485	41,908,468	None	NA	NA
Multi-strategy	226,205,627	-	Monthly	7 business days	None
Multi-strategy	23,606,617	-	Monthly	15 business days	None
	\$ 385,284,952	\$ 70,825,205			

March 31, 2023

	Fair Value	Unfunded Commitments	Redemption Frequency	Redemption Notice Period	Remaining Lock-Up Period
Private equity:					
Sequoia	\$ 39,258,638	\$ -	Annual	NA	NA*
SRA III	27,149,108	5,116,506	None	NA	NA
SRA IV	31,701,243	4,544,833	None	NA	NA
SRA V	15,405,085	32,650,630	None	NA	NA
Multi-strategy	200,648,832	-	Monthly	7 business days	None
Multi-strategy	21,681,902	-	Monthly	15 business days	None
	\$ 335,844,808	\$ 42,311,969			

* While 5% can be drawn down annually, the full amount cannot be transferred until donor stipulations have been met.

The investments are held for the following purpose:

March 31,	2024	2023
Bill of Rights Trust (BORT), inclusive of endowments held in perpetuity of \$76,622,088 and \$76,581,082 at March 31, 2024 and 2023, respectively (Note 9)	\$ 151,820,110	\$ 136,976,958
Split-interest agreements (Note 7)	45,798,067	39,151,489
Other endowment, special projects, program support, and operating reserves	468,628,306	412,639,262
	\$ 666,246,483	\$ 588,767,709

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

6. Property and Equipment

Property and equipment consist of the following:

March 31,

	2024	2023	Range of Estimated Useful Life (Years)
Land, property, office buildings, and office condominium	\$ 67,155,784	\$ 61,889,800	10-50
Furniture, fixtures, and office equipment	4,930,151	4,793,796	3-5
Software	16,550,858	16,332,410	3-15
	88,636,793	83,016,006	
Less: accumulated depreciation and amortization	(63,403,183)	(61,121,367)	
	\$ 25,233,610	\$ 21,894,639	

7. Split-Interest Agreements

The Foundation receives contributions through its charitable gift annuity program whereby in exchange for gifts of cash or securities, the Foundation promises to pay a fixed annual amount for life to the annuitant.

The difference between the fair value of the assets received and the present value of the future distributions to the annuitant is recognized as contribution revenue.

Upon the death of the annuitant, any balance of the amount in the split-interest account reverts to the Foundation.

The Foundation has received gifts under this program on which it is obligated to make annual annuity payments of \$2,515,387 and \$2,345,450 in accordance with the agreements as of March 31, 2024 and 2023, respectively.

In addition, the Foundation has 12 unitrust agreements on which the income is paid to the donor for life. Upon the death of the donor, the balance in the trust account shall be distributed to the Foundation for its general purposes.

Assets and liabilities related to the Foundation's split-interest agreements are as follows:

<i>March 31,</i>	2024	2023
Assets-investments	\$ 45,798,067	\$ 39,151,489
Liabilities under split-interest agreements	23,644,944	19,733,541
Net	\$ 22,153,123	\$ 19,417,948

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

Reserve asset balances at March 31, 2024 and 2023 were held in separate accounts and exceeded the reserve requirements of the New York State Insurance Commission, as well as the reserve requirements of the relevant regulatory bodies in all other states that require a reserve fund and in which the Foundation issues gift annuities. Reserves are included in liabilities under split-interest agreements on the accompanying consolidated statements of financial position.

The present value of obligations under split-interest agreements was calculated using an interest rate of 5% and applicable Annuity Mortality Tables (either 1983A, 2000, or 2012AR).

Adjustments to reflect revaluations of the present value of estimated future payments and changes in actuarial assumptions are recognized in the consolidated statements of activities as changes in value of split-interest agreements.

8. Liquidity and Availability of Resources

The Foundation regularly monitors liquidity required to meet its annual operating needs and other contractual commitments. As of the consolidated statements of financial position's dates, the Foundation holds approximately 15 months of operating expenses in cash, cash equivalents, and liquid investment assets. The following table reflects the Foundation's financial assets available as of the consolidated statements of financial position's dates for general expenditures over the next 12 months.

<i>March 31,</i>	2024	2023
Cash and cash equivalents	\$ 94,389,521	\$ 122,723,768
Pledges, bequest, and contributions receivable, net	34,868,568	48,044,523
Other miscellaneous receivables	3,009,880	668,792
Investments (excluding private equity investments, private equity unfunded commitments, and BORT held for affiliates)	445,907,980	425,034,284
Total Financial Assets Available Within One Year	578,175,949	596,471,367
Less: amounts unavailable for general expenditures within one year, due to:		
Restricted by donors with:		
Purpose and time restrictions	(159,526,378)	(154,597,968)
Trust accounts	(5,171,714)	(4,911,523)
Perpetual in nature	(96,622,088)	(96,581,082)
Total Amounts Unavailable for General Expenditures Within One Year	(261,320,180)	(256,090,573)
Amounts unavailable to management without board approval:		
Board-designated endowment funds	(276,060,517)	(248,179,224)
Financial Assets Available to Meet Cash Needs for General Expenditures Within One Year	\$ 40,795,252	\$ 92,201,570

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

The Foundation has board-designated funds totaling \$276,060,517 and \$248,179,224 as of March 31, 2024 and 2023, respectively. Although the Foundation does not intend to spend from its board-designated funds, other than amounts appropriated for general expenditures as part of its annual budget approval and appropriation process, amounts from its board-designated funds could be made available if necessary.

9. The Bill of Rights Trust and Other Endowments

In 1997, the ACLU and its affiliates established the BORT. The purpose of the BORT, a portion of which is an endowment fund of the ACLU, is to build an enduring endowment to carry out the work of the ACLU and its affiliates in protecting, preserving, and expanding the civil liberties of all persons in the United States of America. The BORT has 100,000,000 authorized units, which are issued to or among the ACLU and its affiliates based upon their respective interests in the BORT. Unit shares have a unit value based upon the fair value of the net assets of the BORT divided by the total number of unit shares outstanding.

The BORT permits for annual distributions to the ACLU and its affiliates in accordance with the ACLU's approved spending policy, prorated in accordance with the percentage of the fair value of each unit share. For the fiscal years ended March 31, 2024 and 2023, the BORT allowed for a potential distribution amount equal to 4% of the average month-end value of total funds over the preceding 36 months through December 31, 2023 and 2022, respectively. Each unit holder, including the ACLU and the participating affiliates, must establish that they have determined the appropriation to be prudent before the distribution is disbursed. In the fiscal years ended March 31, 2024 and 2023, the Foundation had a distribution of approximately \$12,987,000 and \$1,099,000, respectively.

The BORT comprised the following accounts and amounts that are included in the consolidated statements of financial position:

<i>March 31,</i>	2024	2023
Assets		
Investments	\$ 151,820,110	\$ 136,976,958
Pledge receivable	10,000,000	10,000,000
Other assets	201,917	72,003
	\$ 162,022,027	\$ 147,048,961
Liabilities and Net Assets		
Held for affiliates	\$ 54,936,948	\$ 47,166,017
Net assets with donor restrictions	30,462,991	23,301,862
Net assets with donor restrictions - held in perpetuity	76,622,088	76,581,082
	\$ 162,022,027	\$ 147,048,961

The Foundation's endowment consists of numerous funds, established for a variety of purposes and consisting of donor-restricted and board-designated funds.

The Foundation's Board of Directors has adopted an investment policy for endowment assets that provides continued financial stability for the Foundation and a revenue stream for spending on the Foundation's mission. The Foundation relies on a total return strategy in which investment returns

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

are achieved through capital appreciation (realized and unrealized) and current yield (interest and dividends). The investment goal of the endowment fund is to invest assets in a prudent manner that will balance reasonable annual distributions to the Foundation with long-term growth in the value of the assets of the BORT.

The Foundation has a policy of annually appropriating for expenditure an amount of up to 4% of the average month-end value of total funds over the preceding 36 months through December 31. Accumulated earnings appropriated for expenditure during fiscal year 2024 and 2023 amounted to approximately \$4,413,000 and \$4,227,000, respectively.

Due to unfavorable market fluctuations, from time to time, the fair value of assets associated with individual donor-restricted endowment funds may decline below the historic dollar value of the donor's original, restricted contribution, or by the amount required to be retained by state law. As of March 31, 2024, deficiencies existed in two of the Foundation's donor-restricted endowment funds, which had a combined original contribution value totaling \$695,000 and a current fair value of \$522,332, resulting in a deficiency of \$172,668. As of March 31, 2023, deficiencies existed in eight of the Foundation's donor-restricted endowment funds, which had a combined original contribution value totaling \$14,065,500 and a current fair value of \$13,730,692, resulting in a deficiency of \$334,808. Under the terms of NYPMIFA, the Foundation has no responsibility to restore such decreases in value.

Endowment net asset composition by type of fund is as follows:

March 31, 2024

	Without Donor Restrictions	With Donor Restrictions	Held in Perpetuity	Total With Donor Restrictions
Donor-restricted funds	\$ -	\$ 53,227,350	\$ 96,622,088	\$ 149,849,438
Board-designated funds	276,060,517	-	-	-
Total Endowment Funds	\$ 276,060,517	\$ 53,227,350	\$ 96,622,088	\$ 149,849,438

March 31, 2023

	Without Donor Restrictions	With Donor Restrictions	Held in Perpetuity	Total With Donor Restrictions
Donor-restricted funds	\$ -	\$ 44,428,501	\$ 96,581,082	\$ 141,009,583
Board-designated funds	248,179,224	-	-	-
Total Endowment Funds	\$ 248,179,224	\$ 44,428,501	\$ 96,581,082	\$ 141,009,583

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

Changes in endowment net assets are as follows:

March 31, 2024

	Without Donor Restrictions	With Donor Restrictions	Held in Perpetuity	Total With Donor Restrictions
Endowment Net Assets, beginning of year	\$ 248,179,224	\$ 44,428,501	\$ 96,581,082	\$ 141,009,583
Investment return:				
Interest and dividends, net	292,856	200,911	-	200,911
Net realized and unrealized gains on investments	32,232,424	13,011,118	-	13,011,118
Net Investment Return	32,525,280	13,212,029	-	13,212,029
Other Changes During the Year				
Contributions	15,212,428	-	46,006	46,006
Adjustment	-	-	(5,000)	(5,000)
Appropriation of endowment assets for expenditures	(19,856,415)	(4,413,180)	-	(4,413,180)
Total	(4,643,987)	(4,413,180)	41,006	(4,372,174)
Endowment Net Assets, end of year	\$ 276,060,517	\$ 53,227,350	\$ 96,622,088	\$ 149,849,438

March 31, 2023

	Without Donor Restrictions	With Donor Restrictions	Held in Perpetuity	Total With Donor Restrictions
Endowment Net Assets, beginning of year	\$ 259,816,579	\$ 56,335,945	\$ 92,885,569	\$ 149,221,514
Investment return:				
Interest and dividends, net	3,477,895	221,987	-	221,987
Net realized and unrealized losses on investments	(18,396,293)	(7,902,173)	-	(7,902,173)
Net Investment Loss	(14,918,398)	(7,680,186)	-	(7,680,186)
Other Changes During the Year				
Contributions	14,295,870	-	3,695,513	3,695,513
Appropriation of endowment assets for expenditures	(11,014,827)	(4,227,258)	-	(4,227,258)
Total	3,281,043	(4,227,258)	3,695,513	(531,745)
Endowment Net Assets, end of year	\$ 248,179,224	\$ 44,428,501	\$ 96,581,082	\$ 141,009,583

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

10. Leases

The Foundation is obligated under various noncancelable operating lease agreements for office space and equipment expiring at various dates through October 2033.

As of March 31, 2024, ROU assets and lease liabilities were \$4,336,234 and \$4,403,240, respectively. As of March 31, 2023, ROU assets and lease liabilities were \$2,371,126 and \$2,440,198, respectively. The weighted-average discount rate used to calculate the present value of future lease payment was 3.79% and 3.58% and the weighted-average lease term was 16.64 and 2.3 years for fiscal years 2024 and 2023, respectively.

Aggregate remaining maturities or operating lease liabilities as of March 31, 2024 are as follows:

Year ending March 31,

2025	\$	1,319,319
2026		753,246
2027		455,942
2028		416,317
2029		426,631
Thereafter		1,884,221
Total Minimum Lease Payments		5,255,676
Less: imputed interest		(852,436)
Present Value of Minimum Lease Payments	\$	4,403,240

Lease expenses consist of the following:

<i>Year ended March 31,</i>	2024	2023
Operating lease expense	\$ 1,560,685	\$ 2,036,983
Variable lease payments	-	61,203
Net Lease Expense	\$ 1,560,685	\$ 2,098,186

Other information:

Cash paid for amounts included in the measurement of lease liabilities:

Operating cash flows from operating leases	\$ 1,562,750	\$ 1,967,911
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Aggregate rent expense under the above leases for the years ended March 31, 2024 and 2023 was \$997,844 and \$1,204,467, respectively, which is included as rent and occupancy on the consolidated statements of functional expenses.

The Foundation receives payments for the use of space occupied at the 915 15th Street building and the ACLU Foundation building in relation to lease agreements expiring at various dates through October 2033.

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

As of March 31, 2024, expected future receipts from tenants for the use of space occupied are as follows:

Year ending March 31,

2025	\$	911,114
2026		516,675
2027		130,203
2028		134,109
2029		138,132
Thereafter		687,489
	\$	2,517,722

Aggregate rental income under the above leases for the years ended March 31, 2024 and 2023 was \$717,155 and \$808,442, respectively, which is recorded on the consolidated statements of activities.

11. Commitments and Contingencies

Litigation and Claims

The Foundation is involved in other legal actions arising in the ordinary course of business. Management is of the opinion that the ultimate outcome of these matters would not have a material adverse impact on the consolidated financial position of the Foundation or the consolidated results of its activities.

Collective Bargaining Agreement

At both March 31, 2024 and 2023, approximately 3% of the Foundation's salaried employees were unionized and employed under Collective Bargaining Agreements between the ACLU and Local 2110. ACLU's Collective Bargaining Agreement expired on March 31, 2023. In June 2023, the ACLU signed an agreement for five years, expiring in 2028.

12. Line of Credit

On October 1, 2020, the Foundation entered into a revolving line of credit agreement with JPMorgan Chase Bank for a secured committed line in the amount of \$30,000,000, secured by a blanket lien on all assets. The facility could have been drawn and paid down at any time until February 14, 2023, when it matured. The line of credit was not renewed by the Foundation when it matured. The facility had a variable interest rate of LIBOR plus 175 basis points for LIBOR-based loans or prime rate for CB Floating Rate Advance rate-based loans.

The credit facility required that the organization maintain unrestricted cash and investments to funded debt of a least 2.0 to 1.0. The Foundation is not aware of any instances of noncompliance with financial and non-financial covenants for the year ended March 31, 2023.

13. Retirement Plans

The Foundation participates in the American Civil Liberties Union Retirement Plan (the Pension Plan), a retirement plan covering eligible employees of the Union, the Foundation, and their affiliates.

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

The Pension Plan is a defined benefit plan covering those employees who have at least one year of service or at least 1,000 hours worked per year and are at least 21 years of age. Benefits are based on service to date on an average of career earnings. The Union's policy is to fund pension costs by contributing at least the minimum amount required by the Employee Retirement Income Security Act of 1974 (ERISA). The Union either charges or pays the Foundation its share of the net periodic pension income or costs. For the fiscal year ended March 31, 2024, the income received by the Foundation in connection with the Pension Plan amounted to \$157,759. For the fiscal year ended March 31, 2023, the cost incurred by the Foundation in connection with the Pension Plan amounted to \$883,204.

On January 1, 2015, the Pension Plan was amended and restated to include, among other things, a provision for additional contribution due on withdrawal or freezing of benefits by an employer. The liability attributed to the employer or former employer is determined based upon the sum of the present value of the accrued benefits for each of the participants associated with the employer or former employer determined as of the last day of the plan year preceding the date as of which the withdrawal contribution is calculated. Accordingly, as of March 31, 2024 and 2023, the Foundation recognized \$208,650 and \$1,434,224, respectively, of withdrawal contribution liability due to the Union. Disclosures on the funded status and other information on the Pension Plan are included in the consolidated financial statements of the ACLU.

The Union implemented a soft freeze of the Pension Plan, effective March 31, 2009. Employees hired on or after April 1, 2009 enrolled in a new Defined Contribution (DC) 401(k) plan. The new DC plan includes an employer contribution of 2% and an employer match of 100% of the first 1% of the employee's contribution and 50% of the next 5% of an employee's contribution, for a total match of 3.5% and a total employer contribution of 5.5%. The soft freeze applies only to employees hired on or after April 1, 2009, and does not affect current plan participants or employees hired before March 31, 2009, but not yet in the plan. The Foundation contributed \$3,104,068 in 2024 and \$2,705,685 in 2023.

Eligible Foundation employees may also participate in the ACLU 401(k) plan (the 401(k) Plan), which is a 401(k) salary-reduction plan covering substantially all employees of the Union, the Foundation, and their affiliates, hired on or before March 31, 2009. Under the 401(k) Plan, employees may voluntarily contribute up to 80% of their pre-tax compensation to the 401(k) Plan subject to IRS dollar limits. There is no employer match or other contributions.

Effective April 8, 2011, eligible employees of the Foundation can participate in the unfunded, nonqualified 457(b) plan maintained by the Union.

Effective January 1, 2023, the ACLU Board Retirement Committee approved a resolution to move all participants from the 401(k) Plan into the DC plan. The 401(k) Plan was effectively terminated in December 2022. This resolution did not have a material effect on the consolidated financial statements.

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

14. Net Assets

Net assets comprise the following:

<i>March 31,</i>	2024	2023
Without donor restrictions:		
Undesignated	\$ 136,861,498	\$ 126,333,308
Board-designated:		
Litigation Fund	37,289,904	34,080,838
Annuity Fund and Annuity Reserve	18,988,761	15,983,646
Organizational Fund	38,960,527	38,121,226
Jacobs Affiliate Development Fund	9,584,706	11,702,540
Dividend Distribution Fund	167,353,262	143,948,508
John Adams Fund	3,883,357	4,342,466
Total Board-Designated	276,060,517	248,179,224
Total Without Donor Restrictions	412,922,015	374,512,532
With donor restrictions:		
BORT and other endowments	53,227,350	44,428,501
Trusts	5,171,714	4,911,523
Other time and purpose restrictions	112,169,028	119,669,467
BORT - unconditional promise to give - held in perpetuity	10,000,000	10,000,000
BORT and other endowments - held in perpetuity	86,622,088	86,581,082
Total with Donor Restrictions	267,190,180	265,590,573
Total	\$ 680,112,195	\$ 640,103,105

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American Civil Liberties Union Foundation, Inc. and Subsidiaries

Notes to Consolidated Financial Statements

15. Net Assets Released from Restrictions

Net assets were released from donor restrictions by incurring expenses satisfying restricted purposes or by the occurrence of other events specified by donors as follows:

<i>Year ended March 31,</i>	2024	2023
Special projects:		
Voting Rights	\$ 6,324,009	\$ 7,062,509
Capital Punishment	1,000,050	1,000,000
National Prison	1,243,450	1,216,125
Disability Rights	105,600	8,337
Criminal Law Reform and Smart Justice	1,503,848	1,289,446
Immigrants' Rights	10,166,731	7,820,113
Reproductive Freedom	5,757,322	5,274,178
Women's Rights	1,149,862	1,279,914
National Security	410,000	400,000
LGBT	6,570,092	6,335,238
Racial Justice	4,757,629	5,484,465
Southern Collective	11,332,431	3,072,537
Advocacy Institute	2,600,209	1,381,614
Defending Democracy	3,679,272	544,209
Other special projects	3,021,258	3,378,847
Total Special Projects	59,621,763	45,547,532
BORT and other endowments	4,418,180	4,227,258
Time-restricted gifts	10,982,125	2,204,924
Total Released from Restrictions	\$ 75,022,068	\$ 51,979,714

Supplementary Information

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Consolidating Schedule of Financial Position

March 31, 2024

	American Civil Liberties Union, Foundation, Inc.	915 15 th Street, LLC	Eliminations	Consolidated
Assets				
Cash and cash equivalents	\$ 94,386,005	\$ 3,516	\$ -	\$ 94,389,521
Pledges, bequests, and contributions receivable, net	34,868,568	-	-	34,868,568
Investments, at fair value	666,246,483	-	-	666,246,483
Other assets	3,188,683	23,808	-	3,212,491
Due from affiliates	317,482	-	-	317,482
Due to the ACLU Foundation from the LLC	10,684,484	-	(10,684,484)	-
Investment in the LLC	(4,058,712)	-	4,058,712	-
Right-of-use of assets, operating leases	4,336,234	-	-	4,336,234
Property and equipment, net of accumulated depreciation and amortization	18,624,758	6,608,852	-	25,233,610
Total Assets	\$ 828,593,985	\$ 6,636,176	\$ (6,625,772)	\$ 828,604,389
Liabilities and Net Assets				
Liabilities				
Accounts payable and accrued expenses	\$ 9,121,929	\$ 10,404	\$ -	\$ 9,132,333
Grants payable	7,279,087	-	-	7,279,087
Due to the ACLU Foundation	-	10,684,484	(10,684,484)	-
Due to the American Civil Liberties Union, Inc.:				
Allocated share of pension liability	208,650	-	-	208,650
Due to the American Civil Liberties Union, Inc., others	16,076,238	-	-	16,076,238
Due to affiliates	32,810,754	-	-	32,810,754
Liabilities under split-interest agreements	23,644,944	-	-	23,644,944
Bill of Rights Trust held for affiliates	54,936,948	-	-	54,936,948
Lease liabilities, operating leases	4,403,240	-	-	4,403,240
Total Liabilities	148,481,790	10,694,888	(10,684,484)	148,492,194
Commitments and Contingencies				
Net Assets (Deficit)				
Net assets (deficit) without donor restrictions:				
Board-designated	276,060,517	-	-	276,060,517
Undesignated	136,861,498	(4,058,712)	4,058,712	136,861,498
Net Assets (Deficit) Without Donor Restrictions	412,922,015	(4,058,712)	4,058,712	412,922,015
Net assets with donor restrictions	267,190,180	-	-	267,190,180
Total Net Assets (Deficit)	680,112,195	(4,058,712)	4,058,712	680,112,195
Total Liabilities and Net Assets (Deficit)	\$ 828,593,985	\$ 6,636,176	\$ (6,625,772)	\$ 828,604,389

American Civil Liberties Union Foundation, Inc. and Subsidiaries

Consolidating Schedule of Activities

Year ended March 31, 2024

	American Civil Liberties Union Foundation, Inc.			915 15th Street, LLC		Consolidated		
	Without Donor Restrictions	With Donor Restrictions	Total	Without Donor Restrictions	Eliminations	Without Donor Restrictions	With Donor Restrictions	Total
Operating Support and Revenue								
Support:								
Grants, bequests, and contributions	\$ 101,553,043	\$ 63,149,454	\$ 164,702,497	\$ -	\$ -	\$ 101,553,043	\$ 63,149,454	\$ 164,702,497
In-kind donated property	4,400,000	-	4,400,000	-	-	4,400,000	-	4,400,000
Donated legal services	39,504,757	-	39,504,757	-	-	39,504,757	-	39,504,757
Total Support	145,457,800	63,149,454	208,607,254	-	-	145,457,800	63,149,454	208,607,254
Revenue:								
Rental income	396,049	-	396,049	717,106	(396,000)	717,155	-	717,155
Merchandise and book sales	598,066	-	598,066	-	-	598,066	-	598,066
Other income	493,375	-	493,375	-	-	493,375	-	493,375
Total Revenue	1,487,490	-	1,487,490	717,106	(396,000)	1,808,596	-	1,808,596
Net assets released from restrictions	75,022,068	(75,022,068)	-	-	-	75,022,068	(75,022,068)	-
Total Operating Support and Revenue	221,967,358	(11,872,614)	210,094,744	717,106	(396,000)	222,288,464	(11,872,614)	210,415,850
Operating Expenses								
Program services:								
Legislative	5,239,719	-	5,239,719	-	(3,098)	5,236,621	-	5,236,621
Legal	115,521,753	-	115,521,753	-	(159,026)	115,362,727	-	115,362,727
Public education	19,100,643	-	19,100,643	-	(35,604)	19,065,039	-	19,065,039
Civil liberties policy formulation	1,804,754	-	1,804,754	-	(145)	1,804,609	-	1,804,609
Affiliate support	62,757,437	-	62,757,437	-	(41,610)	62,715,827	-	62,715,827
Total Program Services	204,424,306	-	204,424,306	-	(239,483)	204,184,823	-	204,184,823
Supporting services:								
Management and general	15,651,865	-	15,651,865	1,279,447	(85,446)	16,845,866	-	16,845,866
Fundraising	18,939,907	-	18,939,907	-	(71,071)	18,868,836	-	18,868,836
Total Supporting Services	34,591,772	-	34,591,772	1,279,447	(156,517)	35,714,702	-	35,714,702
Total Operating Expenses	239,016,078	-	239,016,078	1,279,447	(396,000)	239,899,525	-	239,899,525
Change in Net Assets (Deficit), before non-operating activities	(17,048,720)	(11,872,614)	(28,921,334)	(562,341)	-	(17,611,061)	(11,872,614)	(29,483,675)
Other Changes in Net Assets (Deficit) from Non-Operating Activities								
Legal awards, net	7,009,067	-	7,009,067	-	-	7,009,067	-	7,009,067
Net investment income	49,088,122	15,740,064	64,828,186	-	-	49,088,122	15,740,064	64,828,186
Changes in value of split-interest agreements	-	(2,267,843)	(2,267,843)	-	-	-	(2,267,843)	(2,267,843)
Net loss on investment in the LLC	(562,341)	-	(562,341)	-	562,341	-	-	-
Other components of postretirement benefit cost	(76,645)	-	(76,645)	-	-	(76,645)	-	(76,645)
Total Other Changes in Net Assets (Deficit) from Non-Operating Activities	55,458,203	13,472,221	68,930,424	-	562,341	56,020,544	13,472,221	69,492,765
Change in Net Assets (Deficit)	38,409,483	1,599,607	40,009,090	(562,341)	562,341	38,409,483	1,599,607	40,009,090
Net Assets (Deficit), beginning of year	374,512,532	265,590,573	640,103,105	(3,496,371)	3,496,371	374,512,532	265,590,573	640,103,105
Net Assets (Deficit), end of year	\$ 412,922,015	\$ 267,190,180	\$ 680,112,195	\$ (4,058,712)	\$ 4,058,712	\$ 412,922,015	\$ 267,190,180	\$ 680,112,195