



ACLU

FALL 2018 IMPACT REPORT

HOLDING THE ADMINISTRATION ACCOUNTABLE

The ACLU is leading the charge against an administration seeking to build its reputation on how harsh it can be to immigrants. At the same time, we are empowering voters across the country to channel outrage into action on a wide variety of issues in the midterm elections.

The government's cruel separation of families at the border exposes the Trump administration's willingness to attack the most vulnerable and heightens our shared responsibility to fight back. We know that no matter how quickly they are reunited, nothing can ever replace the time lost between the parents and children, or make up for the psychological toll of forced family separation.

With our 1.85 million members behind us, the ACLU has been working overtime in the courts, in the streets, and in Congress to hold the Trump administration

accountable for using young children as pawns in a harsh immigration "deterrent" strategy.

Now we are harnessing the formidable power of the people to make their voices heard at the ballot box. Just in time for the midterm elections, we've launched a nonpartisan electoral operation aimed at educating voters on where candidates stand on crucial issues such as family reunification, voting rights, criminal justice reform, and reproductive freedom.

Using tools such as candidate scorecards, phone banks, and

door-to-door canvassing, our goal is to give voters the information they need about candidates and ballot initiatives, and to make change happen.

We've already seen the impact of our efforts in places such as Mecklenburg, North Carolina, the state's largest county, where primary voters overwhelmingly rejected an incumbent Democratic sheriff known for enthusiastically participating in federal ICE deportation activities and putting juveniles in solitary confinement. The ACLU is replicating this approach in dozens of key races up and down the ballot.

MS. L. V. ICE

Months before the media began reporting that thousands of children were being separated from their families at the border, the ACLU was in court arguing on behalf of “Ms. L.,” a 39-year-old Congolese woman whose 7-year-old daughter was taken from her in November 2017 when she entered the United States legally and sought asylum in San Diego.

Ms. L. thought she had found safety at last when an immigration officer certified that she had a credible fear of harm if she were to return to violence in the Democratic Republic of the Congo. What happened next has happened to thousands like her: Ms. L. was forcibly torn from her daughter, who was transported 2,000 miles away to Chicago.

In a legal complaint filed on the family’s behalf, the ACLU described the daughter’s screams as she was wrenched from her mother: “No one explained to Ms. L.

why they were taking her daughter away from her or where her daughter was going or even when she would next see her daughter.”

Following public outcry and the ACLU’s lawsuit—which has since expanded into a national class action on behalf of at least 2,000 children separated from their parents—the two were finally reunited in March.

In June, a federal court gave the Trump administration a deadline to reunite all children under 5 with their parents by Tuesday, July 10, and all remaining children by July 26. Not surprisingly, the government has attempted to abdicate responsibility at every turn, even going so far as to resist reuniting toddler-age children with parents whom they have already deported. What’s worse, the administration has said it doesn’t even know the identities of the parents of 40 children.

The ACLU will not stop pushing until all families are reunited. As we have argued in court, this is a problem largely of the government’s own making, and it is incumbent on the government to fix it.

“This is the fight now,” says Lee Gelernt, deputy director of the ACLU Immigrants’ Rights Project and lead lawyer in the case. “We can’t give up on these kids.”

**MORE THAN
400**
children, many of
whose parents
have already been
deported, remain
in US custody.



ENGAGING THE VALUES VOTER

From the 1925 Scopes “Monkey Trial” to *Roe v. Wade*, the ACLU is well known for its role in virtually every major civil liberties case in its almost 100-year history. Now we’ve invested substantially in a new, nonpartisan electoral operation aimed at educating voters about where candidates stand on crucial civil liberties issues.

Whether you care about family separation, reproductive health, privacy, racial justice—or all of the above—the place to make your voice heard is at the ballot box. Here’s what the ACLU is doing to activate the “ACLU Voter.”

PROTECTING AND EXPANDING THE VOTE.

In 24 states and the District of Columbia, registered voters have the power to enact new laws or repeal them by ballot measure. The ACLU is using this tool to widen access to the ballot itself.

In Florida, for instance, the ACLU is a key partner in promoting “Say Yes to Second Chances,” a measure that would restore the voting rights of Floridians with felony convictions if 60 percent of voters approve. Given that this Jim Crow-era law has disenfranchised nearly one-quarter of Florida’s adult African-American population, the initiative is crucial to our work on behalf of people who have historically been denied rights because of their race.

EDUCATING VOTERS.

With political activism on the rise since Trump’s election, the ACLU’s No. 1 goal is to make sure voters are not only engaged but also informed about candidates’ records. That means mailing out tens of thousands of informational flyers, distributing “scorecards” that rate candidates on key civil liberties issues, and mobilizing our grassroots organizing operation, People Power, to knock on doors and make phone calls.



A pilot effort in Philadelphia’s 2017 race for district attorney informed voters about reform-minded candidates working to reduce disparities in the criminal justice system and resulted in the defeat of an incumbent with a poor civil liberties record by a reform-minded civil rights attorney.

GETTING OUT THE VOTE.

While one of the ACLU’s goals is to get all 1.85 million ACLU members to vote this November, we’re not stopping there. The aclu.org/Voter site features a “Commit to Vote” pledge that asks users to share the pledge with at least five family members or friends. The site also functions as an educational data hub about how to get to the polls, with up-to-date information on registration, polling locations, and primary dates.

DELIVERING A BIG WIN FOR PRIVACY

Since Trump took office, the ACLU has filed more than 171 legal actions—and counting—to stave off his administration's disastrous policies.

One of the most important legal wins this year—and arguably of the digital age—was the ACLU's victory in *Carpenter v. United States*, in which the Supreme Court held that police need a warrant before they can seize people's sensitive location information stored by cellphone companies.

Had the Trump administration's arguments prevailed, it would have gained easy access to the masses of our personal information stored across the internet on everything from iPhones to Fitbit trackers to the Cloud. It is no stretch to imagine how Trump's government would use that data against the most marginalized in our communities: to hound immigrant families, track protesters, restrict women's reproductive choices, and quash free speech.

With Justice Kennedy's retirement, we can expect an even more conservative Supreme Court. But the *Carpenter* ruling—authored by Chief Justice John Roberts—demonstrates that even conservative courts are holding the line on privacy. Similarly, in another crucial ruling for immigrant families, the district Republican-appointed federal judge in the case of *Ms. L. v. ICE* ruled that parents should not have to face the risk of having their DNA collected in a government database to be reunified with their children.

VICTORY!

In historic privacy win, Supreme Court tells cops who want to track cellphones:

GET A
WARRANT



ON THE FRONTLINE

As the second year of the Trump presidency sows further turmoil, the ACLU continues to lead the charge against his unconstitutional and un-American threats to civil liberties.

ADVANCING CRIMINAL JUSTICE REFORM

State and local elections are key to stopping the revival of discredited, “tough on crime” policies that helped fuel mass incarceration and disproportionately and disastrously impacted people of color. As the midterms approach, there is a strong grassroots and bipartisan appetite for reform, thanks in part to the politically diverse coalitions the ACLU has helped build in recent years. Our work focuses on three under-addressed drivers of mass incarceration: prosecutorial abuse, bail, and parole. In addition, we’re continuing to address biased police practices, harsh sentencing laws, and other well-known drivers of incarceration.

DEFENDING LGBT RIGHTS

In *Masterpiece Cakeshop v. Colorado*, the Supreme Court notably affirmed that businesses cannot use religion as a license to discriminate. The ACLU continues to pursue a robust docket of cases that involve “religious refusals” in public accommodations, health care, and child placement services. And on transgender issues, we have already racked up encouraging wins. In April 2018, Anchorage, Alaska, became the first American jurisdiction to uphold transgender protections on a standalone ballot measure. We remain hopeful.

PROTECTING REPRODUCTIVE FREEDOM

It is no overstatement to say that we are in for the fight of our lives just to preserve the current state of access to abortion. On the federal front, the ACLU is gearing up for litigation against a number of possible abortion and reproductive health restrictions. On the state level, we blocked the enforcement of 17 abortion restrictions this past year, ensuring that hundreds of thousands of women were able to get the care they need.