

# ACLU magazine

FOR PASSIONATE GUARDIANS OF CIVIL LIBERTIES  
WINTER 2019 | ACLU.ORG



## TRUMP'S WAR ON IMMIGRANTS

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**ACLU**



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**Contributors**



**Reniqua Allen** is a freelance writer and producer. She is the author of a new nonfiction book, *It Was All a Dream: A New Generation Confronts the Broken Promise to Black America*, in stores now.



**Jessica Chou** is a photographer based in Los Angeles and San Francisco. She loves creating images of people and places that reflect the times we are living in.

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**T**he day Donald J. Trump was elected president, we knew the ACLU would need to evolve to face an unprecedented threat to our freedoms. With your support, these efforts have delivered an unmistakable message to Trump and his allies: We the people will determine the path our country takes.

Enough voters went to the polls in November to prove it, protecting the rights of immigrants in Oregon and transgender people in Massachusetts and restoring the voting rights of 1.4 million formerly incarcerated people in Florida, including more than one-fifth of the state's African-American adult population. These are victories to celebrate, even as we continue to face considerable challenges ahead.

One of our greatest challenges, without a doubt, is the Trump administration's immoral and inhumane family separation policy, which is a national disgrace. In **"Trump's War on Immigrants,"** p. 24, we take you behind the scenes to meet the immigrant families devastated by these policies and the ACLU lawyers working 24-7 to defend them.

At the same time, we're seeing positive momentum in our Smart Justice Campaign to address America's

**“Even in these difficult times, what inspires me every day are people like you fighting for the America we believe in.”**



mass incarceration crisis. Turn to p. 8 for details on the ACLU's 50-state blueprint for action to decrease the prison population by 50 percent. And in addition to the momentous win for disenfranchised voters in Florida, don't miss the heartening results of key ballot initiatives in Michigan and Nevada (**"The Era of the ACLU Voter,"** p. 18), where the ACLU's growing movement of People Power activists helped bring wins for measures to expand voting rights, just in time for the 2020 elections.

Even in these difficult times, what inspires me every day are people like you fighting for the America we believe in. In **"Activists in Conservative Country,"** p. 10, you'll meet people who are championing civil liberties in some of the most conservative parts of the country, including a high school student, a formerly incarcerated mother, and a rabbi and a Muslim leader dubbed "the God Squad" by their fans.

Finally, you'll notice some stylistic updates to this issue, including changing our name from *STAND* to *ACLU Magazine*. Since 2016, our membership has quadrupled as tens of thousands of people have turned to us as the one organization uniquely positioned to fight the Trump administration, both inside and outside the courtroom. With so many new "card carrying" members putting the ACLU front and center, we decided to do the same for the magazine.

Thank you for sharing our vision of what America can and should be.

**Anthony D. Romero**  
Executive Director

# ACLU

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**ACLU Magazine (ISSN 2640-3560)** is a publication for members and supporters of the American Civil Liberties Union (ACLU). Send changes of address and questions about your ACLU membership to membership@aclu.org; mail them to ACLU, 125 Broad Street, 18th Floor, New York, NY 10004; or call 212-549-2500. Send editorial correspondence specific to the publication to ACLU Magazine, ACLU, 125 Broad Street, 18th Floor, New York, NY 10004, or email to ACLUmagazine@aclu.org. This is not a subscription publication, and we do not accept unsolicited manuscripts or advertisements. ©2019 American Civil Liberties Union Foundation. All rights reserved. Contents may not be reproduced without the express written consent of ACLU. Requests for reprints should be directed to permissions@aclu.org. Published by ACLU, 125 Broad Street, 18th Floor, New York, NY 10004. Printed in the USA. The ACLU comprises two separate corporate entities, the American Civil Liberties Union and the ACLU Foundation. Although both the American Civil Liberties Union and the ACLU Foundation are part of the same overall organization, it is necessary that the ACLU has two separate organizations in order to do a broad range of work in protecting civil liberties. This magazine collectively refers to the two organizations under the name "ACLU."

**Exchanging Mailing Lists:** The ACLU defrays the cost of our new-member recruitment by renting or exchanging our list with other nonprofit organizations and publications, but never to partisan political groups or to groups whose programs are incompatible with ACLU policies. All lists are rented or exchanged according to strict privacy standards. We never give our list directly to any organization; instead, we send the list to a letter shop that prepares the mailing for the organization that is participating in the rental or exchange. That organization never sees our list and never knows what names are on it unless an individual responds to the organization's mailing. The ACLU always honors a member's request not to make his or her name available. If you do not wish to receive materials from other organizations, write to the ACLU Membership Department, and we will omit your name from list rental and exchange. Thank you for your understanding.

**A note from the chair** of the ACLU National Board's 2019 Nominating Committee: Please be advised that ACLU members may submit nominations to the National Board for consideration by the Nominating Committee for the 2019 slate. Please send your recommendation to: ACLU Nominating Committee, 125 Broad Street, 18th Floor, New York, NY 10004. ACLU members may also make nominations to the National Board by submitting a petition with the names and signatures of 50 ACLU members to the address above.



The Summer 2018 issue of *ACLU Magazine* (formerly *STAND*) includes a feature story on People Power activists working to expand voter access.

### Re: "Power to the People"

*The image of Cat Castaneda on your Summer 2018 cover is stunning. Her grinning, cocky stance makes me proud to be a fellow American. She inspires and encourages me in these times when our very democracy is threatened.*

Dr. Carol A. Mortland  
Auburn, WA

*Every article in every issue has been inspirational, none more so than the profile of Cat Castaneda. Talk about succeeding against the odds! I have to suspect that Ms. Castaneda's disenfranchisement results from institutional racism and class prejudice. I hope the ACLU backs her to the hilt in her effort to reclaim her rights.*

Louise Mehler  
Sacramento, CA

*While I enjoyed "Power to the People" in the Summer issue, I was unpleasantly surprised to see the word felon used to describe people who had been convicted of a felony and disenfranchised. The growing person-first language movement teaches us that we should describe people as people first, followed by whatever modifier is appropriate in the circumstances. To insist that a*

*"person with a criminal record" is not the same as a "criminal" is to recognize that a person is more than the worst thing they've ever done. It is to recognize the inherent worth and dignity of every person.*

Alex Lesman  
Brooklyn, NY

### Re: "Justice for Jane"

*Before abortion became legal, I worked as an orderly at Los Angeles General Hospital. During those years, I saw dozens of teenage girls and young women die from self-administered or back-alley abortions. Most were poor black women or Latinas. I commend you, ACLU, for defending women's reproductive rights, and for your continuing efforts to make sure our society never regresses to the blatant injustices and hypocrisy that were so common before Roe v. Wade.*

David Quintero  
Monrovia, CA

### Re: "Vote for Your Rights"

*Thank you for supporting Florida's Amendment 4 [to restore voting rights to people with criminal records]. Voter suppression is a major tool in the arsenal of those that want to destroy our democracy, and I want to support the fight for a fair vote. It's the best way to make sure that the people who need it most get a voice.*

Douglas Beard  
Huntsville, AL

### We love your feedback!

Let us know what you think about this issue:

[ACLUmagazine@aclu.org](mailto:ACLUmagazine@aclu.org)

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# FRONT LINE

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A member of a caravan of Central American migrants holds up a U.S. flag at a port of entry in Tijuana, Mexico.

## PRIORITIES

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### Agenda for a New Congress

As legislators get to work, civil liberties should be front and center.

**The 116th Congress** is one of the most diverse and representative in history. With historic voter turnout, the midterm elections saw women and people of color win long overdue seats at the table to properly reflect the population they serve. Now is the time for legislators to adopt a robust agenda that not only protects civil liberties but also restores democracy. The ACLU recommends the following to-do list for the new Congress. It encompasses just a few of the priority bills and actions that uphold our American values of freedom, fairness, and equality.

#### VOTING RIGHTS

- Pass the Voting Rights Advancement Act to restore protections that prevent racial discrimination in voting in all elections.

CONTINUED FROM PAGE 5

- Hold oversight hearings on the unprecedented number of voter suppression practices that have infected the electoral process.

**IMMIGRANTS' RIGHTS**

- Cut the Department of Homeland Security's massive budget, which disproportionately allocates funds to subagencies that further militarize the border and harm immigrant communities across the country.
- Enact permanent protections for longtime U.S. residents, like Dreamers and recipients of Temporary Protected Status, who are being threatened with deportation.
- Hold hearings and investigations to hold the administration accountable on national crises of Trump's making: family separation, detention abuses, and the entanglement of federal immigration with state and local law enforcement.

**WOMEN'S RIGHTS**

- Enact the Congressional Accountability Act of 1995 Reform Act to get victims of harassment in the legislative workforce the justice they deserve and stop lawmakers from using taxpayer dollars to settle sexual harassment claims.

**CRIMINAL JUSTICE**

- Hold oversight hearings to examine and review the Justice Department's "law and order" policies and programs regarding local police departments, including data collection and investigations of police misconduct.

**LGBT RIGHTS**

- Pass the Equality Act to prohibit discrimination on the basis of sexual orientation and gender identity in all aspects of public life. The act would ensure real-world equality for LGBT people in areas where they are still vulnerable, such as housing, employment, and education. ■

To contact your legislators and advocate for these and other priorities, visit [aclu.org/action](https://aclu.org/action).

**Call Congress**

Contact your legislators today and demand they cut the Department of Homeland Security's massive budget as the agency continues to terrorize immigrants.

To be connected to your reps, visit [aclu.org/dhs](https://aclu.org/dhs).



# Zainab Merchant Speaks Up for Justice

Merchant is subjected to humiliating questioning and harassment by airport security every time she travels. The ACLU is suing on her behalf.

**Zainab Merchant** is a U.S. citizen and author, pursuing graduate studies in international security and journalism at Harvard University. For the past two years, Merchant has experienced excessive searches and detention by federal officers every time she has traveled by air or reentered the country. In 2018, the ACLU filed a formal complaint on Merchant's behalf with the Department of Homeland Security (DHS). Merchant is also one of nearly a dozen plaintiffs in *Alasaad v. Nielsen*, an ACLU lawsuit against DHS on behalf of travelers whose smartphones and laptops were searched without warrants at the border.

PHOTOGRAPH BY CELESTE SLOWAN





I thought creative writing would be my future, but a friend started talking to me about Yemen, the dire situation there, and it awakened my journalistic side.

**Since 2016, you have been repeatedly harassed at airports when traveling with your family.**

It was something I'd heard about but never thought was real. At a layover in Los Angeles on my way to Vancouver, TSA officers refused to let me board the plane, even though I had been through all security checks, and they escorted me to a back room for a full-body pat down. When I finally came out, my flight was gone, and my husband and infant daughter were waiting. Our bags, baby food, everything was on the plane. Since then, every time I fly, TSA subjects me to delays, questioning, and searches that can take hours.

**You are multifaceted: a journalist, mother, student, advocate.**

And I am a Muslim. My faith is a huge part of my life, and it has shaped a lot of things that I do. I grew up in a post-9/11 world of constant bullying, racial slurs, and derogatory comments. But I am really proud of my faith and couldn't believe how it was being portrayed.

**How did that culture of Islamophobia inform your life?**

It made me want to understand how politics works. I studied political science, and after school, I had my first baby and started writing children's books.

**What prompted you to speak out against DHS?**

Muslims have been reaching out to me, saying this is something that happens to them regularly. It's an injustice. We are human beings; we have to respect ourselves. For me, it was a no-brainer to speak up, not just for me, but for other Muslims.

[ACLU attorney] Hugh Handyside said a huge part of social justice is going public and talking about your experiences, being open and transparent. I agree, though it's hard. I can't change who I am as a person. It can be hard to stand up for the truth and for others, but it's even harder to stand up for yourself. ■



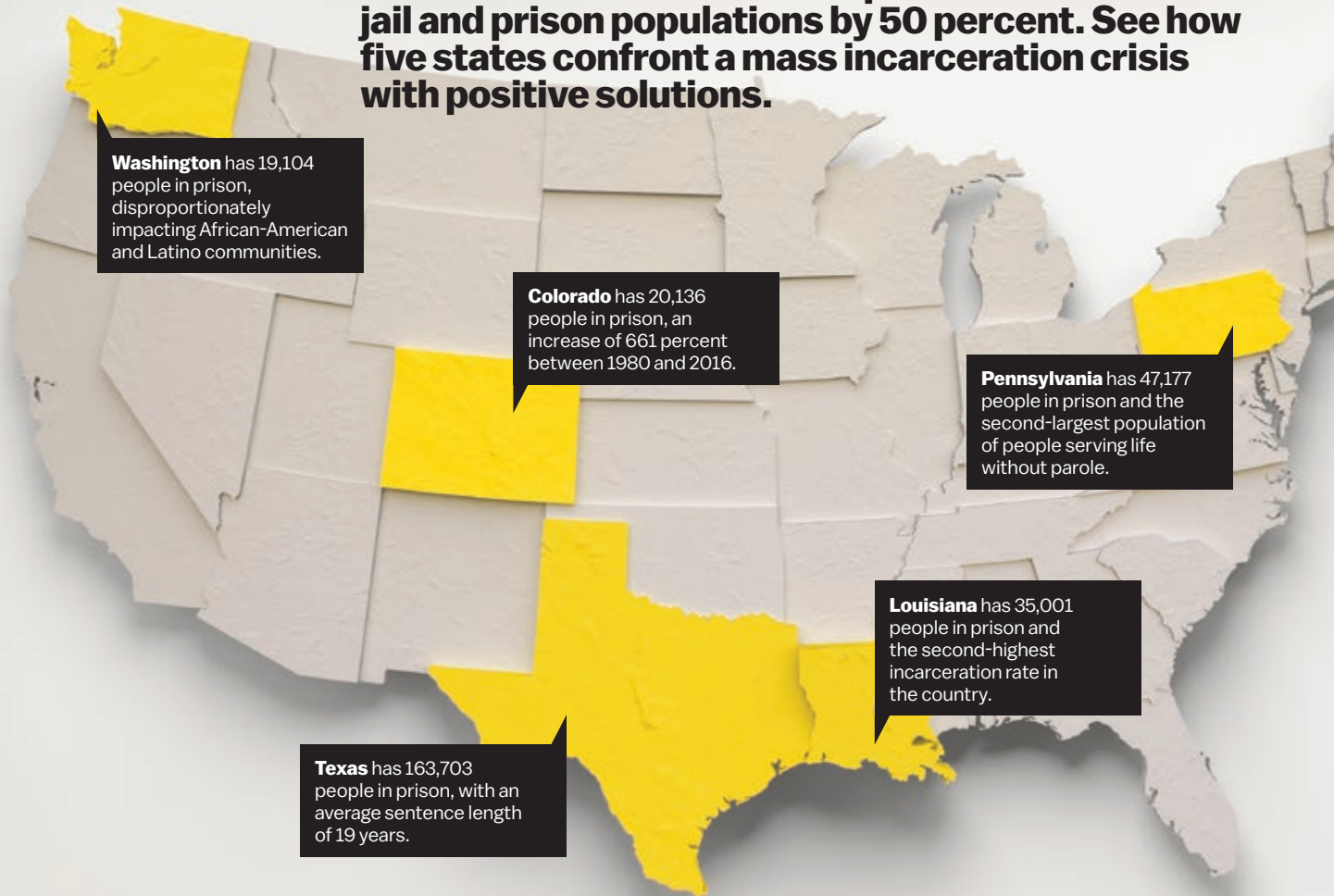
## Know Your Rights While Traveling

When encountering law enforcement at the airport or the border, your bags may be lawfully searched, and you may be asked questions about your citizenship and itinerary. But it is illegal for law enforcement officers to perform any stops, searches, detentions, or removals based solely on your religion, race, gender, ethnicity, or political beliefs.

- You have the right not to answer any questions about your religious beliefs or political opinions, and you cannot be denied entry to the United States for declining to answer such questions.
- You have the right to refuse to provide passwords and unlock your phone or computer, but refusal to do so might lead to questioning, denied entry, or officers seizing your device for further inspection.

To learn more about your rights while traveling, working, protesting, and more, visit [aclu.org/kyr](http://aclu.org/kyr).

**Last year, the ACLU’s Campaign for Smart Justice created customized road maps for states to cut jail and prison populations by 50 percent. See how five states confront a mass incarceration crisis with positive solutions.**



**Washington** has 19,104 people in prison, disproportionately impacting African-American and Latino communities.

**Colorado** has 20,136 people in prison, an increase of 661 percent between 1980 and 2016.

**Pennsylvania** has 47,177 people in prison and the second-largest population of people serving life without parole.

**Louisiana** has 35,001 people in prison and the second-highest incarceration rate in the country.

**Texas** has 163,703 people in prison, with an average sentence length of 19 years.

**Washington**

The passage of Initiative 940 last November will make it easier to hold police officers accountable when they use deadly force. It also requires independent investigations of serious police violence as well as training in de-escalation and how to interact with people with disabilities or behavioral issues.

**Colorado**

The midterms saw voters approve Amendment A, which ends the state’s practice of not paying prisoners for labor. Colorado is now one of the only states in the country that prohibits prison labor without pay. A similar initiative failed just two years ago.

**Texas**

The ACLU spent a year educating voters in Dallas about the significant role of the district attorney in the criminal justice system. In November, a reform-oriented DA candidate won after making a historic commitment to reducing incarceration 15 percent to 20 percent by the end of his first term.

**Louisiana**

Amendment 2, approved by voters in November, struck down a racist law dating back to 1898 that allowed split juries to convict people of felonies. More than 40 percent of people who have been recently exonerated of crimes in Louisiana were found guilty by nonunanimous juries.

**Pennsylvania**

HB163 repealed a long-standing mandate to suspend driver’s licenses of people convicted of crimes unrelated to driving. The legislation will positively impact more than 20,000 people a year, mostly people of color and the working poor.

To see your state’s road map for smart justice, visit [50stateblueprint.aclu.org](http://50stateblueprint.aclu.org).

## Q&A with Susan N. Herman

ACLU president, law professor, and constitutional scholar Susan N. Herman answers your most pressing questions about civil liberties and the rule of law.

# Q:

### Why is the ACLU defending the rights of people who are not in this country legally?

Refugees following accepted procedures for seeking asylum, like our client in *Ms. L v. ICE*, do not enter the country illegally. They have a right under the Constitution and international law to have their plea for shelter considered and not have their families torn apart. The Trump administration paints immigrants generally, including desperate refugees fleeing violence, as dangerous predators. But it is generations of immigrants who have made America great. Providing due process to everyone within our borders—no matter what their legal status—should be a continuing part of our national identity.

### I read in the Huffington Post that the ACLU paid for advertisements calling attention to certain candidates' positions in the recent midterm elections. Isn't that crossing the line into partisanship?

The ACLU remains firmly committed to our traditional principles of nonpartisanship. As part of our ACLU Voter program, we seek to educate voters about candidates' records—regardless of political affiliation—on key civil liberties issues. As the HuffPo article notes, the ACLU doesn't endorse or oppose candidates.

We comment on their positions on particular issues in order to promote informed discussion of civil liberties issues, to secure candidates' commitment to the bipartisan fight for criminal justice reform, and to encourage everyone to educate themselves and then get out and vote!

### With the new Supreme Court appointments, I'm terrified about the possibility of *Roe v. Wade* being overturned! Can you explain whether this is likely, and how the ACLU would respond?

It's true that a 5-4 majority of the court is now considered hostile to abortion rights. Bear in mind, however, that three former Supreme Court justices (Kennedy, O'Connor, and Souter) were also appointed with the expectation that they would vote to overturn the 1973 *Roe v. Wade* decision, which curtailed the states' ability to criminalize or limit access to abortions. Those justices all declined to do so on the basis that settled precedent must be respected. Without *Roe*, the battle for reproductive freedom would intensify in the states. But *Roe* doesn't need to be overturned for access to abortion to become virtually nonexistent in some parts of America. States have passed more than 400 abortion restrictions since 2011. Such laws are increasingly likely to be approved by the current court. With an active presence in every state, and with the power of our 1.85 million members behind us, the ACLU will continue our fierce defense of a woman's right to choose, no matter what happens. ■

Please send your questions to [ACLUmagazine@aclu.org](mailto:ACLUmagazine@aclu.org).



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# Activists in Conservative Country

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by TIM MURPHY



Being an ACLU activist in a conservative state might seem like a challenge. **Meet the fearless leaders who are defending civil liberties** where they're most under attack—and holding local legislators accountable.



Left to right: LaTonya McNeal, Abbie Graham, Lily Levin, Joe Sharp, Ilesha Brooks, and Ibtesam “Sue” Barazi and Rabbi Victor Urecki

photographs by **JESSICA CHOU**

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# Reproductive freedom. Immigrants' rights. Criminal justice reform. LGBT equality.

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More and more, battles over civil liberties are being waged at the local level as emboldened city and county governments seek to curtail the rights of the most vulnerable. The ACLU's 50-state affiliate structure and its grassroots mobilization platform, People Power, have given activists across the country the tools they need to mobilize around these issues, especially in conservative states, where civil liberties are under constant threat. From North Carolina to South Dakota, and from West Virginia to Ohio, activists have joined forces with the ACLU to fend off bad, unconstitutional bills—and build a fairer future for all.

## The God Squad

### WEST VIRGINIA

Virginia, he in his yarmulke and she in her hijab, they're affectionately called (along with other faith leaders) "the God Squad." Says ACLU of West Virginia Executive Director Joe Cohen, who works closely with them, "They're the conscience of our state.

When Rabbi Victor Urecki and Ibtisam "Sue" Barazi show up at political and legislative meetings in and around Charleston, West

Whenever religious liberty, immigrant or LGBT rights are under attack, or on any other number of issues, we know we can count on them to show up at the capitol. They're tireless in their efforts to see that all West Virginians feel welcome and safe here."

For Urecki, who has been the rabbi at Charleston's B'nai Jacob Synagogue since 1986, and Barazi, born in Syria but a local resident since 1975 and the vice president of the Islamic Association of West Virginia, their unofficial status as the regional Justice Duo goes back years but has intensified in the Trump era. "It's become much more fashionable for people to talk openly about their hostilities toward Islam," says Urecki. Barazi agrees. "Before, people would take a quick look at me [in my hijab] and move on, but now it's become a long, defiant look. The overwhelming number of people here have never met a Jew or a Muslim."



The heightened atmosphere means that the two—some, as part of the West Virginia Interfaith Refugee Ministry, where Barazi serves as vice president, have spent much of the past two years fighting back bad bills. One would have given the state the daunting task of quantifying exactly how much it was spending on refugees, an effort to block additional refugees from settling in West Virginia. Another bill, targeting the Islamic laws of Sharia, a veiled attempt to codify racism, would have targeted religious freedom and policed religious practices. “This bill could be used to prevent me from performing a Jewish divorce, or the Catholic Church from dealing with property issues,” says Urecki.

“They wanted to tell us how to bury our dead?” asks Barazi. “Because that’s what Sharia deals with: marriages, inheritance, burial. What happened to freedom of religion?”

**Ibtesam “Sue” Barazi and Rabbi Victor Urecki,** affectionately known as “the God Squad,” have spent much of the past two years fighting discriminatory bills in West Virginia.

Ultimately, the pair plus their allies were successful in defeating those bills, including yet another that would have required public schools to offer a Bible study elective. They both say that working alongside the ACLU of West Virginia helped them shape their strategy, such as knowing what arguments to use and which lawmakers to reach out to. “We wouldn’t have known about these bills if it weren’t for the ACLU,” says Barazi. “Sometimes they would text us at 10 or 11 at night asking if we could be in a legislative committee meeting at 9 the next morning.” And, says Cohen, Urecki and Barazi were always there.

Trump’s Muslim ban and cruel family separation border policy have also kept the duo busy with protests and rallies. “I have a Syrian nephew stuck in Saudi Arabia due to the administration’s travel bans,” says Barazi. “He lost his job, can’t renew his visa, and his kids can’t attend school.” But the block on refugees hasn’t kept their ministry from staying busy. They’re raising money for refugees overseas, as well as scholarship money for young adult refugees here in the United States who are not eligible for government higher-education assistance.

The duo has their fans not just among ACLU staffers and fellow activists—but in each other. “I’m paid as a rabbi, but Ibtesam does this work out of the goodness of her heart,” says Urecki. “She’s her community’s ambassador.” And Barazi says of him: “He’s my hero. I would give him the Nobel Prize if I could.”

And despite these tough times, they both think that justice will prevail. “America has always found a way to ultimately channel its better angels,” says Urecki. “We just need the right leadership.” Barazi agrees. “The majority of people I’ve encountered in this country have a big heart,” she says. “Hate is not what America is about.”

## The Leader

KENTUCKY

In June, McNeal, a supervisor at The Healing Place, a Louisville rehab community, traveled to the ACLU’s national membership conference in Washington, D.C., where she says she learned that, in these times, “A silent mouth is not going to help.”

During Kentucky’s legislative session, she met with state Rep. Attica Scott to share her story of how drug addiction landed her in state prison four times between 1994 and 2009 (she got sober shortly there-

LaTonya McNeal got prison time instead of treatment for her drug problems. Now, she wants Kentuckians to have better options.

after), a period in which she says she was not offered a serious drug-treatment alternative to being locked up. “I was never given the opportunity to change my life or be a mother to my daughter,” she says. “It was always just ‘Go to jail.’ Now that I’ve been sober for eight years”—she actually moved to Louisville from Chicago to get clean at The Healing Place—“I want to be a voice for people.”

She’s doing that right now by working with the ACLU to build support for statewide expansion of diversion from prison for those with drug problems, as well as downgrading low-level drug-possession charges from felonies to misdemeanors—both priorities of the ACLU’s Campaign for Smart Justice. She’s also working to build support for a bill that would eliminate the state’s system of cash bail, because bonds as low as a few hundred dollars can be impossible to make for low-income Kentuckians, and they end up in jail simply because they can’t afford to post bail.

Among the ACLU of Kentucky’s Smart Justice advocates, “LaTonya is the leader,” says Amanda Hall, the affiliate’s field organizer. “If you were in a room with her for five minutes, you would see that she’s creative, strong, inventive, and courageous. People listen to her. And she’s always asking, ‘Okay, what do we do next?’”

That, says McNeal, is because her step up to activism has been a long time coming. “I was blocked out from life when I was on the street or locked up,” she says. “I didn’t know anything about politics or making change. It’s still all new to me, but I’m trying to plant myself in the middle now and give it everything I can.”

## The Youth Organizer

NORTH CAROLINA

While interning last summer for the ACLU of North Carolina, Lily Levin, a Raleigh high school senior, learned how cash bail requirements keep low-income people charged with minor crimes locked up and unable to go to work or care for family. Fired up about the ACLU’s movement to eliminate cash bail, she sprang into action, quickly organizing a local screening of the documentary *The Bail Trap: American Ransom*. She gathered about 100 people, including state Senator Mike Woodard, a former district court judge, a former inmate, a writer from the website NC Policy Watch—and two food trucks!

“People came out of the film with a better understanding of how our bail system disproportionately

## Victories in the States

**Often with grassroots support, the ACLU made these gains in states sometimes hostile to civil liberties:**

### ALABAMA

We educated voters about the importance of prosecutors in criminal justice reform. In November, Alabama’s largest county saw a pro-reform candidate elected as prosecutor.

### KENTUCKY

We struck down a law that would have closed the last abortion clinic in the state.

### NORTH CAROLINA

We mobilized voters in a key sheriff’s race to consider each candidate’s stance on immigration. The existing sheriff, a proponent of anti-immigrant measures, was defeated.

### SOUTH DAKOTA

We mobilized activists to defeat an anti-transgender bill banning people from using public bathrooms that match their gender identity.

### WEST VIRGINIA

We helped defeat a voter-suppression bill requiring adding photos to voter registration cards.

affects people of color,” she says. And, says ACLU of North Carolina Director of Political Strategy and Advocacy Sarah Gillooly, that’s because Levin, at only age 17, “knows how to get things done.”

She’s amassed those skills quickly. Itching to get involved politically, Levin attended the ACLU’s 2017 Summer Advocacy Institute, a one-week intensive program that equips high school juniors and seniors with the tools they need to become effective social advocates in their communities, and returned last summer as a peer mentor. She also set up a high school chapter of the ACLU’s People Power campaign, which harnesses grassroots energy in communities nationwide to key ACLU issues including criminal justice reform, immigrants’ rights, and reproductive freedom. The group has staged voter registration drives at five area schools, signing up nearly 300 new voters and distributing literature about gerrymandering, partisan, and often racist efforts to redraw congressional districts.

Her group is also pushing for laws that would give low-income communities more say in environmental decisions—as well as a law banning incarcerated pregnant women from being shackled while in the hospital.

“Lily has the rare ability to not just think about these issues but act on them,” says Gillooly. “She has tremendous power of will in organizing her peers.” But Levin, who wants to be either a civil rights or an environmental justice lawyer, says she’s just trying to do the right thing: “Since I’m privileged to have a voice while many don’t, I think it’s my duty to work alongside people who aren’t being listened to and represented.”

## The Artist for Justice

OHIO

Joe Sharp was only out of prison a few months, having served 26 years after committing a murder at 19, when the ACLU of Ohio, hearing about the art skills he’d developed while inside, reached out. They asked him if he’d like to create the logo for its bail reform campaign, which aims to eliminate Ohio’s near-impossible cash bail requirements for poor people. Sharp not only came up with an eye-catching image—of scales with money on one side and a man behind bars on the other—he’s become an integral member of the campaign, traveling with the ACLU to speak in cities statewide about how hard cash bail can be on inmates and their families.



The issue hits home for him. Although his own crime—committed when he was young and caught up in gang violence and drug dealing—was too severe for bail consideration, he'd grown up with a single mom who'd often faced onerous bail for charges related to her drug addiction. He'd also recently watched his brother end up in jail on an outstanding warrant for traffic tickets, facing a \$570 bond on top of what he owed in child support. "I remember once not believing someone who couldn't pay a \$100 bond," he says. "But now I know that comes out of someone's money to feed their kids."

That's why he's fired up to work with the ACLU on making change—especially after finally gaining freedom after many years spent in prison mentoring younger inmates and becoming the prison's Red Cross chair. His first night out, after family gave him a welcome-home party, he went upstairs, looked in the mirror, and cried. "My aunt came up and held

**Iesha Brooks**, a recent graduate of Alabama State University, advocates for criminal justice reform to make the system fairer for people of color.

me," he says. Since then, he's found part-time work at a rehab center, but says he needs to attain degrees and complete five years of parole before he'll be eligible for the kind of counseling jobs he really wants. His ultimate goal is to start a residential reentry and vocational program for newly released prisoners like himself.

"Joe was wonderful from the moment I met him," says Melekte Melaku, the ACLU of Ohio's policy associate. "He's compassionate and able to talk about bail reform and other issues on both an intellectual and human level. He's patient, willing to learn, and always jumps on board."

Sharp seconds that. "I speak at events every chance I get," he says. "I care a lot about at-risk youth and people returning to society from prison. I've spent my life being both those things, so I know what's needed. I want to help people who are trying to figure out what's next."



**"I realized that I didn't want to work within the system anymore—I wanted to help reform it."**

IESHA BROOKS, ALABAMA

**“After the election, it felt like everything I cared about was under attack, from reproductive and immigrants’ rights to racial equality and LGBT issues.”**

ABBIE GRAHAM, SOUTH DAKOTA



## The Fighter

SOUTH DAKOTA

Dakota. “But after the election, it felt like everything I cared about was under attack, from reproductive and immigrants’ rights to racial equality and LGBT issues.” She saw that the ACLU of South Dakota was looking for volunteers to work its booths at the Sioux Falls (LGBT) Pride festival, so she went. “I really enjoyed being a part of it and hearing about all the things the ACLU was doing to fight the Muslim ban, helping people try to come into the country.”

Soon enough, she and some Madison friends were taking ACLU trainings on how to be legal observ-

ers at protests and rallies, providing firsthand and video accounts of police/activist interactions “to make sure nobody’s rights are being infringed upon.” Fired up from that, she and others founded their own group, Madison Area Stands Together (MAST), which co-hosted a kickoff party for the ACLU of South Dakota’s Smart Justice Campaign, streaming the event live from the Madison public library. The group held voter registration drives before the mid-term elections. And, in a time of heightened xenophobia, it partnered with Dakota State University to help welcome international students and faculty.

“I wasn’t very politically active prior to 2016,” admits Abbie Graham, who works in the tech field in Madison, South Dakota. “But after the election, it felt like everything I cared about was under attack, from reproductive and immigrants’ rights to racial equality and LGBT issues.” She saw that the ACLU of South Dakota was looking for volunteers to work its booths at the Sioux Falls (LGBT) Pride festival, so she went. “I really enjoyed being a part of it and hearing about all the things the ACLU was doing to fight the Muslim ban, helping people try to come into the country.”

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**Abbie Graham** traverses South Dakota to serve as a legal observer at protests and host voter registration drives. She is also a volunteer at People Power events.

ers at protests and rallies, providing firsthand and video accounts of police/activist interactions “to make sure nobody’s rights are being infringed upon.” Fired up from that, she and others founded their own group, Madison Area Stands Together (MAST), which co-hosted a kickoff party for the ACLU of South Dakota’s Smart Justice Campaign, streaming the event live from the Madison public library. The group held voter registration drives before the mid-term elections. And, in a time of heightened xenophobia, it partnered with Dakota State University to help welcome international students and faculty.

“Abbie has been our rock-star volunteer,” says Kady Wittman, the ACLU of South Dakota, North Dakota, and Wyoming’s community engagement associate. “If we need someone to show up, she will,



even though she lives an hour away from Sioux Falls. It's great when we can coordinate with independent groups like MAST. That's exactly what the ACLU envisioned when we started our People Power campaign."

Graham merely sees her newfound engagement as standing up for those she considers more vulnerable than she. "I'm a middle-class, white, female U.S. citizen with a job and health insurance, so maybe the impact of unfair policies isn't as great on me as it would be on many people I care about," she says. "It feels good to work for what you believe in."

And she pushes back on the idea that everyone in her state is hostile to civil liberties. "It's not the case that everyone thinks the same here," she says, adding that the Sioux Falls Women's March drew 3,500 in 30-degree weather in a state with a population of

## Get Involved!

Tips from our ACLU activists

### JOIN FORCES

"Reach out to your local ACLU or other groups to see what they're doing," says LaTonya McNeal. "I try to stick with the folks who are making things happen."

### DO WHAT YOU CAN

"Activism is not a competition," says Lily Levin. "If you can only do an hour of activism a week, that's OK. Do something concrete at every meeting, like call your reps or send postcards."

### FOCUS

"Pick one issue that affects you directly and one that doesn't, and work on them," says Abbie Graham. "You'll burn out if you think you have to fix everything."

### POST WISELY

"Post and tweet to raise awareness, not to satisfy your need to advocate," says Rabbi Urecki. "And to paraphrase MLK Jr., be prepared for finite disappointments, but carry infinite hope that we can change things eventually."

Become an ACLU activist by signing up at [peoplepower.org](http://peoplepower.org).

about 870,000. "There are a lot of folks like me here who care enough about these issues to go stand out in the freezing cold."

## The Recent Grad

ALABAMA

Iesha Brooks thought she had to work inside the criminal justice system to help make it fairer for young people of color like herself. But then the mother of three, a recent graduate of Alabama State University, interned early this year with the ACLU of Alabama, helping it track and lobby for bills to keep juveniles charged with minor crimes out of the system, end the unfair police seizure of people's personal assets, ease penalties for small-time marijuana possession, and track police traffic stops by race.

None of the bills passed this legislative session—Alabama is one of the country's most conservative states—but, says Brooks, "I learned that I didn't need to spend years more in school becoming a lawyer to stand up for people. I also realized that I didn't want to work within the system anymore—I wanted to help reform it."

She took that new activist spirit right back to her final year in school where, with help from the ACLU on things like press releases, fact sheets, and social media, she organized #YesIsTheOnlyYes, a panel discussion on sexual consent on campus during Sexual Assault Awareness Month.

"Iesha was a great person on our team because she was very willing to jump in and get acquainted with new issues," says Rebecca Seung-Bickley, the ACLU of Alabama's communications manager, who oversaw Brooks' work there. "She was incredibly enthusiastic and open-minded."

Now, while she looks into graduate programs, Brooks is bringing those qualities to her new job as guest services coordinator at the Equal Justice Initiative, which provides legal services for poor prisoners who may have been wrongly or unfairly convicted. She juggles this alongside raising three kids—ages 9, 6, and 4. (She's even taken them along with her while canvassing.)

"I'm a hard worker and I love to learn," she says. Plus, her ACLU stint has left her newly committed to staying in Alabama to fight for justice. "I always thought I would leave after college," she says, "but now I know there's so much work to be done here and so many people invested in change. I want to be a part of that. I'm from here!" ■

# The Era of the ACLU Voter

by **EMILY WHITFIELD**

**With the passage of three landmark voting rights initiatives during the midterm elections, 2 million people will gain access to the ballot in time for 2020.**

illustrations by **EDEL RODRIGUEZ**



# ACLU

Executive Director Anthony D. Romero is an eternal optimist: the one-man constitutional crisis that is Donald J. Trump has given rise to what may be a golden age of civic activism.

In the months following Trump's election, as the ACLU membership quadrupled to 1.85 million and people who had never before attended a protest filled the streets, the ACLU saw an opportunity.

"If we could harness that energy, and deploy and sustain it, perhaps we would come into a moment where there would be much more citizen engagement around civil liberties issues," said Romero. One year later, the ACLU embarked on an ambitious plan to mobilize those motivated to vote based on civil liberties principles. The era of the ACLU voter had begun.

Faiz Shakir was brought on board as the ACLU's national political director in January 2017, and by January 2018, the ACLU's advocacy and organizing team had a plan in place to bring the civil liberties fight to the midterm elections. Says Shakir, "As the courts become less friendly to civil liberties, we need to prevent bad laws from being enacted in the first place."

The ACLU's new electoral strategy focused on three nonpartisan tactics: supporting key ballot measures, raising civil liberties issues in candidate races, and building a massive voter mobilization program across the country. Notably, much of the ACLU's efforts were invested in landmark voting rights initiatives in the battleground states of Florida, Michigan, and Nevada. The passage of all three of these initiatives has made it possible for at least 2 million more people in America to vote in the pivotal 2020 presidential election. The Florida initiative alone marks the largest expansion of voting rights since the 26th Amendment lowered the voting age to 18 in 1971.

"It's incumbent upon us, as we're building the ACLU's advocacy arm, that we think about ways to expand people's access to the ballot," says Shakir. "Who people vote for is entirely up to them, although we're certainly going to continue to put civil liberties issues front and center in every election, from sheriff to the highest office."


Romero believes that the ACLU's expanded political work reaped real dividends. "Civil liberties and civil rights were on the ballot across the country and voters responded in a big way," he said. "The reforms enacted by the ballot referenda in Florida, Michigan, and Nevada will impact elections for years to come and will help create a groundswell of energy and engagement in future elections."



## Florida: Saying Yes to Second Chances

The grim history of Florida's disenfranchisement laws goes back to the post-Civil War era, when the 14th Amendment in 1868 forced Southern lawmakers to give former slaves the right to vote. Florida finally did so (having previously tried and failed to ban freed slaves from voting), but added the crime of "felony" to its voter disenfranchisement clause. At the same time, it created new felony crimes that would trigger a lifetime ban on voting. Such crimes were vigorously enforced against the black population. Fast-forward more than 100 years, when the war on drugs and the rise of mass incarceration had put more than 2 million people behind bars in the United States, a disproportionate number of them people of color. By 2018, more than a million formerly incarcerated adults and at least 20 percent of voting-age African Americans in Florida were barred from voting for life.

While most other states had repealed lifetime voting bans, only Florida, Iowa, Kentucky, and Virginia



**“It’s incumbent upon us, as we’re building the ACLU’s advocacy arm, that we think about ways to expand people’s access to the ballot.”**

retained them. The battleground state of Florida had become notorious for disenfranchising the largest number of its residents: one in 10. That number included people like Army veteran Clarence Office Jr., who was honorably discharged but later arrested once on drug offenses. As an employee of the Florida Department of Veterans Affairs, Office frequently encountered others like him who had served their country, struggled with PTSD and other problems on their return to civilian life, and then lost their right to vote.

But now the ACLU had a new weapon in its arsenal: a People Power movement that was ready, willing, and able to help pass Amendment 4, a measure that would restore voting rights to those who have completed their sentences, including probation and parole.

Working with the Florida Rights Restoration Coalition, the ACLU was the campaign’s largest financial backer, pumping \$5 million into a sophisticated operation that included television and radio ad

buys, billboards, and, of course, People Power. The coalition obtained approximately 70,000 petition signatures to bring the proposed language to the state’s supreme court last year, which unanimously approved it. Next came the herculean task of gathering more than 750,000 signatures statewide needed to put the amendment on the ballot. Ultimately, 1.1 million were collected.

Howard Simon, executive director of the ACLU of Florida for 21 years (and former executive director of the ACLU of Michigan for two decades), had said he wouldn’t retire until the state’s lifetime voting ban for people with past felony convictions was overturned. On November 6, with the successful passage of Amendment 4, 1.4 million disenfranchised Floridians can finally vote. Simon announced his retirement.

“This is the most significant civil rights change the ACLU of Florida has ever seen,” says Simon, who worked to pass the Voting Rights Act in 1965 and marched across the Edmund Pettus Bridge with civil rights activists in Selma, Alabama, in 1968. “For me, this has been the unfinished business of the civil rights movement.”

No one yet knows exactly how the amendment will change voting patterns or Florida’s political future. But, says Simon, “It was a huge injustice that needed to be corrected, and I think it will transform Florida forever.”

### **Michigan: Modernizing the Vote**

A voting system that works for everyone shouldn’t be a radical proposition. But for decades, the ACLU of Michigan and its allies had been unable to get the state legislature to pass commonsense voting reforms such as allowing all voters to cast an absentee ballot and ensuring the accuracy and integrity of elections by requiring post-election audits.

Michigan was once a national leader in making voting more accessible to citizens, but by 2018, it lagged behind most states. Lawmakers hadn’t adopted any substantial voting modernizations since 1975, when Michigan was the first state in the country to allow citizens to register to vote when getting their driver’s license (popularly known as the “Motor Voter” law).

While many states allow voters to register up to and on Election Day, Michigan voters were required to register at least 30 days before Election Day, which is the longest amount of time allowed by federal law. Additionally, the Department of Justice had to file two lawsuits to protect the rights of Michigan military and overseas voters after local

election officials failed to send them ballots in time. And in the 2014 and 2016 elections, Michigan voters faced some of the longest lines in the country on Election Day, according to Merissa Kovach, policy strategist at the ACLU of Michigan. “We had a lot of people waiting in a line for hours and hours to vote. People had trouble finding childcare and getting off work in order to vote.”

All that changed when the ACLU made the momentous decision to get involved in creating change at the ballot box. Michigan was already high up on the ACLU’s radar as a state where voting reforms were long overdue. It was also a state where the local ACLU had strong coalition partners in the League of Women Voters and the NAACP, both longtime allies and advocates of election reform.

The moment had come to put the power in the hands of the people. With hundreds of local People Power activists standing by for marching orders, the three organizations launched Promote the Vote (Proposal 3), a voting rights amendment to finally make commonsense updates to the current voting system.

The first major step in any ballot initiative campaign is to secure enough signatures from voters willing to put the measure on the ballot. By the first deadline of July 9, the coalition had submitted over 430,000 signatures to the state, far more than the 315,654 required for an amendment. Led by Jessica Ayoub, public engagement strategist at the ACLU of Michigan, dozens of volunteers helped carry more than 125 boxes of signatures the final steps to the secretary of state’s office. The signatures had been collected from all 83 counties in the state with the help of nearly 1,000 volunteers.

On November 6, Michigan voters passed Proposal 3 by a margin of 67 percent to 33 percent. It will amend the state constitution to automatically register voters; allow voters to register any time, up to and including on Election Day; require post-election audits; expand access to absentee ballots; allow for straight-ticket party voting; and ensure those in the military get their ballots with enough time to ensure their vote is counted. According to Ayoub, this means that an estimated 245,000 Michigan voters will gain access to the ballot, a number that will have enormous implications in 2020 and beyond. While relishing what the ACLU accomplished over 11 months of the campaign, Ayoub is already looking ahead. “We’ve built up the largest base of volunteers we’ve ever had. This result really sends a message to lawmakers that there are voters out there with the clout to make change happen.”

### **Nevada: Representing the Electorate**

Before the 2016 presidential election, Stephanie Alvendia had never attended a protest in her life, much less canvassed for a cause. But last October, the 48-year-old mother of three and professional CPA found herself going door-to-door in Las Vegas, talking to registered voters about the importance of Question 5, a ballot initiative to establish automatic voter registration (AVR) in the electoral battleground state of Nevada.

Alvendia is one of the tens of thousands of people across the country who responded to Let People Vote, the ACLU’s nationwide grassroots campaign to restore and expand Americans’ voting rights. Through the ACLU’s People Power organizing platform, the campaign connected volunteers across the

country with localized opportunities to advocate for state and local policies that make it easier for people to vote.

For Alvendia and other People Power volunteers who answered the call in

**Automatic  
voter  
registration  
is one way for  
states to make  
sure that  
every eligible  
American  
has an  
opportunity  
to exercise  
their right  
to vote.**





## A Referendum on Rights

The ACLU's ballot-initiative work in the midterms covered a range of civil liberties issues, including criminal justice, reproductive rights, immigrants' rights, and transgender equality. Here are two notable success stories.



### Massachusetts Yes on Question 3

Issue:  
**Gender Identity  
Anti-Discrimination Veto  
Referendum**

Margin of victory:  
**68 percent to 32 percent**

Opponents of LGBT equality had hoped to repeal the state's 2016 law that extends nondiscrimination protections to transgender people in public places such as restaurants, hotels, and hospitals. Instead, Massachusetts became the first state in the nation to uphold protections for transgender people at the ballot box. "At a time when transgender rights are being threatened nationally, we absolutely must preserve the rights we have secured at the state level," says ACLU of Massachusetts Executive Director Carol Rose. The ACLU went all out to secure a "yes" vote, knocking on more than 300,000 doors and making more than 2 million phone calls.

### Oregon No on Measure 105

Issue:  
**Repeal 1987 Sanctuary Law**

Margin of victory:  
**63 percent to 37 percent**

Measure 105 would have thrown out Oregon's "sanctuary" law, which passed more than 30 years ago with broad support from Republicans and Democrats. The law gives clear guidance to local law enforcement on complex immigration issues and has helped reduce racial profiling. The ACLU was a major backer of the campaign to defeat the anti-immigrant measure.

Nevada, that meant advocating for AVR, a commonsense policy solution whereby eligible voters are automatically registered at the DMV unless they decline. The initiative promised to expand access to the ballot for thousands of Nevadans, including communities of color, young people, those serving in the military, and first-time voters.

"Voting rights should not be a partisan issue," says Alwendia. A recent transplant to Nevada from her home state of Illinois, she is keenly aware of the fact that Nevada's (now former) governor, Brian Sandoval, vetoed an AVR bill in 2017. Now it was up to her and her fellow activists to make it happen.

The movement for automatic voter registration started when Oregon passed the nation's first AVR law in 2015; by 2018, 14 states and Washington, D.C., had an AVR measure on the books. In a 2016 study of the impact of AVR in Oregon, the Center for American Progress found that more than 272,000 voters had been added to the rolls, and more than 98,000 of them were new voters in the November 2016 presidential election. Importantly, Oregon's electorate is now more representative of the state's population, since those registered through AVR are younger, more rural, lower-income, and more ethnically diverse.

Pursuing a ballot initiative was also a first for Tod Story, executive director of the ACLU of Nevada. "Historically, we've filed and won lawsuits to challenge or stop initiatives on things such as voter ID laws or waiting periods for abortion," Story says. "But this was the first time in the history of our affiliate that we've actually invested in a ballot initiative."

In September, Story teamed up with Nevadans for Secure Elections, bringing to the table a roster of People Power activists ready to fan out. The organizers coordinated with coalition partners to ensure that there was no overlap in outreach efforts, shared brochures and other materials, and provided up-to-date tools to the volunteers in the field.

On November 6, Nevadans passed the measure by a margin of 60 percent to 40 percent in a midterm that brought an unprecedented number of voters to the polls.

While savoring the win, Alwendia already has a to-do list for the next election. "The work doesn't end after 2018 or even 2020," she says, noting that she and her People Power colleagues—many of whom she now counts as close friends—are already planning a campaign for same-day voter registration. "I feel like I've found a passion here, and I'm going to continue to work on the issues that are important to me. As a nation, we still have a long way to go." ■

# Trump's War





# on Immigrants

**The Trump administration treats immigrants like criminals.  
The ACLU objects.**

by **RENIQUA ALLEN**  
photographs by **HEATHER STEN**

# Vivian first met Antonio de Jesus Martinez while playing soccer in Brooklyn.

One of her best friends was Antonio's cousin, and he introduced the couple during a game 15 years ago. The two immediately clicked and started dating, eventually falling in love. The couple got married and lived in Queens, New York, taking care of their growing family. Antonio worked as a heating, ventilation, and air-conditioning specialist and learned English while helping Vivian raise their two young children, Kaylee, who is 3, and newborn Aaron.

Antonio's life was finally flourishing, years after fleeing turmoil in his home country, El Salvador, in 2003 at age 19. He and his sister were extorted and threatened by gang members for three years and knew their lives were at risk if they remained in El Salvador. The siblings left for the United States where their grandparents lived.

When Antonio got to the border, he was detained by officials in Texas, released, and given an order to appear in court. According to court documents, Antonio tried to have his case transferred to New York when he moved there to be with family, but his attempts were unsuccessful. The immigration judge in Texas ordered him to be removed from the country in absentia.

Over the years, Antonio tried to reopen his case, but various lawyers told him he had no hope of becoming a citizen. In the meantime, he has lived and worked in New York, paid taxes, learned English, and established a family.





Antonio Martinez, pictured with his son, Aaron, was detained and separated from his family after a residency interview with his wife, Vivian, in New York City.

In 2016, Antonio and Vivian, a U.S. citizen, heard of a new policy that would allow an undocumented spouse with removal status to apply for residency. The couple walked into their interview with immigration officials in April 2018. They brought with them a photo album documenting their life together, thinking they were finally being given a chance for Antonio to apply for his citizenship.

After their interview was over, Antonio was immediately detained due to a new federal policy that stated that anyone with an order of removal be arrested during their residency interview.

“He came here for a better life,” Vivian told *Gothamist*, a New York City-based news site, last year. “He’s not a criminal, he’s a guy who’s been paying 15 years of taxes, doesn’t know what a ticket looks like, never gone to a precinct, pays his debts on time. I believe he has respected this country.”

Antonio’s detainment devastated his family. Their 3-year-old, Kaylee, kept questioning Vivian about where her father was. She was waking up during the night screaming for “papi” and wetting the bed. Antonio had been the main source of income for not only his wife and children, but also for his mother and siblings, including a younger sister who has special needs. Money was drying up, so Vivian applied for food stamps.

After Antonio was taken to the Hudson County Correctional Facility, in Kearny, New Jersey, and threatened with immediate deportation, the New York Civil Liberties Union and the ACLU of New Jersey filed an emergency petition in the New Jersey federal district court. They asked that Antonio be allowed to stay in the United States. The case, *Martinez v. Nielsen*, alleged that detaining noncitizen spouses during the process of obtaining permanent residency is illegal. The suit called the policy “deplorable” and “cruel.”

In early August, after Antonio had spent 90 days in jail, a federal judge found he could go back to live with his family while he continues the citizenship process at home. In its ruling, the court said that “Mr. Martinez has the right to complete the process that he lawfully began, and that the government’s attempt to detain and deport Mr. Martinez before he could complete the process contravenes that right.”

**Antonio’s story** is not an anomaly; it’s emblematic of a larger policy of the Trump administration’s broader effort to criminalize immigrants and separate them from their families at all costs. The admin-

istration’s policies have ensured that the people that need the most protection—families in grave danger in their home countries—are being separated and silenced, often without respect for their legal rights.

For more than a year, the ACLU has been working overtime to halt these practices in the courts and to help reunite families and provide support as they cope with the devastation of separation. Lee Gelernt, deputy director of the ACLU’s Immigrants’ Rights Project, says that the work is gut-wrenching: “I’ve been at the ACLU for 26 years. [Family separation] is the worst practice I have seen in my time at the ACLU. It’s the most brutal.”

Gelernt is the lead attorney on the ACLU’s class action lawsuit against the Trump administration’s practice of forcibly separating asylum-seeking parents from their children. Reports first arose in December 2017 that the administration was considering a new policy to separate border-crossing parents from their children as a way to deter others from seeking refuge in the U.S. The ACLU sought to reunite one such family, a Congolese woman called “Ms. L” and her 7-year-old daughter.

After arriving in the United States in November 2017, Ms. L was told by an immigration officer at an entry point near San Diego that she had a credible fear of persecution in her native land. She was relieved, but four days later was separated from her daughter who was sent to Chicago, 2,000 miles away. Ms. L was detained with no explanation or knowledge of whether she would see her daughter again.

Gelernt, with other ACLU lawyers and staff, worked feverishly to reunite the pair, and in February 2018, filed a lawsuit saying that their separation and detention was a violation of due process. Ms. L and her daughter were reunited a month later. They remain together at a shelter for detained immigrants run by an interfaith group in Chicago as they await a hearing on their asylum claim. That hearing could take years.

Over the spring and summer, the Trump administration’s anti-immigrant agenda seemed to reach a fever pitch as more reports and images of family separation came to light. The ACLU expanded Ms. L’s case to become a national class action, sought a preliminary injunction, and called for immediate reunification of all separated families. Public outrage, combined with litigation, eventually pressured the administration to halt its family separation policy, which was a violation of domestic and international laws. On June 26, a judge ordered that all children be reunited with their parents within a month, or

two weeks for those under 5. More than 2,500 children were reunited with their families, but many remained separated from their parents for months.

Five hundred parents, however, had already been deported to their home countries without their children. Six had children under the age of 5. The government had no plan to reunite these families, and, in a shocking argument, the administration said the ACLU should help locate deported and released parents and facilitate reunification efforts. The court rejected that plan. In September 2018, the ACLU reached an agreement with the government allowing the parents and children who were denied asylum a new shot at a hearing.

**The Trump** administration has defended its belief in a “crisis at the border,” but recent reports show that there’s no proof there is any such crisis. In fact, the number of people trying to cross the border has been lower in recent years than it was in the early 2000s.

Yet one set of numbers is up: the number of immigrant families arrested and charged for entering the country illegally. The rate rose 38 percent in August and is now at a record high. Asylum seekers, most of whom are afraid to go back to their native countries, have been particularly at risk.

U.S. law guarantees asylum seekers the right to seek relief from persecution. Both international and domestic law require the government hear asylum claims from migrants who say they are afraid of persecution in their native countries due to race, religion, nationality, political beliefs, or membership in a certain group or organization. Federal laws indicate that all people entering the country, with or without documentation, are entitled at least to an interview to determine whether their fears are credible.

Stephen Kang, a detention attorney for the ACLU adds, “People are suffering greatly, and they are legally owed the right to apply for asylum and due process. It’s the legal and right thing to do to give them a fair shot at being here.”

In November, Trump issued a plan purporting to bar entry to the U.S. from any location other than an official port of entry and preclude such immigrants

from obtaining asylum. The ACLU filed a lawsuit against Trump on behalf of several nonprofit organizations that provide assistance to refugees and asylum seekers, asserting that this action violates federal law, which guarantees that any immigrant who is present or arrives in the U.S. at a designated port of entry or not, is entitled to apply for asylum.

The Trump administration is encouraging people to enter the country through an official entry point, rather than “illegally” cross somewhere in between the official ports. But many asylum seekers claim they are being turned away at these entry points because immigration officers are at capacity and unable to process claims.

Even if noncitizens can make it to an interview, they’re finding it more challenging than ever to get asylum granted. They often languish in detention centers for days, weeks, and sometimes years as they wait for hearings. This was the case with Ansly Damus.

In September 2014, Damus, a teacher in Haiti, was attacked by a gang that supported a corrupt politician. He was beaten and threatened with death as his motorcycle was set ablaze. Ten days later, terrified for his life, he left his hometown of Grande-Rivière-du-Nord.

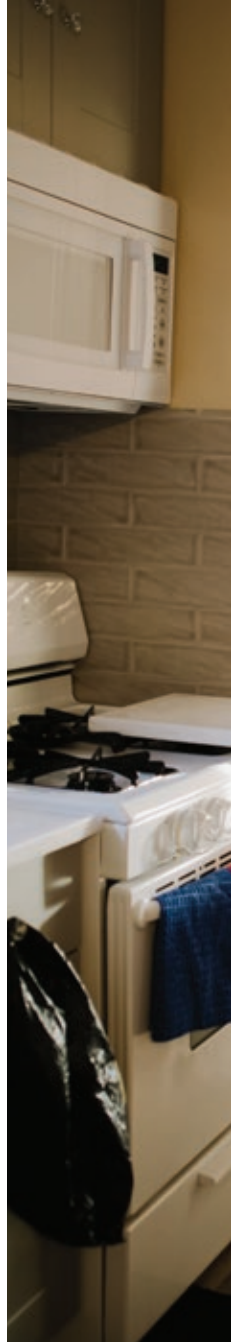
Damus lived in a refugee camp in Brazil before arriving in California in October 2016, where an asylum officer found he should have the opportunity to seek asylum before an immigration judge. Months later, an immigration judge granted him asylum, but the government appealed the ruling, questioning whether his time spent in Brazil meant he was ineligible for asylum.

“When I feared for my life and arrived at the border, it felt like the U.S. had extended an open hand to me,” he says. “Yet in accepting it, I have been condemned to indefinite imprisonment, even though

I have committed no crime.”

Damus is now part of a class action lawsuit, *Damus v. Nielsen*, that the ACLU filed on his behalf. Like family separation, the arbitrary imprisonment of people like Damus is a supposed deterrent for immigrants seeking to cross the border. It is also cruel, wasteful, violates the Constitution, and breaks international and domestic laws, but the Trump administration persists in the face of the law and public outrage.

**“I was hugging her very hard while she was crying. I begged and cried and said, ‘Please don’t do this.’”**





Martinez and his daughter, Kaylee, in their kitchen in Queens. In August, a federal judge said Martinez could return to live with his family while he continues the citizenship process at home.

**Guatemalan father** and daughter “Ricardo” and “Luna” (aliases for their safety) were detained and separated on arrival in McAllen, Texas, after traveling for a month through Mexico.

“When they took her away, it was a very rough separation,” Ricardo says. “I was hugging her very hard while she was crying. I begged and cried and said, ‘Please don’t do this. My daughter is a child, what is she going to do by herself without me?’”

He was put on a plane back to Guatemala within a week, but Luna was left behind. For six months, Luna had no contact with her family. She was sent to a detention center in Arizona and left in custody all alone to celebrate her fourth birthday.

It’s unclear why Luna was held so long, and there were no obvious reasons why she couldn’t be sent back home. Finally, last fall, after nearly a year apart, Ricardo saw his little girl for the first time. “When I saw her, I felt my soul ache,” he says. “She was skinny and sad for all the time she hadn’t seen us. It was a sad, but at the same time, very joyful moment.”

Ricardo is thrilled to have Luna back. He was worried he might not ever see her again, but he notices changes in his sweet girl. She’s not speaking much, he says, and is much quieter than before the separation. She missed her family he says, but “she talks very little.”

Gelernt says that families are still dealing with trauma from being separated with little support or resources from the government. “One issue people ought to pay attention to is the trauma that the parents have suffered. The constant worrying every night if their child is OK has taken a real toll on these parents. And then on top of that, for their child to come back and be angry and resentful of the parent for not stopping what happened to them, when of course the parent couldn’t, has been devastating to the parents.”

Meanwhile, President Trump continues to make clear that he believes family separation *was* and *remains* an effective deterrent for migrants coming to the U.S.

But there is still little evidence that separation is a deterrent. Even families that have been separated, notes Gelernt, say migration to America was their only choice. “When I talk to these parents and ask them, ‘Would you have come anyway if you had known your child was going to be taken from you?’ they all say, ‘What choice did we have? This is the most horrible thing, having my child taken away from me, but we had no choice given the danger. I couldn’t stay with my child in my country.’”

Gelernt and Kang both assert that ensuring migrants have access to the legal system is of utmost concern, as well as making sure that the public knows the crisis hasn’t ended.

“People came out and challenged the administration on family separation, and it was critically important,” says Gelernt. “The public outcry was essential to us winning the litigation. But I think the challenge for the ACLU and all its members now, and everybody who cares, is to keep the attention on these issues and to not let the administration start in on new, horrific practices. It’s essential because we can’t fight back solely in the courts. We need public outcry to stop these types of policies.” ■



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# VOICES

Teen activists gather on Capitol Hill to protest the Trump administration's zero-tolerance policy toward immigrant families.

SUMMER INSTITUTE

## Next-Generation Activists

**Nearly a thousand** high school juniors and seniors from across the country traveled to Washington, D.C., this past July to attend the ACLU Summer Advocacy Institute. The weeklong program provided budding activists with the tools they need to become effective social justice advocates in their own communities. Students learned from lawyers, lobbyists, community activists, and others working to protect civil rights and liberties. They also met with their elected officials and gained firsthand experience rallying on Capitol Hill to demand an end to the government's family separation policy. This year's program runs July 20–26. ■

Visit [aclu.org/institute](https://aclu.org/institute) to learn more and submit an application.





## A Perfect Engagement

The ACLU partners with businesses to raise awareness about vital civil rights and civil liberties.

**Difficult times often** call for extraordinary measures—and individuals aren't the only ones who are answering the call of activism to preserve our democracy. Businesses are taking a stand and directly asking their customers to engage with the ACLU and defend civil liberties under threat.

When the Trump administration's family separation crisis reached its peak last summer, clothing brand Everlane rallied its base to attend marches across the country. The retailer hosted pre-rally gatherings in New York and San Francisco complete with coffee and sign making opportunities for demonstrators. And the Saturday before the midterm elections, The Standard hotels in Los Angeles, Miami, and New York hosted phone banks to reach out to voters about key ballot initiatives related to voting rights, reproductive freedom, and immigrants' rights.

Using their megaphones for what's right—and galvanizing their consumers to do the same—businesses are adding to the chorus of citizen activists who won't let American ideals fade without a fight. ■

Stylist and activist Karla Welch, left, and other volunteers attend a get-out-the-vote phone-bank event at The Standard, Hollywood before November's midterm elections.



## Reading the Resistance

The past two years have many turning to fiction to make sense of the recent socio-political turmoil, inequality, and marked injustice that dominate daily life and the collective American experience. And writers are responding in turn. *Resist: Tales From a Future Worth Fighting Against* is a collection of stories that consider the topical themes of rebellion, resistance, and revolution. Co-edited by award-winning screenwriter and co-writer of *Rogue One* Gary Whitta, the anthology includes short stories written by 27 renowned sci-fi writers. A minimum of 50 percent of every purchase will be donated to support the ACLU's work. *Resist* was part of digital storefront Humble Bundle's campaign of resistance-themed books to raise awareness and funds for the ACLU. ■

*Resist* is now available on Amazon.com.

### Get the ACLU Newsletter

Receive an email every Saturday with a roundup of news from the front lines of the fight for civil liberties.

Sign up for weekly news: [aclu.org/newsletter](https://aclu.org/newsletter)

# Tarana Burke and Alyssa Milano on #MeToo

Lee Rowland, host of the ACLU's podcast, *At Liberty*, sat down with Me Too founder Tarana Burke and ACLU Ambassador Alyssa Milano to talk about the movement's past, its current #MeToo iteration, and what's to come.

**Rowland:** Let's talk about the platform that you guys have collaborated on with #MeToo. Can you tell us about what you were thinking when you came up with the phrase "Me Too" [more than a decade ago] and what the need was?

**Burke:** The need was connection, and I think that's why we saw it go viral, because people need to be connected to other people. It was feeling desperate living in the South, working with black girls who were entrenched in trauma in ways they didn't even realize. It had become so normal. [Me Too is] trying to unpack some of that and deal with my own stuff, to figure out what it means to walk through the world with these wounds.

**Milano:** Do you think this is the first time our pain is so collective? To me, that's the most powerful part. How do we harness that collective pain into collective power? To walk through it together to implement change.

**Burke:** My biggest vision for Me Too, when we started, was that survivors would know it. And that we'd see it, and it'd be like a secret code. You'd know, oh, that's a person who knows who I am.

**Rowland:** When we're talking about reporting sexual harassment in the workplace, what is the ultimate goal of #MeToo? What do you want equality in the workplace to look like?

**Milano:** Accountability for people abusing power. I think the way in which we have to go about doing that is we have to figure out some sort of program where women can report together.

**Burke:** This is a movement for and by survivors. The fact that millions of people literally said, "My life has been affected by sexual violence." That's an epidemic! There are three questions to ask: How did we get here? How do we stop this? How do we make sure it never happens again? That's what this movement is about. ■

This interview is excerpted from episode 19 of *At Liberty*. Listen or read more at [aclu.org/podcast](https://www.aclu.org/podcast).

**Subscribe to *At Liberty*** on iTunes, Google Play, or other distribution services to hear more discussions on civil rights and civil liberties issues.



# Into Action

ACLU volunteer Busi Mhlongo doubles down on local engagement.

**NAME:** Busisiwe Mhlongo  
**LOCATION:** New York, NY  
**FOCUS:** Immigrants' Rights  
**VOLUNTEER:** Since 2016

"The night Trump was elected president, I felt my soul drop to the floor," says volunteer and activist Busisiwe "Busi" Mhlongo. As an immigrant who has lived in the U.S. for 12 years,

and works as a producer for documentary television, Mhlongo found herself in "panic mode" much of the time. She knew she needed to act—and help those most devastated by the administration's cruel policies toward fellow immigrants.

"Like most people, I get antsy when I'm not able to do something," says Mhlongo. "It's not

easy out there, but being involved is the best way to feel like everything isn't falling apart."

Mhlongo began volunteering for the ACLU's New York affiliate, the NYCLU, at the end of 2016. Since then, she has jumped whenever called to do everything from serving as head organizer for People Power activists attending an at-capacity hearing on the 2020 census to acting as NYCLU team leader for the LGBT Pride March.

Versed in immigrants' rights, a deeply personal issue for her, as well as criminal justice reform, Mhlongo has manned tables at NYCLU events, educating the public about these critical issues and enlisting other activists to get involved.

"Making a difference at the local level is something we can all do," adds Mhlongo. "It doesn't matter who's in power, there's always progress to strive for." ■

Get involved locally! Join People Power at [peoplepower.org/join](https://peoplepower.org/join).

Busi Mhlongo is standing with the sculpture *Triumph of the Human Spirit*, by Lorenzo Pace, in Manhattan's Foley Square.

## Become an Activist

Sign up to be a People Power volunteer and dive into grassroots action by making calls, sending texts, or translating materials into Spanish.

Join a volunteer team at [peoplepower.org/volunteer](https://peoplepower.org/volunteer).





## Six Ways to Support Women in the Workplace

By Natalie Portman

Actor, director, and activist Natalie Portman works with the Time's Up Legal Defense Fund to support women who've experienced sexual harassment.

I had always wondered why there was still unequal representation in nearly every industry and particularly in positions of leadership and power. In my work with the Time's Up Legal Defense Fund, which provides survivors of sexual harassment or abuse in the workplace with legal help, I've come to understand that the reason women in nearly every industry are not represented in powerful positions is because women are being discriminated against or

retaliated against in hiring and promotion. When they do get jobs, they are often harassed and assaulted, and they are paid less than their male counterparts.

Many women are further oppressed by intersections with other marginalized identities—whether by sexual orientation, race, age, class, religion, physical ability—and are subject to multiple avenues of discrimination and harassment at work. We want *all* people to lead the charge to make hiring more fair, to make wages more equitable, and to make the workplace environment safe and dignified for all.

### What can you do?

- 1. GIVE:** You can give or raise money for organizations fighting for women's equality, like the Time's Up Legal Defense Fund or the ACLU.
- 2. GATHER:** Meet with other women and see what changes you want to make. Through Time's Up, or on your own, gathering has been the central principle of what we do that has created every action we've taken.
- 3. LISTEN:** If any group you're in has people who only look like you—change that group. It's an awakening to hear from women who have different experiences of marginalization.
- 4. DEMAND:** There are plenty of women who have the power to negotiate for, or grant, equal pay. Be embarrassed if everyone in your workplace looks like you. Pay attention to physical ability, age, race, sexual orientation, gender identity, and make sure you've got all kinds of experiences represented.
- 5. GOSSIP WELL:** Stop the rhetoric that a woman is crazy or difficult. If a man says a woman is crazy or difficult, ask him: What bad thing did you do to her? It's code that he is trying to discredit her reputation. Make efforts to hire people who've had their reputations smeared in retaliation.
- 6. DON'T BE SHY:** Don't shy away from consequences for those who abuse their power. Those who abuse power are motivated by self-interest and will only change their behavior if they worry they will lose what they care about.

Many men are behaving like we live in a zero-sum game, that if women get the respect, access, and value they deserve, men will lose theirs. But when you light someone else's torch with your own, you don't lose your fire, you just make more light and more heat.

Light a woman's torch. The light will multiply and the heat will intensify for all of us. ■

This is an excerpt of a speech delivered at *Variety's* Power of Women event and later published on Medium.

# Ayotte v. Planned Parenthood

MAY 23, 2005

When Jennifer Dalven, director of the ACLU's Reproductive Freedom Project, argued the Supreme Court's first reproductive rights case in nearly a decade, she confronted a court in total flux. (Sound familiar?) The death of Chief Justice William Rehnquist and the retirement of Justice Sandra Day O'Connor marked a turning point for the judiciary—and a challenge for attorneys like Dalven. "We had to prepare for a case when we didn't know who the members of the Court were going to be," she told *NYU Law Magazine* in 2006. Dalven—and the ACLU—prevailed, protecting the rights of women in New Hampshire. —

1920–2020

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For more info, visit [aclu.org/jointhechallenge](https://aclu.org/jointhechallenge)  
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