

STAND

FOR PASSIONATE GUARDIANS OF INDIVIDUAL RIGHTS AND LIBERTIES

SUMMER 2018



“VOTING
IS THE
ONE THING
LEFT ON
MY BUCKET
LIST.”

-ACLU Activist Cat Castaneda

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PHOTO: Getty Images

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For more info, visit aclu.org/jointhechallenge
or fill out the enclosed **reply envelope**.

ACLU

BULLHORN



“WE’RE EDUCATING VOTERS ON CIVIL LIBERTIES ISSUES SO THEY CAN CAST AN INFORMED VOTE.”

AFTER NEARLY TWO YEARS OF CHAOS in the Trump administration, all eyes are on this fall’s critical midterm elections, which have the potential to reshape the political landscape for the next decade. With all 435 seats in the House of Representatives, 35 in the Senate, and 36 governors’ chairs at stake, this next wave of lawmakers will have a say in longstanding legal and legislative battles over issues such as reproductive freedom, immigrants’ rights, criminal justice reform, and of course, voting rights.

The ACLU has long been known for waging these battles in court and in legislatures. Now we’ve powered up a new, nonpartisan electoral operation aimed at educating voters about where candidates stand on defending crucial civil liberties. In this issue, I team up with ACLU Political Director Faiz Shakir to report on the ACLU’s \$25 million investment in voter education and activation (“Vote for Your Rights,” p. 24). To be clear: We are staunchly nonpartisan, we don’t support or oppose any candidates for elected or appointed office, we’re not telling voters how to vote, and we’re not registering voters. But we are educating them on civil liberties issues so they can cast an informed vote.

In a related special report on p. 16, “The Most Powerful Elected Officials You’ve Never Heard Of,” you’ll learn why prosecutors are key to criminal justice reform, and how the ACLU is connecting with voters—in red and blue states alike—who are tired of the “lock ‘em up” approach that has made America the world’s No. 1 jailer.

Anyone who has ever done organizing work knows that very little gets done without boots on the ground. In “Power to the People” (p. 18), we invite you to walk in the shoes of activists leading the ACLU’s grassroots Let People Vote campaign.

And lifting up those individuals whose futures are at stake, in “Justice for Jane” (p. 11), we look at the Trump administration’s chilling attempts to block young immigrant women in detention from getting abortions.

We rely on our 1.85 million members for their passion, commitment, and activism. This fall, we’re counting on you to do the one thing that matters most: Vote.

Thank you for using your voice and being counted.



Anthony D. Romero
EXECUTIVE DIRECTOR

ABOUT US: Founded in 1920, the American Civil Liberties Union (ACLU) is our nation’s guardian of liberty, working daily in courts, legislatures, and communities to defend and preserve the rights and liberties that the Constitution and laws of the United States guarantee everyone in this country. Our critical work in the courts and in legislatures across the country is possible only because of the generosity of our members.

Please give at aclu.org/donate.

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THE ISSUE



**“PEOPLE POWER ACTIVISTS
ARE DRIVING CHANGE
AND EXPANDING ACCESS
TO THE BALLOT.”**

FEATURES

11 JUSTICE FOR JANE

Jane Doe fled violence in her home country to start a new life in the United States. But after her arrival, she faced a battle with the government over her request to end an unwanted pregnancy.

16 SPECIAL REPORT: THE MOST POWERFUL ELECTED OFFICIALS YOU’VE NEVER HEARD OF

“Prosecutors are the most powerful, unaccountable, and least transparent actors in the criminal justice system,” says the ACLU’s Udi Ofer.

18 POWER TO THE PEOPLE

Meet grassroots activists, like Scott Reilly (left), who are driving the ACLU’s Let People Vote campaign to expand access to the ballot.

24 VOTE FOR YOUR RIGHTS

The 2018 midterms are one of the most consequential elections in recent history. And the ACLU is in the mix.

DEPARTMENTS

01 BULLHORN

02 CONTRIBUTORS

04 DIALOGUE

05 IN BRIEF

07 Q&A

10 THE DISPATCH

30 THE GUIDE

32 CREATIVE LIBERTY

34 THE STATES

37 ACLU MOMENT

MY STAND

29 GLADYS HARRIS’ VOTE DIDN’T COUNT

The ACLU’s Molly McGrath defends one voter’s right to be counted.

36 CRITICAL PRIVACY CASE AT THE SUPREME COURT

ACLU Attorney Nathan Freed Wessler discusses privacy rights at the Supreme Court.



“ I BELIEVE IN PROTECTING OUR RIGHT TO PROTEST AND OUR RIGHT TO FIGHT FOR OTHERS WHOSE RIGHTS ARE NOT BEING HONORED.”

COLLABORATIVE JUSTICE

Your “Partners in Liberty” (Winter 2018) [with Anthony Romero and Cecile Richards] is an excellent reminder of how two organizations in the last 100 years—the ACLU, since its founding by Roger Baldwin, and Planned Parenthood, by Margaret Sanger—have shared a history in

defending civil liberties. Thank you!
*Travis Beal Jacobs
Bridport, VT*

VOTER SUPPRESSION

I believe the issue of voter suppression, as described in “The Real Voter Fraud” (Winter 2018), is the most important problem our country faces today. However, this is not the third wave

of suppression, as the article reports, but the fourth or possibly the fifth.

The first wave preceded the Jim Crow era and was the suppression of black voters in the Deep South immediately following the Civil War, when those voters were physically threatened, murdered, and otherwise prevented from voting by vigilante gangs. And the prohibition of women voters, until the 19th Amendment was ratified in 1920, should be counted as well.
*David Vandewalle
West Lake Hills, TX*

ACLU V. KOBACH

Thank you for standing up for Kansas citizens’ voting rights.

And thanks to [ACLU attorney] Dale Ho, who did a masterful job showing what a charlatan Kris Kobach is. Mr. Ho showed everyone how inept Kobach is as a secretary of state, as well as a lawyer. Bravo from Kansas!
*Suzanne Hayes
Overland Park, KS*

FIGHTING FOR OTHERS

I finally joined the ACLU after seeing Rachel Maddow’s segment on Scott Lloyd (see “Justice for Jane” on p. 11). I’ve been thinking about joining for a long time because I believe in protecting our right to protest and our right to fight for others whose rights are not being honored by the law. The ACLU has been doing amazing work for decades and needs to be supported.
*Liesel Evans
Brooklyn, NY*

ROAD MAPS

I’ve been an ACLU member for 30 years, plus or minus, and this is my first letter to you.

I liked all the articles [in the Winter 2018 issue], but the one I liked best was Hasan Minhaj’s “First Amendment, Not Fake News, Is Trump’s Real Target.” I especially liked this quote from Carl Bernstein: “When lying is combined with secrecy, there is usually a pretty good road map in front of us.”
*Leonard W. Williams
Sunnyvale, CA*

Correction: In the Winter 2018 issue of STAND, we omitted a photographer’s credit for “Images Speak Truth to Power” (p. 5). The photographer’s name is Jonathan Bachman, and the woman depicted in the photo is Ieshia Evans. We regret the omission.



ILLUSTRATION Ashley Lukashevsky

YOUR STAND

We love your feedback! Let us know what you think about this issue at stand@aclu.org.

PROFESSOR SUES GOVERNMENT FOR SPYING ARREST

BY Emily Whitfield

Xiaoxing Xi, a lanky, soft-spoken physics professor at Temple University in Philadelphia, was awakened on a May morning by a violent pounding on the door of his suburban home. Moments later, FBI agents with guns and a battering ram—but no explanation—led Xi, an American citizen, away in handcuffs while holding his wife, Qi Li, and their two daughters at gunpoint. Later that morning, Xi was shocked to learn he was charged with spying for China; he faced 80 years in prison and \$1 million in fines.

Four months later, a federal judge dismissed the case as completely unfounded: The FBI had mischaracterized Xi's innocent emails about his technology research to a colleague in China. But the damage was done: Xi was suspended from his job, banned from campus, and saddled with huge legal bills.

The family's harrowing experience is one example of the destructive effects of government spying without judicial oversight, says Patrick Toomey, a staff attorney with the ACLU's National Security Project. Last October, the ACLU joined a Philadelphia law firm in suing the government for violating Xi's constitutional rights of privacy and due process.

The FBI never obtained a warrant to sift through Xi's emails because two controversial provisions—Section 702 of the Foreign Intelligence Surveillance Act (FISA) and Executive Order 12333—allow the dragnet collection of electronic communications. The government is prohibited from targeting Americans, but spying tools Edward Snowden brought to light in 2013 vacuum up vast quantities of Americans' communications. Agencies can access this trove with minimal oversight.

Ironically, days after Congress rejected critical reforms to the spying provisions in January 2018, many members loudly complained that the FBI had abused its FISA power in investigating President Trump.

Further reform votes are ahead, and the ACLU will be reminding lawmakers that the way to rein in FISA abuses is to provide more, not less, transparency about how the court operates.



PHOTO: ACLU

HIS FAMILY'S EXPERIENCE IS ONE EXAMPLE OF THE DESTRUCTIVE EFFECTS OF GOVERNMENT SPYING.

» ACTION UPDATE

NET NEUTRALITY

In December 2017, Federal Communications Commission Chairman and former Verizon exec Ajit Pai hit CTRL+ALT+DEL on net neutrality, which bars internet-service providers and telecoms from dictating how we use the internet. Here are a few strategies the ACLU and others are pursuing to ensure our right to a free, fair, and open internet:

- **Nearly 3 million voters** have signed petitions urging lawmakers to reverse the FCC's action by invoking the Congressional Review Act.
 - **ACLU affiliates are promoting passage** of so-called Net Neutrality Protection Act model bills, empowering local governments to provide unbiased access in public places.
 - **More than 20 state attorneys general** have asked a federal court to rule that the FCC's move was "arbitrary, capricious, and an abuse of discretion."
- Game over? Not by a long shot.**

A NATION OF DREAMERS

After Congress failed to pass bipartisan DREAM legislation this year, the ACLU renewed pressure on President Trump to save 800,000 immigrant youths from deportation. The effort, launched with United We Dream, MoveOn.org, and SEIU, includes direct appeals to the president and Republican influencers to support the DREAM Act, with no concessions on Trump's proposed border wall or increased border security.

"This campaign is about holding Trump accountable," says Lorella Praeli, ACLU director of immigration policy and campaigns. "We are taking our fight for Dreamers and immigrants' rights to Trump himself."

One such Dreamer is Marina Di Stefano, who arrived in the United States when she was 7 and was featured in the ACLU's online Dreamers of America series. Di Stefano writes: *My dad, who had*

been a bus driver in Venezuela, had heard that kids in ESL programs were tracked into classes that weren't academically challenging. So all summer long, we read the dictionary together to teach ourselves English. In September, I started school in an English-language, second-grade class.

I had no idea I was undocumented. My parents were very protective because they worried that knowledge would change my view of myself and my prospects.

Now I'm a doctor doing my residency in internal medicine at the University of Pennsylvania. I'm just starting my career, and I dream of working to increase access to health care for underserved people. But my DACA expires next year—six months before I'm due to finish my residency. If Congress doesn't act now, I may never be able to work in this profession I've trained in for so many years.

Visit [ACLU.ORG/DREAMERS](https://www.aclu.org/dreamers) to learn how you can protect Dreamers like Marina from deportation.



ELECTING DIVERSITY

LAST YEAR'S ELECTIONS brought many firsts, including the election of openly transgender officials, female mayors of major cities, and refugees serving in statehouses and beyond. This surge in diversity of down-ballot races stands in stark contrast to the lack of women and nonwhite men serving in the White House.

In 2017, we saw:

- **Virginians elect the first openly transgender person** to a state legislature, Danica Roem.
- **Seattle elect its first openly lesbian mayor**, Jenny Durkan, and the first woman to hold the position in nearly 100 years.
- **Ravi Bhalla become the first Sikh American** to serve as mayor of Hoboken, New Jersey.

Here's to another election of firsts this fall, and a shift toward officials who represent the vast heterogeneity of the people they serve.

GOOD BUSINESS

BY Phyllis Eckhaus

From the Needle Me Knot tailor in Denver to the Broad Street Baking Company and Cafe in Jackson, Mississippi, hundreds of small businesses throughout America last fall declared they welcome and provide full service to everyone. The ACLU asked businesses to show their support for treating all customers equally by displaying an #OpentoAll poster in their windows.

The #OpentoAll campaign, supported by 31 ACLU affiliates, added grassroots support to the *Masterpiece Cakeshop* case that ACLU Legal Director David Cole argued before the Supreme Court last December. The Supreme Court decided that high-profile case in a June ruling that favored the baker who refused to sell a wedding cake to a same-sex couple. The decision was based on concerns specific to the case and reaffirmed our country's longstanding rule that states can bar businesses that are open to the public from turning customers away because of who they are.



Visit [PEOPLEPOWER.ORG/OPENTOALL](https://www.aclu.org/opentoall) to show your support.



YOUTH ACTIVISM

Trans activist James van Kuilenburg, 18, (pictured above, center) discusses his campaign to get his local school board to adopt a policy to protect trans students.

STAND: Where are you from?

JVK: I come from a family of immigrants. We came to the U.S. when I was 2 ½ and spent time living in low-income housing with other immigrants. My family is very accepting. Both of my parents are union reps for a teachers' union. Education is a very important, big part of my life.

STAND: When did you first start to question your gender identity?

JVK: In 2012, I came out as queer and trans to my mom. At that time, we were living in a conservative area of West Virginia. I wanted to be able to express myself. I wanted to be able to go to school and be myself.

STAND: How did your school and classmates respond to your transition?

JVK: I was the first out trans student at my middle school, and my teachers and peers were not very accepting. I asked my friends to start calling me James. They outed me to the school and reported me to the principal. I was reprimanded and expected to apologize. It taught me a lot about what could go wrong in the school system and how trans students need to be affirmed.

STAND: When did you become interested in activism?

JVK: My mom got a new job, and we moved to Frederick County, Maryland. Going into high school, I wasn't the first trans student and I didn't have to explain my existence to teachers. I started thinking about how I could make change in my community.

In 2016, I was thrown out of a Ted Cruz rally for wearing a trans flag. It became local news for a while, and I met all of these amazing people in my community. Afterwards, I started a gender and sexuality alliance at my school with 150 members.

STAND: What was the group's priority?

JVK: In February 2017, President Trump rescinded the Title IX guidelines protecting trans students. Everyone was worried. We were already having such a difficult time getting the school to protect us. A group of friends and parents approached our local board of education and demanded that they create a set of guidelines to protect trans students in our community. Nearly 500 emails were sent by students, parents, teachers, church leaders, and mental health providers.

STAND: How did you keep up the pressure?

JVK: We had to be consistent. We wrote a model policy and sent it to the board. I started a formal group called Support FCPS Trans Students and made relationships with the Frederick County Teachers Association. We discussed why this policy is so relevant to teachers, too: It protects trans teachers and gives them the tools to support trans students. The union talked to the board on behalf of our group.

Because we had all these connections with community groups, there were

always at least 10 of us at every board meeting, holding them accountable. They couldn't ignore the trans community when we were always there. By June, the board had discussed the policy seven or eight times—and the policy passed. It's a testament to how important education is in changing the conversation.

STAND: When did the ACLU get involved?

JVK: In August 2017, someone filed a lawsuit anonymously, saying the policy would endanger students. We got really scared the board would flinch. That was when the ACLU intervened on our behalf, and eventually, the lawsuit was dropped.

STAND: What's next for you and your group?

JVK: Even though we were formed out of this one particular issue around education, we've gotten involved in every part of the community. We tried to get involved with the Women's March, and they refused to have any trans speakers. So we disrupted the event. We hope to encourage other groups to do better and represent groups that are often ignored.

In late July, James and hundreds of other teen activists attended the ACLU's Summer Advocacy Institute to hone their advocacy skills. James was one of five students to participate in the Institute's Advanced Advocacy program. Visit www.aclu.org/institute to learn more.

KNOW YOUR RIGHTS

WORKPLACE SEXUAL HARASSMENT

FEDERAL LAW PROHIBITS:

1 “Severe or pervasive” harassment, creating an environment that a “reasonable person” would find “abusive.” A boss, coworker, or third party (such as a customer) can create a hostile environment.

2 Requesting sexual favors in exchange for job benefits.

3 Retaliating for filing internal complaints, charges with government agencies, or participating in an investigation.

TAKE ACTION:

Learn your employer’s procedure for lodging a complaint, and follow it.

File a discrimination charge with the Equal Employment Opportunity Commission (EEOC). You don’t need a lawyer to file, but you need to file before you can sue.

EEOC charges must be filed within 180 days of the last incident of harassment (300 days in some states), so don’t delay.

For more about defending your rights, visit ACLU.org/KYR.



PHOTO: Getty Images

PREGNANCY SHOULDN'T BE A PROBLEM AT WORK

BY Steph Montgomery

ALTHOUGH NEARLY 85 PERCENT OF WOMEN WILL BE PREGNANT AT SOME POINT IN THEIR WORKING LIVES, “pregnancy discrimination is alive and well,” says Gillian Thomas, senior staff attorney for the ACLU’s Women’s Rights Project. The Pregnancy Discrimination Act (PDA), which turns 40 this year, prohibits employers with 15 or more employees from discriminating because of “pregnancy, childbirth, or related medical conditions.”

The ACLU regularly fields calls from women fired after disclosing a pregnancy or forced onto unpaid leave by bosses who refuse to make job modifications that would enable them to keep working. As of press time, the ACLU has filed six PDA lawsuits—including three class actions—on behalf of pilots and flight attendants, police officers, longshore workers, teachers, and retail employees.

“Some employers are unwilling to work with women to accommodate their medical needs during or after pregnancy, such as when they’re nursing,” Thomas explains.

After Cromwell, Connecticut, police

officer Sarah Alicea announced her pregnancy in March 2017, the town forced her to go on unpaid leave for the last four months of her pregnancy. (The department, meanwhile, provides paid leave to all officers injured on the job who are temporarily unable to work.) In August 2017, the ACLU filed a complaint on Alicea’s behalf with the U.S. Equal Employment Opportunity Commission.

“They told me I couldn’t work,” Alicea recalls. “I don’t want another female police officer to experience what I’ve gone through.”

Frontier Airlines flight attendant Jo Roby and pilot Shannon Kiedrowski filed discrimination charges after they were refused time and space to pump breast milk at work. “I would love for Frontier to make reasonable accommodations, so moms

can provide [breast milk] for their children and work,” Roby says. “It’s not fair to have to choose.”

These cases, says Galen Sherwin, senior staff attorney at the ACLU, “go to the heart” of what the PDA was intended to address. “In order for women to have a fair shake, employers like Frontier need to start addressing the needs of pregnant and breastfeeding workers.”



“I don’t want another female police officer to experience what I’ve gone through,” says police officer Sarah Alicea.

SEE HOW TRUMP'S SECOND-IN-COMMAND SCORES ON CIVIL LIBERTIES.
(HINT: HIS RECORD ISN'T PRETTY.) FROM SHORT-LISTING SUPREME COURT NOMINEES TO
CASTING TIE-BREAKING SENATE VOTES ON KEY ISSUES, MIKE PENCE
ISN'T JUST CARRYING THE PRESIDENT'S WATER — HE'S FILLING UP THE BUCKETS.

RÉSUMÉ

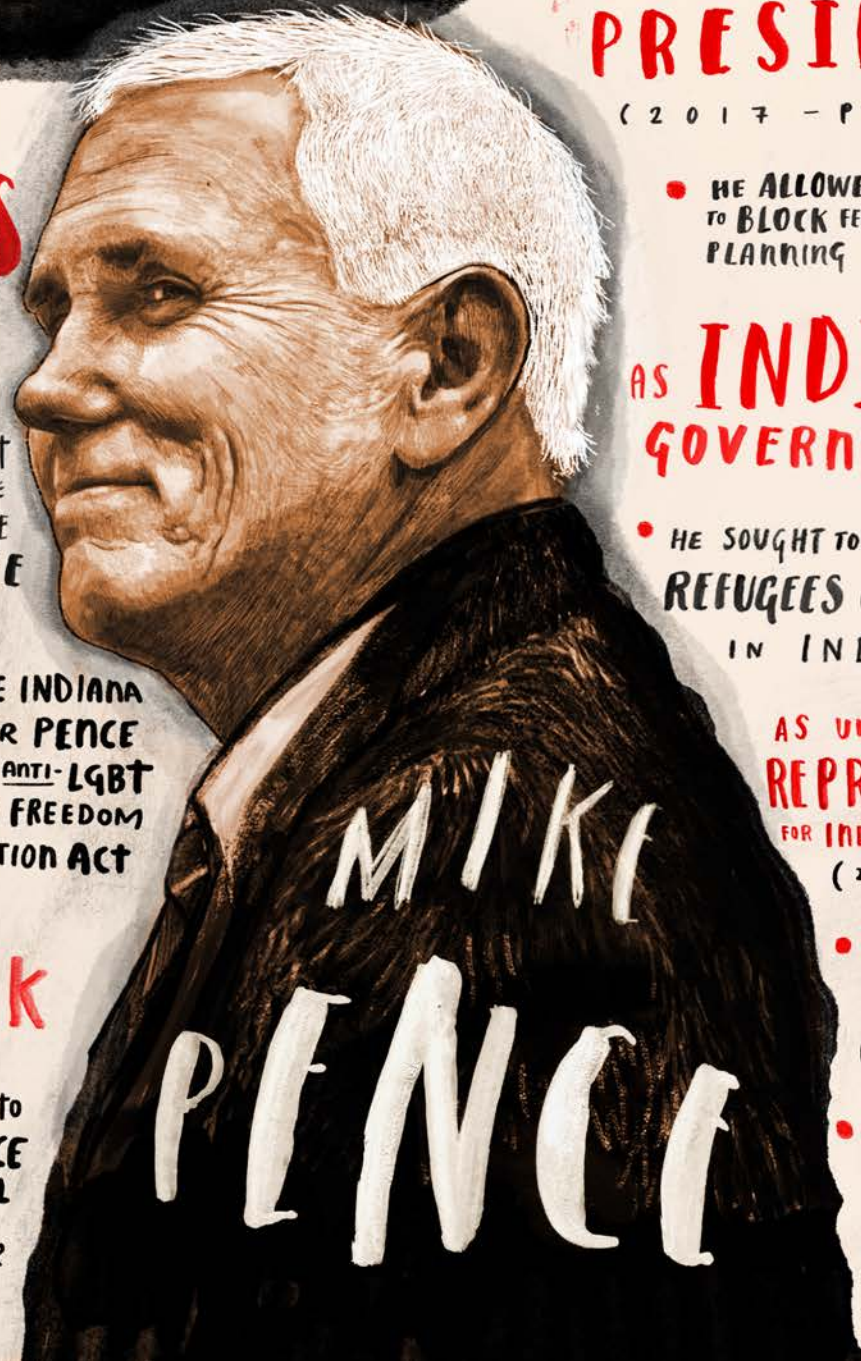
BY THE
NUMBERS

1ST VICE
PRESIDENT
TO ADDRESS THE
ANTI-CHOICE
MARCH FOR LIFE

\$60
MILLION REVENUE INDIANA
LOST AFTER PENCE
SIGNED THE ANTI-LGBT
RELIGIOUS FREEDOM
RESTORATION ACT

\$250k

APPROXIMATE COST TO
TAXPAYERS WHEN PENCE
ATTENDED A COLTS FOOTBALL
GAME TO WALK OUT ON NFL
PLAYERS PROTESTING POLICE
BRUTALITY.



AS VICE
PRESIDENT
(2017 - PRESENT)

- HE ALLOWED STATES TO BLOCK FEDERAL FAMILY PLANNING FUNDING

AS INDIANA
GOVERNOR (2013 - 2016)

- HE SOUGHT TO BAR SYRIAN REFUGEES FROM SETTLING IN INDIANA

AS UNITED STATES
REPRESENTATIVE
FOR INDIANA'S 6TH DISTRICT
(2003 - 2013)

- HE STRONGLY OPPOSED THE AFFORDABLE CARE ACT
- HE VOTED TO MAKE MARRIAGE ILLEGAL FOR SAME-SEX COUPLES

MIKE
PENCE

WE FOCUS ON PRINCIPLES, NOT PARTISANSHIP

WITH THE MIDTERM ELECTIONS ALMOST UPON US, it's clearer than ever that our country is a house divided. People seem to disagree about virtually everything. I recently saw a cartoon of a TV meteorologist with the caption, "And now, the weather for Republicans."

As a staunchly nonpartisan organization, the ACLU is perfectly positioned to help America rise above the bitter hyperpartisanship dragging us down by focusing on principles rather than viewpoints.

Over the years, we have defended the principle of freedom of speech for individuals and groups regardless of whether we agree with their messages. Our content-neutral approach to the First Amendment has been the bedrock of the ACLU's mission since our founding in 1920. We have defended war protesters, labor organizers, and groups whose beliefs were antithetical to everything the ACLU stands for. We do this because we don't believe the government or the ACLU should decide what people can and can't say. We represented conservative and progressive groups during the 2016 Republican National Convention in Cleveland when we stopped police from muting public discourse by relegating demonstrations and rallies to an "event zone" miles from the convention center. Other organizations might have been happy to silence those groups, but the ACLU is not among them.

Our criminal justice work also benefits from our nonpartisan approach. It enables us to ally with traditionally conservative groups in our Campaign for Smart Justice—an unprecedented, multiyear effort to radically reduce America's jail and prison population. With the collaboration of organizations, such as Right on Crime, in November 2016, we helped pass a ballot initiative implementing criminal justice reform in the ultra-red state of Oklahoma. Conservatives and progressives agreed about the principles of smart justice! And in time for the midterm elections, the ACLU has launched #VoteSmartJustice (votesmartjustice.org) to give voters in all 50 states an opportunity to evaluate candidates of any party based on where they stand on criminal justice reform and mass incarceration.



**THE ACLU IS
ENDORING
THE VALUES
WE BELIEVE
IN: FAIRNESS,
EQUALITY,
AND JUSTICE.**

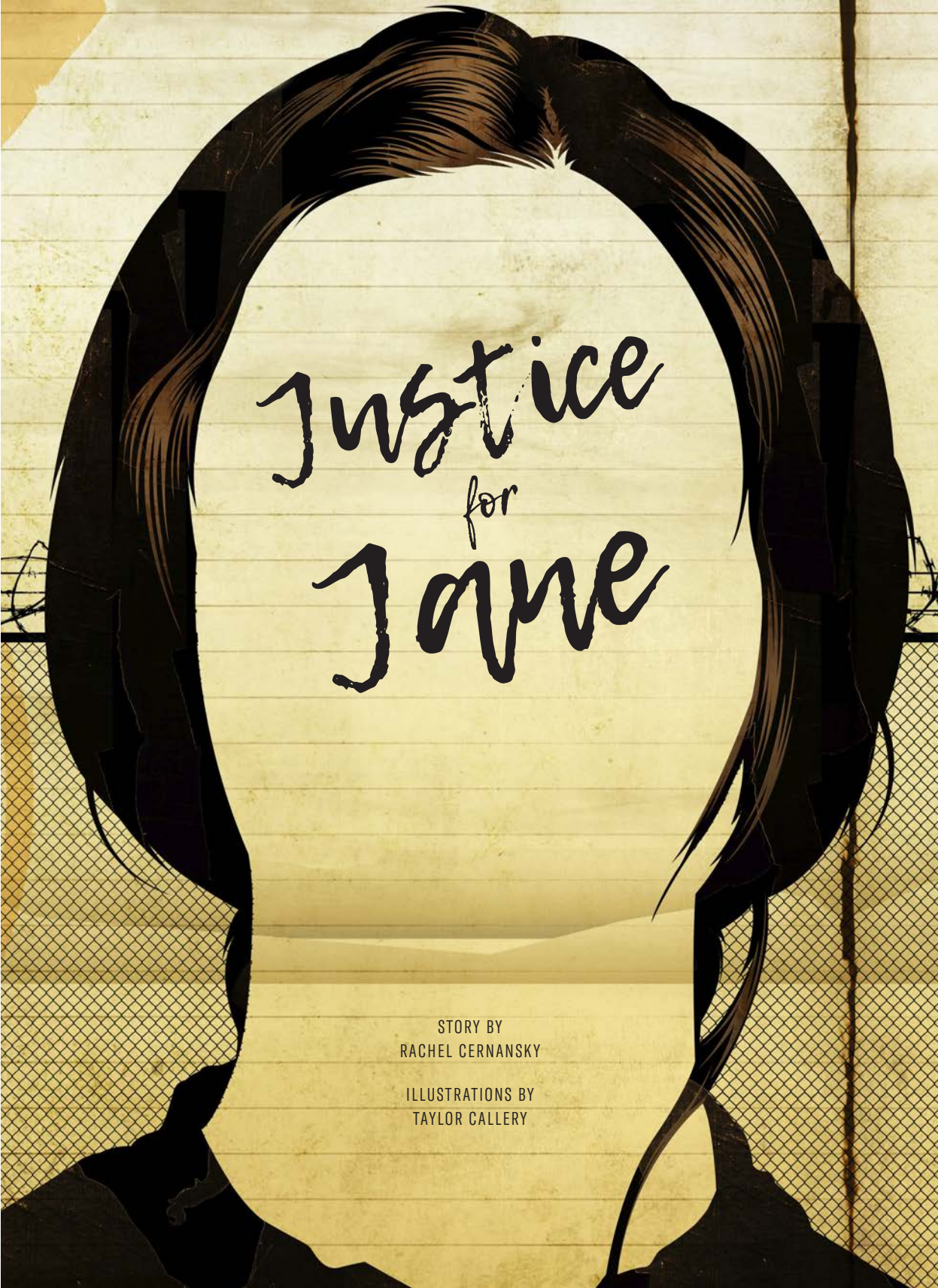
I've been asked whether the ACLU's work in connection with the midterm elections (see "Vote for Your Rights" on p. 24) means we're being partisan. That would be true if we endorsed candidates whose ideas we liked, or opposed those whose ideas we didn't. Instead, the ACLU is doing what it has always done: endorse the values we believe in—fairness, equality, and justice. By focusing on issues, we strive to give voters the needed information to determine which candidates and ballot initiatives embody values important to them. And we are trying to persuade candidates—Democrats, Republicans, and others—to commit to pro-civil-liberties positions such as asking district attorney candidates to oppose cash bail.

Supporting everyone's right to vote, no matter their politics, is yet another way in which the ACLU's nonpartisan principles set us apart. We have long opposed gerrymandering, the manipulative process by which lawmakers draw voting districts to favor their political parties. We were in the Supreme Court earlier this year supporting Republicans and Democrats in two separate cases challenging partisan gerrymandering. And we are working with Democrats and Republicans in Utah to support a ballot measure to reform the way legislative districts are drawn.

By defending traditional civil liberties values in a nonpartisan manner, not only do we serve our mission, but also help to build bridges. Today, more than ever, we need to focus on locating the fundamental values that, despite all the yelling and vituperation, we do still share.

If our divided house cannot stand, it cannot shelter our liberties.

SUSAN N. HERMAN is the ACLU's president and also holds a chair as Centennial Professor of Law at Brooklyn Law School. She teaches courses in *Constitutional Law and Criminal Procedure*.



Justice
for
Jane

STORY BY
RACHEL CERNANSKY

ILLUSTRATIONS BY
TAYLOR GALLERY

Fleeing violence in Central America last fall, the 17-year-old who became known as Jane Doe sought a new life in the United States, with dreams of going to college and becoming a nurse. Making her way by land and without her parents, she knew the journey would be difficult and dangerous but well worth it.

JANE WAS FORCED
BY THE *government*
TO VISIT A “CRISIS
PREGNANCY CENTER.”

Her dreams came to an abrupt halt, however, when she was detained after crossing the U.S.–Mexico border and put in a government-funded shelter in southern Texas.

On arrival, Jane was subjected to a mandatory physical exam.

The results showed a healthy young woman...who was pregnant.

At 17, Jane didn't feel ready to be a mother. Her future in the United States was uncertain, and she had no idea what the rest of her teenage years had in store for her, never mind her and a child. She decided to have an abortion.

At the shelter, Jane requested to have the procedure. But the government, under the auspices of Scott Lloyd, the Trump-appointed director of the Office of Refugee Resettlement (ORR), ordered the shelter to block it. Lloyd had worked for the anti-abortion Catholic organization Knights of Columbus. Prior to that, he founded a law firm offering legal services “guided by the principles of our faith in every respect.”

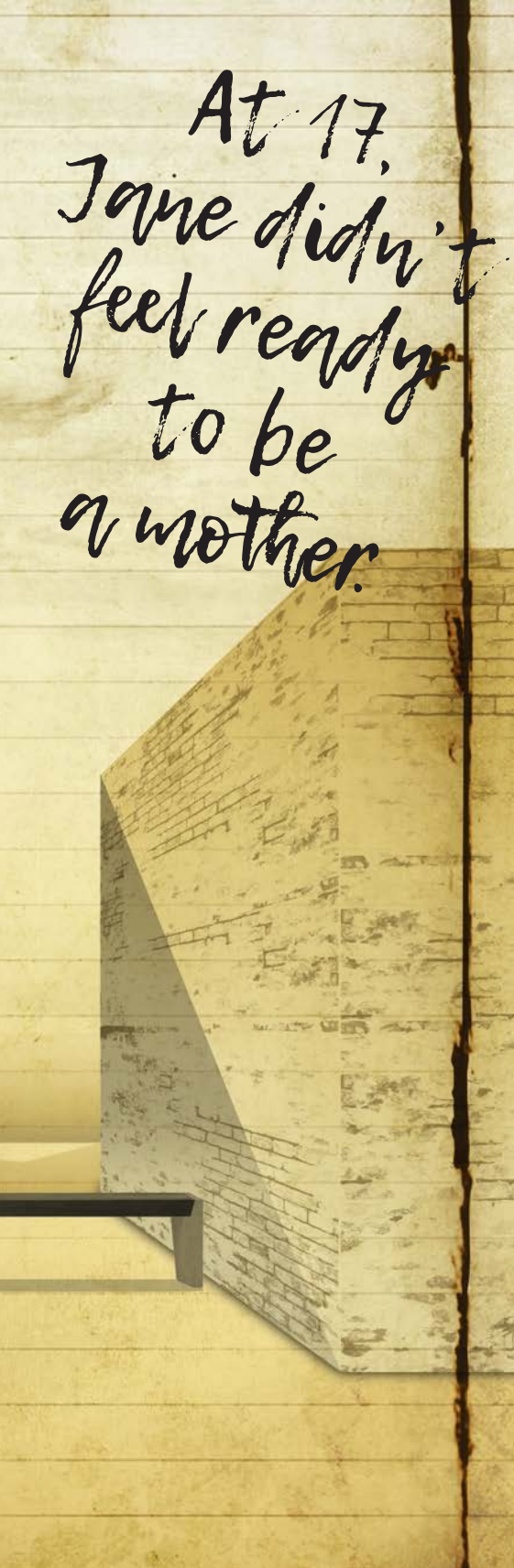
In late September, Jane was forced to visit a religiously affiliated “crisis pregnancy center” to undergo anti-abortion counseling and an unwanted ultrasound, the first of several medically unnecessary ultrasounds.

Brigitte Amiri, deputy director of the ACLU's Reproductive Freedom Project, recalls getting a phone call a few days later. The legal director at Jane's Due Process, a Texas nonprofit that works to ensure legal representation for pregnant minors seeking abortions, described the situation: The government was preventing an immigrant minor from getting a medical procedure to which she was constitutionally entitled.

Amiri remembers thinking the matter could be resolved relatively quickly. “This has to be resolvable through a conversation with the government; their actions are just so blatantly unconstitutional—there has to be an easy resolution to this,” she says. “And boy, was I wrong!”

Amiri called a Justice Department attorney she knew and asked whether the government was, in fact, preventing Jane from going to her abortion-related appointments. Indeed it was, she was told. The shelter staff wouldn't even take Jane to the first appointment to receive state-mandated abortion counseling. (In Texas, that initial consultation is legally required to be a separate appointment from the abortion itself.)



A vertical strip of lined paper with a brick wall illustration and handwritten text. The text is written in black ink and reads: "At 17, Jane didn't feel ready to be a mother." The brick wall is drawn in a simple, sketchy style with a dark shadow cast to the left.

At 17,
Jane didn't
feel ready
to be
a mother.

Under the Trump administration, the federal government has instructed shelters not to assist women in any next steps for an abortion, including scheduling appointments, without first obtaining explicit permission from Scott Lloyd himself. ORR's policy is to prevent minors in its care from accessing their constitutional right to an abortion and to force them to visit a crisis pregnancy center against their will. Amiri has been leading the ACLU's fight to strike down that policy.

ORR's approach echoes a law the ACLU and Planned Parenthood blocked in South Dakota. The court ruled that law forced women to tell a hostile entity they were considering an abortion. "And that is government-compelled speech that is prohibited by the First Amendment," Amiri says.

Amiri similarly describes ORR's policy as government coercion. "The government has developed lists of approved places where these minors must go for counseling if they're considering an abortion, and they're all anti-abortion, religiously affiliated," she says. Those crisis pregnancy centers perform medically unnecessary sonograms and offer prayers for a woman, trying to persuade her to change her mind about having the procedure.

The policy also includes forced parental and sponsor notification. "This telling of parents and also sponsors is a big issue," Amiri says. "The government wants to tell prospective sponsors that the minor they may end up caring for has had an abortion. We've said, 'You can't do that.' And the government is insistent that they can, even if there are detrimental consequences to the young women."

After speaking with the Department of Justice attorney, Amiri began working closely with Jane's Due Process, various ACLU affiliates, and Rochelle Garza, a Texas attorney who was Jane's court-appointed guardian, to build a case.

Meanwhile, Jane's situation seemed to get bleaker by the minute. She was followed around by shelter staff nearly 24 hours a day, with her movements being restricted—supposedly in the name of protecting her. According to Garza, this limited her physical activity and social interactions. While other kids could run around, play group sports, or even do Zumba, Jane had to sit on the bench alone.

Garza watched Jane's emotional state deteriorate for weeks, as the thing she wanted most—to stay in control of her life—slipped from her grasp.

Garza also learned that shelter staff had called Jane's parents and informed them, against Jane's objection, about her pregnancy. This put her

THIS IS GOVERNMENTAL
abuse of power
IN THE WORST FORM.

WHY I FOUGHT FOR JANE DOE



By Brigitte Amiri,
Deputy Director of the
ACLU's Reproductive
Freedom Project

The last several months have been breathless. We've been working around the clock, writing briefs late into the night, and standing ready to run into court to fight for the next Jane who needs our help.

The Trump administration's attempt to force marginalized young women to stay pregnant against their will is reprehensible. It is shocking that top government officials think they can ignore the Constitution and inflict human suffering on those who need help the most.

The Trump administration has also targeted my colleagues and me, the lawyers representing Jane Doe, claiming that we acted unethically. It is an intimidation tactic, designed to distract attention from their cruelty, and it's depressing and frightening that we live in a country where the government thinks it can launch baseless attacks on their opponents in court.

The outpouring of support for our work on behalf of Jane Doe and others has been inspiring, and I appreciate it immensely. But the fight isn't about me. It's about the young women, fleeing horrific circumstances, who have the courage to stand up to the Trump administration in the face of possible retaliation.

So when asked why I fight, the answer is easy: How could I not? Jane Doe's case is precisely why I work at the ACLU: to help others and to hold lawless government officials accountable. I am honored to represent these brave young women. And I will never stop fighting until we get justice for all the Janes who need our help.

safety at risk: When an older sister had become pregnant, her parents beat her with firewood and cables until she miscarried.

On October 13, the ACLU sought an emergency order allowing Jane to get the abortion, but the ACLU's lawyers would be in and out of court for weeks based on the government's vigorous defense of its policy. Although a trial court granted the order, the government quickly appealed. The appeals court gave the government 10 days to find Jane a sponsor—a process that usually takes months. The ACLU appealed further, and days later, had a directive allowing Jane to finally get the abortion.

And she did, on the morning of October 25, a month after she first requested it.

Garza says the relief was palpable. "I saw her the day of [the procedure] and a couple of days later, and she just looked completely relieved," she says.

"I think that people tend to forget—it's like, 'Oh, it's Jane Doe.' There's no face, there's no person in front of you," Garza says. "But I had to see her. I had to see her suffer."

Despite Jane's isolation, people around the country learned what she was going through, were outraged at the government's tactics, and stepped up to help. "People came out of the woodwork offering to support or sponsor her," Amiri says. "Everyday people, and celebrities, like Alyssa Milano. It was an outpouring of 'How can I help? Can I be supportive in some way to this young woman?'"

Lady Parts Justice League, an advocacy group that says it "uses humor and pop culture to expose the haters fighting against reproductive rights," organized a postcard campaign, through which people from across the country reached out to Jane to express their support and solidarity.

Jane's case was the first in a string of battles involving not only immigrants and reproductive rights, but also basic human rights. Courts have agreed in individual cases, but ORR's policy continues, and many young women continue to face hurdles like Jane's.

For example, Jane Poe—another minor in a detention facility who sought an abortion—was slated to possibly be reunited with a family member in the United States. But the government told the family member, over the minor's objection, that the minor was seeking an abortion. The family member threatened to beat her if she had the procedure.

"The government still wanted to be able to tell the sponsor that she'd had the abortion," Amiri says. The ACLU got an emergency court order preventing the government from telling anyone about the abortion without Jane Poe's permission. But the order applies to her only—nothing will prevent the government from doing the same thing to other minors until the court blocks the policy for all minors in the government's care.

ORR Director Lloyd has visited and spoken by phone to at least one minor considering an abortion, presumably to persuade her otherwise.

"This is governmental abuse of power in the worst form: This man who holds your immigration status in his hands comes to talk to you about your abortion decision," Amiri says. "I can only imagine what he's said to these young women."

“Ultimately, what it comes down to is Scott Lloyd; this is his imposition of his belief on a marginalized population, and there’s no authority in the room to say to him that you can’t do this, it’s unconstitutional.”

In March 2018, a federal judge issued a nationwide order preventing the government and Lloyd from obstructing access to abortion for unaccompanied immigrant minors. (The government appealed that decision.) The ruling allows the ACLU to move forward with the Jane Doe case as a class action on behalf of other young women seeking abortion services while in ORR’s custody. In June, a federal appeals court rejected the Trump administration’s request to continue its policy of prohibiting immigrant minors from accessing abortion care while its appeal is pending.

“Although the court’s ruling is promising, the fight is not over,” Amiri says. “Though the policy is blocked as the case proceeds, we have months of legal work ahead to build our case so that the court will strike ORR’s policy down once and for all.”

This isn’t a partisan issue, Amiri emphasizes. “We sued the Obama administration in 2016 for providing government funding to religiously affiliated shelters that prevented young women from accessing reproductive health care, including abortions,” she says. The suit claimed this violated the requirement of separation of religion and state.

But under the Obama administration, young women in government-funded shelters that were not religiously affiliated could still access abortion.

Jane Doe is now living with the family member she wanted to be with when she first arrived, and Garza says she’s doing well. She’s fighting to stay in the United States, with her immigration case still open, but Garza says that for the time being, she’s happy.

“My journey wasn’t easy, but I came here with hope in my heart to build a life I can be proud of,” Jane Doe said in a statement. “I dream about studying, becoming a nurse, and one day working with the elderly.”

Other young immigrant women have had to fight for the abortions they requested and to which they are legally entitled. Since Jane Doe’s case surfaced, the ACLU has stepped up to fight for three more women. While Amiri worries about how many women may be or have been in the same situation, she and the ACLU are not going anywhere.

“We’ve already represented three other Janes...and we stand ready for others,” she says. “We’re trying to strike down the policy so that we don’t have to go on a case-by-case basis to the judge. But until that happens, we’re on call and ready, 24-7.”

“MY JOURNEY WASN'T
EASY, BUT I CAME HERE
WITH HOPE IN MY HEART.”

-Jane Doe



THE MOST POWERFUL ELECTED OFFICIALS YOU'VE NEVER HEARD OF

BY EMILY WHITFIELD

After 20 seasons of TV's *Law & Order*, Americans can be forgiven for believing most cases are decided inside the courtroom. But nine in 10 defendants plead guilty and never get an opportunity to make their case or dispute evidence. The decider of their fate is not a judge or jury but a prosecutor.

As criminal justice system gatekeepers, prosecutors have wide and virtually unfettered discretion regarding who is charged and at what level, who gets bail and how much, as well as who gets a second chance through a jail alternative and who gets the book thrown at them. Researchers have found disparate racial outcomes at nearly every stage of prosecutorial discretion. The result: a record 2.3 million people behind bars, a disproportionate number of them black and brown.

Most people are unaware that America's 2,437 prosecutors are elected

in all but three states, most run unopposed, and 95 percent are white.

"Prosecutors are the most powerful, unaccountable, and least transparent actors in the criminal justice system," says Udi Ofer, director of the ACLU's Campaign for Smart Justice, which works across the political spectrum to reduce mass incarceration and challenge racial disparities. "To see real change, we need to not only rid our justice system of bad actors who exploit and abuse unchecked powers, but also empower a new generation of prosecutors committed to reducing incarceration."

HOLDING PROSECUTORS ACCOUNTABLE

PROSECUTORS ARE KNOWN FOR BRAGGING ABOUT THE NUMBER OF PEOPLE THEY PUT BEHIND BARS.

But in New Orleans, District Attorney (DA) Leon A. Cannizzaro, Jr. also has the dishonorable distinction of putting innocent witnesses and crime victims in jail. Last October, the national ACLU, the ACLU of Louisiana, and the Civil Rights Corps made national headlines when they sued Cannizzaro and his office for violating the public's trust and the constitutional rights of the people he was sworn to serve.

The suit details the DA's illegal scheme of fabricating subpoenas to coerce crime victims and witnesses into submitting to interrogations and presenting fraudulent information in court to persuade judges to issue arrest warrants. The DA sent police to arrest crime victims and witnesses who didn't appear as ordered and threw them in jail, often with an unreasonably high bond that ensured they would stay put until they cooperated.

Among the plaintiffs is Renata Singleton, who

hadn't spent a day in jail in her life. But in 2015, the 35-year-old accountant and mother of three was locked up on \$100,000 bond for declining to cooperate further with Cannizzaro's office in a matter she had settled privately: a domestic violence case against her ex-boyfriend. (She could not afford to take time off from her hourly job to answer more questions about the case.) After five days behind bars, Singleton was brought to the courtroom in an orange jumpsuit and shackles. Her ex-boyfriend, who pled guilty, had a bond of \$3,500 and was sentenced to probation without jail time.

"This lawsuit [against Cannizzaro] marks the end of an era where top prosecutors can break the law with impunity," says Anna Arceneaux, a senior staff attorney with the ACLU. "And prosecutors across the country should expect to be held accountable for these kinds of abuses of power."

Adds the ACLU's Ofer: "The power should be in the hands of the people, and together, we're helping them take it back."

VOTING SMART

ON ELECTION DAY 2017, Philadelphia voters chose civil rights attorney Larry Krasner—who has sued the police 75 times and opposes the death penalty—as their next district attorney. It was a win for civil liberties.

The Philadelphia race was part of a pilot project by the ACLU and its “smart justice” allies to see whether nonpartisan voter education could attract people to the polls. The ACLU strategy included hiring 51 canvassers, who had been incarcerated, to knock on 26,000 doors. They asked members to vote for district attorney candidates committed to ending mass incarceration.

Now, ACLU affiliates and their allies

are replicating that approach in nearly 30 states, knocking on doors, issuing reports, holding public events, and spreading awareness about the prosecutor’s role in the justice system.

With over 1,000 top prosecutors up for election in 2018, nonpartisan voter education is key. The ACLU of California’s “Meet Your DA” website, for instance, focuses on educating Californians about how their prosecutors stand on key criminal justice reform issues. The ACLU of Massachusetts’ “What a Difference a DA Makes” website is developing a report card that grades the effectiveness and fairness of 11 elected district attorneys and their offices.

And in what is surely a first, exoneree Anthony Graves moderated a DA candidates’ forum in Dallas. A manager of the ACLU of Texas’ Smart Justice Initiative, Graves quizzed candidates pointedly on their plans to reduce mass incarceration and racial disparities in the system that put him on death row for nearly two decades, much of that in solitary.

Graves is one of a growing number of formerly incarcerated people whose powerful voices are helping drive change. At the end of the event, he told the crowd that whoever was elected, the ACLU would hold their feet to the fire on campaign promises.



ACLU canvasser William Roundtree, one of many impacted by DAs, helped educate voters about district attorney candidates committed to ending mass incarceration.

PHOTO: Brandon Thibodeaux

COURTING PUBLIC OPINION

DO VOTERS WANT PROSECUTORIAL REFORM?

It’s reasonable to ask in the Trump era. The ACLU set out to find the answer in a first-of-its-kind poll late last year.

The national survey of voters reveals a major reason why “tough-on-crime” prosecutors are returned to office even though their actions are out of step with a majority of constituents. Many voters simply know too little about who their local prosecutor is or what he or she is up to. But when asked, voters of every persuasion—in red and blue states alike—strongly prefer prosecutors who are committed to reducing incarceration, tackling racial disparities, and being transparent:

- Approximately nine out of 10 likely voters said it was important for prosecutors to prioritize alternatives to incarceration.
- Nine out of 10 were more likely to support a prosecutor candidate who would actively work to reduce racial bias in the criminal justice system.
- Nine out of 10 want prosecutors to reduce sentences in instances where people were treated unequally because of their race.
- Respondents also want prosecutors who commit to transparency, with almost nine in 10 favoring prosecutors who share data and policies with the public.

“This is not a left or right or Democratic or Republican issue,” says former federal prosecutor Miriam Krinsky, executive director of Fair and Just Prosecution, one of several professional organizations that have arisen to support a growing cohort of justice-minded prosecutors. “We’re seeing alignment on both sides of the political spectrum around the need to get beyond the tough-on-crime philosophy.”

POWER

STORY BY
TIM MURPHY

PHOTOS BY
KATHRYN GAMBLE

TO

THE

PEOPLE

**MEET THE GRASSROOTS
ACTIVISTS DRIVING
THE ACLU'S "LET
PEOPLE VOTE"
CAMPAIGN AS WE
HEAD INTO THE
CRUCIAL MIDTERM
ELECTIONS.**

The 2018 election is one of the most consequential midterm contests in recent history. And the ACLU is squarely focused on ensuring that everyone has equal opportunity to cast their ballot.

Last fall, the ACLU launched Let People Vote, a national campaign to expand voting access and strengthen our democracy, led by the ACLU's grassroots advocacy program, People Power. Driven by activists in every state, working hand in hand with ACLU affiliates and partners, Let People Vote is building momentum for state-based, targeted voting rights reform, advocating priority legislation that encompasses re-



“I WANT TO BE ABLE
TO LOOK IN THE MIRROR
AND SAY THAT
I DID WHAT I COULD.”

—Scott Reilly

enfranchising felons who have served their time, undoing gerrymandered districts, and modernizing voting rules, including allowing same-day voter registration.

“At a moment when Congress and the president are attacking our core protections and civil liberties, people across the country are ready to go to the state and local levels to drive change,” says Virginia Sargent, the ACLU’s digital organizing director and People Power coordinator.

Meet some of the People Power activists who are making change happen right where they live. Then, visit PeoplePower.org to tap into action in your city or state. Or learn how to start a group to make a difference in your community.

THE ORGANIZER: SCOTT REILLY

Scott Reilly always wanted to do more for the ACLU. Now 63, the retired General Motors mechanical engineer, who lives in the Detroit suburb of Southfield, Michigan, had done things such as staffing the ACLU’s table at Detroit’s LGBT community’s Motor City Pride festival. But his efforts felt inconsistent.

After Trump was elected and the ACLU launched People Power, “I jumped on it,” says the soft-spoken straight, white, male ally. Deciding to host a local kickoff party, Reilly enlisted his town’s Unitarian Universalist church as a meeting space and brought people into the room to talk about the ACLU’s Freedom Cities campaign. The tone was urgent: Last summer, Immigration and Customs Enforcement, under marching

orders from the Trump administration, arrested dozens of Chaldean Catholic Iraqis throughout Reilly’s area. Many of them were persecution victims in their home country.

Local law enforcement wasn’t very responsive but agreed to hear them out. Reilly and two other People Power volunteers sat down privately with the police chief, the mayor, and the city attorney. “They flat-out said they were fearful of repercussions from the Trump administration and from our Republican-controlled state government,” Reilly says.

“We couldn’t get local law enforcement to adopt the Nine Model Policies,” he says, referring to ACLU recommendations designed to protect immigrant communities from discrimination, surveillance, and unjust deportations. “But we put them on notice that we’re watching how they treat immigrants.” He led rallies about the issue, landing a big story about it in the local paper. Reilly also partnered his People Power caucus with Michigan United, an immigrant rights group, to focus on keeping Dearborn’s immigrants as safe from ICE as possible. The Detroit suburb has one of the country’s largest Arab populations.

Now, with Let People Vote firing up, Reilly is busy harnessing volunteers to collect 315,000 signatures statewide, supporting a ballot initiative that would greatly expand voting access with features such as no-excuse absentee voting. “Hell will freeze over before our Republican state legislature allows this, so we’re going the ballot initiative route,” Reilly says. He foresees

marshaling folks to spend ample time in downtown shopping and entertainment districts to collect those John Hancocks from bipartisan supporters.

Sometimes, Reilly says, he pinches himself that it's he doing all this organizing. "I'm a classic introvert engineer," he says with a laugh. "So it's invigorating to have people actually respond enthusiastically to my organizing emails."

Plus, he says, he feels that he's doing the right thing for his country in a fragile moment. "I keep saying that when this horror of the Trump administration is over, I want to be able to look in the mirror and say that I did what I could. That's a huge motivator for me."

THE RELATIONSHIP BUILDER:

SHANNON CHENG

"I was not a politically active person at all. I read the news and voted and sometimes would get an action alert and hit a button, but I wasn't really getting out there and taking action. I would say I'm a pretty behind-the-scenes kind of person."

So says Shannon Cheng, 39, a Seattle entrepreneur and jazz

the challenge and helped her friend meet the goal.

She began receiving the ACLU's action alerts, and that's how she learned the organization was looking for folks nationwide to host launch parties for the People Power campaign. Surprising herself, Cheng volunteered—even though she and her husband live on a houseboat with limited space. "We had eight people, and that was a tight fit," she says with a laugh.

First up was People Power's Freedom Cities campaign, to connect immigrants' rights activists with their local police departments and urge them to sign on to the ACLU's Nine Model Policies.

"Seattle is already super-progressive, but the people in my group didn't feel comfortable just calling up law enforcement," Cheng says. "I felt a bit stranded." Nonetheless, she pushed forth, creating a spreadsheet to track regional law enforcement agencies, as well as those volunteers within the People Power networks who had contacted their agencies, urging them to adopt the Nine Model Policies. This helped Cheng forge powerful connections with other People Power activists, setting the stage to build a strong coalition that addressed the



“IF I CAN HELP JUST ONE OTHER PERSON TAKE ACTION, IT’S WORTH IT.”

—Shannon Cheng

club server trained in aerospace engineering. After Trump was elected, she says: "I was in shock, like many people. I went to work that night thinking the world was one way, and I came out thinking it was another."

Cheng wanted to give Trump the benefit of the doubt, but then the Muslim ban happened. "I fell into a depression," she says, "feeling like there was nothing I could do."

Then, a college friend tweeted that he would match the first \$10,000 of donations made to the ACLU. "I said to myself, 'OK, this is something I can do,'" says Cheng, who blasted out

new voting rights campaign.

"It felt like putting myself out there to randomly email more than 70 other hosts," Cheng says. "But I've learned that when I feel tentative about leaving my comfort zone, if I can help just one other person take an action they wouldn't have otherwise, it's worth it."

When Let People Vote kicked off, Cheng plunged back in. "I decided it was a cool way to get a behind-the-scenes look at how grassroots organizing works," she says. Over the People Power digital channels, someone from Alabama said they had

“I’VE FLOWN IN HELICOPTERS AND CLIMBED DOWN THE SIDES OF MOUNTAINS. VOTING IS THE ONE THING LEFT ON MY BUCKET LIST.”

—Cat Castaneda



no idea how to host an organizing party. Cheng walked them through it. (See sidebar on p. 23.)

Most recently, she was deep into the effort to pass the Washington Voting Rights Act (VRA). The measure would overturn a law in that state which prevents many cities and towns from electing council members by geographic districts rather than “at large,” diluting the minority vote.

“My People Power group decided that we’d seek out people in our state’s swing districts and ask them to contact their elected officials over this,” Cheng says. To target activists’

actions most effectively, she and others made a Google survey to identify which legislative districts they hailed from and posted the survey to every relevant Facebook group page statewide.

Already approved in the state Senate, the Washington VRA bill passed in the state House the day before Cheng talked to *STAND*. At the end of March, Gov. Jay Inslee signed it into law. “We learned a lot for future campaigns,” Cheng says, “and set up infrastructure to do future calls to action.”

As she contemplates her next steps within People Power, Cheng marvels at how she’s changed in only a year. “I constantly surprise myself,” she says. “This has been about finding my own voice, defining my values, and learning to have the confidence to stand up for them. My curiosity has led me to being braver and doing things I never thought I’d do, like canvassing door-to-door or meeting with my legislators.

“I started this thinking I could do it at home in my pajamas,” she says. “But then I realized I wanted to get out there and do things. Everyone has a place in this. You don’t need to be an expert. You just need to stay open and listen.”

THE VOICE: CAT CASTANEDA

Prison became an activist education for Cat Castaneda, who served 10 years for felony charges stemming from a 1977 Arizona barroom brawl. Uniting with other inmates to lead nonviolent protests, such as sit-ins, as well as negotiations with administrators, she helped spark major reforms, instituting college, vocational, and 12-step programs within the prison. Inside, she also developed maintenance skills, which led to her post-prison career as a construction worker and electrician.

“When I got to prison, I was young and angry from my parents’ divorce,” says the raspy-voiced Castaneda, 60, who lives in Phoenix. “Inside, I learned how to deal with people, including the staff. I still have some really close friends today who were my detention officers.”

But a few years after she got out in 1992, she faced a difficult challenge when she tried to restore her right to vote, which is often suspended for those with prison records. Arizona restores voting for parolees with one felony conviction, but Castaneda had multiple felony charges attached to her case.

“Some law students had said it would be no big deal for me, but it turned out to be a bigger deal than I thought,” she says. She encountered major roadblocks trying to retrieve old paperwork she needed to start the process. As she got busy working construction, her mission to vote fell by the wayside.

Castaneda, who is a lesbian of Native and Latinx descent, became an activist for Native American rights and against domestic violence. But when Trump was elected president, she hit the roof. “I’d been to one of his rallies in Phoenix, and it was filled with people carrying guns, every one of them

white and growling at me as I passed,” she says.

She harnessed her anger into more activism. “I’m not afraid to get in front of the cameras or up in [Jeff] Flake’s face,” she says, referring to the retiring U.S. senator from Arizona, a rare Trump critic among Republicans.

Then she heard about People Power—and quickly became part of its inaugural campaign to urge local law enforcement groups not to blindly cooperate with ICE. “I’d man the phone and get other volunteers,” she says. “We don’t need local police doing the federal government’s work.”

Soon after, Arizona’s People Power network started an effort to more easily restore the voting rights of felons, some 200,000 of whom Arizona bars from the ballot. (The national figure is around 6 million, about 2.5 percent of the population.) Passionate about the issue, Castaneda jumped in. “I went up to Sandra Solis, the community coordinator for the ACLU of Arizona, and said: ‘I’ve flown in helicopters and climbed down the sides of mountains. Voting is literally the one thing left on my bucket list.’

At the next People Power meeting, Castaneda got up and told her story, partly because no other person with a criminal history wanted to. “People were a lot more receptive than I thought they’d be,” she says. “And because I told my story, eventually, others did, too.”

After that, Castaneda and other activists fanned out across greater Phoenix, registering people to vote, including those who had served felony time. “Folks would say to me, ‘I can’t vote,’ and I’d say, ‘You know what? Yes, you can.’”

With others, she organized clinics to show parolees how to go about the process. She feels good about the work. “People who’ve never voted before are registering to vote,” she says. So, just as she learned how to fix building systems, she’s now

“A DEMOCRACY NEEDS PEOPLE TO BE INVOLVED AND ENGAGED, AND THE CURRENT VOTING LAWS ARE DOING THE OPPOSITE.”

—Kyle Tingley



HOW WE’RE FIGHTING FOR VOTING RIGHTS

Last year, 31 million Americans, disproportionately young and of color, were declared ineligible to vote. To turn that around, the ACLU is working to:

ENFORCE THE NATIONAL VOTER REGISTRATION ACT. In at least 10 states, ACLU affiliates are litigating, monitoring, and/or investigating to assure compliance with the 1993 “Motor Voter” act, which makes it easy for people to register for the first time or renew registration at DMV offices. We’ve been victorious in California, which has incorporated voter registration into its mail-renewal forms.

PROMOTE ELECTION DAY REGISTRATION. In Massachusetts, we successfully challenged the state’s registration cutoff date. Polling sites can now verify eligibility electronically and instantly. We’re ready to take our argument to other states. Same-day registration could boost voter turnout 5 percent!

FIGHT REDISTRICTING AND GERRYMANDERING. We issued a friend-of-the-court brief in the Supreme Court’s case on whether partisan gerrymandering violates the First Amendment. (The court sent the case back to the lower court in June.) We also filed a brief in a gerrymandering case out of Maryland that the Supreme Court heard this spring.

TAKE ON KEY VOTING “DILUTION” CASES. Dilution results when redistricting, at-large seats, or other means weaken the voting patterns of a minority group. Last year in Ferguson, Missouri, we successfully challenged as discriminatory the city’s method of electing school board members. We then defended the victory and now await a decision in a U.S. appeals court.

learning how to fix people's voting status, in time for this fall's crucial elections.

"When I speak in front of people, I tell them that I don't have a voice because I can't vote yet," she says. "That's why I'm going to activate as many people as possible to be my voice."

Not that she's given up trying to fix her voting status. She's written the necessary letters, and she's working at getting another copy of her final disposition from her long-ago case. She wants to get the whole thing straightened out by November. "I'm sure hoping," she says. "And if not, that's OK. I'll get it fixed for 2020."

THE STRATEGISTS:

MEREDITH WALSH AND KYLE TINGLEY

In Worcester, Massachusetts, where they met while in grad school, Meredith Walsh and Kyle Tingley were active in social justice movements, starting a nonprofit to support the city's large, diverse refugee population. So when they moved last year to Walsh's hometown of Memphis, Tennessee, where Tingley, 36, had lined up a public school teaching job, they were eager to get politically involved.

The couple was drawn to the area's racial justice movements such as efforts to bring down Confederate statues and to mark and memorialize the sites of lynchings. "There's a lot happening here around racial reconciliation," says Walsh, 39, who was already on the ACLU's mailing list.

When the couple found out about the Let People Vote campaign, they hosted a kickoff meet-up last October at Walsh's father's church, Shady Grove Presbyterian. Fifteen people showed up, "and everyone was excited," Walsh says. The group committed to meeting the first Sunday of every month, focusing on changing state laws so the formerly incarcerated could vote again. In Tennessee, as in other Southern states, roughly one in five African-Americans are banned from voting because of felony convictions. "That needs to change," Walsh declares.

The group set to educating themselves about Tennessee's restrictive laws. That included getting familiar with a failed bill in the state Senate, sponsored by Sen. Jeff Yarbro of Nashville, that would have undone those laws. A more modest bill in the House, sponsored by Rep. Johnnie Turner of Memphis, would have let felons do community service instead of paying off court fees, which are among the many hurdles they must surpass to regain their voting rights. The group also connected with the ACLU of Tennessee to learn more about its legislative, education, and coalition work regarding restoration of voting rights.

Now it's time for Walsh and Tingley to take what they've learned to the public. They've connected with the Memphis Interfaith Coalition for Action and Hope, and they've lined up visits with Yarbro and Turner at the Capitol in Nashville to talk strategy.

"So far," Walsh says, "we've learned it's really important to listen to people's stories. We understand that there are many

NEVER HOSTED AN ORGANIZING MEETING? NO PROBLEM!

Here are some tips from ACLU activist Shannon Cheng on how to host an organizing meeting:

BE CLEAR ABOUT YOUR PURPOSE. Plan your agenda and timeline. People are taking time out of their busy lives, so keep the meeting moving!

RECRUIT ATTENDEES NEAR YOU. Post your meeting to the People Power map at PeoplePower.org. Send out reminders when you first schedule the meeting and a day or two before.

MAKE IT FUN! HAVE BEVERAGES AND SNACKS ON HAND. Welcome everyone and take time to get to know each other better. Ask attendees why they decided to attend the meeting and what they'd like to see change in their communities.

WRAP UP WITH ACTION POINTS. Before you part ways, work out what your next steps will be and who will do what by when. Try to make sure everyone leaves with an action task.

KEEP THE MOMENTUM GOING AND FOLLOW UP. Make sure to collect people's contact information on sign-in sheets so you can stay in touch. Shortly after, send out to all who attended a thank-you note, meeting minutes, and the time and place of the next meet-up or action.

DELEGATE. Find people to take on roles such as securing the meeting place, taking minutes, running the meeting, bringing snacks, and doing follow-up. Asking others for help makes folks feel more engaged and invested.

Reach out if you need help. People Power has a lot of resources to help. Email info@peoplepower.org with any questions.

different styles of leading and organizing, so we need to tap into the variety of strengths that each person brings to the table." Adds Tingley, "We've learned to research, focus, and refocus, and then to have action points at the end of each meeting."

They'll leave at least some of that work in the capable, motivated hands of the group. Soon, Walsh will tend to her new job with a refugee nonprofit in Bangladesh, where Tingley will join her for a year. But this doesn't lessen their passion about the issue.

"A democracy needs people to be involved and engaged," Walsh says, "and the current voting laws are doing the opposite: They don't allow for the concept of forgiveness and second chances, and restoring full citizenship rights to those who've served their time."



VOTE FOR YOUR RIGHTS



WITH ALL 435 HOUSE OF REPRESENTATIVES SEATS, 35 SENATE SEATS, AND 36 GOVERNORSHIPS UP FOR GRABS IN THE MIDTERM ELECTIONS THIS NOVEMBER,

those who take office next year will determine the direction of our democracy. In the balance are issues the ACLU has long championed such as reproductive freedom, racial justice, marriage equality, protections for transgender people, and voting rights. So it makes sense that we're enlisting voters to tip the scale in favor of civil rights and civil liberties.

National electoral work is new and exciting for the ACLU, and in many ways, it's a natural extension of what we've been doing for nearly a century. After advancing civil liberties in courtrooms and legislatures, we're taking the fight to the voting booth.

Our game plan: Educate voters about candidates' civil liberties and civil rights records, and build a base that will factor those records into how they vote. We're also organizing and mobilizing ACLU volunteers to ensure that Americans understand the consequences of these elections.

And we're giving them the tools they need: Our National Political Advocacy Department, collaborating with our affiliates across the country, is mobilizing volunteers and members to organize candidate forums, lobby lawmakers, and create candidate scorecards; oppose President Trump's anti-civil liberties or unlawful policies; and support the groups he has targeted. (See sidebar on p. 26 for simple steps to be part of this effort.)

In early May, we launched aclu.org/Voter, the bedrock of a nationwide effort to engage and mobilize motivated voters, based on civil liberties principles. And we're asking every single one of our 1.8 million card-carrying members who is eligible to vote to get to the polls this fall.

The ACLU is not acting to affect the balance of political power but to drive concrete policy outcomes that matter in people's lives. It matters in Mecklenburg County, North Carolina, where the choice of sheriff determines whether youth continue to endure the torture of solitary confinement and whether the department continues to cooperate with Trump's inhumane deportation agenda. It matters in Florida, where 1 in 13 African-Americans have lost their voting rights

STORY BY
**ANTHONY D. ROMERO
AND FAIZ SHAKIR**

PHOTO: Getty Images

TS



PHOTO: Floridians for a Fair Democracy

due to felony disenfranchisement laws. And it matters in Michigan, where suppressive voting registration rules may have decided the last presidential election’s 0.3 percent margin of victory in this swing state. Our members and supporters are playing an important role in each of these fights, and we couldn’t do it without them.

To be clear, the ACLU remains fiercely nonpartisan. We’re not going to create a Political Action Committee, donate to candidates, or register voters. We will not support or oppose candidates for elected office or cabinet posts. But we will move further into political spaces across the country as we fight to dismantle the Trump agenda. We will also fight the Trump effect at the state level as local elected officials mimic the administration’s anti-civil liberties positions and endeavor to codify them in state laws.

PROTECTING AND EXPANDING THE VOTE

Twenty-four states and the District of Columbia give registered voters the power to enact new laws or repeal them by ballot measure. While the ACLU continues to advocate for and against ballot measures on a wide range of civil liberties issues, we’re going on the offensive and introducing initiatives to protect and expand access to the ballot itself.

•VOTING RIGHTS IN FLORIDA During the last presidential election, nearly 1.6 million people in Florida, the nation’s largest battleground state, were barred from voting. These are people with felony convictions subject to a state constitutional mandate stripping them of their right to vote—a law that has resulted in disenfranchising nearly one-quarter of Florida’s adult African-American population. That Jim Crow-era relic is now squarely in the sights of the “Say Yes to Second Chances” campaign, which has placed a measure on the November ballot that restores the voting rights of Floridians with felony convictions if 60 percent of voters approve. Polls say nearly three quarters of voters approve of the measure, which applies only to those who have completed their sentences, including parole or probation, and excludes those convicted of murder or sexual offenses.

The ACLU of Florida is a leading partner in the effort, and the national ACLU has committed \$5 million to making sure the campaign wins in November. We see this initiative as crucial to our work on behalf of people who have historically been denied their rights based on race.

One such person is Desmond Meade, an African-American man who experienced homelessness, addiction, and jail before graduating from college and earning a law degree. As president of the Florida Rights Restoration Coalition, run by “returning citizens”—as many formerly incarcerated people describe themselves—Meade is among those leading the charge on the ballot initiative.

“This campaign really speaks to how this issue transcends race and politics,” Meade says. “When we talk about a democracy, we talk about giving everyone an opportunity to be heard—that’s something the ACLU has been championing forever.”

•ACCESS TO THE BALLOT IN MICHIGAN From working parents—who struggle with long voting lines, faraway polling places, and no time off work to vote—to people who frequently move for jobs or military service, voting under Michigan’s antiquated system is challenging.

“After Trump was elected, the biggest cry we heard was we need to make sure people can vote,” says Shelli Weisberg, political director of the ACLU of Michigan. That’s why the state ACLU, along with the League of Women Voters and the NAACP’s Detroit and state branches, are leading coalition members in the campaign for Promote the Vote. The ballot initiative would remove barriers and make voting more accessible and secure, so all eligible voters are heard.

The package of commonsense reforms mirrors election laws in 40 states that allow for more time to register or vote. Among the provisions is “no excuse” absentee voting, which essentially allows any eligible voter to cast an absentee ballot. That would be a boon for Grosse Pointe Park resident Angela Willson, a single mother who is raising four children, ages 7 to 13, while holding down two jobs. “I consider voting important enough that I do everything I can to make it to the polls, but sometimes that just isn’t possible,” says Willson, a nurse.

Thanks to an army of dedicated volunteers, the coalition turned in more than the 315,654 valid signatures needed to place the initiative on the November ballot. With 73 percent of Michigan voters in favor of modernizing the state’s voting systems, chances are, there will be more voters with access to the ballot box by the 2020 election. In a swing state that helped decide the last presidential election, every vote counts.

•EQUITABLE DISTRICTS IN UTAH Gerrymandering makes a mockery of the democratic principle that voters choose their representatives and not vice versa. For years, politicians of all stripes have gamed the system by “packing and cracking”—drawing odd-shape districts to “pack” in voters of their party or “crack” the voting power of an opposing party. The practice is frequently used to suppress the political clout of black and Hispanic voters.

In red-state Utah, where legislative efforts to address the problem have repeatedly died, the ACLU is working with the bipartisan Better Boundaries campaign to reform how state and congressional legislative districts are drawn. Former Salt Lake City Mayor Ralph Becker, a Democrat, and former Republican congressional candidate Jeff Wright are leading the campaign, which has placed the Utah Independent Redistricting Commission and Standards Act on the November ballot.

The initiative, supported by a majority of registered voters, would establish a nonpartisan, independent redistricting commission to draw legislative and congressional districts. Having more equitably drawn districts, according to a *Salt Lake Tribune* editorial, “would not pull Utah from far right to far left” but would “boost voter participation to levels that make our government truly representative of the people.”

EDUCATING VOTERS ABOUT THE CANDIDATES

Across the country, countless politicians of both parties are standing for election despite terrible civil rights and civil liberties records. In Arizona, for example, former Sheriff Joe Arpaio—who has a record of illegal and inhumane conduct—is running for the U.S. Senate. The

ACLU has aggressively and successfully sued Arpaio for racially profiling and unlawfully arresting Latinos, denying incarcerated women access to abortion, and victimizing people with disabilities. And in Kansas, Secretary of State Kris Kobach is running for governor, campaigning on his anti-immigrant animus along with false claims about voter fraud, which led a judge to cite him for contempt during the ACLU’s challenge to Kobach’s policies.

With an increasing number of Americans becoming politically active since Donald Trump took office, the ACLU’s No. 1 goal is to make sure potential voters are not only engaged but also informed about records of candidates such as Arpaio and Kobach. That means mailing out tens of thousands of informational flyers, buying radio and TV ads in key markets, and mobilizing our grassroots organizing operation, People Power, to knock on doors and make phone calls. Through aclu.org/Voter, we will provide civil liberties scorecards of every House and Senate member up for re-election, as well as activism guides and toolkits that voters can use to take civic action in their communities or a specific race. The ACLU’s Smart Justice Campaign, which works to reduce the U.S. jail population and combat racial disparities in the criminal justice system, will give voters an opportunity to evaluate candidates based on where they stand on criminal justice reform and mass incarceration issues. Visit VoteSmartJustice.org to learn more.

The ACLU’s electoral work also focuses on the courts, which are critical to protecting

THIS YEAR WE’RE GOING ON THE OFFENSIVE AND INTRODUCING BALLOT INITIATIVES TO PROTECT AND EXPAND ACCESS TO THE BALLOT BOX ITSELF.

voting rights. In Wisconsin’s April 3 nonpartisan judicial race, the ACLU made sure voters knew about conservative candidate Michael Srenock’s role in gerrymandering, as well as his anti-choice activism. We sent out 40,000 flyers with candidate information and recruited hundreds of volunteers from across the state—as well as 20 People Power volunteers from across the country—to make thousands of calls to voters. Judge Rebecca Dallet, who provided

“ THE ACLU HAS NEVER SHIED FROM A FIGHT WHEN CIVIL LIBERTIES WERE AT STAKE.

WHAT YOU CAN DO TO IMPACT THE MIDTERM ELECTIONS

An ACLU Voter demands that candidates for public office commit to protect our democracy, end discrimination, expand our rights, and ensure that we live in a nation with liberty and justice for all. ACLU Voters vote as if their rights depend on it. Here are some ways you can make a difference as an ACLU Voter.

IF YOU HAVE 1 MINUTE...

Sign up to be an ACLU Voter at aclu.org/Voter.

IF YOU HAVE 5 MINUTES...

Ask five friends or family members to become ACLU Voters (and ask them to ask their friends too!).

Share why you're an ACLU Voter on social media using the hashtag #ACLUvoter. (Don't be shy about using your phone to take a video.)

IF YOU HAVE 1 HOUR...

Check the ACLU scorecard at aclu.org/Voter to determine whether your representatives have been doing enough to fight for civil rights and civil liberties.

IF YOU HAVE A DAY (OR MORE)...

Canvass your neighborhood to sign up ACLU Voters, recruit volunteers, and get out the vote.

Host a house party to call prospective ACLU Voters, recruit volunteers, and get out the vote.

FOR MANY MORE IDEAS, VISIT [ACLU.ORG/VOTER](https://aclu.org/Voter).

positive answers to the ACLU's candidate questionnaire on a range of civil liberties issues, won this important 10-year seat.

While the media tend to pay attention to the big-name races, nearly 1,000 "down-ballot" contests for sheriff and district attorney will significantly impact immigrants and communities of color, particularly young people, whom the criminal justice system disproportionately targets. The men and women heading sheriffs' departments and district attorneys' offices have long played critical roles in operating the machinery of mass incarceration and deportation. (For more about the power of DAs, see our special report on p. 16.)

In the North Carolina race for Mecklenburg County sheriff, ACLU advocates knocked on more than 15,000 doors and distributed a scorecard contrasting the candidates' positions on civil liberties issues such as helping federal law enforcement deport undocumented immigrants and using solitary confinement for juveniles in county jails. In response, Democratic primary voters rejected incumbent Irwin Carmichael, who supported the Trump administration's immigration policy, and effectively elected Garry McFadden, who has pledged to end the deportation program. (No Republican is running for this office.)

GETTING OUT THE VOTE

Of course, it doesn't matter how much voters understand about an election if they don't vote. While one of our goals is to get all 1.8 million eligible ACLU members to vote this November, we're not stopping there. It's critically important for a healthy democracy that everyone participates with an equal voice, no matter whom they vote for.

Toward that end, the thousands of People Power organizers who are knocking on doors and making calls to inform voters will be active again to make sure those voters get to the polls.

In addition, the aclu.org/Voter site features a "Commit-to-Vote" pledge that users are asked to share with at least five family members or friends. The site also functions as a data hub about how to get to the polls, with up-to-date information on how and where to register, polling locations, and primary dates.

We know that despite our best efforts to educate voters about politicians' positions, some anti-civil liberties candidates will win. But we will have fulfilled our mission if we've infused a discussion of key civil liberties issues into the elections and into a voter's calculus.

The ACLU has never shied from a fight when civil liberties were at stake, whether that fight was in a courtroom, Congress, or a state legislature. In 2018, we have entered the forum of nonpartisan political advocacy. The bottom line: When it comes to protecting our precious rights and liberties, we're not letting anyone off the hook.

Anthony D. Romero is executive director of the ACLU, and Faiz Shakir is the ACLU's national political director.



GLADYS HARRIS' VOTE DIDN'T COUNT

Gladys Harris lives on the first-floor unit of a house on the north side of Milwaukee. She has been living and voting regularly at that address for years without a problem. That changed in 2016. Shortly before the election, she misplaced her driver's license. Harris, who was 66 on Election Day, no longer

drives and suffers from chronic lung disease and a bad knee, often using a walker to get around.

Harris showed up to her polling place with her Social Security card, Medicare card, and a government-issued bus pass with her name and photo on it. But those were not sufficient under Wisconsin's

"I HAVE BEEN VOTING HERE FOR SO LONG...I HAVE THE SAME NAME AND SAME ADDRESS. IT'S NOT FAIR."

new photo ID law, which requires voters to present a Wisconsin driver's license, state ID, passport, military ID, Veterans' Affairs card, naturalization papers, or tribal ID. That list of eligible IDs is uniquely curated to exclude the kind of government-issued bus passes with photos used in Milwaukee.

For the first time in her life, Harris' vote did not count.

The presidential election was decided in Wisconsin by just 22,748 votes.

I first met Harris on a cold winter day, the first day of Black History Month, when I drove to her house to hear her story. As we sat in her living room, news about President Trump's cabinet nominations played on television, and Harris shared her opinions and concerns about the future of the country.

We discussed Harris' experience voting, and she told me she thought it was "cruel" she could not vote, especially since she presented so many other forms of ID with her name and picture. "I thought one of them would work

or all together they would work, especially because I have been voting here for so long," she said. "I have the same name and same address. It's not fair." She speaks with a soft voice but with strong conviction.

We also discussed the country's ugly history of voting rights. Harris told me she knows other people who do not have the ID needed to vote in Wisconsin, and that it "seems like they are trying to make it harder" for people to vote.

I saw Harris recently and asked whether finding herself the victim of disenfranchisement made her less likely to vote. She said no: "I need to vote so someone in there is fighting for me."

MOLLY MCGRATH is a voting rights attorney and advocate in Madison, Wisconsin. As part of the ACLU's Voting Rights Project, she works directly with people who need IDs to vote in Wisconsin, as well as other states with suppressive voting laws. Last year, she created the Voter Suppression Diaries to tell their stories. Visit aclu.org/votersuppression to read more.

THE GUIDE

» ART

CARDS SPARK DIALOGUE ON POLICING

BY Lynn Maliszewski

“Even though people’s day-to-day lives are pretty similar,” says Johanna Miller, advocacy director for the New York Civil Liberties Union (NYCLU), “our experience with the police is radically different.” And effective forums for sharing encounters are rare. The NYCLU’s Listening Room seeks to foster conversation about the police via pop-up booths across New York City, which employs the country’s largest police force.

The Listening Room first appeared in parks in 2017, with a “Mad Libs”-style graffiti wall beckoning passersby to respond to prompts about police reform. The main attraction is a section for frank conversations between strangers, spurred by a deck of cards (pictured above) created by designers from the international design firm IDEO.



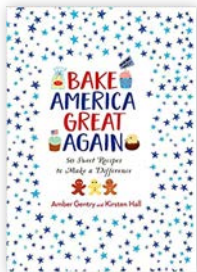
Miller believes the cards bridge a gap, “to engage people who hadn’t spent so much time thinking about police reform or felt that it wasn’t really their problem.”

For the cards, which combine open-ended queries with trivia questions, the IDEO team focused on “an even playing field,” designer Njoki Gitahi says. “We thought about how to strip away the typical police aesthetic,” using symbols, such as an outstretched hand and megaphone, to facilitate personal reflection on police interactions.

Such tangible, dialogue-focused choices allow participants to “get beyond feeling super-ignorant or oppressed,” Gitahi says, promoting a deeper conversation driven less by assumptions.

The Listening Room’s pop-ups relaunched this summer. Visit listening.nyc to join the conversation.

» PAGES



Resisting the Trump administration’s relentless assault on civil liberties is many things: exasperating, exhausting, terrifying. But it’s critical that we keep up our energy. Thankfully, there is a whole host of new cookbooks that benefit the ACLU to help you refuel before your next call to action.

Bake America Great Again is the sweet result of a bake sale last year hosted by a group of New York City elementary school students. Written by children’s book authors Kirsten Hall and Amber Gentry, moms of the aforementioned kids, the volume includes recipes for patriotic snacks such as Rights Krispie Treats and Freedom Fudge.

Named the best cookbook of 2017 by Eater, Julia Turshen’s *Feed the Resistance* is part activism handbook, part culinary guide. It includes healthy, affordable recipes; essays by social justice activists; and useful information about how to create change.

The Immigrant Cookbook is a global culinary celebration. Edited by Leyla Moushabeck, publisher of *Soup for Syria*, it features recipes from chefs throughout Africa, Asia, Latin America, and the Middle East. A portion of the book’s proceeds benefit the ACLU’s Immigrants’ Rights Project.



ACLU PODCASTS

The digital airwaves are abuzz with engaging podcasts from ACLU state affiliates. Here are a few we love (all available on iTunes).

1

The Civil

Liberties Minute

ACLU of Massachusetts

“Taking on injustices, 90 seconds at a time!” declares the Civil Liberties Minute, featuring Bill Newman, director of the affiliate’s western legal office. In this brief podcast, Newman discusses imminent threats to equality.

2

Speaking Freely

ACLU of Pennsylvania

This new podcast tells of Pennsylvania staff, clients, and allies in the fight for justice.

3

Civil Fights

ACLU of West Virginia

With puns for a name and tagline (“one nation, under pod”), you can’t go wrong. This podcast showcases state legislative previews, with intriguing titles such as “Can a FOIA Request Be Angry?”

4

The Purple State Report

ACLU of Colorado

Each episode of the most advocacy-oriented pod on the list features campaigns and actions Coloradans can take to protect their rights.

» FILM

THE LIFE AND TIMES OF RUTH BADER GINSBURG

BY Emily Whitfield

FOR ADMIRERS OF SUPREME COURT JUSTICE RUTH BADER GINSBURG, the feature film about her life isn't just a biopic—it's a superhero film. *On the Basis of Sex*, starring Felicity Jones as "RBG," charts the personal and professional obstacles Ginsburg faced en route to becoming the nation's second female Supreme Court Justice. The film's fall release coincides with the 25th anniversary of Ginsburg's appointment to the Supreme Court in 1993, by President Bill Clinton.

The film includes scenes from Ginsburg's early career as cofounder of the ACLU Women's Rights Project in 1972. Her pioneering legal arguments in *Reed v. Reed* led the Supreme Court to extend the Constitution's equal protection guarantee to women for the first time.

ACLU history buffs may recognize these characters: Mel Wulf (played by Justin Theroux), the ACLU legal director who hired Ginsburg, and Dorothy Kenyon (played by Kathy Bates), a legendary ACLU board member and supporter of women's rights. She and board member Pauli Murray were Ginsburg's behind-the-scenes advocates.

Speaking to the influential blog *Women and Hollywood*, director Mimi Leder emphasized how important it is to tell Ginsburg's story now.

"This film will capture that moment in America—an America which has and has not changed," she says. "Ruth fought to change laws for all of history and isn't giving up the fight. She is a global hero."



LOVE AND LIBERTY



This June, the ACLU teamed up with dating app OkCupid to connect liked-minded singles looking for love—and justice—by introducing a special profile badge for ACLU supporters. The badge helps connect users with others who share their views. For every profile that features the badge, OkCupid donates a dollar to the ACLU, raising \$50,000.

A company that has always supported inclusivity, OkCupid educated users about ACLU issues through questions addressing the rights of immigrants, women, the LGBTQ community, and more. Every user who answered "yes" when asked whether they support the ACLU receives the badge.

You haven't missed your opportunity to show potential matches you support the ACLU—the badge is available to OkCupid users through the end of the summer.

» ART

The art and fashion worlds share the ACLU's commitment to defend civil liberties for all—and regularly lend their expansive platforms to deepen that resolve. Case in point: Last winter, the ACLU teamed up with *The Standard* hotels and a coterie of designers and artists to launch a pop-up shop in Miami Beach and increase awareness about our basic rights and freedoms.

In addition to shopping for limited-edition T-shirts, high-end totes, and posters inspired by and benefiting the ACLU, visitors to the store had the opportunity to call their legislators directly and urge them to support the DREAM Act, which would protect an entire generation of immigrants at risk of losing their jobs and being deported.

"Humor, sensitivity, and humility will bring love and unity. That's what the images on these shirts are all about," say designers Nikolai and Simon Haas, whose *We the People* design features their signature joyful animated creatures.

To see more from the innovative collaboration between *The Standard* and the ACLU, visit shopthestandard.com.



CREATIVE LIBERTY

» IN THEIR WORDS

KARLA WELCH

“Creative Liberty” means using the tools I have to try to make an impact. I’m not a lawyer or a policymaker or really anyone but a member of society, but I can use my platform to help spread the word. I hope “activism” and “feminism” become words that aren’t loaded.

I’ve always felt this connection to America. I don’t know why, but I feel that I was destined to live here and be engaged with life here. American and international politics were always interesting and included in my home life. I’m only really Canadian when it comes to Olympic hockey!

Trump’s election was a giant wake-up call. This administration has made it quite exhausting because you want to support everything: the environment, women’s rights, gun safety, education, the homeless epidemic in L.A. That’s something we are really focusing on in my office. It’s micro-helping, but we clean out coats and clothes from my kit and hand out water and fresh shoes and toiletries monthly.

The ACLU blue ribbon campaign around the Oscars in 2017 was really a no-brainer. Most of my clients are politically minded. Ruth Negga was nominated for her role as Mildred Loving [who was represented by the ACLU in a landmark Supreme Court case that struck down state bans on interracial marriage]. Emma Stone wore the ACLU blue ribbon — the accessory I’m most proud of! — to the *Vanity Fair* Oscar party.

My Instagram bio lists me as “Karla Welch The Resistance.” I am who I am. I never want to shield who I am because I’m afraid of a negative reaction, or that someone might not want to work with me. That’s my platform, and I’m not going to waste it.

One great thing about political freedom is we can wear whatever we want. Some have described my signature look as modern minimalist, classic cool, and slightly androgynous. The more we recognize this generation of kids who are fluid in all ways of their lives, the better we’ll be.

If you breathe, you should know that you are part of the system, and that it is your right to be involved. When people criticize actors and musicians for using their celebrity to make political or social statements, I think that’s such an apathetic statement from people who refuse to be open. Artists need to make social statements. That’s what pushes society forward; that’s what narrates our story.

We made an explicitly feminist statement in turning the spotlight on female designers for *The Handmaid’s Tale*. How could we not?!

I don’t try to project this super-glam life. I think you kind of see who I am. If I can help anyone feel inspired, then I’m doing my job.



Karla Welch (center) pictured with Sarah Paulson (left) and Busy Philipps (right).

PHOTO: Getty Images

PERSONAL

Born: Powell River, British Columbia, Canada

Profession: Celebrity stylist

Former Profession: Restaurant maître d’ and sommelier

Childhood Obsession: *Fashion File* TV series with Tim Blanks

Family: Lives with her husband, photographer Matthew Welch, and their daughter, Clementine.

CAREER HIGHLIGHTS

Named 2018’s “Stylist of the Year” by *Marie Claire* at its Image Makers Awards

Named #1 “Power Stylist” of 2017 by *The Hollywood Reporter*

Launched her own brand xKarla with collaborations with Hanes and Levi’s

Clients include Elisabeth Moss, Tracee Ellis Ross, Michelle Monaghan, Busy Philipps, Ruth Negga, Justin Bieber, Lorde, Olivia Wilde, Sarah Paulson

Designed more than 60 custom pieces for Justin Bieber’s “Believe” world tour

Designed custom pieces for P!nk’s live performances at the 2014 Grammys and the 2015 Academy Awards

Editorial work featured in *Elle*, *Harper’s Bazaar*, *InStyle*, *Rolling Stone*, *Vanity Fair*, *Vogue*

Advertising and consulting clients include Chanel, Dior, J Brand, Levi’s, Prada, Revlon

Instagram followers: 150,000+



Give Freedom.
**RECEIVE INCOME
FOR LIFE.**

PHOTO: Getty Images

Rose received a tax deduction and secure, fixed income for life by establishing a charitable gift annuity with the ACLU Foundation.

TO SEE YOUR PAYMENT RATE,
with rates as high as 9.5%, visit aclu.org/annuity today and complete the short form or **return the envelope** included in this issue.

ACLU



TRANSGENDER RIGHTS IN ALASKA

This spring, voters in Anchorage, Alaska, **decisively rejected Proposition 1, which would have banned transgender people from using bathrooms that correspond to their gender identities.**

The “bathroom bill” initiative attempted to roll back part of the city’s nondiscrimination ordinance protecting all LGBTQ people that has been in effect for more than two years—one of more than 200 such ordinances around the country. The vote made national headlines as the first time a stand-alone, anti-transgender “bathroom bill” was defeated at the ballot box.

ACLU of Alaska Executive Director Joshua A. Decker attributes

the success of the Fair Anchorage campaign to a broad coalition that included religious groups, educators, public safety advocates, moderate Republicans, and businesses such as BP and Wells Fargo, which said the measure would hurt the city’s economy.

What’s most significant about the effort, he says, was the leadership of Alaska’s transgender community. “Fair Anchorage wasn’t just a campaign but a platform for the transgender community to raise their voices, share their experiences, and lead,” he says.

Another notable factor was the relatively high turnout in the **city’s first-ever election done by mail-in ballots: 36 percent of the electorate cast ballots compared with 23 percent in 2017.**

Similar measures are expected to go before voters in Montana and Massachusetts this November. The ACLU and its allies are already in high gear to defeat those initiatives.

POLICING REFORM IN MASSACHUSETTS

Last fall, Somerville, Massachusetts, became the first city in New England to **pass a measure requiring democratic oversight and public transparency before police can acquire invasive surveillance technologies**

such as drones, hacking software, and cellphone listening devices. As reported in *STAND* (Summer 2017), these tools often are deployed against communities of color and other unjustly targeted groups.

The Somerville order is the latest victory in the ACLU’s nationwide advocacy campaign for passage of the Community Control Over Police Surveillance (CCOPS) ordinance, **ensuring that residents are fully informed about what equipment their local police are acquiring and why.** Five cities and one county (Santa Clara, California, home to Silicon Valley) have passed such laws. Twenty more are in the works around the country.

The effort recently took on heightened urgency when President Trump re-allowed the military to supply police with such weapons as bayonets and grenade launchers, reversing the Obama administration’s ban. To counter this alarming development, the ACLU is rolling out CCOPS+M, the “M” standing for “Militarization.” This new version of the legislation will require city council

approval before police acquire or deploy any military-grade tactical equipment or surveillance technologies.

“What happens at the local level often affects people’s lives more directly than any federal policy,” says Kade Crockford, director of the Technology for Liberty Program at the ACLU of Massachusetts. “The passage of the Somerville order shows that local resident action can be extraordinarily effective and empowering.”

For more information about CCOPS, visit communityctrl.com.

REFUGEES’ RIGHTS IN NEW HAMPSHIRE

More than a decade ago, Freddy and Poppy Sombah, minority Christians under threat in their home country, Indonesia, sought refuge in the United States. They and dozens of other Indonesians



settled in New Hampshire and were allowed to remain, as long as they checked in regularly with Immigration and Customs Enforcement (ICE).

But under the Trump administration's new immigration policies, the Sombahs and families like them could be deported to a country where they will almost surely face persecution, torture, or death because of their faith. Last August, ICE abruptly ordered Freddy and Poppy to report to the Manchester, New Hampshire, ICE office with one-way tickets to Indonesia, departing the United States no later than October 1. As a second blow, Trump ended the DACA program, under which Timmy, their son, has legal status. It fell on Timmy to search for

plane tickets for his parents, an experience, he says, that "totally broke my heart."

Working with the ACLU's Immigrants' Rights Project, the ACLU of New Hampshire and the law firm Nixon Peabody went to court to protect the Sombahs and other families, arguing that they now face "an alarmingly high risk" of persecution due to "a rising tide of Islamic extremism." A federal judge agreed and in early February, halted the deportation orders, giving families an opportunity to reopen their immigration cases.

Since last summer, the ACLU has successfully blocked the deportations of other at-risk immigrant groups, including Somalis in Florida, Cambodians in Southern California,

Indonesians in New Jersey, and Iraqis throughout the country.

CRIMINAL JUSTICE IN OKLAHOMA

Oklahomans struggling with addiction who signed up for rehabilitation programs, to avoid prison sentences or fulfill probation requirements for drug offenses, have been forced into a nightmarish human trafficking scheme that left many wishing they'd opted for jail.

According to two class-action lawsuits filed by the ACLU of Oklahoma and others, the private programs have been running what amounts to unpaid labor camps disguised as rehabilitation centers for the last decade.

A complaint filed by

the ACLU in November against the Drug Alcohol Recovery Program (DARP) includes harrowing stories of forced, unpaid labor, dangerous working conditions, cruel treatment, and unsanitary living conditions at two facilities. The ACLU of Oklahoma was first alerted to the matter by journalists at the Center for Investigative Reporting.

The ACLU is also involved in a second complaint, filed in October, against Christian Alcoholics & Addicts in Recovery (CAAIR). The complaint details similar abuses against workers forced to provide free labor at poultry plants owned by Simmons Foods, a company with annual revenue of \$1.4 billion.

Both organizations keep nearly all of the "client's" wages for themselves, including worker's compensation in cases of injury. And CAIR and DARP require participants to attend Bible study and services at churches designated by the programs. Counter to Oklahoma law, neither is licensed to provide drug and alcohol counseling. Participants who complain are threatened with prison, and those who are no longer physically able to handle the grueling six-day work week are summarily sent back to prison.

According to Brady R. Henderson, legal director of the ACLU of Oklahoma, the unpaid work violates state and federal labor laws, including those that prohibit human trafficking. "By turning people needing rehabilitation into an easily exploited source of free labor, these facilities are effectively conscripting the people they claim to be helping into indentured servitude," he says. "These forced-labor camps have masqueraded for years as rehabilitation facilities. It is time for the charade to end."

Freddy and Poppy Sombah (pictured here with their son, Timmy, center) were ordered by ICE to return to their native Indonesia. The ACLU sued on their behalf.



PHOTO: ACLU



CRITICAL PRIVACY CASE AT THE SUPREME COURT

It is virtually impossible to go about our lives without storing an unprecedented array of highly sensitive information on the servers of technology companies we interact with daily. Think of the data constantly streaming from our smartphones. Or consider the thousands of personal emails, stored by Google or Microsoft, that contain details of our intimate relationships and other private matters. Or data about our health and wellness uploaded by a smartwatch or a fertility tracking app. Or even details of when we are home—and what we do there—gathered by “smart” devices: internet-connected

virtual assistants, thermostats, security systems, and even pressure-sensitive mattresses that know when you sleep and with whom.

The Fourth Amendment to the Constitution is supposed to protect against unreasonable police searches of exactly this kind of information. But in the government’s view, simply by sharing these records with a so-called third party—your cellphone service provider, internet company, app provider, and the like—you have given up your reasonable expectation of privacy under the Fourth Amendment. The government

claims that as a result, police don’t need a search warrant to force those companies to turn over your records.

That position is a major threat to our privacy rights. And thankfully, the ACLU is at the center of a major case challenging it in the Supreme Court.

Last November, I stood in front of the nine justices and argued on behalf of our client, Timothy Carpenter, in what has become a landmark Fourth Amendment case. In 2011, while investigating a series of robberies in Detroit, the FBI obtained more than four months’ worth of Carpenter’s cellphone location data from his phone company, totaling nearly 13,000 location points.

Every time you use your cellphone to make or receive a call, send or receive a text message, check for new emails, or browse the web, your cellular service provider saves a record of your location. Over time, this data can reveal a wealth of deeply sensitive and private information about your movements and associations such as where you sleep, whether you attend a political protest, and with

whom you spend time.

The government used Carpenter’s data to place him at several robberies, but the records also revealed a trove of other information, including which nights he slept somewhere other than his home, and his pattern of attending church on Sunday afternoons. The question in the case was whether the government could obtain the information without a warrant because it was from the phone company—a third party—rather than Carpenter.

As of press time, a decision in the case is still pending, and the Supreme Court has yet to recognize that our cell phone location information remains protected by the Fourth Amendment, even though it is held by our phone companies. (To see the latest news about the decision, visit aclu.org/carpenter.)

We remain optimistic that the court will ensure the Fourth Amendment’s protections remain robust in the digital age. I’m proud that the ACLU is at the forefront of efforts to defend privacy against government overreach—and continues to fight for critical protections for all.

NATHAN FREED WESSLER is a staff attorney with the ACLU’s *Speech, Privacy, and Technology Project*.

THE GOVERNMENT CLAIMS POLICE DON’T NEED A SEARCH WARRANT TO FORCE COMPANIES TO TURN OVER YOUR RECORDS.



1973

**SUPREME
COURT
JUSTICE
RUTH
BADER
GINSBURG**

argued her first case before the court when she was cofounder and director of the ACLU's Women's Rights Project. *Frontiero v. Richardson* was a landmark case, which determined that U.S. military benefits could not be distributed differently on the basis of sex. "Women's rights are an essential part of the overall human rights agenda," wrote Ginsburg, who is celebrating 25 years as a justice, "trained on the equal dignity and ability to live in freedom all people should enjoy."

PHOTO: Associated Press

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PHOTO: Getty Images

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