

STAND

WINTER 2018

FOR
PASSIONATE
GUARDIANS
OF INDIVIDUAL
RIGHTS AND
LIBERTIES

**HASAN MINHAJ
& W. KAMAU BELL**

FUNNY GUYS, REAL CONVERSATIONS

**LET PEOPLE
VOTE!**

PROTECTING OUR
BEDROCK RIGHT

AMERICAN FAMILY

HOW THE ACLU IS STEPPING UP
FOR FAMILIES IN THE AGE OF TRUMP

PICTURED: MOHAMMED METEAB,
MASHAEL ALJASHAAM AND THEIR SONS

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The Issue

THE AMERICAN CIVIL LIBERTIES UNION



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A TEXAS-SIZE FIGHT

Last year was particularly tough on civil liberties in Texas, as in much of the country. The ACLU of Texas, including volunteer Alice Serna-McDougald, left, pictured with spouse Lisa McDougald, is fighting back with local solutions to local challenges that have national implications.

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THE REAL VOTER FRAUD “The right to vote is the bedrock right that protects all of our other rights,” says the ACLU’s Dale Ho. From gerrymandering to strict voter ID laws, suppression is rampant, but the ACLU is launching a major voting rights offensive this midterm election year.

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SPECIAL REPORT: THE PATH TO SMART JUSTICE Recent efforts to reduce mass incarceration and racial inequities in the criminal justice system have been stymied by a Justice Department eager to revive ineffective “tough on crime” policies. This special report takes a look inside the ACLU’s Campaign for Smart Justice and its unprecedented goals.

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FAMILY TIES The Trump administration promised to protect the American family. But its relentless assault on the rights of immigrants, poor people, LGBT people, and others puts families of all kinds at risk. The ACLU is stepping up to protect their constitutional rights.

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 - 36 **Talk About Racism? Yes, Now... And Often.** Frank conversations about race are essential and urgent, says CNN’s *United Shades of America* host **W. Kamau Bell**.



STAND AND FIGHT

AS PRESIDENT TRUMP MARKS ONE YEAR IN OFFICE, the list of threats to our civil liberties gets longer and longer, and the ACLU's to-do list grows exponentially. In many areas, strong popular opposition generated by the ACLU has made it impossible for the administration to put campaign promises into practice. But when Trump and his team have taken action, the ACLU has lived up to our promise to see them in court.

Thanks to your support and passionate advocacy, the ACLU's power is growing to match the threat: With 1.6 million members and more than 150 new staffers across the organization, we're doubling down on the urgent issues that threaten our democracy. At the top of that list is the dangerous attack on voting rights. In this issue, we uncover the mythical narrative of voter fraud, invoked to propose restrictive laws that disenfranchise voters, the majority of whom are people of color ("The Real Voter

Fraud," p. 11). And ACLU President Susan N. Herman talks about our powerful, new Let People Vote campaign ("Join the Battle for the Ballot," p. 10).

Trump's cruel decision to end DACA and put 800,000 young immigrants at risk of deportation inspired "Family Ties" (p. 18), which shares stories of four ACLU clients experiencing the very real consequences of his discriminatory and heartless policies. (At this writing, we're in overdrive in the courts and Congress to protect young Dreamers.)

In "A Texas-Size Fight" (p. 24), we spotlight a flurry of Trump-inspired legislation the ACLU is battling in the Lone Star State that takes aim at everyone from immigrants to transgender children to women seeking abortion.

Trump's dark vision of America may be clouding our future, but at every turn, we the people will be there, shedding light on his lies and standing up for the vulnerable—and making our democracy stronger. Thank you for fighting with us.



Anthony D. Romero
EXECUTIVE DIRECTOR

ACLU

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](https://www.aclu.org/donate).

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125 Broad Street, 18th Floor
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A Note from the Chair of the ACLU National Board's 2018 Nominating Committee: Please be advised that ACLU members may submit nominations to the National Board for consideration by the Nominating Committee for the 2018 slate. Please send your recommendation to: *ACLU Nominating Committee, 125 Broad Street, 18th Floor, New York, NY 10004*. ACLU members may also make nominations to the National Board by submitting a petition with the names and signatures of 50 ACLU members to the address above.

COVER PHOTO by Kathryn Gamble

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“ I SUPPORT THE ACLU TO ENSURE MY NEW HOME DOES NOT BECOME A PLACE TO FLEE AND REMAINS A WELCOMING PLACE FOR HOPEFUL IMMIGRANTS LIKE ME. ”

— Tauneel Mian



extended family to those victims who cannot protect themselves.

David Quintero
Monrovia, CA

RESIST AND RECOVER

THE SUMMER ISSUE OF STAND WAS EXCELLENT. I read it cover to cover, and when I put it down, I felt more passionate about the ACLU than ever before, and more hopeful about America’s ability to resist and recover from this national nightmare.

Cyril Manning
Oakland, CA

A WELCOMING PLACE

I CAME TO THE U.S. AS AN IMMIGRANT from a Muslim country. [My family] came here because we believed we would have more opportunities, the ability to get a good education, and jobs based on merit. We thought there would be less discrimination against us for gender, ethnic background, and religion. I see that there is extreme inequity in the United States. I also know what we faced in our [home] country was even worse. I cannot think that the United States could go in the direction of the discrimination and violation of human rights I

saw in my homeland. I support the ACLU to ensure my new home does not become a place to flee and remains a welcoming place for hopeful immigrants like me.

Tauneel Mian
Lawrence, KS



AMERICAN DREAMERS

I SUPPORT THE PAST ACTIONS OF THE ACLU and hope the organization will support the cause of extending DACA to provide all who qualify [with] a path to citizenship. They are Americans in all but name and passport. It’s time to make them full Americans.

Brian Pfeiffer
Cambridge, MA

Editor’s note: To read about the ACLU’s support of DACA and Dreamers, see Jessica Colot’s story in “Family Ties” on p. 18.

ART IS LIFE

I DISAGREE WITH DREAD SCOTT THAT ALL ART IS POLITICAL (“Three Questions,” Summer 2017). Art is a way of seeing. His statement implies that all aspects of life (each a potential artistic topic) are subordinate to political choices.

It is the genius of human thought that we can simultaneously inhabit and function in totally separate realms of existence without having to subscribe to a philosophical “theory of everything,” to borrow a phrase from physics. Everything does not have to relate to everything else, and politics needn’t be the glue that holds it all together. But Mr. Scott’s logic implies that it does, and thereby denies the fundamental variety of human experience and the factors that make us distinctly separate human beings (which underlie the entire notion of civil liberties).

Dan Goldzband
San Diego, CA

ACTIVIST INVIGORATED

I LOOK FORWARD TO RECEIVING EACH ISSUE. When I read it cover to cover—in between other activist responsibilities—I’m heartened by what is being done by the ACLU and its allies, dismayed by all there is yet to do, though strengthened by my membership in the ACLU as I take a stand to defend our Constitution.

Sieglinde Gassman
Apple Valley, MN

NOT A NUISANCE

RE: “SEEK PROTECTION, RISK EVICTION” (SUMMER 2017), I have but one opinion about women beaters: I detest them. A truly civilized society must have zero tolerance toward men who brutalize women—and you, the ACLU, have become an

YOUR STAND

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

In Brief

WHAT'S HAPPENING, WHAT'S NEXT



Ieshia Evans pictured (center)

IMAGES SPEAK TRUTH TO POWER

THE PHOTOGRAPH COULDN'T BE IGNORED:

A fearless black woman in a fluttering dress stands toe-to-toe with law enforcement in riot gear as they arrest her. The iconic image from a protest in Baton Rouge, Louisiana, after the killing of Alton Sterling in 2016 exalts one of many everyday heroes standing up for what's just. And like photographs of black people beaten by police during peaceful civil rights demonstrations in the 1960s, it compels its viewer to wake up to the realities of black life and violent policing in America.

A critical check against power, photographs and videos "act as an independent and unchanging record of events," says ACLU Senior Policy Analyst Jay Stanley. They spread awareness of widespread injustices that aren't wholly believed until they've been repeatedly captured digitally, especially if law enforcement is involved.

But the constitutional rights of journalists and citizens to document what occurs at these events are at risk.

At Standing Rock, journalists reporting on the Dakota Access Pipeline were hit by rubber bullets and had their equipment confiscated by law enforcement. The Federal Aviation Administration even instituted flight restrictions, thwarting journalists' ability to capture aerial footage of police confronting protesters with tear gas, rubber bullets, and water cannons.

The ACLU defends Americans' constitutional right to record protests without the threat of violence and intimidation. And especially now that most of us carry smart phones, which give us the power to document injustice, our right to use them shouldn't be in question. **BY JACOB BIBA**

» KNOW YOUR RIGHTS: RECORDING INJUSTICE

UNDER FEDERAL LAW:

- 1. You have the right to film** and photograph police activity in public places.
- 2. Video recording is fully** protected. Some state laws prohibit audio recording without consent; however, in nearly all

cases, audio recording the police in public is legal.

- 3. If you are detained,** politely ask what crime you are suspected of committing, and remind the officer that recording video is your right under the First Amendment and does not constitute reasonable

suspicion of criminal activity.

- 4. Police officers may not** confiscate or view your digital photographs or video without a warrant and may not delete your material under any circumstances.

For more on defending your rights, visit [ACLU.ORG/KYR](https://www.aclu.org/kyr)

WHISTLE-BLOWER QUIZ

President Trump's call to prosecute leakers is not the first time the White House has sought to suppress information. Test your knowledge of whistleblowers, presidents, and the law.

1 What action followed Edward Snowden's revelations of NSA spying?

- A federal court found the NSA's call-tracking program illegal.
- Congress passed the USA FREEDOM Act, ending the government's bulk collection of call data.
- A presidential panel urged reforms to curb government data mining.
- All of the above.

2 In the Pentagon Papers case, which U.S. official later said he had "never seen any trace of a threat to national security" in the Vietnam files disclosed by Daniel Ellsberg?

- Secretary of State Henry Kissinger
- Vice President Spiro Agnew
- Solicitor General Erwin N. Griswold, who argued against the Pentagon Papers' release

3 True or False:

A recently disclosed report used to prosecute Chelsea Manning for providing files to WikiLeaks concluded the documents did not cause "significant impact" to U.S. interests.

ANSWERS: 1:d, 2:c, 3:True

➔ Ready for Our Close-Up

THE TRUMP ERA has catapulted the ACLU to center stage. Here are some of our favorite moments from 2017:

➔ [ACLU blue ribbons starred at the Oscars and the Tonys](#), sported by Barry Jenkins, Scarlett Johansson, Lin-Manuel Miranda (and his mom), and Ruth Negga.

➔ Instead of its annual Oscar party, [United Talent Agency held a rally in support of free speech with over 2,000 attendees](#) and raised \$325,000 for the ACLU and the International Rescue Committee.

➔ ACLU Executive Director Anthony D. Romero gave a [TED Talk on resistance to bad government](#).

➔ A first-ever [Facebook Live ACLU telethon—with Alec Baldwin, Tina Fey, and Tom Hanks—](#) raised over \$500,000 and garnered an Emmy nod.

➔ And look, Mom, we're in Times Square—with an [Adweek-praised First Amendment campaign](#) in English, Arabic, and Spanish.



LYFT LIFTS UP CIVIL LIBERTIES

JUST HOURS AFTER THE NEWS OF PRESIDENT Trump's Muslim ban in January 2017, Logan Green and John Zimmer, cofounders of the ride-sharing service Lyft, announced they would “stand firmly against these actions” and “will not be silent on issues that threaten the values of our community.” They also pledged \$1 million to the ACLU to help defend our shared values.

Lyft joined 57 other tech companies, including Airbnb and Dropbox, in signing a friend-of-the-court brief supporting a lawsuit against the ban, arguing it “would inflict significant and irreparable harm on U.S. businesses and their employees.” The filing echoed an earlier brief filed in Washington state by big techs, including Apple, Facebook, and Google.

It wasn't the first time Lyft has stood up for civil liberties. The company consistently advocates for

fair hiring practices regarding background checks. Lyft found that traditional processes often create inequitable practices that block it from hiring potentially great talent.

“
We will **not**
be silent on
issues that
threaten our
community.”

Logan Green and John Zimmer,
Lyft's cofounders

this allows riders to round fares up to the nearest dollar and donate the difference to charitable causes, including the ACLU. **BY JULIANNE PEPITONE**

SAVE THE DATE! ACLU MEMBERSHIP CONFERENCE

YOU'RE INVITED TO THE ACLU'S MEMBERSHIP CONFERENCE JUNE 10–12, 2018. Join thousands of like-

minded activists to learn about critical issues, such as voter suppression, criminal justice reform, and freedom of the press, as well as

from ACLU clients who've stood up to protect our freedoms. You'll also have the opportunity to participate in activist training sessions and learn how to sustain the resistance against the Trump administration and equip others to do the same. The conference is open to all members.

What: ACLU Membership Conference

When: June 10–12, 2018

Where: Walter E. Washington Convention Center and the Marriott Marquis, Washington, D.C.

🌐 Visit [ACLU.ORG/MEMBERCONF](https://www.aclu.org/membership) for more details and to reserve a spot.



Barry Jenkins

Q&A PARTNERS IN LIBERTY

PLANNED PARENTHOOD PRESIDENT CECILE RICHARDS TALKS WITH FRIEND AND ALLY, ACLU EXECUTIVE DIRECTOR **ANTHONY D. ROMERO**, ABOUT THE ORGANIZATIONS' SHARED HISTORY AND **MODERN-DAY DEFENSE OF CIVIL LIBERTIES.**



Cecile Richards, president of Planned Parenthood, with ACLU Executive Director Anthony D. Romero in New York City.

ADR: We've known each other for many years, and Planned Parenthood and the ACLU are longtime allies. I feel like our bond has deepened since the 2016 election. In the past year alone, we've battled state efforts to restrict abortion and defended insurance coverage for reproductive health care.

CR: I love to think that you and I have built on a tradition that goes back more than a century! Many people don't know that ACLU founder Roger Baldwin defended Planned Parenthood's founder, Margaret Sanger, in 1916 after she was arrested for handing out birth control pamphlets. Ever since, Planned Parenthood and the ACLU have worked to protect and expand women's access to reproductive health care. That is a great legacy, and I hope Margaret and Roger would be happy to know how closely we work together today.

ADR: What's so

fascinating is how complex our work together has become in recent years. It's not just about litigation, for example.

CR: We've always worked together on litigation and activism, and that continues to be critical. Now we are so strongly linked on the ground, where we are challenging all kinds of legislation in statehouses. We are two of only a few organizations that have grassroots power in every state. When we combine forces, it is energizing, and the sum of the parts is always greater.

ADR: It's clear we're experiencing a civil liberties crisis. Collaboration feels more critical than ever.

CR: The challenges today are much more complicated, since every fundamental right and tenet of democracy we work on is at risk. Each year at Planned Parenthood, we provide health care to 2.4 million people in the United States, and they face almost every issue

the ACLU works on. Our patients are immigrants, they are LGBTQ people, people with low income—you name it. We have been proud to stand with the ACLU and so many other progressive allies on everything from the Muslim bans and threats against immigrants to the transgender military ban and attacks on people of color.

ADR: Since the last presidential election, we've seen a surge of support. How has this new grassroots groundswell affected Planned Parenthood?

CR: It's been inspiring. We had more than 1 million new supporters join us in the months after the election. And believe me—grassroots support is the name of the game. One estimate showed that as many as 86 percent of the phone calls to Congress in opposition to the

Obamacare repeal have come from women! We've been in the fight of our lives to defend the Affordable Care Act and access to Planned Parenthood. As of today, the scoreboard in Congress is women 3, Mitch McConnell 0.

ADR: Undefeated! Let's keep it that way. How can the ACLU and its members be good allies to Planned Parenthood this year?

CR: Here's where I have to express my personal, deep, and abiding gratitude to you, Anthony, and the ACLU. You were the first person who reached out to me when I started at Planned Parenthood

12 years ago. You were the first leader to call me when then-Congressman Mike Pence declared he was going to "defund" Planned Parenthood. You never forget the folks who are there with you through hard times, and no one has been stronger for me and Planned Parenthood than you.

I guess when Roger and Margaret got together 100 years ago, they had a good thought! So thanks for keeping it going with me. We've got tough fights ahead, but there's no organization I'm prouder to be in the resistance with than the ACLU. Thank you.

“The challenges today are much more complicated, since every fundamental right and tenet of democracy we work on is at risk.”

VIDEO ROUNDUP

VICE RECOGNIZES A GOOD FIGHT WHEN IT SEES ONE. The media giant produced five short videos featuring our clients and attorneys fighting the good fight and standing up for civil liberties.

LGBTQ RIGHTS

ACLU attorney Chase Strangio outlines the consequences of discriminatory legislation targeting transgender people in North Carolina.

SURVEILLANCE

Hina Shamsi, director of the ACLU's National Security Project, covers the NYPD's infiltration without cause of Muslim nonprofits.

CRIMINAL JUSTICE REFORM

The ACLU's Udi Ofer and Bill Cobb address extreme sentencing, mass incarceration, and their impact on communities of color.

BORDER PATROL ABUSES

Lee Gelernt, deputy director of the ACLU's Immigrants' Rights Project, discusses the killing of 16-year-old José Antonio Elena Rodríguez in 2012 and what it means about today's Border Patrol under President Trump.

REPRODUCTIVE RIGHTS

ACLU attorney Alexa Kolbi-Molinas talks about anti-abortion restrictions in Alabama and the effort to shutter clinics.

Watch at VIDEO.
[VICE.COM/EN_US/SHOW/ACLU-AND-U](https://www.vice.com/en_us/show/acLU-AND-U)

MEDICAID SETTLEMENT PUTS PEOPLE FIRST

JACK HANSEN IS A BOISE, IDAHO, resident with an intellectual disability. When notified in 2011 that the state's Medicaid program slashed funding that allowed him to live and work independently, he panicked. "I didn't know they could take away my services and supports," he says. "I had nowhere else to go."

Hansen and others contacted the ACLU of Idaho. Five years and one class-action lawsuit later, the ACLU won a court order restoring nearly \$30 million in annual Medicaid assistance to approximately 4,000 individuals affected and requiring permanent program improvements.

As part of the case, *K.W. v. Armstrong*, the ACLU insisted that

“Medicaid provides not just health care, but also services that integrate [people with disabilities] into the community.”

Susan Mizner, ACLU's disability counsel

officials responsible for the court-ordered overhaul engage *directly* with those receiving services. Thus was born Community NOW!, a statewide group led by adults with intellectual and developmental disabilities and their families. Over the past year, they've been meeting with state Medicaid officials to develop recommendations for a successful program.

For Medicaid staffers, hearing directly from their constituents was “eye-opening,” says ACLU of Idaho Legal Director Ritchie Eppink, who called the settlement the first of its kind. “People said the meetings rekindled whatever it was that brought them into this field.”

The ACLU is working to make sure legislators get the message. According to Susan Mizner, the ACLU's disability counsel, “One of our biggest fights right now is helping Congress understand that Medicaid provides not just health care, but also services that keep people from being segregated in nursing homes and mental institutions and help integrate them into the community.” **BY EMILY WHITFIELD**

MOST LIKELY TO SUCCEED

TRANSGENDER TEEN RECOGNIZED FOR CIVIC RIGHTS ACTIVISM

WHEN ACLU CLIENT GAVIN GRIMM helped to lead New York City's Gay Pride Parade in 2017, it capped off one heck of a high school senior year.

The transgender student who challenged his school's refusal to let him use the boys' bathroom refused

to be crushed when the Trump administration reneged on its promise of support for transgender protections, stalling his legal case. Late last summer, the ACLU moved forward with Grimm's claim for damages and his demand to end the school's anti-trans policy permanently.

From the steps of the White House to the pages

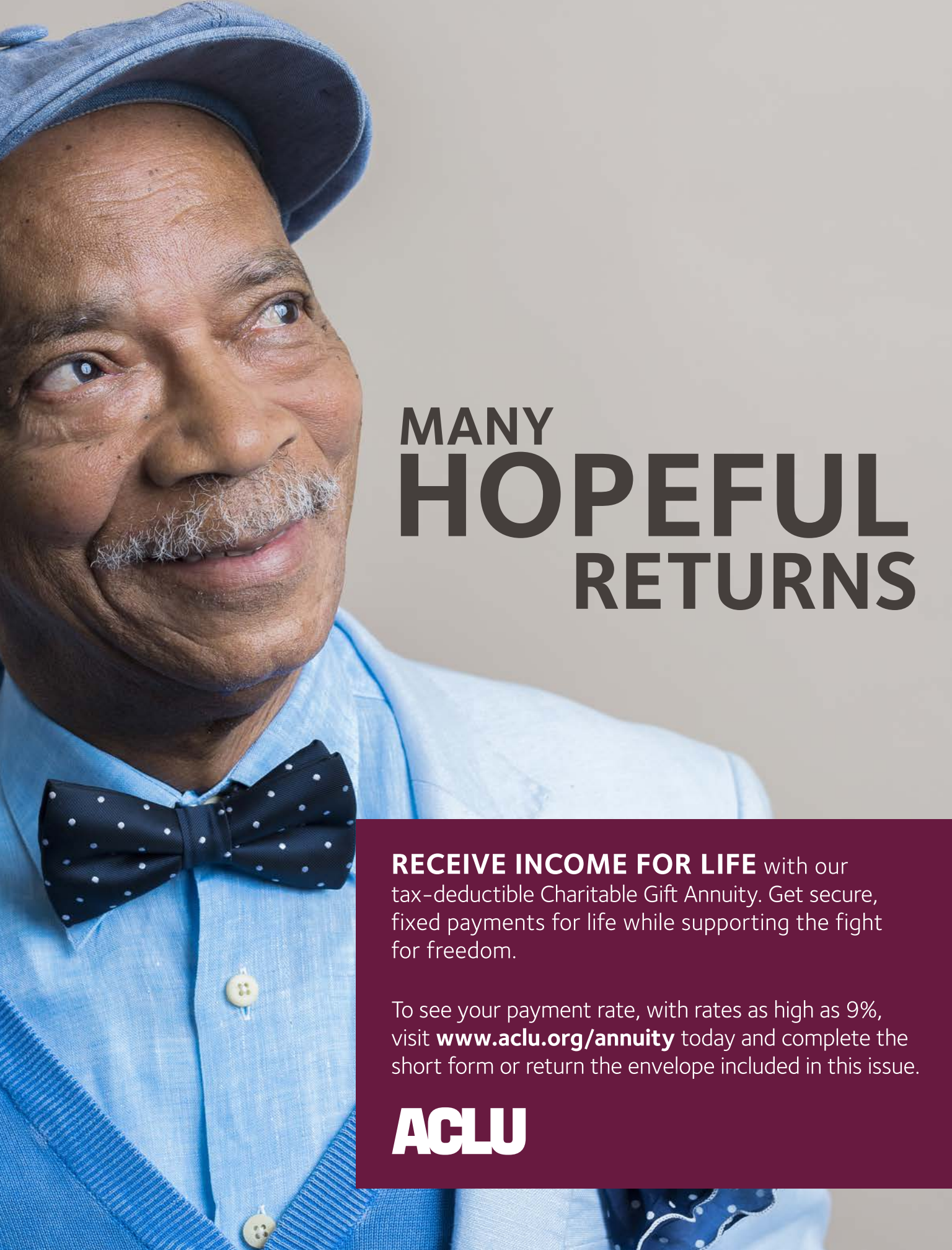
of *The New York Times*, Grimm declared, “The fight for transgender rights is bigger than me,” giving hope to millions.

Named one of *Time* magazine's 100 Most Influential People of the Year and one of *Rolling Stone's* “25 Under 25,” Grimm now is pursuing his education with plans to become a geneticist.



Gavin Grimm

BOTTOM LEFT PHOTO: BY KATHRYN GAMBLE



MANY HOPEFUL RETURNS

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ACLU

JOIN THE BATTLE FOR THE BALLOT

FOR MORE THAN A YEAR, THE TRUMP ADMINISTRATION HAS HAD THE ACLU IN OVERDRIVE ON MULTIPLE CIVIL LIBERTIES FRONTS. BUT TO ME, NO BATTLE IS MORE IMPORTANT THAN PROTECTING THE RIGHT TO VOTE. IT IS, AFTER ALL, THE RIGHT THAT ALLOWS PEOPLE TO VOTE OUT OF OFFICE BAD LEADERS WITH BAD POLICIES.

Perhaps fear of democracy is why Trump is working to undermine voting rights (that and the fact he's still baselessly claiming voter fraud is the reason he lost the popular vote to Hillary Clinton by nearly 3 million ballots). Of course, we know whom this really hurts: people of color, the elderly, young people, first-time voters, and low-income voters.

In his first six months, Trump issued an executive order creating an Orwellian "Commission on Election Integrity" led by none other than Kansas Secretary of State Kris Kobach, whom the ACLU has successfully sued numerous times over his notorious voter suppression policies. (For more about the ACLU's voting rights battles and Kobach's shameful record, see "The Real Voter Fraud," p. 11.) Kobach lost no time in attempting to get states to email his commission a staggering amount of sensitive data on every registered voter in the United States, not only names and addresses but also birth dates, political affiliations, the last four digits of Social Security numbers, and voting histories. Fortunately, he was met with widespread resistance and even derision; more than 40 states and the District of Columbia refused to comply. (My favorite was Mississippi Secretary of State Delbert Hosemann, suggesting that the commission "go jump in the Gulf of Mexico.") Kobach also was met with an ACLU lawsuit over the fact that his commission was violating federal law by holding meetings about the people's business without notice and behind closed doors.

It's clear that this sham commission's aim is to reach the predetermined conclusion that tough measures are needed to prevent voter fraud, despite studies that have repeatedly shown illegal voting is extremely rare, and voter impersonation practically nonexistent. The problem we have isn't



**WHEN THE
RIGHT TO VOTE
IS AT RISK,
EVERYTHING IS
AT RISK.**

voter fraud; it's voter suppression. And on that front, the ACLU correctly identifies Kobach as Public Enemy No. 1 and has called for his removal from the commission.

As we've done for decades, the ACLU is marshalling all our legal and legislative resources to fight back. The good news is we now have a new weapon: People Power, a digital organizing platform that generates offline activism. Through People Power, we're leveraging the political muscle of our 1.6 million members, 3 million online activists, and 3.5 million social media followers and putting it behind a nationwide Let People Vote campaign. Launched last October in Kobach's home state of Kansas, the 50-state ACLU campaign has four primary goals: fixing gerrymandering; achieving election reform through same-day registration and other voting expansion efforts; restoring voting rights to ex-felons; and fighting back against "voter ID" and other suppression measures. (Visit peoplepower.org to sign up.)

Let People Vote is just one example of the ACLU's resolve not to spend the next three years playing defense. We know many Americans are eager to do something more than shake their heads in despair. Through petition drives, rallies, door-to-door canvassing, meetings with elected officials, or support for a ballot initiative, we're giving our volunteers the tools to make things happen.

When the right to vote is at risk, everything is at risk. That's why the ACLU is putting everything we've got into the only thing that can reinvigorate the power of the vote: We the People.

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.

THE

real voter fraud



AS SOME STATES TRY TO SUPPRESS DEMOCRACY, THE ACLU FINDS SUCCESS IN STOPPING THEM. BUT THE BATTLE CONTINUES.

STORY BY
NATALIE SINGER-VELUSH

ILLUSTRATIONS BY
ASHLEY LUKASHEVSKY

In November 2015, a lifetime Ohioan and United States veteran went to his polling place to vote in the local election. When he arrived, he learned his name had been removed from the poll book. Just a few months earlier in Kansas, a man in his 90s who had fought in World War II and had

been voting for seven decades was asked to prove he was an American when registering to vote.

And in November 2016, a woman in Wisconsin who had been voting since the 1960s was informed that she didn't have the correct ID to vote for president.

When democracy works, it's a well-oiled machine. But that machine seems to be breaking down. Advocates foresee a path eerily similar to that of decades past, when tools of voter suppression kept many Americans—mostly of color—from the polls. Many states have been emboldened to pass or propose restrictive laws that disenfranchise voters.

The ACLU is fighting back: lobbying, advocating for voters, challenging state laws and a mythical narrative of voter fraud at every turn, and, as always, doubling down when democracy is at stake.

A NEW WAVE OF VOTER SUPPRESSION

The current climate around voting rights is a new chapter in America's long history of disenfranchisement—"a kind of third wave of voter suppression," says Theresa Lee, attorney for the ACLU's Voting Rights Project.

During the first wave, the Jim Crow era of the turn of the 20th century to the 1960s, tactics such as poll taxes and literacy tests kept African Americans from voting. In 1965, the federal Voting Rights Act prohibited racial discrimination in voting. States then sought to dilute minority voting power through other means. During this second wave, "packing and cracking" districts (packing minorities into one single district so they have less sway in others, and cracking up a demographic

group so it has less influence) diluted the power minorities have at the polls.

Today's new, third wave of voter suppression is "a culmination of a concerted effort to push a narrative of voter fraud and noncitizens voting," Lee says. This false narrative, that the American election system is rife with fraud and illegal votes, began after President Obama was elected and ballooned with President Trump's claims that the November 2016 election was "rigged" and that he won the popular vote. The officially certified popular vote showed Hillary Clinton ahead by almost 2.9 million ballots.

Intentional voter fraud is rare, with incident rates from 0.00004 percent to 0.0009 percent, according to the Brennan Center for Justice. Most reported incidents of voter fraud are traceable to issues such as clerical errors, and a handful of other leading studies have found negligible rates of impersonation fraud.

It is more likely, a key Brennan Center report notes, that an American "will be struck by lightning than that he will impersonate another voter at the polls."

"Even though we've had five, six, seven years to talk about integrity and voter fraud and demonstrated that the other side has very little evidence, Trump's allies have really ratcheted up the rhetoric," says Dale Ho, director of the ACLU's Voting Rights Project. "There's evidence that fraud is not common in U.S. elections, but here we have the president claiming he won the popular vote when he lost by 3 million."

GUTTING VOTING RIGHTS

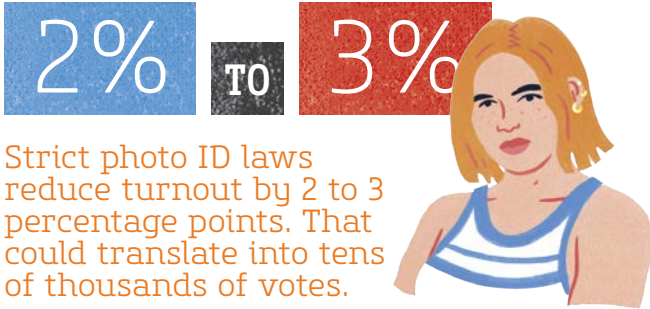
Many new voting restrictions resulted from a key event: the Supreme Court's gutting of the Voting Rights Act in 2013. In the 5-4 decision in *Shelby County v. Holder*, the court invalidated sections of the law that required historically discriminatory states to get federal approval before changing their voting procedures.

Within two hours of the decision, Texas moved to implement the state's voter identification law, which a federal court had blocked. The Alabama attorney general immediately instituted a restrictive voter ID law. Virginia purged voter rolls, and South Carolina implemented a strict photo ID rule. The ACLU quickly responded with legal action.

By mid-2014, at least 10 of 15 states previously covered by the preclearance rule had proposed or enacted new restrictive voting laws, and more than a half-dozen never-covered states did



Just when a group is about to take political power, that's when those in power start to contract their right to vote.



Strict photo ID laws reduce turnout by 2 to 3 percentage points. That could translate into tens of thousands of votes.

likewise. Wisconsin, for instance, passed a law eliminating early voting on weekends. The state also passed a restrictive photo ID law in 2011. The ACLU sued; at press time, a decision is pending in the United States Court of Appeals for the 7th Circuit.

In June 2013, the U.S. Supreme Court ruled that those registering to vote using the federal form need not furnish their states with documentary proof of citizenship. Kansas Secretary of State Kris Kobach (see sidebar, p. 14) responded with a dual-registration system, preventing such people from voting in state and local elections unless they showed such proof.

That law “hurt me deep,” says 91-year-old Army veteran Marvin L. Brown, a plaintiff in the ACLU’s suit against Kansas. “I feel like I’m under trial, and all I tried to do was register to vote.”

Another citizen caught in Kansas’ restrictive voter laws is Ted Stricker, a hotel manager who moved to Kansas. Stricker registered to vote at his local motor vehicle office. But when he tried to vote in November 2014, he was told his name had been taken off the rolls because he had not provided documents proving he was a citizen—even though no one at the motor vehicle office had asked for them. “I had done everything I needed to,” he says. “I just thought, ‘This can’t be happening.’”

This piecemeal type of litigation is constant, says Sophia Lin Lakin, attorney for the ACLU’s Voting Rights Project. “Now that states aren’t under preclearance, they can do these things bit by bit, and we’ve gone back to this world where the burden of proof is on us.”

After the initial upsurge of new voter suppression laws, things didn’t quiet down, and Trump’s election stirred the pot.

His false claims of winning the popular vote and being victimized by voter fraud “has given professional vote suppressors this huge national platform to contract people’s access to the polls,” the ACLU’s Theresa Lee says.

Racism is a clear factor in the recent suppression, combined with partisanship, as Republican legislatures pass restrictive laws that disproportionately target minorities, who are predominantly Democrat.

“People weren’t pushing these laws 20 years ago,” says Dale Ho. “They are pushing them now, as people of color are not just a larger share of the population but also are [voting] at higher rates than they have in the past.”

Black voter turnout at the polls during presidential elections

steadily increased between 1996 and 2012. At the same time, blacks, Asians, and Hispanics each increased steadily as a share of overall voters from 1988 to 2012. (Black voter share fell in 2016, but Asian and Hispanic shares continued to rise.)

“When you combine more people of color with higher turnout,” Ho says, “you have major impact on election outcomes.”

STATE-SPONSORED RACISM

By 2013, after years of voting expansion and protection under the Voting Rights Act, blacks in North Carolina had achieved near-parity with whites in registration and turnout rates. Black voter participation surged, and the previously Republican enclave emerged as a swing state in national elections. “African Americans were poised to act as a major electoral force,” a court decision noted.

One day after the Supreme Court’s decision to overturn Voting Rights Act protections, North Carolina’s Republican-dominated legislature proposed a new election law. The Voter Identification Verification Act (VIVA) imposed a new voter ID requirement, cut a week off early voting, and eliminated preregistration for high school students, as well as same-day registration and out-of-precinct voting.

Prior to VIVA’s passage in the state senate, the legislature requested racial data on the usage of the specific voting practices. The data showed that the tools targeted by the law were most likely to be used by black citizens. The bill also banned for voting purposes the use of student IDs, government employee IDs, and public assistance IDs—all disproportionately held by black North Carolinians. However, the legislature exempted absentee voting—the method found to be used disproportionately by white voters—from the photo ID requirement.

The ACLU sued, and in July 2016, an appeals court found

One of the largest barriers for African-Americans, poor communities, and Latinos is access to polling locations.



that legislators, who claimed they were motivated by voter fraud, had crafted VIVA to target black voters deliberately. “The new provisions target African-Americans with almost surgical precision,” the court said. The court also found that North Carolina had “failed to identify even a single individual who has ever been charged with committing in-person voter fraud in North Carolina.”

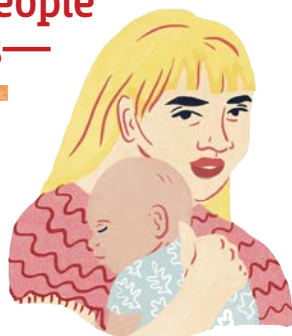
In May 2017, the U.S. Supreme Court decided not to review the law, shutting the door on the state’s ability to revive VIVA. The case—and the ACLU’s hard-won victory—illustrates why fighting suppressive voter laws is so critical.

“A lot of people might not see how changing polling hours can intersect with race,” says Julie Ebenstein, senior attorney with the ACLU’s Voting Rights Project. But they are directly connected.

“One of the largest barriers for African-Americans, poor communities and Latinos is access to the polling location,” says André Washington, an activist and president of the A. Philip Randolph Institute affiliate in Ohio, which is

Single parents, people working two jobs—

they don’t have time to stand in long lines on Election Day.



challenging the state over voter access. The Republican-controlled legislature’s reduction of early voting days and weeknight and weekend poll hours targeted communities of color, Washington says.

“We have single parents, people working two jobs, and they don’t have time to stand in that long line during Election Day,” Washington says. “I know a woman who waits tables and is a single mom of three kids. If she walks in [to a polling place] on Election Day and the line is long and she has to get back to the babysitter—who charges by the minute if you are late—what is that voter going to do? She’s going to get her kids.”

Voter ID requirements are equally tied to election outcomes. More than 21 million Americans—more than 1 in 10 eligible voters—don’t have government-issued photo identification, and up to a fourth of African-American citizens of voting age lack such ID compared with fewer than 1 in 10 whites, according to the Brennan Center. A 2014 study by the U.S. Government Accountability Office found that strict photo ID laws reduce turnout by 2 to 3 percentage points. That can translate into tens of thousands of votes—the difference between winning and losing in many swing states.

When the North Carolina legislature changed the rules, “it did away with the same provisions that had increased access for black voters,” the ACLU’s Julie Ebenstein says. “Just when a group is about to take political power, that’s when those in power start to contract their right to vote. Discrimination is very much alive and well.”

While the recent success in North Carolina is something to celebrate, battles continue around voter ID restrictions in other states, such as Missouri, where the ACLU filed suit last summer charging that the state failed to provide mandated funding for voter education, free voter IDs and birth certificates, and training of poll workers.

RAMPING UP TO DEFEND VOTING RIGHTS

THE ALARM BELLS ON VOTING RIGHTS

sounded before President Trump took office. They grew louder when he established a “Presidential Commission on Election Integrity” to investigate voter fraud, co-led by former Kansas Secretary of State Kris Kobach, the voter suppression mastermind who boasts of being “the ACLU’s worst night-

mare.” (In fact, the ACLU is Kobach’s worst nightmare, successfully suing four times to stop his voter suppression initiatives and currently in federal court to demand public accountability for his sham commission.)

Meanwhile, state lawmakers, emboldened by the Trump administration, passed more state-level voting restrictions

last year than in the past three years combined.

THE ACLU IS RESPONDING ON FOUR KEY FRONTS:

1. INCREASING STAFF. The ACLU has beefed up its national voting rights staff from 11 to 17, adding lawyers, as well as strategy and communication specialists.

2. EXPANDING ACCESS TO REGISTRATION. The

ACLU has taken on nine National Voter Registration Act cases enforcing the federal law designed to ensure that people can register to vote at motor vehicle departments and public assistance agencies.

3. MOBILIZING THE POWER OF THE PEOPLE. In October 2017, the ACLU launched Let People Vote, a

50-state grassroots public action campaign to protect and expand our right to vote.

4. PLAYING OFFENSE. The ACLU has invested \$5 million in an effort to put an amendment on Florida’s 2018 ballot that could restore voting rights to as many as 1.6 million disenfranchised people with felony convictions.



6.1 million

In November 2016, more than 6.1 million Americans couldn't vote because of felony convictions.

state's disenfranchisement law.

"Once you've changed your life, you are a productive member of society, and that's what the courts are telling you too when they release you from probation," says Griffin, a mom of four. "So given that, why aren't people given back the right to vote?"

The Trump administration has not been oriented toward protecting voters. This

PARTISAN PURGE

Voter suppression sometimes flies under the radar, the ACLU's Dale Ho says; for example, the purging of voter rolls. A successful ACLU case in Ohio, which the U.S. Supreme Court is considering, addresses the state's practice of canceling the registrations of residents who fail to vote in consecutive federal elections during a two-year-period, even if they have not moved and are still eligible to vote. The process resulted in the removal of hundreds of thousands of Ohioans from the rolls in 2015.

One of those voters was plaintiff Larry Harmon, a 59-year-old software engineer who voted in the 2004 and 2008 presidential elections and other local and gubernatorial elections but chose not to vote until a local election in November 2015. Harmon, who had lived at the same address for 16 years, soon learned that he'd been removed from the rolls.

Also, for the first time in more than a decade, the Supreme Court is taking up the issue of partisan gerrymandering, in Wisconsin's *Gill v. Whitford* case, in which the ACLU filed a friend-of-the-court brief. The high court agreed to review the case after a federal district court struck down Republican-drawn state assembly maps. This diluted Democratic votes so much that researchers found Democrats would have to win 54 percent of available votes to regain political control.

But the ACLU isn't just working in the courtroom to challenge suppressive laws. There is ample work to do on the ground to help voters gain access to the polls.

"Every time I go to a food pantry, I find someone who needs help getting their ID. They're not sure what to take to the DMV; they're not sure if their Illinois ID is valid; their driver's license expired and they don't have alternate ID," says Molly McGrath, an ACLU field organizer who worked in Wisconsin this past summer. "States are changing the rules and not telling the players." Finding voters in need of assistance at community groups and through a hotline, the ACLU helps connect them to information and get registered.

Often, information isn't enough to battle voter suppression, such as for those who have been convicted of certain crimes. In November 2016, more than 6.1 million Americans couldn't vote because of felony convictions. Iowa along with Florida and Kentucky permanently disenfranchise citizens with felony convictions. Many, like Iowan Kelli Griffin, were convicted of nonviolent drug offenses. The ACLU sued on behalf of Griffin in 2014, but in 2016, the Iowa Supreme Court upheld the

has to change, says Alora Thomas-Lundborg, attorney for the ACLU's Voting Rights Project. The ACLU will push the administration to focus on letting candidates win elections based on how many people voted instead of how many can't cast their ballots.

"Government works better when everyone gets to vote and then to put pressure on people they voted for to say, 'These are the policies I want,'" she says.

Until then, the ACLU will continue to drive the government toward fair, accessible elections. Last fall, the ACLU's grassroots mobilization program, People Power, launched a voting rights campaign to organize communities across the U.S. to protect our fundamental right to vote.

"The right to vote is the bedrock right that protects all of our other rights," Dale Ho says. "We're not free unless we have a functioning system of self-government in which everyone in our democracy has a voice." ■



>21 million Americans

More than 1 in 10 eligible voters don't have government-issued identification.



PHOTO BY CHARLES MOSTOLLER

THE PATH TO SMART JUSTICE

Nick Pressley (above right), the ACLU of Pennsylvania's field manager, and members of the Vote Smart Justice project mobilized Philadelphia residents to learn more about the role of district attorneys in fueling mass incarceration.

By **PHYLLIS ECKHAUS**

THE UNITED STATES HAS THE SORRY DISTINCTION of being the world's leading jailer. Former President Obama prioritized reform, seeking to reduce harsh penalties for offenses such as drug possession. But President Trump and U.S. Attorney General Jeff Sessions have reversed that directive, doubling down on the failed war on drugs and racially discriminatory "tough on crime" policies that helped drive mass incarceration to historic levels.

Nearly 2.3 million people languish in United States prisons and jails—more than half of them black or Latino—and almost 500,000 of them haven't been convicted of crimes. They just can't pony up bail. Countless more interact daily with a criminal justice system that suffers from deeply entrenched racism and unjust policies.

Trump and Sessions have made no effort to right those wrongs. In fact, they bolster attempts to push mass incarceration higher and support racist policing. Their actions embolden states and local governments, which lock up 90 percent of incarcerated people.

As part of its Campaign for Smart Justice, the ACLU is working with states and cities nationwide to halve the number of people behind bars and reduce racial disparities. It is an unprecedented campaign—the largest in the ACLU's history.

The ACLU's strategy focuses on legal reform (rule change throughout the system), rule enforcers (those who determine who enters the system), and how much that system is corrupted by racism.

PROSECUTORS

ACLU MEMBERS ARE A POWERFUL, MOBILIZING

force, and the proof is in Philadelphia. That's where the ACLU piloted the Vote Smart Justice project (pictured at left), leveraging members to light a fire under Philadelphia's wide-open 2017 prosecutor race. Remaining nonpartisan and without endorsing a candidate, the ACLU educated voters about the role of prosecutors in fueling mass incarceration.

District attorneys determine the direction of criminal justice since they have the power to enforce extreme sentences, extort plea bargains, or alternatively, choose not to prosecute. The ACLU is determined to put all 2,400 of them on notice.

Elected in all but four states, 95 percent of DAs are white.

In Philadelphia, 11,000 ACLU members—vigorously canvassed by a 51-person squad—turned out to support reform-minded DAs. *Politico* headlined its story on the initiative as “The ACLU’s Radical Plan to Defeat Jeff Sessions.” And the headline is not hyperbole, says Bill Cobb, Campaign for Smart Justice deputy director. Cobb’s canvassing squad consisted of folks like himself, all formerly incarcerated: “Radical means ‘root,’ and using people like me to tell voters why they should use their vote against mass incarceration gets to the root of the problem,” he says.

The canvassers, who included two men unconstitutionally sentenced as youths to life without parole, could explain, in wrenching personal terms, how mass incarceration lays waste to people and families, and how much formerly incarcerated people could contribute to society, if only society would let them.

Canvassers also put the power to change the system directly into the hands of ACLU members. “In a competitive DA race, knowledge is power,” Cobb says. “We gave ACLU members powerful knowledge, motivating them to vote for change—and we look forward to repeating this success nationwide.”



Quinnetta Manning

LEGAL REFORM

CAUGHT WITH HALF AN OUNCE

of marijuana during a 2011 traffic stop, Corey Ladd was sentenced to 20 years in prison. The 4th Circuit, noting “the laws nationwide are changing,” ruled “the sheer harshness of [Ladd’s] sentence shocks the conscience.” In June 2017, Ladd was resentenced, then released five days later.

Now 32, Ladd is the face of the fight against mass incarceration in Louisiana, which has the highest such rate in the country. His freedom coincided with the passage of historic Louisiana criminal justice reform.

In 2017, a fierce bipartisan coalition, including the ACLU, Right on Crime, the Southern Poverty Law Center, and the Pew Charitable Trusts, successfully pushed a 10-bill package through the Louisiana legislature, predicted to reduce the state’s prison population by 10 percent over 10 years.

Campaign for Smart Justice Director Udi

Ofer characterizes the 2017 package as “potentially transformational.” The Louisiana campaign built on earlier ACLU coalition successes, including eliminating for-profit bail for most municipal charges in New Orleans—a system that punishes those who cannot afford it.

Ofer is passionate about eliminating for-profit bail: “It’s our job to put the \$2 billion bail industry out of business,” he declares, noting that apart from the Philippines, only the U.S. allows for-profit bail, “leading to a system where freedom from incarceration is determined by the size of your wallet.”

The ACLU secured a 2014 New Jersey law virtually halting for-profit bail, then spread that success to Connecticut. Next up is California and dozens of other states.

The campaign also is tackling parole and re-entry. Says Ofer, “Everyone deserves a second chance and to be treated with dignity and respect.”

POLICING

THE SHERIFF’S DEPARTMENT IN MADISON COUNTY, MISSISSIPPI (MCSO), honors on its website a past sheriff who led a white supremacist “citizens’ council.” So perhaps it’s no surprise that the department’s brutal and racist practices have put black residents in “a permanent state of siege,” according to an ACLU lawsuit.

The May 2017 complaint against MCSO documents how warrantless home invasions, pedestrian checkpoints, roving roadblocks, and “jump-outs” by plainclothes deputies in unmarked cars have terrorized majority-black towns.

ACLU client Quinnetta Manning (pictured at right) described how deputies forced their way into her home, threatening to jail her and her husband if they did not submit false witness statements. When the couple refused, Manning said, the deputies handcuffed her husband and choked him, calling him names. Then, she adds, they dragged him down the stairs and beat him until the couple agreed to write the false statements.

Says Manning, “The Madison County police treated us like we didn’t have any rights.”

Jeffery Robinson, director of the ACLU’s Trone Center for Justice and Equality, cites Madison County as a flagrant example of a nationwide

problem: Racially biased police practices mean that black and brown people are vastly overrepresented among the incarcerated.

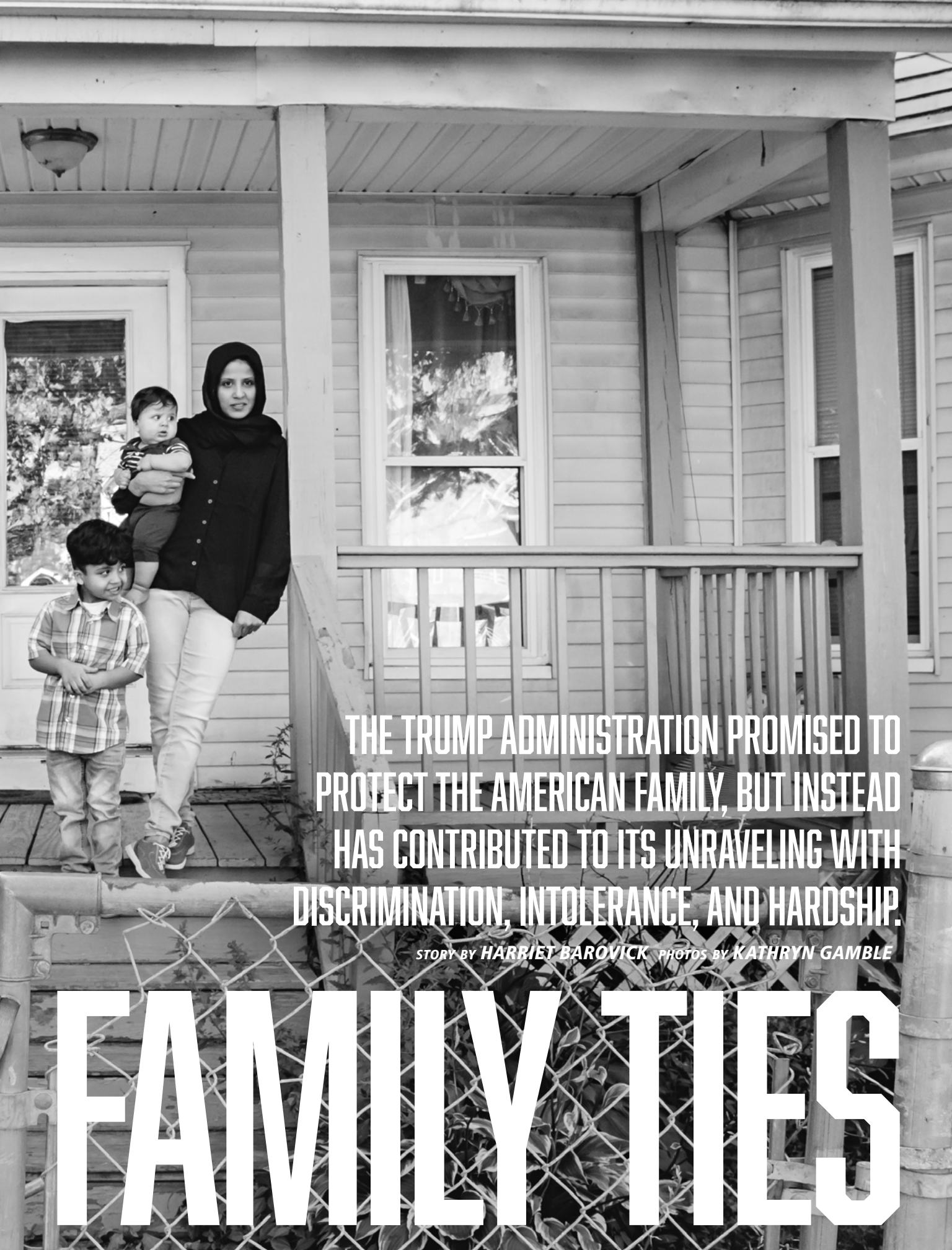
Bias encompasses outright racism to “broken-windows policing,” a theory that preventing low-level crimes like vandalism encourages law and order, preventing more serious crimes. By targeting minority communities, broken-windows policing transforms blacks and Latinos into “habitual offenders” who receive lengthy sentences for minor crimes.

Robinson warns that the Trump administration has thrown gasoline on the policing problem by propping up white supremacy, excessive force, and police access to military weapons, from grenades to armored tanks. Trump’s pardon of Joe Arpaio, former sheriff of Maricopa County, Arizona—a man whom Robinson calls “the embodiment of illegal policing” for his blatant and unlawful targeting of immigrants—is a further affront.

But, Robinson reminds us, President Trump does not control police departments—city councils and mayors do. The ACLU is working to empower local officials to realize they have this power and use it for change.



IMPACTED BY PRESIDENT TRUMP'S FIRST MUSLIM BAN, Mohammed Météab, wife Mashaal Aljashaam, and sons (from left) Asif Neamah, Junaid Neamah, and Daniel Neamah, wait to be reunited with loved ones.



THE TRUMP ADMINISTRATION PROMISED TO PROTECT THE AMERICAN FAMILY, BUT INSTEAD HAS CONTRIBUTED TO ITS UNRAVELING WITH DISCRIMINATION, INTOLERANCE, AND HARDSHIP.

STORY BY *HARRIET BAROVICK* PHOTOS BY *KATHRYN GAMBLE*

FAMILY TIES

DONALD TRUMP CAMPAIGNED AS A different kind of conservative—one who proposed to open up the tent for a wide range of families. He was “fine” with LGBT families, would fight for working class families, ensure everyone had the health care they needed, and lay the foundation for better jobs for all. But in the end, his administration is anything but family friendly.

Trump’s policies and rhetoric have targeted families that include immigrants, families of color and of poor people, LGBT families, as well as families with members who are disabled—and he’s emboldened local government actors to do the same.

Families of all kinds make up the fabric of our society; not surprisingly, under the Trump administration, many are fraying at the seams. *STAND* spoke to four such families with whom the ACLU is now working to ensure their safety, security, and protection from illegal abuses of their constitutional rights.

The bloody shooting in his native Iraq was the last straw for Mohammed Meteab.

Mohammed, a Sunni Muslim, and his four brothers—Shareef, Abdullateef, Ahmed, and Ali—and their wives and children lived in one house together in a Shia Muslim neighborhood in the city of Najaf, south of Baghdad. The brothers had helped the United States establish a transitional government following the Iraq War, drawing the wrath of several paramilitary groups. One such organization, the League of the Righteous, left a note threatening to kill the family if they didn’t leave.

Shortly after, in late 2013, Mohammed’s nephew Mosad was shot as he walked home. He lived, but the bullets went through his leg, Mohammed recalls. “We were under constant stress.”

In 2014, Mohammed, his brothers, and their families fled to Jordan, where they gained refugee status. Mohammed, his wife, and their children, along with Shareef and family, were approved to resettle in the United States and arrived in 2015. Abdullateef was approved to resettle in Canada and is awaiting final clearance to travel there. Ahmed, an engineer and father of four, and Ali were approved for immigration to the United States and told they would be set to leave Jordan in early 2017.

But President Trump’s first Muslim travel ban in 2017 suspended the refugee program and capped the number who would be allowed into the United States. The disruption and delays resulting from Trump’s executive orders and the anti-Muslim sentiment the orders helped legitimize have left the family in a state of agonizing limbo.

The waiting is excruciating for the entire extended family. Ali and Ahmed, along with Ahmed’s wife and four young children, are stuck in a one-bedroom basement apartment in Jordan. They rely in part on Mohammed, a truck driver with his own family to support, for financial help. Sometimes, Mohammed

says, he dreads the weekly call with his brothers. “They ask, ‘Is there good news?’” he says. “I don’t have good news.”

In March 2017, Mohammed Meteab became a plaintiff in the ACLU’s suit against the president and his administration, claiming harm and discrimination resulting from the Muslim travel ban. A legal U.S. resident who lives in Springfield, Massachusetts, Mohammed says he is relieved that his three children, 8 and 5 years old and 7 months, will be educated in a country where they have choices. But he has noticed a growing hostility toward Muslims since Trump’s election: His wife has been harassed for wearing a hijab; Shareef’s children have been bullied at school.

More than anything, though, he is pained by the ongoing separation from his extended family; he misses the dinners together, the easy banter, the built-in support system. The brothers risked their lives to help the U.S. government, and they are now being blocked by the same country they aided. Mohammed aches especially for Ahmed, who chose the United States over other haven nations because he was convinced his four precocious children could fulfill their dreams here. Mohammed’s older children

ask constantly about their artistic cousins, who regularly mail drawings and letters from Jordan. “We all lived together and helped each other,” Mohammed says. “Life for them is very stressful right now.”

Mohammed and his wife and children count themselves lucky for being out of immediate danger in Iraq. But for the family separated by thousands of miles, the feeling of being truly anchored will remain elusive until they are together again.

When Kristy and Dana Dumont began dating in 2006, they shared a mindset: Neither wanted to bear children. But as time went on, the Dimondale, Michigan-based couple, who married in 2011, desperately wanted to provide a permanent home for an older foster child, but were rejected by both available agencies in their county simply because they are gay. Last year, the couple signed on as plaintiffs in the ACLU’s lawsuit accusing Michigan of allowing state-funded adoption agencies to discriminate against same-sex couples, as well as others, on religious grounds.

Days before the U.S. Supreme Court legalized marriage for same-sex couples in 2015, Gov. Rick Snyder signed a law allowing faith-based adoption agencies to turn away same-sex couples by authorizing those agencies to refuse services that violate their religious beliefs. But the ACLU argues that adoption agencies operating under state contracts—and paid with taxpayer dollars—cannot use religious criteria to discriminate against qualified couples and deny loving homes to needy children.

This practice is especially egregious in light of Michigan’s record of placing children in foster care. In a 2008 class-action suit, the state was accused of failing miserably in how it treated and placed them. In an update released in 2015, court-appointed

SOMETIMES, MOHAMMED SAYS, HE DREADS THE WEEKLY CALL WITH HIS BROTHERS. “THEY ASK, ‘IS THERE GOOD NEWS?’ I DON’T HAVE GOOD NEWS.”

DREAMER JESSICA COLOTL (pictured with nephews Jean Carlo Chamorro, left, and Julio Cesar Chamorro) faces an uncertain future with Trump's rescindment of the DACA program that allows immigrants brought to the United States as children to remain in the country to work and live.



monitors remained highly critical, finding that the state's "failure to achieve the minimum safety standards for children in foster care is a persistent and dire problem."

The Dumonts' journey to would-be parenthood has been a carefully considered one. The couple became more serious about adopting when Dana, who works as a property specialist for the Michigan Department of Natural Resources, received a flow of heart-breaking emails about the state's 13,000 children in foster care—with links to their photos and bios.

"I would sort of pass the emails on to Kristy," Dana says, "and it was like, 'I know we said we would never do this but...'" They were especially moved by the plight of older foster children,

generally the most difficult to place. "First it was just one kid for us; that's it," adds Kristy, an assistant director for student affairs in the College of Education at Michigan State University. "But knowing us, we probably wouldn't rule out a pair of siblings."

When local agencies rejected the Dumonts because they were gay, the couple considered private adoption but couldn't afford it. They found adopting outside the U.S. was also largely unavailable to same-sex couples. And they felt it was critical to raise a child in the same area where the child was living, to maintain connections to family, school, and friends. Having seen the faces of all the children in foster care waiting for families, they could not stand by while willing families like theirs were being rejected. So

DANA DUMONT, LEFT, AND HER SPOUSE, KRISTY DUMONT, are suing the state of Michigan for allowing state-funded adoption agencies to discriminate against same-sex couples.



they joined the ACLU's lawsuit, determined to fight.

Now they are waiting—something that has become especially fraught in the current political climate. “We are on eggshells, honestly,” Kristy says. “It’s like this administration is trying to erase us, dial back all of the progress we have made.” Yet they remain hopeful—and try to reassure their nieces and nephews, who pester them about when they will meet their new cousin.

It is ironic, says ACLU attorney Jay Kaplan, that what the agencies seek directly contradicts their mission. “The agencies are being given permission to discriminate against families in the name of religion, which ultimately ends up depriving kids of a home,” he says. With help from the ACLU, the Dumonts hope to rectify that problem—and expand their family by welcoming a child in need.

Many know the gnawing fear of being pulled over for a traffic violation—an experience that for black drivers is multiplied exponentially in the United States. What most don’t know is that in counties across the nation, regardless of personal circumstance or intent, if you are poor—not to mention poor and black or Latino—a minor traffic infraction can upend your life, landing you in a modern-day debtors’ prison.

Twanda Marshinda (“Shinda”) Brown, a 42-year-old single mother living in Lexington County, South Carolina, knows this ordeal all too well.

In 2016, Brown received two traffic tickets: for driving without a license plate light and for driving with a suspended license. Determined to pay the fines, she appeared in court and was told to pay \$2,400 through monthly installments of \$100. The judge ignored Brown’s objection that the best she could afford was \$50 a month, telling her that if she did not make payments, she would be arrested.

Brown managed to make the required payments for five months, but circumstances veered out of her control. She took a week off from work to care for her son after he had jaw surgery, struggled with bounced paychecks from an unreliable job, and began to miss her traffic ticket payments.

On a Saturday in February 2017, police officers knocked on the door of Brown’s home at around 7 a.m. and arrested her. During her 57 days in jail, Brown missed her cousin’s funeral, her son’s 17th birthday celebration, and her granddaughter’s first birthday. She also lost the new job she had obtained two weeks before being arrested. Mostly, she feared losing her youngest son to child welfare. Fortunately, her sister and older children stepped up to

care for him until she was released for time served.

Brown, who was given no hearing on her ability to pay or access to counsel before or during her incarceration, is just one of at least 1,000 poor people in her county targeted in the last year with an arrest warrant, requiring full and immediate payment of all fines owed for traffic and misdemeanor infractions. Many of those residents likely are indigent.

“Shinda went through a terrible ordeal when she was separated from her family and jailed for being poor,” says Nusrat Choudhury, lead attorney in a federal lawsuit brought by the ACLU in June challenging Lexington County’s unconstitutional arrest and incarceration of poor people. “And it was all for nothing—a court chasing after money it was never going to be able to collect.”

These concerns, ongoing since at least 2010, have become paramount under the current administration: Attorney General Jeff Sessions, with his regressive criminal justice and voter suppression initiatives, has launched an all-out assault on poor communities of color. And President Trump has delivered a “skinny” budget that slashes critical services to the rural communities he vowed to revitalize. As such, Brown says, fighting alongside the ACLU is now more relevant than ever: “Don’t be scared to speak up.”

Even under the virulently anti-immigrant Trump administration, undocumented young men and women who arrived in the United States as children were supposed to be safe. Instituted by President Obama in 2012, the Deferred Action for Childhood Arrivals (DACA) program allows them to live and work in the country. The DREAM Act—standing for Development, Relief and Education for Alien Minors—would make many of the same protections the law of the land, but Congress has not approved it.

DACA is now under grave threat as President Trump has called for an end to the program, deflecting responsibility to Congress and pressuring it to pass comprehensive immigration reform.

Asked multiple times after his inauguration whether he would pursue deportation for those so-called Dreamers, Trump said no: They are “absolutely incredible kids,” he said, who “should rest easy.”

So it came as a shock in May 2017, when Jessica Colotl, a 29-year-old aspiring attorney from Peachtree Corners, Georgia, with gushing accolades from former schoolteachers, professors, and employers, was told her DACA renewal application was denied and she was no longer protected from deportation.

Colotl became the public face of Dreamers in 2010, when she was in immigration detention for a month following a minor traffic violation near Kennesaw State University (KSU), where she was on the verge of graduating. Colotl had arrived in the Atlanta area with her parents from Mexico at age 11. She learned

English, graduated Lakeside High School with honors, and majored in political science at KSU, where she cofounded her college sorority chapter and earned a spot on the president’s list for academic achievement.

Protests in support of Colotl, which turned her into a test case for Dreamers, succeeded: She was allowed to remain in the United States. After earning her bachelor’s degree, she successfully applied for legal protection under DACA and began a job at a prominent Atlanta law firm. She thought she would continue to pursue her goals—she hopes to attend law school and assist fellow immigrants—and contribute to society in the only country she knows.

But the government denied Colotl’s biennial renewal application, which had been approved twice previously, and revoked her DACA status, filling her life with chaos and uncertainty. She was forced to turn in her work permit immediately and became all but housebound.

“It was devastating to go from living a normal life to losing everything—my job, my sense of who I am,” she says. And as terrifying as the ordeal has been, Colotl says it has been worse for her parents, especially after losing their son, who passed away in 2011.

She worries about her parents’ health. “They already lost a child, so when another child goes through something difficult in life, it’s almost as if they have post-traumatic stress,” Colotl says. “They get really alarmed by things.”

So do her nephews, 6 and 7 years old, with whom she lives outside Atlanta. “They

ask me a lot: ‘Why is it that the president is trying to get you out of the country? You are a good person,’” she says. “It’s difficult to have that conversation with them—kids pay attention, and I’m extremely close to my nephews. They shouldn’t have to worry about this.”

With help from her law firm employer and the ACLU, she is fighting back. In June 2017, a federal judge reinstated her DACA status and ordered a fair review of her renewal application. But in September, Trump reversed course and ordered an end to the DACA program, calling on Congress to come up with a solution before protections are phased out, beginning in March.

Now Colotl is faced with renewed uncertainty. In October, the government once again denied the renewal of her DACA status. As of press time, a federal judge ordered Colotl’s status remain in place, granting her a temporary reprieve from deportation. The ambitious Colotl can’t relax, which, she says, “is really frustrating, because nothing in my application has changed. The only thing that has changed is the administration.”

As the Trump administration continues its attack on Dreamers and families, it threatens America’s values of equality, acceptance, and freedom for all. The ACLU will keep speaking up and defending the rights of families to preserve what we all hold dear. ■

“[MY NEPHEWS] ASK ME A LOT: ‘WHY IS THE PRESIDENT TRYING TO GET YOU OUT OF THE COUNTRY?’ YOU ARE A GOOD PERSON,” COLOTL SAYS.



THE ACLU OF TEXAS STANDS UP FOR THE RIGHTS OF ALL IN A CHALLENGING LANDSCAPE. Pictured from left are Dione Friends, director of communications; Astrid Dominguez, immigrants' rights strategist; Sharon Watkins Jones, director of political strategies; Terri Burke, executive director; Andre Segura, legal director; and Caroline Duble, lead engagement specialist.

A TEXAS-SIZE FIGHT

IN THE LONE STAR STATE, AS IN MUCH OF THE COUNTRY,
THREATS AGAINST CIVIL LIBERTIES ARE MULTIPLYING. THE
ACLU STEPS INTO THE RING TO **PROTECT WHAT'S JUST.**

STORY BY
MICHAEL HARDY



PHOTOGRAPHY BY
JULIA ROBINSON



EL CENIZO MAYOR Raul Reyes, pictured at the city limits, and the ACLU are suing the state of Texas, claiming its harsh anti-immigration law, SB4, is unconstitutional.



IN 1980, a group of real estate speculators purchased a barren, half-square-mile plot in the south Texas desert, on a rise overlooking the Rio Grande, and founded El Cenizo. Like many of the *colonias* that line the U.S.–Mexico border, El Cenizo lacked paved streets, electricity, running water, and a sewage system, but the price was right—for \$100 down and \$50 a month, immigrant families could claim a small piece of America.

Raul Reyes’ family moved to El Cenizo from Corpus Christi in 1992, to be closer

to relatives in Nuevo Laredo. They quickly built a simple house consisting of a concrete slab, four walls, and a roof. Water came from a tap at the edge of the property. With no heating and no insulation, cold winter nights found the entire family piled into one bed underneath every blanket and article of clothing they owned. “That’s how I grew up for most of my elementary and middle school years,” Reyes recalls. “That was normal for us.”

Reyes has served as the mayor of El Cenizo since 2004; he was first elected when he was 21. During his tenure, the town finished paving its streets, es-

tablished police and fire departments, built a city park and a library, and applied for federal grants to improve its storm drainage system.

But El Cenizo’s recent progress is under threat from the Texas Legislature. In 2017, the state passed a harsh new anti-immigrant law, Senate Bill 4 (SB4), which takes dead aim at cities with policies that are welcoming to immigrants, such as El Cenizo, that have longstanding ordinances limiting city officials from making certain inquiries into residents’ citizenship status or from assisting in federal immigration enforcement. The state law

overrides such ordinances and requires local officials to cooperate with federal immigration officers, including requests to detain anyone suspected of being undocumented.

“Texas probably has the most aggressive anti-immigrant agenda of any state right now, so SB4 isn’t really a surprise,” says Lee Gelert, deputy director of the ACLU’s Immigrants’ Rights Project, who argued the court case against SB4. “And I think the Trump administration has created a climate in which states feel more comfortable taking these actions.” Opponents of the bill, including the ACLU, argue that it promotes



Burke, executive director of the ACLU of Texas as well as a native Texan, former newspaper editor, and seasoned observer of state politics. “But I didn’t anticipate the level of extremism that Trump would unleash. I’ve never seen anything like this.”

It’s not just SB4. The 2017 session of the GOP-dominated Texas Legislature—which meets in Austin for 140 days once every two years—produced a flurry of noxious legislation, including anti-abortion laws banning the most common second-trimester abortion procedure and requiring health care facilities to pay for the cremation or burial of fetal remains. Other laws targeted the LGBT community by allowing adoption agencies to reject LGBT parents. The law that received the most attention was the so-called “bathroom bill” (see sidebar, page 29), which would have required transgender Texans to use bathrooms corresponding to the gender listed on their birth certificates. But it died at the end of the legislature’s special session in 2017.

Matthew Simpson, the deputy political director of the ACLU of Texas, has been coordinating the affiliate’s lobbying efforts in Austin since 2009. “Everyone agrees this was the worst legislative session ever,” Simpson says. “We stopped the bathroom bill and some of the LGBT attacks, but they passed SB4, which is the worst immigration bill since Arizona’s SB1070.” (The ACLU played a leading role in fighting SB1070, which was passed in 2010 and required Arizona law enforcement officers to check the immigration sta-

tus of anyone arrested or detained, as long as there was “reasonable suspicion” that they were undocumented.)

Despite the apparently Sisyphean challenge of fighting a far-right legislature year after year, Simpson is surprisingly buoyant. When compared to the mythical Greek figure, he laughs. “Well, the rock doesn’t roll all the way back down,” he says.

Founded in 1938, the ACLU of Texas maintains offices in Austin, Houston, Dallas, and Brownsville, with an El Paso office scheduled to open in 2018. It has grown dramatically in the decade since Burke was appointed executive director.

When she arrived in 2008, the affiliate had just five full-time staff members and a budget under a million dollars. Thanks to a well-timed cash infusion from the national ACLU—part of its Strategic Affiliate Initiative to drive support for civil liberties and growth in underserved states such as Texas, Mississippi, and Arizona—Burke opened additional offices, hired extra staff, and raised more money. In 2011, she moved the headquarters from its longtime home, Austin, the state capital, to Houston, the state’s largest city and “a microcosm of the state,” according to Burke.

A few years ago, a group of women in Midland, an ultra-conservative West Texas city where George W. Bush grew up, invited Burke to deliver a talk at one of their homes. Her staff urged her not to go, saying it would be a waste of time, but Burke made the long drive anyway. “The husband opened the door and he said, ‘I just want you to know, if it were up to me I wouldn’t let you into the house, but my wife invited you,’” Burke recalls. “At the end of the evening, he took a membership brochure and joined the ACLU. A lot of

“
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 similar laws year
 after year. But
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 I’VE NEVER SEEN
 ANYTHING
 LIKE THIS.**
 ”

people just don’t know who we are.”

To advance its legislative agenda, the affiliate has formed strategic alliances with groups all over the ideological spectrum. For instance, it works closely with the Koch-backed Texas Public Policy Foundation to reduce prison sentences for nonviolent offenders and support rehabilitation programs.

discrimination against Latinos, discourages them from reporting crimes for fear of being targeted, and diverts police resources from ensuring public safety.

In May 2017, the ACLU joined Reyes and El Cenizo, along with the League of United Latin American Citizens (LULAC), in a lawsuit against the state of Texas, claiming that SB4 violates the Constitution, including the Fourth Amendment, because it requires local police to imprison people suspected of being undocumented based solely on the federal government’s say-so. “We stopped similar laws year after year,” says Terri



AFTER THE PRESIDENTIAL ELECTION, ACLU volunteer Alice Serna-McDougald, left, and her spouse, Lisa McDougald, knew they needed to expand their activism. Serna-McDougald trained to become a legal observer and works the phones at the Houston office.



“The ACLU can’t reform our criminal justice system alone,” says Nick Hudson, the affiliate’s criminal justice analyst. “It’s going to take people on the right, business leaders, criminal justice advocates, all standing together.”

Simpson, the affiliate’s top lobbyist in Austin, has worked with libertarian-minded members of the Republican delegation on privacy issues such as banning devices that allow police officers to siphon money from the debit cards of people who owe traffic fines. “We like to say that there’s something in the Bill of Rights for ev-

eryone,” Simpson says. “You just have to figure out which amendment they like.”

When it comes to immigrants’ rights, the affiliate often finds itself working with the very police departments whose practices it’s trying to reform. During the recent legislative session, the police chiefs of six of Texas’ biggest cities all testified against SB4, arguing it would discourage undocumented immigrants from reporting crimes and turn police departments into de facto deportation forces. In the aftermath of Hurricane Harvey, there was particular concern that immigrants would avoid

seeking help from the police and other first responders for fear of being detained and deported. That prompted Houston Mayor Sylvester Turner to issue a message of support to the city’s estimated 575,000 undocumented immigrants.

“The ACLU has this unfair reputation as being anti-police,” says Andre Segura, the affiliate’s legal director. “We aren’t—we just want police to respect civil rights, and sometimes our role is to sue. But we can also work collaboratively with them.” A native Texan, Segura worked at the Immigrants’ Rights Project in the ACLU’s na-

tional office before moving to Houston in 2017.

“It seemed like the right time, given all the things that are going on in Texas,” he explains. “This is basically ground zero for the civil rights fight right now.”

Although the affiliate had been growing steadily for years, nobody at the new Houston headquarters was prepared for the outpouring of support that followed in the aftermath of Donald Trump’s election. Since November 2016, the ACLU’s membership in Texas has quintupled, with

similarly exponential growth in donations and volunteers.

One of the new volunteers is Alice Serna-McDougald. A longtime volunteer at Houston's Lambda Center and a pillar of the local LGBT community, Serna-McDougald and her wife, Lisa, decided after the presidential election that they needed to expand their activism. "We knew everything we'd done together for the past 30 years was on the line," Serna-McDougald says.

When Serna-McDougald attended an ACLU-sponsored protest march against Trump's Muslim travel ban, she noticed several volunteers with name tags identifying them as legal observers. After learning what legal observers do—document the events of public protests, including any incidents of police misconduct or violations of protesters' rights—Serna-McDougald decided to train to become one.

She also began spending up to 20 hours a week as a receptionist at the Houston office, often putting her fluent Spanish to use answering phones and greeting visitors. She directs many of the callers to the office's Immigrant Rights Hotline, which is staffed by volunteer attorneys in collaboration with Houston Immigration Legal Services Collaborative, the Tahirih Justice Center, and the law firm Vinson & Elkins LLP.

"I am both gay and a person of color, so I feel doubly targeted by this administration," Serna-McDougald says. "Right now I feel like those are the two most vulnerable groups in this country, so I'm here to do whatever is necessary, whatever people need me to do."

“
I'm STANDING UP FOR PEOPLE
who live in fear and have no voice.
IT'S THE RIGHT THING TO DO.
”

El Cenizo first attracted national attention in 1999, when the city council passed a controversial city ordinance that prohibited city officials from inquiring into the citizenship of any resident. "City officials were inquiring into people's legal status and then calling Border Patrol on them," Reyes says. "If you spoke out against any city action, they would have you deported."

Under SB4, El Cenizo would be forced to rescind that ordinance. If Reyes or any other city official tried to enforce it—or to interfere in any way with U.S. Immigration and Customs Enforcement or

Border Patrol—they could be fined up to \$25,000 a day and removed from office. Until the very last minute, Reyes refused to believe the legislature would actually pass the law. "I didn't really comprehend it in the moment, but I knew it was bad, because here you had police chiefs from all the major cities coming out to testify against the bill, saying it would make their cities less safe."

Reyes decided he had to take a stand. When a reporter from San Antonio called, he declared his intention to fight back against the law. This drew the attention of LULAC, which offered to sue the state on his behalf,

and the ACLU signed on as co-counsel. "When I found out the ACLU was joining, I was like, 'Oh my God, this is big,'" Reyes says. "This organization has gone into major battles already against the federal government. I was very reassured."

Reyes has two co-plaintiffs in the lawsuit, Sheriff Tom Schmerber and Constable Mario A. Hernandez, both of Maverick County, on the U.S.–Mexico border. Before being elected sheriff, Schmerber worked for 26 years as a Border Patrol agent. In August, just days before SB4 was scheduled to go into effect, a federal court temporarily blocked the majority of the law from taking effect. The state of Texas has appealed the court's decision.

"I know this case has the potential to go all the way to the Supreme Court," Reyes says. "But I signed up for the long term. I'm standing up for people who live in fear and have no voice. It's the right thing to do. And at the end of the day, I'm going to be on the right side of history." ■

BATHROOM BILL FAILS; DECENCY PREVAILS

One of the many discriminatory laws proposed during the 2017 session of the Texas Legislature was the so-called "bathroom bill." The law was explicitly modeled after North Carolina's HB2, a hateful bill that prohibited North Carolinians from using restrooms consistent with their gender identities. The backlash to the law cost North Carolina an estimated \$450 million to \$630 million in lost revenue.

Undeterred by the prospect of a similar backlash, Texas Lt. Gov. Dan Patrick made passing a bathroom bill, whose sole purpose is to force transgender Texans to disappear from public life, his top priority in 2017. "Lawmakers are trying to codify discrimination against

transgender Texans under the pretense of privacy and safety," wrote Kali Cohn, ACLU of Texas staff attorney, on the day of the bill's hearing in July. Equipped with lessons learned from leading the fight against HB2 in North Carolina, the ACLU helped organize 400 people to testify against the law, many of them transgender.

The pressure from the ACLU, plus opposition from big business to law enforcement, worked. Although the bill passed the Senate, it died in the House of Representatives after Speaker Joe Straus, a moderate Republican from San Antonio, refused to bring it to the floor. But the fight isn't over: Patrick has already announced plans to reintroduce the bill in the next legislative session.



FIRST AMENDMENT, NOT FAKE NEWS, IS TRUMP'S REAL TARGET

When Donald Trump calls media outlets such as CNN and *The New York Times* “fake news,” he’s stepping all over my brand. As a fake-news correspondent on Comedy Central, it’s my job to produce fake news about real stuff.

At Politico, *The Washington Post*, and MSNBC, it’s the media’s job to deliver real stories about the all-too-surreal things that are really happening right now. Sometimes they get the facts wrong, or rush to report an event before the whole story is known. But when President Trump calls the media “among the most dishonest human beings on earth,” claims that “any negative polls are fake news,” and kicks news outlets he doesn’t like out of the White

House briefing room, he not only does a disservice to real journalists but also attacks one of our democracy’s most important principles: the First Amendment.

Free speech is the foundation of an open and liberal democracy, from college campuses to the White House. After all, only in America can a first-generation Indian American Muslim kid like me stand up in front of the White House Correspondents Association dinner, as I did last year, and roast the president and his administration. It’s a signal to the rest of the world that America stands for freedom, even when

it’s uncomfortable. This amazing tradition shows the entire world that even the president is not beyond the reach of the First Amendment.

But breaking with tradition, the president and his staff didn’t show up at that event, which celebrates journalism’s heroes. The man who tweets everything that enters his head refuses to acknowledge the amendment that allows him to do it. It’s too bad, because he would have heard from Bob Woodward and Carl Bernstein, the celebrated *Washington Post* journalists who broke the Watergate scandal during the Nixon administration, a story that led Nixon to resign rather than face impeachment. Trump would have heard Bernstein share his strategy for covering politicians: “When lying is combined with secrecy, there is usually a pretty good road map in front of us. ... Yes, follow the money, but follow, also, the lies.”

The person who famously helped Woodward and Bernstein break through the secrecy and expose Nixon’s lies was “Deep Throat,” the anonymous source who decades later revealed himself as Mark Felt, the FBI’s associate director. Not surprisingly, Trump is doing everything he can to make sure another Deep Throat—or “Deep Tweet”—doesn’t bring down his administration. He’s escalated his threats to crack down on

leaks, even those that have nothing to do with national security and everything to do with the chaos emanating from the White House. Reportedly, he suggested to his former FBI director, James Comey, that jailing journalists for publishing classified secrets was a good idea. (That comment was itself leaked to *The New York Times*.)

Trump is right to be fearful: Whistleblowers are incredibly important checks and balances in our democracy. Journalists rely on unauthorized disclosures from the inside to keep the government honest, and the people rely on journalists to publish information the government would rather conceal. (And fake-news correspondents like myself rely on the steady stream of You-Can’t-Make-This-Stuff-Up that comes from those reports.) Just to cover his bets, Trump is attacking both.

Deep Tweet: If you’re out there—and I think you are—please get in touch with me. Since President Trump is calling everything “fake news,” why not spill the beans to a fake journalist? I promise you, I’ll keep it real. And if it turns out the president is breaking the law, I know someone else who wants to hear from you: the ACLU.

HASAN MINHAJ is a comedian and senior correspondent on *The Daily Show* with Trevor Noah.

“The man that tweets everything that enters his head refuses to acknowledge the amendment that allows him to do it.”

The Guide

ARTS & CULTURE

FILM

REFUGEE FILM OPENS MINDS

THREE QUESTIONS FOR JULIA MELTZER, DIRECTOR OF *DALYA'S OTHER COUNTRY*, A COMING-OF-AGE DOCUMENTARY THAT FOLLOWS 14-YEAR-OLD DALYA ZENO AND HER MOTHER, WHO LEFT WAR-TORN SYRIA FOR A NEW LIFE IN LOS ANGELES.



Dalya's Other Country

What inspired this story?

I got to know the people of Syria while working on a documentary in Damascus. Dalya and her mother aren't typical in that they have American citizenship, but like all immigrants, they struggled to adjust to a new culture and the loss of their former life. And with Trump's Muslim ban, the family's challenges intensified.

Has Dalya's story changed minds?

I know it has. The most significant feed-

back I've gotten has been from high school students or younger. One ninth-grader said the film changed his thinking about what it's like to be Muslim. Because Dalya is an open book—her emotions are always right on her face—there's a pathway, especially for young people, to relate to her. And fortunately, a lot of young people will see it, through distribution to 10,000 public libraries and community groups, and a screening tour. The Girl Scouts are also showing it to their troops.

You filmed the family watching the 2016 election but chose not to show their reactions. Why?

Dalya turned 18 the day before the election and voted for the first time. Watching the returns was devastating, but I didn't want to end on that note. Instead, we see Dalya going to the airport to protest the Muslim ban, chanting "Let them in!" It was her first protest.

 *Dalya's Other Country* premiered on the *POV* series on PBS in 2017 and is available to rent via streaming on **YOUTUBE** and **GOOGLE PLAY**.

TECH

Top 5 Apps for the Resistance

HEADED TO A PROTEST? The ACLU's Mobile Justice app lets you record and report interactions with police and includes state-specific "know your rights" information. Here are five more apps to download before you march:

1 NEWSLINN, available on Android, helps activists and protesters share real-time photos with journalists.

2 SIGNAL encrypts your texts, preventing them from being intercepted. Not just for protests! Find Signal on Google Play or the App Store.

3 COUNTABLE for iOS and Android tells you how your local lawmakers voted on proposed legislation and lets you message them directly.

4 Available for iOS and Android, **ZELLO WALKIE TALKIE** sends voice messages to large groups and helps you stay in touch if you are separated.

5 Android users, check out **I'M GETTING ARRESTED**, which enables anyone, with one click, to broadcast a custom message to SMS numbers in the event they are arrested.

EXHIBITION

Hands-On Tour of Muslim Art and Life

Introducing children to multiple perspectives at an early age can have a lasting impact on their abilities to empathize with others and resist prejudicial thinking. The exhibition *America to Zanzibar: Muslim Cultures Near and Far*, created by the Children's Museum of Manhattan, seeks to do just

that by highlighting the richness of Muslim culture through a meticulous display of art, architecture, music, travel, and trade.

Designed as a tour of Muslim art and life throughout history, *America to Zanzibar* is hands-on. It includes a global market, where tiny

visitors can pretend to trade spices, ceramics, and textiles; a trade route complete with a two-story boat (*dhow*); and a Pakistani shipping truck that children can decorate with interchangeable tiles that replicate the ornate styles seen on real-life vehicles. Especially illuminating is a 3-D exploration of dozens of mosques around the world, spotlighting how Islam's "home" adapts in different landscapes.

This year, *America to Zanzibar* will travel to the Creative Discovery Museum in Chattanooga, Tennessee, and the Muhammad Ali Center in Louisville, Kentucky.

In early 2019, the exhibition will open at the Please Touch Museum in Philadelphia.



SCREEN

Breaking the “Celluloid Ceiling”

THE 2017 EMMYS

brought a record-tying number of nominations for female directors and their first win for a drama in 22 years: Reed Morano for *The Handmaid’s Tale*.

This year brings several Hollywood firsts: Gina Prince-Bythewood is the first woman of color tapped to direct a major studio superhero movie (*Silver & Black*), and Ava DuVernay is the first to helm a \$100 million studio feature: Disney’s *A Wrinkle in Time*, debuting in March.

“Shutting out women’s and people of color’s voices from our most influential cultural products is a serious civil rights problem, but we’re finally seeing momentum and external pressure for change,” says Melissa Goodman, director of the LGBTQ, Gender & Reproductive Justice Project at the ACLU of Southern California.

In 2015, the ACLU presented the Equal Employment Opportunity Commission (EEOC) with evidence of movie studio and television network gender bias. Reportedly, the EEOC is negotiating with industry leaders to settle charges of systemic sex discrimination against female directors. All signs point to more opportunities for women to tell the diverse stories we know audiences want to see.

PAGES *It Occurs to Me that I Am America* (Touchstone/Simon & Schuster, 2018)

ON OUR SHELF: AMERICAN FICTION

» **By Stacy Sullivan**

WHEN DONALD TRUMP CLAIMED VICTORY LAST November, the literary and art worlds erupted in indignation. But they did not go gently into that good night. In *It Occurs to Me that I Am America*, more than 45 of today’s most acclaimed writers and artists consider race, gender, immigration, criminal justice, and other civil liberties issues.

“Everyone I knew oscillated between despair and rage,” said novelist and artist Jonathan Santlofer, who created the book. “I kept asking myself, ‘What can I do?’ And then it struck me.”

What struck him was the idea to recruit his favorite authors and artists to explore the threats to our rights and freedoms through fiction and art.

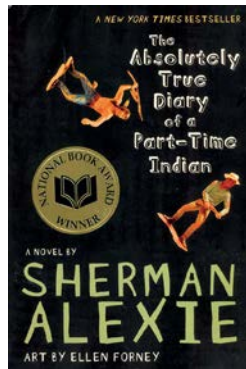
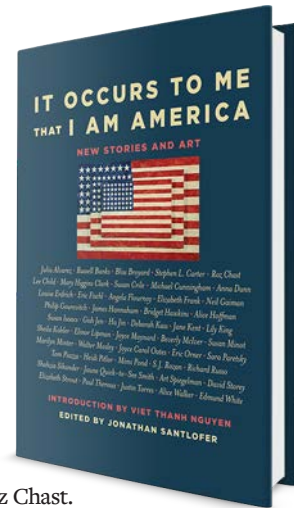
Santlofer called David Falk, vice president and associate publisher at Touchstone. He had collaborated with Falk on a previous anthology for the nonprofit

Safe Horizon. Falk liked the idea and within a few weeks, the two had secured commitments from contributors such as Alice Walker, Neil Gaiman, Walter Mosley, Viet Thanh Nguyen, Joyce Carol Oates, Art Spiegelman, and Roz Chast.

“When we contacted folks, some were initially thrown by the request for fiction,” Santlofer said. “But when trying to open minds, fiction can often be a more powerful tool than nonfiction.”

The result is a stunning exploration of the state of our democracy through provocative storytelling. The book will be released on January 16, in time for the anniversary of the Women’s March.

Available at ACLU.ORG/STORE



PAGES

THE FREEDOM TO READ ABOUT RACE

» **By Sarah Jane Abbott**

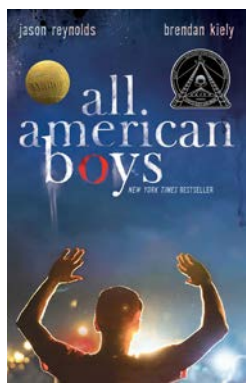
EVEN AS THEY SEEK to introduce young minds to diverse viewpoints, books addressing race, especially books for teens, are constantly banned from school shelves and curricula.

Sherman Alexie’s young adult classic *The Absolutely True Diary of a Part-Time Indian*, about a Native American boy attending an all-white school, has made the American

Library Association’s annual Top Ten Most Challenged Books list five times, banned for racist language, profanity, and sexual references. *Eleanor & Park*, which features an interracial relationship, landed on the Most Challenged list because of opposition to obscene language. *All American Boys*, which examines police brutality through the perspectives of black and white teens, has faced multiple challenges. In one instance, school

board members opposed its classroom use because it might cause tension among students, and discussions could “go south.”

Since our founding, the ACLU has fought to make sure people of all ages have the right to read what they want. Giving teens access to books about race is crucially important to cultivating an appreciation of diversity, while providing much-needed representation for students who seldom see themselves in literature.





Damian Lewis as Bobby "Axe" Axelrod and Asia Kate Dillon as Taylor Mason in *Billions* (Season 2, Episode 2).

CREATIVE LIBERTY



Asia Kate Dillon attends the Season 5 celebration of *Orange Is the New Black*.

PHOTO BY JEFF NEUMANN/SHOWTIME

STATS

personal

Artist, cofounder of MIRROR/FIRE productions

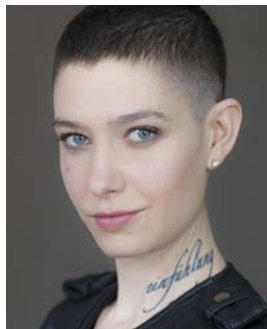
Age: 32

Lives in New York City

Identifies as nonbinary gender

career highlights

- Plays Taylor Mason on the hit Showtime series *Billions*
- Is the first nonbinary gender-identifying actor to be cast in a major television series
- Also plays Brandy Epps on the acclaimed Netflix series *Orange Is the New Black*
- Presented the MTV Movie & TV Awards' first gender-neutral acting award to Emma Watson
- Cofounded MIRROR/FIRE productions to create socially relevant theater
- Dillon's performance piece, *US*, was inspired by the killing of Sam DuBose by police during a traffic stop in 2015



IN THEIR WORDS: ACTOR ASIA KATE DILLON

After 45 (Donald Trump) was inaugurated, I saw how important the courts were. Whether it be the travel ban or what is still happening at Standing Rock, it's really coming down to the courts. I saw immediately where I could be needed, a place where I could help, and so I became a contributor to the ACLU and have been really grateful for the work that the ACLU is doing, and just honored to be a part of it.

I enjoy having conversations, even when they're hard, because I love a challenge, and I really like an opportunity to hear someone else's perspective. Hopefully, I'm able to not take it personally—even if it feels like it's a personal attack—so we can get to a deeper understanding of what's really going on.

People on either side aren't afraid anymore to say, "This is who I am, this is what I feel, this is what I believe," and I think that is a place from which we can actually have conversations. People are making themselves visible.

I don't believe that assigned sex should be one of the qualifiers by which we judge a performance. Showtime called me and they said, "We'd love to submit you for an Emmy nomination [for *Billions*]," and they asked how I would like to be submitted, since I identify as nonbinary gender. Since I don't identify as a woman or a girl, the word "actress" didn't feel like it fit for me, and I've always used the word "actor" when I had to choose between the two. The academy responded that the rules have always stated that any performer could enter either category for any reason, and that they were 100 percent in support of myself and any other performer getting to make that autonomous choice themselves.

I want the work that I do to be uplifting and supporting historically marginalized and historically disenfranchised people, because when I uplift and support those groups, I'm inherently uplifting and supporting myself.

The day that 45 was elected wasn't all that different from all the days that came before, for those of us who have been historically marginalized and disenfranchised. We've been fighting these fights for hundreds of years, and even before that, since the Native Americans were slaughtered on their own land, and that land was reappropriated.

Racism is the original sin of this country. My performance piece, *US*, was inspired after watching video of Sam DuBose being shot in his car by Officer Ray Tensing (during a traffic stop in Cincinnati, Ohio, in 2015). The work gives some historical, factual background to the ideology of racism.

Trans women of color live at the most dangerous intersection of racism, transphobia, homophobia, sexism, and misogyny. What are the systemic changes that really need to be made, and how will those changes ripple out and affect white LGBTQIA people? Everything is interwoven.

THE ACLU HAS **A PRESENCE IN EVERY STATE**, AS WELL AS THE DISTRICT OF COLUMBIA AND PUERTO RICO. WHILE **MOMENTUM FOR CIVIL LIBERTIES FACES RESISTANCE** IN THE NATION'S CAPITAL, ACLU AFFILIATES ARE **AGGRESSIVELY SEEKING WAYS TO PROTECT OUR FREEDOMS** THROUGH LITIGATION, LEGISLATION, ADVOCACY AND PUBLIC FORUMS. HERE ARE **SEVEN STATES WE HAVE OUR EYE ON** IN 2018.

ABORTION ACCESS IN ARKANSAS

HARSH RESTRICTIONS ON ABORTION have found a foothold in the South, where 9 of 10 reproductive-age women find it difficult or impossible to get abortions. But that's not enough for Arkansas legislators, who last year passed a grab bag of four harmful restrictions that create burdensome bureaucratic hurdles for women, invade patient privacy, and threaten doctors providing medically necessary care with criminal penalties.

Among other things, the laws require a woman's sexual partner to receive notification of her abortion and then give him or her the ability to block it—even if the woman was raped. Arkansas also joined

23 states in passing so-called TRAP (Targeted Regulation of Abortion Providers) laws, with the goal of shutting down abortion clinics by imposing strict regulations beyond what is necessary to ensure patient safety.

Saying the laws “defy decency and reason,” the ACLU and its allies immediately sued and obtained a court order temporarily blocking enforcement. All eyes are now on the state as it attempts to justify this unprecedented—and unconstitutional—attack on women's health.

BAIL REFORM IN CALIFORNIA

MOMENTUM FOR BAIL REFORM IS GAINING STEAM in California and throughout the country for one simple

reason: The current system isn't working for anyone except the multinational corporations that make billions from it each year.

“Money bail is not making us any safer or making sure people come back to court,” says Margaret Dooley-Sammuli, criminal justice and drug policy director at the ACLU of California. “The system gives the rich a ‘get out of jail’ pass while punishing everyone else with detention and debt.”

Under California's system—the steepest in the country—even low-level crimes, such as shoplifting, can carry up to \$150,000 bail. For people who can't afford to pay, just a few days in jail can cost them their jobs, cars, homes, and even custody of their children.

To address the problem, a broad **ACLU-led coalition of faith, labor, business, and social justice organizations** put their weight behind the California Money Bail Reform Act of 2017, which will change the law to ensure that people are not incarcerated because they cannot afford to buy their freedom. Introduced with the support of two lawmakers, it gained the backing of the governor and California chief justice in August and will be voted on early this year.

ACLU affiliates in more than 30 other states are working hard to pass similar laws, part of an ambitious national goal of substantially reducing the number of people behind bars.



TRANSGENDER EQUALITY IN MONTANA

AROUND THE COUNTRY, ANTI-LGBT EXTREMISTS

are justifying discrimination against transgender people by stirring up unfounded fears about safety and privacy, hoping to drive conservative voters to the polls. The Locker Room Privacy Act is one of three so-called “bathroom bills” potentially on the ballot in 2018; the others are in Alaska and Massachusetts. The Montana legislation requires transgender individuals to use the public restroom, locker room, or changing room that matches the sex recorded on original birth certificates. Affected venues include schools, state parks, and all other government buildings and properties.

“The only effect of this initiative is to harm our transgender friends, family members and neighbors,”

says ACLU of Montana Executive Director Caitlin Borgmann. “It does not reflect Montana values and instead will lead to costly litigation against local governments. The ACLU of Montana and our allies will be fighting this initiative every step of the way.”

RURAL ACTIVISM IN MAINE

AS WITH VIRTUALLY EVERY ACLU AFFILIATE, the



ACLU of Maine membership quadrupled in the wake of Donald Trump's election. To harness this influx of new energy, last summer the affiliate brought on seasoned activist Jensen Cook as its first-ever statewide organizer. Cook hails from Bangor, an isolated and underserved community often ignored by policymakers. "Campaigns typically focus on the big cities and the coast, but **we need to reach disenfranchised people** where they are," Cook says. On the agenda for 2018: garnering support for a bill to end the automatic suspension of drivers' licenses for unpaid fines—a policy that traps people in the justice system by making it harder for them to work and pay down their debts. Through action forums across the state, as well as phone banking and door-to-door canvassing, Cook and her colleagues will be mobilizing Mainers on the license bill, as well as other key issues such as voting rights and digital privacy—and building the resistance.

ADVOCACY IN NORTH CAROLINA

THE NATIONAL ACLU'S INVESTMENT IN its state offices gave North Carolina and other affiliates the ability to hire people such as Sarah Gillooly, the state ACLU's first policy director. Gillooly took the job the day after the presidential election, leaving a high-level public policy position in Washington, D.C., to return to their native South. "Who could not want to be at the ACLU at this moment in our country's history?" Gillooly asks.

There is no shortage of issues to work on in a state where the ACLU and its allies recently beat back **a voter suppression law that targeted African-American voters** with "almost surgical precision," according to a federal court. The Republican-led legislature has vowed to enact new voting restrictions, and there is plenty of work on the policy front to undo years of gerrymandering in communities of color.

Gillooly also relishes opportunities to work with "strange bedfellows" such as the conservative John Locke Society on criminal justice reform. And they are eager to engage a new generation of activists. As Gillooly sees it, their job is to "identify every possible strategy available to us" to build the resistance movement and defend civil liberties, no matter who's in office.

VOTING RIGHTS IN FLORIDA

NEARLY 1.6 MILLION FORMERLY INCARCERATED PEOPLE could have their voting rights restored this year, through Florida's Voting Restoration Amendment ballot initiative.

It's been a long time coming, says ACLU of Florida Executive Director Howard Simon, noting that **the Sunshine State is one of only four where constitutions mandate lifetime loss of voting rights upon conviction of a felony.** (The others are Iowa, Kentucky, and Virginia.) "We've been working for decades to restore the voting rights of people who are



disenfranchised under the state's Jim Crow-era laws—including more than 20 percent of the adult African-American population," Simon notes.

Last spring, the "Say YES to Second Chances" campaign scored a major victory when the state Supreme Court approved its ballot language. The next step: The ACLU and its allies must collect and verify more than 750,000 signatures to have the amendment added to the November 2018 ballot, where it needs 60 percent approval to pass.

If it does, the nation's largest electoral battleground state could have an estimated 1.4 million more voters at the polls, ready to give democracy a second chance.

DA REFORM IN OREGON

DISTRICT ATTORNEYS ARE THE MOST POWERFUL PEOPLE in the state criminal justice system, but according to a recent survey, less than a fourth of registered voters in Oregon could name their local

DAs, and 40 percent chose not to vote in DA elections.

The ACLU of Oregon seeks to bring the power back to the people through "They Report to You," a cutting-edge, multiyear criminal justice reform campaign. **"District attorneys are the gatekeepers to the criminal justice system for kids and adults,"** explains ACLU of Oregon Executive Director Dave Rogers. "They decide everything from who gets charged with a crime to whether to hold police officers accountable for misconduct. We're not going to be able to make sustainable strides forward on issues of mass incarceration and racial disparity until we take on DA and prosecutorial accountability."

The nonpartisan campaign kicked off last summer with door-to-door voter education, a website with digital organizing tools, and a voter pledge drive to increase participation in the upcoming DA elections in May. Through the national ACLU's Smart Justice campaign, similar efforts are underway around the country.



TALK ABOUT RACISM? YES, NOW... AND OFTEN

IT'S TIME TO GET COMFORTABLE HAVING UNCOMFORTABLE CONVERSATIONS.

TO QUOTE THE PROPHET AND RAPPER DRAKE, "WHAT A TIME TO BE ALIVE!" It's been a year since Donald Trump was inaugurated. Can you believe it? A year later, and even President Trump seems just as confused about it as my friends in Berkeley. He's still talking about his big victory. He's still holding rallies. And he talks about Hillary so much, it's like he's a professional boxer trying to drum up support for another fight. Muhammad Ali in his prime didn't talk about his opponents this much.

And of course, there's the racism. The open acceptance of racism in this administration

is the thing that hits me the hardest. I've spent the last 10 years of my comedy career trying to directly confront issues of racism, and I thought maybe I was making a difference and changing some minds.

When people say you can't change minds, they're usually talking about one conversation that didn't go well. But change doesn't happen all at once—

it's often glacial. People get caught up in one bad conversation on Facebook, and they never try again. Do you think the Civil Rights Movement would have worked if activists gave in that quickly?

One of America's biggest problems is that people of color are having conversations about racism *literally every day*. And most white people are only having them when they are forced to. (Think that diversity-training seminar at your office, or that conversation with the guy on the train who just started talking about Black Lives Matter even though you had your earbuds in the whole time.)

The biggest thing that I believe white people can do is to really get comfortable being uncomfortable having conversations about race and racism. And the way you get comfortable is that first you get awkward by putting yourself in the middle of it. And white people reading this column right now: You need to confront other white people with racist viewpoints who you think don't exist but actually do exist.

Everybody who's against Trump's racist policies has to make a commitment to themselves and their communities to do more and get less. Less sleep. Less caught up on their favorite shows. (I miss you, season two of *Insecure*. Hope to see you soon!)

Of course, change is possible. It sucks that change for the

worst can happen overnight (a Tuesday in early November to be precise), but change for the better takes years of incremental work. I know this. My first comedy set was in 1994. Last year I won an Emmy. That's 23 years of thinking that maybe I wasn't cut out for this whole showbiz thing.

When I was a kid and dreamed of career achievement, I thought it would equal happiness or at least contentedness, but that awful night in November 2016 guaranteed that I have more work to do. And even when the era of Donald Trump is over, there will be plenty more awkward conversations about race. For those of you having those conversations already, thank you. And for everyone else: Might as well get started now.

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W. KAMAU BELL is a sociopolitical comedian who is the host of the Emmy-award winning hit CNN docu-series *United Shades of America* and the author of *The Awkward Thoughts of W. Kamau Bell* (Dutton, 2017). He also serves as an ACLU ambassador for racial justice. Find him online at wkamaubell.com

“When people say you can't change minds, they're usually talking about one conversation that didn't go well. But change doesn't happen all at once—it's often glacial.”

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IN 1971, WHEN MILITARY ANALYST DANIEL ELLSBERG (top left) released top-secret documents detailing U.S. involvement in the Vietnam War to *The New York Times* and *The Washington Post*, he ignited a firestorm over freedom of the press and national security. The Nixon administration did not take it well.

Nixon's team filed for an injunction to block further publication of the so-called Pentagon Papers. The ACLU


responded with a friend-of-the-court brief opposing the injunction. In the landmark case *New York Times v. United States*, the Supreme Court deemed the injunction unconstitutional.

Hollywood dramatized the case with *The Post*, in theaters now, Steven Spielberg's star-studded look at *The Washington Post's* role in the high-stakes race to protect a free press and the public's right to know.

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