ACLU ANNUAL REPORT 2021



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ACLU ANNUAL REPORT 2021



Message from the President

In 2021, our first order of business was to support and rebuild communities that were most damaged by the Trump administration's policies, and to work toward undoing the many harms these communities have faced since our country's founding. As the pages of this report reflect, that work is far from over.

This year also marks the beginning of the ACLU's second century of defending civil liberties and civil rights. Mindful of that legacy, we are redoubling our efforts to close the gap between the America that was promised and the America that is. We are committed to dismantling the structures that perpetuate systemic racism and inequity in housing, access to the ballot, law enforcement, and more. We will continue to push the Biden administration and Congress to act on key issues, including protecting and expanding voting rights, student loan debt cancellation, fair housing, and reparations.

Right now, our nation has a window of opportunity in which we can deepen and expand protections of civil liberties and civil rights. We know this window won't stay open forever, but no matter what lies ahead, we will hold onto that vista of freedom and fight for its permanence—together.

Deborah N. Archer
President



Message from the Executive Director

After four years battling the Trump administration's attacks on civil liberties and civil rights at the federal level, in 2021, we were prepared for a wave of relentless and even more aggressive attempts to erase voting rights, abortion rights, and transgender equality at the state level. This year alone, lawmakers introduced a barrage of 443 bills suppressing the vote, 561 bills blocking access to abortion, and more than 100 bills restricting transgender rights.

As you'll read in the pages of this report, the ACLU was a steady force for justice throughout the year, using strategic litigation and advocacy whenever and wherever possible—wielding the power of our affiliates in all 50 states, Washington D.C., and Puerto Rico. We were also victorious in our landmark First Amendment case before the Supreme Court, which safeguarded the free speech rights of 50 million public school students.

2021 was a turbulent year in the fight for civil liberties, and the challenges ahead are significant. But no matter who occupies the White House or the state house, we know that we can rely on our dedicated supporters, activists, volunteers, and coalition partners to get us closer to a nation where "We the People" truly means all of us.

Anthony D. Romero
Executive Director



OUR FIGHT FOR DEMOCRACY

Photo by Craig Ruttle/AP

This year has been one of great hope and alarm. As the ACLU worked to undo the harms of the previous administration, we faced a flood of state legislation driven by racial and gender enmity and injustice.

On March 4, the Texas Attorney General's office claimed that there were 500 pending cases against people who allegedly committed voting offenses in the 2020 election. The ACLU discovered that there were just 43 prosecutions. All were unproven allegations and represented a fraction of ballots cast last year.

This inflation of case numbers fueled the myth of widespread voter fraud in order to lay the groundwork to further criminalize voting in Texas. And it would do exactly that. After months of partisan struggle, state lawmakers eventually passed a bill that raises even more barriers to voting for communities of color, people with disabilities, and people who vote by mail. The ACLU immediately sued.

Those false claims would also be a harbinger of the hundreds of other voter suppression bills introduced across the country in the spring and summer. This post-election backlash against civil liberties in the states defined the ACLU's work this year, cutting across every element of our mission: voting rights, immigrants' rights, LGBTQ equality, reproductive freedom, free speech, and so much more.

In 2021, at every turn, the ACLU challenged legislation seeking to undermine the very freedoms that define our democracy.

Defending Voting Rights In Georgia, the ACLU banded together with the NAACP to take on a slew of draconian laws designed to disenfranchise Black voters after a historic turnout in the 2020 election. Across the country, we've employed litigation strategies to stop hundreds of other voter suppression laws, including in Indiana, Minnesota, and Montana.

Safeguarding Abortion We joined forces with abortion providers in Texas after the legislature flouted *Roe v. Wade* by enacting the most extreme abortion restriction in the country. We're challenging the law, which bans abortions at six weeks (a time when most people don't know they're pregnant) and criminalizes the act of performing or aiding an abortion. We also blocked an additional 20 abortion bans and restrictions around the country, including a total ban in Arkansas.

Advancing Transgender Justice We blocked state legislators from enacting a law in Arkansas that would have denied gender-affirming health care to transgender youth, putting their lives at risk. Across the country, we pushed back against a deluge of similar attacks on trans youth, helping ensure they can access health care, participate in school sports, use public restrooms in keeping with their gender identity, and live without discrimination.

Protecting Disability Rights The ACLU also blocked bans on mask mandates in schools in Iowa and South Carolina. We argued that these bans exclude students with disabilities and underlying medical conditions from public schools—in violation of federal disability rights laws.

Creating a More Perfect Union We're living in a time of great disruption and uncertainty, but it's also a time of opportunity—the opportunity to redefine the status quo and the opportunity to strive to become the country we know we have the power to be.

That striving is reflected in the tireless work of our state affiliates, coalition partners, activists, and volunteers. In the South, which has long been the epicenter of the fight for civil rights, we're tackling everything from voter suppression and economic inequality to mass incarceration and reproductive freedom.

The Southern Collective, a collaboration of 12 ACLU affiliates in the South, is leading advocacy and grassroots movements to strengthen political participation, expand abortion access, push for reparations, and reduce prison populations—as a region. The coalition is building Black political power in the South and has been instrumental in organizing against voter suppression in Georgia and abortion restrictions in Alabama.

Since the ACLU was founded in 1920, we've met challenges to civil liberties with strength, strategy, and resilience. Then and now, for 101 years, we've remained committed to moving justice and equality forward, as you'll see throughout this report. With your continued support, we will never give up the fight. ●

A Record of Impact

The ACLU was at the center of nearly every civil liberties battle in 2021—fighting in court, organizing on the ground, and rallying in the street. This year, our nationwide community helped push America closer to the truly fair and free country we know it can be.

20
abortion bans and restrictions blocked in 2021

15
localities that have stopped law enforcement use of face recognition

10+
states where we plan to bring redistricting lawsuits

27
Supreme Court cases in which we took part this term

50M
young people's free speech rights protected

48K
people released from prisons and jails during COVID-19

$18M
invested in the Southern Collective

ADVANCING RACIAL JUSTICE

The ACLU continues to use litigation, advocacy, grassroots mobilization, and public education to dismantle barriers to equality for people of color.

Four years ago, the ACLU pledged our full firepower to stop the Trump administration's unlawful and unconstitutional policies from taking hold. In 2021, we recommitted our resources to transform our country's history of systemic racism into a future of systemic equality.



Photo by Molly Kaplan/ACLU

"We are not alone in recognizing that America is long overdue for a racial reckoning," said ACLU Executive Director Anthony D. Romero. "But we are committed to using our nationwide network of litigators, advocates, and supporters, the strongest ACLU we have ever known, to dismantle white supremacy. Whether it is voter suppression, inequitable broadband access, or the racial wealth gap, we are clear that 'We the People' must truly include all of us."

CONFRONTING POLICE ABUSE

Disproportionate rates of police contact, combined with racial profiling, leads Black people to be killed 2.4 times the rate of white people. In Brooklyn Center, Minnesota—where Daunte Wright was killed by police who stopped him because of the air freshener in his windshield—we helped pass a pioneering resolution that reexamines and transforms municipal practices for achieving public safety. We believe this resolution has the potential to alter what public safety means and looks like, and plan to bring this model to cities nationwide.

Some core aspects of the resolution include:

- The creation of a new Department of Community Safety and Violence Prevention that will oversee the police and fire departments as well as two newly created departments
- The creation of a permanent committee that will review city safety data and make recommendations to the city council on how to modify and/or initiate programs or policies to improve community safety and prevent violence
- The implementation of a policy that requires police to issue citations and prohibit custodial arrests for any traffic infractions, nonfelony offense, or nonfelony warrant

We're also using litigation and advocacy to remove law enforcement from public schools, including calling on Biden to issue an executive order eliminating federal funding of police in schools. More than 150,000 children of color—disproportionately those with disabilities—are handcuffed, restrained, and arrested in schools across the nation each year. Placing police in our schools results in the criminalization of minor infractions of school rules and perpetuates a chilling pattern of racial and disability discrimination that endangers our children and funnels them into the school-to-prison pipeline.

For example, in South Carolina, the state's disorderly conduct law allowed students to be criminally charged for normal adolescent behavior, including cursing, undefined "disorder," and "boisterousness" at school. We sued—and a district court struck down the law, preventing schools and law enforcement from criminalizing students.

SECURING HOUSING JUSTICE

The pandemic has put as many as 40 million people in this country at risk of eviction. This is both a racial justice and a gender justice issue: Black women face eviction at twice the rate of white renters. And once a family has been evicted, the devastating harms can follow them for years, preventing them from securing stable housing anywhere else.

In response, we expanded our evictions work to assure safe and stable housing during the pandemic and beyond. We continued our litigation against a Trump administration rule that decimates fair housing and creates an obstacle to challenging discriminatory eviction policies that target women of color, among others. The Biden administration has taken the first step of reviewing the rule—partially in response to our litigation—and we've leveraged our suit to ensure it is repealed and replaced with one that effectively addresses housing discrimination.

We also defended the Centers for Disease Control and Prevention moratorium on evictions in the 5th Circuit. In Arizona, Idaho, and Missouri, we continued to take legal action to protect tenants' rights. And we're campaigning to secure the right to counsel for tenants facing eviction.

AMPLIFYING INDIGENOUS JUSTICE

The ACLU is going to court in places that seek to erase Indigenous presence from our history books. In July, alongside the Native American Rights Fund, we filed a class-action lawsuit on behalf of five Indian nations and 18 individual plaintiffs challenging the state of Montana's failure to fulfill its constitutional mandate to teach public school students the history and culture of Native Americans in Montana in consultation with local tribes. ●

Achieving Systemic Equality



RENIKA MOORE
Director, ACLU Racial Justice Program

Racism has played an active role in the creation of our systems of education, health care, ownership, and employment since this nation's founding. It's time to meet systemic problems with systemic solutions. That's why the ACLU launched an ambitious effort to achieve racial justice: the Systemic Equality agenda. It strives to dismantle systems deeply rooted in racist policies, practices, and attitudes that harm people of color.

This includes closing the racial wealth gap, which has plagued this country for centuries—built upon, widened, and perpetuated because of institutionalized racism. When the Emancipation Proclamation was signed in 1863, freed slaves owned 0.5% of America's wealth. Fast-forward to now, the descendants of those slaves own just 1% of America's total wealth.

Supported by litigation and advocacy efforts, our agenda includes specific asks of the Biden-Harris administration and Congress:

- **Pass H.R. 40 and reparations for Black Americans**
- **Protect and expand voting rights**
- **Ensure fair and equal access to housing**
- **Cancel $50,000 of student loan debt**
- **Reinstate banking services at post offices**
- **Establish a permanent child tax credit**
- **Expand high-speed internet access**

Just like the first Black congresswoman from the South, Barbara Jordan, said, we hope that our actions can meet our ambition to lead America to be as good as its promise.



DEFENDING FREEDOM OF SPEECH AND RIGHT TO PRIVACY

Photo by Danna Singer/ACLU

Whether it's a high school cheerleader or a civil rights protester, the ACLU is achieving major victories for everyone's First Amendment rights.

It was the Snapchat that launched a Supreme Court case: *"Fuck school. Fuck softball. Fuck cheer. Fuck everything."*

Brandi Levy (pictured above), a high school cheerleader, posted this message to the social media platform after failing to be recruited to the varsity cheer squad. The move got her kicked off the team.

The ACLU filed suit in order to defend the speech rights of young people like Brandi. In June, the Supreme Court ruled in our favor, declaring that school authorities must respect students' rights to express themselves outside of school, including their right to express dissenting or unpopular views. The landmark 8–1 decision safeguards 50 million young people's free speech rights and their ability to engage in political, social, or religious expression without fear of punishment.

"Protecting young people's free speech rights when they are outside of school is vital, and this is a huge victory for millions of students who attend our nation's public schools," said David Cole, the ACLU's legal director who argued the case in April. "The message from this ruling is clear—free speech is for everyone, and that includes public school students."

Keeping up our fight for the First Amendment, the ACLU also battled against anti-protest legislation and attacks on freedom of the press. In the past year, nearly 100 anti-protest bills were introduced across the nation after the protests against George Floyd's murder. Among them is Florida's H.B. 1, which we challenged with the NAACP Legal Defense and Educational Fund. H.B. 1 would make everyone in a thousand-person march liable for a felony if two or three people become violent.

Bills like these aren't aimed at stopping violence or property destruction, as those acts are already illegal. Their purpose is to silence people, stifle protest, and take away the constitutional freedom of assembly. We're continuing to monitor these egregious bills.

In other school-related free speech work, the ACLU condemned a nationwide attempt to censor discussions of race in the classroom. In states such as Idaho, Louisiana, and Tennessee, we've opposed state lawmakers' attempts to ban educators in public schools and universities from even discussing supposedly "divisive concepts" such as critical race theory, which explores how systemic racism is deeply ingrained in American institutions, as well as gender equality and LGBTQ rights. This censorship wouldn't just set back progress in addressing systemic issues—it would also rob young people of an inclusive education.

On the privacy front, the ACLU has also remained vigilant about police surveillance, a growing problem in recent years due to the technological advances of overfunded police departments. These technologies are disproportionately used against communities of color, and the technology itself is often racially biased. For example, face recognition systems are notoriously poor at distinguishing Black individuals, such as our client Robert Williams. He was arrested in front of his family after one such case of mistaken identity. The ACLU filed a federal lawsuit against the police department on his behalf and awaits a decision.

Keeping up our fight for the First Amendment, the ACLU battled against anti-protest legislation and attacks on freedom of the press.

In Baltimore, the ACLU won a significant legal victory against the police department's use of aerial surveillance technology. The program would have put virtually all residents under watch for 12 hours a day. If successful, Baltimore would have been the first city to pilot such a program, setting a harmful precedent. ●

Then: *Tinker v. Des Moines*

In 1965, the life of a 13-year-old girl in Des Moines, Iowa, was changed forever after she wore a black armband to school. Mary Beth Tinker was protesting the Vietnam War.

The school suspended the eighth grader along with four other students. She didn't know it yet, but she would eventually become a plaintiff in a landmark Supreme Court case.

The ACLU filed a federal suit on behalf of the students, arguing the school had infringed on their right to free expression. In 1968, the Supreme Court ruled in our favor, stating that just because someone is a student doesn't mean they shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.

The case set the constitutional precedent for students' free speech and laid the groundwork for our latest victory on behalf of Brandi Levy. The "Tinker Test" is even the legal standard used to decide if a public school has encroached on a student's First Amendment rights.



Mary Beth Tinker and her brother, John, display the black armbands that got them suspended from school. Photo by Bettman Archive/ Getty Images



Photo by Justin Barbin/ACLU

COUNTING **EVERY VOTE**

The voter suppression tactics employed in the 2020 elections are still in full force, and the ACLU is involved in pivotal work throughout the country, particularly in the South, to protect the right to vote.

The 2020 elections had record voter turnout, a feat partially made possible by our relentless litigation and advocacy to make voting accessible in the midst of a deadly pandemic. In 2021, the right to vote faced new threats, and the ACLU once again rose to the challenge.

This year, the Supreme Court dealt a serious blow to voting rights in *Brnovich v. Democratic National Committee*, in which the ACLU filed a friend-of-the-court brief, by upholding two barriers to voting in Arizona. And in the first half of 2021 alone, more than 400 bills aimed at blocking the ballot were introduced in 48 states. Eighteen states have already successfully enacted 30 laws to restrict voting access. The communities disproportionately burdened by these laws are always the same: Black people, Indigenous people, elderly people, students, and people with disabilities.

PROTECTING SOUTHERN VOTERS

Black voters have made up nearly half the growth of Georgia's electorate since 2000 and last year drove a huge surge in voter turnout at the polls. The state's legislators responded in turn by enacting some of the most restrictive election laws in the country.

The 98-page S.B. 202, passed by the Georgia House and Senate and signed by Governor Brian Kemp in under seven hours this spring, will effectively disenfranchise countless voters. The measures include a ban on mobile voting, new restrictions on mail-in voting, the allowance of unlimited challenges to a voter's registration, and narrowed requirements for voter ID.

The ACLU, the NAACP, and the Southern Poverty Law Center swiftly condemned the law in a federal lawsuit. The suit is challenging the legislation on the grounds it violates the Voting Rights Act and infringes on the First, 14th, and 15th amendments.

"This law is driven by blatant racism, represents politics at its very worst, and is clearly illegal," said Sophia Lin Lakin, deputy director of the ACLU's Voting Rights Project. "We urge the court to act swiftly to strike it down."

PRESERVING ACCESS TO THE BALLOT

The past year has shown that we can make progress in our fight against voter suppression—no matter how daunting.

The ACLU has:

- Secured the permanent block of an Indiana law that would have allowed county election officials to purge voters from the rolls—based solely on third-party information—without notice or an opportunity to correct the record

The communities disproportionately burdened by these laws are always the same: Black people, Indigenous people, elderly people, students, and people with disabilities.

- Mounted lawsuits against two laws in Montana that suppress the voting rights of Native Americans by ending same-day registration and blocking organized ballot collection on rural reservations
- Asked Minnesota's highest court to restore the voting rights of more than 53,000 people with felony convictions who are barred from voting, even if they have never spent a day in prison or even after they have finished a prison term

STOPPING GERRYMANDERING

In August, the U.S. Census Bureau released its 2020 detailed population counts, marking the

continued on page 11 ▸

Fighting for Fair Maps



SOPHIA LIN LAKIN
Deputy Director,
ACLU Voting Rights Project

As the redistricting process begins in communities and jurisdictions across the United States, state legislatures have an obligation to ensure fair and equal representation for all people, upholding the 14th Amendment's guarantee of equal protection and complying with the requirements of the Voting Rights Act of 1965.

The ACLU is leading efforts nationwide to promote fair elections by exposing and stopping gerrymandering—the drawing of voting districts to favor partisan or otherwise illegitimate outcomes. For the last decade, state legislatures have been subject to extreme partisan distortion, leading them to underrepresent and disempower communities of color.

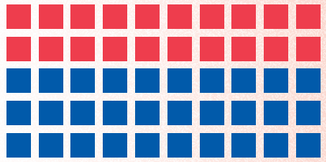
Our organization has always had litigation capacity and expertise in voting rights, and now, we also have the technical capacity for map drawing and map analysis that forms the backbone of redistricting work—through our Data and Analytics department. This new team of experts is evaluating and creating alternative maps that will allow us to counter current partisan gerrymandering and racist districting.

We will continue to monitor state legislatures and independent commissions to ensure they heed the fundamental principles of democracy, representation, and equality. Voters should choose their politicians—not the other way around.



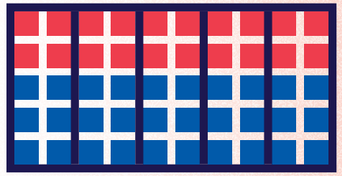
Different maps for electoral districts create different outcomes

50 people



60% blue | 40% red

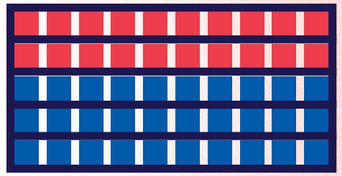
Compact, but unfair



5 blue districts | **0** red districts

BLUE WINS

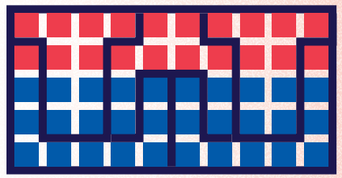
Perfect representation



3 blue districts | **2** red districts

BLUE WINS

Neither compact nor fair



2 blue districts | **3** red districts

RED WINS

Photo by Sundry Photography/Shutterstock. Graphic adapted from Stephen Nass & *Washington Post*



Photo by Carolyn Brandt/Offset.com

official start of the once-in-a-decade redistricting process, which will determine the allocation of political power and representation at every level of government across the country for the next 10 years.

The ACLU is doubling down on our redistricting work to stop gerrymandering, a dangerous political practice that harms communities across the country. Instead of drawing fair district maps, state officials slice and dice communities so that politicians can pick and choose who they represent—often diluting the voting power of people of color—to predetermine the outcome of elections.

We ensured accurate population counts in the 2020 census when we won our Supreme Court case against the Trump administration's attempt to exclude undocumented immigrants from the census. Now, ensuring fair maps is the bulk of our voting rights work in the lead up to the midterm elections. The ACLU is striving to bring at least 10 lawsuits nationwide that produce fairer maps by the midterms.

The ACLU is monitoring both partisan and racial gerrymandering to ensure fair maps:

- We filed suit in Ohio, the first state to pass new maps for the state legislature, due to severe gerrymandering: The maps draw 67% of the House districts and 69% of the Senate districts to favor Republicans, assuring Republican supermajorities in both chambers
- We're suing South Carolina over the state's redistricting process, which largely avoided public input and has left electoral districts wildly out of proportion just months before election season
- We're combating partisan gerrymandering in Michigan and Kansas
- We're ensuring fair representation for voters of color in local or county governments in California and Massachusetts
- We're fighting for fair representation for Latinx voters in Texas
- We're monitoring states across the South for possible litigation, including Alabama, Arkansas, Georgia, Louisiana, and Mississippi

When it comes to our redistricting work, we're focusing on state legislatures, where civil liberties and civil rights laws are being made. If those legislatures are more representative of their communities, we can soften the assaults on our rights, such as restrictions on abortion and bans on health care for transgender people. ●



Photo by Ismael Quintanilla/ACLU

SECURING ACCESS TO ABORTION

The ACLU is fighting back against a deluge of extreme abortion bans in the states, while working relentlessly to expand abortion access on all levels.

In May, the Supreme Court announced that it will hear a case, *Dobbs v. Jackson Women's Health Organization*, that could decimate, if not take away entirely, the constitutional right to abortion.

"This is the moment anti-abortion politicians have been waiting for since *Roe v. Wade* was decided," said Jennifer Dalven, director of the ACLU's Reproductive Freedom Project.

It's an all-hands-on-deck moment. In response, the ACLU is working with our allies to craft a coordinated legal opposition, using our media strategy to educate the public about what's at stake and organizing people around the country to stand up for *Roe*.

Meanwhile, our top-flight litigation team has already blocked scores of abortion restrictions around the country, and that work continues as we seek new injunctions that will stay in place at least until the Supreme Court rules.

FIGHTING TEXAS' RADICAL ABORTION BAN

As the right to abortion hangs in the balance, so too does access to abortion care—nowhere more pronounced than in Texas. We're working around the clock after the state passed the most extreme and unconstitutional abortion ban in the country, S.B. 8, which makes abortions illegal after six weeks, before most people even realize they're pregnant. S.B. 8 also authorizes anyone—anywhere—to sue a person who performed or aided an abortion in the state, leaving clinics and workers vulnerable to tens of thousands of dollars in liability.

The ACLU filed an emergency request imploring the Supreme Court to block the law before it went into effect—a request that was ignored. But this fight isn't over. Our Reproductive Freedom Project continues to prepare new strategies to fight S.B. 8 and the inevitable lawsuits against clinics and others to come.

We have been:

- Working to advise clinics and those who assist people in getting abortion care on compliance strategies
- Training Texans on how to be advocates for abortion rights in their communities
- Fighting to keep abortion legal in nearby states like Kansas, where clinics have seen an increase in calls for their services
- Supporting the Biden administration in its Department of Justice lawsuit against the abortion ban
- Pushing Congress to pass the Women's Health Protection Act, which would safeguard abortion nationwide

The ACLU is defending the right to abortion care for everyone, everywhere.

KEEPING CLINIC DOORS OPEN

As history has taught us, abortion restrictions don't end abortion. They end safe, accessible abortion. And it will be people of color, low-income people, and people in rural areas who are impacted most. For example, in Texas, the poverty rate for Black and Latinx women is disproportionately high: 19% of Black women and 20% of Latinx women live in poverty. When clinic doors close, it makes abortion care available only to people who can afford to travel out of state and—if they face state laws that require at least two days to get a procedure—stay overnight.

The ACLU is defending the right to abortion care for everyone, everywhere.

Our efforts include:

- In Arkansas, the ACLU and Planned Parenthood successfully challenged a six-week abortion ban
- In Guam, an ACLU-mounted challenge has cleared the way to restore abortion access on the island by allowing the use of medication abortion
- In North Carolina, we're fighting to block a law that prohibits medical professionals from providing abortion, a ban on telehealth for medication abortions, and a mandatory 72-hour waiting period for patients seeking an abortion
- In Tennessee, we blocked a six-week ban and a ban based on a fetal diagnosis
- In an ACLU victory for medication abortion, the FDA will review its outdated, medically unnecessary restrictions on mifepristone

Abortion is health care. No matter where or when the threats arise, the ACLU will remain resolute in our battle to ensure people can exercise their right to reproductive care. ●

Then: *Roe v. Wade*

S.B. 8 is far from the first time the ACLU has fought for reproductive freedom in Texas. In 1971, a pregnant single woman brought a class action challenging the constitutionality of the Texas criminal abortion law, which prohibited all but lifesaving abortions. That woman was Jane Roe.

ACLU general counsel Norman Dorsen was part of the team representing her in *Roe v. Wade*. The Supreme Court famously invalidated the law in 1973 on the ground that the constitutional right to privacy encompasses a woman's decision whether or not to continue her pregnancy. That same year, the ACLU would argue *Doe v. Bolton*, the companion case to *Roe*. It resulted in the Supreme Court overturning a Georgia law that would have required women seeking an abortion to get approval from three doctors as well as a hospital committee.

Soon after the *Roe* and *Doe* rulings, the ACLU created our Reproductive Freedom Project. The project has since been involved in almost all landmark Supreme Court cases concerning reproductive rights since 1973. We will continue to be there every step of the way.



Attorney Gloria Allred (left) and Norma McCorvey, known as "Jane Roe" in the landmark *Roe* case, rally for abortion rights in 1989. Photo by Bob Riha, Jr./ Getty Images



Photo by Phuong Tran/ACLU

REBUILDING ASYLUM

Four years of the Trump administration effectively dismantled asylum in the United States. We continue to fight to protect asylum-seekers and reunite separated families.

The United States has always been a beacon for those seeking refuge. But the past few years have done visceral damage to our asylum system—damage that the ACLU is striving to repair.

We are in comprehensive settlement negotiations with the Biden administration in our lawsuit over the thousands of families separated at the U.S. southern border. As one result of those negotiations, in September, the Biden administration's Family Reunification Task Force launched a new program to help separated family members return to the United States. The program includes a new website to allow people to register to return, and a contract with the International Organization for Migration to handle the logistical end, such as obtaining passports. Once in the United States, these individuals will receive three-year residency visas, work permits, and supportive services.

These families deserve more, including permanent legal status, and hundreds of parents of separated children have yet to be located. But this is a positive step that could potentially help more than a thousand families start to rebuild their lives—and that would not have come about without years of ACLU work on behalf of these families.

In another step forward, an ACLU legal challenge resulted in a federal court prohibiting the expulsion of families from the United States under the inhumane Title 42 policy. This policy restricted immigration at the border and denied asylum-seekers a fair trial under the guise of protecting public health. It was started under President Trump, but the Biden administration has continued to deploy it within its border strategy. Thanks to litigation from the ACLU, the federal court declared these expulsions illegal, and we are hopeful that the administration's request to put the ruling on hold during litigation will be denied.

After a whirlwind of court actions in August, the Supreme Court refused to block a ruling from a federal judge in Texas requiring the Biden administration restart Remain in Mexico, a Trump-era border policy that has trapped tens of thousands of asylum-seekers in dangerous conditions in Mexico while they await their court dates. This policy has been the subject of ACLU lawsuits since it was instituted in 2019—and we will keep fighting for its termination.

We also successfully pressured the Biden administration to stop using two of our country's worst Immigration and Customs Enforcement detention facilities. We will keep working to get the administration to close more of these facilities, continuing to focus on those that fall in remote locations with compromised access to legal counsel and external medical care, and those that have documented patterns of inhumane treatment and conditions. ●



Photo by Rana Young/ACLU

FIGHTING FOR TRANSGENDER YOUTH

We mounted successful legal challenges across the country this year to ensure transgender youth can access life-saving medical care and participate in school sports.

For the first time in a really long time, Sabrina feels happy. She's sleeping better. She's taken up playing the acoustic guitar. And she's looking forward to college. After years of struggling with mental health challenges, the 15-year-old is thriving, finally able to fully experience the joys of girlhood.

But the life that Sabrina and her parents fought so hard for her to have in their native Arkansas was almost snatched away.

Arkansas legislators passed H.B. 1570, which bans gender-affirming health care for trans minors, meaning doctors can't perform surgery or prescribe hormones to anyone under 18. It also bans the use of health insurance or state funds in paying for any of this type of care. It took a personal medical decision that belongs

continued ▸

Brooke Dennis (above), 9, and her parents, Amanda and Shayne, were plaintiffs in the ACLU's successful case against Arkansas' ban on gender-affirming health care.

between a child, their parents, and their doctors and placed it in the hands of politicians. The passage of the law, which happened this April, drew outrage and disgust from advocacy groups as well as medical associations. If enacted, Sabrina would have lost access to the treatment she needed along with other vulnerable trans youth across the state.

"Before I started getting care, I had a really rough time. I know first-hand that gender-affirming care is life-saving care. I can't imagine going back, or being denied care that my doctors and parents agree that I need," said Sabrina.

The ACLU moved swiftly to sue the state of Arkansas over the ban, challenging its constitutionality on the grounds that it violates the Equal Protection Clause of the 14th Amendment. We represented four transgender children and their families, some of whom were facing the difficult decision of leaving their homes, their businesses, and their communities to give their kids access to gender-affirming care.

Amanda and Shayne Dennis, the parents of 9-year-old Brooke Dennis, were one of the families confronting the possibility of uprooting their lives to get appropriate care for their child. Brooke has known she was a girl since she was 2 years old, and her family has supported Brooke in her desire to undergo puberty-delaying treatment. With the law in place, she no longer would have been able to access gender-affirming care.

"We have told all of our children that we will always protect them," said Amanda, "but this law stands in the way of our child getting the medical care she will desperately need."

That law never went into effect. In a major triumph for transgender rights, a federal court blocked the Arkansas ban from moving forward with the judge citing it would bring "irreparable harm" to pull care from patients.

"We warned lawmakers that if they passed laws attacking trans people that they would see us in court," said Chase Strangio, deputy director for transgender justice with the ACLU's Jon L. Stryker and Slobodan Randjelović LGBTQ & HIV Project. "Our work in Arkansas and around the country is far from over—including with this law."

The Arkansas law may have been shocking in its cruelty, but unfortunately, it is not unique. This year will go down as a record-breaking one for anti-transgender legislation. In what has been perceived as a backlash against the gains in marriage equality for same-sex couples, an alarming 33 states and counting have brought forth more than 100 discriminatory bills. And many of the restrictions take sharp aim at the rights of transgender kids across the country, endangering their well-being and their lives.

The medical studies don't lie. When trans youth are denied proper healthcare, they suffer from significantly increased rates of anxiety, depression, and thoughts of suicide. These bans are putting trans lives at risk.

> "I know first-hand that gender-affirming care is life-saving care. I can't imagine going back, or being denied care that my doctors and parents agree that I need."



Photo by Rana Young/ACLU

Dylan Brandt (left), 15, and his mom, Joanna, were one of four plaintiff families that challenged Arkansas' trans health care ban.

The ACLU has had several victories in getting anti-trans legislation struck down:

- In Alabama, we helped stop a bill that would have banned gender-affirming health care for trans youth
- In Connecticut, we defended a trans-inclusive policy for high school sports
- In Idaho, we argued the first appeals court case about a law banning trans women and girls from sports
- In Tennessee, we helped stop a new law requiring businesses to post a government-prescribed warning sign in restrooms if those businesses allowed people to use the restroom that matches their gender
- In Virginia, we secured a Supreme Court decision that lets stand Gavin Grimm's hard-won victory for trans-inclusive bathroom policies in schools
- In West Virginia, we successfully blocked a law banning trans youth from participating in school sports

We saw a loss in our Supreme Court case *Fulton v. Philadelphia*, in which the city of Philadelphia refused to renew a contract with a foster care agency after discovering it would not approve same-sex couples solely based on their sexual orientation, in violation of the city's non-discrimination requirement. But, importantly, the court declined to create a constitutional license to discriminate, ruling that the city violated the rights of the religious foster care agency for reasons specific to its contract with the agency.

In the face of restrictive, harmful laws, the ACLU will never stop fighting for the rights of LGBTQ people to be fully and freely themselves. •



Photo by Sydney Rasch

Then: Sir Lady Java

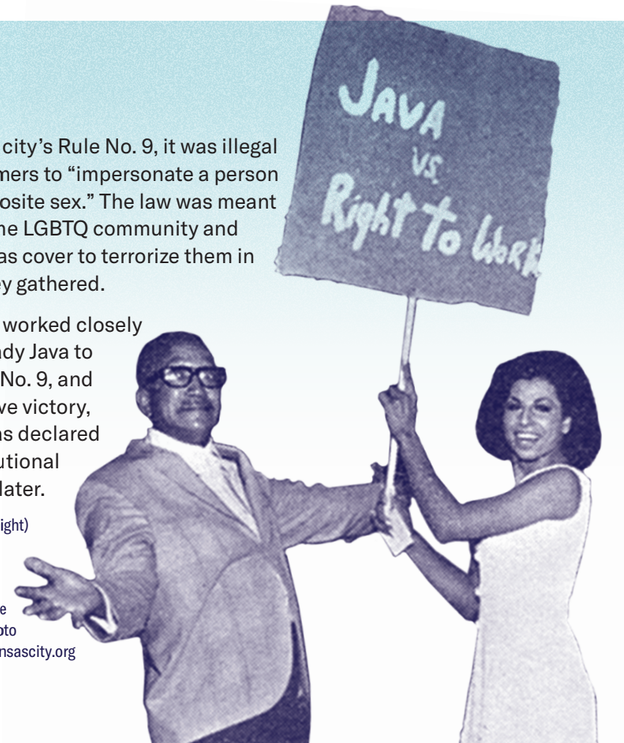
For many trans and non-binary people, particularly Black trans women, they aren't safe in their homes, at their workplaces, or on the street. There have been more than 30 trans people killed in America in 2021 alone. The ACLU is fighting alongside trans and non-binary communities to ensure they can live without fear of discrimination. This movement is stronger than ever, but it certainly isn't new.

The year was 1967. The Los Angeles nightclub scene was vibrant and glitzy. And one star shone the brightest: Sir Lady Java. A fixture at the Redd Foxx Club, the drag queen, dancer, and comedian dazzled audiences—and became a living legend.

Sir Lady Java was also a Black trans woman, a facet of her identity the LAPD would use to harass her and shut down her performances.

Under the city's Rule No. 9, it was illegal for performers to "impersonate a person of the opposite sex." The law was meant to target the LGBTQ community and was used as cover to terrorize them in places they gathered.

The ACLU worked closely with Sir Lady Java to fight Rule No. 9, and in a massive victory, the law was declared unconstitutional two years later.



Sir Lady Java (right) protests Rule No. 9 outside the Redd Foxx Club, where she performed. Photo courtesy of transascity.org



Photo by Phuong Tran/ACLU

REFORMING THE CRIMINAL LEGAL SYSTEM

The ACLU is pushing to reduce incarcerated populations as the COVID-19 pandemic continues to make our country's overcrowded prisons and jails hotbeds for the virus.

Since February, Miranda McLaurin has appreciated the comforts of her Mississippi hometown. She's making up for lost time with her grandson and started working at a manufacturing plant.

"I came home. I got a job. I'm doing what I'm supposed to do," the 43-year-old said in a Facebook video.

Miranda is a participant in a program referred to as home confinement, which was encouraged under the CARES Act passed by Congress to prevent the spread of COVID-19. Through this program, more than 25,000 people were released from overcrowded prisons to finish their sentences at home. But on January 15, the Department of Justice under the Trump administration issued a memo stating that the Bureau of Prisons would be legally obligated to return thousands of these participants back to prisons while the pandemic still ravages correctional facilities.

The ACLU is urging the Biden administration to rescind the order that will take the 4,000 people still in home confinement—like Miranda—away from their families yet again. It has not done so despite a promise the president made to the ACLU to cut federal prison populations in half. What's more, if President Biden allows them to be sent back to federal prison, he would be presiding over the fastest expansion of the federal prison population in history.

LEADING THE FIGHT FOR DECARCERATION

The United States has the highest incarceration rate in the world, with 2 million people behind bars. This problem has been exacerbated by discriminatory policy decisions that targeted communities of color like the failed War on Drugs, which had its 50th anniversary this year.

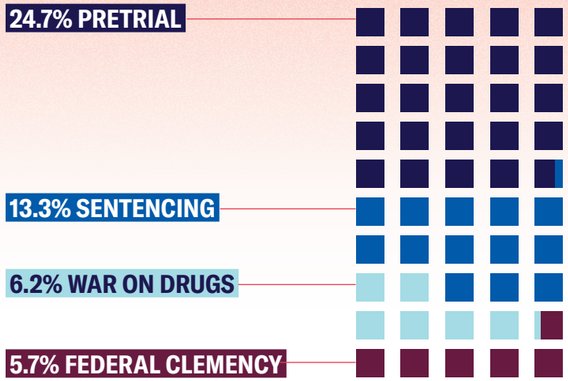
The decarceration movement would help not only those in home confinement, but also those who are still in federal prison. Building on our 50-State Blueprints project—a comprehensive analysis of how each state can cut the number of people behind bars by half—the ACLU has now filed 83 legal actions to secure the release of more than 48,000 people from prisons and jails (and 750 people from immigration detention) during the ongoing pandemic. And we're pursuing our Redemption Campaign, which aims to release 50,000 people from state prisons over the next five years.

Additionally, in our yearslong, multitactical push to rein in the power of prosecutors and decrease incarceration, we reached a historic settlement in our 2017 lawsuit against then-Orleans Parish District Attorney Leon Cannizzaro and 10 assistant district attorneys. Our suit challenged the office's illegal scheme of fabricating subpoenas to coerce crime victims and witnesses of crimes into submitting to interrogations, as well as presenting fraudulent information in court to persuade judges to issue arrest warrants.

> The ACLU has now filed 83 legal actions to secure the release of more than 48,000 people from prisons and jails.

How we slash incarceration by 50%

Reforms in just these four areas would reduce incarceration by half:



UNDOING HARMFUL POLICIES

Rectifying the damage done by over-incarceration and over-policing also means fighting to end the death penalty, ban solitary confinement, and hold racist law enforcement accountable, all fronts on which we made gains in this year.

Thanks to pressure from the ACLU:

- The attorney general issued a federal moratorium on executions
- New York state passed a ban on long-term solitary confinement
- The U.N. issued a resolution to investigate police brutality in the United States

We also filed what may be the first-ever federal class action challenging coercive plea bargaining and are exploring possible litigation in several states to challenge criminal records policies that complicate successful re-entry for the formerly incarcerated.

Fundamentally, much of criminal law reform means dismantling a system that ensnares Black, Brown, and poor people at a disproportionate rate at almost every level. And it means creating a world where people like Miranda can finally come home and stay home. ●

The ACLU Community:

EMPOWERING THE NEXT GENERATION

All of the work detailed in this report would not be possible without the full weight of the ACLU community. We believe it is not about the few—but the many.

The ACLU community is made up of 1.6 million members; 4.6 million online activists; 2,000 volunteer attorneys; and hundreds of coalition, foundation, and corporate partners. It is made up of people who dedicate their time, their expertise, and their resources—like the two families on these pages, who are investing in the next generation. Then and now, these families have ensured that the fight for justice and equality rests in extraordinary hands.



Photo courtesy of Kim Lew

The Lew Family Legacy

As a member of the ACLU's Investment Committee, donor Kim Lew maintains oversight of the firms tasked with investing on the ACLU's behalf. Recently named CEO of Columbia University's $14.3 billion endowment, Lew is one of three women leading Ivy League endowments and one of the top Black women in asset management—and by that definition alone, a trailblazer.

Lew, who grew up in fair housing in the Bronx, says the privilege of having moved among such contrasting sectors of society has informed her approach to investing. "It's very important for the investment arm of any institution to be aligned with the values of an institution," she says.

Lew has been advising the ACLU in a volunteer capacity for nearly 14 years. She is particularly proud of steering the ACLU's asset management from a large corporate bank to a smaller firm whose founders care deeply about the ACLU's racial justice mission. Their performance, she says, has been impressive.

Lew's experiences with the ACLU have deepened her appreciation for the organization, an enthusiasm shared by her daughters Kalli and Kaamila, who have both eagerly taken up the torch for the next generation. As a high school student, Kalli attended the ACLU's National Advocacy Institute in Washington, D.C. That experience led to an internship at the ACLU's national office the following summer, where she was thrilled to meet the lawyers behind the important cases of the day. Now a senior at Wesleyan University, Kalli plans to apply for law school. A career at the ACLU, she says, would be "a dream come true."

Kalli's younger sister, Kaamila, who just entered high school, similarly "has a very strong moral compass," says Lew, recalling a recent discussion on the importance of addressing people by their correct pronouns. She credits much of her daughters' passionate views on social justice to her late husband, Virgil Jackson, who died of cancer in 2020. He "had a lot of moral indignation" over race and gender issues and encouraged debate and discussion at the family dinner table.

> "The legacy of who their father was lives loudly in them."

When Kalli left for college, Lew recalls, her husband told Kaamila it was her turn to lead the conversation. "The legacy of who their father was lives loudly in them," Lew says with pride. That legacy endures in the family's dedication to the ACLU.

Carrying on Their Father's Mission

When Athan G. Theoharis, a longtime ACLU of Wisconsin board member, died on July 3, 2021, at the age of 84, the *New York Times* published a lengthy obituary describing him as "a pre-eminent historian of the F.B.I. whose indefatigable research into the agency's formerly unobtainable files produced revelations about decades of civil liberties abuses under the leadership of J. Edgar Hoover."

But it was the unique eulogy written by his three adult children, Jeanne, George, and Liz, that perhaps best captured the indefatigable spirit behind their father's storied accomplishments. The eulogy lovingly and humorously compiled a list of 84 of Theoharis' life lessons and sayings, including: #28, *Vote in every election*; #58, *Civil liberties require defending*; and #70, *Prioritize the next generation*.

In considering how to honor their father's legacy, #70 was very much on his children's minds. That's what led to the establishment of an ACLU college internship in their father's name. The internship will fund two full-time, paid summer internships at the ACLU of Wisconsin over the next seven years.

The gift, says his daughter Jeanne, honors their father's local roots as well as his own experience growing up poor in Milwaukee and receiving a life-changing scholarship to attend the University of Chicago, which set him on a lifelong path of championing civil liberties and civil rights.

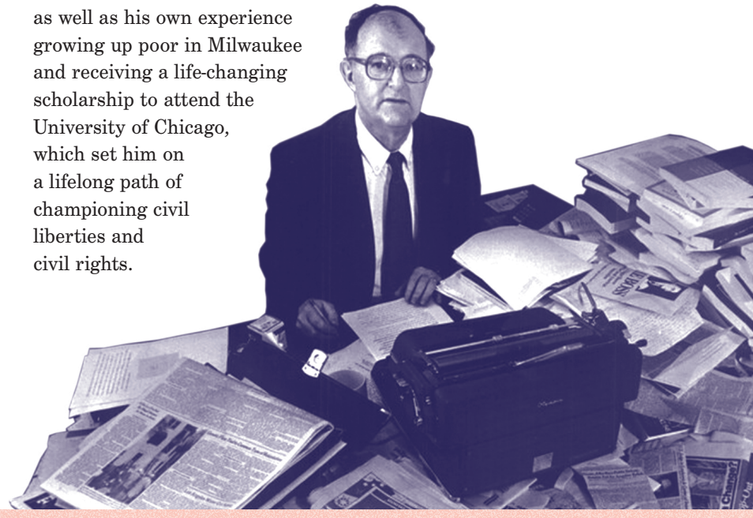


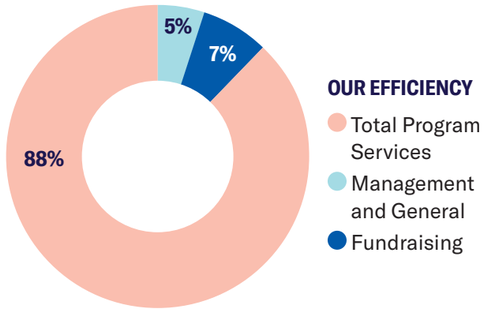
Photo by Jim Gehrz/*Milwaukee Journal Sentinel*

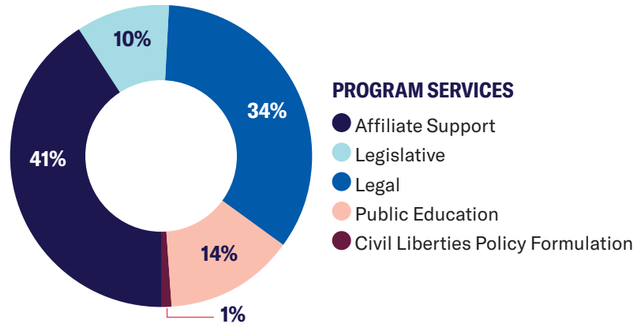
FINANCIAL SUMMARY

The ACLU is composed of two organizations: the American Civil Liberties Union (the 501(c)(4) arm), whose focus is legislative work at the federal and state levels; and the ACLU Foundation (the 501(c)(3) arm), whose focus is litigation and public education. Following is the financial summary for the American Civil Liberties Union, the ACLU Foundation, and consolidated entities (page 22), as well as the ACLU Foundation and subsidiary (page 23), for the fiscal years ending March 31, 2021, and March 31, 2020. The accounts and activities of ACLU affiliates are not included in these financial statements.

American Civil Liberties Union, ACLU Foundation & Consolidated Entities

	FY2021	FY2020
Support & Revenue		
Grants & Contributions	$360,554,164	$288,301,761
Donated Legal Services	23,748,513	14,902,284
Bequests	34,757,327	26,619,278
Other Revenue	2,804,415	2,376,355
TOTAL SUPPORT AND REVENUE	$421,864,419	$332,199,678
Expenses		
Program Services:		
Legislative	32,287,881	25,612,318
Legal	106,572,587	73,016,684
Public Education	42,872,015	42,771,371
Civil Liberties Policy Formulation	2,106,276	2,289,473
Affiliate Support	125,757,470	117,115,574
Total Program Services	309,596,229	260,805,420
Supporting Services:		
Management & General	19,304,924	18,359,015
Fundraising	23,227,125	21,334,671
Total Supporting Services	42,532,049	39,693,686
TOTAL EXPENSES	352,128,278	300,499,106
Change in Net Assets Before Other Changes	69,736,141	31,700,572
Other Changes in Net Assets		
Net Legal Expenses Awarded	3,046,610	5,989,673
Net Investment Income, Gains & Losses	152,387,431	(25,449,398)
Changes in Value of Split-Interest Agreements	1,564,290	(1,733,332)
Recognition of Affiliates' Share of Pension Liability	(15,146,480)	8,276,339
Minimum Pension Liability Adjustment	24,829,935	(18,726,622)
TOTAL OTHER CHANGES IN NET ASSETS	166,681,786	(31,643,340)
Change in Net Assets	236,417,927	57,232
Net Assets		
Beginning	511,891,775	511,834,543
Ending	$748,309,702	$511,891,775

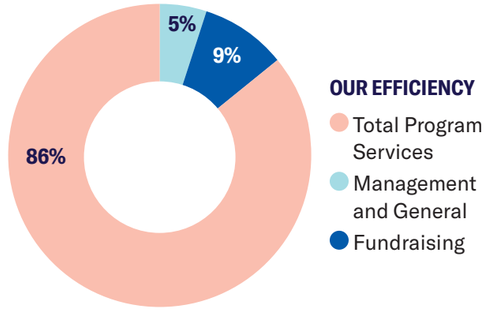


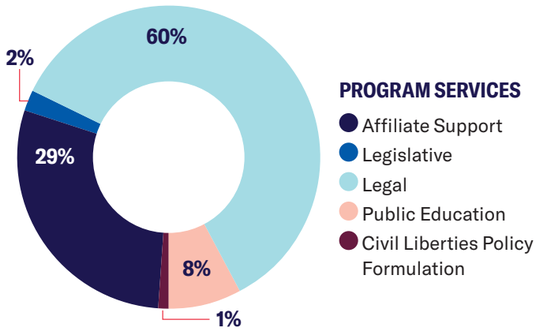


ACLU Foundation & Subsidiary

	FY2021	FY2020
Support & Revenue		
Grants & Contributions	$206,425,797	$159,583,469
Donated Legal Services	23,748,513	14,902,284
Bequests	20,942,555	16,853,643
Other Revenue	2,287,214	2,314,070
TOTAL SUPPORT AND REVENUE	253,404,079	193,653,466
Expenses		
Program Services:		
Legislative	3,159,555	2,946,742
Legal	102,084,322	67,007,235
Public Education	13,834,514	12,138,361
Civil Liberties Policy Formulation	900,781	1,154,159
Affiliate Support	48,781,087	46,800,594
Total Program Services	168,760,259	130,047,091
Supporting Services:		
Management & General	9,904,484	10,302,907
Fundraising	18,166,328	15,900,103
Total Supporting Services	28,070,812	26,203,010
TOTAL EXPENSES	196,831,071	156,250,101
Change in Net Assets Before Other Changes	56,573,008	37,403,365
Other Changes in Net Assets		
Net Legal Expenses Awarded	3,046,610	5,989,673
Net Investment Income, Gains & Losses	128,414,039	(21,853,384)
Changes in Value of Split-Interest Agreements	1,564,290	(1,733,332)
Recognition of Affiliates' Share of Minimum Pension Liability Adjustment	7,687,766	(1,772,345)
TOTAL OTHER CHANGES IN NET ASSETS	140,712,705	(19,369,388)
Change in Net Assets	197,285,713	18,033,977
Net Assets		
Beginning	389,528,388	371,494,411
Ending	$586,814,101	$389,528,388

The ACLU has a four-star Charity Navigator rating and meets the highest standards of the Better Business Bureau's Wise Giving Alliance.





HOW YOU CAN HELP

The ACLU works in the courts, legislatures, and communities to defend and preserve the individual rights and liberties guaranteed to all people in this country by the Constitution and laws of the United States.

Join us as we continue to stand up for the principles of equality, justice, liberty, and democracy.

"Silence never won rights. They are not handed down from above—they are forced by pressures from below."

—ROGER BALDWIN
Co-Founder of the ACLU

HOW TO MAKE A GIFT

- You can defend and advance civil liberties by donating to either the American Civil Liberties Union (ACLU) or the ACLU Foundation. Gifts to the ACLU support our legislative work at the federal and local level and are not tax deductible. Gifts to the Foundation are tax deductible and support our litigation, communications, and public education efforts.

  Learn more at **aclu.org/donate**.

- **To give by mail**, please make a check payable to the American Civil Liberties Union (ACLU) or the ACLU Foundation and send to:

  ACLU Office of Leadership Gifts
  125 Broad Street, 18th Floor
  New York, NY 10004

- To make a gift of stock: Please visit **aclu.org/gifts-stock**.

- For more information about supporting the ACLU through your will, trust, or retirement plan, please contact our Gift Planning Office at (877) 867-1025 or legacy@aclu.org, or visit **aclu.org/legacy**.

GET INVOLVED

People Power is the ACLU's platform for grassroots action. By mobilizing in defense of our civil liberties, volunteers build and strengthen local communities that affirm our American values of respect, equality, and solidarity. Get involved with People Power in your area by visiting **peoplepower.org.**

JOIN THE CONVERSATION

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