

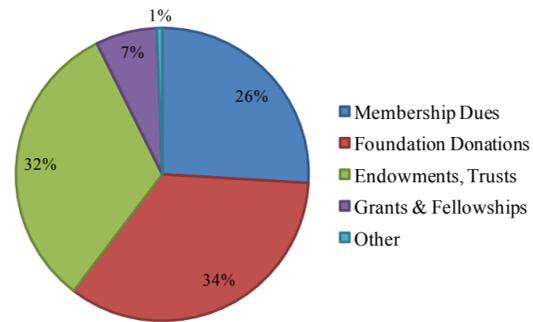
## Finances \*

Combined budgets for the ACLU of Virginia, a 501 (c)(4) tax-exempt non-profit organization, and the ACLU Foundation of Virginia, a 501 (c)(3) tax-exempt non-profit organization, for the current fiscal year (April 2011-March 2012). Donations to the ACLU Foundation of Virginia are tax-deductible.

### Revenues

|                      |           |                |
|----------------------|-----------|----------------|
| Membership Dues      | \$        | 230,000        |
| Foundation Donations | \$        | 305,000        |
| Endowments, Trusts   | \$        | 286,000        |
| Grants & Fellowships | \$        | 60,000         |
| Other                | \$        | 5,500          |
| <b>Total</b>         | <b>\$</b> | <b>886,500</b> |

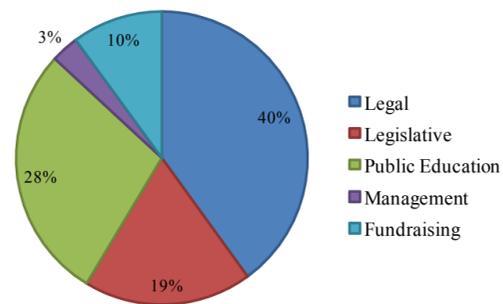
### Revenues



### Expenses

|                         |                   |
|-------------------------|-------------------|
| <b>PROGRAMS</b>         |                   |
| Legal                   | \$ 351,000        |
| Legislative             | \$ 163,000        |
| Public Education        | \$ 248,000        |
| <b>SUPPORT SERVICES</b> |                   |
| Management              | \$ 27,000         |
| Fundraising             | \$ 88,000         |
| <b>Total</b>            | <b>\$ 877,000</b> |

### Expenses



### Volunteer Services

|                |           |                |
|----------------|-----------|----------------|
| Legal Services | \$        | 125,000        |
| Other          | \$        | 75,000         |
| <b>Total</b>   | <b>\$</b> | <b>200,000</b> |

\* For a copy of the most recent audits of the ACLU of Virginia and the ACLU Foundation of Virginia, please contact the Richmond office at 804-644-8080 or [acluva@acluva.org](mailto:acluva@acluva.org).

### Board of Directors

|                                      |                                                      |                          |                  |
|--------------------------------------|------------------------------------------------------|--------------------------|------------------|
| Jayne Barnard, <i>President</i>      | John Vail, <i>Immediate Past President</i>           | Jessica Arons            | Steve Levinson   |
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|                                      |                                                      | Vivian Hamilton          | Joan Straumanis  |
|                                      |                                                      | Jim Heilman              | Barbara Ziony    |

### Staff

|                                           |                                                                           |
|-------------------------------------------|---------------------------------------------------------------------------|
| Kent Willis, <i>Executive Director</i>    | Valerie Jones-Fleming, <i>Office Manager</i>                              |
| Elizabeth Wong, <i>Associate Director</i> | Thomas Okuda Fitzpatrick, <i>Dunn Fellow</i>                              |
| Rebecca Glenberg, <i>Legal Director</i>   | Jorge Figueredo, <i>Racial Justice and Immigrants' Rights Director</i>    |
| Hope Amezcua, <i>Legislative Counsel</i>  | Kathy Greenier, <i>Patricia M. Arnold Women's Rights Project Director</i> |

# ACLU of Virginia

## 2011 Report

*Free Speech, Reproductive Freedom,  
LGBT Rights, Racial Justice, Religious Liberty,  
Immigrants' Rights, Students' Rights, Academic Freedom,  
Access to Government, Privacy Rights, Right to Petition*

*Defending Liberties, Advancing Rights*



To learn more about the ACLU of Virginia or to support the ACLU Foundation of Virginia, contact us at 804-644-8022 or go on our website, [www.acluva.org](http://www.acluva.org)

Dear ACLU Supporter,

Stories, straightforward and simple, are sometimes the best way to make a point. So, here's your ACLU of Virginia—a multifaceted public education, lobbying and litigating organization comprised of 10,000 members, 1,500 activists, more than 150 volunteer lawyers and lay leaders, and a staff of nine—explained through a few short stories from the last year.

The stories are about the pursuit of liberty and equality in Virginia, about defending and advancing our constitutional rights by protecting religious liberty, free speech, privacy, reproductive freedom, and the rights of gay men, lesbians, racial minorities, immigrants, students, homeless persons and anyone else who needs it.

These are but a few samples of our work, though, and for each story you see here there are many more like them.

I hope this little report will encourage you to learn more about our work—about the 75-80 bills on which we vigorously lobby in the General Assembly each year, the 25-30 lawsuits or threats of litigation we make each year against local or state governments, the educational events we sponsor around the state, and our use of the media to get out our message. Did you know, for example, that in the last year we made comments supporting civil liberties more than 600 times on radio, television, newspapers or blogs?

I hope, too, that you will consider becoming an active part of what we do by signing up for our electronic news service—we call it E-News—or by lending your voice to our cause by becoming a grassroots lobbyist.

It's all on our website at [www.acluva.org](http://www.acluva.org). Or feel free to contact me at 804-644-8080 or [kwillis@acluva.org](mailto:kwillis@acluva.org).

Thanks so much for your support. We would not be Virginia's premier voice for civil liberties without you.

Kent Willis, Executive Director  
Fall 2011

Find us online at [www.acluva.org](http://www.acluva.org)

Read about our lawsuits when we file them.

Follow us on Facebook and Twitter.

View press statements as they are released.

Read our blogs and op-eds.

Review the 2011 legislative session.

Keep up with ACLU events and educational programs.

Get E-News delivered to your E-doorstep.

Become an ACLU of Virginia activist.

## PROJECTS

### Patricia M. Arnold Women's Rights Project

*Promoting Gender Equality and Reproductive Rights*

Established and funded largely by a trust left to the Virginia ACLU Foundation by longtime supporter and women's rights advocate Pat Arnold, the Women's Rights Project works to combat gender bias in the state by protecting and advancing the equal rights of women through public education, advocacy and litigation. In its first full year of operation the Project has been busy fulfilling its mission on multiple fronts.

#### Opposing New Threats to Reproductive Rights

In what could be the most significant setback for reproductive rights in Virginia in the post *Roe v. Wade* era, the General Assembly passed a bill directing the State Board of Health to regulate all abortion clinics that conduct five or more first trimester abortions a month as if they were hospitals. The law is intended to create staffing and facilities requirements that make abortion services impossible or too expensive to deliver. The Women's Rights Project of the ACLU of Virginia is an active partner in the Virginia Coalition to Protect Women's Health, an initiative to oppose the new regulations.

#### Limiting Shackling of Pregnant Inmates

Legislators refused to pass a bill to restrict the use of physical restraints on pregnant inmates when in labor, but post-session lobbying of Department of Corrections by key legislators, the ACLU, and others led to new regulations prohibiting most restraints of women housed in state prison facilities during transportation and delivery. Next step: a law to ban shackling of pregnant women in local and regional jails.

#### Expanding Protective Orders

Demonstrating a new understanding of how relationships work in modern society, legislators responded to educational efforts by the Women's Rights Project and our allies by expanding access to protective orders to cover victims of dating violence, stalking, and sexual assault. Under Virginia's old law, protective orders were only available for spouses, persons involved in live-in domestic relationships, and couples who share a child.

### Voter Restoration Project

*The Fight to Eliminate Virginia's Racially Discriminatory Felon Disenfranchisement Law*

Virginia's lifetime ban on voting for all persons who have committed a felony—unless restored by the governor—is considered to be the worst disenfranchisement law in the nation. A product of Jim Crow intended to reduce the political clout of African-Americans (and still disproportionately impacting racial minorities), the felon disenfranchisement provision of the Virginia Constitution has come under increasing attack in recent years. The ACLU of Virginia, joined by religious leaders and numerous statewide and local advocacy organizations, has led the effort to rid the state of this unjust and racially discriminatory law. In the past year, under pressure from reform advocates, the governor fully implemented new measures to expedite restoration of voting rights, and the Senate passed a bill to reform the law. Unfortunately, the House of Delegates still does not support reform, and more than 300,000 former felons who have fully repaid their debt to society are still unable to vote. For more information, go to [www.restoreourvote.org](http://www.restoreourvote.org).

# Defending Our Liberties -- Stories from Around the State

### Students' Rights Prince William County

*Right of LGBT Students to Online Information*

Officials at Prince William County Public Schools were blocking students' access to online educational information geared toward lesbians, gay men, bisexuals and transgendered persons. The internet filter on school-based computers prevented students from accessing helpful websites such as the *It Gets Better Project*, the *Gay Lesbian and Straight Education Network*, and the *Gay Straight Alliance Network*, but allowed access to anti-LGBT sites. By selectively filtering sites, the county school system was violating students' First Amendment right of free speech and the Equal Access Act, a federal law prohibiting schools from viewpoint discrimination in the allocation of resources for extracurricular activities. A letter from the ACLU of Virginia to the Prince William County School Board pointed out that censoring the LGBT websites was illegal. Facing the possibility of a lawsuit, the school board responded by removing the filters.

### Academic Freedom Albemarle County

*Professor's Right to Private Communications*

When Attorney General Ken Cuccinelli used the Virginia Fraud Against Taxpayers Act to demand access to the private communication records of a former University of Virginia professor and global warming specialist, the word "witch hunt" surfaced immediately. The AG, a vocal opponent of global warming theories, was not only chilling academic freedom at a public university, but he almost certainly targeted the professor because of his scientific conclusions. When UVA officials responded to the AG's demands by announcing publicly that the professor's records would be released, the ACLU of Virginia, joined by the American Association of University Professors, urged the university to refuse to give up the records by going to court, which it did. In the court case, supported by an ACLU of Virginia amicus brief, an Albemarle County Circuit Court judge threw out the AG's initial demands, arguing that the AG failed to specify the nature of the alleged fraud and that he had targeted mostly federally-supported grants received by the professor, which were not covered by the Virginia law. The case is now on appeal to the Virginia Supreme Court.

### LGBT Rights Washington County

*Right of Same-Sex Couples to Share Names*

A Washington County Circuit Court judge initially refused to permit a lesbian couple and a gay couple to change their last names to be the same, ruling that such name changes violated the Virginia law prohibiting same-sex marriage or other legal arrangements that approximate marriage. The ACLU of Virginia represented both couples in court by asking the same judge to reconsider his ruling. We argued that the First and Fourteenth Amendments protected the right of same-sex couples to change their names in the same way that anyone else may. The judge agreed and allowed the name changes to occur.

### Free Speech Charlottesville

*Rights of Homeless Persons on the Downtown Mall*

The Downtown Mall in Charlottesville was designed by city planners as a gathering place and public forum for everyone. With help from the Thomas Jefferson Center for the Protection of Free Expression, city officials even added a large slate wall where pedestrians could express their views in chalk. But the presence of a few homeless panhandlers on the mall so unnerved the members of Charlottesville City Council that they passed an ordinance prohibiting soliciting of pedestrians in much of the mall. Representing five homeless men, lawyers for the ACLU of Virginia filed a lawsuit asserting that the city's ordinance unconstitutionally infringes on the right of free speech.

### Religious Liberty Giles County

*Opposing Posting of Ten Commandments in Public Schools*

For many years the Giles County School Board has posted copies of the Ten Commandments alongside the U.S. Constitution in its public schools. After complaints last fall, the school superintendent consulted his attorney and ordered them removed. In a meeting with more than 200 community members demanding the return of the Ten Commandments, the school board voted to re-hang them. The ACLU of Virginia then threatened to sue, and the Ten Commandments came back down. However, because stories like these seldom end when they should, the school board devised a new plan in which schools would be required to mount "historical document" displays featuring the Ten Commandments. The ACLU of Virginia filed a lawsuit challenging this policy in fall 2011.

### Immigrants' Rights Herndon

*Right of Latino Laborers to Seek Employment*

When elected officials in Herndon first proposed a new traffic safety ordinance to prohibit pedestrians from soliciting motorists, they exempted firefighters, high school organizations and others with similar purposes. The real purpose of the ordinance, however, was to prevent the town's Latino day laborer population from assembling in public and soliciting work. After the ACLU of Virginia threatened a lawsuit—arguing that if public safety were the real concern of the ordinance then all solicitations would be prohibited—the Herndon Town Council rewrote the ordinance to allow roadside solicitations by anyone, so long as the persons making the solicitations did not enter the street.

### Right of Privacy Fairfax County

*Warrantless Electronic Tracking by Police*

When the Fairfax County Police wanted to track the movements of a suspect, they surreptitiously placed a GPS device on the van he was driving. But the police had not obtained a warrant in advance, and the precedent they set—that the government has the authority to electronically track the movements of anyone at anytime without judicial oversight—was a dangerous one. A Virginia circuit court judge ruled that police do not need a warrant to electronically track the cars of citizens, so long as the tracking device was placed on the car when it was on public property (such as a street). The court of appeals, however, ruled that the GPS tracking device was not critical to the individual's conviction in the particular case at hand and vacated the lower court ruling. As things now stand, in Virginia there is no ruling one way or the other on this question—which is better than the adverse ruling, but not satisfactory. The issue, which has emerged in other states as well, will soon be argued before the U.S. Supreme Court.

### Free Speech Hanover County

*Right to Distribute Government Records Found Online*

Concerned that the General Assembly was allowing local court clerks to post online real estate and other records containing the Social Security Numbers of private citizens, a privacy rights advocate began downloading the records containing Social Security Numbers of state legislators and posting them on her website as a way of bringing attention to the problem. Rather than fixing the problem, legislators reacted by passing a law to prevent the publication of Social Security Numbers, even when they had already been published online by the government. In April 2011, after a three year court battle, a federal court in Virginia issued an injunction allowing our client to publish such records.

### Right to Petition Gloucester County

*Right to Use Courts to Remove Public Officials*

After 40 Gloucester residents used an obscure state law to petition a court to have several members of the local governing body removed from office, a circuit court judge not only threw out their case but assessed an \$80,000 fee. In response, the General Assembly, with urging from the ACLU of Virginia, passed a law prohibiting such fines. However, the fines against the 40 Gloucester residents remained. The ACLU of Virginia assisted the petitioners with amicus briefs in the Virginia Supreme Court. After a three-year court and legislative battle, the sanctions were removed.

### Access to Government Richmond

*Right to Disseminate Police Information*

In an effort to educate the public about police practices, a member of a local watchdog group filed a Freedom of Information Act request seeking various manuals and documents from the Richmond Police Department. After receiving the information—more than 600 pages—the activist posted the documents on a website managed by her group. Several weeks later, however, the police department served the activist with legal papers asking a court to force her to return many of the documents and to remove them from her website. At that point, the ACLU of Virginia intervened, arguing that the government cannot release information then control how it is distributed. The police department dropped its case.