



RESILIENCE

ACLU
Virginia

2019-2020
ANNUAL REPORT

Leaders in the Law and
Up & Coming Lawyers!
See you in 2020!



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WHO WE ARE

The American Civil Liberties Union (ACLU) of Virginia is a private, non-profit organization that promotes civil liberties and civil rights for everyone in the Commonwealth through public education, litigation and advocacy with the goal of securing freedom and equality for all.

Between April 1, 2019 and March 31, 2020, we focused on reforming the criminal legal system, protecting and expanding voting rights for all Virginians, and achieving gender equity. We used an integrated advocacy model to address these issues, meaning we coordinated strategies across our legal, advocacy, and communications teams to make the biggest impact in the courts, in the legislature, and in the streets.

Our work would not be possible without the generous support of our tens of thousands of members, donors and supporters across the Commonwealth.

A NOTE FROM EXECUTIVE DIRECTOR

Dear friends,

This has been a year of change for all of us, and the ACLU of Virginia is no different. Some of this change has been positive, and much of it has brought new challenges. The common thread throughout this past year has been the resilience of our organization, our members, supporters and donors, our partners, our staff, and everyone across Virginia working to make positive change in the age of COVID-19.

Last November brought a change in the state legislature that allowed us to make progress on issues we have been working on for decades. Rather than focusing our energies on defeating bad bills that would encroach on our civil liberties, we were able to make real positive change on voting and abortion rights, pass state anti-discrimination laws that include LGBTQ+ people, and begin to take steps toward dismantling the structural racism in our criminal legal system.

When the pandemic hit, like many of you, we adapted to working remotely. We knew civil liberties would be under attack in the name of public safety, and we set up a COVID-19 hotline to hear directly from folks who experienced government overreach. Hundreds of people reached out to us

through this hotline, most of them to tell us about inhumane and unsanitary conditions in prisons and jails. It quickly became clear that the most important thing we could do in the pandemic was focus our resources on advocacy to keep people out of jails and prisons and to get released from custody medically vulnerable people who don't present a physical danger to any other person.

George Floyd's murder and the Black activists who have spoken out against police brutality have changed so many hearts and minds in recent months. We are continuing to adapt to this crisis of state-sponsored violence against Black people, both in the systemic racism in policing and law enforcement response to Black Lives Matter protests.

All these changes are ongoing. I hope you will continue to be a part of our work as we adapt our organization to meet the moment. Stay safe, stay strong, and stay resilient.

Very truly yours,
Claire Guthrie Gastañaga



THE RIGHT TO VOTE

Shortly before his death, the great civil rights leader John Lewis wrote: “The vote is the most powerful nonviolent change agent you have in a democratic society. You must use it because it is not guaranteed. You can lose it.” In Virginia, the reality is that, for too many, the fight to gain and keep the right to vote is ongoing until we achieve racial justice at the ballot box.

Virginia lawmakers in the early 1900s did everything in their power to prevent Black people from voting, establishing literacy tests and poll taxes, creating “Black Codes” that criminalized conduct only by Black people, and taking the right to vote away from Black people who violated those codes. While the literacy test and poll taxes are gone, the oppression of Black voters continues in the Virginia constitution’s lifetime ban on voting for any person who commits a felony. Currently, more than one in five Black Virginians cannot vote because of a past felony conviction.

Although Virginia recently passed a number of laws to make it easier to vote, we have not addressed the racism in our criminal legal system that too often results in discriminatory arrests, prosecution and sentencing of Black people to felony convictions and the loss of the right to vote. To bring democracy and racial justice to the ballot box, we must end the lifetime ban on voting for people convicted of a felony. We must amend the Virginia Constitution to guarantee the right to vote for all Virginia citizens 18 and over. If we don’t do this, the recent laws passed to make it easier for everyone to vote can be repealed by a future legislature, and we’ll be further from the promise of a democracy where everyone has a right to vote that government cannot take away.

VOTING RIGHTS AND RACISM IN VIRGINIA

1902

Felony disenfranchisement law goes into effect to block Black voters

1996

Virginia passed its first voter ID law

2013

Virginia bans previously acceptable forms of ID, creating a strict photo ID requirement

2016

Virginia Supreme Court denies the governor the ability to use an executive order to automatically restore rights to people who have completed their sentence

1965

The Voting Rights Act of 1965 banned racial discrimination in voting

2012

Virginia eliminates the ability for people to sign an affidavit to verify their identity

2013-2016

Virginia governors make it easier for people convicted of felonies to ask for and get their voting rights restored

2020

Virginia General Assembly eases barriers to voting, including:

- no-excuse absentee voting
- same-day voter registration
- eliminating the requirement of a government-issued photo ID
- voting materials in languages other than English
- Election Day as a state holiday

WHAT HAPPENS NEXT?

THE RIGHT TO VOTE FOR ALL!

2021 Legislative Session

The Virginia General Assembly needs to pass a constitutional amendment that guarantees all Virginia citizens 18 and over the right to vote

2022 Legislative Session

The General Assembly must pass the same constitutional amendment again, with the exact same language, otherwise the process starts over

November 2022

The amendment is added to the general election ballot and, if approved by the voters, will be enshrined into the Virginia Constitution

CRIMINAL LEGAL REFORMS

Every legislative session, the ACLU of Virginia heads to the Capitol to defend and expand the civil rights of all Virginians. This year, we centered our priorities around equitable reforms to the criminal legal system and expanding the right to vote.

While lawmakers passed landmark laws on voting and anti-discrimination, they largely ignored, amended or voted against criminal legal reforms that would have made the biggest impact on systemic anti-Black racism – like marijuana reform.

The legislature failed to take action to remove marijuana possession from the criminal code, leaving intact the ability of police officers to continue to say “I smell marijuana” and use it as a pretext to search you. Unsurprisingly, this tactic is more often used against Black people.


Overall, Black Virginians are 3.4 times more likely than white people to be arrested for marijuana offenses, despite similar usage rates. In Hanover County, that rate jumps to more than 20 times more likely to be arrested.

WORKING TOWARD EQUITABLE MARIJUANA REFORM

45 PEOPLE SPOKE
TO LAWMAKERS
WITH US

100+ PEOPLE CAME
TO OUR EVENTS

1,639 PEOPLE CONTACTED
THEIR LAWMAKER
THROUGH OUR
WEBSITE



“Marijuana laws are enforced more harshly on Black people, and even though the General Assembly ‘decriminalized’ it, they really only changed the penalty for possession.

Marijuana reform is a racial justice issue, and we’ll continue to work until we see real, equitable change in Virginia.”

Chelsea Higgs Wise

PARTNER SPOTLIGHT



CHELSEA HIGGS WISE
CO-FOUNDER OF MARIJUANA JUSTICE

Marijuana Justice and the ACLU of Virginia worked closely together during the legislative session to convince lawmakers to repeal the prohibition of possession of marijuana. Our teams also worked with lawmakers to pass a bill to study the best way to legalize and regulate marijuana in a racially equitable way, setting the stage for 2021.

CRIMINAL LEGAL REFORMS

Systemic, anti-Black racism in law enforcement is certainly not a new problem, as we pointed out in our 2017 policing agenda.



Disproportionate arrest rates for marijuana possession illustrate the discriminatory enforcement of criminal laws and the over-policing of Black and Brown communities. Case after case of excessive

force targeted at Black people, including George Floyd and Virginians Marcus-David Peters and Natasha McKenna, have now forced a nationwide reckoning with racism in our criminal legal system and, particularly, in policing.

Racism shows up in disparate rates of arrest, prosecution, conviction and sentencing. **We are working to end police enforcement of low-level offenses that criminalize poverty, mental illness and substance abuse disorder, change harsh sentencing laws, address conditions of confinement in prisons, and eliminate barriers to re-entry into society.**

**SOME OF THE REFORMS
WE ARE PURSUING**



POLICE INTERACTIONS

THE PROBLEM

PRETRIAL DETENTION

THE PROBLEM

HARSH SENTENCING LAWS

THE PROBLEM

INHUMANE PRISON CONDITIONS

THE PROBLEM

RE-ENTRY BARRIERS

THE PROBLEM

LEGALIZE MARIJUANA

THE SOLUTION

REFORM MONEY BAIL SYSTEM

THE SOLUTION

REFORM FELONY LARCENY LAWS

THE SOLUTION

END SOLITARY CONFINEMENT

THE SOLUTION

STRONG NON-DISCRIMINATION LAWS AND MODEL HOUSING POLICIES

THE SOLUTION

Decriminalizing marijuana has only changed the penalty for possession. If a cop suspects you might distribute, even to share with a friend, you can still be charged with a felony. Until we legalize marijuana, police will disproportionately use this practice against Black people.

On any given night, Virginia jails hold more than 28,000 people – 46% of whom have not been convicted of a crime. No one should be held pending trial who is not a danger to others.

A felony conviction results in a lifetime ban on voting, along with myriad other collateral consequences outside of sentencing. The felony larceny threshold – the dollar amount which determines whether a theft is a misdemeanor or felony offense – was raised this year from \$500 to \$1,000. Even with this increase, Virginia has one of the lowest thresholds in the country.

More than 7,000 people in Virginia prisons were put in solitary confinement between June 2018-June 2019. Since the COVID-19 pandemic hit, prisons have increased their use of solitary units by 500%. These conditions are so horrific they cause serious and lifelong psychological harm and trauma.

We worked with HOME of Virginia to bring a lawsuit against Sterling Glen Apartments in Chesterfield because of their blanket ban on people who have been convicted of certain crimes. That lawsuit resulted in a model policy that prevents discrimination and keeps communities safe

GENDER EQUITY

Our client **Gavin Grimm** has stayed resilient for the last five years as his case against the Gloucester County School Board for sex discrimination moved up and down the court system. On Aug. 9, 2019, we received a favorable ruling from the U.S. District Court in the Eastern District of Virginia, proving yet again that the school's policy preventing him from using bathroom facilities consistent with his gender identity was discriminatory. The school board appealed that ruling rather than comply.

Although Gavin graduated high school several years ago, he keeps fighting in court so other transgender students won't be forced to endure the harassment he suffered. Over the years, he has also become a steadfast, internationally recognized advocate for trans rights, and was elected this year to the national ACLU Board of Directors.

We are proud to stand with Gavin and fight with him for equality. After the school board appealed the court's good decision yet again, he received an outpouring of support as dozens of organizations across the country filed amicus (or "friend-of-the-court") briefs in the appeals court bolstering his case. The groups supporting Gavin included school administrators, 22 attorneys general, 17 health organizations, and prominent advocacy groups.



“The day-to-day harm that transgender youth endure because of the perpetuation of institutional discrimination and the stigma of being singled out for differential treatment based on their gender identity cannot be allowed to stand.”

The Trevor Project

2020 was a big year for gender justice advocates in Virginia’s General Assembly, as we celebrated four major victories during this legislative session:

- 1** The **Virginia Values Act** protects against discrimination in housing, employment, public accommodations, and credit based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity or status as a veteran. It is the first time such protections have been spelled out in the Code of Virginia with a strong means to enforce them. In addition, the Act made Virginia the first state in the South with a comprehensive anti-discrimination law protecting LGBTQ+ people.
- 2** The **Pregnant Workers Fairness Act** ensures that no Virginian will be forced out of their job because they are pregnant.
- 3** **Repealed TRAP laws** (targeted restrictions against abortion providers) eased the burden on people seeking an abortion. Medically unnecessary ultrasounds and waiting periods will no longer be barriers to abortion care.
- 4** The **Equal Rights Amendment (ERA)** was finally ratified by the Virginia General Assembly, pushing the U.S. over the required three-fourths threshold for approving an amendment to the Constitution. The ERA establishes sex equality and could provide a new basis to pass federal laws addressing domestic and sexual violence, pregnancy discrimination and reproductive freedom.

STRENGTH IN NUMBERS

BUILDING A BASE OF STRONG SUPPORTERS

Your support throughout our 2019-2020 fiscal year fueled our legal and advocacy fight for justice. Because of your generosity, we made change through litigation, advocacy and grassroots support across Virginia on a wide range of civil liberties and civil rights issues, from voting rights to trans rights to freedom of speech.

205,000⁺

Total Members
and Supporters

6,125

Number of emails
sent and calls made
on the issues

9,441

Number of people
who accessed our
“Know Your Rights”
information

The following includes the unaudited financials for the ACLU of Virginia for the last fiscal year (April 2019-March 2020).

REVENUE

Grant: \$111,000

C3 Contributions: \$1,253,493

Investment Returns: \$(591,542)

C4 Contributions: \$1,727,279

Total Revenue: \$2,500,230

EXPENSES

Administration and Finance: \$524,409

Advocacy: \$777,743

Fundraising: \$250,448

Legal: \$664,557

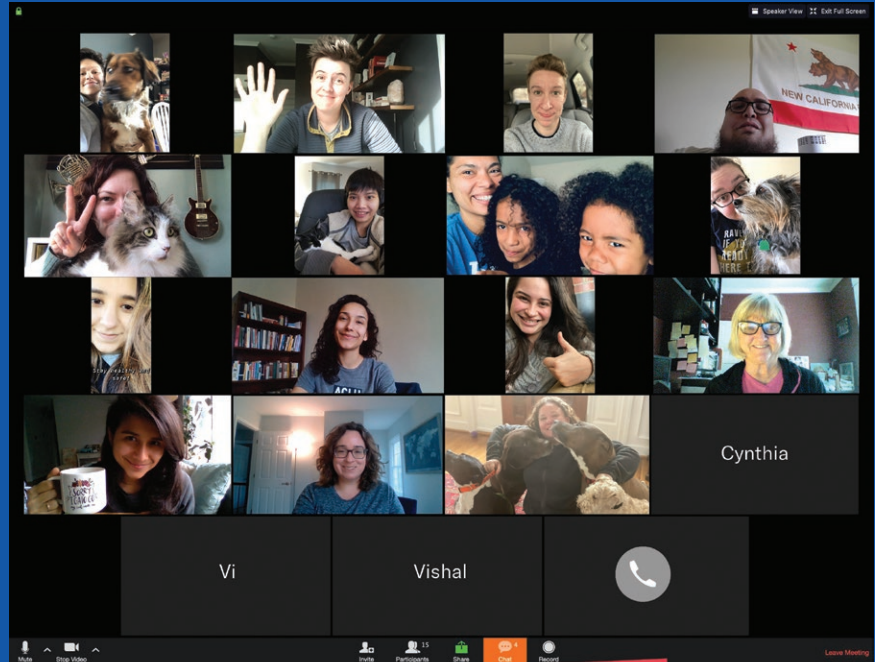
Legislative: \$68,673

Total Expenses: \$2,285,831

STAYING VIGILANT IN UNCERTAIN TIMES

Our work would not be possible without the generous support of our members and donors, solidarity with our partner organizations, and activism of supporters across the Commonwealth.

Thank you for being with us as we look toward the future



NEW (VIRTUAL) OFFICE.
SAME MISSION.

ACLU
Virginia



ACLU

Virginia

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