

**1969**



**BETTER  
TOGETHER**

**ANNUAL REPORT**  
2018-2019

**2019**

**STAFF:**

Claire Guthrie Gastañaga  
*Executive Director*

Vishal Agraharkar  
*Senior Staff Attorney*

Alissa Aronovici  
*Director of Philanthropy*

Zhue Azuaje  
*Office Assistant*

Bill Farrar  
*Director of Strategic Communications*

Mateo Gasparatto  
*Investigator*

Jenny Glass  
*Director of Advocacy*

Marcie Hampton  
*Paralegal*

Eden Heilman  
*Legal Director*



Valerie Jones-Fleming  
*Office Manager/Bookkeeper*

Ashna Khanna  
*Legislative Director*

Meredith Mason  
*Strategic Communications Manager*

Jess Powers  
*Director of Finance and Administration*

Kemba Smith Pradia  
*State Advocacy Campaigns Director*

Jennifer Safstrom  
*Tony Dunn Legal Fellow*

Nicole Tortoriello  
*The Secular Society Women's Rights Advocacy Counsel*

Phuong Tran  
*Digital Communications Associate*

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(as of May 31, 2019)

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## LETTER FROM DIRECTOR

Helen Keller, one of the founders of the American Civil Liberties Union (ACLU) almost 100 years ago, recognized that while one person can make a difference, many working together can make real change. Since its founding 50 years ago, the ACLU of Virginia has worked together with many people and groups in our work to bring real change to Virginia.

We have followed the lead of courageous clients who have refused to settle for the status quo or to live lives in the shadow of Jim Crow. Working together with these brave people over the last 50 years, we changed the laws prohibiting people of different races or the same sex from marrying the person they love. We helped end sex segregation at Virginia colleges. We got courts to redraw gerrymandered election districts to assure black voters an equal opportunity to elect the local government candidates of their choice. We challenged state laws and government action that limited free speech or the free exercise of religion, including limits on panhandling, worship in prison and mandatory prayer at public meetings. We fought to end discrimination against transgender people in prison and Virginia public schools.

As we look toward the next 50 years, we know our ability to continue to make change will require us to focus even more on how we can be “better together.” The progress we want to see cannot be made by working alone or by only working in the courts. To build our power to make

change, we have to use all our tools—legal advocacy, legislative advocacy, and public education and engagement.

Our two top priorities now are guaranteeing a right to vote in the Virginia constitution and realizing our vision of eliminating racial disparities in our criminal justice system. To achieve these ambitious goals, we will need to center in the work those directly impacted by the current discriminatory systems and structures. We will need to join and build broad coalitions that will work together to build a more perfect Commonwealth in which all are truly equal participants and beneficiaries. As Helen Keller said, “[a] lone we can do so little; together we can do so much.” With your help, we can be “better together.”



Claire G. Gastañaga  
*Executive Director*

## IN MEMORIAM



### Fay Slotnick

**“Our lives begin to end the day we become silent about the things that matter.” —Dr. Martin Luther King Jr.**

Fay Slotnick, our friend and long-time board member, passed away Feb. 20, 2019, at her home in Alexandria.

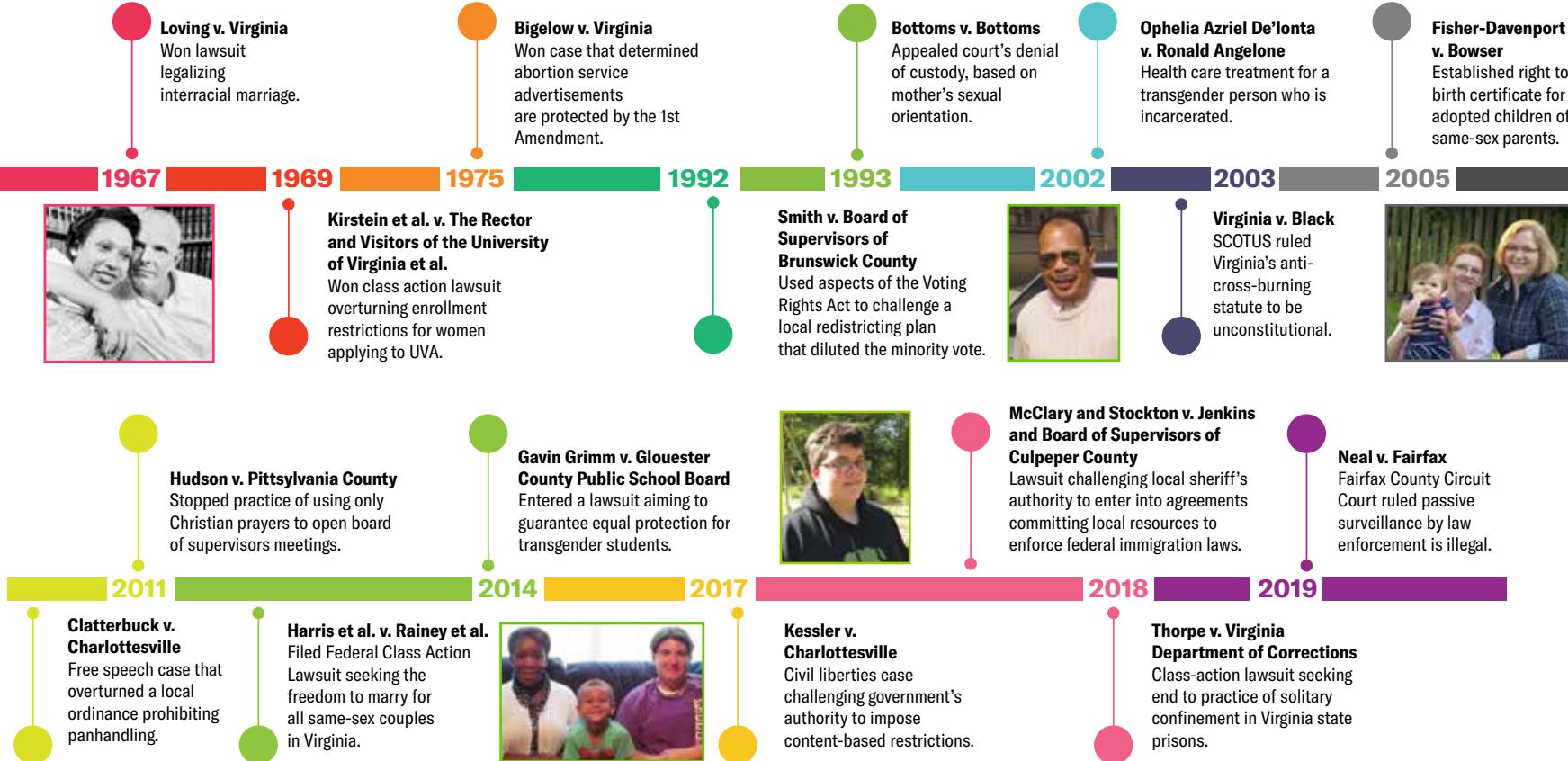
Fay was a fierce advocate who was committed to philanthropy as our chair of development and an active member of our Northern Virginia chapter. She sought each day to repair the world, seeking justice for all.

**50  
YEARS**

## IN THE COURTS

Although the national ACLU was founded in 1920, there was no ACLU presence in Virginia until the mid-1960s. At that time, Virginia was actively resisting racial integration of public schools, had effectively blocked racial minorities from participation in politics, and had longstanding laws against interracial marriage. The University of Virginia still did not admit women, a college student was about to receive a 20-year jail sentence for possessing an ounce of marijuana, and many public schools began the day with teacher-led prayers. To make matters worse, the infamous Byrd Machine still controlled Virginia politics with an iron fist, rendering change from inside the system a difficult, if not impossible, task.

A small group of dedicated activists, most of whom lived in Charlottesville and Alexandria, decided that a strong, independent presence was needed in Virginia to protect individual liberties, advance civil rights and generally help bring the state into the modern era. The ACLU, with its reputation for aggressively promoting constitutional rights, often in the face of great resistance and against popular sentiment, seemed to be the kind of organization that could have the greatest impact in Virginia.



Among the very first cases sponsored by the young ACLU in Virginia was one that rocked the foundations of Virginia's segregationist past. Loving v. Virginia ended up before the U.S. Supreme Court and is still counted by the national ACLU as one of the most important lawsuits in the organization's long, storied history. This case challenged the constitutionality of the Virginia statute banning interracial marriages. When the U.S. Supreme Court ruled in 1967 that the law violated the Equal Protection Clause of the Fourteenth Amendment, Virginia and other southern states were forced to repeal their antiquated anti-miscegenation statutes.

The commitment, talent, and tenacity that led to the Loving case continue to serve the ACLU in Virginia to this day.

The ACLU has filed more than 300 lawsuits in Virginia over the last 50 years, and with each successful case we have advanced the cause for freedom and equality. In addition, hundreds of other threats to civil liberties have been resolved with the mere threat of litigation by the ACLU or through our public education efforts.



## LEGAL IMPACT

Your support allowed us to file several new cases this year, including:

### Reyes v. Clarke, et al. & Thorpe, et al. v. Va. Dep't. of Corrections, et al.

These two cases challenge Virginia's solitary confinement framework. The Reyes case seeks relief for an individual who was held in a small cell for 22-24 hours a day for 13 years, deprived of social contact and stimuli, and denied access to language and disability accommodations, as he does not speak English and is mentally ill. The Thorpe case is a class-action lawsuit filed on behalf of a class of people subjected to near-constant isolation and deprivation and who have experienced insurmountable barriers to release from solitary.



### Mullins v. Town of Richlands, Va., et al.

We're suing on behalf of the owner of Mountain Magic & Tarot Reading against the Town of Richlands for violating the local business owner's free speech and religious freedom rights.

### McClary, et al. v. Jenkins, et al.

Our lawsuit against the Culpeper County Sheriff and Board of Supervisors challenges their participation in and funding of a 287(g) Agreement and the use of local resources to enforce federal civil immigration law, as neither the Virginia Constitution nor the General Assembly has delegated this authority to localities.

Your contributions also allowed us to continue pursuing numerous other cases filed in recent years. Major developments include:

### Falls Church Healthcare Center, et al. v. Oliver, et al.

Onerous targeted regulations against abortion providers (TRAP) are nothing but a means of limiting access to abortion. We participated as local counsel in a two-week trial in May 2019, challenging the Commonwealth's medically unnecessary requirements that impede access to abortion care.

### Grimm v. Gloucester County School Board

Gavin first challenged his school board's discriminatory restrictions against transgender students in 2014. We have received positive decisions this past year on our opposition to the school board's attempt to dismiss the case and the school board's motion to stay the case and received a favorable summary judgment ruling from the U.S. District Court in the Eastern District of Virginia.

### Neal v. Fairfax Police Department

After a favorable ruling from the Supreme Court of Virginia in its interpretation of the Government Data Collection and Dissemination Practices Act, the district court granted our final injunction to prohibit the police's passive collection and storage of automatic license plate reader (ALPR) data where there was no suspicion of criminal activity.

In addition to these court cases, we have written letters to elected officials to inform them of their constituents' First Amendment rights on social media, to inform jails and prisons of incarcerated persons' rights to religious accommodations, and to caution schools against policies that restrict their students' rights.



**50**  
YEARS

## HELPING VIRGINIANS

APRIL 2018–MARCH 2019

While headquartered in Richmond, the ACLU of Virginia believes strongly that every person within our state borders deserves the same civil liberties and protections.

As such, we work proactively to have a statewide presence and impact in every corner of Virginia, including those where our membership support may be less dense but the issues people face can be all the more real.

EVENTS   LEGAL OBSERVATIONS   CASES



Charlottesville  
 Charlottesville Pride

STATEWIDE  
 TRAP



Prince William/Fairfax

Member Forum  
Commonwealth's attorney candidate forum  
 ALPR—Fairfax

### Richmond/Petersburg/Henrico

Annual Meeting & Member Forum  
Virginia TIES  
Black Pride RVA  
On The Basis of Sex Screening  
Banned Books Week Event  
No Muslim Ban Community Forum



Petersburg Pride  
March for Our Lives  
Virginia Pride  
 Prison Reform Rally  
March for Justice & Reformation

### Harrisonburg/Shenandoah Valley

Member Forum

**Looking forward, the ACLU of Virginia has identified expanding the right to vote and reducing mass incarceration with a focus on eliminating racial disparities in the criminal justice system as its top two priorities for at least the next three years.**

**50  
YEARS**

## RIGHT TO VOTE

We hope you'll agree that making progress in these key areas would have a lasting impact for all Virginians. Voting is a cornerstone of our democracy. So much so that the right to vote is mentioned more times than any other in the U.S. Constitution. Yet, there is no right-to-vote guarantee in it or in the Virginia Constitution. It is time we made clear that the vote is basic to citizenship, the main building block of civic life, and it belongs to the people—not the government they elect. In Virginia, it should no longer be okay to allow a governor or the government to decide who gets to vote or to privilege some voters over others. Every person in Virginia—including those in jails or prisons, and their families—is governed by the same laws. It is only right that everyone who meets the qualifications of age, citizenship and residency has the same opportunity to choose who represents them in crafting those laws.

Rather than focus on the questions of whether and when someone deserves to get back the right to vote, as we have for decades, we need to oppose the very idea that government should be able to take away this fundamental right in the first place. We must resist any effort to tinker with the current lifetime ban on voting by amending it to separate people convicted of felonies into politically defined classes, or to amend the language to constitutionalize barriers to voting such as required repayment of court costs, fines and fees—essentially a modern-day poll tax. All citizens should be able to use their right to vote. Full citizenship means having a voice in government.

The right to vote is fundamental to our democracy. It must be treated as irrevocable. Politicians should not be able to use the right to vote to reward or punish people. The right to vote should be treated in the same respect as other fundamental rights in our democracy, such as freedom of religion and speech.



## PARTNER SPOTLIGHT

**"Voting is a fundamental right and all eligible voters should have the equal opportunity to exercise that right. The League is proud to be nonpartisan, neither supporting nor opposing candidates or political parties at any level of government, but always working on vital issues of concern to members and the public. We work to encourage informed and active participation in government and influence public policy through education and advocacy."**

**—Sue Lewis  
President of League of Women Voters of Virginia**

**50**  
**YEARS**

## CRIMINAL JUSTICE REFORM

### Smart Justice Campaign

The elected prosecutor, known in Virginia as a Commonwealth's attorney (CA), is the most powerful actor in our criminal justice system and, in many localities, one of the loudest voices for the outdated tough-on-crime mentality that holds us back from reform.

We polled Virginia voters and found that 72% of voters believe the criminal justice system works differently for different people. We also found that voters want their prosecutor to prioritize diversion and treatment over incarceration. Overall the message was clear: Virginians are tired of a criminal justice system that favors the rich and disproportionately hurts people

**Virginians are tired of a criminal justice system that favors the rich and disproportionately hurts people with low income and people of color**

with low income and people of color, and they will support elected officials who are drivers of change.

We developed a platform and a list of commitments that CAs could make to ensure they were fighting for justice and not just convictions.

During the General Assembly session we pushed for criminal justice reforms by highlighting the lack of transparency and inequities found in our pretrial system. We fought hard to beat back legislation that would have increased our dependence on incarceration, successfully working with a dozen partner organizations to veto a bill that would have imposed harsher sentencing for drug crimes. In the coming years, we will continue to fight for smart justice principles in the legislature and beyond.

## PARTNERS SPOTLIGHT



ACLU-VA advocacy team with representatives from the McShin Foundation



**"I'm here for my son who has suffered solitary confinement. These bills would keep the public informed and enable accountability."**

**—Kimberly Snodgrass, advocate with Interfaith Action for Human Rights, on the solitary confinement data reporting bill passed earlier this year**

**"The McShin Foundation was proud to work with the ACLU of Virginia to pressure Gov. Northam to veto House Bill 2528. His veto signaled a positive shift towards helping individuals with a substance use disorder."**

**—Nathan Mitchell, Community Outreach & Advocacy Coordinator, McShin Foundation, on a bill that would have imposed harsher criminal charges for drug crimes**

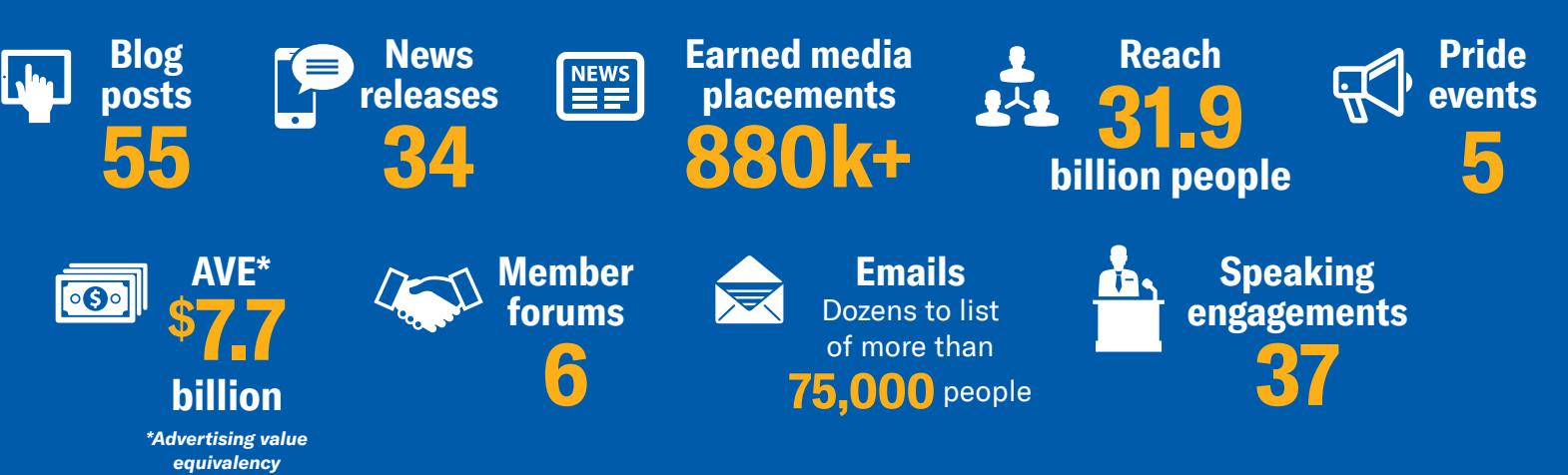
**"Virginia's pretrial system is broken. Across the state, people are sitting in jail unnecessarily, and for long periods of time, without having been convicted of a crime. Their detention is the outcome of failed practices and policies that have made the presumption of innocence seem meaningless in our state. At Legal Aid Justice Center, we know that the problems with Virginia's pretrial system are too great to be ignored, that's why we are prioritizing reforms that restore the presumption of innocence and give people the chance to live healthy, productive lives while they await their day in court."**

**—Adeola Ogunkeyede, Director, Civil Rights & Racial Justice Program, Legal Aid Justice Center, on our work together to shed light on pretrial detention**

**50**  
YEARS

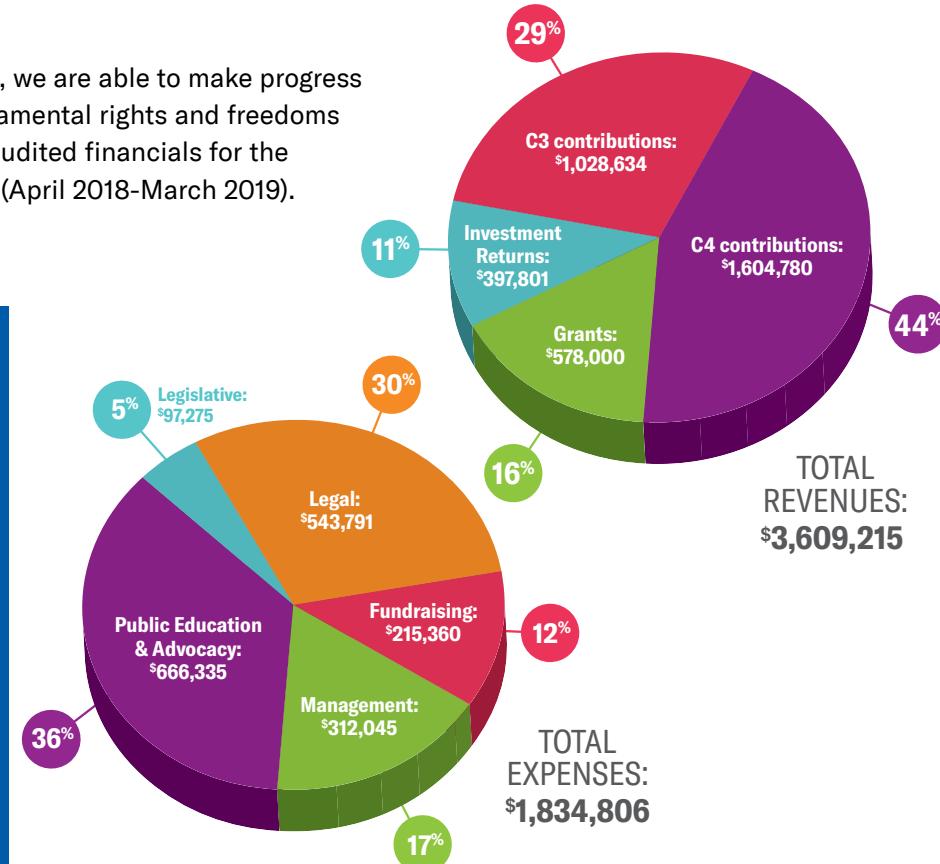
## PUBLIC EDUCATION

The ACLU of Virginia uses robust public education strategies to advance the broader mission goals of the affiliate. Whether participating in outreach events or public speaking, developing high-quality publications, executing mainstream media relations tactics, or leveraging dedicated audiences to a call to action through email or on social media, we seek to educate, persuade and motivate Virginians to action every day.



## FINANCES

Together with our members and donors, we are able to make progress and secure major victories for our fundamental rights and freedoms in Virginia. The following includes the audited financials for the ACLU of Virginia for the last fiscal year (April 2018-March 2019).





The logo features the letters "ACLU" in a large, bold, white sans-serif font. Below it, the letters "VA" are written in a smaller, red sans-serif font. To the right of "VA" is a red square containing the white text "50 YEARS".