

A black and white photograph of a woman and a man in a library. The woman, on the left, is smiling and looking towards the camera. The man, on the right, is looking slightly away from the camera. They are both wearing light-colored shirts. In the background, there are bookshelves filled with books.

ANNUAL REPORT 2014-2015

American Civil Liberties Union of Virginia



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Serving as the guardian of liberty and the protector of civil rights is a big job. It doesn't have a short timeline or a narrow scope. It requires dedicated staff and volunteers willing to invest passion and purpose. It doesn't stay confined by carefully drawn lines or definitions of political correctness. The job requires us, our clients, and our supporters to be a lot of things.

We have to be **VIGILANT**, always on the lookout for opportunities to challenge government overreach that threatens our liberty.

We have to be **PERSISTENT**. From *Loving v. Virginia* (1967), that ended bans on interracial marriage, to *Harris v. Rainey* (2014), that ended Virginia's prohibition on marriage for same-sex couples, we have been unrelenting in our pursuit of the freedom to marry.

We have to be **INNOVATIVE**. We are working in a coalition that spans the political continuum from right to left focused on reforming an entire criminal justice system: addressing racial disparities in policing, militarization of police, and inadequate assistance of counsel for the indigent.

We have to be **EFFECTIVE** to ensure that law enforcement use of new technologies doesn't lead to sacrifices of liberty in the name of security.

We have to be **VOCAL** as in our advocacy for abortion access, making our voice heard when legislators, local elected officials or regulators seek to legislate or regulate abortion out of existence.

We have to be **PERSUASIVE** as in advocating for changes in policies governing restoration of voting rights to former felons.

We have to be **TRUSTED** by the public and the media or we can't be persuasive.

We and our clients have to be **COURAGEOUS** in taking on unpopular issues or causes, sometimes, in the case of our clients, at great personal cost or with the willingness to confront actual physical danger.

We have to be **VISIONARY**, always looking ahead to what our guardianship will require of us in the future.



Claire G. Gastañaga
Executive Director

At the ACLU of Virginia, we know that we need to be a lot of things to be successful. This annual report illustrates the impact of all the things we have been this year.

THE ACLU OF VIRGINIA IS VIGILANT

Eternal vigilance is the price of liberty. We are always on the lookout for threats to liberty in Virginia, ready to hold government to account.

When we learned that members of the **Pittsylvania** County Board of Supervisors were opening their meetings with Christian prayers, we told them that this was unconstitutional. When they refused to change their practices, we sued them, and the courts agreed with us.

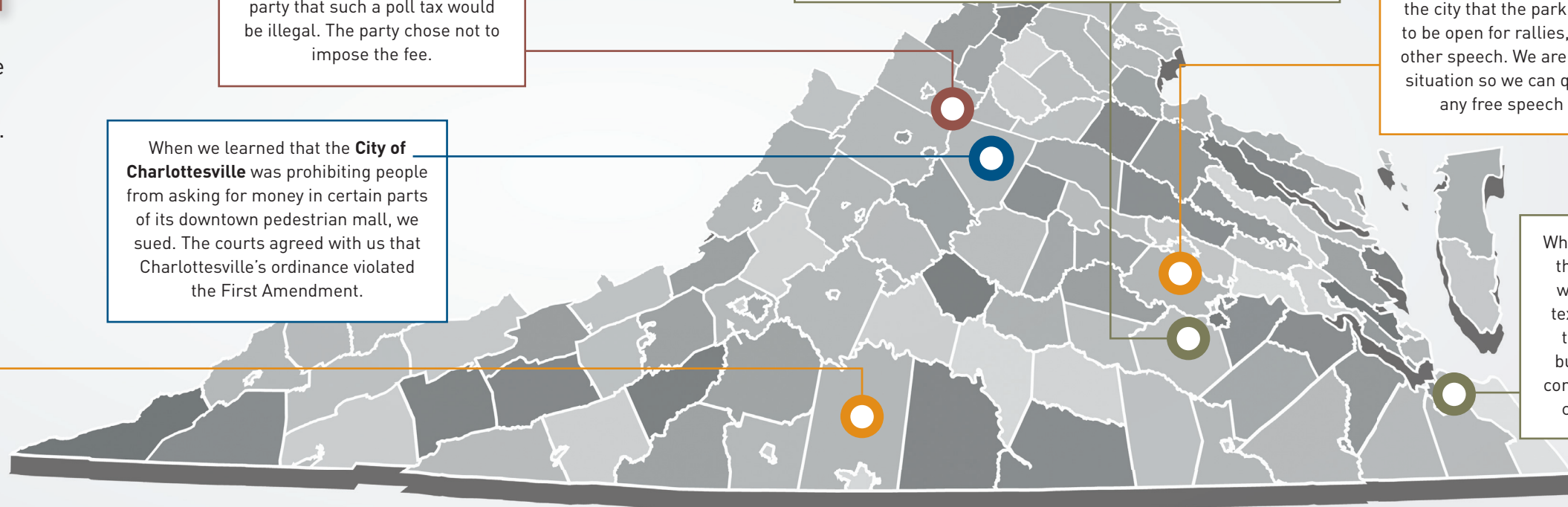
When we learned that the **City of Charlottesville** was prohibiting people from asking for money in certain parts of its downtown pedestrian mall, we sued. The courts agreed with us that Charlottesville's ordinance violated the First Amendment.

When we learned that the **Republican Party of Virginia** was thinking of imposing a fee on Republicans who wanted to participate in choosing the party's presidential nominee, we told the party that such a poll tax would be illegal. The party chose not to impose the fee.

When we learned that the **City of Petersburg** prohibited a man from speaking at public meetings until he paid an outstanding fine, we told the city that this was unconstitutional. Petersburg dropped the ban, and we are now suing the city to compensate the man for the violation of his rights.

When we learned that the **City of Richmond** had delegated responsibility for running Monroe Park to a private entity, we reminded the city that the park must continue to be open for rallies, leafleting, and other speech. We are monitoring the situation so we can quickly address any free speech violations.

When we learned that the **City of Norfolk** was not disclosing text messages used to conduct public business, we sued, compelling Norfolk to change its policy.



THE ACLU OF VIRGINIA IS

PERSISTENT

We have fought for the rights of LGBT people for decades, and finally achieved marriage equality in Virginia. We will maintain that persistence as we continue to fight for full equality for LGBT Virginians.



1994

ACLU-VA represents Sharon Bottoms, who lost custody of her child because she was a lesbian and was living with another woman.

2000

ACLU-VA argues in state court that Virginia's "Crimes Against Nature" statute, prohibiting some private sexual activity between consenting adults, violates the state constitution.

2003

ACLU-VA represents transgender prisoner, forcing Virginia Department of Corrections to provide her with appropriate medical treatment.

2005

ACLU-VA successfully sues Virginia's registrar of vital records, requiring her to list both parents on a birth certificate when an out-of-state same-sex couple jointly adopts a child.

2006

ACLU-VA represents lesbian whose former partner tries to get Virginia courts to terminate visitation rights with the child that they had as a couple, in violation of a Vermont court order.

2006

ACLU-VA fights against enactment of the Marshall-Newman amendment to the state Constitution, which prohibits marriage and other legal partnerships for same-sex couples.

2013

ACLU-VA argues in federal court that Virginia's "Crimes Against Nature" statute is unconstitutional. This time, the court agrees.

2014

ACLU-VA case achieves marriage equality in Virginia.

2015

ACLU-VA persuades Virginia's registrar of vital records to issue birth certificates listing both parents for same-sex couples who were married at the time of their children's births.

2015

ACLU-VA represents transgender high school student in lawsuit to require school to treat him according to his gender identity.

NOW

ACLU-VA continues to fight for equal rights for LGBT Virginians in adoption and foster care, employment, housing, health care, and anywhere else discrimination persists.

THE ACLU OF VIRGINIA IS INNOVATIVE

In the last four decades
Virginia's prison population
increased by
more than
700%

Virginia's annual
corrections budget
exceeds
\$1 Billion

*Yet, our crime rate
has gone down less
than states that
have reduced their
incarceration rates*

	VA	NY	MD
Change in Incarceration Rate	+11%	-24%	-9%
Change in Rate of Violent Crime	-47%	-58%	-50%
Change in Property Crime Rate	-41%	-54%	-47%

Chart compares rates in 2012 to 1994

We need to get smart on crime so we can keep communities safe and reduce the cost to taxpayers. This means bringing new thinking and new voices to the conversation about criminal justice reform. That's why we're bringing together a diverse group of stakeholders to achieve practical, commonsense reforms that will reduce unnecessary incarceration and put the Commonwealth on the path to smart and fair justice.

NEW THINKING

Keeping communities safe by:

- Investing in mental health and substance abuse treatment programs that help keep people out of jail.
- Adopting policies that reduce the likelihood a person will go back to jail.
- Adopting alternatives to jail for nonviolent offenders.

NEW VOICES



Marc Schindler, Justice Policy Institute Executive Director; Craig M. DeRoche, Justice Fellowship President; A. Barton Hinkle, Richmond Times-Dispatch Senior Editor and Columnist; Frank Knaack, ACLU of Virginia Director of Public Policy and Communications; Hon. Ken Cuccinelli, former Attorney General of Virginia (left to right) discuss need for smart justice reforms.

Photo courtesy of the Charles Koch Institute

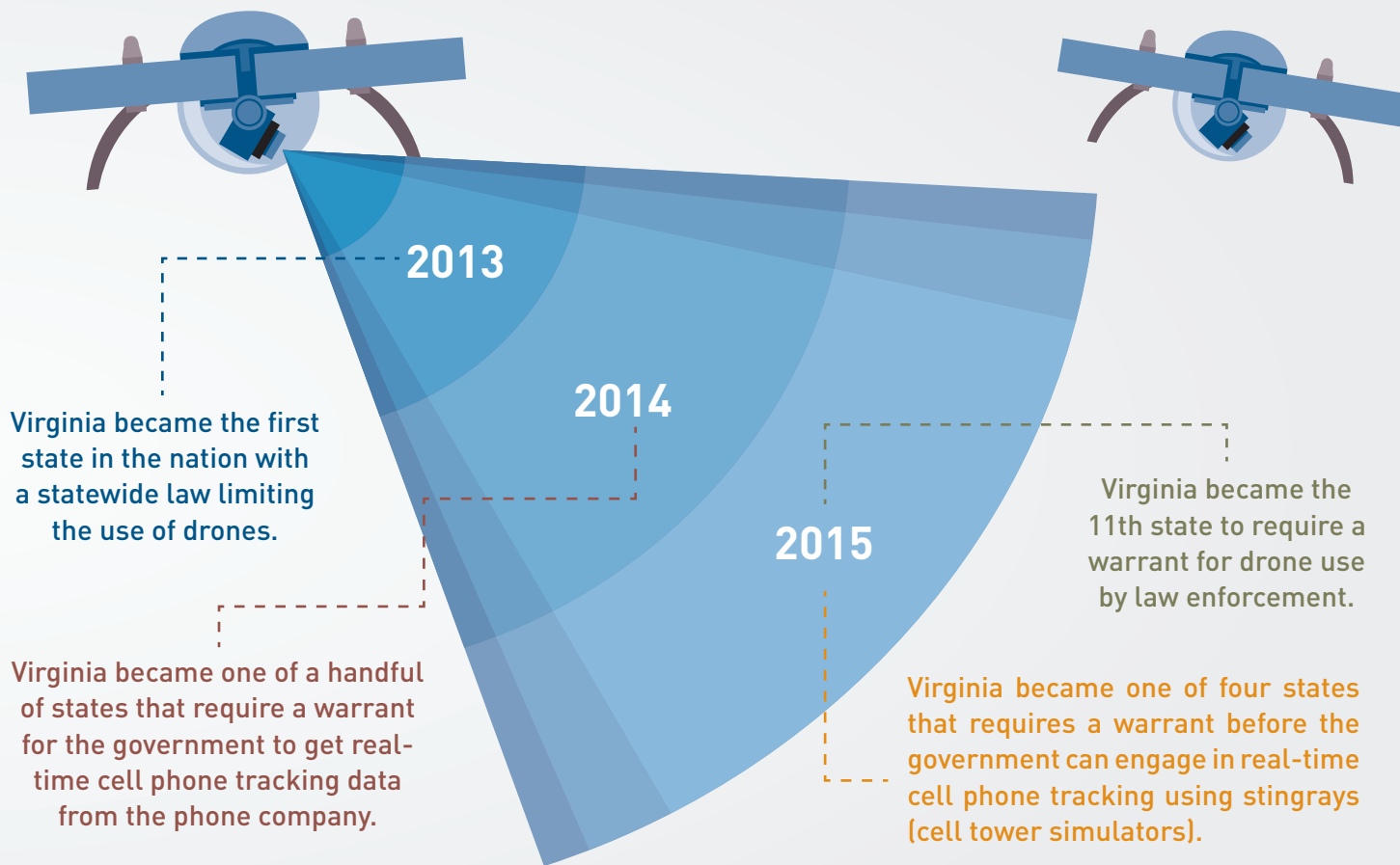
THE ACLU OF VIRGINIA IS EFFECTIVE

New technologies present new challenges to privacy and liberty. We've brought new thinking about privacy in a digital age and new allies into the conversation. Our position is simple—civil liberties should be enhanced, not compromised by new technology.

We've led a bi-partisan effort to prohibit law enforcement use of new technologies for unchecked mass surveillance.

Now, we're challenging law enforcement's use of automatic license plate readers (ALPRs) to collect and store the personal information of law-abiding Virginians. Law-abiding Virginians should be free to travel around the Commonwealth without police departments tracking, storing, and sharing their vehicles' movements with other law enforcement agencies.

As technology expands, so too will our digital footprints.
We'll continue to ensure that individuals retain control
over their personal information.



THE ACLU OF VIRGINIA IS

VOCAL

Across the country since 2010, the number of bills introduced and passed limiting abortion access has spiked dramatically. The ACLU of Virginia works to ensure access to the full spectrum of reproductive health care and is out on the front lines engaging the public to support us in our efforts preserve access to abortion services.



9

speaking engagements and events on abortion access across the Commonwealth in 2014-2015.

30

blogs in 2014-2015 that changed the conversation on abortion.

5,800

public comments submitted in favor of limiting Targeted Restrictions of Abortion Providers (TRAP) during the Department of Health's regulatory review public comment period in summer of 2014.

271 MEDIA HITS

(print, online, broadcast, radio) following the Board of Health's December 2014 meeting amending TRAP.

150

pro-women's health attendees at the December 2014 Board of Health meeting at which the Board voted to amend TRAP.

THE ACLU OF VIRGINIA IS

PERSUASIVE

ACLU urges Gov. Kaine to issue an executive order restoring voting rights to 300,000 disenfranchised individuals and instituting a process to automatically restore rights.

2010

WINTER 2011

ACLU lobbies the legislature to amend the state Constitution and repeal the felon disenfranchisement provision.

MAY 2013

Gov. McDonnell makes rights restoration process for non-violent felonies "automatic" so that there is no longer a waiting period for individuals convicted of non-violent crimes to apply for restoration of rights.

Virginia has the country's fourth highest rate of felon disenfranchisement. The Jim Crow-era law permanently disenfranchising at least some people with felony convictions and requiring the government to approve restoring an individual's voting rights disproportionately impacts communities of color, leaving one in five African-Americans of voting age permanently disenfranchised.

We continue to call for repeal of this antiquated law and for the automatic restoration of rights for all felons.

2002

MARK WARNER

2006

2006

TIM KAINE

2010

2010

BOB MCDONNELL

2014

2014

TERRY MCAULIFFE

PRESENT

ACLU supports legislation to end felon disenfranchisement and restore voting rights.

WINTER 2008

ACLU launches Virginia Voter Restoration Project to help individuals restore their rights and to advocate for reform of Virginia's disenfranchisement law.

MAR 2008

APR 2010

ACLU criticizes Gov. McDonnell for requiring an essay submission as part of the rights restoration application.

MAY 2010

Gov. McDonnell eliminates essay requirement and reduces the time non-violent felons must wait before applying for rights restoration.

MAY 2012

ACLU urges Gov. McDonnell to issue an executive order restoring voting rights.

FEB 2014

ACLU urges Gov. McAuliffe to issue an executive order automatically restoring voting rights, reclassifying drug offenses as non-violent felonies, and removing the requirement that individuals pay fines, fees, and restitution before becoming eligible to have voting rights restored.

APR 2014

Gov. McAuliffe reclassifies all drug offenses as non-violent felonies and reduces the waiting period from five years to three years for individuals with violent felony convictions.

JUN 2015

Gov. McAuliffe removes the fines, fees, and restitution condition.



= 250 INDIVIDUALS

THE ACLU OF VIRGINIA IS

TRUSTED

FY2015:



Earned media coverage: **569**



TV/Radio interviews: **262**



Outside speaking engagements: **40**



Published OpEds: **11**

NEWS MEDIA THAT RELY ON US:

Alexandria Times • AP • Ars Technica • Associated Press • Atlantic Magazine • Bloomberg News • Buzz Feed • Capitol News Service • Cavalier Daily • CBS 6 • Center for Investigative Reporting • Channel 13 Norfolk • Channel 8 • Charlottesville Weekly • Chatham Star Tribune • Chesterfield Citizen • Chesterfield Observer • Daily Press • Daily Progress • Danville Register & Bee • El Tiempo Latino • Fredericksburg Free Lance Star • Freelance blogger • Gay RVA • Lawyer's Weekly • Lynchburg News and Advance • Martinsville Bulletin • Michigan Public Radio • National Law Journal/Legal Times • NBC 12 • NBC 29 • Northern Virginia Daily • Radio, TV, Newspapers • RH Reality Check • Richmond Free Press • Richmond Magazine • Richmond Times-Dispatch • Roanoke Times • Slate • Style Weekly • Take Part • The News Leader • ThinkProgress • USA Today • VA News Connection • Virginia Free Citizen • Virginia News Connection • Virginia Public News Service • Virginia Public Radio • Virginian-Pilot • Wall Street Journal • WAMU • Washington Post • Washington Times • Watchdog.org • WAVY TV 10 • WBTK Poder 1380AM • WBTM • WCHV 107.5 • WCVE • WDBJ • WFIR • WLNI • WHSV • WINA • Winchester Star • WIQO • WJLA TV 7 • WMAL • WRIC • WRVA radio • WSET ABC-13 • WSLS Roanoke • WTKR Channel 3 • WTOP Radio • WTTG Fox 5 • WTVF • WTVR • WVEC • WVEC 13 • WWBT -12 • WWWV • Z95.1 WQMZ

"ACLU: Lack of photo ID should not prevent you from being able to vote"

— Augusta Free Press

"Cuccinelli and Gastañaga: Reject Governor's Expansion of the Surveillance State"

— Op-Ed in Richmond Times-Dispatch

"Police or Soldiers? Agencies Locally and Across Virginia have Weapons of War"

— Richmond Times-Dispatch

"Va. ACLU: New sex offender bill 'invitation to throw stones' "

— WBBT 12

THE ACLU OF VIRGINIA IS

COURAGEOUS



“ There was a great injustice in the way Brunswick County was divided. I always felt that we, as black citizens, were not always treated by governmental agencies with the dignity and respect we deserved. Even though we made up approximately 58% of the county’s population, we had very little political power because the electoral districts were drawn to dilute the black vote. That’s why I became a plaintiff in an ACLU lawsuit that challenged the districts.

The changes following the lawsuit were dramatic. It’s not just the Board of Supervisors that’s become more representative of the county’s racial diversity, but also members of the school board, educators, and county employees as well. You see the results everywhere you go.”

—George Smith



“ I am a boy, and it is important to me to live life like other boys do, including using the boys’ bathroom. I am disappointed that the school board decided to ignore my best interest, including others in the same situation, and chose to adopt a policy that is discriminatory and spreads fear and misinformation. This needs to stop.

My family contacted the ACLU and is working with them...in order to make Gloucester High School safer and more inclusive to transgender youth while hopefully encouraging other local schools to do the same.”

—Gavin Grimm

The Courage of Their Convictions: Thanks to the courage of our clients, the ACLU of Virginia is able to file lawsuits to advance civil rights for everyone.

On the cover pages are other courageous plaintiffs: Mildred and Richard Loving (*front*), Victoria Kidd and Christy Berghoff with daughter Lydia (*back, left*), and Joanne Harris and Jessi Duff with son Jabari (*back, right*)

THE ACLU OF VIRGINIA IS VISIONARY

We are grateful for donors who share our vision of a society in which there is freedom and equality for all. Their investment in and commitment to our work allows us to move towards that shared vision.

Patricia M. Arnold, pioneer woman aviator, had been a long-time supporter of the ACLU, faithfully renewing her membership and occasionally adding in an additional donation to the Foundation since the 1980s. In 2007, the ACLU Foundation of Virginia learned just how great her commitment to the ACLU and to women's rights was when she left the bulk of her estate (\$1.5 million) to the organization in the form of the "Patricia M. Arnold Memorial Fund." The purpose of the fund, according to Ms. Arnold's will, is "to combat through all legal means, the pervasive and powerful sexual bias and sexual discrimination against women found to exist in the State of Virginia."

In her lifetime Ms. Arnold witnessed discrimination against women and saw its impact in Virginia. She envisioned that one day there might be sexual equality, but until that day she would support the ACLU's efforts to promote gender equality. Thanks to Ms. Arnold's foresight, the ACLU Foundation of Virginia has the resources to combat gender bias in the Commonwealth.

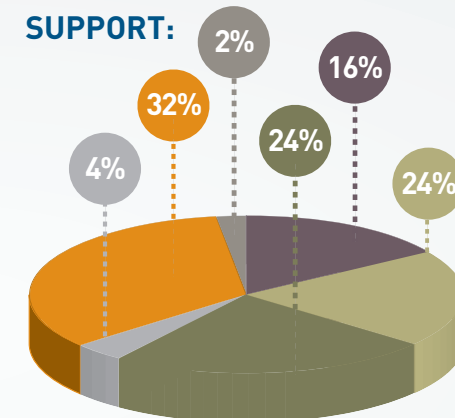


Photo courtesy of International Women's Air & Space Museum

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 last fiscal year (April 2014-March 2015). Donations to the ACLU Foundation of Virginia are tax-deductible.

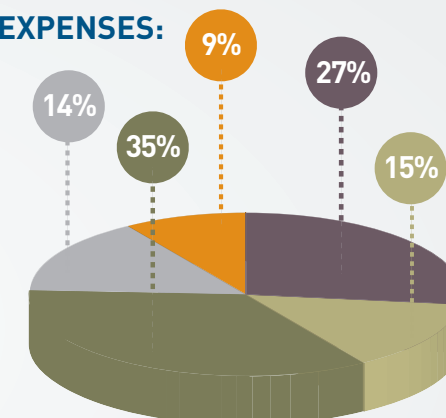
SUPPORT:



- 16% Membership Contributions: \$264,397
- 24% C3 Donations: \$385,352
- 22% Grants: \$360,208
- 4% Legal Reimbursements: \$68,000
- 32% Investment Returns: \$520,059
- 2% Miscellaneous Income: \$32,076

TOTAL: \$1,630,092

EXPENSES:



- 27% Legal: \$271,837
- 14% Legislative: \$137,632
- 35% Public Education: \$359,006
- 15% Management: \$159,477
- 9% Fundraising: \$89,132

TOTAL: \$1,017,084

VOLUNTEER SERVICES:

Legal: \$182,327 + Other: \$53,902 = **TOTAL:** \$236,229

COOPERATING ATTORNEYS:

Patrick Anderson	David M. Morgan
David Baugh	Jay Myerson
Alexander W. Bell	Steve Pearson
Stephen Bricker	Grant D. Penrod
Christina Brown	Janice Redinger
Joseph T. Brown	Jonathan Rogers
Ken Cuccinelli	Steven D. Rosenfield
Alastair Deans	Edward S. Rosenthal
Jeffrey E. Fogel	Charlie Schmidt
Rick Friedman	Tim Schulte
Mark P. Gaber	Jeffery Scott
Charles A. Gavin	Paul M. Smith
Victor Glasberg	Christina A. Svoboda
Irving B. Goldstein	Jessica Trivizas
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Mark J. Krudys	Daniel Voss
Craig LaChance	Mark Voss
Alice N. Lucan	Brandon Waltrip
Platzer C. Luke	Amy E. Weiss

AT-A-GLANCE



TUITION EQUITY FOR IMMIGRANTS

Students who qualify for Deferred Action for Childhood Arrivals (DACA) and meet other criteria generally applicable to all students are eligible for in-state status at Virginia's public colleges and universities thanks to advocacy efforts by the ACLU-VA and its coalition partners.



DUE PROCESS FOR IMMIGRANTS

ACLU-VA advocacy ends unconstitutional practice of holding immigrants in jail without probable cause. Virginia Attorney General confirms that when a jail holds a person without a warrant based on a request from the federal government, the jail violates the person's due process rights if the person is otherwise eligible for release.



NONDISCRIMINATION

ACLU-VA files complaint on behalf of Gavin Grimm, a Gloucester high school student who is challenging the school board's policy segregating transgender students into separate unisex bathrooms in violation of Title IX, which prohibits sex discrimination in public schools. *See Courageous.*



REGULATIONS PROHIBIT SHACKLING OF PREGNANT INMATES

As of May 2014, regulations are in place limiting the use of restraints on pregnant inmates in all Virginia jails. The regulations are a result of three years of advocacy efforts by ACLU-VA and a broad-based coalition, which argued that shackling pregnant inmates could pose serious health risks to both inmates and their babies during labor, delivery, and postpartum recovery.



ACCESS TO ABORTION

In December 2014, the Virginia Board of Health approved the Commissioner's recommendation to amend medically-unnecessary rules governing abortion providers in the Commonwealth that would have forced women's health centers to spend millions of dollars on renovations or close their doors. *See Vocal.*



TRANSPARENCY AND SUNSHINE

ACLU-VA successfully lobbied against a bill that would have allowed Virginia to execute people using experimental drug concoctions and made secret the manufacturer of, and materials and components used to create, the drugs.



BECAUSE FREEDOM CAN'T PROTECT ITSELF



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