

What's Ahead

We're working in the courts, with lawmakers, and in communities across the Commonwealth to ensure that the civil liberties and civil rights of all Virginians are respected and protected. And, we're succeeding. Here's a snippet of our 2015 agenda:

Challenging overincarceration

Our General Assembly created a trend that has resulted in a 735% increase in Virginia's prison population since 1970. Fortunately, it can reverse it. We're working to move Virginia from "tough on crime" to "smart on crime" by building an ideologically diverse coalition of advocates and lawmakers to advance effective reforms to our juvenile and criminal justice systems designed to reduce incarceration levels, end the disproportionate impact of our criminal laws on African Americans, save limited tax dollars, and make our communities safer.

Making Virginia both safe and free

Building on our successes over the past two years, we're working to rein in the surveillance state. Specifically, we're working with a bipartisan group of lawmakers and diverse coalition partners to pass legislation that would regulate the use of drones by law enforcement and other regulatory agencies in Virginia, require law enforcement and regulatory agencies to seek authorization before acquiring automatic license plate readers (ALPRs), and codify the prohibition on the use of ALPRs by law enforcement to engage in "passive" surveillance. It's also time to create a 21st century Fourth Amendment that keeps personal information private and protects Virginians from warrantless surveillance of communications content and "metadata."

Protecting reproductive freedom

Since *Roe v. Wade* in 1973, Virginia has passed 13 laws that restrict a woman's right to make health care decisions about whether and when to become a parent. We've been moving in the wrong direction, and that's about to change. We're working to change the conversation about abortion – to ensure that women actually feel supported if they choose abortion. We're working to ensure that a woman and her doctor are free to make the best decision for her circumstance without the interference of a politician. Laws and regulations governing women's health must be based in science and medicine, not politics.

Freedom of speech and religion

During the 2015 General Assembly session, we'll be reminding our lawmakers that government cannot take a position on questions of faith or promote one religion over others. We'll also be opposing legislation that would allow government sponsored prayer in public schools or would allow National Guard chaplains to push their personal religious beliefs during official National Guard events. We'll also be vigilant in protecting the right to protest and to photograph police.

Ending sex discrimination

Women in Virginia face many forms of discrimination. Although much progress has been made, Virginia's women still don't stand on an equal footing with men when it comes to career and economic matters. We're working to ensure that women and minority owned businesses have equal access to state contracts and to remove prostitution as a criminal offense for children, a majority of whom are girls, who engage in an act of prostitution, but are nonetheless, because of their age, the victim of the crime.



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MARRIAGE EQUALITY COMES TO VIRGINIA PLAINTIFF'S REACTION IN HER OWN WORDS

by Christy Berghoff



Pictured above: Christy Berghoff, Lydia, and Victoria Kidd

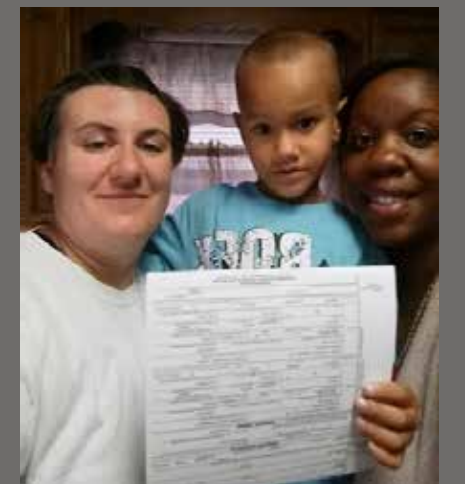
Monday, October 6, 2014, started out like most Mondays. I got up super early and did my daily commute to Washington, D.C. I was sitting at work going through emails and voicemails when I came to a stopping point. I took a few minutes away from my desk to grab a coffee and dig into my phone to check what my friends were up to on Facebook. That's when I saw the mind-blowing news: Marriage equality had come to Virginia! I couldn't believe it – it did not cross my mind that morning as I drove to work that Virginia would recognize my marriage to Victoria by the time I returned home that night.

It was only three years ago that Victoria and I traveled to Washington, D.C. to say "I do." Saying our marriage vows was an expression of love and commitment, but the recognition of the

commitment we made to each other in front of friends and family on that day ended at the Virginia state line. Until that Monday last month, I had spent my days at work where I was married with a child—with a family. Yet, in the eyes of the Commonwealth, when I returned home each night I was suddenly a single mother with a child and a roommate. On that great day, the commute home was a first for me. There was no moment of unnecessary transition from married to single. When I crossed over the Potomac River, I was married, still. It felt wonderful that Virginia, our home, recognized and now protects my family and all other families like mine.

"After more than a decade together, Jessica and I can finally share in the American Dream, which consists not only of financial and professional success, but of the richness that comes from love and the ability to protect your loved ones."

-- Joanne Harris



Pictured right: Jessica Duff, Jabari, and Joanne Harris

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Serving on the ACLU of Virginia Board

Would you like to be part of the dynamic group of people who govern the Virginia affiliate of the ACLU? Members of the ACLU of Virginia Board of Directors serve three-year terms and are voted in by the membership. If you would like to be considered for nomination, you must be a member in good standing and submit a brief statement of interest before November 15, 2014.

Send your information by email to Claire Gastañaga at claire@acluva.org, or by mail to 701 E. Franklin St., Ste. 1412, Richmond, VA 23219.

Become a Grassroots Activist

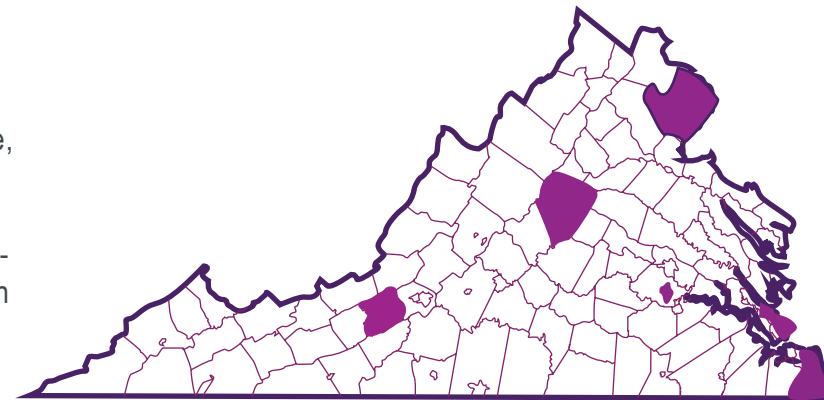
An informed membership is freedom's best defense. Become a grassroots activist to stay informed and know when to act. Sign up online at acluva.org.

Virginia's Women

The Reality Facing Virginia Women: Reproductive Freedom in the Commonwealth

By Katherine Greenier

Virginians want a woman who has decided to have an abortion to feel supported, but that's not the reality for a woman seeking abortion in the Commonwealth. Whether it's denying Medicaid coverage, forcing doctors to pressure women with government-written materials, or requiring waiting periods and state-mandated ultrasounds, over the years politicians have put many obstacles in front of a woman seeking safe, legal abortion in Virginia. Today, the focus is on placing restrictions on abortion providers, including regulations designed to shut down women's health centers, passed in 2012. The map highlights in purple the only counties or cities in Virginia where there is a freestanding abortion provider, all of which are required to meet medically unnecessary building regulations or be forced to close, unless the Virginia Board of Health puts medicine above politics and amends those regulations.



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Combating Voter Supression Tactics

by Hope Amezquita



In the wake of the U.S. Supreme Court's action in 2013 gutting the Voting Rights Act, Virginia passed and implemented one of the nation's strictest voter photo ID requirements.

Virginia voters must now show an approved, valid photo ID to cast a ballot. To make matters worse, actions taken by the State Board of Elections and local general registrars created additional confusion and a lack of uniformity across the Commonwealth. Some jurisdictions had resources to host community events to sign up voters in need of a photo ID, but other localities simply couldn't afford to because the General Assembly failed to provide the necessary funds to keep this requirement from turning into another modern-day poll tax. The burden is falling on voters, and we need to act to protect the right to vote. Where you live shouldn't determine if you can vote on Election Day.

Protecting Your Right to an Attorney

By Rob Poggenklass

Fifty years ago, the U.S. Supreme Court clarified a very simple concept – if the government wants to charge you with a crime and lock you up, then it also has to ensure that you have access to a lawyer, even if you cannot afford one. Unfortunately, the Court let each state decide the threshold for determining who can and cannot afford an attorney. In the Commonwealth, this means that a person can make less than the minimum wage -- even qualify for food stamps -- and still not qualify for a court-appointed lawyer. In fact, Virginia ignores such basic factors as the cost of a private defense attorney, instead relying on a generic test that results in hundreds of Virginians facing up to decades in jail without access to a lawyer.

This is not what the Supreme Court had in mind. The Constitution requires that anyone facing incarceration who cannot afford an attorney is entitled to a free one. Virginia must do a better job of ensuring the right to an attorney for all. No one should be forced to go to trial without a lawyer just because they are poor. We're working to remedy this injustice.

Prayer in Government?

by Rebecca Glenberg

Imagine attending a local government meeting to participate in your democracy and finding that government officials opened the meeting with a prayer endorsing a religion different from your own. That was the situation Barbara Hudson confronted whenever she attended meetings of the Pittsylvania County Board of Supervisors. Board members would ask everyone to rise, and then would recite a prayer that was almost always Christian.

We sued the County, and last year a lower court agreed that Pittsylvania County's prayer practices are unconstitutional because they allow a government body to support one religion over others. Then a U.S. Supreme Court case upheld a town council's opening prayers delivered by mostly Christian clergy. We think Pittsylvania County's prayers are still unconstitutional - for one thing, they were recited by government officials rather than private citizens. We made our case to the Fourth Circuit Court of Appeals on October 28, 2014.

75 years of Fighting for LGBT Rights

For more than seven decades, the American Civil Liberties Union has protected the rights of lesbian, gay, bisexual, and transgender people in Virginia and nationwide.

1936

The ACLU defends "The Children's Hour" against censorship for lesbian content.

1956

The ACLU challenges a police raid of a popular San Francisco Bay area gay bar.

1972

Baker v. Nelson is the first challenge to laws restricting marriage to persons of the opposite sex.

1994-1997

ACLU of Virginia represents Sharon Bottoms in her fight to retain custody of her son, whose grandmother sought to remove him from Sharon's custody because she was a lesbian.

2003

ACLU of Virginia represents Ophelia De'lonta in a case that establishes the constitutional right to medical treatment for transgender prisoners.

2004

Virginia Court of Appeals rules that Virginia must respect a Vermont court order recognizing ACLU of Virginia client Janet Jenkins' parental rights over her daughter after the dissolution of her domestic partnership with the child's other parent.

2006

The ACLU of Virginia fights against a measure writing discrimination into the Virginia Constitution by banning any and all legal recognition for same-sex relationships.

2008

ACLU wins landmark Title VII transgender discrimination case against the Library of Congress, *Schroer v. Library of Congress*

2013

The Fourth Circuit agrees with the ACLU of Virginia that the Commonwealth's "crimes against nature" law is unconstitutional.

2014

In an ACLU of Virginia case, Virginia's prohibition on marriage for same-sex couples is struck down.

2015 and Beyond

Now that Virginia has marriage equality, the ACLU of Virginia will fight to achieve equality in employment, housing, and public accommodations.