

# JUSTICE



# FOR ALL

ANNUAL REPORT 2018 - 2019

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Pennsylvania

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**LEGAL FELLOWS**

Hayden Nelson-Major, Independence Foundation Fellow

*Special thanks to Peggy Curchack for her work on this Annual Report.*

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# TABLE OF CONTENTS

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**Page 3**.....Staff Yearbook  
**Page 4**.....Greetings from Reggie + Peter  
**Page 5**.....Voting Rights  
**Page 6 - 7**.....Bail Watch  
**Page 8**.....Immigration  
**Page 9**.....McKeesport  
**Page 10**.....School-to-Prison Pipeline  
**Page 11**.....Campaign for Smart Justice  
**Page 12 - 14**.....Donor and Pro Bono Legal Partners Recognition  
**Page 15**.....Financials (unaudited)

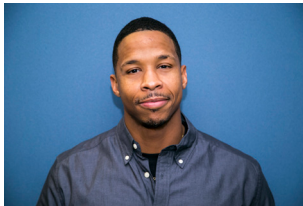
# STAFF YEARBOOK

## 2018-2019 New Staff Members



**Ian Pajer-Rogers**  
Communications Strategist,  
Campaign for Smart Justice,  
April 2018

**Who is your civil rights hero and why?** John Lewis and Malalai Joya, two people who put their lives on the line to advance civil and human rights. I've been fortunate enough to meet both of them.



**Terrell Thomas**  
Senior Field Organizer, Campaign  
for Smart Justice, April 2018

**What civil liberty issue(s) are you most passionate about?** To quote Dr. King, "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly."



**Samantha Jeune**  
Development Operations  
Coordinator & Data Analyst,  
November 2018

**Fun fact:** I was one of the 200 dancers in Le Super Grand Continental at the 2018 Fringe Festival!



**Alex Domingos**  
Organizer, Campaign for Smart Justice,  
June 2019

**Who is your civil rights hero and why?** Sojourner Truth (1797-1883). She escaped slavery and spent her life organizing for abolition, civil, and women's rights. Truth is best known for her oratory, civil war recruitment efforts, and being the first black woman to successfully sue a white man for the freedom of her child.



**Cambriae Bates**  
Communications Associate,  
July 2018

**Fun fact:** I wrote a poem that I then recited and recorded alongside the 1970's film star Pam Grier. She was very foxy and very zen.



**Andrea C. Anastasi**  
Legal Intake Manager,  
December 2018

**What inspired you to work for the ACLU?** The mission and work of ACLU-PA are consistent with my life's calling to help bend the moral arc of the universe toward justice and to be the change that I want to see in the world. Also, it's truly an incredible place, and the humans that work here are superheroes.



**Marianne Stein**  
Legislative Associate, July 2019

**Who is your civil rights hero and why?** Ruth Bader Ginsburg is my civil rights hero. The work she has done with advocating for women's rights and gender equality has been extremely inspiring and influential in my life. She was a pioneer for women's rights.



**Hayden Nelson-Major**  
Independence Foundation Fellow,  
September 2018

**What inspired you to work for the ACLU?** I am excited to be part of the ACLU-PA team because it presents a unique opportunity to tackle an issue I am passionate about - ending mass incarceration!



**Ghadah Makoshi**  
Community Advocate,  
February 2019

**What civil liberty issue(s) are you most passionate about?** Having lived in places where speaking out against the government could get you jailed, or worse, I am most passionate about freedom of speech. "If liberty means anything at all, it means the right to tell people what they do not want to hear." - George Orwell



**Vanessa Stine**  
Immigrants' Rights Attorney,  
September 2019

**Fun fact:** Growing up, my sister wanted to be a lawyer, and I wanted to be a veterinarian. My sister ended up becoming the vet, and I became a lawyer. (But I still love animals!)



**Michelle Rowland**  
HR and Operations Specialist,  
June 2019

**Who is your civil rights hero and why?** Susan B. Anthony traveled the country campaigning for the right for women to vote. As someone who values the right to vote, I admire the prevailing efforts Anthony and many other people gave to pave the way for the 19th Amendment.



**Kimberly Thomas**  
Judicial Education Manager,  
August 2019

**Fun fact:** I won the spelling bee in seventh grade and the word was "labyrinth."

# Greetings from Reggie + Peter



*Dear friend,*

Who gets to exercise their rights in America?

This is one of the central questions that has animated the ACLU's work across its 99-year history. Time after time, whether it's due to malice, bigotry, or the simple lack of empathy, the question keeps coming up in all of its shifting forms:

Do immigrants have due process rights?

Are communities of color entitled to be free from unreasonable search and seizure?

Do transgender and gender non-conforming people deserve to live free from discrimination?

Can poor people be ensured equal access to the ballot?

To these questions, and many other similar ones, powerful forces keep answering "no" - and the ACLU keeps answering "YES ... and we will make it happen."

In the past year, we've advocated for an Indonesian couple threatened with deportation, leaving their four children in Philadelphia; for thousands of Pennsylvanians caught in the "bail trap," spending months in jail because they're too poor to afford cash bail; for students in Allegheny County subjected to oppressive and unnecessary school policing. And that's just a fraction of the issues we've taken on in 2018-19.

It has been another year of intense (and intensely needed) work, made possible only by our ability to expand our staffing structure to meet the moment. Thank you for the support that makes this possible and for giving an emphatic "YES" to justice for all in 2019. We are excited to enter full speed ahead into the ACLU's 100th year!

Sincerely,

*Peter Goldberger, President, ACLU of Pennsylvania*

*Reggie Shuford, Executive Director, ACLU of Pennsylvania*

# WE'LL SEE YOU IN COURT



## Casey Adams Jones, client

“As a working professional who travels occasionally, I have to rely on Pennsylvania’s absentee voting system. In 2018, I was disenfranchised even though I applied for my ballot on time. I’m a part of this lawsuit because I don’t want that to happen again, to me or to anyone else.”

# VOTING RIGHTS

The ACLU-PA is suing the commonwealth of Pennsylvania in state court, challenging Pennsylvania’s deadline for submitting absentee ballots. Pennsylvania election law requires that absentee ballots be received by county bureaus of elections by 5 p.m. on the Friday before Election Day - the earliest deadline in the country! We filed suit on behalf of nine Pennsylvania residents who submitted their applications to vote absentee before the application deadline but received their ballots too late to submit them. The lawsuit, Adams Jones et al. v. Boockvar, argues that voters are disenfranchised by the deadline, in violation of the United States and Pennsylvania constitutions.



**IN**  
**90%**

**OF THE CASES OBSERVED, THE LEGALLY MANDATED  
INQUIRY INTO ABILITY TO PAY WAS NOT CONDUCTED.**

# **BAIL WATCH**

For the past year, a dedicated team of volunteers in Philadelphia attended court proceedings to observe and document over 2,000 preliminary arraignments -- the hearings at which initial bail determinations are made for people who have been arrested and are being detained. Our reports revealed troubling data: the median length of hearings where cash bail was imposed was only three minutes; of defendants who were assigned monetary cash bail, 86% had already been found to be indigent; and, in 90% of the cases, the legally mandated inquiry into ability to pay was not conducted. On March 12, 2019, we filed suit in the Pennsylvania Supreme Court challenging these preliminary arraignment practices.

“It was so hard for the defendants to hear what’s being said in the room. Defendants didn’t have a chance to speak in private with the public defender assigned to their case; defendants who tried to speak up for themselves were often told not to say anything, in order to protect them from self-incrimination. Defendants are really on their own. I had no idea. I thought the process would be so clean and efficient, but it was actually very emotional. But for the people in the room, it’s a disembodied process. You should see people whose lives you are going to affect. It’s too clean for them. They can’t see the despair.”  
[ed. note: Defendants are not present in the courtroom during the preliminary arraignment; proceedings are conducted via video.]

- Margaret E. Robertson (pictured center)

## Volunteer Bail Observers



“Now that this lawsuit is out in the open, I hope that all of the magistrates take a good look at the work they have done thus far, recognize their wrongdoings, and try to fix them. I hope they learn from the things that they’ve done to people - families they’ve broken up, jobs lost. I hope they wake up. I hope they learn from this.”

- LaToya Livingston (pictured left)

“I try to give people the benefit of the doubt. Anyone can become desensitized to the empathetic and emotional side of a job. For magistrates, trying to understand and empathize with the life circumstances of each defendant would be exhausting. But that exhaustion is nothing compared to the hardships these magistrates can impose upon each defendant. In order to deliver as fair bail as possible, magistrates must operate within a higher standard of empathy. The ramifications of dismissiveness are too serious for them not to do so.”

- Robert Eisentrout (pictured right)

# IMMIGRATION

Since at least 2017, Pennsylvania State Police have been documented engaging in ethnic profiling and immigration enforcement against motorists and their passengers. This conduct is illegal and undermines public safety by creating fear of police, as an arm of federal immigration authorities. We've been engaging in a two-pronged approach to end these practices. In coalition with community organizations, including Casa San Jose, the Movement of Immigrant Leaders in Pennsylvania, Church World Service, Cumberland Valley Rising, and the Pennsylvania Immigration and Citizenship Coalition, we are pushing the governor's office and state police leadership to adopt a policy that makes it clear that troopers don't work for – or with – ICE. We also recognize the importance of vindicating the rights of people already harmed by some troopers' behavior, which is why we are suing the state police in federal court on behalf of community members who have been unlawfully stopped and detained for immigration purposes.



“

## **Anna Dralios, Cumberland Valley Rising**

We started hearing at meetings that individuals from the community were being pulled over and detained by state police, often for hours at a time. Some [police] were zealots, seeking out trucks driven by persons of color to ask about their status and demand paperwork. As an immigrant myself, I couldn't stand by and watch this happen to individuals and families. After meeting with local representatives, Cumberland Valley Rising, other community groups, and the ACLU worked with the Pennsylvania State Police to develop a policy to stop the police from engaging in immigration activities. Now, we are not hearing as frequently about these detainments; however, we are still keeping a watchful eye. There are some police who cannot be trusted.

”

## **Desi Burnette, Movement of Immigrant Leaders in Pennsylvania (MILPA)**

“By Pennsylvania State Police acting as an extension of ICE, they are eroding public safety in a variety of ways: 1. People aren't being kept safe by having fellow community members detained; 2. People do not feel comfortable seeking out safety from the police because of PSP's cooperation with ICE; 3. PSP's actual job of public safety isn't being carried out if they are focusing on working on behalf of ICE.”





# MCKEESPORT

## **Fawn Walker, parent**

"As a parent, it's very difficult to watch your child struggle. My daughter and her friends had been complaining since middle school about unequal treatment of Black students. I couldn't let the school and school board continue to refuse the girls' right to form the Black Student Union; not for their sake and not for the broader student population."

## **Rasona Webb, student at McKeesport Area High School**

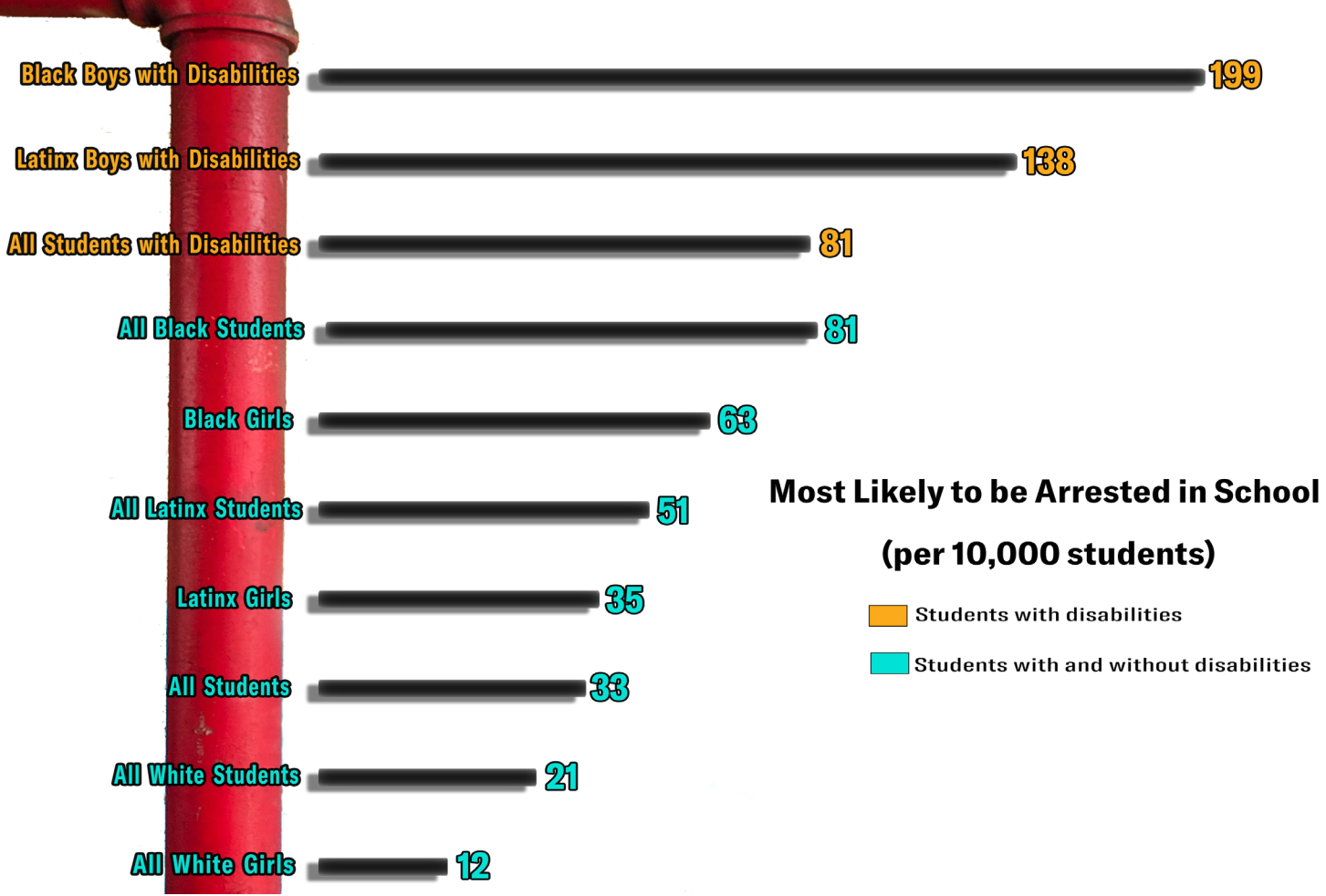
"We had to [fight to have a Black Student Union] - it's important. If we [didn't], then nothing will change."

## **Grace Walker, student at McKeesport Area High School**

"We are happy to finally have the Black Student Union: [to] have a safe space to talk about the issues that affect us and [to] learn from each other. It's a shame that we had to go through all of this."

A passionate group of 11 students from McKeesport Area High School proposed the formation of a non-curricular club called the McKeesport Black Student Union. But school administrators repeatedly failed to give the club final approval. These students wanted to create a safe space - to which all students would be welcome to explore Black culture and address issues affecting students of color at McKeesport HS. The district's superintendent publicly expressed his displeasure with both the name and mission of the Black Student Union; he then recruited a group of students to form another club called the McKeesport Student Union, for the purpose of "fun activities." We sent the district a demand letter in March of 2019, explaining that refusal to authorize the Black Student Union violates the First Amendment and the federal Equal Access Act. The district refused to approve the club, so we filed a federal civil rights lawsuit on the students' behalf.

In April, the district agreed to settle the case, and the students are now in the process of forming the club.



# SCHOOL-TO-PRISON PIPELINE

## Eighth grade student in Allegheny County

“School police would not be needed if the teachers would listen and allow us to say our side. We never get to say what happened. They just always say they’re calling the police, and then they do.”

## Angel Gober, Education Justice Lead Organizer, One PA

“Our schools are under-resourced. We have police in our schools that act like disciplinarians, arresting and charging kids, instead of keeping them safe, which is highly problematic. What would it look like to have police-free schools? To have qualified social workers and counselors that build real relationships with students. Right now, our school police are more likely to be called in because they are there and that is an option, instead of finding alternatives and using restorative practices.”

Pennsylvania has a problem with how it treats its youth, with the third-highest student arrest rate in the country. Yet, 90% of our public school students attend schools without enough counselors, and 23% attend schools with police but lack either a nurse, psychologist, social worker, or counselor -- documented in an ACLU national report, “Cops and No Counselors,” which has helped catalyze community awareness and action.

The ACLU-PA works statewide to address the overuse of police in schools and the high rates of justice system contact, especially for students of color and students with disabilities. We work to ensure that school security measures do not harm students and to establish that increasing school-based student support services and staff is the best safety investment.

In 2018, we began a project to reduce student involvement with the justice system in Allegheny County, focusing on Black girls and students with disabilities.



### Chauntey Porter

Chauntey Porter spent six months in solitary confinement after she was attacked for being a trans woman in a men’s prison. Chauntey shares how prisons and jails could be a more humane place for trans people, and all people.

“People should come home ready to face society with vocational skills, with anger management, [and] therapy - whatever the tools that they need to come home and be model citizens. And I believe the public has the power to urge those changes, instead of just making prison a punishment camp.”

# ACLU SMART JUSTICE Pennsylvania

From charging decisions, to plea deals, to sentencing recommendations and beyond, the district attorney is the most powerful person in the criminal justice system. In 2019, most of the district attorneys in Pennsylvania are facing re-election. But historically, district attorney races suffer from abysmal voter turnout.

So, we launched the website KnowYourDAinPA.org, which seeks to educate Pennsylvanians about the powers of district attorneys and where their own county DA stands on smart criminal justice reform. We invited each DA to fill out a questionnaire, which was then featured on the site. In the high profile Allegheny County DA race, we asked candidates to complete a candidate survey and hosted a candidate forum.

### Ricky Olds

Ricky Olds was 14 years old when he was sentenced to life-without-parole for a murder he did not commit. Ricky spent 37 years in prison before a Supreme Court decision overturned his sentence.

“We can’t sit around and hope for change without creating the change. It’s always been the people who make the change in this country. Politicians have to follow the people at the end of the day. I don’t like when people get discouraged. I myself had reason to get discouraged and quit, but what else can you do? If you want change, you’ve got to go out and create the change.”



# Donor and Pro Bono Legal Partners Recognition

The ACLU of Pennsylvania is grateful to the tens of thousands of individual and organizations whose contributions make our work possible. Every single gift matters and inspires us. Given space limitations, we are only able to list individuals and institutions contributing \$1,000 or more to the ACLU of Pennsylvania, ACLU Foundation of Pennsylvania, ACLU and/or ACLU Foundation during the fiscal year April 1, 2018, to March 31, 2019.

100 percent of ACLU of Pennsylvania board members made contributions in the 2018 - 2019 fiscal year.

\*Denotes Albert DeSilver Society members who have remembered the ACLU and ACLU of Pennsylvania in their estate plans.

\*\*Denotes members who both made a \$1,000+ gift in 2018-2019 and are members of the Albert DeSilver Society.

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The following law firms and individuals contributed legal services to the ACLU of Pennsylvania during our 2018-2019 fiscal year. We could not accomplish as much as we do without such generous contributions of invaluable legal expertise.

· Irv Acklesburg · Victoria Andrews · Jonathan Aronchick · Crystal Axelrod · Mira Baylson · Alexander Bilus · Megan Block · Andrew Bollinger · Kim Borland · Ruth Borland · Wilson Brown · Danielle Bruno · Kristina Neff Burland · Dylan Caplan · Victoria Cordova · Elizabeth Coyne · Lauren Daniel · Justin Danilewitz · Mary Davis · Kathryn Deal · Edward Diver · Avishai Don · Renee Dudek · Kevin Eddy · Ilana Eisenstein · Ben Fabens-Lassen · Thomas Farrell · Jonathan Feinberg · David Fine · Stefan Flickinger · Ethan Fogel · Madeline Ford · Christy Foreman · Anthony Forte · Vernon Francis · Timothy George · David Gersch · Peter Goldberger · Fred Goldsmith · Jen Grobe · Amy Groff · John Grogan · Barry Gross · Kaitlin Gurney · Anne Gynne · Mike Healey · Arleigh Helfer · D. Alicia Hickok · Tom Hollander · Cindy Hong · Joel Hopkins · Patrick Hromisin · Sara Jacobson · Mark Kasten · Tricia Kazinetz · Charles Kelly · Amy Kline · Seth Kreimer · Lou Kroeck · Howard Langer · Peter Leckman · Susan Lin · Teresa Loscalzo · Fred Magaziner · Brian Maloney · Jackie Martinez · Jeffrey Masters · Stephen Matvey · James McGraw · Michael McLean · Rebecca Santoro Melley · Bruce Merenstein · Eric Merin · Paul Messing · Caroline Mitchell · Megan Morley · Kathleen Mullen · David Nagdeman · Amanda Nelson · Nicole Neuman · Amanda Pasquini · Sally Pei · Ellen Pierce · Jennifer Pike · Ed Posner · Jon Pushinsky · Justin Romano · Riley Ross · Eric Rothschild · David Rudovsky · Louis Schlossberg · Dan Segal · Harper Seldin · Stephen Shapiro · Stephanie Short · James Smith · Laura Spence · John Stapleton · Matt Steigler · John Summers · Meghan Talbot · Mark Taticchi · Jillian Taylor · Rich Ting · Paul Titus · Carolyn Toll · Deborah Tuchman · Craig Vandergrift · Ryan Very · Benjamin Wanger · Jillian Wein · Bob Welsh · Graham White · Keith Whitson · Lauren Wilcheck · John Wixted · Akin Gump Strauss Hauer & Feld LLP · Arnold & Porter Kaye Scholer LLP · Attisano & Romano · Blank Rome LLP · Borland & Borland LLP · Cozen O'Connor · Dechert LLP · DLA Piper · Drinker, Biddle & Reath LLP · Farrell & Reisinger, LLC · Goldberg, Persky & White, P.C. · Hangley Aronchick Segal Pudlin & Schiller · K&L Gates · Kairys, Rudovsky, Messing, Feinberg & Lin LLP · Langer, Grogan & Diver P.C. · Law Office of Peter Goldberger · Law Office of Jon Pushinsky · Law Office of Matt Steigler · Pepper Hamilton LLP · Purchase, George & Murphey, P.C. · Saul Ewing Arnstein & Lehr LLP · Schnader Harrison Segal & Lewis LLP · Very Law · Welsh & Recker, P.C.

# FINANCIALS (Unaudited)

## American Civil Liberties Foundation of Pennsylvania STATEMENT OF ACTIVITIES AND CHANGE IN NET ASSETS (UNAUDITED) Fiscal Year April 1, 2018 through March 31, 2019

### SUPPORT AND REVENUE

Grants, contributions, and fundraising:	\$2,646,367
Contributed services:	\$3,610,543
Attorney's fees:	\$28,298
Interest, investment, and other income:	\$64,461

**Total support and revenue: \$6,349,669**

### EXPENSES

Program Services:	\$5,894,321
Management and general:	\$505,714
Fundraising:	\$488,204

**Total expenses: \$6,888,239**

### CHANGE IN NET ASSETS

Net assets, beginning of year:	\$6,846,744
Net assets, end of year:	\$6,298,522

**Change: \$ -548,222**

## STATEMENT OF FINANCIAL POSITION (UNAUDITED) As of March 31, 2019

### CURRENT ASSETS

Cash and equivalents:	\$3,021,817
Accounts receivable:	\$696,300
Prepaid expenses:	\$66,273
Due from national ACLU:	\$253,092
Due from affiliate Union:	\$63,492
Investments:	\$1,634,625
Legacy Trusts:	\$920,757
Security deposit:	\$3,849

**Subtotal: \$6,660,205**

### PROPERTY AND EQUIPMENT

Building and improvements:	\$238,715
Leasehold Improvements:	\$14,960
Less: accumulated depreciation:	\$ -173,584

**Total Property and Equipment: \$80,091**

**Total assets: \$6,740,296**

### LIABILITIES

Accounts payable:	\$10,336
Accrued expenses:	\$145,878
Accrued pension:	\$149,800
Accrued vacation:	\$135,760

**Total Liabilities: \$441,774**

### NET ASSETS

Unrestricted	
General, Board funds:	\$4,718,791
Litigation funds:	\$152,929
<b>Total Unrestricted:</b>	<b>\$4,871,720</b>
Temporarily restricted:	\$858,057
Permanently restricted:	\$568,745

**Total net assets: \$6,785,694**

**Total liabilities and net assets: \$7,227,468**

## American Civil Liberties Union of Pennsylvania STATEMENT OF ACTIVITIES AND CHANGE IN NET ASSETS (UNAUDITED) Fiscal Year April 1, 2018 through March 31, 2019

### SUPPORT AND REVENUE

Memberships:	\$1,992,816
Grants, contributions, and fundraising:	\$774,207
Interest and investment income (loss):	\$47,916

**Total support and revenue: \$2,814,939**

### EXPENSES

Program Services:	\$897,086
Management and general:	\$210,843
Fundraising:	\$60,411

**Total Expenses: \$1,168,340**

### CHANGE IN NET ASSETS

Net assets, beginning of year:	\$2,491,494
Net assets, end of year:	\$4,138,094

**Change: \$1,646,600**

## STATEMENT OF FINANCIAL POSITION (UNAUDITED) As of March 31, 2019

### CURRENT ASSETS

Cash and equivalents:	\$3,694,709
Prepaid expenses:	\$5,800
Due from national ACLU:	\$558,349

**Total assets: \$4,258,858**

### PROPERTY AND EQUIPMENT

Building and improvements:	\$34,438
Less: accumulated depreciation:	\$-28,430

**Total Property and Equipment: \$6,008**

**Total assets: \$4,264,866**

### LIABILITIES

Due to affiliate Foundation:	\$63,492
Accounts payable:	\$445
Accrued expenses:	\$14,737
Accrued pension:	\$13,188
Accrued vacation:	\$34,910

**Total Liabilities: \$126,772**

### NET ASSETS

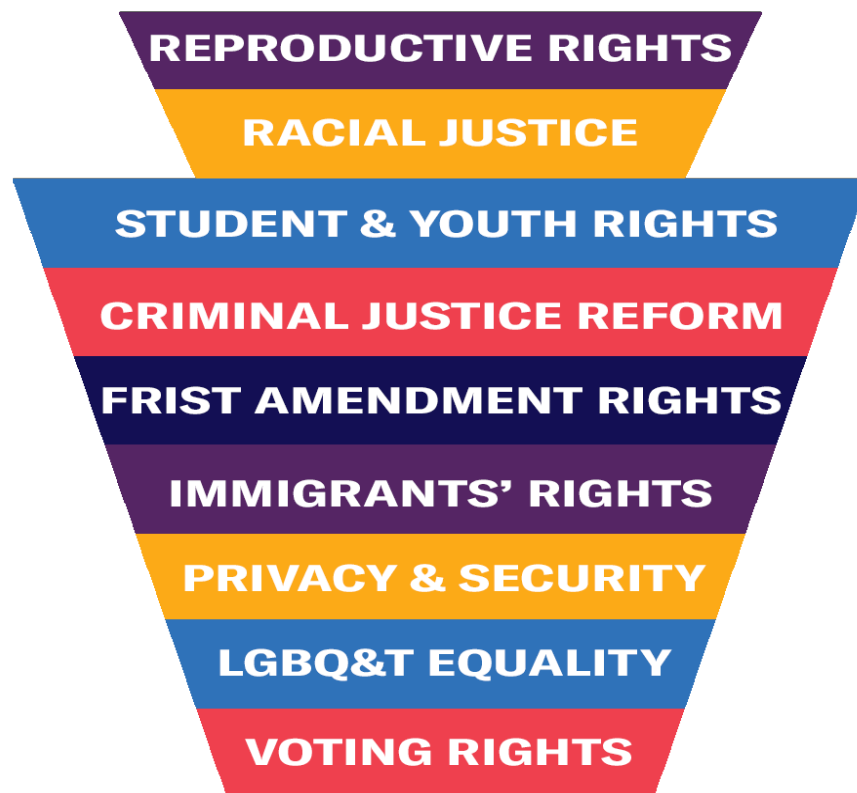
Unrestricted:	\$3,830,495
Temporarily restricted:	\$307,599

**Total net assets: \$4,138,094**

**Total liabilities and net assets: \$4,264,866**

# Mission Statement

The American Civil Liberties Union of Pennsylvania is a nonprofit, nonpartisan, membership organization dedicated to defending and expanding individual rights and personal freedoms throughout the entire commonwealth of Pennsylvania. Through advocacy, public education, and litigation, our staff and volunteers work to preserve and enhance liberties grounded in the United States and Pennsylvania constitutions and civil rights laws. Among those liberties are freedom of speech, religion, and association; the right to petition the government; separation of church and state; the right to privacy; reproductive freedom; due process of law; the rights of the accused; and the right to equal treatment under the law.



The American Civil Liberties Union Foundation is a 501(c)(3) nonprofit corporation. Foundation gifts fund our litigation and public education efforts. Gifts to the ACLU Foundation are fully tax-deductible to the donor. The official registration and financial information of the American Civil Liberties Union Foundation of Pennsylvania may be obtained from the Pennsylvania Department of State by calling toll-free, within Pennsylvania, 1-800-732-0999. Registration does not imply endorsement.

