



ANNUAL REPORT FISCAL YEAR 2007

The ACLU is our nation's guardian of liberty, working daily in courts, legislatures and communities to defend and preserve the individual rights and liberties that the Constitution and laws of the United States guarantee everyone in this country.

The ACLU is non partisan.

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## ACLU ANNUAL REPORT

Fiscal Year 2007

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Palmer Raids  
Patriot Act

creationism  
“intelligent design”

“hyphenated Americans”  
anti-immigrant hysteria

internment of Japanese-Americans  
Guantánamo Bay

accusing innocents of being dangerous radicals  
stereotyping and profiling

While there are many parallels  
between the challenges we face today  
and those we have overcome in the past,  
we are confident that history will not be repeated.

**We have learned from history.**

## Letter from Nadine Strossen, President

We are living and fighting together in the kind of times our founders envisioned when they created the ACLU.

Perilous times, when some elected leaders prefer power to justice, and some who elect them sacrifice freedom out of fear. Tumultuous times, when governments at every level behave as if the Constitution, international accords, and the bonds that tie us together were quaint and irrelevant artifacts from a bygone age.

But these are also inspiring times; times when all of us — the ACLU's dedicated staff, its passionate members and generous donors — are working hard together to move our country closer to justice despite the forces trying to take us back to darker days.

Americans are rallying to the side of civil liberties in profound and important ways, and they are giving unprecedented support to our organization because of our importance to that cause.

Thanks to them and to you, we are larger, stronger, more sophisticated and more effective than ever. And that's especially important today. At the same time we are working to move more Americans more fully into to our political and economic mainstream, we are being forced to re-fight battles that we thought we had put behind us.

The American Civil Liberties Union was founded almost 90 years ago in opposition to the notorious "Palmer Raids." Named for then-Attorney General Alexander Mitchell Palmer, the raids swept up thousands of innocent men and women accused of being dangerous radicals and anarchists. Years before "driving while black" became a trigger for police harassment on America's roads, "protesting while foreign" was enough to have thousands of labor union members and political organizers arrested without evidence and, often, deported without trial. Popular attitude toward these immigrants was succinctly summed up by President Wilson, who declared that: "hyphenated Americans have poured the poison of disloyalty into the very arteries of our national life."

Today, the United States is again in the grip of anti-immigrant hysteria, fanned by lurid press coverage and ill-concealed racism. Muslims and Americans of Middle Eastern descent find themselves and their organizations harassed by federal agencies that — in their eagerness to "fight terror" — rely on stereotyping and profiling rather than investigation and probable cause. Hispanics are painted as criminals and welfare cheats, simultaneously too lazy to get a job and too eager to steal jobs from "real" Americans. Rather than moving beyond prejudice, as many of us believed America was doing, millions of Americans are embracing it, egged on by politicians looking for votes and pundits in search of ratings.

Once again, the ACLU is at the forefront of the fight against the legal instruments of prejudice, stopping unconstitutional local laws that turn landlords into informants and cops into border agents; fighting the illegal surveillance and harassment of Americans, and seeing that aliens detained for legitimate reasons and the families who may be confined with them are accorded the humane treatment and constitutional rights to which they are entitled.

Without the support of growing membership and larger staff, it would be exhausting to fight this battle — in courts, in Congress and in communities across the nation — all over again, even as we work to break new ground. Unfortunately, immigration is not the only arena in which our opponents are determined to drag America back to a less tolerant time.

In 1925, the ACLU helped persuade John C. Scopes to challenge a Tennessee law forbidding the teaching of evolution. And in 1982, we filed suit to block an Arkansas law mandating treatment of biblical creationism as a scientific alternative to evolution. Today, we are fighting everything from congressional earmarks in support of “creation science,” to attempts by religious organizations to slip “intelligent design” studies into children’s biology classes.

During World War II, the ACLU fought against the federal government’s unconstitutional and unconscionable internment of Japanese-Americans. In those times, we believed that not even war could justify the mass violation of principles upon which this nation was founded. In these times, we have another president claiming that security concerns trump constitutional considerations, and that the executive is not bound by laws designed to preserve civil liberties.

After September 11, detainees at Guantánamo Bay were stripped of their habeas corpus rights, and held indefinitely without charge or trial. Foreign nationals were spirited away to secret jails where they are interrogated and tortured. And the ACLU is there again — making the point in court and before the public that ignoring the American Constitution and international law doesn’t make us safer, only less free at home and less honorable in the eyes of the world.

**Today, the United States is again in the grip of anti-immigrant hysteria, fanned by lurid press coverage and ill-concealed racism. Muslims and Americans of Middle Eastern descent find themselves and their organizations harassed by federal agencies that — in their eagerness to “fight terror” — rely on stereotyping and profiling rather than investigation and probable cause.**

I believe in American progress. I believe one of the most important characteristics of our nation has been a systematic effort to discover the blind spots in our Founders' vision, and to broaden our liberties to include an ever greater share of the American people in a more comprehensive definition of justice. And so it is frustrating to learn, again and again, how right ACLU founder Roger Baldwin was when he said, "No fight for civil liberties ever stays won."

Nonetheless, a certain pride arises from our vigilance and our success. If there are those who cannot let go of the prejudices and injustices of the past, or who would embrace the discredited tactics of undemocratic rule, they know that they will always find the ACLU in opposition to their endeavors, and that our "card-carrying members" will not allow this nation to be defined by the worst instincts of a few.

Nor will we allow their reactionary efforts to distract us from our other efforts to push America forward. We have shown that we can fight old battles while winning new ones: expanding rights for the LGBT community, reconciling Fourth Amendment search and seizure rights with an age of electronic communications; applying American standards of law and conscience to a global war on terror; bringing the cause of women's rights before international tribunals; and reconciling religious freedoms with women's rights and workplace demands.

Yes, we live in tumultuous times. But I hope, as you read the pages of this report, you will be inspired — as I have been — by an ACLU that is stronger than ever, and an American public growing ever more tolerant of difference and outspoken in defense of our liberties.

While there are many parallels between the challenges we face today and those we have overcome in the past, we are confident that history will not be repeated. We have learned from history: our opponents will never rest; our work will always be vital; and that if progress is not inevitable, it is possible... because of the work we do together.

Nadine Strossen

inhumane conditions of incarceration  
National Prison Project



brutal attacks of 9/11  
Keep America Safe and Free

Guantánamo, Military Commissions Act  
Day of Action to Restore Law and Justice

taxpayer dollars to fund religious activities  
Program on Freedom of Religion and Belief

There are no neutrals in this debate. Either we acquiesce to the usurpation of power and imposition of extremist ideologies by the federal government, or we defend what is under attack — the values and ideals, the Constitution and the rule of law, the very traditions that have always made our nation strong.

**The ACLU has made its choice:  
we are fighting back.**



Letter from Anthony D. Romero, Executive Director

Since 2001, the United States has been engaged in the most profound and wide-ranging debate over civil liberties since the end of World War II. This debate, intense and complicated as it has been, is fundamentally about our nation's highest values and greatest strengths as a democracy. What does the Fourth Amendment really mean when the president claims the right to tap your phone absent supervision by a court or even the pretext of probable cause? What is the separation of church and state when the school board is attempting to wedge "intelligent design" into your child's public school biology classroom? What remains of *Roe v. Wade's* affirmation of the right to privacy when the Supreme Court says that Congress can overrule a woman and her doctor in deciding the most appropriate medical procedure for terminating a pregnancy? And can people of color still take comfort in the words:

*"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."?*

There are no neutrals in this debate. Either we acquiesce to the usurpation of power and imposition of extremist ideologies by the federal government, or we defend what is under attack — the values and ideals, the Constitution and the rule of law, the very traditions that have always made our nation strong.

The ACLU has made its choice: we are fighting back.

When I became Executive Director of the American Civil Liberties Union on September 4, 2001, we already knew that we were confronting political leaders and a larger political movement that believed that the concept of "separation of powers" was obsolete; people who were committed to subjecting school curricula and other secular institutions to religious dogma, and who viewed the acts of voter suppression that brought them into office as legitimate political tactics. Seven days after I took the job, the brutal attacks of 9/11 gave President George W. Bush and his allies the cover they needed to start aggressively consolidating power in the executive branch and imposing a profoundly un-American, anti-civil liberties agenda on our nation.

The attacks have never abated. In the years that followed, they have never hesitated to use the full weight of the federal government to restrict our liberties or to intimidate judges, journalists, elected officials or even undercover CIA agents who dared to fight back. But the ACLU, its affiliates and its members showed undaunted courage.

From the first days after 9/11, we fought back and served as a solid center of principled opposition. We knew that America could be both safe and free, that we could draw a bright line between church and state, and that we could be a diverse nation and yet be united by the unique vision of our nation's founders — and be a stronger nation for it.

Powerful forces and historic obstacles have been arrayed against us: a fearful citizenry, a fear-mongering executive, and an often-cowardly Congress. We've had setbacks and great successes, and now we have reasons to be optimistic and to work even harder.

Thanks in part to the role we played, the momentum has shifted in the courts, in the Congress and in the hearts of the American people. In the last six years, the ACLU has become more powerful, more innovative and more effective in our role as guardians of America's civil liberties than ever before. And the American people themselves have become more confident, have heard our message, and have rediscovered that it is *our Constitution* and *our commitment to the rule of law* that make America great, strong, and free.

Our struggle is far from over — the cause of liberty requires eternal vigilance. But our organization is devoted to this cause as never before, and we are determined to fight the battles that need to be won.

Since September 11, 2001, we have worked to underscore the importance of protecting civil liberties in a time of national threat, most forcefully through a major, coordinated campaign on security and civil liberties launched in 2002, stressing the need to “Keep America Safe and Free.”

Although it became our rallying cry, “safe and free” isn't a slogan; it is the guiding principle for our most important challenge. We have fought the Bush administration over illegal spying on Americans and the kidnapping, detention and torture of foreign nationals. We have asserted Fourth Amendment rights against executive branch efforts to use National Security Letters (NSLs) to search libraries, offices and internet providers at will, without judicial oversight; and defended the First Amendment rights of those served with NSLs to speak publicly about their cases.

Our actions range far beyond the courtroom. The ACLU led the opposition that helped stop Operation TIPS (Terrorism Information and Prevention System) — which encouraged ordinary citizens to spy on their neighbors — from ever getting off the ground. We organized a broad, ideologically diverse coalition to stop the Defense Department's development of a massive data-mining program — “Total Information Awareness.” And, in the summer of 2007, we organized a Day of Action to Restore Law and Justice, which drew thousands of activists from around the country to Washington, D.C., to demand that the government restore habeas corpus; stop warrantless spying; close Guantánamo; and end torture and rendition.

On Capitol Hill, we vigorously challenged the so-called “Protect America Act,” which gave the executive almost unlimited power to monitor Americans' overseas telephone calls and e-mails; and to fix the Military Commissions Act of 2006, which gutted the constitutional “Great Writ” of habeas corpus, and allows the conviction and even the execution of detainees based on coerced evidence obtained through torture or abuse by the U.S. government or by other countries.

The ACLU has also filed numerous lawsuits on behalf of protesters denied their right to free speech, and we launched a nationwide effort to expose FBI spying on people who did nothing more than speak

out or practice their faith. The ACLU and our state affiliates filed legal papers under the Freedom of Information Act to demand the FBI files of groups and individuals who were subjected to unwarranted spying by Joint Terrorism Task Forces.

Our efforts to curb the excesses of the “war on terror” have not, however, diminished our commitment to the civil rights and civil liberties struggles that have long been a mainstay of the ACLU. On the contrary, the time and resources devoted to America’s most vulnerable have increased since 2001. Our work to defend and advance civil rights remains at the heart of what we do. In my first year as Executive Director, we secured new funding to deepen our work on racial justice issues, and in 2006, we created a national ACLU Racial Justice Program. Our fight for voting rights is also very much a fight for Americans of color. Forty percent of the felons currently barred from voting, even after serving their time, are African American. Voter suppression efforts, whether in the form of voter roll purges, burdensome ID requirements or outright fraud and intimidation, are invariably targeted at minority communities as well as the very old and the very young.

Concerns over illegal immigration have spawned an onslaught of local and regional anti-immigrant initiatives that forcibly enlist landlords and employers as immigration agents and substitute local police for the national immigration authorities. The ACLU has led a series of successful court actions against these laws and the discrimination against both legal and illegal immigrants that follow in their wake, as well as blocking innumerable state and local bills before they become law.

In 2007, the ACLU had a direct hand in New Jersey’s repeal of the death penalty, and we are continuing our campaigns — in legislatures and the court of public opinion — to repeal state death penalty statutes and to impose moratoria on executions. We have also started a litigation project to achieve these ends and to show that the death penalty system is inherently unfair and discriminatory. The Project engages in legislative reform, public education and advocacy as well as strategic litigation, including the direct representation of capital defendants.

Since September 11, 2001, we have worked to underscore the importance of protecting civil liberties in a time of national threat, most forcefully through a major, coordinated campaign on security and civil liberties launched in 2002, stressing the need to “Keep America Safe and Free.”

In addition, our National Prison Project continues to win battles for more humane and effective conditions of incarceration. And, with reports like the one we issued with the New York Civil Liberties Union examining the New York City public school system, we have begun to focus on and educate the public about public school systems that are increasingly run like prisons, with all the attendant problems and abuses.

# As leaders of the civil liberties movement, we have much to be proud of, as Americans remember what this nation stands for: liberty and justice for all.

Despite our prominent role in religious freedom issues, the ACLU did not have a single lawyer on the national staff dedicated to addressing issues of religious liberty and government-funded religion before 2005, when we established a national Program on Freedom of Religion and Belief.

Under the cover of tacit administration approval, state and local governments and local school boards continue their efforts to use taxpayer dollars to fund religious activities and promote particular religious beliefs in public schools. The ACLU is working on all fronts to protect religious freedom by keeping the government out of religion. Although we lost one battle to restrict government funding of faith-based charities, we won others and are working toward a federal workplace religious freedom bill that protects religious rights without supporting religious discrimination. We continue to fight efforts to proselytize in the public schools and we have been successful in rolling back clearly religious “abstinence-only” sex education curricula.

Keeping the government out of personal moral decisions, such as whom we love and when we bear children, remains a top ACLU priority. The ruling in *Gonzales v. Carhart*, in which the Supreme Court upheld an absolute ban on some abortions without consideration for the health of the woman, was a setback that undermined *Roe v.*



*In November 2006, over one hundred volunteers from across the country joined the ACLU to get out the vote to repeal South Dakota's ban on virtually all abortions. Photo: Rick Best*

*Wade*. Notwithstanding that loss, we have had successes as well. In South Dakota, we helped organize a ballot initiative that repealed a statewide ban on virtually all abortions, and we helped block parental notification laws in four states.

The ACLU Lesbian Gay Bisexual Transgender (LGBT) Project fights for the basic rights of all people, regardless of sexual orientation. We helped lead the fight for same-sex marriage in California, civil unions in Illinois and domestic partnerships in New Mexico, and we forced the state of Alaska to grant equal employment benefits to lesbian and gay state employees. We fight for the rights of parents: winning custody for an adoptive mother in Georgia whose child was taken from her because she is a lesbian. We are fighting for students, including a young woman in California who was forced to transfer schools because she kissed her girlfriend. And we are for legislation that ensures that no one can be discriminated against because of their sexual orientation or gender identity.

We're not just fighting these battles in court. We have become an integrated, nationwide advocacy organization with legislative and communications teams as effective as our legendary litigators.

We have significantly expanded the ACLU Communications Department and built the capacity to engage emerging stories as rapidly as the news cycle churns. But working with the so-called



*The ACLU became the first nonprofit advocacy group to produce a regular television series. Season Two of The Freedom Files is being distributed nationwide to public television stations.*

“traditional media” more effectively still leaves us reliant on stories that we fundamentally don’t control. So we’ve expanded our efforts to reach the public directly. The ACLU became the first-ever nonprofit advocacy group to produce a regular television series. Season Two of *The Freedom Files* is being distributed nationwide to public television stations. We also published a two-part graphic novel that illustrates the abuses of government power in the “war on terror” and the issues surrounding racial discrimination.

We’re making certain that our growing strength and sophistication are felt at the local level, strengthening our affiliates and building a truly nationwide ACLU. While the National ACLU has for years subsidized the smaller affiliates and will continue to do so, we have developed a plan for a Strategic Affiliate Initiative that is already beginning to leverage opportunities for growth in areas with the greatest potential to transform the civil liberties landscape.

And, in order to deploy our more than 500,000 card-carrying members as effective protagonists in our advocacy, we have increased the size of our Field Department within the ACLU Washington Legislative Office. This growing team works to lay a foundation for the next steps of the ACLU’s issue advocacy, outreach and activist growth by building grassroots support for ACLU priorities.

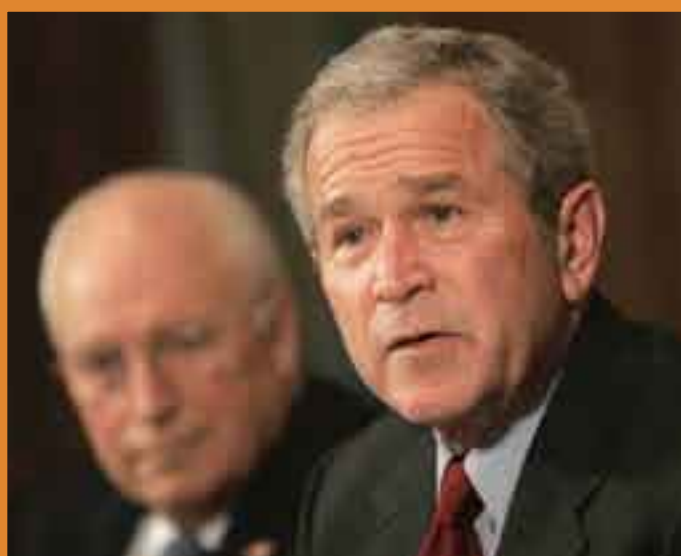
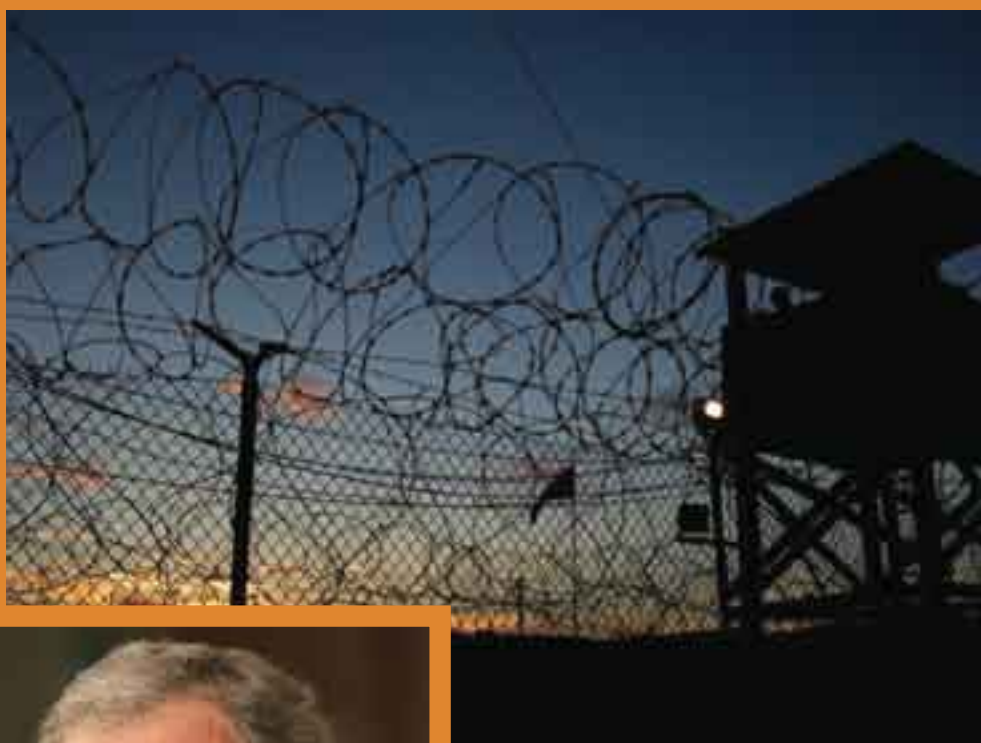
This report, written in 2008, focuses on the ACLU’s activities in Fiscal Year 2007 — which spans calendar years 2006 and 2007. As we go to print, 2008 has already been a watershed year for civil liberties — with the right for same-sex couples to marry in California, the Supreme Court decision on habeas corpus rights for Guantánamo detainees, the launch of the ACLU’s John Adams Project, and of course our advocacy efforts to ensure accountability and restore civil liberties under a new president. We look forward to reporting to you next year on those activities.

But when we look back over the last several years, we see a debate still raging in Congress and the courts, in traditional media and online, as well as in the White House and in homes across the country, over the kind of nation America will be in the 21st century. Will we allow an arrogant and bullying executive branch to seize unprecedented power for itself and flout the Constitution and the rule of law, staining our reputation throughout the world as a beacon of freedom and fairness? Or will we reject a fear-mongering government that seizes more power for the president, while eroding our rights and our liberties? Will we turn a blind eye to racism, systemic discrimination and rampant xenophobia? Or will we embrace diversity with pride and recognize that it is our freedoms that make us powerful?

We’ve answered those questions at the American Civil Liberties Union. Just as important, more and more Americans and their elected officials are hearing our voice, and answering it, as well. As leaders of the civil liberties movement, we have much to be proud of, as Americans remember what this nation stands for: liberty and justice for all. And we have a great responsibility as well: to seize this moment, to build on the momentum, and to ensure that America rededicates itself to the principles that make it great.

It is a daunting challenge. One we are proud to accept.

Anthony D. Romero



Our opposition...  
is not just ideological;  
it is practical as well.

And if we are to prove that we are a tolerant and open nation and not, as others claim, “a bigoted and brutal tyrant,” we must abandon and disavow actions like rendition and torture.

The ACLU believes that the liberties and rights that make America free also make America strong, and that is why we have campaigned so aggressively against the Bush administration's war on civil liberties. It is our belief that the administration's tactics and their ideas actually weaken us in fundamental ways.

*(top)*  
*Dusk falls on the heavily barbed-wired Guantánamo Bay where over 250 detainees remain without charge.*

Not only has this government claimed an unrestricted right to engage in activities ranging from unchecked ransacking of library records to illegal eavesdropping on thousands of Americans, it has engaged in an unethical campaign of rendition and torture that has betrayed our values and soiled our reputation in the eyes of the world. Our National Security Project has vigorously fought in the courts to overturn these abuses of power.

*The Safe and Free Campaign* was created not long after September 11, 2001. Its purpose is to challenge the government's attacks on civil liberties in the name of national security. It is a successful, multifaceted effort to mobilize public demand for government accountability in the "war on terror" and to influence the way that war is waged at home. By engaging all of the ACLU's strengths — litigation, communication, lobbying, and advocacy — we continue to achieve great successes in protecting individual rights and liberties, even though a fight like this — with powerful opponents and rarely popular — will always encounter challenges and setbacks.

Our opposition to the Bush administration's tactics has not just been ideological; it has been practical, as well. And if we are to prove that we are a tolerant and open nation and not, as others claim, "a bigoted and brutal tyrant," we must abandon and disavow actions like rendition and torture. America's greatest strength in this vital struggle is the values inscribed in our Constitution.

Illegal surveillance, the USA Patriot Act and the extralegal and inhumane treatment of detainees are the three fronts on which we are battling to keep America safe and free, and they have carried the ACLU into new territory time and again. Just a few short years ago, few of us had even heard of FISA or FISC — the Foreign Intelligence Surveillance Act and the Foreign Intelligence Surveillance Court it created. Yet in 2007, they are the objects of some of the ACLU's most important legal and legislative initiatives.

Where we once fought Fourth Amendment violations and illegal surveillance on a case-by-case basis, passage of the USA Patriot Act means that we are now fighting an FBI that issued hundreds of thousands of National Security Letters. And, while we continue our historic commitment to maintaining civil liberties at home, we are now in a battle to ensure that our national security apparatus does not systematically abuse the rights of foreign nationals, at home and abroad, whom the president has designated as enemy combatants.

## Surveillance

The Bush administration claimed the right to act on matters of national security without judicial or congressional oversight — an outright rejection of the separation of powers written into the Constitution by our Founders. One result has been an unprecedented expansion of unconstitutional surveillance of American citizens.

The Foreign Intelligence Surveillance Act (FISA) was passed in 1978 to regulate the government's surveillance of Americans' telephone calls for foreign intelligence purposes. As originally written, judges in the top-secret Foreign Intelligence Surveillance Court authorized wiretaps. Today, the administration claims the right to bypass those judges, acting utterly without judicial supervision. And Congress, in the grossly misnamed "Protect America Act" tried to cede the president that power even if only temporarily. The ACLU publicly challenged the Democratic leadership to join committed rank-and-file members of both parties in ensuring that the new legislation both meets national security needs and protects privacy rights. Strategic ads portraying House Speaker Nancy Pelosi and Senate Majority Leader Harry Reid as sheep ran in the *San Francisco Chronicle* and the *Las Vegas Review Journal* — the two leaders' hometown papers. In addition, our tactical media efforts included radio ads targeted in the home districts of specific members of Congress.

The ACLU joined several other coalitions in renewing its opposition to the REAL ID Act of 2005. This Act calls for the creation of a federal identity document that every American will need in order to fly on commercial airlines, enter government buildings, open a bank account, and more. It creates huge administrative and financial burdens for state governments, and at the same time does nothing to combat terrorism. The Act requires sweeping changes to state driver's licenses and the systems by

which those licenses are administered. It imposes a requirement for uniform data elements on state licenses. It also imposes a requirement of information sharing among states' databases — while providing no guidance whatsoever on how data sharing is supposed to be implemented. Several states — including Georgia, Maine, Montana, New Hampshire, Oklahoma, and others — have enacted statutes opting out of the program. Other states responded to the release of the final regulations by introducing legislation to opt out or demand that Congress repeal the law. It should be noted that while the 9/11 Commission's recommendation called for "standards for the issuance of birth certificates and sources of identification," it did not call for a national ID card or database. We believe that the Real ID Act puts our country at greater risk for invasions of privacy and identity theft. We support a secure ID so long as it takes Americans' privacy and civil liberties into account.

The ACLU's Technology and Liberty Project monitors the interaction between technology and civil liberties, actively promoting responsible uses of technology that enhance privacy and freedom, while opposing those that undermine our freedoms and attempt to move us closer to a surveillance society. We continue to document and expose the National Security Agency's (NSA) use of what is commonly called "data mining." Unlike the Agency's longstanding practice of spying on specific individuals and communications based upon some source of suspicion, data mining involves formula-based searches through mountains of data for individuals whose behavior or profile is in some way suspiciously different from the norm.

We also challenged the secret National Security Agency program of monitoring phone calls and e-mails between American citizens and overseas interlocutors without warrants. Despite a victory in federal district court in 2006, our lawsuit was dismissed by the Sixth Circuit Court of Appeals in July 2007, after a judge ruled that our plaintiffs could not prove with certainty that they had been wiretapped. The Supreme Court declined to hear our appeal.



This ACLU advertisement ran in House Speaker Nancy Pelosi and Senate Majority Leader Harry Reid's hometown papers.



**When Democratic leaders follow along with  
Bush's plan to eavesdrop on Americans,  
it's B A A A A A A D.**

When America elected a new Congress in 2006, we expected the Congressional leadership to stand up to George Bush, to fight to restore the civil liberties we had lost in the previous six years. Instead, this summer, Harry Reid and Nancy Pelosi caved to yet another Bush assault on our freedoms. They've enabled a revision of the Foreign Intelligence Surveillance Act (FISA) that unbelievably gives new powers to the Attorney General, new powers to eavesdrop on American citizens without any meaningful court or Congressional oversight. We don't need sheep protecting the Bill of Rights. We need lions.

**It's time for Congress to stop following and start leading.  
Our constitutional freedoms are at stake.**



To learn more, visit [www.aclu.org](http://www.aclu.org)

Paid for by ACLU and ACLU Foundation, 125 Broad Street, New York, NY 10004 (212) 549-2500



In June 2007, the FBI published its first report outlining its use of the data mining programs authorized by the Patriot Act; the audit was the result of language written into the act at ACLU prodding.

## Patriot Act

Passed in 2001 in a post-9/11 panic and revised in 2006, portions of the USA Patriot Act gave the executive branch carte blanche to ignore fundamental liberties on the flimsiest evidence. Section 505 allowed the FBI to issue National Security Letters (NSLs) demanding records from libraries and internet providers, without probable cause, and imposed a gag order on anyone served. A courageous group of Connecticut librarians refused to comply and the ACLU represented them in court, resulting in the government dropping its legal battle, followed by the gag order being lifted by a United States Court of Appeals.

In September 2007, we had another major victory against the NSL provision for our client John Doe (an anonymous internet service provider). A federal judge ruled, in *Doe v. Gonzales*, that the use of NSLs violates the First Amendment and the principle of separation of powers, and the FBI was forbidden to use them going forward. The bipartisan nature of our fight for civil liberties is reflected in the sponsorship of the National Security Letter Reform Act of 2007, drafted with significant ACLU support. In the Senate, the sponsors were Russ Feingold (D-WI) and John Sununu (R-NH), while the House version was sponsored by Jerrold Nadler (D-NY) and Jeff Flake (R-AZ).

In June 2007, the FBI published its first report outlining its use of the data mining programs authorized by the Patriot Act, the result of language written into the act at ACLU prodding. In addition, Congressional and public pressure resulting from an intense legislative and public communications effort forced the Justice Department to back away from a bill that would have forced internet service providers to save records of customer searches and surfing for later use in criminal investigations.

And we are actively challenging Section 411, which seeks to control the free flow of ideas by barring anyone who “endorses or espouses terrorist activity” from entering the country. Our client, Tariq Ramadan, is an Oxford professor and critic of U.S. foreign policy who has been denied entry into the United States on the pretext that his modest donations to nonprofits providing humanitarian aid to Palestinians constituted material support for a terrorist organization. We are also representing renowned South African scholar Adam Habib, who is being similarly refused entry to the United States, thereby denying Americans their First Amendment right to hear constitutionally protected speech. This is no way for a democracy to work.

Despite favorable court rulings, the Patriot Act still stains the civil liberties landscape, and the ACLU continues to press in court, in the court of public opinion, and on Capitol Hill for the significant revisions it needs.

## Detention

Perhaps our most controversial efforts have come in opposition to the administration claims that it can handle detainees without regard to constitutional considerations or international law.



*A detainee in the orange jumpsuit is corralled by Military Police at Guantánamo Bay.*

Since the 2004 revelation of abuse at Abu Ghraib prison in Iraq, the ACLU and others have uncovered a steady stream of official documents demonstrating government-sanctioned mistreatment and torture of detainees in American custody overseas.

With the convening of a new Congress in January 2007, the ACLU added another front to our efforts to stop torture and abuse. Effective use of Congressional oversight can both shame the administration into scaling back the most horrific abuses, and become the basis for eventual prosecution. We are providing information from our FOIA litigation to and working closely with staffs on committees including the Senate Armed Services Committee, the House Judiciary Committee, and the House Oversight and Government Reform Committee to help build their oversight capabilities.

Our court battles continue; our record is mixed and the challenges before us are significant. But here again the outcry that has accompanied our litigation has helped force the Bush administration away from unprincipled and inhumane policies. Rulings in *Ali v. Rumsfeld* and *El-Masri v. Tenet*, which state that officials are not liable for subordinates who torture and that unsubstantiated claims of “state secrets” trump the search for justice, were indeed setbacks. But the resulting furor challenged the government to publicly disavow the torture and abuse of foreign citizens. We are working with members of Congress and their staffs on legislation that would permanently ban this reprehensible practice.

The fight against the Military Commissions Act (MCA) is perhaps our most critical battle. The MCA is a fundamentally un-American travesty that suspends habeas corpus for detainees. It allows convictions based on hearsay, secret evidence and evidence obtained through torture and tries detainees before judges who are clearly NOT independent. The ACLU is one of four organizations that have been granted status as human rights observers at the military commission proceedings. In addition to monitoring the proceedings and publicizing their observations, the ACLU has repeatedly called on Congress and the Bush administration to shut down the U.S. prison at Guantánamo Bay. In addition, our legislative team contributed significantly to the drafting of the Restoring the Constitution Act, which would reform the MCA, putting together hearings on the issue, helping build a broad coalition of human

# Since the 2004 revelation of abuse at Abu Ghraib prison in Iraq, the ACLU and others have uncovered a steady stream of official documents demonstrating government-sanctioned mistreatment and torture of detainees in American custody overseas.

rights and religious groups, briefing key military and conservative leaders. On June 26, 2007, a Day of Action to Restore the Constitution attracted over 4,000 activists from every state to Washington, D.C.



*The ACLU's Find Habeas campaign caught the attention of the blogosphere and helped draw more than 250,000 people to sign a petition to Congress demanding the return of habeas corpus.*

We launched another effective online and grassroots campaign, to mark the 6th anniversary of the arrival of the first detainees at Guantánamo. A far-reaching blog ad drive drove tens of thousands of people to our Close Guantánamo page where they signed a petition to shut down the facility. Visitors to this page were also encouraged to download activist tool kits. They also received "Close Guantánamo" armbands and were able to

access information about the 35 ACLU events that were taking place across the country. We had extensive coverage in the blogosphere, where dozens of prominent bloggers wrote about Guantánamo. We continue to ask people of conscience to wear orange until Guantánamo is closed down.

Since 9/11, an unknown number of citizens and noncitizens have been detained as material witnesses at other locations. It is alleged that they possess information relevant to grand jury proceedings. But the material witness statute has been pressed into service as another route around habeas, with individuals detained as material witnesses to their own crime and held without the onset of criminal proceedings for weeks and

even months. The ACLU is challenging this abuse of process on behalf of Abdullah al-Kidd, a U.S.-born citizen who was held for two weeks as a material witness and then released with unreasonable restrictions without being charged.

The battle to keep America safe and free is, at its heart, a battle to bring America back to the vision and ideals embraced by our Founders and enshrined in our Constitution: separation of powers, democratic actions and the honor of fundamental rights. These are the things that make us free, that show the world that we are honorable and decent, that bring the support of our allies and the respect of those who might be tempted to oppose us. Six years of systematic retreat from these principles have weakened and diminished us. We are proud that the ACLU has been instrumental in reversing this decline and is poised to rise to the challenges before us.



*Abdullah al-Kidd was a victim of the government's misuse of the material witness statute.  
Photo: Jamie Rector/The New York Times/Redux*



Policies and practices at the federal, state, and local levels place a disproportionate burden on those most vulnerable in society — racial and ethnic minorities, immigrants and noncitizens, low-wage workers, women, children, and the accused.

## II DEFENDING OUR MOST VULNERABLE

No task is more fundamental to the mission of the American Civil Liberties Union than the defense of the nation's most vulnerable and disenfranchised residents: the unpopular, the impoverished, the imprisoned, the newly arrived, and the poor. Despite the progress in courts, legislatures and voting booths over the last few decades, this task remains particularly urgent. Too often, the search for solutions to the nation's challenges becomes a search for scapegoats. We believe solutions will come from expanding opportunities and participation and by giving people a greater stake in their nation and greater control over their lives.

### Human Rights

*(clockwise from top left)*

*Jessica Lenahan (formerly Gonzales) with a portrait of her three daughters who were murdered by her ex-husband while law enforcement officers refused to enforce the restraining order against him and rescue the children.*

*Thousands gather for the Immigrant Workers Freedom Ride seeking the legalization of undocumented workers, better working conditions and the reunification of families.*

*A man participates in a protest outside a Burger King in Ft Myers, Florida. The protest was held in conjunction with an ACLU Human Rights Program workshop on immigrant workers' rights, and was organized by the Coalition of Immokalee Workers and the ACLU.  
Photo: Selene Kaye*

*Low income Katrina victims relocated to the New Orleans Convention Center as officials call for a mandatory evacuation of the city.*

Since its inception, the ACLU has lived by the principle made famous by Martin Luther King, Jr. that "injustice anywhere is a threat to justice everywhere." In 2004, the ACLU created a Human Rights Program specifically dedicated to holding the U.S. government accountable to universal human rights principles in addition to rights guaranteed by the U.S. Constitution. The ACLU Human Rights Program incorporates international human rights strategies into ACLU advocacy on issues of racial justice, national security, immigrants' rights, and women's rights. Throughout its rich history, the ACLU and its 53 state-based affiliates have fought to ensure that the rights and freedoms articulated in the Convention on the Elimination of all Forms of Racial Discrimination (CERD) are fully and equally extended to members of all racial and ethnic minorities.

In 1994, the United States ratified CERD, which obligates all levels of government (federal, state, and local) to comply with the treaty provisions. Since ratification, the United States has submitted only one report on its compliance with the treaty. That was in 2000 (which combined three overdue reports). The United States was due to submit additional reports in November 2003, but failed to meet the deadline. The State Department finally submitted its overdue report to the CERD

committee in Geneva, covering 2000-2006, and posted it on its website.

In coordination with a wide coalition of advocacy, human rights, and grassroots organizations led by the U.S. Human Rights Network, we submitted an independent shadow report to the CERD committee detailing the U.S. government's failure to meet its obligations under the CERD treaty. We noted certain omissions the government made in excluding populous and immigrant-rich California and Texas in its focus on states with extensive racial discrimination problems. We also noted that the U.S. report chose to disregard racial discrimination problems in the Gulf Coast states of Louisiana and Mississippi, where Hurricane Katrina exposed the terrible social and economic inequities attendant on those states' minority and underprivileged populations.

Despite the United States' obligation to comply with the human rights standards and protections embodied in CERD, racial and ethnic discrimination continues to pervade American society. Policies and practices at the federal, state, and local levels place a disproportionate burden on those most vulnerable in society — racial and ethnic minorities, immigrants and noncitizens, low-wage workers, women, children, and the accused.

## Voting Rights

The most frequent line of attack on vulnerable Americans leads to their most fundamental right as citizens of a democracy: the right to vote. The campaign to renew the expiring provisions of the Voting Rights Act (VRA) culminated with the unanimous passage on July 20, 2006, in the U.S. Senate of H.R. 9, “The Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.” The bill passed Congress with no weakening amendments and was signed into law on July 27, 2006. By placing itself at the forefront of the debate over renewal of the expiring provisions of the VRA, and by providing extensive documentation of the problem of ongoing voting discrimination, the ACLU has helped ensure the continued success of one of our nation’s most important civil rights laws.

Invariably targeted at poor and minority communities, or at the very old and very young, voter suppression has become a common tool of both political factions — including those in the Bush Department of Justice — that have seen a few hundred votes change a nation’s direction. This effort received an endorsement by the U.S. Supreme Court in *Crawford v. Marion County*, which upheld Indiana’s voter identification law, considered the most restrictive in the nation, and which had been challenged by the ACLU, along with the Democratic Party of Indiana. There has never been a time when free and fair elections are more important. The ACLU Voting Rights Project (VRP) is dedicated to ensuring that every

vote is counted accurately and equally and that no American eligible to cast a ballot is denied the right to vote.

In November 2006, the national VRP and affiliates were deployed to handle complaints and concerns regarding issues including voting machine malfunctions and flyers distributed in predominantly black neighborhoods directing would-be voters to polling places with the wrong address. Working in partnership with the National Council of La Raza, we directed Spanish-language calls to the hotline of the National Association of Latino Elected Officials.

One highlight of Election Day was the selection of ten American Indians for the Montana legislature, a direct result of the ACLU’s almost 20-year involvement in the fight for American Indian representation. When lawsuits threatened a 2001 redistricting committee’s decision to create majority Native American districts, the ACLU successfully represented tribal leaders and, in January 2007, three American Indians were sworn into the State Senate and seven into the State House.

The ACLU also believes that the five million Americans who have lost their franchise through a felony conviction — 40 percent of them African American — should have the right to vote. We are battling to end de facto poll taxes, like laws in Arizona and Tennessee that keep ex-felons from voting if they don’t have the means to pay court-imposed fines and other legal debts. In Mississippi, the Voting Rights Project and our local ACLU office are fighting an effort by the Attorney General to expand the list of crimes for which an individual may be denied the right to vote from the ten named in the state constitution, to 21, and to revoke the state constitution’s guarantee of franchise in federal elections. Although litigation remains an important tool for dismantling felon disfranchisement laws, the ACLU also plays an active role in seeking legislative remedies and participates in public education activities to encourage more civic involvement.



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John Williams, legal director of the ACLU of Mississippi, challenged Mississippi's denial of voting rights to convicted felons. A statue commemorating the life of slain civil rights leader Medgar Evers is seen in the background.





**We also played a critical role in challenging the government's new policy of "family detention" at the Hutto detention center in Texas, winning a landmark settlement in August 2007 that ensures improved conditions.**

## Immigrants' Rights

The ACLU has championed the rights of citizens and immigrants alike since its founding. Under the Constitution, the guarantees and safeguards of due process and equal protection expressly protect every “person,” not just citizens. Our challenge is to ensure that this fundamental value of fairness is actually reflected in our laws and policies. Our program of strategic litigation and advocacy, along with a new initiative to support and enhance the work of 53 ACLU offices around the country to champion basic rights and fair treatment for immigrants, has never been more crucial.

Over the course of the last several years, the hostility to immigrants and immigration has increased dramatically. Among the most dangerous manifestations is a slew of local ordinances and state laws targeting noncitizens that violate individual rights, lead to ethnic and racial discrimination and improperly usurp the federal government’s immigration authority. The ACLU has led the legal battle against these ordinances and brought multiple lawsuits in numerous places in a coalition with local and national groups. In 2007, we won a landmark 206-page ruling based on a two-week trial that categorically rejected the Hazleton, Pennsylvania anti-immigrant ordinance as unconstitutional and in violation of federal civil rights laws. The ACLU filed similar suits against Riverside, New Jersey and Escondido, California and challenged a statewide Arizona law that replicates key failings of the Hazleton ordinance.

We also obtained key rulings in the courts of appeals to protect immigrants’ right to habeas corpus and judicial review. This strategic litigation is a continuation of our landmark Supreme Court victory in *INS v. St. Cyr* (2001) to ensure that immigrants are not deported without a judicial determination. Most recently, the issue has arisen in connection with

refugees who face persecution or torture in their home countries. Our decisions establish, over the government’s objections, that the courts have the final word in deciding the proper interpretation of the law.

We directly participated in more than fifteen cases and assisted in countless others challenging the constitutionality of mandatory, prolonged, and indefinite detention of immigrants during and after their removal proceedings. As immigrant detention grows geometrically, more noncitizens languish for months and years in isolated areas far removed from families and lawyers as their cases progress through the administrative process. In many cases, detention serves no purpose but to diminish the detainees’ ability to pursue legal rights.

In addition, the conditions of detention are often horrendous. During the past year, we embarked on a campaign in conjunction with the National Prison Project to challenge immigration detention conditions, including the privatization of detention facilities. We filed litigation challenging inhuman overcrowding and constitutionally deficient medical and mental health care. We also played a critical role in challenging the government’s new policy of “family detention” at the Hutto detention center in Texas, winning a landmark settlement in August 2007 that ensures improved conditions.

We also successfully stopped the Department of Homeland Security from using Social Security “no-match” letters for immigration enforcement, as the program would not only affect immigrants, but also citizens who were wrongly determined ineligible to work. We brought a series of class action suits to end delays in naturalization processing and enforce legal rights of immigrants arrested at the border. We developed education and know-your-rights materials for immigrant communities and launched a major new initiative to support and enhance the work of ACLU affiliates who engage in advocacy on behalf of immigrant communities at the state and local level.

*Belkys Blanco and her daughter Susana Rodriguez leave the T. Don Hutto Detention Center in Taylor, Texas. Photo: Kim Skotak*

## Racial Justice

Though generations of civil rights activism have led to important gains in legal, political, social, employment and education rights, the removal of native peoples and the enslavement of those of African descent marked the beginnings of a system of racial injustice from which our nation has yet to break free.

In the over half century since *Brown v. Board of Education*, the decision was and remains one of the nation's clearest calls for justice and racial equality in public education. But decades later, that vision of quality, integrated schools for all children, remains a dream deferred. Too many of our nation's youth are confined to overcrowded, underfunded schools that are every bit as segregated as in the days before *Brown* — and in some cases, even more so. Remembering all that has changed since *Brown*, and all that has not, the ACLU remains committed to the fight to make the vision expressed in *Brown* a reality.

While we battle old challenges, we are continually faced with new ones. Under the banner of “zero tolerance,” schools have relied on increasingly harsh discipline and increased presence by law enforcement to

address trivial schoolyard offenses among even the youngest students. Rather than nurturing and educating youth who have been perceived to pose disciplinary problems, schools are turning to law enforcement to rid them of these children. The school-to-prison pipeline describes an alarming trend: public elementary, middle and high schools are pushing youth out of classrooms and into the juvenile justice and criminal justice systems.

The most vulnerable have been young children of color and those with disabilities who shoulder the brunt of this anti-educational, law-and-order crackdown. Nationally, minority students are suspended at rates two to three times that of other students. They are also more likely to suffer corporal punishment, expulsion and referral by the school to the juvenile justice system. Minority students with disabilities are especially vulnerable. Disabled African American students are more than four times as likely to end up in correctional facilities as their white counterparts. The ACLU's education and juvenile justice agendas have increasingly focused on the

Remembering all that has changed since *Brown*, and all that has not, the ACLU remains committed to the fight to make the vision expressed in *Brown* a reality.

school-to-prison pipeline, and we have continued to bring our special expertise to bear on issues of education and criminal justice.

Two reports featured prominently in our work during 2006-2007. Coauthored by the ACLU's Racial Justice Program and Capital Punishment Project, "The Persistent Problem of Racial Disparities in the Federal Death Penalty" detailed the persistent racial disparities in federal death penalty sentencing. The report produced mounting evidence suggesting that race continues to play a role in who lives or dies in the federal judicial system. "Broken Promises: Two Years After Katrina," co-authored by the National Prison Project and the Racial Justice Program in 2007, documented the terrible conditions and dangerous lack of planning at the Orleans Parish Prison. It also detailed other increases in police abuse, racial profiling, housing discrimination and other civil liberties violations, as well as our continuing response to those abuses.

As mentioned earlier, in December 2007, we released a scathing analysis of a State Department report to a United Nations committee about the state of racial discrimination in the United States. The government report, submitted to the U.N. Committee on the Elimination of Racial Discrimination (CERD) in Geneva, was supposed to describe the state of race relations and intolerance in the United States. After our intensive scrutiny, it was clear that the CERD report ignored the continuing persistence of structural racism and inequality in this country. Shockingly, the State Department report suffered from major omissions of topics like the Hurricane Katrina aftermath and police brutality. The ACLU's full report, titled "Race and Ethnicity: Turning a Blind Eye to Injustice," was a true collaboration with our local affiliates, who provided valuable material and analysis of their state-based work.



*Marchers at the annual Youth Justice March in Mississippi. Photo: Sabir Abdul Haqq*



**Violence against women is an ongoing problem and the ACLU is fighting against a system that fails to protect women from violence and often punishes them for the violence they have suffered.**

## Women's Rights

Discrimination aimed at immigrants falls particularly harshly on women, and the ACLU has made elimination of discrimination against low-wage immigrant women workers a cornerstone of our efforts. In addition to successful fights on behalf of restaurant and garment workers, the Women's Rights Project and the ACLU's Human Rights Program broke new ground by charging the country of Kuwait and a Kuwaiti diplomat and his wife with trafficking three women and forcing them to labor as domestic workers against their will under slavery-like conditions. The ACLU called for legislation that will eradicate this form of human trafficking, and we fought for Congress to ensure that no class of traffickers be exempted from punishment and no class of victims remain unprotected.



Some ACLU employees and friends showed their support for the rights of domestic workers at a domestic workers rights rally in Washington, DC.

(left) Jessica Lenahan (formerly Gonzales) answering questions about her testimony at the Inter-American Commission on Human Rights at the ACLU's Washington Legislative Office.  
Photo: Peter Cutts / Columbia Law School

And, while there is no appeal from an adverse Supreme Court ruling, the ACLU Women's Rights Project has taken the novel step of petitioning the Inter-American Commission on Human Rights (IACHR) in response to negative Court decisions three times: on behalf of domestic workers employed by diplomats; on behalf of undocumented immigrants jeopardized by unsafe and discriminatory working conditions; and on behalf of Jessica Gonzales, whose three children were brutally murdered when Castle Rock, Colorado police refused to enforce a restraining order against her estranged husband. All three cases are still pending.

Violence against women is an ongoing problem and the ACLU is fighting against a system that fails to protect women from violence and often punishes them for the violence they have suffered. We won favorable judgments for women who were fired from their jobs for reporting workplace harassment or taking time off because of domestic violence, and we successfully fought a landlord who evicted a woman because of damage caused by an abusive ex-boyfriend.

The ACLU is working to create a legal system that protects all women, including poor women, women of color, and immigrant women, and guarantees their rights.

## Drug Law Reform

The mission of the ACLU Drug Law Reform Project (DLRP) is to end punitive drug policies that cause the widespread violation of constitutional and human rights, as well as unprecedented levels of incarceration.

The DLRP continues to make strides, both in our pursuit of an ambitious law reform agenda in the areas of addressing the racial injustice of drug laws and working to reform marijuana laws, and in our longstanding role as a leader and counsel to the drug law reform movement.



*In Seattle, Washington, ACLU-conducted research showed African-Americans were still disproportionately arrested for drug crimes.*

People of all races use drugs at virtually identical rates, yet they stand far different chances of finding themselves behind bars for the same activity. Though knowledge of this racial divide has become commonplace, far less is acknowledged about its cause. The DLRP and Racial Justice teams are addressing at least three of the root causes through active litigation, legislative efforts and public education about the selective enforcement of the drug laws, an unchecked and unregulated informant system, and the 100:1 crack versus cocaine sentencing disparity.

With regard to selective enforcement, we engaged in a novel legal challenge in Seattle, Washington, that seeks to expose and address the racially biased enforcement of drug laws. Using public record requests, field research, and sophisticated statistical analysis, we have been able to show that, in a city that has relatively few African American residents, whites make up the majority of both drug users and dealers; however, blacks constitute the overwhelming majority of those arrested for drug crimes, and that the tactics of the Seattle Police Department were directly responsible for this blatant discrepancy. Should this case be successful, we plan to replicate this approach in other cities around the nation.



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At the national level, we have drafted a comprehensive piece of federal legislation that would revamp the Department of Justice, FBI and DEA's informant protocols, as well as put conditions on federal funding to state and local law enforcement agencies that would require them to adopt proper safeguards in their respective informant policies and practices. We have also commissioned several public policy reports that will document the extent of the problem on a national, state and local level, and we plan to wield these reports as tools for starting a public conversation about the urgent need for reform.

The DLRP also submitted a friend-of-the-court brief to the U.S. Supreme Court in a case that raised the question of whether federal judges could depart from the sentencing guidelines by imposing a lesser sentence to people convicted of crack cocaine offenses if the judge deems the 100:1 sentencing disparity between the crack and powder forms of the drug unjust (*U.S. v. Kimbrough*). We are pleased to report that the Supreme Court ruled in 2007 that judges may in fact exercise their discretion to impose fair sentences in crack cocaine cases. We are also working to ensure that prisoners can avail themselves of the U.S. Sentencing Commission's decision this year to reduce the sentences recommended for nonviolent crack cocaine offenses.

The ACLU occupies a dual role in the marijuana reform movement. First, we stand alone as the organization that litigates to defend the political victories our movement has already won: every effort to roll back state-level medical marijuana protections has been litigated and won by the ACLU. We have succeeded, as well, in defending local initiatives to make marijuana the lowest law enforcement priority and in defending the right to advertise and hold elections on marijuana issues.

Second, we have a uniquely strong network of state affiliates that are being mobilized to build public support for marijuana reform. After surveying the capacity of over a dozen ACLU affiliates, we launched sustained marijuana reform efforts in the states of Washington and Montana. Over the past four years, we have steadily built momentum for increased public support for marijuana law reform in those states — a network of visible leaders, a series of local ballot initiatives, academic studies, successful litigation, incremental legislation, and a public relations strategy that constantly exposes state residents to disciplined, positive messaging about marijuana. Our strategy has always started from the premise that no state's electorate is ready to vote for marijuana legalization, so victory will require a steady, sustained effort at public education focused in promising states.

## Prisoners' Rights and Capital Punishment

Overly harsh sentencing and treatment, denial of access to education and basic services, and cruel and unusual punishment not only amount to unconstitutional treatment, they harden those incarcerated and make America a more dangerous place.

This is why our legislative team was a leader in forming the Stop Abuse and Violence Everywhere (SAVE) coalition, which is working to reform the Prison Litigation Reform Act of 1996 in ways that preserve the rule of law, but better protect prisoners from rape, assault, denials of religious freedom and other violations of their constitutional rights.

Since the ACLU's National Prison Project was founded in 1972, it has litigated hundreds of cases that have directly improved conditions of confinement for hundreds of thousands of prisoners. A key focus of the Project is attacking what amounts to domestic torture: finding solutions to overcrowding and safety hazards in a Los Angeles County jail so overwhelmed that a federal judge said it was "not consistent with basic values" and "should not be permitted to exist."

The ACLU is particularly concerned with a system that seems designed to funnel children from schools to prison, and then neglects and abuses them once they arrive. This year, we issued a report with the New York Civil Liberties Union detailing systematic abuse of students and teachers at the hands of New York School safety agents and armed police officers. We reached a settlement with South Dakota's Winner School District that will reduce discrimination in the disciplining

and prosecution of American Indian students. And, due in large measure to the lobbying efforts of the ACLU of Texas, the Texas State Senate voted unanimously to pass an omnibus bill to reform the Texas Youth Commission.

The United States remains the only advanced western democracy that does not view capital punishment as a profound human rights violation. The ACLU seeks to protect and expand the rights of capital defendants and to educate the courts and public about the arbitrariness and unfairness of the country's death machine. The ACLU's Capital Punishment Project (CPP) is dedicated to abolition of the death penalty through a combination of litigation, public education, and legislative advocacy.



*New Jersey Governor Jon S. Corzine signs legislation eliminating his state's death penalty.*

The CPP's core litigation priorities are innocence cases; cases in which death is a disproportionate penalty (i.e., mentally ill defendants; non-triggerman; non-intentional killings); cases with clear racial or economic bias; and cases highlighting or addressing counsel deficiencies. Our larger goal is to save lives by highlighting flaws in the capital punishment system and by creating strategies that will allow other defense teams to successfully oppose capital sentencing.

In 2007, the U.S. Supreme Court delivered a pair of disappointing setbacks. In *Lawrence v. Florida*, we filed an amicus brief documenting how the lawyers for 16 death-row inmates in Florida missed a critical

**The ACLU is particularly concerned with a system that seems designed to funnel children from schools to prison.**

filing deadline, thereby very likely depriving the inmates from ever having their cases heard in federal court. In a 5-4 decision, the high court found that a mentally retarded inmate could be executed despite the fact that his court-appointed attorney had missed a critical filing deadline. And in *Uttecht v. Brown*, the same majority ruled that a prospective juror could be excluded by the state because his pro-death penalty opinions were insufficiently hard-line.

Other cases, however, will give us the opportunity to limit execution of the mentally ill and retarded, to ensure full habeas rights and to clarify jury instructions, among other opportunities.

The CPP is also working through public education and advocacy to repeal existing death penalties. When Governor Jon Corzine signed the bill repealing New Jersey's death penalty in December 2007, he praised the ACLU, along with two other organizations, for helping create "a fundamental grassroots groundswell that put pressure on those of us in public service to stand up and do the right thing." In 2008, we hope to win repeal in Montana as well as to prevent reinstatement in Wisconsin and extension of the death penalty to non-homicide crimes in a number of states.

We are not only changing laws, we are changing minds by raising awareness of the arbitrary ways in which the death penalty is applied, and its ineffectiveness as a deterrent. Working with the ACLU's Racial Justice Program, the CPP released a white paper highlighting the severe racial disparities in the federal death penalty. We have also refuted recent studies purporting to show that the death penalty deters murder.

A measure of society's commitment to justice is access and the attention it shines on those most vulnerable to the prejudices and whims of those more powerful than themselves. Our work in this area is fundamentally patriotic. We are forcing our justices and political system to pay attention to those who in a less just nation would be overlooked or cast aside. We are forcing America to live up to its ideals, to offer justice to its most vulnerable residents and ensure that we live up to the promises we have made.





In the last generation, we have made tremendous strides toward that ideal of a nation in which each of us is

**free to worship, to love and to bear children as we choose.**

But even in the face of this progress, there has been bigotry and backlash.

### III FIGHTING A MORALIZING GOVERNMENT

America has long flourished as a haven for individuals seeking their own answers to the complex moral and religious questions that we all face. And though imperfectly honored, we have for more than two centuries defined ourselves by the principle that the free exchange of ideas and tolerance of religions and lifestyles different from our own, make our society stronger. That the government should not be imposing moral decisions on individuals is central to American democracy.

In the last generation, we have made tremendous strides toward that ideal of a nation in which each of us is free to worship, to love and to bear children as we choose. But even in the face of this progress, there has been bigotry and backlash.

The ACLU recognizes the importance of religious belief in many Americans' lives, and has fought repeatedly for the right to worship as we choose. But the right to worship does not carry with it the right to discriminate or to impose one's values on others, or to promise state support to religious groups. We have worked across all fronts to protect America's religious diversity, to preserve freedom and tolerance; to achieve rights for lesbian, gay, bisexual and transgender (LGBT) people; and to assure the right for everyone to express themselves.

As one of America's foremost defenders of religious liberty, the ACLU uses litigation, legislative action, and a determined public education effort to support Americans' right to worship as they choose, and to end state support of favored sects and stop the pressures and discrimination such support necessarily entails.

Although our lobbying has defeated numerous efforts to allow religious providers who receive federal grants to discriminate in recent years, our job got a little harder in 2007. Despite an ACLU amicus brief, the U.S. Supreme Court ruled that citizens may not challenge government programs that support religion if — rather than being authorized by Congress — they have been developed and paid for by the executive branch using discretionary funds. And, at the state level, the state of Louisiana refused to explain why two churches have been appropriated \$120,000 in taxpayer money, despite repeated ACLU requests for documentation. In *ACLU v. Blanco and Kennedy*, we asked a judge to halt the payments.

Since 1994, actions in public schools that we contend are illegal or unconstitutional produced six ACLU-sponsored lawsuits in Tangipahoa Parish, Louisiana. Currently, it faces two suits. In one, *Roe v. Tangipahoa Parish*, a fifth-grader felt coerced to accept a bible from a representative of Gideon's International in her school's office. The student, along with the rest of her classmates, has asked that this practice be ended. In the second case, *John P. v. Tangipahoa Parish*, the ACLU of Louisiana is challenging a prayer at a high school graduation ceremony that violates an agreement reached three years ago.

Our Washington office has worked successfully for many years to block the Workplace Religious Freedom Act (WRFA), as originally introduced by Senators Rick Santorum (R-PA) and John Kerry (D-MA), in favor of a more narrowly tailored bill that would protect the rights of employees to, for example, take holy days off or wear religious headgear, but which would not legitimize religious discrimination. In its original form, the bill might have allowed police officers to refuse to protect an abortion provider. A recent decision by Senate sponsors to end support for the current version and embrace language proposed by the ACLU is a clear victory for our efforts.

Religious tolerance is one of the cornerstones of our nation, allowing a uniquely diverse group of believers — and nonbelievers — to come together in civil society on the basis of tolerance and mutual respect. In the current political climate, this tradition is under attack. The ACLU has, however, enjoyed considerable success against the effort to impose moral decisions and religious views on individuals and institutions, while defending the rights of people across the country to practice any faith, or no religion at all.

*(clockwise from top)*

*Reproductive rights advocates demonstrate about the future of the Supreme Court.*

*Tim Butz, executive director of the ACLU of Nebraska. Photo: AP Photo/Nati Harnik*

*The first openly gay priest to be elected Bishop in the Episcopal church, Gene Robinson, gives the keynote speech at the Human Rights Campaign Gala.*

*Demonstrators in Maryland protest state court ruling banning same-sex marriage. Photo: Michael Woolsey*

## Reproductive Freedom

The decision when and whether to become a parent is one of the most private choices a person can make, and yet the question of who has a right to make that decision has long been at the center of a very public and rancorous debate. In recent years, we've seen some stunning victories and alarming defeats for reproductive freedom.

The Supreme Court handed us one of our most troubling losses in 2007 in *Gonzales v. Carhart* when it upheld a federal law — the “Partial Birth Abortion Ban Act of 2003” — that fails to include any protections for women’s health. The ACLU, acting on behalf of the National Abortion Federation and several individual physicians, brought one of three legal challenges to the federal ban and filed an amicus brief in the Supreme Court. In upholding the ban, the Court essentially invited politicians across the country to pass new and far-reaching restrictions on abortion regardless of women’s health. The ACLU stands ready to fight these measures at every turn.

At the same time, the ACLU enjoyed some great successes. Most significantly, the ACLU helped defeat a ballot initiative in South Dakota that would have prohibited all abortions except those necessary to save a woman’s life. We also won a court battle to nullify a ban on most abortions in Michigan, celebrated important victories for women in prison in Arizona and Missouri when courts made it clear that being incarcerated doesn’t mean a woman gives up her right to have an abortion, and prevented a New Hampshire law aimed at preventing teenagers from obtaining abortions even in medical emergencies from ever taking effect. Following the ACLU’s argument before the Supreme Court in the New Hampshire challenge —

*Ayotte v. Planned Parenthood* — the Court sent the case back to the lower courts. While the case was pending, the ACLU and other partners achieved an unprecedented victory: New Hampshire repealed the law.

The ACLU also achieved results in its campaign to end federal funding for “abstinence-only-until-marriage” programming, an approach that fails to give teenagers the information they need to make healthy decisions about sex. We convinced governors in New Jersey and Arizona to stop taking federal abstinence dollars and successfully advocated that a Florida school board replace its abstinence-only curriculum with sex education that gives teens complete and accurate information. Likewise, through litigation, the ACLU has helped ensure that these taxpayer-funded programs no longer promote religion. After we brought a legal challenge to the use of federal dollars to support the Silver Ring Thing, a nationwide abstinence-only program with a mission to bring the “unchurched” to Jesus Christ, the Department of Health and Human Services issued new guidelines for all federally funded abstinence-only programs, making clear that government funds cannot be used for religious purposes.

And we brought our unique perspective — one that strikes a balance between religious liberty and reproductive freedom — to challenge the practice of pharmacists or pharmacies refusing to sell contraceptives based on religious objections. The ACLU issued a report, *Religious Refusals and Reproductive Rights: Accessing Birth Control at the Pharmacy*, which argued pharmacies should accommodate individual pharmacists’ refusals so long as the pharmacy can meet the woman’s need for birth control in a timely manner. We’ve seen our approach adopted throughout the country as states grapple with legislation addressing birth control access at the pharmacy.

*In November 2006, over one hundred volunteers from across the country joined the ACLU to get out the vote to repeal South Dakota’s ban on virtually all abortions.*

*Photo: Rick Best*

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And — bit by bit — we are breaking down the barriers presented by one of the last “acceptable” prejudices in American society.



## Lesbian Gay Bisexual Transgender Rights

The ACLU's LGBT Project fights discrimination and moves public opinion on LGBT rights through the courts, legislatures and public education. We are working on multiple fronts to achieve the same rights for LGBT Americans that other Americans enjoy. That includes the ability to marry, to earn a living without fear of discrimination, or to form school clubs. And — bit by bit — we are breaking down the barriers presented by one of the last “acceptable” prejudices in American society.

The ACLU pursues two tracks to ensure that LGBT people can enjoy the same relationship recognition other Americans enjoy. First, we fought for the ability to marry, with successful litigation in California (in conjunction with the Lambda Legal Foundation and the National Center for Lesbian Rights) and a pending lawsuit in Connecticut (in conjunction with Gay and Lesbian Defenders) and with education and advocacy efforts in Maryland. Second, in states where pro-marriage court or legislative decisions are unlikely, we are fighting for domestic partnership benefits. In Alaska, for example, we helped fight off an amendment to the state constitution that would have reversed a state Supreme Court ruling in favor of nine ACLU clients asking for benefits for their partners from state and municipal employers.

People of every orientation have the potential to be loving parents. And the ACLU has persuaded some of the nation's most conservative jurisdictions that LGBT people are no exception. We joined with the ACLU of Arkansas to defeat a bill that would have banned gay people and unmarried heterosexuals from adopting

children or serving as foster parents.

We've been active in fighting for the rights of students in Florida and Georgia to form Gay-Straight Alliances on the same basis as other student organizations, and defended the rights of a straight-A student who was forced to transfer to another school after she kissed her girlfriend on campus — an infraction for which straight students were not punished.

And the ACLU is at the forefront of the struggle for basic civil rights. In March 2007, we joined the ACLU of Pennsylvania in winning the right of a gay ex-felon to be united with his long-term partner. As the partner also had a criminal record, a condition of the plaintiff's parole was that the two not meet — a prohibition that would not have been imposed on a straight couple.

In addition to our courtroom efforts, the LGBT Project is increasing its field and advocacy efforts by placing organizers in targeted states (New Mexico, Illinois, and Florida), supplying backup on local legislation to ACLU affiliates in other states, and providing resources to local activists.

Still under consideration, the Employment Nondiscrimination Act, a bill that would extend a basic right enjoyed by other Americans to lesbians, gays and bisexuals: the right to be free from workplace discrimination. Late in 2007, a bill passed the U.S. House of Representatives, and we are working for introduction and passage in the Senate, as well as for legislation that would extend employment rights to transgender individuals.

Despite the growing social acceptance of LGBT people in the United States, widespread legal discrimination and personal prejudice still exist. We will continue to work to create a legal system that ensures that the rights of all Americans will be protected.

*ACLU led the cry in support of same-sex unions.  
Photo: Michael Woolsey*

## Freedom of Religion and Belief

The right of each and every American to practice his or her own religion (or no religion at all) is among the most fundamental of the freedoms guaranteed by the Bill of Rights.

The ACLU works to ensure that this essential freedom is protected by keeping religion free of government intrusion. The ACLU launched its new Program on Freedom of Religion and Belief in 2005 to coordinate the broad range of issues coming under the rubric of religion. The Program staff works to promote and safeguard constitutionally protected freedoms of religion and belief through First Amendment litigation, public education, and community outreach.

After six weeks of testimony, the ACLU won a major case in Harrisburg, Pennsylvania, in the trial of *Kitzmiller v. Dover*. The so-called Intelligent Design trial tested whether American public schools can include “intelligent design” as a part of science education. The school board in Dover, Pennsylvania, voted in 2004 to require that intelligent design be included in the biology curriculum, despite the fact that this

“pseudoscience” had been repudiated by every leading scientific organization, including the American Association for the Advancement of Science and the National Academy of Sciences. On December 20, 2006, Judge John E. Jones II issued a blistering 139-page opinion in which he found intelligent design to be a religious view and not a scientific theory.

We also successfully filed suit on behalf of eight parents in Odessa, Texas, against the Ector County school board. The parents said a course taught at the school violated their religious liberty by promoting particular religious beliefs to children in their community.

The ACLU is a strong defender of the right of religious organizations and individuals to express their religious beliefs in public. However, we are opposed to the government sponsoring, endorsing, promoting, or financing religious symbols.

Long before other groups appeared on the scene to argue for religious freedom, the ACLU was defending the rights of the Jehovah’s Witnesses not to be compelled against their beliefs to recite the Pledge of Allegiance (as an amicus in the famous *West Virginia v. Barnette* case of 1943). Over sixty years later, we face daunting challenges that continue to impact the rights guaranteed to all Americans.



Rev. Steven Baines, a senior organizer for Religious Affairs, speaks against the proposed repeal of the Miami-Dade County ordinance banning discrimination against gays.

The 5,300 pound Ten Commandments memorial designed by Alabama Supreme Court Chief Justice Roy Moore and pictured at the Judicial Building in Montgomery, Alabama.

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I AM THE LORD THY GOD  
THOU SHALT HAVE NO  
OTHER GODS BEFORE ME  
THOU SHALT NOT MAKE UNTO  
THEE ANY GRAVEN IMAGE  
THOU SHALT NOT TAKE THE  
NAME OF THE LORD THY  
GOD IN VAIN  
REMEMBER THE SABBATH  
DAY TO KEEP IT HOLY

HONOUR THY FATHER AND  
THY MOTHER  
THOU SHALT NOT KILL  
THOU SHALT NOT COMMIT  
ADULTERY  
THOU SHALT NOT STEAL  
THOU SHALT NOT BEAR  
FALSE WITNESS  
THOU SHALT NOT COVET

THE LAWS OF NATURE ARE THE LAWS OF GOD, WHOSE AUTHORITY CAN  
BE SUPERSEDDED BY NO POWER ON EARTH

*George Mason*

## LAWS OF NATURE AND OF NATURE'S GOD

*Declaration of Independence 1776*

THE TRANSCENDENT LAWS OF NATURE AND OF NATURE'S GOD, WHICH GUARANTEE THAT  
THE SAFETY AND HAPPINESS OF SOCIETY ARE THE OBJECTS BY WHICH ALL POLITICAL  
INSTITUTIONS, NOW AND TO WHICH ALL SUCH INSTITUTIONS MUST BE SACRIFICED.

*James Madison*

THE LAW OF NATURE, BEING CO-EQUAL WITH NATURE AND DICTATED BY GOD HIMSELF,  
IS BY COURSE NECESSARY IN OBLIGATION TO ANY JUSTICE IS BINDING UPON ALL  
THE GLOBE, IN ALL CIRCUMSTANCES AND IN ALL TIMES AND PLACES AND A LIE OF  
ANY NATION IS A VIOLATION OF THIS LAW OF NATURE. THE CONVENTIONS  
THE LAWS OF NATURE AND THE LAW OF NATURE'S GOD, BEING ALL HUMAN LAWS  
WHICH IS TO SAY, NO HUMAN LAWS SHOULD BE CONSIDERED TO CONTRADICT THESE

*William Blackstone*

## Freedom of Speech

Since 1920, the ACLU has worked to preserve our freedom of speech, a protection in the First Amendment of the Bill of Rights guaranteed to all Americans. Yet, our most basic right as Americans, the right to assemble, protest, and petition continues to come under fire.



*Jeff and Nicole Rank, arrested after wearing anti-Bush tee shirts to a Bush rally, wins settlement in federal court.*

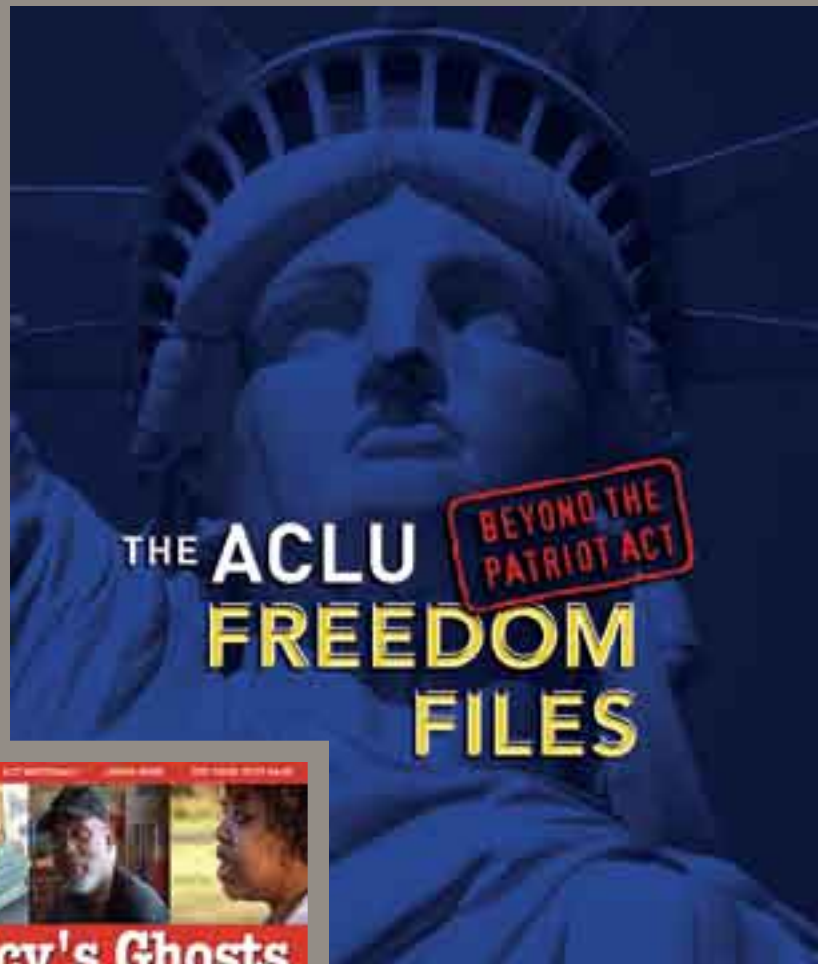
When President Bush appeared for a July 4, 2004, event at the West Virginia Capitol, Jeff and Nicole Rank quietly and lawfully joined the crowd. They wore homemade T-shirts bearing the international “no” symbol (a circle with a diagonal line across it) superimposed over the word “Bush.” One T-shirt said “Love America, Hate Bush” on the back and the other said “Regime Change Starts At Home.” The Ranks were arrested and jailed on trespass charges. We represented the Ranks and the charges were dropped after the government agreed to settle the case. In 2007, the couple was given \$80,000.

We also won an important victory in our challenge to the “Child Online Protection Act” (COPA). In March 2007, a federal district court ruled that COPA violates the constitutional right to free speech. This challenge to internet censorship began in October 2006. The law threatened draconian criminal sanctions, with penalties of up to \$50,000 per day and up to six months’ imprisonment, for sites presenting online material acknowledged as valuable for adults, but judged “harmful to minors.” Clients included a broad coalition of writers, artists and health educators with a diverse Web presence.

*Marchers at the annual Youth Justice March in Mississippi.  
Photo: Sabir Abdul Haqq*

The battle to keep America safe and free is, at its heart, a battle to bring America back to the vision and ideals embraced by our Founders.





A red header for an article titled 'Democracy's Ghosts'. It features a photo of three people. Below the title, it says 'How 5.5 million Americans have lost the right to vote'. There is a 'watch the trailer' button and a small logo for 'Democracy's Ghosts'.

A graphic for 'RESTORE HABEAS'. It features a yellow cartoon character with a large head and a small body. The text 'RESTORE HABEAS' is at the top, and 'READ THE BLOG' is at the bottom. The background shows a blurred image of the US Capitol building.

A graphic for a 'Day of Action LIVE WEBCAST'. It features a hand holding a torch. The text includes 'JUNE 26, 2007' and 'WASHINGTON, DC'.

Embracing the total media landscape, the ACLU has taken advantage of both traditional media and the world of online communications and social networking.

## IV EDUCATING THE PUBLIC

Working with filmmaker Robert Greenwald and Brave New Films, the ACLU was the first-ever nonprofit advocacy group to produce a regular television series. The ACLU Freedom Files aired on Court TV and Link TV and the second season of Freedom Files is now running on public television stations throughout the country, giving us the potential to reach millions of viewers per episode. Each 30-minute show focuses on a critical area of the ACLU's work. These films address civil liberties issues through the compelling stories of our clients and provide a dynamic platform for communicating our message. The shows are also being used for grassroots outreach, and we are working with educators to include them in their curricula.



Encompassing the total media landscape, the ACLU has taken advantage of both traditional media and the world of online communications and social networking. As a result of our strategic press outreach, one can routinely find stories about the ACLU and our work in major newspapers and magazines, on prominent radio and television broadcasts and on the preeminent online sites and blogs.

Our extensive opinion polling and research, conducted by Belden, Russonello and Stewart, helps us develop the most effective messaging possible. We also share this research with key allies with whom we work on various critical issues.

As more than half of Americans now have broadband at home, we continue our efforts to stay current with all of the distribution tools that enable us to spread our message and provide users with access to current and vital information. Our blog allows for a healthy exchange of ideas and feedback on topics of interest to our growing community and our podcasts provide, in audio form, an in-depth look at our work from staff, leaders, clients and others involved in ACLU litigation and campaigns.



*The ACLU's Stand Up website features Matt Bors' comics on civil liberties issues as well as ways for youth to get involved with the ACLU.*

We have ventured into the social networking world of MySpace, Facebook and the internet-based virtual world of Second Life. Our increased use of video to tell our stories has attracted viewers to our website and to our video channel on YouTube. We have a youth communications program highlighted by the Stand Up website, where you can find Civil Discourse, a biweekly comic strip created by award-winning cartoonist Matt Bors. As we say on the website, defending civil liberties is no laughing matter, but Matt's humor sure makes staying informed a lot easier. To further reach out to the next generation of civil libertarians, the ACLU awards scholarships to 15 high school seniors each year who are recognized as champions of civil liberties. They receive a \$5,000 scholarship toward their college education and attend the Membership Conference in Washington, D.C.

In the ever-changing digital landscape, we will find new ways to share our message and engage our members as well as a new generation of young people ready to take on the challenges of a changing world.

*The ACLU website educates the public on the ACLU's current endeavors.*

*Many ACLU reports are available online through [aclu.org](http://aclu.org).*

*Our website features podcasts and other multi-media presentations.*

*The ACLU's Blog of Rights provides a forum for discussion and debate on civil liberties issues.*

We have ventured into the social networking world of MySpace, Facebook and the internet-based virtual world of Second Life. Our increased use of video to tell our stories has attracted viewers to our website and to our video channel on YouTube.







Our accomplishments are also  
a testament to Americans who  
looked past the alarmist rhetoric  
of our elected leaders.

During the unprecedented challenges since 2001, the American Civil Liberties Union has risen to the occasion and so have its supporters. This is testament to the determination and courage of the staffers who made the ACLU the unquestioned leader in the battles to protect Americans' civil liberties, at a time when the administration acted against the Constitution and the national interest. It is also a testament to the all those who told our story to the media, to the general public, and to new and potential recruits to our cause.

Unique among social justice organizations, the ACLU has offices in every state, the District of Columbia and Puerto Rico. Our affiliates determine the reach and effectiveness of the ACLU. They function as the front line where many civil liberties battles are first fought and opportunities are revealed. In the past several years, we have significantly increased our affiliate staffs and will continue to do so in years ahead.

Our accomplishments are also a testament to Americans who looked past the alarmist rhetoric of our elected leaders to see the disturbing pattern of lawless behavior and executive arrogance that their rhetoric was meant to hide, and responded by joining and donating to the ACLU.

Determined that America's place in the world could never be guaranteed by a war on liberty here at home, over 200,000 people have proudly become "card carrying members" of the ACLU since 2001, raising our membership to more than half a million individuals.

*(clockwise from left)*

*Matt De Vlieger, ACLU of Florida Staff Associate.  
Photo: Wheat Wurtzbarger*

*Press conference at the ACLU of New Mexico announcing a lawsuit on immigration raids. The suit was successful.  
Photo: Whitney Potter*

*Nancy Murray, Director of Education for the ACLU of Massachusetts.  
Photo: Chris Ott*

## American Civil Liberties Union — Fiscal Year 2007 Financial Statement

		FY2007 Temporarily Restricted		FY2006 Total
	Unrestricted		Total	Total
<b>Support and Revenue:</b>				
<b>Support:</b>				
<b>Member Contributions:</b>				
Current members	\$22,398,062	\$1,881,595	\$24,279,657	\$22,241,619
New members	3,711,088		3,711,088	4,504,832
Bequests	954,524		954,524	799,309
Grants and contributions	989,256		989,256	635,117
<b>Total Support</b>	<b>28,052,930</b>	<b>1,881,595</b>	<b>29,934,525</b>	<b>28,180,877</b>
<b>Revenue:</b>				
List rentals	102,819		102,819	217,640
Pamphlet and book sales	36,816		36,816	100,829
<b>Total Revenue</b>	<b>139,635</b>		<b>139,635</b>	<b>\$318,469</b>
Net assets released from restrictions	1,257,699	(1,257,699)		
<b>Total Support and Revenue</b>	<b>29,450,264</b>	<b>623,896</b>	<b>30,074,160</b>	<b>\$28,499,346</b>
<b>Expenses:</b>				
<b>Program Services:</b>				
Legislative	2,665,480		2,665,480	3,047,193
Public education	10,952,020		10,952,020	10,288,205
Civil liberties policy formulation	1,371,976		1,371,976	1,383,995
Affiliate support	10,862,518		10,862,518	9,675,201
<b>Total Program Services</b>	<b>25,851,994</b>		<b>25,851,994</b>	<b>24,394,594</b>
<b>Supporting Services:</b>				
Fundraising	4,878,341		4,878,341	4,109,847
Management and general	449,359		449,359	471,119
<b>Total Supporting Services</b>	<b>5,327,700</b>		<b>5,327,700</b>	<b>4,580,966</b>
<b>Total Expenses</b>	<b>31,179,694</b>		<b>31,179,694</b>	<b>28,975,560</b>
Change in net assets before other changes	(1,729,430)	623,896	(1,105,534)	(476,214)
<b>Other changes in net assets:</b>				
Net investment income	302,334		302,334	306,297
Minimum pension liability adjustment	431,439		431,439	(138,680)
<b>Total other changes in net assets</b>	<b>733,773</b>	<b>0</b>	<b>733,773</b>	<b>167,617</b>
<b>Change in net assets</b>	<b>(995,657)</b>	<b>623,896</b>	<b>(371,761)</b>	<b>(308,597)</b>
Net assets, beginning of year	8,016,377	2,292,641	10,309,018	10,617,615
<b>Net assets, end of year</b>	<b>\$7,020,720</b>	<b>\$2,916,537</b>	<b>\$9,937,257</b>	<b>\$10,309,018</b>

1 This report only reflects the income/expenses for the National Headquarters of the American Civil Liberties Union Foundation for fiscal year 2007 (4/1/06-3/31/07). Local American Civil Liberties Union Foundation affiliates are not included.

2 In accordance with Generally Accepted Accounting Principles (GAAP), income includes multi-year grants and pledges received in FY07, which may be distributed or paid in future years. Income figures also reflect endowment gifts and pledges received in FY07.

## American Civil Liberties Union Foundation — Fiscal Year 2007 Financial Statement

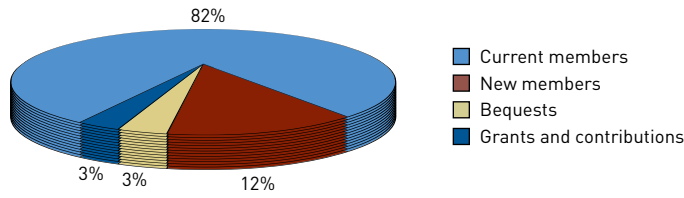
		FY2007 Temporarily Restricted	Permanently Restricted		FY2006 Total
	Unrestricted			Total	Total
<b>Support and Revenue:</b>					
<b>Support:</b>					
Grants and contributions	\$35,048,583	\$25,703,508	\$215,780	\$60,967,871	\$41,740,989
Bequests	4,551,409	61,358		4,612,767	3,853,385
<b>Total Support</b>	<b>39,599,992</b>	<b>25,764,866</b>	<b>215,780</b>	<b>65,580,638</b>	<b>45,594,374</b>
<b>Revenue:</b>					
Legal expenses awarded, net		1,923,570		1,923,570	1,539,095
Other Income	126,065	17,482		143,547	821,084
<b>Total Revenue</b>	<b>126,065</b>	<b>1,941,052</b>		<b>2,067,117</b>	<b>2,360,179</b>
Net assets released from restrictions	23,303,335	(23,303,335)			
<b>Total Support and Revenue</b>	<b>63,029,392</b>	<b>4,402,583</b>	<b>215,780</b>	<b>67,647,755</b>	<b>47,954,553</b>
<b>Expenses:</b>					
<b>Program Services:</b>					
Legal	24,264,682			24,264,682	19,099,294
Public education	14,501,249			14,501,249	11,758,450
Affiliate support	6,217,183			6,217,183	5,934,207
<b>Total Program Services</b>	<b>44,983,114</b>			<b>44,983,114</b>	<b>36,791,951</b>
<b>Supporting Services:</b>					
Fundraising	4,933,158			4,933,158	3,648,437
Management and general	6,205,161			6,205,161	5,428,580
<b>Total Supporting Services</b>	<b>11,138,319</b>			<b>11,138,319</b>	<b>9,077,017</b>
<b>Total Expenses</b>	<b>56,121,433</b>			<b>56,121,433</b>	<b>45,868,968</b>
Change in net assets before other changes	6,907,959	4,402,583	215,780	11,526,322	2,085,585
<b>Other changes in net assets:</b>					
Net investment income	23,649,907	477,929		24,127,836	23,297,960
Change in value of split interest agreements	(2,546,236)	(116,617)		(2,662,853)	(116,662)
Minimum pension liability adjustment	1,307,295			1,307,295	129,692
<b>Total other changes in net assets</b>	<b>22,410,966</b>	<b>361,312</b>		<b>22,772,278</b>	<b>23,310,990</b>
<b>Change in net assets</b>	<b>29,318,925</b>	<b>4,763,895</b>	<b>215,780</b>	<b>34,298,600</b>	<b>25,396,575</b>
Net assets, beginning of year	142,869,570	40,877,812	37,726,440	221,473,822	196,077,247
<b>Net assets, end of year</b>	<b>\$172,188,495</b>	<b>\$45,641,707</b>	<b>\$37,942,220</b>	<b>\$255,772,422</b>	<b>\$221,473,822</b>

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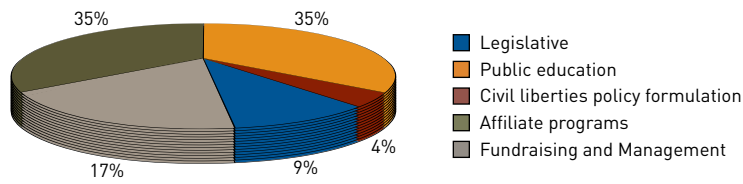
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# Financials

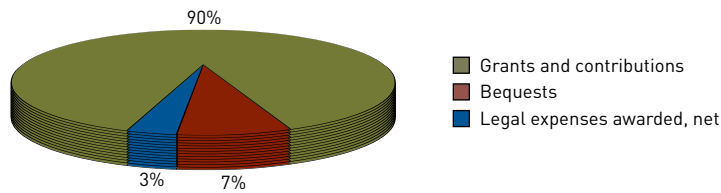
## ACLU Income



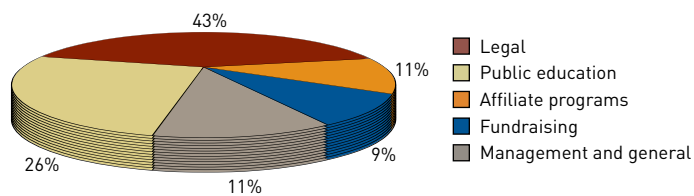
## ACLU Expenses



## ACLU Foundation Income



## ACLU Foundation Expenses



## Officers, Directors and Senior Staff

American Civil Liberties Union Foundation  
125 Broad Street  
New York, NY 10004  
(212) 549-2500  
[www.aclu.org](http://www.aclu.org)

### ACLU FOUNDATION OFFICERS

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President  
**Nadine Strossen**

Assistant Secretary/Assistant Treasurer  
**Alma Montclair**

Vice Presidents  
**Milton Estes**  
**Robert Remar**

Chief Executive Officer  
**Anthony D. Romero**

Secretary/Treasurer  
**Richard Zacks**

### ACLU FOUNDATION BOARD OF DIRECTORS

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**Milton Estes**  
**Mary Ellen Gale**

**Susan Herman**  
**M. Calien Lewis**  
**Roslyn Litman**  
**Michael Pheneger**

**Robert Remar**  
**Preetmohan Singh**  
**Joseph Sweat**  
**Richard Zacks**

### ACLU SENIOR STAFF

---

Executive Director  
**Anthony D. Romero**

Director of Development  
**Donna McKay**

Deputy Executive Director  
**Dorothy Ehrlich**

Director of Administration And Finance  
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Director of Communications  
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**Caroline Fredrickson**

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