

why are *you* a member?

ACLU OF ARIZONA | ANNUAL REPORT 2012





Why are *you* an ACLU member?

Just days after President Obama's re-election, the ACLU placed a full-page ad in the *New York Times* urging him to make the most of the next four years by following through on his promises for change. The ad focused on three issues: Closing Guantánamo, Abortion Rights for Women, and Immigration Reform.

There I was reading the *Sunday Times*, and there we were calling on the President to join us in protecting civil liberties, especially in places like Arizona. It made me proud.

I am an ACLU member because I believe in justice and fairness for all. I am an ACLU member because I believe politicians who abuse their power must be held accountable. These principles – outlined in the Bill of Rights – have been at the core of the ACLU's work for nearly a century, and that strong, bold ad in the *Times*

reaffirmed my commitment to protect the rights the ACLU refuses to abandon. When Attorney General Tom Horne said Arizona had the right to ban pre-viability abortions, we not only called him out, we filed suit. When Sheriff Joe Arpaio started rounding up hundreds of Latinos, including American citizens and legal residents, so he could interrogate them about their immigration status, we put him on trial and forced him to publicly defend his discriminatory practices.

The ACLU's agenda is simple: we are guided by the Bill of Rights, not by elections, partisan ideology, or moneyed interests. As you'll see in this annual report, we are at the forefront of every challenge to civil liberties that arises. And thanks to the strategic investment of additional ACLU resources in places

like Arizona, Texas, Michigan, Mississippi and Florida, we're in a better position today to tackle these threats to civil liberties whenever or wherever they occur.

Thank you to our members and supporters for ensuring we have the resources to challenge government excesses and win crucial victories. Because no matter who is in the White House, the country always needs a strong ACLU.

Alessandra Soler
Executive Director



Police officers are expected to “serve and protect.”

Most law enforcement officials live by that credo. Some do not.

So when Maricopa County Sheriff Joe Arpaio conducted unwarranted raids and traffic stops in predominantly Latino neighborhoods, the ACLU fought back.

Earlier this summer, we took him to court, forcing him to defend his discriminatory policing tactics in front of a federal court judge. We presented evidence, over a period of seven days, showing how he encouraged and permitted racial bias to flourish in an effort to promote his anti-immigrant agenda, and in doing so violated the rights of many U.S. citizens of Latino descent. People like

Lorena Escamilla were among his victims. She was stopped by an MSCO deputy in front of her home because the light on her license plate was broken. When she refused to consent to an illegal search, the deputy slammed her stomach-first against her car.

She was five months pregnant.

“I was traumatized, sore, and I couldn’t eat for a few days... I didn’t really feel any activity of my baby. And that’s all I could just think of the entire incident for weeks,” testified Lorena, who is a U.S. citizen.

Lorena and others were robbed of their dignity but they had the courage to stand up against these abusive police practices. The ACLU is fighting alongside them to pursue justice, eradicate discriminatory law enforcement in Maricopa County and restore public trust in those who protect and serve.

Because police
must
be held
accountable



CT Kinkade spent years in an Arizona prison cell, including more than two years in solitary confinement.

While incarcerated, CT did not receive treatment for several serious medical complaints. Early in his sentence, he contracted Hepatitis-C. His pleas for medical care were ignored – until his gallbladder erupted.

“I spent two and a half years in solitary,” said Kinkade. “I never saw anyone. I only saw a nurse every three days and the guard who brought me my meals. I never even saw outside.”

Sadly, CT’s story isn’t unique. Thousands of men and women like him suffer serious injury or even death because Arizona’s prison system has failed to provide them with basic medical care. Inmates with serious mental illnesses are routinely placed in cells for up to 23 hours a day and denied access to mental health services, while some with life-threatening illnesses have been told to “drink water” to alleviate the pain.

The ACLU is dedicated to ensuring our nation’s prisons, jails, and other detention centers comply with the Constitution, domestic law and international human rights principles. That is why we are working to improve the delivery of medical and mental health care in our state’s prison system and end the practice of solitary confinement, which jeopardizes public safety, wastes taxpayer dollars and is fundamentally inhumane.

Because our
criminal justice
system should
*treat people
fairly*



For 19-year-old Hugo Carrillo Escamilla, Arizona's Senate Bill 1070 is about more than just "showing your papers." After "squealing" his tires, Hugo wound up in an immigration detention facility for eight hours. His story is especially disturbing because initially Hugo was simply cited for the traffic violation.

Later, the same police officer who pulled him over showed up at his house, saying: "Do you know about SB 1070? If I don't report you, I could lose my job."

Just like you and me, Hugo is protected by the U.S. Constitution. He cannot be unlawfully detained for a prolonged period of time. He cannot be racially profiled. Unfortunately, these types of prolonged detentions are becoming more common in Arizona now that Section 2(b) of SB 1070 is in effect and local police officers across the state are required to act as de facto immigration agents.

But the fight against SB 1070 is not over. The ACLU of Arizona has ramped up its litigation efforts to seek justice on behalf of all victims of racial profiling and illegal detentions. We promise to keep sending a strong message to policymakers here and nationwide that targeting people like Hugo based on their ethnicity or skin color is not only wrong, but unconstitutional.

Because
all people
have rights



With increasing frequency, we are seeing individuals and institutions claiming the right to refuse to provide services or care based on religious objections. These refusals can take many forms and the real-life impact can be devastating.

Here in Arizona, this discrimination has already taken many forms. Just this past year, the ACLU lobbied against bills that allowed business owners to refuse to provide insurance coverage of contraception to their employees, that permitted professionals, including trained social workers and pharmacists, to refuse to counsel gay clients and that allowed teachers to teach the Bible in public schools.

Religious freedom in America means that we all have a right to our religious beliefs, but this does not give us the right to use our religion to discriminate against and impose those beliefs on others who do not share them.

Through litigation, advocacy and public education, the ACLU is the largest organization in the state of Arizona working to defend religious liberty and to ensure that no one is discriminated against or denied services because of someone else's religious beliefs.

Because the
ACLU defends
*freedom of –
and from –
religion*



People make mistakes. Children make mistakes, too.
Sometimes those mistakes are deemed crimes in
our society.

The ACLU believes the best approach
for dealing with many young people, especially
those accused of minor offenses, such as
shoplifting and truancy, is “diversion.” Diversion is
designed to help juveniles avoid criminal records,
stay in school and, whenever appropriate,
remain with their families.

In 2010, more than 41,000 of Arizona’s youth
received a delinquency referral to the juvenile
justice system. About half of these youth did not have
a criminal record and two-thirds were referred for
misdemeanors or “status” offenses, such as violating
curfew, even though research shows contact with the
juvenile justice system significantly increases
high school drop-out rates and the likelihood that a
juvenile will commit another offense.

The ACLU of Arizona is working with
key players in the juvenile justice community to
increase awareness about diversion and reduce the
number of referrals for minor offenses.

Protect our society. Protect our children.
Support the use of juvenile diversion programs.

Because the
ACLU protects
*the most
vulnerable*



Tanya Guzman-Martinez, a transgender woman, fled Mexico because she was being persecuted, but instead of finding refuge she faced even more trauma when U.S. immigration authorities failed to protect her while in their custody.

Tanya was intimidated, harassed, and sexually assaulted by a Corrections Corporation of America (CCA) guard at the CCA-owned and operated Eloy Detention Center. CCA is the largest operator of immigration detention centers in the country and detains nearly half of the tens of thousands of people in federal custody on any given day.

The ACLU of Arizona sued CCA, Immigration and Customs Enforcement (ICE) officials, and the City of Eloy, charging that local and federal officials did not protect Tanya from abuse, even after being notified of the sexual attack and ongoing harassment by staff and male detainees.

Tanya has been released from ICE custody, but still suffers emotionally as a result of the abuse she endured in the Eloy facility. Many other immigrant detainees face abuse. Government documents confirmed 185 allegations of sexual abuse of immigration detainees jailed at detention facilities across the nation since 2007, including 16 allegations of sexual abuse lodged in Arizona facilities, eight of which happened in the Eloy facility.

We tout our country as a beacon of freedom, fairness, and individual liberties for all. Unfortunately, for Tanya and many other immigrants detained by the federal government, the United States has not lived up to those ideals.

Because
LGBT people,
like everyone else,
*should not
be harmed*



The rate of technological change is accelerating – at times faster than our understanding of the legal and constitutional implications. That’s why the ACLU is stepping up its efforts to protect our civil liberties in the digital age.

In an Arizona federal court, the ACLU filed an amicus brief in the case of Daniel Rigmaiden, who is being criminally prosecuted for allegedly filing fraudulent tax returns. In its effort to gather evidence against Rigmaiden, the government used a “stingray,” also known as an IMSI catcher, which uses his cell phone to track his movements.

The case appears to be the first in the nation to address the constitutional implications of stingrays. What is especially disturbing about the use of stingrays is that the government is keeping its surveillance practices secret. Another problem with stingrays is that they can also be used for eavesdropping on conversations and even track the location and communications of innocent bystanders who happen to be the vicinity of the person under investigation.

That’s not how the Constitution works.

The American people have a right to be left alone, which is why the ACLU works tirelessly to protect our right to privacy and ensure that constitutionally-guaranteed civil liberties are enhanced rather than compromised by new advances in technology.

Because we have a
right to
privacy
in the
digital age



Each pregnancy is unique and women who consider abortion do so for heartbreaking reasons. These women deserve compassion and reliable health care and medical advice. They do not deserve to have the government interfere in their lives and make private medical decisions for them.

In response to the Arizona Legislature's efforts to restrict women's health care choices, the ACLU is helping women fight back.

In August, we secured an injunction against the harshest provision of Arizona House Bill 2036, which bans abortions beginning at 20 weeks of pregnancy. The law is one of the most severe anti-choice bills in the nation. It forces women with life-threatening health conditions, even fatal fetal anomalies, to carry their pregnancies to term (no matter the consequences).

Another Arizona law facing a challenge is House Bill 2800, which disqualifies any entity or individual providing abortions in Arizona—except in narrowly defined circumstances – from participating in the federal Medicaid program. This bill targets Planned Parenthood and tries to block reimbursements for preventive health care costs unrelated to abortion, such as mammograms and cancer screenings.

In October, a federal judge sided with the ACLU and barred state officials from restricting reimbursements to Planned Parenthood. A trial is pending, but at least for now 3,000 patients are not being denied health care services from their providers thanks to the ACLU's efforts to protect women's health.

Because women have the right to make their own *health care decisions*



General operating budget *2011-2012*

UNAUDITED

ACLU FOUNDATION OF ARIZONA

SUPPORT & OTHER REVENUE

Donations	\$367,985
Bequests	116,320
Legal services donated	1,644,764
Other in-kind donations	8,355
Grant revenue	394,960
Legal fees awarded	79,324
Investment income, net	(3,876)
Total	\$2,607,832

EXPENSES

Legal	\$1,913,909
Public Education	130,360
Development	90,247
Administrative	271,899
Total	\$2,406,415

ACLU OF ARIZONA

SUPPORT & OTHER REVENUE

Donations	\$51,489
Bequests	2,735
Shared membership fees	173,508
Investment income, net	2,577
Total	\$230,309

EXPENSES

Legislative	\$85,499
Public Education	84,468
Membership support	17,142
Administrative	109,829
Total	\$296,938

Thank you *cooperating attorney and volunteers*

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Thank you for making a difference in our community. Gracias por todo su apoyo y esfuerzo por hacer una diferencia en nuestra comunidad.

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There were a record number of Arizonans who stood up with the ACLU this year. Over 11,000 donations were made by Arizonans who believe in supporting the critical work of the ACLU.

We are especially grateful to our leading supporters who have stepped up and supported the ACLU with Leadership Gifts over \$10,000. This extraordinary support has made it possible for us to expand our capacity, fight back forcefully, and move issues forward proactively.

Donors are critical partners in our efforts, and enable us to move forward with force and flexibility. With the support of thousands of Arizonans standing with us, we will meet the challenges just as we have successfully for nearly a century. Together, we will continue to advance freedom and justice for everyone across Arizona and across the country.

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