We believe in equality, liberty, justice and democracy.

> 2013 Annual Report



The ACLU appears before the U.S. Supreme Court more than any other organization.

In the past five terms, a third of the ACLU's cases at the high court originated in Arizona.

Arizona needs a strong ACLU.

I could write volumes about the ACLU's work in the past year—thousands of legal actions, letters, meetings with legislators, public education campaigns and speaking engagements—here in Arizona and across the nation. The strategic, impact-oriented work we've undertaken in the past 12 months has changed millions of lives for the better.

Nationwide, the nonpartisan, principled values of the ACLU are being carried out by more than 1,000 staff members and thousands of volunteers. Since I became the Arizona affiliate's executive director seven years ago, the staff has grown from five to 14, including new litigators, lobbyists and organizers. This year, Arizonans supported the ACLU's work more than ever before.

Our strength, thanks to our supporters' commitment and generosity, allowed us to make great strides in 2013 for liberty, equality, democracy and justice. This report touches on the highlights of our work.

From fighting Maricopa County Sheriff Joe Arpaio and the anti-immigrant SB 1070 to standing up for medical marijuana patients and lobbying for election reform, the ACLU of Arizona this year was at the forefront of some of the country's most important legal fights.

The financial contributions of our supporters also allowed the ACLU to expand its influence in Arizona during 2013. The effects of that growth are already echoing in national conversations about civil liberties.

In June, the ACLU opened a border litigation office in Tucson. This office has helped make the ACLU the go-to organization for information about U.S. Customs and Border Protection abuses and the need for oversight.

In spite of our recent accomplishments, Arizona continues to be a laboratory for some of the country's most unique and troubling policies. The ACLU of Arizona's role in defending our basic freedoms is now more important than ever.

Our work is about standing up for fundamental American values. I hope these highlights remind you of what we can accomplish when we fight back together.

Our opposition is determined to turn back the clock on liberties we cherish. It is because of our supporters, dedicated board and experienced staff that we can seize opportunities to stand against injustice.

In liberty,

Alessandra Soler Executive Director ACLU of Arizona

PROMOTING EQUALITY

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

> The Declaration of Independence, adopted July 4, 1776



CELEBRATING A HARD-FOUGHT VICTORY FOR GAY RIGHTS

The ACLU has supported LGBT equality for nearly 80 years.



This year, Edie Windsor and the ACLU successfully challenged the Defense of Marriage Act at the U.S. Supreme Court. This prejudicial law prevented the federal government from recognizing same-sex couples' marriages.

On June 26, the high court ruled that the federal government cannot discriminate against married gay couples for the purposes of determining federal protections.

Edie Windsor and Thea Spyer shared their lives together as a couple for 44 years and were finally married in May 2007. New York, their home state, recognized their union. But when Thea died two years after their wedding, the federal government refused to acknowledge the women's marriage and taxed Edie's inheritance as though Thea was a stranger.

Edie and the ACLU argued that DOMA violated the equal protection principles of the U.S. Constitution.

This major victory is just the latest chapter in the ACLU's nearly eight-decade fight for the equal treatment of LGBT people. To capitalize on *Windsor v. U.S.*, we launched an ambitious campaign, Out for Freedom, to win marriage nationwide through legislation, education and litigation.

In Arizona, the ACLU is leading an effort to build public support for a voter initiative to bring the freedom to marry to all couples.

SPEAKING UP FOR THE FIRST AMENDMENT

"Prosecutors and police across the state will no longer be able to use this anti-begging law to criminalize protected expression. Flagstaff officials ignored the fact that constitutional protections for speech do not depend on public approval of the views expressed. Flagstaff will no longer be allowed to elevate the interests of local business owners above the rights of persons seeking a dollar for food."

Dan Pochoda, ACLU of Arizona legal director



hoto composite courtesy of Wen-Yan King and Fabio Marini/Flickr

An Arizona law that made it a crime to panhandle peacefully in public places was declared unconstitutional in October after the ACLU of Arizona, with cooperating Flagstaff counsel, filed a federal lawsuit challenging the statute.

The ruling abolished a law used by police and prosecutors throughout Arizona to harass and arrest people for exercising their fundamental right of expression. Shortly after the ruling, all law enforcement agencies in the state were notified that the anti-begging law is void.

The suit was filed on behalf of an elderly Hopi woman who was arrested in Flagstaff for begging.

On Feb. 22, a Flagstaff police officer wearing plain clothes arrested Marlene Baldwin after she asked him if he could spare \$1.25 for bus fare. Baldwin, who is in her late-70s, less than five feet tall, disabled and losing her eyesight, was jailed.

This case has rippled across the U.S. Because of the ACLU of Arizona's success, ACLU affiliates throughout the country are now challenging laws that criminalize panhandling.

"They wanted to dismiss our dreams, even our dream to have driver's licenses. But this lawsuit continues, and I'm confident that justice will prevail."

> Dulce Matuz, director, Arizona Dream Act Coalition, an ACLU of Arizona plaintiff, quoted in *The Nation*

ADVOCATING FOR YOUNG IMMIGRANTS



The ACLU believes in the fair treatment of young immigrants.

That's why we are challenging Gov. Jan Brewer's decision to deny driver's licenses to migrants who have been granted the right to live and work in the U.S.

In Arizona, taking away a person's ability to legally drive can have serious consequences. Because of Gov. Brewer's order, many young people—often called DREAMers because they just want to pursue the American dream—are finding it harder to get to school and work.

In May, a federal district judge said that the ACLU is "likely to succeed" on its claim that DREAMers are being unfairly targeted.

With this ongoing lawsuit, the ACLU continues to fight for the fair treatment of faultless immigrants with the goal of dismantling Gov. Brewer's vindictive, unconstitutional policy.

DEFENDING LIBERTY

"To usurp dominion over a people, in their own despite, or to grasp at a more extensive power than they are willing to entrust, is to violate that law of nature, which gives every man a right to his personal liberty."

> Alexander Hamilton, *The Farmer Refuted*, Feb. 23, 1775

"Many Americans were shocked earlier this year to learn that the National Security Agency has engaged in massive, sustained and systemic surveillance of millions of people. Unfortunately, the ACLU was not surprised to learn how the NSA has abused the law and its authority to invade the privacy of countless Americans.

Government tracking of Americans' daily activities and movements is not limited to the federal level. Indeed, many state and local agencies track our day-to-day activities, such as our driving habits and how we use our cell phones.

> Alessandra Soler. ACLU of Arizona executive director, op-ed in The Arizona Republic

PRESERVING OUR PRIVACY



Photo courtesy of mw238/Flick

The ACLU is at the forefront of the struggle to rein in government surveillance, which strikes at the core of our rights of privacy, free speech and association.

A constant stream of new technology is dissolving existing privacy protections, greatly expanding government power to peer into our lives without due process or meaningful oversight.

When the National Security Agency's mass tracking of Americans' phone calls was revealed this year, it confirmed our worst fears about the government's abuse of its broad surveillance powers.

The ACLU immediately sued the NSA in federal court, supported by friend-of-the-court briefs from across the political spectrum. This case is ongoing and led to a hearing, in November, where the government had to appear before a judge and defend the program in public for the first time.

In Arizona, the ACLU is proposing privacy legislation, submitting public records requests to local police departments to learn about their processes for capturing and storing data and educating the public about the realities of government spying. In D.C., the ACLU is pushing Congress for stricter limits on data collection.

There is still much to uncover about government spying programs. Together we need to hold the government accountable.

KEEPING RELIGION OUT OF GOVERNMENT

"The [U.S. Supreme Court] should close this constitutional loophole and keep the government out of the religion business."

> Daniel Mach, director of the ACLU's Program on Freedom of Religion and Belief, quoted by NBC News



Photo courtesy of CarbonNYC/Flick

Arizona has proven fertile ground for some of the nation's worst infringements upon our constitutional right to be free from established religion. The ACLU is the only staffed organization in the state with both legal and legislative capacity that is pushing back on those who want our government and religion intertwined.

This year, the Arizona legislature tried to pass SB 1178—a so-called "religious freedom" bill that was designed to legalize discrimination against LGBT people. The bill would have expanded the definition of "exercise of religion" to sanction inequity otherwise prohibited by state and federal law. The ACLU, with member calls and letters, made an excellent case for veto, leading Gov. Brewer to reject this highly dangerous bill.

Nationally, the ACLU this year remained a leader in the fight against the establishment of religion—from sending demand letters to public schools promoting Christianity in South Carolina, Kentucky, Kansas and Ohio to filing briefs for U.S. Supreme Court review.

In November, the high court heard oral arguments in *Town of Greece v. Galloway*, a case for which the ACLU filed a friend-of-the court brief. The case is a First Amendment challenge to a New York town's practice of solemnizing its local board meetings with Christian prayer. The ACLU argued that when elected officials impose official prayer at meetings, it casts those who don't subscribe to the promoted beliefs as outsiders and second-class citizens.



STANDING UP FOR WOMEN'S RIGHTS

"It's time for politicians to stop intruding into women's personal, private medical decisions."

Kelly Flood, ACLU of Arizona senior staff attorney, lead on reproductive rights cases

The ACLU had two huge victories for women's rights in Arizona this year.

First, in May, the U.S. Court of Appeals for the Ninth Circuit struck down an Arizona law that aimed to criminalize virtually all abortions after 20 weeks of pregnancy. With a lawsuit, *Isaacson v. Horne*, the ACLU successfully challenged the law on behalf of three physicians and their patients.

Second, despite a court ruling declaring that Arizona cannot eliminate qualified medical providers from Medicaid simply because they perform abortions, anti-choice forces tried to use Medicaid expansion discussions during the legislative session to de-fund those providers.

The same forces also pushed legislation to allow unannounced, warrantless inspections of health facilities that provide abortions. These efforts were designed for one purpose—to limit women's access to safe abortion care and sound medical treatment.

Our legislative and legal advocacy in this area helped stop these bills in their tracks. Gov. Jan Brewer did not pursue these unlawful policies and legislators did not move these proposals forward.

ENSURING JUSTICE

"The bosom of America is open to receive not only the Opulent & respectable Stranger, but the oppressed & persecuted of all Nations & Religions; whom we shall welcome to a participation of all our rights & previleges."

> George Washington, Address to Irish Immigrants, Dec. 2, 1783



Photo courtesy of Gage Skidmore/Flickr Maricopa County Sheriff Joe Arpaio.

REINING IN THE LONG ARM OF THE LAW

"Judge Snow recognized that Sheriff Arpaio's years of discriminatory practices and unconstitutional policies required major change—including appointment of a federal monitor, data collection and video recording for every vehicle stop."

Dan Pochoda, ACLU of Arizona legal director, quoted by *Bloomberg News*

After years of litigation, Arizona's federal district court this year issued its decision in the ACLU's racial profiling case against Maricopa County Sheriff Joe Arpaio.

The victory was nothing less than historic.

On May 24, U.S. District Court Judge G. Murray Snow ruled that Arpaio's practice of using minor traffic stops—a cracked windshield or broken tail light—as a legal cover to stop drivers because of their appearance and interrogate them about their immigration status amounts to racial profiling and is unconstitutional.

Then, in October, Judge Snow issued an order to prevent continued racial profiling by the Maricopa County Sheriff's Office. The court's order adopted nearly all of the ACLU's requests for relief, including the appointment of a monitor to ensure MCSO's compliance, increased training for sheriff's office employees and the implementation of comprehensive record keeping.

This victory against Arpaio marks a momentous step toward restoring public trust in law enforcement, upholding racial equality and combating racism in all forms. It is a true testament to the will of the people of Maricopa County who courageously stood up to Arpaio and his abuses of power.

LOOKING OUT FOR THE MOST VULNERABLE

"Through our existing litigation against ADOC, we've documented deteriorating medical conditions that have caused prolonged suffering for thousands of inmates and likely resulted in unnecessary deaths."

> Dan Pochoda, ACLU of Arizona legal director, quoted in *The Arizona Republic*



Photo courtesy of Daniel Arauz/Flickr

For the past five years, our largest source of civil liberties complaints has been people confined in the Arizona state prison system.

We've received hundreds of horrific reports of the state's failure to treat serious medical and emotional problems. Equally troubling are complaints concerning Arizona's widespread use of supermax procedures and solitary confinement.

We brought together leading prison litigators from across the country to challenge inhumane practices within the Arizona Department of Corrections and to stop Arizona's callous indifference to the basic rights and needs of more than 30,000 prisoners.

In early March, U.S. District Court Judge Neil Wake granted our request for class action certification. This major development bodes well for our chances of securing injunctive relief to end Arizona's unconstitutional failure to provide minimally adequate medical, mental health and dental care to prisoners, and to improve the abusive conditions in solitary confinement units.



DEFENDING TARGETS DISCRIMINATION

"Officers across Arizona are routinely harassing people who have committed no crime by demanding identification. Without major improvements to police policies and practices, these violations will persist. The courts will hold Arizona police departments accountable for continued constitutional infringements—just look at Sheriff Arpaio."

> Dulce Juarez. ACLU of Arizona Immigrants' Rights Project coordinator

This year, the ACLU put Arizona's law enforcement agencies on notice that they will be held accountable for constitutional violations that result from the implementation of the state's "show me your papers" law, Section 2(B) of Senate Bill 1070, an anti-immigrant statute.

The U.S. Supreme Court last year overturned much of SB 1070 but declined to enjoin Section 2(B), which had not yet gone into effect, because the majority found a "basic uncertainty" about whether law enforcement officers would implement the provision in a harmful manner. The ACLU continues to fight this law on multiple fronts because we know it encourages racial profiling and undermines the constitutional guarantee of equal protection of the law.

This year we launched a statewide public education campaign, United Against 1070, to inform communities about this unjust law and their constitutional rights.

In the courts, the ACLU is moving forward with a class action lawsuit challenging the remainder of SB 1070. This fall, the ACLU also initiated the first individual challenge to Section 2(B) since it went into effect in September of 2012. We're representing Alex Valenzuela, a DREAMer who was unlawfully detained and taken to Border Patrol this summer by South Tucson police officers. Other suits are likely to follow.

Finally, the ACLU is lobbying police departments and municipalities across the state, informing them of the law's basic failings and explaining that SB 1070 doesn't trump the U.S. Constitution or provide an excuse for discriminatory policing. Because of the ACLU's work, the Tucson City Council in November unanimously approved sweeping changes to police procedures relating to SB 1070 enforcement.

PROTECTING DEMOCRACY

"It was we, the people, not we, the white male citizens, nor yet we, the male citizens; but we, the whole people, who formed this Union."

Susan B. Anthony, 1873, in a lecture following her arrest for voting in the election of 1872



MAKING SURE EVERY VOTE IS COUNTED

The ACLU has long been a principal defender of voting rights.



Supreme Court invalidated Tennessee's one-year residency requirement for registration and voting, a device used to deter voting by blacks, Dunn v. Blumstein

1972

At the behest of the ACLU, the U.S.



The ACLU won a federal court ruling invalidating "at large" elections in Montana because they diluted the voting strength of American Indians, Windy Boy v. Big Horn County



The ACLU secured the principle of "one person, one vote" at the U.S. Supreme Court, **Reynolds v. Sims** The U.S. Supreme Court struck down an Alabama law that disfranchised people convicted of misdemeanors involving "moral turpitude," a pretext to deny blacks the vote, Hunter v. Underwood 1986

The ACLU successfully defended the National Voter Registration Act at the U.S. Supreme Court, defeating Arizona's attempt to require new voters to submit documentary proof of citizenship, Arizona v. Inter Tribal Council of Arizona

The ACLU had a prominent role in the U.S. Supreme Court's two voting right cases this year. Not surprisingly, one was rooted in Arizona, an epicenter of negative elections law.

In June, the high court invalidated a burdensome Arizona state documentation requirement that restricted citizens' ability to register to vote in federal elections.

In that case, *Arizona v. Inter Tribal Council of Arizona*, the ACLU represented individuals and organizations affected negatively by Proposition 200, an Arizona law that required state election officials to reject federal voter registration forms unless they included documents proving citizenship.

In *Shelby County v. Holder*, the ACLU intervened on behalf of the Alabama State Conference of the NAACP and several African-American residents of Shelby County, Ala., which brought the lawsuit to challenge the constitutionality of the Voting Rights Act.

Tragically, the court gutted an effective mechanism of the VRA intended to prevent discrimination before it happens. This decision makes more important the ACLU's work of documenting and challenging laws that disfranchise eligible voters.

FIGHTING FOR THE RIGHTS OF SICK PATIENTS

"This is Zander's medication, and for the first time, I feel like there's hope for him."

Jennifer Welton, ACLU of Arizona plaintiff, quoted in *The New York Times*



Jennifer and Jacob Welton with their three sons. Zander, 5, is on the left.

The voter-approved Arizona Medical Marijuana Act has been under constant attack since it passed in 2010. But the ACLU is working proactively in the courts and defensively in the legislature to protect sick patients.

In October, we filed a lawsuit to protect the parents of a five-year-old boy with severe epilepsy from criminal prosecution.

Mesa residents Jennifer and Jacob Welton were successfully treating their son's debilitating seizures with a medical marijuana extract. Their son, Zander, has a rare condition that did not respond to two brain surgeries and other medicines.

But they were forced to stop using the extract, which does not contain psychoactive chemicals, because some top Arizona officials have suggested that only the marijuana plant itself is legal for medicinal purposes and thus any extracts derived from the plant are illegal.

With this suit, the ACLU's goal is to ensure Zander's parents can resume the most effective treatment for his debilitating condition.

"The problem with giving [more authority to] the largest federal law enforcement agency, one that operates with few if any accountability mechanisms, is that it is a recipe for civil liberties abuses, and seriously risks further erosion of Fourth Amendment rights."

> James Duff Lyall, ACLU of Arizona border litigation attorney, quoted in *The New York Times*

<image>

STOPPING ABUSE NEAR THE BORDER

In June, the ACLU opened a border litigation office in Tucson, allowing us to have a greater presence in southern Arizona and increasing our capacity to document, investigate and litigate civil and human rights abuses in Arizona's border region at a critical time in our nation's debate about immigration reform.

We have already acted on complaints about excessive use of force by Border Patrol agents, unlawful arrests by police and law enforcement abuses at checkpoints and border crossings.

For instance, on behalf of Clarisa Christiansen and several other citizens, the ACLU filed an administrative complaint with the U.S. Department of Homeland Security, asking federal officials to investigate Border Patrol's behavior.

Clarisa was stopped, harassed and threatened with a stun gun by Border Patrol officers while she was on her way home with her two young children. They were held at the side of a hot, desert road for over 30 minutes without explanation. The officers then left Clarisa and her children there with a flat tire, caused by a gash in the sidewall that was not present before the stop.

Thank You!

The ACLU is an effective and powerful organization because of its multifaceted strategies and decades-long track record of protecting and defending freedom.

Here in Arizona, we work closely with our ACLU colleagues located across the country—the ACLU has offices serving every state—our litigators in New York and our lobbyists in Washington, D.C.

As we celebrate the ACLU's success over the past year and look toward future challenges, we recognize and thank our supporters. The work highlighted in this report would not be possible without the generous support of ACLU donors and card-carrying members.

The ACLU neither accepts government support nor charges clients. The gifts and member dues from individuals fuel this fight.

The ACLU is much more than an organization, it is a movement made up of people working together for a better society.

Thank you for standing with the ACLU.

In Fiscal Year 2012-2013: Arizonans supported the The ACLU at record levels, making 11,913 donations to fight for constitutional rights.

The number of Arizona leadership supporters, who invest \$10,000 or greater in the ACLU, more than doubled.

Ways To Give

The work of the ACLU is made possible by generous donors. There has never been a more important time to support this work. Here's how:

Tax-Deductible Contributions: A

check may be made payable to "ACLU Foundation of Arizona" and mailed to P.O. Box 17148, Phoenix, AZ 85011. Or contributions can be made online at www.acluaz.org/donate.

Beneficiary Designations: To name the ACLU Foundation of Arizona as beneficiary of a life insurance police, IRA, Keogh, 401(k), 403(b) or other qualified retirement plan, please provide the following information to your financial institution:

Address: P.O. Box 17148, Phoenix, AZ, 85011 *Tax ID Number:* 23-7238580

Appreciated Stock, Bonds and

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Broker: Charles Schwab DTC: 0164 Code 40 Corp.: ACLU Foundation of Arizona Account: 62269950 IRS EIN: 23-7238580

If the transfer is made through a self-directed online process, please add 593853800 in front of the eight-digit account number.

Life Income Gifts: Make a

contribution today and receive lifetime payments in return. In many cases you can increase your income, enjoy a current tax-deduction, avoid capital gains taxes and reduce potentially taxable estate.

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Non-Tax-Deductible Giving:

Please consider making a non-deductible gift to the ACLU of Arizona's 501(c)(4) arm, which can be used more flexibly for our most pressing priorities, including legislative lobbying. Checks can be made payable to "ACLU of Arizona" and mailed to P.O. Box 17148, Phoenix, AZ 85011.

SUPPORT & OTHER REVENUE

DONATIONS BEQUESTS SPECIAL EVENTS REVENUE	\$498,036 \$38,245 \$6,680
TOTAL INDIVIDUAL CONTRIBUTIONS	\$542,961
GRANT REVENUE SAI GRANT FROM NATIONAL	\$195,000 \$321,849
TOTAL GRANT REVENUE	\$516,849
LEGAL FEES AWARDED INVESTMENT INCOME, NET	\$15,792 \$2,801
TOTAL OTHER REVENUE	\$18,593
LEGAL SERVICES DONATED OTHER IN-KIND DONATIONS	\$2,088,388 \$2,801
TOTAL IN-KIND DONATIONS	\$2,090,463
DUE TO NAT'L ACLU FOUNDATION	(\$113,322)
TOTAL	\$3,055,544

EXPENSES

LEGAL	\$2,465,949
PUBLIC EDUCATION	\$245,245
DEVELOPMENT	\$124,609
ADMINISTRATIVE	\$220,124

TOTAL EXPENSES

\$3,055,927

OUR SOURCES OF SUPPORT



& INVESTMENT INCOME (1.7%)

ACLU OF ARIZONA (UNAUDITED)

SUPPORT & OTHER REVENUE

DONATIONS BEQUESTS SPECIAL EVENTS REVENUE	\$30,646 \$2,000 \$4,265
TOTAL INDIVIDUAL CONTRIBUTIONS	\$36,911
MEMBERSHIP DUES AND INCOME INVESTMENT INCOME, NET	\$168,305 (\$271)
TOTAL OTHER REVENUE	\$168,034
DUE TO NATIONAL ACLU	(\$17,544)
TOTAL	\$187,401

EXPENSES

TOTAL EXPENSES	\$276,883
ADMINISTRATIVE	\$82,630
MEMBERSHIP SUPPORT	\$24,436
PUBLIC EDUCATION	\$87,743
LEGISLATIVE	\$82,074

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