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For nearly a century, the ACLU has played a critical role in virtually every major battle for civil liberties and social justice in this country. Our depth of experience on the issues is unmatched. With the U.S. Constitution on our side and decades of experience advancing liberty in even the most trying times, we are a steadfast force for positive change.

At any given time, the ACLU is involved in some 1,400 lawsuits nationwide and participates in more U.S. Supreme Court cases than any organization besides the U.S. Department of Justice—about 25 percent of all cases each year.

But we cannot do it without your financial support. The ACLU neither accepts government support nor charges its clients in legal actions. The gifts and membership dues of individuals make possible all that we do. Thank you for helping make the ACLU the influential organization it has become in Arizona and across the nation.

Ways to Give

The ACLU actively challenges the abuse of power. We take on politicians and government officials who aim to undermine our democracy and we work to hold those who violate the Constitution accountable. Our work is made possible by generous donors. Here's how you can support the ACLU:

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ACLU of Arizona Outreach and Advocacy Coordinator Dulce Juarez, left, and Office Manager/Board Affairs Coordinator Beth Thomson-Gorman at a public meeting in June about our racial profiling lawsuit against the Maricopa County Sheriff's Office.

Credit: All photography by José L. Muñoz

Annual Review 2016



Crowds gathered regularly outside the federal courthouse in Phoenix when the ACLU's litigators were proving Sheriff Joe Arpaio was in contempt of court for continued racial profiling of Latinos.

Celebrating Successes, Preparing for Challenges Ahead

I'm not going to sugarcoat it: This is a challenging time for social justice and civil liberties. Our fundamental values—equality, liberty, democracy, fair justice—are under attack. But the ACLU is preparing now. If President-elect Trump acts on any of the unconstitutional proposals he has put forth, the ACLU will see him in court.

We are likely going to confront massive assaults on reproductive freedom and immigrants' rights and see an increase in race-based "stop-and-frisk" policing. We will have to continue to address the legacy of 9/11 and the erosion of fundamental freedoms in the name of national security. We will need to keep fighting the backlash against LGBTQ equality, particularly the animus directed at transgender people, which arose from winning the freedom to marry nationwide last year.



We know we have our work cut out for us. But we're going to be ready thanks to supporters like you. Without you, we would not have the organizational strength to keep up the fight for liberty and democracy. Although we're focused on preparing for the challenges ahead, I want to share with you some of the many successes we had during the past 12 months so that you know your contributions to the ACLU are being used efficiently and effectively to make life in Arizona better for everyone.

This year, our historic work to hold Maricopa County Sheriff Joe Arpaio accountable for his discriminatory policies reached a crucial turning point: Arpaio was voted out of office after he and other MSCO officials were found in civil contempt of court for violating orders in the ACLU's racial profiling case. Our legal challenge to Arizona's "show me your papers" law, SB 1070, came to an end—after six years—when the Arizona Attorney General's Office issued an opinion that establishes strict

guidelines for the law's implementation. An unprecedented array of public interest groups came together as the Coalition for Arizona Forfeiture Reform to unravel Arizona's unconstitutional civil forfeiture laws, which encourage law enforcement agencies to confiscate private property without due process.

Additionally, we emerged victorious in a federal court case that resulted in the repeal of an Arizona law restricting medication abortion and challenged an Arizona law designed to prevent low-income women from obtaining healthcare from their provider of choice, including Planned Parenthood. We also filed a groundbreaking lawsuit on behalf of a transgender nurse who works for Dignity Health in Chandler in response to the hospital chain's denial of insurance coverage for medically necessary transition-related care.

An ACLU of Arizona lawsuit challenging the conditions of detention in Border Patrol facilities in southern Arizona is already resulting in the improved treatment of

immigrants. We stood up for the separation of church and state by demanding changes to governmental practices in Chino Valley and Prescott. The ACLU of Arizona also intervened on behalf of a number of students, to protect free speech rights and call for action on racial and religious discrimination.

Yes, we had a lot of work to do in 2016—and we took it on successfully. Please help us make sure we can do the same in 2017 by making a stretch gift—double what you normally give—to help us staff up and strengthen our work on so many of the core issues you care about. With your support, the ACLU will be ready to take on whatever challenges confront our fundamental American values.

In liberty,

Alessandra Soler
Executive Director, ACLU of Arizona



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2016 The Year in Review

“Even now I get emotional. I cried out of joy that finally something was being done that he (Arpaio) understands.”

MCSO racial profiling victim Dan Magos, speaking to Cronkite News, Arizona PBS



Proving Arpaio's continued wrongdoing

In 2008, we brought a claim against the Maricopa County Sheriff's Office and its anti-immigrant leader, Joe Arpaio, for racially profiling Latinos. Years later, after we had fully proved our case against the Sheriff's Office and a court-appointed monitor was installed to oversee the agency's mandatory reforms, it came to light that Arpaio and others ignored court orders. Sheriff's deputies had continued to unlawfully pursue Latino drivers.

We could not let Arpaio's refusal to follow the Constitution—and a federal judge's orders—be swept under the rug, so we demanded the sheriff and other agency officials face contempt of court proceedings. In May, after ACLU litigators spent weeks in court proving the agency's intransigence, the judge found Arpaio and three other MCSO officials in civil contempt. More changes to the Sheriff's Office were ordered to protect the rights of Latinos. Furthermore, because the judge determined Arpaio intentionally ignored court orders, the U.S. Department of Justice is now prosecuting the outgoing sheriff for criminal contempt, which could lead to jail time.

The ACLU is non-partisan, which means we do not endorse or oppose candidates for office, but the reality is that Sheriff Arpaio lost his re-election bid after nine labor-intensive and expensive years of litigation in our racial profiling lawsuit. The lawsuit and Arpaio's eventual defeat happened because our community—Latino Arizonans and their allies—worked hard, despite being directly under Arpaio's bootheel. And it happened because people in Maricopa County and around the country stood up, sent money, and voiced their opinions in solidarity with the Latino community.

Even though Arpaio lost his re-election in November, our work will go on for years to ensure compliance with court-ordered reforms, which include body cameras for all deputies, an early intervention system to detect problematic behavior by deputies, and data collection to ensure no minority group is targeted again by the Sheriff's Office. The agency cannot be released from court oversight for at least three years after complete compliance with the court's reforms, which are still far from being fully implemented.



- 1) Because of the ACLU's work, Maricopa County is finally waving goodbye to Sheriff Joe Arpaio and his unconstitutional acts.
- 2) ACLU Immigrants' Rights Project Director Cecilia Wang captures the excitement outside the federal courthouse in Phoenix during the contempt of court case against Sheriff Arpaio.
- 3) Members of the public supporting the ACLU's contempt case against Sheriff Arpaio.
- 4) ACLU of Arizona Staff Attorney Brenda Muñoz Furnish talking about the ACLU's contempt case at a public even in June.
- 5) Phoenix resident Dan Magos, who was racially profiled by Maricopa County Sheriff's Office deputies and testified at trial about the experience.

Demanding separation of church and state

Picture this: You walk into your local police department and see a large banner with a Bible verse across it that is intended to describe police officers as “God's servant[s]... agent[s] of wrath to bring punishment on the wrongdoer.” It would be shocking, wouldn't it?

That's exactly the shock many Prescott residents received as they entered the Prescott Police Department lobby this year—a banner misstating the role of police officers in the criminal justice system and proclaiming an overt and foreboding Christian message in violation of the constitutional guarantee of the separation of church and state.

As soon as the banner was brought to our attention, we sent a strongly worded demand letter to the Prescott Police Department, insisting the banner be removed. It was removed but unfortunately the damage was already done. Every time a government agency demonstrates a preference for one religion it alienates people who do not share the beliefs expressed—including, in the case of a police department, potential witnesses and victims of crime.

This year we also opposed the Town of Chino Valley's practice of conducting sectarian prayers during Town Council meetings, which was discriminatory and constituted an unconstitutional entanglement of government with religion.

Based on the composition of the Council and its practice of allowing only councilmembers to deliver invocations, only Christian invocations were being spoken at the start of meetings—despite the attendance of non-believers and people of non-Christian faiths. After we objected, the Town Council ended its public invocation practice, which undoubtedly made these public meetings more welcoming and inclusive for everyone.

Standing with Arizona women

In August, a federal district court officially closed an ACLU case that resulted in the repeal of an Arizona law aiming to restrict medication abortions. The challenged law required doctors to mislead women by telling them that it may be possible to reverse a medication abortion — a statement that lacks any credible medical support.

The Legislature passed the restriction in 2015. After unsuccessfully attempting to defend the law in court for almost a year, the state repealed the controversial requirement in May. The ACLU's legal challenge came to an official end a few months ago, as the judge signed off on the parties' agreement to close the case as a result of the legislative repeal.

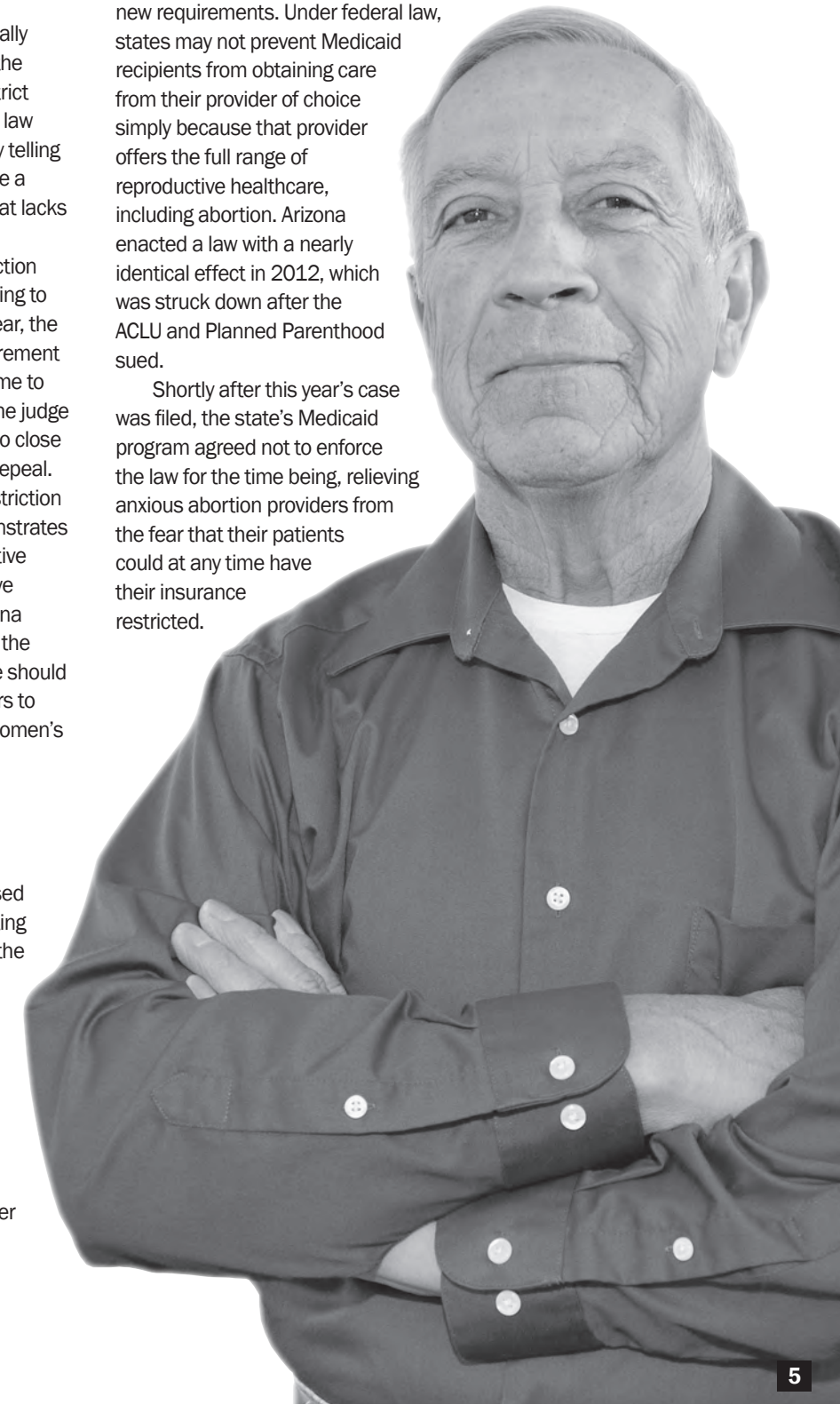
The reversal of this unjustified restriction was good news for women and demonstrates the power of litigation to effect legislative change. Nevertheless, it shouldn't have taken a year in court to convince Arizona politicians to keep junk science out of the exam room. The dismissal of this case should be a wake-up call for Arizona legislators to drop their attempts to interfere with women's healthcare.

Fighting for reproductive freedom

This year, the Arizona Legislature passed a law that creates impossible accounting hurdles for abortion providers. Under the new law, if abortion providers do not comply with the requirements to the satisfaction of the state, they can be kicked out of the state's Medicaid program. Removing healthcare providers like Planned Parenthood from the Medicaid program would prevent low-income women from obtaining healthcare from their provider of choice.

Fortunately, in July, the ACLU and Planned Parenthood filed a legal challenge to the new requirements. Under federal law, states may not prevent Medicaid recipients from obtaining care from their provider of choice simply because that provider offers the full range of reproductive healthcare, including abortion. Arizona enacted a law with a nearly identical effect in 2012, which was struck down after the ACLU and Planned Parenthood sued.

Shortly after this year's case was filed, the state's Medicaid program agreed not to enforce the law for the time being, relieving anxious abortion providers from the fear that their patients could at any time have their insurance restricted.



2016 The Year in Review

“We were not able to sleep all night because of the cold. At one point my six-month daughter did fall asleep briefly and I laid her down on the cold concrete floor. She was able to sleep a little bit but she was shivering from the cold as she slept.” G.F.G.

Stopping abuse at the border

We celebrated a major victory in November, when a federal court found that Border Patrol has been violating the constitutional rights of people detained in holding facilities in Arizona. The court ordered the federal government to take steps to improve conditions in these facilities, which are known as hieleras (“iceboxes” in Spanish).

Border Patrol has been holding individuals—including traumatized asylum seekers and mothers with infants and small children—for days at a time in cold, overcrowded, and dirty cells that are designed to detain people for only a few hours. We sued over the deplorable conditions in the hieleras within the Tucson Border Patrol Sector, which encompasses much of southern Arizona.

Graphic photographs the ACLU obtained through the lawsuit show detainees packed into filthy, overcrowded rooms. One image captures a mother changing an infant’s diaper on a trash-strewn concrete floor. People who have been held in Tucson Sector Border Patrol facilities described to the court bone-chillingly cold holding cells, limited access to food and water, nonexistent access to personal hygiene products, and other appalling conditions.

The results of our lawsuit will greatly improve the harmful and illegal conditions that thousands of Border Patrol detainees have had to endure and that the government has kept hidden from the public for years.



“There were no beds in the cell and we were not provided any real blankets, they only gave us an aluminum sheet. I had to try and sleep standing. I gave my place on the concrete floor to another man who was hurt...I did not sleep all night because I was standing. I was one of 15 people standing that night.” F.M.E.

“There was one sink in the cell but it did not work...There was no drinking water in the cell. I was not able to drink water for the [16 hours I was in this cell].” J.A.M.B.

“The conditions in...Border Patrol custody were truly inhumane and degrading. It felt like we were prisoners of war.” J.C.C.O.

Challenging anti-Muslim discrimination

In October, we filed official complaints with the U.S. Department of Justice and U.S. Department of Education against the Academy of Excellence, a public charter school in Phoenix. Last school year, while our client A.A. was a sixth grader, he was repeatedly discriminated against by his teacher because he is a Muslim refugee from Somalia.

On one occasion, A.A.’s teacher showed a video to the class about 9/11 terrorists and then said to A.A. in front of the entire class, “That’s going to be you,” suggesting that he was destined to become a terrorist himself.

Another time, referring to the fact that A.A. and his family were resettled in the United States on refugee visas, the teacher started ranting about Donald Trump, telling A.A.: “I can’t

wait until Trump is elected. He’s going to deport all you Muslims. Muslims shouldn’t be given visas. They’ll probably take away your visa and deport you. You’re going to be the next terrorist, I bet.”

In January, after A.A.’s mother complained about her son’s treatment, school officials falsely claimed that A.A. had broken school rules by opening an emergency window on the bus. Academy of Excellence subsequently forced A.A.—and his younger sister, F.A.—to withdraw and find a new school.

We stand with A.A. and all Muslim or immigrant kids, who—more and more—are being harassed in school. Public schools have an obligation to protect students from discrimination, so they can safely live their lives and receive an education. And, as our complaints make clear, the DOJ and DOE have a duty to make sure schools honor the protections our laws provide.

Fighting race-based policing

In September, the Arizona Attorney General’s Office issued an opinion establishing guidelines for the implementation of two remaining provisions of the state’s 2010 racial profiling law, SB 1070. With the opinion, the ACLU and other organizations agreed to conclude their challenge to the anti-immigrant “show me your papers” law, which has largely been rendered unenforceable by the courts.

The Attorney General’s opinion, which was sent to law enforcement agencies across the state, dictates that officers cannot: 1) use race or ethnicity to develop reasonable suspicion that someone is unlawfully present in the United States; 2) stop people solely to investigate immigration status; or 3) hold people in order to investigate immigration status if it will extend the stop beyond the time

necessary to address the state law basis for the contact.

This phase of the battle against SB 1070 has come to an end but we intend to keep fighting to make sure people’s rights are not violated. Law enforcement agencies that enforce SB 1070 risk engaging in racial profiling. We intend to work with departments statewide to enact policies that limit the use of SB 1070 and collect data to monitor how it’s being implemented.



Protecting students’ freedom of speech

It’s hard to believe that in 2016, public schools are still trying to force students to stand during the recitation of the Pledge of Allegiance. But that’s exactly what happened to Madison Smith, a 14-year-old student at Kingman Middle School.

In September, after becoming more engaged with civics during the 2016 election cycle, Madison decided she was going to sit as the pledge was broadcast over the speaker in her classroom. It was a decision school officials did not like. Madison was told that students at Kingman Middle School are required to stand during the pledge.

The ACLU intervened immediately upon hearing from Madison and her mother, sending a letter to the school and the Kingman Unified School District. We insisted that the school district inform all teachers and administrators of the rights of their students to engage in First Amendment-protected activities. The school district’s lawyers quickly agreed with us, recognizing longstanding U.S. Supreme Court precedent about students’ free speech rights.

Fighting for the rights of transgender people

In June, we filed a federal lawsuit against the fifth largest healthcare system in the U.S., Dignity Health, because it denies transgender employees health insurance coverage for medically necessary transition-related healthcare.

Joe Robinson, an operating room nurse at Chandler Regional Medical Center, is challenging his employer’s discriminatory insurance policy, which contradicts widely accepted medical standards and violates federal law. The lawsuit argues that Dignity Health’s refusal to provide insurance coverage for medically necessary transition-related care discriminates on the basis of sex, in violation of Title VII of the Civil Rights Act and the Affordable Care Act.

“All I want is the same health benefits other, non-transgender Dignity employees receive, which is coverage for medically necessary treatments,” Joe said when we filed the case, which is still pending.

- 1) A cell crowded with people wrapped in mylar blankets inside a Border Patrol facility in southern Arizona.
- 2) Madison Smith, right, and her mother, Shirley Carter, stood up for students’ free speech rights.
- 3) Joe Robinson, with the ACLU’s help, is suing his employer, Dignity Health, to make sure he receives the health insurance he’s entitled to under the law.



2016 Legislative Report

This year in the Arizona Legislature, 1,247 bills were introduced and more than 300 were signed into law. By being strategic, focusing efforts and resources on where we can make the greatest impact, and maintaining a constant presence at the Capitol, we were able to ensure positive outcomes for civil liberties.

Immigrants' Rights

Given the corrosive rhetoric about immigrants and refugees at the national level, it's hardly surprising that our legislators spent much of the session attacking these groups. Though we were able to defeat a number of anti-immigrant measures early in the process—such as SB 1017 (preventing cities from issuing identification cards) and SB 1378 (prohibiting “sanctuary cities” from receiving shared revenue)—much of our effort throughout the session was focused on SB 1377. This bill would have given undocumented immigrants harsher sentences than citizens in felony cases, and would have also made them ineligible for community supervision, probation, or any type of early release. Using state law to punish people for violations of federal law is neither new nor constitutional. Indeed, parts of Arizona's infamous SB 1070 were enjoined for doing exactly this. Fortunately, with the help of supporters like you, we were able to raise significant public outcry about this bill. Our efforts were successful, as this bill was defeated on the House floor.

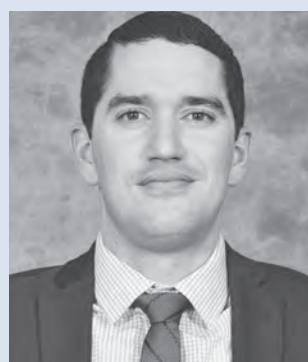
Free Expression

Early in the legislative session we learned of a bill, SB 1054, which sought to criminalize filming the actions of police officers. Given that a number of federal appeals courts have found a First Amendment free speech right to film police activity, this bill was troubling. The ACLU led the public charge against this bill, speaking out early and often. Before the bill could receive a committee hearing, the public pressure caused the sponsor to withdraw the bill.

The Legislature also passed HB 2001, which revised a law passed in 2014 that was intended to address “revenge porn” but in fact criminalized a vast amount of protected speech. The ACLU sued and successfully blocked the implementation of the 2014 law—and the state eventually agreed to permanently block its enforcement. This year's bill was carefully crafted with our input, and is significantly narrower than the previous version of the law.

Civil Asset Forfeiture

This session, a bi-partisan group of stakeholders came together in an effort to overhaul Arizona's civil asset forfeiture



ACLU of Arizona Policy Director Will Gaona monitors developments at the Arizona Legislature.

laws, which allow police departments to seize—and then keep or sell—any property they allege is involved in a crime. The ACLU was a lead supporter of HB 2369, a bill that would have assured due process when property is confiscated. Unfortunately, the strong opposition from Arizona law enforcement agencies, which have taken more than \$500 million through civil forfeiture in the last 15 years, prevented the bill from moving forward this session.

Even so, a special informational hearing was held on the topic, where the ACLU and others were able to publicly detail the myriad problems associated with civil forfeiture. The ACLU will address the issue again during the 2017 legislative session.



Board Elections

All current ACLU of Arizona members are eligible to show their support for the board of directors by voting in annual elections. Ballots will be sent by U.S. mail in January and must be returned by the election deadline, February 28, 2017.

Cassie Ramirez Breneman and Belen Gonzales have been nominated to join the board. Alice Bendheim, Roopali Desai, Fran Baker Dickman, Rivko Knox, Matt Korbeck, May Lu, and Zenaido Quintana are current directors who are renewing their commitment to the organization by seeking re-election. More information about each of these nominees, including their complete bios, will be included with the ballot.

Additional nominations may be made by petition of any 10 ACLU of Arizona members provided the petition is accompanied by a signed statement expressing the nominee's willingness to serve. Additional nominations must be received by January 14, 2017 and can be sent to info@acluaz.org.

To join or renew your membership to the ACLU of Arizona, please visit: www.acluaz.org/join.

Stay informed year-round about the issues that matter to you by subscribing to the ACLU of Arizona email list and following us on Facebook and Twitter.

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In the past year...

The ACLU of Arizona received its **largest grant** in its 57-year history. The funds will support a multi-year investigation and advocacy initiative about discriminatory admission, suspension and expulsion practices in public schools, particularly charter schools.

Arizonans have now committed more than **\$10.5 million** to the ACLU in their estate plans.

The ACLU of Arizona was awarded **\$194,000** in legal fees in FY 2016 for its successful defense of civil liberties.

We surpassed **12,000 likes** on Facebook and **6,800 followers** on Twitter.

The ACLU of Arizona email advocacy program grew to more than **40,000 subscribers**.

ACLU of Arizona staff and board members spoke to community groups at more than **30 events** statewide, reaching more than **2,500 people**.

Our legal department sent **17 requests** for public records and **13 demand letters** in addition to litigating more than a **dozen** cases.

We processed nearly **1,600 complaints** and selected **110 for investigation**.

ACLU of Arizona Names Noted Criminal Defense Lawyer as Legal Director

Kathy Brody has joined the ACLU of Arizona as the organization's legal director. Brody comes to the ACLU from the Phoenix-based law firm Osborn Maledon, where she was a partner in the litigation group.

Kathy will oversee the ACLU of Arizona's legal docket, including challenges to Arizona's civil asset forfeiture system, the conditions of detention in U.S. Customs and Border Protection facilities in southern Arizona, the racial profiling practices of the Maricopa County Sheriff's Office, and the unacceptable treatment of prisoners by the Arizona Department of Corrections. The ACLU of Arizona's cases are handled by four staff attorneys and dozens of collaborating attorneys.

At Osborn Maledon, Kathy's practice focused on criminal defense, representing clients during all stages of criminal and regulatory proceedings, from investigation through post-appeal remedies. During her time at the firm, Brody collaborated with the ACLU of Arizona on two cases, handling matters related to reproductive freedom and immigrants' rights.

“The ACLU has a remarkable history in Arizona and I'm proud to be part of the organization's fight for liberty,” Kathy said. “Unfortunately, Arizona has become an epicenter of unjust and biased laws and practices. It's an honor to have the opportunity to lead the legal advocacy against these unconstitutional policies for Arizona's oldest and largest civil liberties organization.”

Before joining Osborn Maledon in 2008, Brody was a law clerk to Arizona Supreme Court Justice Andrew D. Hurwitz. She is a member of the Ethics Committee of the Arizona State Bar and is the immediate past president of Arizona Attorneys for Criminal Justice, a membership organization of criminal defense lawyers. Brody attended the University of Arizona James E. Rogers College of Law and received her bachelor's degree, in archaeological studies, from Yale University.

