



# Sometimes History is Now

ACLU OF WASHINGTON 2013 ANNUAL REPORT

# 2013 WELCOME

Dear Friends,

In all my years at the ACLU - and it's been quite a few - I truly can't remember a more exciting, inspiring, alarming or busy time. We've savored historic successes that were built on decades of strategic work and we've shuddered at massive NSA and police surveillance of everyday Americans.

Civil liberties progress is a story of idealism and hope mixed with determination and grit. It is the story of people who are knocked down, yet get up to fight again and again. And, just as in the Civil Rights movement, the McCarthy era, or the Vietnam era, today's America will be shaped by those who choose to engage in the struggle. The most dangerous thing for our democracy is indifference.

The past year in Washington was one of history-making, and the ACLU-WA was instrumental leading the nation toward marriage equality and a new approach to marijuana. This report, entitled **Sometimes History is Now**, shows successes from this year while shining a light on some of the milestones that brought us here.

There is always too much for one report. We are highlighting examples of the vast work of protecting everyone - the ACLU's task for nearly 100 years now. I invite you to walk through the past, present, and future of the organization that never backs down from a fight for justice.

With vigilance,



Kathleen Taylor  
Executive Director

1925

**First ACLU case in Washington: The Tremaine Case**

After the intolerance he faced for refusing to salute the flag, 9-year-old Russell Tremaine's pacifist family eventually keeps him home from of school. When local authorities try to take Russell away and put him up for adoption, the ACLU intervenes and Russell is returned to his family.

1920

**American Civil Liberties Union Founding**

Roger Baldwin, Crystal Eastman and several others found the ACLU in New York, first focused on safeguarding freedom of speech and assembly, then on broader constitutional freedoms over the following decades.

1932

**Powell v. Alabama**

The ACLU appeals the conviction of the "Scottsboro Boys" - eight African Americans wrongfully accused of raping two white women.

1935

**ACLU of Washington Founding**

A group of trade unionists, political activists, intellectuals, and a minister establish a branch of the American Civil Liberties Union in Washington state.



1942

**Japanese American Internment**

The ACLU-WA supports UW student Gordon Hirabayashi's challenge of the curfew and internment order for Japanese Americans.

2013

# FREEDOM FROM DISCRIMINATION

1

**Fairness for Immigrants**

Show me your papers! Arrests and detentions of immigrants have exploded over the past ten years. In an ACLU-WA and Northwest Immigrant Rights Project victory for fair treatment, Pierce County Superior Court ruled that local police cannot prolong a detention to question individuals about their immigration status.

2

**Border Patrol, Meet the Constitution**

For years since 9/11 Border Patrol agents have been making illegal, suspicionless stops of minority residents on the Olympic Peninsula – **wasting their time, our resources, and frightening the community.** This September, we reached a settlement requiring the Border Patrol to train its agents in Port Angeles on the Fourth Amendment! And they must submit reports to us documenting every stop they make for the next 18 months.

1950

**Membership Growth in the McCarthy Era**

The ACLU of Washington grows from a few dozen to 250 members under the threats and realities of McCarthyism.

1952

**Rochin v. California**

Reversing the conviction of a man whose stomach had been forcibly pumped for drugs by police, the Supreme Court rules the 14th Amendment's Due Process Clause outlaws "conduct that shocks the conscience."

1954

**Government Investigations of "Subversives"**

The ACLU-WA defends targets for investigation by the U.S. House Un-American Activities Committee for their political views.

# 2013 THE RIGHT TO LEARN

Our schools leave behind almost half of our African American, Latino, Native American, and pregnant or parenting students. Overuse of suspensions and expulsions are causing students who already struggle academically to fall further behind and simply never catch up.

Our **Education Equity Project** works toward alternative discipline policies that reduce the harsh and disparate punishments that push kids out. Our **Pregnant and Parenting Teens Project** works to combat the unique and additional barriers these young women face to staying in school.

Dropouts are more likely to be unemployed, live in poverty, end up in prison — and have children who repeat this pattern. The cycle must end.

1954

**Brown v. Board of Education**  
One of the century's most significant Supreme Court decisions declares racially segregated schools unconstitutional, wiping out the Plessy v. Ferguson "separate but equal" doctrine established in 1896.

1960

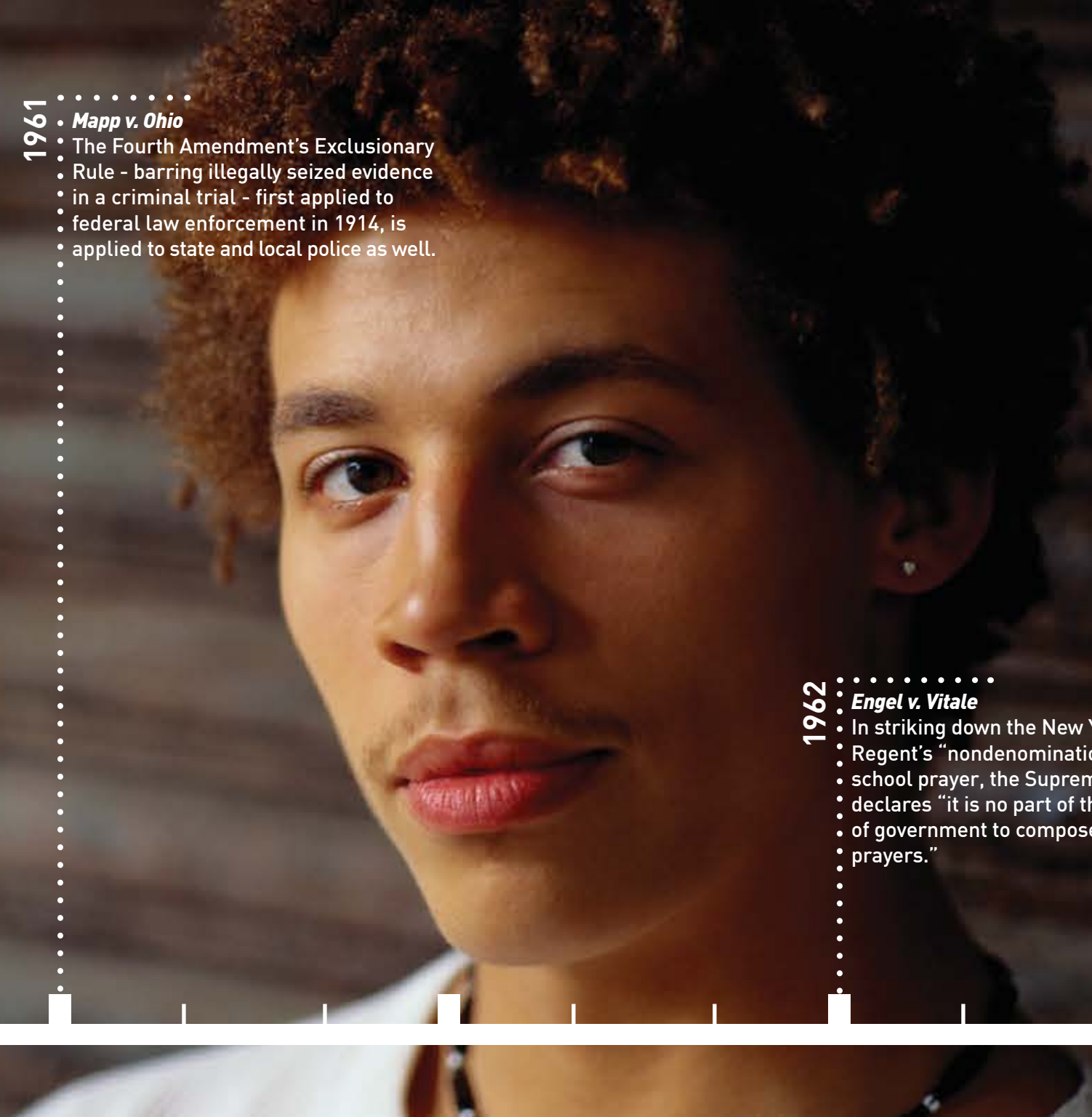
**Police Civilian Review Board**  
The ACLU-WA calls for Seattle to establish a civilian review board to independently examine allegations of police abuse, the first of many requests for accountability over the years.

1961

**Mapp v. Ohio**  
The Fourth Amendment's Exclusionary Rule - barring illegally seized evidence in a criminal trial - first applied to federal law enforcement in 1914, is applied to state and local police as well.

1962

**Engel v. Vitale**  
In striking down the New York State Regent's "nondenominational" school prayer, the Supreme Court declares "it is no part of the business of government to compose official prayers."



2013

# CRIMINAL JUSTICE

Our criminal justice system is failing us. The U.S. incarcerates a greater percentage of its population than **any other country on earth** and it doesn't stop there — once someone completes their sentence, there are unfair, often insurmountable barriers to fully re-entering society. The ACLU-WA is making strides on the long road back to justice:



1963

### ***Gideon v. Wainwright***

Happy 50th Anniversary Gideon! ACLU supports an indigent drifter from Florida who persuades the Court that poor people charged with a felony have a right to a state-appointed lawyer.

1

### ***The Right to Counsel***

We have filed an historic lawsuit challenging a sadly deficient public defense system. 50 years after Gideon, the cities of Mount Vernon and Burlington operate a “meet ‘em and plead ‘em” system that deprives indigent persons of a fair chance to defend themselves in court. The case is being watched by criminal justice experts across the country.

2

### ***Second Chances***

Through our ***Second Chances Project***, we reached a settlement in a class action case for a woman who was denied housing based on a 20-year-old drug charge. Thousands of people are unfairly kept out of housing, schools, and jobs after completing their sentences because of illegal background searches. People who have turned their lives around deserve a fair chance to make a fresh start.

1965

### ***Griswold v. Connecticut***

The Supreme Court invalidates a Connecticut law forbidding the use of contraceptives on the grounds that a right of “marital privacy” is protected by “several fundamental constitutional guarantees.”

1965

### ***Lamont v. Postmaster General***

The Supreme Court strikes down a Cold War-era law requiring the postmaster general to detain and destroy mail from abroad deemed to be “communist political propaganda” unless the addressee had requested delivery in writing.

1965

### ***Civil Rights Era Growth***

The ACLU is everywhere the civil rights movement is, and in Washington, membership rises tenfold to 2,500.

# 2013 • ACLU & THE SUPREME COURT

The ACLU has argued before the Supreme Court more than any other group in history aside from the Department of Justice itself. This year we won four major civil liberties cases:

- 1** **LGBT Equality VICTORY! *United States v. Windsor***  
We challenged the constitutionality of the federal barrier to equality for same-sex couples, the Defense of Marriage Act – and won! The law discriminated against gay and lesbian married couples by denying their recognition under federal law.
- 2** **Women’s Health VICTORY! *Association for Molecular Pathologists v. Myriad Genetics***  
We challenged the validity of a private company’s patents on two human genes – BRCA1 and BRCA2 — the genes associated with an increased risk of breast and ovarian cancer. The Court unanimously agreed that companies can’t “own” a human gene.
- 3** **Privacy VICTORY! *Missouri v. McNeely***  
We challenged the claim that the government can require everyone suspected of drunk driving to submit to a blood test without consent or a warrant. The Court agreed the requirement constituted a warrantless search.
- 4** **Voting Rights VICTORY! *Arizona v. Inter Tribal Council of Arizona***  
We challenged Arizona’s new law requiring proof of citizenship be submitted before a person can register to vote. The Court ruled the law imposed onerous requirements beyond those set forth under federal law.

1967

## ***Loving v. Virginia***

The Supreme Court strikes down all bans on interracial marriage in the states, declaring ‘the freedom to marry,’ is ‘one of the basic civil rights of man’ (sic).

1969

## ***Tinker v. Des Moines***

ACLU defends three students who wore black armbands in protest the Vietnam War. The Supreme Court finds students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”

1970

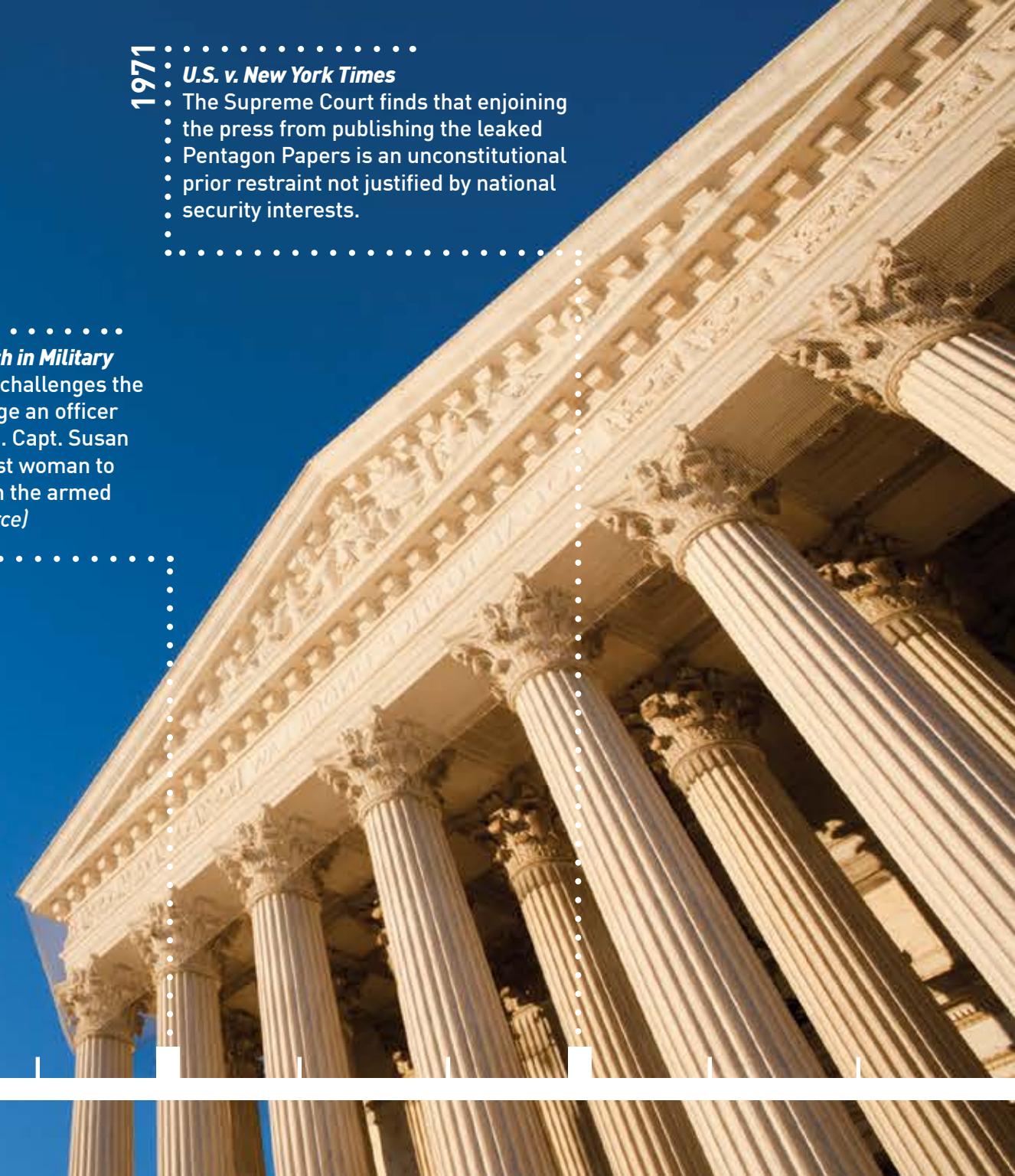
## ***First Woman to Give Birth in Military***

ACLU-WA successfully challenges the military rule to discharge an officer who becomes pregnant. Capt. Susan Struck becomes the first woman to give birth and remain in the armed forces. (*Struck v. Air Force*)

1971

## ***U.S. v. New York Times***

The Supreme Court finds that enjoining the press from publishing the leaked Pentagon Papers is an unconstitutional prior restraint not justified by national security interests.



August '69

Photo courtesy of Breaking Glass Pictures. Their documentary *Edie & Thea: A Very Long Engagement* is now available on DVD.

ACLU client **Edie Winsor** with her late wife **Thea Spyer**. Because of DOMA, Edie was charged over \$300,000 in estate taxes after Thea's death in 2009 — a tax that would have been zero for a straight couple.

1972

**Singer v. Hara**

ACLU-WA seeks the right for John Singer and Paul Barwick to marry - the first, albeit unsuccessful, such suit in Washington.

1972

**Voting for Everyone**

The Washington Supreme Court overturns the English language requirements for voting, opening the way for Spanish-speaking citizens and others to vote. (*Jiminez v. Naff*)

1973

**Roe v. Wade**

Recognizing a woman's constitutional right to choose whether or not to terminate a pregnancy, Roe erases all existing criminal abortion laws.

1974

**Smith v. Goguen**

The Supreme Court strikes down a Massachusetts state law that made it a crime to treat the American flag 'contemptuously' — finding it void for vagueness.

2013: **EQUAL LOVE, EQUAL RIGHTS**

Washington voters said **YES** to equality and love last November with the passage of Referendum 74 – a milestone the ACLU-WA had in its sights for decades. While we push for the remaining 35 states to adopt fairness for all couples, we are still fighting battles at home too.

This spring we filed a lawsuit on behalf of a couple who was refused service by a local florist based on their sexual orientation. Together for nine years, Curt Freed and Robert Ingersoll planned a wedding once it was finally legal for them to marry. But when Ingersoll approached his regular florist to arrange for wedding flowers, the florist told him she would not sell them flowers because of her "relationship with Jesus Christ." Our lawsuit seeks a court order barring the florist from discriminating against people based on sexual orientation and damages for violating the couple's rights. (*Ingersoll v. Arlene's Flowers*)

# 2013 FREEDOM FROM SURVEILLANCE

As the U.S. winds down its wars abroad, the military industry needs new customers for weapons, drones, consultants, and surveillance technology — and they are turning to our police departments. The ACLU is working to expose *the worrisome collaboration between local and federal agencies that is creating a surveillance web across the country, all too reminiscent of Orwell's Big Brother.*

Among numerous ACLU lawsuits for increased transparency, the ACLU is now in court *challenging the NSA's unfettered surveillance program*, brought to light this year – a massive violation of freedom of speech and association and privacy rights. The ACLU is in the forefront of opposition to the growing surveillance society.

1974

## *U.S. v. Nixon*

The ACLU argues, “There is no proposition more dangerous to the health of a constitutional democracy than the notion that an elected head of state is above the law and beyond the reach of judicial review.” The Court agrees, and orders Nixon to hand over crucial Watergate tapes.

1978

## *Schuster v. Schuster*

- ACLU-WA successfully defends the right of gay parents to maintain custody of children.

1980

## *Kathleen Taylor Take the Helm*

- The ACLU-WA board hires 29-year-old Kathleen Taylor as Executive Director the same year Ronald Reagan becomes president.

1989

## *Watkins v. U.S. Army*

- The ACLU-WA sues on behalf of Sgt. Perry Watkins, who had been discharged after serving as an openly gay man. He is reinstated after winning this unprecedented lawsuit.





# 2013 PERSONAL AUTONOMY

Washington hospitals are merging with religious health care corporations at an unprecedented rate. Under the new partnerships, religious doctrine can dictate which services can and cannot be provided or discussed — **such as birth control, fertility treatments, and end-of-life health care options.** If pending mergers are completed, more than half of the hospital beds in Washington will be in religiously affiliated hospitals – **more than any other state in the country.** ACLU-WA has a full time project committed to ensuring all Washingtonians receive health care free of religious interference.

1990

## ***Cruzan v. Director of the Missouri Department of Health***

In the Court's first right-to-die case, the ACLU represents the family of a woman in a persistent vegetative state for more than seven years. Although the Supreme Court does not go as far as the ACLU urges, it recognizes living wills as clear and convincing evidence of a patient's wishes.

1991

## ***Washington's Roe v. Wade***

After a campaign led by the ACLU-WA, Planned Parenthood, and allies, Washington adopts Initiative 120, guaranteeing the right to choose under state law and funding it to the same extent as pregnancy care.

1995

## ***Students' Web Rights***

ACLU-WA defends a Bellevue high school student disciplined for creating a website that satirized his school on his home computer, one of the first such cases to gain national attention.

1998

## ***Medical Marijuana***

ACLU-backed Initiative 692 passes, allowing Washington patients with a physician's recommendation to use marijuana for medicinal purposes.

# 2013 FREE SPEECH

The Greater Seattle Chapter of Veterans for Peace has participated in the Auburn Veterans Day Parade since 2006. Yet last fall, their application to march was denied by the city, claiming it only allows applicants that most closely match the purpose and goals of the parade. While other approved groups included a Corvette club, the Optimists, Kiwanis International, the Sons of Italy, and a Daffodil Festival float, **the city declined actual veterans**. The ACLU-WA quickly won a court order allowing the Veterans for Peace to march in the parade.

1999

## WTO "No Protest Zone"

The ACLU-WA challenges the notorious "No Protest Zone" restricting political speech in more than 20 square blocks downtown during the WTO protests.

1999

## Chicago v. Morales:

### Protecting Youth of Color

The Supreme Court strikes down Chicago's loitering law which targeted innocent African American & Latino youth and resulted in the arrest of 45,000 innocent people.

2001

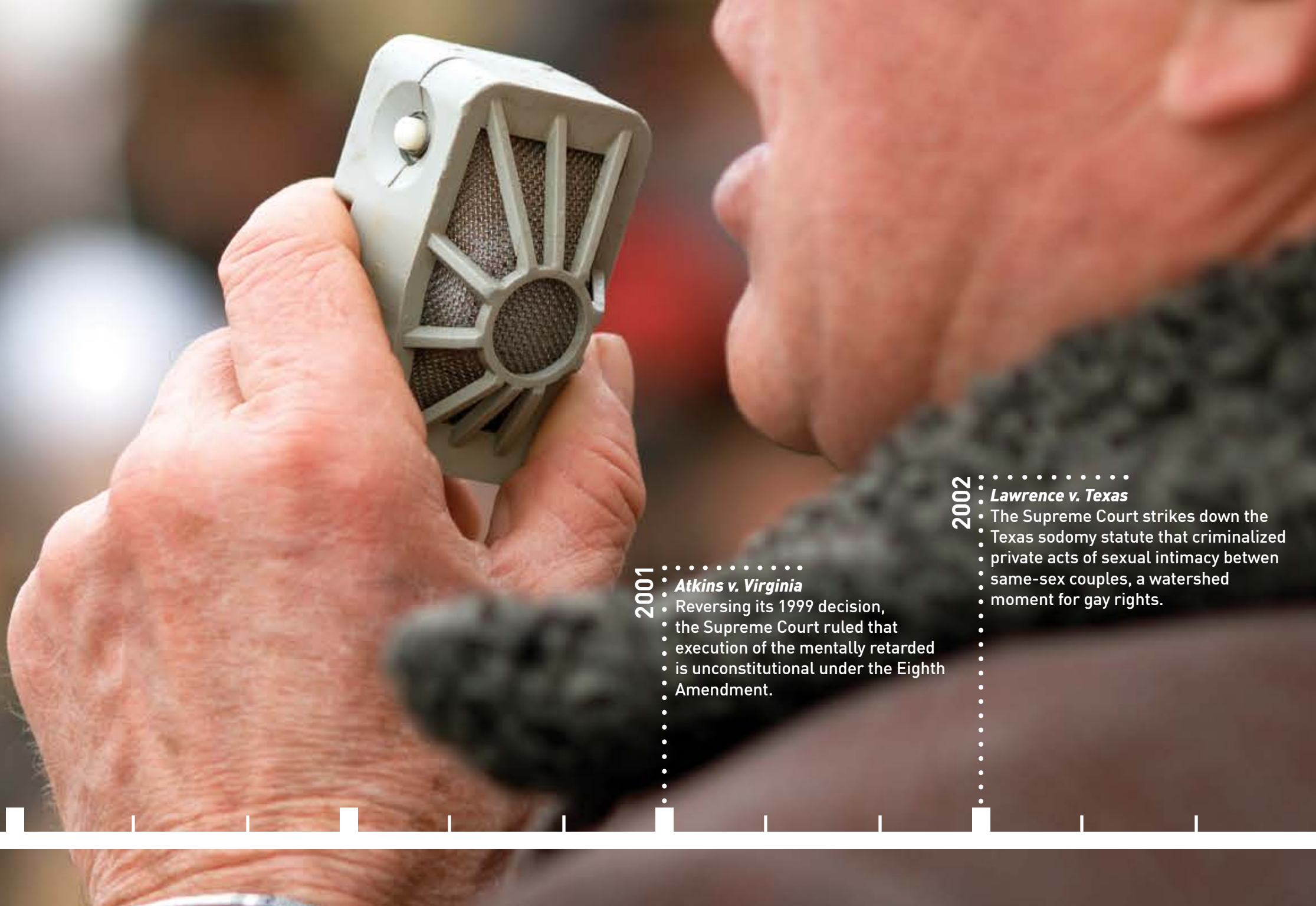
## Atkins v. Virginia

Reversing its 1999 decision, the Supreme Court ruled that execution of the mentally retarded is unconstitutional under the Eighth Amendment.

2002

## Lawrence v. Texas

The Supreme Court strikes down the Texas sodomy statute that criminalized private acts of sexual intimacy between same-sex couples, a watershed moment for gay rights.





“Prohibition has furthered racial injustice and failed to keep us safe. We need a new approach.”  
-Sal Mungia, Former President, Washington State Bar Association

# 2013 A NEW APPROACH

The crisis of mass incarceration in the U.S. won't be undone overnight. Yet, Washington voters took a tremendous step in the right direction last fall when they chose a **New Approach to marijuana laws**. ACLU-WA Drug Policy Director Alison Holcomb spent a year as Campaign Director for Initiative 502, building on a decade of careful work to ready our state for a new approach. Already, **Washington has been spared thousands of arrests** for simple possession, **saving millions of dollars previously wasted** on targeting marijuana users. We are already seeing other states and even other countries following Washington's lead.

2003

## Sensible Seattle

The ACLU-WA backs a successful initiative that makes simple marijuana possession the city's lowest law enforcement priority.

2006

## LGBT Anti-Discrimination Law

After three decades of lobbying by ACLU-WA and LGBT advocates, the state legislature adopts a law prohibiting discrimination based on sexual orientation.

2008

## Death with Dignity

Washington voters adopt Initiative 1000 enabling terminally ill persons to obtain a prescription so they may choose how and when to end their lives – a long-sought ACLU-WA goal.

2008

## Boumediene v. Bush

The Supreme Court holds that Guantanamo detainees have a constitutional right to challenge their detention, rejecting Bush's assertion that the Constitution does not apply to Guantanamo.

# 2013 VOTING RIGHTS

Latino residents comprise 41% of Yakima's population yet no Latino candidate has ever been elected to the city council. The seven members of the Yakima City Council are all elected "at-large," seriously diluting the vote on racial lines. We have filed suit on behalf of two Yakima citizens charging that the **City's election system effectively prevents Latinos from meaningful participation**. We also continue to push for passage of the **Washington Voting Rights Act**, to encourage local jurisdictions to correct problems caused by racially polarized voting.

2009

**Voting Rights Restoration**  
After years of ACLU-WA advocacy, the legislature ends the ban on voting by citizens who have completed their jail sentence, but still owe financial debts - a modern form of the poll tax.

2009

**Everything but Marriage**  
Washington voters approve the ACLU-backed referendum extending same-sex domestic partners all the same legal rights as married couples.

2011

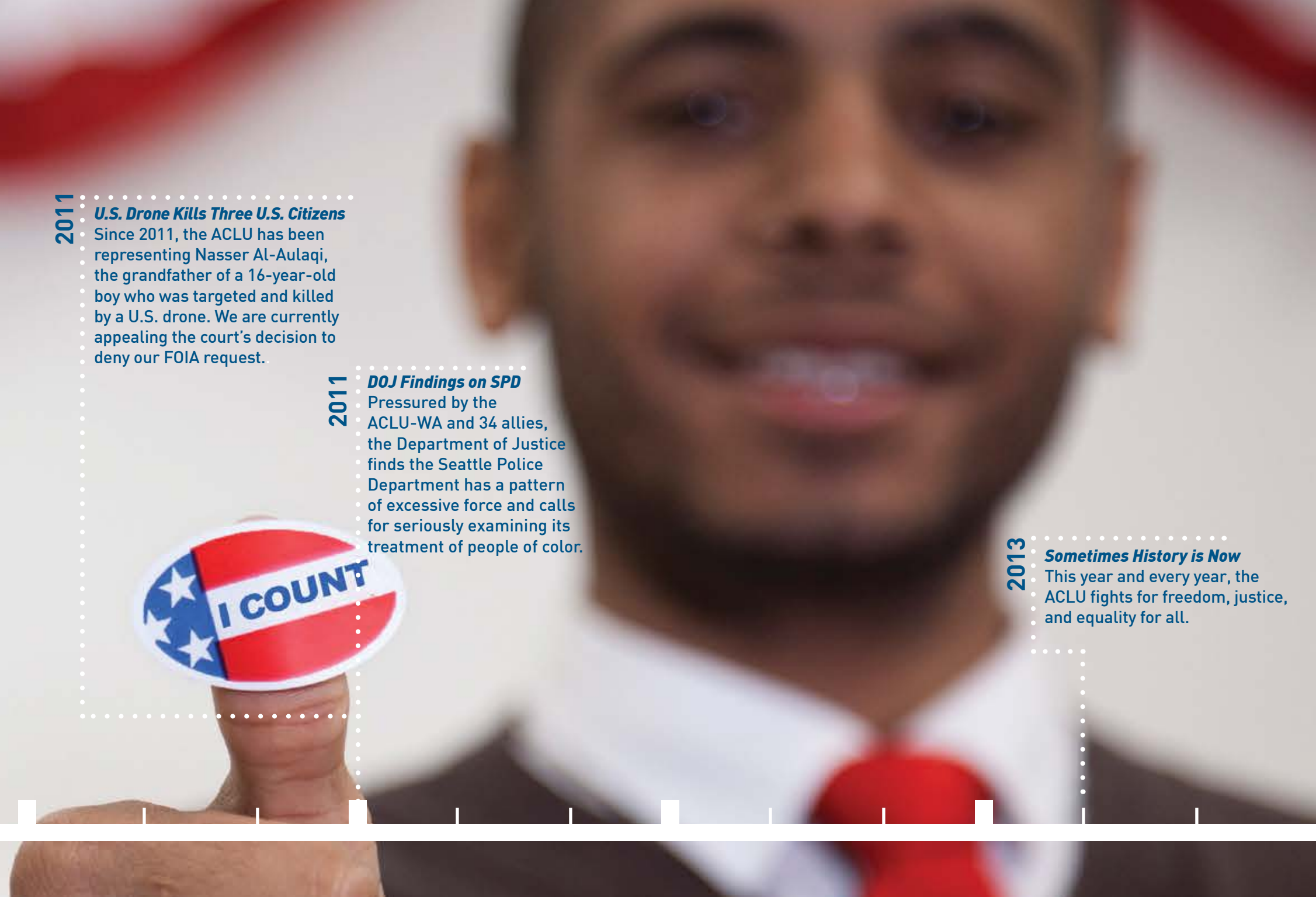
**U.S. Drone Kills Three U.S. Citizens**  
Since 2011, the ACLU has been representing Nasser Al-Aulaqi, the grandfather of a 16-year-old boy who was targeted and killed by a U.S. drone. We are currently appealing the court's decision to deny our FOIA request.

2011

**DOJ Findings on SPD**  
Pressured by the ACLU-WA and 34 allies, the Department of Justice finds the Seattle Police Department has a pattern of excessive force and calls for seriously examining its treatment of people of color.

2013

**Sometimes History is Now**  
This year and every year, the ACLU fights for freedom, justice, and equality for all.



## BECAUSE OF YOU

### Thank you ACLU supporters!

You are among **20,000 ACLU members in Washington state and 500,000 nationwide.**

With each dollar raised in Washington, 50 cents go to protect civil liberties nationwide and 50 cents stay here to protect Washingtonians.

**You help us be effective nationally AND locally.**

You make it possible for the ACLU to have a **local presence** with a national perspective, strategy and expertise. With an ACLU office in every state, we are nimble enough to respond to local concerns around the country and **strong enough to take on national issues.**

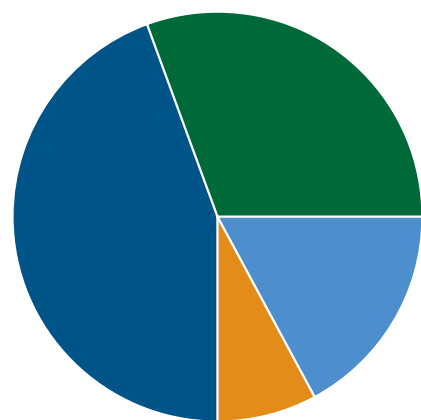
You support a **strategic approach** to challenges; combining outreach, direct advocacy and referral, public education, policy advocacy, and impact litigation.

**Together we change laws that change lives.**

## ACLU OF WASHINGTON & FOUNDATION 2012-2013 COMBINED OPERATING BUDGET\*

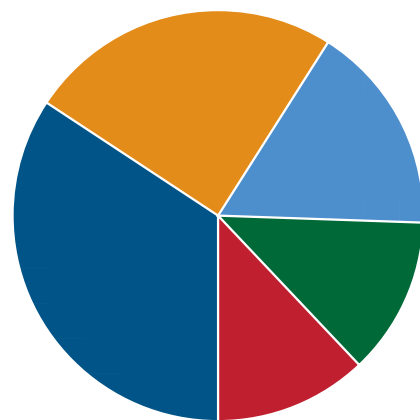
\*Unaudited. Audited statements will be made available from the ACLU-WA office in early fall.

**Support & Revenue**  
\$3,613,238



- 45% Annual Contributions
- 30% Bequests, Case Awards & Other Restricted Funds
- 17% Membership
- 8% Endowment Fund

**Expenses**  
\$3,343,705



- 35% Policy Advocacy
- 25% Legal Program
- 16% Management & General
- 12% Communications Program
- 12% Development

## THANK YOU 2012-2013 COOPERATING ATTORNEYS

ACLU-WA cooperating attorneys dedicate countless hours of service and expertise to the cause of civil liberties – taking on cases, legal research, writing briefs, and more. The ACLU-WA is able to reach far beyond the capacity of our staff because of the time and energy these individuals put into their volunteer work. **Thank you to all the attorneys who aided in ACLU-WA's mission this year.**

Nathan Alexander  
Venkat Balasubramani  
Hank Balson  
Lisa Renee Beard  
Miguel Bocanegra  
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### Sometimes History is Now



**Annual Report design by**  
Curtis Dickie & Caitlin Lombardi

The Annual Report is a joint publication of the American Civil Liberties Union of Washington and the American Civil Liberties Union of Washington Foundation. The report collectively refers to the two organizations as “ACLU of Washington.”



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