2017 Annual Report

We Are In This Together



2017

It has been no ordinary year. We have been called upon like never before to defend each other, our rights, and the values of our country. The attacks have been stunning and steady – attacks on immigrant rights, Black Lives Matter, voting rights, reproductive rights, transgender rights, freedom of speech, freedom of religion, freedom from discrimination, students' rights, privacy rights, and a free press.

The ACLU's job is to defend the rights of everyone. We can't do this alone. This annual report is about the people who work alongside the ACLU to ensure fairness for all in Washington. The clients, volunteers, community groups, students, supporters, and staff. The people who stand up for one another, raise their voices for one another, and demand justice for one another.

Thank you for standing with us.

Kathleen Taylor Executive Director

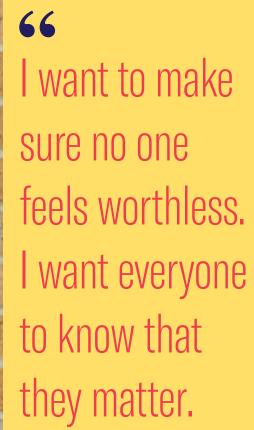
Kushler Taylor

The ACLU of Washington is one of *55 ACLU offices* around the country working together to create lasting change. 1.6 million members nationwide, including *80,000 in Washington*, fuel the ACLU's pursuit of fairness through litigation, legislation, advocacy and public education.

WHEN DID YOU FIRST ENCOUNTER INJUSTICE?



Veronique Harris | Kirkland, WA ACLU Volunteer, Intern, Student Club Leader



Veronique was in first grade when she felt "different" for the first time. She had dressed up as Rapunzel for Halloween. "I was so excited. I got my costume and had extensions in my hair... I felt so cool." When she told a fellow first-grader who she supposed to be, the girl responded, "You can't be Rapunzel. You're black."

It was a defining moment. Veronique started talking to her family about justice, she started feeling the urge to make things fair. She went to her first protest when she was just 10 years old – Trayvon Martin had been killed and she couldn't stay silent.

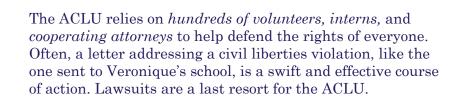
When Veronique's older sister told her about the ACLU, she decided to sign up and train to be a volunteer. She started representing the ACLU at community events and even started an ACLU club at her school. "When I transferred to another high school they told me I couldn't start a club there, and that made me want to do it even more." So the club meets regularly in the library where Veronique gives presentations on different civil rights issues, shows films, or leads discussions. And most importantly, the club takes action when the school infringes on students' rights.

Of special importance right now, when the school told students they must stand during the national anthem, the club worked with the ACLU to send a letter explaining the students' First Amendment rights at school. "They have been better about the anthem since then," Veronique happily reports.

She's a junior in high school now with her future in plain view.

"I want to be a civil rights attorney. I want to focus on the rights of students and people of color. I want to make sure no one feels worthless. I want everyone to know that they matter. I just want to help as many people as I can."

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WE HAVE DIGNITY.

Reavy Washington | Seattle, WA | Homeless "sweeps" Plaintiff



After both his parents died, Reavy moved to Seattle in 1994 to work construction with his brother. After several successful years, the market changed and jobs were hard to come by. Reavy ended up living outside where he has stayed for more than 20 years. During that time, he's been moved a lot. "Cops would come in or ICE would come through, looking for people with warrants or immigrants. That's been going on for twenty years in different forms – moving us but not giving us anywhere to go."

But in 2015, the "sweeps" began. The City tells everyone they have a few days to move out of a camp – often somewhere they've lived for years – or their belongings will be destroyed. "Everyone is hoping for more time. Then the day comes and we don't have anywhere to go. We don't have vehicles or help to move things. So you just grab what you can carry."

Reavy can't tell you how many times he's been pushed out of one place and then another. Along the way he's lost clothes, a radio, grills, heating equipment, tents, bedding, cookware, a bike, shoes, and more. He started going to city council meetings, trying to find a better solution. "I was tired of the double-talk about housing. They aren't providing housing or the services we need. There aren't apartments that are affordable. There isn't a mix of people anymore. This is the United States. 'United' means 'all together', not separated. We want to have dignity and choices, not be pushed around."

Finally, Reavy met the ACLU. He's driven to see this through for his community. "A lot of other people don't feel like they measure up or deserve an opportunity to be heard. But my grandmother's cousin was Rosa Parks. My mother taught me when one door closes another one always opens. I've never let the word 'no' stop me."

Everyone is hoping for more time. Then the day comes and we don't have anywhere to go.

The ACLU is suing on behalf of Reavy and other people living in camps who have been subject to *illegal search* and seizure and had their property destroyed. People living outdoors still have rights.

WHO MAKES
UP
YOUR

COMMUNITY?

ARE Colonel Felix Vargas | Consejo Latino | Pasco, WA

Felix Vargas moved back to his home town of Pasco after a career in both military and diplomatic service. "It was my pleasure to serve my country in two ways," says Mr. Vargas. Growing up, he was one of very few Latinos in the community but when he returned in 2012, Latinos made up nearly half the city's residents.

"I saw a need to connect the dots in our community." He saw Spanish-speaking business owners struggling with city regulations, permitting and ordinances. He saw misunderstandings escalate. He saw people who needed to talk to each other. And after the police shot and killed Antonio Zambrano in 2015, he saw a community reeling from injustice and searching for a path forward.

With his group, Consejo Latino, Mr. Vargas began working with the ACLU to address the breakdown that occurred, mend ties between the community and the police, and make Pasco safer. Because of their advocacy, the city embarked on major reform, with the police department adopting a fully new manual governing police operations that better addresses de-escalation and mental health issues. "The ACLU brought the force of the organization and analysis of issues, and it complemented our work very well — we became full partners."

While the community policing work continues, Consejo Latino and the ACLU also turned to the unfair, at-large election system in Pasco. Because of the ACLU's successful voting rights lawsuit in Yakima in 2014 and organized pressure from Consejo Latino, Pasco city officials agreed to adopt a district-based election system. The city is now poised to elect its first ever Latina to the Pasco City Council.

"I do this work because of a commitment to our community. To help people. To ensure we all understand each other and appreciate each other. Our greatest hope is that we have a dynamic city that is a model for our state and our nation."



I do this work
because of a
commitment
to our
community.
To help people.

Police Reform and Voting Rights are at the top of the ACLU of Washington's agenda. Along with legal victories, working with individuals and groups for the right approach in each community is key to making lasting change.



Juana Rodriguez

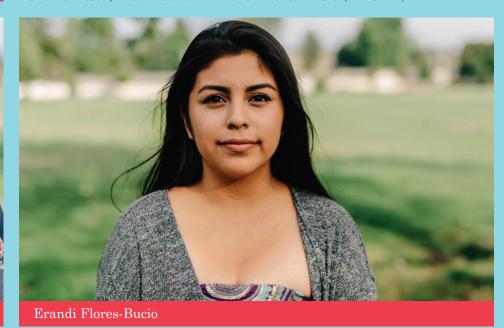
WE BELONG HERE.

Youth United | Interview with Erandi Flores-Bucio | Auburn, WA



Claudia Flores-Bucio

Taina Troncoso









No student should ever be afraid to be at school.

Following the 2016 election, Erandi was deeply disappointed, "almost shocked at the outcome. I was scared. I come from a family that is undocumented. But I decided to turn any fear that I have into motivation to do something for our community."

Along with students from three different high schools, Erandi formed Youth United. One of their first actions was to organize a student walk-out at all three high schools on Inauguration Day in support of immigrant rights. Erandi and her fellow students walked two hours from their high school to the second school only to find that administrators there refused to let the students join. "We were heartbroken; we had been planning for weeks and we had walked for miles."

So Erandi called the ACLU. In the months that followed, ACLU staff supported Youth United through the arduous work of policy change. Together, they developed model policies for protecting immigrant rights in school and pushed the District to adopt them. For example, students' "place of birth" is no longer published in school directories.

"The work isn't done yet." Erandi says. "My best friend is undocumented. I want her to never feel uncomfortable because of her status. No student should ever be afraid to be at school." And for all her eloquence, Erandi insists she is not the leader of Youth United. "It's so incredible I have found this group of individuals. I am not the leader – we are all leaders."

The ACLU's Youth Policy Project supports numerous student, parent, and community groups around Washington working to ensure the rights of students in school, including the constitutional right to an education.



Liezl Tomas Rebugio | Seattle, WA ACLU-WA Staff | Field Director

Living free from discrimination is a basic right everyone deserves.

That's what we fight for.

Liezl found her passion for social justice while studying civil engineering of all things. The Jesuit teachings of her alma mater, Gonzaga University, inspired her to work in service of others after college. She first encountered the ACLU while working side by side to pass legislation on human trafficking. Now she has been the ACLU of Washington's Field Director for nearly ten years. "I work in coalition with community groups across the state, together building momentum to protect civil liberties."

To that end, this year Liezl headed the ACLU's community engagement work with Washington Won't Discriminate, the campaign to fight anti-transgender Initiative 1552. The initiative targeted and discriminated against transgender people in public accommodations, such as children in school restrooms. "Living free from discrimination is a basic right everyone deserves. That's what we fight for."

The campaign brought together numerous groups around Washington, including the Pride Foundation, Asian Counseling & Referral Service, API Chaya and others dedicated to protecting transgender rights. And in the end, Initiative 1552 failed to get enough signatures to make the ballot for the second year in a row. But the work doesn't stop. "We must be ready to mobilize in January if they bring more discriminatory measures to Olympia."

"The ACLU never does anything alone. If we did we wouldn't be successful. It's brought me so much joy to meet folks from all over the state with different life experiences working together on a common goal."

The ACLU works in coalition with *numerous groups*, *activists*, and allies on all our issues. Transgender rights are of particular importance as the administration and many states seek to legalize and normalize discrimination against transgender people, threatening their ability to exist with freedom and dignity.



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The numbers are in. We cannot keep putting people in cages because they are poor, mentally ill, or struggling with substance use. We must do better. The ACLU works for *Smart Justice* in three ways:

- 1. Preventing people from entering the criminal justice system, by decriminalizing low-level, non-violent offenses, pursuing public health solutions to public health problems, and treating students as children rather than criminals.
- 2. Ensuring fairness for those within the criminal justice system, by fighting for adequate public defense, exposing practices where money buys freedom and poverty means jail, and addressing racism in every facet of the system, from policing to jury selection to sentencing.
- 3. Reducing barriers to a productive life after the criminal justice system, from housing and employment discrimination, to crushing court-imposed debt.

In Washington, your driver's license can be suspended for unpaid moving violations. "Driving with a Suspended License in the third degree" (DWLSIII) is Washington's most

40,000

The ACLU seeks to repeal "DWLS III" entirely. It is wasteful and largely punishes people for being poor.

commonly charged crime. There were

The ACLU believes this money could be better spent on mental health, addiction, and other

restorative services.

25 years.

Washington has spent

enforcing DWLS III over the past

Before Washington voters legalized marijuana, about

marijuana possession, costing tax payers

annually.

The ACLU led the campaign to legalize marijuana in Washington, providing a model for smart drug policy.

of people in jail have a recent history of mental illness or substance use.

The ACLU believes we cannot treat health crises as crimes.

In many of Washington's jails, more than

of people behind bars have not been convicted of a crime. They are there because they cannot afford bail while those who can pay go free.

The ACLU believes money should not buy justice and seeks to greatly reduce the use of cash bail.

criminal record.

The ACLU works to reduce this number and help those who have paid their debt to society overcome the barriers of having The U.S. makes up ... yet has

of the world's population...

The ACLU seeks to significantly reduce the number of people in jails and prisons.

of the world's

prisoners.

18 OTHER STATES

have reduced minor drug possession from a felony to a misdemeanor.

The ACLU believes Washington can be a leader in the movement toward Smart Justice, decriminalizing the possession of all drugs.

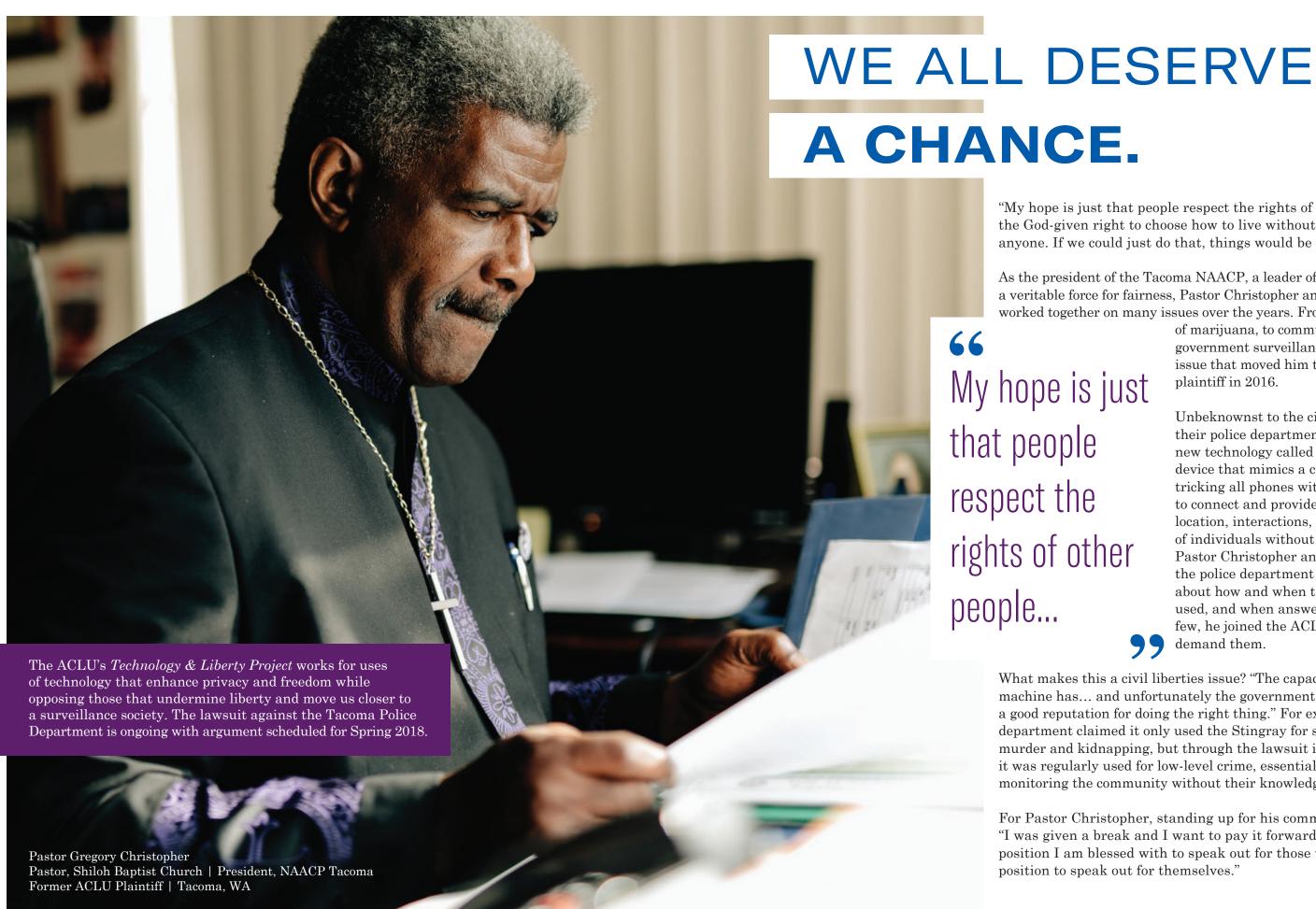
40,000

in Washington were suspended or expelled last year. Students who get suspended from school are 3 times more likely to come into contact with the juvenile justice system than their peers.

The ACLU believes students have the right to an education and to learn from their mistakes without being treated like criminals.

a criminal record.

WHAT IS YOUR HOPE?



"My hope is just that people respect the rights of other people – the God-given right to choose how to live without judgment from anyone. If we could just do that, things would be better."

As the president of the Tacoma NAACP, a leader of his church, and a veritable force for fairness, Pastor Christopher and the ACLU have worked together on many issues over the years. From the legalization

> of marijuana, to community policing, to government surveillance. It is this last issue that moved him to become an ACLU plaintiff in 2016.

> Unbeknownst to the citizens of Tacoma, their police department had acquired a new technology called a "Stingray" – a device that mimics a cellphone tower, tricking all phones within about a mile to connect and provide data about the location, interactions, and movement of individuals without their knowledge. Pastor Christopher and others asked the police department for information about how and when the Stingray was used, and when answers were vague and few, he joined the ACLU in a lawsuit to demand them.

What makes this a civil liberties issue? "The capacity that little machine has... and unfortunately the government just doesn't have a good reputation for doing the right thing." For example, the police department claimed it only used the Stingray for serious crimes like murder and kidnapping, but through the lawsuit it came to light that it was regularly used for low-level crime, essentially a secret tool for monitoring the community without their knowledge or consent.

For Pastor Christopher, standing up for his community is personal. "I was given a break and I want to pay it forward. I want to use the position I am blessed with to speak out for those who aren't in the position to speak out for themselves."



The ACLU of Washington's *Police Practices & Immigration* program opposes Trump's immigration agenda in three ways: by expanding the rights of noncitizens, limiting Washington agencies from participating in immigration enforcement, and limiting the footprint of ICE and Border Patrol in Washington State.

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My hope for the future is that our immigration laws reflect and respect the humanity of immigrants.

Enoka Herat | Seattle, WA ACLU-WA Staff | Immigration & Police Practices Counsel

WE RESIST.

The Trump Administration is pushing a nativist, white supremacist, anti-immigrant agenda, attacking some of the most vulnerable in our communities. "I won't let that happen without a fight" says Enoka Herat, herself the child of Sri Lankan immigrants. "Having access to the law is a great privilege. I've always wanted to use that privilege to fight alongside and on behalf of my community."

The ACLU of Washington added the staff position of Immigration & Police Practices Counsel early this year, knowing local law enforcement would be pressured to carry out the administration's anti-immigrant agenda. With a goal of deporting millions of people from our families, communities, economies, and schools, federal immigration agencies (ICE and Border Patrol) seek the cooperation of local police, which is plainly unconstitutional. The fundamental protections of due process and equal protection apply to every person in America, regardless of immigration status.

Enoka works to expand and enforce the rights of immigrants in Washington. "Migration is a fundamental aspect of being human. My hope for the future is that our immigration laws reflect and respect the humanity of immigrants."

WE ARE IN THIS TOGETHER.

"We got our art degrees and each other," PK says of meeting her husband at the University of Washington. The two now own Seattle's beloved Thai restaurant, Little Uncle. The labor of love was inspired in large part by PK's late father. "He came to this country from Thailand to set up a life for my sisters and me." After he passed away, PK found old menus and recipes in his belongings. She was nine when she immigrated to the United States.

Following the first attempted Muslim Ban in early 2017, PK and Wiley, like thousands of other business owners around the country, decided to contribute to the ACLU and make a statement about the values of their business. "We decided to donate because immigrants need a voice... everybody has the right to

have someone knowledgeable advocate for them. The ACLU can be a great source for the voiceless."

PK and Wiley say the best thing about owning a restaurant is building a community, "seeing so many different kinds of people come in, and families grow, people move away and come back to say hi.

"We have high hopes for our future in which all the diverse voices in our community will be heard. We will have succeeded when we stand together to support one another and we have a safe and caring place for our kids to grow up. It is going to take some time. Each of us has to make the change. Some can help with money, some can help with time, and many can help with kindness."

le LU e

Each of us has to make the change. Some can help with money, some can help with time, and many can help with kindness.





WHAT WILL YOU DO?



WE GROW.

ACLU membership has nearly quadrupled across the country since the election of Donald Trump.

WE FIGHT.

The ACLU has taken more than 100 legal actions against Trump's agenda, starting the day he took the oath of office.

WE ACT.

The ACLU has launched a grassroots activist network called People Power. Right now there are nearly 12,000 People Power activists in Washington organizing for civil liberties in their towns and cities.

WE RESPOND.

The ACLU has hired an additional 90 staff, and counting, this year to address critical threats to people's rights around the country, 5 of those positions are in Washington.

WE WORK TOGETHER.

Half the resources raised in Washington go to support the ACLU's national work and to help ACLU offices in states like Mississippi, Tennessee, and Alabama. Half stays to fight for civil liberties here in Washington.

Those who say it can't be done are usually interrupted by others doing it.

- James A. Baldwin

This year we have faced extraordinary challenge and we have seen extraordinary support. With this support, we will battle each and every threat to our rights, and we will win. And afterwards, our country will not be the same for it.

We are writing the legacy of the Trump Presidency right now. Let that legacy be that we rose up to shatter his vision of America. That we awakened not only to defend our true values of equity, justice, freedom, but to extend them at last to every person within our borders. That we were relentless in our resistance to his ideals long after he is fades away. That we recognized our shortcomings in the pursuit of real justice and committed to be even more loving, more open, more American.



Baldwin

WE PERSIST.

Highlights from the 2017 Legal Docket

The ACLU takes on cases to *change systems* that impact people, particularly the most vulnerable people among us. Here is a look at some of the ACLU's ongoing cases in Washington this year.

PROTECTING THE HOMELESS FROM ILLEGAL SEARCH AND SEIZURE.

The City of Seattle and Washington State Department of Transportation (WSDOT) have conducted more than 1000 "sweeps" since 2015, while at the same time more and more people have been forced into homelessness. During "sweeps," officials seize and destroy the property of homeless people – including tents, sleeping bags, and personal items. In January of 2017, the ACLU filed a lawsuit to stand up for the right of the homeless to due process. (see We Have Dignity)

DEMANDING ADEQUATE PUBLIC DEFENSE FOR JUVENILES.

Young people, just like adults, have a right to a lawyer. The lack of adequate representation for juveniles in Grays Harbor has led many to plead guilty without understanding the alternatives or consequences, to sit in juvenile detention longer than is legal, and to receive harsher sentences than required. ACLU-WA filed a class-action lawsuit in April against the State and the state Office of Public Defense for failing to enforce the constitutional requirement of adequate public defense for juveniles in Grays Harbor County.

WASHINGTON'S DEATH PENALTY IS RACIALLY DISCRIMINATORY.

The ACLU-WA filed an amicus brief in a death penalty case in the Washington Supreme Court, arguing the state's death penalty system is racially discriminatory and violates the state constitution. In February the Court asked for further information on the racial discrimination issue, which the parties' statistical experts have submitted to the Court.

USE OF STINGRAYS TO SEARCH CELL PHONES.

The Tacoma Police Department (TPD) has been using a "Stingray." The device mimics a cell phone tower and can collect data from any cell phone within one mile. Without appropriate limits, the potential for surveillance is huge. The ACLU has sued TPD for failing to provide public records in response to our requests about its use of Stingrays. (see We All Deserve a Chance)

FIGHTING THE MUSLIM BAN



The ACLU-WA also filed a class-action lawsuit to challenge Trump's Muslim Ban in the Western District of Washington on behalf of people with non-immigrant visas, such as students at the University of Washington; CAIR-WA; and the Episcopal Diocese of Olympia, which works to resettle refugees. The case is currently on hold pending the outcome of other litigation.

In January the ACLU filed a lawsuit challenging the federal "extreme vetting" program. The program is designed to delay and deny citizenship and permanent residency to Muslim immigrants and immigrants from Muslim-majority countries using flawed watch lists and overly expansive criteria. The outcome of this case will be key to reforming the illegal practice of extreme vetting in U.S. immigration.

DISCRIMINATION LEADS TO ICE DETENTION FOR VICTIM OF TRAFFIC ACCIDENT.

Northwest Immigrant Rights Project and the ACLU sued the Spokane Police Department after an officer detained a Latino driver who was headed to church when he was rear-ended by a white driver. The police ran Mr. Gomez' license and called Customs and Border Patrol (CPB) based on nothing other than his appearance and last name. The officer returned the offending white driver's license but retained Mr. Gomez' license until CPB officers showed up and took him into custody.

USING RELIGION TO DISCRIMINATE AGAINST GAY COUPLES.

When Robert Ingersoll and Curt Freed tried to buy wedding flowers from their local florist, Arlene's Flowers, they were refused service because of the owner's religious beliefs. We sued on behalf of Robert and Curt, and in February the Washington Supreme Court unanimously ruled in their favor. The case is now being appealed by Arlene's Flowers to the U.S. Supreme Court, where we will continue to fight if need be.



SOLITARY CONFINEMENT AND ABUSE OF JUVENILE IN DETENTION.

The ACLU-WA filed a lawsuit in March on behalf of a teenager who was repeatedly put in solitary confinement while in the Grays Harbor County juvenile detention center, all for minor misbehavior like talking back or passing notes. At one point, he was kept in isolation in a filthy room with nothing in it, and fed only peanut butter and jelly sandwiches and small amounts of water for eight days.

EXCESSIVE DISCIPLINE OF STUDENTS WITH DISABILITIES IN SCHOOL.

In June, the ACLU-WA filed a class action lawsuit against the Office of the Superintendent of Public Instruction (OSPI) on behalf of students with special education needs who have been wrongfully disciplined for behavior related to their disabilities in Yakima and Pasco. This excessive and discriminatory discipline has deprived students of their basic right to an education.

REMOVING BARRIERS TO REENTRY.

The ACLU-WA filed a complaint in King County Superior Court on behalf of a woman whose child care license was revoked by the Department of Early Learning (DEL) when it learned about her 27-year-old conviction for attempted robbery. Her criminal history well behind her, the client has been an exemplary member of the community for years, but state law prevents giving child care licenses to everyone with this type of conviction. In August, the Washington Court of Appeals ruled against our client and we have asked the Washington Supreme Court to review the case.

TRANSGENDER DISCRIMINATION IN MEDICAL CARE.

In October the ACLU-WA filed a lawsuit against PeaceHealth, a Catholic healthcare organization, on behalf of the Enstad family and their teenage son, Pax. The Enstads were referred to us by Gender Justice League after Pax was denied coverage for medically necessary surgery prescribed by his physician simply because he is transgender. PeaceHealth's blanket exclusion of 'transgender services' is not based on standards of medical care; it is discriminatory and illegal.



3 PATHS TO VICTORY.

The ACLU faces each challenge with the approach that fits. Here are three different approaches that advanced justice in 2017.

LITIGATION WORKS.

The legal right to an abortion is meaningless if a woman cannot access abortion services. The ACLU-WA filed a lawsuit against in Skagit Regional Health – the only public hospital serving Skagit County – in 2015 when it was discovered that abortion services were not being provided.

Settling the suit this July, the hospital agreed to expand abortion services in accordance with Washington's Reproductive Privacy Act (RPA). The lawsuit is part of a statewide effort to ensure that all public hospitals are complying with the RPA, which was enacted by the people of Washington in 1991 via initiative. It protects the right of women to make their own reproductive decisions and states city in the nation. Among other that if a public hospital chooses to provide maternity services, it must also provide equivalent abortion services.

LOBBYING WORKS.

Surveillance technologies can paint a clear picture of a person's habits, movements, political and religious activities, and can create fear among vulnerable communities. However, local law enforcement regularly obtains new, increasingly capable technologies (often from our military) with no oversight or public discussion of how they will be used. This leaves all of us susceptible to sweeping, secretive, and unconstitutional government surveillance.

After nearly a year of advocacy by the ACLU-WA and allies, The Seattle Surveillance Ordinance was adopted in August - the strongest regulation of surveillance technology in any requirements, the new law gives the public the opportunity to review surveillance technologies and weigh the costs and benefits in a public discussion — including the impact on civil liberties before the City obtains it.

ORGANIZING WORKS.

For the second year in a row, anti-transgender forces failed to gather enough signatures for a ballot initiative. Their proposed I-1552 would have stripped away long-standing state protections for our transgender friends and neighbors. They sought to require that public places – like schools – restrict access to accommodations, such as restrooms and locker rooms, based on sex at birth.

The ACLU-WA organized with the group "Washington Won't Discriminate" to rally opposition and provide public education on what I-1552 really meant for our communities. Protecting the rights of transgender individuals is an ACLU priority across the country.

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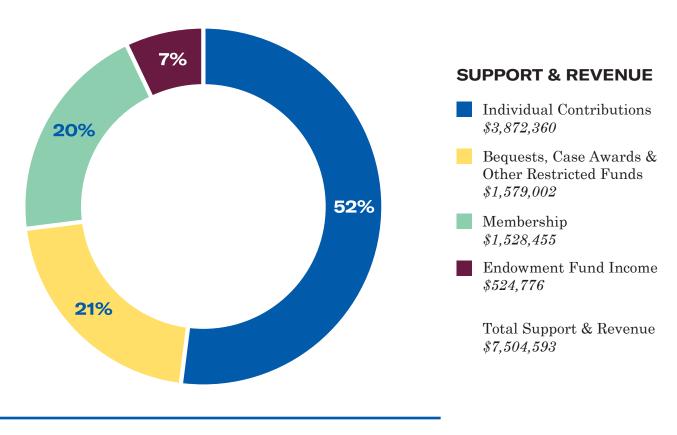
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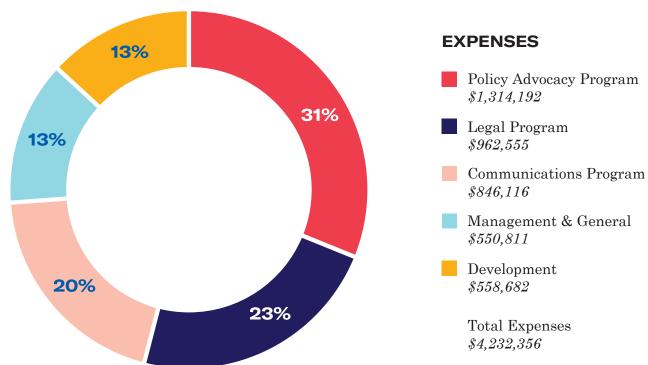
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A tremendous *thank you* to the thousands of supporters, new and old, who stepped up in defense of liberty, justice, and equality during the Trump administration.

Thank you for standing with us!

ACLU of Washington 2017 Annual Report

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^{*}Unaudited. Audited statements will be available in November 2017.

