

THE FUTURE OF FREEDOM

ACLU OF INDIANA

2019 ANNUAL REPORT

WE THE
PEOPLE

ACLU
Indiana

THE FUTURE OF FREEDOM IS UP TO US

Democracies are fragile. Americans have understood the precarious nature of our situation ever since Benjamin Franklin cautioned that we have a self-governing nation only if we can keep it.

And so we have. Through broken promises and many dark and challenging times, American democracy has endured. For the last 100 years, the ACLU has fought for our values and stood shoulder and shoulder with you who stand up for your rights and the rights of your neighbors. Every year, over the decades and today, the ACLU works in the courts, in the legislatures, and in the streets to fulfill America's commitment to freedom, fairness, and dignity for all.

Today's challenges are daunting.

The challenges are structural – racial inequality has been built into the criminal legal system and into our modern day debtors' prisons.

The challenges are external – technology threatens our privacy and fractures our social discourse.

And, the challenges are of our own making – leaders, with their rhetoric and their policies, fuel racial and cultural divisions, while attacks on a free and independent press threaten the news media's role as a government watchdog.

But, in 300+ legal actions over the past three years, the ACLU has tackled these challenges – and others – head on. Together, *We the People* have stood up for what is right.

If we, all of us, keep paying attention and keep asking our leaders to do better, our country will reorient the arc of America's history, once again, toward justice. True to our 100 years' of action and our optimistic nature, the ACLU fights every day for the future of freedom, equality, and justice.

Thanks for staying in the fight with us. We wouldn't be here without your support. We will need you by our side in the challenges ahead. The ACLU is here now and for another 100 years. And so too, we believe, America will endure, continuing toward that *More Perfect Union*.

Onward,



Jane Henegar,
Executive Director



Terri Jett,
Board President

2019 BY THE NUMBERS



26
New cases filed



9,398
Members



2,892
Hoosiers requested
legal assistance



970+
Volunteer hours



20,000
Messages sent
to legislators



80
Bills tracked at
Statehouse



1,000+
Media Mentions



78,000
E-Activists

THE FUTURE OF FREEDOM IS EQUAL

Dr. Caitlin Bernard, an ACLU of Indiana plaintiff, stood on the Statehouse steps rallying the crowd. Hundreds of Hoosiers had gathered to protest H.B. 1211, an Indiana bill aimed at banning the most common procedure for second-trimester abortions. At the same time, supporters across the country rallied against other attempts to ban abortion.

“The laws here in Indiana are already harming Hoosiers. You do not need to look at Georgia and Alabama as if that is the future. It is already here!” Dr. Bernard boomed into the megaphone. She serves women whose access to abortion had been chipped away by increased restrictions in Indiana. She cautioned legislators that passing H.B. 1211 would force doctors to go against their own medical judgment about the best interests of their patients.

After the Indiana legislature passed the bill, the ACLU of Indiana immediately filed a lawsuit and the U.S. District Court for Southern



Supporters rally at the Statehouse; Photo credit ACLU of Indiana



Dr. Caitlin Bernard; Photo credit Emily Ketterer and TheStatehouseFile.com

Indiana blocked the law from taking effect. The judge recognized that, from a medical standpoint, there is no reason to deny women and their doctors a safe and effective method of abortion care.

On the same day that protestors gathered in Indiana and across the country, hundreds of supporters headed over to Mass Ave in Indianapolis, where local businesses had announced portions of proceeds would go to the ACLU and Planned Parenthood to support the fight for reproductive freedom. Silver in the City, led by owner Kristin Kohn, was one of those businesses.

“I support reproductive freedom because I believe it creates more equality for women, especially women looking to break free of generational poverty. I believe all individuals should have the right to make their own decisions about their health and not be restricted from access to safe, affordable reproductive care,” said Kristin.

Silver in the City donated 100% of that day’s proceeds to the ACLU and Planned Parenthood. Kristin rallied support on social media and throughout the community, ending the day with \$60,000 in sales.

THE FUTURE OF FREEDOM IS INCLUSIVE

Members of ACLU of Indiana's Transgender Education and Advocates Program (TEAP) gathered at the Indiana Statehouse to protect trans Hoosiers' rights in March 2019.

Just weeks earlier, news had broken that the Indiana Bureau of Motor Vehicles began issuing drivers' licenses and identification cards with a non-binary option. Indiana legislators, in misguided response, attempted to include language in several bills that would have added hurdles for trans Hoosiers seeking to update the gender marker on their drivers' licenses.

Monica, a TEAP advocate, spoke with multiple legislators at the Statehouse. "We brought visibility and let Hoosiers know that we are human too, so that we can share our humanity and give light to our struggles," she explained.

Accurate identification is necessary in many areas of everyday life, and yet, Indiana legislators wanted to force gender non-binary people to carry identification that does not accurately identify them. This is not only humiliating, but can also invite discrimination and, in some cases, violence.

When Monica spoke with legislators, she focused on how access to accurate identification is critical to trans Hoosiers' safety and mental peace. When it comes to fighting for transgender rights, she felt this direct contact with state lawmakers is critical.

Trans Hoosiers cannot help but feel that the attempted legislation was nothing but a spiteful reaction to the BMV's new policy. For people who are non-binary,

identification that fails to affirm who they are can trigger the distress of gender dysphoria and contribute to widespread discrimination. Providing affirming and accurate identification is critical to reducing such discrimination.

Thanks to the incredible work TEAP advocates did at the Statehouse, this dangerous legislation did not pass!



Members of ACLU of Indiana's Transgender Education & Advocates Program (TEAP) at the Statehouse; Photo credit ACLU of Indiana

PENDING

THE FUTURE OF FREEDOM IS JUST

In 2019, the ACLU of Indiana released its Smart Justice Blueprint, one of 50 comprehensive, state-by-state analyses of how states can transform their criminal legal systems and cut incarceration in half.

Historically, ACLU of Indiana litigation has successfully challenged issues within our jails and prisons, leading to improved access to healthcare and reduced reliance on solitary confinement. Now, we are building on that momentum, fighting to dismantle mass incarceration through litigation, legislation, and policy reform that will help decrease racial and economic disparities.

The Smart Justice Revolution

This year we hosted over 100 community members at our Spirit & Place event, “The Smart Justice Revolution,” led by panelists who have been personally impacted by the criminal justice system.

The panelists discussed their experiences with the system, including the hurdles of rules, fines, and electronic monitoring devices upon re-entry in to the community. People constantly describe the

criminal legal system as “broken,” but Chris Holifield, former participant in Goodwill’s New Beginnings re-entry program, asked all those present that night, “The system is working but who is it working for?”

That question gets to the heart of the ACLU’s 50-State Blueprints. We need to break down the current criminal legal system, prioritize people over prisons, and assemble



The Smart Justice Revolution: Spirit & Place Event featuring Jane Henegar (ACLU of Indiana), Brandon Buskey (ACLU), Jeannie Reed (PACE), Chris Hollifield (New Beginnings), and Andrew King (RecycleForce)

a “system” that works for We the People. Former PACE re-entry participant, Jeannie, fought addiction during her time in and out of incarceration and talked about this need for reprioritization stating, “We need to invest in the community.”

Instead of spending billions to keep people behind bars, we need to reduce our use of jails and prisons and invest in schools, job training, stable housing, mental health and substance abuse services, and neighborhood revitalization projects that support small businesses and general quality of life. These strategies are strongly linked to preventing crime, improving rehabilitation, and reducing the risk of repeat offenses. And as Brandon Buskey, Deputy Director for Smart Justice Litigation for national ACLU, explained to the audience, “The money is there, we just have to shift on how we think about where we want to invest it.”

Indiana spent 744 million general fund dollars on corrections in 2017. If Indiana were to adopt the changes outlined in Indiana’s Smart Justice Blueprint and achieve a 50% reduction in its prison population, the state could save more than \$541 million by 2025 — money that could be better spent on schools, infrastructure, and services for Hoosiers.

THE FUTURE OF FREEDOM IS YOUTH

A Student's Fight for Free Speech

In America, students do not lose their constitutional rights at the schoolhouse gate. A school cannot punish a student for content the student chooses to post on social media. But this is exactly what happened to Sean Small, a student at Scottsburg High School, when he was illegally seized, searched, and expelled after posting to Facebook a clip of himself playing an augmented reality game during lunch.

Sean captured and shared an image of the hallway outside his lunchroom while playing a zombie apocalypse game. At no point in the video is a weapon pointed at anything other than the cluster of zombies. But the school deemed the video a threat. Sean was removed from class, searched, handcuffed, arrested, and held in jail without probable cause or reasonable suspicion. After two days in solitary confinement, he was expelled from Scottsburg High School.

Sean fought back against this outrageous violation of his First and Fourth Amendment rights, and we were proud to fight alongside him. The ACLU of Indiana filed a lawsuit in May and the litigation continues in the District Court for the Southern District of Indiana.

Leo Gay Straight Alliance

In Allen County Indiana, students leading the Leo GSA (Gay Straight Alliance) claimed the group was being discriminated against. Students said they were facing additional obstacles that other student-led organizations did not, included being unable to use the name GSA (Gay Straight Alliance).

Leo students were ready to fight for their rights and filed a lawsuit with the ACLU of Indiana in 2018, demanding equal treatment. In January 2019, a settlement was reached in which East Allen County Schools agreed to allow the students to openly create a Gay Straight Alliance and to provide the organization with the same meeting, communication, and fundraising opportunities provided to other groups.

These students sent a message to all that schools cannot discriminate against GSAs, which provide a critical, safe and supportive environment for LGBTQ+ students and their supporters.



Photo credit Emily Patterson, ACLU

ACLU Student Award Recipients

In 2019, two of our annual awards went to Hoosier students whose cases had a major impact in civil liberties here in Indiana.

J.A.W. was awarded the Chris Gonzales Award for making a significant contribution to the advancement of civil liberties for gay, lesbian, bisexual, and transgender individuals. J.A.W. was our plaintiff in the ACLU of Indiana lawsuit against Evansville Vanderburgh School Corporation after he was denied access to the restrooms that correspond with his gender. Together, we won.

M.G. was awarded the Student Patriot Award given annually to

student activists who have made a significant contribution to the advancement of civil liberties. M.G.'s public middle school was allowing local church leaders and a Christian youth ministry, to join students at lunch tables and start unsolicited conversations about church and religion. M.G. was subject to this unwelcome coercive behavior and, along with his parents, decided to do something about it. Together, we won.

Both J.A.W. and M.G.'s bravery to stand up for their rights will lead the way for Indiana schools, to create a safe and just place for students.

ACLU OF INDIANA STAFF, 2019

Katie Blair, *Director of Advocacy & Public Policy*
 Ann D'Angelo, *Litigation Support Manager*
 Ken Falk, *Legal Director*
 Jane Henegar, *Executive Director*
 Neil Hudelson, *Director of Philanthropy*
 Kit Malone, *Advocate & Educator*

Becca Mimms, *Intake Coordinator & Litigation Assistant*
 Stevie Pactor, *Staff Attorney*
 Gavin Rose, *Senior Staff Attorney*
 Leigh Anne Sink, *Office Manager*
 Ariella Sult, *Director of Communications*
 Ashley Toruno, *Community Engagement & Policy Advocate*

BOARD OF DIRECTORS, 2019

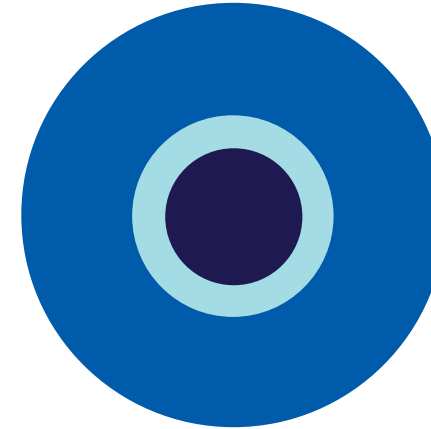
Terri Jett, *President*
 Andi Cohen, *Vice-President*
 Mary Runnells, *Secretary*
 Cris Halter, *Treasurer*
 Sharon Russell, *Affirmative Action Officer*
 Georgia Cravey
 Michael Grossberg
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 Robert Hohl
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 Dorie Maryan
 Kevin McElmurry
 Mark Miller
 Nancy Papas
 Caroline Richardson
 Anne Riley
 Roberta Schonemann
 Frances Lee Watson
 Reba Boyd Wooden
 Sally Zweig



ACLU of Indiana Staff (Becca Mimms & Ashley Toruno not pictured)

FINANCIALS



EXPENDITURES

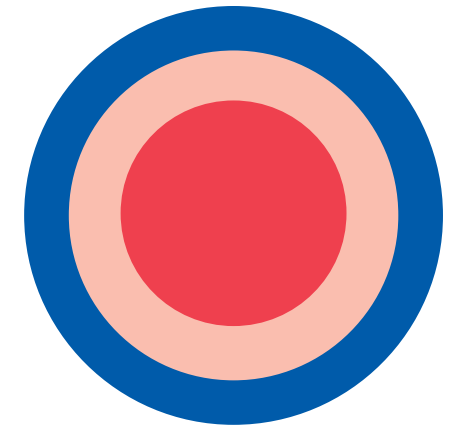
- Program Services: \$932,761
- Management & General: \$318,115
- Fundraising: \$100,995

TOTAL: \$1,351,871

REVENUE & SUPPORT

- Fundraising, donations, and event income: \$867,263
- Other income: \$436,437
- Membership income: \$514,839

TOTAL: \$1,817,949



Combined budgets for the ACLU of Indiana, a 501(c)(4) tax-exempt nonprofit organization, and the ACLU of Indiana Foundation, a 501(c)(3) tax-exempt nonprofit organization, for the last fiscal year ending March 31, 2019. Audit statements will be available from the ACLU of Indiana office.

A NOTE FROM THE LEGAL DIRECTOR

We live in a time when many of the basic civil liberties that we have taken for granted for years, if not generations, are clearly under assault. Some might argue that it is overly optimistic, bordering on delusional, to see a hopeful future. However, our litigation over the past year continues to reinforce the fact that as long as there are persons willing to step up to challenge the denial of constitutional rights, persons to support those challenges, and courts where our lawyers can litigate to preserve those rights, the Bill of Rights will remain a vibrant and living document and will continue to protect all of us.

Our cases demonstrate the breadth of the Bill of Rights and our advocacy for the civil rights of Hoosiers. Over the last year, the Bill of Rights protected a young middle school student who courageously stepped forward to stop the proselytizing by religious personnel during his lunches in a public school. It protected prisoners denied the most simple and basic right of being able to receive correspondence from loved ones. It protected vulnerable women who, but for the willingness of a doctor to step forward to defend their constitutional rights, would have lost their ability to obtain safe abortions. It allowed a young transgender student to gain access in high school to the restrooms associated with his gender identity. And, our advocacy for civil rights permitted thousands of low-income Hoosiers to access groundbreaking Hepatitis C treatments through the Medicaid program.

It would be marvelous if we lived in a time when basic rights were not assailed by elected officials, media outlets, and some of our neighbors. But, it is in times of crisis where the Bill of Rights, and the ACLU of Indiana, becomes even more important. The fact that so many of us are either appreciating this fact for the first time, or are being reminded of it and are being compelled to action is reassuring. Thus, while we can hope for a time when basic liberties are not threatened, we can take solace that this organization with its dedicated staff and members, continues to stand as the primary protector of these liberties and continues to secure the future of freedom. We have been given the shield and sword of the Bill of Rights to protect and advance those rights and because of you, we can do so. We will meet the challenges that the future brings.

Onward,



Ken Falk,
Legal Director

THE FUTURE OF FREEDOM IS IN OUR HANDS

America is more than one person, party, or side. America is *We the People*. Together, we can make a difference in our communities, in our state and in our Nation. Join us in fighting for immigrant families, access to abortion, voting rights, racial justice, criminal legal reform and more.

STAND WITH THE ACLU

TAKE ACTION

Change starts with you. Our volunteers and activists help turn the promises of the Constitution into reality. We are a people-powered movement, fighting for the future of freedom and justice. Sign up for ACLU action alerts, stay connected with our work, or volunteer your time to defend civil liberties at www.aclu-in.org/act

Follow the ACLU of Indiana



LEAVE A LEGACY

Planned gifts, such as bequests, help sustain the ACLU for generations to come. Thanks to a generous matching challenge from The Crankshaft Foundation, your planned gift will be matched with an immediate cash donation matching up to 10% of the value of your future gift. In addition to designating the ACLU as a beneficiary in a will or revocable living trust, donors may also designate the ACLU as a beneficiary of a life insurance policy, IRA, or pension. For more information, please contact Neil Hudelson, Director of Philanthropy at 317.759.6421 or nhudelson@aclu-in.org

MAKE A GIFT

Make a tax-deductible donation to the ACLU of Indiana at:
www.aclu-in.org/support

Or you can mail your gift to:
ACLU of Indiana Foundation
1031 East Washington Street
Indianapolis, IN 46202

Annual Report content featuring ongoing litigation was current as of January 2020.
Updated information on all cases can be found at www.aclu-in.org/cases.

STAND WITH THE ACLU

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