The American Civil Liberties Union of Pennsylvania

FREE FOR ALL

SPRING 2025

WHEN TRUST IN GOVERNMENT IS LOST, WE COUNT ON EACH OTHER

By Mike Lee
Executive Director

Trust is one of the most important pillars of any relationship; this includes our relationship with our government. We trust that our judges will be fair and impartial, trust that our legislators will budget and legislate equitably, trust that the executive branch's actions are neither arbitrary nor excessive. We trust and expect that public officials will follow the norms of our democratic form of governance.

Sadly, our history is one of people in government violating this trust by denying whole categories of people the protection of the rule of law. That denial is rooted in a legal diminutization, economic exclusion, and cultural stigmatization of people, beliefs, and values.

Fortunately, through generations of resistance, our history also contains examples of trust being built through government actions. As the late historian Howard Zinn once said, "Human history is a history not only of cruelty, but also of compassion, sacrifice, courage, kindness."

Sometimes government action has been spurred, or even forced, by ACLU litigation and advocacy. Creating these pillars of trust has required sacrifice and patience, which is what makes the Trump administration's focused pillaging of the federal government and constitutional norms so painful and frightening.

You can trust that the ACLU-PA is prepared to confront today's threats. We are working with the ACLU's nationwide network. And that network, what we sometimes call "one ACLU," is meeting these threats by challenging government overreach in federal and state court, by building state and municipal firewalls with elected officials to introduce pro-civil liberties policy, by building coalitions, and by mobilizing people inspired to act with an assortment of calls to action.

In Pennsylvania, we remain committed to our strategic priorities of decarceration, police accountability, and voting rights, while responding to the executive overreach of the federal government in other areas, including immigration and education policy and law.

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ACLU TAKES ON TRUMP ALL OVER THE COUNTRY

Donald Trump's second go-around at the presidency has presented several urgent threats to our freedoms that go far beyond even his first administration; we haven't seen such blatant attacks on civil liberties in this country for generations.

Here in the commonwealth, ACLU-PA has been diligently coordinating with key stakeholders, including our allies and elected officials, to prepare for the impact of Trump's policies on the people of Pennsylvania. ACLU-PA's legal and advocacy staff have been meeting with advocates –especially those who work directly with impacted

communities– to set up networks for rapid response when Trump's policies impact Pennsylvanians.

Meanwhile, around the country, the ACLU has been taking on the Trump administration at every turn. In the first 100 days of the administration, the ACLU has filed more than 40 lawsuits.

This ACLU litigation includes challenging Trump's executive order mandating that passports and other federal identification documents reflect a person's sex "at conception;" the federal government's threat to withhold funding from schools that have implemented diversity, equity, and inclusion programs; an executive order withholding federal dollars from healthcare institutions that practice gender-affirming care for young people under the age of 19;

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BOTTOM, NATALIE MONTEIRO

FROM THE PRESIDENT

Dear ACLU-PA supporter,

The rights that the ACLU was founded to protect and advance are often unpopular, especially when invoked on behalf of individuals that the majority doesn't like or doesn't identify with. But essential to the American idea of a free society, as expressed in our Constitution, is a rock-solid guarantee of those rights for all. Our commitment to the defense of those rights explains why "rule of law" is a core ACLU value.

If top-down government power, the whim, preference or word of one executive official, or the brute force of a temporary majority (or of a powerful minority) determines what rights will be enforced, then we have no "rights" at all. As Tom Paine wrote in his 1776 pamphlet "Common Sense," "[I]n America the law is king. For as in absolute governments the king is law, so in free countries the law ought to be king; and there ought to be no other." The power of the government to act is not just limited by the law; it is derived entirely from the law, including the supreme law of the land, which is the Constitution.

This core idea is embedded in the linchpin of constitutional rights, the due process clause, which assures us that no one in America may be "deprived of life, liberty or property without due process of law." (That "no one," by the way, is not limited to citizens or even to immigrants with good status.) The "process" that is "due" is, at minimum, fair notice of why the government seeks to deprive someone of their liberty and the opportunity to be heard in response, based on grounds based on rules established in advance, not made up after the fact, and facts that have a basis in reality, not in prejudice or dogma.

With the unfailing support of our members and donors, the ACLU will stand for the rule of law no matter the challenge, and we will not fail.

Peter Goldberger
President, ACLU-PA

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The official registration and financial information of the American Civil Liberties Union of Pennsylvania may be obtained from the Pennsylvania Department of State by calling toll-free, within Pennsylvania, 1-800-732-0999. Registration does not imply endorsement.

PHOTO: PROVIDED BY PETER GOLDBERGER

CHALLENGING PHILADELPHIA'S APPROACH TO ADDRESSING HEALTH AND HOUSING CRISES IN KENSINGTON

Like communities throughout the country, Philadelphia has had difficulties serving people who use drugs. Much attention about this issue has been focused on the Kensington neighborhood.

Last year, ACLU-PA learned that Mayor Cherelle Parker's administration was planning to start a "wellness court" pilot program in Kensington. The rumored premise was to arrest people on suspicion of substance use and give them two options: treatment or immediate summary trial.

The ACLU-PA team collaborated with harm reductionists and criminal law experts to push the city to adjust (or abandon) its plans. We had several concerns. First, using the criminal legal system as leverage in an effort to stop people from using drugs is rarely effective, can increase the jail population, and could result in more people dying in custody as they suffer through withdrawal. Second, the city's plan to immediately take people to court after arrest, even if they may be intoxicated raises serious due process and right-to-counsel concerns. Chief among them is that intoxicated persons often can't participate in their own defense. Third, by only implementing this program in one neighborhood, people in the same situation elsewhere in the city wouldn't have the same opportunity to avoid jail time or the lesser charges offered to people in Kensington.

Thanks to our work and that of countless community members, harm reductionists, and community organizations, including ACLU-PA, the program is more limited. The city now detains fewer people in connection with this program than initially planned. The people it detains are held in a facility with an on-site nurse supervised by a doctor that's across the street from a major hospital, not in jail. Finally, the program won't immediately result in additional criminal consequences for individuals who don't complete their treatment requirements.

The failed War on Drugs taught us that criminalizing substance use does not address the underlying housing and health issues at play here. ACLU-PA is working with community partners to make sure the same failed tactics are not reprised in Philadelphia. Public officials, even assuming good intentions, must rethink how they address this issue and take a holistic approach, which means there must be major investments in housing and public health. Progress won't be linear or easy. But thanks to our friends in the harm reduction community and the strength of the ACLU, we are changing hearts and minds by rolling back the mass incarceration mentality. ■

ACLU-PA's Alex Domingos (left) with Sam Encarnacion of the Lancaster County public defender's office speak about indigent defense and bail at an event in Lancaster in January.

PHOTO: ANDY HOOVER

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We are ready for new challenges and stigmatization of immigrants, TLGBQIA+ people, and many other historically marginalized communities.

The ACLU exists as a watchdog to challenge governmental overreach and to expand the protections of the Constitution to recognize the richness and realities of our multicultural society. That's why we've challenged every president since our founding in 1920. We're not about to stop now. You can trust me on that. ■

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which the plaintiffs have asked and Trump's attempt to override rules for elections determined by Congress and the states.

The ACLU also represents Mahmoud Khalil, of Columbia University, and Rümeysa Öztürk of Tufts University, foreign students jails solely because of their political activism.

In Pennsylvania, ACLU-PA and national ACLU have filed a class action habeas corpus petition on behalf of Venezuelan nationals being held in immigration detention in Pennsylvania and who are at risk of being deported to El Salvador's notorious CECOT prison under the Alien Enemies Act. The case is one of several ACLU lawsuits around the country seeking to prevent what is effectively rendition, or banishment, without any due process of law. The cases have already been to the U.S. Supreme Court twice.

But the fight to these grave threats to our freedoms is more than just our legal work. ACLU-PA is ramping up its advocacy with key members of Pennsylvania's congressional delegation. And the national office is supporting our electoral efforts to keep civil liberties front of mind for voters casting their ballots this year.

As a member of the ACLU, your donations support both ACLU-PA and the national organization. And national ACLU, in turn, provides additional financial assistance to affiliates around the country. While each state affiliate is a legal entity unto itself, the cooperation between the national office and state affiliates creates a vast nationwide entity that can challenge Trump at every turn.

Your support is making the work to defend our freedoms and protect our civil liberties possible. Thank you! ■

SCHOOLS, IMMIGRATION, AND THE RIGHT TO AN EDUCATION

Soon after the inauguration in January, the Trump administration issued an edict that it was lifting the executive branch's "sensitive locations" policy in regards to federal immigration enforcement. Traditionally, Immigration and Customs Enforcement (ICE) agents have stayed away from places like schools and churches and hospitals. Under Trump, that practice is no more.

In February, the ACLU of Pennsylvania and Education Law Center responded by sending a letter to every public school district, charter school, and intermediate unit in the commonwealth reminding them of their legal obligations to protect students and their right to an education, as well as what to do if ICE shows up at their school.

Every school-age child has a right to a public education, regardless of their immigration status. The U.S. Supreme Court recognized that right in a case in the 1980s. Additionally, Pennsylvania law prohibits schools from asking students or their families about their immigration status during enrollment.

Schools are also under no obligation to cooperate with Trump's immigration scheme. Like police officers, ICE agents can only access non-public areas of schools with a judicial warrant. Education officials can deny ICE from entering non-public areas of schools when ICE only has an administrative warrant signed by an immigration official, a common ICE practice.

The letter from ACLU-PA and Education Law Center made these points and more. Schools must protect students' safety and access to education. Read our statement and the letter at **aclupa.org/schoolsandimmigration.** ■

Vanessa Stine, ACLU-PA senior staff attorney for immigrants' rights, testifies before Philadelphia City Council in January.

PHOTO: TA'LIYAH THOMAS

WELCOME NEW STAFF TO THE ACLU OF PA

Since the last issue of this newsletter, ACLU-PA welcomed two new staff members to our team.

Sophia Schiaroli (she/her) is the multimedia communications associate for the ACLU of Pennsylvania. Before joining ACLU-PA, she built her own brand as a Philadelphia lifestyle content creator specializing in TLGBQIA+ experiences, community building, and advocacy. Through this work, she became a political correspondent for Keystone Newsroom and uses her platform to advocate for progressive initiatives.

She is also the founder of Cherry, an app for queer women and trans communities, to be released in 2025, and Gay Girls+, a national network that helps queer people find community and connection. Sophia obtained a master's degree in nonprofit leadership with a specialization in TLGBQIA+ communities from the University of Pennsylvania School of Social Policy and Practice in 2024. She also earned her undergraduate degree from Penn in political science and chemistry.

Ali Szemanski (she/her) joined the ACLU of Pennsylvania as a staff attorney in May 2025. She started her legal career as a Legal Fellow with the ACLU of Pennsylvania in 2019, before clerking for the U.S. District Court for the Southern District of Ohio and the U.S. Court of Appeals for the Third Circuit. Before returning to the ACLU, she served as a Trial Attorney at the U.S. Department of Justice, focusing on enforcement of the Americans with Disabilities Act. She received her B.S.Ed. in Social Policy and History from Northwestern University and her J.D. from Harvard Law School.

VOLUNTEER PROFILE: OLIVIA TU

Name: Olivia Tu

Hometown: Freehold, NJ

What do you do as a volunteer for the ACLU of Pennsylvania?

My primary work is with GIS; I use data on topics like policing in schools to create digital maps of Pennsylvania highlighting where civil liberties are most at stake. Other than that, I work in data entry. I'm happy to lend a hand wherever the ACLU needs it.

What motivated you to volunteer for the ACLU of Pennsylvania?

I wanted to get involved in activism and develop my skills while feeling good about the work I do. The ACLU was a good choice because they have an existing framework to defend civil liberties, and my volunteer coordinator enthusiastically invited me to jump in and help. Volunteering for the ACLU has been intellectually engaging and spiritually fulfilling.

What civil liberties issue(s) are you most passionate about and why?

If only it were as easy as choosing just one or two! I believe all civil liberties and human rights issues are interconnected, but if I had to pick one, I would say immigration. I think the situation at the border is massively misunderstood by most of the public and I believe ensuring basic dignity and safety to immigrants is crucial.

Who is your civil liberties hero and why?

Marsha P. Johnson and Silvia Rivera. Decades later, I still feel the impact their bravery had on the TLGBQIA+ community and I admire the ferocity of the protest culture in the 70s. I believe it's important to acknowledge the leading role that drag queens and transgender activists have always had in defending TLGBQIA+ rights. In today's political climate, it's more important than ever to defend that part of the community.

What do you do when you're not volunteering for ACLU-PA?

My hobbies include creative writing and building miniatures. I also like to travel and explore my home city of Philadelphia. ■

PHOTOS: ABOVE, SOPHIA SCHIAROLI & ALI SZEMANSKI; BELOW, PROVIDED BY OLIVIA TU

FAQ WITH SARA ROSE

Sara Rose is ACLU-PA's deputy legal director. Starting with the organization as a staff attorney in 2006, Sara has been lead counsel on some of ACLU-PA's most impactful cases. That includes B.L. v. Mahanoy Area School District*, a student free speech case that ended up in the U.S. Supreme Court (with the court ruling in favor of the student we represented in 2021). She started her legal career with Americans United for Separation of Church and State.*

You've been working on civil liberties issues for more than 20 years. Are there any cases you've worked on that are particularly memorable?

My most memorable cases fall into two categories. They are either memorable because of the legal issue involved or because of the client (sometimes both!). One of my very favorite cases was *B.L. v. Mahanoy Area School District*, the student free-speech case decided by the U.S. Supreme Court. I was a student journalist in high school and college and worked for the Student Press Law Center before attending law school. That was when internet access started to become more widespread, and we were seeing more and more students punished by their schools for speech they posted online. I wrote several articles for the SPLC's magazine about lawsuits brought by these students, including some who were represented by ACLU-PA Legal Director Vic Walczak. When I started at the ACLU-PA, I was thrilled to work on two off-campus student speech cases that resulted in *en banc* decisions (in favor of the students) by the Third Circuit. Student speech has always been hugely important to me so when I had the opportunity to work on the B.L. case in the U.S. Supreme Court, it felt like it was meant to be.

What drives you to do this work? Why do you keep doing it?

I consider myself incredibly fortunate to spend my time doing work that is deeply meaningful to me. It has always been important to me to fight for the values I believe in, so that is why I pursued a career in public interest law. But what keeps me working for the ACLU-PA are the intellectual challenges – our diverse set of issues means I'm always learning something new – and my wonderful colleagues.

Sara Rose at the election protection command center in Pittsburgh on Election Day 2024.

We've been saying for years that we are in unprecedented times. What legal issues are you most concerned about right now?

I never expected freedom of expression to be in as great of peril in this country as it is right now. I believe that free expression is the right upon which all others depend. When people start to censor themselves because they are afraid that their government will target them for their beliefs, other rights begin to disappear as well. When people become less likely to express their support for marginalized groups, it's easier for the government to further oppress them. When people are afraid to candidly express their views about elected officials, it's easier for them to stay in power. And when people cannot share information freely, we lose the ability to make informed decisions about issues that are essential to our lives.

What would you like our members to know about life as an attorney at ACLU-PA?

Being an attorney at ACLU-PA provides an incredible opportunity to work on interesting and important legal issues with smart and talented cooperating attorneys across the state as well as issue experts at the national ACLU. But one of the best things about working for a state affiliate of the ACLU is being able to work closely with clients who live in the same geographic area as I do and to work on issues that directly affect the community in which I live. Through my work, I am able to affect change in my own backyard. ■

PHOTO: ERIN NINEHOUSER

THE HIGH STAKES IN THIS "OFF-YEAR" ELECTION

We've said before in this space that there's no such thing as an "off-year" election. That phrase is typically used to describe elections in odd-numbered years, which include races for municipal, county, and judicial offices. These public officials can have as much impact on our daily lives as any president or governor or senator.

In 2025, Pennsylvania is in an unusual position. Three of the seven justices on the state Supreme Court are up for what's known as a retention election. When a seat on the state appeals court is vacant, candidates run in a partisan election. Once elected, a judge or justice faces the voters every ten years in a retention election. It's an up-or-down, yes-or-no election with no opposition.

We'll vote on retaining these three justices in the 2025 general election in November.

Judges in our state courts can determine the direction and fate of our civil liberties. In recent years, state courts have considered a wide range of cases impacting our freedoms. Issues before the courts have included the right to vote by provisional ballot if your mail ballot is disqualified, the legality of mail ballot dropboxes, education equity, congressional redistricting, and the enforcement of the Pennsylvania Supreme Court's rules on cash bail.

As we write this, a case is before the Commonwealth Court in which the plaintiffs have asked the court to find that the state constitution includes a right to an abortion.

The ACLU of Pennsylvania has increasingly found itself in front of the state courts. Our recent priority issues have led to important questions of interpreting state law and the Pennsylvania Constitution. And this year's retention election could have an outsized impact on the fate of civil liberties in the commonwealth.

ACLU-PA will be conducting an educational campaign about the state courts throughout 2025. So between now and when voting starts at the beginning of October, take some time to learn more about the state courts and their impact on our lives. Go to aclupa.org to sign up for our email list, and follow us on your favorite social media platforms, including Instagram, Facebook, TikTok, LinkedIn, Threads, BlueSky, and YouTube. ■

In March, ACLU-PA, public defenders, county officials, and state legislators called on the General Assembly to increase its funding for indigent defense at a press event at the state capitol. Pennsylvania's per capita funding of public defenders is just $10.25, well below the national average of $19.82. And 95% of that funding is provided by the counties. That's why ACLU-PA has sued the commonwealth; the governor and legislature have a constitutional duty to adequately support indigent defense and the people who would benefit from quality representation.

ACLU-PA Executive Director Mike Lee with Rep. Chris Rabb of Philadelphia.

Learn more about our lawsuit at aclupa.org/defenders

PHOTOS: ABOVE, CHSDRUMMAJOR07 (WIKIMEDIA COMMONS); BELOW (LEFT), ANDY HOOVER; BELOW (RIGHT), SOPHIA SCHIAROLI

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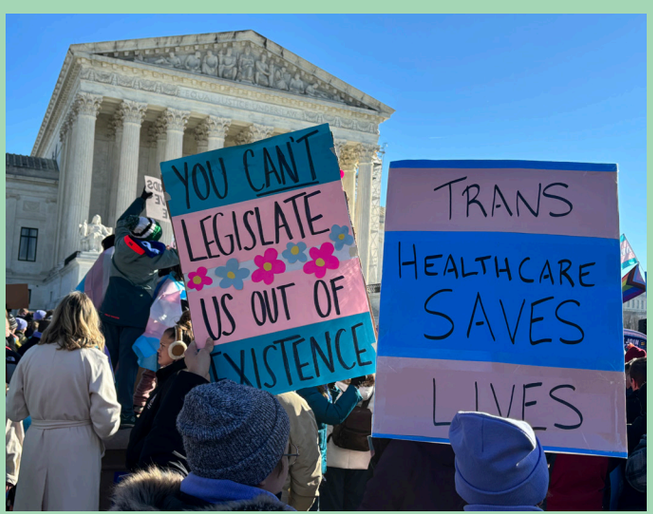

In December, when the U.S. Supreme Court heard a challenge to a Tennessee law that bans gender-affirming care for young people up to age 18, ACLU-PA joined hundreds of people outside the court in support of trans youth. The lawsuit was brought by two parents on behalf of their transgender daughter. Their lawyers include the ACLU and the ACLU of Tennessee. ■

Naiymah Sanchez of ACLU-PA (left) and Bryanna Jenkins of the Lavender Rights Project (right) at the U.S. Supreme Court in December. ■

PHOTOS: NAIYMAH SANCHEZ