



COMMUNITY: A MAP FOR CHANGE

2022-2023 Annual Report



OUR MISSION & IDENTITY STATEMENT

The American Civil Liberties Union of Pennsylvania is a nonprofit, nonpartisan, membership organization that serves as an enduring guardian of justice, fairness, and freedom, working to protect civil liberties and advance equity for all.

ACLU-PA defends and promotes the fundamental principles and values protected by the constitutions of the United States and of the commonwealth of Pennsylvania, as well as by national, state and local civil rights laws. For more than 100 years, the ACLU has sought in particular to protect and expand the freedoms of expression, belief and association; voting rights; the separation of church and state; the right to privacy, including reproductive freedom; due process of law, including the rights of the accused and of immigrants; limitations on the power of police; and the right to equal protection for all, including marginalized and historically disadvantaged individuals and groups. In advancing these rights, ACLU-PA strives always to acknowledge and remedy the pervasive and persistent harms of systemic racism.

Integrating litigation, legislative and policy advocacy, organizing, and communications, ACLU-PA's staff and volunteers work both independently and in coalition with those most affected by the issues we address to ensure that threats to liberty and the civil rights of all persons in Pennsylvania are met with stark resistance as we progress toward a more genuine multiracial, multicultural democracy.



Photo Credit: Ben Bowens

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Hello, ACLU of PA supporters,

I have had the privilege of serving as acting executive director since Reggie Shuford’s departure in January of this year. After more than 10 years of making a significant impact at our affiliate, it was hard to see him go. His legacy will leave an everlasting footprint. I am grateful to have taken on this role at

this moment in ACLU-PA history and couldn’t be prouder of how we’ve navigated the transition. I want to express my deep gratitude to my amazing colleagues for their dedication to this work.

We have continued to execute our program work through the lens of our strategic plan, which carries us through 2024, allocating around 70-80% of our time to our top priority areas of voting rights, decarceration, and police reform. The remaining 20-30% is intentionally reserved to respond to emerging threats. Much of this work is in partnership with others in the fight, whether that means our community partner organizations or in tandem with the national office.

In this report, you will see a snapshot of what we accomplished

in our last fiscal year and my was it eventful! Our staff has vigorously defended the right to vote, we have fought hard to preserve reproductive rights and access to abortion, defended students’ rights to learn, safeguarded LGBTQ&T rights, and continued to advocate for legal reform to reduce mass incarceration. All of this work was coupled with deep internal efforts to advance authentic belonging, inclusion, diversity, and equity - working internally to be better externally.

As we prepare for 2024 and a new executive director, my focus is on stability, planning, and mobilizing the greater ACLU-PA community to act. We’ve got a big election coming up, and, as one of 11 battleground states identified by national ACLU with the most significant threats, we’ve got work to do. We can’t do it alone. By coming together, we can do more to advance the greater good.

Thank you for donating your time, talents, ties, and treasures. We could not do it without you!

With great appreciation,

Claire Landau
Acting Executive Director

FISCAL YEAR HIGHLIGHTS



LEGAL

75 Cases Handled

19 in State Court

1 US Supreme Court Case

24 in Federal Court

8 PA Supreme Court Cases

9 Amicus Briefs

1,160 Electronic Intake Requests

109 Cooperating Attorneys Donated 5,600 Hours

Valued at **\$4M**



VOLUNTEERS

12 Volunteer Orientations

73 Advocate Academy Members



LEGISLATIVE

601 Bills Tracked

78 Legislative Bill Position Memos Written

7 Number of Capitol Lobby Days

5 Testimony Presented at Legislative Hearings



PROGRAMS/COMMS

16 Coalitions in Which We Participate

6 Coalitions in Which We Lead

4,757 Total Actions (# of People)

YOUR IMPACT

Join us in celebrating our collective impact as we continue to work together to ensure these rights for all. It takes incredible resources to sustain this work. Your treasures, talents, time, and ties impact advancing civil liberties for all Pennsylvanians.

Thank you.

FUNDRAISING

45,000

Member Donors

422,500

Supporters

(email subscribers, volunteers,
and member-donors)

130,529

gifts realized between April 1,
2022, and March 31, 2023

GIFTS TO ACLU-PA

\$2.8M

in Foundation Support

Grants Awarded:

\$740K

\$2.4M

in Union Support

\$940K

in attorney fees

30

new members of the DeSilver
Legacy Society

PRO BONO PARTNERS

Arnold & Porter

Ballard Spahr

Dechert

Faegre, Drinker, Biddle & Reath

Gibbel, Kraybill & Hess

Hogan Lovells

Kairys, Rudovsky, Messing, Feinberg & Lin

Langer Grogan

LeVan Stapleton Segal Cochran

O'Brien Law Firm

Reed Smith

Sara Jacobson

Saul Ewing

Schnader Harrison Segal & Lewis

University of Pennsylvania Law School

Wilmer Hale

A black and white photograph of a group of people protesting in front of a building with large arches. Many individuals are holding signs that read "PASS THE FAIRNESS ACT". Some people are also holding signs with the text "MANU FOR PE" and "GOVERNMENT". The scene is captured in a halftone or dithered style. A large, bold, white text box is overlaid across the center of the image, containing the text "DIGGING INTO THE WORK - STRATEGIC PLAN EXECUTION".

DIGGING INTO THE WORK - STRATEGIC PLAN EXECUTION



WORKING INTERNALLY, TO BE BETTER EXTERNALLY

In 2021, the board of ACLU-PA adopted a strategic plan that described the organization's vision for a culture of authentic belonging, inclusion, diversity, and equity (ABIDE) to permeate both the internal and external workings of the organization. To make this vision a reality, a group of staff members from across the organization began to meet as the inaugural ABIDE committee with the first objective of bringing on an expert consulting group to be a thought partner and guide in the work.

Meeting regularly over the course of a year, the group created a plan for the work, put out a public request for proposals, and interviewed multiple firms. In December 2022, the committee unanimously selected **Collective Roots, LLC** to be that group.

Since December 2022, Collective Roots has engaged in a systematic review of the current culture of ACLU-PA and begun outlining the steps needed to move toward the ABIDE vision. This has included interviews with all staff members and some board members, trainings with staff and board members, and a two-day staff retreat outside of Harrisburg. At the retreat, staff

spent time in sessions working on a wide range of topics such as strengthening communications across our three offices and building frameworks for having difficult conversations.

Moving forward, Collective Roots will work with us on three distinct projects for our work of ABIDE. These will include formalizing a permanent ABIDE staff committee structure for the organization, adopting and implementing a formal plan for engaging in difficult conversations, including trainings and coaching, and building a plan to embed ABIDE in the employee review process. ■



Created by a culture rooted in social justice, [Collective Roots, LLC](#) strives to prepare community-based organizations and front-line staff with the tools and education needed to advocate for the most vulnerable and under-served communities. Our work provides corporations with the knowledge and expertise to examine their practices, policies, and the importance of diversity, equity, and inclusion within their culture.

Collective Roots partners with organizations to offer:

- Individualized skill development training to meet the growth and support needs of your organization.
- Diversity, Equity, and Inclusion consulting and training to equip organizations and leaders with the awareness and skills necessary to create equitable spaces that lead to a culture of inclusiveness.
- Strategic planning provides organizations with a roadmap for change and growth to occur successfully.

DEFENDING DEMOCRACY IN A BATTLEGROUND STATE



Marian K. Schneider

The ability for Pennsylvanians to cast our votes and to have our votes counted is a core promise of our democracy. Unfortunately, year after year, the ACLU-PA sees efforts to restrict the right and ability to vote.

During the federal mid-term elections in 2022, these efforts emanated from activist groups, elected state legislators, or elected county commissioners. These groups advocated for sham reviews of the 2020 presidential results, restrictions on who can vote, restrictions on how mail ballots can be returned, or greater involvement in the voting process by law enforcement, among other tactics. All of these activities had a common theme: making it harder for ordinary citizens to vote.

Throughout all of this, ACLU-PA's goal was to ensure that all eligible voters could cast a ballot that would be counted, with hypervigilance on the impact on voters of color, who are often disproportionately harmed by restrictions on voting. As the need to over prepare was among the lessons learned from the election of 2020, we embarked on a large-scale plan to combat

attacks on voting rights. We prepared for the relentless efforts to make voting harder, the efforts to prevent the counting of ballots, and the outright attempts to prevent the certification of election results.

Through an “all-hands-on-deck” cross-departmental approach of integrated advocacy, we prepared internally as well as with our coalition partners to identify possible “disaster” scenarios and prepare legal, advocacy, and communications responses should they arise. We were more intentional and collaborative with coalition partners—clearly defining roles and



responsibilities. We integrated threat scenario planning with our Election Protection Coalition. We partnered with the national Election Protection Coalition to run a robust command center and responded to the serious, complicated, and time-sensitive issues arising on Election Day flagged by the nonpartisan

866-OUR-VOTE hotline. We worked with coalition partners running field/poll monitor programs and integrated their work in real-time within the command center. We heavily recruited local lawyers who could be available to go to court on Election Day and to have pre-drafted legal papers ready to use should we need them.

Highlighting how preparation and advocacy enable ACLU-PA to combat (and prevent) disenfranchisement, let's look at mail ballots received on time but with

disqualifying defects. Current Pennsylvania law prevents county boards of election from counting mail ballots if a voter has made a mistake on the mail ballot envelope, such as forget-

ting to write the date, writing an incorrect date, forgetting to sign the declaration, or omitting the secrecy envelope. Often, voters find out about these errors when it is too late to obtain a replacement mail ballot. Fortunately, a process already exists to preserve the right to vote- the provisional ballot process at the polling place.

But the week before the 2022 election, we heard that more than 25 counties were contemplating prohibiting voters who had an error on their mail ballot envelopes from casting provisional ballots on Election Day. We immediately identified those counties and sent letters to each of them, urging them to follow the Department of State's Provisional Ballot Guidance to allow such provisional ballots and also to alert voters of disqualifying defects.

In parallel, we drafted a template motion for a court order allowing voters to cast provisional ballots, which we sent to all of our volunteer Election Day cooperating attorneys in most PA counties, in case they needed to help a voter obtain a provisional ballot. Finally, we were preparing to identify any counties that did not count such ballots so that we could seek further relief through the courts.

Fortunately, on Election Day, we did not receive any reports or calls from voters who were denied a provisional ballot for this reason. And we did not identify any counties that failed to



Photo Credit: Ben Bowers

count provisional ballots that were voted because of defective mail ballot envelopes.

Nevertheless, the law is not clear on this point, and we are currently litigating precisely the same issue against Delaware County after it refused to count such provisional ballots from the May 2023 primary. Our hope is that we will obtain much-needed clarity on this part of the law before the 2024 election.

The planning and preparation work we did in 2022 will immensely aid us in our preparation for 2024. We have documented much of the processes for our election protection work and will be able to draw on it. Our 2022 work also underscored the vital importance of closely monitoring county boards of election, the governing bodies that make decisions that directly affect voters.

As a result, we are building the **Transparency Project** in which we recruit and train volunteers to attend

county meetings and report any issues they observe that could negatively impact elections. With the addition of a full-time organizer who will focus on priority counties, we will be even better prepared to meet future challenges.

Finally, after the election results of 2020 were known and the winner declared, a veritable deluge of litigation ensued, most of which unsuccessfully tried to discard ballots, or otherwise subvert the election. We are confident that similar efforts will occur after the 2024 election, particularly if the margin of victory is slim.

As the adage counsels, “forewarned is forearmed.” With your support, we will continue the fight to advance and uphold the fundamental right to vote.

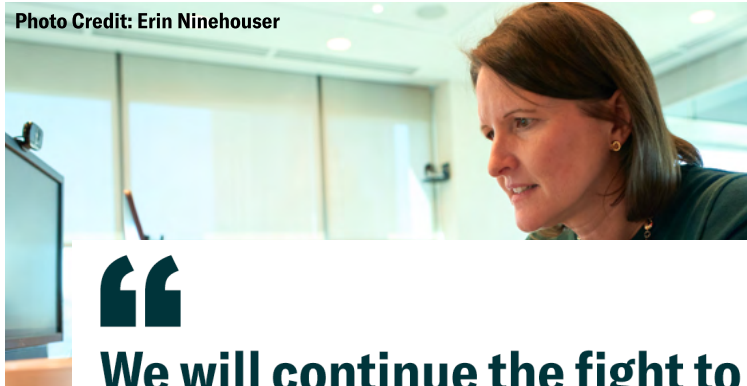


Photo Credit: Erin Ninehouser



We will continue the fight to advance and uphold the fundamental right to vote.

CRIMINAL LEGAL REFORM ACROSS THE STATE



Ian Pajer-Rogers

Over the past year, the **ACLU of Pennsylvania has stayed vigilant in the fight to reduce mass incarceration and reform police practices.** Here is some of what we've been working on:

We helped to organize public testimony before the Pennsylvania Commission on Sentencing as they considered changes to statewide sentencing guidelines. After hearing comments from criminal legal reform advocates and community leaders, the commission released updated sentencing guidelines that should reduce county and state prison sentence recommendations, a huge victory years in the making.

In Philadelphia, our campaign against police illegal use of stop-and-frisk continued as we worked with the city to expand a pilot program that stops officers from detaining people for minor violations like loitering or public consumption of alcohol. If an officer encounters someone engaged in one of these minor violations, they must first ask the person to stop the behavior and, if relevant, move out of the area. The officer only engages

in an actual stop detaining the person if the person refuses. After starting in one police district two years ago, the program expanded to more districts and recently went citywide. The pilot program is a result of *Bailey v. Philadelphia*, a lawsuit we filed more than a decade ago, with a settlement that we've been a party to enforcing since 2011.

In Lancaster County, our lawsuit against county judges who regularly set cash bail without considering a defendant's ability to pay is moving through the courts after a federal judge ruled in March 2023 that most of our claims could go forward. The lawsuit asks the county prison to stop detaining defendants who have been assigned illegal cash bail and for the county to provide counsel to defendants who cannot afford a lawyer during bail hearings.

In Montgomery County, a lawsuit we filed has resulted in the county stopping the use of probation detainers for technical violations. That means that a person on probation who violates the terms of their probation but is not accused of a new crime will no longer be incarcerated. In addition, the county has instituted a much faster process for reviewing probation detainers



Photo Credit: Andy Hoover

– what used to be a 70-day process is now just five days. Last year saw a significant legislative reform to help reduce the burden of fines and costs for low-income Pennsylvanians. Act 163 gives some courts the authority to eliminate unaffordable debt. The reforms in Act 163 are a direct result of ACLU-PA’s work with Senate staff, the governor’s office, and a coalition that included Community Legal Services, the Public Defenders Association of Pennsylvania, and the Pennsylvania Coalition Against Domestic Violence.

And, across the commonwealth, we are pushing counties to better fund public defenders. After we sent a letter to Luzerne County officials about their public defenders’ lack of funding and resources, the County Council approved an agreement to raise salaries for public defenders across the office. Meanwhile, at the state capitol, the current state budget includes

“
**It’s a start, but not
nearly enough.**

\$7.5 million for public defenders – a first in Pennsylvania.

While that qualifies as progress, it’s also less than ten percent of what the 67 counties spend on public defenders. It’s a start, but not nearly enough. We will continue to push for full funding for public defenders across Pennsylvania. ■

PROTECTING ACCESS TO ABORTION IN PHILADELPHIA



Stephen Loney

On the heels of the United States Supreme Court’s unprecedented and destabilizing decision in *Dobbs v. Jackson Women’s Health Organization*, anti-abortion activists attempted to pounce on an opportunity to further harm abortion access in Pennsylvania.

Two private citizens, backed by national anti-abortion lawyers, filed suit to deny the Abortion Liberation Fund (ALF) of Pennsylvania \$500,000 in critical funding at a time when ALF’s services to women seeking abortions are most needed. We stepped in to defend ALF and thwarted the anti-abortion lawsuit before it could get off the ground. The city of Philadelphia, as it does with dozens of nonprofits, provided a \$500,000 contribution to ALF, using municipal funds to support the organization’s public health mission in mid-2022.

That contribution was fodder for two Philadelphia anti-abortion activists’ lawsuit and request for preliminary injunction to prevent these funds from subsidizing abortion access.

“
...it sent a message that back door efforts to deny women their rights will not be tolerated.

The ACLU of Pennsylvania team and co-counsel from Ballard Spahr quickly mobilized to file robust opposition papers and worked with Philadelphia’s City Solicitor’s Office to prepare for a preliminary injunction hearing in a matter of weeks.

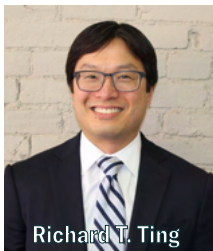
Following an evidentiary hearing, the Philadelphia Court of Common Pleas found the plaintiffs were unlikely to succeed on the merits of their claims and denied their request for injunction, confirming that municipalities are fully within their rights to support ALF’s mission through a public grant of municipal funds.



Shortly thereafter, the Common Pleas court dismissed the case for failure to state a claim. As the court said, it could “discern no basis that would allow...private citizens, and [their co-plaintiff], an organization, to control how a non-profit spends its own money.” That win helped ALF secure abortion care for more financially disadvantaged patients in a state where such care still exists but remains in peril. And, equally important, it sent a message that back door efforts to deny women their right to abortion will not be tolerated.

For their part, the anti-abortion activists ultimately agreed to drop their appeals of the trial court’s decision in January 2023, rather than face the possibility of being sanctioned for their abusive litigation tactics. ■

CHALLENGING CENTRAL BUCKS' HOSTILITY TOWARDS LGBQ&T STUDENTS



Richard T. Ting

The ACLU of Pennsylvania has been taking action to protect LGBQ&T equality, particularly in schools.

As a result of a months-long investigation, we filed a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR") in October 2022 on

behalf of seven Central Bucks School District students who had experienced a hostile environment for LGBQ&T students, particularly transgender and non-binary students.

Instead of taking measures to create an inclusive environment for LGBQ&T students, the district affirmatively took actions to exacerbate a hostile environment. The district banned teachers from having pride flags in their classrooms, instructed teachers to dead-name and misgender students unless a student's parents say otherwise, and adopted new library policies that resulted in removal of several LGBQ&T-themed books from school



libraries.

The seven students' complaint alleges discrimination based on sex in violation of Title IX of the 1972 Education Amendments. The students and their families asked OCR to order the district to take at least the measures recommended by the U.S. Department of Education for supporting transgender and other gender-nonconforming youth in school, such as using welcoming and inclusive language, adopting policies that respect all students' gender identities, and adopting policies to guide school staff on how to support students.

The Central Bucks school board majority unfortunately is continuing its campaign to erase LGBQ&T identities. In response to the students' complaint, the school board majority refused to work with OCR to take measures to improve the educational environment for LGBQ&T students.

The board majority instead retained a large law firm to "investigate" the complaint, resulting in at least \$1.4 million in unnecessary legal fees for the district. Seven students and their families filed the



Photo Credit(s): Natalie Monteiro

OCR complaint, and the district’s investigation did not include speaking with any students actually impacted by LGBTQ&T discrimination. Despite this, the district’s lawyers concluded from their investigation that LGBTQ&T-related bullying is “virtually nonexistent” in Central Bucks.

OCR’s investigation of the seven students’ complaint is ongoing. We are hopeful that the complaint and OCR investigation will usher in a more inclusive and welcoming environment in the Central Bucks School District.



Dear friends of ACLU-PA:

Looking back on the recently ended fiscal year, I am gratified as president of the board of directors at the strong record of accomplishments, stability, and loyalty by our staff, volunteers, and supporters.

At each of its quarterly meetings, the board receives a consolidated program report that highlights the wide variety of actions that our staff and volunteers have taken on a range of issues, and every time we are blown away by all that ACLU-PA is able to do to protect and advance the fundamental rights and freedoms of Pennsylvanians...

As all of you are aware, our beloved executive director, Reggie Shuford, left Pennsylvania in December 2022 after 11 years – and the ACLU after 23 years – to return to his native North Carolina and accept a new challenge there.

With the full support of the board, Reggie envisioned, implemented, and led an enormous expansion of ACLU-PA’s membership, staff size, budget, and program. And thanks to our broad

and loyal statewide base of members and supporters, we have been able to sustain and institutionalize that growth.

I thank all of you from the bottom of my heart for the powerful impact on protection of civil liberties that growth has made possible.

As I write this letter, a hardworking board committee – with input from all interested constituencies – is engaged in a national search for our next executive director. That search may even have come to a successful conclusion by the time this annual report is published and distributed. So we are looking forward to our next era, as well as looking back and celebrating what we have accomplished.

I want to thank in particular our rock-steady, hardworking deputy director, **Claire Landau**, for agreeing to serve as acting executive director during the search, keeping us all on track during this time of change.

While the ACLU is determined to maintain and protect our issue-focused, nonpartisan stance, we on the board are well aware that our core concerns – from voting rights to policing, to abortion access, to LGBTQ+ equality, to intellectual freedom for

schools and libraries, to racial justice— often assume a high profile in the political arena, especially as we approach another presidential election year. We will not shirk from outspoken and active engagement. Please visit us online to see all the ways you can help. Thanks, as always, for being a part of what we do and for speaking up and acting out for civil liberties.



Peter Goldberger
President

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VISION STATEMENT

We are working for a future where individuals and communities can thrive in the security of knowing that, regardless of who they are or what they believe, their civil liberties and civil rights are ensured, and that freedom, equality, equity, and justice are guaranteed for all.



TAKE ACTION

PHILANTHROPY IS ACTIVISM

GIVE CASH OR STOCK

Make a tax-deductible donation to the ACLU Foundation of Pennsylvania and help fund our litigation, public education, and community engagement work. Visit www.aclupa.org/donate, email donate@aclupa.org or mail your contribution to ACLU of Pennsylvania, P.O. Box 60173, Philadelphia, PA 19102.

Making a gift to the ACLU-PA Foundation via stock, or other securities such as bonds or mutual funds, is advantageous because by donating securities directly to the Foundation, you may avoid capital gains tax on the appreciation of the asset. You may also receive an income tax deduction.

Because electronic transfers are made without identifying the do-

nor, please send an email or note indicating the date of transfer by the broker, number of shares, and ticker symbol to donate@aclupa.org.

Ask your broker to transfer the securities to:

Vanguard Brokerage Services DTC# 0062
Brokerage Account #55171177
American Civil Liberties Foundation of PA
Tax Identification Number: 23-1742013

BECOME A MEMBER

Become an official card-carrying member of the ACLU. Your membership gift supports our legislative advocacy and lobbying work.

Membership gifts are not tax-deductible. Visit www.aclupa.org/

LEAVE YOUR LEGACY

Join thousands across Pennsylvania who have become members of ACLU's DeSilver Society, by naming the ACLU in their estate. To designate a gift in your will to the ACLU, to name the ACLU as a beneficiary on your insurance or a retirement account, or to start a Charitable Gift Annuity, visit www.aclu.org/legacy.

JOIN ADVOCATE ACADEMY

The legislative department is recruiting for our Advocate Academy — a virtual training program that will help you become a stronger, smarter, and savvier advocate on behalf of civil liberties. This training helps supporters build their advocacy skills and have opportunities to deepen their policy knowledge through issue briefings. Email volunteer@aclupa.org for more information.

BECOME A VOTER AMBASSADOR

The Voter Ambassador Program is a voter engagement program that trains voters on voting processes in Pennsylvania, provides access to Know Your Rights materials, and utilizes volunteers to share and assist with the ACLU-PA's Election Protection efforts. Voter Ambassadors serve as a trusted source of information so that every eligible voter can cast a ballot that is counted. Voter Ambassadors also serve as observers who are asked to flag misinformation or identify other election-related questions or problems for the Election Protection Coalition in order to prevent voter disenfranchisement. Please email: volunteer@aclupa.org for more information.

VOLUNTEER

Donate your time and join the fight for civil liberties by volunteering at an ACLU regional office or chapter near you! For more information, visit www.aclupa.org/volunteer.



The American Civil Liberties Union Foundation is a 501(c)(3) nonprofit corporation. Foundation gifts fund our litigation and public education efforts. Gifts to the ACLU Foundation are fully tax-deductible to the donor. The official registration and financial information of the American Civil Liberties Union Foundation 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.

ACLU

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