

ACLU of Missouri Annual Report

JANUARY 2014



ACLU of Missouri

2013-14

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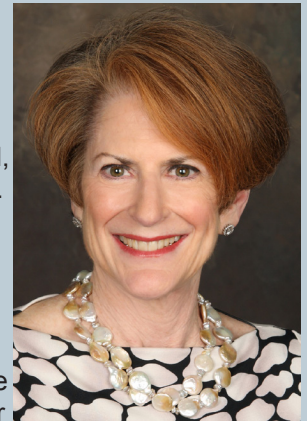
PRESIDENT of the BOARD of TRUSTEES

This year will be marked in our historical timeline as a monumental one. In May, Brenda Jones retired and our new executive director, Jeffrey A. Mittman, joined us. Four months later, the ACLU of Eastern Missouri and the ACLU of Kansas and Western Missouri realigned borders to strengthen liberty in both states.

While it seems like we are moving at lightning speed, these accomplishments are the result of years of strategic planning. In 2008, we joined a core group of affiliates that ACLU National supports so we can expand our legal, legislative and public education programming. With National's assistance, we are doing just that.

In 2014, we will continue our transition to an integrated state affiliate so that both the ACLU of Kansas and the ACLU of Missouri can each focus on the needs of our respective states. I look forward to partnering with former Western Missouri board members Bill Raney, Pam Woodard, Rob Rymer and Steve Streen as we become one unified state affiliate.

Our next challenge is to secure the financial resources to firmly root the ACLU of Missouri so it can continue to calibrate the scales of justice in the future.



Sheila Greenbaum

EXECUTIVE DIRECTOR

It's an honor to join the ACLU of Missouri family. Our long history of landmark litigation, tradition of excellent community leadership, and a professional staff that always goes above and beyond to protect liberty, are truly inspiring.

We hope you enjoy this Annual Report, which summarizes how we defend and expand the constitutional rights and civil liberties of ALL Missourians – no matter the person's race, religion, political ideology or resources. And we think you will notice that we are especially effective at defending those who often feel like they are not being heard.

Many of you have consistently helped us amplify our voice by sharing the ACLU message with your family and friends, neighbors and colleagues, and keeping your federal, state and local representatives apprised of issues that are important to you.



Jeffrey A. Mittman

You have also helped us by generously providing the resources to do our work and we are pleased to recognize you in this report. Contrary to popular belief, we do not receive government funding. Please join me in thanking our many supporters who allow us to aggressively defend constitutional rights that are endangered. Their names are listed on pages 6 and 7.

Finally, we are YOUR ACLU. Please feel free to call us at 314-652-3114 to discuss the important work we are privileged to do every day.

2012-13 Overview

Free Speech

This year the ACLU won numerous First Amendment cases defending the rights of individuals and organizations to picket or leaflet in the cities of St. Louis, Desloge, Poplar Bluff, Cape Girardeau and along funeral routes throughout Missouri.

Thanks to the ACLU, residents of St. Ann and Florissant can post political yard signs without unconstitutional restrictions. This right was even extended to residents of Tiara at the Abbey Homeowners Association, in a first of its kind ruling under the Missouri Constitution.

Street performers, also known as buskers, no longer need to audition or pay \$100 each for a license to perform in the City of St. Louis.

We are representing an Ellisville driver who was detained by police for flashing his headlights to send a signal to others to drive safely.

A former Republican committeeman, who was arrested while speaking on the sidewalk outside of the St. Charles County Republican Caucus, is challenging his arrest.

Each of these incidents not only provided the ACLU with cause to take legal action, but also opportunities to explain why free speech is not limited to those with popular ideas.

Lesbian Gay Bisexual and Transgender Rights

The Supreme Court's June decisions regarding DOMA, in the ACLU's Edie Windsor case, and Prop 8 signalled that it was time to move forward for LGBT equality in Missouri. We partnered with PROMO to host a series of town hall meetings in St. Louis, Kansas City and Columbia to share information, give an overview of what federal benefits currently apply to legally married couples, gather stories, and develop strategies for next steps toward marriage in Missouri.

In a Missouri Supreme Court case, we fought hard to secure survivor benefits for Kelly Glossip, whose same-sex life-partner — a state trooper — died in the line of duty. We were disappointed with the Court's decision, but Kelly's story helped the public understand the real life predicaments that arise when lesbian, gay, bisexual or transgender Missourians are treated as second-class citizens. We will continue to fight until LGBT Missourians are free from discrimination and have the right to marry.

Death Penalty

The ACLU has three ongoing lawsuits (one on behalf of Hustler publisher Larry Flynt) to uncover information about the Missouri Department of Corrections' secretive execution protocol.

There are simply too many unanswered questions about the lengths

which Missouri goes to end someone's life. For example, why does the lethal drug supplier need to be kept secret? Are suppliers concerned they might lose business if their other customers learn they sell products to kill people? Will manufacturers, who oppose their products being used to kill, cut off the supply of drugs? Are there problems with the anesthesiologist who will be part of the execution team? How can he be board certified if the Board of Anesthesiology forbids members from participating in capital punishment? Which compound pharmacy will prepare the pentobarbital? Has that pharmacy had problems providing safe drugs? Are Missouri officials committing federal crimes in obtaining drugs?

Unwarranted Search

A Missouri case was one of the ACLU matters before the U.S. Supreme Court this year, and we won. *State of Missouri v. McNeely* set a precedent protecting individuals from warrantless, forcible blood draws, absent an emergency.

We fought on behalf of Linn State Technical College students who were forced to undergo drug testing, with no suspicion that they were even using illegal drugs. While the trial court agreed that it is unconstitutional to require universal mandatory drug-testing before enrolling in classes, the college is appealing our victory for students.



ACLU Legal Director Tony Rothert, PROMO Executive Director A.J. Bockelman and former Missouri Senator Joan Bray addressed the After DOMA town hall meeting held in St. Louis in September 2013.

ACLU of Missouri



In July 2013, the ACLU and partners gathered on the steps of St. Louis' Old Courthouse to honor Trayvon Martin and discuss ways to end racial inequalities and prevent future tragedies.

Disability Rights

The Department of Justice reached one of its largest public accommodations disability discrimination settlements on record for our client, Sue Gibson, who had been turned away from an eating disorders treatment center in 2011 simply because she is HIV-positive.

Immigration Rights

We continue to meet with a coalition of Hispanic-based groups to tackle racial profiling issues primarily in North



In May 2013, the ACLU and partners participated in an immigration reform vigil outside of Sen. Blunt's Clayton office.

St. Louis County. This coalition has worked mainly on traffic stops as they feed into the detention of undocumented residents. More recently we have turned our attention to a group of municipalities that seem to be improperly asking for citizenship papers in granting residency permits for housing. We have been negotiating with the City of St. Ann to put their practices in line with their policies, and plan to expand this work to neighboring communities.

Racial Justice

ACLU of Missouri was recruited by national staff to participate in a project proposed by the UCLA's Consortium for Police Leadership in Equity (CPLE). The ultimate goal is for the ACLU of Missouri and St. Louis Police Department to jointly develop and implement reforms that will reduce racial disparities in policing communities. Regarding our school-to-prison pipeline work, we are still active at Ashland Elementary School, with our primary focus being an increase in parental engagement.

Separation of Church and State

The Franklin County Commissioners were hell bent to open meetings with Christian prayers and the Missouri legislature proposed a prayer amendment to the Constitution that was passed by voters; the ACLU rallied against both and this received a flurry of media attention that was not limited to the Missouri borders.

Freedom of Religion

Patrons of the Salem Public Library are now able to access Internet information about minority religions. This information was previously filtered until the ACLU intervened.

Civilian Review of Police

Now that voters passed a ballot initiative to establish local control of St. Louis police, the ACLU of Missouri continues its efforts to make sure it includes a process for civilian review. We have been doing research into the implementation of hot-spot policing in St. Louis to make sure that civil liberties are not further jeopardized.

Privacy

The program department has begun exploring issues related to surveillance. We did an information request of several St. Louis County police departments to determine their policies and practices surrounding license plate readers.

We also conducted a survey of street cameras for the purpose of crime suppression and detection and have uncovered an abuse of power. We have determined where governmental bodies are employing cameras in St. Louis and have gathered their policies and protocols, which often indicate a general lack of proper controls. Our report on this problem will be released soon.

Education Rights

In Fall 2013, we sent letters to the superintendents of several school districts detailing why it is illegal to refuse to accept students from unaccredited school districts.

Prisoner Rights

An HIV-positive inmate at the Medium Security Institute in St. Louis, known as John Doe to protect his privacy, was denied the life-saving medication for the first 20 days of his stay. During that period he was given only Tylenol, despite repeated attempts by him, a friend and his doctor to re-establish his prescribed medical regime. John received an undisclosed monetary settlement from the medical provider in August 2012.

An ACLU lawsuit allowed Ste. Genevieve County Detention Center detainees to regain access to their pre-paid newspaper subscriptions. The papers were abruptly cut off after an inmate's letter to the editor was published in the Ste. Genevieve Herald.

We continue to receive reports about alarming conditions, such as alleged gladiator fights and the paying of inmates to beat up others in the St. Louis jails. In August 2012 we released a position paper entitled "Still Suffering in Silence." It was a follow-up to our 2009 report that documented deplorable jail conditions. The paper spelled out a detailed plan for institutionalized oversight of the city jails. We have pushed since then for hearings in the Board of Aldermen to explore this proposal, and are now working with advocacy partners to collect stories to share with the new chair of the Public Safety Committee.

Due Process

Senders of mail to inmates at the Mor-

gan County Adult Detention Center had not been notified when their mail was rejected, so we filed a lawsuit and won in September 2013. Now that Morgan County has a notification policy, we are hopeful that it will serve as an example for other counties across the state that lack policies.

Criminal Code Reform

The Missouri public defender's office has been working to reduce case overloads, and we worked with them to influence the criminal code bill. We are working on bills to lower some sentences and make minor marijuana possession a fine-only misdemeanor. The need for this work was documented by ACLU National's report Marijuana in Black and White: Billions of Dollars Wasted on Racially Biased Arrests," which was released in June 2013. We distributed press releases and opinion/editorials to educate the community about this unfair treatment and waste of taxpayer funds.

Right to Marry

In three situations, the ACLU cleared the red tape for couples to marry when one member is incarcerated and unable to appear before the County Recorder of deeds to sign a marriage license in person, as required by an unconstitutional Missouri statute.

People with disabilities that prevent them from appearing in person to obtain a marriage license have similar problems. We have plans to remedy them in 2014.

Muslim Rights

Our Third Annual Muslim Day at the Capitol was held in April. This year's event focused on the anti-Sharia bills, an anti-NDAA bill, the drone regulation bill, as well as several immigration bills. Even though an anti-Sharia bill



After the ACLU's lawsuit, Gena Fuller was finally allowed to marry the father of her two children, Donnie Fuller, an inmate at the Jefferson City Correctional Center.

passed the House and the Senate, we and our allies helped convince Gov. Nixon to veto it.

The ACLU is negotiating with the St. Louis County jail regarding their policies for women in hijab. They now provide a separate room and female officers for the initial search when a woman enters the jail. However, we are still waiting for a new policy on wearing a hijab in mug shots and after entering the prison population.

We were also able to train volunteer attorneys in mid-Missouri so that they are prepared to accompany Muslims on FBI interviews. We called upon one of our cadre of St. Louis attorneys when a Muslim woman with a purely geographic connection to an accused East Coast bomber was approached for questioning.



The ACLU and CAIR-St. Louis held its 3rd Annual Muslim Day in Jefferson City in April 2013 at the state capitol. Sen. Jamilah Nasheed addressed the group, who lobbied against anti-Sharia Law legislation.

Gifts

April 1, 2012, through December 31, 2013

Thank you to our many supporters who contribute to the ACLU of Missouri Foundation. Because of their generosity and commitment, the Bill of Rights' values continue to be more than a promise on paper. These tax-deductible contributions to the Foundation support our litigation and public education programs.

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Leaving a Personal Legacy

By including the ACLU in your will, you can leave a legacy of liberty for generations to come. Thousands of passionate civil libertarians have stepped forward and expressed their most cherished values by making a deeply meaningful gift to the ACLU in their estate plans.

We invite you to join this special group of ACLU supporters who have made freedom, justice and equality their personal legacy by remember the ACLU in your estate plans.

To learn more, or to take advantage of our estate planning resources, visit www.aclu.org/legacy or call toll-free (877) 867-1025.

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In Honor of Aaron Novack
 Alice Abrams

In Honor of John Kopolov
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In Memoriam

In Memory of Susan Carlson's Mother
 Victoria Dankenbring

In Memory of Myra Blumenthal
 Sheila Greenbaum
 Paule, Camazine, & Blumenthal, P.C.

In Memory of Mary Sweed Katzenstein
 Susan & Norman Gilbert
 Sheila Greenbaum

In Memory of Dorothy Miller
 Sheila Greenbaum

Visionaries

Jane Bierdeman Fike (1922-2012)
 Jane Fike, of Fulton, was a dedicated mental health social worker for 50 years. She received her Master of Social Work degree from St. Louis University in 1949 and was the director of psychiatric social work at Fulton State Hospital for 38 years. Throughout her career, Jane served as a mentor and educator of many students. She received numerous professional awards and board appointments and in 2008 she was recognized by Social Work Today magazine as one of the most influential social workers in the United States.

W. Murray Underwood (1917-2013)
 Murray Underwood spent his career as a chemical engineer. After retiring from Monsanto in 1978, he became the dean of a technical college in Algeria and a year later returned to St. Louis and became a professor at Washington University. Murray was married for 66 years to Mary Jane, who died in November 2012. He was an ACLU member for more than 60 years, and spent 45 of those years serving as a valued member of the board of trustees. He has the distinction of being the only person awarded both a Civil Liberties Award and ACLU's highest honor, the Roger Baldwin Award.

We thank Jane and Murray for remembering the ACLU in their estate plans.

Tributes

In Honor of Katherine Dearing
 Lois Vander Waerd

In Honor of Sheila Greenbaum
 Stephen Cohen
 Roger Goldman
 Rose-Lynn Sokol
 Charles & Betsy Newman
 Brad Pierce

In Honor of Brenda Jones
 Jamala Rogers

In Honor of Taylor Landseman
 Dr. Stacy Smith

DeSilver Society Members

Thank you to the DeSilver Society members for including the ACLU of Missouri in their estate plans.

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 Steven & Nan Streen
 Kaleen Tiber
 Julia A. Trotter
 Robert W. Waugh & Linda Kamp Waugh
 Arlene Zarembka & Zuleyma Tang-Martinez

*deceased

2012 & 2013 Bill of Rights Celebrations

The 41st and 42nd Annual Bill of Rights celebrations were held in September 2012 and 2013, at the Soulard Preservation Hall. Brenda Jones, the sole recipient of a 2012 Civil Liberties Award, was honored for her exceptional commitment to the defense and promotion of civil liberties of all. During her eight years of service as executive director of the ACLU of Eastern Missouri, she set the organization on a trajectory of growth and modernization.

Two Civil Liberties Awards were presented in 2013. John Gianoulakis, a St. Louis attorney, helped draft an amicus brief, signed by 22 state attorneys general, for *Gideon v. Wainwright*, the 1963 landmark case establishing the right to counsel for indigent defendants in criminal cases. Human rights activist Percy Green II began his quest for fair employment in 1963 as a member of St. Louis Congress on Racial Equality's demonstrations at Jefferson Bank.



**AMERICAN CIVIL LIBERTIES UNION
of MISSOURI**

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