



# 2015 Annual Report

October 1, 2014-September 30, 2015



# ACLU

AMERICAN CIVIL LIBERTIES UNION  
of MISSOURI



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**Top cover photo:** Tony Rothert and ACLU plaintiffs toast the Supreme Court decision that made marriage equality the law of the land.

**Bottom cover photo:** With help from the NAACP and the ACLU Voting Rights Project, we are challenging Ferguson-Florissant School District's electoral process.

# Letter from Our Leadership

We kicked off our second year as the ACLU of Missouri in grand style with a win in our marriage recognition case.

Our *Barrier v. Vasterling* win on October 3, 2014, was part of an ACLU strategy to obtain state-by-state victories to place another marriage case before the United States Supreme Court after the ACLU's landmark *Windsor* case. The plan worked. Less than nine months after *Barrier*, the Supreme Court declared marriage equality the law of the land.

Equal marriage — a sweet win for sure — was not the year's only triumph.

After seeking investigative records from the 2006 World Series ticket-scalping scandal for eight years, we won our Sunshine Law suit once and for all in August 2015. The Missouri Supreme Court denied the final appeal of police officers who were trying to keep the records secret. Check out the records posted on our website to see if you can uncover what they were doggedly trying to hide.

After Michael Brown was killed in Ferguson, we secured a federal court agreement with St. Louis County, the City of Ferguson and the Missouri Highway Patrol on behalf of protesters and members of the media. We challenged the "5-second rule," which was invoked when the police wanted to keep protesters or media from standing in any location for more than five seconds. When police violated the court agreement, we marched right back to court to file a motion for a preliminary injunction that was granted on November 21, 2014.

Nearly a full year after Ferguson erupted, we were successful in getting two journalists' cases settled. We also joined with our legal partners and offered to find legal representation for the other journalists and protesters who have been issued St. Louis County summonses.

In July 2015 we won an important battle in our ongoing fight for transparency of Missouri's execution process. The Circuit Court of Cole County agreed that the Missouri Department of Corrections broke the law by failing to honor a Sunshine Law request to disclose the name of the pharmacy that supplied the drugs it uses to administer the death penalty. It is only fair that Missourians know all the details if our state insists on executing people in our name.

This year will be hard to surpass, but you can be certain that we are not about to rest on our laurels any time soon. As you will read in the following pages, we have many issues demanding our attention.



**Brad Pierce**  
President  
Board of Trustees



**Jeffrey A. Mittman**  
Executive Director

# Ferguson

Communities of color and our allies have known for years that our government treats people differently.

For the 15th year in a row, this fact was documented by Missouri's annual vehicle stops report. The U.S. Department of Justice reports on Ferguson and the St. Louis County Family Courts, and news coverage about our failing education system provided further proof of racial inequalities.

Together this information helps us all understand why Ferguson erupted in 2014 when unarmed Michael Brown was shot and killed by a police officer.

In times of unrest, police often try to silence the voices of the oppressed. That is why it is so important for the ACLU to make sure the protections offered by the First Amendment are upheld.

Last year we challenged the 5-second rule that kept protesters from standing still. When our federal court agreement with St. Louis County, the City of Ferguson and the Missouri Highway Patrol for the right to record police was ignored, we marched back to court to file a motion for a preliminary injunction that was granted on November 21, 2014, days before it was announced that the Grand Jury would not indict Ferguson Police Officer Darren Wilson.

Also in November 2014, we filed a civil rights lawsuit on behalf of a Turkish journalist who was violently thrown to the ground and arrested for photographing the St. Ann policeman who pointed his weapon at protesters. We were successful in getting charges against



On November 24, police don gear more appropriate for a military battle than a protest.





**First Amendment advocate  
Melissa Morrison, right, and her  
proud mother, Karen, attended  
an ACLU open house to talk  
about Melissa's lawsuit.**

this and another journalist dismissed. Pleased that our clients will not face charges, we joined a coalition of partners to find legal counsel for the thousands of protesters who were also exercising their First Amendment rights, when they were ensnared by the police.

Students have First Amendment rights, too. When Governor Nixon began speaking during an assembly on November 20, 2014, at Lincoln College Preparatory Academy, 14 students stood and held their hands up in a silent, yet powerful protest. For standing in solidarity with other protesters across the country after the death of Michael Brown, they were immediately ushered out of the auditorium, sent home and threatened with a 10-day suspension. The ACLU represented Melissa Morrison, one of the students, and was successful in getting the school to withdraw the discipline of the students and remove any mention of it from their permanent records. These students clearly knew their rights better than their school administrators.

After the Grand Jury decided not to indict Officer Darren Wilson for the killing of Michael Brown, Grand Juror Doe wanted to speak out about the experience of serving on a grand jury. However, without permission from a court, grand jurors would be committing a crime by discussing their service. So, on January 5, 2015, we filed a suit to release Juror Doe from the secrecy requirement. The federal court found that Missouri laws might be interpreted to allow Doe to speak and suggested we give the Missouri courts the opportunity to rule on this case. In May we re-filed the suit in state court.

## **Racial Justice**

Preserving free speech is not the only way we are fighting to balance the scales of justice. The good news is that we have many allies. We are working with the NAACP on a Voting Rights Act lawsuit to diversify leadership on the Ferguson-Florissant School Board. We participated in a Community Empowerment Summit with many partners. We

have also been working with key state legislators on fair and impartial policing reform. We welcomed our first-ever Racial and Criminal Justice Project Consultant, Steve Parish, who is strengthening our ongoing efforts to improve law enforcement and community relations in the greater St. Louis area.

Racial justice requires the hard work of the entire community. We invite you to join us and our many partners, such as activists with the Don't Shoot Coalition and Black Lives Matter campaign. Together we can continue the fight for racial justice.

## Voting Rights

In December 2014, we filed a federal lawsuit against Missouri's Ferguson-Florissant School District, charging the district's electoral system is locking African-Americans out of the political process.

Our federal lawsuit to challenge the discriminatory Ferguson-Florissant School District at-large voting system, which violates the federal Voting Rights Act by diluting African-American voting strength, continues. In partnership with the National ACLU Voting Rights Project, we are representing the NAACP of Missouri and our plaintiffs in an effort to end the more than 40-year practice that has resulted in a process that does not allow the community to elect a board that meets its needs.

## Abuse of Power

The St. Louis NAACP Chapter had been gathering reports of corruption and abusive policing in St. Louis County municipalities and reached out to us for help. A report involving Adrian Wright, a former Pine Lawn mayor, was particularly alarming. Mr. Wright, who had been critical of then Mayor Sylvester Caldwell, was wrongly accused of running a stop sign and failing to yield to a fictional emergency



**Pictured from left to right are Plaintiff Redditt Hudson; Dale Ho, director of the ACLU's Voting Rights Project; and Plaintiff F. Willis Johnson.**



Mr. and Mrs. Adrian Wright



ACLU Executive Director Jeffrey Mittman holds up the campaign flyer used to discredit Mr. Wright.

vehicle, threatened with a taser and arrested by a Pine Lawn police officer. All charges were dismissed, but city officials ensured that the 80-year-old's "perp walk" was recorded for broadcast by a local TV station and Caldwell later published Mr. Wright's mug shot in campaign literature to discredit his endorsement of Caldwell's mayoral opponent.

In December 2015, we filed a lawsuit against Pine Lawn on behalf of Mr. Wright.

## Mobile Justice

The Mobile Justice smartphone app was created to empower all Missourians to hold law enforcement officers accountable.

This app allows the user to record the police and will automatically send the video to the ACLU if the phone is shaken or grabbed by a police officer. This prevents the police from deleting the video from your phone.

We launched the Android version in November 2014 and the iOS version was released in April 2015. Download Mobile Justice through the ACLU of Missouri website.

The app was so successful that additional affiliates have decided to replicate the program.



# LGBT Rights

This was a historic year for expanding LGBT rights. First there was our October 3, 2014, win in *Barrier v. Vasterling*, which meant that legal marriages performed outside the state of Missouri must be recognized in Missouri. The Attorney General's announcement that he would not appeal this decision paved the way for the Veteran's Administration and the Social Security Administration to grant benefits to same-sex spouses.

Marriage is celebration worthy, but we must push for non-discrimination laws statewide. Many assume that housing, employment and business protections extend to lesbian, gay, bisexual and transgender (LGBT) individuals in the state of Missouri. They don't. Even though we fought valiantly alongside our LGBT allies, the City of Springfield narrowly voted to repeal its non-discrimination ordinance in April 2015. We will continue our work to push for Missouri's Non-Discrimination Act, which will protect LGBT people statewide.

After *Barrier*, but before the U.S. Supreme Court ruling on marriage equality, we filed a suit against the Ozark Fire Protection District on behalf of Andrea Mooneyham. Captain Mooneyham put her life on the line, just like the District's other married fire fighters, but was treated like a second class citizen when it came to benefits. In September 2015, the District agreed to pay Andrea Mooneyham for benefits her wife should have received and we dismissed the suit.



**Angela Curtis, left, and Shannon McGinty, second from right, were plaintiffs in the ACLU of Missouri's lawsuit, *Lawson v. Jackson County Recorder of Deeds*.**



# First Amendment Rights

Protected speech takes many forms. Flashing headlights to warn others of speed traps, flipping middle fingers to a bullying mayor and wearing a sign asking for money are just a few of the methods used by our plaintiffs.

Pamphleteering has roots that trace back to the American Revolution, yet not all government entities know it is protected communication. On election day November 4, 2014, we swiftly secured a temporary restraining order to prevent the St. Louis Board of Election Commissioners from seizing the sample ballots of a candidate for City Recorder of Deeds. The Board had recently made up a last-minute rule stating that all sample ballots had to indicate whether the candidate was running as a party candidate or an independent. We convinced the court that candidates must be able to communicate freely, without the fear that government will collect and destroy their campaign materials.

In March 2015, we won a challenge to Missouri's House of Worship Protection Act, which makes it a crime if anyone disturbs or "disquiets" a house of worship by using profane discourse, or rude or indecent behavior. Our plaintiffs, Survivors Network of those Abused by Priests and Voice of the Faithful of Kansas City, can continue their peaceful protests on sidewalks outside churches to support victims of sexual abuse and call for reform within the Catholic Church.



**Richard Hill recognized that Bolivar's new ordinance violated the First Amendment and cleverly tried to educate the community by walking around Bolivar with a sign saying "I need money." He used this novel approach only during the grace period before the ordinance would be enforced and hasn't protested since for fear of being arrested and prosecuted.**

**In response to our suit, Bolivar withdrew the ordinance.**

## Transparency

Missouri has a strong Sunshine Law so citizens can access information to see how their government is working. However, the government often responds that particular requests are exempt from the Sunshine Law. That's why it takes an organization like the ACLU of Missouri to intervene and go to court when necessary.

In early September 2015, we finally received St. Louis Police Department investigative records from the 2006 World Series ticket-scalping scandal and posted them on our website. The ACLU, which had been seeking these records since 2007, won the Sunshine Law suit once and for all Aug. 18, when the Missouri Supreme Court denied the final appeal of police officers who were trying to keep the records secret.

We now know that police officers stole property and the police department covered up their criminal activity by hiding it from the circuit attorney and the public. Transparency is a vital element in building trust between government and the public.



**This was just one batch of documents obtained through our Sunshine Law suit against the St. Louis Police Department.**

## Death Penalty

Missouri began executing nearly one person a month in November 2013, and ever since the ACLU has fought for the transparency of Missouri's execution process. In July 2015 we were encouraged when the Circuit Court of Cole County agreed that Missouri broke the law by failing to honor our Sunshine Law request to disclose the name of the pharmacy that supplied the drugs used in executions. The Missouri Department of Corrections (MODOC) was trying to shield the pharmacy by naming it as a "member of the execution team." Missouri law demands that the identities of execution team members must be kept confidential. But the Court ruled that Missouri law does not permit MODOC to "define the execution team as it wishes, without limitation."

## Legislative Efforts

The 2015 Legislative Session was grueling. We monitored and advocated for or against more than 300 bills that would protect, improve or infringe on your civil liberties.

Most of our success came from quashing bad bills before they were passed. They included bills like: HB 104, an Indiana-style Religious Freedom Restoration Act (RFRA) bill that targeted religious minorities and LGBT students for discrimination on campus and HB 762, a bill that would have hidden evidence of police misconduct from the press, the ACLU and the general public by exempting police camera footage from the Sunshine Law.

We also worked to pass the Campus Free Expression Act (SB 93) so students could exercise their First Amendment Rights throughout campus and not just in free speech zones.

We helped draft a bill to prevent employers and school administrators from requiring employees turn over their social media passwords. It had great bipartisan support but didn't pass. Look for it again in 2016.

## Immigrant Rights

Deferred Action for Childhood Arrivals (DACA) students found out weeks before classes began that their tuition had more than doubled. Missouri lawmakers began this fiasco by slipping discriminatory language into the title of the state's appropriations bill (HB 3) telling public colleges and universities to charge DACA students the highest rate of tuition and make them ineligible for scholarships.

However, because Missouri's constitution prohibits substantive policy changes within budget bills, the language is unenforceable. In October we filed a lawsuit to try to fix this mess, so stay tuned.

**Sarah Rossi, director of advocacy and policy, lobbied for a Fair and Impartial Policing Act in Jefferson City. Read her [blog post](#) for an overview of the 2015 Legislative Session.**



## Awards



**Sarah Rossi, director of advocacy and policy, and Gillian Wilcox, staff attorney, were honored to be named the grand marshals of the St. Joe Pride Parade. They also received the St. Joe Pride's 2015 Community Impact Award.**

This year alone, four ACLU of Missouri employees received special honors for their remarkable efforts.

Legal Director Tony Rothert was named 2015 Lawyer of the Year by Missouri Lawyers Media. He was recognized for his expertise in using law as a tool to protect and advance the civil liberties of Missourians on many fronts. This was most evident this year in his strategic litigation to secure marriage equality and protect the rights of Ferguson protestors and journalists.

Mustafa Abdullah, program associate at the ACLU of Missouri, received the "Excellence in Advocacy Award" from the American-Arab Anti-Discrimination Committee (ADC) for his commitment to civil engagement through advocacy, interfaith work, and community organizing. He is a co-founder of Muslims for Ferguson, an organization of American Muslims who are committed to seeking justice in Ferguson.



**Legal Director Tony Rothert was named 2015 Lawyer of the Year by Missouri Lawyers Weekly. He poses above with his sons, Jonathan, left, and Mason.**

# Volunteers

“Alone we can do so little; together we can do so much.”

Helen Keller, an ACLU Founder

If you have two free hours a month or 40, are a teenager or an octogenarian, or are still in high school or hold a law degree, the ACLU of Missouri can use your help in our fight for freedom.

Please consider signing up on our website at [aclu-mo.org/volunteer](http://aclu-mo.org/volunteer) to be a volunteer or call Mustafa Abdullah at 314-652-3114.

## Events

The wonder of technology allowed us to host our first Annual Meeting simultaneously in Kansas City and St. Louis on June 20.

The Show Me Justice! Breakfast, held September 24 in Kansas City, celebrated those fighting on the frontlines for liberty and equality. A St. Louis breakfast was held in late October.

**Board President Brad Pierce, right, mingles with attendees of the 2015 Annual Meeting in St. Louis. A similar forum was held simultaneously in Kansas City.**



**17-year-old Kate, center, and her father Tom, right, drove an hour to staff our booth at the August 22 Mid-MO Pridefest Celebration in Columbia and stayed for the entire day.**

**They are joined by Board Member Errica Warren, left.**



## By the numbers

29

New cases filed

1,289

Earned media articles

4,406

Twitter followers

11

Amicus briefs filed

10,271

Facebook likes

4

Employee awards

93,632

Website users

1,569

Complaints processed

99

Testimonies on  
Missouri bills

# Gifts

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

## President's Circle

Terry Bloomberg and  
Gordon R. Bloomberg, MD  
Sara Epstein  
Horncrest Foundation  
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## Liberty Circle

Anonymous (2)  
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Sharon and John Hoffman  
Allen K. Rostron  
Sharalyn and Ronald Saks

## Freedom Circle

Anonymous (3)  
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Mary Bannister  
Christopher and Jennifer Bradburn  
Daniel and Susan Carlson  
Judith and Ronald Carter  
Russell Chong  
Robert Claassen  
Kay and Leo\* Drey  
Robert Elgin  
William and Margaret Foege  
Leonard and Julie Frankel  
Scott Freeman  
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Riaz Rabbani

\*Recognized posthumously

# Gifts

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Mark Utterback  
Pearl Walker  
Kamal Yassin  
Steven Zweig and Susan Even

# Tributes

## **In honor of Rudy Anderson and Julie Proctor**

Arlene Zarembka and Zuleyma Tang-Martinez

## **In honor of Colleen Dempsey**

Ellen Rapkin

## **In honor of Jeffrey Mittman**

Aly Abrams

## **In honor of Tony Rothert**

Jodie Treeman

## **In honor of Peter Wilcox**

Wayne and Judith Failoni

# In Memoriam

## **In Memory of Fred Epstein**

David Harris

Mary Ruth Ottoson

Steven and Marilyn Teitelbaum

## **In Memory of Terry Raney**

Edward and Charlotte Ronan

## DeSilver Society Members

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

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Lennie and Jerry Berkowitz Family Fund  
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Joseph and Yvonne Logan

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Louis Myers  
Burton Newman  
Aaron and Nancy Novack  
Lucinda Perry and Matthew Jones  
Brad Pierce and Laurie Vincent  
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Kaleen Tiber  
Julia Ann Trotter  
Robert W. Waugh and Linda Kamp Waugh  
Arlene Zarembka

## Become a DeSilver Society Member

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; please remember the ACLU in your estate plans.

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



## Need a Speaker?

If your organization needs someone to speak about civil liberties, we have experts available. This past year we've been busy conducting Know Your Rights events, but we can also provide updates on our various lawsuits.

Send your requests and suggested dates and times to the attention of Mustafa Abdullah, [mabdullah@aclu-mo.org](mailto:mabdullah@aclu-mo.org).



## Contact Us

The ACLU of Missouri has two offices—one in Kansas City and one in St. Louis.

**Kansas City Office**  
3601 Main Street  
Kansas City, MO 64111  
816-470-9933

**St. Louis Office**  
454 Whittier Street  
St. Louis, MO 63108  
314-652-3114

**File a Complaint**  
314-652-3111  
[www.aclu-mo.org/intake](http://www.aclu-mo.org/intake)

**Twitter:** @ACLU\_MO

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**[www.ACLU-MO.org](http://www.ACLU-MO.org)**



# ACLU

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