



I ❤️ REPRO
RIGHTS

FIGHTING ON ALL FRONTS

2018 ANNUAL REPORT

ACLU
Indiana

A MESSAGE FROM ACLU OF INDIANA LEADERSHIP

Dear Friends,

Before you read any further, we want to make one thing clear: these stories are your victories.

These pages outline what we accomplished together over the past year. Together, we fought for fairness, freedom and justice in Indiana.

We saw the principles that make us proud to be Americans challenged at every turn by the Trump-Pence administration. And elected officials here in Indiana have been emboldened by the administration's dangerous example and its poisonous rhetoric. Again and again, Indiana officials put their own political agendas ahead of the basic rights and human dignity of everyday Hoosiers.

But, through these unprecedented challenges, you stood with us. And in 2018, the ACLU of Indiana and our supporters used every tool the Constitution provides in our pursuit of a more perfect union.

With your help, we fought against discriminatory language in the Statehouse that would have targeted LGBTQ community members. We remain the first line of defense against an onslaught of anti-abortion laws with four ongoing lawsuits in the state of Indiana. We provided public education on Hoosiers' voting rights, correcting the misconception that people who have been previously incarcerated cannot vote. They can.

And while this annual report is a look back at 2018, it also offers a glimpse of the future your support helps make possible. The work we do in the courts, in the legislature, and in the streets shapes the future of civil rights and civil liberties in Indiana and in the nation for each generation to come.

Freedom is strengthened when ordinary people engage in extraordinary acts: when parents fight to be reunited with their children at the border, and ordinary Americans stand with them; when previously incarcerated women and men are able to make their voices heard at the ballot; and when thousands of ACLU members call and email their elected officials to demand respect for civil rights and civil liberties. Today, ACLU members across the nation are mobilizing to build a powerful movement to resist efforts to turn back the clock on fairness and justice for all. This should give us all hope for the future.

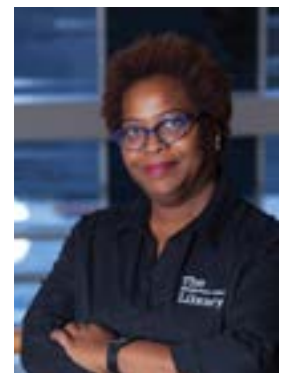
The ACLU is proud and humbled to be a trusted ally to which millions have looked to lead the fight against attacks on free speech, an independent press, freedom of religion, and equal protection under the law. Using the Constitution as a light shining through the darkness, the ACLU stands with you. Together, we are a force that can turn the worst of times back toward a more perfect union. Thank you for all you have done over this past year, speaking truth to power.

We promise the ACLU of Indiana is and always will be right there in the fight with you.

Onward,



Jane Henegar,
Executive Director



Terri R. Jett,
Board President

A LETTER FROM OUR LEGAL DIRECTOR

The word “justice” is a subject upon which our legal work at the ACLU of Indiana is focused. But what is “justice”? We know that the concept of justice is not passive, it demands us to be active. We “do justice,” we “seek justice,” we “work for justice.” Of course, what all of us associated with the ACLU – employees and members alike – attempt to do, is to do the work necessary to try to achieve “justice.” For that is what the Bill of Rights guarantees to all of us, no matter who we are, where we were born, how much money we have, who we love, what we think or to whom we pray or not pray – we are promised justice.

In 2018, our litigation efforts continued to demonstrate our commitment to work for justice. Whether that took the form of safeguarding reproductive freedom, advancing LGBTQ rights, ensuring medical care for indigents, stopping violations of voting rights, protecting prisoners’ rights or countless other cases, we have worked to translate the words of the Bill of Rights into justice through aggressive advocacy and litigation. We continue to achieve significant legal victories and to provide advice to hundreds if not thousands of persons who have sought our services. We continue to work for justice in the courts.

Needless to say, the work shows no signs of abating. And, of course, the work for justice in this office is not limited to the cases we have filed and the advice we have provided. The last year has seen the continuation of advocacy efforts in the non-litigation area as well. And, we have been aided in all these efforts by incredibly dedicated support staff and a cadre of volunteers who share the passion that we have in doing the work necessary to make the promises of the Bill of Right come alive.

And then there are all of you, our supporters who recognize the essential truth about the Bill of Rights – that to allow a stranger’s rights to be diminished is to allow all of our rights to be diminished. You too recognize that this work must be done, and you proactively participate in it with us. The next year will be even more challenging than the last, but we will get through it together. I look forward to the work.

Thank you for all your work to do justice.



Ken Falk,
ACLU of Indiana Legal Director

*“We know that the concept of justice is not passive, it demands us to be active. We **do justice, we seek justice, we work for justice.**”*

- Ken Falk



FIGHTING FOR **JUSTICE, FREEDOM** & **FAIRNESS** ON ALL FRONTS

The ACLU of Indiana uses every strategy available to us, to protect civil liberties and to defend the Constitution and the rights of every Hoosier.

We the people must use every tool the Constitution provides in our pursuit of a more perfect union. In Indiana and across the Nation, together we combine litigation with advocacy, lobbying, public education and community outreach to fight for justice, freedom and fairness.

Through local, state and national litigation, we are fighting for
JUSTICE in the courts.


Fueled by our Advocacy team and local activists, we are fighting for
FAIRNESS in the statehouse.

Standing with thousands of supporters and partners, we are speaking up for
FREEDOMS in the streets
of our communities.


AMERICAN CIVIL LIBERTIES UNION OF INDIANA

A YEAR IN REVIEW


2018




Jan 26 – Private prison company calls off plans for immigrant detention center in Elkhart (p. 12)



Feb 28 – Indiana finally calls off attempt to bar Syrian refugees. Case closed! (p. 11)



March 14 – Legislators remove discriminatory language that would have targeted LGBTQ students from SB 65 (p. 10)



April 23 – ACLU files suit challenging new anti-abortion law, SEA 340, which targets health providers and clinics (p. 16)

Aug 6 – Court grants preliminary injunction in favor of transgender Evansville High School student (p. 9)



July 19 – Doubling down with the LGBTQ Rights Project (p. 10)

June 28 – District Court blocks portions of Indiana's 2018 anti-abortion law, SEA 340 (p. 16)




June – Families Belong Together Rallies & Evening of Action (p. 12)

Aug 30 – ACLU of Indiana launches Yes! You Can Vote! an education-based voting rights campaign (p. 8)


Sept 20 – Newton County Commission opposes private immigrant detention center (p. 12)

Sept 28 – Court grants preliminary injunction in favor of prisoners in Indiana Correctional Facilities, against policy restricting the type of mail that can be sent to prisoners (p. 13)




Dec 4 – ACLU sends letter to Elkhart, IN Mayor, demanding an independent investigation of Police Department misconduct

Nov 30 – ACLU of Indiana files case against East Allen County Schools for placing undue and unequal burdens on LGBTQ student group, Leo Pride Alliance



Nov 13 – ACLU of Indiana files case against BMV for national-origin discrimination



Oct 14 – State of Indiana asks SCOTUS to review decision striking down unconstitutional abortion ban HEA 1337 (p. 15)

DEFENDING EVERY HOOSIERS' **RIGHT TO VOTE**

IN THE COURTS

Justice for Hoosier Voters

Our elected officials should do all that they can to promote voter engagement. Voting is the bedrock of our democracy, and every American's constitutional right and we must ensure every voice is heard. In June, a federal court temporarily blocked the implementation of a new Indiana law that would allow county elections officials, based on flawed second-hand data, to kick voters off the rolls immediately and without notice.

We sued on behalf of Common Cause Indiana and were granted a preliminary injunction. The court agreed that the Crosscheck system, which relies on a program called Interstate Voter Registration Crosscheck, has inherent flaws and limitations making it an unreliable source for voter registration cancellations without further investigation.

The law, known as SEA 442, would have stripped federally-mandated safeguards from the state purge process. **We won't stand for these unwarranted attacks on Hoosiers' voting rights.**

71 PERCENT
of Americans
support redistricting
reform to end
extreme partisan
gerrymandering.

*Campaign Legal Center, 2017
Bipartisan National Poll*



IN THE STATEHOUSE

Fairness in Redistricting

During the 2018 session, legislators refused to pass comprehensive redistricting reform to ensure fair election maps in Indiana, a disappointing failure. But more Hoosiers took action than ever before, helping to keep this issue on the agenda.

By attending rallies, speaking out at Third House meetings, making phone calls and packing committee hearings, ACLU supporters and community members proved that they are truly a force to be reckoned with. We will continue this fight until Indiana voters are choosing their elected representatives, rather than representatives choosing their voters.

IN THE STREETS

Freedom to Exercise the Right to Vote

Leading up to the 2018 Midterm elections, the Yes! You Can Vote! Campaign, educated Hoosiers on their right to vote. At a time when the fundamental right to vote has increasingly become a partisan pawn, deep-seeded misconceptions surround who can and cannot vote.

The campaign focused on groups that are most likely to be disenfranchised at the polls such as, transgender individuals, individuals with disabilities, recently naturalized citizens and students. The campaign's primary focus was on misconceptions surrounding the voting rights of people who have been previously incarcerated. In short, as long as they are no longer behind bars, they can vote (see more pg.14).

To address misconceptions, we ran ads in 50 IndyGo buses and worked with community partners to run training sessions on the right to vote, distributing more than 15,000 educational pieces throughout the community. The campaign reached more than 150,000 Hoosiers. We will step up our efforts in the coming years to ensure that everyone knows they have a voice.



LGBTQ RIGHTS

The ACLU of Indiana is the only statewide organization working to defend and advance the rights of LGBTQ Hoosiers on all fronts. In 2018, we doubled down with the LGBTQ Rights Project, fighting the discriminatory narrative coming out of the Indiana Statehouse and the White House.

IN THE COURTS

Justice for J.A.W.

There are many things a 16-year-old boy might worry about – homework and exams, what electives to take in school or learning to drive. Which bathroom to use should not be one of those things. But when J.A.W. was denied the ability to use the restrooms consistent with his gender identity, this became another part of high school that he had to worry about.

The Evansville Vanderburgh School Corporation told J.A.W., a transgender student, that he would face disciplinary consequences if he attempted to use the male restrooms. So the ACLU of Indiana sued and won.

Being able to use the boy's restroom is critical to J.A.W.'s health and wellbeing. Students such as J.A.W., who are denied access to the correct restroom, may face anxiety and depression, increased bullying, and may avoid using the restroom altogether while in school.

This is not the type of environment we want for the children throughout our state, and it is discrimination – plain and simple.

IN THE STATEHOUSE

Fairness in Public Schools

Just a few years after RFRA wreaked havoc on our state and its economy, Indiana lawmakers were at it again during the 2018 session – introducing legislation that targeted LGBTQ youth.

Senate Bill 65 limited instruction on “sexual orientation” or “gender identity” in public schools. The legislation was so broadly worded that it would have prevented schools from discussing any LGBTQ issues without express written permission from parents.

The ACLU of Indiana advocated adamantly against SB 65. With the help of our supporters and community members, lawmakers ultimately removed the discriminatory language. **We will continue to fight any legislation that discriminates against LGBTQ Hoosiers.**

IN THE STREETS

Freedom from Discrimination for Transgender Hoosiers

At a time when some of our elected officials are taking steps to make it more difficult for transgender community members to live openly and free of discrimination throughout Indiana, our Transgender Education and Advocacy Program, or TEAP, is going further than ever to create a more favorable statewide climate in which to promote full protections for the LGBTQ community and to combat anti-trans legislation and rhetoric.

There are approximately 1.4 million transgender adults in the U.S., but **only 22% of Americans say they know someone who is transgender.** Knowing a transgender person is a good indicator that an individual will support broad non-discrimination policies, meaning they believe all LGBTQ persons should be protected under the law.

Get to know your fellow Hoosiers and hear their inspiring and harrowing stories in the newly launched ACLU of Indiana video series *Trans Hoosier Spotlight* at www.aclu-in.org/trans.

2018 was the most violent year on record for trans people with the FBI reporting a **10% increase in crimes** targeting individuals because of their gender identity.

USA Today



FIGHTING FOR **IMMIGRANTS' RIGHTS**

IN THE COURTS

Justice for Refugees

In February 2018, the State of Indiana officially gave up on its cruel attempt to suspend the resettlement of Syrian refugees throughout the state.

The ACLU of Indiana had been fighting since 2015, on behalf of Exodus Refugee Immigration Center, to stop the policy, which was executed by then Governor Mike Pence, and would have discriminated against a group of refugees on the basis of their nationality. Indiana's refugee ban not only violated our values as Hoosiers, it violated the U.S. Constitution and federal law.

Indiana has no role in banning a group of refugees based solely upon their nationality. At every turn, the courts agreed that the actions violated the U.S. Constitution and federal law.

IN THE STATEHOUSE

Fairness for Undocumented Students

The ACLU of Indiana and our supporters pushed hard for legislation that would have allowed immigrant students to receive in-state tuition at Indiana's public colleges and universities, but those calls went unheeded.

Legislation to make college more accessible for Indiana Dreamers didn't even get a hearing. That's unacceptable. We'll continue working to make sure lawmakers get the message that making Indiana Dreamers pay higher tuition rates is unfair.



Banner colored by local children at the ACLU of Indiana Letter Writing – Evening of Action

321,308 immigrants
make up roughly
5% of Indiana's
population.

American Immigration Council

IN THE STREETS

Freedom for Families

Hoosiers came out in the thousands to support families separated by the Trump-Pence administration, attending rallies around the state and a Letter Writing – Evening of Action.

We were inspired by the outcry of supporters throughout Indiana and across the Nation. As ACLU lawyers led the fight against family separation at the border, in Indianapolis, ACLU of Indiana supporters helped to write and send more than 400 letters to elected officials stating that we will not tolerate the Trump-Pence administration's cruel separation of families at the border.

Indiana Detention Centers

We have also seen several attempts to open private immigrant detention centers in Indiana including in Hobart, Gary, Elkhart and Newton County.

We've worked with grassroots partners, business leaders and community members in these cities to shift local policies, putting the full weight of the ACLU of Indiana behind efforts to make sure private companies cannot operate outside of public oversight and accountability. With no one to hold them accountable, private immigration detention centers have maintained a particularly grisly track record of detainee abuse and neglect across the nation.

Local opposition has stopped proposals for private detention centers in multiple cities throughout Indiana. **We will continue to fight back against attempts to support the administration's mass-deportation efforts.**

SMART JUSTICE & PRISONERS' RIGHTS

IN THE COURTS

Justice for Sweeney & Delarosa

Activities such as reading and corresponding with the outside world are central to a prisoner's ability to retain their humanity and maintain the community connection that can help them rebuild their lives upon release. An Indiana Department of Correction (DOC) facilities policy required all incoming correspondence to prisoners be on originally purchased, plain white, lined paper, thus limiting the means for prisoners like Mr. Sweeney and Mr. Delarosa to receive mail such as birthday cards or drawings from their children.

Many prisoners, in the past, received photocopies of information to use in court proceedings or to inform them of news in the outside world. Mr. Sweeney was attempting to file a post-conviction relief petition and was representing himself. He wanted to submit a typed petition, and would send written notes to his sister to type for him. After the policy went into effect, the transcribed versions of his petitions sent to him by his sister were not delivered to him.

The ACLU of Indiana won a preliminary injunction against the DOC, requiring it to stop utilizing this policy which infringes upon prisoners First Amendment rights.



IN THE STATEHOUSE

Fairness in Policing

34 percent of Indiana's incarcerated population is Black, compared to 9 percent of the state population. To combat racial disparities in the criminal justice system, law enforcement officials must first acknowledge a history of racially-biased policing and a need for systemic reform.

The ACLU of Indiana took part in a "Fair and Impartial Public Safety" training for IMPD leadership. Alongside several community partners, the ACLU of Indiana encouraged the IMPD to take the appropriate steps to address implicit biases.

IN THE STREETS

Freedom to Vote for Previously Incarcerated

As part of the "Yes! You Can Vote!" campaign, we focused on misconceptions surrounding the voting rights of people who have been previously incarcerated.

Voting restrictions for people who have been previously incarcerated vary from state to state, leading to confusion, mass-misinformation and misapprehension. Indiana is one of 15 states where felons lose their voting rights only while incarcerated, and receive automatic restoration upon release.

The restoration of the right to vote upon release back into the community, gives individuals an opportunity for reengagement and a chance to be full members of our democracy. It is the type of engagement we should be encouraging as a society.

The ACLU of Indiana advocacy team built partnerships with re-entry organizations to help dispel inaccurate information. We look forward to working with these community partners to dismantle mass incarceration and its racial disparities. This effort was underwritten in part by a generous two-year grant from the Herbert Simon Family Foundation.

34 PERCENT
of Indiana's
incarcerated
population is Black,
compared to **9**
percent of the state
population.

ACLU Smart Justice



PROTECTING REPRODUCTIVE RIGHTS

IN THE COURTS

Justice for Women

The ACLU of Indiana won every battle in 2018 in four lawsuits, on behalf of Planned Parenthood of Indiana and Kentucky, concerning legislation that restricts access to abortions for women in Indiana. Two cases challenged portions of HEA 1337, including unprecedented restrictions attempting to ban a woman from getting an abortion based on her reason for seeking one.

The second provision challenged in HEA 1337 would require ultrasound examinations at least 18 hours before a woman obtains an abortion. If it were to go into effect, women could face two lengthy and disruptive trips, sometimes totaling more than 400 miles. The impact would be grave for low-income women who may not have their own vehicles and must make arrangements for transportation, childcare and job scheduling. During the limited period of time that the law was in effect, women served by PPINK faced severe burdens on their ability to obtain an abortion.

- One woman had not definitively learned that she was pregnant until she was almost at 10 weeks. Due to the wait time before she was seen for her first appointment and the ultrasound requirement that demanded additional delay and travel to a distant health center, by the time she was seen she was one day over the time limit for obtaining an abortion.
- A single mother with special-needs children called to schedule an abortion, but when she was informed of the lengthy travel that she would have to engage in to first obtain the ultrasound and then, on a different date, obtain the abortion, she indicated that she could not have two days so close to each other where she would have two six hour drives away from her children.

This burden is unacceptable, and the Seventh Circuit Court agreed, issuing a decision in PPINK's favor in late July 2018. The State of Indiana asked the U.S. Supreme Court to review our victories on behalf of women in both cases against HEA 1337. For updates on decisions visit www.aclu-in.org

IN 2018, ACLU OF INDIANA WON EVERY BATTLE IN FOUR
LAWSUITS CONCERNING REPRODUCTIVE RIGHTS



IN THE STATEHOUSE

Fairness for Reproductive Rights

Indiana politicians were determined to put their own political agendas ahead of women's health. Under the false guise of patient safety, Indiana legislators passed more restrictions on abortion that interfere with a woman's personal medical decisions.

SEA 340 singled out women and their health providers by requiring medical providers to report "all abortion complications" and imposing undue licensing and inspection requirements on abortion clinics. The bill was passed and the ACLU of Indiana immediately won a preliminary injunction to keep the law from going into effect.

In addition to tracking and opposing anti-choice legislation, ACLU of Indiana's Advocacy team also supported efforts to require that state employee health plans provide coverage for contraceptive products and services.

IN THE STREETS

Freedom to Choose

The ACLU of Indiana works on the ground with the Health Access Privacy Alliance (HAPA), supporting organizations such as Planned Parenthood of Indiana and Kentucky, to bring access to reproductive healthcare to women throughout the state.

THANK YOU!

The ACLU of Indiana team would like to extend our sincerest gratitude to our members, donors and volunteers. Thank you to every individual in our community who gives their talents, time or resources in the pursuit of justice. From fighting against legislative attacks on Hoosier women's reproductive rights, to amplifying the right to vote and doubling down on LGBTQ equality, our 2018 successes were only possible because of you. Your commitment to freedom matters and your support makes a difference.

To our many volunteers who represent the ACLU at community events and sort through mountains of intake – the rights of hundreds of Hoosiers' have been protected because of your dedication.

To the more than 32 Hoosier transgender activists who have joined our Trans Education and Advocacy Program, participated in our advocacy training and worked with us to build community and educational programs all over the state – we're so proud of the work we're doing together, and it wouldn't be possible without your commitment.

Finally, we are indebted to the thousands of Hoosiers who came out to the Families Belong Together rallies, the Indiana Women's March and many other protests throughout 2018. Your dedication to these issues raises awareness and holds legislators accountable here in Indiana and across the Nation.

THANK YOU TO OUR SPONSORS:

Christel DeHaan Family Foundation

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IN MEMORY OF

Our deep gratitude to Alice Bennett, former board president, and Leonard Goldstein, former board member, who passed away in 2018. They both were fierce advocates for the civil liberties of all. They spoke truth to power throughout their lives, even when the truth was not popular.

Our Staff, 2018

Jane Henegar, Executive Director
Ken Falk, Legal Director
Gavin Rose, Senior Staff Attorney
Jan Mensz, Staff Attorney
Michael Palmer, Legal Assistant - Paralegal
Neil Hudelson, Director of Philanthropy
Katie Blair, Director of Advocacy & Public Policy

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FINANCIALS

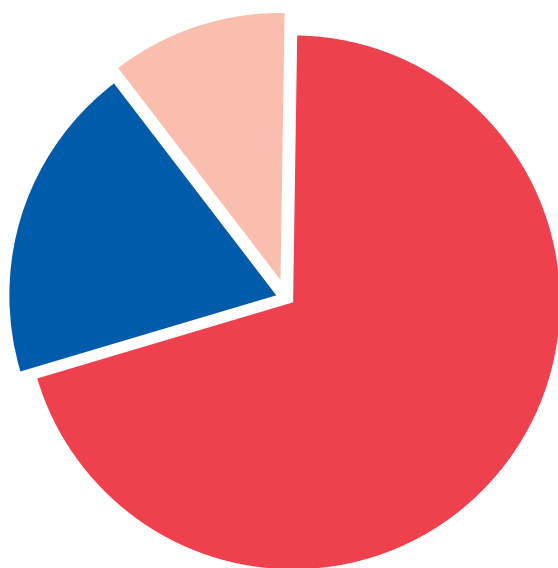
The ACLU of Indiana's creative and multifaceted strategies to protect justice, fairness and freedom for Hoosiers are made possible by the generous support of our donors and members.



EXPENDITURES

- Program Services: \$858,218
- Management and General: \$227,906
- Fundraising: \$105,802

TOTAL: \$1,186,926



REVENUE & SUPPORT*

- Fundraising, donations, and event income: \$2,481,195
- Other income: \$727,268
- Membership income: \$435,558

TOTAL: \$3,644,020

***Revenue includes pledges made in 2018 that will be received over several years.**

Combined budgets for the ACLU of Indiana, a 501(c)(4) tax-exempt nonprofit organization, and the ACLU of Indiana Foundation, a 501(c)(3) tax-exempt nonprofit organization, for the last fiscal year ending March 31, 2018. Audit statements will be available from the ACLU of Indiana office.

WE THE PEOPLE DARE TO CREATE A MORE PERFECT UNION

Beyond one person, party or side, every one of us can come together to make a difference in our community, in our state and in our Nation. Help us fight to ensure the promises of the Constitution are fully realized.

STAND WITH THE ACLU

TAKE ACTION

Change starts with you. Our volunteers and activists help turn the promises of the Constitution into reality. We are a people powered movement, fighting for justice, freedom and fairness for all.

Sign up for ACLU action alerts, stay connected with our work or volunteer your time to defend civil liberties at
www.aclu-in.org/act

Follow the ACLU of Indiana



@ACLUIndiana

LEAVE A LEGACY

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

MAKE A GIFT

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

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



STAND WITH THE ACLU

VISIT WWW.ACLU-IN.ORG