



ACLU

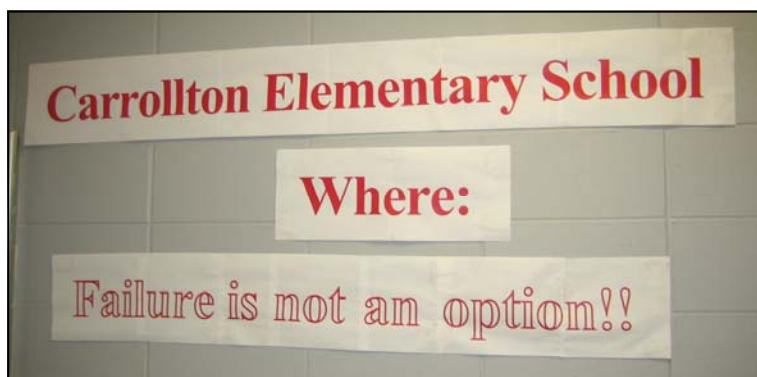
AMERICAN CIVIL LIBERTIES UNION
of ALABAMA

2009 ACTION PLAN

SPECIAL ADVOCACY PROJECTS

Working for Justice in the Education System

The ACLU of Alabama has a long history of working for equal opportunity and an adequate education for all schoolchildren. In Pickens County, we represent students and their parents in Alabama's long-running school desegregation case, *Lee v. Macon (Pickens County)*. In 2006, we helped parents in the small town of Carrollton preserve their community school by obtaining a federal court order requiring the school board to take action to make the long-neglected school a success. Now the defendants want the Court to end the case and cease its oversight of Pickens schools even though educational opportunities for African American children in Pickens County are substantially inferior to opportunities for white students.



Sign on display at Carrollton Elementary School.

The majority of schools in Pickens County, like many school systems in the state and around the country, are racially segregated. When poor children of color are isolated together in school systems in the hands of uncaring or unthinking decision-makers, inequities based on race are all too common. They are also unconstitutional.

The predominantly white high school in Pickens County offers the entirety of college preparatory classes; the black high school does not. Students at the white high school are offered remedial and enrichment classes; students at the black high school are not. Students at Aliceville - the black high school - are offered electives such as Introduction to Cosmetology, Nail Care and Application and Fashion Decisions. Students at the white high school are offered Journalism, Calculus, Latin and Shakespearean Drama. Black students across the system are offered less meaningful vocational courses than white students, and black students at the predominantly white high school are more likely to be "tracked" into the less challenging science and math courses. Teachers at Aliceville are more likely to be untenured and less qualified than teachers at Gordo, the white high school. A simple look at the facilities at the two schools makes obvious which students the School Board favors. These are a few of the dramatic disparities that have led inevitably to African American students scoring lower on standardized tests, dropping out at higher rates than white students and graduating from high school with less meaningful diplomas.

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The ACLU of Alabama will continue the fight for equality in education for all of Alabama's schoolchildren in 2009 and beyond.

Working for the Rights of Immigrants

The Constitution applies to everyone within the borders of our country, not just U.S. citizens. The government can legitimately control its borders but must respect the rule of law.

In Alabama, the need for the ACLU to respond to Constitutional violations against immigrants is growing rapidly. In 2008, we have focused our efforts on ending the indefinite detention of men and women imprisoned in two new facilities built in Etowah and Perry counties specifically for federal civil immigration detainees. Combined, these facilities hold close to 2,000 people. Many of these prisoners are held in direct violation of U.S. Supreme Court rulings declaring that people who cannot be deported to their home countries and who pose no danger to society cannot be held for more than six months. Yet, such detentions without end continue in Alabama and all over the country. In the last year we have helped men and women from Guinea, Ivory Coast, Liberia, Yemen, China, Gambia, Mali, the Congo, Niger, Haiti and Sierra Leone fight their illegal imprisonment.

Locked out of sight and isolated from their families and communities, these prisoners are vulnerable to a wide range of abuses. Poor medical care is a problem at both facilities. At the Etowah facility detainees are totally without access to fresh air or outside exercise. The only time they feel the sun is when they stand in a shaft of light that comes through small slits in the concrete walls a few minutes each day when the weather is good.

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In 2009 we will continue to represent immigrants illegally detained in Alabama and fight for improvements in their living conditions.

Our Work to End the Inhumane and Discriminatory Treatment of HIV+ Prisoners

For the last two years, the ACLU of Alabama has worked to bring an end to the unlawful treatment of state prisoners with HIV. Through many months of dialogue with the Commissioner of the Department of Corrections, we have achieved much of what we set out to do.

Prior to our intervention, Alabama was the only state in the nation that segregated prisoners with HIV from the general population in terms of their participation in educational and jobs training programs, access to religious services, visits with their families, opportunity for exercise, chances to hold prison jobs and the opportunity to attend substance abuse classes. In these programs, HIV+ prisoners were separated from other prisoners and stigmatized. In most cases, the opportunity to take advantage of these programs for HIV+ prisoners was not just separate, it was far inferior to that of the other prisoners. Alabama's Department of Corrections also prohibited prisoners with HIV from participating in work release, a program that can be vital for people trying to make the transition to the free world. All programs except work release have now been integrated through our efforts; the prohibition on work release remains in place.



Dana Harley, HIV+ inmate and advocate for justice for the women at Tutwiler Prison.

In short, for decades HIV+ prisoners served longer sentences and harsher sentences than other prisoners for no reason other than their HIV+ status. Through our intervention, most of those policies have been turned around. Now we must continue to monitor the changes that have been made and advocate for a reversal of policies excluding HIV+ prisoners from work release.

Preserving Reproductive Freedom

The ACLU fights for reproductive freedom so that women have the support they need if they want to have children, have meaningful access to birth control and the right to a safe and legal abortion if needed. We also advocate for sex education in our public schools that gives students the information they need to make healthy decisions.

Reproductive freedom is constantly under serious threat in Alabama and the nation. In Alabama, like many states, abortion clinics have been singled out and - regardless of the safety record of the facility - required to meet new standards that providers of analogous medical care are not required to meet.

Anti-choice bills are introduced every year in the Alabama Legislature, including outright bans. In response, the ACLU-AL helped to form RHECA, the Reproductive Health and Education Coalition of Alabama. RHECA's mission is to preserve access to reproductive health care for women and to promote accurate age-appropriate sex education. One focus of the ACLU's efforts in 2009 will be work to expand the coalition so that we can better address threats to the right to choose.

Unlocking the Vote: Restoration of Voting Rights for Ex-Felons

Working in coalition with other groups, the ACLU of Alabama succeeded in getting a law passed in 2003 which established a simple fair process for restoring voting rights for most ex-felons who have completed their sentence and paid their fines. Prior to passage of the new law, Alabama had the second highest disenfranchisement rate in the country with one out of seven adult Alabamians disenfranchised, included a staggering one out of three adult African-American males. 241,000 Alabamians were estimated to be disenfranchised due to felony convictions when the law passed.



ACLU-AL's Sam Brooke explains the process of restoring a person's right to vote.

A 2005 Attorney General's opinion has created confusion about which felons the 2003 law applies to and which felons should never have lost their right to vote. It is critical that this confusion be cleared up so that there is a statewide standard for voter eligibility. Earlier this year, we filed a lawsuit in Montgomery County Circuit Court to address this problem. We have also developed materials to inform felons, ex-felons and their communities about their rights. The materials are in wide use around the state. In 2009, we will continue to pursue *Baker v. Chapman* to bring more clarity and fairness to Alabama's voting system. We will also continue our campaign to speak publicly on this issue so that people understand their rights.

ONGOING ADVOCACY

Safeguarding Free Speech and Assembly Rights

We receive requests for help every year from groups wanting to hold peaceful demonstrations, marches and community meetings who are being discriminated against by local governments or institutions because of the viewpoint of the group. We respond to every complaint, resolving them without litigation when possible, through litigation when necessary.

Earlier this year, University of Alabama students and others put on a brief peaceful skit against the Iraq war in the University's student center. Afterwards, two of the students along with a student from the University of North Carolina and an Iraqi war veteran who participated in the skit were detained and interrogated for more than four hours by University security and law enforcement officials. They were subsequently arrested on criminal charges of disorderly conduct. The two Alabama students were also charged with numerous violations of the university code of conduct. Possible penalties for these violations include expulsion.



Clients (left to right) Christine Jackson, Jason Hurd, Alyse Deller and Jeremy Miller.

Along with lawyers for the Alabama Chapter of the National Lawyers' Guild, the ACLU of Alabama won acquittals for the four protestors on the state charges. The university charges have since been dismissed.

It is vital that we continue to intervene swiftly when there are such constitutional violations. Otherwise, government officials will get the message that it's okay to fashion their own criteria about who speaks and who does not.

Preserving Religious Liberty

The ACLU of Alabama has challenged every serious violation of the separation of church and state and denial of religious liberty rights in Alabama in the last 30 years. The body of law our efforts have created has defined the wall that should separate church and state in Alabama, and has restrained government officials substantially.

Despite these victories, the tendency of Alabama officials to cross the line runs deep. We intervene in four to six serious violations in public schools every year and typically remedy the problems without expensive long-running litigation.

We must always be ready to respond to these violations, without litigation whenever possible, with litigation when necessary. Otherwise, the line that preserves our religious freedoms will be crossed more frequently and more egregiously.

Advocating for the Rights of Gay and Lesbian Alabamians

The ACLU works for equal treatment of lesbian, gay, bisexual and transgendered (LGBT) Alabamians.

This means no discrimination by the government or in employment, housing, school or public places.



ACLU-AL staff, members and supporters march in the annual Central Alabama Pride Parade in Birmingham.

Protecting the rights of LGBT parents and their children is central to achieving equality for all LGBT people. Alabama courts routinely deny child custody and visitation rights to LGBT mothers and fathers solely on the basis of their sexual orientation. The Alabama Supreme Court has issued particularly disturbing religiously-based rulings against LGBT parents making Alabama law the worst in the country.