



ACLU-AL and ACLU-AL Foundation 2007 Work Plan

Preserving Religious Liberty

We have challenged every serious violation of the separation of church and state and denial of religious liberty rights in Alabama in the last 30 years. This body of work has defined the wall that should separate church and state in Alabama, and has restrained government officials substantially.

Despite our victories, the tendency of Alabama officials to cross the line – in schools and other public facilities – runs deep. We have intervened in a half-dozen serious violations in public schools in the last year, which is typical. The good news is that we remedied these problems without expensive long-running litigation.

We must remain ready to swiftly respond to such violations, without litigation whenever possible, with litigation when necessary. Otherwise, the line will be crossed more frequently and more egregiously. It is also critically important to do more public education about this seriously misunderstood issue and to do it more effectively. Otherwise, we will likely fight the same battles over and over again.

Preserving Reproductive Freedom

Access to safe and legal abortion is seriously threatened. State legislatures around the country enacted 58 measures restricting abortion in 2005, twice as many as the previous year. Proposals to ban the procedure have been introduced in twelve states this year.

In Alabama, nine anti-choice measures were introduced in the 2006 session, including a ban. Although we were successful in preventing all bills from passing except one, we should expect as many if not more anti-choice measures to be introduced in 2007 and a stronger determination to pass them. It also appears that there will be a new source of threats to reproductive freedom in the legislature; some Democrats, including Seth Hammett, Speaker of the House, have formed a coalition which has announced a plan to pass a proposed constitutional amendment affirming that “all life is a gift from God and should be protected and that life begins at conception.”

Reproductive freedom is a fundamental right under attack and a core issue for the ACLU. We must redouble our efforts if we are to preserve choice in Alabama.

Working for Equal Rights for GLBT Alabamians

A particular area of concern for us is the Alabama courts’ denial of child custody and visitation rights to gay and lesbian mothers and fathers solely on the basis of their sexual orientation. The Alabama Supreme Court – first with Roy Moore as Chief Justice and now with Tom Parker on the Court – have issued particularly disturbing religiously-based opinions against gay and lesbian parents. Hands down, the law in Alabama on child custody and visitation is the worst in the country.

We receive numerous requests every year to intervene in such cases at the trial and appellate

levels. These mothers and fathers are often desperate for help. We assist in as many cases as we can, either by working with attorneys who are already on the cases or representing the mothers and fathers directly.

We also expect more anti-gay rights bills to be introduced in the 2007 legislative session, including a bill to prohibit gay and lesbian Alabamians from becoming adoptive parents. We plan to work in collaboration with other civil rights groups to fight these measures and educate the public about the lives and families of the GLBT community.

Working for Racial Justice

The Alabama ACLU has a long history of working for equity in public education, especially for poor and racial minority students. We currently represent Pickens County students and their parents in Alabama's long-running school desegregation case, *Lee v. Macon* (Pickens County). In this case, we have worked with parents and residents of the town of Carrollton to preserve their community school and obtain a federal court order requiring the school board to take action to make the long-neglected school a success. We are monitoring Pickens County's compliance with the orders of the court and will continue to advocate for fairness in the allocation of education resources and the treatment of minority students around the state.

The immigrant population in Alabama is growing rapidly and so are the requests for us to intervene in instances of racial profiling and other forms of discrimination. In the last few years, we have represented people targeted by the FBI for questioning during the massive nationwide roundups of Middle Easterners and South Asians; provided "Know Your Rights" talks to these communities about their constitutional rights; and worked to stop racial profiling on the highways by Alabama State troopers who, under the guise of fighting terrorism, are stopping Latino immigrants who are here only to make a better life for themselves and their families. We are now working for the release of people being held indefinitely in the new federal detention center in Etowah County in violation of two U.S. Supreme Court rulings. Many of the detainees – who are from all over the globe – are the "disappeared," picked up by the government in the post-9/11 era, people whose families even have trouble getting information about them. Our country needs comprehensive immigration reform. In the meantime, immigrants have constitutional rights that need defending. Our attention will be needed in this area increasingly over the next few years.

Advocating for the Humane Treatment of Prisoners

The conditions in prisons and jails across Alabama are abysmal. Conditions in jails are particularly appalling and almost totally ignored by the outside world. Many prisoners in jails around the state suffer from serious medical neglect. Malnutrition and untreated diseases such as Hepatitis C and MRSA, a staph infection which can be life-threatening if not properly treated, are ordinary occurrences. Filthy conditions are the norm. Acute mental health needs are commonly ignored. Cruel and medically unacceptable use of isolation is all too common. Overcrowding is nearly universal.

The only viable way to have a major impact on these situations is through litigation, the cost of which exceeds our current budget. We do what we can each year without litigation. This means reviewing hundreds of letters of serious complaint and intervening in as many of the most egregious situations as possible by contacting jail officials to let them know we are paying attention. Although our efforts on behalf of individual prisoners are often successful, the horrific systemic conditions which affect thousands continue. We hope to identify the financial resources required for litigation in the future.

Safeguarding Free Speech and Assembly Rights

Local governments in Alabama persist in their violation of free speech and assembly rights. We receive complaints every year by groups and organizations seeking to hold peaceful demonstrations, marches and community meetings who are being discriminated against by city governments because of the viewpoint of the group.

We respond to every complaint, resolving them without litigation when possible, through litigation when necessary. Two recent examples are our representation of a Montgomery anti-war group seeking to demonstrate against President Bush, and peace activists in Decatur wanting to protest a visit by Vice-President Cheney.

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

Making the Right to Vote a Reality for Ex-felons Who Have Paid Their Debt to Society

Working in coalition with other groups, we succeeded in getting a law adopted that restores the right to vote to most ex-felons in the state who have completed their sentence and paid their fines. In the fall of 2003, at the time the law was passed, approximately 241,000 Alabamians had lost their right to vote due to felony convictions. These 241,000 people included a staggering one out of three adult African-American males in the state.

After passage of the 2003 law we launched a massive statewide outreach campaign so that ex-felons, their families and communities would know about their newly won rights. Since adoption of the new law in December 2003, over ten ex-felons a day have applied to have their voting rights restored.

A 2005 Attorney General's opinion and recent litigation the opinion sparked have caused confusion about which felons need to go through the process provided in the new statute to get their voting rights back and which felons do not have to go through the process because their right to vote was never lost. We need to stay on top of these developments and continue our outreach efforts so that the 2003 restoration law will be more than a paper promise for the many thousands of ex-felons who have paid their debt to society.

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The ACLU of Alabama is comprised of two separate corporate entities: the ACLU of Alabama and the ACLU of Alabama Foundation. Although these two entities are part of the same overall organization, it is necessary to have two separate organizations in order to do the broad range of work required to protect civil liberties. Although there is some overlap in the work done by each organization, certain activities are done by one and not the other. The ACLU of Alabama engages in the legislative efforts described above. The Foundation typically works in the courts and carries out public education activities.