

ACLU Of Ohio 2011 Year In Review



A Letter From the Executive Director

Dear Friends,

In 2011, “resistance” was the rallying cry in Ohio’s fight for civil liberties.

We faced a state administration more hostile to civil liberties than any in a generation. The weakening economy put strains on the rights of thousands of Ohioans — particularly women, people of color, lower income populations, and the elderly.

The ACLU of Ohio dug in its heels. We developed an aggressive plan to protect our most fundamental rights.

It was so simple, yet so effective. We proceeded on three fronts:

- **Educate.** The ACLU of Ohio worked to reach every person possible in the state of Ohio, to tell them about efforts to undermine voting rights, the growing crisis in our state’s prisons, and many other challenges to civil liberties.
- **Advocate.** ACLU of Ohio staff and volunteers worked tirelessly to communicate to lawmakers the necessity to place civil liberties first when passing laws.
- **Agitate.** Armed with information, members of the ACLU throughout Ohio made their voices heard and spoke out about the need to defend our rights.

So many civil libertarians across Ohio joined our fight. Thousands contacted their legislators, wrote their local newspapers, voted with their voices and their feet. Together, we slowed down or shook up the dismantling of fundamental rights.

The people spoke, and their message was clear: “We want our rights and liberties to remain intact!”

The year and the work are far from over. As you read this, a historic example of popular protest is underway. Activists across the state and across the country are exercising their free speech rights to protest economic disparity. The ACLU is advising the protesters about their rights, and ensuring their voices are heard.

The ACLU of Ohio’s victories in 2011 portend well for the future. We remain the strongest defense for Constitutional rights, thanks to your support.

What follows is just a sampling of the ACLU of Ohio’s work in the past months. There is much left to do. Join us, as the fight for civil liberties continues.



Christine Link,
Executive Director
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2011 Priorities

Voting rights and criminal justice are the ACLU of Ohio's two priorities in 2011. These are the issues of our time for Ohio, and every year they go unaddressed thousands are deprived of their liberty and their voice, millions of dollars are wasted, and our society is weakened. Protecting every Ohioan's vote and reforming our broken criminal justice system are the essence of the fight for civil liberties.

The Right Wing Strategy to Destroy Effective Elections

In 2011, the Ohio General Assembly passed legislation that would:

- Drastically cut the time frame for early in-person voting from five weeks to two weeks;
- Prevent counties from mailing absentee ballot applications to residents; and
- Eliminate the requirement for poll workers to help voters find their right precinct.

But that's not all. **If the OGA had its way, no one in Ohio would be allowed to vote without a state or federally issued ID.**

Thanks to the efforts of thousands of ACLU members who called and wrote their elected officials, this ID provision was scuttled.

And thanks to the efforts of the ACLU, its members, and partner agencies, a referendum is underway to put the drastic vote-suppressing changes on the 2012 ballot.

The vote in Ohio wants to be free! We must keep working together to keep it that way.



2011 Priorities

Criminal Justice:

Protecting Freedom, Saving Ohio \$50 Million

2011 was a year of triumphs for criminal justice reform. Thanks to the efforts of the ACLU of Ohio, private prisons were prevented from getting a tax-free ride. We saved Ohio taxpayers a staggering \$50 million that would have otherwise remained in the pockets of prison profiteers.

With the help of ACLU members and volunteers, conversations with policy makers yielded smart legislation that increased the time prisoners can earn towards early release; eliminated crack-cocaine sentencing disparities; and increased diversion programs for low-level drug offenders.

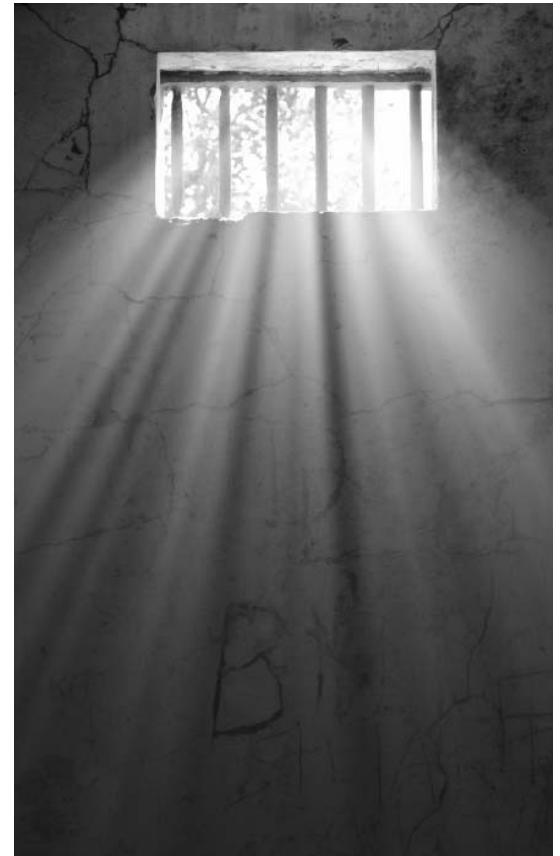
But What About the Kids?

Did you know...

- In Ohio, most children in detention unknowingly waive their right to an attorney?
- Shackling of kids in Ohio is routine — whether the child is in danger or not?
- The state of Ohio is mandated to charge children, charged of certain crimes, as adults?

Thanks to the ACLU of Ohio, progress was made in protecting the rights of juveniles. In 2011, the Ohio General Assembly passed legislation which made needed changes to Ohio juvenile justice and criminal justice systems. The legislation focuses on restoring discretion to Ohio juvenile court judges to treat children on a case-by-case basis.

With the involvement of every member, the ACLU of Ohio will continue to resist the notion that the rights of those in the criminal justice system — especially kids — can be written off.



2011 Priorities

Take the Drug Test

Which of the following is true?

- Whites use and sell drugs more than African Americans.
- African Americans use and sell drugs more than whites.
- Whites and African Americans use and sell drugs at a similar rate.

The answer, believe it or not, is “C.”¹ African Americans in Cuyahoga County are more likely to be convicted of a felony drug offense. Suburban and out-of-town whites are more likely to receive a misdemeanor plea deal and access to diversion programs.

The ACLU of Ohio is committed to:

- Changing misconceptions about drug use, based on race
- Making drug laws equitable — no one should receive harder time based on the color of their skin.
- Persuading lawmakers to introduce diversion programs for drug offenders. Too many drug users are plunged into a cycle of incarceration and despair, when their lives — and thousands of tax dollars — can be saved through effective treatment.

Thanks to the support of members around the state, in 2011 we were successful in convincing lawmakers that this legislation should be passed. Now, increased diversion programs for low-level drug offenders is the law of the state.

¹ Human Rights Watch report “Race, Drugs, and Law Enforcement in the United States” published in the Stanford Law and Policy Review, www.hrw.org/news/2009/06/19/race-drugs-and-law-enforcement-united-states

“Ohio detains and incarcerates a greater percentage of its adolescent population than two-thirds of the 50 states and the District of Columbia .”

- Reform Cannot Wait:
A Comprehensive Examination of the Cost of Incarceration in Ohio from 1991-2010

Critical Civil Liberties Battles For Ohio

Free Speech: Threatening Texts, SLAPPS in the Face and Members-Only Parades

What says “civil liberties” more than the fight for free speech? A quintessential American right, it also threatens those in power. It’s no surprise that free speech continues to be suppressed.

- In 2011, a number of Ohio communities proposed prohibitions for social media use that may result in criminal activity (i.e. “flash mobs” — groups organized through social media to suddenly meet in a set location). These proposals are overbroad, potentially criminalizing protected speech, and are unnecessary, as the acts that cities seek to punish are already crimes.
- With election season around the corner, the effort to favor incumbents continues. In 2011, that took the form of “members-only parades”: towns across Ohio have restrictions that either ban campaigning or limit it



to incumbents. These policies restrict political speech and prevent candidates for public office from exercising their First Amendment rights.

- Usually, the ACLU defends individuals against government intrusions into their civil liberties. Occasionally, the right to free speech is more

personal; for example, SLAPP suits (strategic litigation against public participation). In these cases, corporations or individuals sue a member of the public, often alleging they were defamed, in order to intimidate the defendant into keeping quiet.

Critical Civil Liberties Battles For Ohio

Open Government: Ohio Under Lock and Key

The ACLU of Ohio believes that openness of government functions and actions allows for increased public awareness, a higher level of efficiency and accountability, and a deeper sense of trust between leadership and the community.

Governor John Kasich shattered that trust early in his administration, when he restricted members of

the press from recording his announcement of his biennial budget in March.

He went a step further when his administration privatized the state's Department of Development, which was renamed JobsOhio. JobsOhio is allowed to operate secretly, with only quarterly public meetings, and is exempt from parts of state public records laws.



LGBT Rights: Victories — and More Challenges — For One of the Greatest Civil Rights Battles of Our Time

2011 saw the repeal of “Don’t Ask, Don’t Tell.” The discriminatory military policy officially ended on September 20th, undoing nearly twenty years of government-sponsored discrimination.

Meanwhile, New York became the sixth state to grant same-sex couples the right to wed.

In Ohio, the ACLU fought censorship by the Columbus City Schools as part of

the national “Don’t Filter Me” initiative, which seeks to combat illegal censorship of pro-LGBT information on public school computer systems.

The ACLU of Ohio also urged Governor John Kasich to reconsider his decision to eliminate gender identity and expression from an executive order prohibiting discrimination against state employees.



Critical Civil Liberties Battles For Ohio

Reproductive Rights: This is What “Less Government” Looks Like?

The 2010 elections swept in a wave of elected officials who campaigned on the promise of “smaller government.” Yet one of the first acts by state legislators in 2011 was to introduce a laundry list of legislation designed to undermine reproductive rights in Ohio.

- Local public employee insurance plans were barred from covering abortions.
- Prohibitions were placed on public hospitals, prohibiting them from providing abortions, except in cases of reported rape or incest or to save the life of the woman.
- H.B. 78 banned abortion at 24 weeks without an adequate health exception for the mother or exceptions for rape and incest. The bill also requires viability testing at 20 weeks gestation. However, there is no medically recognized procedure for determining the viability of a fetus between 20 and 24 weeks.



Other bills that would place additional restrictions on women’s rights have also been introduced, including:

- The Heartbeat Bill (if passed) would prohibit abortion once there is evidence the fetus has a heartbeat, which can be detected as early as six weeks gestation.
- Insurance Coverage: Under the federal health care reform law, states are allowed to outlaw abortion coverage from plans that participate in the newly created insurance exchange. H.B. 79 would do just that.
- Judicial Bypass Restrictions: H.B. 63 and its companion bill, S.B. 8, would further complicate the procedure for minors to obtain a judicial bypass to have an abortion.

Critical Civil Liberties Battles For Ohio

Religious Liberty: Preventing the Miseducation of Ohio's Students

The ACLU of Ohio celebrated a victory in 2011 when the Springboro School District dropped its plan to add creationism to its curriculum after the ACLU objected.

This issue is a clear example of the long fight for civil liberties, and the need to remain vigilant on issues that seem settled. Eighty-six years after the Scopes Monkey Trial, and six years after U.S. District Judge John E. Jones delivered the landmark decision against the teaching of "intelligent design" in Dover, Pennsylvania,



members of the Springboro district's Board of Education requested officials

explore ways to integrate creationism into the school's curriculum.

Immigrant Rights: Preying On The Weakest Among Us

Freedom of expression. Innocent until proven guilty. Protection from unreasonable search and seizure. These essential civil liberties form an American tradition.

Unfortunately, another American tradition is targeting immigrants during times of heightened political

tension and economic uncertainty. The rights enumerated above are often denied those who seek a new home in America.

In February 2011, legislation was introduced that would allow local police in Ohio to enforce immigration laws, potentially leading to mistaken arrests, racial

profiling, and the misdirection of funds from basic protective services.

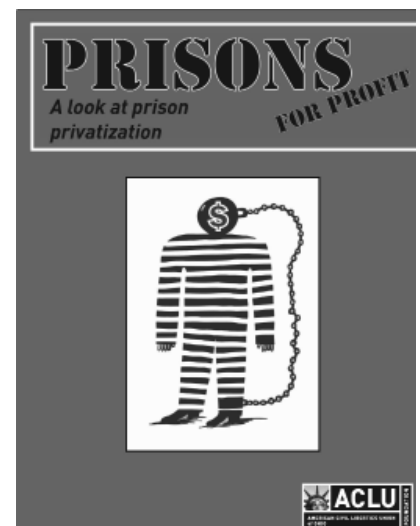
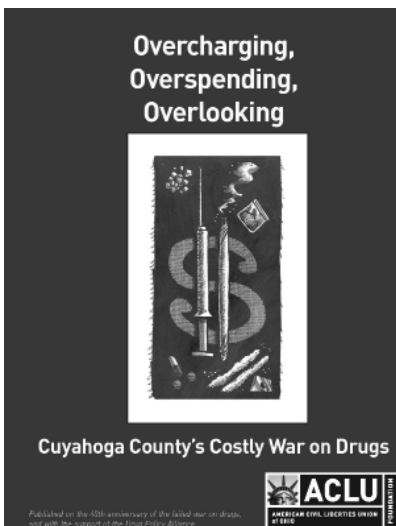
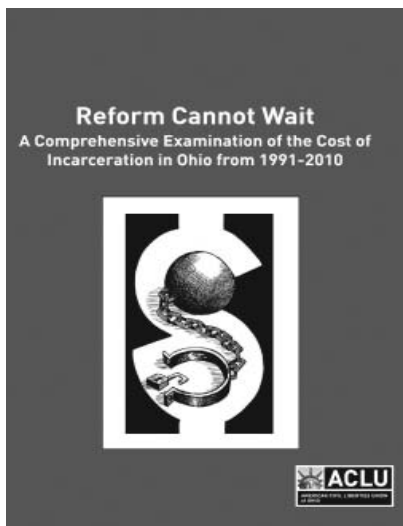
The ACLU of Ohio is committed to fighting this law, and ensuring that basic rights are extended to all who live in our state.

The Civil Liberties Tool Kit

Persuasive Policy Reports

In 2011, the ACLU of Ohio consciously directed its efforts towards integrated advocacy — a strategy of focused research, education and policy reform efforts. The following reports played a significant part in this effort. They are the result of the collaborative efforts of staff, law clerks, and volunteers.

- Many of the commonsense criminal justice reforms passed in 2011 were suggested in the ACLU of Ohio report, “**Reform Cannot Wait: A Comprehensive Examination of the Cost of Incarceration in Ohio from 1991-2010.**”
- In June, the ACLU of Ohio released “**Overcharging, Overspending, Overlooking: Cuyahoga County’s Costly War on Drugs.**” The report was made possible with support from the Drug Policy Alliance. It looks at the impact these policies have had on Cuyahoga County, and echoes a 2008 report commissioned by Citizens for a Safe and Fair Cleveland.
- In 2011, the ACLU of Ohio also released “**Prisons for Profit: A look at prison privatization.**” The report examines the problems faced by other states when they have privatized their prisons system. While yielding little cost savings, privatization poses substantial security and financial risks in communities that have housed them.



Please feel free to contact the ACLU of Ohio at contact@acluohio.org, if you would like a copy of any or all of these reports.

The Al Stern Legislative Institute

One of the ACLU of Ohio's strongest tools in 2011 is the Al Stern Legislative Institute. This program:

- Provides resources for grassroots legislative training across Ohio.
- Strengthens the ACLU's mission by supporting staff devoted to lobbying and the recruitment, cultivation and training of grassroots and grassroots advocacy volunteers.
- Allows the ACLU to recruit a non-partisan slate of speakers to inform and inspire staff and volunteers across the state.
- Educates the ACLU of Ohio's membership about the importance of advocacy to its core mission.

Stern Institute participants help elected officials understand the importance civil liberties play in our society. These interactions result in better laws to protect our constitutional rights.

The ACLU of Ohio is grateful to the Stern family for support in creating this program, and the many volunteers who worked with ACLU staff to make our efforts a success in 2011.



Our mission:

To aid in maintaining and extending constitutional and other fundamental rights, liberties, privileges, and immunities, and to take all legitimate actions in furtherance of that object without political partisanship.

Our vision:

We envision Ohio as a free, safe and just society where civil liberties are secure for all.

Our core values:

Respect, diversity, integrity, courage and justice.

Professor Susan Becker, President
Christine Link, Executive Director
James Hardiman, Legal Director



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The ACLU of Ohio Foundation is a proud member of Community Shares in Greater Cleveland, Mid-Ohio, and Northwest Ohio.