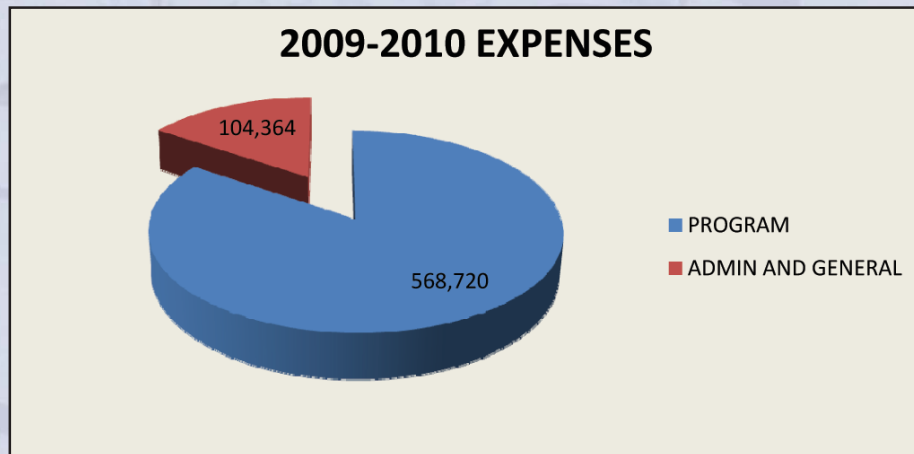
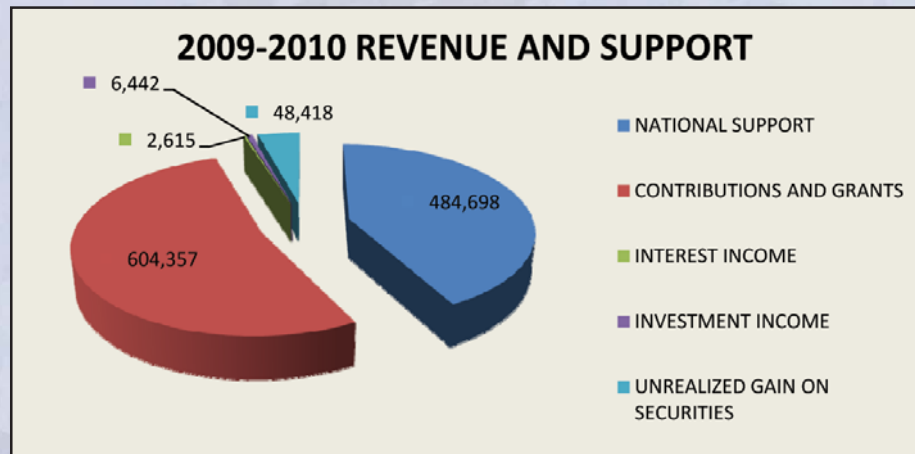


## ACLU of Mississippi Foundation Operating Income and Expenses



## A message from the director...

Greetings ACLU of Mississippi members:

Thank you for your continued dedication to civil liberties in Mississippi. I hope that you enjoy reading about our recent accomplishments. This fiscal year has represented one of much reflection and growth for the board and staff as we continue to shape our identity. Who is the ACLU of Mississippi? Who are our constituents? Who are our members? Are they the same? What traditions from the past 40 years should we continue? What new traditions should we start?

This reflection led to the new vision statement you'll see inside this report. The statement lays out our amazing accomplishments this year, and our enthusiasm in facing the challenges that the next year will bring.

In 2011, the Mississippi Legislature took a powerful first step toward providing our students with life-saving information regarding sexual health by passing a bill requiring school districts to adopt policies to teach abstinence-plus or abstinence programs. Although the ACLU advocates for comprehensive sex education, this new law gives school districts the ability to choose to teach comprehensive sex education, if they wish.

We also achieved very important legal victories this year. *Carter v. City of McComb* and *Cooley v. Forrest County Detention Center* send clear messages to employers about the rights of workers. These cases dealt with religious liberty and sexual orientation discrimination, respectively. Another high-profile case, *Ashford v. City of Moss Point*, holds law enforcement accountable to respecting the human rights of citizens.

Our most important work, however, is empowering Mississippians to understand their rights and fight for them. This year, we continued to train adults and youth throughout the state about their constitutional rights and how to ensure government is accountable to them.

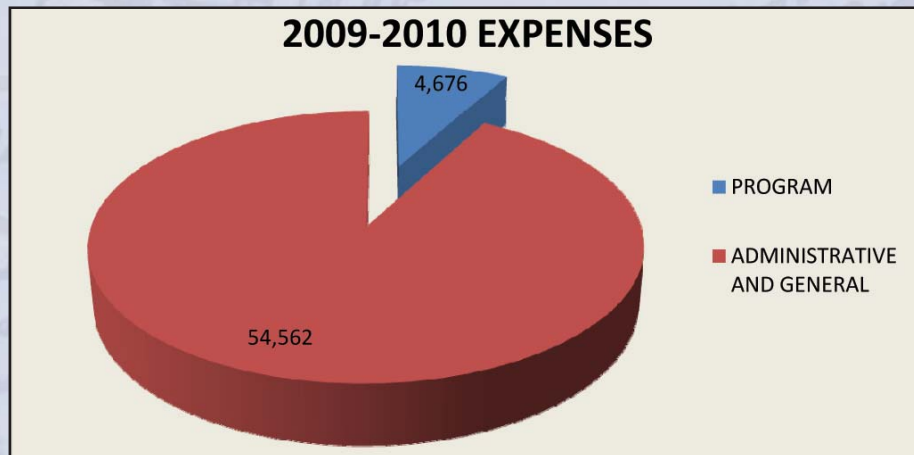
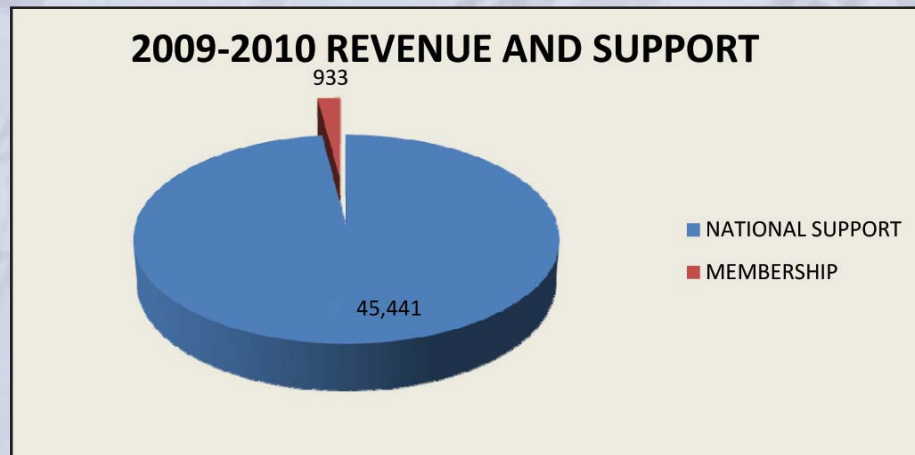
As we move into this next year, your continued support is needed to keep up the good fight. Upcoming ballot initiatives -- Personhood and Voter ID -- threaten core civil liberties in this state, and we anticipate even more regressive ballot initiatives and legislative proposals.

Please stay with us as we continue to make a better Mississippi.

Stand Up for Freedom!

*Nsombi Lambright*

## ACLU of Mississippi Affiliate Operating Income and Expenses





## A message from the board chairman...

Dear ACLU Members:

After serving on the board for over 20 years, I remain proud to serve such a significant organization. We continue to take on critical challenges in a state well known for its oppressive policies and practices. The recent 50th Anniversary of the Freedom Rides was a bittersweet reminder of Mississippi's turbulent history -- how far we've come; how much farther we have to go.

As president of the Board of Directors, I work hand in hand with Nsombi Lambricht to ensure our Mississippi office has a strong foundation for fighting civil liberties battles and creating a new Mississippi.

We have effective staff in place in core areas of our organization: a legal director, an administrative director, financial management director, a communications manager and a program director. We also work to recruit and train board members who are committed to the mission of ACLU of Mississippi. Our board provides fund-raising, legal and advocacy support. Our board also benefits from workshops and retreats that ensure our fiscal fitness and our organizational compliance with federal and state rules.

As the election season approaches, let us make sure our votes both reflect our vision and empower our citizens. Let us create a Mississippi far removed from the brutal image etched in the American psyche when Freedom Riders first began their struggle for racial justice. We want Mississippi to become a leader in education, social justice reform and progressive policies. Please continue to support us through your membership, donations and attendance.

We represent you. Stay involved!

*Isaac K. Byrd*

### Members of the ACLU of Mississippi Board:

Isaac K. Byrd, President

Jim Powers, Vice President

Alison Steiner, National Board Representative

Derrick Johnson, Affirmative Action Officer

Steve Silberman, Treasurer

Tom Head, Secretary

Sam Arnold

Cindy Barton

Andy Guerra

Sheila Hailey

Katrina Byrd

Charles Holmes

John Horhn

Ashley McKay

Gary Silberman

Desiree Steptau-Watson

Mary Troupe

### Incoming 2011 Board Members

Olga Osby

Duncan McCullough

Kimberly Jones

Michelle Colon, Foundation Board Member

## The ACLU of Mississippi Staff



**Nsombi Lambricht**  
Executive Director



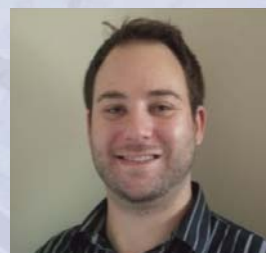
**Bear Atwood**  
Legal Director



**Nancy Kohsin-Kintigh**  
Programs Director



**Sophia Hale Harmon**  
Director of Administration



**David Denney**  
Youth Advocacy Coordinator



**Nikita Thomas-Flowers**  
Legal Assistant



**Mattie Wilson-Stoddard**  
Assistant to the Executive Director



**Shelia Byrd**  
Communications Manager

## The ACLU of Mississippi Interns



**Jamelia Morgan**  
Yale Law School



**Walter Bennett**  
Gupton-Jones College of Funeral Services



**Riz Barkatullah**  
Mississippi College School of Law



## Religious Liberty

Beverly Carter, an office manager for the City of McComb Fire Department, requested in 2004 to use her leave time to take every other Friday off to attend Islamic services. She attended religious services in this manner until 2008, when a new fire chief was hired. Then, her religious accommodation request was denied. Carter filed a complaint with the U.S. Equal Employment Opportunity Commission. Three months later, she was fired. She then filed a retaliation complaint with the EEOC. The federal commission found Carter's complaints "established reasonable cause to believe that (she) was discriminated against." The ACLU of Mississippi took on the case in 2010, and reached a settlement that included a monetary award. Religious liberty is a primary issue for the ACLU of Mississippi. Freedom of religion is one of the rights guaranteed by the U.S. Constitution. However, an infringement could also include government involvement. That was the case in another lawsuit filed by the ACLU of Mississippi in 2010. The ACLU sued the Mississippi Department of Human Services, challenging the state agency's practice of including religious and Christian messages in an abstinence summit that received federal funding. The abstinence summit violated the Establishment Clause of the First Amendment, which requires strict separation between church and state. The suit was dismissed in U.S. District Court after DHS agreed to stop including religious messages in the program.

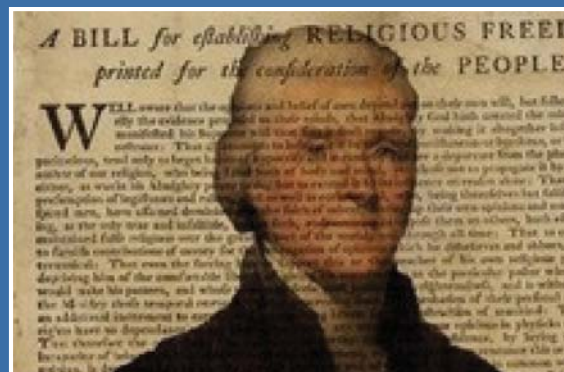
### ACLU CLAIMS VICTORY IN SCHOOL PRAYER COMPLAINT

In August 2011, the American Civil Liberties Union and the ACLU of Mississippi claimed a victory in a school prayer case in the Marshall County School District. The ACLU represented an H.W. Byers Elementary School student and his family as they challenged the district's unconstitutional sponsorship of prayer at school events and promotion of religious activities and messages. The family had been subjected to school-sponsored prayer and other religious activities in violation of the Establishment Clause of the First Amendment, which prohibits the government from promoting religious beliefs or exercise. The child's mother, Stephanie Berry, said public school is not the place for her child to learn about Christianity. "I'm Christian, but I believe it's my job as a parent to teach my child religious beliefs at home and at church," Berry said. After the ACLU sent a series of demand letters, the district agreed to stop the religious activity and school-sponsored prayers.



The First Amendment: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people to peaceably assemble, and to petition the government for a redress of grievances.

The ACLU fights to protect everyone's religious liberties.



## NEW VISION STATEMENT

*In Fall 2010, the ACLU of Mississippi developed the following new vision statement:*

*The ACLU of Mississippi will ensure constitutional rights, civil liberties, and human rights for all Mississippians by supporting strong, empowered communities, which have full access to government. We shall be known for bringing all voices to the table through sustainable organizing, litigation and policy reform. We will be a catalyst for sustainable, forward thinking policies and legislation that protect and advance constitutional rights and freedoms in this state. The ACLU of Mississippi will succeed by leading the defense and advancement of human dignity, equality and justice.*



Teen organizers for the 2011 Hip Hop Summit, a dropout prevention event that drew over 600 registrants.

## Youth Justice

The ACLU of Mississippi and its co-counsel, the ACLU Racial Justice Project, reached a settlement with the Desoto County School District in February 2010 in a case challenging the district's unconstitutional gang policy. The suit was filed on behalf of a minor who was removed from school for allegedly throwing gang signs. The ACLU's suit alleged the district's policy didn't give notice of what behavior was prohibited. The settlement included a monetary award and the school district's agreement to implement a new gang policy. The policy meets constitutional standards and will act as a model for other schools in Mississippi. This was a great victory for the ACLU as it continues to implement strategies to end the School-To-Prison Pipeline. As part of that effort, the ACLU of Mississippi hosted its most successful Hip Hop Summit ever in July. More than 600 registered for the dropout prevention event and a corresponding parent conference. Hundreds of youth participated in workshops that included bullying prevention, sex education, money management, dating violence prevention and creative writing. They also received training in leadership and organizing. A scribbling by one youth on a graffiti wall best summed up the event's message: "Injustice

anywhere is injustice everywhere." The Prevention of Schoolhouse to Jailhouse Conference included informative panel discussions detailing various strategies for keeping students in school. Experts also provided information about due process rights for students who are suspended or expelled. Registration for the summit and conference, held July 9-10, more than doubled over the previous year.

Hundreds of youth signed up for the 2011 Hip Hop Summit. The event focused on dropout prevention and leadership skills.



### KEEPING STUDENTS IN SCHOOL

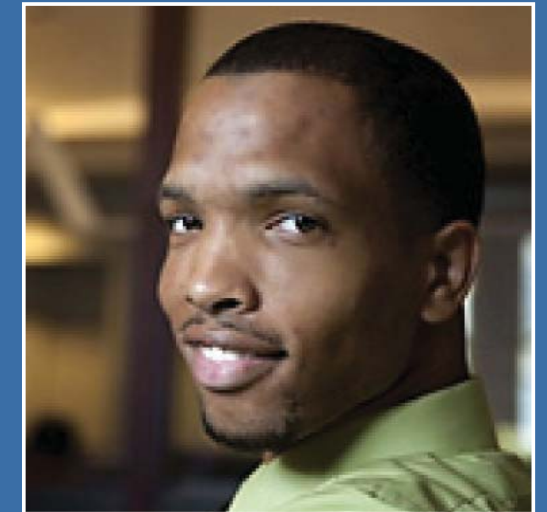
Improving the environment of public schools to end the School-To-Prison Pipeline in Mississippi is a goal of the ACLU. Here are a few state Department of Education statistics that give a snapshot of what's fueling the trend:

- 62 percent of students live in poverty.
- 75.6 percent of black students have received out-of-school expulsions or suspensions greater than 10 days.
- 23 percent of white students have received out-of-school expulsions or suspensions greater than 10 days.
- The high school dropout rate is 17 percent.

## LGBT Rights

### Sheriff's Department reinstates officer who was fired because he was gay

On June 14, 2010, Forrest County Corrections Officer Andre Cooley was involved in a physical altercation at his home with his boyfriend. Cooley, who was off-duty at the time, called 911. Cooley's sexual orientation became known because one of his supervisors was among those responding to the call. Cooley was identified as the victim in the police report. The day after the incident Cooley was fired from his job. He had worked for the sheriff's department since November 2009 and he had an exemplary record. When Cooley questioned his termination, he was told it was because he was gay. After firing Cooley, the sheriff's department attempted to deny him unemployment benefits by alleging that Cooley had engaged in unspecified "inappropriate conduct and behavior while off duty, unacceptable for an officer." An administrative law judge eventually concluded that the sheriff's department failed to show that Cooley committed misconduct of any kind. The ACLU filed suit, alleging Cooley's constitutional rights were violated. The case ended in a settlement, which included a monetary award and Cooley's reinstatement to his position. The sheriff's department also agreed to update its written non-discrimination policy to make explicit that the sheriff's department does not discriminate on the basis of sexual orientation. The settlement, however, didn't constitute an admission of liability by the sheriff's department. The victory was significant as it underscored the need for a federal law that ensures no one is fired for their sexual orientation or gender while working at private companies. Cooley was employed by a government entity, thus the Constitution protected him from anti-gay discrimination. The ACLU of Mississippi has been a vocal advocate for the rights of lesbian, gay, bisexual and transgender residents.



Andre Cooley was fired as a corrections officer at the Forrest County Sheriff's Department. The ACLU filed suit on his behalf and he was reinstated.



## Reproductive Justice

A ruling was pending by midyear 2011 in a lawsuit challenging an unconstitutional ballot amendment. The lawsuit was brought by the state and national chapters of the ACLU, Planned Parenthood, and Jackson attorneys Rob McDuff and Cliff Johnson. The proposal would insert the government into the personal, private health care decisions made by women and their families. The proposal is challenged on the grounds that an initiative amendment adopted by voters in 1992 provides that the initiative process cannot be used to modify or repeal any portion of the Bill of Rights.

The ACLU advocates for all women to have informed control over their reproductive lives. The proposed ballot initiative could threaten many common and life-saving medical treatments including, some forms of birth control, treatments for miscarriage, treatments for infertility and life-saving abortions. The ACLU of Mississippi's campaign against the proposal includes hosting roundtables with grassroots and church leaders, organizational heads and legislators to engage and educate them about the initiative. The ACLU also holds regional meetings around the state to educate communities and identify local

leaders to mobilize those areas. The ACLU is continuing its collaboration with Planned Parenthood on a statewide strategy to defeat the measure. Reproductive freedom includes having access to information about birth control. The ACLU will continue to work with school districts as they implement plans for sex education courses.



Supporters of a bill requiring comprehensive sex education in schools attend hearing at state Capitol.

The ACLU's Reproductive Freedom Project protects everyone's right to make informed decisions free from government interference about whether and when to become a parent.

## Criminal Justice Reform

### ACLU suit forces Moss Point PD to change officer training policies

On April 18, 2008, Otis Ashford was beaten and attacked with a stun gun by Moss Point police officers simply because he asked about an incident near his brother's house. Ashford was visiting the home of his sister, Dell Jones, when he heard noises coming from his brother's house next door. Ashford went to his sister's porch to investigate the noise and saw two men struggling in the dark in front of his brother's house. He called out to ask what was happening. The officers emerged and then forced their way into Jones' house. Ashford was thrown to the floor, sprayed with pepper spray, tased and beaten. Jones also needed medical care. The ACLU filed a lawsuit on behalf of Ashford and Jones in December 2009. The litigation led to a monetary settlement and a policy change at the Moss Point Police Department. The department agreed to update officer training to include conflict resolution, the appropriate use of tasers, and the right of individuals to observe police officers while the officers are performing their duties. The ACLU of Mississippi's criminal justice reform work aims to provide legal assistance to individuals who are victims of unjust treatment by law enforcement.

The Fourth Amendment of the U.S. Constitution protects citizens from police entering their homes without warrants or exigent circumstances.



### ACLU promotes incarceration report as a roadmap for policy change at Capitol

The ACLU of Mississippi released an informative report in March 2011 that examined the state's drug sentencing scheme. The report also documented how poorly-structured laws contributed to the state's high incarceration rates. The report, "Numbers Game: The Vicious Cycle of Incarceration in Mississippi's Criminal Justice System," called for significant reforms in the areas of drug-crime sentencing, the use of confidential informants in drug task force work and the redistribution of federal funds toward more treatment rather than incarceration.

The report included true accounts of individuals who were caught in a law enforcement web of confidential informants, harsh sentences and little or no substance abuse treatment options. The report was released just months before the official 40th anniversary of the federal government's failed "War On Drugs." The campaign that was announced in 1971 was touted as a means to slow or end drug trade in the U.S., but instead it damaged families and communities throughout the nation. It also contributed to the

U.S. ranking No. 1 in the world when it comes to incarceration. A goal of the ACLU is to end over-incarceration by addressing sentencing disparities, advocating for fair corrections policies at the statewide and local level and training communities and law enforcement on citizens' rights when encountering police.



Friends and relatives of victims of the "War on Drugs" gather at the courthouse in Columbus to mark 40th anniversary of the unsuccessful government-waged campaign.

## Offer of judgment ends suit filed after ACLU staffer's arrest for watching Jackson police

On Sept. 14, 2007, City of Jackson police officers arrested Brent Cox, a then-ACLU staff member, for exercising his constitutional right to observe those police officers performing their duties. The ACLU of Mississippi brought the case as part of its ongoing criminal justice work addressing the overuse of disorderly conduct charges. Such arrests are often followed by brutal beatings at the hands of police. Cox was handcuffed in front of community partners, subjected to a strip search and spent 14 hours in jail. He faced the possibility of incarceration, and a criminal record. At trial, the judge found Cox not guilty on the misdemeanor charges. Cox brought suit in federal court alleging violations of his First and Fourth Amendment rights. Recently, Cox accepted an offer of judgment from the City of Jackson. With the offer of judgment, the city agreed that the federal court could enter a judgment against them. This was an important victory for the ACLU on the criminal justice front.

## 2011 Conference

The ACLU of Mississippi's 2011 annual Criminal Justice Reform Conference focused on the criminal justice system's impact on women and families. Each year, the conference brings together advocates, experts, formerly incarcerated individuals and law enforcement to discuss opportunities to reduce incarceration rates through the implementation of best practices in law enforcement and re-entry services. Over 200 participated in this year's conference, which was held at Jackson State University.



Nsombi Lambricht opposes anti-immigration bill at rally.

## Policy

Immigration, sex education and HIV testing are some of the policy issues the ACLU of Mississippi successfully addressed in 2011. When the Senate Judiciary A Committee held hearings last summer on an Arizona-style anti-immigration bill, ACLU of Mississippi Executive Director Nsombi Lambricht testified the legislation would lead to racial profiling. The ACLU was among several groups that opposed the bill, which died during the last days of the 2011 legislative session. Lambricht and other ACLU supporters also testified before the House Public Health and Human Services Committee on a proposal to require school districts to adopt sex education policies. The measure was approved by the Legislature and signed into law by Gov. Haley Barbour. The ACLU of Mississippi will continue work to refine the law by removing problematic provisions that prohibit condom use demonstrations and references to homosexuality.

## Agency ends 'barbaric' policy for HIV patients

The Mississippi Department of Health finally ended its barbaric practice of making those newly diagnosed with HIV sign a document stating they would not reproduce. The document also made them agree to disclose their status to all medical staff with whom they came in contact. The change in policy came after the ACLU of Mississippi sent a demand letter in September. Under the agency's new administration, the document was pulled immediately. The Department of Health asked the ACLU to "review" the new document before the agency began using it to "avoid" any litigation.

## ACLU part of coalition pushing for Scott sisters' release

The ACLU joined in the call for the release of Gladys and Jamie Scott, two sisters handed life sentences in an armed robbery that netted \$11. The ACLU participated in marches, rallies and news conferences urging Gov. Haley Barbour to pardon the women, one of whom suffered from kidney failure. In December 2010, Barbour approved the early release of the sisters, but stopped short of granting a full pardon. The extreme punishment in the case is an example of the kind of harsh sentencing laws and policies that have shaped the state's unfair criminal justice system.



Hundreds march to Capitol calling for Scott sisters' release.



ACLU staffers join Reps. Earle Banks and Cecil Brown and Oleta Fitzgerald of the Children's Defense Fund at a conference discussing public school disciplinary policies.