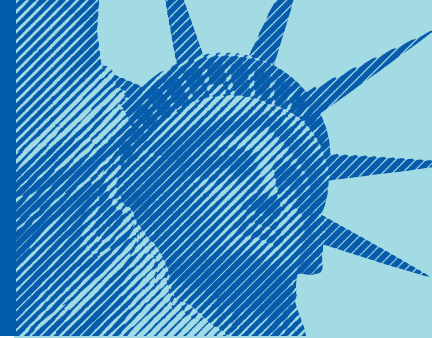


ACLU NEWS

American Civil Liberties Union of Nebraska

WINTER 2018



THE PRISON LAWSUIT: DAVID VS. GOLIATH



ACLU of Nebraska's Danielle Conrad announced the lawsuit against the Dept. of Correctional Services last year. *photo credit: Nebraska Radio Network*

It's been one year since the ACLU of Nebraska, the ACLU National Prison Project, Nebraska Appleseed, the National Association of the Deaf, and the law firms of Rosen Bien Galvan & Grunfeld and DLA Piper filed our historic federal class action challenging dangerous overcrowding and unconstitutional conditions of confinement in Nebraska's crisis-riddled prison system.

The State of Nebraska is fighting us at every turn. While we are grateful for our incredible legal team and their resources to help shoulder this large and complex litigation, we remain the David to the state's Goliath.

And yet, we are making important headway. In August, litigators from California and D.C. conducted three days of depositions with state prison leaders about how confusing and broken the internal grievance process is for our clients to request help with their medical needs,

or challenge the severe overuse of solitary confinement, or secure reasonable accommodations for their disabilities.

The next big hurdle is to certify the class. Eleven named plaintiffs bravely stepped forward to bring this case for themselves and other similarly situated persons. Our legal experts spent November touring facilities around the state to evaluate conditions, interview prisoners and

make the case that the complaints of our plaintiffs represent the state's incarcerated population as a whole.

There have been some short-term wins as a result of this work, including for our client Jason Galle, who, after our intervention, finally received an operation on his broken femur after suffering without medical attention for years.

When we certify the class, we will gain the right to represent the 400 women and almost 5,000 men incarcerated in Nebraska's prison system. At 156% of its capacity, it is the second-most overcrowded system in the U.S.

This case is about human rights, racial justice, disability rights and mass incarceration. We remain open to a reasonable settlement at any time, but are preparing to go the distance. Trial has been set for 2019.

ACLU

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ELECTION WRAP-UP

On Nov. 6, Nebraskans ensured that 90,000 will receive access **VICTORY** to basic health care by voting for Medicaid expansion. We're proud to have supported this historic citizen initiative, which will advance disability rights and reproductive care for so many Nebraskans.

Unfortunately, despite our public education **LOSS** efforts, Scribner voters adopted an anti-immigrant housing ordinance that punishes those who rent or employ those it classifies as "illegal." We encourage anyone who is discriminated against due to this unconstitutional ordinance to contact us.

STAFF HAS GROWN TO 8!

Heidi Uhing became our Communications Director after 14 years working for the Nebraska Legislature as editor of the Unicameral Update. Amy Gagner is our new Office Manager. She was previously the development coordinator for NET Foundations for Television and Radio.



Heidi Uhing



Amy Gagner

INSIDE:

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- BAIL FUND
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- SCREENING EVENTS
- FINANCIAL REPORT

A MESSAGE FROM OUR EXECUTIVE DIRECTOR



The last year has been a roller coaster for Nebraskans committed to advancing civil rights and civil liberties. On the downside, we witnessed our state's first lethal injection execution cloaked in secrecy, a massive ICE raid hit O'Neill, the anti-immigrant 287(g) program was established in Dakota County, Gov. Ricketts and the Legislature defunded Planned

Parenthood from the Title X family planning program, University regents unnecessarily restricted campus free speech, Attorney General Peterson used the power of his office to target transgender Americans seeking fairness in the workplace, and the City of Lincoln and Lincoln Public Schools expanded a permanent police presence in our schools, exacerbating the school-to-prison pipeline.

On the upside, we quickly won a historic voting rights case in federal court to ensure ballot access for independent candidates, helped establish state laws on jail phone calls and second chance employment, unveiled the Lancaster County Bail Fund as we work to end modern day debtors' prisons, published a *Blueprint for Smart Justice* with specific policy solutions to mitigate mass incarceration and racial disparities in our broken criminal justice system, managed the most complex docket in our 50+ year history including a historic class action on prison overcrowding and conditions, won a death penalty open records case alongside Nebraska's leading journalists, supported 25 sexual violence survivors from Nebraska to engage our U.S. senators on the Kavanaugh nomination, and expanded our community education campaigns on protest rights, voting rights, judicial bypass for young women seeking abortion care, debtors' prisons, breastfeeding rights and immigration rights.

Today, the ACLU of Nebraska is strong and growing, with almost 18,000 supporters statewide who help advance our concurrent goals of resistance and progress. We must continue to speak out and remain unified against unprecedented threats to Nebraskans' civil rights and civil liberties. We must remain focused and hopeful. The resilience and generosity of our supporters and power of our shared values is inspiring. I look forward to a brighter future for our communities, state and country standing shoulder to shoulder with each of you. We will never stop fighting until the rights of all Nebraskans are respected by all Nebraskans.

In friendship and freedom,

Danielle Conrad, J.D.
Executive Director

THE DEATH PENALTY FIGHT CONTINUES



Dozens gathered at the governor's residence to protest the execution of Carey Dean Moore.

While more states are turning away from the death penalty, Nebraska officials rushed to carry out a lethal injection Aug. 14 that was shrouded in secrecy, using an untested four-drug scheme. Carey Dean Moore declined to fight the execution after 38 years on death row, despite having multiple credible legal challenges available.

Nebraska faith leaders, the Lincoln Journal Star, multiple pharmaceutical companies and thousands of Nebraskans took a stand against this execution. However, Gov. Ricketts was undeterred and pushed forward recklessly in defiance of our state's proud tradition of open government.

The ACLU of Nebraska has three primary cases on the death penalty before Nebraska appellate courts and is amicus on a host of other death penalty cases elevating key legal issues. We commit to continue fighting for government transparency and accountability regarding this most grave state function.

STUDYING SCHOOL RESOURCE OFFICERS

Everyone wants our schools to be safe. As more schools rely on school resource officers, however, the ACLU is concerned about the effect that police in schools will have on students' rights, disability rights and racial justice.

If you are a parent, teacher or student and have interacted



with a school resource officer, please share your story to help us understand what's happening behind school doors. Take our survey to tell us about your interaction at: action.aclu.org/webform/ne-sro-survey

BAIL FUND LAUNCHED, SHINES LIGHT ON UNFAIR PRACTICES

The ACLU of Nebraska helped establish historic debtors prison reform legislation in 2017, with strong support across the political spectrum. However, these reform measures have not been implemented in daily practice. Without a thorough inquiry into each individual's ability to pay, low-income Nebraskans continue to sit in jail simply because they can't afford bail, fines or fees.

In July 2018, the ACLU of Nebraska



Daniel was experiencing homelessness and was unable to afford bail. Our bail fund secured his freedom while awaiting trial and presumed innocent.

launched the Lancaster County Bail Fund, an innovative, grassroots strategy to help people and shine light on the persistent and unfair practices. This pilot

project is made possible by a generous, anonymous local donor impressed with the ACLU's criminal justice reform work. When individuals benefiting from the bail fund appear for court, the money is returned to the fund and recycled to assist others in Lincoln.

Our efforts were noticed by the Lancaster County Attorney's Office, which offered its first Warrant Forgiveness Week three weeks after our bail fund launch. Then they offered a Warrant Forgiveness Night in November. We heavily promoted these events to ensure more of our neighbors got a second chance.

"Two sources are approaching criminal justice reform with short-term trials. One is attempting to keep low-level offenders from being booked into jail; the other is hoping to prevent them from sitting out fines in jail... (B)oth deserve praise for attempting to solve a serious problem on a small scale."

—editorial board of the Lincoln Journal Star, 8/8/18

The result? Hundreds of warrants were cleared, saving police time, tax dollars and, most importantly, freeing low-income people of a burden that weighed on them, their families and

their financial stability.

These efforts and our bail fund—which has bailed out more than 100 people thus far—have received repeated support from the editorial board of the Lincoln Journal Star: "Two sources are approaching criminal justice reform with short-term trials. One is attempting to keep low-level offenders from being booked into jail; the other is hoping to prevent them from sitting out fines in jail... And both of these test cases deserve praise for attempting to solve a serious problem on a small scale."

To learn more or share your story about you or a loved one being held in jail because you couldn't afford bail, please visit lancastercobailfund.org.

RAPID RESPONSE TO FEDERAL IMMIGRATION RAID IN O'NEILL

The Department of Homeland Security's Federal Immigration & Customs Enforcement Agency (ICE) conducted a large-scale immigration raid in the O'Neill area during the morning of Aug. 8. The raid resulted in 133 incarcerated workers and dozens of disrupted families and businesses.

The ACLU of Nebraska provided rapid legal response in partnership with other organizations in the aftermath of the raid and spoke to many people who, upon release, reported mistreatment and potential civil rights violations by ICE. Some were handcuffed with chains around their waists and transported on a Department of Homeland Security bus to Grand Island. Some reported inadequate food, water and ventilation.

To learn more about these abuses, read our blog at aclunebraska.org titled *ICE vs. Nebraska Nice*. Our work was highlighted by local and national news sources. While local organizations, volunteer attorneys and neighbors came together to support the families affected, the long-term damage to this community remains to be seen. To support those who continue to be affected by the O'Neill raid, consider donating to the Grand Island Multicultural Coalition at raid-relief.funraise.org.



Rose Godinez, ACLU of Nebraska legal and policy counsel (bottom left) and members of the rapid response team assisted dozens affected by the raid.



In December, the ACLU of Nebraska hosted screenings in Lincoln and Omaha of *TIME: The Kalief Browder Story*. This documentary is a tragic account of a teenager seeking justice in New York for a wrongful arrest and three-year imprisonment—most of it in solitary confinement, despite its effects on his mental health.

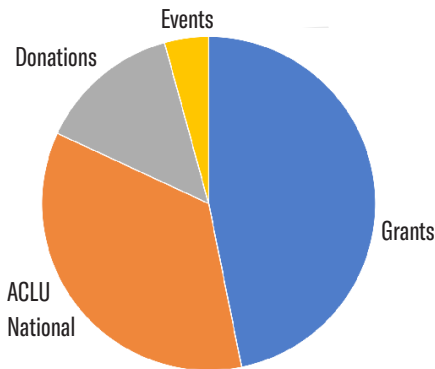
To provide insight about this harmful practice, Kalief’s brother Akeem (left) led discussion with Nebraskans who have experienced juvenile solitary confinement. We are grateful to Amie, Dominique, Jason and Dylan, who shared their lived experiences with the audience. The entire six-part documentary can be viewed on Netflix.

STEWARDSHIP YOUR INVESTMENT IN CIVIL RIGHTS

People have responded in force to unprecedented recent threats to civil rights and civil liberties by putting their faith and funds into the ACLU. We are honored to have your support. The ACLU does not receive government funding; our work relies

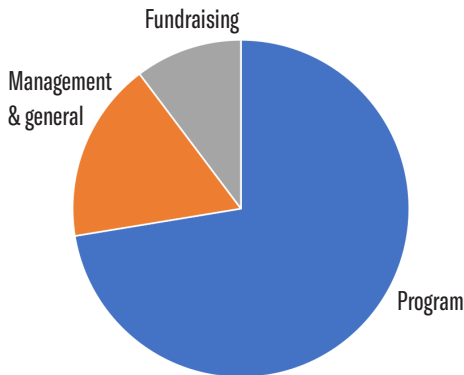
solely on the generous support of the private sector, including individuals and foundations. The ACLU consists of two organizations to maximize flexibility: a 501(c)(3) and a 501(c)(4). Their financials are consolidated here for fiscal year 2018.

REVENUES: \$1,349,690



Grants	\$618,386	46%
ACLU National support	\$463,337	34%
Individual donations	\$182,412	14%
Events, memberships, misc.	\$56,350	6%

EXPENSES: \$867,682



Program	\$628,247	72%
Management & general	\$150,153	17%
Fundraising	\$89,282	10%

LEGACY CHALLENGE

Your support of the ACLU reflects your values: a passion for justice and equality and a desire to make a lasting difference.

For a limited time, the Crankstart Foundation has issued a planned gift challenge to all ACLU supporters. If you include the ACLU in your will, trust, or beneficiary designation, you can generate matching funds to help defend our rights and freedoms today while supporting civil liberties for future generations—without writing a check.

Tell us about your future gift at aclu.org/jointhechallenge or by contacting our local Development Director Allie Curtright at (402) 476-8091x107 or the ACLU National Gift Planning Office at (877) 876-1025.

The ACLU of Nebraska is a proud member of the Community Services Fund workplace giving campaign. Defend civil rights and civil liberties with payroll deduction while you work!

