

# YEAR IN REVIEW

April 2020 – March 2021





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## MESSAGE FROM THE EXECUTIVE DIRECTOR

As I near my first year as the new Executive Director, I am still in awe of the commitment to civil liberties from the staff, board, members, and supporters. We continue to show up in the necessary spaces to lend our resources and support.

Like previous recent years, this year continues to be a struggle. We are still facing a global pandemic that has exposed the many inequities that continue to plague our country from health care needs, economic injustices, and education.

We also continue to witness an assault on civil liberties at our Legislature. A legislature that missed opportunities to pass policy that would truly help the majority of Oklahomans through addressing criminal justice reform, economic recovery efforts, and housing disparities. Instead, we had a legislature that focused on preventing trans youth from participating in sports, banned abortion access, and censored curriculums in schools.

Despite the numerous challenges we experienced, we also witnessed many bright spots. We continue to grow our advocacy networks. We sit at many important tables where strategy sessions are being held on ways to dismantle our current oppressive systems.

We were able to close the final chapter on our long standing First Amendment lawsuit against Oklahoma City. We protected the right to panhandle in public spaces.

Another memorable bright spot was when middle and high school students spoke up against HB 1775. HB 1775 severely restricts public school teachers and students from learning and talking about race and gender in the classroom. Students reached out seeking advice on how to get involved. With our help, they solicited videos from their friends and created a Vote No on HB 1775 video and shared it across social media. They recognized they too had a voice on the important issues.

My vision has not wavered. We will continue to make bold moves to ensure we are protecting and advancing civil liberties in Oklahoma.

In Solidarity,  
Tamyra Cox-Touré



## MESSAGE FROM THE BOARD OF DIRECTORS PRESIDENT

I have had the pleasure of serving as the Board President during one of the most transformational times here at the ACLU of Oklahoma. We introduced a new executive director who came with her own invigorating vision for the affiliate.

When I was elected to the position of Board President at the ACLU of Oklahoma in 2018, I could not have imagined the constitutional crises soon to come. Following the election of Donald J. Trump, we have faced many challenges to our civil rights and civil liberties. While we have endured highs and lows in this ongoing fight, knowing the team we have assembled and the vast support we have, I have remained optimistic.

The ACLU of Oklahoma challenges injustices from small-town government agencies to our State Legislature and Governor, all the way up to the highest levels of the federal government. That's the power of the ACLU on display – and when we stick to our core constitutional values, we are able to bring accountability to every single level of government. We not only defend our freedoms, but we work to expand them as well.

Over the past couple of years we have seen many changes with our local affiliate, from our staff size doubling, to our volunteer involvement swelling across the state. We have even seen local support for our criminal legal work turn into a movement with bipartisan backing. Most notably, we saw an overwhelming response to our calls for action from everyday Oklahomans passionately fighting to protect our civil liberties. It is the people of Oklahoma who make the ACLU strong, and I am proud of all we have accomplished together this year.

Thank you for your generosity, and thank you for your steadfast defense of democracy.

Chi pisa la chike (See you later),  
Sarah Adams-Cornell



## MISSION AND VISION

The ACLU of Oklahoma is an affiliate of the American Civil Liberties Union, a national organization founded in 1920. We dare to create a more perfect union — beyond one person, party, or side. Our mission is to realize this promise of the United States Constitution for all and expand the reach of its guarantees.

For over 100 years, the ACLU has been our nation's guardian of liberty, working in courts, the legislature, and communities to defend and preserve the individual rights and liberties that the Constitution and the laws of the United States guarantee everyone in this country. The Oklahoma affiliate was established in 1964 and opened its first headquarters in 1973 with the same dedication and goals of the National ACLU.

Whether we are fighting for a more just criminal legal system, demanding accountability of law enforcement, addressing white supremacy, working on full equality for the 2SLGBTQ+ community, preserving the right to vote, or protecting abortion access, the ACLU takes up the toughest civil liberties cases and issues to defend all people from government abuse and overreach.

## BOARD OF DIRECTORS 2020 - 2021

- Sarah Adams-Cornell, President
- Veronica Laizure, Vice President, National Board Representative
- James Nimmo, Secretary
- Jana Harkins, Treasurer
- Melissa Lujan, Equity Officer
- Alison Black, At Large
- Sage Mauldin
- Lorrie Bamford
- Tesia Zientek
- Juanita Vasquez-Romo
- David Glover
- Tina Pena
- Marjan Seirafi-Pour
- Joshua Greenhaw
- Tondalo Hall
- Sara Cherry
- Jared Deck

## STAFF MEMBERS

- Tamya Cox-Touré; Executive Director
- Mike Redman; Legal Director
- Lisa Pitsiri; Director of Development
- Bryan Newell; Operations Director
- Nicole McAfee; Director of Policy and Advocacy
- Megan Lambert; Staff Attorney
- Randy Bowman; Of Counsel
- Cassidy Fallik; Communications Director



## 1921 TULSA RACE MASSACRE

This year witnessed the 1921 Tulsa Race Massacre Centennial. After decades of hushed conversations and the violence of forgetting, national attention was paid to the legacy of the Greenwood District. This 100-year anniversary served to highlight the thriving blocks of Black-owned businesses which dubbed the community Black Wall Street and served as a testament to Black prosperity, community, joy, and excellence.

However, the horrific destruction of Greenwood District at the hands of a white mob in one of the nation's most violent race massacres prevents the same businesses, homes, places of worship, and families from standing as they once did. This bloody and shameful event was swept under the rug and left without accountability for many years. However, survivors of the massacre, their descendants, and passionate community members came together to push for Justice for Greenwood.

The country saw reinvigorated conversations on racial justice after the historic nationwide protests for Black Lives Matter. Ensuring the truth about Greenwood emerged was a priority for many Black Oklahomans.

Calls for reconciliation and reparations for the survivors and descendants of the Tulsa Race Massacre were voiced loudly and strongly. The devastating damage of the Greenwood District disrupted generational wealth for Tulsa's Black community, and the Greenwood descendants are advocating for policies and lawsuits that demand accountability from local and state governmental bodies that did nothing to help rebuild the community or hold the perpetrators accountable.

During a time when freedom is under attack from elected officials who want to stifle discussions on the difficult chapters of history, it is especially important to recognize tragedies like this and their lasting impacts on our communities today. Still, calls for justice and reconciliation are not being adequately answered, and the fight for reparations will continue.

Greenwood today is pushing forward. The ACLU is proud to support and uplift the voices of the survivors and descendants as they tell their stories and demand action.

## POLICY AND ADVOCACY DEPARTMENT

This legislative session was the most difficult in recent history. We saw civil rights and liberties attacked on every front, and our work was a matter of harm reduction. In a year where it was often unsafe for members of the public to be in the Capitol engaging in advocacy, we had to figure out how to connect legislators to the people their bills impacted. You joined us as we expanded our annual day at the Capitol to a virtual advocacy week. You called to stop bills attempting to rollback State Question 780, legislation targeting transgender youth, and efforts aimed at trying to quiet and endanger people engaged in protest. Where we did not win, the ACLU of Oklahoma and allies from across the state are poised to continue to respond. And our work always happens far beyond the walls of the Oklahoma Legislature. Here are a few of the 2021 highlights:

We kept the pressure on the Oklahoma Department of Corrections to ensure people who were incarcerated had access to the COVID-19 vaccine, as we continue to monitor outbreaks and engage in public pressure around protecting the health, safety, and liberties of people caged across Oklahoma.

We saw the state government announce not one, but two prison closures this year, as we reached a 19% reduction in prison population since the ACLU of Oklahoma's Campaign for Smart Justice began.

We disrupted plans for Oklahoma County to invest in a costly, racist tool called the Ohio Risk Assessment System, which would have disproportionately disrupted the ability of Black and Brown people to get free from the Oklahoma County Jail.

We supported successful legislative efforts to take first steps around reform for drivers license suspensions related to fines and fees (HB 1795), legislation that expands opportunities for medically vulnerable Oklahomans to access parole (SB 320), and legislation that ensures as people are released from prison they have access to critical personal documents needed for housing and employment (HB 1679).

We took part in Against Carceral Feminism Oklahoma, a collective which seeks to carry on critical discussions from SQ 805 about the ways victims of interpersonal and domestic violence are used to further invest in the carceral system, while also being the targets of it.

We know that the 2022 session will again be difficult, as some of the efforts from 2021 resurface and new harms are advanced, but we believe in our capacity to continue



to disrupt harm while making strides towards reimagining the opportunities for our state policymakers to protect and expand the rights and liberties of people in Oklahoma. The success of this organization is a direct result of your investment in this work, and we're ready to approach this next set of obstacles, together.



## OKLAHOMA DETENTION CENTER

For years, Oklahoma County Detention Center has had to grapple with what to do with its debilitating structure and the masses of people it is detaining. 2021 has been a landmark year for this Jail. This has been a year of continued deplorable conditions, overcrowding, COVID-19 health crises, escapees, and death. While the Oklahoma County Detention Center and its enabling facets seem to be on a mission to continue incarcerating Oklahomans at dangerous rates, the ACLU of Oklahoma has been working hard to combat these criminal acts.

On just the second day of 2021, OK County Jail saw its first death of the year. Only to be followed by 7 more deaths since. Making a grand total of 8 deaths as of August. The reasons for these deaths range from COVID infections and homicide to officer shootings and even some deaths undetermined. The ACLU of Oklahoma legal team has made regular investigative visits to the County Jail to review the conditions and speak with the people being detained. After hearing and witnessing horror stories of bed bugs, lack of clean water, poor plumbing, and more; our team began investing more into the oversight of this Jail.

Since the inception of the Oklahoma County Criminal Justice Authority (Jail Trust) in 2019 and its official takeover of the oversight of the Oklahoma County Detention Center, in July of 2020, we have seen little progress or improvement to the human rights of the incarcerated persons. As concerns continued to rise, several committees and actions began to form. Starting with the Detention Center Action Committee (DCAC), a subcommittee formed by the Jail Trust, in April of this year. This committee has been tasked with studying and making recommendations to the Jail Trust on the methods of supervision of the incarcerated persons and the depopulation of Oklahoma County Jail. A representative of the ACLU of Oklahoma sits on this subcommittee.

Additionally, the Oklahoma County Criminal Justice Authority Council (CJAC), formed in 2015, has stepped in to review the Jail and its conditions. The purpose of this council is to independently review the criminal justice system in Oklahoma County. That includes insuring Oklahoma County Detention Center is safe and humane for both the staff and detainees. Over the summer, CJAC hired the Frankfurt Short Bruza (FSB) architectural firm to present options for improving the Jail facility. These recommendations were further assessed by a Facility Consulting group in conjunction with recommendations made by the community.

This Consulting Group has hosted several community discussions to receive feedback on recommendations to share with the firm as they prepare to present their final

recommendations in November of 2021. There have been conversations of rehabilitating the existing jail, while others have advocated for a new and better facility. The ACLU of Oklahoma, however, has persisted to depopulate Oklahoma County Jail. Our team has been in constant contact with the firm and consulting group. In August, our Executive Director, Tamya Cox-Toure sat on a panel discussion during a listening session hosted by CJAC. Tamya said “Our hope and our goal is not to be building new facilities but getting to the root cause of where this issue is as well as reducing the incarceration rate.”

While combatting the poor conditions and deaths in Oklahoma County Jail, the State of Oklahoma was also combatting a spiking pandemic. Oklahoma County Detention Center is not excluded from this battle. Positive COVID-19 rates in the jail had been steadily rising through the end of 2020 and phase one of the vaccine roll out had begun. In December of 2020, ACLU of Oklahoma sent a letter reminding Governor Stitt of his Constitutional responsibility to ensure the people who are incarcerated in Oklahoma prisons and jails are included in the same phase as all others in congregate living situations, such as nursing home, assisted living, and long-term care facility residents.

Oklahoma administered over 500,000 vaccines doses across the State, while continuing to leave out prisons and jails. All the while, ACLU of Oklahoma persisted to fight for months for the Department of Corrections to begin administering vaccines to incarcerated persons. It was in March of 2021, during the third phase of the Oklahoma State Department of Health vaccine distribution, that the jails finally became eligible for the COVID-19 vaccine!

The lack of humanity in this facility is evident. The detainees are facing the most egregious conditions and treatment. In March of this year, some people being held in this jail could no longer stand the inhumane treatments. After being subjected to inhumane conditions such as the denial of proper food and water for 10 days, the inmates resorted to violence by holding a Correctional Officer hostage in return for better conditions. The ACLU of Oklahoma expressed that the events that took place are a direct result of a criminal legal system in which pre-trial detention is the norm, not the exception. What happened that day is the result of prosecutors holding people for ransom, in return for a profitable cash bail transaction. 80-85% of the people being held in OK County Jail are there pre-trial. Most because they cannot afford to bail out. The ACLU of Oklahoma has in the past, and will continue to unequivocally say, End Cash Bail Now.

Oklahoma County Detention Center is in a State of Emergency.

## LEGAL DEPARTMENT LITIGATION

***White et al. v. Hess*** - The ACLU of Oklahoma's class action challenge to Canadian County's bail practices focused on the lack of individualized consideration when setting conditions of pretrial release and the resulting wealthbased pretrial system, the court's practice of holding arraignments in chambers rather than in open court, and the lack of accommodation for people with disabilities pretrial and during hearings in which conditions of pretrial release are set. Our litigation team includes the affiliate, ACLU Criminal Law Reform Project, ACLU Disability Rights Project, Covington & Burling, LLC, and Overman Legal Group. Our named plaintiffs represent the diversity of the people impacted by unconstitutional bail practices. We represent Native people, Black people, men, women, people with disabilities, people with probation revocations and out of state holds, and people facing felony charges. We hope to end the de facto detention of people pretrial simply because of their poverty.

***McCraw, et al. v. City of Oklahoma City*** - The City of Oklahoma City passed an ordinance aimed at curbing panhandling on city medians. However, this ordinance is very overbroad and infringes on a wide variety of free speech. The ACLU of Oklahoma filed a federal court challenge on behalf of seven plaintiffs who include individuals, a political party, and media outlet. The city amended the offending ordinance, but the new version is still unconstitutional. The Tenth Circuit Court of Appeals reversed the district court's opinion and ruled in favor of our clients. The City of Oklahoma City appealed the Tenth Circuit's decision to the United States Supreme Court, which declined to hear the matter. The ruling of the Tenth Circuit is final, and we were successful in vindicating the First Amendment rights of Oklahomans. McCraw set precedent in the Tenth Circuit, ensuring public medians remain a place of protected public discourse and establishing a rigorous standard that cities must meet before restricting speech.

***Death Row Conditions - H-unit*** - Together with ACLU National and cooperating counsel,





we submitted a demand letter to Oklahoma Department of Corrections in July 2019, offering to negotiate and announcing our intention to litigate should negotiations prove fruitless. In response to our letter, the DOC moved death-sentenced people from H Unit to A Unit. On A Unit, our clients have a window to the outdoors in their cell, are able to go to the yard outside, and have contact visits with their family and friends. Oklahoma State Penitentiary has also re-instated group religious services for all people incarcerated in maximum security, including people with death sentences.

***Redd / Simms v. Paul Galyon and City of Oklahoma City*** - The ACLU of Oklahoma is co-counsel on an appeal to the Tenth Circuit Court of Appeals arising from the district court's application of the qualified immunity doctrine in a wrongful death action. Brian Simms

Jr. was asleep in a vehicle at the Oklahoma City Farmers' Market while waiting for friends who were attending a concert inside. Off-duty police officers, working for a private security firm, were patrolling the premises. They approached Mr. Simms while he was asleep and awoke him. The officers believed that the startled Simms possessed a gun and shot him 9 times, killing him. The district court concluded the officers acted objectively reasonably because they thought that Simms possessed a gun. We are challenging the applicability of the qualified immunity doctrine to off-duty police officers who were acting in a private capacity for a private security firm. The Tenth Circuit found that the police officers reasonably believed Mr. Simms aimed a gun at them and therefore that the officers did not violate Mr. Simm's civil rights. The question of the applicability of qualified immunity to off-duty police officers is still open in the Tenth Circuit.



## A YEAR OF MCGIRT

In July 2020, the ACLU of Oklahoma proudly celebrated the landmark *McGirt v. Oklahoma* decision which affirmed the continuous existence of the Muscogee Nation's reservation in eastern Oklahoma. With this reaffirmation of the reservation also came the recognition of the tribe's inherent authority over its land and people, and the Court ruled that the state of Oklahoma lacked the proper criminal jurisdiction to prosecute a Native American who committed a crime on tribal land.

Although the decision was specifically dealing with the Muscogee Nation, the Court's precedent has already led to restored recognition of the reservations of the Choctaw, Cherokee, Chickasaw, and Seminole Nations. Most recently the Quapaw Nation became the first tribe outside of the Five Tribes to have its reservation upheld under *McGirt* precedent. The Osage Nation is now in the process of arguing that its reservation was also never disestablished and should be reaffirmed as well.

This victory for tribal sovereignty was celebrated across the nation, and the legal team behind the ruling was awarded the prestigious Angie Debo Civil Libertarian Award for their efforts. This award is given in recognition and celebration of the courage and tenacity displayed in the pursuit of federal and state recognition of tribal sovereignty.

For the Native American community here in Oklahoma, this victory was especially triumphant. Tribal leaders and citizens were eager to have a say in how to best ensure justice is delivered in their tribes, and the significance of *McGirt* was a motivating issue in tribal politics. With a long history of broken treaties and empty promises, this historic ruling was a galvanizing win in a time when tensions between tribal nations and the state of Oklahoma have been especially high.

Still, the State and several other entities opposed to the *McGirt* decision have not ceased their attacks on tribal sovereignty. However, the Indigenous community in Oklahoma continues to be a powerful force and a tremendous enhancement to the state of Oklahoma that rarely receives due recognition. The ACLU has been and will continue to be an active consultant on the enforcement of *McGirt* and tribal sovereignty in general. The future of Oklahoma must respect Indigenous sovereignty, and tribal nations continue to create that future.



# FINANCIAL INFORMATION

The ACLU of Oklahoma is comprised of two organizational entities: the ACLU of Oklahoma and the ACLU of Oklahoma Foundation. Together, these two entities allow the ACLU to advance civil rights through a three pronged approach using litigation, public education, and advocacy.

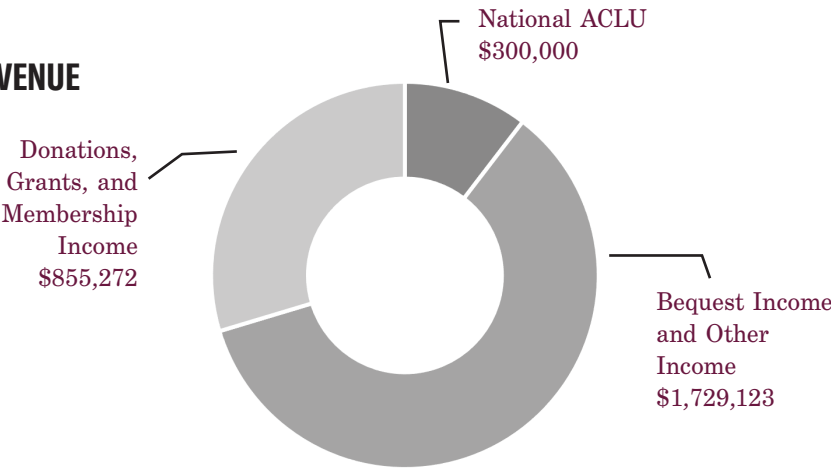
## American Civil Liberties Union

ACLU membership dues fall under Union funding, so when you receive your trusty ACLU membership card, those dues have supported legislative advocacy and lobbying. The Union is registered as a 501(c)4, and as such donations to the Union are not tax deductible.

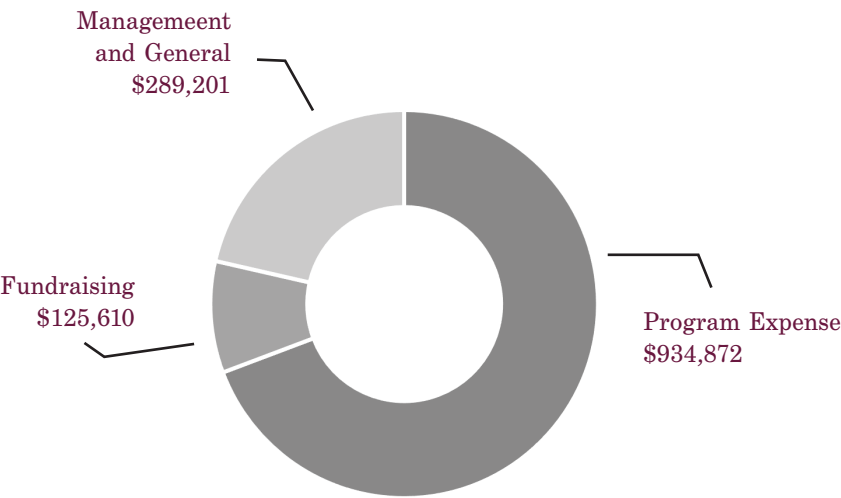
## American Civil Liberties Union Foundation

All of the ACLU’s litigation work and public education falls under the Foundation. The Foundation is registered as a 501(c)3, therefore all gifts to the Foundation are tax deductible.

### COMBINED SUPPORT AND REVENUE



### COMBINED EXPENSES



## JOIN THE FIGHT

Every day across the nation, the ACLU is called on to defend all those freedoms guaranteed in the Constitution and the Bill of Rights. There's never been a more important time for freedom-loving people to support the ACLU and our effective work to protect civil liberties. Take your stand and help us defend people's rights. For more information on ways to give, contact our Director of Development, Lisa Pitsiri, at 405-520-6431 or [lpitsiri@acluok.org](mailto:lpitsiri@acluok.org).

# 1

**Planned Giving:** Providing for a future gift to the ACLU can be an opportunity to advance the values that have been most important to you in your life. You can continue the fight for justice, equality, and fairness for future generations.

**Guardians Of Liberty:** By joining the Guardians of Liberty program, monthly gifts of even modest amounts can grow to provide the support we need to continue to fight for all our freedoms.

**Leadership Giving:** Putting the essential mission of the ACLU into action is only possible with the support of those who are willing to invest in the fight for freedom. By making a significant tax-deductible gift you, together with the ACLU, create a powerful force for change, impacting the lives of millions of people across Oklahoma and across the nation.

# 2

**Become a Volunteer:** No matter where you live in Oklahoma, we need your help. Opportunities include legal observing and holding elected officials accountable. Registration is available on our website on the main page of our website and under the "Take Action" section.

**Become an Intern:** Our paid internship opportunities range from legal intake to communications and legislative work. Most internship opportunities do not require applicants to be a student. Our legal department has opportunities specific to law students every semester. More information can be found on our website under the "About Us" section.

**Join Our Board:** This diverse group has representation from around our great state and helps guide the affiliate. Board members are elected each spring at the organizational annual meeting, but we accept applications year-round. Job description and application information can be found on our website under the "About Us" section.

# 3

**Join the Conversation:** Like, follow, and share our social media channels. All pages have the same handle: [@acluok](https://www.instagram.com/acluok).





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