

FIGHTING FOR ALL OF US.



ACLU Oklahoma



TABLE OF CONTENTS

Message from the Board of Directors President	4
Mission and Vision Statement	5
Board of Directors and Affiliate Staff	5
Policy and Advocacy Department Overview	6
The Largest Mass Commutation in US History	7
Looking Forward: 2021 Legislative Session	8
Legal Department Overview	9
Justice for Tondalao Hall	10-11
Financial Information	12
Join the Fight	14

MESSAGE FROM THE BOARD OF DIRECTORS PRESIDENT

As we turn the corner from 2020 into 2021, I reflect on the words of Wilma Mankiller who said, “The happiest people I’ve ever met, regardless of their profession, their social standing, or their economic status, are people that are fully engaged in the world around them. The most fulfilled people are the ones who get up every morning and stand for something larger than themselves. They are the people who care about others, who will extend a helping hand to someone in need or will speak up about an injustice when they see it.”

My mind is flooded with the many faces of those who work and volunteer for our affiliate and those in our sister social justice organizations who do the work Wilma was talking about. I think of the release of Toni Hall and the many voices raised to reverse an injustice laid on the backs of Oklahoma mothers through “failure to protect.” I look at the pictures of the largest commutation of our incarcerated relatives. I think of the Black and Brown mobilization to fight against the targeting of and disregard for Black and Brown bodies. How our health workers and teachers work to protect lives and serve our families during a pandemic as our President used mask wearing to divide us. Finally, seeing tribal sovereignty strengthened through the *McGirt* Supreme Court ruling was a personal favorite of mine.

Many of us will agree that 2020 may be one of the most tumultuous years of our lifetime. We are feeling the fallout and weariness, but change is coming. I’m encouraged by the Biden/Harris win, knowing that this win isn’t a magic wand that will fix all of our problems but rather a rally to keep going. This year we also say goodbye to our Executive Director, Ryan Kiesel who strengthened and grew our affiliate to the powerhouse it is now. We owe him a debt of gratitude. Tamya Cox-Touré joins us, after an intensive search for our new ED and I couldn’t be more excited to work alongside her. Her experience and leadership will take us into a new and exciting chapter of civil liberties and social justice work.

I encourage you to join us and keep pushing forward toward a more equitable and just Okla humma and as Wilma Mankiller said, stand for something larger than ourselves. It’s going to take all of us, and it’s a lot more fun with friends by your side.

Chi pisa la chike (See you later),

Sarah Adams-Cornell
President of the Board of Directors

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 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 LGBTQ2s+ 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 2019-2020

- Sarah Adams-Cornell, President
- Veronica Laizure, Vice President and National Board Representative
- James Nimmo, Secretary
- Sheryl Lovelady, Treasurer
- Juanita Vasquez-Romo, Equity Officer
- Cameron Brewer, At Large
- David Glover
- Amber Hurst
- Melissa Lujan
- Ed Romo
- Tina Pena
- Marjan Seirafi-Pour
- Doug McBee
- Sage Mauldin
- Alison Black
- Michelle Bui
- Lorrie Bamford
- Tamya Cox
- Jana Harkins

STAFF MEMBERS

- Ryan Kiesel, Executive Director
- Bryan Newell, Director of Operations
- Nicole McAfee, Director of Policy and Advocacy
- Michael C. Redman, Interim Legal Director
- Lisa Pitsiri, Director of Development
- Megan Lambert, Staff Attorney
- Randy Bauman, Of Counsel
- Mauree Turner, Regional Field Director
- Cassidy Fallik, Communications Coordinator

POLICY AND ADVOCACY DEPARTMENT

The ACLU of Oklahoma had a consistently robust advocacy effort in 2020, to make proactive changes and fight to stop attacks on rights and liberties across the state. A few of the highlights of our 2020 work include:

After the ACLU of Oklahoma led the legislative effort for the implementation of a special docket (through HB 1269) to grant relief to people sentenced to SQ 780 charges before they became misdemeanors in 2019, Oklahomans continue to reap the benefits of that effort with 119 more people released from a February docket, and an additional 28 seeing their sentences reduced. This effort moved Oklahoma from the highest per capita rate of incarceration in the world to the 3rd highest. An important milestone in our ongoing fight.

During a legislative session, greatly impacted by the outbreak of COVID-19, we managed to stop efforts that would have rolled back critical provisions of SQ 780, and would have increased Oklahoma's incarceration rate even further. We won a litigation victory that recognized Oklahoma law allowed for self notarization of ballots. And while the legislature quickly changed that statute to create more barriers, we started critical conversations and built a coalition that will be critical to stopping attacks on voting rights and access in the 2021 legislative session.

The ACLU of Oklahoma was at the forefront of the effort demanding a reasonable, urgent response to COVID-19, especially in custodial facilities where people cannot meet the minimum standards for virus mitigation. When the governor wouldn't act, we worked in coalition to create public pressure which led to the pardon and parole board hearing a medical parole docket. Through earned media and targeted letters, and advocacy help from elected officials, a special meeting was scheduled for May. 12 people were granted release. While far from the end of the fight, it remains the largest medical parole docket in the history of the state.

While we did not reach the outcome we hoped for with SQ 805, the ACLU of Oklahoma was proud of the hundreds of thousands of conversations we had with voters across the state about the harms of repeat sentence penalties in Oklahoma and the disproportionate impact they have on Black people, Indigenous people, and survivors of domestic and interpersonal violence.

As we look towards 2021, there are just as many potential obstacles as there are opportunities. With your continued support, we'll tackle each one that comes our way.

THE LARGEST SINGLE-DAY MASS COMMUTATION IN US HISTORY

In November of 2019, Oklahoma moved one step closer to addressing its distinction as the state with one of the highest incarceration rates in world. During the largest single-day mass commutation, a total of 527 people had their sentences commuted.

The commutation, built on the historic grassroots ballot initiative Oklahomans passed with overwhelming support in 2016, is a success in a state that has a long history of harsh sentencing practices and high incarceration rates.

State Question 780 and 781 were a pair of ballot measures that reclassified certain simple drug possession and nonviolent property crimes under \$1,000 as misdemeanors instead of felonies and mandated that the cost savings would go to drug treatment and rehabilitation services.

House Bill 1269 was introduced and signed into law during the 2019 Oklahoma Legislative Session, making SQ 780 retroactive and providing post-conviction relief to those serving prison time for crimes now classified as misdemeanors.

While the ACLU of Oklahoma celebrates HB 1269, we also know it only addresses a fraction of Oklahoma's incarceration crisis. As long as there are people who find themselves and their families trapped in an unjust and broken criminal justice system, we will keep fighting to hold all of our elected officials, from legislators, to sheriffs, and district attorneys, who have succeeded in preserving the broken status quo, accountable.

LOOKING FORWARD: 2021 LEGISLATIVE SESSION

- **Criminal Justice Reform:** In the streets, we fought back against America's racist criminal legal system—pushing for the release of people at risk of COVID-19 from jails and prisons and demanding justice for the countless Black lives killed by law enforcement. Since early in the pandemic we sent multiple letters urging our elected officials to take action related the protection of those in the state's care through it's carceral system. Instead of reducing our state's prison and jail population, we have continued to see attempts at creating new and harsher punishments. This session there will again be attempts to roll-back changes made by voter approved State Question 780, along with changes to the Pardon and Parole Board and harsher restrictions on driver's licenses. We also know there will be an attempt to add harm to law enforcement to the hate crimes statute that will carry the harshest punishments.
- **Freedom of Speech:** Over the year we saw the true power of our country's collective action as protests against racist policing erupted across the country in the wake of George Floyd's death at the hands of Minneapolis police officers in May. At a local level we have raised the alarm continuously against crackdowns on protesters and journalists exercising their fundamental rights—noting that these abuses of power, including mass arrests and detention, now carry the additional threat of spreading COVID-19. This session we anticipate many bills aimed at limiting the free speech rights of Oklahomans, from harsher punishments for participation in "riots" to criminalizing video interactions with law enforcement.
- **Immigrants' Rights:** When the government has the power to deny legal rights and due process to one vulnerable group, everyone's rights are at risk. The ACLU is dedicated to expanding and enforcing the civil liberties and civil rights of immigrants and to combating public and private discrimination against them. This session we anticipate bills that seek to prohibit municipalities from enacting or allowing sanctuary policies or protections and attempts to require compliance with immigration detainers.
- **LGBTQ2S+ Equality:** It has been more than 50 years since Black and Brown trans women led the revolutionary Stonewall Riots, rising up against police brutality and discrimination and launching a movement for LGBTQ2S+ people. Their fight lives on through our work today as we push for lived and lasting equality for the queer and trans community. The Oklahoma state legislature has introduced a series of anti-trans bills threatening young people's ability to play secondary school sports and to receive life-saving health care.
- **Religious Liberty:** As enshrined in the First Amendment, religious freedom includes two complementary protections: the right to religious belief and expression and a guarantee that the government neither prefers religion over non-religion nor favors particular faiths over others. These dual protections work hand in hand, allowing religious liberty to thrive and safeguarding both religion and government from the undue influences of the other. Most efforts this session seem to be in response to church closures following pandemic gathering orders, along with ensuring the protection of the display of certain documents and materials of "historical significance" regardless of its religious content or the political correctness of certain references.
- **Reproductive Freedom:** During a national public health crisis, anti-abortion state leaders attempted to block access to abortion by declaring clinics nonessential, putting people's health at risk. Abortion is essential, time-sensitive health care—and the clinics that provide them must stay open. The ACLU of Oklahoma pursued legal action and received an injunction against the Governor' declaration. From a Constitutional Amendment to declare that life begins at conception to criminalizing providers from performing an abortion, we expect to see many attempts to limit a person's right to choose.
- **Voting Rights:** In the face of the COVID-19 crisis, the ACLU fought tirelessly so that voters would not have to put their lives in jeopardy in order to cast a ballot in the 2020 elections. We will again see attacks on the initiative petition process, additional requirements for proof of citizenship, and an attempt to further define natural born to include both parents being citizens of the US.

LEGAL DEPARTMENT

No year at the ACLU of Oklahoma is ordinary. This past year, however, truly presented extraordinary legal challenges to our civil liberties. This year underscored that the ACLU's legal department does not work alone – rather, it works in close collaboration with our advocacy and policy group, as well as other attorneys and organizations who share common interests.

One such collaborative effort was the successful challenge to the City of Oklahoma City's prohibition on panhandling on street medians. In *McCraw v. City of Oklahoma City*, the Tenth Circuit Court of Appeals resoundingly repudiated the City's unconstitutional policy. This victory was the culmination of a five-year legal battle by the ACLU of Oklahoma and private attorneys who share our mission. Most importantly, the decision sent a very clear message to cities and municipalities who attempt to limit free speech.

We are continuing our work to improve the conditions of confinement of people with death sentences in Oklahoma. In coordination with the ACLU National Prison Project, ACLU Program on Freedom of Religion and Belief, the Prison Law Office, and Sidley Austin, LLC, our efforts have resulted in the reinstatement of group religious services on death row, services that continue to take place during the pandemic with an amended structure to comply with CDC recommendations. We are now working collaboratively with the Department of Corrections to open a day room for community activities and shared meals once it is medically safe to do so. We are also working to have people with death sentences classified to a security level that corresponds to their behavior while incarcerated, as guaranteed by due process. Changing this policy would place everyone on death row on medium security rather than administrative segregation and would end solitary confinement on death row.

Some of our other collaborative legal work included submitting a brief to the United States Supreme Court in the landmark *McGirt v. Oklahoma* case on behalf of the National Indigenous Women's Resource Center and successfully challenging at the Oklahoma Supreme Court Oklahoma's voter identification laws for absentee ballots.

The United States Supreme Court's landmark decision in *McGirt* held that the State of Oklahoma did not have authority to prosecute certain persons for crimes committed on tribal lands that had not been disestablished by Congress. Consequently, there are now many persons in Oklahoma's prisons who were prosecuted by the wrong entity. The ACLU of Oklahoma has been working to develop procedures to assist these incarcerated persons in having their convictions reviewed and possibly vacated.

We continue to litigate for a constitutional system of pretrial justice in Canadian County, challenging their wealth-based system of detention. Canadian County made a variety of positive changes to their bail system after we filed our lawsuit, and we hope this litigation will be resolved amicably.

In addition to significant litigation, two extraordinary events dominated much of our work this year – the unmitigated pandemic and the tragic murder of George Floyd. The pandemic created unique issues involving civil rights – from mandatory mask ordinances, to access to government facilities, to protecting the health of incarcerated persons within our jails and prisons. The legal team at the ACLU of Oklahoma provided legal support to our advocacy and public policy team and to allied groups who were advocating strongly on behalf of those with the smallest of voices.

Finally, the protests following the murder of George Floyd presented unique legal issues regarding law enforcement's use of excessive force on peaceful protesters, the limitation on the media covering the protests, overly broad curfews, and the subsequent overcharging of certain persons arrested following the protests. The protests may be over, but our work continues.

JUSTICE FOR TONDALAO HALL

After serving 2 years in jail and 13 years in prison, domestic violence survivor and mother, Tondalao Hall walked out of prison.

Hall was 19 years old when she was arrested for the injuries found on her two youngest children after she took them to the hospital for treatment. She was living with the children's father and her then-boyfriend, Robert Braxton, and had been the victim of Braxton's verbal, physical, emotional, financial, and sexual abuse for years.

Braxton was given a plea deal of 10 years probation with time served. He has never spent a day in prison. Hall signed a blind plea and was sentenced to 30 years in prison. Her sentence has kept her away from her children at a time when they most needed a mother, and away from her community, at a time she most needed support.

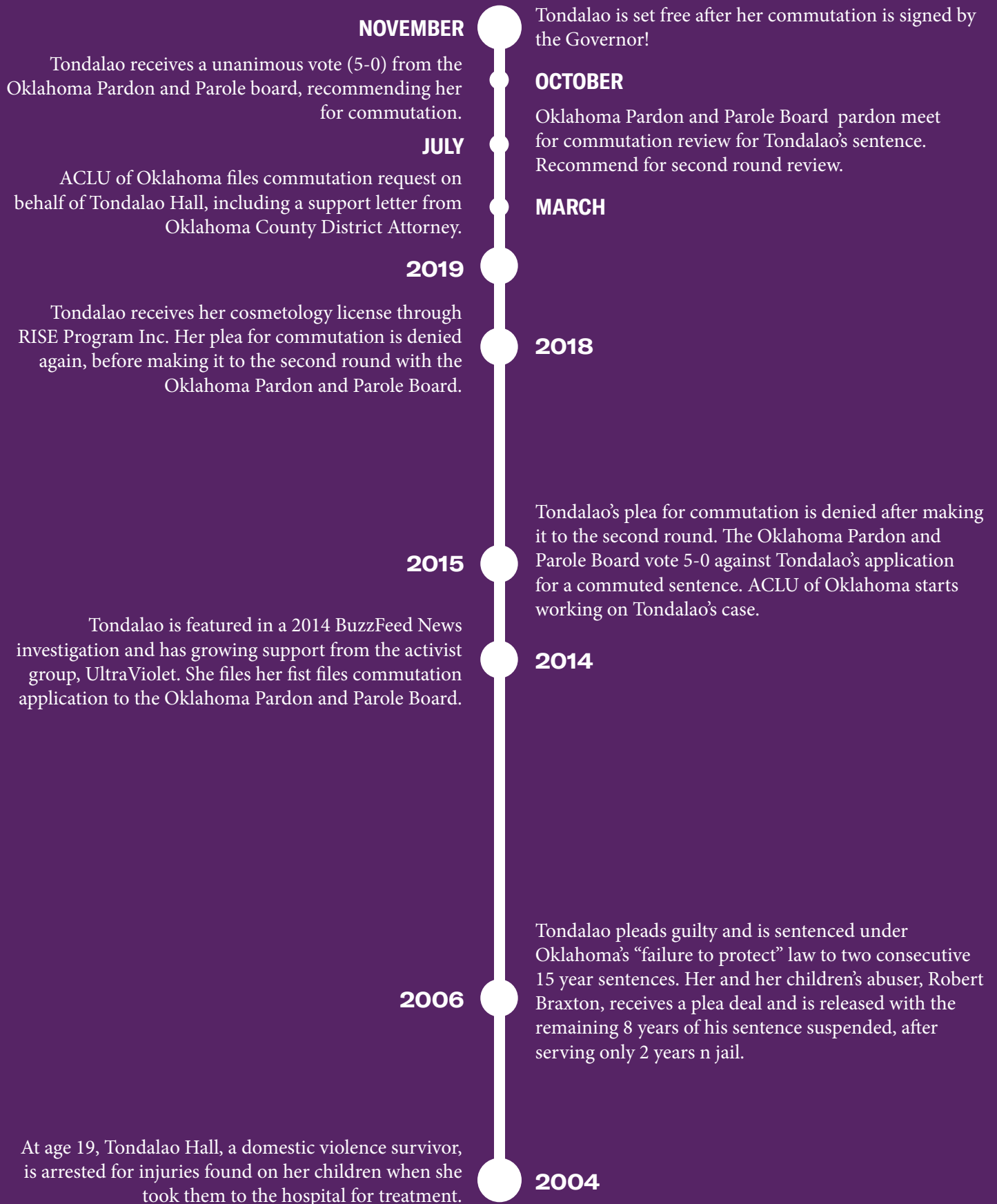
After years of grassroots advocacy and legal representation from the ACLU of Oklahoma, on October 8, 2019, Hall received a unanimous vote by the Oklahoma Pardon and Parole Board to recommend her for commutation to Governor Stitt. On November 9, 2019, she walked out of prison and into the arms of the family and friends who never left her side.

Hall's children have remained in contact over the years and played a vital role in advocating for the release of their mother. In fact, letters from the children were included in Hall's commutation packet and sent directly to Governor Stitt.

"First and foremost, I want to thank God for making a way and for keeping me safe and sane during this season of my life," said Hall. "Secondly, for all the people God has placed in my life, my children and my family for sticking by me. Time and space cannot accommodate the list of people who have loved, helped, and supported me through all of this, so, to everyone who has, thank you and God bless you!"

Like many states, Oklahoma's "failure to protect" law is often imposed on women in households with an abusive partner. The likelihood of a domestic violence victim being murdered by their partner jumps to about 75% higher than if they choose to remain in the relationship. Leaving an abusive partner is dangerous and often a huge emotional lift. Failure to protect laws disregard that risk.





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.

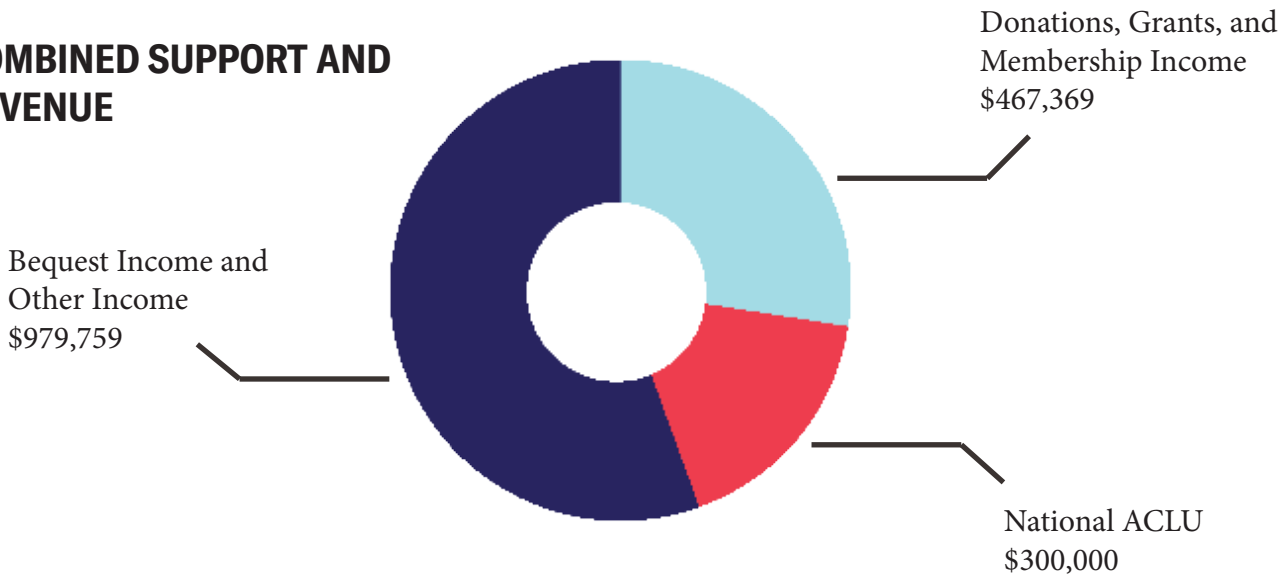
American Civil Liberties Union

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.

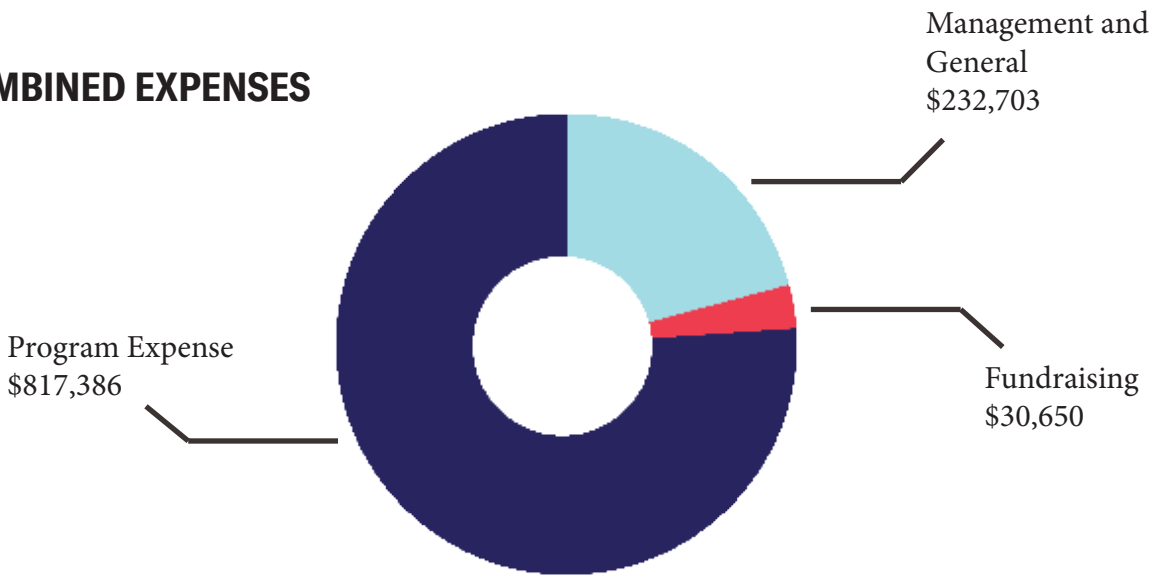
American Civil Liberties Union Foundation

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.

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 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).



