

## MAJOR STEP IN THE RIGHT DIRECTION: PARTIAL SETTLEMENT IN LAFAYETTE SQUARE CASE



### ***How Black Lives Matter supporters won major policy changes and are continuing the fight for justice.***

After nearly two years of litigation and advocacy, Black Lives Matter supporters have won major changes to how federal police may treat protesters. On April 13, 2022, the ACLU-D.C., the Biden Administration, and our partners announced a partial settlement in the Black Lives Matter D.C. v. Trump case.

We filed this class-action lawsuit against the former president, former Attorney General Barr, and other federal and local officials after they brutally – and unconstitutionally – attacked Black Lives Matter protesters outside the White House.

On June 1, 2020, following the police murders of George Floyd and Breonna Taylor, hundreds of people demonstrated against police brutality in Lafayette Square, the park in front of the White House. Yet, without warning or provocation, federal and local law enforcement officers used chemical irritants, rubber bullets, smoke bombs, flash grenades, and a baton charge to brutally disperse our clients, other protesters, journalists, and even children. Shortly after this attack, then-President Trump held a Bible and posed for a photo in front of St. John's Episcopal Church.

Together with the Washington Lawyers' Committee for Civil Rights, the national Lawyers' Committee, and the firm of Arnold & Porter, we sued on behalf of Black Lives Matter D.C. and eight individual plaintiffs, including two under 18. We sought to represent everyone injured by law enforcement brutality that evening in Lafayette Square.

This spring, to settle a portion of our lawsuit, the United States Park Police and Secret Service are changing several policies governing the policing of demonstrations. Park Police policy makes clear that they cannot revoke demonstration permits absent "clear and present danger to the public safety" or widespread threatening violations of law. Park Police must also enable the withdrawal of demonstrators if a protest is being dispersed and wear clearly visible identification. Other changes will reduce opportunities for guilt-by-association policing: the Secret Service will state that use of force and dispersals are not normally justified by the unlawful conduct of some individuals in a crowd. These other settlement measures will help ensure that Black voices are not suppressed.

April Goggins, core organizer of Black Lives Matter D.C., said, "policy changes the government has agreed to demonstrate how effective the people's collective efforts to speak truth to power can be. We have fortified our ability to organize and resist police and murder."

While this settlement will help protect future protesters from unprovoked attacks by the government, the officials responsible for June 1 must still be held accountable. We continue to seek compensation for the demonstrators. On May 16, 2022, we appealed a federal judge's decision to dismiss protesters' constitutional claims against Barr and other federal officials who ordered or participated in the violent attack at Lafayette Square Park.

The court reasoned that federal officials could be sued for monetary compensation for violating constitutional rights whenever they do so against a crowd near the White House.

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**“The principles we are seeking to vindicate are simple: no official is above the Constitution and no part of the United States is beyond its protection,” said Scott Michelman, Legal Director, ACLU of the District of Columbia.**

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Visit [www.acludc.org/BLM-DC-trump](http://www.acludc.org/BLM-DC-trump) to learn more

## IMPROVING SAFETY AT THE D.C. JAIL



Overdue change is coming to the D.C. Jail, thanks to three separate lawsuits brought by courageous clients with the support of ACLU-DC and our legal partners.

Throughout the pandemic, the D.C. Department of Corrections (DOC) had consistently failed to control the spread of COVID-19 in its facilities, which led a federal court to rule in 2020 that DOC was “deliberately indifferent” to the rights of the people in its jail. The court also issued an injunction that required the implementation of basic safety measures such as prompt medical care and proper sanitation. On February 14, 2022, as part of a settlement in a federal class-action lawsuit filed on behalf of the thousand-plus people in custody at the D.C. Jail, DOC agreed to immediately implement COVID-19 protections in the jail, to be verified by inspections by an independent expert.



Sunday Hinton

Our work has also targeted discriminatory conditions. For over two weeks in 2021, DOC forced Sunday Hinton, a transgender woman, to live in a men's unit, at odds with her gender identity. We sued to get her transferred to a women's unit, which occurred within

days of our filing. The following month, DOC changed aspects of its transgender housing policy. As a result of our case and a March 2022 settlement, DOC will now house people according to their gender identity upon intake. DOC has also ended the presumption that people should be housed according to their “anatomy” and has eliminated the routine use of full-body shackles when moving any person housed in protective custody inside the jail.



Sgt. Deon Jones

In November 2021, we also sued on behalf of Sgt. Deon Jones to hold DOC accountable for anti-LGBTQ discrimination after he experienced years of discrimination, retaliation, and a severely hostile work environment based on his identity as

a gay man. As a result of the abuse he endured, Sgt. Jones was diagnosed with Post Traumatic Stress Disorder and major depressive disorder and experienced over 15 panic attacks in early 2021 alone.

Beyond our work in court, we are also urging the D.C. Council to empower an independent oversight body to conduct inspections of the D.C. Jail and regularly report to the Council and the public on conditions and treatment at the jail. We will do what it takes to uphold the rights and humanity of people inside the D.C. Jail.

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**“No one should face what I had to face,” said Ms. Hinton. “I’m glad that other trans people at the jail will be treated with more dignity.”**

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# D.C. COUNCIL PRIORITIES

We at the ACLU-D.C. are working hard to pass bills in 2022 that fall under our priority issue areas. Stay tuned for ways you can help make sure the D.C. Council passes critical bills, including:



## CRIMINAL CODE REFORM

**Revised Criminal Code Act of 2021 (Bill 24-416)** modernizes most offenses in the District's criminal code and will be the first comprehensive revision of the D.C. Code since 1901.

**Street Vending Decriminalization Amendment Act of 2021 (Bill 24-49)** removes harmful criminal penalties for street vending.



## POLICE ACCOUNTABILITY

**Strengthening Oversight and Accountability of Police Amendment Act (Bill 24-356)** and **Comprehensive Policing and Justice Reform Amendment Act (Bill 24-230)** add critical accountability to and put meaningful limitations on police practices that harm D.C.'s Black and brown communities.

**Access to Body Worn Camera Footage Amendment Act (Bill 24-498)** expands access to police Body Worn Camera footage for people directly impacted by police violence.

**Law Enforcement Vehicular Pursuit Reform Act (Bill 24-213)** prohibits D.C. law enforcement officers from engaging in car chases, except in circumstances where the pursuit is necessary to prevent imminent death or serious bodily injury and is not likely to put others in danger of death or serious bodily injury.



## REPRODUCTIVE JUSTICE

**The Human Rights Sanctuary Amendment Act of 2022 (B24-0808)** would create an abortion and LGBTQ+ health care sanctuary in the District.

**The Enhancing Reproductive Health Protections Amendment Act of 2022 (B24-0726)** would protect people who assist and support others with self-managed abortions outside the health care system.



## YOUTH JUSTICE

**Youth Rights Amendment Act (Bill 24-306)** makes any interrogation by law enforcement of a person under 18 years of age inadmissible in court unless the person is given a reasonable opportunity to confer with an attorney. It also prohibits consent searches if the subject is under 18.

**Redefinition of Child Amendment Act (Bill 24-338)** modernizes the word "child" in the D.C. Code so that youth under 18 who are accused of crimes will be subject to juvenile delinquency proceedings in Family Court unless the D.C. Attorney General requests that their case be moved to federal court.

**School Police Incident Oversight and Accountability Amendment Act (Bill 24-354)** requires local education agencies to better maintain and report data on school-based disciplinary actions involving law enforcement. It would also require MPD to preserve records from school-based incidents – including data on race, gender, age, and disability.



## ECONOMIC JUSTICE

**D.C. Driving for Opportunity Amendment Act (Bill 24-230)** amends District law that currently prevents residents from renewing their driver's license if they owe fines or fees to the District.

**Sidewalk Vending Zones Amendment Act (Bill 24-50)** instructs the Mayor to create vending zones for sidewalk vendors to legally operate without facing citations.

**Stop Discrimination by Algorithms Act (Bill 24-558)** prohibits companies from using algorithms that discriminate based on race, gender, sexual orientation, disability, and other protected characteristics to make decisions about people's applications for jobs, housing, loans, education, and health care.

# THE CAMPAIGN FOR D.C. STATEHOOD: AN INTERVIEW WITH LEADER ANISE JENKINS



PHOTO CREDIT: KEITH IVEY/FICKR

Last year marked the closest we've come in 200 years to achieving full and equal rights for the people of D.C. through D.C. statehood. The *Washington D.C. Admission Act*, a bill for statehood, passed the U.S. House of Representatives in April 2021. The Senate's corresponding bill now has 46 cosponsors, the most support ever for D.C. statehood in the U.S. Senate.

We know we can only pass D.C. statehood legislation with increased national support. And we know from polling by Celinda Lake commissioned by D.C. Vote in 2020 that the more people know the facts about statehood for D.C., the more likely they are to support it. Most promising of all, when presented with the strongest pro and anti arguments,

people polled from every major political affiliation – Republicans, Democrats, and independents – become more likely to support D.C. statehood.

This year, we find ourselves in a position to continue to form new and deeper partnerships as we work with local organizations, ACLU affiliates across the country, and many other national organizations who are now prioritizing educating their supporters and communities about this critical civil rights fight for the 700,000 people of D.C.

Learn more about the effort and how to get involved visit: [dcstatehoodnow.org](https://dcstatehoodnow.org)

**Of course, the campaign for D.C. statehood has been building for generations. Today, we lift up the leadership of Anise Jenkins, who is the Executive Director of Stand Up! for Democracy in D.C. (Free D.C.), and who has been a leading voice advocating for Statehood for District residents for decades.**

## How long have you lived in the District?



**Anise Jenkins:** I'm a native Washingtonian. I was born here and will continue to live here. I grew up right around the corner from Grimke Elementary and went to Howard University, which is right down the street. The capital of the nation is my origin.

## What are some of your poignant memories about the fight for Statehood?



**AJ:** Well, I remember we did a lot of nonviolent civil disobedience. We would go up to Capitol Hill and voice our opinion on D.C. statehood, and we would get arrested. That was fine with us. We would get arrested. The police would drag us up the steps inside the Capitol during the hearings, and we enjoyed that. We thought it was right to be there protesting for our rights. We would call Representative Norton and tell her we had been arrested. She said, "Oh, they're just acting like we did in SNCC." That is the Student Nonviolent Coordinating Committee. She was a member of SNCC back in the 1960s. I remember that so well, I'm very proud of it. She gave us credit for acting like they did in the civil rights era.

## For folks who are interested in getting involved, and getting their friends and the family involved, what do you think is the biggest thing that they can do?



**AJ:** I want them to participate, to speak out, speak up. And to care. We don't want to be forgotten. We don't want to be an afterthought. We are very crucial to the progress of this country, and we have to stand up and speak out.

## What keeps you hopeful about the fight for D.C. statehood?



**AJ:** The fact that the United States House of Representatives voted and passed statehood bills in 2019 and 2021, the fact that we get so many cosponsors for the bill every time we ask for it. The fact that it's discussed, the fact that we had a national protest on the National Mall, and for statehood, this is all very encouraging, and we have to keep the fight going. We have to. It is a fight. It is a civil rights struggle, but it's a civil rights accomplishment we can definitely see in our lifetime. I have no question about that. And we have younger people getting involved, people around your age who are getting really involved, who are carrying the Free D.C. signs. Yes, we will see statehood for D.C. It will happen.

## COURTWATCH DC: BRINGING MUTUAL AID TO LOCAL COURTS



**“It was like having an out-of-body experience when I sat at the defendant’s table,” Qiana Johnson told Glamour. “Just the way that the prosecutor was allowed to move through the world as if there were no consequences. I didn’t see any justice at any part of going through the system. That’s why I made this my lifelong work.”**

Johnson’s work with Harriet’s Wildest Dreams, a Black abolitionist group, includes starting CourtWatch DC, which trains people to observe, document, and address injustices in local courts. Johnson modeled D.C.’s program after a similar one she created in Prince George’s County, Maryland.

ACLU-D.C. has partnered with Harriet’s Wildest Dreams to grow this community effort. As a form of mutual aid, CourtWatch DC brings together people with higher and lower risk of being pulled into the criminal legal system and trains each of us to contribute what we can to address injustice in the court system. We courtwatch for four reasons: to provide care and support for people struggling to navigate the system, to educate our communities about how to exercise our rights, to gather data in real time, and to hold judicial actors accountable.

We are now building our community of multigenerational, multiracial, and anti-racist courtwatchers.



Visit [www.courtwatchdc.org](http://www.courtwatchdc.org) to learn more and sign up for bimonthly trainings.

## HOW TO SUPPORT ACLU-DC

In order to curb the spread of COVID-19, our office operations are currently remote. We accept contributions the following ways:



### Through your donor-advised fund (DAF).

Choose “American Civil Liberties Union Foundation of the District of Columbia” and EIN 52-6070446 with your DAF provider.



### With a gift of stock or for wiring instructions.

Please contact [development@acludc.org](mailto:development@acludc.org) for our account and DTC number.



### By phone.

Call our Donor Services at (212) 549-2543.



### With a gift through a bequest or charitable trust.

Visit [www.aclu.org/legacy](http://www.aclu.org/legacy) to see how gifts through your will, retirement plan, life insurance, or trust can provide for both your loved ones and ensure our ability to fight for civil liberties in the future.



**Through the mail.** Please note that mail is delayed by at least 4 weeks and receipt may be delayed. Mail may be sent to:

Monica Hopkins  
ACLU of the District of Columbia  
PO Box 96503  
PMB 85739  
Washington, D.C. 20090-6503



### Via mobile device.

Access our donation page here via QR code or at [acludc.org/give](http://acludc.org/give)



## MEET OUR NEW STAFF



**KT Beckman-Gotrich**  
Community Engagement Associate  
*Pronouns: they/them*

After graduating with a BA in Art History from James Madison University, KT juggled an internship with Smithsonian American Art Museum and an AmeriCorps service year teaching English as a Second Language.



**Tara Patel**  
Dunn Fellow  
*Pronouns: she/her/hers*

Tara's primary interests are in litigating cases at the intersection of race and disability discrimination. Previously, Tara clerked for the Hon. Paula Xinis of the U.S. District Court for the District of Maryland and the Hon. Ronald L. Gilman of the U.S. Court of Appeals for the Sixth Circuit.



**Yvonne Slosarski**  
Senior Communications Strategist  
*Pronouns: she/her/hers*

Yvonne works with communities, staff, and media to tell stories and create materials that empower District residents. Yvonne earned her Ph.D. in Communication at the University of Maryland, where she researched social and economic justice movements and protest.



**Brianna Tichy**  
Development Officer  
*Pronouns: she/her/hers*

Bri joined the ACLU-D.C. team in April, stepping into the Development Officer position after 5 years of working in organizing and fundraising, running canvass offices across the country—including for the ACLU.



**Melissa Wasser**  
Policy Counsel  
*Pronouns: she/her/hers*

Melissa has testified before Congress on whistleblower reform and court access issues, and she has been cited in various news outlets, including The New York Times, The Washington Post, and The Los Angeles Times.

## NEED LEGAL ASSISTANCE?

If your civil liberties or civil rights were violated, you may file a complaint with our office at [www.acludc.org/Legal\\_Intake](http://www.acludc.org/Legal_Intake). If you wish to request legal help about a civil rights or civil liberties violation, you may leave a voicemail at 202-601-4269. Please note that leaving your email and/or mailing address will help us process your request faster.

Unfortunately, our office has limited resources, so we cannot take every case we are contacted about. For examples of cases we do not take, please see the list on this page: [www.acludc.org/help](http://www.acludc.org/help).

If we cannot help you, we will do our best to suggest a different organization or law firm that might be able to assist. (*Note: that we cannot guarantee that they will be able to take your case.*)

If you have a case not involving civil liberties or civil rights, please see our resource guide for help with other legal problems in the DC area: [www.acludc.org/resource-guide](http://www.acludc.org/resource-guide). Also, make sure you know your rights. Check out ACLU-D.C.'s easy-to-use resources at [www.acludc.org/kyr](http://www.acludc.org/kyr)

**“I FEEL THE WEIGHT OF THIS MOMENT, AND I AM FINDING HOPE IN THE WORK WE DO TOGETHER.”**



On June 24, the Supreme Court dealt an excruciating blow with the Dobbs decision, overturning Roe v. Wade – the landmark decision recognizing the constitutional right to abortion nearly 50 years ago – and stripping more than half of the country of a fundamental right. This decision has left many of us reeling and grasping for hope. I feel the weight of this moment, and I am finding hope in the work we do together.

Today, abortion is legal in the District because for decades, our communities fought to ensure that anyone who needs an abortion can safely get this critical health care. ACLU-D.C. and our partners will continue to do everything we can to ensure that D.C. stays an abortion safe haven, including supporting D.C. Council bills that advance reproductive freedom.

Some states can now criminalize people who seek and provide abortions, and the government can use surveillance and incarceration to enforce these laws. Dobbs has shown how deeply interconnected abortion rights are to our work at the ACLU. Our work to curtail undue criminalization, police abuse, and intrusive government surveillance must continue. With the thunderous outcry in the streets following Dobbs, we are called to further strengthen and expand our First Amendment rights.

We cannot take our civil rights for granted. Dobbs has made D.C. statehood imperative because we need the self-determination required to protect the rights we have and secure the ones we need. We cannot leave our rights up to a Congress that is not representative of us. Our charge now is not just to protect, but to expand and actively stake out a vision for a just future, where every person can truly be equal and free.

**Monica Hopkins**  
Executive Director

# ACLU

District  
of Columbia

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# D.C. AFTER DOBBS: WHAT YOU CAN DO TO PROTECT ABORTION ACCESS IN D.C.

No one should be forced to carry a pregnancy against their will and face the life-altering consequences of being denied essential health care. But the Supreme Court issued a ruling overturning *Roe v. Wade* — the landmark decision recognizing the constitutional right to abortion nearly 50 years ago.

Here's how you can get involved in what we're doing to protect and expand abortion access in D.C.



**Spread the word** that abortion at all stages of pregnancy is safe and legal in the District.



**Support D.C. Council bills** that advance reproductive freedom.



**Talk to your friends and family** about how D.C. statehood would protect and expand abortion access.

Visit: [acludc.org/abortionresources](https://acludc.org/abortionresources) to see our resource guides, videos, and information about abortion access in D.C.

Mailing area for address, postage, return