

**NAACP LEGAL  
DEFENSE AND  
EDUCATIONAL  
FUND, INC.**

**LDF**

DEFEND EDUCATE EMPOWER

**ANNUAL REPORT  
2017/2018**

Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957. From that era to the present, LDF's mission has always been transformative: to achieve racial justice, equality, and an inclusive society.

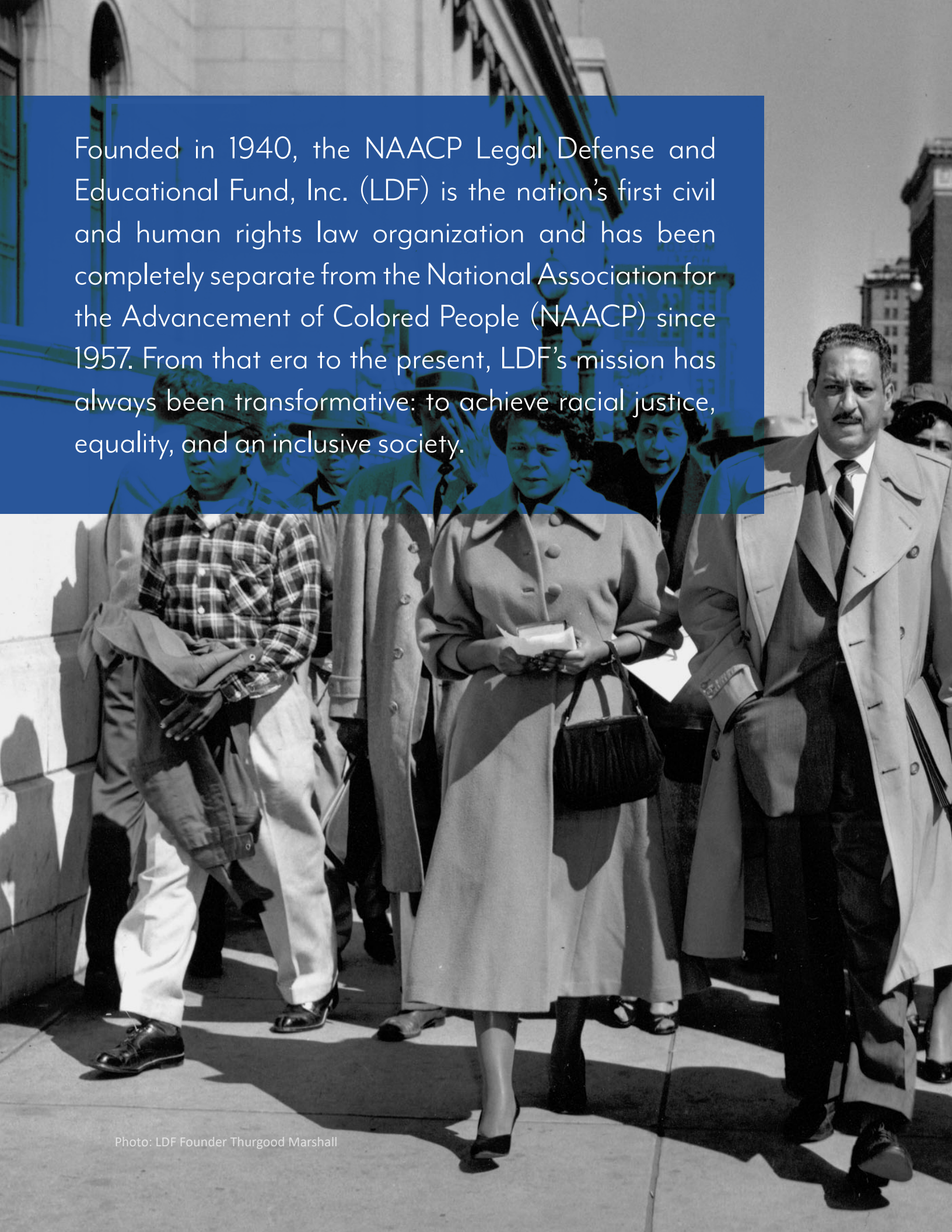


Photo: LDF Founder Thurgood Marshall

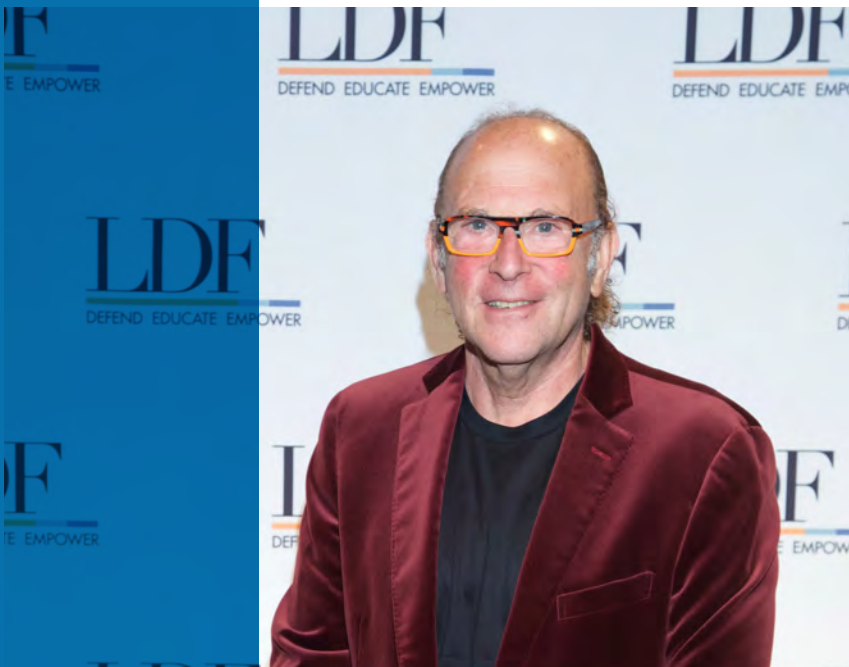


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**Gerald S. Adolph**



**David W. Mills**

We are proud to say that despite these mounting threats, LDF remains equal to the task. This annual report is a testament to LDF's remarkable success in and out of the courtroom.

# message from the chairs of the board

In 1978, LDF's founder Thurgood Marshall said, "Where you see wrong or inequality or injustice, speak out, because this is your country. This is your democracy. Make it. Protect it. Pass it on."

The NAACP Legal Defense Fund has been pursuing that mission since its founding. Through litigation and advocacy, LDF works to protect and preserve our democracy, so that its promises of liberty and justice can at last be made real for all Americans.

Fulfilling that promise for the next generation has always been an enormous challenge, and our current moment is no exception. With hate crimes on the rise, resurgent voter suppression, the rule of law under assault on multiple fronts, and growing inequality, the fight for civil rights and racial justice is perhaps more urgent than at any time in recent history.

We are proud to say that despite these mounting threats, LDF remains equal to the task. This annual report is a testament to LDF's remarkable success in and out of the courtroom. In the pages that follow, you will read about our lawsuit against President Trump's voter suppression commission; our successful blockage of a predominantly white municipality's attempt to secede from its school district; our historic settlement with Target Corporation over its discriminatory hiring procedures; our amicus brief against this administration's ban on immigration from six majority-Muslim nations; and our lawsuit attacking intentional discrimination against Haitian U.S. residents. You'll also read about our report on the experiences of Black girls in Baltimore public schools, our efforts to halt the nominations of judges with records that are hostile to civil rights, and our ongoing work to nurture police reform around the country.

Of course, none of this critical work would be possible without supporters like you. We are profoundly thankful for your generosity and commitment. Thanks to you, LDF enjoyed another remarkable year of fundraising. We are especially grateful to the JPB Foundation and the W.K. Kellogg Foundation for the extraordinarily generous grants they provided to support critical LDF activities. These contributions have allowed us to again expand our staff, so that we can keep pace with the challenges before us. We are also exceptionally grateful to the members of the Board for all that they do for LDF.

Those challenges are persistent. But so are the women and men of the NAACP Legal Defense Fund. With your continued support, we will keep working to live up to Thurgood Marshall's challenge by speaking against injustice and strengthening our democracy for all who call it home.

**Thank you for standing with LDF.**

**Gerald S. Adolph**  
**David W. Mills**



**Sherrilyn Ifill, President and Director-Counsel**

LDF is working tirelessly to meet the challenges of this moment. Every day, we fight in courts, in the halls of government, and in the public square to strengthen our democracy and advance the cause of justice and equality. With your support, our efforts are achieving results, and I am proud to share this record of our accomplishments in fiscal year 2018.

# message from the president and director-counsel

In 1868, the Fourteenth Amendment to the Constitution was ratified, affirming that every American is entitled to equal protection of the laws. A century and a half later, our nation's commitment to that promise—the promise upon which we have slowly built a more perfect union—is being sorely tested.

LDF works tirelessly every day to meet the challenges of this moment. Every day, we fight in courts, in the halls of government, and in the public square to strengthen our democracy and advance the cause of justice and equality. With your support, our efforts are achieving results, and I am proud to share this record of our accomplishments in fiscal year 2018.

## **Our Work in Summary**

In its first year in office, the Trump Administration launched unprecedented assaults on civil rights and the rule of law in America. Just months after taking office, the administration established a so-called Presidential Commission on Election Integrity. Ostensibly set up to investigate the president's baseless claims of massive voter fraud in the 2016 elections, the commission's real purpose was revealed by the choice of Kris Kobach as its co-chair. The former Kansas secretary of state, Kobach has eagerly peddled the myth of voter fraud in order to disenfranchise Black and Latino Americans. True to form, he began asking states to turn over enormous amounts of voter data, a troubling prelude to voter purges. LDF sued the commission in July for intentional racial discrimination under the 14<sup>th</sup> Amendment, among other violations. In response to *LDF v. Trump* and other suits, the White House disbanded the commission.

When the Administration began pursuing discriminatory policies against Black immigrants, we were there. We sued the Department of Homeland Security over its decision to strip Haitian immigrants of their Temporary Protected Status, a cruel decision with no credible explanation other than racial bias. The suit, which we brought with the national NAACP (an entirely separate organization from LDF) and Davis Polk & Wardwell LLP, is pending in federal district court. We also filed an amicus brief in the State of Hawaii's lawsuit against the administration's ban on immigrants from six majority-Muslim nations, a ban the Supreme Court ultimately upheld in a 5-4 decision.

We won a major victory in our fight for justice in the workplace. We filed a federal class action lawsuit against Target Corporation, one of the nation's largest retail companies, over its hiring process. By using overly restrictive criteria for evaluating applicants with criminal backgrounds, the company seriously disadvantaged qualified Black and Latino applicants. LDF, our partners, and our clients reached a settlement agreement with Target that required the company to revamp its screening policies. Negotiations over the final agreement are continuing.

In keeping with our legacy of working for integrated education, we opposed the City of Gardendale, Alabama over its attempt to secede from surrounding Jefferson County. In 2010, Jefferson County built a new, state-of-the-art high school in Gardendale, an affluent and predominantly white suburb, in the hopes of attracting a diverse student body from across the county. Many supporters of Gardendale's plan made clear that they favored secession because they feared racial integration. Working with civil rights icon U.W. Clemon, LDF secured a precedent-setting decision from

the Eleventh Circuit that blocked Gardendale’s secession request on the grounds that it was intended to perpetuate racial segregation. As a result, the county’s resources will continue to be available to all of its students.

### **Honoring the Past, Protecting the Present**

In addition to the 150<sup>th</sup> anniversary of the Fourteenth Amendment, 2018 marked the 50<sup>th</sup> anniversary of two other civil rights milestones: the publication of the Kerner Commission report and the passage of the Civil Rights Act of 1968.

The Kerner Commission was formed in 1967 by President Lyndon Johnson to investigate the causes of the riots that began to proliferate across urban America beginning in the mid-1960s. In its final report, which was released in 1968, the commission famously warned, “our nation is moving toward two societies, one black, one white—separate and unequal.” It made several recommendations, including stronger federal action against *de facto* segregation and greater government assistance to Black Americans struggling to find decent work and housing. Its recommendations went largely unheeded, however, and its warnings remain as urgent today as they were a half century ago. In March, I had the privilege of delivering a keynote address on the enduring challenge of race in America at a conference hosted by the Economic Policy Institute, the University of California-Berkeley, and Johns Hopkins to commemorate the Kerner Commission’s 50<sup>th</sup> anniversary.

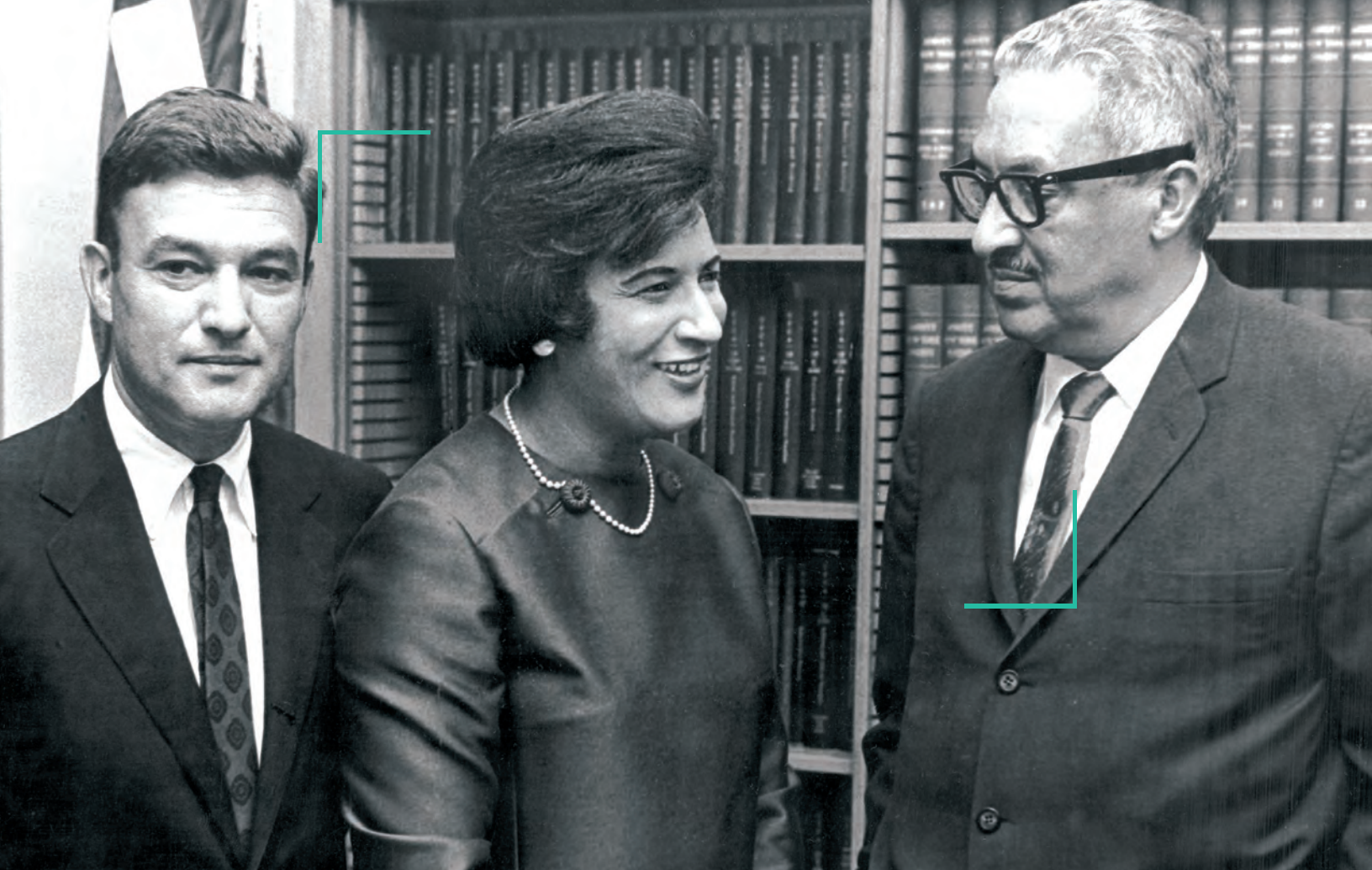
The year 1968 also marked the passage of the Fair Housing Act, which banned racial housing discrimination and required the Department of Housing and Urban Development to affirmatively pursue fair housing. In March, a central piece of the law’s legacy was threatened when HUD Secretary Ben Carson rewrote the department’s mission statement to remove language describing “inclusive and sustainable communities free from discrimination.” We joined 572 civil rights organizations demanding that HUD retain the original language and reaffirm its commitment to enforcing the Fair Housing Act. As a result of our efforts, the original mission statement remains intact.

### **Looking Ahead**

We do not expect this administration’s hostility to civil rights to abate any time soon. And we continue to confront and challenge discriminatory practices and policies of state and local governments around the country. This means our work to defend the progress of the past and enlarge the possibilities of the future won’t get any easier in the year ahead. But this task has never been easy, and with your backing, I know the women and men of LDF will continue their outstanding work to make real the promise of the Fourteenth Amendment: the promise of equal justice for all.

**Sherrilyn A. Ifill**  
**President and Director-Counsel**







# litigation

LDF maintains a robust docket that touches on a wide range of issues. The following are just a few highlights of our work.



Education



Political Participation



Criminal Justice



Economic Justice



Equal Justice



Supreme Court Advocacy





# education

## *Stout v. Jefferson County*

Jefferson County, Alabama, has a long and troubled history of offering inferior education to Black students. More than 50 years ago, LDF sued the Jefferson County Board of Education for violating Black students' constitutional rights. In 1971, a federal district court issued an order requiring Jefferson County to integrate its schools.

This order has led to progress in some parts of the county, but hostility to integration persists. In 2010, Jefferson County built a state-of-the-art, \$51-million high school in the city of Gardendale to encourage desegregation by attracting students from different parts of the county. But in 2014, Gardendale, an affluent and largely white municipality, created its own Board of Education and announced its intention to separate from the Jefferson County School District, claiming the new high school as its own. Supporters of Gardendale's secession made unambiguous comments about their fears of racial integration.

LDF filed an objection to Gardendale's plan in the U.S. District Court for the Northern District of Alabama. After a trial, the district court ruled in April 2017 that because Gardendale was motivated by intentional discrimination, its secession plan violated the Fourteenth Amendment. However, the court also ruled that Gardendale would be permitted to secede in part. With our co-counsel, civil rights icon and former judge U.W. Clemon, LDF filed an appeal in the Eleventh Circuit Court of Appeals. In a precedent-setting decision, the Eleventh Circuit affirmed the district court's finding of intentional discrimination but also held that Gardendale's request to secede must be wholly rejected. Gardendale has dropped any further appeals, ensuring that it will remain part of Jefferson County's school district and subject to the county's desegregation obligations.

## *Robinson v. Wentzell*

In 1996, the Connecticut Supreme Court issued its groundbreaking decision in *Sheff v. O'Neill*, holding that the State's maintenance of racially isolated schools in Hartford and its suburbs violated the state constitution. LDF brought the Sheff case and continues to litigate it, along with our co-counsel at the American Civil Liberties Union (ACLU), the ACLU of Connecticut, and attorneys Wesley Horton and Martha Stone. Much work remains to be done, but *Sheff* has led to increased integration in Hartford and its suburbs and improved educational opportunities for Black and Latinx students.

In February, Pacific Legal Foundation, a conservative organization which also works to dismantle affirmative action, filed a lawsuit in federal district court, urging it to invalidate the *Sheff* desegregation remedies. With our co-counsels, LDF filed a motion to intervene on behalf of Elizabeth Horton Sheff and seven other parents of Black, white, and Latinx children who are also plaintiffs in the *Sheff* case. The district court granted the motion. The Pacific Legal Foundation's suit is now pending before the court.

## *LDF v. U.S. Department of Education*

Under the Trump Administration, the Department of Education's Office for Civil Rights (OCR) has abdicated its responsibility to protect students from discrimination and to ensure equal access to educational opportunities. The department has rescinded guidance that protected the safety and rights of transgender students, rescinded guidance regarding how schools should respond to sexual assault allegations, weakened OCR's responsibilities with respect to civil rights and racial discrimination claims, and is reportedly considering the withdrawal of guidance related to eliminating racial disparities in school discipline. The administration also proposed cutting OCR's budget by 40 percent, despite reports of a sharp rise in instances of racial harassment on campuses. In May 2017, Secretary of Education Betsy DeVos testified in support of "school choice" programs but refused to say whether her office would provide funds to private schools that intentionally discriminate against students.

LDF filed a request under the Freedom of Information Act (FOIA) to better understand the department's decision-making process and monitor its changing policies and priorities. Under federal law, a government agency must respond to a FOIA request within 20 working days of receipt. After receiving no response for more than nine months, LDF filed a federal lawsuit asking the court to compel the department to disclose relevant records. After filing the lawsuit, LDF and the department engaged in further negotiations, with the department agreeing to process over 14,000 pages of records for potential production. We will carefully review those records as they are produced to determine what they indicate about the Education Department's policies, its compliance with federal law, and what further action may be appropriate.









# political participation

## *LDF v. Trump*

In May 2017, President Trump signed an executive order establishing the Presidential Advisory Commission on Election Integrity. It was quickly apparent that the commission's true purpose was to manufacture evidence in support of President Trump's false assertions that millions of fraudulent votes were cast in the 2016 presidential election. The commission was stacked with well-known proponents of the myth of widespread voter fraud, and it lacked any representation from the civil rights community.

Along with our co-counsel at the Mexican American Legal Defense and Educational Fund and LatinoJustice, LDF sued the commission in federal court. There were a number of other suits against the commission, but ours was the only one to raise a racial discrimination claim. We cited racist statements by the president and his surrogates suggesting that voters of color are more likely to commit voter fraud, as well as evidence that the commission intended to use a database-matching system known to be riddled with false positives disproportionately impacting voters of color.

In January 2018, in response to the pressure brought by this suit and seven others brought by other civil rights organizations, the commission was disbanded.

## *Terrebonne Parish Branch NAACP v. Jindal*

With Ron Wilson and the law firm Cozen O'Connor, we challenged the at-large voting system used to elect judges in Terrebonne Parish, Louisiana. Although nearly 20 percent of Terrebonne's voting-age population is Black, the at-large voting system has denied Black voters an opportunity to elect a candidate of their choice because white voters consistently voted for different candidates. Indeed, the parish has never elected a Black judge who has faced opposition. Under at-large voting, a white judge was reelected in 2008 to a six-year term even after the Louisiana Supreme Court suspended him for attending a Halloween party wearing blackface, an orange prison jumpsuit, handcuffs, and an afro wig.

After an eight-day trial, a federal court in Baton Rouge, Louisiana issued a 91-page ruling in our favor. The court held that this at-large system violated the Voting Rights Act because it deprived Black voters of an equal opportunity to elect a candidate of their choice. The court further held that the system violated the Constitution because it was designed to discriminate against Black voters. In the court's words, "a motivating purpose in maintaining the at-large electoral scheme for [judges in Terrebonne Parish] was to limit the opportunity of black individuals to participate meaningfully and effectively in the political process to elect judges of their choice." LDF is currently working to obtain a remedy that, consistent with the court's order, would provide a fair opportunity for Black voters to elect candidates of their choice.

## *Greater Birmingham Ministries v. Alabama*

LDF, along with our co-counsel Covington & Burling and local attorney Mitch McGuire, currently has an appeal pending in the Eleventh Circuit Court of Appeals concerning our challenge to Alabama's discriminatory photo ID law. On behalf of organizational and individual clients, LDF presented powerful evidence that Alabama's photo ID law was intended to decrease participation by Black and Latinx Alabamians, who disproportionately lack access to photo IDs and face barriers in obtaining them. Our evidence shows that nearly 118,000 eligible voters in the state are disenfranchised by Alabama's ID law. The district court did not dispute this evidence, but it ruled in favor of the state by crediting its speculation that home visits by an ID-issuing mobile unit would erase the very real burdens imposed by the photo ID law. In fact, fewer than ten such home visits occurred, and they began only after the filing of this lawsuit.





Photo by Scott Olson/Getty Images



Photo by Carles Rabada on Unsplash

# criminal justice

## *LDF v. U.S. Department of Justice*

In May, LDF filed a lawsuit against the U.S. Department of Justice, challenging a partially denied Freedom of Information Act (FOIA) request to the Justice Department's Office of Community Oriented Policing Services, or COPS Office. Under the Obama Administration, the COPS Office began investigating the practices of North Charleston, South Carolina Police Department (NCPD) in the aftermath of the agency's killing of Walter Scott, an unarmed Black man. The Trump Administration abandoned that investigation and effectively disbanded the COPS Office's investigation component more generally. Through its FOIA request, LDF seeks to obtain information about what the COPS Office's investigation into the NCPD had revealed and whether further action is needed to address the NCPD's policies and practices.

In response to LDF's suit, the Justice Department has maintained that the withheld documents are exempt from disclosure under FOIA. LDF contends that the exemptions asserted by DOJ are inapplicable, and that the COPS Office failed to search for all documents responsive to the request. The case is currently pending in federal district court.

## *LDF v. NYPD*

The New York City Police Department (NYPD) has created a Criminal Group Database, also known as the Department's Gang Database, which designates tens of thousands of New Yorkers as members of gangs or local street crews. Individuals are not given any notice when they are placed in the database, but they are then targeted by police. More than 95 percent of the individuals included in the database are Black or Latinx.

To bring transparency to this largely secret database, LDF and the Center for Constitutional Rights submitted two separate public records requests to the NYPD. The requests sought information about how the NYPD builds, maintains, and audits its gang database, including whether it offers due process protections. The NYPD responded to each request by denying access to most of the requested records. In response to administrative appeals, the NYPD asserted that many requested records could not be located after a diligent search. Yet in public testimony, a representative of the NYPD indicated that the department has "established procedures" to ensure the accuracy of its database. This assertion is inconsistent with the NYPD's response to our public records.

On August 8, 2018, LDF and the Center for Constitutional Rights filed a lawsuit against the NYPD, challenging its failure to provide more documents. The case is currently pending in state court.

## *Davis v. City of New York*

This summer, a federal court ordered the NYPD to undertake a pilot program to use body-worn cameras to record all investigative encounters between police and residents. The court's order came in response to a request made by attorneys behind three landmark cases challenging the NYPD's notorious stop-and-frisk policies, which had targeted Black and Latinx New Yorkers, including *Davis v. City of New York*, a case that LDF brought and continues to litigate.

In *Davis*, LDF, with the Legal Aid Society and the law firm Paul, Weiss, Rifkind, Wharton, & Garrison, LLP, filed a class action complaint against the City of New York and the New York City Housing Authority (NYCHA) challenging the NYPD's unlawful practice of routinely subjecting public housing residents and their visitors to illegal stops and arrests. The complaint asserted that NYPD officers indiscriminately stop and arrest people living in or visiting NYCHA residences. As a result, people who had a legitimate and lawful reason for being on NYCHA property were routinely detained or arrested for criminal trespass. Sometimes the police even arrested residents in their own buildings. The NYPD agreed to settle the case in 2015, and it has now proceeded to a remedial process where the court oversees various aspects of the NYPD's practices. LDF continues to advocate for the rights of NYCHA residents and for greater police accountability during this remedial process.





UNITED STATES COMPANY





# economic justice

fair housing/employment/transportation/consumer rights

## *Times v. Target*

In April, LDF joined the law firm of Outten & Golden and Greater Hartford Legal Aid to file a federal class action lawsuit against the Target Corporation. Our suit alleged that Target, one of the largest retail corporations in the United States, uses a job applicant screening process that discriminates against qualified African American and Latinx candidates based on their race and national origin, in violation of Title VII of the Civil Rights Act of 1964.

Target's criminal background screening process is overly restrictive, disproportionately harming African American and Latinx applicants, who, because of systemic discrimination in the criminal justice system, are arrested and incarcerated at rates substantially higher than whites.

After several years of investigation and negotiations, the parties reached a proposed settlement that includes: a process for Target to revamp its criminal background check screening policy based on expert review and recommendations; a priority hiring process for class members; and cash awards for class members who cannot participate in the priority hiring process. The federal court has granted preliminary approval of the settlement, and we continue to work toward finalizing it.

## *Little v. Washington Metro Area Transit Authority*

In 2011, the Washington Metro Area Transit Authority (WMATA) implemented a policy permanently barring anyone with a felony conviction for the sale of controlled substances from working at WMATA. Because of persistent discrimination in the criminal justice system, especially with respect to drug offenses, the effects of WMATA's policy were disproportionately felt by Black WMATA employees and applicants.

In 2014, LDF, the law firm Arnold and Porter, and the Washington Lawyers' Committee, filed a class action lawsuit challenging WMATA's reliance on this unduly strict policy.

The parties reached a settlement agreement, which included a change in WMATA's hiring policy and damages for class members in November 2017. A fairness hearing was held by the federal district court in April 2018, and the court approved the settlement after that hearing.

## *Open Communities Alliance v. HUD*

In October 2017, LDF and several civil rights organizations filed a federal lawsuit against the U.S. Department of Housing and Urban Development (HUD) on behalf of two individuals and one fair housing organization, challenging HUD's decision to suspend its Small Area Fair Market Rent Rule. The rule, enacted during the Obama Administration, was designed to permit thousands of low-income families who participate in the Housing Choice Voucher program to move from impoverished and racially-segregated communities to areas that provide greater opportunity in education, jobs, transportation, and more.

In August 2017, under the Trump Administration, HUD delayed implementation of the rule for two years, until January 2020. It did so without abiding by required notice and comment procedures or providing sufficient justification for the delay.

On December 23, 2017, the court granted our request for a preliminary injunction. U.S. District Court Judge Beryl Howell ruled that HUD must immediately restore the carefully-crafted rule to empower low-income families to secure affordable housing in higher-opportunity areas. Judge Howell held that HUD and Secretary Ben Carson unlawfully suspended implementation of the rule without providing a reasonable justification for the delay.

In February 2018, HUD agreed to implement the Small Area Fair Market Rent Rule as it had been originally intended. LDF was joined in this case by the law firm Relman Dane & Colfax, the Poverty & Race Research Action Council, the Lawyers' Committee for Civil Rights Under Law, and Public Citizen.

## *MorningSide Cmt. Org. v. Sabree*

In 2016, LDF, along with the ACLU of Michigan and Covington & Burling, LLP, filed a lawsuit in state court on behalf of individual homeowners and four neighborhood associations challenging property tax and foreclosure practices in Detroit and Wayne County, Michigan.

Each year, thousands of owner-occupied properties in Wayne County are seized in tax foreclosure, resulting in the eviction of homeowners and contributing to blight in the surrounding neighborhoods. Because of systemic failures in the property assessment process, the tax bills underlying these foreclosures are often grossly inflated. Many homeowners facing foreclosure were entitled under Michigan law to an exemption from property taxes by reason of their poverty, but Detroit has made the application so burdensome that few eligible homeowners apply.

This summer, we successfully negotiated a settlement with the City of Detroit. The agreement will save the homes of over 300 homeowners and their families and will make it less burdensome in the future for residents to apply for a city program exempting low-income homeowners from taxes they cannot afford.





# equal justice

## *NAACP v. U.S. Department of Homeland Security*

The case is currently pending in federal district court. The national NAACP (an entirely separate organization from LDF) and the law firm of Davis, Polk, & Wardwell serve as our co-counsel in this case.

This year, LDF brought a suit against the United States Department of Homeland Security (DHS), on behalf of the national NAACP (an entirely separate organization from LDF), the Haitian Lawyers Association, and Haitian Women for Haitian Refugees, against DHS's cruel November 2017 decision to rescind Temporary Protected Status (TPS) for Haitians in the United States.

On January 12, 2010, Haiti was struck by one of the deadliest earthquakes in modern history. It killed hundreds of thousands of Haitians, left millions homeless, and nearly destroyed Haiti's capital. Haiti's recovery efforts have been hobbled by two additional catastrophes: the outbreak of cholera in October 2010 and a Category 4 hurricane in October 2016. These extraordinary circumstances led to Haiti's 2010 TPS designation and to DHS's repeated extension of that designation over the last seven years, allowing eligible Haitians to remain in the United States without fear of deportation and to obtain work authorization. Nevertheless, despite persistent food insecurity, a housing shortage, and a cholera epidemic, and

despite a formal extension request from the Haitian gov

ernment and various American officials from across the political spectrum, DHS terminated TPS for Haitians in November 2017, with a delayed effective date of July 22, 2019. An estimated 58,000 Haitians may face deportation to a country that is ill-prepared to receive them.

Our suit alleges that DHS's decision to rescind Haiti's TPS designation was infected with the intention to discriminate against Haitians in the United States on the basis of race. In early 2017, DHS officials searched for evidence that Haitians in the United States were criminals and receiving public assistance. Those efforts were grounded in longstanding and particularly noxious anti-Black stereotypes. Unable to find evidence to support their discriminatory stereotypes, DHS offered untenable rationales for rescinding TPS that were inconsistent with ongoing conditions in Haiti. In addition, President Trump has made public statements demonstrating his antipathy towards Black immigrants. This bias against Haitian immigrants recalls America's long, ignominious history of discrimination against Haiti, the world's first Black republic.



EQUAL JUSTICE UNDER LAW



# supreme court advocacy

## *Masterpiece Cakeshop v. Colorado Civil Rights Commission*

In this major case concerning a baker's denial of service to a same-sex couple, the Supreme Court reaffirmed core anti-discrimination principles in public accommodations. Relying on a 1968 case that LDF successfully litigated, *Newman v. Piggy Park Enterprises*, the Supreme Court emphasized that business owners are not exempt from anti-discrimination laws because of their religious or philosophical beliefs. This was consistent with an argument we made in an amicus brief in *Masterpiece Cakeshop*. In that brief, we also stressed that equal treatment in public spaces has long been an essential part of equal citizenship for people of color, especially Black Americans.

The Supreme Court sent the case back to the lower courts for further consideration, but solely because the Court concluded that the Colorado Civil Rights Commission did not act "with the religious neutrality that the Constitution requires" when it rejected the bakery's arguments. The Court did not, however, rule that the baker's refusal to provide services is protected by the First Amendment.

## *Epic Systems v. Lewis*

The issue before the Supreme Court in this case was whether employers may rely on arbitration clauses to prevent employees from joining together in class or collective actions to challenge workplace violations. In an amicus brief joined by 30 civil rights organizations, LDF, the Impact Fund, and Cohen Milstein Sellers & Toll stressed that collective action is essential for employees to identify and remedy workplace discrimination.

By a 5-4 vote, the Supreme Court ruled in the employer's favor. However, as Justice Ginsburg noted in her dissent, this case did not involve a discrimination claim. The majority did not address whether employers may use such individual arbitration clauses to prevent employees from joining together in class or other collective actions to litigate discrimination claims. Justice Ginsburg specifically cited our amicus brief in this part of her opinion.

## *Hawai'i v. Trump*

LDF filed an amicus brief in this case forcefully opposing the Trump Administration's discriminatory executive order banning immigration from six majority-Muslim nations. We emphasized that the ban was driven by the false and pernicious stereotype that Muslims are predisposed to commit acts of violence. We then discussed how states and the federal government have relied on similar stereotypes about people being inherently dangerous because of their race or national origin to justify some of the most shameful policies in our history, including the Slave Codes, the Chinese Exclusion Act, and the internment of Japanese Americans during World War II.

Sadly, in a sharply divided 5-4 opinion, the Supreme Court sided with the government and vacated lower court decisions that had prevented the executive order from being implemented.

## *Husted v. A. Phillip Randolph Institute*

In response to Ohio's policy of disenfranchising voters for failing to vote in three consecutive federal elections and to respond to a single mailing, LDF, along with the Leadership Conference on Civil and Human Rights and the law firm Orrick, Herrington & Sutcliffe, filed an amicus brief urging the Court to hold that federal law prohibits purging voters absent reliable evidence that the voter has moved or is otherwise ineligible to vote. The amicus brief also stressed that the Department of Justice had, for years, recognized that federal law prohibits broad purges such as Ohio's, only to switch positions under the Trump Administration.

In a 5-4 decision, the Court upheld Ohio's voter purge policy. The decision is a troubling one, and LDF is closely monitoring the impact it may have in other states.



Photo by Robert Abbott Sengstacke/Getty Images



# policy/advocacy



## TMI Report

### *Our Girls, Our Future: Investing in Opportunity and Reducing Reliance on the Criminal Justice System in Baltimore*

On June 26, 2018, LDF released a report detailing the experiences of Black girls in the Baltimore City Public School system and the paths that lead to their involvement with the juvenile and criminal justice systems. Nationally, Black girls are the fastest-growing demographic affected by school discipline, arrests, and referrals to the juvenile justice system. For Black girls, the road to the juvenile justice system disproportionately involves unaddressed social-emotional needs at school. Because Black girls' educational experiences are often omitted from conversations about juvenile or criminal justice reform, LDF published this report to illustrate how school systems fail Black girls by not investing enough in their educational opportunities and relying too heavily on school police and confinement. The report also provided recommendations on how school systems can address these issues.



## TMI Report:

### *Locked Out of the Classroom: How Implicit Bias Contributes to Disparities in School Discipline*

On November 30, 2017, LDF released a report exploring how implicit bias contributes to racial disparities in school discipline. Teachers and administrators are often influenced by subtle, unconscious racial stereotypes when exercising their discretion in administering school discipline, contributing to well-documented racial disparities in suspensions, expulsions, and referrals to law enforcement. For example, in 2012, Black students composed only 16 percent of students in the U.S., but 42 percent of out-of-school suspensions. The report highlights research showing that the negative effects of implicit bias in school discipline can be limited by focusing on improving school climate and students' sense of belonging rather than on punitive discipline.



(rawpixel/Shutterstock)

## Ohio State Education Plan (7/10)

The Ohio Department of Education released its draft state plan under the federal Every Student Succeeds Act (ESSA) in February 2017. In July 2017, Racial Justice NOW! (RJN) of Dayton, Ohio; DSC, and LDF sent a letter to Ohio state officials urging them to ensure that its plan reflected community input and adequately addressed racial disparities in its public schools. LDF attended the Ohio State Board Meeting regarding the state's ESSA plan and testified at the hearing to highlight the need for the state to incorporate measures to improve school climate. Although the final plan did not include school climate as an indicator of school quality, the state will pilot the use of school climate surveys to potentially be used as a school improvement strategy and accountability indicator.



## Testimony for U.S. Commission on Civil Rights

On December 8, 2017, LDF submitted written testimony to the U.S. Commission on Civil Rights ahead of its briefing on the School-to-Prison Pipeline: The Intersections of Students of Color with Disabilities. The testimony encouraged the commission to continue and expand national civil rights data collection on school discipline practices and to take other vital steps to address discrimination in schools.



sirtravelalot/Shutterstock

## Judicial Nominations

Few roles are more important to our democracy than that of a federal judge. Those selected for the judiciary are given a lifetime appointment and entrusted to fairly interpret the Constitution. The current administration has stealthily worked to confirm nominees who are not committed to the rule of law and who would undermine civil rights. LDF has fought tirelessly to challenge judicial nominees whose records demonstrate hostility to core civil rights principles and who are otherwise unqualified to serve in these critical roles.

In November 2017, LDF helped lead the call for additional Senate Judiciary Committee hearings for district court nominees Brett Talley and Thomas Farr, who displayed a lack of the qualities and temperament necessary to be a federal judge and withheld key information from their initial hearings. While Talley's nomination was withdrawn less than a month later, Farr was re-nominated for the role in January 2018. LDF issued a statement condemning this re-nomination on the basis that Farr's career has been characterized by continual efforts to suppress the vote African Americans and advance and codify racism in North Carolina. In May 2017, the anniversary month of *Brown v. Board Education*, LDF challenged the judicial nominations of Wendy Vitter and Andrew Oldham, who both failed to affirm in their initial hearings that *Brown* was correctly decided. Through this challenge, LDF endeavored to educate the Senate and the public that the records of both nominees demonstrate a dangerous lack of commitment to the rule of law and to fairly interpreting our nation's civil rights.



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## 2020 Census

The Trump Administration has decided to include a question about citizenship status on the 2020 Census. This will interfere with the Census Bureau's obligation to conduct a fair and accurate Census count. Given this Administration's attacks on civil rights policies and protections, the addition of this untimely, unnecessary, and fiscally wasteful question will reasonably cause widespread fear in communities of color, likely leading people to avoid the Census completely. Even prior to this decision, there has been an historic undercount of Black people and other people of color during the decennial counts impacting reapportionment, redistricting and allocation of vital resources. The decision to include the citizenship question will only exacerbate this problem. The Census Bureau should be devoting time and resources addressing this undercount with adequate funding, non-par-

tisan leadership, and other measures. The Trump Administration is working to reverse any progress made to reduce the undercount and manipulate the Census for partisan and anti-democratic ends. We oppose this baseless assault on democratic principles and people of color – including immigrants of whom some are Black – and urge the withdrawal of the citizenship status question.



(iStock.com/bensib)

## Starbucks

On April 12, two young black men were arrested by police at a Starbucks location in Philadelphia while merely waiting to meet with a business associate. A Starbucks manager had called the police because she said the men – who had only been in the store for a brief period – had yet to make a purchase.

Shortly after the incident, Starbucks Coffee Company announced that it would close all of its stores on May 29, 2018 to conduct training designed to prevent discrimination and address racial bias. The company also asked President and Director-Counsel Sherrilyn Ifill and Demos President Heather McGhee to serve as independent advisors (which they agreed to do on a pro bono basis) for their national training on May 29th. The two leaders independently issued a report offering a broad range of additional ideas for how the company can apply a racial equity lens in all of its business practices and community engagements. The independent report, *Toward a Vision for Racial Equity & Inclusion at Starbucks: Review and Recommendations*, acknowledged the positive steps Starbucks took immediately following the incident and identified the gaps that still needed to be addressed to ensure racial equity over the long term. Starbucks has already adopted some of the advisors' early recommendations and is currently reviewing the full report. Importantly, the report is intended to provide guidance not only to Starbucks, but to all corporations seeking to engage in a broad cultural shift toward racial equity.



# thurgood marshall institute

## Overview

The year 2018 was one of visibility, growth, and transitions for the Thurgood Marshall Institute (The Marshall Institute or TMI), LDF's in-house hub for research, policy, and organizing campaigns. The Marshall Institute continued to solidify its identity as a multidisciplinary center within LDF focused on research, advocacy, and organizing campaigns at both the national and local levels.

Among the successes were a pair of marquee events commemorating the 150th anniversary of the 14th Amendment to the United States Constitution: one in conjunction with the National Constitution Center in Philadelphia, and the other in Washington, D.C., featuring award-winning writer Nikole Hannah-Jones, part of our annual reflection on the legacy of *Brown v. Board of Education*. The Marshall Institute also helped organize a third gathering, a celebration of the life and times of Jack Greenberg at Harvard Law School, which focused on his deep influence on civil rights jurisprudence and LDF's own history.

The Institute and its staff also hosted two TMI Labs, day-long training seminars where lawyers, scholars, historians, and experts working in the realm of civil rights share insights about pressing issues at the vanguard of their work. This year, TMI Labs delved deep into the history of criminalizing and imprisoning African Americans and the lessons that history offers for litigation strategy. An additional Lab explored the possibilities that lie in LDF's rich archives, including their potential opening for research and public inspection.

In their day-to-day work, Marshall Institute staff worked collaboratively in key advocacy campaigns and initiatives in New York City, Baltimore, Chicago, South Carolina, Mississippi, and Ferguson, Missouri, among others.

## Advocacy Campaigns

The Marshall Institute's advocacy efforts, which often consist of grassroots elements addressing specific needs in various communities, complement LDF's broader organizational vision for racial equality and justice through litigation, education, and policymaking.

As these initiatives unfolded in cities and localities such as New York City, Chicago, Baltimore, and Ferguson, Missouri, the Marshall Institute worked tirelessly to organize high-impact convenings that brought to bear the significance of the 14th Amendment, enacted 150 years ago in 1868, and remains the Constitution's centerpiece of equal justice under law.



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## Policing Reform Campaign

Created in the wake of a series of high-profile deaths of unarmed Black men at the hands of police officers, TMI's Policing Reform Campaign has remained at the forefront of important cases and causes aiming to bring transparency and accountability to police departments and officers accused of trampling on the constitutional rights of communities of color. Below are some of the key victories and initiatives the campaign led in 2018:

### New York City

For several years now, LDF has been involved in *Davis v. City of New York*, a landmark class action against the NYPD's use and abuse of stop-and-frisk practices in public housing. The Policing Reform Campaign worked closely with the litigation team in advocacy and communication strategies to promote public awareness about a court-approved Joint Remedial Process, required by settlement, to resolve the long-running litigation.

The campaign also collaborated with many partners in New York's police accountability community for the passage of the Right to Know Act, which went into effect in October 2018 after years of hard-fought advocacy before the City Council. The bill contains a consent-to-search provision that requires police officers to notify New Yorkers of their right to refuse a search if the officer does not have probable cause to search them. The law also contains another provision requiring police officers, under limited circumstances, to provide a business card with information about their identity and the rationale for the stop.

The Policing Reform Campaign was also deeply involved in efforts to expose the NYPD's so-called "gang database," an overinclusive and gravely discriminatory polic-

ing tactic under which New Yorkers of color were disproportionately targeted for alleged gang affiliations. That designation caused many innocent citizens to be swept up in raids and other aggressive law enforcement actions — with no meaningful means to challenge their placement on the database. Through freedom-of-information requests, public pressure, and appearances before city lawmakers, the Campaign, along with other partners, has aimed to obtain information about the databases, how they're maintained, and their impact on Black and Brown neighborhoods.

### Baltimore

Throughout the fiscal year, we attended hearings, provided input, and consulted with community members as part of the judicially enforced consent decree process — approved by a federal judge in 2017 — to bring about needed reforms to the Baltimore Police Department. In the course of this work, which began in 2016 with a Justice Department report that found systematic patterns of unlawful policing, the Campaign has met with the parties to the consent decree, community stakeholders, and the monitoring team to devise constitutionally acceptable policies and practices to be adopted by the department.

Among other efforts in Baltimore, the campaign has responded to the indictment and trial of several police detectives involved in the Gun Trace Task Force scandal; worked with city education officials in the development of sensible school police and related disciplinary policies; and urged the Baltimore mayor to make the selection process for a new police commissioner more transparent.

### Chicago

The Policing Reform Campaign team has worked closely with the City of Chicago and the Illinois attorney general in the drafting and crafting of proposals to be included in the consent decree process that began with a 2017 De-



partment of Justice report finding an unconstitutional pattern of policing practices. The DOJ now resists entering into a legally binding consent decree with the city, but the process is now with the courts and a judicially enforceable order could come as early as the start of the new year, if not earlier. LDF's suggestions for the consent decree include proposals on impartial policing, use of force, officer misconduct, school policing, and the decree's implementation and monitoring.

### [Ferguson, Missouri](#)

As with Chicago and Baltimore, the campaign has maintained a presence in Ferguson, collaborating with local stakeholders and community organizations to monitor the progress of a consent decree that has been in effect in the city since 2016. Among other efforts, the campaign has provided organizing support and hosted workshops with policing experts to create greater awareness of how the community may take part in reform efforts. At a hearing in mid-2018, a federal judge remarked that "a great deal of progress" had been achieved under the consent decree, despite some misgivings about the pace of reforms by community members.

## Community Organizing

At its core, community organizing is grassroots work for changing hearts, minds, and culture in order to achieve civil rights reform. To that end, LDF employs four full-time community organizers who play an integral role in building relationships within those localities most affected by police violence, discriminatory policies, and unequal conditions that are at the heart of LDF's work.

In this spirit, throughout 2018 LDF's organizers were actively involved in strengthening community relationships to support many of the initiatives led by the Policing Reform Campaign, providing support on the ground with re-

form efforts in New York City, Chicago, Baltimore, North Charleston (South Carolina), and Ferguson (Missouri). They also provided support to national campaigns by the Black Lives Matter movement, reform coalitions active in major American hubs, and the long-running CRYOUT campaign against the imposition of life without parole for Mississippi juveniles.

## Research and TMI Labs

**The Fight for Fair Housing:** On the occasion of the 50th anniversary of the passage of the Fair Housing Act, the Thurgood Marshall Institute unveiled an interactive "story map" chronicling LDF's decades-long history of battling residential segregation — both before and after Congress enacted the landmark legislation. Working from archival materials and relying on map-drawing software, the story map is an engrossing multimedia timeline listing the major cases, locations, and precedents marking all the progress made in the march toward fair housing opportunities for African Americans.

### [TMI Labs](#)

In 2018, the Thurgood Marshall Institute hosted two labs that brought together scholars, lawyers, and experts in the field of civil rights.

***Criminalization of Black Americans:*** In June, Dr. Megan Ming Francis led LDF's Litigation team through her research on the role of the criminal justice system in the rebuilding of Southern state power after the Civil War, as well as topics such as Black Codes, the criminalization of Black bodies through the law, unfree labor, growth in Southern industry, convict leasing, and chain gangs. Litigators, for their part, shared their research and discussed how the 13th Amendment could be used to challenge prison labor conditions and policies at private state prisons.

*Archives TMI Lab:* In August, the Archives team convened a small group of notable writers, professors, LDF alumni, information professionals, and stakeholders from the current LDF staff to think through issues and opportunities associated with making portions of the LDF Archives available to researchers. Facilitated by Sherrilyn Ifill and Jack Boger, the group brainstormed creative approaches to preserving and accessing LDF's rich history within the bounds of confidentiality and attorney-client privilege, and reiterated the importance of cultivating responsible records management practices at LDF today.

## Remembering the 150<sup>th</sup> Anniversary of the 14<sup>th</sup> Amendment

### [The 14th Amendment at 150](#)

In April, the Thurgood Marshall Institute, in conjunction with the National Constitution Center (NCC) in Philadelphia, convened leading scholars, lawyers, and civil rights activists to discuss and reflect on the history, development, and continued relevance of the 14th Amendment to the U.S. Constitution. The symposium commemorated the 150th anniversary of the amendment — the constitutional provision that guarantees equal protection and due process of law for everyone. The keynote speaker was former Attorney General Eric H. Holder, Jr., who sat down for a conversation with LDF's Sherrilyn Ifill and NCC's Jeffrey Rosen.

The symposium convened leading legal scholars and historians, including Allen Guelzo, Martha Jones, Kurt Lash, and Darrell Miller, who discussed the story of Reconstruction, leading to the ratification of the 14th Amendment. Historians Eric Foner, Kate Masur, and Thavolia Glymph discussed the struggle over Reconstruction in American public memory. Scholars and lawyers Randy Barnett, Kimberly West-Faulcon, Garrett Epps, Janai Nelson, and Earl Maltz debated what the 14th Amendment means today and its promise for the future.

## Brown at 64

In May, TMI hosted “Brown at 64” — LDF's annual event commemorating the Supreme Court's decision in *Brown v. Board of Education*. That landmark ruling, decided on May 17, 1954, deserved additional reflection this year, as 2018 also marked the 150th anniversary of the ratification of the 14th Amendment. It was through *Brown* that the Supreme Court breathed new life into the 14th Amendment by declaring that “separate-but-equal” schools violated the Constitution's guarantee of equal protection of the laws. The evening featured a tribute to Linda Brown Thompson, who died in March, and who was one of the young in whose name the *Brown* case was brought. The event featured a conversation with acclaimed writer Nikole Hannah-Jones, who covers pressing issues at the intersection of race and education for *The New York Times Magazine*.

LDF is grateful to the key sponsors of the 150th Anniversary event series: Amazon, Diageo, Intel, and White & Case LLP.



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# Ldf in the media

LDF continued to expand its media presence in fiscal year 2018. Through extensive press outreach, our work received regular coverage in publications like *The New York Times*, the *Washington Post*, and *The Atlantic*. LDF leadership and other attorneys were frequent guests in the opinion pages of major publications and national news and radio broadcasts. Our social media operation became more strategic and effective, allowing us to comment on breaking news, engage our supporters, and advance our fundraising efforts on multiple platforms. Together, our communications efforts brought crucial visibility to the issues of civil rights and racial justice that LDF addresses every day.

Below is a selection of media coverage from the reporting year.

## Op-Eds, Blog Posts, and Letters to the Editor

- Sherrilyn Ifill, *Salon*, “President Trump’s Election Integrity Commission Is Illegal and Unconstitutional – That’s Why We Filed a Lawsuit” (July 27, 2017)
- Sherrilyn Ifill, *New York Times*, “Racial Justice Demands Affirmative Action” (August 2, 2017)
- Sam Spital, *Salon*, “There’s Never Been ‘Many Sides’ to American Racial Terror” (August 18, 2017)
- Kyle Barry, *Medium*, “It’s Time for Senators Against White Supremacy to Match Rhetoric to Votes on Nominees” (August 22, 2017)
- Beverly Harrison (LDF Client), *The Marshall Project* and *HuffPost*, “A Decades-Old Conviction Cost Me My Post Retirement Job” (September 11, 2017)
- Sherrilyn Ifill, *Newsweek*, “Donald Trump’s Racist Voter Fraud Charade Isn’t Dead Yet” (January 6, 2018)
- Sam Spital and Leah Aden, *CNN.com*, “Voting Can’t Be Use It or Lose It” (January 10, 2018)
- Sherrilyn Ifill, *TIME*, “President Trump’s First Year Was an Affront to Civil Rights” (January 17, 2018)
- Coty Montag, *The Hill*, “Fifty Years On, HUD Abandons Dr. King’s Vision of Integrated Communities” (January 17, 2018)
- Todd A. Cox, *Medium*, “Praising the Dream, Deferring its Promise” (January 18, 2018)
- Marquis Jenkins, *The Charleston Chronicle*, “Justice is Not Just a Strong Sentence, but Also Reform” (January 24, 2018)
- Leah Aden, *The (Baton Rouge) Advocate*, “Why There is a ‘Gavel Gap’ on the Bench” (February 8, 2018)
- Cristian Farias, *The New Republic*, “Baltimore’s Lonely Fight for Police Reform” (February 20, 2018)
- Sherrilyn Ifill, *TIME*, “Black Children Will Be the Victims of Armed Teachers” (March 5, 2018)
- Sherrilyn Ifill, *New York Times*, “The Work of Ensuring Civil Rights” (March 7, 2018)
- Monique Dixon and Nicole Dooley, *AFRO*, “Baltimore Students Deserve to Feel Safe” (March 8, 2018)
- Todd A. Cox, *Medium*, “Civil Rights on Trial: How a Case Currently Before the Supreme Court Could Potentially Unravel Landmark Civil Rights Protections” (March 18, 2018)
- Marne Lenox, *Refinery29*, “The School Walkout Was a Powerful, But Privileged Protest” (March 19, 2018)

## Print

- *AFRO*, “Five More Things You Didn’t Know About Thurgood Marshall” (June 30, 2017)
- Sherrilyn Ifill, *The Daily Beast*, “Trump Panders to White Fragility” (August 2, 2017)
- Sherrilyn Ifill, *The New Yorker*, “In Trump’s World, Whites are the Only Disadvantaged Class” (August 4, 2017)
- Chris Kemmitt, *U.S. News and World Report*, “Appeal Filed in Alabama School District Secession Case” (August 8, 2017)
- Chris Kemmitt, *NBCNews*, “NAACP Legal Defense Fund Appeals Ruling Allowing White Alabama Town to Secede from School District” (August 11, 2017)
- *AP*, “US Court Sees Election Bias in a Louisiana Judicial District” (August 18, 2017)
- *New York Times*, “Police Union Complains of ‘Blue Racism’, Then Regrets Word Choice” (August 22, 2017)



## Print, continued

- *New York Times*, “Federal Judge Rejects a Revised Voter ID Law in Texas (August 23, 2017)
- Leah Aden, *Rewire*, “Texas GOP’s Voter Suppression Efforts Lose in Court” (August 24, 2017)
- Janai Nelson, *HuffPost*, “If You Want to Fight White Supremacy, Condemning Neo-Nazi’s is Not Enough” (August 29, 2017)
- Deuel Ross, *CityLab*, *Vulnerable Communities Lose Critical Documentation in Natural Disasters Wake* (September 1, 2017)
- Sherrilyn Ifill, *CNN.com*, “DOJ Will Not Prosecute Officers in Freddie Gray Case” (September 13, 2017)
- Leah Aden, *Rewire*, “Conservatives Are Coming for Your Voting Rights – And Your State Might Be Next” (September 21, 2017)
- Sherrilyn Ifill, *The Atlantic*, “Trump Disbands His ‘Voter Fraud’ Commission” (January 3, 2018)
- LDF, *Mother Jones*, “Donald Trump Shut Down His Election Fraud Commission, But He Hasn’t Given up on Voter Suppression” (January 4, 2018)
- Sherrilyn Ifill, *The Washington Post*, “Civil Rights Organizations Ask for Info on Justice Department’s Police Reform Work” (January 4, 2018)
- Todd A. Cox, *Indy Week*, “Donald Trump Renominates Controversial Judicial Pick Thomas Farr to the Federal Bench” (January 5, 2018)
- Sam Spital, *Rewire*, “Voting Fraud Commission Is Gone, but Homeland Security May Pick Up Its Work” (January 9, 2018)
- LDF, *POLITICO Pro*, “Civil Rights Groups Oppose Trump’s Education Civil Rights Pick” (January 10, 2018)
- Leah Aden, *Splinter*, “The Right to Not Vote Goes to the Supreme Court” (January 10, 2018)
- Deuel Ross, *Teen Vogue*, “How State Voting Laws Are Changing Ahead of the 2018 Midterm Elections” (January 12, 2018)
- Sherrilyn Ifill, *NPR*, “Judge Throws Out Challenge to Alabama Voter ID Law” (January 10, 2018)
- Jin Hee Lee, *New York Daily News*, “Civil Rights Groups Call for Investigation into NYPD’s Handling of Protests” (January 15, 2018)
- Sherrilyn Ifill, *Minnesota Public Radio*, “Stras Moves Toward Confirmation to Federal Court Judgeship” (January 18, 2018)
- Sherrilyn Ifill, *New York Times*, “Baltimore Fires Another Police Commissioner, After Record High Murder Rate” (January 19, 2018)
- Sherrilyn Ifill, *Baltimore Sun*, “Baltimore Police Commissioner Kevin Davis Fired by Mayor Pugh, Citing Rising Crime” (January 19, 2018)
- Sherrilyn Ifill, *PBS NewsHour*, “NAACP Legal Defense Fund Sues Over Trump’s Decision to Rescind Protected Status for Haitians” (January 24, 2018)
- Raymond Audain, *POLITICO*, “DHS Sued Over ‘Racially Motivated’ Decision to Rescind Protected Status for Haitians” (January 25, 2018)
- Sherrilyn Ifill, *The Root*, “Citing Trump’s Own Racist Words, NAACP LDF Files Suit Against Homeland Security for Revoking Protections of Haitian Immigrants” (January 25, 2018)
- LDF, *Newsweek*, “Trump Judge Pick David Stras Confirmed Without Traditional Approval by Home State Senators” (January 31, 2018)
- Sherrilyn Ifill, *The Atlantic*, “What It Takes to Actually Convict Police of Misconduct” (February 13, 2018)
- Sherrilyn Ifill, *USA Today*, “Elite Cops Gone Rogue: Baltimore Task Force Scandal Deepens Divide Between Police, Community” (February 13, 2018)
- Todd A. Cox, *HuffPost*, “Trump Budget Eliminates DOJ ‘Peacemaker’ Office Founded By Civil Rights Act” (February 13, 2018)
- Todd A. Cox, *Newsweek*, “Trump Administration Wants to Ax Office That Helps Combat Racial Conflict” (February 13, 2018)
- Sam Spital, *NBC News*, “Court Overturns Alabama Town’s Plan to Secede from Local School System” (February 13, 2018)
- Chris Kemmitt, *U.S. News & World Report*, “Court Blocks White Alabama Community from Creating Its Own School System” (February 13, 2018)
- Marne Lenox, *Pacific Standard*, “Gang Databases are a Life Sentence for Black and Latino Communities” (February 23, 2018)



- Sherrilyn Ifill, *Houston Chronicle*, “NAACP Legal Defense Fund Joins Groups Calling for Harris County Judge to Resign After Controversial Comments” (March 1, 2018)
- Sherrilyn Ifill, *New York Times*, “Trump Finds Unlikely Culprit in School Shootings: Obama Discipline Policies” (March 13, 2018)
- Sherrilyn Ifill, *CNN.com*, “Linda Brown, Woman at Center of Brown v. Board Case, Dies” (March 26, 2018)
- Sherrilyn Ifill, *Reuters*, “Kansas Schoolgirl at Heart of Landmark Desegregation Ruling Dead at 76” (March 26, 2018)
- Todd A. Cox, *New York Times*, “Facebook Isn’t Just Violating Our Privacy” (March 30, 2018)
- Sherrilyn Ifill, *CNN.com*, “This is What One Tragedy-Filled Month Says About Race and Justice in America” (March 30, 2018)
- Nicole Dooley, *Refinery29*, “Black Parkland Students Say They Feel Excluded From Growing Gun Control Movement” (March 30, 2018)

## Television and Video

- Sherrilyn Ifill, *The Rachel Maddow Show*, Trump Seen Hatching Voter Suppression Plan with New Fraud Group (June 30, 2017)
- Janai Nelson, *NBC News with Katy Tur*, Trump’s Voter Fraud Panel Holds First Hearing Despite No Evidence of Widespread Voter Fraud (July 19, 2017)
- Sherrilyn Ifill, *AM Joy*, Trump’s Voter Fraud Panel Holds First Public Meeting (July 22, 2017)
- Todd Cox, *PoliticsNation with Al Sharpton*, Voter Fraud: Myth v. Reality (July 23, 2017)
- Janai Nelson, *Andrea Mitchell Reports*, College Crackdown: NYT: Justice Dept. to Target College Affirmative Action (August 2, 2017)
- Sherrilyn Ifill, *AM Joy*, White Supremacist Violence in Charlottesville (August 12, 2017)
- Sherrilyn Ifill, *The Beat with Ari Melber*, Trump Avoids Labeling Charlottesville Attack ‘Terrorism’ (August 14, 2017)
- Sherrilyn Ifill, *Andrea Mitchell Reports*, Trump Facing Bipartisan Backlash Over Charlottesville Comments (August 14, 2017)
- Sherrilyn Ifill, *The Rachel Maddow Show*, President Trump Defiant as WH Scrambles to Pick up Pieces after Charlottesville (August 17, 2017)
- Sherrilyn Ifill, *Face the Nation*, What Really Motivated the Protests in Charlottesville (August 20, 2017)
- Janai Nelson, *AM Joy*, Trump Voter Fraud Commission Draws Controversy (September 16, 2017)
- Sherrilyn Ifill, *AM Joy*, Trump Dissolves Voter Fraud Commission Citing “Endless Legal Battles” (January 6, 2018)
- Sherrilyn Ifill, *NowThis News*, The Supreme Court Is Making A Huge Decision On Your Right To Vote (January 10, 2018)
- Sherrilyn Ifill, *Democracy Now!*, Baltimore Police Scandal Exposes Theft, Cover-Ups & Drug Peddling (February 7, 2018)
- Sherrilyn Ifill, *The Beat with Ari Melber*, Baltimore Police Officers Accused of Rampant Crime and Corruption (February 8, 2018)

## Radio and Podcast

- Sherrilyn Ifill, *WPR’s Midday with Tom Hall*, “Do Black Lives Matter to the Criminal Justice System?” (July 11, 2017)
- Sherrilyn Ifill, *Washington Post’s Cape Up with Jonathan Capehart*, “Sherrilyn Ifill Exposes the Absurdity of Trump’s Election Integrity Commission” (July 11, 2017)
- Natasha Merle, *Rewire’s The Breach*, “Fighting Trump’s Efforts to Suppress the Vote” (August 22, 2017)
- Sherrilyn Ifill, *Pod Save the People with DeRay Mckesson*, “Don’t Tell Your Story Too Soon” (February 27, 2018)
- Janai Nelson, *NPR’s Morning Edition*, “Linda Brown Dies. She Was At The Center Of Brown v. Board of Education” (March 27, 2018)



# fellowship & scholarship programs

## Fellows

The Fried Frank NAACP LDF Fellowship gives an entry-level lawyer the opportunity to spend two years as a Fried Frank litigator and then two years as a staff attorney with the NAACP LDF. At the end of their four-year commitment, our successful Fellows are encouraged to interview to return to Fried Frank and, in some cases, they may continue on the staff of their civil rights organization. We are proud that a number of our former Fellows hold high-level positions on the staff of the NAACP LDF.

The Eric H. Holder, Jr. Fellowship is a tribute to the extraordinary contributions Mr. Holder has made to equal justice throughout his career and during his tenure as the 82nd Attorney General of the United States. This will offer attorneys an opportunity to engage in civil rights litigation and advocacy with the nation's leading civil rights and racial justice law firm. The establishment of the Eric H. Holder, Jr. Fellowship was made possible through a generous leadership grant from the March Foundation.

The John Payton Appellate and Supreme Court Advocacy Fellowship advances LDF's commitment to training a new corps of future civil rights attorneys to combat current challenges to racial justice across its four core advocacy areas of education, economic justice, criminal justice and political participation. In addition to appellate advocacy, Payton Fellows also help develop public policy and create public education campaigns about racial discrimination, in addition to leading community meetings, participating in conferences and developing public information materials

## Scholarships

Since the early 1960s, LDF has run one or more scholarship programs to advance our overall mission of promoting racial equality and educational opportunities for African-Americans. Over time, LDF created two scholarship programs to assist African-American undergraduate and law students: The Herbert Lehman Scholarship and The Earl Warren Legal Training Program, Inc.

The Herbert Lehman Scholarship is a highly competitive national scholarship program that makes annual awards to qualified, outstanding undergraduate students.

The Earl Warren Scholarship is awarded annually to promising law students whose commitment to social justice reveals outstanding potential for training as civil rights and public interest attorneys.

More than 50 years following the first scholarship award from the Herbert Lehman Fund, LDF's goal remains constant: to provide scholarships that will help students achieve their academic goals, to involve students in advancing the cause of civil rights and to assure that the doors thrown open by the Brown v. Board of Education decision remain open.







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*Sherrilyn Ifill, Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc.; John Legend, recipient of the Spirit of Justice award, Gerald Adolph, Co-Chair NAACP Legal Defense and Educational Fund, Inc. Board of Directors; (NEJAD)*



*Melody Hobson, Honorary Dinner Chair; Howard Schultz, recipient of the National Equal Justice Award, and Sherrilyn Ifill, Director-Counsel, LDF; (NEJAD)*



*Agnes Gund, recipient of the National Equal Justice Award; (NEJAD)*



*Chris Oechsli, President, The Atlantic Philanthropies; (Thurgood Marshall Institute Reception)*



*Eric Holder, LDF Board member and Former U.S. Attorney General; Sherrilyn Ifill, Director-Counsel, LDF; (Chicago Reception)*

# special events

## National Equal Justice Awards Dinner

LDF hosted its 31st annual National Equal Justice Awards Dinner (NEJAD) on November 2, 2017 at Cipriani 42nd Street in New York City. Through the support of guests and sponsors, NEJAD raised an impressive \$2.8 million to support LDF's critical work to protect and expand civil rights.

John Legend, the Grammy award-winning singer and songwriter, received the Spirit of Justice award for his dedication to transform America's criminal justice system by fighting to reduce mass incarceration.

Philanthropist Agnes Gund received the National Equal Justice Award for her visionary role in launching the Art for Justice Fund, which provides resources to organizations and individuals working for criminal justice reform. Howard Schultz, Executive Chairman of Starbucks, also received the National Equal Justice Award for his efforts to highlight and address issues of race and inequality.

LDF deeply appreciates Honorary Dinner Chairs Mellody Hobson and George Lucas; Dinner Chairs Kim Kooper-smith and Angela Vallot; Vice Dinner Chairs Gwen Adolph, Judy Byrd, and Robyn Coles; and the individual and corporate sponsors whose contributions made NEJAD 2017 possible.

## Thurgood Marshall Institute Reception

On September 14, 2017, LDF hosted a reception at its New York office to introduce supporters and its partners to the Thurgood Marshall Institute. The reception shared the Institute's latest work and its goals for the future and introduced new staff and Senior Research Fellows Richard Rothstein and Phillip Atiba Goff.

LDF extends special thanks to The Atlantic Philanthropies for providing the extraordinary \$5 million grant that enabled the launch of the Institute. Chris Oechsli, President of The Atlantic Philanthropies, joined the event to unveil the foundation's other wonderful gift to TMI: photographs of global icon Nelson Mandela, taken by renowned photographer and artist Jürgen Schadeberg.

## Chicago Reception

In December 2017, Lyle Logan and Shawnelle Richie and Jim and Sandy Reynolds hosted a reception for LDF at the Chicago Club. The event featured a conversation between Sherrilyn Ifill and LDF Board member and Former U.S. Attorney General Eric Holder. LDF is thankful to Board member Judy Byrd for leading this effort and helping to facilitate a compelling conversation that led to the procurement of new supporters.



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# FY2017-2018 Supporters

# donor highlights

## Grant from The JPB Foundation Funds Critical Work

In September 2017, The JPB Foundation awarded LDF a significant two-year grant to support LDF's voting rights and economic justice work: litigation, advocacy, organizing, and strategic communications to challenge voter suppression, expand the right to vote, and fight racial discrimination in employment, housing, neighborhood environments, and transportation access. The JPB Foundation's generous grant reinforces LDF's efforts to strengthen voting power and economic opportunity in communities of color.

## \$1.5 Million Grant from the W.K. Kellogg Foundation

In January 2018, LDF received a \$1.5 million grant from the W.K. Kellogg Foundation in support of LDF's work in its core areas. Support from the W.K. Kellogg Foundation will be utilized over three years to bolster LDF's affirmative strategies to expand opportunity while affording the organization the flexibility to respond quickly when urgent civil rights incursions arise. In this unpredictable political era, general support is invaluable, enabling LDF to pursue new litigation, engage in convictive advocacy, and shape strategic communications that advance equality and justice.

## Leadership Gifts

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Megan Tallmer  
Tabitha Tavolaro  
Fred M. Taylor  
Kathleen B. Taylor  
Deborah Telman  
Josephine T. Tevero  
Diane E. Thompson

James Thompson  
Katherine Threlkeld  
Peter Titcomb  
Martha A. Toll and Daniel F. Becker  
David Tolzmann  
Tonslyn Touré  
Laura Trout  
Rossie Turman, III  
Tara Turner  
United Supreme Council Charitable  
Foundation  
Melissa and Philip Urofsky  
Kaveri Vaid  
Shannon M. and Eric G. Vajda  
Sri Vemuri  
Eric Vittinghoff  
Margaret Vranesh  
Gerald Vurek  
Karin and Lana Wachowski  
Walter L. Wagenhals  
Molli M. Wagner  
Wayne R. Wagner  
Katherine Waite  
Bertha E. Walker  
Walter & Elise Haas Fund  
Katherine and Benjamin Ward  
Raina Washington  
Christina Waxlax  
Michael D. Weiden  
Alan Weiner  
Arnold West  
Susan West-Winter  
Jason S. Wexler  
Rachel Wheeler and Kenneth Shotts  
Gregory White  
Kevin White  
Meghan White  
Cynthia K. and Daniel E. Whitney  
Kate R. Whitney and Franklin A. Thomas  
Kate and Eric Whittington  
Olof B. Widlund

Lynne Wikoff  
Leslie S. Wilkes  
David B. Wilkins  
William S. Hein & Co., Inc.  
Beatrice P. Williams  
Delores Williams  
Kenneth D. Williams  
Tess Williams  
Winky Foundation  
Gertrude K. and Theodore Winsberg  
Amber Wobschall  
Ann S. Wolff  
Veronica Wolff  
David Wolfson  
Diane R. and Joseph S. Wood  
Lisa Wood  
Ina Woodson  
Lena G. and Willie Wright  
Toni Wright  
Caitlin Mitchell Wurster  
Ralph Wyman  
Stacy and Julian Yochum  
Amy Young  
Severin D. Youso  
Joyce Zaitlin  
Marc Zeitlin  
Mauri A. Ziff and M. Jeff Hamon  
Marilyn T. and Arthur R. Zivian  
† - Deceased

## PLANNED GIFTS

LDF is grateful to the many generous individuals who include the organization in their bequests and estate plans. LDF realized gifts from the following trusts and estates during the fiscal year.

Anne M. Behler Trust  
Leo Branton Jr. Survivor  
Trust/Branton Family Trust  
Estate of Mary Catherine Butler  
Estate of John Chamberlain  
Estate of Michael J. Dubin  
Estate of Phyllis G. Harlan  
Estate of Earl Harris  
Estate of Lynn Walker Huntley  
The Robert and Helen Lane  
Charitable Reminder Trust  
Estate of Harvey Lee Langley  
E. Richard Larson Revocable Trust  
Estate of Sarah L. Livingston  
Estate of Lem Long, Jr.  
Edward C. Miller Charitable Fund  
Estate of Dorothy Sewall Montgomery  
Estate of Frances Morton  
Estate of Barbara Parson  
Estate of Burnley T. Perrin  
Jeanne Audrey Powers Irrevocable Trust  
Estate of Glendora M. Putnam  
Estate of Wilga Marie Rivers  
Estate of Elaine J. Schuman  
Estate of Leslie A. Smith  
Robert R. Spears Irrevocable Trust  
Estate of Arthur Stern  
Gladys W. Turner 1995 Trust  
Estate of Helene A. Wareham  
Estate of David P. Willis

# financial report

## LDF 2017–2018 Statement of Activities

### Revenue and Support

#### *Contributions, grants, and gifts in kind*

Public support and grants	\$20,111,201
Special events revenue	\$2,445,337
Other revenue	\$1,667,152
<b>Total Revenue and Support</b>	<b>24,223,690</b>

### Expenses

#### *Program Expenses*

Legal Program Expenses	\$9,958,095
Thurgood Marshall Institute	\$3,913,644
Scholarship programs	\$445,240
<b>Total Program Expenses</b>	<b>\$14,316,979</b>

**General and Administrative** \$3,732,622

**Fundraising and Special Events** \$1,985,277

**Total Expenses** \$20,034,878

**Change in net assets** \$4,188,812

**Net assets, beginning of the year** \$61,542,794

**Charge for pension benefit  
other than net periodic  
pension cost** \$952,730

**Net Assets, End of Year** \$66,684,336



## Balance Sheet

### Assets

Cash and cash equivalents	\$18,022,723
Investments	\$26,833,682
Donations and other receivables	\$10,167,407
Property and equipment	\$14,387,239
Assets held in trust by others	\$1,617,233
Other assets	\$359,866
<b>Total Assets</b>	<b>\$71,388,330</b>

### Liabilities and Net Assets

#### Liabilities

Accounts payable and accrued expenses	\$1,811,474
Mortgage payable	\$2,428,058
Accrued pension liability	\$461,037
Other Liability	\$3,425
<b>Total Liabilities</b>	<b>\$4,703,994</b>

Unrestricted net assets	\$17,322,403
Temporary restricted net assets	\$30,857,948
Permanently restricted net assets	\$18,503,985
<b>Total net assets</b>	<b>\$66,684,336</b>

<b>Total Liabilities and Net Assets</b>	<b>\$71,388,330</b>
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## Board Co-Chairs

Gerald S. Adolph  
David W. Mills

## Board Treasurer

James E. Castillo

## National Board of Directors

Gerald S. Adolph  
William J. Bynum  
Judith I. Byrd  
Clifford P. Case, III  
James E. Castillo  
Robyn Coles  
Damien Dwin  
Gregory H. Evans  
Laurie Robinson Haden  
Eric H. Holder, Jr.  
David E. Kendall  
Michael R. Klein  
Kim Koopersmith  
William E. Lighten  
Cecilia S. Marshall  
David W. Mills  
Adebayo Ogunlesi  
Luis R. Penalver  
Steven B. Pfeiffer  
Michelle Roberts  
Judith McCartin Scheide  
Jonathan Soros  
Angela Vallot  
Tony West

## President & Director-Counsel

Sherrilyn A. Ifill

## Board Secretary

Stephen B. Pfeiffer

## Senior Directors

Anthony G. Amsterdam  
Eleanor S. Applewhaite  
Dr. Mary Frances Berry  
Patrick A. Bradford  
Toni G. Fay  
Henry Louis Gates, Jr.  
Nannette B. Gibson  
Anna Faith Jones  
Jetta N. Jones  
Vernon E. Jordan, Jr.  
Tonya Lewis Lee  
John D. Maguire  
Gabriella E. Morris  
Richard M. Moss  
Martin D. Payson  
Robert O. Preyer  
Daniel L. Rabinowitz  
Charles B. Renfrew†  
Paul N. Roth  
Judith T. Sapers  
Frederick A.O. Schwarz, Jr.  
John W. Walker  
George Wallerstein  
Theodore V. Wells, Jr.  
Andrew J. Young, Jr.

## Co-Chairs Emeriti

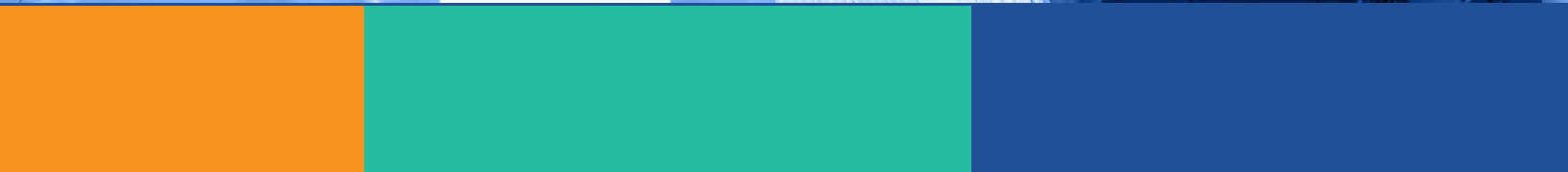
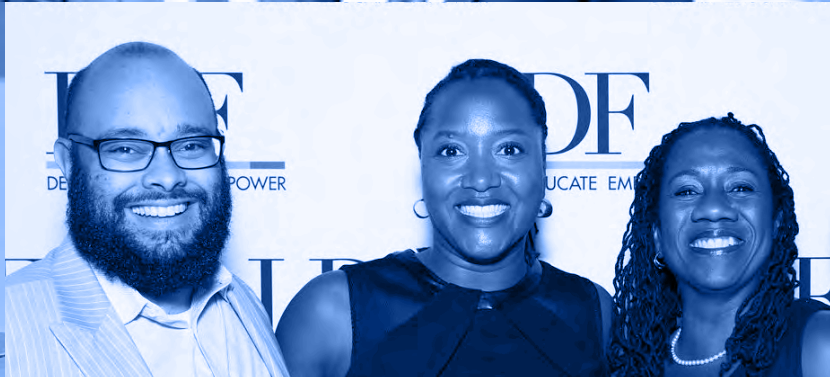
William M. Lewis, Jr.  
Martin D. Payson  
Theodore V. Wells, Jr.

## Directors Emeriti

Billye Suber Aaron  
Alice M. Beasley  
Anita Lyons Bond  
William H. Brown III  
Talbot D'Alemberte†  
Peter J. DeLuca  
Anthony S. Downs  
Marian Wright Edelman  
Norman C. Francis  
Lucy Durr Hackney  
Charles V. Hamilton  
Elaine Jones  
Quincy Jones  
Caroline B. Kennedy  
George E. Marshall, Jr.  
C. Carl Randolph  
Gilbert T. Ray  
Theodore M. Shaw  
Wayman F. Smith III  
Michael I. Sovern  
Bonnie Kayatta Steingart  
Jay Topkis  
Thomas E. Williams, Jr.

† - Deceased





# LDF

DEFEND EDUCATE EMPOWER

*"Where you see wrong or inequality or injustice, speak out, because this is your country.  
This is your democracy. Make it. Protect it. Pass it on."*

— Thurgood Marshall, LDF Founder

**2017/2018**