



NAACP Legal Defense and Educational Fund, Inc.

2016-2017 Annual Report

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.**

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Message from the Chairs of the Board

The past year has been one of great transformation for our country. As the government shifts to a position hostile to civil rights, and racism and bigotry make inroads into mainstream culture, we must keep up the fight to achieve the fundamental rights and freedoms promised by our American democracy.

Drawing on nearly 80 years of experience leading the struggle for racial justice and equality—encompassing some of our country’s most turbulent periods—the NAACP Legal Defense and Educational Fund, Inc. (LDF) is up to the challenge. Despite the obstacles posed by the new political and cultural climate, we have remained steadfast in our mission to expand democracy, eliminate disparities, and achieve racial justice. Among the achievements detailed in the annual report, this year we have defeated egregious voter suppression laws; exposed the racial bias that poisoned a client’s capital sentencing, ultimately saving him from death row; lent our voice to communities in need of policing reform; and carried on the legacy of *Brown vs. Board of Education* in our ongoing desegregation litigation. Our driven and dedicated attorneys, organizers, and support staff have kept careful watch over the changes gripping the country, and stand ready to aggressively challenge civil rights incursions wherever they arise.

We are incredibly thankful to supporters like you, who have met the urgent need for our work with an awe-inspiring outpouring of contributions. The past year broke all of LDF’s fundraising records: individual giving tripled, fundraising from the annual National Equal Justice Awards Dinner reached new heights, and LDF received generous gifts from The Ford Foundation, the George Lucas Family Foundation, Michael Jordan, New York Life, and our fellow board members. These contributions have enabled us to expand our staff and our reach, preparing us for the battles that lie ahead. However, there is still much more work to do.

With the support of allies like you, LDF will continue to rise to the occasion, meeting the demands of this moment with our characteristic adaptability and determination. We urge you to stand in solidarity with us to confront all that is to come.

Gerald S. Adolph & David W. Mills
Board Co-Chairs



Message from the President & Director-Counsel

Civil rights lawyering is intense, rigorous work, but fiscal year 2017 was among the most difficult we have faced in years. I am proud to say that with your support, LDF has met the challenges of this year, and then some—racking up wins in the Supreme Court and federal appellate courts, and strengthening our capacity to shape the national discussion about justice and equality.

Our Work in Summary

In a year of turmoil, LDF was present in communities fighting against injustice and discrimination. We were in North Charleston, South Carolina, and Baltimore, Maryland, to convene community meetings to address racial discrimination in local policing practices. We were in St. Martin Parish, Louisiana, on the first day of school at a formerly all-white school, which had finally been desegregated as a result of our case there. We were at the jail assisting protesters arrested in Baton Rouge, Louisiana, after Alton Sterling was killed by police; and we were on the ground in Charlotte, North Carolina, as community groups protested in the wake of the killing of Keith Lamont Scott by police in September 2016.

The fiscal year began with an awful week in which police killed unarmed Black men in Baton Rouge and in St. Paul, incidents closely followed by the murder of five officers in Dallas. I had the privilege of joining a four-hour meeting with then-President Obama, civil rights advocates, and law enforcement leaders to discuss what must be done to fix the crisis of policing in the United States.

In the federal courts, we racked up an impressive set of wins in difficult civil rights cases. Preeminent among these was our win in the United States Supreme Court in *Buck v. Davis*, challenging racial discrimination in the death penalty in Harris County, TX. Our client's death sentence was vacated by the Supreme Court and Chief Justice John Roberts wrote a powerful majority opinion vindicating our argument that racism infected the capital sentencing trial of our client. In the Fifth Circuit Court of Appeals, we successfully argued our challenge to Texas' draconian voter ID law. In federal district court in Louisiana, we won a verdict from a federal court which found that the method of electing judges in Terrebonne Parish, Louisiana, discriminates against African American voters. Finally, we continued our longstanding work providing comprehensive research on the civil rights records of federal judicial and select federal Cabinet nominees. We released exhaustive reports on the civil rights records of Attorney General nominee Jeff Sessions and Supreme Court nominee Neil Gorsuch. We took the unusual step

of opposing the confirmation of both nominees, citing significant concerns about their commitment to equal justice under law for every American.

Thurgood Marshall Institute

Fiscal year 2016-17 also marked the first full year of operation for the Thurgood Marshall Institute (“the Institute” or “TMI”), launched in 2015 as LDF’s in-house policy and research hub. TMI wasted no time in making its presence felt, housing our national Policing Reform campaign, issuing influential reports, and hosting civil rights convenings. We hosted four Thurgood Marshall Institute Labs—day-long convenings in which LDF lawyers and organizers engage in workshops with outside lawyers, experts, and scholars, brainstorming about new strategic approaches to pressing civil rights challenges. Our staffers discussed policing issues with three former officers; the Supreme Court’s rulings on use of force with litigators and scholars; the implications of *Fisher v. University of Texas* with lawyers, university administrators, and professors; and the promise of “deeper learning” curricula with teachers, administrators, and students.

LDF also hired its inaugural TMI Director, James Cadogan, who joined after most recently serving as counsel to United States Attorney General Loretta Lynch, and two inaugural Thurgood Marshall Institute Fellows, Richard Rothstein and Dr. Phillip Goff. Mr. Rothstein is a prolific scholar and former *Washington Post* reporter whose research focuses on the role of federal, state, and local governments in creating and perpetuating housing segregation. Dr. Goff is one of the leading national experts on policing reform, race, and equity issues.

Looking Ahead

In the aftermath of the 2016 election, we have no illusions about the gravity of the task before us. The new political landscape and a retrenchment in key areas of civil rights poses unprecedented threats to the hard-won gains of the last half century. From new assaults on voting rights, to a renewed push to undermine equal access to quality education, to the reversal of criminal justice and policing reform, we are compelled in almost every area of our work to overcome rollbacks in the progress we have made.

I have had the opportunity to travel to many of the communities where we represent clients, and where some of the most urgent civil rights challenges are unfolding in our country. On these trips, I am always encouraged by the resilience and hope demonstrated by our clients. They are the touchstone of our work—their courage is the fuel that keeps us fighting.

Of course, we can’t do this crucial work without you. Since LDF was founded 77 years ago, we have depended on the commitment and generosity of allies like you to ensure that we can create a healthy and vibrant democracy for all Americans. Perhaps at this moment in our country, we can see clearly how important it is to fight every day to strengthen our democracy. Now, more than ever, we need you to stand with us in its defense.

Sherrilyn Ifill
President & Director-Counsel



JUSTICE UNDER LAW

Education

From its inception, LDF has been engaged in the fight to remove barriers to educational access and opportunity, most notably in our landmark victory in *Brown v. Board of Education*. Yet more than 60 years after that seminal decision, African American students and other children of color continue to be denied equal access to high-quality education.

Through comprehensive legal advocacy, legislative proposals, policy initiatives, community organizing, coalition-building, and research, LDF seeks to eliminate policies that contribute to racial disparities in the American educational system, from early childhood education through post-secondary schooling.

Through its present work in and out of the courts, LDF is fighting to ensure racial equity in education for African American students so they may receive the same safe, inclusive, and high-quality education as all other students.

Gardendale



Jefferson County, Alabama, has a long and troubled history with school segregation. More than 50 years ago, LDF sued the Jefferson County Board of Education for failing to meet its constitutional obligation to integrate its classrooms. After litigation that spanned years, a federal district court agreed that Jefferson County had violated students' constitutional rights and, in 1971, issued an order requiring Jefferson County to integrate its schools.

Unfortunately, racial inequality remains a real problem in Jefferson County's schools, as recent events have made all too clear. In 2010, Jefferson County built a state-of-the-art, \$51 million high school in the city of Gardendale – a school paid for by all of the county's residents, and intended for all of the county's students. In 2014, Gardendale—an affluent and largely white municipality in Jefferson County—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.

In response, LDF filed an objection to Gardendale's plan to separate in the U.S. District Court for the Northern District of Alabama. In April 2017, the court ruled that in seeking to create its own school district, Gardendale intended to discriminate against Black students. However, the judge also ruled that Gardendale can form its own school district in three years if it can prove its ability to run a desegregated district. This decision is far from satisfactory, and LDF is currently discussing next steps with our clients and local counsel to ensure that more than 40 years after a court ordered Jefferson County schools to desegregate, all of the county's students have equal access to quality education.

St. James Parish



LDF has been involved in desegregation efforts in St. James Parish, Louisiana, since it first filed a suit on behalf of local families in 1965. More than half a century later, that case, *Banks v. St. James Parish School Board*, remains open. In recent years, the Black community in St. James Parish approached LDF with concerns about the continued presence of three nearly all-Black schools in the parish, as well as a local charter academy's decision to open a fourth all-Black school.

In response, LDF joined local counsel Gideon T. Carter III to work with the St. James Parish School Board and the U.S. Department of Justice to develop a new desegregation plan for the school system. In January 2017, those efforts resulted in a new court-enforced consent decree between LDF's clients and the school board. In addition to requiring the district to fully integrate its three historically Black schools, it also offers a number of new programs to students and requires the district to reform its discipline policies, improve its facilities, ensure diversity among faculty and staff, and promote equal access to extracurricular activities. This new desegregation plan, however, is at risk due to the district court's approval of an all-Black charter school that hinders desegregation efforts. That approval has been appealed to the Fifth Circuit Court of Appeals, and we are waiting for a decision from the court.

Political Participation

LDF is the nation's foremost advocate in the struggle to protect and expand the right to vote. LDF works to ensure that everyone has the ability to fully participate in American democracy. We have been involved in nearly all of the precedent-setting litigation relating to minority voting rights.

Our civil rights laws protect the right of African Americans to elect their candidates of choice and to participate equally in the political process. We remain especially committed to eradicating racially discriminatory practices and laws that weaken the collective voting strength of communities of color.





Voting Rights Act of 1965 & Election 2016

The Voting Rights Act of 1965 (VRA) is one of the signature achievements of American democracy, a landmark piece of legislation that rapidly dismantled the decades-old barriers that had kept African Americans from voting. Unfortunately, in the wake of the Supreme Court's 2013 *Shelby County* decision, which gutted Section 5 of the VRA, a number of states have unleashed a wave of discriminatory voting changes on communities of color, threatening to undermine progress won at tremendous cost.

Through our Prepared to Vote campaign, LDF provides non-partisan election preparedness information leading up to and on Election Day to various partners in target states. Our staff saw the costs of

the *Shelby County* decision firsthand on November 8th, when we deployed teams of lawyers and over 100 volunteers to polling places in six states to monitor voting. Over the course of the day, our staff observed long lines, a lack of resources for people with disabilities, broken machines, unresponsive public officials, voter confusion as a result of changed and closed polling places and incidents of intimidation.

2016 was the first presidential election in more than 50 years to be held without the full protections of the VRA. It must also be the last. We will be relentless in our efforts to pass the Voting Rights Amendment Act and restore the power of federal courts to stop discriminatory voting changes before they are implemented.



Texas Voting Rights



Janai Nelson, LDF Associate Director-Counsel; Sherrilyn Ifill, LDF President & Director-Counsel; Deuel Ross, LDF Assistant Counsel, Natasha Korgaonkar, former LDF Assistant Counsel; following oral argument in *Veasey v. Abbott*

Since our 1944 litigation in *Smith v. Allwright*, which ended the practice of all-white primaries in Texas, LDF has consistently worked in Texas and other states to ensure that African American voters have full and unfettered access to political participation. That work has taken on new urgency in recent years with the state's passage of Senate Bill 14 (SB 14), the harshest voter ID law in the country.

On May 25, 2016, LDF's Associate Director-Counsel Janai Nelson appeared before the 15-judge U.S. Court of Appeals for the Fifth Circuit to argue against the law in *Veasey v. Abbott*, setting forth an airtight case that SB 14 intentionally discriminates against minority voters.

Effectively summarizing a six-year fight in just two minutes, she demonstrated three crucial points: first, that the bill's proponents selected photo IDs that Blacks and Latinos were least likely to possess while rejecting several secure but less discriminatory forms of ID; second, that the legislature had used a dizzying array of procedural departures to pass the bill; and third, that in the lead-up to the bill's passage, Texas legislators not only made repeated references to illegal aliens, linked immigration to leprosy, and proffered unfounded allegations of non-citizen voting and voter fraud, they engaged in intentional racial discrimination in redistricting.

On July 20, 2016, the court ruled that the photo ID law violates the Voting Rights Act of 1965, sending the case back to District Court for immediate amendment before the 2016 election, ensuring that an estimated 600,000 registered voters and 1.2 million eligible voters would not be excluded from the polls. The Fifth Circuit also asked the District Judge to re-examine the evidence surrounding the law's passage; after further arguments that again included LDF, the judge ruled in April of 2017 that the law had been passed with an intent to discriminate against Black voters – the third time in just 12 months that a federal court found the law to be discriminatory.

Greater Birmingham Ministries v. Alabama



Alabama is yet another state that passed a discriminatory voter ID law in the wake of the Supreme Court's decision in *Shelby County*. Alabama's statute affects more than 100,000 registered voters. A disproportionate number of them are Blacks and Latinos, who are nearly twice as likely as white voters to lack required IDs.

In late 2015, LDF, Covington & Burling, LLP, and local attorney Ed Still filed a lawsuit in the Northern District of Alabama challenging the law under Section 2 of the VRA. The lawsuit was filed on behalf of Greater Birmingham Ministries and the Alabama NAACP. LDF's suit seeks not only to block the suppressive photo ID law, but also petitions the court to require the State of Alabama to clear all future voting changes with a federal court under Section 3 of the VRA. In April of 2017, the court denied a motion to dismiss the suit, ensuring that our challenge to this discriminatory law will continue. Trial is scheduled for January 2018.

Terrebonne Parish, Louisiana



Black residents comprise 20 percent of the population of Terrebonne Parish, Louisiana. They are geographically concentrated within the parish, and they consistently back the same candidates for office. Nevertheless, no Black candidate has ever been elected to the 32nd Judicial District Court, which serves Terrebonne Parish.

The reason? For nearly 200 years, Terrebonne Parish has used an at-large voting system that patently discriminates against Black citizens. Although this method of evading the Voting Rights Act has largely withered in the South, it still persists in the Terrebonne community. As a result, the Black residents of Terrebonne Parish have never seen their interests appropriately represented on the court, whose current members include a judge who was once suspended for wearing blackface, an orange prison jumpsuit, handcuffs, and an Afro wig to a Halloween party as part of an offensive "prison inmate" costume.

LDF has been in federal court challenging the judicial elections in Terrebonne Parish and advocating for a more equitable district-based election system since 2014. Trial took place in March and April of 2017. Our litigation has attracted considerable media attention, and we expect a decision from the court this fall.



Criminal Justice

The persistent racial inequalities of the criminal justice system remain a national shame. The United States has the largest prison population in the world and the vast majority of those prisoners are Black and Latino. Since its inception, LDF has challenged the inappropriate role of race in the administration of criminal justice and has targeted systemic injustices like inadequate legal representation, discriminatory jury selection, biased exercise of police and prosecutorial discretion, and the death penalty. To this day, LDF uses litigation, advocacy, organizing, and public education to eliminate the improper role of race in the criminal justice system.



Buck v. Davis

In 1997, a Texas jury sentenced Duane Buck to death rather than life in prison after a psychologist, introduced by Buck's own trial attorneys, testified that Mr. Buck would be more dangerous in the future because he is Black. Because a Texas death sentence requires a unanimous jury finding that the defendant is likely to commit future acts of criminal violence, this was tantamount to saying that Mr. Buck's race rendered him more deserving of a death sentence.

On October 5, 2016, Christina Swarns, LDF's former Director of Litigation, argued before the Supreme Court in *Buck v. Davis*, setting forth a masterful case that Mr. Buck deserved a new sentencing trial free of racial bias. The Supreme Court agreed, ordering a new sentencing for Mr. Buck in a 6-2 decision on February 22, 2017. In his majority opinion, Chief Justice John Roberts affirmed that "our law punishes people for what they do, not who they are," a ringing endorsement of equal justice under law.

In handling this case, Christina joined a short but distinguished list of African American women who have argued before the Supreme Court, including former LDF President and Director-Counsel Elaine Jones and former LDF attorney Constance Baker Motley.

Economic Justice

Since our founding, LDF has fought for the right of African Americans to work, live, and thrive without racially imposed barriers. Our priorities on this front include eliminating occupational segregation and discrimination, ensuring that employment selection policies do not have a disparate impact on African American job seekers, promoting fair housing, and monitoring consumer law practices such as foreclosures and student loan policies. Through litigation, advocacy, and public education, LDF's economic justice work fights to increase fairness and equal opportunity for African Americans in all aspects of our country's economic life.



Washington, D.C.: WMATA

The Washington Metropolitan Area Transit Authority (WMATA) is the largest regional transportation provider in the Washington, D.C. area. WMATA serves a population of five million people and operates the second largest rail transit system, the fifth largest paratransit service, and the sixth largest bus network in the United States. WMATA has over ten thousand direct employees; thousands more individuals work for companies that WMATA contracts with to provide services to its customers.

But since 2009, WMATA has made it much more difficult for applicants with criminal records to get or keep jobs at WMATA. Under WMATA's current policy, a person who has been convicted of any felony – including non-violent drug offenses – or two or more misdemeanor offenses within the last ten years will be automatically disqualified from many positions. Also, WMATA decided to permanently disqualify from employment anyone who has been convicted of certain crimes, no matter how old the conviction is. WMATA has applied this policy not only to new applicants, but also to employees who already are working for WMATA (or one of its contractors) and who have not had any problems on the job.

In 2014, LDF joined the Washington Lawyers' Committee and Arnold & Porter Kaye Scholer, LLP in suing WMATA and three of its contractors for violating federal and local anti-discrimination laws with this policy. In April 2017, a United States District Court Judge granted class certification in this case. This significant step in our litigation allows the case to move forward on behalf of all affected job applicants, potentially expanding the impact of our efforts to reverse this discriminatory and counterproductive policy.

Detroit: Fair Housing



In July 2016, LDF joined the ACLU of Michigan and lawyers from Covington & Burling LLP to file a class-action lawsuit on behalf of seven Detroit homeowners and four neighborhood associations against the Wayne County Treasurer, Wayne County, and the City of Detroit challenging illegal and racially discriminatory tax foreclosures that have pummeled African American homeowners in recent years. Each year, Wayne County and the Wayne County Treasurer foreclose on and seize thousands of homes for unpaid tax bills, despite specific knowledge that the bills are based on outdated, inaccurate, and inflated property assessments. Through this lawsuit, Plaintiffs challenge Defendants' tax foreclosure practice under the Fair Housing Act, alleging that it has an unjustified disparate impact on African American homeowners. Plaintiffs also allege that the City of Detroit has violated the due process rights of impoverished homeowners who are entitled by law to a poverty tax exemption. Plaintiffs allege that, prior to 2016, Detroit's process for eligible homeowners to apply for the poverty exemption was convoluted, difficult, and at times impossible. Plaintiffs seek to stop the foreclosures and keep homeowners in their homes and the implementation of a constitutional process for eligible homeowners to obtain the Detroit poverty exemption.

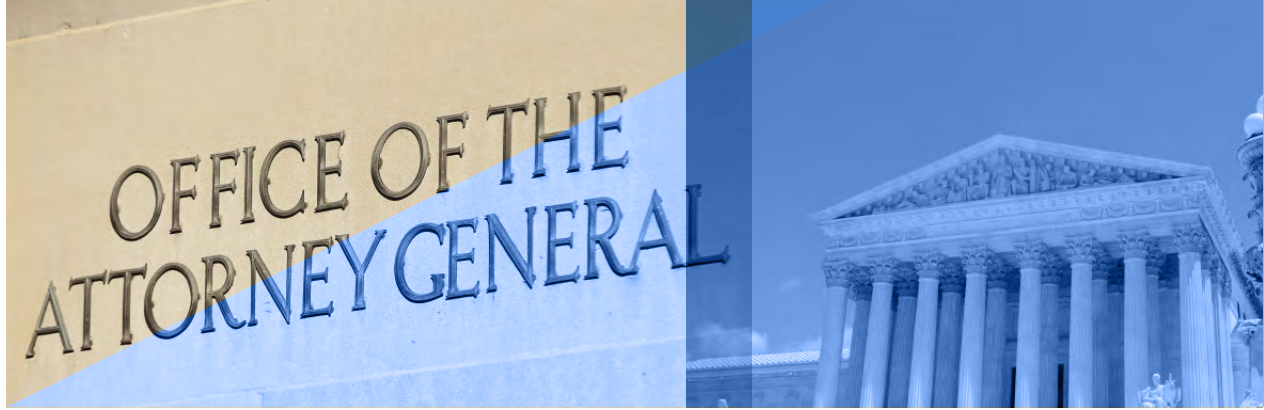


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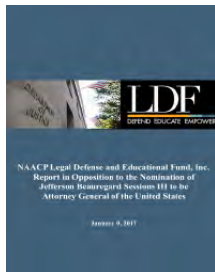
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Advocacy/Policy

LDF continues to defend the gains and protections won over the course of its history through its advocacy in Washington, D.C. and beyond. By monitoring Executive Branch policies, pending legislation, judicial decisions, and trends in state and local government, LDF works to protect and strengthen civil rights laws and policies throughout the United States.

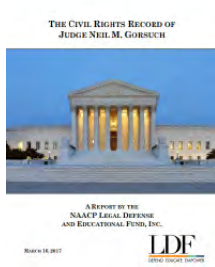


Report on the Nomination of Jeff Sessions as United States Attorney General



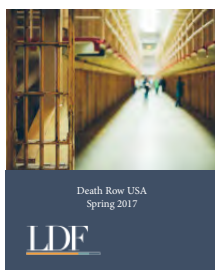
Eleven days before President Trump took the oath of office, LDF released an exhaustive report in opposition to the nomination of Senator Jeff Sessions for United States Attorney General. We laid out then-Senator Sessions' record of consistent hostility to the principles of racial equality and justice, and concluded that this record made him uniquely unfit to serve as Attorney General. As we wrote in the report, we did not reach our conclusion lightly, but only after a fair and thorough evaluation of his long career in public life. Our report garnered significant media coverage in the days leading up to the Senate's vote on Sessions' nomination.

Report on the Nomination of Neil Gorsuch as Associate Justice of the United States Supreme Court



One of President Trump's first significant actions in office was to nominate the Tenth Circuit Judge Neil Gorsuch to the United States Supreme Court. As we do with all Supreme Court nominees, we conducted a painstaking review of Judge Gorsuch's judicial record in an effort to understand his views and positions on civil rights issues. We found that Judge Gorsuch's record—a body of work that includes approximately 900 written opinions—indicated that his presence on the nation's highest court could severely weaken civil rights protections in America. Thus, LDF chose to oppose Judge Gorsuch's nomination.

Death Row USA



The LDF issues a quarterly report entitled Death Row USA. The report contains death row populations by state, as well as other statistics pertaining to capital punishment in the United States.



Every Student Succeeds Act (ESSA)

On March 9, 2017, the Senate voted to eliminate critical regulations meant to ensure that states meet the requirements of the Every Student Succeeds Act (ESSA), America's national education law, which was passed in 2016. Those regulations required states to develop plans that hold schools and districts accountable for the success of all students, particularly historically underserved low-income students and students of color. With the elimination of these key regulations, it falls to United States Education Secretary Betsy DeVos to ensure that state plans address school climate issues and resource inequities.

In response, LDF has worked on the ground with advocates in three states, helping them pressure their states to craft ESSA policies that are fair and inclusive.

Florissant, Missouri

LDF's advocacy helped correct a significant problem in Florissant, Missouri, the largest city in St. Louis County, which is afflicted by many of the same racial disparities as the neighboring city of Ferguson. After a careful study, we determined that Florissant's voting districts not only violated the Constitution's one-person, one-vote rule, but were also structured in such a way that it was difficult for Black voters (who make up about one-fourth of Florissant's population) to elect their preferred candidates to the City Council. We worked with a coalition of local advocates and lawyers to persuade the City Council to ensure that its districts complied with the Constitution and the Voting Rights Act.

With the council's cooperation, the city redrew its district boundaries, and in April 2017, Robert Parson, Jr. became the first African American elected to the Florissant City Council.

LDF in Media

LDF aggressively pursued media opportunities to shape and lead the conversation surrounding racial injustice; focusing on different methods to relay news about the range of LDF's work, including litigation, organizing, policy, and advocacy. LDF also identified percolating stories and conversations to advance communications goals, including showcasing the talent and voice of the many LDF attorneys who are on the front lines. LDF media appearances and mentions include the following:

Op-Eds

- *The New York Times*, Voting Rights Success? Not So Fast
- *The Baltimore Sun*, After Freddie Gray: Looking to the Future
- *Washington Post*, Tackle Racial Bias in Policing at the Root
- *Los Angeles Times*, Restore Voting Rights for Low Level Felons in California
- *The Baltimore Sun*, Md. Must Do Better To Keep Troubled Kids In Class
- *The American Prospect*, Remembering Gwen Ifill: Truth Teller and Exemplar of Civility
- *The New Republic*, How Democrats Must Fight the Confirmation of Jeff Sessions
- *AFRO*, 100 Days of Discrimination, 100 Days of Defiance
- *CNN.com*, DeVos Has a Lot to Learn About Education and Race
- *The Guardian*, America is Still Segregated. We Need to be Honest About Why
- *The Washington Post*, Brown v. Board is 63 Years Old. Was the Supreme Court's School Desegregation Ruling a Failure?
- *Politico*, The Strange Civil Rights Views of Trump's Latest Court Nominees

Print

- *The Washington Post*, A Southern City Wants To Secede From Its School District, Raising Concerns About Segregation
- *The Baltimore Sun*, NAACP Legal Defense Fund Requests Documents from Baltimore County Police about Fatal Shooting of Korryn Gaines
- *Ebony*, NAACP Legal Defense Fund Says it is 'Deeply Disappointed' by Gray Decision
- *The New York Times*, In Baltimore Report, Justice Dept. Reviews Doubts About Zero-Tolerance Policing
- *The New York Times*, Findings of Police Bias in Baltimore Validate What Many Have Long Felt
- *The Washington Post*, The Crusade of a Democratic Superlawyer with Multimillion-Dollar Backing
- *The Washington Post*, Here Are the Two Groups Who Are Receiving \$1 Million Each from Michael Jordan
- *The New York Times*, Rudolph Giuliani Lashes Out at Black Lives Matter
- *The Atlantic*, Addressing Distrust Between Cops and Communities of Color
- *The New York Times*, Supreme Court Decision on Affirmative Action Cheered by College Admissions Experts

Print

- **The Washington Post**, Affirmative Action Advocates Shocked — and Thrilled — by Supreme Court's Ruling in University of Texas Case
- **Politico**, Supreme Court Upholds College Affirmative Action Program
- **American Prospect**, Rethinking School Discipline
- **The New Republic**, North Carolina's War on Voters Is Heating Up
- **The Nation**, Congressional Resistance to Trump Begins Now
- **The Baltimore Sun**, Justice Department Asks for 90-Day Pause to 'Review and Assess' Baltimore Police Consent Decree
- **The Washington Post**, Justice Department Expresses Skepticism in Court Over Baltimore Police Consent Decree
- **The Washington Post**, Federal Judge Approves Baltimore Police Consent Decree
- **The Washington Post**, Judge: Mostly White Southern City May Secede from School District Despite Racial Motive
- **The Atlantic**, Voting Rights on Trial on the Bayou
- **The New York Times**, Judge in Houston Strikes Down Harris County's Bail System
- **The New York Times**, Sessions Closed Sterling Case, Odds Are, His Predecessor Would Have Too
- **U.S. News and World Report**, The Quiet Wave of School District Secessions
- **Mother Jones**, A Landfill is Consuming this Historic Alabama Community. The EPA Ignored Complaints. Now the Case is Closed.
- **The New York Times**, Who is Dangerous and Who Dies?

Television

- **MSNBC's All in with Chris Hayes**, Driver Acquitted In Freddie Gray Case (June 23, 2016)
- **MSNBC's The Last Word with Lawrence O'Donnell**, Obama: This Isn't a Black Issue, It's an American Issue (July 8, 2016)
- **MSNBC with Brian Williams**, The Status of the Black Lives Matter Movement (July 8, 2016)
- **Face the Nation**, How Can We Improve Relations between Police and Minority Communities? (July 10, 2016)
- **CNN**, Race in America (July 14, 2016)
- **BET News Special** (August 31, 2016)
- **Politics Nation**, New Concerns About Voter Intimidation (October 30, 2016)
- **MSNBC's AM Joy**, Law and Order Under Trump (November 12, 2016)
- **HBO's Last Week Tonight**, President Elect Trump (November 13, 2016)
- **Huffington Post Live**, Why Do Cops Tend to Get White Juries (December 20, 2016)
- **MSNBC's All in With Chris Hayes**, Mistrial in case against former Officer Slager (December 9, 2016)
- **Real News Network**, Baltimore Must Address Economic and Social Segregation to Achieve Justice (December 14, 2016)
- **MSNBC's Politics Nation**, Sessions Orders Review of Police Reform Deals (April 10, 2017)
- **Democracy Now**, Jeff Sessions Pushes New War on Drugs While Killing Obama-Era Police Reform Measures (April 11, 2017)
- **CBS News**, Judge Strikes Down Texas Voter ID Law for the Second Time (April 14, 2017)
- **MSNBC's All in with Chris Hayes**, Sessions Orders Toughest Drug Sentences (May 13, 2017)
- **MSNBC's AM Joy**, Sessions' Disastrous Drug Crime Policy (May 13, 2017)
- **MSNBC's AM Joy**, Black Voter Turnout Fell for First Time in 20 Years (May 14, 2017)



THE FIRST 100 DAYS



In 2016-2017, LDF influenced public opinion with the aid of coveted television and print opportunities, securing key media coverage on issues of racial inequality.



OPING NOW >>>



NEWSONE TODD A. COX @NAACP_LDF

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Thurgood Marshall Institute

LDF continues to defend the gains and protections won over the course of its history through its advocacy in Washington, D.C. and beyond. By monitoring Executive Branch policies, pending legislation, judicial decisions, and trends in state and local government, LDF works to protect and strengthen civil rights laws and policies throughout the United States.



Sherrilyn Ifill, James A. Cadogan, Christopher G. Oechsli (President, Atlantic Philanthropies)

In February 2017, LDF named its inaugural Director for the Thurgood Marshall Institute, James A. Cadogan. As Director of the Institute, Mr. Cadogan manages targeted advocacy and research initiatives that enhance LDF's ability to fight for racial justice and address structural inequality in the 21st century, and contributes to the development and execution of LDF's strategic communications.

Before joining LDF, Mr. Cadogan served eight years in the Obama Administration, most recently at the U.S. Department of Justice as Counselor to Attorney General Loretta E. Lynch. Previously, Mr. Cadogan held positions as Senior Counselor and Director of Policy and Planning in the the U.S. Department of Justice's Civil Rights Division; as Counsel to the Assistant Attorney General in the U.S. Department of Justice's Civil Division; and as a Special Assistant at the U.S. Department of Defense.

During the 2008 general election, Mr. Cadogan co-directed Obama For America's Voter Protection program in Ohio. He began his career in 2006 as a litigation associate at Cravath, Swaine & Moore LLP in New York.

Policing Reform Campaign

In 2015, in response to the deaths of African Americans at the hands of police in Ferguson, Missouri and New York City, LDF launched its Policing Reform Campaign, a nationwide effort to address the law enforcement crisis in America at the local, state, and national levels. Operating out of our Thurgood Marshall Institute, the campaign seeks to ensure that law enforcement in America is unbiased and accountable. Using research, public education, policy and legislative advocacy, litigation, community organizing, and communications strategies, we advocate for greater transparency and accountability in law enforcement. On the following pages are highlights from our work in four cities across the country.



New York City

Since 2010, LDF has represented Black plaintiffs in the federal class action lawsuit *Davis v. City of New York*, which challenged the New York Police Department's unlawful enforcement of criminal trespass laws in public housing. The case settled in 2015, and we are now in the midst of the settlement agreement's monitoring process, working with local advocates and a federal monitor tasked to implement necessary reforms within the NYPD. Most recently, we objected to the department's proposed policies and procedures governing its body-worn camera pilot program, which do not do enough to promote transparency and accountability.

Baltimore

In 2016, after an investigation that found widespread unlawful policing practices by the Baltimore Police Department, the U.S. Justice Department and the city of Baltimore began negotiating a court-enforceable consent decree setting out steps the city would take to protect the legal rights of all Baltimore residents. To help facilitate that effort and ensure public participation in the negotiating process, LDF co-hosted a town hall meeting for Baltimoreans and community stakeholders in September of 2016. At this forum, residents had an opportunity to share with Justice Department attorneys the reforms they wanted to see in the final agreement. In January 2017, the Justice Department and Baltimore City officials filed a consent decree in federal court, which incorporated several of the demands raised by residents, including an opportunity to review and comment on the consent decree before it was approved. In March of 2017, LDF submitted written comments on the proposed consent decree, which endorsed the overall agreement while identifying 12 areas of improvement.

After the Justice Department attempted to delay approval of the agreement in April of 2017, LDF requested to intervene in the case. Although the court denied our request, the ruling left open the opportunity to renew our request should the Justice Department fail to meet its obligations in enforcing the consent decree, which the court has approved. LDF is working with Baltimore residents and stakeholders to monitor the implementation of the agreement, including the selection of the independent monitor and members of the Community Oversight Task Force.

We have also been working with local advocates to ensure that reform continues at the local level. In the summer of 2016, for instance, we joined our partners in sending a letter to then-Baltimore Mayor Stephanie Rawlings-Blake and Police Commissioner Kevin Davis, urging them to incorporate changes to the Law Enforcement Officers' Bill of Rights passed during the 2016 legislative session in the city's ongoing contract negotiations with the Baltimore City Fraternal Order of Police union.



Ferguson, Missouri

Like Baltimore, the city of Ferguson, Missouri, is currently under a federal consent decree, the result of a Justice Department investigation launched in response to the death of Michael Brown in the summer of 2014. LDF is working with local advocates to closely monitor the implementation of the agreement by assisting them with preparing comments for status conferences before the court and considering proposed policy changes.

North Charleston, South Carolina

On April 4, 2015, North Charleston police officer Michael Slager shot in the back and killed Walter Scott, an unarmed Black father, as he ran away during a routine traffic stop.

Since that awful incident, LDF has been on the ground in North Charleston working with local partners to create systemic change. In July 2015, we assisted local advocates in submitting a letter to then-U.S. Attorney General Loretta Lynch asking her to open a federal civil rights investigation of the North Charleston Police Department. After months of public pressure, the Mayor and Police Chief of North Charleston invited the Justice Department's Office of Community Oriented Policing Services (COPS Office) to conduct a comprehensive and independent assessment of the police department's policies and practices. The COPS Office began the assessment in May 2016. Although it was not the federal civil rights investigation that the community wanted, LDF and local advocates have been supporting the investigation by providing the COPS Office with evidence of discriminatory policing practices.

Among other actions, LDF reviewed hundreds of pages of citizen complaints against the North Charleston Police Department (NCPD), which revealed a pattern of racial disparities in the submission and resolution of the civilian complaints. We found, for instance, that although Black citizens were more likely than white citizens to file complaints against police officers, NCPD sustained complaints filed by Black residents only 31% of the time, compared to sustaining complaints filed by white residents 50% of the time. The results of our findings were released in a report – *It Matters If You're Black or White: Racial Disparities in the Handling of Complaints by the North Charleston Police Department*—and submitted to the COPS Office with a request for the prompt completion and publication of its assessment.



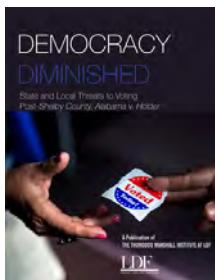
Lumumba Akinwole-Bandeled, LDF Senior Community Organizer

Marquis Jenkins, LDF Community Organizer

Community Organizing

Community organizing is an integral part of LDF’s approach to addressing civil rights challenges. Through TMI, organizers facilitate trainings for a range of communities to help them understand their own power and capabilities. The assistance they provide includes: leadership development and skill-building; subject matter expertise on issues of community concern; technical assistance for organizing efforts; and building networks to enhance advocacy capacity. Our organizers support impacted communities trying to address racial discrimination in the areas of policing, juvenile life without parole, and the death penalty.

Publications



LDF released its inaugural Thurgood Marshall Institute publication, *Democracy Diminished: State and Local Threats to Voting Rights Post-Shelby County v. Holder*, a detailed collection and analysis of proposed or implemented voting changes unleashed in the wake of the Supreme Court’s Shelby decision. The report is part of LDF’s broader efforts to shape the conversation around voter suppression and the crucial work to restore voting rights to millions of disenfranchised voters, as well as establishing the Thurgood Marshall Institute as a valuable resource for data and information.



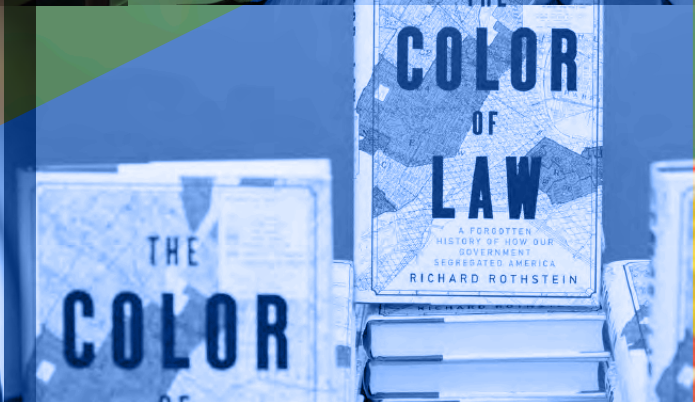
LDF issued, *It Matters If You’re Black Or White: Racial Disparities in the Handling of Complaints Against North Charleston Police Officers*, the findings of a comprehensive review of citizen complaint reports released by the North Charleston, South Carolina, Police Department (NCPD). After analyzing hundreds of pages of documents filed with the NCPD from 2006 through 2016, LDF found both that African Americans were more likely to file complaints against officers than their White counterparts, and complaints filed by African Americans were sustained at a much lower rate. LDF also found that the NCPD conducts inadequate investigations in response to citizen complaints, as complaint reports are often missing critical information and rarely note whether disciplinary actions were taken against offending officers.



Dr. Phillip Goff



Richard Rothstein



Labs

TMI Labs bring together scholars, practitioners, activists and other thought leaders in LDF's offices for day-long learning and strategic sessions with staff. The Labs are designed to showcase the leading scholarship and expertise on relevant civil rights or social science issues, creating opportunities for broad, innovative thinking within LDF. We held four labs in fiscal year 2017 covering topics like affirmative action and implicit bias in policing with experts like David Rudovsky of the University of Pennsylvania Law School and Rachel Harmon of the University of Virginia Law School.

Fellows

In April of 2016, LDF named Richard Rothstein and Dr. Phillip Goff as the inaugural Fellows of LDF's Thurgood Marshall Institute. The Institute's Fellows Program engages scholars and experts to produce cutting-edge research on pertinent civil rights issues, including education, criminal justice reform, and political participation. Mr. Rothstein, a research associate at the Economic Policy Institute, is an expert on the history and effects of housing segregation and disparate transportation access, among other issues. He is the author of *The Color of Law: A Forgotten History of How Our Government Segregated America*, a critically acclaimed book that studies segregation mandated by public policy at the federal, state, and local levels in the middle of the 20th century. Dr. Goff, a Professor at John Jay College of Criminal Justice, focuses his research on the psychology of bias in the criminal justice system.



LDF Scholars & Fellows Programs

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 rising 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.



James Castillo, LDF Board Member and MARCH Foundation Board Member; Eric H. Holder, Jr. and his wife Dr. Sharon Malone; Kenneth Jarvis and Dennis Obregon, MARCH Foundation Board Members

Eric H. Holder, Jr. Fellowship

John Payton Appellate & Supreme Court Advocacy Fellowship

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, as well as leading community meetings, participating in conferences and developing public information materials.



From Left to Right: Sherrilyn Ifill, Edward Adams, Jr., Shauna Clark, Steven Pfeiffer, David W. Mills, Gerald Adolph

Events

LDF hosted its 30th annual National Equal Justice Award Dinner (NEJAD) on November 2, 2016 at Cipriani 42nd Street in New York City. The dinner was held the week before the first presidential election in 50 years without the full protections of the Voting Rights Act. The evening's theme was "The Power of Now," which examined not only voting rights but a broad array of civil rights issues including policing reform, equality in education, and economic justice.

Former LDF President and Director-Counsel Elaine R. Jones received LDF's highest honor, the Thurgood Marshall Lifetime Achievement Award, for her decades of service to the organization, starting as a young lawyer and working her way to becoming the first woman to serve as President and Director-Counsel. During her storied career as a civil rights litigator, she defended death row inmates, argued numerous employment discrimination cases—including class actions against some of the nation's largest employers—and became one of the few African American women to argue before the Supreme Court.

LDF board member, and now Chairman and Managing Partner of Global Infrastructure Partners, Adebayo Ogunlesi was honored with the National Equal Justice Award for his work on behalf of LDF and civil rights. A Harvard Law School and Harvard Business School graduate, Ogunlesi served as a law clerk for Justice Thurgood Marshall during the 1980 Supreme Court term.

International law firm Norton Rose Fulbright was named 2016 law firm of the year. Their history with LDF spans decades including, most recently, their critical help in *Fisher v. University of Texas*, which was a tremendous victory for affirmative action.

LDF also mourned and saluted the lives and work of two members of the LDF family who we lost this year: former Associate Director-Counsel Jaqueline Berrien, and the successor to Thurgood Marshall, legendary second Director-Counsel Jack Greenberg.

LDF once again offers special thanks to its generous donors and corporate sponsors. NEJAD 2016 raised a remarkable \$3 million to assist LDF in advancing its important mission.

Pictures from top:
1. Mrs. Cecilia Marshall, Elaine Jones, Sherrilyn Ifill
2. Adebayo Ogunlesi
3. Joy-Ann Reid
4. Leslie Odom Jr.





Martha's Vineyard Event

On August 11, 2016, LDF held a dinner reception and conversation titled Policing Reform & the Power of Our Vote on Martha's Vineyard. Speakers included Sherrilyn A. Ifill and Eric H. Holder, Jr., LDF Board Member and former U.S. Attorney General.

LDF gives special thanks to LDF Board Member Damien Dwin and his wife Dasha Dwin for hosting this wonderful event. We are grateful for their leadership and support.

LDF's Annual *Brown v. Board of Education* Event

This year's *Brown v. Board of Education* event was entitled "Public Education on the Brink: Protecting the Promise of *Brown v. Board*." Arent Fox, LLP graciously provided the venue at their DC offices and the evening was generously underwritten by Diageo. The event included a discussion led by Sherrilyn Ifill and the following panelists:

- Dr. R. L'Heureux Lewis-McCoy, an Associate Professor of Sociology and Black Studies at the City College of New York – CUNY, whose research concentrates on issues of educational inequality, the role of race in contemporary society, and gender equity.
- Gary Orfield, Ph.D., a research professor of Education, Law, and Political Science at the University of California, Los Angeles and the Co-Director of The Civil Rights Project at UCLA.
- Dr. Andre Perry, the Founding Dean of Urban Education at Davenport University and an education leader, author, and advisor to those working to improve education in K-12.

LDF & MoMA

In partnership with the Museum of Modern Art (MoMA), LDF hosted a private celebration and curator-led tour of artist and activist Robert Rauschenberg's show, *Among Friends*. The event was generously underwritten by LDF major donor and MoMA Trustee Kathy Fuld, in collaboration with Board Members Judy Byrd and Angela Vallot. Following the event, Ms. Fuld hosted an intimate private dinner for potential supporters of LDF.



FY2016-2017 Supporters



Major Donor Highlight

\$7.5 Million BUILD Grant from The Ford Foundation

In April 2017, LDF received a generous \$7.5 million grant from The Ford Foundation as part of the foundation's Building Institutions and Networks (BUILD) initiative, which invests in the long-term capacity and sustainability of social justice organizations. LDF will utilize the funding over the course of five years to strengthen our core operations.

\$1 Million Gift from Michael Jordan for Policing Reform Work

In July 2016, NBA owner, Hall of Famer and international basketball star Michael Jordan committed a \$1 million grant to LDF in support of our work to restore and ensure trust between communities and law enforcement across the nation. Mr. Jordan will also be contributing \$1 million to the International Association of Chiefs of Police's newly established Institute for Community-Police Relations, which launched in May to execute recommendations made in the report of the President's Task Force on 21st Century Policing.

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The Moment is Now

Launched in the immediate aftermath of the 2016 presidential election, the Moment Is Now Campaign allows LDF to resist the rollback of civil rights gains in this challenging era. We are grateful to following generous supporters who immediately stepped up to provide leadership support for the Moment Is Now Campaign: George Lucas Family Foundation, New York Life, the LDF Board of Directors, the Open Society Foundations, the Solidarity Fund, and the Neukom Family Foundation.

The campaign provides urgent resources so that we can deploy aggressive strategies and bear the increased pressures and unforeseen obstacles of this new political climate. Looking ahead, we have already identified several key priorities for our work over the next four years. Those priorities are:

- **Voting Rights**—This is one of the most critical of LDF’s priorities. Our efforts in this area are both defensive and affirmative. LDF defends voting rights by challenging discriminatory voting laws and policies in court, and works to expand them by supporting redistricting efforts to ensure that minority voters have a meaningful opportunity to participate in the political process, local efforts to expand early voting, expanded registration opportunities, and enfranchisement of formerly incarcerated persons.
- **Criminal Justice Reform**—LDF pursues litigation challenging unconstitutional policing, racial discrimination in criminal prosecution, jury selection, and sentencing practices, as well as initiating legislative reform efforts at both the federal and state level.
- **Education Equity Reform**—LDF’s education work includes school desegregation litigation in Southern jurisdictions, policy efforts designed to ensure proper funding and anti-discrimination policies in public education; and supporting affirmative action.
- **Continuing LDF’s role as a vocal and prominent thought leader on matters of race and civil rights.**



To execute our work within the framework of these priorities, LDF will adhere to our core mission to Defend, Empower and Educate.

1. DEFEND: LDF As a Private Department of Justice (DOJ)

LDF is taking up important aspects of the civil rights portfolio abandoned by the DOJ, particularly in the areas of voting rights, education equity and policing reform. As LDF assumes the role of a “private DOJ” for civil rights, we are increasing our staff and expanding our litigation capacity in these core areas.

2. EMPOWER: Engaging Local Communities in the Fight for Equality

LDF is redeploying some of our resources and emphasis from work at the federal level to pressing advances and opportunities in states and cities where we can effectively empower communities to move forward an agenda for civil rights. We are also deepening our work in Southern states where racial justice work is most urgently needed, and where reactionary forces may feel emboldened by the national climate.

3. EDUCATE: Shaping the Public Narrative on Race and Civil Rights

Continuing to shape the public narrative around civil rights while dispelling rampant misinformation is critical during this period. At the risk of “alternative facts” becoming the new normal, LDF must be prepared to aggressively confront baseless accusations and counter with legal and historical fact. We will use research, strategic communications, and the messaging capacity of our new Thurgood Marshall Institute to deliberately and intentionally shape the debate about race and civil rights.

Financial Report

LDF 2016–2017 Statement of Activities

Revenue and Support

Contributions, grants, and gifts in kind

Public support and grants	\$29,855,984
Special events revenue	\$2,592,274
Other revenue	\$2,753,863
Total Revenue and Support	\$35,202,121

Expenses

Program Expenses

Legal Program Expenses	\$10,424,925
Thurgood Marshall Institute	\$3,097,221
Scholarship programs	\$450,843
Total Program Expenses	\$13,972,989

General and Administrative \$1,498,655

Fundraising and Special Events \$2,969,605

Other Expenses

Total Expenses \$13,972,989

Change in net assets \$16,760,872

Net assets, beginning of the year \$43,326,728

**Charge for pension benefit
other than net periodic
pension cost** \$1,455,194

Net Assets, End of Year \$61,542,794

Balance Sheet

Assets

Cash and cash equivalents	\$17,726,355
Investments	\$28,015,916
Donations and other receivables	\$7,936,057
Property and equipment	\$14,965,539
Assets held in trust by others	\$1,566,088
Other assets	\$373,470
Total Assets	\$70,583,345

Liabilities and Net Assets

Liabilities

Accounts payable and accrued expenses	\$1,918,494
Mortgage payable	\$3,496,515
Accrued pension liability	\$3,500,061
Other Liability	\$125,481
Total Liabilities	\$9,040,551

Unrestricted net assets	\$13,087,759
Temporary restricted net assets	\$30,002,275
Permanently restricted net assets	\$18,452,760
Total net assets	\$61,542,794

Total Liabilities and Net Assets	\$70,583,345
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