

# 2011–12 BIENNIAL REPORT







# OVER THE YEARS









































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### MESSAGE FROM

### CHAIR OF THE BOARD AND PRESIDENT

### Dear Friends and Supporters,

The American Constitution Society unites passionate, engaged and energetic members of the progressive legal community to challenge the conservative activist legal movement's effort to erode our constitutional principles and to strengthen the network for the Constitution and its fundamental values.

Now in our second decade, we are an important strategic voice in the battle of ideas. With ever-increasing strength, we counter the well-funded campaign to promote right-wing judges and policies using the symbol of the Constitution. With increasing frequency, we are exposing attempts to distort the meaning of the document.

Our network of regional chapters has always served as ACS's backbone, strengthening the legal community's commitment to progressive values, and promoting thoughtful discussion about what our Constitution really means. Through our robust network of more than 200 student and lawyer chapters, we are building the next generation of progressive legal leaders.

Whether through participating in our more than 1,300 annual live events, interactive telephone briefings and webinars; writing op-eds, letters-to-theeditor and blog posts; providing scholarship for ACS publications; mentoring students and young lawyers; amplifying the work of our fellow members; or volunteering for our many other opportunities, the ACS network defines us, and makes us an increasingly powerful force.

We look forward to continuing our work aimed at fulfilling our fundamental tenet: that the law should be a force to improve the lives of all.

Sincerely,

PETER B. EDELMAN, Chair of the Board American Constitution Society for Law and Policy

Peter Edelman

CAROLINE FREDRICKSON, President American Constitution Society for Law and Policy



ACS Board of Directors Chair Peter Edelman



ACS President Caroline Fredrickson

### ACS 2011-12 BIENNIAL REPORT

ACS is shaping the debate and affecting the national conversation on critical legal and public policy issues through the engagement of its network of chapters, the production of high-impact resources, and access to key decision-makers and the media.

### WE ARE:

- ▶ Building a pipeline to foster advancement of ACS members as policymakers and legal decision-makers, through the development of ACS's more than 200 law school and lawyer chapters around the country, hosting of events and resources on becoming a judge or a legislator, and the cultivation of future leaders through ACS's Public Interest Fellows, Next Generation Leaders and Young Scholars programs;
- ➤ Taking on the rhetoric of so-called "originalism," and "strict construction," through ACS publications, including an ACS original work republished by Oxford University Press, Keeping Faith with the Constitution, hosting a semester-long webinar series featuring renowned constitutional experts, and providing talking points and other resources for ACS members and policymakers;
- Increasing public and media pressure to end Senate obstruction of judicial nominees, by connecting members with lawmakers, from high-level White House officials to senators; issuing timely scholarship on reform of the nominations process that has been relied upon by members of Congress; developing our comprehensive and often-cited web resource, JudicialNominations.org, and securing publication of opinion pieces in outlets around the country;
- Countering efforts to promote a cramped constitutional understanding in legal challenges to the health care reform law and other federal legislation, through a media campaign that includes placing op-eds in regional

▼ The 2012 ACS Convention panel "(In)equality in the 21st Century: What's Law Got To Do With It?" discussed poverty in America and featured Gene B. Sperling, Director of the National Economic Council and Assistant to the President for Economic Policy, Peter Edelman, ACS Board Chair and Professor of Law at Georgetown University, Bob Herbert, Distinguished Senior Fellow, DEMOS; former Op-Ed columnist, The New York Times and Mary Kay Henry, President, SEIU.



newspapers, briefing academics who will serve as sources for the media, and generating key resources relied upon by legislators and others, including ACS Issue Briefs, regional debates, and a web page tracking state-by-state challenges to the Affordable Care Act;

- Working with government officials and preeminent national scholars to achieve needed criminal justice reform, through member engagement with key decisionmakers, activation of the network to perform critical research on defendants' access to a lawyer, and a series of events on tactics for reform;
- Protecting the integrity of our democratic process, by connecting ACS lawyers and students to election protection efforts; promoting scholarship and ACS Issue Briefs on campaign finance reform and barriers to voting; and hosting programs around the country to educate voters, advocates and decision-makers;
- ▶ Communicating the significance of a competent, fully staffed judicial branch to progressives and the general public, by hosting programming, scholarship and commentary that emphasizes the impact judges and courts have on all issues, from immigration to the environment; supplying network members with talking points, background facts and other resources; and producing blogs and other commentary that spotlight individual lower-court decisions and their impact.



### Attorney General Eric H. Holder Jr., speaking at the ACS 10th Anniversary National Convention

Over the last decade this organization has become a powerful, critical voice in our nation's most consequential discussion and debates. You have worked to ensure that the principles we hold most dear always trump calls for expediency or contests for political popularity. You have helped to safeguard our democracy and to strengthen our legal system. You've raised awareness about an impending crisis, an alarming rate of vacancies in our federal judiciary. You have challenged policy makers to address this, and made the case that highly qualified, capable individuals nominated by the president, like Goodwin Liu and Dawn Johnsen; that individuals of this caliber, who are willing to serve this nation should have the chance to serve their country in government posts and on the federal bench.



#### Nandi Campbell, Former ACS Student Chapter President, University of Georgia

I tell people that ACS kind of saved my law school career. I don't get how ACS could not be part of your life as a law student.



Professor Pamela S. Karlan, Stanford Law School, coauthor of Keeping Faith with the Constitution, originally published by ACS.

For too long a far-right movement has pushed a cramped way of interpreting the Constitution, one that undercuts the document's fundamental commitments to opportunity, equality, and a government responsive to the American people's needs. ACS is vitally involved in developing and communicating ideas about how the Constitution should be understood. Its work is critical to ensuring that the Constitution retains its capacity to serve the Preamble's goals of establising justice, promoting the general welfare and securing the blessings of liberty in the twenty-first century and beyond.



### Sherrilyn Ifill, President and Director-Counsel of the NAACP Legal Defense & Educational Fund

ACS is to be commended for enriching the discussion of important legal and policy issues and helping to foster the development of a progressive legal community. The organization has brought attention to the crisis on our federal bench, explaining reasons for rising vacancies, and fostering discussion about the need for diversity on our federal courts.



### Julia Beth Cherlow, Former ACS Student Chapter President, Stanford Law School

ACS has been transformative for me. Being a part of this organization that has ... people who are actually crafting policy, people who are at every level of what is going on in D.C., at the state level. I realized, 'Wow, I actually can have an impact on policy.'

# SHAPING DEBATE

**The American Constitution Society brings** together many of the country's best legal minds to exchange ideas, to articulate a progressive vision of the Constitution and our laws, and to generate the "intellectual capital" that informs and energizes our members and progressive allies to engage in and shape debate on key legal and public policy issues.

ACS holds more than 1,300 public programs annually, including speeches by major legal and policy figures, among them judges, cabinet members, and members of Congress, as well as a variety of conferences, debates, panel discussions, symposia, and media briefings, an active online and social media presence, and a range of authoritative publications, all of which support the work of the network in promoting a fair, just and inclusive legal system.

"The task, urgently, is to have the performance of the judicial confirmations process rise to the level of its importance." ◀ White House Counsel Robert Bauer, speaking about judicial nominations in 2011 during a rare public address hosted by ACS at the National Press Club. The remarks garnered wide media attention.

Massachusetts Governor **Deval Patrick**, a featured speaker at the 2012 ACS National Convention.



▼ Former Associate Justice of the Alabama Supreme Court Harold See Jr., second from right, making a point during a 2011 National Convention panel examining political influences on judges. The other judges on the panel included Senior Associate Justice Mark D. Martin, North Carolina Supreme Court, former Chief Justice of the Iowa Supreme Court Marsha Ternus, former Chief Justice of the West Virginia Supreme Court of Appeals Richard Neely, former Associate Justice of the Indiana Supreme Court Myra C. Selby, and U.S. Court of Appeals for the Ninth Circuit Judge Stephen Reinhardt.



The 2012 ACS National
Convention panel "The
Supreme Court and State
Immigration Laws?" featured
Joan Biskupic, Legal Affairs
Editor-in-Charge at Reuters,
Lucas Guttentag, Robina
Foundation Distinguished
Senior Research Scholar in
Law and Lecturer in Law at
Yale Law School, Marielena
Hincapié, Executive Director,
National Immigration Law
Center and Mark Shurtleff,
Utah Attorney General.





Gara LaMarche, then President and CEO of The Atlantic Philanthropies, addressed the 2011 ACS National Convention, where he was among the recipients of the Progressive Champions awards.  Former U.S. Solicitor General Walter Dellinger, a member of the ACS Board of Advisors, has spoken at numerous ACS events including at the 2012 ACS National Convention.







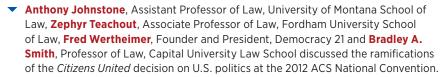
## SHAPING DEBATE



ACS President Caroline Fredrickson and Justice Sonia Sotomayor at the Supreme Court.



Justice Ruth Bader **Ginsburg** delivered the keynote address at the 2012 ACS National Convention, in which she described the latest Supreme Court term.







Stacey R. Long, Director of Public Policy & Government Affairs, National Gay and Lesbian Task Force, spoke on a 2012 ACS Convention panel "Toward a More Civil Union: Considering Marriage for all." (Dahlia Lithwick, Senior Editor at Slate and Paul M. Smith, ACS Board Member and Partner at Jenner & Block, are pictured in the background.)



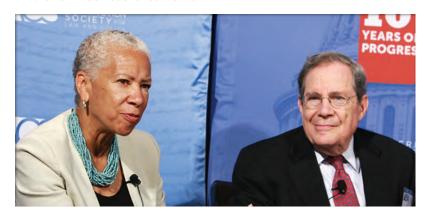






▲ State Department Legal Adviser Harold Koh at the 2011 ACS National Convention.

▼ Angela Glover Blackwell, Founder and Chief Executive Officer of PolicyLink and Peter Edelman, ACS Board Chair and Professor of Law at Georgetown University discuss inequality in America on a panel at the 2012 ACS National Convention.





The 2012 National ACS Convention panel "Failing Marks: The School-to-Prison Pipeline" featured Daniel J. Losen, the Director of the Center for Civil Rights Remedies of the Civil Rights Project at UCLA, Anurima Bhargava from the U.S. Department of Justice, Castle **Redmond,** the Program Manager of The California Endowment and Vanessa R. Crawford, Sheriff of Petersburg, Virginia.

# BUILDING NETWORKS

A principal focus of the American Constitution Society is to nurture the next generation of progressive lawyers, judges, policy experts, legislators and academics, and to create a network for action and change. With more than 200 student and lawyer chapters in 47 states and almost every law school, and over thousands of members and other supporters, ACS chapters offer platforms for debate and discussion about enduring principles and the issues of the day, and provide opportunities for networking, mentoring and organizing.

ACS student chapters provide lawyers-to-be with meaningful opportunities for professional development and mentoring, participation in substantive projects, and membership in both a local community and a national network. Our lawyer chapters provide a local forum to discuss issues of both local and national significance, to develop important professional contacts, and to come together on substantive projects. They also connect members with national ACS initiatives, providing them with opportunities to help shape the national debate.



In 2012 the Chicago Lawyer Chapter of the American Constitution Society hosted a Legal Legends Luncheon. Legal Legends and Ruth Goldman Awardees are pictures from the left: Geoffrey Stone, former ACS Board Chair and professor of law at University of Chicago, Scott Lassar, Partner, Sidley Austin LLP, Camilla Taylor, Marriage Project Director, Lambda Legal, Carol Brook, Deputy Director, Federal Defender Program, Inc. and Illinois Supreme Court Justice Mary Jane Theis.

(from L to R): **Ethel Wynn** (Teresa's Mom), Teresa Wynn Roseborough (Exec. VP, General Counsel at Home Depot: Member of the Georgia Lawyer Chapter Board of Advisors; Former Member of the ACS National Board of Directors), and Joseph Roseborough (Member of the Georgia Lawyer Chapter Board of Advisors). Teresa Wynn Roseborough was one of two honorees at the 2011 ACS Georgia Lawyer Chapter Awards Reception.





◀ (I to r): ACS President Caroline Fredrickson, Senior Advisor, Office of the General Counsel, Dept. of Energy, Noah Shaw, Retired Chief Justice of the Massachusetts Supreme Court Margaret Marshall, Gov. **Deval Patrick**, and Jeffrey Clements, Cofounder and President of Free Speech for People.

▼ Leo Strine, Jr., Vice Chancellor, Delaware Court of Chancery, provided the featured remarks at the ACS New York Lawyer Chapter's "Access to Justice Forum" in 2011.





▲ The board of the ACS Student Chapter at Yale School of Law.

▶ The Fordham University ACS chapter met with Justice **Ruth Bader** Ginsburg during a trip to Washington, D.C. to watch Supreme Court oral arguments.



### BUILDING NETWORKS



"Winning Hearts and Minds" student convening in the Bay Area.

New York Times columnist and Yale Senior Research Scholar in Law Linda Greenhouse, an ACS Board Member, has delivered talks at ACS lawyer chapter events around the country on a range of timely legal issues.





"ACS relies on its grassroots leaders to change how it functions as a national organization. This is a strength of the organization. It's not dependent on the leadership inside the beltway, but at the front lines of the law."

**Michael Negron**, Chief of Policy, Chicago Mayor's Office; Co-founder, Harvard Law & Policy Review





"ACS is a lifeline for a lot of people. It really is the headquarters of action and thought for progressive law students."

Maryland State Senator and Professor **Jamie Raskin**, American University Washington College of Law





Robert Raben, president and founder of The Raben Group; an ACS Board member. Raben addressed the 2011 ACS National Convention, where he also introduced U.S. Attorney General Eric Holder.



▲ U.S. Court of Appeals Judge **Andre M. Davis** and Montgomery County District Court Judge Brian G. Kim spoke to members of ACS's Maryland Lawyer Chapter about the path to becoming a judge, and diversity on the bench.



▲ ACS Student Chapter at George Washington University Law School



 Senator Kirsten Gillibrand (D-N.Y.) chats with members of ACS's New York Lawyer Chapter following her featured remarks at a Manhattan event.

▼ Participants at a networking reception of the 2011 Legal Legends Luncheon.

Goodwin Liu, Associate Justice of the California Supreme Court; former chair of the ACS Board and featured speaker at the 2012 ACS National Convention.





# MAKING A DIFFERENCE

The strength of ACS's ideas and the breadth of our nationwide network enable our members to make a real difference in legal and public policy debates, from courtrooms to Capitol Hill to statehouses. Ideas that find their first exposure at an ACS program or in an ACS publication are cited in the media and during congressional hearings, adopted by legislators and policymakers, and build an enhanced public understanding of how the law can be a force to improve the lives of all people.



 JudicialNominations.org, ACS's one-of-a-kind web resource for tracking nomination and confirmation of judges to the federal bench.

> Former U.S. Solicitor General Walter Dellinger volunteering to teach an ACS Constitution in the Classroom session.



 C-SPAN coverage of Supreme Court Justice Ruth Bader Ginsburg's keynote address at the 2012 ACS National Convention.







when word got out that the tap array wanted to give America's impressionable fields a divise word got out that the tap array wanted to give America's impressionable fields a divise Constitution you need to do more than feets up tiles James Madison, singled the Constitutional Accountability Center's Doug Kendali.

After thinkling about it, though, I wondered if the taa partiers might be on to something. After all, it's really hard to argue against tracking kids about the Constitution. So I decided to take



"No voice has been more significant than the voice of ACS as we have tried to move well qualified, exemplary legal minds to our courts."

Melody Barnes, Domestic Policy Adviser and Director of Domestic Policy Council, speaking at an ACS Holiday Party in Washington, D.C.





◀ Students in Santa Clara, Calif. public school classroom show off their ACS pocket constitutions during a Constitution in the Classroom session.

### MAKING A DIFFERENCE



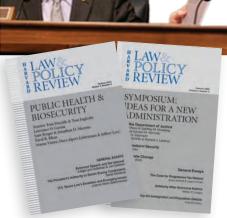
"I have had the good fortune to work with ACS on a number of battles over the years, health care in particular. They have been extremely proactive and very aggressive in talking about the fundamental rights of health and the responsibilities that come with it. We have a long way to go, but I thank them for the job that they've done in making this fight a winnable one."

Tom Daschle, Senior Policy Advisor, DLA Piper; former Senate Majority Leader

Senator Tom Udall (D-N.M), who authored an article in the Winter 2011 Harvard Law and Policy Review on reforming the Senate rules to enable confirmation votes to proceed in a timely manner, meets with students from ACS's Harvard Law School chapter.



At a Senate Judiciary Committee hearing, Chairman Patrick Leahy (D-Vt.) holds up a copy of the Harvard Law & Policy Review, highlighting an article on the growing challenges to employment discrimination plaintiffs in federal courts.



Harvard Law & Policy Review, the official journal of the American Constitution Society, which features articles by key policymakers and legal figures, including Sens. Charles Schumer, Elizabeth Warren and Tom Udall, former federal appeals court chief judge Patricia Wald, former presidential advisor Ron Klain and leading academics Charles Ogletree, Richard Posner and Geoffrey R. Stone.





The ACS website and the ACSblog have ever-increasing readerships and are frequently referenced in the media and by policymakers.





Columbus School of Law Professor Suzette Malveaux authored a recent article in the Harvard Law & Policy Review on the potential impact of a Supreme Court decision in Walmart v. Dukes, released on the day she participated in an ACS panel discussion previewing oral arguments in the case. The article, and the panel discussion, received widespread attention and news coverage.



Sandra Fluke was presented the Student Policy Advocacy Award by ACS and the Center for Reproductive Rights at the 2012 ACS National Convention.



ACS Advance: The Journal of the ACS Issue Groups



▲ Monica Youn, senior counsel at the Brennan Center and a panel participant at the 2012 National Convention, authored an article taking a critical look at the U.S. Supreme Court's campaign finance regulation case, Citizens United v. FEC, for the winter 2011 volume of the Harvard Law & Policy Review, the official journal of ACS.

"It's not difficult to figure out why this organization, in such a short period of time, has done so much, in so many different areas, and I wanted to thank you. I want to also thank you for your journal [the Harvard Law & Policy Review]. I read it. I especially read the article regarding the civil rights division from Senator Kennedy and I'm very, very grateful for the commitment and the contributions that you have made."

Assistant Attorney General Thomas Perez, U.S. Department of Justice, Civil Rights Division



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William A. Titelman

William C. Brauneis

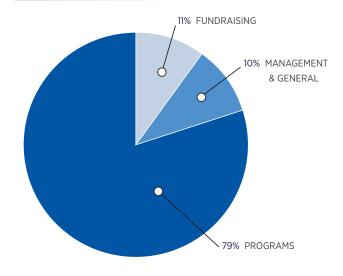
William T. Barker William Wagner

# FINANCIAL HIGHLIGHTS

### STATEMENT OF ACTIVITIES For the Year Ended December 31, 2011

	UNRESTRICTED	TEMPORARILY RESTRICTED	PERMANENTLY RESTRICTED	TOTAL
REVENUE				
Contributions	\$1,221,400.00	\$2,154,339.00		\$3,375,739.00
Interest income	\$3,476.00			\$3,476.00
Convention revenue	\$551,554.00			\$551,554.00
Lawyer Chapters	\$179,195.00			\$179,195.00
Miscellaneous	\$8,954.00			\$8,954.00
Bad debt loss			(\$5,358.00)	-5,358.00
Net assets released from restrictions	\$2,031,859.00	(\$2,031,859.00)		-0 -
TOTAL REVENUE	\$3,996,438.00	\$122,480.00	(\$5,358.00)	\$4,113,560.00
EXPENSES				
Program Services				
Convention	\$706,159.00			\$706,159.00
National Programs	\$1,123,541.00			\$1,123,541.00
Lawyer Chapters	\$500,408.00			\$500,408.00
Student Chapters	\$465,942.00			\$465,942.00
Communications	\$435,361.00			\$435,361.00
Total Program Services	\$3,231,411.00	-0-	-0-	\$3,231,411.00
Supporting Services				
Management and general	\$387,952.00			\$387,952.00
Fundraising	\$463,108.00			\$463,108.00
Total Supporting Services	\$851,060.00	-0-	-0-	\$851,060.00
TOTAL EXPENSES	\$4,082,471.00	-0-	-0-	\$4,082,471.00
CHANGE IN NET ASSETS	(\$86,033.00)	\$122,480.00	(\$5,358.00)	\$31,089.00
NET ASSETS, BEGINNING OF YEAR	\$1,071,082.00	\$2,916,933.00	\$73,300.00	\$4,061,315.00
NET ASSETS END OF YEAR	\$985,049.00	\$3,039,413.00	\$67,942.00	\$4,092,404.00

### 2011 EXPENDITURES



### STATEMENT OF FINANCIAL POSITION

December 31, 2011

ASSETS	
CURRENT ASSETS	
Cash and cash equivalents	\$2,360,747.00
Contributions receivable	\$1,329,710.00
Prepaid expenses	\$9,578.00
TOTAL CURRENT ASSETS	\$3,700,035.00
CONTRIBUTIONS RECEIVABLE, net of current portion	\$438,400.00
FIXED ASSETS, net	\$241,848.00
DEPOSIT	\$21,000.00
TOTAL ASSETS	\$4,401,283.00
LIABILITIES AND NET ASSETS	
CURRENT LIABILITIES	
Accounts payable and accrued expenses	\$86,254.00
Accrued vacation	\$69,099.00
Deferred revenue	\$100,000.00
Deferred rent	\$6,999.00
TOTAL CURRENT LIABILITIES	\$262,352.00
DEFERRED RENT, net of current portion	\$46,527.00
TOTAL LIABILITIES	\$308,879.00
NET ASSETS	
Unrestricted	\$985,049.00
Temporarily restricted	\$3,039,413.00
Permanently restricted - Cudahy award	\$67,942.00
TOTAL NET ASSETS	\$4,092,404.00
TOTAL LIABILITIES AND NET ASSETS	\$4,401,283.00

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New Mexico New York Law School New York University North Carolina Central North Carolina-Chapel Hill

North Dakota Northeastern Northern Illinois

Northern Kentucky-Chase

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Seattle
Seton Hall
South Carolina
South Dakota
South Texas

Southern California

Southern Illinois

Southern Methodist University

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St. Thomas (Florida) St. Thomas (Minnesota)

Stanford
Stetson
Suffolk
SUNY-Buffalo
Syracuse
Temple
Tennessee
Texas-Austin
Texas Southern
Texas Wesleyan

Thomas Goode Jones-Faulkner

Thomas Jefferson

Thomas M. Cooley (Auburn Hills) Thomas M. Cooley (Lansing)

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Villanova

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