

AMERICAN CONSTITUTION SOCIETY



MESSAGE FROM THE CHAIR

Dear ACS Allies & Supporters,

First and foremost, I want to thank you all for your crucial and continuing support of ACS! I joined the ACS board in 2017 because I saw the organization's tremendous potential to serve as an influential thought leader, draw on its broad and energized network (including 200 student chapters and 50 practicing lawyer chapters), and effectuate real and meaningful change in people's lives. I'm proud to say that, under Russ Feingold's leadership, the organization continues to go from strength to strength.

And that's all the more remarkable during this uniquely challenging time. Right after the first wave of lockdowns last year, ACS nimbly pivoted to highly timely online programming and virtual networking events — drawing larger and more diverse audiences from across the country. And, fittingly marking the organization's 20th anniversary this year, those and other efforts to execute the ACS Strategic Plan, continue with renewed vigor. ACS has, for example:

 Played a crucial role in supporting the White House's efforts to identify talented and diverse candidates for judicial office, drawing on ACS's unique resource of 53 working groups across the country;

• Partnered with government officials, law students, and practicing lawyers, to drive concrete legal reform, including pro bono efforts to

protect voting rights;

 Hosted webinars offering practical professional development guidance to members of the ACS network, including last month's "How to Become a Judge" program (cosponsored by the Muslim Bar Association and its NY affiliate) and next month's "Navigating the Clerkship Process for First-Generation and BIPOC Law Students" program.

Contributed to the public debate on crucial and timely issues, including

criminal justice and Supreme Court reform

 Launched a new and exciting podcast ("Broken Law") that is already attracting more than a thousand listeners per episode.

 In short – and, in large part, thanks to your invaluable support – ACS is more relevant

than ever!

With my sincere thanks and best wishes for the holidays — and looking forward to even greater things for ACS in 2022!

Warmest regards,

P. Kanny

Peter Karanjia





MESSAGE FROM THE PRESIDENT

Dear ACS Partners,

At year's end 2020, I promised you that this would be the most consequential year for the American Constitution Society in the organization's history. I write to you now to say, indeed it was!

Over the past year, we have expanded our staff, launched new initiatives, and built new partnerships for one reason: the progressive legal movement has never been more important than it is right now, as we defend against rising threats to our democratic legitimacy - this includes to the credibility of our courts.

One of ACS's core tenets is that courts matter. We know that who sits on our courts matters, and we believe that our courts should reflect the diversity of the public they serve. We proved that this year by providing the White House and Senators with hundreds of names of diverse, qualified candidates for the federal bench. We are the only organization with a nationwide grassroots presence that is building this progressive pipeline of lawyers.

The Biden-Harris administration has met the moment and prioritized the nomination of diverse judicial candidates. The Senate followed suit by confirming candidates at a record pace. We are continuing to identify candidates and work with the White House and the Senate to fill every vacancy that arises on the federal bench.

We know this is not enough when we have a Supreme Court that has been packed by the Right and that, as a result, we can no longer trust to uphold our constitutional rights or the guardrails of our democracy. This is why ACS stepped up to call for structural and non-structural Supreme Court reform. We will continue to call for such reform until we again have a credible Court that fulfills its mission by protecting and upholding judicial norms, constitutional rights, and our democratic legitimacy.

I am grateful to be a part of an organization that is on the frontlines of preserving our democratic legitimacy, and I thank you for your ongoing support.

Warmly,

Russ Feingold

AMERICAN CONSTITUTION SOCIETY

WE'VE COME A LONG WAY

Founded on the principle that the law should be a force to improve the lives of all people, ACS is the progressive response to the Supreme Court's Bush v. Gore decision. ACS's network today has grown to include 250 student and lawyer chapters in almost every state and on most law school campuses.



THE ACS NETWORK

ACS's law student and lawyer chapter programs and activities are where ideas inspire action. Through our student chapters, law students gain a greater understanding of a vision of the law that centers human values and work towards making that vision a reality. Lawyer chapters draw in a wide swath of progressive lawyers, from new graduates to leading policymakers, to advance equity in the law both locally and nationally.

In 2021, across the country, the over 250 ACS Chapters focused on Supreme Court reform, racial justice, reproductive freedom and justice, voting rights, criminal justice reform, the death penalty, technology and privacy, immigrants' rights, environmental justice, the importance of the judiciary, the power of local change featuring State AG staff and local/state officials, and strengthening the ACS student-lawyer network.

The 2021 Student Convention in March virtually drew in 447 registrants from nearly 90 different law schools. The 2021 Lawyer Leader Retreat in November included leaders from 26 different lawyer chapters.





DEFENDING JUDICIAL INDEPENDENCE AND THE COURTS

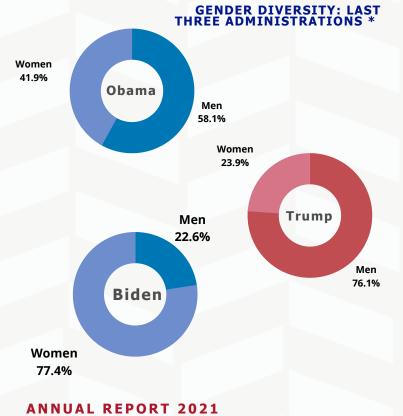
In 2021, ACS grew its Path to the Bench project to 53 working groups across 40 states, which identified, recruited, and supported hundreds of candidates for state and federal consideration reflective of the public the judiciary serves. Candidates represent racial, ethnic, gender, LGBTQIA+, and professional diversity. We also shared circuit court recommendations for 30 states plus the District of Columbia, Puerto Rico, the Court of International Trade, Court of Federal Claims, and the Federal Circuit, as well as district court recommendations for 35 states plus DC and Puerto Rico. This work was featured in articles for the New York Times, Bloomberg Law, the Wall Street Journal, The Atlantic, and most recently in The Guardian and our team has regularly appeared on news programs to discuss the importance of the judiciary.

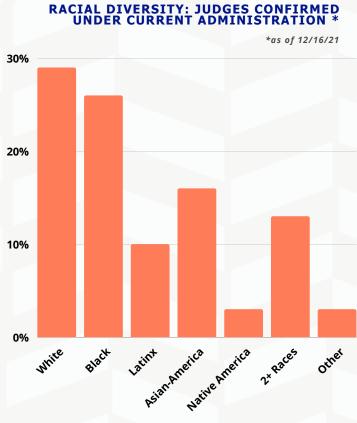
JUDICIAL NOMINATIONS TRACKER

ACS tracks the entire judicial nominations process, from vacancy to confirmation— essential information to keep advocates informed about the pace and impact of the current nominations process.

DIVERSITY OF THE FEDERAL BENCH

In 2021, ACS implemented a new data tracker that monitors the gender and race diversity of the federal courts. Updated continuously, the tracker is a helpful resource to our network members, partners, and the media.





SUPREME COURT REFORM

This past year, ACS called for structural and non-structural Supreme Court reform. ACS believes the Right's packing of the Court has irreparably damaged the credibility of the institution and that the Court is now a direct threat to the guardrails of our democracy. Through robust public communications, programming, and direct advocacy, ACS is building momentum for the reforms necessary to restore the Supreme Court's legitimacy and protect our constitutional rights. This includes adding seats as redress for the packing of the Court, ending life tenure in favor of term limits for justices, and restricting the use of the shadow docket.

At ACS's annual Supreme Court Preview in the Fall, a panel of experts discussed this term's docket, which only served to highlight the stakes. Cases like *Dobbs v. Jackson Women's Health Organization*, the Mississippi challenge to *Roe v. Wade*, and *New York State Rifle & Pistol Association Inc. v. Bruen*, which will determine the constitutionality of a New York gun-control law, demonstrate the impact the Court will have on the lives of all Americans just this year.

EXECUTIVE PIPELINE

In the first year of a new administration, ACS mobilized its network to identify candidate pools for key federal government positions and provided educational resources on the presidential appointments process and the unique challenges facing the executive branch. Trainings and programs were held for thousands of interested leaders. For example, the "ACS Presidential Transition Series: Restocking the Federal Government" addressed the structural shifts to federal agencies during the previous administration, focusing on personnel challenges (including the lack of diversity in presidential appointments), ethical issues, related rule of law issues, and what the incoming administration can do to address these challenges.

During the year, hundreds were appointed because of this work in key positions. Last year, 211 individuals affiliated with ACS obtained federal appointments, five U.S. Attorney candidates recommended by ACS have been nominated for U.S. Attorney positions, and we have developed a talent database now containing 617 diverse lawyers from across the country. Finally, 16 members of our talent database obtained executive federal appointments.

STRENGTHENING DEMOCRACY

Throughout the year, ACS convened its network and hosted programs to address threats to democracy. These included:

- "Filibustering Progress: To Reform or Not to Reform the Filibuster" With the Senate so closely divided and a legislative agenda on democracy reform, labor rights, and the environment hanging in the balance, the debate over whether to eliminate the filibuster intensified. In response, ACS gathered a panel of experts to explore possible paths forward. ACS published an Issue Brief by top ACS network scholars, "Democratizing the Filibuster."
- "Insurrection at the Capitol: Where Do We Go From Here?" Through a legal lens, this event explored the various ways in which the January 6th violence at the Capitol was portrayed, the legal definitions of treason, insurrection, and sedition, the criminal penalties for each, and what can and should be done in response.

DID YOU KNOW:

ACS members participated in election protection efforts, many of them trained to be voter advocates.





PROTECTING VOTING RIGHTS & DEMOCRATIC PARTICIPATION

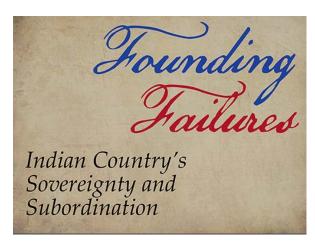
Even as the 2020 election cycles ended, we continued our focus on the calculated assault on voting rights occurring across the country. In response to the unprecedented turnout and turmoil following the election, state legislatures in Georgia, Utah, Iowa, Texas, Florida, and others moved to enact laws restricting access to the ballot box. We held an event titled "State of Play: Voter Suppression Bills in the Wake of the 2020 Election," which examined how the For the People Act and the John Lewis Voting Rights Act may interact with the recent spate of voter suppressive state laws and the best path forward to protect voting rights. ACS staff and our 250 chapters mobilized to defend and promote access to voting, with much planning for 2021 and 2022 election cycles.

AMERICAN CONSTITUTION SOCIETY

RACE AND THE CONSTITUTION

We dedicated our 20th anniversary year programmatically to examining our nation's "founding failures" and how the Constitution and our laws contribute to racial inequity in this country. Using our 2020 Program Guide, "Combatting Anti-Black Racism Through Law and Policy" as a framework, our first event in the series, "Reckoning with the Constitution" set the stage for discussing how our country's founding document was encoded with white supremacy since its inception and the constitutional, legal, and policy reforms required to address the institutional racism that continues to infect our economic, legal, educational, and health systems.





The three events that followed, "The Consequences of the Constitution's Original Sin for Our Criminal Legal System," "Reckoning with our Constitution's Generational Impacts on Health and Well-Being," and "How America's Racial Caste System Has Limited Opportunities for People of Color" took a more granular look at how our country's legal system has perpetuated racial inequality by overpolicing, over-criminalizing, and over-incarcerating people of color since its inception, as well as how systemic racism has played out in environmental health, and economic opportunity.

TRUTH, RACIAL HEALING AND TRANSFORMATION



In 2021, ACS announced its support for a truth, racial healing, and transformation commission. Programming throughout the year highlighted the movement for truth, racial healing, and transformation, a series, Founding Failures, and a Constitution Day panel focused on our country's broken commitments to Native Americans. The ACS Chapters throughout the country utilized the ACS 2021 Program Guide for their own programming and exploration and a student task force was formed to promote this movement on campuses, create programming and support activism.

STATE ATTORNEYS GENERAL PROJECT

Since 2017, ACS's State Attorneys General (AG) Project has continued to grow in scope and impact. Through national and chapter programming, we continue to highlight the unique role state attorneys general play in our system of government, and opportunities for lawyers and law students to contribute to their work. ACS now works with more than 25 State AG offices nationwide. Through our State AG working groups, we coordinate meetings to allow AG staff to exchange best practices and ideas, and bring in experts from the ACS network and partner organizations to inform their work. Currently, we have State AG working groups in the topic areas of COVID-19, criminal justice reform, immigration, and a newly launched group focused on health equity.



ABOLISHING THE DEATH PENALTY

ACS has brought together a small group of advocates, activists, and legal scholars from within the death penalty abolition community to serve as an advisory panel to provide strategic assistance, guidance, and legal and policy analysis focused on death penalty abolition. ACS has also engaged key members of the presidential administration, the U.S. Department of Justice, and members of Congress in an effort to persuade President Biden to use his constitutional pardon power to issue a blanket commutation for all current federal death row inmates. These direct conversations have been accompanied by public statements, op-eds, virtual programming, and podcasts calling for the president to commute the federal death row, including a piece by ACS President Russ Feingold entitled "It's Time to End the Federal Death Penalty and Empty Death Row" and a document designed for the administration entitled "Death Penalty: Determine If Capital Punishment Has Outlived Its Use."

ADDRESSING LEGAL THREATS TO ADMINISTRATIVE LAW AND SOLUTIONS TO A BROAD RANGE OF PROTECTIONS

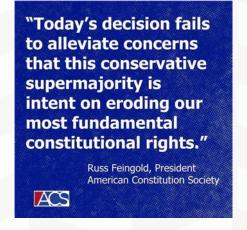
ACS amplifies the legal voices that seek to protect critical rights, demonstrate the practical impact of legal and policy decisions, and contrast regressive policies with a progressive vision of the Constitution and our laws. Our network of lawyers, law students, judges, scholars, policymakers, and activists represent a wide array of diversity in the field. By responding to critical needs at the federal, state and local levels, our network leads their communities in taking equitable action to safeguard our democracy.

At the federal level, ACS addressed the need for filibuster reform by highlighting the many ways that the filibuster undermines our democracy and stands in the way of progress. We published an Issue Brief laying out the argument for retaining the filibuster in a more democratic form. These were followed by a discussion at our national convention on How to Save Our Democracy by Deconcentrating Wealth and Power, which also included a discussion of filibuster reform among other proposals.

At the state level, ACS confronted legal threats to administrative law and solutions to a broad range of protections, including environmental regulation, labor law enforcement, consumer protection, corporate and government oversight. Several of our lawyer chapters hosted an event discussing the Texas power grid failure which featured energy regulation experts discussing these discriminatory aspects of grid and utility economics and what progressive advocates are doing to decarbonize the grid while protecting access to electricity for vulnerable households and individuals.

Locally, ACS chapters hosted numerous events on topics specific to their own communities such as fair housing, gig work, homelessness, and community policing. Ideas developed by our members, some of the legal profession's most innovative thinkers, inspire and empower our network and supporters to advance a more just and vibrant future for all people.





ENGAGING THE PUBLIC

ACS grew its communications reach in order to better engage the public on key issues, promote civic engagement, and expand our diverse and robust membership.

ACS IN THE NEWS:

"After Success in Seating Federal Judges, Biden Hits Resistance" - *NY Times*

"Americans no longer have faith in the US supreme court. That has justices worried" - The Guardian

"How Democrats Lost the Courts "-_Atlantic Magazine

"How 9/11 Radically Expanded the Power of the U.S. Government" - Time Magazine

"Biden needs to act on growing anti-death penalty sentiments" - *The Hill*

"Why I Opposed the Patriot Act" - *The Nation*

"Former senator on a mission to change the way SCOTUS works" - *San Francisco Chronicle*



BROKEN LAW: PODCAST SERIES

ACS is building organizational and strategic communications capacity to better inform the public about progressive legal thinking and ideas, to mobilize the progressive legal community around critical legal reforms, and to promote greater civic engagement overall among our members and the public. As a part of this effort, ACS has launched a podcast, "Broken Law," which promotes discussion on how our laws and legal system serve the few at the expense of the many. Hosted by ACS staff, the podcast discusses the origins of our legal system, interviews those on the frontlines of the progressive legal movement and informs listeners about how we can reform our laws to restore our democratic legitimacy and improve the lives of all people.

CONSTITUTION IN THE CLASSROOM

ACS volunteer corps of law students and lawyers teach primary and secondary students about the U.S. Constitution. Last year, the program reached 45,000 students in largely low-income, underserved schools. The curriculum for 2021 focused on *Brown v. Board of Education* and the 14th Amendment.



ACS AT A GLANCE

ACS progressive network

45,000+

5,000

Law students reached

250

Law school & lawyer chapters across the US

Path to the Bench

53Working groups

199

Members across 40 states

President Biden's nominees are extraordinarily diverse in both legal background and ethnicity. The White House and liberal interest groups have been promoting public defenders and civil rights lawyers in addition to the more traditional choices of prosecutors and corporate lawyers. According to the White House, 47 of the 64 nominees are women and 41 of them identify as people of color, allowing the administration to record many firsts across the judiciary. "The diversity is really greater than anyone could have hoped for," said Russ Feingold, a former senator and the head of the American Constitution Society, a progressive group that has been active in recommending nominees to the White House." *New York Times*, December 4, 2021.

VOLUNTEERS

2,000+ Non-partisan election related volunteer opportunities:

- Nearly 1,000 connected to the GA runoffs
- 200+ ACS member poll workers, across 33 states & DC
- 500+ ACS members involved in election protection efforts

NEXT GENERATION LEADERS (NGL)

Each year, ACS selects the next class of promising leaders from our student chapters across the country. The NGL program has grown from just a handful of law students to over 400 students and lawyers at all stages of their careers. In 2021, ACS provided individualized career advice to NGLs in law school as well as those in practice, helping to connect them to their fellow NGLs and other ACS members in their fields. Some NGLs also served on Path to the Bench working groups across the nation and ran for public office.



Zoraima Pelaez NGL & Student Board Member

Constitution.

I hope to build on the work of progressive scholars and advocates who seek to forge

an inclusive vision of the U.S.

Too often, the voices of those who are most impacted by oppressive policies are left out of the decision-making process.



Andrew Lindsay



Emily Henderson NGL

The law is an incredibly powerful tool for change and I see the Next Generation Leaders program as a resource to more successfully use that tool.



The NGL program has grown to an alumni network of 403 since its introduction in 2007.

ACS 2021 CHAPTERS EVENTS HIGHLIGHTS

- The Minneapolis-St. Paul Lawyer Chapter hosted ACS' first in-person lawyer chapter fundraiser since 2020 in September 2021: The 2021 Minneapolis-St. Paul Progressive Law Benefit.
- ACS Georgia Lawyer Chapter hosted its first hybrid event in October 2021.
 They honored the Hon. Beverly B. Martin.
- The Florida Lawyer Chapters have grown significantly since 2019. During the summer of 2019, we only had one Florida Lawyer Chapter: the Tampa Lawyer Chapter. Today, we have four active Lawyer Chapters--Tampa, South Florida, North Florida, and Central Florida--with a Jacksonville Chapter in the works.
- The Northwestern Student Chapter hosted a series of events on Truth, Racial Healing and Transformation, starting with "Constitution Day: Truth, Racial Healing, and Transformation in the Constitution" featuring Sheila Bedi, Aziz Huq, and Paul Gowder in September 2021. In November 2021, the chapter explored the Evanston reparations program.
- The Texas Law Student Chapter coordinated a program responding to SB8
 featuring state and national reproductive rights experts to discuss the current
 status and projected future of abortion rights, and how the students could get
 involved to defend reproductive justice.
- The Yale Student Chapter organized a series of conversations with state supreme court justices from 10 different states.
- The University of Missouri School of Law Student Chapter piloted a series, "Equity Under the Law," to advance discussions about progressive policies and its potential to aid those who have been historically underserved by their government.



SPECIAL THANKS TO OUR SUPPORTERS

\$1,000,000+

Open Society Foundations *

\$750,000 - \$999,999

The JPB Foundation

\$500,000 - \$749,999

The Bernard and Anne Spitzer Charitable Trust
The Sandler Foundation
Wellspring Philanthropic Fund *
William and Flora Hewlett Foundation

\$100,000 - \$249,999

Amy P. Goldman Foundation *
Anonymous
Anonymous
C.S. Fund *
Democracy Fund
Google
Present Progressive Fund *

\$50,000 - \$99,999

Anonymous
Change Happens Foundation
Meta/Facebook
Park Foundation
Rockefeller Foundation
WhyNot Initiative *

\$25,000 - \$49,999

California Community Foundation
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SEIU
Susman Godfrey L.L.P.
Wallace Global Fund
Weston Milliken at Tides Foundation
WilmerHale

* multi-year grant total amount

SPECIAL THANKS TO OUR SUPPORTERS

\$10,000 - \$24,999

AFSCME

Center for Reproductive Rights
Compassion & Choices
Covington & Burling LLP
DLA Piper
Fore River Foundation
Huntington National Bank
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Munger, Tolles & Olson LLP
National Education Association
Selendy & Gay PLLC
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Sullivan & Cromwell LLP

\$5,000 - \$9,999

ACLU

American Federation of Teachers
Gibson, Dunn & Crutcher LLP
International Brotherhood of Teamsters
Jones Day
Lehman-Stamm Family Fund
Outten & Golden LLP
Planned Parenthood
Slack Davis Sanger LLP
Unite Here!
United Steelworkers

\$1,000 - \$4,999

AFL-CIO Brennan Center for Justice

Constitutional Accountability Center Freedom to Read Foundation Guttman, Buschner & Brooks PLLC Hughes Socol Piers Resnick & Dym, Ltd. Lambda Legal Latham & Watkins, LLP The LGBTO+ Bar Keker, Van Nest & Peters LLP Kieve Law Offices NARAL Pro-Choice America Miller Shakman Levine & Feldman LLP National Bar Association National Native American Bar Association Orrick, Herrington & Sutcliffe Rosen Bien Galvan & Grunfield LLP Schwartz, Steinsapir, Dohrmann & Sommers Sherrard Roe Voigt & Harbinson, PLC Sidley Austin LLP Stoel Rives LLP

YWCA

SPECIAL THANKS TO OUR SUPPORTERS

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\$50,000 - \$99,999

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\$25,000 - \$49,999

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\$10,000 - \$24,999

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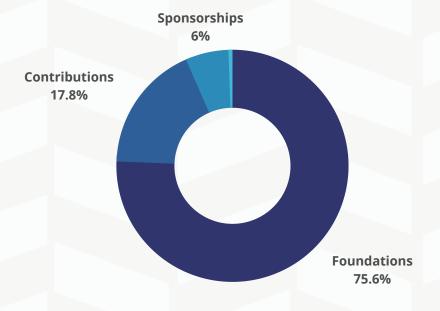
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Hon, Michael Stern

FINANCIALS

We want to thank everyone for standing with us during a most unusual and difficult year.

Our network is stronger than ever thanks to your generous support and partnership.

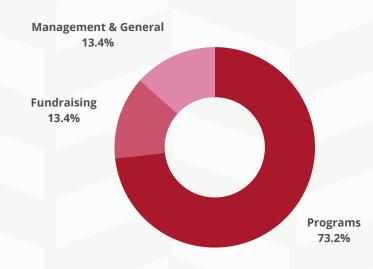


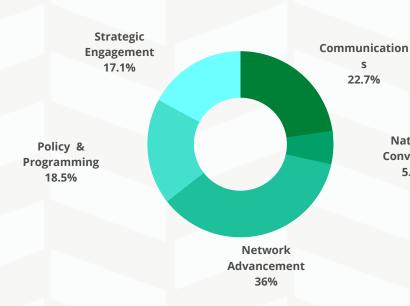
2020 REVENUE

Foundations: \$4,555,915 Contributions: \$1,074,827 Sponsorships: \$ 362,369 Miscellaneous: \$ 33,467 **TOTAL:** \$6,026,578

2020 ORGANIZATIONAL EXPENSES

Foundations: \$4,014,774 Contributions: \$735,738 Sponsorships: \$734,802 **TOTAL:** \$5,485,314





2020 PROGRAM EXPENSES

Communications: \$ 910,215 Convention: \$ 232,675 Network Advancement: \$1,443,626 Policy & Programming: \$ 740,983 Strategic Engagement: \$ 687,275 TOTAL: \$4,014,774

National

Convention

5.8%

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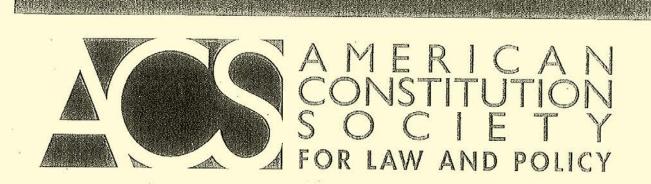
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Tom Wright Associate Director of Strategic Engagement

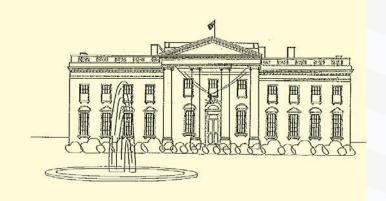


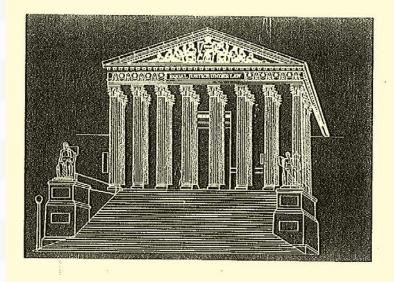


THE ACS NETWORK CONTINUES TO GROW



Program of Events





First National Convention

Capital Hilton Washington, DC August 1-3, 2003



Program Book from first ACS National Convention 2003



ACS THROUGH THE YEARS...

SPEAKERS

The ACS network connects progressives across the country. In 2004, Congressman John Lewis spoke at the second National Convention and again in 2013.

CHAPTERS GROWTH

In 2003, ACS had 4 lawyer chapters in Washington, DC, Chicago, LA, and Minneapolis-St. Paul and student chapters in over 80 law schools. Today, ACS has 200+ student chapters and 50 lawyer chapters.







STUDENT CONVENTION

ACS hosted its Inaugural Student Convention in 2013 at Stanford Law School, and now hosts student convenings each year across the nation, gathering thousands of student leaders and members.



AMERICAN CONSTITUTION SOCIETY



Senator Elizabeth Warren & Jerry Evans at 2016 Convention



Former United States Attorneys General Janet Reno & Eric H. Holder, Jr.



Former United States Attorney General Eric H. Holder, Jr. provides Keynote address at 10th Anniversary National Convention





Jarrett Adams, Author & Attorney & then Vice President Joe Biden at 2016 National Convention

U.S. Senator Amy Klobuchar addresses ACS 2016 Chicago Legal Legends Luncheon









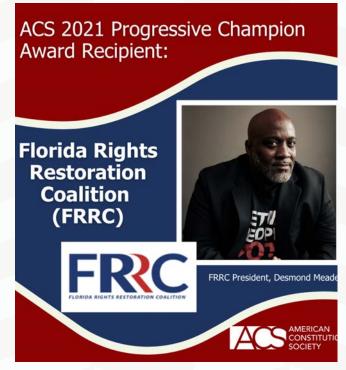


Ted Shaw



Ted Shaw is the Distinguished Professor of Law and Director of the Center for Civil Rights at the University of North Carolina and has spent decades fiercely advocating for civil rights, fair housing, voting rights, and so much more during his 26 years with the NAACP Legal Defense Fund.





AMERICAN CONSTITUTION SOCIETY



Promoting Progress: Lawyering in the Biden-Harris Era

Thursday, June 10, 2021

















"How to Save our Democracy by Deconcentrating Wealth and Power"; 06/08/21. Speakers: Elie Mystal, Justice Correspondent, The Nation, Kate Andrias, Professor of Law, University of Michigan Law School; ACS Board of Academic Advisors; Faculty Advisor, ACS University of Michigan Law School Student Chapter, Josh Chafetz, Professor of Law, Georgetown University Law Center, Janai Nelson, Associate Director-Counsel, NAACP Legal Defense and Educational Fund, Inc., Sandeep Vaheesan, Legal Director, Open Markets Institute

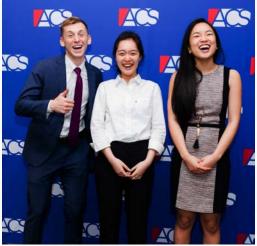
A"Founding Failures: How America's Racial Caste System Has Limited Opportunities for People of Color" 05/27/21. Speakers: Vinay Harpalani, Associate Professor of Law, University of New Mexico School of Law, Norrinda Hayat, Associate Clinical Professor of Law and Director of the Civil Justice Clinic, Rutgers Law School, Laura Sullivan, Director of Economic Justice Program, New Jersey Institute for Social Justice, Lindsay Langholz, Director of Policy and Program, American Constitution Society (Moderator)



Protecting Democracy
Advancing Truth and Justice
Transforming Laws and Legal Systems
Protecting the Lives of all People
Not Just the Special Interests of a Few

ANNUAL REPORT AMERICAN CONSTITUTION SOCIETY 2021







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