



2021-2022

Annual Report

December 2022

The American Constitution Society is a 501(c)3 non-profit, non-partisan legal organization. Through a diverse nationwide network of progressive lawyers, law students, judges, scholars, advocates, and many others, our mission is to support and advocate for laws and legal systems that strengthen our democratic legitimacy, uphold the rule of law, and redress the founding failures of our Constitution and enduring inequities in our laws in pursuit of realized equality.

www.acslaw.org



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More Important Than Ever



ACS Next Generation Leaders meet for breakfast at the 2022 National Convention in Washington, D.C.

The American Constitution Society (ACS) was founded in 2001 in response to the U.S. Supreme Court’s decision in *Bush v. Gore*, which demonstrated the conservative legal movement’s mounting influence in shaping the ideology of our federal courts, including our highest court. ACS set out to build a national progressive legal network that could bring together lawyers, students, scholars, judges, elected officials, and advocates in support of laws and legal systems that safeguard democracy, uphold the rule of law, and improve the lives of all people, not the special interests of a few.

Today, ACS is the nation’s foremost progressive legal organization, with over 250 student and lawyer chapters across the country. At a time when our democracy and the rule of law are facing unprecedented threats in the modern era, including from those on the federal bench, ACS’s work has never been more important than it is today. From our elections, to our courts, to our legislatures, lawyers and their allies are on the frontlines of protecting American democracy – lawyers who are members of ACS.

OUR VISION

Our vision is of a multi-racial, representative democracy that includes:

- A judiciary that reflects the diversity of the public it serves, interprets the U.S. Constitution through the backdrop of history and through the lens of lived experience, and protects democratic guardrails, upholds the rule of law, and vindicates fundamental rights;
- Democratic institutions that uphold the rule of law, guard against the abuse of power, and promote laws and policies that advance realized equality; and
- A robust and diverse legal civil society that actively promotes progressive legal transformation and redress of the founding failures of our Constitution and of our laws and legal systems.

Letter from the President



Russ Feingold, President

Dear ACS
Partners,

Our theme for 2022 was “democracy’s moment of truth.” Looking back at the year, here’s the good news: ACS met the moment.

The bad news, and why ACS has never been more important than it is right now: our democracy is not yet in the clear.

Let’s talk about 2022 first, starting with our success in diversifying the federal bench. Over the past several years, ACS has built a national judicial pipeline of diverse, qualified candidates for the federal and state bench with its Path to the Bench Project (PttB), which the White House described this year as “ridiculously helpful” in its unprecedented progress in filling federal court vacancies. To date, President Biden has nominated 142 judges. As of December 9, 95 of whom have already been confirmed, with 75% being women, and 66% being people of color. President Biden’s success in total confirmed judges and in the diversity of those judges was achieved in no small part because of the infrastructure of PttB, and we are just getting started.

The importance of our judicial work became even more pronounced this year by the packed Supreme Court’s litany of devastating decisions.

The Court’s conservative supermajority wiped out the federal constitutional right to abortion and sent the fate of abortion rights to the states. This reinforced the impact of us expanding our PttB work to state courts in eight states this year and in our advocacy for Supreme Court reform.

In the face of unprecedented threats to our democracy, we went to work early in the year to sound the alarm about the threat of election subversion. Over 500 ACS supporters took action in the midterm elections, by pledging to serve as poll workers, participating in voter protection efforts, or in non-partisan election related activities. We held national and state programs, produced podcast episodes, and published a litany of digital content urging voters to “vote your full ballot.” With election results now in, we can say with confidence: voters voted their full ballot and in support of democracy and the rule of law!

Our democracy is not out of the woods yet. This is why I am so grateful for ACS, for our network and our chapters, and for our supporters. Your support empowers our ongoing work to diversify the federal courts, vindicate our fundamental freedoms, and safeguard the pillars of our democracy as we look ahead to 2023 and 2024.

Sincerely,

Russ Feingold
ACS President

Letter from the Board Chair



Peter Karanjia, Board Chair

Dear ACS
Friends and
Allies,

Thank you all for your crucial support of ACS at this pivotal moment. At a time when our democracy is

under attack and long-cherished rights appear to be up for grabs, ACS’s role has never been more important. Our successes this year are a credit to the steadfast commitment of our members, our lawyer and student chapters, and our nationwide network.

Amidst the lowest moments of the past year – including witnessing efforts to subvert our elections and the rule of law – we have much to celebrate, including the historic confirmation of Justice Ketanji Brown Jackson to the U.S. Supreme Court. Time and again, ACS rose to the occasion, including:

- Expanding our Path to the Bench Initiative (with more working groups in more states), helping President Biden achieve his historic success in diversifying the federal bench, and broadening our focus to include state courts.
- Protecting voting rights, including recruiting poll workers and launching a unique campaign focused on urging voters to “vote their full ballot,” including

down-ballot races that are instrumental in safeguarding our democracy.

- Convening state attorneys general, law students, and practicing lawyers, to drive concrete legal reform, from responses to the U.S. Supreme Court’s decision in *Dobbs v. Jackson Women’s Health* to criminal justice reform.
- Hosting webinars offering practical professional development guidance to our student and lawyer members, including on clerkships and “How to Become a Judge.”
- Reconvening in person for our 2022 National Convention, after two years of virtual conventions, with one notable highlight – among many – being Justice Sonia Sotomayor’s inspiring remarks.

My sincerest thanks for all your support of ACS. This critical support enables the organization to continue to serve as a thought leader, build a broad and diverse network committed to upholding the promise of our Constitution, and defend our democracy, the rule of law, and our fundamental rights for years to come.

Warmest regards,

Peter Karanjia
Chair, ACS National Board of Directors

2022 In Review



ACS focused its work in 2022 around “democracy’s moment of truth,” recognizing the different and compounding threats confronting constitutional democracy in this country and heading into the 2022 midterms. From the threat of election subversion to the increasing devastation wrought by the U.S. Supreme Court’s conservative supermajority, to the growing effort by factions of the Right to radically rewrite the U.S. Constitution through an Article V Convention—ACS met the moment. This year, ACS helped the Biden-Harris administration and the U.S. Senate make history in diversifying the federal bench with its unprecedented progressive judicial pipeline; took Supreme Court reform from a niche issue to a mainstream topic with steadily growing political support; recruited hundreds of people to serve as poll workers; and mobilized voters around down ballot races that are instrumental in safeguarding the rule of law and our democracy at the state and local levels.

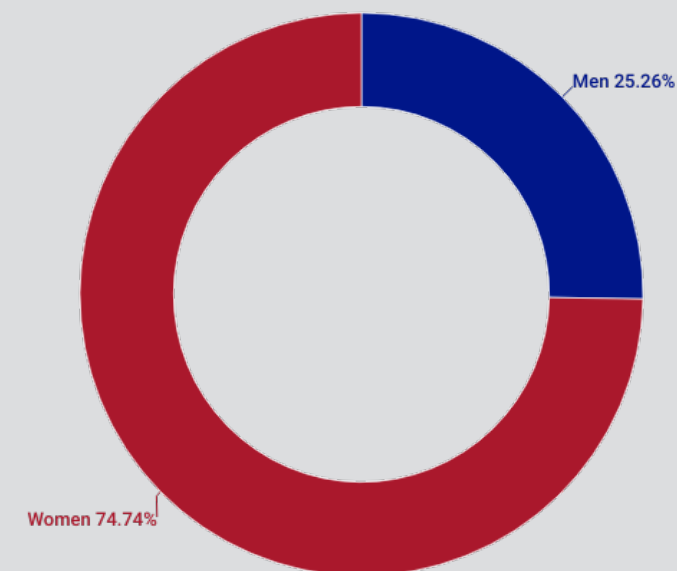
Courts Matter and Who Sits on Them Matters

From the devastating impact of the U.S. Supreme Court to state court rulings on abortion rights, LGBTQ+ rights, and election issues, 2022 proved yet again that our courts matter – and who sits on them matters. Now more than ever, we need judges who are committed to the rule of law and to upholding the U.S. Constitution, and who reflect the diversity of the public they serve.

Diversifying the Federal Bench

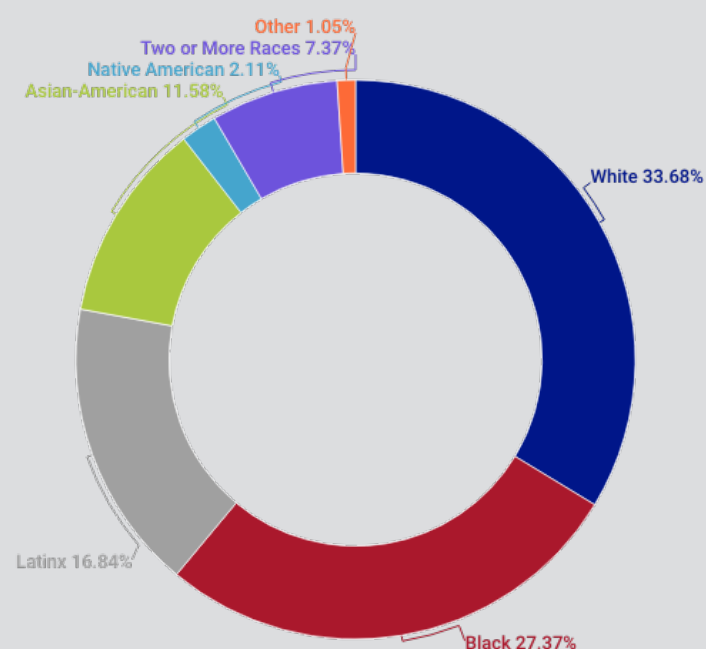
The Biden-Harris administration has made history in their first two years in the number of federal judges they have confirmed and in diversifying the federal court. This success is built in no small part on the infrastructure of ACS’s Path to the Bench Project, which has built a national judicial pipeline of diverse judicial candidates who are committed to the Constitution and to vindicating our fundamental rights. This pipeline is the work of ACS’s 55 working groups across 42 states, each made up of lawyers who are immersed in their state and local legal communities. The White House has described ACS’s Path to the Bench Project as “ridiculously helpful” in its success filling federal court vacancies and diversifying the federal bench.

Gender Diversity of Judges Confirmed Under the Biden-Harris Administration



Updated as of December 9, 2022

Racial Diversity of Judges Confirmed Under the Biden-Harris Administration

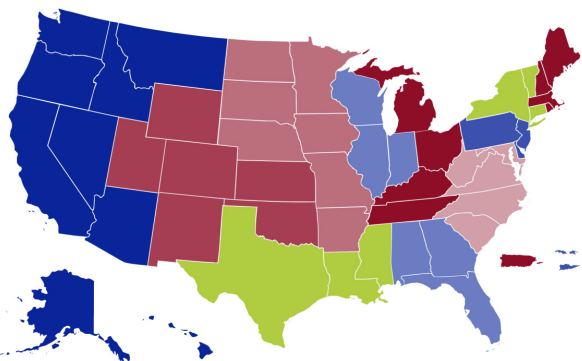


Updated as of December 9, 2022

The Biden-Harris administration nominated 142 people to Article III courts, and 95 have been confirmed by the Senate as of December 9. Of these nominees, roughly one-third were identified and/or recruited through ACS’s Path to the Bench Project.

As part of the Path to the Bench Project, ACS also grew its judicial clerkship program in 2022, reaching over 1,000 law students. As part of this effort, ACS national staff met individually with 160 ACS members to explain the clerkship application process. ACS also expanded its clerkship mentor matching program and provided a select cohort of diverse, highly-qualified law students with additional counseling on application strategies, connections with former clerks, and outreach to judges on their behalf.

Tracking the Federal Judicial Nominations Process



Throughout 2022, ACS continued to track the entire federal judicial nominations process, from vacancy announcements to confirmations, and provided this information to the public on its website. This information and the diversity information that ACS compiles about the federal courts are frequently cited in the press and used by coalition partners and Senate offices.

Expanding Path to the Bench Project to the States

In the wake of the U.S. Supreme Court's devastating decision in *Dobbs v. Jackson Women's Health*, state courts are now on the frontlines of protecting abortion rights. They are also increasingly on the frontlines of safeguarding our democracy and election security. Building off the infrastructure ACS established with its federal judicial pipeline, ACS expanded its work into state courts in 2022, with a plan for further growth in the coming years.

ACS is actively engaged on state judges in California, Georgia, Michigan, Minnesota, New York, Oregon, Virginia, and Wisconsin, and our work is already seeing success on this front.

Minnesota

The judicial appointments team for Minnesota Governor Tim Walz meets regularly with members of the ACS Path to the Bench Working group as part of its work to recruit qualified and diverse judicial candidates. ACS's Minnesota working group recently held a retreat to develop a formal process for sending recommendations from the chapter to the governor's office.



Oregon

ACS's Oregon working group will be submitting recommendations to Governor Kate Brown for its Supreme Court vacancy and future Court of Appeals vacancies. They've also identified opportunities to work with Governor-elect Tina Kotek.



Wisconsin

ACS's Wisconsin working group responded to the 2018 election of Governor Evers by ensuring that diverse, progressive lawyers applied to be on the Wisconsin Judicial Selection Advisory Commission. The Chair of one of our Wisconsin Lawyer Chapters was ultimately selected for the Commission, and the Commission has since made increasing diversity on the Wisconsin state courts a priority. About half of the judges that Governor Evers has appointed have been people of color and about half have been women.



Bolstering Support for Justice Ketanji Brown Jackson

ACS leveraged our national network to raise awareness of Justice Ketanji Brown Jackson's exceptional qualifications when she was nominated to fill Justice Stephen Breyer's seat on the U.S. Supreme Court and throughout her confirmation process. Our chapters coordinated several letters to the Senate Judiciary Committee in support of then-Judge Jackson's nomination. These letters entered the Senate Judiciary Committee record and countered the distorted, racist attacks on her record and qualifications. One letter written by Brigham Young University law professors even contributed to securing U.S. Senator Mitt Romney's vote in support of Judge Jackson's confirmation.



Source: Flickr | 2C2K Photography

Promoting Supreme Court Reform

The U.S. Supreme Court is facing an existential legitimacy crisis with public confidence in the Court falling year over year. With robust digital communications, direct outreach to elected officials and the White House, both national and chapter programs, and its signature podcast "Broken Law," ACS helped make Supreme Court reform mainstream in 2022. More Senators and Congresspeople spoke out about the harm being wrought by this packed Supreme Court and more organizations joined in advocating for Supreme Court reform because of ACS.

For example, at an ACS Chapter event this year, a principal at a partner organization commended ACS for being a leader on Supreme Court reform: "ACS arrived on time to this conclusion [about the need for SCOTUS reform], and we were late. Many impact litigation organizations have yet to join us in calling for these reforms. But if the best time to identify the need for reform is when ACS did it, the second-best time is surely any time after that."

Defending the Rule of Law

With existing projects and a new initiative launched this year, ACS defended the rule of law in 2022.

State Attorneys General Project

ACS’s State Attorneys General Project continued to grow in scope and impact in 2022. The Project brings together more than 20 state attorneys general offices (AGOs) to share expertise and lessons learned on the most pressing legal challenges facing states. In 2022, this included the launch of a new working group focused on how state AGs can address disparities in health and health care, special convenings on protecting reproductive rights in the wake of *Dobbs v. Jackson Women’s Health*, and how State AGs can advance truth, racial healing, and transformation at the state level.

Run.Vote.Work. Initiative

In response to the rising threat of election subversion, ACS launched its Run.Vote.Work. Initiative in 2022. This new initiative brings together existing ACS efforts, including Election Day Class Cancellation, election protection, and career pipeline work, with new concerted efforts to mobilize voters around down ballot races that are on the frontlines of safeguarding democracy and electoral security at the state and local level.



Poll Worker Recruitment

In anticipation of the 2022 election cycle, election administrators raised early concern about poll worker shortages due to the ongoing COVID-19 pandemic and an increase in intimidation and threats to poll workers by proponents of election subversion. ACS launched a poll worker recruitment campaign in early 2022 using digital recruitment, emails, and recruitment by ACS chapters. ACS built a pledge system that asked members to commit to serving as a poll worker and then directed them to where they could find their local election office to apply. ACS recruited over 300 people to serve as poll workers across the country.

GOTV on Down Ballot Races

In the months leading up to the November elections, ACS ran a unique Get Out The Vote (GOTV) campaign focused on urging voters to “vote their full ballot.” Too often voters cast their ballot for top of the ticket races for U.S. Senator, Congressperson, and Governor, and then skip down-ballot races that can be even more instrumental in the preservation of election security and the rule of law in their state. Using digital communications, publications, and engagement from its chapters, ACS mobilized voters around races for secretary of state, state attorney general, district attorney, and state court judgeships. Election results from the midterms showed strong voter turnout for these down ballot races.

Staffing State Offices

State offices can only do their job with the help of dedicated staff who are committed to the rule of law. In addition to encouraging ACS members to consider running for office, ACS recruited members to work for their states’ secretary of state, state attorney general, and district attorney offices. For example, ACS hosted several national programs and supported chapter programs focused on career opportunities in state attorney general offices, and provided timely resources listing opportunities for law students and recent law graduates. ACS also met individually with ACS members to discuss opportunities in state AGOs. In addition, ACS shared resumes with newly elected members of Congress to assist with staffing.

Advocating for Laws and Legal Systems that Protect the Lives of All People



Dr. Marcus Anthony Hunter leads the workshop, “How to Engage with Truth, Racial Healing, and Transformation” at the 2022 ACS National Convention

Truth, Racial Healing and Transformation

ACS is committed to reckoning with how our laws and legal systems, including the legal profession, have contributed to the perpetuation of racial inequity. That’s why in 2021, ACS announced its support for Truth, Racial Healing, and Transformation (TRHT) in the United States. In 2022, ACS and its chapters hosted five programs on TRHT, and included TRHT as a central focus of both its 2022 Student Convention and 2022 Annual Convention. ACS also hosted a convening highlighting the unique ability of state attorneys general to advance TRHT, which brought together people from nearly 20 state attorney general offices. ACS established a Student Task Force on TRHT, which meets regularly to discuss more ways that ACS can support TRHT at the national, state, and local levels.

Abolition of the Death Penalty

As part of ACS’s commitment to abolishing the death penalty in the United States, ACS continued to advocate for President Biden to issue a blanket commutation of federal death row and engaged the White House and the Hill in pursuit of achieving this goal in the next two years. ACS also joined the International Coalition to Abolish the Death Penalty and made death penalty abolition one of the central foci of ACS’s expanding international work.

The Equal Rights Amendment as the 28th Amendment

ACS worked with coalition partners throughout 2022 to advocate in support of recognizing the Equal Rights Amendment (ERA) as the 28th Amendment to the Constitution. In response to a request from the House Committee on Oversight and Reform for his views on the ERA’s current legal status, ACS President Russ Feingold wrote a public letter to Chairwoman Maloney and engaged other members of Congress and the White House.

Courts Matter in Protecting Reproductive Rights

In response to the U.S. Supreme Court’s overturning of *Roe v. Wade*, ACS centered the importance of state courts in protecting abortion rights at the state level. As part of its Run. Vote. Work. Initiative, ACS used its podcast, social media, chapter events, and publications to amplify the importance of state courts and voters who “vote abortion” to vote in state court races.

The Threat of an Article V Convention

ACS has been outspoken on the threat to our democracy from an Article V Convention for some time, but in 2022, ACS stepped up its efforts to become one of the leading organizations warning against the constitutional crisis that could result from the Right’s efforts to radically rewrite the Constitution. ACS Chapters held dozens of events in 2022 to raise awareness of this threat, many centering Russ Feingold’s book, “The Constitution in Jeopardy.” Additionally, ACS utilized its podcast and publications to educate the public about Article V and the inherent dangers in convening a convention that has no established rules or guidelines.



ACS President Russ Feingold meets with network members in Cleveland, Ohio

Law and the Political Economy

Through a series of national and chapter events over the past several years, ACS has worked to advance Law and the Political Economy (LPE), with the aim of reversing decades-long trends in law and policy that perpetuate inequality, entrench hierarchies, and facilitate exploitation. The goal of LPE is to democratize the political economy and nurture the creation of more just and equitable laws and systems. As part of this work, this fall, ACS co-hosted a conference entitled Reviving Progressive Constitutional Political Economy, which brought together legal scholars, political scientists, historians, journalists, political leaders, and legislative and agency policymakers to explore what it would mean to put constitutional arguments at the core of LPE, and to return political economy arguments to the heart of constitutional politics. The conference considered how constitutional arguments hostile to present U.S. Supreme Court doctrine can develop and thrive in political settings outside the courts, such as legislatures and administrative agencies. The discussion also focused on how participants, particularly those who work in legislatures and administrative agencies, can consider and incorporate the constitutional dimensions of “economic” fields of law including antitrust, labor and employment, and banking and financial regulation. Two additional conferences focused on these issues are planned for March and April 2023.

Shaping the Progressive Legal Debate



ACS’s capacity for shaping local and national narratives continues to grow. In 2022, ACS and its chapters hosted over 1,400 programs, 50 podcast episodes, candidate forums, and convenings on urgent and emerging issues. Anchored by ACS scholars, experts, staff, and movement builders, these events drove thought leadership on important policy and legal priorities and shaped the public narrative on issues like Supreme Court reform, countering “originalism,” and emerging threats to the rule of law.

Save the Date

2023 ACS National Convention



May 18-20

Washington, D.C.

Together Again

ACS hosted its annual National Convention in June 2022, its first in-person convention since before the pandemic. The Convention brought together over 400 students, lawyers, and activists in Washington, DC, and online for three days of programming and network events. The Convention was anchored by special guest speaker U.S. Supreme Court Justice Sonia Sotomayor. Programming included panels about the threat autocracy poses to democracy, the future of reproductive justice lawyering, and the ways in which progressive lawyers can engage with Truth, Racial Healing, and Transformation work. The Convention included remarks by U.S. Associate Attorney General Vanita Gupta, U.S. Senator Alex Padilla, and U.S. Representative Jamie Raskin.



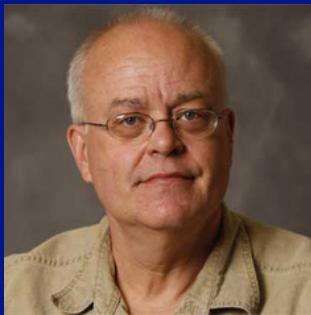
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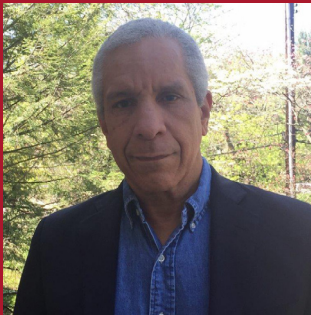
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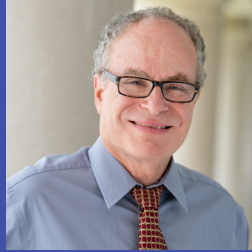
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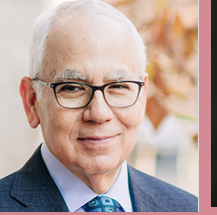
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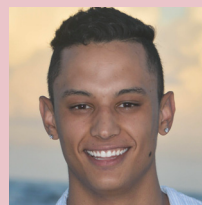
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Collaborative for Gender and Reproductive
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Joyce Foundation *
Lisa and Douglas Goldman Fund
Meta
The Sandler Foundation
William and Flora Hewlett Foundation

\$50,000 – \$99,999

Anonymous
Park Foundation
WhyNot Initiative *
Change Happens Foundation

\$25,000 – \$49,999

Bob Clifford
California Community Foundation
Fresh Sound Foundation
Katrina Vanden Heuvel
Kirkland & Ellis
Lief Cabraser Heimann & Bernstein, LLP
Microsoft
Ramona Strategies

Susman Godfrey L. L. P.
Timothy Burns
Weston Milliken at Tides Foundation
Wilmer Cutler Pickering Hale and Dorr LLP

\$10,000 – \$24,999

Anonymous
AFSCME
Barbara and James Kautz
Bryan MacPherson
Center for Reproductive Rights
Compassion & Choices
Covington & Burling LLP
Diane S. Shammass
DLA Piper
Elizabeth Adelman
Fore River Foundation
Gibson, Dunn & Crutcher LLP
Huntington National Bank
Jamey Shachoy
Juana Ines Pacheco
Marc Seltzer and Christine Ann Snyder
Mark Tushnet
Munger, Tolles & Olson LLP
National Education Association
Outten & Golden LLP
Philippe and Kate Villers
Roscoe Jones
Sandor and Faye Straus
SEIU
Selendy Gay Elsberg PLLC
Stroock & Stroock & Lavan LLP
Sullivan & Cromwell LLP
Teresa Roseborough
TikTok
Verizon
Zitrin Foundation

\$5,000 – \$9,999

ACLU
American Federation of Teachers
Beth Van Schaack

Boies Schiller & Flexner LLP
Braun Hagey & Borden LLP
Dan Bromberg
Gwilliam Ivary Chiosso Cavalli & Brewer
Jenner & Block LLP
Jones Day
Karen Heath Clark
Keker, Van Nest & Peters LLP
Lehman-Stamm Family Fund
Lucy Gordon
Mark Califano
Pillsbury Winthrop Shaw Pittman LLP
Rosen Bien Galvan & Grunfield LLP
Russ Feingold
Simon, Greenstone and Panatier, PC
Unite Here!
United Steelworkers
William Marshall

\$1,000 – \$4,999

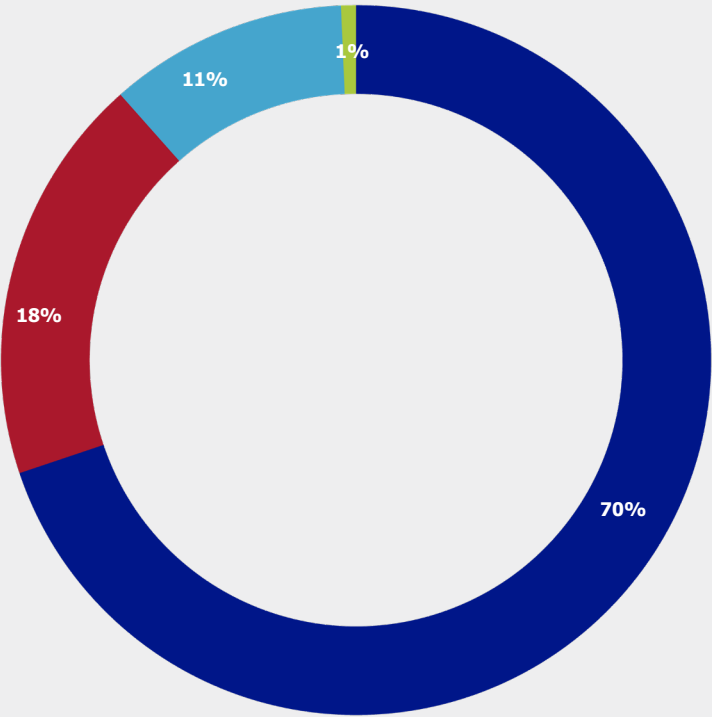
AFL- CIO
Alan Morrison
Aliza Kaliski
Alliance for Justice
Altshuler Berzon LLP
Barbara Kautz
Barbara Meislin
Beverly Martin
Bradley Jaffe
Brennan Center for Justice
Carlye Rooney
Christina Krynski
Constitutional Accountability Center
Dan Roth
Dawn Johnsen
Demand Justice
Diana White
DL Turock
Douglas Plante
Garrett Epps
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Girls Rule The Law
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J.T. O'Hara

James Blume
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Keith Whipple
Kieve Law Offices
Lambda Legal
Linton Mann
Lisa Hayes
Lissy Fabe
Lockridge Grindal Nauen PLLP
Loren Kieve
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Martinus Nickerson
Mary Lynn Tate
Mary Schroth
Meredith Fuchs
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NARAL Pro- Choice America
National Partnership for Women & Families
Nicole Bernhard-Lee
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Peter Edelman
Peter Karanjia
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Robert Pratt
Sanford Levinson
Selma Hayman
Sidley Austin LLP
Slack Davis Sanger LLP
Southern Poverty Law Center
Stephen Hootkin
Stephen Pollak
Stephen Tatum
Steven Cohen
Susan Manilow
The LGBTQ+ Bar
Timothy Jost
Tom Wallace Lyons
Wendy Kaminer
William Mohrman
Winston & Strawn LLP

multi-year grants
as of 11/09/2022

Financial Highlights

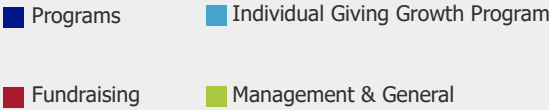
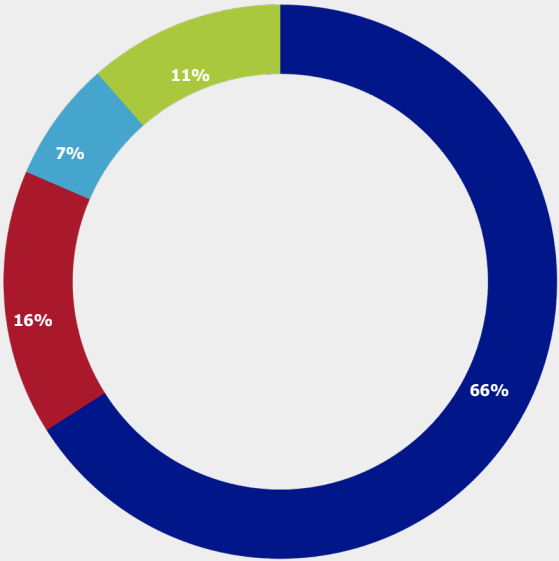
Revenue and expenses are presented on the accrual basis of accounting with revenue being recognized when earned and expenses recognized when incurred. In 2019 and 2020, ACS accrued \$2,577,008 and \$989,111 for subsequent years activities in each year respectively, with some funds from those accruals intended for use in 2021.



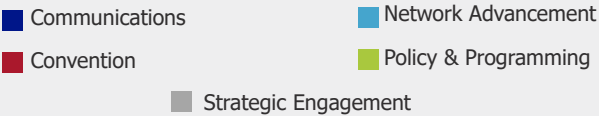
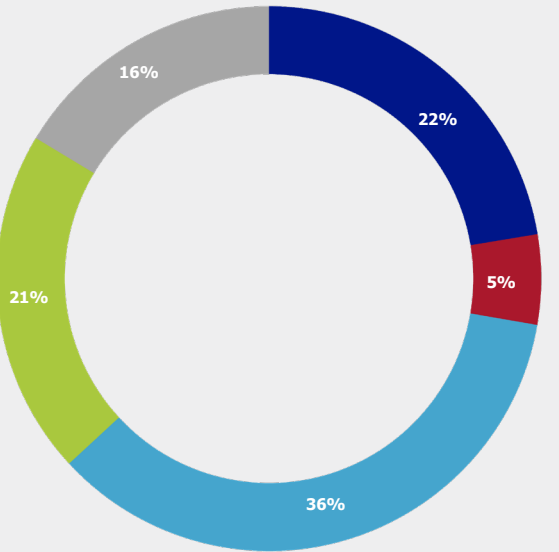
2021 Revenue	
Foundations:	\$3,917,500
Contributions:	\$1,043,764
Sponsorships:	\$609,864
Miscellaneous:	\$38,026
Total:	\$5,609,154

Financial Highlights

2021 Organizational Expenses	
Programs:	\$4,210,095
Fundraising:	\$987,768
Individual Giving Growth Program:	\$448,574
Management & General:	\$732,189
Total:	\$6,378,626



2021 Program Expenses	
Communications:	\$942,516
Convention:	\$224,547
Network Advancement:	\$1,490,553
Policy & Programming:	\$863,310
Strategic Engagement:	\$689,169
Total:	\$4,210,095





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