“Too often these days we see a willingness to trade our citizens’ constitutional rights for perceived security or hoped-for safety from threats — and this is true whether we are talking about debates that arise from changes in technology or the events that we see unfold on the streets of Ferguson, Missouri and other American communities. But infringing on the rights of others does not make us safer. It leads us down a road of moral decay from which there is no return. That is why it is so important to me to support the work of organizations like The Constitution Project because they are fighting for those constitutional rights that all Americans share.”

— Criminal justice reform advocate Piper Kerman —

Author of Orange is the New Black,

now an award-winning Netflix original series
Dear Friends,

Despite the paralysis that often plagued Congress in 2014 — seemingly brought on by hyper-partisanship and fueled by a constant volley of finger-pointing — The Constitution Project continued to fiercely advocate for sensible reforms that respect our U.S. Constitution. And we got things done.

Our success in bringing together experts from across the ideological spectrum who might not otherwise be expected to agree, but who are willing to address the issues before them in good faith and in an independent fashion, demonstrates once again that consensus IS possible.

We rely on the generous efforts and unparalleled expertise of our many committee and task force members — and our outstanding staff — to bring measured reason to complex and hotly debated constitutional questions. These efforts, along with vital support from individual donors, foundations, businesses and pro bono partners, enabled us to develop new ideas and policy proposals, and to promote them in state and federal legislatures, in the courts and the media, and to the public. We achieved many successes during the year, and are pleased to share some of the highlights with you in this Annual Report.

Thank you for being a part of our effort to drive policy outcomes that respect our Constitution, regardless of political party or pressure.

Sincerely yours,
Virginia E. Sloan
During 2014, TCP used many approaches to forge consensus and build bipartisan support for constitutional reforms that affect all individuals. As a small organization, we accomplished a lot.

175
Unlikely allies recruited to tackle constitutional issues and forge bipartisan consensus

28
Letters drafted and submitted to Congress or the White House

14
Amicus briefs filed in support of constitutional principles

40
Op-eds, Editorials, and Letters to the Editor coordinated in support of campaigns

373
Media mentions of our work

16
Educational events and convenings hosted

2,446
Twitter followers and facebook “likes”

1,654

STATES TO WHICH TCP EXPERTS WERE RECRUITED TO DEFEND CONSTITUTIONAL RIGHTS
Highlighting our Accomplishments in 2014

Fighting for the Public’s Right to Know What The Government Does in its Name

In 2014, TCP and Members of our Task Force on Detainee Treatment helped to shine a light on our government’s treatment of suspected terrorists after 9/11. Armed with research, expertise, and recommendations from its seminal Report of The Constitution Project’s Task Force on Detainee Treatment, Task Force members and TCP staff worked tirelessly this year to encourage release of the Senate Select Committee on Intelligence’s report on the CIA’s detention and interrogation program (“SSCI Report”), to stimulate a national debate about how our government treated suspected terrorists, and to emphasize the need to safeguard against a return to government-sanctioned torture and abuse.

• We worked publicly and behind the scenes with senior officials in the Obama Administration; with Members of Congress and their staffs; with members of international institutions; and with other advocates.

• We worked with and through the media to amplify our calls for transparency and reform — by educating reporters and editorial boards, publishing op-eds, and participating in radio and television programs.

• We held countless public events at major policy organizations, law schools, and other venues across the country.

Our work bore fruit as the Senate Intelligence Committee voted 11–3 in April to declassify and release to the public a roughly 600-page executive summary of the SSCI Report. That document was released in December. It described deplorable conditions of confinement and detailed the use of brutal interrogation techniques that mirrored the findings in the TCP report, such as waterboarding, sleep deprivation and confinement in a box the size of a small dog crate, among other abuses.

To assess the impact of these revelations on the national debate, TCP commissioned an independent public opinion poll. The results showed clearly that an overwhelming bipartisan majority of Americans oppose the torture techniques described in the SSCI Report’s executive summary, think that torturing people is immoral, and want Congress to strengthen laws prohibiting torture. We will continue our efforts against government torture in 2015.

”The Constitution Project Task Force on Detainee Treatment was a citizen-led effort to determine what had been done in all our names but shrouded in secrecy. Being part of that singular and bipartisan group of accomplished men and women was one of the remarkable experiences of my life. If the government would not address what had happened and why, how very appropriate that private citizens — we, the people — would have such a unique opportunity to inquire and say, ‘This was a national mistake, and it cannot be permitted to ever happen again.’ In a very real sense, the subsequent and exhaustive torture report authored by the Senate Select Committee on Intelligence validated the Task Force’s findings and conclusions. The Task Force report, moreover, stands as an independent critique of a particularly dismal chapter in American history.”

— GENERAL DAVID R. IRVINE (ret.)
Member of TCP Task Force on Detainee Treatment and its Board of Directors
Highlighting our Accomplishments in 2014

Examining the Current State of the Death Penalty in the United States and Seeking Justice When a Life is at Stake

In May, The Constitution Project Death Penalty Committee — comprising former death penalty prosecutors, judges and others with wide experience in the death penalty system — released a groundbreaking new report on the administration of capital punishment in the United States.

The report, Irreversible Error, examines new as well as long-standing areas of concern about the death penalty, including the risk of executing the innocent, ineffective and under-resourced lawyers for poor people accused of capital crimes, the use of junk science to obtain convictions and death sentences, and secrecy in the process by which the ultimate punishment is carried out. The report's 39 recommendations for reform, now being used by advocates and lawyers as they prepare for the legislative and legal battles ahead, have cemented TCP's position as the “go to” organization for rapid and effective response and coordination of the voices of unlikely allies concerning the death penalty.

Throughout the year, TCP fielded requests on an almost daily basis for advocacy support and technical assistance from policymakers, the press, and our partners across the country, and was able to deploy TCP staff, Death Penalty Committee Members and other unlikely allies to support constitutional challenges in capital cases in over a dozen states.

“[The report] was instrumental in assisting us with developing and implementing an amicus strategy, finding a well-respected Supreme Court law firm to write the brief and lining up former judges as signatories … [it] was critical to obtaining the stay. The assistance of The Constitution Project was indispensable and we, and Mr. Christeson, are eternally grateful.”

— Pro Bono Counsel for death row inmate, MARK CHRISTESON

TCP “was among the most conservative in the country, with a long (and not altogether unreasonable) history of deference to law enforcement professionals. For such a court to stay the hand of the executioner in Panetti’s case is therefore especially significant. I am proud to be associated with TCP and its dedicated leadership and staff, and the letter sent to Texas authorities that requested clemency for Panetti. Keep up the just work!”

— JUDGE BRUCE J. EINHORN (ret.)
TCP Fights for Protections for Individuals in Privacy Legislation

Today, information and data pervade every aspect of our lives. Information is instantly accessible from countless sources around the world and data are continuously and automatically generated by technology-driven devices that virtually all of us possess.

As the government gathers and analyzes an unprecedented amount of information, The Constitution Project is committed to ensuring that it makes sound decisions to protect each individual's rights to privacy while also maintaining national security.

To that end, in May, our Liberty and Security Committee issued a report, The Case for a FISA Special Advocate, calling on Congress to create “meaningful adversarial participation” before the Foreign Intelligence Surveillance Court (“FISC”) whenever the government seeks broad surveillance authority under the Patriot Act or the Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008.

The unique and influential report calls for a special advocate to represent the public’s privacy and civil liberties interests. Specifically, the report recommends that the special advocate have the right to participate in cases where the court is asked to approve surveillance, and to represent individuals who are subject to broad surveillance orders. Currently, the FISC hears from only one side — the government.

The report also outlines a process for review of decisions that adversely affect constitutional rights. During the year, TCP provided its expertise on the special advocate issue to Members of Congress and their staff and to other advocates.

TCP also successfully led an effort to neutralize concerns about the special advocate language. Although legislation to meaningfully reform government surveillance programs failed by two votes to pass in the 113th Congress, TCP was instrumental in preserving the special advocate language and other transparency reforms in the bill that was voted upon, and continues to press for such legislation in 2015.
One is a Democrat. One is a Republican. One is a former Attorney General and Governor of the State of Texas who was responsible for 19 executions. The other is a former Attorney General of the Commonwealth of Virginia who oversaw the execution of 36 people while he was in office. No one in the country knows the system better.

After years of reflection on their time as elected officials and on the “politics of death,” former Texas Governor Mark White and former Attorney General of Virginia Mark Earley serve together on the TCP Death Penalty Committee, arguing that the capital punishment system is carried out in ways that are counter to our most basic values of fairness and justice.

As Mark White puts it, “As I’ve watched how the death penalty has been administered over the years, both in Texas and around the country, it has become increasingly clear to me that we just don’t do a good job at any phase of the process, from ensuring that capital trials are fair to the actual handling of executions themselves.”

Throughout 2014, TCP helped White and Earley lend their credible and powerful voices to advocacy campaigns and legal challenges to the dysfunctional death penalty system in the U.S. Drawing attention to the 39 detailed reforms that they helped draft in the TCP Death Penalty Committee report, *Irreversible Error*, White and Earley raised the nation’s consciousness by writing articles and op-eds and participating on panels.

Together and separately, White and Earley also signed amicus briefs and letters requesting clemency for condemned prisoners whose cases were tainted by unfairness and unreliable practices and procedures. Earley recently wrote in a University of Richmond Law Review article that “overseeing a legal system that put so many to death with such efficiency eroded me,” and that “Regardless of one’s support or lack thereof, the carrying out of the death penalty is gruesome business.”

The thoughtful advocacy of these two leaders has spotlighted the failings in our current system, opened the door for reform, and, quite likely, changed hearts and minds.
2014 Award Recipients

From Left to Right:
Brendan V. Sullivan, Jr., Partner, Williams & Connolly LLP; Henry F. Schuelke III, Partner, Blank Rome; Award presenter, Michele A. Roberts, former Partner at Skadden, Arps, Slate, Meagher & Flom LLP, current Executive Director of the National Basketball Players Association; Award presenter, Glen F. Ivey, Partner, Leftwich & Ludway, LLC; Virginia E. Sloan, President, The Constitution Project; Robert M. Cary, Partner, Williams & Connolly LLP; William B. Shields, Partner, Blank Rome; Gary B. Pruitt, President and CEO of the Associated Press.

2014 CONSTITUTIONAL CHAMPIONS
At its 7th Annual Constitutional Champions dinner, TCP honored Gary B. Pruitt, for publicly challenging the government’s unprecedented use of surveillance to intimidate journalists; Brendan V. Sullivan Jr., Robert M. Cary and other members of the late Senator Ted Stevens’ legal team at Williams & Connolly LLP, for their insistence that federal prosecutors fulfill their constitutional obligation to disclose exculpatory evidence; and Henry F. Schuelke III, along with William B. Shields, his colleague at Blank Rome LLP, for writing the court-ordered report that highlighted the prosecutors’ failure to hand over exculpatory evidence in the Stevens case.

2014 CONSTITUTIONAL COMMENTARY Awardee
On Constitution Day, TCP presented its annual Constitutional Commentary Award to the creators of Orange is the New Black. The memoir by Piper Kerman is now a Netflix original series that tells the story of the lives of women affected by a dysfunctional justice system. On the broadest level, OITNB is most concerned with the complicated interactions between race, gender, poverty, sexuality, and discrimination within the prison system. After Ms. Kerman received the award, she joined distinguished panelists to discuss issues faced by women in prison.

From Left to Right:
Professor Brenda Smith, Washington College of Law at American University; Virginia E. Sloan, President, The Constitution Project; Piper Kerman, author of the memoir, Orange is the New Black: My Year in a Women’s Prison; Ruth Marcus, Washington Post Columnist (moderator); Vanessa Ruiz, Senior Judge, District of Columbia Court of Appeals; Kathy Dennehy, former Superintendent of MCI Framingham, the oldest continuously operated women’s prison in the U.S.
TCP Board Members

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Bay City Capital, LLC

Mariano-Florentino Cuéllar
Former Stanley Morrison Professor of Law at Stanford Law School (Resigned in January 2015 to become Associate Justice of the Supreme Court of California)

Armando Gomez (Chair)
Skadden, Arps, Slate, Meagher & Flom LLP

Kristine Huskey
University of Arizona James E. Rogers College of Law

Asa Hutchinson
Former Member of Congress (R-AR) (Resigned in April 2014 to embark on a successful campaign for the governorship of Arkansas)

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David R. Irvine, P.C.

David A. Keene
The Washington Times

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Stephen I. Vladeck
Supreme Court Fellow

Brian Yourish
Office Manager

2014 FINANCIALS

The Constitution Project receives funding from diverse sources, including but not limited to, foundations, corporations and individual donors. Our policy analyses and recommendations are not influenced or determined by donations that we receive.

Revenue

$1,361,435.60*

- Events: 16.4%
- Grants: 74.8%
- Individual/Corporate Donations: 7.8%
- Other: 1%

*This figure does not include the more than 2,425 documented hours of pro bono legal assistance TCP received from law firms with our amicus briefs, policy analysis, and reports and recommendations.

Expenses

$1,414,585.79

- Program: 88%
- Management & General: 6.5%
- Fundraising: 5.5%
Recognizing our Generous Supporters!

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Williams & Connolly LLP  
Zuckerman Spaeder LLP

*TCP received more than 2,425 documented hours of pro bono legal assistance on amicus briefs, policy and analysis, and reports and recommendations.

**Personal contributions from more than 225 individuals sustained our work in 2014.  
We are most grateful for their loyal and consistent support.**