



TAKING BACK THE NATION

THE AMERICAN CIVIL LIBERTIES UNION OF NORTHERN CALIFORNIA

ANNUAL REPORT 2003

TURNING THE TIDE

THE ACLU OF NORTHERN CALIFORNIA

The Bill of Rights and the Constitution would only be promises if people did not fight to protect them. The American Civil Liberties Union (ACLU) is the only national organization dedicated to defending and expanding the civil liberties of all people.

The ACLU of Northern California (ACLU-NC) was founded during the General Strike in 1934, and today is at the forefront of every civil liberties battle in the state. Through direct litigation, public education, legislative advocacy, and grassroots organizing, the ACLU-NC protects civil liberties in this region of the country.

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ANNUAL REPORT 2003

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**"TO ME, THE ACLU MEANS
KNOWLEDGE, PROTECTION,
HOPE, AND FUTURE."**

**- IKKAH ESPINOZA, YOUTH ACTIVIST
COMMITTEE (YAC) MEMBER**



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ACLU CALIFORNIA LEGISLATIVE OFFICE STAFF: Ken Russell, Francisco Lobaco, Valerie Small Navarro.

**ALMOST THREE YEARS AFTER SEPTEMBER 11, 2001,
THE TIDE IS FINALLY TURNING. AMERICANS OF EVERY
POLITICAL PERSUASION ARE CALLING ON THEIR ELECTED
OFFICIALS TO PRESERVE, OR RESTORE, PRECIOUS CIVIL
LIBERTIES AND RIGHTS.**

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** Members of the Executive Committee and the Board of Governors of the ACLU Foundation of Northern California*

DEAR FRIENDS OF THE ACLU

JUNE, 2004



SUSAN WILLMAN

Board Chair
Quinn Delaney



SUSAN WILLMAN

Executive Director
Dorothy Ehrlich

It was a year of war, protest, and bitter division. With a nation splintered over war in Iraq, the Bush administration continued its relentless assault on civil liberties. Meanwhile, an extraordinary recall election transfixed the state.

Yet 2003 was also a year of tremendous solidarity and strength. Demonstrators spilled out onto the streets, exercising their First Amendment rights. Hundreds of communities passed resolutions against the USA Patriot Act. The divisive Proposition 54 went down in flames, and the U.S. Supreme Court issued landmark decisions protecting affirmative action and gay rights.

The ACLU called on Americans to help us take back the nation after the post-9/11 assault on civil liberties, and you heard our call. For the first time ever, the national ACLU has over 400,000 members. The ACLU of Northern California (ACLU-NC), the largest affiliate, now has 43,000 members.

ACLU-NC staff, activists, and supporters are truly at the forefront of this revolution. The campaign to keep America safe and free engaged every part of the affiliate: volunteer activists, chapters, high school students, and the communications, legislative, field, and legal staff. As a result, communities in northern California passed more than 48 resolutions against the Patriot Act — almost one quarter of the national total.

Meanwhile, the ACLU-NC played a critical role in the successful “No on 54” campaign, including hosting its regional headquarters. Our legal team was involved in 56 lawsuits, scoring landmark victories on issues including racial profiling, LGBTI rights, and medical marijuana. Our legislative and policy advocates waged successful battles on reproductive freedom, consumer privacy, and police reform. And the Friedman Youth Project continued to engage high school students on a range of substantive issues.

This report profiles just a fraction of the cases and campaigns we have worked on this year. Yet as you leaf through the pages, we hope you will believe, as we do, that almost three years after September 11, 2001, the tide is finally turning. Americans of every political persuasion are calling on their elected officials to preserve, or restore, precious civil liberties and rights.

For this, we owe a profound debt of gratitude to all of our donors, for it is your generosity that makes possible all that we do. To the many volunteers who work with us out of their deep sense of justice and fairness, we also express our sincere appreciation. We could not do it without you.

The ACLU is much more than an organization — it is a movement made up of people fighting together for justice. Thank you for standing beside us.

Sincerely,

A handwritten signature in black ink that reads "Dorothy Ehrlich".

Dorothy Ehrlich, Executive Director

A handwritten signature in black ink that reads "M. Quinn Delaney".

Quinn Delaney, Chair, Board of Directors

PROTESTERS' RIGHTS

As the drumbeat of war echoed across the nation, millions of Americans were marching to a different beat. With dissenters taking their protests to the streets, the ACLU worked to protect free speech rights, assisting with permit applications, educating activists on protesters' rights, monitoring police activities, and challenging law enforcement agencies that overstepped their bounds.

POLICE FIRE ON PROTESTERS: ACLU SUES

The Oakland Police hit an historic low in April. Officers unleashed a volley of wooden bullets, sting-ball grenades and shot-filled bean bags on peaceful anti-war protesters, dock-workers and passers-by at the Port of Oakland. In June, with a throng of media in attendance, the ACLU, the National Lawyers Guild, the International Longshore and Warehouse Union, and prominent civil rights attorneys filed suit on behalf of wounded protesters. The suit claims that protesters' First Amendment rights were violated, and seeks a court order forcing the city to develop policies to prevent the police from responding violently to peaceful protests in the future.



SF.INFORMEDIA.ORG

Julia Harumi Mass, who joined the ACLU-NC as a staff attorney this year, is working on the suit against the Oakland Police.

FREE SPEECH IN A TIME OF WAR

In the months following September 11, 2001, the ACLU began urging Attorney General Bill Lockyer to shore up Californians' privacy and free speech rights against newly weakened federal standards for intelligence gathering. In the



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Wooden bullets like this one fired by Oakland Police seriously injured some protesters.

summer of 2003, progress followed on the heels of astonishing revelations that gave credence to the ACLU's worst fears. An explosive *Oakland Tribune* report revealed that the new California Anti-Terrorism Information Center (CATIC), which was

established to monitor terrorist activity, was also distributing intelligence on legal political protests. In the face of widespread outrage, Lockyer swiftly denounced CATIC's actions, met with ACLU attorneys, and committed to reforming the agency's practices.

SPYING ON PEACEFUL PROTESTERS

In September, members of a small anti-war organization were outraged to learn that they had been under police surveillance in the name of national security. A member of the Fresno County Sheriff Department's "anti-terrorism team" used an assumed name to infiltrate Peace Fresno and monitor their peaceful and constitutionally protected activities for several months. They discovered the deception only after the officer's accidental death: a September 1 obituary included his photo. Two months later, the *New York Times* revealed an FBI memo from earlier in the year, which directed local law enforcement agencies to monitor anti-war activities and report them to the FBI Joint Terrorism Task Force. The ACLU-NC is working with Peace Fresno and others to expose and prevent such dangerous intrusions into protesters' privacy and freedom of speech.



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Police opened fire on anti-war protesters at the Port of Oakland in April.

POLICE PRACTICES

When it comes to use and misuse of police power, the ACLU-NC serves as a vital watchdog, monitoring practices throughout the region, calling attention to abuse, and laying the groundwork for needed reforms. In addition to protecting protesters' rights, the ACLU-NC won two major policing victories this year. In San Francisco, a sweeping reform measure overcame opposition from a powerful police union and made the city's department the most publicly accountable in the country. At the statewide level, the ACLU-NC's campaign against racial profiling culminated in a groundbreaking settlement with the California Highway Patrol.

LANDMARK RACIAL PROFILING SETTLEMENT

In a significant step towards racial justice, the ACLU-NC and the California Highway Patrol (CHP) reached a settlement in the landmark racial profiling lawsuit *Rodriguez v. CHP*. Among an array of first-in-the-nation reforms, the settlement banned consent searches — the practice of asking motorists for their permission to search their vehicle in the absence of probable cause. Motorists of color were two to three times more likely to be targeted for searches by drug interdiction officers in the central and coastal divisions of California.



Curtis Rodriguez, a plaintiff in the class-action suit *Rodriguez v. California Highway Patrol*, celebrates the case's settlement at a crowded news conference.

“Latino and African-American motorists will no longer have to live in fear of being stopped and searched simply because of the color of their skin,” said plaintiff Curtis Rodriguez.

REFORMING THE SFPD

After a scandal-ridden year, the San Francisco Police Department (SFPD) is now more accountable to the public, thanks to a successful charter amendment



Mark Schlosberg, police practices policy director at the ACLU-NC, led the fight for Proposition H.

campaign spearheaded by the ACLU-NC. Following allegations of a high-level cover-up after off-duty officers assaulted two young San Franciscans in November 2002, the ACLU-NC released a report detailing serious breakdowns in accountability within the SFPD, and recommending reform. Reports echoing these findings soon followed from the San Francisco Civil Grand Jury, the City Controller, and the Office of Citizen Complaints (OCC), a citizen-run watchdog agency. After a vigorous campaign by reform advocates, San Francisco voters passed Proposition H in November 2003. The measure was built on the ACLU-NC's recommendations, and police practices policy director Mark Schlosberg led the “Yes on H” campaign. Among its most significant

reforms, Proposition H increases the independence and diversity of the Police Commission and empowers the OCC, bringing civilian control to every stage of the police complaint process.

“LATINO AND AFRICAN-AMERICAN MOTORISTS WILL NO LONGER HAVE TO LIVE IN FEAR OF BEING STOPPED AND SEARCHED SIMPLY BECAUSE OF THE COLOR OF THEIR SKIN.”
— PLAINTIFF CURTIS RODRIGUEZ



Kelly Welch, one of a crucial cadre of volunteers behind the successful campaign for Proposition H, celebrates victory in November.

RACIAL JUSTICE

Advocates for racial justice began the year with crucial issues hanging in the balance, and ended the year celebrating significant victories. The U.S. Supreme Court dealt a serious blow to conservative forces when it handed down a ringing endorsement of affirmative action in university admissions. Meanwhile, California voters resoundingly rejected Proposition 54, a ballot initiative that would have banned essential data on race and ethnicity. With the leadership of its new director, Maya Harris, the ACLU-NC's Racial Justice Project focused much of its energy on beating back Proposition 54, while waging ongoing campaigns to equalize educational opportunity in our schools, and end racial profiling on our streets.*

ELECTION DAY VICTORY

A hard-fought campaign came to a victorious end on October 7, when California voters defeated Proposition 54 by a decisive two-to-one margin. The election sounded the death knell for the effort — led by conservative activist Ward Connerly — to make it illegal for state and local agencies to compile crucial information on race and ethnicity. Proposition 54 would have severely hampered initiatives to combat chronic diseases like breast cancer and asthma, and hamstrung efforts to eradicate discrimination. When the unanticipated recall election thrust the proposal



Maya Harris, director of the Racial Justice Project, served as the "No on 54" campaign's political director for northern California.

before voters six months ahead of schedule, committed advocates rallied support and broke through the din with a disciplined and vigorous campaign. In a broad coalition that included

doctors, teachers, and civil rights groups, the ACLU-NC played a leadership role, providing the campaign's northern California headquarters as well as substantial fundraising, media and political expertise.

AFFIRMATIVE ACTION UPHELD

Intense speculation surrounded the U.S. Supreme Court's decision in two high-stakes cases dealing with the future of affirmative action programs in university admissions. Would the Justices affirm the principle that race still matters? Or would this conservative court nail shut the door to opportunity? When the ruling came down, the Justices stood foursquare behind the principle of affirmative action, concluding that universities may take race into account in order to achieve a diverse student body. The ACLU served as co-counsel in one of the cases.

* PLEASE SEE POLICE PRACTICES, P. 5, FOR MORE ABOUT OUR WORK ON RACIAL PROFILING.



ACLU-NC legal director, Alan Schlosser, and staff attorney, Margaret Crosby, respond to questions about a lawsuit challenging the October recall election. Led by the ACLU of Southern California, the lawyers argued that outmoded voting technologies could disenfranchise voters of color.



Marya Draw joins hundreds of activists to launch the "No on 54" campaign on the steps of San Francisco's City Hall.



Educational Equity: ACLU supporters join allies in Sacramento to protest plans to make the California High School Exit Exam a requirement for graduation, arguing that children of color are failing the test in disproportionate numbers because they are more likely to attend failing schools. In a class-action lawsuit, *Williams v. California*, the ACLU and allied organizations are challenging the deplorable conditions in which California's poor children and children of color must try to learn.

REPRODUCTIVE FREEDOM

California remains a stronghold of reproductive freedom, thanks, in part, to the passage of the ACLU-sponsored Reproductive Privacy Act in 2002. However, advocates for reproductive rights are facing a national climate that is increasingly hostile to choice. In September 2003, amid vocal and impassioned protest, President Bush signed the first federal criminal law to restrict abortion rights in U.S. history. Meanwhile, the battle in the Golden State moved to the hot-button issue of sex education, where legislators worked with the ACLU to prevent the ideologically driven and scientifically unproven “abstinence-only” approach from taking root in our public schools.

SEX EDUCATION THAT WORKS

California’s public school students will receive science-based, comprehensive, bias-free sex education, thanks to a landmark bill co-sponsored by the ACLU and Planned Parenthood Affiliates of



DAVID FISHER

Staff attorney Margaret Crosby leads the ACLU-NC’s work on reproductive freedom.

California, and signed into law in October. Introduced by state Senator Sheila Kuehl, the Comprehensive Sexual Health and HIV/AIDS Prevention Education Act (SB 71) consoli-

dates and clarifies a confusing mix of past laws that left many schools unclear about how to comply, and many parents unsure about what their children were being taught. Most importantly, SB 71 requires schools that offer sex education to take a comprehensive approach, teaching that abstinence is the only sure way to avoid pregnancy and sexually transmitted diseases (STDs), but also providing medically accurate and age-appropriate information about birth control and disease prevention. Comprehensive sex education is favored by most parents, and it is the only method that has been scientifically proven to help reduce pregnancy and STDs among teens.

SAVING CHOICE, SAVING LIVES

When Congress bowed to political pressure and banned a safe abortion procedure, even for women who critically need medical care, the ACLU and reproductive rights groups were ready to fight. Arguing that the ban on so-called “partial-birth abortions” needlessly endangers the lives and health of women for whom the proce-



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Joining over a million others, seven Youth Activist Committee (YAC) members from the ACLU-NC’s Friedman First Amendment Education Project represented the ACLU-NC in Washington, DC at the March for Women’s Lives.

cedure is medically necessary, advocates immediately brought a challenge to the ban. On November 6, the U.S. District Court for the Southern District of New York blocked enforcement of the law in *National Abortion Federation (NAF) v. Ashcroft*, a lawsuit brought by the ACLU on behalf of NAF. Here in California, the ACLU-NC represents the California Medical Association as a friend of the court in Planned Parenthood’s challenge to the law.



ACLU Legislative Director, Francisco Lobaco, and legislative advocate, Valerie Small Navarro, spent many long hours lobbying the legislature to pass SB 71.

SAFE AND FREE: AMERICA AFTER 9/11

What a difference two years make. In the months following September 11, 2001, the ACLU and its allies fought virtually alone against a seemingly inexorable tide of repressive legislation and policy-making. This year, Americans of every political persuasion joined their voices with ours, urging our leaders to keep our nation both safe and free.

By the end of 2003, more than 220 communities, including three states, had passed resolutions opposing the USA Patriot Act. Several members of Congress who voted to rush the controversial act into law in 2001 began quietly voicing their regrets. From the ACLU to the ultra-conservative Americans for Tax Reform, frequent adversaries found common ground, banding together to quash follow-up legislation proposed by Attorney General John Ashcroft. Meanwhile, a newly emboldened Congress de-funded the “sneak and peek” provisions of the Patriot Act (which permit government agents to search our homes without notification), and pulled the plug on the Orwellian Office of Total Information Awareness. Faced with ever more

vocal and effective critics, in August Ashcroft responded with a “charm offensive”: a 16-city tour designed to rally support for the embattled Patriot Act, which

merely emboldened its opponents. Across the country, the

ACLU’s proactive “Safe and Free” campaign helped turn the tide through a combination of litigation, legislative advocacy, grassroots campaigns, and public education. This ongoing initiative involves all 53 affiliates, and as the largest affiliate, the ACLU-NC played a major leadership role in 2003.



Demonstrators protest outside San Francisco’s INS offices as deadlines for “special registration” loom.

MARIA ARGENTI

COMMUNITIES RESOLVED AGAINST THE PATRIOT ACT

“[I]ndividual citizens will not tolerate these widespread violations of their civil liberties in the name of fighting terrorism.” At a City Hall news conference in January, San Francisco Supervisor Jake McGoldrick stood beside the ACLU-NC and community groups to announce that the City would pass a resolution against the USA Patriot Act. San Francisco’s resolution helped kick off a national ACLU drive, which spread like wildfire to communities across the country. Thanks to the extraordinary efforts of ACLU-NC activists, staff and allies, 48 of the total 221 resolutions passed nationwide were in northern California. The citizen opposition has also emboldened national policymakers, turn-

ing the USA Patriot Act into a key issue in the 2004 presidential campaign.

“NO-FLY” LIST NO GO

How did the names of Bay Area activists Jan Adams and Rebecca Gordon get on the government’s terrorist watch-list — and how can the women clear their names? Those questions are at the center of a high-profile Freedom of Information Act lawsuit filed by the ACLU-NC in



COURTESY OF RELMAN & ASSOCIATES

Arshad Chowdhury was prevented from boarding a flight in San Francisco because of his race and ethnicity. He is a plaintiff in a suit filed by the ACLU-NC and the Washington, DC law firm Relman & Associates.

April. The suit seeks a range of information, including how the list is managed and by whom, and whether activists

THANKS TO THE EXTRAORDINARY EFFORTS OF ACLU-NC ACTIVISTS, STAFF, AND ALLIES, 48 OF THE TOTAL 221 RESOLUTIONS PASSED NATIONWIDE WERE IN NORTHERN CALIFORNIA.

could be black-listed for exercising their First Amendment rights. Pressure on the government grew as the national media focused on the suit. In December, the FBI released classified documents revealing that the lists are collected by

agencies including the FBI and CIA, and, disturbingly, may be widely shared with agencies in the U.S. and overseas. The ACLU is still seeking answers to questions including how Adams, Gordon, and others can clear their names.

“SPECIAL REGISTRATION” UNDER FIRE

Few policies imposed after September 11, 2001 drew more ire than the “Special Registration” program, which required men and boys from mostly Muslim nations to appear at local INS offices for registration and fingerprinting. Instead of rooting out terrorists, the program penalized ordinary immigrants for their national origin, starting deportation proceedings against an estimated 14,000 Arab and Muslim males for minor visa violations. Around the nation, activists protested the selective registration, drawing parallels to the internment of Japanese Americans. ACLU-NC staff and volunteers turned out at demonstrations, wrote letters to Congress, and publicized the stories of northern California’s new “disappeared.” December brought a partial victory: the government suspended the parts of the program that required annual re-registration and follow-up interviews for people who registered on entering the country.



BOB PANDIAN

Rebecca Gordon (left) and Jan Adams announce their participation in an ACLU-NC suit seeking information about the government’s secret “no-fly” list. Adams and Gordon were detained at San Francisco Airport because their names appeared on an FBI watch-list.



BOB PANDIAN

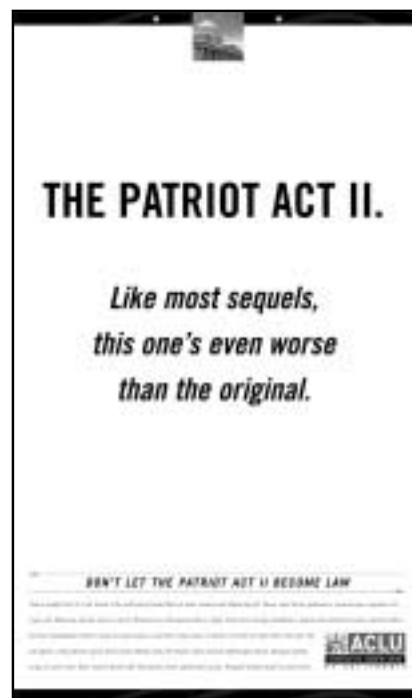
Teenage brothers Ahmad and Hassan Amin (left, and second-to-right, pictured with their mother, Tahira Mansur, and brother Hassan) face deportation to Pakistan after voluntarily complying with “special registration.” They told their story at a packed press conference at the ACLU-NC’s offices.

THE SUIT SEEKS A RANGE OF INFORMATION, INCLUDING HOW THE [NO-FLY] LIST IS MANAGED AND BY WHOM, AND WHETHER ACTIVISTS COULD BE BLACKLISTED FOR EXERCISING THEIR FIRST AMENDMENT RIGHTS.



JANE HONG

The ACLU-NC added associate director Bob Kearney to its staff. Kearney is charged with coordinating the affiliate’s Safe and Free campaign.



The ACLU-NC ran this ad in the *New York Times* and *San Francisco Bay Guardian* as part of its campaign against the Bush administration’s proposals for Patriot Act II.

FIRST AMENDMENT

In a year when freedom of speech was under attack on many fronts, the ACLU-NC continued its vigilant defense of the First Amendment. As well as fighting post-9/11 attempts to restrict or criminalize free expression, the ACLU led and participated in a range of First Amendment cases on topics from the definition of commercial speech to the status of online communications and content. Two major victories, on cyber-speech and medical marijuana, are described below.

PROTECTING EMAIL SPEECH

In a major victory for free speech rights in a digital age, the California Supreme Court ruled in June that technology giant Intel Corporation may not stop a former employee from sending email to current employees. An amicus brief filed by the ACLU-NC, along with the national ACLU, challenged an injunction prohibiting Hamidi from sending email to Intel staff at work. Intel argued that Hamidi's email messages, which criticized the company, were "spam" and trespassed on Intel property. The ACLU argued that the First Amendment permits such an injunction only when the emails are so voluminous that they impair the ability of a company's email to function, or physically damage the system, and Hamidi's messages did neither. The Court agreed, adopting the standard supported by the ACLU.



ALEX ORONIZA

ACLU-NC staff attorney, Ann Brick, leads the affiliate's work on cyber-liberties. Brick authored the ACLU-NC's amicus brief in *Intel v. Hamidi*.

Intel Corporation may not stop a former employee from sending email to current employees. An amicus brief filed by the ACLU-NC, along with the national ACLU, challenged an injunction prohibiting Hamidi from

MEDICAL MARIJUANA

The U.S. Supreme Court preserved doctors' right to speak freely with their patients when it refused to intervene in a crucial medical marijuana case this October. *Walters v. Conant* challenged a federal gag rule that threatened California doctors with the loss of their prescription drug licenses if they recommended medical marijuana to patients. The Court declined

PROFILES OF KEY PLAINTIFFS IN THE SUCCESSFUL LAWSUIT, *WALTERS V. CONANT*



AMULI VERMA

MARCUS CONANT

DR. MARCUS CONANT is the medical director of one of the largest private AIDS practices in the United States. He is a professor at the University of California Medical Center in San Francisco and is the author or co-author of over 70 publications on treatment of AIDS.



AMULI VERMA

MILTON ESTES

DR. MILTON ESTES is the medical director and senior physician for the forensic AIDS project of San Francisco. He is also an ACLU board member and former ACLU-NC board chair.

KEITH VINES is an assistant district attorney, decorated Air Force officer, and father, whose battle with AIDS has caused him to lose more than 40 pounds of lean body mass. With great reluctance given his career in law enforcement and after failing to respond to other medications that unsuccessfully treated his illness, Keith Vines used small amounts of marijuana, which he credits with saving his life.



AMULI VERMA

JUDITH CUSHNER



AMULI VERMA

KEITH VINES

to hear the case, letting stand a ruling from the Ninth Circuit Court of Appeals that strongly affirmed the First Amendment rights of doctors and patients. The ruling applies in California and eight other western states where voters have approved medical marijuana. The ACLU-NC and ACLU Drug Policy Litigation Project represented the seven plaintiffs in the case.

"NOW I CAN ADVISE MY PATIENTS ON THE MEDICAL USE OF MARIJUANA WITHOUT FEAR OF BEING CRIMINALLY PROSECUTED OR LOSING MY LICENSE."

— PLAINTIFF DR. MILTON ESTES

LGBTI RIGHTS

Despite an administration that is hostile to lesbian, gay, bisexual, transgender, and intersex rights, it was a year of tremendous progress. The U.S. Supreme Court marked a new era when it issued a blockbuster ruling in *Lawrence v. Texas*, overturning state laws that make sexual intimacy between consenting adults a crime. Here in California, the ACLU legislative office helped to secure passage of the most expansive domestic partner benefits bill in the nation. In addition, as the ACLU-NC's youth project continued to lead "safe schools" anti-harassment trainings, the courts solidified protections for gay and lesbian students.

NEW LAWS ADVANCE RIGHTS

The ACLU's legislative office in Sacramento helped to secure three big wins for LGBTI rights in California this year. One new law prohibits the state from contracting with vendors that do not provide domestic partner benefits, and another makes gender identity a category protected from discrimination. In the



Tamara Lange, an attorney with the national ACLU's Lesbian and Gay Rights Project, now also leads the ACLU-NC's work on LGBTI rights.

most sweeping victory of all, AB 205, authored by Assemblywoman Jackie Goldberg, extends to domestic partners many of the rights and responsibilities

provided to married couples under state law. Opponents of equal rights swiftly filed lawsuits challenging the new law, propelling the ACLU and other LGBTI rights groups to intervene on behalf of Equality California and 12 same-sex couples. In an important early victory, a Sacramento Superior Court found that the challenge is unlikely to succeed and instructed the state to continue its plan to implement AB 205.

INSISTING ON SAFER SCHOOLS

When Alana Flores found a pornographic picture and a vitriolic death threat taped to her locker, she turned to her school for help. But the response did little to assuage the sophomore's fears. "Don't bring me this trash anymore," the assistant principal said, "This is disgusting." Now, thanks to a 3-0 ruling from



School officials may be held liable for failing to protect students like Alana Flores (l) and Freddie Fuentes (r) from anti-gay harassment.

IT'S NOT ENOUGH TO HAVE ANTI-DISCRIMINATION POLICIES ON THE BOOKS — SCHOOL OFFICIALS MUST ALSO ENFORCE THEM.

the Ninth Circuit Court of Appeals, school officials may be held liable for failing to protect students like Flores from anti-gay harassment. In April, the court ruled in *Flores v. Morgan Hill Unified School District* that it is not enough to have anti-discrimination policies on the books — school officials must also enforce them. The ruling covers school districts in California and eight other Western states. After the ruling, the school district settled the case.



In San Francisco, ACLU activists march on Gay Pride day in support of AB 205, which provides many of the benefits of marriage to domestic partners.

ACLU YOUTH

For 12 years, the ACLU-NC has been helping high-school students and their teachers make connections between the Bill of Rights and the issues that shape young people's daily lives. This innovative work is at the core of the Howard A. Friedman First Amendment Education Project, made possible by the generous support of the Friedman family. The Project engages and energizes the next generation of activists, creating unique opportunities for youth to learn about civil liberties and rights through their own first-hand experiences. The Youth Activist Committee (YAC), made up of 35 committed high-school students from throughout the region, works with the Project staff to create programs ranging from annual youth-led conferences, to in-depth field investigations, to school-based ACLU clubs. In addition, the Project works directly with teachers, helping them protect students' rights and improve education about civil liberties.



Students produced this compilation of essays, art and poems inspired by their investigation into the drug war.

YOUTH EXPLORE THE DRUG WAR

"We understand more than you think. Give us honest and credible facts. We can make the safe decisions." This is the message that Jackson Yan, a senior at Lowell High School, had for policymakers after he and 16 other high-school students spent seven days taking a first-hand look at the drug war this August. The students, who traveled the state during the Howard A. Friedman First Amendment Education Project's annual summer field trip, met with advocates, addicts, and Drug Enforcement Administration (DEA) officers, and investigated the rights and wrongs of Drug Abuse Resistance Education (DARE), needle exchange, mandatory minimum sentencing laws, and medical marijuana. Their impressions were compiled into a report: *Through Our Eyes: The Drug War*, which trip participants use as they speak about their findings in classrooms around the region.

YOUTH PERSPECTIVE



ACLU Youth Activist Committee (YAC) members Ikkah Espinosa and Jessica Medina.

"When I look back on my high-school years I realize I have accomplished few of the goals I've set for myself. I haven't won an Oscar yet, or a Grammy, and I certainly haven't

"TO ME, THE ACLU MEANS KNOWLEDGE, PROTECTION, HOPE, AND FUTURE. WE'RE HERE DOING OUR ACTIVISM AND RAISING HELL SO SOMEONE WILL HEAR US."

— IKKAH ESPINOZA, YOUTH ACTIVIST COMMITTEE MEMBER

changed the world; but I'm working on it. My involvement in the ACLU's Youth Activist Committee (YAC) is honestly my proudest achievement. "Through the Friedman project, I have met amazing people who care about protecting our rights and are interested in politics affecting our freedom. I talked to high-school students all over about important issues and

was given the opportunity to teach and learn from them. Being in the YAC has given me a sense of confidence and pride, knowing that there are more ambitious teens ready to take over when the White House needs a new staff. To me, the ACLU means knowledge, protection, hope, and future. We're here doing our activism and raising hell so someone will hear us. And slowly but surely, we'll get things done and ease our nation's evolution in a fair and just manner."
— Ikkah Espinosa, senior, Mercy High School



The Friedman Project's summer field investigation took these students across the state for a week of exploration of the thorny issue of the drug war.

MEMBERS ON THE RISE

At a time of extraordinary challenges for civil libertarians, an unprecedented number of Americans chose to stand with us — as card-carrying members of the ACLU. Nationally, membership rose above 400,000 for the first time in ACLU history. Here in northern California, membership in the largest and fastest-growing affiliate rose from 28,000 in 2002 to more than 43,000 in 2003. Especially during a time of economic strain, this remarkable growth indicates how deeply ACLU concerns resonate across the nation.

ACLU members are far more than numbers on a page — they truly sustain and enrich the organization. Our members are active in numerous ways: serving as civil liberties watchdogs in their communities; brainstorming at membership conferences; helping to build local campaigns; lobbying legislators online; or simply carrying their card with pride. However involved you choose to be, as an ACLU member, you help us to help our nation fulfill its promise of freedom and justice for all.

CONVERGING ON THE NATION'S CAPITAL

More than 1,500 card-carrying ACLU members from across the nation converged on Washington, DC for the organization's first national membership conference in June. Members lobbied Congress, explored new strategies for keeping the nation safe and free, and heard from a range of speakers, including FBI Director Robert Mueller and former *New York Times* columnist Anthony Lewis. Former ACLU client Muhammad Ali received a standing ovation as he accepted the inaugural Muhammad Ali Champion of Liberty Award.

Thirty members from northern California traveled across the country to attend the conference and lobby Senators Dianne Feinstein and Barbara Boxer as well as congressional representatives. Said Dorothy Ehrlich, executive director of the ACLU-NC, "Our message was clear: the American public does not want the government to trade away our freedoms."

Many of the northern California participants were high-school and college students, who were able to participate thanks to the support of the ACLU-NC's Howard A. Friedman First Amendment Education Project. They, along with hundreds of other delegates aged 16-27 — nearly a third of all attendees — came together to explore new strategies for engaging more young people in the ACLU's work.



The ACLU-NC's membership conference drew more than 120 northern California members to Oakland in September. They heard from youth activists, brainstormed ideas for defeating Proposition 54, and planned a local campaign against the USA Patriot Act.

HERE IN NORTHERN CALIFORNIA, MEMBERSHIP IN THE LARGEST AFFILIATE ROSE FROM 28,000 IN 2002 TO MORE THAN 43,000 IN 2003.

FREEDOM DETAINED

More than 400 ACLU members came together for the ACLU-NC's annual Bill of Rights Day celebration in December. With the theme of "Freedom Detained: Yesterday and Today," the event highlighted the connections between the internment of Japanese Americans during World War II and the targeting of Arab, Muslim, and South Asian immigrants after 9/11. Fred Korematsu's *coram nobis* legal team received the annual Chief Justice Earl Warren Civil Liberties Award: in 1983, the team vacated Korematsu's 1942 conviction for resisting internment.



Chief Justice Earl Warren Civil Liberties Award Winners Dale Minami (left) and Don Tamaki (right) with ACLU-NC executive director Dorothy Ehrlich and Fred Korematsu at Bill of Rights Day.

VOLUNTEERS IN ACTION

They litigate, advocate, research, and answer the phone. Their tasks are as varied as their backgrounds and interests, but ACLU-NC volunteers all have one thing in common: their commitment and dedication inspire and drive our work.

From the wine country to the coastal redwoods, activists in 19 volunteer-run chapters serve as civil liberties champions in their local communities. Whether passing resolutions against the USA Patriot Act, lobbying congressional representatives, or hosting forums or photo exhibits, these tireless volunteers work in tandem with the affiliate to bolster civil liberties across northern California.

The invaluable assistance of cooperating attorneys is essential to the success of the ACLU-NC's litigation program. Distinguished lawyers, from some of the top firms in the nation, work alongside ACLU-NC attorneys on many crucial cases. When attorneys' fees are awarded, these firms generously donate their fees to the ACLU.

In the office, too, volunteers and interns are the backbone of our work. They research, write, organize, stuff envelopes, and turn out to rallies and protests. Each day, volunteers staff our all-important complaint counseling line, answering telephone calls and letters from people who believe their rights have been violated.

We owe every one of these remarkable individuals a debt of gratitude. Thank you.

A COURAGEOUS ADVOCATE

In December, Judith Volkart, a volunteer with the ACLU-NC's Sonoma



Lola Hanzel Award recipient Judith Volkart

County Chapter, was honored with the 2003 Lola Hanzel Courageous Advocacy Award for her passionate defense of civil liberties over the last decade. Volkart,

an attorney, educator, and activist, has fought for police reform, spoken out against erosions of civil liberties since 9/11, and engaged Sonoma's youth through the creation of a local student chapter and a student activism award.

[CHAPTER MEMBERS AND ACTIVISTS] REACHED OUT TO THE MEDIA, FORMED UNLIKELY ALLIANCES, AND ARRANGED FOR COMMUNITY MEMBERS TO GIVE POWERFUL TESTIMONY [ON THE USA PATRIOT ACT].



ACLU-NC volunteers and complaint-line counselors at the affiliate's annual volunteer lunch

2003 VOLUNTEERS

Supatra Basham	Flo Reeves
Constance Bernstein	Charise Rohm
Judy Ellman	Carolina Rojas
Claire Gertler	Jens Schrimpf
Miriam Goodman	Daniel Shain
Brendan Hownan	Pauline Sherman
Edward Hu	Shirley Sidd
Emma James	Lisa Stein
Brianna Jewell	Molly Stolmack
Carol Johnson	Carol Sughrue
Jessica Justice	Joe Tobie
Molly Kuehn	An Tran
Cal Kurzman	Derek Turner
Holly Landsbaum	Kelly Welch
Arthur B. Murray	Ricka Young
Marco Palmieri	
Olivia Para	
Leslie Perez	
Nina Piyadasa	

2003 INTERNS

Nadia Akhtar	LEGAL INTERNS
Abiola Afolayan	Rebecca Arons
Rob Bailard	Kevin Hammon
Abhishhek Bajoria	Ann O'Connell
Nina Bari	Joe Keiser
Amanda Canevaro	Jennifer Lynch
Sonia Feldstein	Ajai Matthew
Jane Hong	Maggie May
Maureen Johnson	Nic Mazanec
Rachel Messer	Marisa Samuelson
Sarah Nelson-Wright	Avi Singh
Nina Piyadasa	Maya Sinha
Simon Pyle	
Allison Reid	
Jessie Wright	

CHAPTERS CHALLENGE THE PATRIOT ACT

Meetings, phone calls, and a Yahoo group called P-A-Patriot: these are just some of the tools that Palo Alto community members used to pass a City Council resolution against the USA Patriot Act, the federal legislation that gives the government sweeping new powers that undermine the Bill of Rights.

ACLU-NC CHAPTER ROSTER 2003

B.A.R.K. (Berkeley, Albany, Richmond, Kensington) Chapter
 Contra Costa/Mt. Diablo Chapter (newly reorganizing)
 Marin Chapter
 Mendocino Chapter
 Mid Peninsula Chapter
 Monterey Chapter
 Napa Chapter (newly organizing)
 North Peninsula Chapter (San Mateo County)
 Paul Robeson Chapter
 Redwood Chapter
 Sacramento Chapter (newly organizing)
 San Francisco Chapter
 Santa Clara Valley Chapter (Mid & Southern Santa Clara County)
 San Joaquin County Chapter (newly organizing)
 Santa Cruz Chapter
 Solano Chapter (newly organizing)
 Sonoma County Chapter
 Stanislaus County Chapter
 Yolo County Chapter

STUDENT CLUBS

UC Berkeley Chapter
 UC Davis Chapter
 Stanford University Chapter

Members of the Mid-Peninsula Chapter joined forces with Stanford University students, business owners, peace groups, and representatives of the Arab and Muslim communities to lobby the Palo Alto Human Rights Commission, Police Department, and City Council. They reached out to the media, formed unlikely alliances, and arranged for community members to give powerful testimony. After a sustained five-month effort, the council passed one of the strongest resolutions in the nation.

This effort was replicated around the state, with ACLU chapters in communities as far flung as Salinas, Albany, Sonoma, Mendocino County, and San Mateo County forging broad-based coalitions and orchestrating local campaigns. By the end of 2003, 221 communities across the region had passed resolutions against the embattled Act. In testament to the extraordinary efforts of ACLU-NC

volunteer activists, staff, and allies, more than 48 of those resolutions passed in northern California alone.



Cooperating attorney and board member, Jon Streeter (left), joins ACLU-NC legal director, Alan Schlosser, and plaintiff Curtis Rodriguez, at a news conference announcing the settlement of the ACLU-NC's class action lawsuit challenging racial profiling by the California Highway Patrol. Streeter, of the law firm Keker & Van Nest, was lead counsel in the case.

ACLU COOPERATING ATTORNEYS AND LAW FIRMS

We thank the following firms and individuals who donated services during 2003. Your hard work and commitment are deeply appreciated by all the ACLU community.

COOPERATING ATTORNEYS

Fred Altschuler
 Christian Anderson
 Michael Anderson
 Megan Auchincloss
 David Berger
 Stephen Berzon
 Jeffrey L. Bleich
 Stephen V. Bomse
 Robert Bonta/Kyra Busby
 Thomas R. Burke
 Chris Byers
 Ladd Cahoon
 Kurt Calia
 David C. Codell
 Evan Cox
 Renee D'Agostino
 Margaret de Guzman
 Richard Denatale
 Doug Dexter
 Aimee Dudovitz
 Ken Easter
 Daniel Eligator
 James Emery
 Chrysty Esperanza

Henry Fong
 Linda Foy
 Simon Frankel
 David Fried
 Warren George
 John Hansen
 Annette L. Hurst
 Michael Jacobs
 Kathy Kahn
 Michael Kass
 Stephan Klein
 Cassandra Knight
 Matthew Kreeger
 Scott Kronland
 Martha La Rosiliere
 Mark Le Forestier
 Daphne Keller
 Rohit Khanna
 Kevin Lewis
 Jack Londen
 Karl Manheim
 Amy E. Margolin
 Millicent Meroney
 Robert Mittelstaedt
 Edward B. Mullen

Roger Meyers
 Dena L. Narbaitz
 Leonard Oldwyn
 Karl Olson
 Mark Perenes
 Xuan-Thu T. Phan
 Susan M. Popik
 Steve Presson
 Lawrence F. Pulgram
 Jeffrey Ross
 Michael Rubin
 Robert Rusky
 Daniel Russo
 Alayna Schroeder
 Ethan P. Schulman
 Amitai Schwartz
 Brad Seligman
 Erik Silber
 Lisa Sitkin
 Eric M. Stahl
 Jennifer Starks
 Tara Steeley
 Craig Stewart
 Jon Streeter
 Grace Suarez

Christine Sun
 Ragesh Tangri
 John Van Loben Sels
 Clyde J. Wadsworth
 Peter Wald
 Hilary E. Ware
 Jonathan Weissglass
 Leecia Welch
 Michelle Welsh
 Scott Westrich
 Stacey Wexler
 Mark A. White
 Doug Young

COOPERATING FIRMS

Altshuler, Berzon, Nussbaum,
 Rubin & Demain
 Chapman, Popik & White
 Covington & Burling
 Law Office of David C.
 Codell
 Davis Wright Tremaine
 Farella, Braun & Martel
 Gonsalves & Kozachenko

Heller, Ehrman, White &
 McAuliffe
 Howard, Rice, Nemerovski,
 Canady, Falk & Rabkin
 Jones, Day (correct name?)
 Keker & Van Nest
 Latham & Watkins
 Levy, Ram & Olson
 Morrison & Foerster
 Munger, Tolles & Olson
 Nossaman, Guthner, Knox &
 Elliot
 Pillsbury Winthrop
 Law Offices of Amitai
 Schwartz
 Steefel, Levit & Weiss
 Steinhart & Falconer
 Stoner, Welsh & Schmidt
 Weinberg & Wilder
 Wilson, Sonsini, Goodrich &
 Rosati

VOLUNTEER ATTORNEYS

Kay Lucas

THANK YOU TO OUR DONORS

The ACLU is a vibrant and influential organization both locally and nationally because of its creative and multifaceted strategies to protect constitutional freedoms — and because of the generous financial support of its many donors and card-carrying members.

Since the organization does not accept government support, and also does not charge its many clients and plaintiffs in legal actions, the voluntary gifts and membership dues of thousands of individuals provide the critical underwriting that makes possible all that we do.

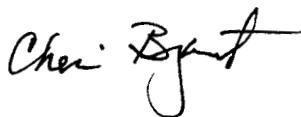
AS WE CELEBRATE THE
ACLU'S SUCCESSES
AND LOOK FORWARD TO
FUTURE CHALLENGES,
WE MUST RECOGNIZE
AND THANK OUR
SUPPORTERS. YOU TRULY
MAKE THE DIFFERENCE
FOR THE ACLU.

Since the tragic events of 9/11, concern about new threats to fundamental constitutional liberties has risen — and along with it the membership of the ACLU: from 250,000 members nation-wide in 2001 to over 400,000 today. In just the past year, 145,000 new members joined the ACLU — and more than 16,000 were northern California residents. Currently the total membership base of the ACLU-NC stands at a historic high of 43,000. This growth is even more astonishing at a time of economic downturn and demonstrates the importance that ACLU issues such as privacy and freedom have in the American mind today.

The financial support of these members — and those who are able to make tax-deductible gifts over and above their membership dues — enables all of the work of the ACLU-NC. The legal docket, legislative advocacy, and community activism reflect tremendous breadth because of the institutional strength engendered by the contributions of the ACLU's supporters, large and small. So, as we celebrate the ACLU's successes and look forward to future challenges, we must recognize and thank our supporters. You truly make the difference for the ACLU.

In addition to the financial support that we receive, the impact of the ACLU-NC also rests solidly on the dedication and commitment of numerous volunteers of diverse backgrounds, interests and ages. From high school students who help plan the ACLU's outreach to young people, to retirees who answer legal help lines with advice and knowledge, to Board members who invest late hours in debating policy issues, to pro-bono attorneys who stretch the ACLU's legal reach, the ACLU-NC is grateful for the contributions of time and effort that make us a more powerful and effective organization. Civil libertarians throughout California respond to the ACLU's e-mail alerts with pointed letters to state and national legislators, while meetings of task forces, coalitions, committees, chapters, and organizing bodies of all sorts fill the calendar of the San Francisco headquarters — hardly a day passes without some gathering of staff and volunteers working together to create progressive change. To the many volunteers who work with us out of their deep sense of justice and fairness and their serious commitment to freedom and liberty, we take this opportunity to express our profound gratitude and appreciation. Again, we could not do it without you.

The American Civil Liberties Union is much more than an organization — it is fundamentally a movement in the cause of social justice — a movement made up of people fighting together for a better society. Thank you for standing with us in the struggle.



Cheri Bryant, Director of Development

DEVELOPMENT AND FINANCIAL REPORT

Substantial financial resources are essential to pursue the wide-ranging legal and educational activities of the ACLU of Northern California. The ACLU receives no government funding and never charges its clients for legal representation. Its existence depends entirely upon private donations, foundation grants, court-awarded legal fees from successful cases, bequests, and membership dues from individuals who are dedicated to preserving the fundamental liberties written in the Constitution and its Bill of Rights.

The ACLU and the ACLU Foundation are separately incorporated nonprofit organizations operating in Northern California. The ACLU Foundation conducts litigation and public education programs in support of civil liberties. The Foundation is a 501(c)3 tax-deductible organization, and contributions to it are deductible to the extent allowed by law. The ACLU conducts membership out-

reach and organizing, legislative advocacy and lobbying. It is supported primarily by membership dues. It is a 501(c)4 organization, which is tax-exempt, but donations to it are not tax-deductible.

The majority of funding for the ACLU and ACLU Foundation comes from individuals like you.

One of the remarkable aspects of the ACLU is the way that we raise financial

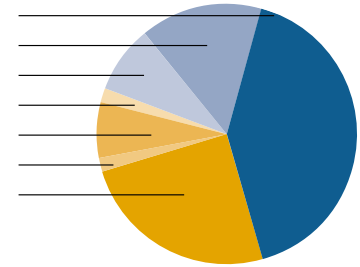
support — through the energetic and dedicated work of committed Board members and dozens of volunteers who contact ACLU members and supporters. They are the engine that drives and makes possible all that the ACLU is able to accomplish.

The Development Committee of the Board of Directors oversees all aspects of ACLU fundraising efforts.

ACLU FOUNDATION OF NORTHERN CALIFORNIA OPERATING INCOME AND EXPENSES 2002-03

SUPPORT AND REVENUE:

Individual Contributions:**	\$1,697,501
Restricted Foundation Grants:	\$623,760
Bequest Contributions:	\$343,985
Court Awarded Attorney Fees:	\$70,295
In-Kind Legal Contributions:	\$283,807
Rental and Other Income:	\$72,879
Transfer from Reserves:	\$1,019,862
Investment Income/Loss:	\$(544,430)
National ACLU share:*	\$(416,100)
Total:**	\$3,151,559

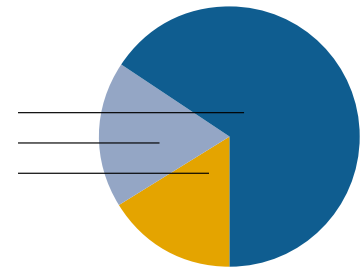


*Includes net of sharing with National ACLU of contributions and bequests.

**An additional amount of \$1,229,600 was received in 2003 for long term endowment support.

EXPENSES:

Program Services:	\$2,069,228
Fundraising:	\$572,327
Management and General:	\$510,004
Total:	\$3,151,559



FUNDRAISING CAMPAIGNS AND VOLUNTEERS

Individual contributions to the ACLU Foundation provide the resources necessary for a vigorous defense of liberty and justice. Founded in the firm belief that one-on-one conversations are the most efficient and friendly way to raise funds, our fundraising activities allow us to maintain strong ties with our members and remain informed about their civil liberties concerns.

SHARING

All gifts and membership dues are shared between the national ACLU Foundation and the ACLU Foundation of Northern California. A portion of the national ACLU's share is allocated to help smaller affiliate offices around the country that otherwise would be unable to address the serious civil liberties needs in their states.

WAYS OF GIVING

You can help support the work of the ACLU or ACLU Foundation in any of these ways:

- **Cash or credit cards:** The organization is pleased to accept your donation, or your monthly, quarterly or annual pledge via cash, check or credit card (Visa or Mastercard) at any time.
- **United Way or Combined Federal Campaign Donor Option Gifts:** You may choose to designate the ACLU Foundation through your workplace giving campaign.
- **Gifts of Stock or Securities:** Making a gift of appreciated stock, securities or mutual fund shares can be very advantageous from a tax point of view. Call the Development Department for information for the easiest ways to transfer stock ownership.

• **Insurance and Retirement Accounts:** You may designate the ACLU or ACLU Foundation as beneficiary of your life insurance policy, IRA plan or pension.

• **Bequests:** In your will or revocable living trust, you may designate the ACLU or ACLU Foundation as beneficiary of part or all of your estate. For estate planning information, contact our Director of Planned Giving, Stan Yogi.

• **Gift Annuities:** You may use cash or securities to make a gift to the ACLU Foundation and receive fixed annual payments (a portion of which is tax-exempt) for life and a substantial tax deduction.

• **Charitable Trusts:** You can establish a charitable trust which benefits the ACLU Foundation while providing tax advantages and a variety of financial planning options for you and your family.

• **Liberty Fund Pooled Income gifts:** You can invest a gift of \$5,000 or more in cash or securities in the ACLU Foundation's pooled income fund, producing annual income payments for you as well as a future gift for our civil liberties work. If you contribute long-term appreciated securities you will avoid all capital gains taxes.

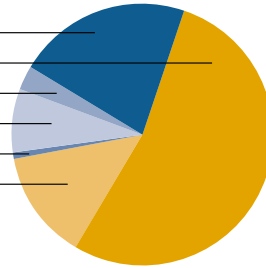
For more information on ways to support the ACLU, please contact Director of Development Cheri Bryant at (415) 621-2493.

ACLU OF NORTHERN CALIFORNIA OPERATING INCOME AND EXPENSES 2002-03

SUPPORT AND REVENUE:

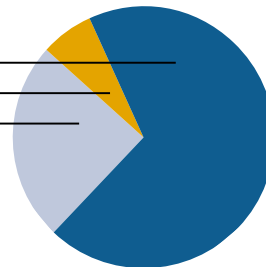
Public Contributions:	\$383,298
Membership dues:	\$951,103
Bequests:	\$53,095
Reimbursement for Legis. Ofc:	\$139,767
Investment Income and Other:	\$14,189
Grant from Foundation:	\$240,994
National ACLU share*	\$(686,255)
Total:	\$1,096,191

*Includes net of sharing with National ACLU of contributions and dues.

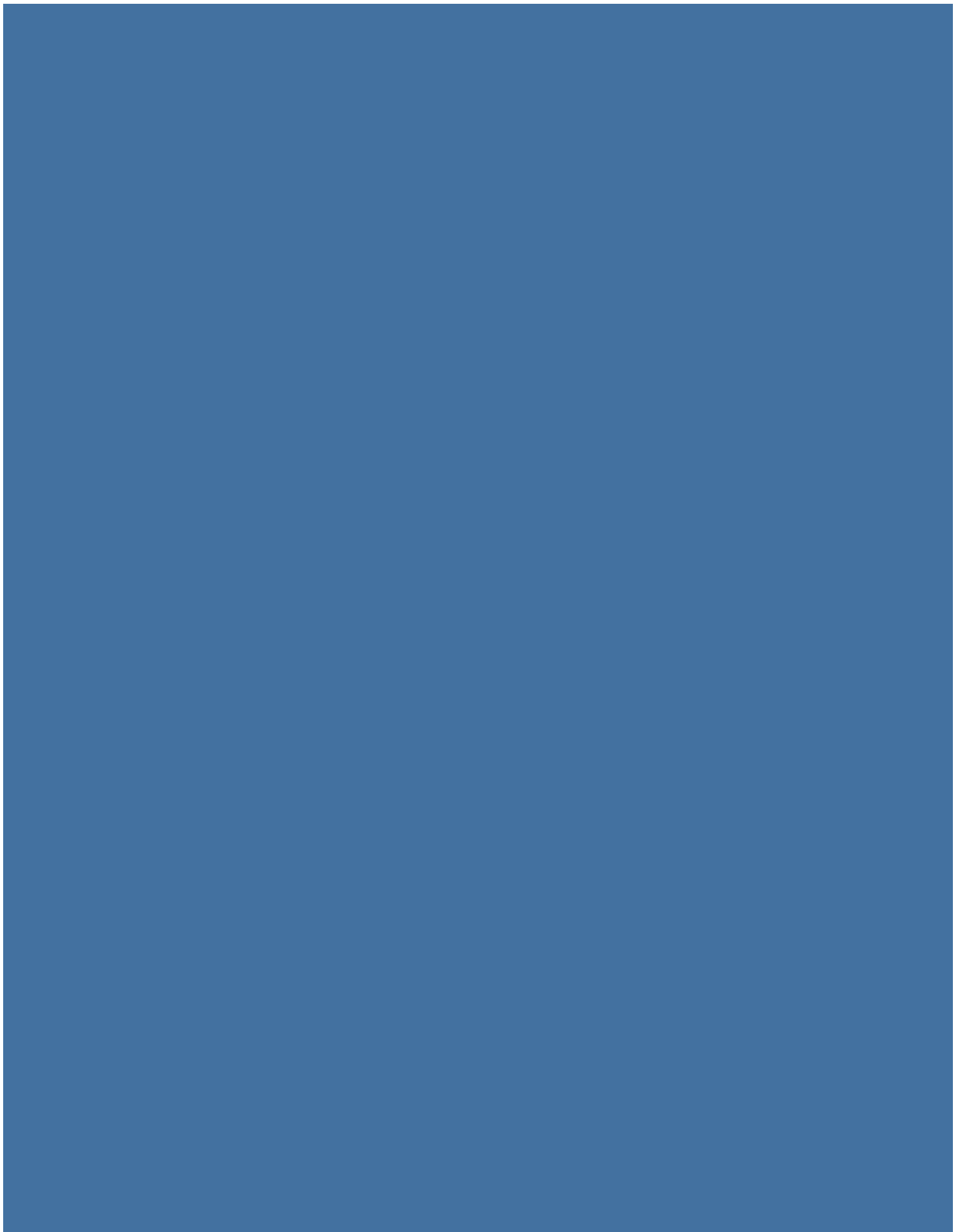


EXPENSES:

Program Services:	\$662,000
Fundraising:	\$62,901
Management and General:	\$236,767
Total:	\$961,668



SOURCE: Audited Financial Statements for the year ending March 31, 2003, by Pohl, McNabola, Berg & Co. Complete copies available by writing: ACLU, 1663 Mission St. #460, San Francisco, CA 94103.





THE ACLU IS MUCH MORE THAN AN
ORGANIZATION — IT IS A MOVEMENT
MADE UP OF PEOPLE FIGHTING
TOGETHER FOR JUSTICE. THANK YOU
FOR STANDING BESIDE US.



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(415) 621-2493 WWW.ACLUNC.ORG