



THE ACLU OF NORTHERN CALIFORNIA

70 YEARS FOR JUSTICE

VOICES FOR LIBERTY

ANNUAL REPORT 2004

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 civil liberties.

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 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 2004

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DEAR FRIENDS OF THE ACLU

March, 2005



Dorothy Ehrlich



Quinn Delaney

Dear Friends,

In the midst of a historic struggle to defend civil liberties in this post 9/11 era, the ACLU of Northern California (ACLU-NC) marked its 70th anniversary. In honor of this occasion, the ACLU-NC launched a strategy to expand its program—with a new regional office set to open in San Jose; the addition of a third full-time lobbyist in the state capitol; and two new lawyers, one focused on civil liberties policy as it relates to technology and the other on ending the death penalty. We are now on our way to moving beyond the immediate Bay Area to become a truly northern Californian organization, with much deeper expertise to focus on critical priority areas.

This expanded program was fueled by an unprecedented growth in membership and an increasingly generous donor base. Thousands of new people joined the ACLU this past year because they wanted to belong to an organization that is standing up against an administration in Washington, D.C. that has deliberately undermined the rule of law.

These new members have stood with us as we have fought back, from energetic lobbying on the Patriot Act; to two ballot-measure campaigns on criminal justice issues (one to repeal California's draconian Three Strikes law and another to stop a statewide felony DNA database); to a landmark victory in the Williams litigation which resulted in greater equality in public education.

Hundreds of them participated in a national membership conference held in San Francisco last July, and were reinvigorated by a remarkable cast of inspiring leaders and thinkers in the field of civil liberties. ACLU-NC members didn't just listen. Thousands of them took action, calling Governor Schwarzenegger asking that he stop an execution, and sending emails to members of Congress asking that they vote against the Clear Act that would have allowed local law enforcement to act as immigration agents.

At a time when so many people lost hope following the national election, feeling that the election results stood as a referendum on an administration's record of subverting civil liberties, ACLU members drew strength from one another, and found hope in these effective strategies, trusting that the ACLU could still make a difference. And it did.

As we prepare to continue the fight to keep our nation safe and free, as we ward off a nightmarish theocracy that once again seems to be gaining popular appeal, we will continue to address the issues of race and inequality with our racial justice project's multi-disciplinary advocacy. And we will ensure that we train the next generation of civil liberties activists and leaders with our Howard A. Friedman First Amendment Education Project.

It is a challenging role—with so many threats before us—but it is a job that we relish. We cannot imagine confronting the challenges we face today were it not for an ACLU that has grown stronger and more able with greater resources and a larger vision of our pledge to civil liberties.

In these extraordinary times we have an opportunity to change the course of history and we thank you for your faithful support.

Sincerely,

A handwritten signature in cursive script that reads "Dorothy Ehrlich".

Dorothy Ehrlich, *Executive Director*

A handwritten signature in cursive script that reads "M. Quinn Delaney".

Quinn Delaney, *Chair, Board of Directors*

Of all the issues involving the ACLU in 2004, few garnered more attention, or generated more debate, than that of marriage equality. From February 12 to March 11, every day in San Francisco was a wedding day for hundreds of same-sex couples. At City Hall lesbians and gay men vowed to love and honor their partners for better or worse, for richer or poorer, in sickness and in health, for the rest of their lives. All eyes were on San Francisco as the nightly news and daily print media produced story after story of love, marriage, politics and legality. Before the court put a stop to the weddings, some 4,000 same-sex couples were married.

A YEAR IN THE FIGHT FOR MARRIAGE EQUALITY

Even before the first of the same-sex weddings, when long-time activists and partners Phyllis Lyon and Del Martin (together for more than 50 years) married, the ACLU of Northern California (ACLU-NC) has been fighting for the right for lesbians and gay men to marry. The fight continues to this day.

FEBRUARY 12: After consulting with legal advocates for the LGBTI community, including ACLU-NC staff attorney Tamara Lange, San Francisco Mayor Gavin Newsom directs city officials to issue marriage licenses to same-sex couples. The ACLU-NC's Lange and Bob Kearney witness the marriage of Phyllis Lyon and Del Martin.

"What had been about politics and strategy all week was brought back down to what really matters," says Kearney, "an intimate, personal relationship between two people who want nothing more than to pledge their lives to one another."



An ACLU contingent of more than 50 people — more than half of them students — march proudly at the annual San Francisco Gay Pride Parade.

As soon as the weddings begin, the conservative Alliance Defense Fund (ADF) and the Campaign for California Families head to court to challenge Newsom's authority to issue the licenses.

FEBRUARY 17: Superior Court Judge James Warren grants a motion by the ACLU, National Center for Lesbian Rights (NCLR), and Lambda Legal to intervene in the ADF suit.

Governor Arnold Schwarzenegger instructs California Attorney Bill Lockyer to sue the city. President Bush officially endorses a constitutional amendment that would bar same-sex marriage.

MARCH 11: The California Supreme Court orders the City of San Francisco to halt the weddings until the Court can determine whether Newsom had the authority to order city officials to issue licenses to same-sex couples.

MARCH 12: Jeanne Rizzo and Pali Cooper and five other same-sex couples who were denied the opportunity to marry become plaintiffs in a lawsuit filed by the ACLU-NC, NCLR and Lambda Legal. The suit charges that denying same-sex couples the right to marry violates the California Constitution. Lancy Woo and Christy Chung, a lesbian couple who have been together for 16 years and have a five-year-old daughter, also file a lawsuit seeking the right to marry.

AUGUST 12: Dealing a bitter blow to



Lancy Woo (left) and Cristy Chung (pictured with their daughter Olivia) are spouses for life and plaintiffs suing for the right to marry.

thousands of couples, the California Supreme Court rules that Newsom over-stepped his authority, and declares 3,955 marriage licenses issued to same-sex couples "null and void."

DECEMBER 22: The San Francisco Superior Court hears the ACLU-NC and its colleague organizations' petition to strike down California's marriage laws that exclude gay and lesbian couples. The ACLU-NC and City Attorney Dennis Herrera argue that denying same-sex couples the right to marry deprives lesbian, gay, and bisexual people of their constitutional rights.

In its response, the state argues that it has a rational basis for extending to same-sex couples "substantially all rights and benefits afforded to spouses," but not marriage itself.

"Phyllis and I demonstrated our commitment to one another more than half a century ago. Today, San Francisco has demonstrated its commitment to us through equality and fairness."

— Del Martin, 83 years old, and Phyllis Lyon, 80, the first same-sex couple to marry on February 12, 2004

RACIAL JUSTICE

Here in California, the nation's most diverse and populous state, there is both progress to report and progress yet to be made in the fight for racial justice. The ACLU-NC's Racial Justice Project and the legal department waged their most vigorous campaigns against racial inequities in public schools and in prisons, ensuring that all Californians would be treated equally and fairly under the law.

SETTLEMENT PROVIDES EQUAL ACCESS TO BASIC EDUCATIONAL NECESSITIES

Imagine having to wear a coat, not just to school, but also *in* school. Lack of heat, mice in classrooms, and dilapidated equipment were just a few of the deplorable conditions endured by children in California's poorest schools. Now, for the first time, all California public school students will have equal access to adequate textbooks, credentialed teachers, and decent school facilities.



Eli Williams, lead plaintiff in the suit seeking equality in California public schools, at a press conference in 2000. Eli is now a senior at San Francisco's Balboa High School.

Williams v. California, filed by the ACLU and its coalition partners, charged that the state reneged on its constitutional duty to provide the basics for adequately educating its children. After four years, a landmark settlement was won; it stipulated that nearly one billion dollars be spent on repairs and updated text books for the state's lowest-performing schools, where the students are overwhelmingly poor and children of color.

PROPOSITIONS 66 AND 69

In 1994, after the murder of 12-year-old Polly Klaas, California voters passed "Three Strikes," a law designed to keep dangerous, repeat offenders off the streets. Today, nearly two-thirds of the people punished under the law serve 25 years to life for committing non-violent crimes, some as petty as stealing baby formula. The cost to California taxpayers over the past decade? More than \$8 billion.

Ten years after the passage of the Three Strikes law, the ACLU and a broad coalition of civic, religious, and labor groups spearheaded the campaign to pass Proposition 66, which would have required a serious or violent crime to trigger a life sentence. Last-minute scare tactics and a multi-million dollar media blitz by its opponents drove Proposition 66 to a narrow defeat. Undeterred, the ACLU and other reform supporters are pursuing a legislative fix in 2005 and are exploring another initiative.

Like many states, California collects DNA from people convicted of violent and serious felonies. Proposition 69 proposed a dramatic expansion of California's DNA database to include

"Being part of this case has shown me that it only takes one person to stand up when there are good people standing behind you."

— *Sweetie Williams, father of Eli Williams, lead plaintiff, Williams v. California*

not just violent criminals, but all people arrested for a felony—even if they were never charged with a crime.

Despite intense campaigning led by the ACLU-NC against Prop 69, the initiative passed. Now the ACLU has moved to challenge the law's most egregious provisions, filing a federal class action lawsuit in San Francisco.



Students and teachers march in Sacramento to demand educational equity.

BERKELEY SCHOOL DESEGREGATION PLAN STANDS AND PRISON RACIAL SEGREGATION DEFEATED

Fifty years later, the promise of *Brown v. Board of Education* — calling for racial desegregation in public schools — lives on. Two cases in northern California recognized that separate is still not equal.

In April 2004, an Alameda County Superior Court judge upheld the Berkeley school district's plan for voluntary school desegregation. A parent had sued the district, claiming the plan violated Proposition 209, the 1996 initiative that banned affirmative action in government, public education and employment.

In another score for civil rights, the U.S. Supreme Court put a stop to California prison officials' practice of segregating inmates by race during their first 60 days in prison. Segregating the inmates could lead to "further hostility among prisoners and reinforce racial and ethnic divisions," said Justice Sandra Day O'Connor.

POLICE PRACTICES

In a system of checks and balances, even those who safeguard our communities must be held accountable. The ACLU-NC monitors the practices that police use to provide public safety. Throughout 2004, the ACLU-NC was ever vigilant in protecting the civil rights of those citizens who encounter law enforcement.

OAKLAND POLICE REFORM: CROWD CONTROL POLICY A MODEL FOR POLICE DEPARTMENTS NATIONWIDE

They may not have used metal bullets, but they caused serious injury to peaceful demonstrators just the same. When the Oakland Police Department fired wooden dowels, pellet-filled beanbags, and stinger grenades on anti-war demonstrators in April 2003, the ACLU-NC pressed into action. Together with the National Lawyers Guild and a team of prominent civil rights attorneys, the ACLU-NC in 2004 secured a ban against weapons used for crowd control.

The agreement is the result of a federal class action lawsuit filed against the City of Oakland, in which 52 people claimed their rights to freedom of speech and assembly were violated when the police opened fire. Gulf War veteran and Marine Eric Shaw, who was a plaintiff in the

lawsuit, was shot in the back and injured during the police action.

“I never imagined,” he said, “that I would be attacked by American police officers while expressing my right to free speech—the very right I fought for [during the Gulf War.]”

ACLU-NC URGES SF POLICE COMMISSION TO CURB TASER STUN-GUN USE

Deaths associated with Taser use have been increasing rapidly—the ACLU-NC has quickly stepped in, making a convincing argument to the San Francisco Police Commission to curb the guns’ use. As a result, the police department has refrained from purchasing the Tasers.

The ACLU-NC and others have called into question research sponsored by the guns’ manufacturer, which tests the stun guns on healthy adults. Yet in reality, the guns are used most often on intoxicated people or those who are mentally ill.



ACLU-NC Legal Director Alan Schlosser announces the Port of Oakland settlement at a press conference.

The victims are subjected to multiple shocks or shocks lasting up to five times longer than the test group.

“Given the uncertainties about the effects of Tasers—particularly on at-risk individuals—departments should exercise caution and only authorize the use of Tasers under limited circumstances,” said Mark Schlosberg, ACLU-NC Police Practices Policy Director.

The fight for restricting Taser gun use is gaining momentum. In 2005, Assemblyman Mark Leno is drafting legislation that will address the weapons’ use throughout the state.



Oakland police prepare to open fire on peaceful protesters.

“Today’s settlement will assure that what happened to me will never happen again in Oakland.”

*— Willow Rosenthal,
plaintiff in Oakland
‘anti-war demonstrator’ lawsuit,
Local 10, ILWU v. City of Oakland*

SAFE AND FREE

Since September 11, 2001, the federal government has been playing fast and loose with American civil liberties. Rushed through Congress just 45 days after the terrorist attacks, the USA Patriot Act gave the government sweeping new powers. It expanded law enforcement's authority to search the homes and offices of innocent Americans and allowed the FBI to secretly access private information without probable cause. Challenging these flagrant violations of civil liberties is the work of ACLU's national Safe and Free campaign.

In northern California, the ACLU is mobilizing action to reform the Patriot Act and other new policies limiting our freedoms. Much of our focus has been on the disturbing practice of government surveillance, particularly of vulnerable immigrant communities.

SURVEILLANCE WATCH

The year was a challenging one for civil libertarians, but a challenge we have risen to. In the Central Valley, members of the anti-war group Peace Fresno discovered that law enforcement had spied on them, thereby violating their Constitutional right to privacy. At the urging of Peace Fresno and the ACLU-NC, California Attorney General Bill Lockyer launched a full investigation into the undercover surveillance.

Then, as the November presidential election approached, local agents for the FBI's Joint Terrorism Task Forces (JTTF) intensified their targeting of people for interrogations based on ethnicity or religion, asking about political and religious beliefs, and ignoring requests to have an attorney present.

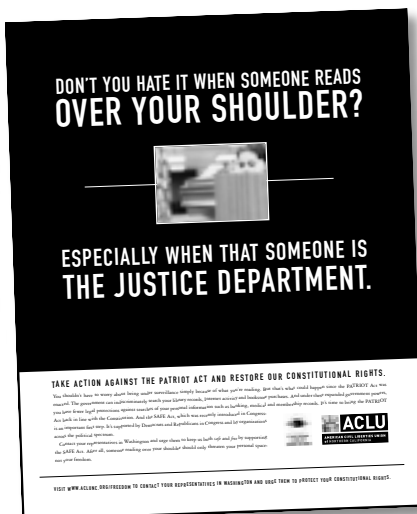
The ACLU-NC filed a Freedom of Information Act (FOIA) request and lawsuit to find out about policies and procedures governing the questioning of individuals. The FBI and the courts responded by saying there was "no particular urgency" to inform the public about JTTF activities.

As the elections drew closer, the government announced its "October Plan" would use "aggressive—even obvious—surveillance" tactics even on people who weren't suspected of criminal activity. As soon as the ACLU-NC learned of the

plan, staffers went to work to increase awareness of it, organizing a press conference and media campaign with coalition partners. The ACLU-NC also helped to distribute 20,000 "Know Your Rights" brochures to communities most vulnerable to government intimidation. ACLU-NC attorneys, John Crew and Jayashri Srikantiah, also represented a number of Muslim families contacted by JTTFs for interviews.

ACLU LAUNCHES CAMPAIGNS AGAINST THE PATRIOT ACT

"Don't you hate it when someone reads over your shoulder?" an advertisement



This print ad, developed by the ACLU-NC and the California Library Association, warns citizens of the dangers of the Patriot Act.

asks, "Especially when that someone is the Justice Department." The print ad, developed by the ACLU-NC and the California Library Association (CLA), warns citizens how, under the Patriot Act, the government can search such private and personal information as citizens' library records, Internet activity, and banking and medical records.

The ads encouraged readers to contact their representatives in Washington, and urge them to support the Security and Freedom Ensured Act of 2003 (SAFE)

"Several provisions in the Patriot Act go too far and increase the chances that innocent Americans will be swept into terrorism investigations. But now millions of Americans are demanding that freedom be restored to keep America both safe and free."

— Dorothy Ehrlich,
ACLU-NC Executive Director

Act. Introduced in 2003, the SAFE Act calls for rolling back some of the Patriot Act's worst excesses.

"Several provisions in the Patriot Act go too far and increase the chances that innocent Americans will be swept into terrorism investigations," said Dorothy Ehrlich, ACLU-NC Executive Director. "But now millions of Americans are demanding that freedom be restored to keep America both safe and free."

The ACLU-NC is conducting an aggressive campaign to ensure that some of the most invasive provisions of the Patriot Act are allowed to expire—or "sunset"—at the end of 2005. For example,

Section 215 gives the FBI the power to access “any tangible thing” it deems necessary for a terrorism investigation. While President Bush is seeking to make Section 215 and other provisions of the Patriot Act permanent, the ACLU is activating citizens to contact their legislators to make sure that they allow Section 215 and other controversial provisions to sunset.

SAFE ACT AND CLEAR ACT

Two bills directly impacting civil liberties that died in Congress last year will likely be re-introduced in the upcoming Congress. The SAFE Act would have made sure that intelligence agents could not search library records unless there was suspicion that an individual was involved with a foreign power. It would also have limited the government’s ability to conduct “sneak and peek” searches and widespread searches of personal information.

The ACLU opposed the CLEAR Act which would have required state and local law enforcement agencies to serve as immigration agents, requiring them to check people’s immigration status while investigating crimes unrelated to immigration.

“The CLEAR Act made unlikely allies of seeming disparate groups, including civil libertarians and law enforcement agencies,” said Bob Kearney, ACLU-NC Associate Director. “The Act did not get considered or passed in the last Congress because of dedicated grass-roots activists.”

ACLU-NC CONTINUES TO CHALLENGE “NO-FLY” LIST

The United States government might consider you a threat to security; and, if it does, agents may put you on a No-Fly list. The lists are every bit as ominous as they sound. Compiled by the Transportation Security Administration (TSA), they contain names of thousands of Americans who can be stopped and searched repeatedly at airports, regardless of their innocence.

In 2003 the ACLU-NC filed a Freedom of Information Act lawsuit, *Gordon v. TSA*, seeking to compel the TSA and the

FBI to release documents concerning the lists, including criteria, which are used to put someone on the list, and procedures by which persons can have their name removed from the list. After a federal judge, in an order dated June 15, 2004, blasted



Targeted for interview based on their ethnicity or religion, citizens are counteracting surveillance tactics by exercising their Constitutional rights.

the government for their “frivolous claims of exemption,” the FBI and TSA released 300 pages of documents that reflected confusion, inter-agency squabbling and subjective criteria in compiling the No-Fly lists. The ACLU-NC has filed a second motion to seek further disclosures, which will be heard on April 22, 2005.

ACLU-NC SUES AIRLINES OVER DISCRIMINATION

When Arshad Chowdhury came to San Francisco for a weekend in October 2001, the last thing he expected was to be barred from his return flight. But because his name bore a “phonetic similarity” to a name on the terrorist watch list, he was interrogated and detained. Even though he was cleared to fly by the FBI and police officers on the scene, Northwest Airlines still refused to allow him to board. A month

later, he was similarly interrogated when trying to board his U.S. Airways flight.

In June 2002, the ACLU-NC filed suit on Chowdhury’s behalf charging Northwest Airlines with discrimination based on race and ethnicity. Northwest and the Transportation Security Administration (which intervened in the case) have refused to release critical documents on the grounds that such materials are “Sensitive Security Information” under a new post-9/11 statute. The ACLU-NC is appealing this broad assertion of secrecy in two separate cases before the Federal Court of Appeal.

WAR IS NOT A BLANK CHECK FOR THE PRESIDENT

The U.S. Supreme Court made several rulings in 2004 that repudiated the Bush administration’s strategy of conducting the war on terrorism however it sees fit. Writing that “a state of war is not a blank check for the President when it comes to the rights of the nation’s citizens,” the Court ruled that Yaser Esam Hamdi, a U.S. citizen seized in Afghanistan, has the right to fight his detention in a federal court. In a separate case, the Supreme Court ruled that 600 men from 42 countries detained at Guantanamo Bay could also contest their treatment.

“As someone who serves her country and obeys the laws of the land, I was shocked to learn I was on the No-Fly list. I was even more disturbed to find that there is no way to get off the list.”

— Michelle D. Green,
a Master Sergeant in the
United States Air Force

FIRST AMENDMENT

How people choose to express themselves may change with the times, but the right to that expression does not. Since it was founded 70 years ago, the ACLU-NC has stood firm in protecting First Amendment rights to freedom of speech—a fundamental right upon which this country was founded. This year was no exception.

VICTORY FOR DAY LABORERS

After laborers worked for four months for Marvin and Cynthia Maltez, the Maltezes refused to pay them their full wages. The workers and their advocates protested by picketing, leafleting, and letter writing, only to have the Maltezes sue them. The Alameda Superior Court dismissed the suit, ruling that it was in violation of the anti-SLAPP (Strategic Lawsuits Against Public Participation) statute, which was enacted to stop lawsuits designed to curtail the exercise of free speech.

“This was a classic SLAPP suit: retaliation for engaging in core constitutionally protected activities,” said ACLU-NC attorney Margaret Crosby, co-counsel for the defendants. “The strategies that these workers used to publicize the plight of day laborers have historically been critical to civil rights movements in America.”

ACLU-NC, EFF URGE CALIFORNIA SUPREME COURT TO MAINTAIN PROTECTIONS FOR ONLINE SPEECH

The California Supreme Court is set to decide whether Ilena Rosenthal can be sued for libel for posting an opinion piece—a piece she didn't even write—on her web site. Terry Polevoy, who is criticized in the essay, is charging that Rosenthal is at fault simply for having posted it. His lawyers argue that posting the comments makes Rosenthal the legal equivalent of its creator. The ACLU-NC and the Electronic Frontier Foundation (EFF), which filed an *amicus* brief in the case, argue that the Telecommunications Act of 1996 provides an immunity that prevents Internet publishers from being held liable for allegedly harmful comments written by others.

ACLU-NC DEFENDS THE RIGHTS OF PRISONERS TO RECEIVE MATERIAL PRINTED FROM THE INTERNET

A policy that prohibits prisoners from receiving copies of mailed material that was printed from the Internet bears no rational relationship to any legitimate penal interest. That was the Ninth Circuit's rationale for upholding a federal district court injunction prohibiting California state prisons from enforcing such a policy. The Court's ruling came in response to a lawsuit in which the ACLU-NC and the Prison Law Office represented a Pelican Bay prisoner who challenged the policy.

LEGALITY OF FILE-SHARING SOFTWARE DEFENDED

The ACLU-NC joined a Ninth Circuit *amicus* brief written by the national ACLU in *MGM v. Grokster*, arguing that people who provide file-sharing technology are not guilty of helping others to violate copyright laws. Because file-sharing software has many legitimate uses that do not violate copyright laws, the ACLU said, it is improper to say that the software must be banned simply because some people may misuse or abuse it. The Ninth Circuit agreed, and now it's up to the U.S. Supreme Court to decide the issue.

STATE SUPREME COURT RULES DARK POETRY NOT A THREAT

In a resounding victory for students' First Amendment rights, the California Supreme Court unanimously overturned the conviction of a 15-year-old Santa Clara County student who was imprisoned for writing a disturbing poem. Drawing on an *amicus* brief submitted by the ACLU-NC and others, the court held that the poem was too ambiguous to

constitute a criminal threat. The brief, submitted on behalf of Nobel laureate J.M. Coetzee, Pulitzer Prize winner Michael Chabon, and other distinguished writers, explained how the poem fits within the larger genre of “dark” or “confessional” poetry and, by framing the poem within the larger context of that genre, distinguished it from a criminal threat.



In an op-ed piece for the New York Times, Bay Area author Michael Chabon wrote that idealism and cynicism gain merit and power when they're fused together. “The Bill of Rights is the fruit of that kind of fusion; so is the teenage imagination,” he said.

ACLU PUSHES FOR ACCESS TO KACZYNSKI'S WRITINGS

Working on behalf of librarians and archivists, the ACLU-NC is urging the Ninth Circuit Court of Appeals to reverse a lower court's decision allowing the government to block public access to Ted Kaczynski's original writings. The University of Michigan has agreed to accept the journals of Kaczynski, who pled guilty to the “Unabomber” crimes.

CIVIL LIBERTIES AND TECHNOLOGY POLICY DIRECTOR JOINS ACLU-NC

The ACLU-NC welcomed new Civil Liberties and Technology Policy Director Nicole Ozer. With considerable experience in civil liberties, technology, and public policy, Ozer is dedicated to protecting civil liberties from the threats posed by emerging technologies. From public surveillance to Internet privacy, she will lead the way for lasting positive change in the ways that technology and civil liberties intersect.

REPRODUCTIVE RIGHTS

The United States has become an incredibly hostile place for reproductive rights under the Bush administration. Now the Golden State is in danger of backsliding as well. As anti-choice activists dig in for a fight to overturn freedom of choice, the ACLU-NC has strengthened its resolve to ensure that all women have the right to make decisions about their own bodies, and that young people receive sexuality education that is comprehensive, medically accurate, and unbiased.

SUPREME COURT UPHOLDS CONTRACEPTIVE COVERAGE LAW

In a huge victory for working women and for reproductive freedom, the California Supreme Court upheld The California Women's Contraceptive Equity Act, a state law requiring employers that provide prescription drug benefits to include contraceptive coverage. Before the law was passed in 2000, about half of California's health plans had excluded women's contraceptive coverage, forcing women to pay up to 68 percent more for health care than men.

The Court rejected a claim by Catholic Charities that, as a religious organization, it was exempt from providing the coverage. The ACLU-NC submitted an *amicus* brief in the law's defense.



ACLU members and supporters at the historic March for Women's Lives in Washington, D.C.

YOUTH MARCH FOR WOMEN'S LIVES

The largest march for reproductive freedom in history brought nearly one million people to the National Mall in Washington D.C. in April 2004. While the ACLU-NC's delegation wasn't the largest, it was certainly one of the most enthusiastic. High school students and

staff members from the Friedman Project's Youth Activist Committee represented the ACLU-NC at the March for Women's Lives, helping to send the message that all



Members of the Friedman Project represent the ACLU-NC at the march.

women must have access to the full range of reproductive health services.

Lillian Junglieb, a student at Menlo-Atherton High School, eloquently explained her reasons for marching: "I march for my little sister, so that she may live in a world where she owns her own body. I march for the women, like those in my family, who aren't able to march because they have died from illegal abortions."

FEDERAL ABORTION BAN STRUCK DOWN

In a major victory for reproductive rights, a federal court judge ruled that the first-ever federal ban on abortion was unconstitutional. The decision struck down the so-called Partial Birth Abortion Act of 2003, which banned abortions as early as 12 weeks and lacked any exception for the

pregnant woman's health. Planned Parenthood brought the case against then-Attorney General John Ashcroft, and the ACLU-NC represented the California Medical Association as a friend of the court.

"The judge saw through the misleading rhetoric to the reality that Congress was playing politics with women's health," said ACLU-NC attorney Margaret Crosby.

SEX EDUCATION WORK

After an energetic—and successful—campaign to pass legislation requiring sex education in California to be comprehensive, medically accurate, and bias-free, the ACLU-NC has been working with school districts, policymakers, the media, and health professionals to ensure understanding of and compliance with the law. The bill (SB 71) ensures that sex education programs provide students with the necessary information to help them prevent sexually transmitted disease and unintended pregnancy, and to foster healthy attitudes about sexuality.

In addition, the ACLU-NC has been working to prevent the state of California from accepting federal funding for "Abstinence Only" sex education.

**"I march for my little sister,
so that she may live in a world
where she owns her own body.
I march for the women,
like those in my family, who
aren't able to march because
they have died from illegal
abortions."**

— Lillian Junglieb,
Menlo-Atherton High
School student,
March for Women's Lives

ACLU YOUTH

“It is not possible for civilization to flow backwards while there is youth in the world,” wrote Helen Keller. Howard Friedman would have agreed; and it is in his memory that the Howard A. Friedman First Amendment Education Project was established. A civil libertarian and former chair of the ACLU-NC board of directors, Friedman was deeply committed to the education of young people, especially in complex civil rights issues. With the generous support of the Friedman family, the Project provides educational materials to teachers, develops leadership skills in young people, presents dynamic and topical conferences for high school students, and sponsors an in-depth field investigation of a complex social topic each year.



High school students participated in the ACLU-NC’s Activist Teacher and student retreat in Sonoma. Friedman Project Director Eveline Chang is pictured at far right.

ACLU YOUTH ACTIVISTS EXPLORE SEXISM

In August, 23 high school students spent a week traveling throughout northern California studying gender, power, and privilege. They met with individuals and groups from more than 20 organizations, including Breast Cancer Action, the National Organization of Men Against Sexism, and the Women’s Day Labor Collective.

“To consider myself an activist was one thing, but to consider myself a feminist used to another. When it’s said and done, we all stand and fall as one.”

— Adam Chang,
ACLU-NC youth activist

RETREATS, CONFERENCES, AND WORKSHOPS

BRING CIVIL RIGHTS TO LIFE FOR STUDENTS AND TEACHERS

Some 750 high school participants came together at UC Berkeley in March for the dynamic and empowering Youth Rights Conference. Youth Activist Committee students selected the workshop topics, planned the agendas, worked with speakers, and educated themselves in order to effectively facilitate the workshops.

The conference centered on the themes of the war abroad and war on our communities at home; the corresponding threats to civil liberties; and the importance of knowing, exercising, and protecting everyone’s rights.

Teachers and students from eight northern California high schools gathered in Sonoma for the Friedman Project’s third annual teacher-student retreat in October. Together, they explored such topics as student rights in school, campus organizing, and creating action plans to further civil rights.

In honor of Martin Luther King, Jr. Day, the Friedman Project staff organized an innovative teach-in. “How Far Have We Come? Institutional Racism and Educational Inequity 50 Years After *Brown v. Board of Education*” featured presentations, discussions, and a review of current cases related to race, equity, and public education.

The teach-in was well-received or, as



Lights, camera, activism! Friedman Project Youth Activist Committee students Angela Suen (on sound) and Kelsi Ju (on camera), with TILT video project facilitator Al Hernandez.

one student put it, “Awesome!!! I learned a lot and was really inspired.”

YOUTH VIDEO TAKES ON MILITARY

The Youth Activist Committee (YAC) began working on an exciting new student video project with Teaching Intermedia Literacy Tools (TILT), a local organization that partners with youth groups to produce student-created videos. Committee members have taken on the task of utilizing their video to address military recruitment in high schools and to broaden the public debate on military access to schools.

SAFE SCHOOLS PROJECT

The Safe Schools Project worked overtime to keep up with the demand for its “That’s So Gay” buttons from high schools around northern California. Students report that the buttons are particularly effective ways to encourage students to communicate about issues affecting LGBTI youth and their peers. Over 4,500 buttons have been distributed to area high schools. The Project also trained over 80 staff and faculty members at Santa Cruz High School.

The Safe Schools Project trains public school teachers and administrators in furthering tolerance and respect for all students, and facilitating classroom discussions on civil rights issues.



MEMBERSHIP ON THE RISE

The ACLU of Northern California is the largest affiliate in the country, and certainly one of the most active. Forty-eight thousand strong, our members serve as civil liberties watchdogs in their communities, help build local campaigns, lobby legislators, brainstorm at conferences, or simply carry their cards with pride. All told, our membership serves as powerful evidence of northern Californians' commitment to civil rights.

MEMBERSHIP CONFERENCE HELD IN SAN FRANCISCO

San Francisco played host to the ACLU's second annual national conference in July, bringing together some 2,000 ACLU members and supporters who Executive Director Anthony Romero called "guardians of liberty." At a time when the federal government is curtailing those liberties in the name of national security, Romero said, the ACLU's work was more important than ever.



Former White House terrorism adviser Richard Clarke, a card-carrying member of the ACLU, addresses the organization's national conference.

The intensive three-day conference featured a "Who's Who" of inspiring speakers and presenters who addressed critical social issues and provided practical workshops on legal strategy and organizing. ACLU President Nadine Strossen, ACLU-NC Executive Director Dorothy Ehrlich, and other ACLU leaders were joined by former Vermont Governor Howard Dean, former White House terrorism adviser Richard Clarke, investigative journalist Seymour Hersh, "Vagina Monologues" author and performer Eve Ensler, San Francisco Mayor Gavin Newsom, and others.

Clarke, an ACLU member since 1971,



UC Berkeley ACLU Student Club members at the membership conference.

told the audience, "The whole point of fighting (al-Qaeda) is to fight a group who would take away all of our civil liberties. It makes no sense for us to do their work for them."

The conference also presented an



NAACP Chairman Julian Bond, recipient of the Chief Justice Earl Warren Civil Liberties Award, inspires the Bill of Rights Day audience.

extraordinary opportunity for the ACLU of Northern California. More than 500 of the affiliate's members, including 100 youths, participated, many as volunteers who plan to stay involved in future ACLU activities.

BILL OF RIGHTS DAY

The ACLU-NC's annual Bill of Rights Day brought together more than 600 ACLU-NC supporters, members, and staff to San Jose to celebrate the organization's 70-year history.

NAACP Chairman Julian Bond was honored with the Chief Justice Earl Warren Civil Liberties Award for his extraordinary contributions to civil liberties. In addition to being the 70th anniversary of the ACLU-NC, Bond reminded the audience, 2004 was also the 50th anniversary of *Brown v. Board of Education* and the 40th anniversary of the 1964 Civil Rights Act. He spoke of the victories won and lost over the years and called for a renewed commitment to persist in fighting discrimination on all fronts.

Bond brought resounding applause to the room when he stated, "Together we can constitute a mighty force for change."

VOLUNTEERS IN ACTION

Were it not for the effort, dedication, and work of our volunteers, the ACLU-NC couldn't be the effective force it is today. Attorneys and legal experts, students and retired workers, city dwellers and rural residents—all committed to strengthening civil liberties—donate hundreds of hours worth thousands of dollars. More important, their efforts yield results. ACLU volunteers help us win critical court cases, they lobby their congressional representatives, they rally their communities, they respond to citizen complaints, they conduct research, and, yes, they stuff envelopes, too. They inspire us and drive our work, and for this we are extremely grateful. Thank you.



Volunteer award recipient William Carpmill tells the Bill of Rights Day audience, "Even when I teach, I have to refer to basic civil liberties."

A COURAGEOUS ADVOCATE

William Carpmill, a retired educator and member of the ACLU for more than three decades, was given the Lola Hanzel Courageous Advocacy Award for his outstanding work as a volunteer. The award is given to recognize and thank volunteers who provide strength, dedication, and leadership to the ACLU-NC.

In the last 15 years, Carpmill has served as the North Peninsula Chapter representative on the ACLU-NC Board of Directors, participated in student outreach throughout northern California, and worked on the Bill of Rights fund-raising campaign.

"All of the small things that people do along the line at the ACLU count, whether it's answering the phones, coming to an event or making a donation—collectively we're creating critical positive impact."

— William Carpmill,
North Peninsula ACLU
Chapter member and
Lola Hanzel Courageous
Advocacy Award Recipient

2004 VOLUNTEERS

Robert Byrne
Julie Campioni
Jane Cutler
Homa Davary
Judy Ellman
Frances Grimstad
Dan Halpern
Carol Johnson
Cal Kurzman
Joyce Lewbin
Richard Muir
Arthur Murphy
Josh Perfetto
Flo Reeves
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Pauline Sherman
Shirley Sidd
Roger Stoll
Molly Stollmack
Carol Sughrue
Nanako Tamaru
Joel Weber
Ricka Young

**MEMBERSHIP CONFERENCE
VOLUNTEERS**
Dylan Alter
David Baluarte
Alice Batchelder
Trisha Beltz
Constance Bernstein
Kelly Breen
Kyle Bruckmann
Julie Campioni
Mike Chan
Fay Chu
Vicki Cosgrove
Becca Cramer
Jane Cutler
Nicolette Czarrunchick
Marlene De Lancie
Ikkah Espinosa
Estelle Ertling
Shirley Fisk
Mike Forter
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Ian Schatzberg
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Emily Skolnick
Roberta Spieckerman
Shane Spitzer
Yvonne Steffen
Ruth Stevenson
Loren Stewart
Kristin Weisman
Jim Weston
Diana Wynne

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Daisy Hung
Peter A. Klivans
Anya Lakner
Jonathan Lange
Catherine Meza
Sruti Prakash
Lynsay Skiba
Cameron Smith
Ivy O. Suriyopas
Lea Villegas
Anjali S. Waikar
Caroline Wilson
Steve Wilson

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Becca Cramer
Ikkah Espinosa
Adam Forest
Kevan Fornasero
Amy Kurren

Robyn Kurland
Donald Lathbury
Heather Powers
Avi Rosenblit
Rosemary Santos
Devanand Singh
Alexandra Suich

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Courtney Aguirre
Mariam Al-Shamma
Dylan Alter
Danni Biondini
Mike Chan
Claire Darby
Amanda Gelender
Wais Hassan
Walesa Kanarek
Tynan Kelly
Jenni Lerche
Darryl Perkins
Amelia Rosenman
Angelo Sandoval
Nadir Shams
Danielle Silk

OUTSTANDING CHAPTERS

The Dick Criley Outstanding Chapter Award was presented to the Santa Cruz Chapter for its work on statewide ballot initiatives and outreach within the Santa Cruz community. The Santa Cruz Chapter had a busy 2004, mobilizing around such important civil liberties issues as same-sex marriage, reproductive rights, and racial justice. The chapter also participated in the September Project,

in which local libraries hosted community conversations about patriotism.

Nineteen other chapters were likewise hard at work on local initiatives and supporting the ACLU-NC affiliate's efforts. "Local chapters are our eyes and ears in communities throughout northern California," said Sanjeev Bery, ACLU-NC Field Organizer. "Chapters are undoubtedly key to our affiliate's vitality and strength."



Sanjeev Bery (left) presents the Dick Criley Outstanding Chapter Award to Santa Cruz Chapter members Kathleen Hughes and David Sweet.

ACLU-NC CHAPTER ROSTER 2004

B.A.R.K. Plus Chapter
 Contra Costa/Mt. Diablo Chapter
 Marin County Chapter
 Mendocino County Chapter
 Mid Peninsula Chapter
 Monterey County Chapter
 North Peninsula Chapter (San Mateo County)
 Paul Robeson Chapter (Oakland)
 Redwood Chapter
 San Francisco Chapter
 Santa Clara Valley Chapter
 (Mid & Southern Santa Clara County)
 San Joaquin County Chapter
 Santa Cruz County Chapter
 Sonoma County Chapter
 Stanislaus County Chapter
 Yolo County Chapter

NEWLY ORGANIZED CHAPTERS

Sacramento
 Solano

STUDENT CLUBS

Berkeley Campus Chapter
 Davis Campus Chapter

ACLU COOPERATING ATTORNEYS AND LAW FIRMS

We thank the following firms and individuals who donated services during 2004. Your hard work and commitment are deeply appreciated by all the ACLU community.

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Fred Altschuler
 Christian Anderson
 Megan Auchincloss
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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 also 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.

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 has grown significantly: from 250,000 members nation-wide in 2001 to over 440,000 today. Currently the total membership base of the ACLU-NC stands at a historic high of 48,000. This growth 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 of Northern California. 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 the future challenges, we must recognize and thank our supporters as well. 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 office—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 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 outreach and organizing, legislative advocacy and lobbying. It is supported primarily by membership dues. It is a 501(c)4 organiza-

tion, 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.

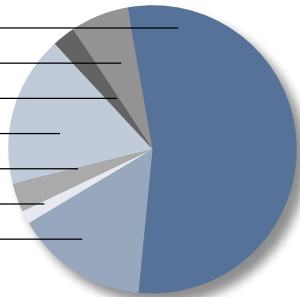
The Development Committee of the Board of Directors oversees all aspects of ACLU fundraising efforts. The work of the Development Committee is supported by the Development department staff: Director of Development Cheri Bryant, with Sandy Holmes, Denise Mock, Robert Nakatani, Jeff Vessels, Michael Woolsey and Stan Yogi.

ACLU FOUNDATION OF NORTHERN CALIFORNIA OPERATING INCOME AND EXPENSES 2003–04

SUPPORT AND REVENUE:

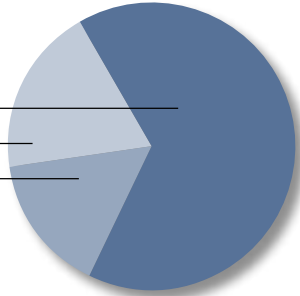
Individual Contributions:	\$4,733,697
Restricted Foundation Grants:	\$568,950
Bequest Contributions:	\$228,357
Court Awarded Attorney Fees:	\$1,475,324
In-Kind Legal Contributions:	\$282,468
Other Income:	\$62,681
Investment Income/Loss:	\$1,297,170
Transfer to Reserves:	(\$3,541,112)
National ACLU share:*	(\$1,493,554)
Total:	\$3,613,981

*Indicates sharing with National ACLU of contributions and bequests.



EXPENSES:

Program Services:	\$2,365,497
Fundraising:	\$685,508
Management and General:	\$562,976
Total:	\$3,613,981



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 ways 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 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.

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 that 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.

SPECIAL OPPORTUNITY: If you designate the ACLU Foundation as a beneficiary in your will, or living trust, or if you establish a charitable remainder trust, gift annuity or pooled income fund gift before December 31, 2006, a generous ACLU supporter will provide a current cash gift to the organization to match a percentage of your gift or bequest intention. For estate planning information about this Legacy Challenge or about estate planning, contact our Director of Planned Giving, Stan Yogi, at (415) 621-2493.

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

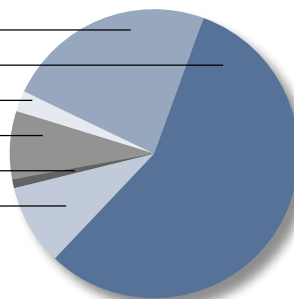
ACLU OF NORTHERN CALIFORNIA

OPERATING INCOME AND EXPENSES 2003-04

SUPPORT AND REVENUE:

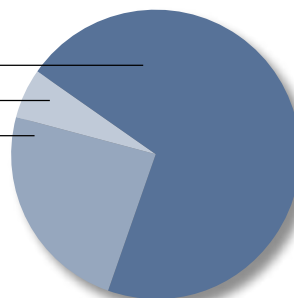
Public Contributions:	\$474,098
Membership dues:	\$1,142,182
Bequests:	\$47,269
Reimbursement for Legis. Ofc:	\$154,051
Investment Income and Other:	\$8,076
Grant from ACLU Foundation:	\$183,752
National ACLU share:*	(\$796,032)
Total:	\$1,213,396

*Indicates sharing with National ACLU of contributions and dues.



EXPENSES:

Program Services:	\$817,493
Fundraising:	\$64,677
Management and General:	\$275,385
Total:	\$1,157,555



Source:
Audited Financial Statements for the year ending March 31, 2004,
by Pohl, McNabola, Berg & Co. Complete copies available by writing:
ACLU, 1663 Mission St. #460, San Francisco, California 94103.

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 Lindsay Waggerman
 Jocelyn Wicker
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*Shared with ACLU-SC and ACLU San Diego **On medical leave



*Left: San Francisco staff
 Above: Sacramento staff*

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 Elizabeth Zitrin

*Members of the Executive Committee

VOICES FOR LIBERTY

“Phyllis and I demonstrated our commitment to one another more than half a century ago. Today, San Francisco has demonstrated its commitment to us through equality and fairness.” Del Martin, 83 years old, and Phyllis Lyon, 80, the first same-sex couple to marry on February 12, 2004

“Together we can constitute a mighty force for change.”

Julian Bond, NAACP Chairman, Bill of Rights Day 2004

“I march for my little sister, so that she may live in a world where she owns her own body. I march for the women, like those in my family, who aren’t able to march because they have died from illegal abortions.” Lillian Junglieb, Mento-Atherton High School student. March for Women’s Lives

“The Court’s decision makes clear that students’ creative works deserve the same high level of First Amendment protection as that accorded to established poets, authors, and artists.” Ann Brick, ACLU-NC staff attorney

“The student, teacher retreat made me want to join the ACLU, partly because some of our rights are being stripped away everyday. If there aren’t people to stand up and say that this is wrong, pretty soon we’ll have no rights at all.”

Natalya Narine, senior, Fremont High Media Academy, Oakland

“Being part of this case has shown me that it only takes one person to stand up when there are good people standing behind you.” Sweetie Williams, father of Eli Williams, lead plaintiff. *Williams v. California*



American Civil Liberties Union of Northern California
1663 Mission Street, Suite 460, San Francisco, California 94103

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