

The ACLU of Northern California  
ONE MISSION / ONE FAMILY / ONE WORD

# FREEDOM

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MARCH 2007



Board Chair Quinn Delaney



Executive Director Maya Harris

Dear Friends,

In 1934, San Francisco was home to one of the most dramatic labor struggles in the United States. Notoriously bad working conditions on the city's waterfront led to a general strike—and to the founding of the ACLU of Northern California. Established more than seventy years ago to protect the workers' civil liberties, the ACLU-NC continues to defend our cherished freedoms to this day. In this annual report, we are proud to share highlights of our recent work, our recent victories, and the challenges we continue to face.

Fighting for our civil rights and civil liberties—free speech, due process, and equal protection under the law—continues to be the mainstay of our work. Since the tragic events of 9/11, government power has expanded greatly, infringing upon the rights of ordinary Americans. As local and national officials steadily erode these rights, the ACLU-NC has launched proactive strategies to reclaim them. By blending litigation, lobbying, public education, and field organizing and mobilization, the ACLU-NC has been instrumental in helping to turn the tide against government abuse of power.

Our work continued on other fronts as well. In 2006, the ACLU-NC was a leader in strengthening the reproductive rights movement in California and defeating efforts to roll back reproductive freedom that many other states have experienced. We advocated for innovative laws and policies to dramatically reduce unintended pregnancy rates, and also saw progress this year in our fight to ensure that sexuality education in Northern California schools is scientifically accurate and faith-neutral. And we continued to challenge federal legislation that forces the State of California to choose between enforcing laws enacted to safeguard women's health or receiving federal funds to support educational, health, and labor systems.

With your support, we were able to tackle many other critical issues, including mounting successful litigation restoring voting rights to over 145,000 Californians who had been wrongfully disenfranchised; working to create momentum for criminal justice system reform, whether in the courtroom or the Capitol; and advocating for the rights of the LGBT community, especially our youth confronting challenges in the classroom and in their communities.

However, even in the face of these victories, we know our work is far from over. With ACLU-sponsored bills on privacy, criminal justice, sex education, and employment discrimination vetoed by the governor during the last legislative session, we will be back in Sacramento to fight for these and other crucial reforms. We will also continue our advocacy on issues such as racial justice, marriage equality, freedom of speech and religion, and youth rights.

Closer to home, we are planning to raise funds for the purchase of our new headquarters near the San Francisco waterfront; just blocks from the site of the 1934 General Strike, out of which the ACLU of Northern California was borne. It's only fitting that a permanent home for freedom in Northern California should be so close to our historic roots.

Every day we fight to protect and defend the civil liberties of all Northern Californians. Your continued support has sustained us at every level and in every way possible. Know how much we value your commitment to and partnership in our work.

Sincerely,

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

M. Quinn Delaney  
*Chair, Board of Directors*

A handwritten signature in black ink that reads "Maya Harris".

Maya Harris  
*Executive Director*



Dorothy Ehrlich headed the ACLU-NC for 28 years before leaving in 2006 to serve as the first Deputy Executive Director for the National ACLU.

## FOR THE ACLU OF NORTHERN CALIFORNIA 2006: A YEAR OF TRANSITIONS

Amid the everyday backdrop of fighting legal battles, organizing campaigns, and lobbying in the legislature to protect civil rights and civil liberties, the ACLU of Northern California also underwent organizational transitions and celebrated significant milestones.

In May, the ACLU-NC moved to its new downtown San Francisco location at 39 Drumm Street. Our new home, with easy access to mass transit, is the first headquarters the ACLU-NC plans to own. This move returns the affiliate to its historic roots, just blocks away from the site of the 1934 General Strike.

A thoughtfully designed, centralized, technologically up-to-date office, the new headquarters began bustling with members of the media, activists from ally organizations, volunteers, board members, interns, and staff as soon as the doors opened.

A few months later, Dorothy Ehrlich, who served as the ACLU-NC's Executive Director for 28 years, left the Northern California affiliate to bring her skill and passion to the National ACLU in New York, where she was appointed its first Deputy Executive Director.

After a national search for Ehrlich's successor, the ACLU-NC Board of Directors announced its unanimous decision to appoint Maya Harris as the affiliate's new Executive Director.

"I'm honored to take on the leadership of this organization at a time when the strength and steadfastness of the ACLU is more important than ever," said Harris. "I've had the great fortune to work alongside my friend and mentor, Dorothy Ehrlich, who has built an extraordinary affiliate and been a great role model to follow. I look forward to collaborating with our dedicated Board, staff, and chapters as we take our affiliate to new heights."

Harris joined the ACLU-NC in 2003 as Director of the Racial Justice Project. In 2005, she was appointed Associate Director, developing and implementing the ACLU-NC's priority campaigns and overseeing the Policy Department.

"Maya's unique experience as a civil litigator, law school professor and dean, and policy analyst made her the obvious choice to provide the dynamic leadership our affiliate needs," said Quinn Delaney, Chair of the ACLU-NC Board of Directors.

Along with these exciting new developments, there were major milestones to celebrate this year. Staff Attorney Margaret Crosby and Legal Director Alan Schlosser each marked 30 years of extraordinary service to the ACLU-NC.

Crosby is a national trailblazer in her work on issues of reproductive freedom and religious freedom. She has argued cases before the California Supreme Court that have protected the reproductive rights of poor

women, overturned restrictions on Medi-Cal funding of abortion, and struck down a state law requiring teenagers to obtain parental or court consent for an abortion.

Schlosser joined the ACLU-NC in 1976, serving as Managing Attorney from 1994 to 2000 and becoming Legal Director in 2001. Schlosser has litigated an impressive array of civil rights and civil liberties cases on vital issues ranging from free speech and privacy, to the rights of welfare recipients and the homeless. Among his many successes are victories in cases protecting tenants' free speech rights and the rights of the press and public to witness executions.



This photo of Dorothy Ehrlich when she first joined the ACLU served as a backdrop for the distinguished speakers who paid tribute to her during the affiliate's farewell party.

## DEATH PENALTY



Ernest (Shujaa) Graham served eight years on death row for a murder he did not commit. As part of its campaign against capital punishment, the ACLU-NC held a “Faces of Wrongful Conviction” conference in Los Angeles in April.

“Little by little, you demonstrate that innocent people are trapped in the system, and that it’s more expensive to kill than it is to put them in prison for the rest of their lives.”

Mike Farrell, actor and president of California’s Death Penalty Focus

Since the death penalty was reinstated 30 years ago, at least three innocent people have been executed and 123 wrongfully convicted people have been freed from death row. Today, nearly 3,500 people are on death row in the United States; almost 20 percent of them, more than 650 people, are in California.

The death penalty system is riddled with flaws. The quality of an individual’s legal defense, his or her race, and the geographic location where the incident took place have more influence on who will be sentenced to die than the facts of the crime.

The ACLU believes the death penalty fails victims and fails to promote public safety. Further, we believe that the death penalty is cruel and unusual punishment. Discriminatory and flawed application of the death penalty violates our rights to equal justice and due process of law.

### Fighting to Lift a Chemical Curtain

The ACLU of Northern California filed a lawsuit last spring challenging California’s three-drug execution protocol. Filed on behalf of Pacific News Service, *PNS v. Woodford* argues that one of the drugs in the three-drug regimen used to carry out executions in California acts as a chemical curtain. The news service believes pancuronium bromide, a drug that paralyzes the body’s voluntary muscles, conceals significant information such as whether the person is suffering, thereby violating the First Amendment rights of the press and the public to be fully informed about executions.

The ACLU-NC is seeking a permanent injunction to prevent the California Department of Corrections and San Quentin State Prison from using pancuronium bromide.

### Conference Shows Faces of Wrongful Conviction

In April, the ACLU stepped up its campaign against capital punishment by holding a “Faces of Wrongful Conviction” conference at the UCLA Law School. The conference illustrated the tragedies of wrongful conviction and the unfair application of the death penalty. Since 1990, more than 200 people have been freed from California prisons after being found innocent of the crimes for which they were convicted. Some were imprisoned for more than 20 years until new evidence proved their innocence.

### Commission Investigates Causes of Wrongful Convictions in California

In 2004, the California Senate created a special commission to investigate the flaws in California’s criminal justice system and to recommend specific reforms to ensure that the system is just, fair, and accurate. The commission has already issued four reports on the most common causes of wrongful conviction. Last year, the ACLU-NC sponsored two bills based on the commission’s reports on eyewitness identification and false confessions. Both bills passed the Legislature but were vetoed by Governor Schwarzenegger. This year, the ACLU-NC will reintroduce these two bills plus a third on jailhouse informants.

### Pursuing a Moratorium on Executions

In January 2006, the California Assembly Public Safety Committee passed the Moratorium on Executions Act. The bill would have imposed a temporary, two-year suspension on executions until the State Legislature considered recommendations from the California Commission on the Fair Administration of Justice. Unfortunately, the bill was later shelved by the Assembly Appropriations Committee.

The ACLU continues to vigorously promote a moratorium in California. Since the U.S. Supreme Court reinstated the death penalty in 1976, 123 men and women have been freed from death rows across the nation after being found innocent, including six in California.



## FREE SPEECH & TECHNOLOGY

As technology advances, our rights to privacy and freedom of speech become more vulnerable to abuse. These civil liberties, guaranteed to all Americans—including journalists, online bloggers, and students—require constant, vigilant protection. Dedicated to the preservation of these rights, the ACLU of Northern California works to protect our freedom of expression from government surveillance and other forms of suppression.

### ACLU-NC Defends Journalist's First Amendment Rights

In August 2006, when independent journalist and videographer Josh Wolf refused a federal grand jury's order to turn over raw footage he shot at a San Francisco protest, he was sent to prison for a month.

Citing the First Amendment reporters' privilege, which protects journalists' unpublished material from compelled disclosure by judicial process, Wolf asserted his right to withhold the material. Three weeks after his release, a three-judge panel ordered that Wolf's bail be revoked unless he cooperated with the grand jury. Refusing again, Wolf was sent back to prison, with the longest jail term that any journalist has ever served for refusing to turn over privileged materials.

The ACLU-NC filed an amicus brief in Wolf's case in the U.S. District Court of the Northern District of California and then the Ninth Circuit. ACLU-NC Legal Director Alan Schlosser stated that the court order "destroys Mr. Wolf's significant First Amendment interests, undermines the public interest in an active and free press, and abdicates the necessary judicial role in balancing the First Amendment and the government."

### Labor Lawyer Gag Order Lifted

For years, state labor lawyers have made public speaking appearances to help people better understand laws and regulations concerning workers' rights. These speaking engagements came under attack last year when the state Division of Labor Standards Enforcement (DLSE) issued a gag order prohibiting public employees from speaking in public about the work of the agency or the laws it enforces.

In a letter to the DLSE, The ACLU-NC challenged the rule as a violation of employees' First Amendment rights, and threatened to sue. The state quickly withdrew its policy.

### Students Walk Out for Immigration Rights

Last spring, California students took up the banner of immigrants' rights, participating in marches that swept the nation. Because many of these protests took place during school hours, youth participation often involved walking out of school. Some educators and law enforcement officials threatened students with severe penalties if they left class to attend the protests. The ACLU, along with other Bay Area legal groups, called on educators, administrators, and law enforcement officials to respect the students' rights. ACLU attorneys sent California school superintendents a letter, explaining the legal limits on punishments they could impose on students. This preemptive action helped guide schools toward responding to student activism through an educational lens, rather than a punitive one.

### California's Highest Court Rules in Favor of Internet Free Speech

In a victory for digital free speech, the California Supreme Court ruled in November 2006 that providers or users of interactive computer services cannot be held liable for posting material on the Internet that was written by someone else. The ruling affirmed that blogs, websites, listservs, Internet service providers (ISPs), and individuals are all protected under Section 230 of the federal Communications Decency Act (CDA).

"An innocent man went to jail for upholding the First Amendment."

Alan Schlosser, ACLU-NC Legal Director, referring to Josh Wolf

The decision addresses two important issues. First, the Court said that Section 230 provides immunity from liability to those who disseminate the speech of other people, regardless of whether the disseminator knew or should have known that the content in question was defamatory. The Court noted that the “knew or should have known” standard was intended to protect free discussion of controversial subjects on the Internet. Equally important, the Court ruled that Section 230’s immunity applies not just to interactive communications services, such as ISPs like AOL, but to ordinary Internet users who pass on information provided by someone else.

“By reaffirming that Congress intended to grant protection under Section 230, the California Supreme Court has ensured that the Internet will remain a vibrant forum for debate and the free exchange of ideas,” said ACLU-NC staff attorney Ann Brick.

## Bloggers Rights Upheld

When Justin Watt saw a billboard reading, “Gay? Unhappy? www.exodus.to,” he decided to post his own version that read, “Straight? Unhappy? www.gay.com” on his own website. Counsel for the “ex-gay” Exodus ministry fired off a cease-and-desist letter to Watt, claiming the parody violated Exodus’ intellectual property rights and threatening legal action if it was not removed.

However, such parodies are protected by the First Amendment as a form of political commentary. After the ACLU-NC came to Watt’s defense, Exodus dropped its attempt to censor Watt.

## RFID Bill Victory in the Legislature

In 2006, Senator Joe Simitian (D-Palo Alto) introduced the Identity Information Protection Act, which would have ensured that state-issued forms of identification, such as drivers’ licenses, have adequate privacy and security protections. While the bill passed the legislature with broad bipartisan support, it was vetoed by Governor Schwarzenegger in the final hours of the 2006 legislative session.

Undaunted, Simitian has reintroduced the bill, which seeks to build privacy and security safeguards into the use of Radio Frequency Identification (RFID) tags. RFIDs are tiny computer chips that can be encoded with information such as personal records. Often used to track cattle and inventory, they are now increasingly being embedded into identification cards such as building access badges and passports. Without proper privacy and security protections, RFID tags can be read by an unauthorized reader and then used for improper purposes.

The ACLU has been working to bring attention to the risks associated with the use of RFID technology in identification documents, and advocating for the passage of the Identity Information Protection Act. If signed by the Governor, the legislation will enable Californians to decide who and when others can access their personal information.

## Balancing WiFi Access With Right to Privacy

Cities throughout Northern California are developing new municipal wireless Internet programs, often called WiFi, with little regard for the privacy and free speech implications of such systems. Many of these communities are considering systems that track users’ identities, websites viewed, and the location from which individuals access information.

The ACLU-NC applauds efforts to offer wider access to information, but emphasizes that community members must not be forced to pay for wireless access with their privacy and free speech rights. The organization is evaluating vendor proposals and educating the public and local leaders about what policies and procedures must be put in place to safeguard the privacy and free speech of users.

“The state agency responsible for enforcing employees’ rights was ready to violate its own employees’ most precious right—the right to free expression.”

Labor lawyer Anne Hipshman





ACLU-NC leaders answer questions about the lawsuits the California affiliates filed in state court in May 2006 requesting injunctions against AT&T and Verizon to prevent them from illegally providing the National Security Agency with the personal phone records of millions of California customers. From left to right: ACLU-NC attorney Nicole Ozer, former ACLU-NC Executive Director Dorothy Ehrlich, and ACLU-NC attorney Ann Brick.

## GOVERNMENT SURVEILLANCE

Each day we read new accounts about our government’s abuse of power. As video, audio, and Internet technologies improve, so does the government’s ability to spy on us. Now, for example, video cameras perched on utility poles can zoom in to reveal the title of the book you are reading, the name of the doctor’s office you are entering, or the face of the person you are talking to or kissing goodbye. Everything the cameras see and hear can be stored in perpetuity on a hard drive or in a database.

Left unchecked, surveillance of ordinary Americans can become rampant. The ACLU of Northern California is fighting this trend and working to prevent the government from illegally tracking individuals or violating their privacy. During the coming year, we will continue to respond to emerging threats posed by government surveillance and will work to educate the public and advocate against harmful practices and policies.

### Tracked in America

Since 9/11, government surveillance has been on the rise, eroding American civil liberties. But being tracked in America is hardly new. In November 2006, the ACLU-NC and a coalition of human rights, civil rights, and educational organizations launched an online documentary to educate millions of people, young and old, about government surveillance from World War I to the present day. The *Tracked in America* website explores more than two centuries of surveillance in America.

“This is the first time in the history of our organization that we will try to reach hundreds of thousands of individuals in this manner,” said Maya Harris, ACLU-NC Executive Director. “We believe that this particular topic—the history of U.S. government surveillance—is especially relevant as we continue to face the erosion of our civil liberties since 9/11.”

*Tracked in America* tells the compelling stories of 25 individuals who have been the targets of government surveillance. Excerpts from the documentary appear on page 12 of this report, and visit *Tracked in America* directly at [www.trackedinamerica.org](http://www.trackedinamerica.org).

### Exiled Muslim-Americans Return Home

Muhammad Ismail, a naturalized U.S. citizen, and his California-born 18-year-old son, Jaber, never imagined they would be barred from entering their own country. But last April, they were stuck in legal limbo in Pakistan, separated from the rest of their family. They were told they could not return to the United States unless they submitted to FBI interrogations and lie detector tests.

The Ismails sought help from the ACLU-NC, which filed a complaint with the Department of Homeland Security. In October, the Ismails were finally able to return home.



## State of Surveillance Report Released

The ACLU-NC released its *State of Surveillance* report in August, documenting a disturbing trend in the monitoring of political activities of Californians. The report analyzes current law enforcement policy in federal, state, and local agencies, and recommends specific policy reforms to safeguard Californians' rights to privacy and free speech.

## ACLU-NC Files for Information on Monitored UC Students

In March 2006, the ACLU and the *San Francisco Bay Guardian* filed a lawsuit seeking expedited processing for their request for information held by the U.S. Department of Defense. Members of two University of California student groups discovered their activities were being monitored when NBC News reported that a secret Pentagon anti-terrorist database contained information on anti-war protests across the country. In May, the United States District Court granted the motion, and the ACLU-NC has since received the information.

"The public has a right to know the extent to which the Defense Department is spying on political protest," said ACLU cooperating attorney Amitai Schwartz. "Today the Court moved us one step closer to finding out what really happened."

## AT&T & Verizon Targeted for Spying

When the story broke that telecommunications giants AT&T and Verizon had illegally provided the National Security Agency with the personal phone records of millions of California customers, the ACLU sprang into action. The three ACLU California affiliates (Northern California, Southern California, and San Diego & Imperial Counties) filed lawsuits against AT&T and Verizon, requesting injunctions to stop the companies from providing calling records without a warrant, court order, or the consent of their customers. The suit asserts that the telephone providers violated Californians' constitutional and state law rights to privacy.

## State Finds Peace Activists' Civil Rights Were Violated

After reading an obituary published in the *Fresno Bee*, members of the anti-war group Peace Fresno discovered that one of their members had actually been a government agent who infiltrated the group in 2003. The ACLU and Peace Fresno urged the state Attorney General to investigate the Fresno County Sheriff Department's Anti-Terrorism unit's role in conducting surveillance. In February 2006, Attorney General Bill Lockyer found that there was "a strong case the Fresno County Sheriff's Department violated the civil rights of members of Peace Fresno."

## "No Fly" Lawsuit Settled

In January, the federal government settled the ACLU-NC's "No Fly" case, ending a lawsuit that succeeded in making public, for the first time, hundreds of records about the government's secret "No Fly" list used to screen airline passengers after September 11, 2001.



Dan Yaseen discusses the infiltration of the anti-war group Peace Fresno by the Fresno County Sheriff Department. Beside him is ACLU-NC attorney Mark Schlosberg.

## National Town Hall Meeting Held in San Francisco

The ACLU-NC and the Bar Association of San Francisco held a national town hall meeting in September 2006 to bring diverse voices together for a stimulating conversation meant to spark an increase in local activism. National ACLU Executive Director Anthony Romero was joined by John Dean, former White House counsel under President Richard Nixon; Banafsheh Akhlaghi, President and founder of the National Legal Sanctuary for Community Advancement; and Ruth Obel-Jorgenson, former President of a California State Fresno student group that was the target of government spying. Over 200 people attended, and many of them took action, emailing their elected representatives about surveillance and civil liberties.

"I never imagined that the country I was born in would stop me from coming home for five months and separate me from my family, especially when I was not even charged with a crime."

Jaber Ismail

Devin Baker (left) and Art Adams are among the plaintiffs in *Woo v. Lockyer*.



## LGBT RIGHTS

While the fight for equal rights for lesbian, gay, bisexual and transgender people has been advancing in some parts of the world (marriage for same-sex couples is now legal in four countries), there is still much work to do here at home. Last November, voters in seven states passed constitutional amendments denying marriage protections to same-sex couples. In California, a civil rights measure that would have removed the barrier to same-sex couples' ability to marry passed through the state legislature, only to be vetoed by Governor Schwarzenegger. Locally, San Francisco's Castro district was home to a series of violent assaults on LGBT community members.

LGBT people and their allies are fighting back, mobilizing to form neighborhood watch groups and advocating for better police protection. And as individuals are taking back their neighborhoods, so are the ACLU of Northern California and the national ACLU Lesbian Gay Bisexual Transgender Project fighting discrimination through precedent-setting litigation, public-policy advocacy, and public education.

### Same-Sex Marriage Case Making Its Way Through the Courts

When San Francisco Mayor Gavin Newsom directed city officials to issue marriage licenses to same-sex couples in February 2004, the city was alive with joy and hope. The elation was short-lived, however, as the California Supreme Court ordered Newsom to stop issuing the licenses a month later. In March 2004, the ACLU's northern and southern California affiliates, the National Center for Lesbian Rights, and Lambda Legal filed *Woo v. Lockyer* on behalf of 12 couples in lifelong relationships. The suits charged that denying same-sex couples the ability to marry violates the California Constitution.

### The Battle for Marriage Equality Continues

In March 2005, San Francisco Superior Court Judge Richard A. Kramer ruled that barring same-sex couples from marriage discriminates on the basis of gender and violates the fundamental right to marry. The Court of Appeal disagreed and overturned Kramer's decision in October 2006.

Later in the year, civil rights proponents were given reason to hope again. On December 20, the California Supreme Court agreed to hear appeals in six lawsuits seeking marriage for same-sex couples. Now the Supreme Court will decide whether California can continue to deny same-sex couples the ability to marry.

In addition to the ACLU's northern and southern California affiliates, the National Center for Lesbian Rights, and Lambda Legal,

who serve as counsel for the plaintiffs, more than 250 religious and civil rights groups, including the California NAACP, Mexican American Legal Defense and Educational Fund, and the California Council of Churches, have filed amicus briefs, urging the court to end state laws that deny same-sex couples the ability to marry.

### Los Altos City Council Lifts LGBT Proclamation Ban

After students of the Gay Straight Alliance at Los Altos High School asked the city council to proclaim Gay Pride Day in Los Altos, the council responded by barring all proclamations pertaining to sexual orientation. However, after the ACLU helped to organize students and other concerned residents to oppose the ban and more than 50 local business owners petitioned to end the "embarrassing" rule, which they said was bad for the city's reputation, the council reversed itself. Now the Los Altos mayor can issue a proclamation to any local resident, organization or event without formal action of the council. The Gay Straight Alliance plans to seek another proclamation this year.

"Discriminatory laws cannot be justified simply because such constitutional violation has become traditional."

San Francisco Superior Court Judge  
Richard Kramer

## POLICE PRACTICES

When those whose job it is to “protect and serve” us abuse their power—and our civil rights—is there any recourse? The answer is, “yes.” By monitoring abuses such as racial profiling and the use of excessive force, the ACLU-NC’s Police Practices Project works to ensure that police officers do their jobs without violating individuals’ constitutional rights.

### ACLU-NC Seeks to Prevent Video Surveillance Abuse

Don’t smile. You may be on candid camera more than you know. The use of sophisticated video cameras is on the rise in Northern California and across the nation. This new technology is an invasion of our privacy and creates the potential for new forms of abuse.

The ACLU of Northern California is stepping up its efforts to combat the proliferation of video surveillance and its corresponding threat to privacy. In response to local advocacy by the ACLU-NC and community members, for example, the San Francisco Police Commission is considering restricting the use of video surveillance cameras, and is requesting a comprehensive evaluation of the cameras’ effectiveness and impact on the community by mid-year 2007.

### Hearings Hidden From Public View

In a blow to government transparency, Alameda County Judge Winifred Smith ruled that the Berkeley’s Police Review Commission (PRC) hearings can no longer be open to the public. Smith cited a state Supreme Court ruling last August, which said state law requires police personnel records to be kept

private. Many cities across the state, including San Francisco and Oakland, had halted public police-misconduct proceedings after the Supreme Court ruling.

### ACLU Calls for Greater Disclosure of San Jose Police Records

While the San Jose Police Department (SJPD) was the first in California to implement a racial profiling data collection program, the ACLU-NC has now found the department to be uncooperative in making those records public. The records document how police officers treat members of the community and respond to calls for service. Restricting public access to those documents undermines trust in San Jose law enforcement and erodes community support.

In May 2006, the ACLU-NC joined with community leaders to create the San Jose Sunshine Reform Task Force to provide greater public disclosure of city records, including police documentation.

“It is a shame that the SJPD may be backing away from its public commitment. Access to data is critical to maintaining community trust in law enforcement.”

Sanjeev Bery, ACLU-NC San Jose Director



A bulldozer dumps the belongings of Fresno’s homeless during one of the city’s numerous raids.

### Gang Injunctions Limit Civil Liberties

After the San Francisco City Attorney requested a sweeping civil injunction against an alleged gang in San Francisco’s Bayview-Hunters Point, the ACLU-NC filed an amicus brief asking the Court to deny the request. The ACLU has urged the Court to direct the City to provide adequate notice to individuals it intends to serve with injunctions, and give them the opportunity to have their day in court to contest the allegations.

### Unlawful Raids of Fresno Homeless Stopped

The City of Fresno has carried out numerous raids of areas where homeless people live, destroying their personal belongings, family photos, medication, tents, and blankets. Fresno’s police and sanitation workers used bulldozers and garbage trucks to crush belongings on the spot, before the homeless owners’ very eyes.

The ACLU-NC, the Lawyers’ Committee for Civil Rights, and the law firm of Heller Ehrman, LLP filed a lawsuit, securing a preliminary injunction halting these unlawful raids.



## RACIAL JUSTICE

While great strides have been made in the fight for racial justice, numerous influences—political, social, economic—continue to work against true equality. Established in 1998, the ACLU-NC's Racial Justice Project is committed to combating racism in all its forms. By waging campaigns on a range of issues and engaging in local and statewide advocacy efforts, the Project has a particular focus on eliminating racial bias in the criminal justice system and achieving educational equity.

### Victory in Voting Rights Case

In a resounding victory for voting rights, the California Court of Appeal ruled in December 2006 to restore the voting rights of more than 145,000 Californians who had been wrongfully disenfranchised—mainly young men of color with non-violent felony convictions. In November 2005, the California Attorney General issued an opinion that wrongfully prohibited these individuals from voting. In response, the ACLU-NC filed a lawsuit, along with our co-counsel, The Social Justice Law Center, to clarify the scope of California's felony disenfranchisement law. Relying on the plain language and legislative history of the California Constitution, the Legislature and Secretary of State's consistent interpretations of the constitutional provision, and the practical implication of the Attorney General's opinion, we argued that felony probationers are clearly entitled to vote under California law. A unanimous panel of the Court of Appeal agreed, restoring these individuals' voting rights.

### Every Vote Counts Campaign Launched

Through our work on voting rights, we have found that there is much confusion and misinformation in California about the voting rights of individuals who have a criminal conviction. We launched the *Every Vote Counts* campaign to ensure that all eligible voters can participate in the political process and that individuals are not disenfranchised due to a lack of information. As part of our campaign, we conducted extensive outreach and advertising including radio Public Service Announcements and posting bus shelter and billboard advertisements. We collaborated with California Probation Offices to distribute our Know Your Rights information to probationers statewide, and we disseminated these materials to community-based organizations, public defender offices, and libraries throughout the region.

### Investigating Harassment of Native American Students

When reports of harassment and unfair treatment of Native American school children in the small town of Bishop began cropping up, the ACLU-NC, California Indian Legal Services (CILS), and Morgan, Lewis and Bockius LLP joined forces to investigate and

halt any such practices. With a population of approximately 5,000, Bishop is home to nearly 1,600 members of the Paiute Tribe.

The ACLU-NC, CILS, and Morgan, Lewis and Bockius LLP are investigating allegations of discriminatory school disciplining of Native American children. Many residents are concerned about the ability of Native American children to learn and receive equal educational opportunity in this environment.

"As a chief probation officer for over 20 years, I believe that voting is an important part of re-integrating probationers back into community and civic life."

Jim Moffett, Chief Probation Officer for Inyo County, participant in the *Every Vote Counts* campaign.

# REPRODUCTIVE RIGHTS

For the past 30 years, the ACLU of Northern California has led the reproductive rights movement in California and become a resource for advocates throughout the United States. We are working toward a world in which all people have the freedom, resources, information, and health care to decide when and whether to have children. We have a long way to go.

## Anti-Choice Measure Goes Down to Defeat

For the second year in a row, California voters rejected a dangerous initiative to restrict young women's reproductive rights. Proposition 85, like Proposition 73 on the 2005 ballot, would have required parental notification or court orders for teenagers under 18 seeking abortions. The initiatives were a response to a landmark California Supreme Court decision in an ACLU lawsuit that showed that parental involvement laws endanger vulnerable teens. ACLU-NC Organizing Director Justine Sarver was the deputy campaign manager of the Campaign for Real Teen Safety. ACLU-NC staff attorney Margaret Crosby, who argued the Supreme Court case, provided empirical research on the dangers posed by Proposition 85. And dozens of ACLU staff, Board and chapter activists worked tirelessly to help win this important victory for the health and rights of young women.

## Progress Seen in Ensuring Medically Accurate Sex Ed in Public Schools

The ACLU is at the forefront of an effort to ensure that biased and inaccurate abstinence-only sex education, promoted by the federal government, has no place in California schools. SB71, the 2004 law that the ACLU co-sponsored, requires that sex education be science-based and comprehensive, and is a model for other states. Since the law was enacted, the ACLU has helped parents use it to convince their school districts to abandon biased and inaccurate abstinence-only programs and has also worked with state agencies to facilitate its implementation. Our work on sex education has also created the opportunity to link reproductive rights with other social and educational justice issues.

## Governor Vetoes ACLU-Sponsored Sexual Health Education Bill

Reproductive rights advocates applauded when the Legislature passed SB 1471 (Kuehl), a bill requiring state-funded sex education programs to be comprehensive, medically accurate, and bias-free. Co-sponsored by the ACLU and Planned Parenthood, the bill sought to ensure that tax dollars are not used for ineffective abstinence-only sex education programs. It would also have aligned the standards for community-based programs with existing standards for school-based programs. This is particularly important because publicly-funded programs serve disadvantaged communities with high rates of unintended teen pregnancy and sexually transmitted diseases. Unfortunately, Governor Schwarzenegger vetoed SB 1471. The bill has been reintroduced as AB 629.



Demonstrators protest against Prop 85, the anti-choice initiative that lost in November.

## ACLU Supports Lawsuit Challenging Federal Anti-Abortion Rider

The ACLU filed a friend of the court brief in support of the California Attorney General's challenge to the Weldon Amendment, a rider that threatens to deprive the state of billions of federal dollars for enforcing laws that protect access to abortion. The ACLU filed the brief on behalf of the California Medical Association and Planned Parenthood Affiliates of California, presenting medical facts that document how the Weldon Amendment unconstitutionally threatens women's health and lives.

## ACLU Publishes *Your Health, Your Rights* Guide for Teens

The ACLU has created *Your Health, Your Rights*, a guide for California teens about their rights to privacy and reproductive health care. The guide covers such topics as access to birth control, including emergency contraception, prenatal care, abortion, adoption, and HIV/AIDS testing, as well as laws on confidentiality, warnings about crisis pregnancy centers, and funding for services. The guide is available on the Internet and will be distributed throughout the state in English and Spanish.



## TRACKED IN AMERICA: PERSONAL STORIES

### Will Bergfeld: Anti-War is Not Unpatriotic

Will Bergfeld was proud of his German heritage and his American citizenship. But when World War I broke out, his loyalties and political activities suddenly became suspect. All that Bergfeld's granddaughter, Janice Windle, knew was that he'd been a hard-working rural mail carrier and union organizer in Texas. While working on a book about her family, she was shocked to discover the extent of the wartime persecution her grandfather and other German-Americans had undergone.

### Fred Korematsu: I Am an American!

Fred Korematsu was an American citizen and the son of Japanese immigrants who lived in the San Francisco Bay Area. When Japan attacked Pearl Harbor, President Roosevelt ordered Japanese-Americans to be put in internment camps. Korematsu refused to evacuate and was arrested, convicted, and sent to the Topaz Internment Camp in Utah. With the help of the ACLU of Northern California's Ernest Besig, Korematsu sued the U.S. government for violating his constitutional rights. Although the first lawsuit was unsuccessful, years later, UC San Diego law professor Peter Irons discovered new evidence exonerating Korematsu. Thirty-nine years after his arrest, Korematsu finally succeeded in reversing his conviction. In 1998, Korematsu was awarded the Presidential Medal of Freedom.

### Vincent and Vivian Hallinan: The Fighting Hallinans

Vincent Hallinan's battles with the government were legendary. A staunch supporter of labor and the left, he represented numerous controversial political figures, including union organizer Harry Bridges. The U.S. government harassed and intimidated Vincent Hallinan and his wife, Vivian, throughout their careers, jailing Vincent twice and disbaring him. During the McCarthy era, the Hallinans' son Conn was shunned by his peers and branded a "Commie." Though proud of his father, Conn and his siblings suffered greatly because of their parents' fight for justice and civil liberties.

### Eleanor Holmes: Mississippi Surveillance

U.S. Rep. Eleanor Holmes Norton (D-D.C.) was in college when the 1955 Montgomery bus boycott propelled the civil rights movement onto the national stage. Having grown up in segregated Washington, D.C., Norton wanted to further the cause of racial equality. She organized sit-ins in Ohio and Maryland and traveled to Mississippi with the Student Non-violent Coordinating Committee (SNCC). The intensity of violence and repression Norton saw in the South inspired her lifelong commitment to social activism, culminating in her 1990 election as a nonvoting delegate to the House of Representatives.

### Reverend John Fife: Arrested for Providing Safe Haven

The story of Rev. John Fife is the personification of the age-old dictum, "practice what you preach." Fife was an American who became outraged at the United States' foreign policy toward Latin America during the 1980s. El Salvadoran and Guatemalan people who fled death squads in their countries were deemed illegal aliens in ours. Fife and his congregants joined the Sanctuary Movement, uniting with a network of churches and individuals who set up safe havens for refugees. Suspicious of the movement, the U.S. government used covert surveillance to track and record worship services, Bible study groups, and pastors' conversations inside Fife's church. The evidence was used to arrest and prosecute Fife and others. Undeterred, Fife continues his work for immigration rights today.

### Samina Sundas: Targeting American Muslims

Founder of American Muslim Voice, Samina Sundas helped her fellow Muslims and Pakistani-Americans integrate into mainstream American society. When the National Security Entry-Exit Registration System (NSEERS, also known as the Special Registration program) was instituted in September 2002, Muslims all over the United States contacted her, confused and worried about how it would affect them. Despite repeated attempts and several meetings, Sundas couldn't get clear answers from federal immigration officials about NSEERS. In response, she set up an ad hoc hotline for Muslims that has since become part of American Muslim Voice.



## YOUTH

“Change is possible. It may be small and incremental, but it is possible.”

Kiran Savage-Sangwan,  
youth activist

“The younger generation is knocking at the door,” George Bernard Shaw once said, and the ACLU-NC’s Howard A. Friedman First Amendment Education Project is making sure that door opens wide. Named for civil libertarian and former ACLU-NC board chair Howard Friedman, the Project is dedicated to educating young people about civil rights and civil liberties. Working with high school students and teachers to improve their understanding of the core principles underlying the Bill of Rights, the Project helps make the connection between constitutional rights and the issues that students face in their everyday lives.

Friedman Education Project high school students visit the Center for Young Women’s Development during their investigation of economic injustice.



### Students Take to the Road to Learn About Economic Justice

In August 2006, ACLU-NC’s Friedman Project students took their learning on the road, as they devoted themselves to a week-long exploration of economic justice. The study, entitled “Access Denied: A Youth Study of Education, Employment, and Economic Injustice,” gave students the opportunity to meet with dozens of community groups, social justice organizations, unions, lawyers, and poets across Northern California. Now the students are facilitating educational workshops in classrooms and communities to pass on what they’ve learned.

### Student Conference Convened at Berkeley

The Friedman Project held its one-day spring conference in March at UC Berkeley. It brought together high school students from throughout Northern California and covered a wide range of issues, including the prison industrial complex, juvenile justice system, and lesbian, gay, bisexual, transgender, and intersex rights.

### Kiran Savage-Sangwan Honored

The national ACLU honored Davis High School senior Kiran Savage-Sangwan with its most prestigious youth award, the 2006 ACLU Youth Activist Scholarship. Savage-Sangwan is among nine students nationwide selected to receive the \$4,000 grant, which was applied to her college tuition in the fall.

The scholarship was established in 1999 to reward young men and women who are active participants in a civil liberties struggle while in high school. Savage-Sangwan first became a member of the ACLU when she was 13, as she was confronted by the degradation of civil liberties in her community after 9/11. In high school, she joined the Youth Activist Committee (YAC) of the ACLU-NC’s Friedman Project. During her time there, Savage-Sangwan organized and led workshops and participated in YAC summer field investigations on sexism and juvenile justice. Using the knowledge she acquired, she helped organize protests and events, write letters to officials, and create educational films. A leader in the school’s Gay Straight Alliance, Savage-Sangwan organized the high school’s first Transgender Day of Remembrance, as well as a Day of Silence to protest the silencing of marginalized groups on campus.

## MEMBERSHIP AND VOLUNTEERS



Prop 85 volunteers in action.

It was 1912 when Indiana Senator Albert Jeremiah Beveridge said the Progressive Party, “has come from the grass roots. It has grown from the soil of people’s hard necessities.” The senator probably had no idea he was coining a phrase that carries such vitality to this day.

For the ACLU of Northern California today, “grass roots” means 15 chapters located throughout Northern California, comprising hundreds of volunteers who staff phone banks, carry out letter-writing campaigns, walk door-to-door, and put on community events. Their efforts educate local residents about threats to their civil liberties and offer proven strategies and tactics to protect them.

Each chapter works to address a variety of civil liberties issues in its region, as well as organize around statewide and national ACLU campaigns. Through a system of grassroots outreach, our chapter connects with ordinary citizens as well as more than 55,000 ACLU-NC members dedicated to fighting for our civil liberties.

### Case in Point: Chapters Succeed in Defeating Prop. 85

In 2006, chapter activists throughout Northern California were instrumental in helping to defeat Proposition 85, a dangerous initiative that would have required minors to notify their parents if they intended to obtain an abortion. ACLU volunteers donated thousands of hours to raise awareness about Prop. 85 and get out the vote.

Oakland’s Paul Robeson chapter sprang into action, holding volunteer trainings. Ashley Morris of the Berkeley ACLU club organized multiple campus events and house parties, with the Mills College Choice USA club as co-host. Elizabeth Zitrin of the San Francisco chapter raised hundreds of dollars to support the campaign at her house party. Our Yolo, San Joaquin and Sonoma county chapters also organized similar events in their regions.

ACLU-NC Organizing Director Justine Sarver spoke about reproductive rights at the Mid Peninsula chapter’s annual meeting; Santa Clara University Law School’s ACLU club ran voter drives; Fresno County’s re-

emerging chapter organized a large downtown visibility event; and our Mt. Diablo and Stanislaus chapters incorporated the “No on 85” message at several local college events.

Most of our chapters also staffed tables with “No on 85” materials at various community events, and several chapters included these materials in their membership mailings. Their efforts informed hundreds of thousands of voters about the corrosive effects Proposition 85 would have on reproductive freedom.

On Election Day, the time, money, and energy of our volunteers and members paid off. Proposition 85 was soundly defeated.

### We Couldn’t Do It Without You

The most valuable resources we had in this campaign and in every other are our members, our chapters, and hundreds of dedicated volunteers. To you we say congratulations. And many, many thanks. Your efforts make a real and positive impact on the lives of Californians and all Americans every day.

### ACLU-NC CHAPTER ROSTER 2006 CHAPTERS

#### CHAPTERS

- BARK (Berkeley, Albany, Richmond, Kensington)
  - + Plus
- Marin County
- Mid Peninsula
- Monterey County
- Mt. Diablo (Contra Costa County)
- North Peninsula (San Mateo County)
- Paul Robeson (Oakland)
- Redwood (Humboldt County)
- San Francisco
- San Joaquin County
- Santa Clara Valley (Mid & Southern Santa Clara County)
- Santa Cruz County
- Sonoma County
- Stanislaus County
- Yolo County

#### ORGANIZING CHAPTERS

- Sacramento County
- Chico and the North Valley
- Greater Fresno
- Shasta-Trinity Counties

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- Nora Dye
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- Amanda Gelender

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- Max Hartman
- Patrick Hennessey
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- Kaitlin Keleher
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- Dan Halpern
- Joseph Itiel
- Carol Johnson
- Karen Kerner
- Cal Kurzman
- Jane Moisan

- Richard Muir
- Ian Newman
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- Carole Shein
- Shirley Sidd
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- Stephen Korda
- Claire Marblestone
- Devin McCutchen
- Cheri Nelms
- Diem Pham
- Jocelyn Picon
- Amanda Westendorf
- Dan Zlotoff

## ACLU COOPERATING ATTORNEYS AND LAW FIRMS

We thank the following firms and individuals who donated services during 2006.

Your hard work and commitment are deeply appreciated by all the ACLU community.

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- Wilson, Sonsini, Goodrich & Rosati

# 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 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. The work of the Development Committee is supported by the development department staff: Director of Development Cheri Bryant, with Danielle Deutsch, Shana Heller, Sandy Holmes, Denise Mock, Robert Nakatani, Erin Scott, Cori Stell, Jeff Vessels, Michael Woolsey, and Stan Yogi.

## Fundraising Campaigns and Volunteers

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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

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All gifts and membership dues are shared between the national ACLU and the ACLU 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. Gifts may be made via mail or online at [www.aclunc.org](http://www.aclunc.org).

### United Way Donor Option Gifts

You may choose to designate the ACLU Foundation through your workplace giving campaign.

### Gifts of Stock or Securities

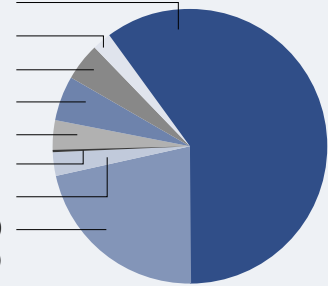
Making a gift of appreciated stock, securities, or mutual fund shares can be very advantageous from a tax point of view. Call the Development Department for information about the easiest ways to transfer stock ownership.



## ACLU FOUNDATION OF NORTHERN CALIFORNIA OPERATING INCOME AND EXPENSES 2005-06

### Support and Revenue

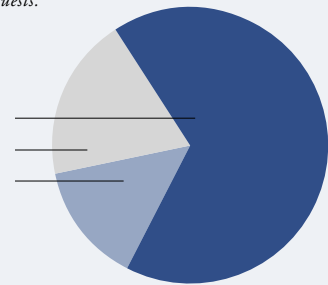
Individual Contributions	\$ 12,646,268
Restricted Foundation Grants	\$ 493,000
Bequest Contributions	\$ 941,319
Court Awarded Attorney Fees	\$ 1,080,107
In-Kind Legal Contributions	\$ 748,988
Other Income	\$ 6,834
Investment Income/(Loss)	\$ 591,656
Restricted to Capital Campaign	(\$ 4,525,198)
Transfer to Reserves	(\$ 161,425)
National ACLU share*	(\$ 6,371,886)
<b>Total</b>	<b>\$ 5,449,663</b>



\*Indicates sharing with National ACLU of contributions and bequests.

### Expenses

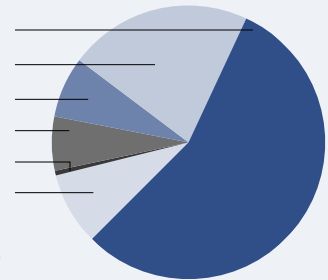
Program Services	\$ 3,643,193
Fundraising	\$ 1,036,744
Management and General	\$ 769,726
<b>Total</b>	<b>\$ 5,449,663</b>



## ACLU OF NORTHERN CALIFORNIA OPERATING INCOME AND EXPENSES 2005-06

### Support and Revenue

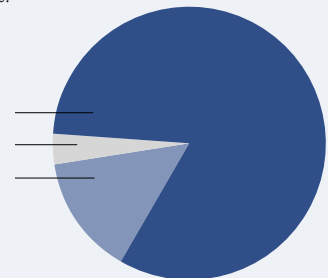
Membership dues	\$ 1,752,257
Public Contributions	\$ 679,162
Bequests	\$ 224,470
Reimbursement for Legis. Ofc	\$ 198,299
Investment Income and Other	\$ 23,397
Grant from ACLU Foundation	\$ 264,408
National ACLU share*	(\$ 1,297,256)
Transfer to Reserves	(\$ 380,013)
<b>Total</b>	<b>\$ 1,464,724</b>



\*Indicates sharing with National ACLU of contributions and dues.

### Expenses

Program Services	\$ 1,207,904
Fundraising	\$ 50,413
Management and General	\$ 206,407
<b>Total</b>	<b>\$ 1,464,724</b>



Source: Audited Financial Statements for the year ending March 31, 2006, by Harrington Group. Complete copies available at [www.aclunc.org](http://www.aclunc.org) or by writing: ACLU, 39 Drumm Street, San Francisco, CA 94111.

### Insurance and Retirement Accounts

You may designate the ACLU or ACLU Foundation as beneficiary of your life insurance policy, IRA plan or pension.

### Direct IRA Transfer

If you are at least 70 1/2 years old, you can transfer up to \$100,000 directly to the ACLU Foundation from your IRA. You would not be taxed for the transfer, and your contribution would satisfy your Required Minimum Distribution. This is a limited opportunity. You have until December 31, 2007 to transfer IRA assets directly to the ACLU Foundation.

### 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 can be 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, contact Director of Development Cheri Bryant (415) 621-2493.



ACLU of Northern California's San Francisco and San Jose Office staff.

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- Cynthia Williams
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\* Shared with ACLU of Southern California and ACLU San Diego

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**Design**  
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**Printing**  
Inkworks Press

**Cover:**

Mural design by Mitzi Trachtenberg, 2006

Some images courtesy of Bancroft Library, University of California, Berkeley

PHOTO CREDITS

**p 1**

Jock McDonald (*top*)

**p 2**

Jock McDonald (*top*)  
Lauren Reid (*bottom*)

**p 3**

Rick Rocamora

**p 6**

Gigi Pandian

**p 7**

Gigi Pandian

**p 8**

Gigi Pandian

**p 9**

Mike Rhodes

**p 11**

Lauren Reid

**p 32**

Rick Rocamora

