

Defending. Protecting. Expanding.



The ACLU of Northern California
Annual Report 2007

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Dear ACLU-NC Members and Supporters:

We are proud to share with you our 2007 Annual Report. This year, the ACLU of Northern California was at the forefront of every significant civil liberties issue in our state.

Our efforts to defend civil liberties have taken us from national security issues—such as our litigation to halt CIA flights to torture—to the defense of Latino, American-Indian, and LGBT students in small California towns who were disproportionately disciplined or harassed.

We have waged our battles in every forum imaginable.

- In the California Supreme Court, we represent same-sex couples who simply want their marriages to be recognized with dignity and the force of law.
- In the state Legislature, we helped secure the passage of the first state law in the nation to prevent municipalities from passing ordinances denying housing to tenants based on their immigration status. We also stopped 22 other anti-immigrant measures.
- In classrooms throughout Northern California, our spirited youth activists from the Howard A. Friedman First Amendment Education Project informed their fellow students about military recruitment strategies at a time when aggressive recruitment of high school students was at an all-time high.
- In city halls, school board hearings, and public meetings, ACLU advocates mobilized against invasive surveillance cameras and police abuse and in support of sex education programs that provide adolescents with comprehensive, accurate information on a wide range of topics.

Our efforts to take on these civil liberties battles have only been possible because of the unyielding support from members like you. With the establishment of three new ACLU chapters and one new campus club—in the Greater Fresno Area, Sacramento County, and Shasta-Tehama-Trinity counties, and at Golden Gate University School of Law—we now have 19 chapters and three campus clubs. Inspired by the urgency of responding to an administration that is intent on dismantling our civil liberties in the name of national security, ACLU members are giving even more generously of their time, energy, and resources.

And we need your help more than ever. For the third time in the past four years, an initiative will be on the ballot to force pregnant teenagers to tell their parents or secure a court order before they can get an abortion. Alongside it may be an initiative to amend our state constitution to ban marriage for same-sex couples. Already the ACLU is gearing up for these battles, working with coalition partners to mount the opposition campaigns.

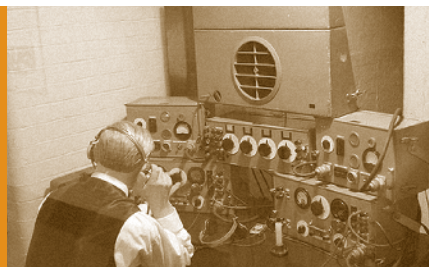
Now the largest affiliate in the country, with 55,000 members and nearly 50 staff, the ACLU-NC's capacity is bolstered by the generosity of dozens of cooperating attorneys who volunteer their time and talent, as well as our dedicated Board members whose vision and determination have made the ACLU-NC a true anchor as we fight to defend and expand our liberties.

We hope you will share our pride in the innovative ways the ACLU-NC has responded to these challenging times, and we thank you for your invaluable support.

Maya Harris
Executive Director

Ron Tyler
Chair of the Board of Directors

GOVERNMENT SURVEILLANCE AND ABUSE OF POWER



Since 9/11, the Bush administration has taken the position that the executive branch can disregard the system of checks and balances embodied in our Constitution. Illegal spying, secrecy, detention without due process, torture, and other government-sponsored activities are conducted under the guise of “national security.” Using ever-expanding technologies, these illegal acts are taking violations of civil liberties to unprecedented levels. The ACLU is fighting this abuse of power on all fronts—in the courts, in Congress, state legislatures, and local governments.

STOPPING CIA RENDITION AND TORTURE

Under the U.S. government’s “extraordinary rendition” program, alleged terror suspects are kidnapped abroad by the CIA and then transported to secret overseas detention and interrogation facilities. There, they are subjected to torture and other cruel and degrading treatment.

Working with the National ACLU, the ACLU of Northern California filed suit in federal court in San Jose against Jeppesen Dataplan, Inc., a Boeing subsidiary, in May 2007, charging that Jeppesen knowingly provided logistical services to the CIA for the clandestine flights.

“We live in a country founded on the rule of law and respect for the dignity of human beings,” said ACLU-NC Executive Director Maya Harris. “A government that practices disappearance and torture—and companies that profit from it—must be held accountable.”

In February 2008, the court dismissed the case on grounds that “state secrets” would be revealed if the case were allowed to proceed. “The court’s decision allows the government to engage in torture, declare it a state secret, and thereby escape any legal scrutiny for its actions,” said Ben Wizner, ACLU staff attorney.

The ACLU is appealing the lower court’s decision to the Ninth Circuit.

BATTLING PHONE COMPANIES TO PROTECT PRIVACY

In May 2006, USA Today ran a groundbreaking story detailing how giant telecommunications companies were turning over their customers’ personal phone records to the National Security Agency (NSA) without customers’ permission or court authorization. Two weeks later, the three ACLU California affiliates sued AT&T and Verizon Communications, Inc., to stop the companies from violating the privacy rights of millions of Californians.

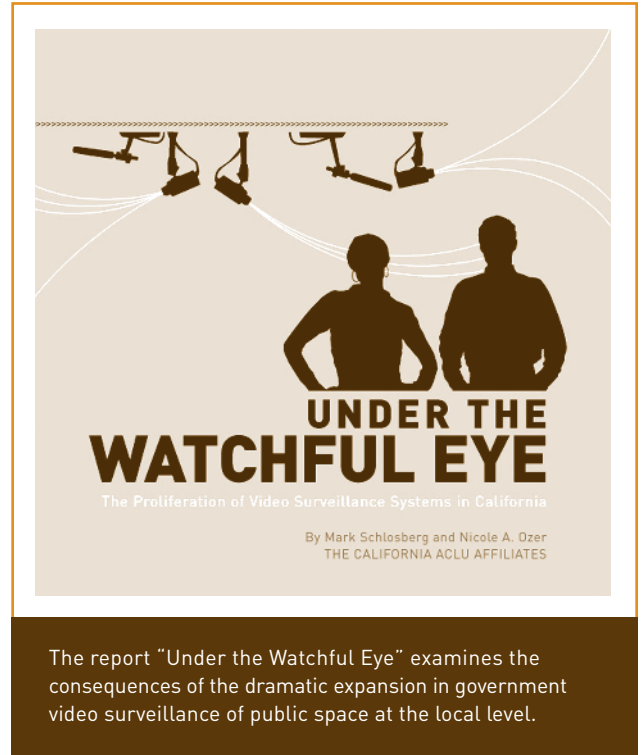
The ACLU cases allege that since Sept. 11, 2001, the telecom companies have been providing the NSA with customers’ phone records without their consent and without a warrant, court order, or any other legal process. The lawsuits were filed on behalf of more than 100,000 ACLU members statewide and individual plaintiffs, including a former congressman, a former linguist for the Army Security Agency, a constitutional law professor, journalists, psychiatrists, attorneys, and a minister.

The Bush administration has called for the dismissal of the cases on “state secrets” grounds. At the same time, the telecom companies have mounted an intensive lobbying campaign to persuade Congress to grant the companies retroactive immunity from prosecution in court. The ACLU has been working tirelessly to resist these efforts and to keep our lawsuits alive. We are engaged in a nationwide public education and grassroots lobbying campaign to convince Congress that telephone companies should not be let off the hook in protecting their customers’ privacy.

EXPOSING VIDEO SURVEILLANCE

California cities are moving quickly to install video surveillance cameras on public streets and plazas without regulation, with little or no public debate, and without an evaluation of the cameras' effectiveness. "Under the Watchful Eye," a 2007 report issued by the California ACLU affiliates, highlights the threat that video surveillance cameras pose to privacy and free speech, examines law enforcement justifications for adopting surveillance programs, and makes a series of recommendations on how to change course and protect civil liberties.

"The use of surveillance cameras comes at the expense of proven crime-reduction measures such as better lighting, foot patrols, and community policing," said Mark Schlosberg, ACLU-NC Police Practices Policy Director and co-author of the report. "Throwing money at video surveillance actually detracts from law enforcement's efforts to reduce crime."



The report "Under the Watchful Eye" examines the consequences of the dramatic expansion in government video surveillance of public space at the local level.

In February 2008, the court dismissed the case on grounds that "state secrets" would be revealed if the case were allowed to proceed.

"The court's decision allows the government to engage in torture, declare it a state secret, and thereby escape any legal scrutiny for its actions."

BEN WIZNER, ACLU staff attorney



Attorney Ann Brick speaks at a press conference in front of the headquarters of Jeppesen Dataplan, Inc., on the day the ACLU filed suit against the company for its role in the CIA torture flights.

RACIAL JUSTICE AND EDUCATIONAL EQUITY



Waging campaigns locally and statewide, the ACLU of Northern California's Racial Justice Project employs legal and legislative advocacy, public education, and organizing strategies to advance the cause of civil rights for communities of color.

ENSURING ACCESS TO VOTING

Voting, one of the most precious rights in a democracy, has too often been denied to individuals with criminal convictions. In December 2006, the California Court of Appeal ruled in favor of the ACLU-NC in restoring the voting rights of more than 145,000 Californians—mainly young men of color on probation—who had been wrongfully disenfranchised. Anticipating three statewide elections in 2008, we worked to ensure implementation of this court decision with widespread education, outreach, and advocacy.

SAFEGUARDING EQUAL EDUCATIONAL OPPORTUNITY IN MODESTO

Continuing our work with parents and community members to address unequal treatment of students of color in the Modesto City Schools, we issued a report highlighting key concerns and making policy recommendations to improve practices in Modesto schools. Ultimately, the school board adopted several of the ACLU-NC's recommendations, including modifying the conduct code.

PRESERVING VOLUNTARY INTEGRATION

When it comes to racial and ethnic integration—a cornerstone of equitable education—the Berkeley Unified School District (BUSD) may well be a model for school districts in California and across the nation.

In October 2006, BUSD was sued by an organization seeking to strike the component of the district's student assignment plan that encourages student diversity. In 2007, ACLU-NC and its co-counsel represented parents of students enrolled in the district who intervened to support the district's efforts to ensure diversity within its schools. BUSD prevailed, with the court stating that the district did not violate state law when it considered race as one of many factors in assigning students to schools.

IMPROVING TREATMENT OF AMERICAN-INDIAN STUDENTS

A groundbreaking settlement reached in September 2007 between the ACLU-NC and the Bishop Union Elementary School District will improve equal educational opportunity for all students, especially Bishop's American-Indian children.

Bishop, located in Inyo County in the eastern part of the state, has a population of about 3,400. In 2005, a parent contacted the ACLU-NC after a school resource officer physically harmed several American-Indian students and threatened others. Relying only on the officer's account, a school administrator suspended the students involved. The ACLU-NC conducted an investigation and discovered the episode was part of a long history of harsher disciplinary treatment against American-Indian students than against others. A legally enforceable settlement was reached without litigation that, among other things, removes police officers from all of the district's schools.

CREATING POLICE ACCOUNTABILITY IN PUBLIC SCHOOLS

When a Fairfield Student Resource Officer approached several Latino students at lunch, lined them up in front of their peers, and accused them of being gang members, his aggressive and inappropriate tactics served as the spark for important reforms: comprehensive new policies that delineate student rights and standards for police conduct on school campuses.

Under the agreement negotiated by the ACLU-NC, the Fairfield police chief and the Rodriguez High School principal also sent an open letter to the community, clearing the students of any wrongdoing. The agreement creates clear standards for when police can and cannot photograph, search, or question students on school campuses or at school functions. All Fairfield police officers will be trained in these new policies, and the police department and school district will provide educational material to students regarding their rights in interacting with the police.



SEEKING TO RE-OPEN UNJUSTLY CLOSED SCHOOL

After parents of American-Indian schoolchildren in the small town of Klamath had exhausted all other avenues for relief, they contacted the ACLU-NC. The parents alleged that the decision by Del Norte County Unified School District to close the sixth to eighth grades of Klamath's Margaret Keating School (MKS) and bus those students three hours round-trip to another school was discriminatory. MKS is the only majority American-Indian school in the district and the only elementary school on the Yurok Tribe's Reservation. Working with the U.S. Department of Education's Office of Civil Rights, ACLU-NC staff discovered systemic discriminatory discipline and racial harassment of the students.

We joined forces with Covington & Burling, LLP and filed a class action lawsuit on behalf of the students and their families, alleging violations of Title VI of the Civil Rights Act of 1964, and the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution.

FILING AGAINST ANTIOCH STUDENTS' EXPULSIONS

In March 2007, a group of students from Antioch's Deer Valley High School were pepper sprayed, handcuffed, and arrested by police officers while they were in a shopping center. Despite the fact that the incident occurred off campus and after school, and that the students— all African American—did not violate the education code, the school district expelled all the students.

The ACLU-NC, along with co-counsel, filed a petition in Contra Costa County superior court seeking to have two of the students' expulsions overturned.

YOUTH



Exploring a range of themes—from freedom of expression to students’ rights to military recruitment—the Howard A. Friedman First Amendment Education Project engages high school students in making the connection between civil rights and their everyday life experiences.

SPARKING LEARNING AND DIALOGUE

“Let the Youth Speak the Truth” was the theme of the 2007 Youth Rights Conference and, chanting those words, some 800 high school students kicked off the proceedings in style. The day-long conference brought together young people from throughout Northern California to discuss, debate, and strategize about the pressing issues of our time.

Led by students, the Youth Rights Conference featured workshops on the death penalty, juvenile justice, immigrant rights, LGBTQ rights, and more. The dynamic discussions—complemented by breakdance routines, rap songs about justice, skits, and spoken-word poetry—encouraged students to stand up, speak out, and get active in their communities.



Young people who are part of the ACLU-NC’s Friedman Project visited veterans, military families, conscientious objectors, former and current military recruiters, and a Marine Corps boot camp.

PROBING MILITARY RECRUITMENT

In August 2007, 23 Friedman Project participants traveled around California, meeting with veterans, recruiters, military families, conscientious objectors, and counter-recruitment activists. The students’ findings were published in *The Truth Behind the Camouflage: A Youth Investigation into the Myths and Truths of Military Recruitment and Military Service*.

The investigation came at a critical time, as recruiting efforts on school campuses expanded and ACLU-NC youth activists experienced aggressive tactics first-hand.

“It got to the point where it felt like [the military recruiters] were harassing students,” recalled Jacquieta Beverly of Hayward’s Tennyson High School. “They would follow us into the lunchroom, offering to buy us snacks and stuff. It felt like an invasion of our privacy.”

The youth activists are facilitating workshops in classrooms and communities during the school year to pass on what they learned during the trip. With the federal government spending more than a billion dollars a year on recruitment, the students’ efforts to dispel the myths of military recruitment are more important than ever.

PROMOTING YOUTH ACTIVISM

Many Friedman Project participants dedicate two weekends each month to meeting with their peers, a commitment that reflects equal parts dedication, self-styled initiative, creativity, discipline, and fun. For some students, Youth Activism Committee (YAC) meetings are the most rewarding part of participating in the Friedman Project. According to the project’s Youth Outreach Coordinator Shamar Theus, meeting and working with peers is “where the real connections are made.” A former YAC member himself, Theus says, “It’s incredible to see people so excited and passionate about what they’re doing.”

In addition to planning the annual Youth Rights Conference and summer trip, the YAC coordinates and participates in a student-teacher retreat and in workshops on social justice issues facing youth.



LGBT RIGHTS

Millions of Californians still suffer discrimination based on their sexual orientation and gender identity. Every day, lesbian, gay, bisexual, and transgender individuals are fighting to marry the people they love, working to ensure that schools are safe places for them, and struggling to receive quality treatment from healthcare providers, among other efforts. The ACLU of Northern California continues its decades-long efforts to secure LGBT equality.

CHAMPIONING THE RIGHTS OF LGBT COUPLES

In a historic set of cases pending in the California Supreme Court, the ACLU-NC and our distinguished co-counsel partners are representing 15 same-sex couples and two nonprofit organizations, Equality California and Our Family Coalition, in challenging the exclusion of gay and lesbian couples from marriage as a violation of the fundamental rights of privacy and equality.

And, in a victory achieved without litigation, the ACLU-NC persuaded the California Department of Corrections and Rehabilitation to change its regulations to include registered domestic partners in the definition of “family,” making them eligible for overnight visitations with an incarcerated partner.

PRESERVING INFORMED CONSENT FOR HIV TESTS

The ACLU-NC and its coalition partners lobbied heavily to change legislation that would have violated privacy rights by allowing medical professionals to test for HIV without first obtaining written consent from patients. Working with our coalition partners, we restored the written informed-consent standard in non-clinical settings (such as mobile vans or the local library). The final version of the legislation requires doctors who routinely test for HIV to disclose to their patients that they will be tested unless they opt out.

DEFENDING ANTI-DISCRIMINATION RULES FOR STUDENT CLUBS

Seeking to exclude gay and lesbian students and non-Christians from its club, the Christian Legal Society (CLS) filed a federal lawsuit claiming a right to ignore U.C. Hastings College of the Law’s non-discrimination policy. The ACLU-NC and the National ACLU’s LGBT Project filed a friend-of-the-court brief, arguing that student groups that discriminate based on religion and sexual orientation deny all students equal access to campus activities.

CURBING HARASSMENT IN PUBLIC SCHOOLS

Traveling north to Lake County, the ACLU-NC intervened on behalf of a 13-year-old boy who has been consistently harassed over a period of years and physically attacked by peers based on his perceived sexual orientation. In response to our advocacy, the school district took positive steps to ensure a more inclusive environment for LGBT students. This effort builds on the landmark ruling in a 2003 ACLU-NC case that held that schools can be held liable if they know about harassment or discrimination against LGBT students and fail to respond.



Sue Rochman (left) and Robin Romdahlvik sign and receive their Domestic Partner certificate in city hall before the formal ceremony with the mayor.

REPRODUCTIVE RIGHTS



Thirty-five years since *Roe v. Wade*, reproductive freedom is far from secure. The ACLU-Northern California is working to ensure that all women have access to critical health services and that young people receive sexuality education that is comprehensive, medically accurate, and unbiased.

EXPANDING SEX EDUCATION LAW

In October, Gov. Schwarzenegger signed an ACLU-sponsored sex education bill (AB 629, Brownley) into law, requiring that state-funded sexual health programs—such as community-based teen pregnancy and HIV/AIDS programs—be medically accurate. The new law, sponsored by the ACLU and other reproductive health and justice organizations, extends the policy established by a 2003 ACLU-sponsored law requiring that sex education in public schools be comprehensive, science-based, and free of bias. State-funded community programs are particularly important because they provide information to medically underserved Californians living in areas with high rates of unintended teen pregnancy and sexually transmitted diseases.

SUPPORTING EQUAL ACCESS TO FERTILITY TREATMENT

On learning that she was a lesbian, Guadalupe Benitez's fertility doctors abandoned her treatment. Discrimination in medical care on the basis of sexual orientation violates California's civil rights law. The doctors in this case, however, claim that their religious views—that lesbians should not have children—trump the laws against discrimination. The ACLU filed a friend-of-the-court brief in support of Benitez in the California Supreme Court. We argue that, although religious freedom deserves strong protection under the California Constitution, the state's interest in equality outweighs the doctors' claimed right to discriminate. We also argue that, since procreation is a fundamental right, equal access to reproductive health care is particularly important.

PUSHING FOR ADEQUATE HEALTH STANDARDS FOR SEXUALITY EDUCATION

Education standards for the K-12 system are the fundamental concepts on which lesson plans are based and textbooks are written. In the 2007-08 school year, California developed and adopted its own health education standards for the first time. Deficient in the area of sexual health education, the initial draft did not accurately reflect the legal requirements that the ACLU fought hard to enact in 2003 and to implement in public schools. After an intensive ACLU-led advocacy campaign in collaboration with California Latinas for Reproductive Justice and Planned Parenthood Affiliates of California, the California State Board of Education adopted improved standards that include essential new information about sexual orientation, contraception, and other issues—a victory for sex ed in California.

EDUCATING TEENAGERS ABOUT THEIR REPRODUCTIVE RIGHTS

Informed by extensive interviews with health providers and teens, the ACLU-NC developed materials to educate teens about their right to reproductive health services. Brochures and wallet cards in English and in Spanish contain comprehensive information on topics ranging from prenatal care and adoption to birth control, abortion, and the rights of young parents. The brochures are becoming runaway bestsellers. Tens of thousands of copies of the *Your Health Your Rights* brochures have reached school-based health clinics and other sites serving teens. In addition, we posted the brochure text to the California Family Health Council's teen Web site, where it receives more than 3,200 hits each month.

Tu Salud,
Tus Derechos

The extraordinarily popular bilingual *Your Health, Your Rights* materials created by ACLU-NC for young people cover a wide range of topics, including prenatal care, adoption, the rights of young parents, birth control and abortion.



FREE SPEECH

The ACLU of Northern California has defended free speech—a cornerstone of our democracy—for 75 years. During 2007, we took up the charge at shopping centers, on the Golden Gate Bridge, and even in cyberspace.

“Restriction of free thought and free speech is the most dangerous of all subversions. It is the one un-American act that could most easily defeat us.”

Supreme Court Justice WILLIAM O. DOUGLAS (1898-1980)

PROTECTING FREE SPEECH AT THE MALL

In the not-so-distant past, town centers were the hub of community activity, the place where residents gathered and discussed the issues of the day. Today that activity has moved to the shopping mall and, with some effort by the ACLU, the right to freedom of expression has remained intact in that setting. In a case arising out of union leafleting at a local mall, the state Supreme Court ruled in December 2007 that shopping malls cannot ban protesters from calling for boycotts of mall businesses.

The ACLU’s three California affiliates had filed a friend-of-the-court brief asking the court to uphold the strict standard for regulating speech in a public forum, including shopping centers.

“You can’t restrict free speech based on its content,” said Alan Schlosser, Legal Director for the ACLU-NC. “In this case, the court reaffirmed that shopping centers are important public forums.”

FIGHTING RESTRICTIONS ON BRIDGE PROTESTORS

When the peace activist group CodePink ran into difficulties getting permission to march on the Golden Gate Bridge, the ACLU stepped in to protect the group’s First Amendment rights. The Bridge District had initially imposed extreme restrictions on how the demonstrators could express their opposition to U.S. involvement in Iraq. However, in response to a letter from the ACLU-NC, the district agreed to remove the unconstitutional barriers to expressive activity.

STUDENT WEB HOST REINSTATED

In a victory for Internet free speech, a high school student suspended for creating an “inappropriate” Web site was reinstated after the ACLU sued on his behalf. Ruida Su was allowed to return to San Jose’s Leland High School after he’d been transferred to another school. At issue was a discussion group Su created for a few friends on Facebook, the popular online social network. The Web page, created off-campus on Su’s home computer, contained no obscenities or threats of any kind. But when another student was offended by the material, he made a complaint, and the school suspended Su.



Members of the peace activist organization CodePink take a strong, spirited stand for liberty.

IMMIGRANTS' RIGHTS



Thirty million immigrants live and work in the United States. They are part of our families, our communities, and our society. They are also targets of intense fearmongering and discrimination. As xenophobia continues to escalate, the ACLU of Northern California is fighting to ensure the civil liberties and civil rights of all immigrants.

SAFEGUARDING CHILDREN IN IMMIGRATION RAIDS

When a six-year-old U.S. citizen is taken into custody by Immigration and Customs Enforcement (ICE) officers, something is seriously wrong. In March, Kebin Reyes and his father, Noe, were held in a locked room in ICE custody for 10 hours after agents raided their San Rafael home.

The ACLU-NC and other groups filed a case on behalf of Kebin, citing violations of his Fourth Amendment rights. Soon after our lawsuit was filed, ICE issued a policy that prevents children who are U.S. citizens or legal permanent residents from being detained. This case brought to light just one of many residential and workplace raids that have led to the arrest of tens of thousands of people nationwide.

While ICE claims its enforcement efforts are targeted at “criminal aliens that pose a threat to our national security,” fewer than one-quarter of those arrested in Northern California in 2007 had criminal records.

CHALLENGING CITIZENSHIP DELAYS

In February, the ACLU-NC, along with other civil rights groups, filed a class-action lawsuit against the federal government for its practice of delaying citizenship applications indefinitely. Brought on behalf of legal permanent residents who have met all of the legal requirements for citizenship but have been made to wait for years due to a so-called “FBI name check,” the lawsuit seeks to enforce federal laws that require the government to decide a citizenship application within 120 days of the naturalization interview. Through the course of the litigation, the government has begun to naturalize many of our plaintiffs.

BLOCKING GOVERNMENT'S “NO MATCH” RULE

In 2007, the Department of Homeland Security (DHS) adopted a new rule that would have required employers to fire workers whose Social Security numbers didn't match up with the Social Security Administration (SSA) database. The ACLU obtained a preliminary injunction to block enforcement of the rule. We charged that the SSA database is flawed and error-prone and that the rule would prompt the firing of countless legal workers, including U.S. citizens, as well as discriminate against those who look or sound foreign. DHS declined to defend the rule and is expected to reissue a revised rule. The ACLU will monitor the new rule closely and will be ready to challenge remaining flaws and call for a fairer system.



Sana Jalili, who came to the United States from Pakistan when she was 15, is one of the plaintiffs in a class-action lawsuit filed against the federal government for its practice of indefinitely delaying citizenship applications.



DEATH PENALTY

The fight against the death penalty is gaining momentum. In late 2007, New Jersey became the first state to pass legislation replacing state execution with permanent incarceration since the death penalty was restored by the U.S. Supreme Court in 1976, bringing to 14 the number of anti-death penalty states. The UN passed a resolution calling for a world-wide moratorium on the death penalty, with the United States standing as one of the few nations to object.

Here in California, the ACLU of Northern California continues to serve as a leader in the fight to abolish the death penalty.



Aba Gayle (forefront) and Amanda Wilcox both lost children to murder, yet they oppose the death penalty.

WORKING WITH MURDER VICTIMS' LOVED ONES

In January 2007, the ACLU-NC helped launch California Crime Victims for Alternatives to the Death Penalty (CCV), a joint project with Death Penalty Focus and Murder Victims' Families for Reconciliation. This new coalition of murder victims' families and friends opposes the death penalty for a variety of reasons. Some of the family members have been lifelong opponents; others came to their views after enduring the drawn-out, traumatizing death penalty process. What they hold in common is the belief that the millions of dollars wasted on the death penalty could be used for resources to prevent crime, investigate unsolved murders, and help survivors heal. In November, CCV held a successful one-day training for family members, focusing on public speaking, working with the media, and outreach to new members.

REDUCING THE RISK OF WRONGFUL CONVICTIONS

Three bills supported by the ACLU-NC to reform eyewitness identification procedures, interrogations, and the use of jailhouse informants passed the Legislature only to be vetoed by Gov. Schwarzenegger.

In spite of this setback, the campaign to pass the bills generated positive press coverage on the editorial pages of the Sacramento Bee, Orange County Register, San Jose Mercury News, and Pasadena Weekly, and on the Fox News Web site.

All three bills will be reintroduced in the next legislative session.

BOLSTERING THE WORK OF STATEWIDE COMMISSION

The ACLU-NC submitted research, presented testimony, and helped bring public and media attention to the work of the California Commission on the Fair Administration of Justice. The bipartisan panel of law enforcement officers, judges, defense attorneys, and citizens was created by the California Senate in 2004 to recommend reforms to ensure that the state's criminal justice system is just, fair, and accurate. ACLU-NC staff have been a pivotal force in ensuring that commissioners receive the most comprehensive research and expert testimony available on topics ranging from the problems with forensic science and prosecutorial misconduct to ineffective assistance of counsel.

POLICE PRACTICES



When police officers engage in excessive use of force, the impact can be devastating. And when those who police the police shut out the community they are meant to serve, trust erodes and community safety suffers.

Together with community leaders, grassroots activists, and police officials themselves, the ACLU of Northern California works to improve policing and hold police accountable to local communities.

SHEDDING LIGHT ON POLICE MISCONDUCT

When it comes to public transparency in police work, California is one of the most secretive states in the country. In 2006, the California Supreme Court ruled that previously open records of complaints about police misconduct would be confidential. The decision effectively shut off all avenues for the public to learn about police misconduct complaints. The ACLU-NC is working vigorously to pass legislation to overturn that decision and restore open police records. Last year, we were successful in moving the bill (SB 1019, Romero) out of the Senate; it is currently pending in the Assembly, where it will be taken up again in 2008.

PRESSING FOR PUBLIC DISCLOSURE

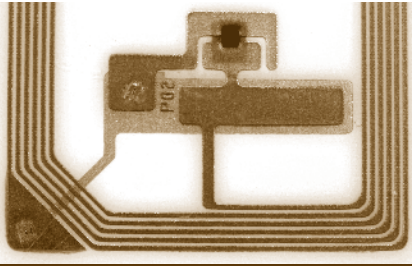
In San Jose, the fight for public access to information has focused on the public's right to view reports documenting arrests and use of force. The ACLU-NC and local community members and advocates have sought records on issues including racial profiling and police use of Tasers, yet the San Jose Police Department refuses to release such documents.

The City of San Jose has established a task force to draft a new Sunshine Ordinance that would provide greater public access to government records and meetings. Together with allies, we are encouraging that greater transparency of police reports be included in any new ordinance. Task force recommendations will be considered in the coming year.

HALTING DESTRUCTION OF HOMELESS PROPERTY

From 2004 through 2006, the City of Fresno conducted scores of "clean-up sweeps," seizing and destroying hundreds of homeless people's possessions and shelters. The raids were blatant violations of Fourth Amendment protections against unreasonable seizures of property and the Due Process Clause of the Fourteenth Amendment. Working with the Lawyers' Committee for Civil Rights and the law firm of Heller Ehrman LLP, the ACLU-NC sued the City of Fresno and obtained a preliminary injunction to stop these abuses. Last summer, the court certified the case as a class action so that it now covers all homeless persons in Fresno who lost property in these illegal operations—a step toward ensuring that none of Fresno's homeless will suffer these violations in the future.





TECHNOLOGY

Technology provides unprecedented access to information, links people around the world, and gives voice to those who might not otherwise be heard. However, if deployed without adequate protections for privacy and free speech, it can become a tool that tramples constitutional rights. The ACLU of Northern California has been a leader in safeguarding civil liberties as society harnesses the benefits of new technology.

MANDATING MEANINGFUL SAFEGUARDS

Originally created for tracking merchandise and cattle, Radio Frequency Identification (RFID) tags are now being used to track people. RFID tags are microchips that store information—such as a name, address, or Social Security number—that may be transmitted remotely and without the subject’s knowledge. An unsecured RFID tag implanted in an individual’s driver’s license or other ID paves the way for increased tracking, identity theft, and risks to personal safety.

The ACLU-NC sponsored the Identity Information Protection Act (SB 30, Simitian) in the California Legislature—the first bill in the nation to create standards for the use of RFID tags in state-issued identification documents—and is working to build support for and pass this legislation.

ENSURING FREE WIFI SYSTEMS PROTECT FREEDOM AND PRIVACY

Free municipal WiFi programs contain privacy and free speech implications that cannot be ignored. Many such systems track the users’ identities, Web sites viewed, and the locations from which individuals access information.

The ACLU-NC is working with city officials throughout Northern California to alert them to issues of Internet privacy and security, and to ensure that plans for expanding access to the Internet do not require users to pay for it with their constitutional rights. Without adequate precautions, individuals are not free to search the Internet for sensitive information, and the goal of equalizing access is undermined.

DEFENDING “FAIR USE” ON YOUTUBE

When Allen Asch posted political commentaries on YouTube from Viacom-owned news and comedy shows, such as “The Daily Show” and “The Colbert Report,” the fallout was hardly comedic. Viacom required YouTube to expunge his postings from the site, and Asch enlisted ACLU-NC to help him fight back. Asch argued that the excerpts used in his videos constituted “fair use,” the doctrine of copyright law that allows free use of limited portions of copyrighted material for activities such as criticism, commentary, parody, and education. Viacom and YouTube ultimately reinstated Asch’s work to the site.

The ACLU-NC sponsored the first bill in the nation to create standards for the use of RFID tags in state-issued identification documents.

MEMBERSHIP & VOLUNTEERS

In hundreds of communities, from Fresno to Monterey to the Oregon border, dedicated volunteer activists are our eyes and ears, speaking out and standing up to protect civil rights and civil liberties in their communities. Convening meetings, walking precincts, and creating and joining coalitions, ACLU of Northern California members and volunteers address local concerns, work tirelessly to get the word out, and support a regional and statewide advocacy agenda.

BUILDING STRENGTH IN LOCAL CHAPTERS

ACLU-NC Organizing staff jump-started 2007 with a chapter tour, visiting nearly every one of our 22 chapters and clubs, meeting chapter leaders, and working on plans for future growth and development. The information gathered and wealth of ideas generated led to a two-day Chapter Leader Retreat in Santa Cruz, attended by 75 chapter and club leaders from throughout Northern California. Activists focused on building a variety of skills to enhance their local efforts, from learning new tools for engaging activists to reaching new constituencies.

To expand our reach even farther, three new chapters and one new campus club have been established—in the Greater Fresno Area, Shasta-Tehama-Trinity counties, and Sacramento County, and at Golden Gate University School of Law.

RESTORING ACCESS TO RECORDS OF POLICE MISCONDUCT

ACLU-NC local chapters were key partners in our efforts to pass legislation (SB 1019, Romero) to restore public access to information about police misconduct, made secret by a recent California Supreme Court case. Conducting in-district lobbying visits with targeted state senators, launching letter-writing campaigns, and engaging coalition partners, chapter leaders helped persuade the Senate to pass the bill, which is now pending in the Assembly Public Safety Committee and will be heard again in 2008. At the local level, Organizing staff held speaker trainings to equip ACLU-NC activists and community leaders to be spokespersons in their local communities on issues of police accountability, and hosted community forums in San Jose and Sonoma County on community-police relations.

SEEKING LGBT EQUALITY

Members, volunteers, Board members, and staff turned out in force to participate in San Francisco's annual Pride Parade. Dozens of activists marched under the ACLU banner, "Card Carrying and Proud!" With high energy, our theme ("Pride Not Prejudice"), and a contingent that included tots in strollers and seniors marching along, the ACLU-NC was thrilled to take home the "Absolutely Fabulous" contingent award.

Rallying activists and members, the ACLU-NC held a kickoff for "Let California Ring," a groundbreaking public education campaign to open people's hearts and minds about marriage equality. As coalition partners in the campaign, Organizing staff are raising money, building awareness, and recruiting hosts for house parties to expand the campaign.

ACLU-NC CHAPTER ROSTER

2007 CHAPTERS

B.A.R.K. + Plus	North Peninsula
Chico (Organizing)	Paul Robeson
Greater Fresno	Redwood
Marin County	Sacramento County
Mid Peninsula	San Francisco
Monterey County	San Joaquin County
Mount Diablo	

Santa Clara Valley
Santa Cruz County
Shasta-Tehama-Trinity
Sonoma County
Stanislaus County
Yolo County

CLUBS

UC Berkeley
Santa Clara University
School of Law
Golden Gate University
School of Law

2007 VOLUNTEERS

Andrea Alameida
Rofiah Breen
Jacob Butko
Claudia Clark
Catherine Delcin
Grover Dye
Judy Ellman
Anthony Fell
Mary Jo Foote
Yelena Gankin
Paul Gerowitz
Oliver Graves
Sheri Graves
Ann Gray Byrd
Hamid Grinage
Khaled Halloum

Donna Hardina
James Harney
Denna Harvey
Jim Hausken
Jeff Justice
Lee Lawrence
Joel Marsh
Susanna Millman
Richard Newell
Jerry Okendo
Tom Pan
Martin Pederson
Lourdes Pollard
Andrew Quigley
Pat Reilly
Mike Rhodes

Mary Anne Rose
Shirley Sidd
Yvonne Steffen
Patrick Stockstill
Molly Stelmack
Sharon Svensen
Judy Timmel
Chris Walker
Elaine Walker
Big Wayne
Mickey Welsh
John Williams
Mick Wong
Don Zimmerman

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Shari Lachin
Richard Muir
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Melissa Keyes
J. Mani Khamvongsa
Katie Passeretti
Siri Thanasombat
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Lucila van Dam

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Emily Lehr-Anning
Jessica Massoletti
Scott Reed
Ashleigh Shaheen
Kelly White

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MANY THANKS TO OUR DONORS FOR STANDING WITH US

In a year of high stakes activity surrounding civil liberties, the ACLU-NC has once again been at the center of the action. The ACLU is able to accomplish all that you see in these pages because of the generous financial support of our many donors and card-carrying members.

We are the largest affiliate in the country, and our work often breaks new ground and pioneers innovative outreach strategies, legal challenges, and educational programs. The ACLU-NC fights unlawful government actions daily using traditional legal tools as well as communications, legislative, and community organizing activities. We also work proactively to generate long-term change on systemic problems such as racial discrimination and the failures of our criminal justice system.

Our legal docket, legislative advocacy, and community activism reflect tremendous breadth because of the institutional strength engendered by the contributions of the ACLU's supporters, large and small. So, as we celebrate the ACLU's successes and look forward to future challenges, we must recognize and thank our supporters as well. You truly make the difference for the ACLU.

As many of you know, the ACLU-NC continues to pursue the dream of purchasing our new office, a buzzing hub of activity conveniently located near the Embarcadero in San Francisco. We know that when we ask you for your help, you will step up to make our dream of a permanent home a reality.

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. We continue to believe in an America that protects and respects everyone—the America promised by our Bill of Rights. Your support helps us fight to preserve our essential freedoms.

We look forward to celebrating our 75th anniversary with you in 2009. Thank you for standing with us in the struggle.



Cheri Bryant
Director of Development



ACLU Foundation of Northern California

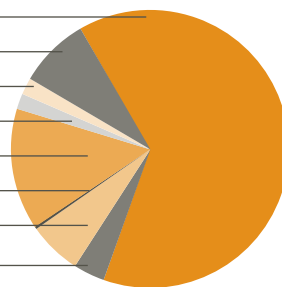
Operating Income and Expenses 2006-07

Support and Revenue

Individual Contributions	\$7,857,699
Restricted Foundation Grants	\$ 968,619
Bequest Contributions	\$ 251,621
Court Awarded Attorney Fees	\$ 173,493
In-Kind Legal Contributions	\$1,753,257
Other Income	\$ 6,270
Investment Income/(Loss)	\$ 762,478
Transfer from Reserves	\$ 513,174
Restricted to capital campaign	(\$1,894,262)
National ACLU share*	(\$3,074,073)

TOTAL	\$ 7,318,276
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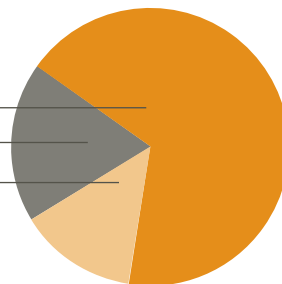
* INDICATES SHARING WITH NATIONAL ACLU OF CONTRIBUTIONS AND BEQUESTS.



Expenses

Program Services	\$4,912,090
Fundraising	\$1,365,307
Management and General	\$1,040,879

TOTAL	\$7,318,276
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ACLU of Northern California

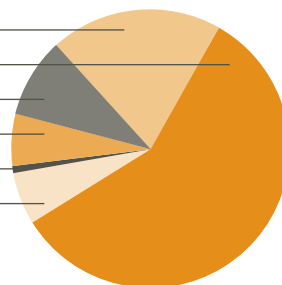
Operating Income and Expenses 2006-07

Support and Revenue

Public Contributions	\$ 660,043
Membership dues	\$1,917,907
Bequests	\$ 321,872
Reimbursement for Legis. Office	\$ 206,147
Investment Income and Other	\$ 35,428
Grant from ACLU Foundation	\$ 201,000
National ACLU share*	(\$1,582,418)
Transfer to Reserves	(\$ 178,540)

TOTAL	\$1,581,439
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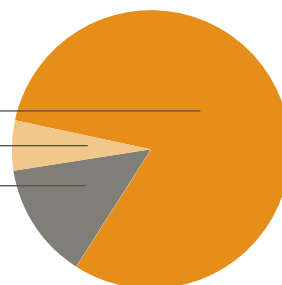
* INDICATES SHARING WITH NATIONAL ACLU OF CONTRIBUTIONS AND DUES.



Expenses

Program Services	\$1,279,260
Fundraising	\$ 90,444
Management and General	\$ 211,735

TOTAL	\$1,581,439
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SOURCE: AUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDING MARCH 31, 2007, BY HARRINGTON GROUP. COMPLETE COPIES AVAILABLE AT WWW.ACLUNC.ORG OR BY WRITING: ACLU, 39 DRUMM STREET, SAN FRANCISCO, CA 94111.

Development and Financial Report

Substantial financial resources are essential for the ACLU of Northern California to stay strong and effective. 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 majority of funding for the ACLU and ACLU Foundation comes from individuals like you.

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 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 Wendy Baker, Danielle Deutsch, Shana Heller, Sandy Holmes, Denise Mock, Robert Nakatani, Erin Scott, Cori Stell, Jeff Vessels, Michael Woolsey, and Stan Yogi. 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 all that the ACLU is able to accomplish.

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. Gifts may be made via mail or online at 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 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.
- **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 MATCHING OPPORTUNITY:** If you designate the ACLU Foundation as a beneficiary in your will or living trust, or if you establish a charitable remainder trust or pooled income fund gift before May 31, 2009, a generous ACLU supporter will provide a current cash gift to the organization to match a percentage of your gift or bequest intention. For information about this Legacy Challenge or about estate planning, contact 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.



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*Shared with ACLU-SC
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