



The ACLU of Northern California's 2008 Year in Review

We are pleased to present you with our year in review, an overview of where and how we have invested the energy, brain power, and grassroots action that your contributions enable in Northern California.

2008 was as dynamic, challenging and fruitful as ever. Here are a handful of highlights:

- **We stood up for freedom of speech**, whether for the rights of Olympic torch protestors in San Francisco, library users in San Jose, or seekers of truth on the Internet.
- **We defended the right to privacy** by passing legislation to protect our personal data from high tech thievery, and by challenging FBI snooping in library records.
- **We took a stand for fair treatment and equal opportunity** by exposing the racial profiling of Latinos in Sonoma and San Jose and the harassment of African American families in Antioch.
- **We protected the rights of the most vulnerable** by winning a landmark victory on behalf of homeless individuals in Fresno who had their rights and their dignity violated by the police.



BOB HSIAO PHOTOGRAPHY

We could not be more proud of our part in the historic victory in the California Supreme Court establishing marriage as a fundamental right belonging to all Californians. This is one chapter in the long story of full LGBT equality.

And we are gratified by our successful defense of the reproductive rights of teens through the solid defeat of Proposition 4. (Truth be told, we are also frustrated that we were forced to fight parental notification for the third time in four years.)

Our donors are incredibly loyal and generous, and we are most grateful. Your contribution to the ACLU stretches far and wide, across the entire country. Because the national ACLU and ACLU-NC share every dollar contributed from our community, you play a direct role in making possible the work of the ACLU in other states—like Ohio, Florida and Mississippi—where resources for defending civil rights are extremely scarce.

Throughout the year, leaders of our 23 local ACLU chapters across Northern California did their part by shining light on threats to civil liberties. Many chapters, including those spearheaded by undergraduate students and law students, worked long hours mobilizing opposition to Propositions 4 and 8.

It's hard to overstate what a difference it makes for us to be doing what we do best in the new building—a home we could not have dreamed of just eight years ago. Everything we need is here, allowing us to focus on the work at hand, and to convene our partnerships and coalitions in a setting that is both efficient and welcoming.

2009 is the year that we celebrate the 75th Anniversary of our affiliate. We hope that you will join us in looking back and looking forward as we celebrate the commitment we share: **to see justice through** with courage and perseverance, in times of scarcity and prosperity, caution and optimism.

Sincerely,

Abdi Soltani, *Executive Director*

Nancy Pemberton, *Board Chair*

THE ACLU OF NORTHERN CALIF

STANDING FOR THE RIGHTS OF PROTESTORS

In advance of the 2008 Beijing Olympics, the Olympic torch was to be carried along San Francisco's Embarcadero. But at the last minute, city officials secretly changed the torch route, ostensibly out of concern for public safety—but with the end result of avoiding planned public protest. In response, we urged government transparency, filed Public Records Act requests, and trained and deployed volunteer legal observers to monitor interactions between protestors and police.



DEFENDING THE RIGHT TO PUBLISH

The Website Wikileaks allows participants to anonymously disclose documents of public interest. After an anonymous posting of confidential records from a Swiss bank, the bank requested an injunction to shut down the Wikileaks domain. At first, the federal district court in San Francisco granted the injunction. The ACLU-NC and the Electronic Frontier Foundation appeared as amici to the case. Two weeks later, the court dissolved the injunction, saying it raised “serious questions of prior restraint (on speech) and possible violations of the First Amendment.”

CHALLENGING THE FBI'S SECRET DEMANDS FOR ACCESS TO PRIVATE RECORDS

By issuing a national security letter (NSL) to a telecom company or an internet service provider, including a digital or traditional library, the government can compel the recipient to hand over customer records. And almost invariably, recipients of the NSLs are forbidden from disclosing that they have received the letters. Last year the FBI issued an NSL to the Internet Archive, a digital library based in San Francisco – and then withdrew the NSL in response to a lawsuit by the ACLU and the Electronic Frontier Foundation. Only three NSL recipients have ever challenged an NSL in court; each time, the recipient was represented by the ACLU and each time, the government has withdrawn its demand.

MUNICIPAL ID ORDINANCE: EQUAL ACCESS FOR EVERY SF RESIDENT

In 2007, the San Francisco Board of Supervisors voted to issue municipal identification cards to city residents, an attempt to ensure that no one would be denied access to police protection and other essential city services. In 2008, a lawsuit alleged that the program violated federal law because undocumented immigrants would be eligible for the IDs. After the ACLU-NC and other advocates intervened, the San Francisco Superior Court rejected every claim, and the city began issuing the IDs in early 2009.



ENDING NATURALIZATION DELAYS

Seeking to end the years-long backlog of citizenship applications, the ACLU-NC and other immigrant rights advocates sued the federal government in 2007. We settled the case last year after the government demonstrated the backlog had been cleared—and agreed to allow us to monitor compliance with federal laws requiring applications to be decided within 120 days of the naturalization test.

LAWSUIT YIELDS ICE RAIDS DOCUMENTS

When Immigration and Customs Enforcement (ICE) failed to comply with a request for documents under the federal Freedom of Information Act, the ACLU-NC and the Lawyers' Committee for Civil Rights filed a lawsuit. Documents received to date reveal that ICE agents acted dangerously beyond their stated mission to target “criminal fugitives,” as the vast majority of arrests were of people without prior contact with any law enforcement, including parents taking their children to school.

FIGHTING UNLAWFUL DETENTIONS AND RACIAL PROFILING

In California, the law is clear: local sheriffs and police are not permitted to make arrests for violations of immigration law. But in recent years, Sonoma County deputy sheriffs have arrested and jailed suspected illegal immigrants with neither a warrant nor a criminal basis for arrest. What's more, it appears that the officers used racial profiling to decide whom to detain and search. In September, we filed a lawsuit charging that the Sonoma County Sheriff's Department and the U.S. Bureau of Immigration and Customs Enforcement (ICE) collaborated to target, arrest and detain Latino county residents.

RENTING WHILE BLACK: STANDING AGAINST POLICE ABUSE IN THE SUBURBS

A few weeks after Antioch resident Alyce Payne turned to police for help with a domestic violence incident, officers arrived at her door to “check in” on her and ask whether she was a recipient of Section 8 housing assistance. Later, the police sent a letter to her landlord implying that she should be evicted. After many similar abuses were documented by the group Public Advocates, the ACLU and co-counsel filed a class-action lawsuit in federal court, charging that the city of Antioch and its police are engaged in a concerted campaign of harassment and discrimination against African Americans who receive Section 8 assistance.

DEFENDING THE RIGHTS OF HOMELESS PEOPLE

Everyone in this country—whether they sleep in a house, a tent or a cardboard box—is entitled to the protections of the Constitution, including freedom from unreasonable seizure of their property. In May 2008, United States District Judge Oliver Wanger echoed that right in a historic decision that signaled a great victory for homeless people in Fresno. In *Kincaid v. City of Fresno*, the judge ruled in favor of homeless plaintiffs who had their belongings destroyed in illegal police raids; he later awarded them a multi-million dollar settlement to help meet basic needs, find housing and replace personal property. The plaintiffs were represented by a team of attorneys from the ACLU-NC, the Lawyers Committee for Civil Rights and the law firm of Heller Ehrman LLP.

MAKING EVERY VOTE COUNT

Our groundbreaking 2008 report, *Making Every Vote Count*, explains how and why hundreds of thousands of nonviolent offenders, many of whom are black or Latino, have been denied their right to vote—and outlines concrete steps that state and local officials can take in response. We filed an amicus brief in the California Court of Appeal, outlining the breadth and implications of disproportionate disenfranchisement of people of color. And our staff members personally visited 41 out of 48 counties in Northern CA to help county sheriffs and registrars work together to inform those who are currently or formerly incarcerated of their voting rights.

DEATH PENALTY: USING RESEARCH TO MAKE THE CASE FOR ABOLITION

In 2008, the California Commission on the Fair Administration of Justice (CCAJ) heard powerful testimony by ACLU-NC staff, our coalition partners and the families of murder victims. We argued the need for reducing racial disparities in death sentencing, and

presented two reports: *The Hidden Death Tax*, which revealed for the first time some of the hidden costs of seeking execution, and *Death by Geography*, which examined disparities in death sentencing among California counties. In July 2008, the CCAJ released its findings, using the ACLU-NC's original research. The commission found that death penalty cases place an enormous financial burden on our state.

SECURING SEX ED VICTORIES AT STATE AND LOCAL LEVELS

For more than a decade, the ACLU-NC has been working to ensure that sex education in public schools is science-based, free of bias, and age-appropriate. In the Fremont Unified School District, we worked intensively with parents and community members who sought to replace the federally funded abstinence-only middle school curriculum with a comprehensive, medically accurate curriculum. Despite entrenched opposition, we prevailed. At the state level, we collaborated with the California School Boards Association to develop a more robust model policy regarding sex education.

OUR EDUCATION IS OUR LIBERATION

The Howard A. Friedman Education Project of the ACLU-NC works with young people, ages 13-19, to improve their understanding of the core principles underlying the Bill of Rights and to help them make the connections between these rights and the issues in their lives. In April 2008, hundreds of young people met at UC Berkeley for our 17th annual Youth Rights Conference. Youth-led workshops on topics including student rights, gender and justice, educational equity, and the myths of military recruitment made for an informative and inspiring day. Then in August, 21 young people traveled the state to explore issues of educational equity and racial justice in our public schools – and published their impressions and analyses in *Is Education a Right or Privilege? A Youth Investigation into Educational Equity and Racial Justice in Schools*.



PUSH TO SPOTLIGHT POLICE PRACTICES IN SAN JOSE

In October, a *San Jose Mercury News* story revealed that the city's police were arresting far more people for public intoxication than was any other law enforcement agency in the state—and a disproportionate number were Latinos. In November, the SJPD declined our request to obtain arrest reports for public intoxication in 2007. Also in November, more than 60 residents at a public hearing told their personal stories of police abuse. In response, the city council formed a Public Intoxication Task Force. Members of the task force convinced the city to release approximately 200 of the arrest reports.



CALIFORNIA'S 2008 YEAR IN REVIEW

EXPANDING PRENATAL CARE FOR WORKING POOR WOMEN

Until December 2008, California required that women reside here for six months before being eligible to receive essential health services through the state's Access for Infants and Mothers program. The ACLU-NC joined with other public interest organizations to challenge the rule on behalf of Maternal and Child Health Access, a non-profit organization. The San Francisco Superior Court struck down the requirement, agreeing with our argument that the U.S. Constitution protects the right to travel and that states cannot treat newcomers unfairly.

LGBT RIGHTS: TREMENDOUS VICTORIES. HEART-RENDING DEFEATS

In May 2008, we achieved a historic victory when the California Supreme Court ruled that marriage is a fundamental right belonging to all Californians, and that LGBT people are entitled to equal protection under the law. The ACLU, the National Center for Lesbian Rights, Lambda Legal, and others represented couples who had been denied the right to marry and the Court recognized for the first time full equality for LGBT people.

Between June and November 2008, approximately 18,000 same-sex couples were married in California. But our victory was short-lived. Opponents placed Proposition 8 on the November ballot and used scare tactics to convince 52 percent of Californians to oppose marriage equality.

The day after the election, the ACLU and others filed a writ petition in the California Supreme Court urging the invalidation of Prop. 8. In *Strauss v. Horton*, we argued that a simple majority vote cannot strip away a fundamental right from a minority that has traditionally suffered discrimination. As of this writing, the justices have yet to rule. But we have every reason to be hopeful. Proposition 8 passed with only a 4 percent margin, while Proposition 22, its predecessor, passed by a 23 percent margin in 2000.



FOSTERING RESPECT AND ENDING PUSHOUT: THE SCHOOLS FOR ALL CAMPAIGN

The failure to address harassment and discrimination, in conjunction with excessive and discriminatory discipline, can make school life unbearable for youth of color, LGBT students, English learners, special education students, and others. These same students are routinely pushed out of school and into the criminal justice system. In response, the ACLU-NC has launched Schools for All, a multi-year advocacy and organizing initiative to press school districts to adopt policies that will foster respect, eliminate discriminatory discipline, and reduce pushout. Our 2008 report, *Schools for All Campaign: The School Bias and Pushout Problem*, is a synopsis of a vital discussion among experts who came together to share their research findings.

DEMOCRACY IN ACTION: ORGANIZING

In Northern California, ACLU staff, members, volunteers and coalition partners worked hard to defeat four ballot measures:

- Proposition 4, a constitutional amendment requiring parental notification for abortions
- Proposition 8, a constitutional amendment eliminating the right of same-sex couples to marry
- Propositions 6 and 9, criminal justice initiatives that would cost the state billions of dollars, increase incarceration and erode constitutional protections for criminal defendants

At the same time, we worked for the passage of Proposition 5, a reform initiative that would have provided alternatives to incarceration for nonviolent offenders.

Our team of activists took to the streets, the phones, the airwaves and the Internet. We talked to the media and to our neighbors, went door to door and dorm to dorm, and held dozens of rallies.

In San Francisco, the ACLU-NC headquarters was a hive of intense, well-coordinated activity. Policy and legal staff shaped cogent, persuasive arguments for justice. Communications staff transformed our arguments into meaningful campaign literature. Development staff raised the funds needed to sustain our efforts.

And our organizing staff organized. Campuses and communities across Northern California became our makeshift field offices. Student leaders of ACLU chapters coordinated rallies, recruited volunteers, staffed phone banks and engaged in campus debates at San Francisco State, Stanford, UC Davis, UC Berkeley and Mills College.

ACLU members throughout Northern California raised money, staged rallies and engaged their neighbors and col-



leagues to support marriage equality, working particularly hard in counties not especially known for their progressive viewpoints.

On election day, the results fell short of what we had hoped and worked for.

We succeeded in defeating Proposition 4. Our message was clear: Prop. 4 puts teens in danger. For the third time in four years, Californians voted to protect young women's reproductive rights.

The passage of Prop. 8 was a devastating blow to LGBT rights, as well as the core constitutional principle of equality under the law. Immediately following election day, we and our coalition partners filed a lawsuit challenging the proposition's validity (see previous page).

The other initiatives yielded mixed results for criminal justice. Propositions 5 and 6 were defeated, while Proposition 9 passed.

The setbacks of 2008 are difficult to accept. But forging change—whether monumental or incremental—is never easy. In reflecting on the intensity of election seasons like the last one, we are reminded of what we are capable of accomplishing. ■



ACLU-NC STAFF



SACRAMENTO LEGISLATIVE STAFF

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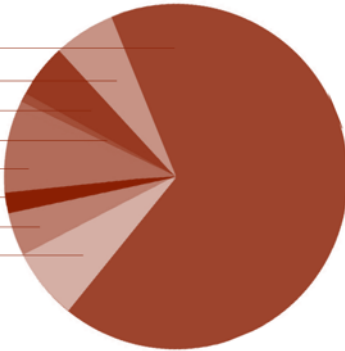
FINANCIAL REPORT

ACLU FOUNDATION OF NORTHERN CALIFORNIA Operating Income and Expenses 2007 - 2008

SUPPORT AND REVENUE:

Individual Contributions:	\$ 10,515,812
Restricted Foundation Grants:	\$ 839,717
Bequest Contributions:	\$ 725,911
Court Awarded Attorney Fees:	\$ 170,395
In-Kind Legal Contributions:	\$ 1,081,888
Other Income:	\$ 282,028
Investment Income/(Loss):	\$ 602,141
Transfer from Reserves:	\$ 1,056,254
Restricted to capital campaign:	(\$ 3,250,477)
National ACLU share*:	(\$ 4,890,624)

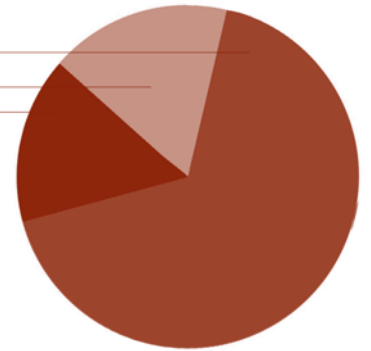
Total: **\$ 7,133,045**



EXPENSES:

Program Services:	\$4,704,932
Fundraising:	\$1,418,360**
Management and General:	\$1,009,753
Total:	\$7,133,045

**Fundraising expenses include capital campaign.



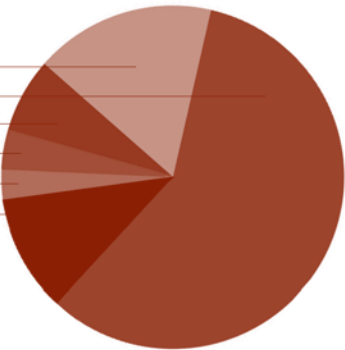
*Indicates sharing with National ACLU of contributions and bequests.

ACLU OF NORTHERN CALIFORNIA Operating Income and Expenses 2007 - 2008

SUPPORT AND REVENUE:

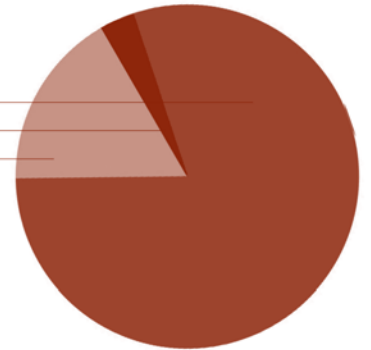
Public Contributions:	\$ 608,445
Membership dues:	\$ 2,075,931
Bequests:	\$ 291,291
Reimbursement for Legis. Ofc:	\$ 203,169
Investment Income and Other:	\$ 55,919
Grant from ACLU Foundation:	\$ 327,400
National ACLU share*:	(\$1,621,302)
Transfer to Reserves:	(\$ 441,340)

Total: **\$1,499,513**



EXPENSES:

Program Services:	\$1,201,851
Fundraising:	\$ 48,163
Management and General:	\$ 249,499
Total:	\$1,499,513



*Indicates sharing with National ACLU of contributions and dues.

SOURCE: AUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDING MARCH 31, 2008, BY HARRINGTON GROUP.
COMPLETE COPIES AVAILABLE AT WWW.ACLUNC.ORG OR BY WRITING: ACLU, 39 DRUMM STREET, SAN FRANCISCO, CA 94111.

GIVING TO THE ACLU

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.

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, 2009 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 at (415) 621-2493.