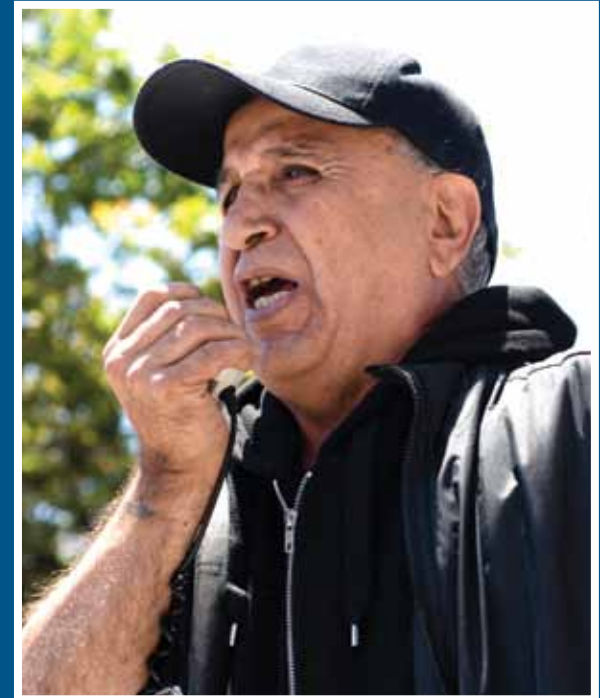


# ACLU



**ACLU** of  
Northern California  
2011 ANNUAL REPORT

# ACLU OF NORTHERN CALIFORNIA 2011 ANNUAL REPORT

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## Legacies and New Beginnings

In addition to the breadth of work we do across Northern California, this year marks a new beginning: the heightened collaboration of the ACLU California affiliates as the "ACLU of California."

The ACLU of Southern California was founded in 1923 with the forceful advocacy of Upton Sinclair on Liberty Hill. A decade later, the ACLU of Northern California was founded during the 1934 general strike in San Francisco. Initially a chapter of the ACLU of Southern California that was started in 1933, the ACLU of San Diego and Imperial Counties became a free-standing affiliate in 1988.

For several decades, the three ACLU affiliates in California have jointly funded and supported our Legislative Office in Sacramento. The Sacramento Bee and California Watch recently ranked our legislative program as the #4 most effective lobbying operation in Sacramento, alongside groups with vastly larger budgets. Throughout these years we have collaborated in a number of other ways.

Building on this success, the ACLU of California is a new strategic partnership of the three California ACLU affiliates. Each affiliate retains its autonomy and its unique focus on its own region's needs. But increasingly, we will pool our resources, strategic thinking, and program strategies to generate the maximum civil liberties impact for the state and our communities. With over 100,000 members and 100 staff statewide, we see this collaboration in our work across the state:

- Engaging our boards, staffs, and supporters statewide to become better informed of the civil liberties issues facing our state, from our border with Mexico to the border with Oregon.
- Working with college students as the next generation civil liberties leaders through outreach to CSU, UC, community colleges and student associations statewide.
- Filing ambitious cases that require plaintiffs statewide and challenge state institutions.
- Advocating for county and state policy reforms, for example on criminal justice realignment, immigrants' rights, safe schools for LGBT youth, and access to reproductive services.
- Supporting ballot measures, such as our vigorous advocacy for the SAFE California Act to replace the death penalty with life without the possibility of parole.
- Providing resources to ACLU state offices nationwide, for example the new MiACLU bilingual website, [www.miacclu.org](http://www.miacclu.org), to better inform and engage the Latino community.

We are proud of our legacy and accomplishments as the ACLU of Northern California. And we are truly energized by the vision and possibilities of a coordinated, state-wide strategy for the ACLU across California.

Yours,



Abdi Soltani, *Executive Director*



Michelle Welsh, *Board Chair*



Michelle Welsh and Abdi Soltani. PHOTO BY GIGI PANDIAN.

# Community Engagement

## A New Hub for Civil Liberties in the Central Valley

Few people know that the Central Valley, which produces many of the fruits and vegetables consumed in America, is also one of the poorest areas of the country, home to four of the nation's ten largest metropolitan areas with the worst poverty levels.

On just about any indicator of inequality or civil liberties, the Central Valley faces great challenges. In response, we've been stepping up our community engagement efforts in the region. This year saw the opening of ACLU-NC's first office and the hiring of our first staff in the Central Valley. One of these staffers, Pam Whalen, has engaged community residents to press county officials to put money into treatment and rehabilitation programs instead of expanding jails.

## The Rubber Meets the Road on the Campaigns for Justice Tour

Executive Director Abdi Soltani and ACLU-NC staffers spent much of Spring 2011 hitting the road for the ACLU-NC's "Campaigns for Justice" tour. They held community meetings in 17 cities and visited 12 campuses as part of our Community and Campus Network outreach. In the fall they visited another dozen campuses and recruited a diverse range of dynamic student leaders to attend the ACLU of California's first-ever Social Justice Conference for college leaders, which took place in January 2012.

## Training the Trainers, Far and Wide

Demand for our "Know Your Rights" trainings continue to be high—so much so that we're now working on "training the trainers" so we can fulfill more requests. We have trained 150 Spanish speakers to conduct "Know Your Rights" presentations in California. We also answered the call when the

ACLU of Alabama asked for help in presenting Spanish-language "KYR" trainings in response to the state's passage of an Arizona-style anti-immigrant law. ACLU-NC staffer Daniel Galindo packed his bags and spent 10 busy days helping our colleagues empower Alabama's immigrant community. Among the results: the creation of the first committee for immigrant rights in Alabama's Baldwin County, made up of community members, business owners, and clergy. ¡Si se puede!

## miACLU

ACLU-NC is also leading the way online, with the 2011 launch of the ACLU's first-ever dedicated Spanish-language website. With the participation ACLU California affiliates and the National office,

"miACLU" showcases our spirited defense of civil liberties across all areas. As rapid demographic shifts powerfully reshape the cultural and political landscape of California and the nation, we expect that Spanish-speaking and bilingual immigrants and their supporters will be a key audience seeking information and advocacy opportunities about the many civil liberties issues that affect us all. We've already documented a noticeable "bump" when ACLU-NC staffers discuss our issues on Univision and in other Spanish-language outlets, and we expect interest to surge further in 2012 when the Supreme Court issues its widely anticipated ruling on SB1070, Arizona's anti-immigrant law.



At right, two images from the ACLU-NC 2011 Campaigns for Justice tour (top), and volunteer organizers working with the ACLU-NC.

BOTTOM ROW PHOTOS BY LAURA SAPONARA.



# Free Speech

## The Meme Seen 'Round the World

One of the most memorable—and shocking—images of 2011 was UC Davis police Lt. John Pike dousing seated protesters with pepper spray during a November 18 campus demonstration. The victims of the overzealous officer certainly haven't forgotten the experience. Three months after the notorious attack, 19 students and alumni, represented by the ACLU of Northern California, filed a federal lawsuit against University officials to determine why it happened and to prevent it from happening again. The students had gathered to demonstrate against ongoing tuition hikes and to protest recent brutal treatment of demonstrators at UC Berkeley.

"Using military-grade pepper spray and police violence against non-violent student protesters violates the constitution, and it's just wrong," said Michael Risher, staff attorney at the ACLU of Northern California. "When the cost of speech is a shot of blinding, burning pepper spray in the face, speech is not free."

Unfortunately, what happened at UC Davis is not an isolated incident. Across the state, police are using force to shut down legitimate, nonviolent protest. Just a week earlier, the UC Berkeley Police Department responded to the "safety risk" of tents on campus by wielding batons against Occupy Cal pro-

testers who had linked arms. Additionally, the Oakland Police Department is responsible for firing flash-bang grenades, tear gas, bags filled with lead shot, and other so-called "less lethal" munitions into crowds of peaceful Occupy Oakland demonstrators. The ACLU of Northern California and the National Lawyers Guild sued OPD over the attacks in November, seeking to stop the agency from violating its own policies on excessive force and crowd control. Many of these policies were established in the wake of an earlier joint ACLU-NLG lawsuit over a similar, notorious attack in 2003 against anti-war protesters.

## Teaming up with the Tea Party to Defend Free Speech

When Redding officials adopted a policy restricting leafleting on the open-air plaza in front of the city library, they didn't count on the ACLU and the Tea Party teaming up to defend free speech. It was never clear why the City felt the need to adopt onerous restrictions on leafleting: Before the policy was adopted, ACLU and Tea Party members had simultaneously leafleted in the library plaza, without any disruptions.

The groups sued, and quickly won an injunction against the policy on the ground that the policy violates the First Amendment and the California Constitution. The city is appealing the ruling. Stay tuned!

UC Davis students Fatima Sbeih, David Buscho, and Sarena Grossjan, who were pepper sprayed during nonviolent protest. PHOTOS BELOW BY DAVID FELSEN; PHOTO AT RIGHT BY ERIC HOFFMAN.





“In dealing with the Occupy movement, cities and universities have lost sight of the big picture. The biggest threat to the health and safety of our communities is not a tent on a lawn or students linking arms. The biggest threat to us all takes the form of a violent police reaction to peaceful political expression.”  
-ACLU-NC attorney Linda Lye, in a San Francisco Chronicle op-ed

**F R E E  
S P E E C H**

# Criminal Justice

## Criminal Justice at the Crossroads

A long overdue revolution in California's criminal justice policy came in 2011 with the passage of AB 109, a groundbreaking "realignment" law that will give counties—rather than the state—responsibility for managing low-level, non-violent offenders. The legislative findings contained in the law are remarkable in their acknowledgment of the utter failure of 30 years of "lock 'em up and throw away the key" mentality in California.

But far more is at stake than the transfer of inmates. If properly implemented, realignment will reverse decades of over-reliance upon incarceration, improve public safety, and save taxpayers hundreds of millions of dollars each year. This momentous policy shift followed a historic 2011 U.S. Supreme Court decision (*Brown v. Plata*), which found overcrowding in California's prisons to be so severe as to constitute cruel and unusual punishment.

Just ten days after the legislation was signed, the ACLU sent a 12-step plan to every county in the state, urging a fundamental shift in criminal justice policies toward smart-on-crime alternatives to incarceration. A number of counties have adopted many of our recommendations, while some counties are proving intransigent. ACLU attorneys, members, and allies have directly engaged in counties statewide through targeted advocacy letters, emails, testimony at public hearings, one-on-one briefings with public officials, rallies, and even organized phone-ins to sheriffs. And in early 2012, we issued a follow-up report, *California at a Crossroads*, in which we reviewed and analyzed 48 county realignment implementation plans.

Our 2012 report finds that realignment is a promising step toward reducing state prison populations, but it does not go far enough. Going forward, the ACLU of California is asking state legislators to enact smart sentencing reforms that would save taxpayers hundreds of millions of dollars annually and free up jail and prison space for those who have committed more serious crimes. For example, making the penalty for possession of small amounts of drugs a misdemeanor instead of a felony will save state and local budgets \$200 million.

We're also pushing for the state to end pre-trial detention of people who pose no risk to public safety—many of whom languish in jail for months without having been convicted of a crime, often because they can't afford bail. Fully 70% of inmates in jail are there awaiting trial.



Community members protest the expansion of the county jail in Fresno.

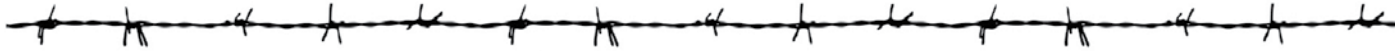
PHOTO BY MIKE RHODES.

The incarceration crisis is one of the defining civil rights issues of our time, and 2011 brought some momentous and heartening changes. But it will take a great deal of grassroots advocacy to encourage our lawmakers and local government officials to seize the opportunity for meaningful reform.



# California at a Crossroads

It's time to fix California's broken criminal justice system

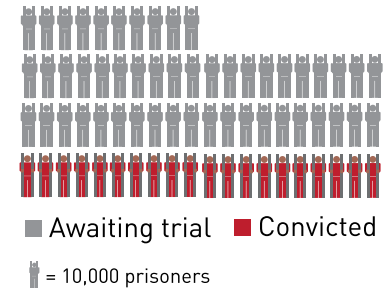


California's prison system has become a revolving door.

Evidence-based alternatives to incarceration will reduce recidivism rates.<sup>1</sup>

Most people in California jails **HAVE NOT BEEN CONVICTED OF A CRIME.**

More than 50,000 of the 71,000 Californians held in a county jail on any given day are awaiting trial: that's 71% of county jails' average daily population.<sup>2</sup>



“Criminal justice policies that rely on building and operating more prisons to address community safety concerns are not sustainable, and will not result in improved public safety.”

–AB 109

legislative findings

In addition to the human cost, there is a high financial cost of pretrial incarceration.



**\$100 per day**  
to keep someone  
in jail awaiting trial.



**\$2.50 per day**  
to monitor people with  
pretrial programs.<sup>3</sup>

1. The Pew Center on the States, *State of Recidivism: The Revolving Door of America's Prisons* (Apr. 2011), p. 26. 2. Corrections Standards Authority, *Jail Profile Survey Third Quarter Results* (2011). 3. Justice Policy Institute, *Baltimore Behind Bars* (2010), p. 30

The above graphics are from *California at a Crossroads*, a report produced by the ACLU in early 2012 and sent to every county in California, urging a fundamental shift in criminal justice policies toward smart-on-crime alternatives to incarceration.

# Ending the Death Penalty

## The Truthiness Comes Out

Viewers of *The Colbert Report*—and the rest of the nation—got a big dose of truthiness about the death penalty when the Comedy Central program spotlighted the ACLU of Northern California's discovery that California corrections officials had engaged in a desperate global scramble to acquire lethal injection drugs. The ACLU's timely advocacy captured national attention and international headlines and resulted in editorials in top newspapers around the country calling for replacement of the death penalty with life imprisonment without parole.

The information came to light in the course of ACLU-NC's longstanding efforts to end California's costly experiment with the death penalty. ACLU attorneys grew suspicious after the state had mysteriously managed to acquire lethal injection drugs when they were known to be in short supply. After our public records request was stonewalled, documents handed over by court order revealed a global "secret mission" by state corrections officials, who made inquiries from Sacramento to Pakistan, eventually buying supplies from a wholesaler operating from the back of a driving school in London.

## Looking Forward

After years of county advocacy, only 9 death sentences were handed down in California in 2011. This is the lowest number of new death sentences in 34 years, in fact, the lowest number since the death penalty was instated in 1978.

But in November 2012, California voters will finally have a chance to replace the death penalty. Last year a group of law enforcement professionals, crime



The spoof on Comedy Central's "*Colbert Report*" reached millions of viewers.

victim advocates, and individuals exonerated from wrongful conviction launched the SAFE California Campaign, an initiative that will replace the death penalty with life in prison without the possibility of parole. This initiative could not come at a better time. As ACLU-NC concluded in a hard-hitting 2011 report, *The Death Penalty is Dead: Anatomy of a Failure*, "death penalty costs are extraordinary and detrimental to public safety at a time of economic crisis," having racked up more than \$4 billion in taxpayer dollars since 1978, or a whopping \$308 million for each of the 13 executions carried out. Californians are finally tuning in to the message that cutting the death penalty will save money and keep our communities safe—without the release of a single prisoner.

# National Security

## FBI's "Islam 101" Fails the Constitutional Test

In the decade since 9/11, long-standing safeguards on the FBI's investigative and intelligence activities have been erased, allowing the agency to engage in racial and ethnic profiling and to initiate intrusive investigations with little or no suspicion of wrongdoing. The ACLU of Northern California has been using Freedom of Information Act (FOIA) requests to expose misconduct, abuse of authority, and unconstitutional profiling and other violations of Americans' rights and liberties. Now, information brought to light through a FOIA lawsuit filed in 2010 filed by ACLU-NC, the Asian Law Caucus and the San Francisco Bay Guardian has yielded more than 20,000 pages (and counting) that tell a chilling tale of spying, lying and bias.

Among the document trove was an FBI PowerPoint presentation that presented agents with the following "facts" about Muslims:

- They engage in a "circumcision ritual"
- More than 9,000 of them are in the U.S. military
- Their religion "transforms [a] country's culture into 7th-century Arabian ways."

According to Wired magazine, "the briefing presents much information that has nothing to do with crime and everything to do with constitutionally-protected religious practice and social behavior."

The documents also revealed that Bay Area FBI agents have been using community outreach programs to secretly collect and document intelligence about activities protected by the First Amendment, in violation of the federal Privacy Act.

## Looking Forward

Based on our FOIA documents, as well as 34 coordinated FOIAs filed by ACLU affiliates around the country, the national ACLU is calling on the Department of Justice to investigate Privacy Act violations in the FBI's San Francisco and Sacramento Divisions and to initiate a broader audit of FBI practices nationwide, urging the FBI to stop using community outreach for intelligence purposes and to purge all improperly collected information.

## Memo to SFPD: That's Illegal

Are San Francisco police unfairly snooping on local citizens in cooperation with federal authorities investigating terrorism? They've denied it for years, but those words rang hollow after we uncovered a secret 2007 memorandum that confirmed a cooperative agreement between SFPD and the FBI. The agreement allows the police to follow a lower federal standard for investigations, without civilian oversight—despite San Francisco's long-standing policies limiting intelligence gathering. Community members organized a concerted campaign to bring the concerns of Arab, Middle Eastern, Muslim and South Asian residents to the fore, and with the ACLU persuaded the supervisors to restore several important protections against racial profiling and the abuse of police power.



Ashwak Hauter of the Arab Resource and Organizing Center speaks in favor of restoring protections over local intelligence-gathering at a press conference at San Francisco City Hall.

PHOTO BY RAMSEY EL-QARE



**An American  
citizen looks  
like this.**

**A legal  
immigrant  
looks like this.**

**An illegal  
immigrant  
looks like this.**

# Immigrants' Rights

## “Secure Communities” Means Anything But

Immigrants' rights advocates saw trouble coming in 2008 with the introduction of the “Secure Communities” program, also known as S-Comm, which uses the criminal justice system to channel immigrants into the deportation system, regardless of whether they've been convicted of a crime. It works by checking the fingerprints of anyone arrested by the local police against Department of Homeland Security databases—even people arrested for minor infractions, and even if they turn out to be innocent. Contrary to claims that the program would help catch hardened criminals, seven in ten Californians deported under S-Comm had committed no crime or were picked up for minor offenses like traffic violations. Some were domestic violence victims who had contacted the police for help.

In communities across the region, ACLU activists worked in coalitions to stop local law enforcement agencies from participating in the program. As a result of advocacy by one of these coalitions, Santa Clara County adopted the most progressive policy in the nation. The policy makes it clear that it's not the job of Santa Clara County to be doing immigration enforcement. In Sacramento, the ACLU-NC has been a key coalition partner in efforts to pass the TRUST Act, which would limit local enforcement of immigration detainers, or “holds”, to those issued for persons convicted of a serious or violent offense. As sponsor Assembly member Tom Ammiano and others have pointed out, most law enforcement officers don't want to double as federal immigration agents. They know that it discourages witnesses and victims of crime from coming forward and ultimately harms public safety for everyone.

## Breaking the Chains

Government statistics reveal that nearly 95% of immigration detainees have no violent criminal convictions and most are considered low-risk. Yet 100% of them are shackled at the wrists, waist, and ankles when they appear in San



Francisco immigration court, including the elderly and people with mental disabilities. The ACLU-NC filed a class-action lawsuit in August 2011 to stop this barbaric practice, and in December a court rejected the government's efforts to dismiss the case. We hope to see the last of shackling by the end of 2012.

## ACLU: 1, ICE: 0 (But Who's Keeping Score?)

In July we announced a settlement with the Sonoma County Sheriff and County of Sonoma that will limit unlawful collaboration between the County and federal immigration officials. Under the agreement, the Sheriff's office will no longer participate in joint field operations with U.S. Immigration and Customs Enforcement (ICE) unless the agency refrains from arresting or taking custody of people solely based on a suspicion that they are unlawfully present in the country. Local peace officers and ICE continue to have the ability to detain or arrest individuals who are suspected of criminal activity or who are thought to pose an imminent threat to public safety.

# Students' Rights

## **For Cell Phone Privacy, Keep the ACLU on Speed Dial**

As cell phones become more and more indispensable to young people, confiscation and searches of students' phones by school authorities have become widespread. Because such searches provide a window into every aspect of a students' private life, they violate the laws that protect students' privacy rights.

In response to a growing number of incidents, the ACLU's California affiliates collaborated on a report, HELLO: Students have a right to privacy in their cell phones. The report, issued in September 2011, summarizes the results of the ACLU's examination of search and seizure policies in nearly 200 California school districts, reviews the current legal limits for searching students' belongings, and lays out the components of a model policy. We sent the report to every school district superintendent in the state at the start of the school year.

Since issuing the report, ACLU-NC has received a number of calls from concerned students and families about search-and-seizure incidents. We've been working with school districts to resolve the issues.

## **Student Drug Testing Case Resolution: Music to Our Ears**

After three years of litigation, in September 2011 Shasta Union High School District finally agreed to drop its illegal policy of random, suspicionless drug testing of students who participate in competitive school-related activities, such as marching band, math team, and mock trial. The ACLU-NC litigated the case on behalf of students, including Brittany Dalton, who refused to take the intrusive drug test in order to compete with her flute ensemble. In an op-ed that appeared in the Redding Record Searchlight, her father John Dalton recounted the family's ordeal, including having to wait for a judge's ruling to find out whether Brittany could play in a prestigious statewide competition. The judge ruled in Brittany's favor in time for her to participate (and help win a gold medal), but that wasn't good enough for the school district. They appealed the ruling to the California Court of Appeal, which also found that the policy was illegal.

"I'm a parent, so I understand concerns about drug use, and making sure that our kids are safe and healthy," Dalton wrote in his op-ed. "I also believe it's important, for schools especially, to set an example about ways to solve complex problems." In this case, it was John Dalton and his daughter Brittany who set the good example by standing up to an illegal policy with integrity, tenacity and courage.


## **Police Interrogation of Student Journalist Leads to New Model Policies**

Davis High School student Alana de Hinojosa, Editor in Chief of the school newspaper, was shocked when she was pulled out of class on two separate occasions to be questioned by the police about her story in the school paper about local graffiti artists in the City of Davis. To her surprise, school officials facilitated police attempts to force her to reveal the identities of her confidential sources. Another student, a former police cadet who had assisted Alana with her newspaper article, was also pulled out of class—during an A.P. Calculus exam—as part of the criminal investigation of a suspected off-campus crime.

During the interrogations, neither student was informed of their right not to answer questions, or advised that they were free to leave the room.

Fortunately, the ACLU-NC's intervention on behalf of the students led to the issuance of new policies that spell out the role of police officers on campus and ensure that students are informed of their rights. Importantly, the police and school now recognize that the officers are there for school safety, not punishment.

"We expect our schools to educate our children, not criminalize them," says ACLU-NC staff attorney Linda Lye.



“I wasn’t a criminal suspect,  
and yet I wasn’t afforded  
the rights of someone who  
is suspected of a crime”  
–Alana De Hinojosa,  
student journalist

PHOTO BY STEVE ROSENFELD.





# Reproductive Justice

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## **Making California the Reproductive Justice State...**

During 2011, state legislatures across the country passed more than 100 laws limiting women's access to reproductive health services, including defunding family planning and erecting onerous restrictions to abortion. Meanwhile, California is moving in the opposite direction, removing barriers to reproductive health care.

After helping pass legislation allowing adolescents confidential access to preventive care for STDs, ACLU-NC laid the groundwork for the 2012 introduction of an important bill to expand access to safe, early abortion services in California. SB 1338 would allow women to obtain early abortions from advanced practice clinicians, primary care providers women know and trust in the communities where they live.

We've also helped affect federal policy: the Obama Administration rule that contraception must be covered in all new health plans, exempting only houses of worship, like churches, was copied from the narrow religious exemption in California's 1999 Contraceptive Equity Act. This exemption protects workers of diverse faiths at religiously-affiliated institutions, like hospitals, that provide secular services. The ACLU drafted and defended the exemption against constitutional challenges through the California Supreme Court.

In addition, ACLU-NC and our Washington Legislative Office worked to garner support for a bill to repeal the government's ban on abortion coverage for women in the military, even in cases of rape. Our advocacy included bringing forward military women who shared their own stories of being raped and then barred from accessing abortion care. The bill failed to pass, but we'll continue to work with these women until they have the same rights as the rest of us.

## **...But Good Laws Are Just the Beginning**

Nearly a decade ago, ACLU-NC sponsored a groundbreaking state law requiring that sex education instruction be comprehensive, medically accurate and free of bias. Since then we have worked to ensure that schools are following the law, and in 2011, we commissioned experts at UCSF to examine how far schools have come, and what work is left to do. The report, *Uneven Progress: Sex Education in California Schools*, documented great strides by schools in the quality of sexuality education. But it also highlighted something else we know to be true: in some districts, sex education remains inaccurate, denying students crucial health information and violating state law.

In the Clovis School District in the Central Valley, for example, the Teen Choices program "informed" students that open-mouth kissing and sharing earrings would spread HIV/AIDS, and warned that harm inevitably befalls those who do not abstain from sex until marriage. Teaming up with local parents, we successfully convinced the Clovis district to drop Teen Choices, a victory we are now leveraging in other Central Valley districts.

Activists gather at Forward Together ([www.forwardtogether.org](http://www.forwardtogether.org)) during the launch of Strong Families, a new national campaign. The ACLU has forged an invaluable partnership with the reproductive justice organization in California. PHOTO BY ANTHONY DIMAANO

# LGBT Equality

## Helping Schools Tackle Anti-Gay Bullying

California has some of the best laws in the country to protect students who are lesbian, gay, bisexual or transgender (LGBT), or who are perceived to be. But the unfortunate reality is that anti-LGBT harassment is still far too widespread. In 2011, the ACLU-NC worked hard for passage of Seth's Law, which will ensure that every school in California implements updated anti-harassment and anti-discrimination policies. It would also inform students and parents of their rights and how to address incidents of bullying. The bill is named for Seth Walsh, a 13-year-old gay student from Tehachapi who took his life in September 2010, after facing years of relentless anti-gay harassment at school.

## Don't Filter Me!

Melina Zancanella, a junior at Oroville High School and president of her school's Gay-Straight Alliance, was searching online for ways her club could help stop teen suicide—but she didn't get far, because her school had installed software to block access to web content geared toward LGBT communities.

In response to incidents like this, the ACLU embarked on a nationwide campaign called "Don't Filter Me!" that seeks to combat illegal censorship of LGBT educational information on public school computer systems. Our campaign asks students to check to see if web content geared toward LGBT communities—a frequent target of censorship in schools—is blocked by their schools' web browsers, and report them to the ACLU.

To date, we've convinced dozens of schools—including Oroville Hill School and the Rowland School District in California—to stop using the biased fil-

ters. By blocking access to LGBT educational websites, schools deny helpful information that could be vital for troubled LGBT youth who either don't have access to the Internet at home or do not feel safe accessing such information on their home computers.

## Looking Forward

The ACLU also continues its work in California and nationally for full recognition of LGBT relationships. Our amicus brief in California's Perry case and work in states around the country push for the freedom to marry for all same-sex couples.



Students from the Gay Straight Alliance (GSA) Advocacy and Youth Leadership Academy on Queer Youth Advocacy Day. PHOTO BY JULIA MENDOZA.

# Rights of the Economically Disadvantaged

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## **Putting an End to “Renting While Black”**

A four year dispute came to an end in November when the City of Antioch agreed to a settlement in *Williams v. Antioch*, a class action civil rights lawsuit brought by the ACLU-NC and its allies on behalf of five African American women. The suit accused Antioch and its police department of engaging in a campaign of intimidation, harassment and discrimination against African American families who get federal assistance with their rent through the Section 8 low-income housing program.

According to a 2008 report by community advocates, while Section 8 participants made up only five percent of Antioch households, two-thirds of community police investigations involved homes where voucher participants reside. The report also showed that the brunt of these investigations fell disproportionately on African Americans.

“In filing this case, we made a statement that profiling for ‘renting while black’ would not be tolerated,” said ACLU-NC Legal Director Alan Schlosser. “With this settlement, the rights of our plaintiffs are protected and their voices heard.” And to make sure they keep on being heard, the city will be under court supervision for the next three years to ensure police don’t target residents solely because of their race or rental status.

## **Schools Put the Squeeze on Students**

Back in 1879, the Free Schools provision of the California Constitution established the right of all students to a free education. Unfortunately, the budget problems of the early 21st century are now causing many schools to blatantly violate that clause: many are now illegally charging students fees for books and other essential educational supplies.

Last September, the ACLU of Northern California and its fellow state affiliates filed a lawsuit to stop the shameful practice. As our investigations found, students have been humiliated and harassed for failing to pay up. One student’s Spanish teacher wrote her name on the blackboard because she couldn’t afford her assigned workbooks; another interrupted a student during a test to harangue her for an unpaid bill. Others have been blocked from registering for classes or had their grades docked.

The ACLU’s lawsuit—as well as a pending bill that enjoys wide legislative support—seeks to establish an enforcement mechanism that will stop schools from charging the fees and put safeguards in place to ensure compliance. We sympathize with schools’ budget woes—but making students pay is not the answer.

“The idea of educating every child at public expense ranks with political democracy as one of the United States’ great original social contributions. Each of these ideas rests on a hallowed belief that every child is capable of reaching his or her fullest potential only when we encourage and honor accomplishment based on merit and hard work and disavow class distinctions.”

–Mark Rosenbaum, Chief Counsel of the  
ACLU of Southern California

# Technology & Civil Liberties

## Demand Your dotRights Campaign in High Demand

The ACLU-NC's Demand Your dotRights campaign helped make online privacy a hot topic in 2011 and inspire movements in Congress, courts, regulatory agencies, and the private sector to enact protections to put users in control of their personal information.

Since the campaign's launch in 2009, over 250,000 people have utilized its policy papers, videos, tech tools like the Facebook Quiz, and other resources to learn more about online privacy and push for change. The policy, legal, and public education work of ACLU-NC staff played an important role in the 2011 introduction of dozens of data privacy laws in Congress and state legislatures, as well as federal agency investigations and settlements that ordered companies like Facebook and Google to respect the privacy rights of users, we influenced companies to utilize "privacy by design" to integrate better privacy protections in new services or modify products that violated user privacy.

But we're not stopping there. We're proud that the ACLU is expanding our campaign nationwide and that ACLU offices across the country are working together to update privacy protections for the modern digital age.

## Reader Privacy Law for the Digital Age

We spent much of 2011 advocating for the successful passage of the Reader Privacy Act, a landmark law to ensure that the government and third parties cannot demand access to sensitive reading records—whether from a bookstore, or your Kindle or iPad—without proper justification. Thanks to the strong support of our members and allies, Gov. Brown signed the law in October.

“California will have the strongest laws in the country protecting reader privacy in the digital era. That’s good for consumers and supports innovation. Legal protections must keep up with technological advances,”  
–Valerie Small Navarro, Legislative Advocate  
with the ACLU of California

Since its signing, ACLU-NC staff has been working to ensure proper implementation of the law, including training and best practice materials for law enforcement and book services.

## Location, Location, Location...Means Privacy, Privacy, Privacy

ACLU-NC has been a leader in highlighting the particularly sensitive nature of location tracking inherent in mobile devices like our smartphones. Many of us have used location-based services on our computers and smart phones to find friends, check the weather, or get directions. But outdated privacy laws mean that sensitive information about who you are, where you go, and what you do may end up being shared, sold, or turned over to the government.

More than 5,000 consumers, businesses, and policymakers used our 2011 guide *Location-Based Services: Time for a Privacy Check-In*, and companion comparison of the privacy practices of popular products, to learn how to update and enhance privacy protections for mobile services.

Left to right, top row: graphic on location-based cell phone services; the dotRights table at the South by Southwest festival.

Left to right, bottom row: Technology and Civil Liberties Policy Director Nicole Ozer briefs our supporters at the annual DeSilver Society luncheon; Gene Bernardi, Peter Warfield (owner of a new dotRights t-shirt), Linda Pettibone.

TOP ROW RIGHT PHOTO BY ALEX REICHER. BOTTOM ROW PHOTOS BY TYLER GEORGESON.



# Strategic Affiliate Initiative

Here in Northern California, we thank our lucky stars for our 55,000-plus vibrant, active members who help us in so many ways to advance our advocacy goals. But we also know that there are many parts of the country where the need for an ACLU presence is great, but local resources are scarce. Our own expansion into the Central Valley reflects this same potential.

Recognizing this opportunity in 2006, the national ACLU created the Strategic Affiliate Initiative—an intensive investment made in key affiliates to build their long-term capacity to advance freedom in areas where civil liberties violations are especially egregious. The goal of the SAI is nothing less than to ensure that the promise of the Bill of Rights is a reality for all people in the United States. And the goal of our amazing members is nothing less than to help make it happen! Last year, ACLU of Northern California members and supporters concluded our \$25 million Campaign for the Future. Among other things, the Campaign contributed to the national fundraising goal of \$135 million and funded the purchase of our San Francisco headquarters and the SAI. Inspired by our generous and far-thinking members, ACLU-NC staff got on board too: more than 50 staff members contributed over \$100,000 to the campaign.

Thanks to our collective efforts, affiliates in Florida, Mississippi and Arizona have made these important advances:

The Mississippi affiliate helped the most conservative state in the nation become the third to defeat a so-called “personhood” amendment that would have criminalized some common forms of birth control and all abortions without exception, including treatment for ectopic pregnancy and miscarriage.

The ACLU of Arizona is leading a coalition of civil rights groups in a challenge to SB1070, the most far reaching anti-immigrant law in the United States. A federal judge has already blocked the most problematic aspects of the law, thanks to a Department of Justice lawsuit filed by the government after our intervention.

The ACLU of Florida is fighting implementation of a bizarre web of laws that will limit voter turnout and threaten the rights of voters, particularly African Americans and other ethnic and minority voters.

To any and all who contributed to the Campaign for the Future: please take a moment to put down this report and pat yourselves on the back.

# Racial Justice

## Making “Schools for All” a Reality

In California and throughout the nation, youth are being subjected to bias, harassment and discrimination in schools. Students of color bear the brunt of these harsh discipline policies; they are one-and-a-half to three times more likely to be punished with suspensions and expulsions than their white peers. The failure to address these experiences is leading to a dangerous trend: students stop engaging, misbehave, and become so alienated that they choose to leave school or are forced out.

The ACLU-NC’s Schools for All campaign is working with community groups and schools to address the problem. Nowhere is this disturbing trend more evident than in the Central Valley, where an astonishing number of students have been suspended or expelled. Through research, including a survey of local schools in Stockton, the ACLU-NC discovered that a majority of suspen-



A 2011 "Know Your Rights" publication for high school students.

sions surveyed in 2010-11 resulted from nonviolent and nondrug related offenses. Such vague offenses as “defiance” and “disrespect” were the most common reasons for disciplinary actions.

In response to these revelations, Stockton Unified School District is now in the process of changing its policies and implementing professional development programs to help educators and administrators to employ the best strategies for responding to misbehavior and minimizing inappropriate behavior. Credit for this shift belongs in part to the effective activism of several community organizations, including Fathers and Families of San Joaquin Valley. The executive director of the group, Sammy Nunez, recently teamed up with the ACLU-NC to publish a powerful op-ed calling for a more constructive response to perceived discipline problems.

## Equal Opportunity Victory for Minority and Women-Owned Businesses

In March, the ACLU-NC and its allies defeated a challenge to the California Department of Transportation’s equal opportunity contracting program. A district court ruled that the program can use race-conscious measures to fulfill its mission to ensure that minority and women-owned businesses are able to compete for federal stimulus funds and other federal contracts. In 2007, an extensive disparity study commissioned by Caltrans documented discrimination against small businesses owned by women and minorities in federally funded contracts, which, in 2009, resulted in the revival of the part of the program that had previously been canceled. Its reinstatement was challenged that same year in a lawsuit filed by the Associated Contractors of San Diego. The plaintiffs have appealed the decision to the Ninth Circuit.

# Thank You to Our Volunteers

## Cooperating Attorneys and Law Firms

We thank the following firms and individuals who donated services during 2011. Your hard work and commitment are deeply appreciated by the ACLU community.

### VOLUNTEER ATTORNEYS

Noga Firstenberg  
Genevieve Fontan  
Roxana Rezaei

*Special thanks to the law firm of Dewey & LeBoeuf for donating volunteer attorneys in 2011.*

### COOPERATING ATTORNEYS

Paul Alexander  
Shahab Asghar  
Saro Balian  
David J. Berger  
Douglas Beteta  
Kristie A. Bluett  
Megan Bouchier  
Jennifer Brockett  
Evangeline A.Z. Burbidge  
Thomas R. Burke  
Samantha Reardon Carter  
Sarah O. Chang  
Somnath Raj Chatterjee  
Alexis S. Coll-Very  
Jason L. Daniels  
Claire L. Davis  
Marley Degner  
Nicole A. Diller  
Ambika Doran  
Ernest J. Galvan  
Louise S. Gibbons  
Haywood S. Gilliam, Jr.  
Steven Guggenheim  
Bree Hann  
Andrea Hasegawa

Savith S. Iyengar  
Frank Kennamer  
Angela E. Kleine  
Rahul K. Kolhatkar  
Ajay Krishnan  
Shannon Leong  
Angel T. Lin  
Audrey Lo  
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Eric A. Long  
Thomas V. Lorán III  
Dan Marmalefsky  
Thomas J. Martin  
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Carlos Patricio Mino  
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Katherine M. Nolan-Stevaux  
Casey R. O'Connor  
Beth H. Parker  
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Kathleen D. Patterson  
S. Bradley Perkins  
Al Pfeiffer  
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Analisa M. Pratt  
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Sujal J. Shah  
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Stephanie A. Song  
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Simona G. Strauss

Jon Streeter  
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Patricia X. Svilik  
Stefan J. Szpajda  
Blake Thompson  
Howard M. Ullman  
Sean D. Unger  
Diane L. Webb  
Seth Weisburst  
Amy E. Whelan  
Richard R. Wiebe  
Vanessa C. Wu  
Christie L. Yang

### COOPERATING FIRMS

Arnold & Porter  
Bingham McCutchen LLP  
Covington & Burling LLP  
Davis Wright Tremaine LLP  
Keker & Van Nest LLP  
Latham & Watkins  
Law Offices of Richard R. Wiebe  
Morgan Lewis & Bockius LLP  
Morrison & Foerster  
Orrick, Herrington & Sutcliffe LLP  
Paul Hastings  
Pillsbury Winthrop Shaw Pittman LLP  
Rosen Bien & Galvan LLP  
Simpson, Thacher & Bartlett LLP  
The Moore Law Group  
Wilson Sonsini Goodrich & Rosati







ACLU volunteers help out in a range of ways, from the office to the courts to the streets. PHOTOS BY SAMUEL BARRETT.

## Interns Thank you to students who served as interns in 2011.

### LEGAL INTERNS

Oamshri Amarasingham  
 Andrew Bertolli  
 Meagan Burton  
 Michael Fairhurst  
 Negin Iraninejadian  
 Eva Jellison  
 Rachel Johnson-Farias  
 Nadia Kayyali  
 Judith Le  
 Bobby Ochoa

### POLICY INTERNS

Dennys Antonialli  
 Greg Bok  
 Alison Cordova  
 Jolene Forman  
 Rosina Ghedle  
 Ariana Green  
 Katy Kondo

Pablo Lastra  
 Alix McKenna  
 Frank Munoz-Ruiz  
 Yani Perez  
 Tess Ranahan  
 Alex Reicher  
 Natasha Saggar  
 Erica Sanders  
 Maureen Siedor  
 Jill Sowards  
 Noah Starr  
 Jocelyn Wolf

### ORGANIZING AND COMMUNITY ENGAGEMENT INTERNS

Jessie Cassella  
 Jasmine Fernandez  
 Christine Romero  
 Carly Smith

## Volunteers Thank you to our 2011 volunteers.

### CIVIL LIBERTIES COUNSELORS

Navdeep Bains  
 Barbara Briggs  
 Marcela Cabrera  
 Alice Fialkin  
 Alyssa Foran  
 Daniel Griffin  
 Dan Halpern  
 Richard Muir  
 Ghassan Shamieh  
 Adele Sylar

### OFFICE VOLUNTEERS

Judy Ellman  
 Jessie Seyfer

### PHOTOGRAPHER VOLUNTEERS

Samuel Barrett  
 Anais Dodson  
 Allison Garcia  
 Tyler Georgeson  
 Anna Graves  
 Eric Hoffman  
 Stephanie Jaeger  
 Susana Millman

### CHAPTERS

Berkeley/North East Bay  
 Chico  
 Greater Fresno  
 Marin County  
 Monterey County  
 Mt. Diablo  
 North Peninsula  
 Paul Robeson  
 Redwood  
 Sacramento County  
 San Joaquin County  
 Santa Clara Valley  
 Santa Cruz County  
 Shasta-Tehama-Trinity  
 Counties  
 Sonoma County  
 Yolo County

### CAMPUS CLUBS

California State University,  
 Chico  
 California State University,  
 Fresno  
 Delta College  
 Golden Gate University  
 School of Law  
 Pacific McGeorge School  
 of Law  
 Santa Clara University  
 School of Law  
 Stanford University  
 University of California,  
 Berkeley  
 University of California, Davis  
 School of Law (King Hall)

# Development & 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 effectiveness and impact 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-exempt 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.

## Fundraising Campaigns and Volunteers

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

## Sharing

All gifts and membership dues are shared between the national ACLU Foundation and the ACLU Foundation of Northern California. A portion of 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).

**WORKPLACE GIVING/PAYROLL DEDUCTION:** You may choose to designate the ACLU Foundation through your workplace giving campaign or via United Way Donor Option..

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

**INSURANCE AND RETIREMENT ACCOUNTS:** You may designate the ACLU or ACLU Foundation as beneficiary of your life insurance policy, IRA plan or pension.

**BEQUESTS:** In your will or revocable living trust, you may designate the ACLU or ACLU Foundation as beneficiary of part or all of your estate.

**GIFT ANNUITIES:** You may use cash or securities to make a gift to the ACLU Foundation and receive fixed annual payments (a portion of which 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.

**SPECIAL OPPORTUNITY:** If you act now and name the ACLU to receive a gift through your estate, or if you establish a life income gift such as a gift annuity or a charitable remainder trust, your legacy gift may qualify us for up to a \$10,000 cash match today from our generous challenge donor, The LuEsther T. Mertz Charitable Trust. For information about the Legacy Challenge or about other estate planning opportunities, contact our Planned Giving Officer, Susanna Chase, at (415) 621-2493 or [schase@aclunc.org](mailto:schase@aclunc.org).

*For more information on ways to support the ACLU, contact Director of Development Cheri Bryant (415) 621-2493 or at [cbryant@aclunc.org](mailto:cbryant@aclunc.org).*

# ACLU FOUNDATION OF NORTHERN CALIFORNIA

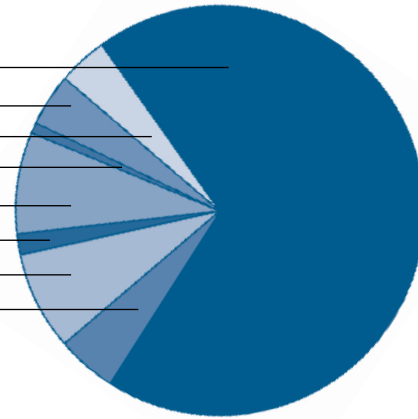
## Operating Income and Expenses 2010 - 2011

### SUPPORT AND REVENUE:

|                               |                |
|-------------------------------|----------------|
| Individual Contributions:     | \$ 7,124,344   |
| Restricted Foundation Grants: | \$ 466,500     |
| Bequest Contributions:        | \$ 411,105     |
| Court Awarded Attorney Fees:  | \$ 12,300      |
| In-Kind Legal Contributions:  | \$ 835,736     |
| Other Income:                 | \$ 150,017     |
| Investment Income/(Loss):     | \$ 814,930     |
| Transfer to Reserves:         | \$ 464,755     |
| National ACLU share:*         | (\$ 3,253,156) |

**Total: \$ 7,026,531**

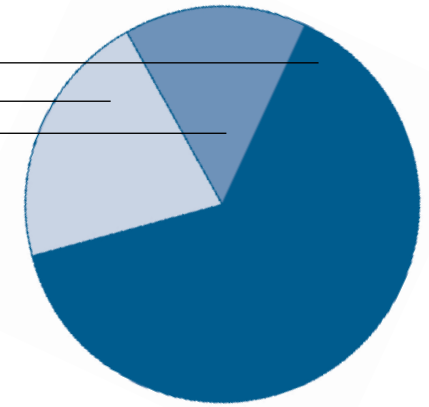
\*Indicates sharing with National ACLU of contributions and bequests.



### EXPENSES:

|                         |              |
|-------------------------|--------------|
| Program Services:       | \$ 4,573,476 |
| Fundraising:            | \$ 1,434,542 |
| Management and General: | \$ 1,018,513 |

**Total: \$ 7,026,531**



# ACLU OF NORTHERN CALIFORNIA

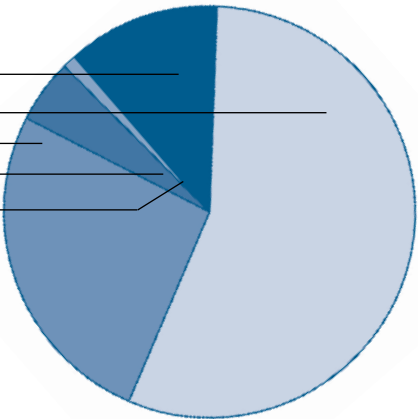
## Operating Income and Expenses 2010 - 2011

### SUPPORT AND REVENUE:

|                               |                |
|-------------------------------|----------------|
| Public Contributions:         | \$ 472,743     |
| Membership dues:              | \$ 2,145,105   |
| Bequests:                     | \$ 998,861     |
| Reimbursement for Legis. Ofc: | \$ 197,107     |
| Investment Income and Other:  | \$ 2,355       |
| National ACLU share*          | (\$ 2,038,052) |
| Transfer to Reserves:         | (\$ 232,547)   |

**Total: \$ 1,545,572**

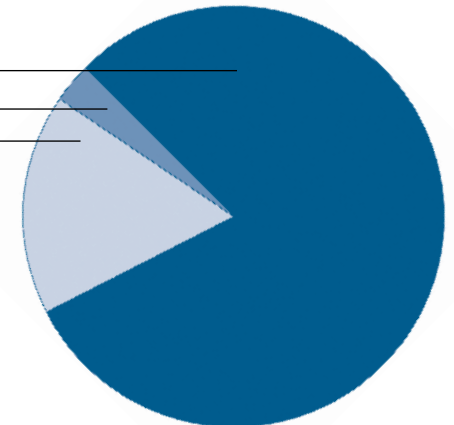
\*Indicates sharing with National ACLU of contributions and dues.



### EXPENSES:

|                         |              |
|-------------------------|--------------|
| Program Services:       | \$ 1,247,465 |
| Fundraising:            | \$ 37,009    |
| Management and General: | \$ 261,098   |

**Total: \$ 1,545,572**



SOURCE: AUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDING MARCH 31, 2011, BY HARRINGTON GROUP.  
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