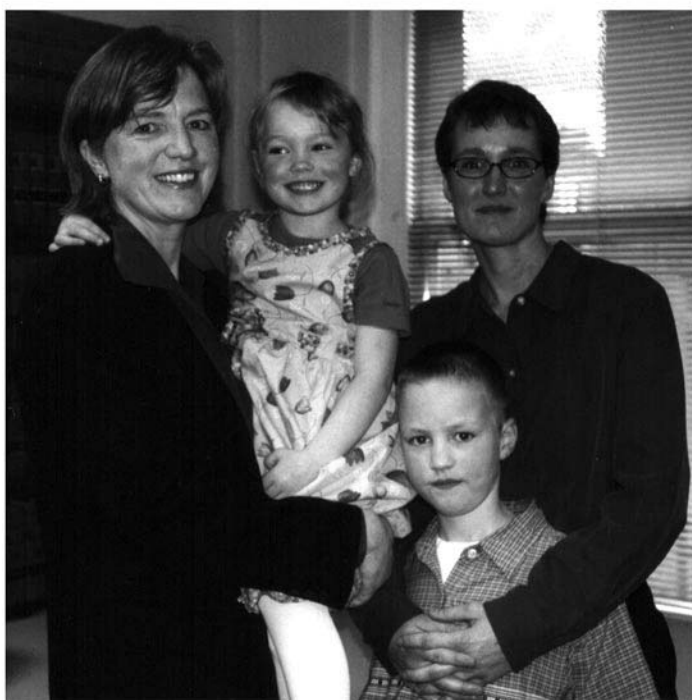


# Annual Report 2004



*Because Freedom Can't  
Protect Itself*



## WASHINGTON CHAPTERS & STUDENT CLUBS

★ Whatcom

★ Jefferson

Spokane ►

★ Kitsap

★

Garfield High School  
Seattle U Law School  
UW  
UW Law School

★ Grays Harbor

★ Thurston

★

Pierce County  
Foss High School  
University Of Puget Sound

Yakima ►

Whitman College ►

★ Clark

## DEAR FRIENDS

"State ACLU Membership Surges" proclaimed a front-page headline in the *Seattle Post-Intelligencer* this spring. The ACLU of Washington indeed has experienced dramatic growth now topping 20,000 members – virtually doubling our size since passage of the USA PATRIOT Act soon after 9/11.

Here in Washington, the ACLU has filed a class action lawsuit on behalf of innocent people who are somehow on the government's No-Fly List and are repeatedly hassled at airports. Working with local allies, we helped numerous counties, cities, and colleges adopt resolutions calling for reform of the USA PATRIOT Act. We have distributed thousands of "Know Your Rights" pamphlets, written in eight languages and conducted dozens of workshops for ethnic communities most directly affected by government actions since 9/11.

As throngs of gay and lesbian couples lined up for marriage licenses in Oregon and California, we filed a lawsuit challenging Washington's ban on marriage for same-sex couples. (We had brought a similar case that lost in the Court of Appeals, 30 years earlier.) We helped score a notable victory against the War on Drugs, playing a key role in the initiative campaign that requires Seattle police to make marijuana arrests their lowest priority. In Grant County, with Legal Services, we have launched litigation to reform a shamefully inadequate indigent defense system. And dozens of Washingtonians came with us to participate in the historic Women's March for Choice in the nation's capital this spring.

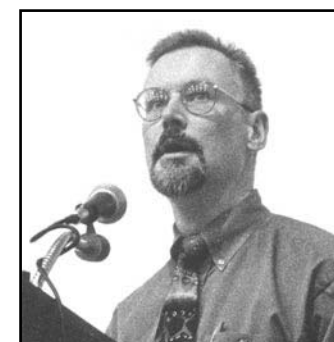
Our speaking engagements before school and community groups have tripled since 9/11. Our statewide presence expanded, with new chapters in Spokane and Jefferson counties. We organized an ACLU-WA Lobby Day, bringing members to advocate for civil liberties in the halls of the state capitol. Our Uncensored Celebration with Book-It Repertory Theatre has become so popular we're moving to a larger venue this September. And you may have seen hard-hitting new ACLU ads in your favorite publications or heard our message that "Freedom Can't Protect Itself" on NPR and local radio stations.

Especially promising has been Passing the Torch of Liberty, our youth program of education and activism. We welcomed our first high school clubs this year, at Foss High in Tacoma and Garfield High in Seattle. When the ACLU's College Freedom Tour, mixing political discussion with hot music, came to the University of Washington last fall, it drew the largest turnout of its nationwide tour. This

summer our office buzzed with the activity of student interns.

The ACLU is the unwavering voice of liberty working in the courtrooms, legislatures, and public squares, willing to take on civil liberties clients, causes and cases without regard to their popularity or the current political climate, and paying particular attention to the rights of those who have historically been disenfranchised. We are the "go-to" organization for individuals, community groups, the press, and policymakers who want to advance the cause of civil liberties and civil rights.

The ACLU is all of this, and more, because of the active involvement and financial support of ACLU members, new and old alike. We are working hard and are grateful for your partnership in our efforts.



*Timothy Kaufman-Osborn*

Timothy Kaufman-Osborn, Board President



*Kathleen Taylor*

Kathleen Taylor, Executive Director





**Rolling Back the PATRIOT Act**

The ACLU is a key part of a nationwide grassroots movement that has spread like wildfire to advance resolutions reaffirming support for the civil liberties of all and calling for reform of anti-liberty features of the PATRIOT Act. Working with peace groups, local Bill of Rights Defense Committees, and ethnic communities, we have scored notable successes in Washington. Five counties and the cities of Bellingham, Olympia, Port Townsend, Seattle, and Tacoma have adopted resolutions so far. The King County Council – which represents 29% of the state’s residents and has a 7-6 split between Democrats and Republicans – adopted its resolution unanimously. On campus, student governments at four colleges and the faculties of two colleges also have passed resolutions. The legislature declined to act on a statewide resolution in 2004, but the ACLU will be back in Olympia pushing for its passage next year.

**Saying No to the No-Fly List**

A member of the military, a retired minister, and a college student are among the seven citizens who joined the first nationwide, class-action challenge to the government’s No-Fly list, filed by the ACLU in U.S. District Court in Seattle in April 2004. The suit takes on a “terrorist watch” list that targets people who pose no threat whatsoever to airline safety yet provides no way for them to get off the list.

The top-secret No-Fly list is compiled by the Transportation Security Administration (TSA) and distributed to all airlines, with instructions to stop or conduct extra searches of people suspected of being threats to aviation. Included are people who are stopped, questioned, and searched over and over again because their names are the same or similar to names on the list – even after they have previously received clearance to fly. Plaintiffs in the lawsuit and others on the list have expressed concern that they may have been singled out because of their ethnicity, religion, or political activity.

The ACLU is asking the court to declare that the No-Fly list violates the rights of airline passengers and seeks to have the TSA develop satisfactory procedures that will allow innocent people to fly without hindrance. Handling the case are ACLU-WA staff attorney Aaron Caplan, cooperating attorney Mike Kipling of the Summit Law Group, and Reggie Shuford and Catherine Kim of the national ACLU.

**Compensation for Innocent Victims**

After more than two years of negotiations, the ACLU obtained compensation for two Somali businessmen for losses they suffered from a raid by U.S. Treasury Department agents. The affair illustrates the way that innocent people have become “collateral damage” in government overreactions in the war against terrorism.

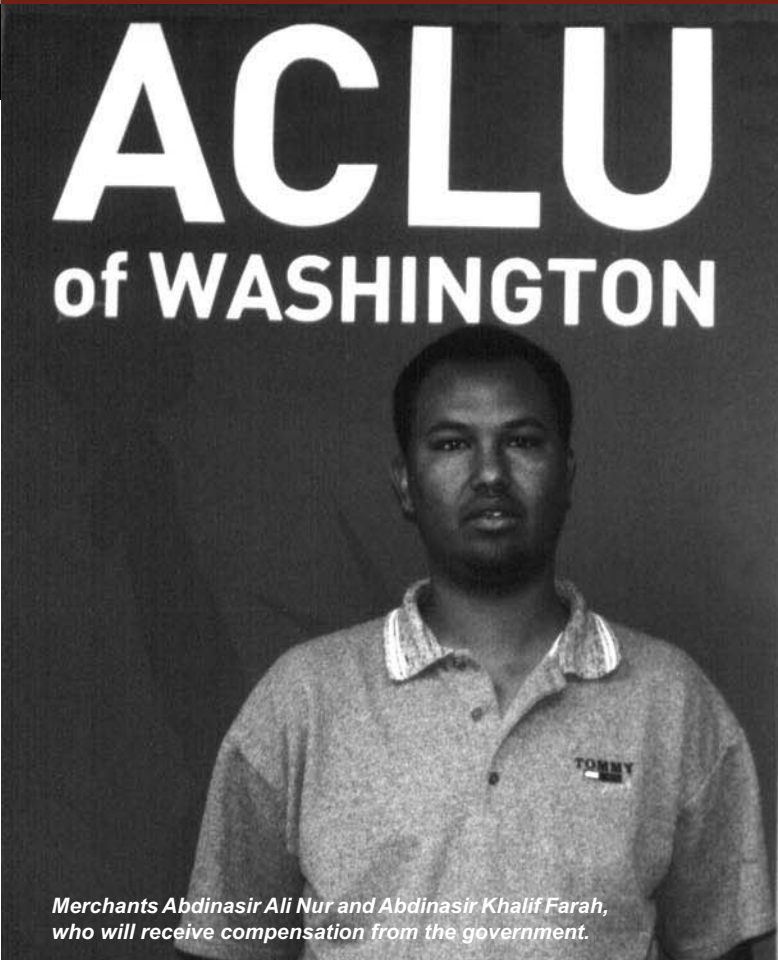
In November 2001, Treasury agents raided the building in south Seattle which housed the Barakat Wire Transfer Company. The government alleged that overseas entities skimmed portions of Barakat’s money transfers to support terrorist activities. (Ultimately, however, no charges were filed against the company.) Sharing the building were two businesses separately owned and operated: the Maka Mini Market owned by Abdinasir Ali Nur and the Amana Gift Shop owned by Abdinasir Khalif Farah. Government agents seized their entire inventories, including display racks, perishable food, gift merchandise, shelves on the walls, and cash in the register. Much of their merchandise and equipment ended up missing or damaged, and the merchants suffered weeks of lost sales. The Amana Gift Shop went out of business.

The ACLU filed claims for compensation on behalf of the businessmen under the Federal Tort Claims Act. Under a settlement reached in June 2004, Nur is to receive \$75,000 from the government, and Farah is to receive \$25,000. The payments will provide some restitution and a measure of justice for the unnecessary harm done to their livelihoods. ACLU cooperating attorneys Jim Donohue and Mike Thorp of Heller Ehrman White & McAuliffe represented the merchants.

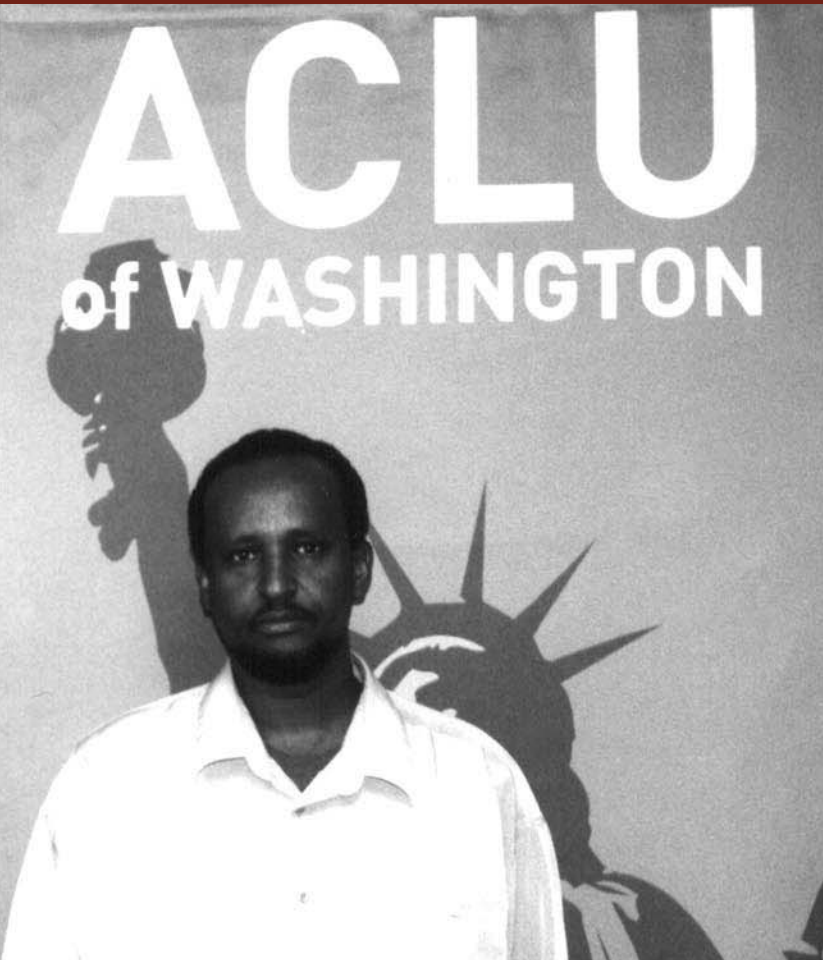
**Special Registration**

From secret deportation hearings to ethnic profiling by the FBI, government actions since 9/11 have made life difficult for Arab and Muslim communities. Especially onerous has been the special registration program known as NSEERS (National Security Entry-Exit Registration System). Initially, roughly 175,000 non-immigrant men from 25 predominantly Muslim countries had to register with federal officials. Individuals already in the United States were required to go to a designated immigration office, at times undergoing an invasive interview and providing personal information. Many thousands who registered faced deportation, often due to minor visa violations stemming from bureaucratic incompetence.

**HOMELAND SECURITY**



*Merchants Abdinasir Ali Nur and Abdinasir Khalif Farah, who will receive compensation from the government.*



The ACLU-WA’s Community Organizer, Devon Abdallah led a major effort to obtain clarification from the government about the registration process; various government officials were telling different stories. We developed a flyer outlining the rules for re-registration and distributed it to immigrant rights groups and posted it on our Web site. We also coordinated a presentation for international student advisors from several colleges. We will continue to oppose policies which unfairly single out members of certain ethnic communities.

**Ferry Dock Searches**

The ACLU-WA is watching carefully as the government implements new security plans for state ferries. In June 2004 we met with high-level state and federal officials to learn about specifics and to express concerns for the protection of civil liberties. The new plans rely heavily on the use of bomb-sniffing dogs. We are gathering information on the specifics of their implementation.

In 2002 the Washington State Patrol discontinued searching randomly selected cars at ferry docks due to protest by the ACLU and public outcry. An advisory opinion by the State Attorney General’s office at that time

questioned the legality of the random searches. Since then, Congress passed the federal Maritime Security Act of 2002 that requires the ferry system to develop a new security system for approval by the U.S. Coast Guard.

**PATRIOT ACTS**

A dark-skinned passenger speaking on a cell phone is removed from an airplane because other passengers are uncomfortable . . . a graduate student researching radical Islamic groups receives a visit from an FBI agent . . . an Arab woman seeking to contact a missing relative can get no information from immigration officials.

To dramatize these scenarios from the war on terror, the ACLU and GAP Theatre created “PATRIOT ACTS: The Bill of Rights Theatre Project.” The program combines skits by professional actors with audience discussion to put a human face on the impact of government policies and stimulate thinking about civil liberties and national security. ACLU speakers provided expertise on details of the PATRIOT Act and other government actions. We have presented 15 performances of the program in diverse settings, ranging from a chapter meeting in Aberdeen to a public library in Des Moines to a college campus in Walla Walla.





# FREEDOM OF SPEECH

## On the Sidewalks of Spokane

Public sidewalks historically have served as forums for free speech. Yet the Spokane Transit Authority required anyone who wanted to engage in a “public communication activity” on the sidewalk outside the Plaza building to get a permit in advance. The permit was good for a maximum of five hours a week.

The ACLU and the Center for Justice (CFJ) challenged the restrictions in federal court on behalf of Donald Ausderau, a Christian minister, and the Peace and Justice Action League of Spokane. Under the terms of a settlement reached in March 2004, speakers, leaflet distributors, musicians, and others who ordinarily use city sidewalks without a permit can use Plaza sidewalks without a permit, too. Their activities will not be limited to any particular time period. ACLU staff attorney Aaron Caplan and CFJ attorney David Blair-Loy handled the case.

*“As an artist, I feel the most important way to protect our free speech rights is by exercising them every day.”*  
- Carol, ACLU member

## On the Streets of Tacoma

When government officials charge prohibitive fees for police escorts, they effectively bar everyone but the financially well-off from exercising their right to march. In Tacoma, the ACLU won a victory for the free speech rights of grassroots activists operating on a shoestring budget.

The Tacoma Leonard Peltier Support Group (TLPSG), a group that works to advance the rights of Native Americans, had staged an annual political march on the sidewalk in Tacoma for the past decade without incident. Expecting a larger crowd in 2003, the group decided to move the march to the street and to apply for a parade permit. Before it would issue the permit, the City of Tacoma insisted that the all-volunteer group pay a minimum of \$1,000 for police escorts – an amount double the TLPSG’s entire annual budget. When the group was unable to pay the required fee, the City denied its application for a permit.

The ACLU sued the City of Tacoma on behalf of TLPSG coordinator Arthur Miller. In response, the City Council in October 2003 revised its parade ordinance. The revised law limits the fees the City can charge groups organizing political marches to the administrative costs involved in processing the permit application. Attorneys Jim Donohue and Felix Luna of the firm Heller Ehrman White & McAuliffe handled the case for the ACLU.

## On the Streets of Seattle

The October 22 Coalition is a national organization that draws attention to police brutality. On October 22, 2003, 80-100 people gathered at Seattle Central Community College. When the group moved into the street to begin their annual march, a Seattle police officer announced that he was unilaterally rescinding their parade permit because they had too few people. Though the parade permit did not require a minimum number of marchers, the officer provided no further explanation. Relegated to the sidewalk, the participants were dispersed by numerous traffic lights, reducing the force of the march.

In April 2004, the ACLU filed a lawsuit on behalf of the October 22 Coalition challenging Seattle’s Parade and Special Events Ordinances. The ACLU says the City’s regulations are burdensome and so vague that they wrongly give police unfettered discretion to alter or revoke parade permits. Cooperating attorneys Michael Ryan and Christopher Varas of Preston Gates & Ellis and ACLU staff attorney Aaron Caplan are handling the case.

## Uncensored Celebration

Dramatic renditions of *Dracula*, *Of Mice and Men*, *Go Ask Alice*, and *Johnny Got His Gun* highlighted the ACLU’s annual Uncensored Celebration marking Banned Books Week. Actors from Book-It Repertory Theatre read from these literary works that have been threatened with censorship. Seattle City Librarian Deborah Jacobs emceed the event, which drew a full house to Broadway Performance Hall in Seattle.

Author Molly Ivins at a Seattle reception with the ACLU activist Camille Matern.







# WAR ON DRUGS

## Advocating for Reform

The ACLU-WA Drug Policy Reform Project serves as a catalyst for change in addressing drug use and abuse issues, in cooperation with an array of criminal justice reformers, legislators, public defenders, and service providers. The Project provides legal, policy, and strategic support to groups challenging racial disparity in drug arrests, seeking to implement the state's medical marijuana law, and pursuing a "harm reduction" approach to drug use.

The Project is working with the King County Bar Association, which has formed a coalition of professionals and membership organizations to propose an alternative model for state and national drug policy. During an extensive process of review and dialogue, the Bar Association group has come to a solid consensus that the drug war has caused more harm than benefit to society. With input from the ACLU-WA on civil liberties concerns, the group is likely to propose one of the first detailed and comprehensive blueprints for drug policy reform.

## Sensible Marijuana Enforcement

Sponsored by the grassroots reform coalition Sensible Seattle, Initiative 75 passed in September 2003 by a resounding 59-41% margin. I-75 makes enforcement of marijuana laws relating to adult personal use the lowest enforcement priority for the Seattle Police Department and the City Attorney. The ACLU drafted the measure and contributed extensive resources to the campaign. Since its passage, our efforts have focused on supporting the 11-member review panel that is studying impacts of the law and is developing recommendations for alternatives to marijuana arrests and prosecutions.

## Food Stamp Eligibility

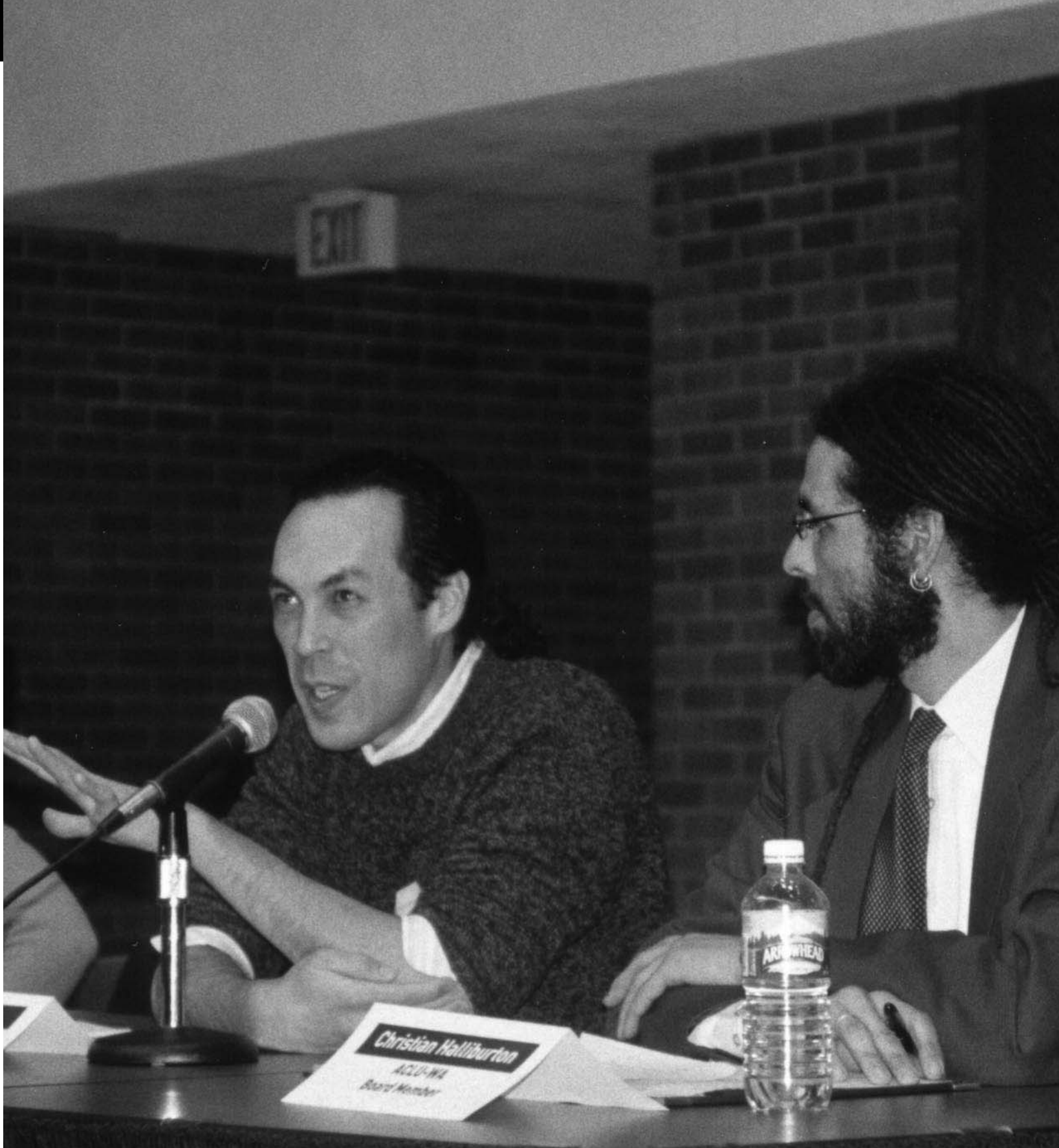
Disqualification from food stamps and other programs unfairly punishes drug users who have already been punished by the criminal justice system. In addition, food stamp disqualification harms children, whose access to food is reduced when their ex-offender parents are denied food stamps.

The 2004 legislature adopted an ACLU-backed bill that restores food stamp eligibility in Washington to people who have been convicted of drug crimes. Under the state's implementation of draconian federal law, people with a previous drug conviction are ineligible for most forms of public assistance except for medical care, even if they have served their sentences. By passage of the bill, Washington opted out of the federal food stamp prohibition.

*"I'd like to thank you all for what you have done for me. You have been great to work with in this lawsuit and I feel pretty privileged to have worked with such a professional organization."*

*- Shawn Orndorff, ACLU plaintiff*

Drug Policy Reform Project Director Andy Ko and board member Christian Halliburton at the "Giving the Boot to the War on Drugs" Annual Meeting workshop.





## Police Accountability

One obstacle in our continuing effort to improve police accountability in Seattle has been the City's collective bargaining process with the police union. The union seeks to resolve key accountability issues behind closed doors as part of labor negotiations, instead of as the public policy matter that it is. Under pressure from the ACLU-WA, the Minority Executive Directors Council, and other community groups, the City Council finally agreed to hold a hearing in November 2003 to allow public input on the City's bargaining position.

The ACLU is pushing for a range of reforms in Seattle's system for investigating allegations of police misconduct. We are urging the City to cease conducting criminal background investigations of individuals who file misconduct complaints, that the citizen Review Board have full access to internal investigations documents, and that the Police Chief be required to state reasons in writing when overturning findings of the Office of Professional Accountability.

In Tacoma the tragic murder of Crystal Brame by her husband, the Chief of Police, led to public scrutiny of problems in Tacoma's Police Department. The ACLU-WA provided extensive information and analysis for a Tacoma Human Rights Commission working group and wrote its proposal for citizen oversight of police. Achieving meaningful reform will require a long-term effort, and our work on this project will be ongoing.

## Fairness for Indigent Defendants

In April 2004 the ACLU and Columbia Legal Services filed a class-action lawsuit tackling the particularly woeful indigent public defense system in Grant County. At least four courts in recent years have overturned felony convictions because County public defenders failed to provide effective assistance of counsel. Attorneys have failed to communicate with clients, neglected to interview witnesses, overlooked evidence that may have proven clients were innocent, and failed to file critical legal motions. The lawsuit seeks a court order mandating that the County operate a constitutionally adequate system of public defense. Handling the suit are ACLU staff attorney Nancy Talner and ACLU cooperating attorney David Taylor of Perkins Coie, Patricia Arthur of Columbia Legal Services, and Lori Salzarulo of Garvey Schubert Barer.

A lack of accountability and fairness are problems in many local indigent defense systems around the state. "The Unfulfilled Promise of Gideon," an ACLU policy report issued a month before the lawsuit, showed that a majority of Washington counties do not have adequate standards and oversight systems to ensure that publicly funded legal services meet basic constitutional requirements.

Among other recommendations, the ACLU report called upon state officials to require counties to establish meaningful caseload limits, reform the way in which public defense services are paid for, and bar renewal of indigent defense contracts with attorneys who repeatedly fail to meet Bar Association standards.

## Power of the Jury

In the *Blakely* case from Washington state, the U.S. Supreme Court in June 2004 reaffirmed the jury's central role in deciding critical factual issues beyond a reasonable doubt. The case arose after a judge imposed an "exceptional sentence" of 90 months in prison for a defendant whose crime called for a maximum 49-53 months under state sentencing guidelines. An ACLU *amicus* brief argued that a judge should not be able to lengthen a sentence based on factors a jury may not have considered in reaching its verdict. The Supreme Court agreed and invalidated Washington's current statute allowing judges to impose exceptional sentences. The brief was submitted by ACLU-WA cooperating attorney Jim Lobsenz and the National ACLU. We will be watching closely as lawmakers attempt to craft a revised law.

*"A man's value to the community primarily depends on how far his feelings, thoughts and actions are directed towards promoting the good of his fellows." - Albert Einstein*

*Field Director Genevieve Aguilar at the University of Washington National Day of Action.*





## An Invisible Police Officer in the Back Seat

New technologies are testing Washington's tradition of strong protections for privacy. Global positioning systems (GPS), for example, can track all the movements of a person or car without the presence of a police officer. The ACLU is working to put in place safeguards to make sure that freedoms are protected when government employs such high-tech surveillance technologies.

In a first-in-the-nation case, the Washington Supreme Court in September 2003 unanimously ruled that police must obtain a warrant in order to track an individual with GPS. The case stemmed from an incident in which Spokane County sheriffs wired a GPS device to a person's car to trace its movements. The court agreed with the ACLU's contention that to conduct such surveillance without showing probable cause that the individual has committed a crime violates the state constitution. ACLU-WA Privacy Project Director Doug Klunder wrote our influential *amicus* brief in the case.

## Biometric Driver's Licenses

The ACLU has long opposed efforts to turn driver's licenses into de facto national ID cards or to collect personal data unnecessary for the purpose of a driver's license. In the 2004 legislature, we opposed a bill requiring an unspecified "biometric identifier" for applicants for driver's licenses and state identity cards. That could open the door to require fingerprinting and possibly a second identifier, such as a retinal scan. We worked hard to avoid a bill that would increase the possibility for misusing the personal information for unrelated purposes – with harms magnified by errors in identification.

Thanks in large part to the efforts of our Privacy Project, the biometric driver's license bill passed in a form that will not pose new threats to personal privacy. Governor Locke has instructed the Department of Licensing to use the least invasive biometric: facial recognition. Since the state already requires digital pictures, it will be collecting no new biometric information. And we will be watching to ensure it doesn't.

## Opting In to Protect Privacy

The ACLU believes that individuals should control what is done with sensitive personal information that government and businesses collect about them – information such as personal attributes, medical conditions, financial status, or personal interests that they wish to keep confidential. Recognizing this principle, the Washington Utilities and Transportation Commission (UTC) adopted "opt-in" regulations requiring that communications companies get explicit approval of a customer before they can use information about what numbers the person calls and the length and frequency of calls.

Verizon challenged the opt-in policy, asserting it violates the company's free speech rights. That is a free speech argument that even the ACLU can't support! Instead we argued that the Commission's regulations simply restrict the use of personal data without customer approval. Unfortunately, U.S. District Court Judge Barbara Rothstein in August 2003 blocked the Commission from enforcing its rules. The court found that while the state indeed has a substantial interest in protecting consumer privacy, the rules were confusing, inconsistent, and should have been more narrowly tailored. Privacy Project Director Doug Klunder and cooperating attorney Sandra Victoria wrote the ACLU brief, which was submitted jointly with Privacy Activism, WashPIRG, and the Privacy Rights Clearinghouse.

## Online Court Records

Court proceedings can accumulate a wealth of personal information, detailing an individual's financial records, medical records, and even psychological evaluations. Yet, a new rule proposed by the Washington Supreme Court would allow posting of all court records online (except for sealed records). It would also allow the distribution of the entire database of court records to commercial data brokers.

In coalition with advocates for victims of domestic violence and family law experts, the ACLU-WA has prepared an alternate draft rule that balances access to information with privacy protection. We are mobilizing support for the alternative through our network of E-activists and via the ACLU-WA Web site.

*Master Sergeant Michelle Green, a plaintiff in our No-Fly list lawsuit.*





## Let the Candidates Speak

Candidates should be free to tell the public clearly and directly why they are running for office. Yet the City of Seattle bans candidates from even mentioning their opponents in the City's voter pamphlet. In a disappointing decision, the U.S. 9<sup>th</sup> Circuit Court of Appeals in October 2003 reversed a lower court ruling and upheld this ban.

The ACLU challenged the rule on behalf of Grant Cogswell, a candidate for Seattle City Council whose statement for the 2001 primary election pamphlet was rejected by the Seattle Ethics and Election Commission on grounds that it mentioned his opponent. Cogswell ran for office because of his concerns about transportation issues, and his opposition to the incumbent's record on those issues was central to his candidacy. The ACLU argued that it was unfair to allow incumbents to tout their achievements in office while denying challengers the chance to critique incumbents' records. Cooperating attorneys William Rava and Lisa Willmer of Perkins Coie handled the case.

## Count All the Votes

While controversy still lingers over the vote count in Florida during the last Presidential election, a Washington court has affirmed the importance of honoring the intention of voters. The ruling came in an ACLU lawsuit on behalf of Katie Phelps, who waged a write-in campaign challenging incumbent Daniel Becker for a seat on the Medina City Council in 2003. The race was so close that King County election officials undertook a manual recount, and the results found Becker ahead by three votes. Twenty-nine additional ballots had Phelps's name clearly marked as a write-in but were declared invalid because voters failed to also darken the adjacent oval on the ballot.

The ACLU contended that constitutional principles require the counting of all ballots on which the voter's intention is clear. King County Superior Court Judge James Doerty agreed, and with all the votes tallied, Phelps won the election. ACLU-WA Board member Doug Klunder handled the case.

## Let Ex-Felons Vote

People should not be barred from the right to vote simply because they are impoverished. The ACLU is working to reform state policies that deny the vote to tens of thousands of ex-felons in Washington because of financial debt to the government – although they have met all other conditions of their sentences. Compounded with the racial disparity in Washington's incarceration rates, approximately one-fourth of all African American males eligible to vote in Washington currently are disenfranchised.



Medina City Council member Katie Phelps with attorney Doug Klunder.

The ACLU, the NAACP, and the League of Women Voters are jointly promoting a bill to remedy this injustice. It would allow individuals to regain the right to vote once they have been released from incarceration, even if they still have financial obligations (filing fees, fines, court costs, court-appointed attorney fees, etc.). The bill died in committee in 2004, and the ACLU will again work with allies to advance the measure in next year's legislature. We are continuing our extensive community education on the issue, including presentations to social service agencies and ex-felon advocacy groups.



A First Amendment Rally in the 1950s.





# GAY RIGHTS

## Marriage Equality

A police officer, a firefighter, a banker, a nurse, a retired judge, and a business executive are among the eleven couples whom the ACLU-WA is representing in a statewide challenge to the denial of marriage rights to same-sex couples. The plaintiffs hail from Seattle to Spokane and from Friday Harbor to Hoquiam. Obtaining a state license to marry brings many legal rights, including parenting rights, visitation in hospitals, and inheritance rights. Yet same-sex couples are denied the right to enter into a marriage contract based only on their same gender.

The lawsuit was filed in April 2004 in Thurston County Superior Court and announced at simultaneous press conferences in Spokane and Seattle. This is not the ACLU-WA's first foray into marriage equality litigation. In 1971 the ACLU represented John Singer and Paul Barwick when they sought to obtain a marriage license in Washington. Unfortunately, the state court of appeals ruled that marriage is the "appropriate and desirable forum for procreation and the rearing of children" and therefore not applicable to gays and lesbians. With society's understanding of equality much changed since then, we hope for a better result in the current suit. Cooperating attorneys Paul Lawrence, Matthew Segal, and Amit Ranade of Preston Gates & Ellis, Karolyn Hicks of Stokes Lawrence, Roger Leishman of Davis Wright Tremaine, and ACLU-WA staff attorney Aaron Caplan are handling the case.

## Wedding Invitations

While individuals are entitled to their private opinions about same-sex marriages, discriminatory business practices are not permitted. Upholding this principle, the ACLU-WA gained an agreement in which a Seattle business apologized for refusing to print invitations to a wedding of same-sex partners.

In August 2003, Seattle resident Tom Butts contacted Starfish Creative Invitations to hire them to print invitations for his upcoming wedding ceremony with Scott Carter in Vancouver, B.C. Starfish, a Seattle company, refused to provide their services because, in the proprietor's words, she believes "homosexuality is wrong" and same-sex weddings are "against her belief system."

The business owner's refusal violated Seattle's anti-discrimination ordinance, which protects an individual's right to purchase products and services without regard to sexual orientation. With legal representation by ACLU staff attorney Aaron Caplan, Butts filed a complaint with Seattle's Office for Civil Rights. Under the settlement, the business owner acknowledged that all persons should be treated with respect and dignity and apologized for her actions.

*"I am grateful to be gay because I belong to a people who have right on their side, and I know justice is on the way." - Arnie, ACLU member*

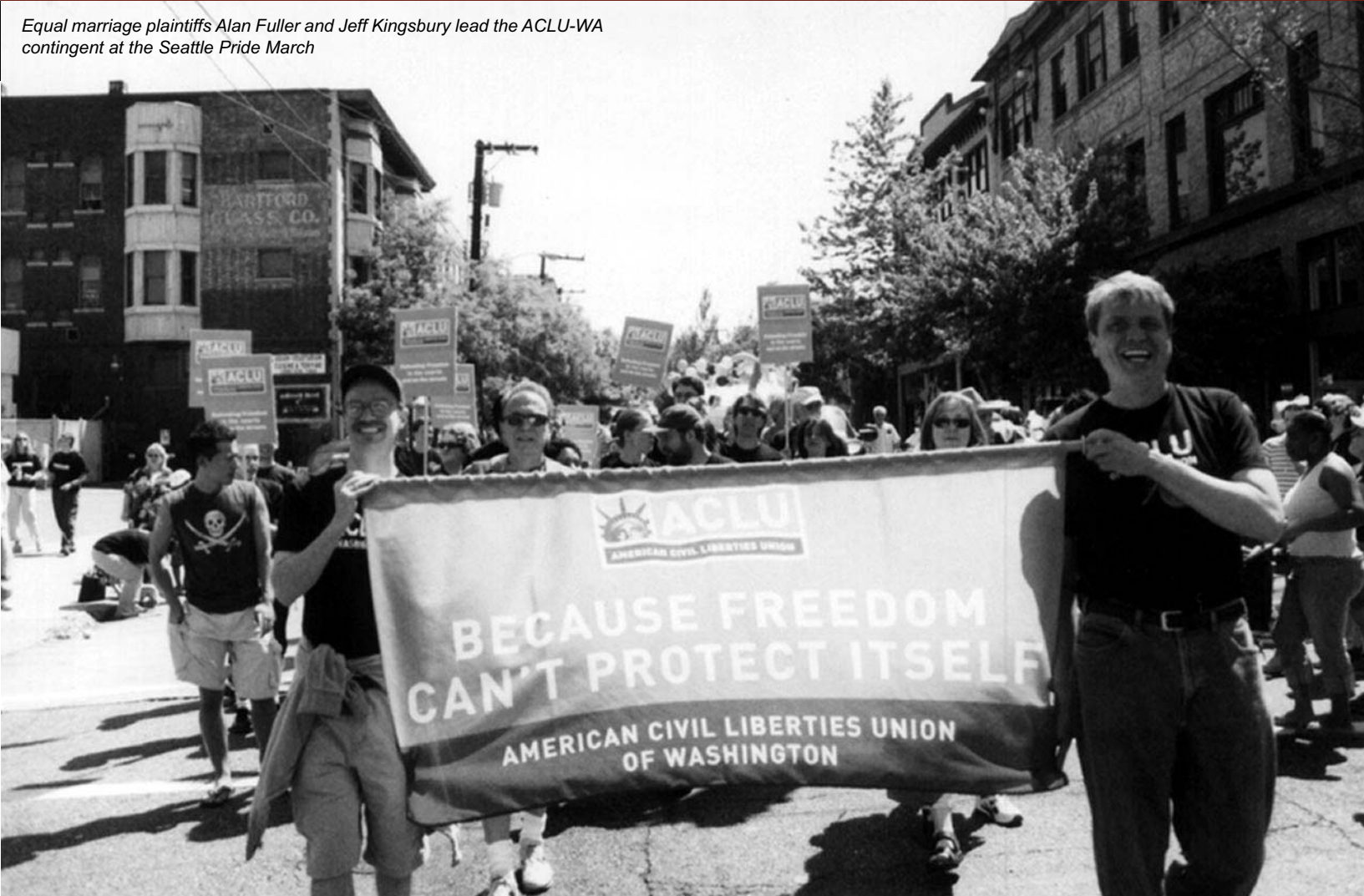
## Parental Rights

Despite the current furor over marriage equality, lesbians and gays have been able to raise and adopt children in Washington for many years. A court ruling in May 2004 bolstered equal rights by recognizing that these parental rights continue after a same-sex couple splits up.

Sue Ellen Carvin lived with another woman in a marital-like relationship for 12 years, and during that time her partner gave birth to a daughter. Carvin stayed at home as their child's primary caregiver. The couple separated when the girl was nearly six, and her ex-partner eventually cut off all contact between Carvin and the child.

The Washington Court of Appeals found that Carvin has the right to seek parental rights and visitation with her daughter. The appeals court held that where an adult assumes the obligations of parenthood with the consent of the biological parent and has established a parental relationship with the child, she is a "de facto parent." Carvin is represented by the Northwest Women's Law Center. The ACLU filed a friend-of-the-court brief on her behalf written by Leslie Cooper of the Lesbian and Gay Rights Project and ACLU-WA staff attorney Aaron Caplan.

Equal marriage plaintiffs Alan Fuller and Jeff Kingsbury lead the ACLU-WA contingent at the Seattle Pride March



## Advocating for Full Equality

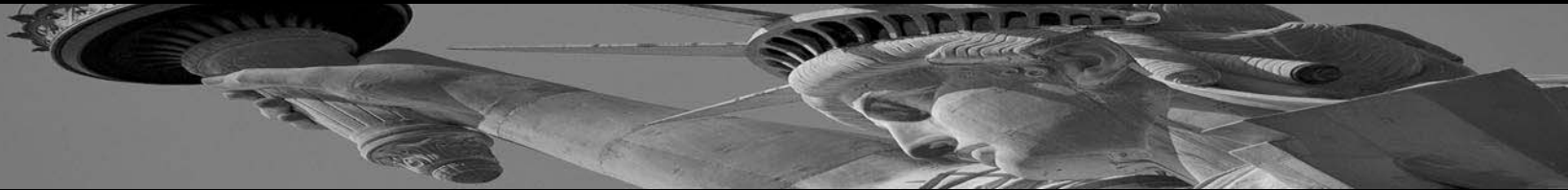
While marriage rights have taken center stage, longstanding efforts continue to push for equality under the law in all areas for sexual minorities. For years the ACLU has worked with gay rights allies to seek passage of a statewide law to prohibit discrimination based on sexual orientation. The measure would ensure lesbian, gay, bisexual, and transgender individuals fairness in housing, hiring, public accommodations, and other areas. In 2004 the anti-discrimination bill got farther than ever in Olympia, passing the House before dying in the Senate.

To strengthen the push for equality, the ACLU-WA played a leading role in developing a new LGBT coalition, Equal Rights Washington, which is lobbying elected officials, educating the general public, and increasing involvement of people of color.



Marriage Equality plaintiffs Judy Fleissner and Chris Gamache with their children.





# REPRODUCTIVE FREEDOM

## March for Women's Lives

Responding to mounting attacks on abortion rights, over a million Americans demonstrated their support for reproductive freedom at the March for Women's Lives in Washington, DC in April. The ACLU was a national sponsor of the event, and ACLU-WA Field Director Genevieve Aguilar was selected for the honor of addressing the march as part of the youth delegation. Over 60 people came from Washington state to march in the ACLU's contingent.

*“ When we march for women’s lives we are marching for the right to control our own bodies and speak out for what we believe. We cannot rely on others to do it for us.” - Natalie Maines Pasdar*

## Anti-Choice Legislation

One of the current tactics of anti-choice forces is to push for “refusal clause” legislation that would enable health care providers, hospitals, and insurance carriers to avoid providing abortion services or payments by reason of conscience or religion. While health professionals should generally be allowed to opt out of performing procedures for reasons of conscience, institutions have an obligation

to ensure timely and feasible access to reproductive care services. Working as a member of the statewide pro-choice coalition, which is chaired by the ACLU-WA's Genevieve Aguilar, we helped block a refusal clause bill in the 2004 legislature.

Also blocked again this legislative session was a bill that would have required physicians to notify the parents of minors 48 hours before performing an abortion. The measure failed to take into account the reality that some teens face parental abuse as a result of pregnancy, and it was intended to discourage doctors from providing reproductive health care to minors.



Genevieve Aguilar speaks at the March for Women's Lives in Washington, DC.

# RELIGION AND GOVERNMENT

## Funding To Train Clergy

The U.S. Supreme Court in February 2004 ruled that states cannot be forced to use taxpayer dollars to train students for the ministry. In the case (*Locke v. Davey*), Joshua Davey appealed the denial of a Washington state “Promise Scholarship” that he sought to use at the Northwest College to train for an evangelical ministry.

The decision agreed with the arguments of an ACLU friend-of-the-court brief that the Constitution does not require the state of Washington to pay for ministerial training. Handling the case were ACLU-WA staff attorney Aaron Caplan, cooperating attorney Jay Brown of Perkins Coie, and National ACLU Legal Director Steve Shapiro. The brief was filed by the ACLU along with Americans United for Separation of Church and State, the People for the American Way Foundation, and Lambda Legal.



The ACLU of Washington delegation at the Washington D.C. March for Women's Lives





## Student Rights

Over 30 years ago, a landmark Supreme Court ruling in an ACLU case declared that students do not shed all their constitutional rights when they enter the schoolhouse door. Every year the ACLU provides assistance to numerous young people whose rights are threatened by overzealous school officials. This advocacy work usually takes place behind the scenes and is resolved without going to court, but it makes an important difference to the lives of students. For example:

To gain official recognition so that it could sponsor events and raise money, the Peace and Justice Club at Mount Vernon High had to jump through hoops unlike other student clubs. School officials sought to require the club's representative to affirm that the group is not "anti-military" and would not "divide the student body." In addition, the student senate was required to vote as to whether the club would be accepted. The ACLU wrote a letter outlining our legal objections to these requirements. The club's faculty advisor shared the letter with school officials, and the club was approved this spring.

## Educating for Freedom

Each generation needs to understand why liberty matters. The ACLU-WA's Student Project educates young people about the importance of the Bill of Rights and how it relates to their lives. This past year we undertook a wide range of activities across the state. Our speakers addressed student rights, the PATRIOT Act, rights with the police, and more in classrooms from Vancouver to Yakima to Spokane. Students from a wide array of schools discussed hot issues at our annual Student Conference on Civil Liberties, held in March at the University of Washington. For educators we presented a summer workshop on Teaching about the Bill of Rights and provided e-mail updates on the latest developments in civil liberties via our Teachers Network. ACLU "bust cards" on rights in police encounters remained a big hit with youth, and untold numbers went to our Web site for help on term papers.

## Student Clubs

ACLU-sponsored student clubs enable students to get active on their own campus, educating and mobilizing for civil liberties. Highlighting the year was the formation of the ACLU-WA's first high school clubs. Students at Foss High School in Tacoma held weekly meetings featuring films and lively debate on civil liberties issues. At Garfield High in Seattle, club members organized an assembly on student rights attended by over 300 classmates.

On college campuses, ACLU activists participated in a Student Week of Action on the PATRIOT Act last fall by distributing petitions for a statewide resolution and educating fellow students about the loss of liberty since 9/11. When a recruiter for the U.S. Air Force Judge Advocate General came to the Seattle University School of Law, ACLU club members and their allies staged a demonstration to protest JAG's hiring policy that discriminates against people who are openly lesbian, gay, bisexual or transgender.

The University of Washington club drew 50 students to a forum on rights with the police, while the U.W. Law School club treated fellow students to a cake celebrating the birthday of the Bill of Rights in December. And this spring, members of the Whitman College club drafted a resolution supporting the rights of same-sex couples to marry which was passed by the student government.

The ACLU College Freedom Tour performed at the University of Washington in October and drew 900 students from over 30 area colleges – the largest attendance on its national tour. The multi-media, multi-cultural extravaganza began with a special video for youth and a political forum featuring the ACLU-WA's Andy Ko and Anita Ramasastry and activist Asha Mohamed. Capping the night was music from DJ Kuttin Kandi and Phantom Planet and spoken word and musical performances by Dead Prez.

## Juvenile Curfews

The ACLU opposes juvenile curfew laws because they wrongly punish the behavior of law-abiding citizens and interfere with parents' rights to decide how to supervise their children. In an ACLU-WA case, the Washington

# PASSING THE TORCH

*Seattle University Law Club members protest a recruitment visit from the U.S. Air Force Judge Advocate General's Office which discriminates against gays and lesbians in hiring.*



Supreme Court in 2003 struck down Sumner's curfew law for making innocent actions into crimes and giving police arbitrary power to stop individuals. We challenged the law on behalf of a parent who was fined after allowing his teenage son to go to a neighborhood convenience store during curfew hours.

In June 2004 some Sumner City Council members hoped to rewrite the curfew. But the city attorney advised the Council that reviving the curfew would be a dubious proposition. "The court says a curfew's Draconian. You shut up all (young) people at night just to catch a couple of bad kids," he explained. The Council threw in the towel and repealed their unconstitutional ordinance. Two other towns in Pierce County, Eatonville and Buckley, have stopped enforcing their curfews because of the ACLU's legal victory.

*Students from Clover Park High School in Tacoma at our Student Conference on Civil Liberties.*







## Local Chapters

Expanding our statewide presence, the ACLU organized new chapters and working groups on the Olympic Peninsula and in eastern Washington during the past year. The re-born Spokane Chapter made its presence felt by co-sponsoring a forum on student rights and participating in Spokane Pride events. The new Jefferson County chapter held public forums on ferry searches, the PATRIOT Act, and marriage equality.



*Volunteer Bob Skylstad*

Local chapters were especially active in the ACLU's Safe and Free campaign, holding forums on homeland security and hosting performances of our collaboration with GAP Theater, "PATRIOT ACTS." Chapter activists worked with local allies to advance anti-PATRIOT Act resolutions, scoring notable successes in Tacoma, Olympia, and Whatcom County. After the filing of the ACLU's lawsuit on marriage equality, chapters joined with LGBT activists to explore how best to bring understanding to their local communities. Community forums have taken place in Spokane, Olympia, Tacoma, Port Townsend, and Seattle.

Local activism addressed a range of other civil liberties concerns. The Kitsap Chapter monitored the actions of school resource officers. ACLU-WA activists in Thurston County and Pierce County worked for greater police accountability, and the Clark County Chapter focused on racial profiling by police. Our activists also spread the ACLU's message at community events including Tacoma's

Ethnic Fest, the Grays Harbor County Fair, and "Super Saturday" at Evergreen State College in Olympia.

## Online Activism

Online activism provides a quick and effective way for individuals to make their voices heard for freedom. Members of our E-Mail Activist Network receive messages alerting them to civil liberties bills that are up for votes in Congress, the state legislature, and local government. This year the ACLU-WA extended use of online technology. People can now send letters to officials directly from our Web page and tell their friends about our campaigns. You can join the E-Network via the Take Action! Center on our Web site.

The ACLU of Washington Web site ([www.aclu-wa.org](http://www.aclu-wa.org)) provides a handy yet powerful tool for activists. The Take Action! feature on our Home Page presents opportunities to speak out on a range of issues and to get involved in grassroots actions, such as monitoring a local courtroom or sponsoring an ACLU speaker. And the site provides abundant information about the full spectrum of ACLU issues and activities.

## Lobby Day

To increase our visibility in the state capital, we organized the first ACLU Lobby Day in decades. On January 16, 2004, activists came to Olympia from around the state to speak directly with legislators and their staff. After a briefing on the ACLU's legislative agenda and some tips on effective lobbying, members fanned out by legislative districts and made their views known. The person-to-person advocacy was an empowering experience for participants. We plan to build on this year's success by making Lobby Day an annual affair.

## Outreach Team

From the Fremont Fair to statewide Pride events to Hempfest, Outreach Team members inform the public about the latest in civil liberties and the work of the ACLU. Our volunteers distribute copies of the Bill of Rights, Safe & Free buttons, stickers, wallet-sized "bust cards," and briefing papers, and field a wide range of questions.

*(top banner image) Kathleen Taylor congratulates Jefferson County board members on the founding of their chapter.*

# MEMBERS IN ACTION



*Bryan Ecker and Percy Hilo spread the word of individual freedom at the Northwest Bookfest. (Photo by Rebecca Sivka)*





# MILLIONS HEAR OUR MESSAGE

The actions and views of the ACLU of Washington were covered by these media (among others) in the past year:

**Print**

- Aberdeen Daily World
- Alki Magazine
- Associated Press
- Ballard News-Tribune
- Bellingham Herald
- Bremerton Sun
- Christian Science Monitor
- Colors Northwest
- Columbia Basin Herald (Moses Lake)
- Columbian (Vancouver)
- Computer Source
- Daily News (Longview)
- Everett Herald
- Grant County Journal
- GunWeek
- High Times
- Islands' Weekly (Lopez Island)
- Issaquah Press
- Kansas City Star
- Local Planet (Spokane)
- Longview Daily News
- Miami Herald
- Muslims Weekly
- National Journal
- New York Times
- News Tribune (Tacoma)
- Olympian
- Oregonian (Portland)
- Orlando Weekly
- Peninsula Daily News (Port Angeles)
- Port Townsend Leader
- The Progressive
- Pullman Daily News
- Real Change (Seattle)
- Reuters
- Sammamish Review
- San Juan Journal
- Seattle Gay News
- Seattle Post-Intelligencer
- Seattle Times
- Seattle Weekly
- Shelton-Mason County Journal
- Sitting Duck (Olympia)
- Skagit Valley Herald
- Spokane Spokesman-Review
- Springhill Review (Vancouver)
- The Stranger (Seattle)
- Tri-City Herald
- University of Washington Daily
- USA Today

- Walla Walla Union-Bulletin
- Washington Free Press
- Washington Law & Politics
- Whitman College Pioneer
- Yakima Herald-Republic

**Radio**

- CBS Radio Network
- KBCS-FM (Bellevue)
- KGO-AM (San Francisco)
- KIRO-AM (Seattle)
- KIT-AM (Yakima)
- KOMO-AM (Seattle)
- KPBX-FM (Spokane)
- KPFA-FM (Berkeley)
- KPLU-FM (Seattle)
- KUOW-FM (Seattle)
- KXLY-AM (Spokane)
- KXPA-AM (Seattle)
- KZUU-FM (Pullman)
- Metro Networks
- Sirius Radio Network

**Television**

- CBS Network
- CNBC
- CVTV (Vancouver)
- KCPQ (Seattle)
- KCTS (Seattle)
- KHQ (Spokane)
- KING (Seattle)
- KIRO (Seattle)
- KLTV (Cowlitz County)
- KOMO (Seattle)
- KREM (Spokane)
- MSNBC
- Northwest Cable News Network
- Seattle Community Access Network
- Snohomish County Community Programming
- Thurston Community Television
- TVW
- Yakima Public Access Channel

**Internet**

- Christian Broadcasting News

*“Whoever controls the media - the images - controls the culture.”*  
*- Allen Ginsberg*







The ACLU of Washington continues to meet profound challenges to civil liberties. Our accomplishments are made possible through the financial partnership of committed Washingtonians who make the defense of liberty a top priority.

### Membership

Another year of significant membership increases demonstrates that Americans understand the importance of the role the ACLU plays in defending the Bill of Rights, especially in these difficult times of the post-9/11 era. ACLU membership in Washington State now totals over 20,000. Through annual dues as well as additional tax-deductible contributions to the ACLU-WA Foundation, our dedicated members are helping us stretch beyond our expectations and meet the current demands.

### Annual Fund Campaign

Stellar fundraising efforts by the ACLU-WA Board of Directors and other devoted volunteers pushed the 2003 Annual Fund Campaign over \$1 million for the first time – representing 51% of overall income. We would like to particularly thank the invaluable leadership of the ACLU-WA Development Committee: Jean Robinson (chair), Nora Hallett, Suzanne Holland, Doug Klunder, Mark Kolner and Jesse Wing.

Annual Fund Campaign volunteers build and sustain relationships with members and ask them to increase their investment in the ACLU. The success of this partnership between campaign volunteers and contributors, provides for continued organizational growth and greater resources to meet increasing challenges to civil liberties.

### Endowment Fund

To date, the ACLU of Washington has raised \$4.5 million for our endowment program, The Trust for the Bill of Rights. The Trust ensures the ACLU's effectiveness by producing reliable income during difficult economic and political climates. Endowment funds provide the flexibility to strengthen our infrastructure and other areas that are key to our work. We thank the ACLU members whose endowment gifts help us fight the civil liberties battles of today and to prepare for future assaults.

### The DeSilver Society

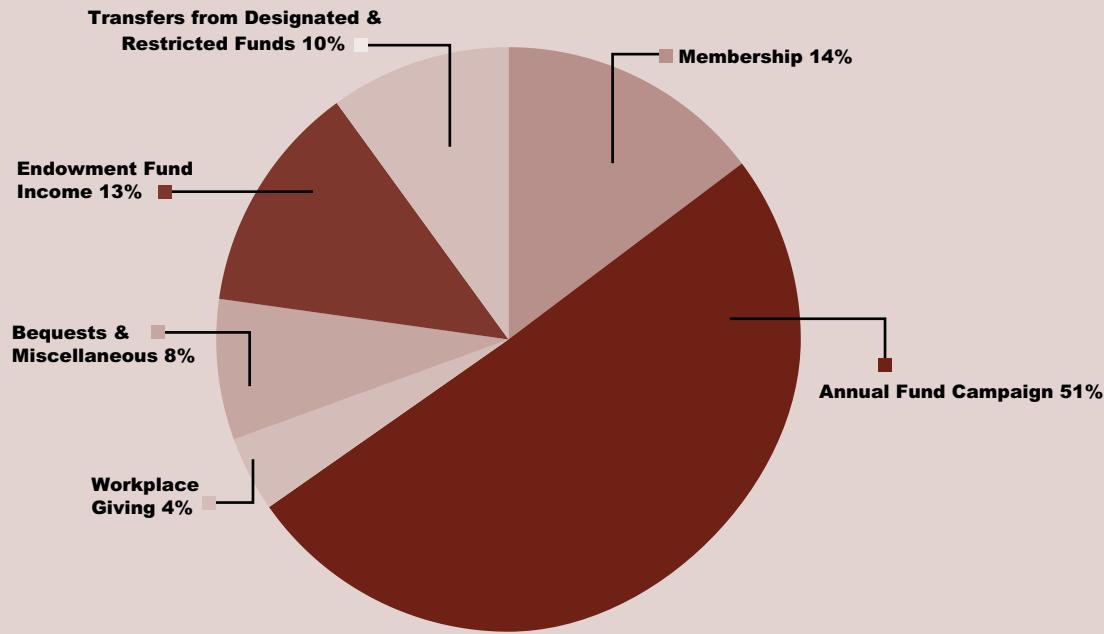
*The DeSilver Society* invites and recognizes dedicated citizens who help protect the future of free speech, fairness and equality by designating the ACLU in their will, trust, retirement plan, insurance plan or other planned gift. Albert DeSilver, one of the ACLU's founders, provided more than half of the organization's annual operating funds during his lifetime. Currently, ACLU-WA DeSilver Society members total 114. We recognize them for their sustaining commitment to keeping the ACLU a strong and capable defender of liberty for years to come.

ACLU of Washington and ACLU of Washington Foundation 2003 Revenue and Expenditures	
<b>Support and Revenue</b>	
Membership	307,550
Annual Fund Campaign	1,054,612
Workplace Giving	91,451
Bequests and miscellaneous	162,870
Endowment Fund Income	265,885
Transfers from Designated & Restricted Funds	208,404
Less sharing with National ACLU	(312,671)
<b>Total</b>	<b>\$1,778,101</b>
<b>Expenses</b>	
Communications Program	349,566
Legal Program	442,543
Legislative and Field Program	272,303
Drug Policy Reform Project	109,217
Fundraising	208,679
Board Governance	48,544
Management and General	186,442
<b>Total</b>	<b>\$1,617,294</b>

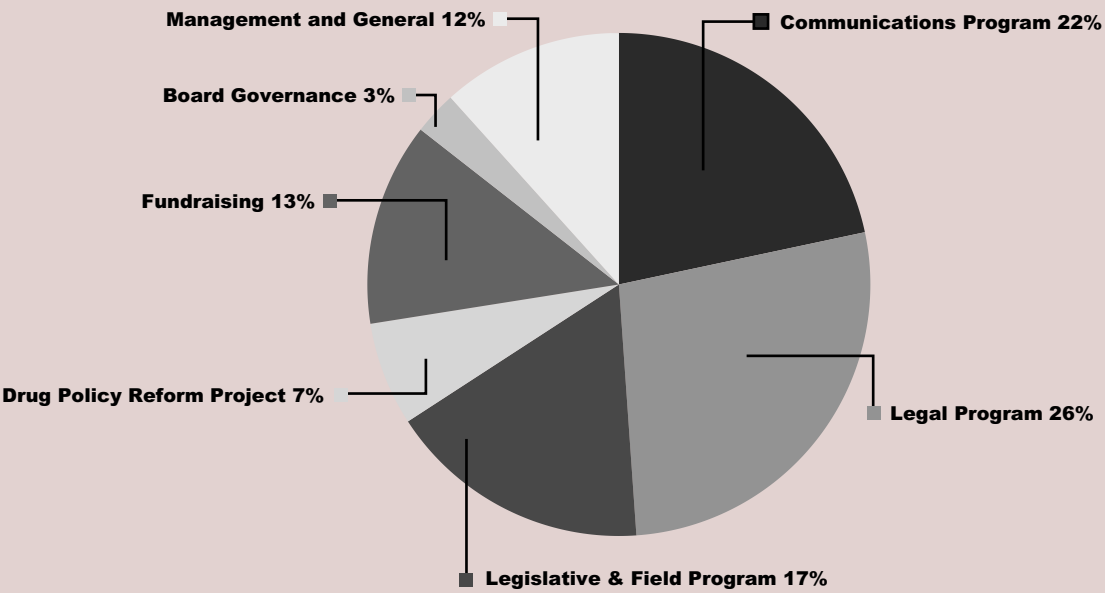
# 2003 REVENUE & EXPENDITURES

## ACLU of Washington & ACLU of Washington Foundation

### Income



### Expenses







# THANK YOU, VOLUNTEERS

We salute these ACLU-WA volunteers for their commitment to the advancement of civil liberties. The dedicated efforts of volunteers on legal cases, office projects, fundraising, and educational outreach events are invaluable to our work.

Lori Abramson  
Josh Adlin  
Cait Alexander  
Nancy Alvarez  
John Amaya  
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