



Because Freedom Can't Protect Itself

## ANNUAL REPORT 2007



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## WASHINGTON CHAPTERS & STUDENT CLUBS



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# DEAR FRIENDS

Former U.S. Attorney General John Ashcroft oversaw some of the worst abuses of power of the Bush administration. Even so, he said “no,” from his hospital bed, to the request of Alberto Gonzales to approve the National Security Agency’s warrantless spying program back in 2004. So the president then did what he has done repeatedly in his administration - he ignored the law and the Constitution and continued the surveillance program.

This incident, recently revealed in testimony to the U.S. Senate, illustrates the challenges faced by civil libertarians. We’ve had a federal government that snoops on citizens without cause, jails people without charges, tortures prisoners of war, and ignores the Geneva Conventions.

The ACLU has led the resistance and we hope history will remember 2007 as the watershed year when civil liberties began the slow climb back to their rightful place. Last year the U.S. Supreme Court overturned the White House’s system of military tribunals in Guantánamo. Recently, the court agreed to review the imprisonment of several detainees there, reversing an earlier decision not to consider their cases. The ACLU’s lawsuit against the NSA helped pressure the administration to submit its spying program to the review of the Foreign Intelligence Surveillance Act court, as required by law.

And here in Washington, we obtained vindication for an Iraqi refugee who was wrongfully detained and harassed by immigration officers, and shined a spotlight on telecoms’ complicity in the illegal mining of phone records. Our work with the Washington State Legislature resulted in passage of a bill that rejects the REAL ID Act – the federal law that would create a de facto national ID card at the expense of our personal privacy and at least \$250 million in state tax money.

We strongly supported the creation of a new state registry of domestic partners, providing same-sex couples with some of the rights and protections of marriage. We helped convince the Legislature to require the teaching of accurate information in K-12 sex education classes. We obtained changes in the medical marijuana laws to better protect patients and caregivers. We are responding vigorously to the unfair application of school discipline against ethnic and racial minorities, educating parents and students about their rights, and advocating for remedies to disparities in achievement test scores.

But so much work remains. Congress has failed to reform the Military Commissions Act to restore the right of habeas corpus. The Roberts bloc at the U.S. Supreme Court has shown itself to be no friend of civil rights, as seen in its landmark ruling this summer against Seattle’s school desegregation program. Our state Supreme Court ruled against the ACLU’s challenge to the disenfranchisement of individuals who’ve completed serving their time for a felony but still owe court fees and penalties.

The ACLU has been running a strenuous marathon during the Bush administration. The good news is that it has strengthened us. We have seen our membership and our influence grow. We will need that strength and the support of our members for many more years to come. It will take that long just to undo the damage caused by people with too much arrogance and too little respect for America’s values of liberty and justice.



A stylized, handwritten signature of Kathleen Taylor in black ink.

Kathleen Taylor  
Executive Director



A stylized, handwritten signature of Jesse Wing in black ink.

Jesse Wing  
President



*Journalist James Bamford, expert on the NSA*

# HOMELAND SECURITY

## DOMESTIC SPYING AND PRESIDENTIAL POWER

The National Security Agency's secretive domestic spying programs have stood as a symbol of the administration's flouting of the Constitution and the rule of law. The ACLU has forcefully countered the government's sweeping assertion that the president has "inherent powers" to order such covert surveillance of communications by people in America. The ACLU filed a lawsuit in early 2006 challenging the legality of monitoring electronic communications without a court warrant.

In October 2006, U.S. District Court Judge Anna Diggs Taylor found the program unconstitutional, declaring that "there are no hereditary Kings in America and no powers not created by the Constitution." But in July 2007, an appeals court dismissed the lawsuit, finding that plaintiffs could not show they had been the subjects of NSA surveillance. In an exercise of circular logic, the court did not explain how the subject of a secret surveillance program could possibly prove that he or she was the subject of secret surveillance. The ACLU has decided to appeal the decision to the U.S. Supreme Court.

The lawsuit, though, had some political impact. In 2007, the president placed the spying program under the jurisdiction of the FISA court, as required by law. Still, the administration claims it has the power to conduct NSA monitoring without warrants.

In this state, the ACLU took on another NSA surveillance activity, its program for data mining of telephone records. In May 2006, we asked the

Washington Utilities and Transportation Commission (UTC) to investigate whether phone companies here illegally surrendered private phone records to the NSA. The ACLU testified at two UTC hearings on whether to conduct an investigation, and 4,000 people signed our petition calling for one. However, in September 2006, the commission decided to wait for Congress or the courts to clarify legal questions about state jurisdiction and national security. In the meantime, the UTC ordered phone companies to secure the customer records that may have been shared.

As with all our endeavors to restore the rule of law, ending warrantless surveillance will require a long-term effort. To further public awareness, our Annual Membership Conference in February 2007 focused on "Confronting the Surveillance Society." Several hundred members and supporters heard journalist James Bamford, an expert on the National Security Agency, describe in fascinating detail the inner workings of the secretive agency.

## REAL ID = REAL MESS

Recognizing that a national ID is the hallmark of authoritarian government, our nation traditionally has balked at creating one. Passed by Congress in 2005 without serious debate, the REAL ID Act requires states to produce standardized driver's licenses and to store the drivers' information in nationally connected databases – creating a de facto national ID card. By placing personally identifiable information in databases accessible across the country, REAL ID makes the information more vulnerable to identity theft and misuse.

As the ACLU sounded the alarm over privacy concerns, state officials were horrified by the net costs of implementing the new system: \$250 million over the first five years. With strong bipartisan votes, the Legislature passed a measure prohibiting state implementation of the Act, unless the federal government fully funds it and provides stronger protections for privacy. Senators Mary Margaret Haugen, Dan Swecker and Ed Murray sponsored legislation.

## SPYING ON PEACE GROUPS

The government should not be in the business of spying on peaceful groups that voice opposition to its policies. Last year, the ACLU of Washington joined a nationwide ACLU effort to uncover the extent of surveillance of peaceful activists. We requested public records from the FBI, the Department of Defense, and the Seattle Joint Terrorism Task Force regarding possible government surveillance of us and of 11 peace organizations across the state.



# **GUANTANAMO**

**TORTURE OF PRISONERS OF WAR**

**WARRANTLESS WIRETAPPING**

**ILLEGAL COLLECTION OF**

**PERSONAL PHONE RECORDS**

**PRESIDENTIAL SIGNING STATEMENTS**

# **HAD**



# **ENOUGH?**

In response, this spring we received records revealing that the FBI secretly had kept track of activities of the Peace and Justice Action League of Spokane since 2002. The documents show that agents monitored the nonviolent group's protest at the office of Rep. George Nethercutt, its protest at Fairchild Air Force Base, and the launch of community radio station KYRS. A column in the *Spokesman-Review* lampooned the FBI for treating the pacifist group as subversives. "I never would have had the foresight to waste time and taxpayer funds snooping"



Intern Kevin Means

on PJALS, observed editorial writer Doug Clark.

## SAVE HABEAS CORPUS

The writ of habeas corpus is the single most important protection against tyranny and oppression, preventing the government from jailing someone on a whim and without cause. Habeas corpus, in plain English, means that government must show in court why someone should be held for trial. Yet last fall, Congress chipped away this fundamental right when it approved the Military Commissions Act.

The White House drafted the Act after the Supreme Court overturned its system of military tribunals to prosecute prisoners in Guantánamo. It allows the president to hold such people captive indefinitely, without charges. It legalizes coerced confessions and the use of tainted information to prosecute others. It allows the government to use secret evidence against a person. And it gives immunity retroactively to people who may have broken the law to arrest or interrogate a suspect.

The ACLU has embarked on a nationwide campaign to get Congress to repeal or amend the Military Commissions Act, restore habeas rights, and end U.S. government-sponsored torture and extraordinary rendition. The campaign features "Mr. Habeas," a long-faced character who was reported missing since passage of the Military Commissions Act. The campaign Web site, [findhabeas.com](http://findhabeas.com), provides a host of resources for people who want to help us take action.

Showing the campaign's strength, ACLU activists and supporters converged on our nation's capital on June 26 for a Day of Action to Restore Law and Justice. The ACLU of Washington sent members from most of our state's Congressional districts. They joined several thousand others at a rally on Capitol Hill, raising their voices and lobbying their lawmakers. The ACLU presented petitions with more than 250,000 signatures calling for the restoration of the writ. In Washington state, we organized a rally at the Federal Building in Seattle.

As part of the action, the ACLU placed classified ads for habeas corpus in major newspapers across the state. They read: "LOST! Habeas Corpus. Last seen on 10.17.06 in the U.S. Constitution. Help us restore Habeas."

## JUSTICE FOR AN IRAQI REFUGEE

Ethnic profiling is both unjust and ineffective as a law enforcement tool. It stigmatizes communities within our population because of their background and appearance, and wastefully uses law enforcement resources on large numbers of people who have done nothing wrong.





*Gov. Chris Gregoire signs a bill rejecting state implementation of the REAL ID Act. Courtesy of the Washington State Senate.*

This summer, the ACLU obtained justice for a man accosted by government agents simply because he looked Arabic at a train station. In 2003, Abdulameer Yousef Habeeb, an Iraqi refugee who lives in Kent, was picked out of a group of passengers taking a station break during a train ride through Montana. Agents arrested him for failing to register for an immigration program, even though, as a political refugee, he was not required to do so. Habeeb was strip searched, placed into deportation proceedings and imprisoned for eight days, before finally being released without an apology.

The ACLU sued the government for the wrongful arrest and detention. In a very disappointing 2006 ruling that boldly endorsed ethnic profiling, a federal district court judge in Montana found that government agents did not violate Habeeb's rights. The ACLU appealed, while continuing to negotiate with Justice Department officials. Habeeb spoke about his ordeal at the ACLU of Washington's Membership Conference this winter.

Vindication finally came in July 2007. The Justice Department agreed to compensate Habeeb for the unfair treatment he received and offered a long-overdue apology. The district court judge in Montana

agreed to vacate his ruling, erasing a dangerous precedent from the books. ACLU-WA Board President Jesse Wing of MacDonald Hoague and Bayless represented Habeeb, in collaboration with lawyers for the ACLU of Montana and the ACLU Immigrant Rights Project. ♦



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# FREEDOM OF SPEECH

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## LET THE HOST TALK

Free discussion of political issues in the media is essential to democracy. The government should not limit robust debate during an election campaign. The ACLU stood up for this principle in a high-profile case before the Washington Supreme Court.

In 2005, KVI-AM hosts Kirby Wilbur and John Carlson promoted Initiative 912 on their talk radio show, a proposal to repeal gas taxes for transportation improvements. While on the air, they also asked for contributions to the “No New Gas Tax” Committee, which organized the initiative’s campaign. The committee was sued by San Juan County and three cities, who argued that the committee violated state campaign finance laws because it failed to report Wilbur and Carlson’s speech as “in-kind” campaign contributions. The Thurston Superior Court agreed, ordering the committee to put a monetary value on the KVI broadcasts.

In an amicus brief to the Washington Supreme Court, the ACLU stated that talk radio shows are not paid advertisements and cannot be treated as campaign contributions that must be estimated and disclosed. Doing so would make broadcasters and other media hesitant to talk about political issues before an election. In April, the Supreme Court ruled unanimously that regularly scheduled talk radio broadcasts are not campaign contributions, and cannot be regulated as such. ACLU cooperating attorney Mike Kipling and Staff Attorney Aaron Caplan wrote the brief.

## LIBRARIES AND THE INTERNET

Community libraries are a valuable resource, and they should not deny adults the opportunity to view research material and other lawful information on publicly available computers.

In November 2006, the ACLU filed a lawsuit on behalf of three library users who were denied Internet access on public computers of the North Central Regional Library District (NCRL) in five central Washington counties. We also are representing the Second Amendment Foundation, a nonprofit organization that sponsors several publications available online. At issue is the NCRL’s practice of using software to filter Internet content on all public computers at its branch libraries. The library’s software is supposed to block materials that may be obscene or inappropriate for

minors but in practice, the Internet filter also blocks access to legitimate sites used by adults to research information.

Federal law allows the library to turn off the filters upon requests from an adult. However, NCRL refuses to do so. Our lawsuit contends that this practice violates the U.S. and Washington constitutions. The suit seeks an order directing the NCRL to provide unblocked access to the Internet when adults request it. Handling the case for the ACLU are cooperating attorneys Duncan Manville and Robert Hyde of the firm Rafel Manville PLLC and Staff Attorney Aaron Caplan.

## MILITARY FREE SPEECH

Joining the U.S. armed forces does not mean trading all your constitutional rights for a uniform. Soldiers should not be punished for explaining their political views when it does not adversely affect military functions. In a much-publicized case, the ACLU defended the free speech rights of a soldier who publicly voiced his opposition to U.S. foreign policies.

Army Lt. Ehren Watada believes the war in Iraq is unlawful. In early June 2006, he held a press conference and shared his views with individual reporters. Later that month, he refused to board the bus for his deployment to Iraq. In addition to charges of refusing to report to duty, Watada was charged with violating military rules on the use of “contemptuous words” against the President and “conduct unbecoming an officer.”

The ACLU submitted an amicus brief in the court martial, stating that Lt. Watada did not violate the Uniform Code of Military Justice by expressing his opposition to the war. Shortly after our brief was filed, the convening officer dismissed the charge of “contemptuous words” against the President.

“Lt. Watada was exercising his free speech rights as a citizen in a democratic society,” said Kathleen Taylor, ACLU-WA executive director. In February 2007, a military judge declared a mistrial and set the case over for a new trial. Lt. Watada contends that a second trial would be double jeopardy, an issue that may take months or years to be resolved. Staff Attorney Aaron Caplan wrote the ACLU amicus brief.

## JUDICIAL GAG ORDERS

The threat of an ACLU lawsuit was enough to lift restrictions on the free speech of individuals who make official complaints about misconduct by judges.

The ACLU was ready to file a lawsuit against the Washington Commission on Judicial Conduct (CJC), on behalf of Bennett Haselton, an activist who runs peacefire.org, a Web site opposed to Internet filtering software. Haselton was dissatisfied with the treatment he received





*Charles Heinlen, ACLU plaintiff in the library internet lawsuit. Photo by Paul Sanders.*

from the judge in his lawsuit against an e-mail spammer, and he filed a complaint alleging improper conduct by the judge. When the CJC began investigating the claim, it sent Haselton a notice that he could not tell anyone about the complaint, or he could be held in contempt.

The ACLU contacted the CJC and threatened to sue. In June 2007, the agency amended its confidentiality rules, requiring silence only from CJC staff and court personnel, not the persons making a complaint against a judge. The ACLU actions were handled by cooperating attorneys Marc Levy and Alex Wagner of K&L Gates.

## BOOTED FOR A T-SHIRT

Public events at a public school supported by tax dollars should be open to all, regardless of political affiliation. But in October 2006, students wearing t-shirts supporting U.S. Senate candidate Mike McGavick were barred from attending a speech by Senator Barack Obama at a campaign event for Senator Maria Cantwell held at Bellevue Community College.

Cantwell campaign workers argued that they rented the hall and could decide who could attend. But a campus official had stated in an e-mail to the student body that all students were welcome. ACLU staff contacted the college administrators and urged the college to amend future rental contracts to prevent event organizers from discriminating against attendees because of their political viewpoints. The ACLU also sent letters to colleges and universities statewide, advocating for this policy change.

## LESSONS FOR POLICE

Protest and the police response to it grabbed worldwide attention during the meeting of the World Trade Organization in Seattle eight years ago. The final settlement of two pending lawsuits reminded officials of the right to peaceful dissent in times of turmoil.

In 1999, Mayor Paul Schell issued an order to militarize two dozen blocks of downtown Seattle. Police restricted passage into this “no-protest zone” to persons with official WTO business, business owners, employees, customers, residents, and emergency personnel. In practice, police harassed or arrested anyone who displayed anti-WTO buttons, stickers, or signs.

The ACLU sued the city of Seattle in March 2000 on behalf of several citizens whose free speech rights were repressed by police. Victor Menotti, a credentialed representative of the International Forum on Globalization, was arrested for sharing his views on WTO policies with a journalist on a downtown street. Doug Skove, a resident of Vashon Island, had two signs seized by police because they criticized the WTO and advocated for the right to protest peacefully. In September 2006, the city finally settled their claims for a total of \$75,000.

The city also paid \$1 million to settle a separate case by Trial Lawyers for Public Justice on behalf of hundreds of protesters arrested at Westlake Park. These settlements resulted in better training for police and changes in policy to better respect the rights of protesters. Staff Attorney Aaron Caplan and cooperating attorney James Lobsenz of the firm Carney Badley Smith & Spellman handled the case for the ACLU. ♦

*1999 WTO protests in Seattle. Courtesy of Shannon Findlay.*



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# STUDENTS & YOUTH

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## PASSING THE TORCH OF LIBERTY

**Question:** What were the three most valuable things you learned at today's conference?

**Answer:** I. Have. Rights.

That's how an 11th-grader summarized her experience at the ACLU's annual Student Conference on Civil Liberties this March at the University of Washington. The conference is the flagship event of the ACLU's Passing the Torch of Liberty youth program.

This year's conference attracted more than 160 students and teachers from a dozen high schools for a day of workshops, poetry by the group YouthSpeaks, and skits by GAP Theatre, all designed to explain civil liberties issues. The highlight of the event was a presentation by former Army Chaplain James Yee, who counseled Muslim detainees at Guantanamo and was falsely accused of spying and held in solitary confinement for 76 days, before he was released without an apology.

Other Passing the Torch activities included presenting the annual ACLU Youth Activist award to two high school newspaper editors, classroom speakers on civil liberties at local schools, distribution of "bust cards" and other educational materials, and sponsorship of the youth-oriented Capitol Hill Block Party.

Activists at 10 ACLU student clubs in high schools and universities around the state raised their voices and educated their peers. University clubs organized meetings and forums, sponsored movies with civil liberties themes such as *V for Vendetta* and *The Road to Guantánamo*, and sponsored debates on hot topic issues such as the death penalty. In one especially ambitious project, ACLU student club members at Garfield High School in Seattle went into 20 classrooms in February to lead discussions about civil liberties since 9/11. They presented scenarios based on real-life situations the ACLU has encountered, asked thought-provoking questions, and generated many stimulating discussions.

## SEX EDUCATION

Youth cannot make good choices about sex and sexuality if they lack accurate information. Some schools in Washington seemed happy to keep youth in the dark by providing false or biased information that fit their political



*Intern Hillela Simpson*





### **DINORAH FLORES-PEREZ WINS ACLU YOUTH ACTIVIST SCHOLARSHIP**

When Dinorah “Dino” Flores-Perez overheard students at her school joking about using A-bombs to get Mexicans to “go running back to where they belong,” she didn’t laugh. She didn’t respond in kind either. She got organized.

“Instead of letting those derogatory jokes continue, I decided it was my turn to speak,” Dino said. “Instead of going off on rants and getting into arguments, I choose to put my hands, thoughts and skills where my mouth is.”

She became a leader of Students Inspiring Political Activism (SIPA) at The Center School in Seattle, a group dedicated to ensuring that the school is supportive of all students regardless of race. Through SIPA, she initiated dialogue between faculty, staff and students on the experience of being a student of color.

Dino also challenged the racial disparities in Washington’s standardized testing system, which

fails more low-income students and students of color than students of other groups. She collected signatures, published an editorial, spoke before the Seattle School Board, and masterminded an interactive “Haunted High” performance to spread awareness about the disparity.

She saw her efforts pay off in the creation of a committee dedicated to ending the achievement gap and in greater school-wide sensitivity to issues of race. She also mentored students of color.

Dino, the daughter of Salvadoran and Mexican parents who immigrated to the United States 12 years ago, was one of 11 students in the nation selected this year for the \$4,000 ACLU Youth Scholarship. Dino was nominated for the scholarship by the ACLU-WA.

“Dino Flores-Perez is a natural leader who is unwilling to back down in the face of discrimination. She represents a new generation of students who are working to promote civil liberties,” said ACLU Executive Director Kathleen Taylor.

or religious agendas. In fact, a survey by the Healthy Youth Alliance – of which the ACLU is a member – found 29 percent of school districts taught that abstinence is the only way to prevent pregnancy or sexually transmitted diseases, or that all sexual activity outside marriage is harmful.

This year, the ACLU and its allies successfully lobbied the Legislature to pass the Healthy Youth Act, which requires schools that teach sexual education to teach medically and scientifically accurate information

about sex and sexuality. It requires those schools to follow the 2005 Washington Department of Health guidelines for sexual education, which include information about both contraception and abstinence.

“This law will help provide youth in Washington with the facts they need to make responsible choices, and avoid sexually transmitted diseases and unintended pregnancies,” said ACLU Field Director Genevieve Aguilar. ♦

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# LGBT RIGHTS

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## DOMESTIC PARTNERSHIPS

Same sex couples in committed relationships deserve legal protections for property and family rights. A year after the state Supreme Court failed to uphold marriage equality, the ACLU and other supporters of fair treatment scored an important victory in the 2007 state Legislature. Lawmakers passed a domestic partnership bill that provides many vital protections to same-sex couples in committed relationships.

Sponsored by Sen. Ed Murray, the bill creates a state registry of domestic partners. This registration extends to domestic partners some of the rights enjoyed by married couples, including the ability to make medical care decisions for a sick partner, to visit a partner in the hospital, and to inherit property without a will.

To educate people about their rights, the ACLU quickly developed a guide to the new law (available on our Web site), and worked with allies to publish a brochure and to present public forums around the state. The ACLU continues to pursue the long-term goal of civil marriage for all couples in Washington regardless of gender.

## PROTECTING A VICTORY

In 2006, the Legislature amended the Washington Law Against Discrimination to add protections for lesbians, gays, bisexuals, and transgender people. This gain was the result of more than 30 years of work, and almost immediately after the measure passed, opponents of equality targeted it for repeal. Anti-LGBT activist Ken Hutcherson, a senior pastor at Redmond's Antioch Bible Church, promoted Initiative 963, a measure that asked voters to roll back the new guarantees against discrimination based on sexual orientation.

The ACLU and the Northwest Women's Law Center filed a challenge to portions of the initiative's text that contained misleading language designed to confuse voters. Among other terms, the measure would have deleted references to "sexual preference" from the Washington Law Against Discrimination – a term that does not actually appear in the statute the initiative sought to change.

A Thurston County Superior Court judge agreed with the challenge and also clarified terms about



*Jim Malatak and Richard Sturgill, first to sign up for domestic partnership in Olympia. Courtesy of Jim Malatak*

the coverage of the law. Happily, I-963 did not muster enough signatures to qualify for the fall 2007 ballot.

## LGBT AND THE MILITARY

The ACLU is continuing to seek fairness for a decorated service member whom the U.S. Air Force has dismissed because she is lesbian.

Major Margaret Witt is a decorated flight and operating room nurse assigned to McChord Air Force Base near Tacoma. During a distinguished 18-year career in the military, she served in the Persian Gulf, receiving many medals and commendations.

Between 1997 and 2003, Major Witt was in a committed relationship with another woman, a civilian. In 2004, the Air Force began an investigation into an allegation that she had engaged in "homosexual conduct." She was placed on unpaid leave and told she could no longer participate in any military duties. In 2006, the Air Force informed Major Witt that she was being administratively discharged.

The ACLU filed a federal lawsuit seeking to restrain the Air Force from discharging her or from otherwise hampering her military career. The suit seeks a declaration that Witt's military discharge would violate her rights to engage in private activities without government interference. In July 2006, the U.S. District Court in Tacoma dismissed the lawsuit. The ACLU has appealed to the 9th U.S. Circuit Court of Appeals.

Handling the suit are cooperating attorney James Lobsenz of the firm Carney Badley Spellman and ACLU Staff Attorney Aaron Caplan. ♦

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# RACIAL JUSTICE

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## RACIAL SEGREGATION IN SCHOOLS

A racially mixed student body better prepares students for life in an increasingly diverse society and helps ensure that a school district will distribute educational resources equitably among its schools. In a much-watched test of desegregation programs in Seattle and Louisville, Kentucky, the ACLU urged the U.S. Supreme Court to affirm the importance of racial diversity in public schools – the key principle of its 1954 landmark ruling in *Brown v. Board of Education* decision.

In 2005, the 9th U.S. Circuit Court of Appeals had upheld Seattle's use of race as a tiebreaker in pupil assignments. Seattle's plan applied only to schools that received more applications than they could accept, with race one of three factors in determining student assignments.

The U.S. Supreme Court has ruled that public universities have a compelling interest in a racially diverse student body and may use race as a factor in their admissions program. In an amicus brief defending Seattle's plan, the ACLU pointed out that it met those standards. Through a review of the federal government's own data, the ACLU showed that neither magnet schools nor student assignments based on socioeconomic criteria have proved sufficient to address the segregation and re-segregation that plagues so many school districts across the country.

The U.S. Supreme Court ruled 5-4 in June to reject the Seattle plan. A majority of the court, however, recognized that school districts do still have a compelling interest in racially diverse public schools. The ACLU will continue its efforts to bring fairness and equality to schools.

## EDUCATION EQUITY

Education is a key to opportunity, but historically, access to a quality education has been limited by race, ethnicity and class. In response, the ACLU of Washington legal department formed the Education Equity Project, to address the disparities in discipline, truancy rates, and dropout rates for Washington's students of color.

The project has published four guides to inform parents and students about their rights in public schools and how to advocate for them effectively. Individual guides focus on school discipline proceedings, truancy proceedings, and advocacy with school boards to change

policies. The fourth guide updates and expands our longstanding publication on the whole range of students' rights in schools – from free speech, due process, and discrimination, to rights in relation to police and privacy.

All are available on the ACLU-WA Web site and are being translated into Spanish.

The ACLU also hired a temporary education equity advocate in the Tri-Cities area. The advocate will form partnerships with the Latino community, organize parent meetings and other public forums, investigate disciplinary actions by school officials, investigate law enforcement interactions with students, and analyze relevant education and discipline data.

## SCHOOL TESTING

In recent years, educational policy-makers increasingly have relied on high-stakes testing both to evaluate performance of individual schools and to determine whether individual students can graduate. The ACLU has been concerned about the serious racial disparities in test results and has questioned whether minority students are receiving an adequate education.

In September 2006, the ACLU published a report on the drastic differences in Washington Assessment of Student Learning (WASL) test scores between students of different racial and ethnic groups in the state. The report pinpoints areas to investigate in order to understand the causes of the disparities.

According to the 2005 WASL results, 47 percent of white 10th-grade students passed all three sections of the test. But only 21.7 percent of Native Americans, 18.1 percent of African Americans and 20.1 percent of Latinos passed all three sections – less than half the passage rate for white students.

The report was submitted to the Washington State Institute for Public Policy, the state agency assigned by the Legislature to track student performance in the WASL and to explain why students fail the test. A *Seattle Post-Intelligencer* editorial praised the ACLU report, observing that "As Washington state moves toward imposing tougher high school graduation standards, the issues require clear, urgent answers."

## GANG ORDINANCES

Many communities are struggling to assure their residents that they are safe. Unfortunately, some local governments have attempted to curb gang violence by enacting overly broad ordinances that can make lawful activities a crime.

In May 2007, the ACLU raised objections to an anti-gang ordinance adopted by the city of Sunnyside. The





*Rose Spidell, Skadden Fellow, working for Education Equity*

measure makes it illegal to participate in gang activities. Its definitions of “gang activity” include wearing “identifiable apparel” of a gang in the wrong setting and associating with people the police believe to be gang members. A church-based support group for ex-gang members would be considered a gang under the Sunnyside ordinance.

The law’s vagueness means in practice that law enforcement will have much discretion in enforcement, and makes it more likely that police will rely on racial profiling. The ACLU has shared its concerns with civil rights organizations in the area and is watching carefully to see how the laws are enforced. ♦

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# RIGHT TO PRIVACY

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## GUARDING FREEDOM IN THE 21<sup>ST</sup> CENTURY

Technology is a double-edged sword when it comes to civil liberties. The same advances that enable us to quickly access public information and to more easily lobby elected officials can also expose us to identity theft, eavesdropping and remote tracking.

The ACLU of Washington has stepped up to these challenges by establishing a Technology and Liberty Project. Whether browsing the Internet or using public transportation, people should retain their rights to express themselves freely, associate with others, and maintain their privacy.

“Modern technology moves very fast. Corporations and government agencies adopt new tools, and only later does the public realize how rights have been affected,” said Christina Drummond, the tech-savvy advocate who directs the new project. “We want to raise awareness about civil liberty impacts, so they can be addressed before implementation, not after.”

Drummond is working closely with ACLU-WA Privacy Project Director Doug Klunder, and the national ACLU’s Technology and Liberty Project. Her project already has produced educational materials and has begun building partnerships with experts in academia and technology industries. It has published position papers on the impacts of the REAL ID law, Radio Frequency ID tags (tiny radio transmitters that send information remotely) in ID cards, and data harvesting from driver’s licenses. Klunder and Drummond have also started a blog, available at <http://blogs.aclu-wa.org/tlp>.

This July, Drummond organized a symposium at the University of Washington on RFID and personal privacy. The event brought together academic, industry and community leaders to discuss policies that will both protect our civil liberties and allow for innovation.

## PRIVACY IN BANKS

Bank records can show much about people’s lives, including what they buy and from whom, which political and religious organizations they support, and more. Government should not have access to this private information without proper due process.

The ACLU defended the privacy of personal bank records in a case decided by the Washington Supreme Court. *State v. Miles* stemmed from the Washington State Securities Division having issued an administrative subpoena to request all Washington Mutual banking records for Michael Miles, who was being investigated for fraud and other charges. The agency also told the bank not to inform Miles about the subpoena. Miles’s lawyers argued that evidence gathered this way was not valid but the trial court ruled that since banks are “pervasively regulated” institutions, constitutional privacy rights do not apply to them.

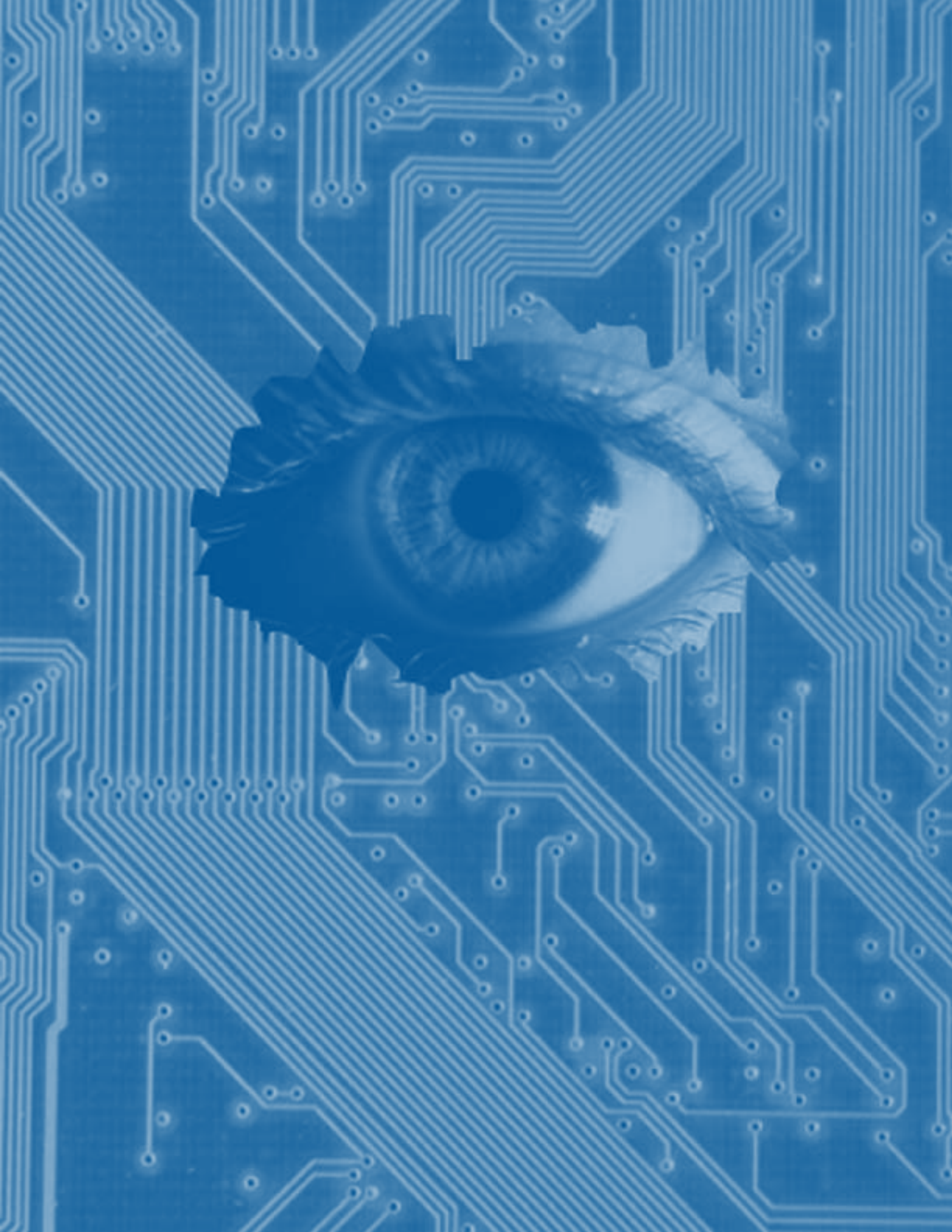
The ACLU submitted a friend-of-the court brief in the appeal to the Washington Supreme Court. It contended that because bank records are private, the state needs to secure a search warrant or obtain a subpoena that the subject can contest in court. The ACLU also said that there is no pervasively regulated industry exception to our state’s constitutional privacy right; or that if one does exist, it’s very narrow and limited solely to business records, not personal information.

The Washington Supreme Court agreed, ruling unanimously in April 2007. Doug Klunder, director of the ACLU-WA Privacy Project, wrote the amicus brief

## PRIVACY IN HOTELS

The only privacy concerns of a hotel guest should be whether the walls are too thin or whether the drapes cover the windows. Guests should not have to worry that police are looking through the hotel register and taking notes on who chooses to stay there or the company they keep.

The ACLU was appalled when it learned that the Pierce County Sheriff’s Department was routinely viewing guest registries at local hotels. During a sweep in 2003, deputies examined the registry at the Golden Lion





Motel in Lakewood. After finding outstanding warrants for Timothy Jorden, they entered his room, found drugs, and arrested him. A trial court convicted Jorden.

The ACLU submitted an amicus brief to the state Supreme Court asserting that hotel registration records are private, and police may not access them without reasonable suspicion of a crime. Giving police blanket access to hotel records could allow the government to learn about all guests' personal information, not just those with outstanding warrants.

Reaffirming the state's historic commitment to privacy rights, the high court agreed and overturned Jorden's conviction in April 2007. Doug Klunder, director of the ACLU-WA Privacy Project, wrote the brief.

## STRIP SEARCH LIMITS

Under state law, local jails cannot strip-search someone unless there is a compelling reason to do so. Yet until recently, mandatory strip searches had been standard procedure for all detainees

at Pierce County Jail. The Washington Court of Appeals has put an end to that practice.

In 2001, Abra Plemmons was stopped for speeding, and her name matched an arrest warrant for someone who forged a check. Despite being the victim of identity theft, a judge in Tacoma ordered Plemmons to be held until she could post bail. The Pierce County Jail subjected her to a strip search before placing her in a general intake area. Plemmons posted bail that evening and was released. The county eventually realized she was innocent and dismissed the forgery charges.

The court agreed with an ACLU amicus brief, which explained that when the Legislature enacted laws against strip searches at local jails, it clearly intended to rule out general policies to strip search of temporary detainees. The brief was written by cooperating attorney Robert Hyde of the firm Rafel Manville and Mathew Pile of Riddell Williams. ♦

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*RFID roundtable panelists, Antonio Genatta, Christina Drummond, Prof. Bill Covington and Michael Overlake*





*Voting Rights Restoration volunteers, Bess McKinney and Maria Elena Ramirez*

# RIGHT TO VOTE

## MODERN POLL TAX

The right to vote should never be conditioned on one's financial means. Yet Washington denies the franchise to many people who've served time in prison solely because they owe debts imposed as part of their sentence. Our system for restoring voting rights is not only unfair, it is so complex and unreliable that officials have been unable to track accurately who is eligible to vote.

In 2002, according to the Department of Corrections, 46,500 people with past felon convictions in Washington were unable to vote just because of outstanding "legal financial obligations."

The ACLU has worked to remedy this situation for several years. In the legal arena, we filed a lawsuit in 2004, challenging the state law on behalf of several citizens barred from voting after their release from prison. In 2006, a King County Superior Court judge found this modern form of the poll tax unconstitutional. But in July of this year, the Washington Supreme Court overturned the lower

court's ruling, stating that the State's restrictions on voting are constitutional. Handling the case were Peter Danelo and Molly Terwilliger of the firm Heller Ehrman White & McAuliffe, ACLU-WA Staff Attorney Aaron Caplan, and Neil Bradley of the ACLU Voting Rights Project.

Now, attention turns to the state Legislature. We backed a measure that would streamline the process by automatically restoring the right to vote for people upon release. It would not waive individuals' court-imposed debts or change the conditions of sentences. Instead, it would create a clear distinction: People who are in prison cannot vote, and people who have been released can vote. Although the legislation won broad support from the League of Women Voters, the State Labor Council, the Paralyzed Veterans of America, and the Coalition of Sexual Assault Programs, it did not pass. The bill remains a priority for us, especially with the approach of another presidential election.

Meanwhile, volunteers with the ACLU-WA Voting Rights Restoration Project continue to help people navigate the complicated, often bewildering process to regain their right to vote. Led by staffer Eric Nygren, the project has helped nearly a hundred people get their certificates of discharge, the court document required for them to be able to register and vote. ♦

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# WOMEN'S RIGHTS

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## PREGNANCY IS NOT A DISABILITY

Though sex discrimination in employment is illegal, some employers still find ways to deny job opportunities to pregnant women by claiming that pregnancy is a disability or a handicap that can't be reasonably accommodated.

But pregnancy is a temporary condition that has resulted in discrimination against women. Bias against a pregnant employee must be treated as a form of sex discrimination. The ACLU and the Northwest Women's Law Center (NWLC) recently reminded the Washington Supreme Court of this in the case of *Hegwine v. Longview*.

Stacey Hegwine was fired from a job as an order checker for Longview Fibre Company after the company found out she was pregnant. When Hegwine sued the company for violating the Washington Law Against Discrimination, her former employer asked that the case be considered a disability matter.

The ACLU and NWLC submitted a friend-of-the-court brief urging the Supreme Court to treat Hegwine's termination as sex discrimination. The brief was written by

cooperating attorney Kathleen Phair Barnard of Schwerin, Campbell, Barnard and Iglitzin, ACLU-WA Legal Director Sarah Dunne, and Sara Ainsworth of NWLC.

## ACCESS TO MEDICINES

Individuals have a right to access health care. While there may be cases where an individual pharmacist has a right to refuse to provide a prescription based on religion or belief, this refusal must not burden the patient or interfere with the patient's health.

After 18 months of pressure from the ACLU and its allies, the Washington Board of Pharmacy adopted new regulations based on this principle. The action came after reports emerged of pharmacists refusing to fill prescriptions for contraceptives, HIV and other medicines, based on religious or personal beliefs.

The board voted in April 2007 to obligate pharmacists to fill valid prescriptions regardless of their personal feelings about a particular medicine. Pharmacists who object on religious or personal grounds may ask another pharmacist on duty to provide the medicine. Pharmacists will not be allowed to refer customers to other pharmacies.

With the changes in regulations, the Board of Pharmacy has struck the appropriate balance between patients' rights of access to medication and pharmacists' individual rights. ♦

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# IMMIGRANT RIGHTS

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## DISCRIMINATING INITIATIVE

Critics of immigration policy have in recent years pursued state laws and local ordinances that wrongly put local officials in the position of attempting to enforce federal immigration laws. And they often are so loosely written that they would put unreasonable burdens on many people, particularly the poor and the elderly.

The ACLU successfully challenged the language of one such ballot initiative proposed in 2007.

A Thurston County Superior Court judge agreed with most of our ballot title challenge. The court altered language that failed to mention that I-966 would have affected access to more than 30 programs, including some dealing with the elderly, children and the disabled. The court also removed misleading language

that neglected to say the measure would impact both citizens and non-citizens alike. The ACLU brought the challenge on behalf of the Children's Alliance, a statewide organization that advocates for services for children. I-966 failed to get enough signatures to qualify for the ballot. The ACLU challenge was presented by ACLU cooperating attorneys Paul Lawrence, Martha Rodriguez-Lopez and Jessica Skelton of K&L Gates.

## THE LANGUAGE OF DUE PROCESS

The right to due process includes a reasonable opportunity to understand legal proceedings, as well as to be heard. When people involved in litigation speak a language other than English, they should have access to a translator, so that they can protect their rights.

The ACLU is defending this right in an amicus brief submitted in the case of three Bosnian immigrants who are challenging decisions of the Board of Industrial Insurance Appeals over compensation for job injuries. Hajrudin Kustura, Gordana Lukić and Maida Memišević speak a dialect of Bosnian. But the Department of Labor





*ESPN Sports reporter, Doris Burke, and State Senator Jeanne Kohl-Welles*



and Industries offers only limited translation of documents and proceedings for people filing claims, which does not include Bosnian. The three claimants were not given access to a translator so that they could understand testimony and attorney discussions at their hearings; in fact, the board prevented Kustura from hiring a translator on his own.

Washington state already requires translation services during criminal proceedings. The ACLU says that this requirement should also apply to civil proceedings, such as reviews of worker compensation claims. The case is pending before the Washington Court of Appeals. The ACLU brief was written by cooperating attorneys Christine Snyder and Pamela DeVet of the firm Gordon Tilden Thomas and Cordell, LLP, and Staff Attorney Aaron Caplan.

# CRIMINAL JUSTICE

## MAKING POLICE ACCOUNTABLE

Society vests police with the power to restrain and arrest people, and to use deadly force when the circumstances warrant it. These powers must be balanced with fair and effective means for the citizenry to hold police accountable when allegations of misconduct arise.

In King County, ACLU Legislative Director Jennifer Shaw served on a blue ribbon panel appointed by the County Council to examine the Sheriff's Office. After several months of work, the body issued an in-depth report pinpointing barriers to accountability, including insufficient investigators to handle complaints against officers and lack of solid methods for investigating employee misconduct. In October 2006, the Council voted to implement a key recommendation of the panel: creation of an independent office to review complaints of misconduct by Sheriff's Office employees.

The Seattle Police Department already has a citizen review process, but the SPD also has come under fire from the media and community groups. Several years ago, pressure from the ACLU and others led to the creation of a civilian-led Office of Professional Accountability to investigate allegations of misconduct. However, Chief Gil Kerlikowske has recently overridden its recommendations in several incidents where officers allegedly used excessive force or planted evidence. In June 2007, Mayor Nickels appointed the ACLU's

Jennifer Shaw to another special panel that will examine how to improve Seattle's accountability system.

The city of Spokane also experienced two high-profile police incidents that highlighted the need for independent oversight of police. In response, the ACLU helped organize a series of public forums on police accountability, including presentations by Jennifer Shaw and ACLU Board Member Brooks Holland of Gonzaga University Law School. The ACLU continues to work with advocates in Spokane to support the public commitment by Police Chief Anne Kirkpatrick and Mayor Dennis Hession to create an independent office to monitor citizen complaints and promote good police practices.

## DEATH PENALTY JURIES

The fair selection of juries is a crucial element of any trial, especially so when that trial could result in the death penalty. People should not be excluded from serving on juries simply because they express reservations about applying the death penalty.

This issue was at stake when the ACLU filed an amicus brief with the U.S. Supreme Court in the Washington state capital case of Cal Coburn Brown. At Brown's trial, a jury candidate was dismissed after saying he would consider a defendant's future dangerousness in deciding whether to impose the death penalty. However, the man confirmed that he would follow the court's instructions and the laws on sentencing, and that he would indeed consider imposing the death penalty.

The ACLU urged the court to uphold established constitutional and legal procedures, which recognize that the standard for jury selection must be whether candidates can put aside any personal beliefs



about the death penalty and fairly apply the law.

However, in June 2007 the Supreme Court ruled 5-4 to reinstate Cal Brown's death sentence, which had been overturned by the 9th U.S. Circuit Court of Appeals. The court's minority opinion pointed out that the ruling was a departure from previous decisions that allowed individuals opposed to the death penalty to serve on juries.

The brief was written by ACLU-WA Legal Director Sarah Dunne and Staff Attorney Nancy Talner, and national ACLU legal staff.

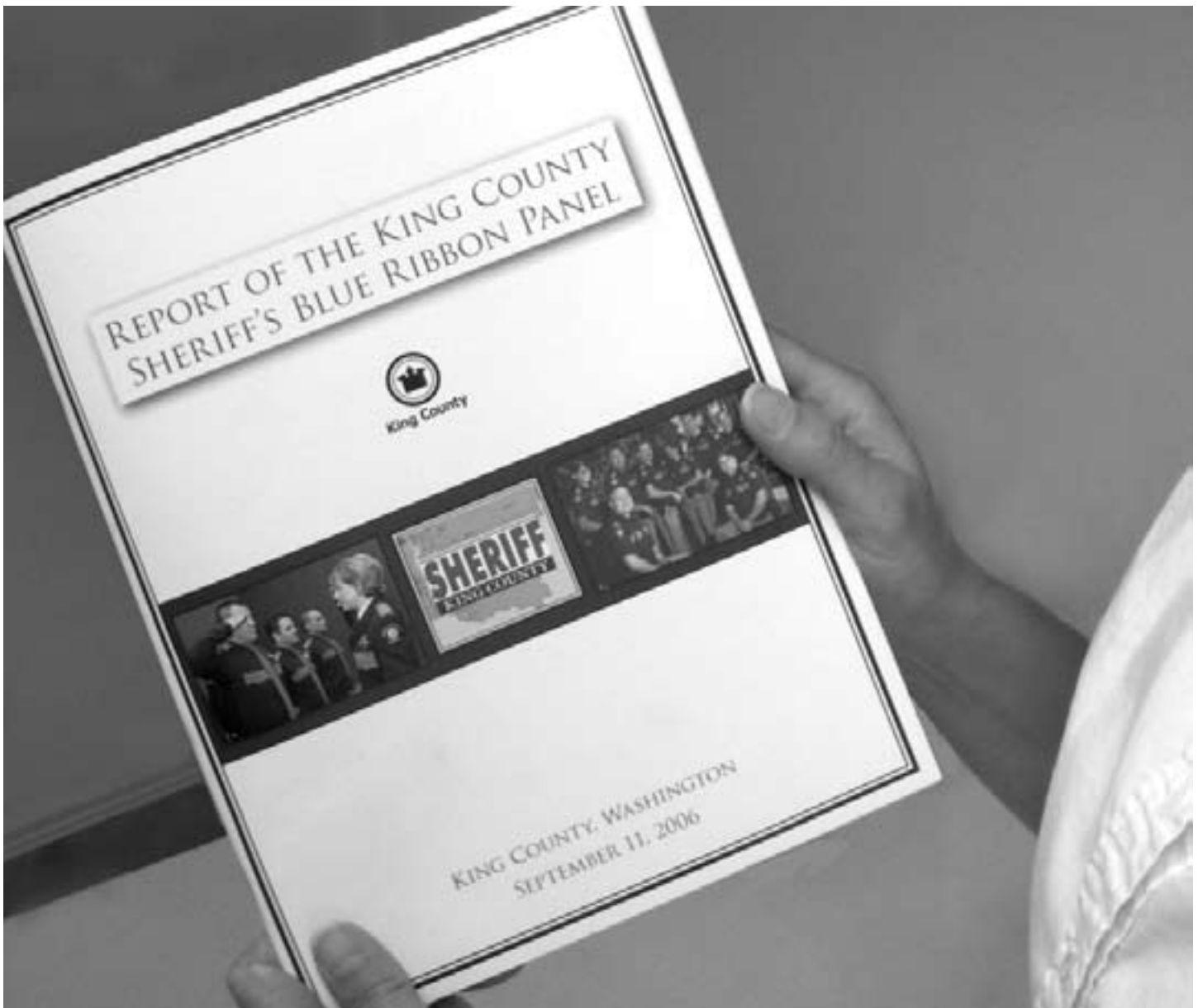
## OFFENDER HOUSING RESTRICTIONS

Some local governments have adopted laws to restrict where people with convictions for sex offenses may live. While these ordinances may be politically popular, making it very difficult for former offenders to find housing does not make us safer.

The ACLU and law enforcement officials alike agree the public interest is best served when individuals who re-enter society have stable living situations.

The city of Issaquah adopted an ordinance that limited sex offenders to living in undeveloped land or commercial and industrial buildings with no dwellings. In 2005, the ACLU filed a challenge on behalf of Kyle Lewis and his mother, in whose Issaquah rental property he was living. Lewis had been convicted of a sex offense when he was a minor, had completed the terms of his sentence, and had not committed another offense for more than a decade. In practice, the only way for him to comply with the law was to move out of the city.

The ACLU asserted that Issaquah's ordinance is inconsistent with state law, which does not restrict where sex offenders may live after they have completed their sentences. The city's law also imposed additional





punishment on someone who had already served his time.

A superior court judge did not grant the ACLU's request for an injunction barring the law's enforcement. A settlement was reached in May 2007, with the city agreeing to pay \$5,000 to Kyle Lewis and his mother, to cover moving and other costs. The city's ordinance stayed

in place. The case was handled by ACLU cooperating attorney Jeffrey Cohen and Staff Attorney Aaron Caplan.

Other cities will not be following Issaquah's lead. The 2006 Legislature adopted a measure prohibiting individual cities from adopting similar laws in the future. ♦

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# RELIGIOUS FREEDOM

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## EXCLUSIVE RELIGIOUS CLUBS ON CAMPUS

Public schools cannot discriminate against students on the basis of religious beliefs. In a lawsuit before the 9th U.S. Circuit Court of Appeals, the ACLU is seeking to ensure that student clubs respect this principle.

The case involves a student-run Bible club at Kentridge High School that applied to receive funding and official recognition from the school's student government. The club would accept members only if they were Christian, as defined by the club. The Kent School District denied the club's request because the club's rules violated district policies banning religious discrimination in student activities. The club members sued, claiming that the school violated their First Amendment rights by requiring them to abide by the school's anti-discrimination policies.

In July 2006, the ACLU submitted an amicus brief in *Truth v. Kent School District*, supporting a lower court ruling that upheld the school district's actions. The court found that the Bible club, by forcing students to take a religious test to become voting members, discriminated against students of other religions. The ACLU pointed out that school officials were not unfairly targeting the student group, because it could still meet and hold activities at school, in accordance with state and federal laws on equal access.

Cooperating attorney Jane Whicher wrote the ACLU brief.

## GRAVESTONES FOR VETERANS

Under the First Amendment, the government may not endorse any particular religion – or religion in general – nor may it treat some religious groups differently from others. Yet when it came to veterans, it took

action by the ACLU and a religious freedom ally for the government to give equal recognition to the beliefs of all.

The National Cemetery Administration (NCA) of the U.S. Department of Veterans Affairs provides headstones free of charge to mark the graves of eligible veterans. The memorial can include an emblem of belief, but it must be approved by the Secretary of Veterans Affairs. The approved list included different forms of the Christian cross, the six-pointed Jewish star, and the Muslim crescent, as well as symbols for atheists and secular humanists, among many others.

But since the mid-1990s, the agency had stalled requests by veterans and their families to add the pentacle to its list. The ACLU-WA and national ACLU sued on behalf of two churches and three individuals, including the mother of a soldier who was killed in action in Iraq in 2004, who requested the engraving of the Wiccan pentacle symbol on the headstones of service members of that faith.

Success came in April 2007 when the NCA finally agreed to add the pentacle to its list of approved emblems of belief, and to provide pentacle-engraved headstones and markers to the families in the lawsuit. The settlement resolved a separate lawsuit on the issue, filed by Americans United for Separation of Church and State.

The first headstone bearing the pentacle was installed a month later at Arlington National Cemetery. It marks the grave of World War II veteran Abraham Kooiman, the father of Kathleen Egbert, one of the plaintiffs represented by the ACLU.

ACLU-WA Staff Attorney Aaron Caplan represented the petitioners along with Daniel Mach of the national ACLU's Program on Freedom of Religion and Belief. ♦



ABRAHAM M  
KOOIMAN

PFC

US ARMY

WORLD WAR II

SEP 10 1925

DEC 19 2002

BRONZE STAR

PURPLE HEART



*Jock Young, ACLU plaintiff in the Cle Elum drug testing case*

## DRUG POLICY REFORM

### MEDICAL MARIJUANA IS NOT A CRIME

The War on Drugs has snared people whose only “crime” was relying on marijuana to manage severe pain or to cope with other symptoms of chronic illnesses. Though the people of Washington state in 1998 adopted an initiative allowing medicinal use of marijuana, a decade later some medical marijuana patients, their caretakers and those who provide them with medicine still faced arrest and prosecution. This year the state Legislature passed an ACLU-backed measure to remedy the problem.

The Medical Use of Marijuana Act (I-692) allows patients with certain conditions to use marijuana as medicine, with a physician’s recommendation. However, the law did not clearly specify how much marijuana patients and caregivers could possess. Addressing this and other concerns, Senate Bill 6032 directed the Department of Health to define a presumptive “60-day supply” and to provide recommendations to the Legislature on how best to provide patients access to medical marijuana. The bill also clarified that the police do not need to confiscate and destroy patients’ medical marijuana.

The bill should significantly reduce arrests of medical marijuana patients and caregivers. And for the first time, many legislators seriously discussed the value of marijuana as medicine and recognized the need to assist patients. The ACLU will continue to work for further reforms to the medical marijuana law.

### ALTERNATIVES TO JAIL

The government has misdiagnosed drug dependency as a criminal problem, resulting in the prosecution and conviction of thousands of people who would be better served by treatment and support. The ACLU is working with advocacy organizations and other partners to keep individuals suffering from these illnesses out of the criminal justice system, and to help them function in society.

At the local level, ACLU-WA Drug Policy Reform Project staff helped design the “Clean Dreams” pilot project. Clean Dreams promotes public safety by providing social services to at-risk and drug-involved young adults, as an alternative to arrest and prosecution. At the state level, the Washington Legislature in 2007 enacted ACLU-supported legislation (SB 5533) that provides alternatives to prosecuting mentally ill people suspected of committing a criminal offense.

Last fall, the ACLU participated in a summit organized by law enforcement officials and advocates for the mentally ill that focused on how to prevent the recycling of individuals through the criminal justice system. Recommendations generated at this summit will be used to guide further reforms in the 2008 Legislature.

### DRUG TESTING IN SCHOOL

Drug testing invades privacy, and national studies have shown it to be ineffective in preventing drug abuse by students. Yet some schools have decided to test students without suspicion, as a condition to participate in extracurricular activities. The ACLU is challenging this policy in two Washington school districts.

In May 2007, the Washington Supreme Court heard arguments in our lawsuit on behalf of parents at the Wahkiakum School District. Several years ago, the school board adopted a policy requiring all students in extracurricular athletic activities to agree to urine testing without suspicion. “I object to the urine-testing policy as an unwarranted invasion of privacy. I want schools to teach our children to think critically, not to police them,” said Hans York, a deputy sheriff and plaintiff in the Wahkiakum suit.

Also pending in Kittitas County Superior Court is an ACLU suit filed against the Cle Elum-Roslyn School District on behalf of several parents, students, and a football coach. In 2005, the school board adopted a policy requiring any student in a co-curricular activity to consent in writing to suspicionless drug testing.

Cooperating attorneys Eric Martin and Natasha Black of Davis Wright Tremaine handled the Wahkiakum case. Mathew Harrington of Heller Ehrman is handling the lawsuit against the Cle Elum-Roslyn School District. ♦





*Photo by Paul Sanders*

## CHAPTER ACTIVISM

The ACLU of Washington brought the message of freedom across the state, with the help of activists in its local chapters. They hosted tables at fairs and community events, distributed literature, organized public forums, wrote letters to the editor, showed films dealing with civil liberties, marched in parades and more.

Grays Harbor County members held a “wake” – coffin and all – for the Constitution, to mark the passage of the Military Commissions Act. ACLU activists in San Juan Island organized a forum on civil liberties and the War on Terror, featuring fired U.S. Attorney John McKay. The Jefferson County Chapter welcomed a crowd of 150 people for a speech by former Guantánamo Army Chaplain James Yee.

The Whatcom County and Yakima chapters tabled at their local Pride events. The Whatcom County, Pierce County and Yakima chapters sponsored forums on domestic partnerships.

Chapter members also advocated for better accountability of police in their communities. In Spokane they helped organize a series of public forums featuring Police Chief Anne Kirkpatrick, investigative reporter Tim Connor and other local leaders. The Pierce County Chapter sponsored a talk by Tansy Haywood, member of the Tacoma Citizen Review Panel, to discuss the state of police accountability in the city.

The ACLU’s annual Lobby Day on Feb. 13 was again a success. It brought supporters from 17 legislative districts around the state to Olympia to advocate for ACLU priority issues in the legislature. Participants also attended and testified in a Senate hearing on a bill to restore voting rights to people who’ve completed prison sentences. ♦

# FINANCIAL REPORT

The ACLU of Washington and the ACLU of Washington Foundation are separately incorporated nonprofit organizations. The ACLU-WA is our legislative lobbying organization, supported by membership dues which are not tax-deductible. The ACLUv-WA Foundation is our tax-deductible arm and conducts litigation, research, and public education in support of civil liberties.

## MEMBERSHIP

Another year of increasing membership demonstrates that Americans understand the importance of the role the ACLU plays in defending the Bill of Rights. ACLU membership in Washington state now totals 25,000.

## ANNUAL FUND CAMPAIGN

We are grateful to the stellar fundraising efforts of the ACLU-WA Board of Directors, the Ambassadors and the Let Freedom Ring volunteers. We especially appreciate the invaluable leadership of the ACLU Development Committee: Jean Robinson (chair), Rebecca Guerra, Suzanne Holland, Doug Klunder, Judy Mercer and Jesse Wing.

## ENDOWMENT FUND

To date, the ACLU of Washington has raised over \$5.3 million for our endowment program. The endowment fund ensures the ACLU's effectiveness by producing reliable income during difficult economic and political climates. These funds also provide the flexibility to strengthen our infrastructure and other areas that are key to our work. We thank the ACLU supporters whose endowment gifts help us fight the civil liberties battles of today and to prepare for future assaults. (Major endowment supporters are listed on page 33.)

## THE DESILVER SOCIETY

The DeSilver Society invites and recognizes dedicated citizens who help protect the future of freedom, 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 162. (DeSilver members are listed on page 30.)

# 2006-2007 INCOME & EXPENSES

## ACLU OF WASHINGTON FOUNDATION

### INCOME

Annual Fund Campaign.....	1,263,089	(51.1%)
Workplace Giving.....	136,139	(05.5%)
Bequests and Miscellaneous.....	408,094	(16.5%)
Endowment Fund Income.....	276,832	(11.2%)
Foundation Grants.....	691,578	(28.0%)
Transfers from Designated Funds.....	54,742	(02.2%)
Less sharing with National ACLU.....	(358,332)	(14.5%)

**TOTAL.....2,472,142**

### EXPENSES

Communications Program.....	405,716	(18.6%)
Legal Program.....	528,906	(24.3%)
Field program.....	121,312	( 5.6%)
Drug Policy Reform Project.....	376,460	(17.3%)
Liberty & Technology.....	39,853	( 1.8%)
Development.....	304,897	(14.0%)
Management & General.....	403,615	(18.5%)

**TOTAL.....2,180,759**

# WAYS TO GIVE

**CASH OR CREDIT CARDS:** We accept cash and checks as well as debit cards and credit cards via MasterCard or VISA. Monthly, quarterly, or other installment schedules are welcome.

**GIFTS OF STOCK:** By giving appreciated securities, you can usually deduct the full fair market value of your stock and avoid capital gains taxes.

**WORKPLACE GIVING:** If your employer has an employee giving campaign, payroll deduction is a convenient way to make a tax-deductible contribution.

**MATCHING GIFTS:** Many companies match charitable contributions of employees. If your employer has a matching gift program, please designate the ACLU Foundation.

**HONORARY AND MEMORIAL GIFTS:** If you would like to honor someone special or the memory of a loved one, you may make a gift and include a personal message that we will send to the person or family.

**GIFT MEMBERSHIPS:** Share your commitment to civil liberties with a friend or family member through a gift membership. They will receive a special acknowledgment and other materials to introduce them to the ACLU.

## THE LEGACY OF LIBERTY CHALLENGE

Through a generous commitment by ACLU Foundation supporter Robert W. Wilson, if you establish a bequest in your will or trust, or a charitable gift annuity to the ACLU Foundation, 10 percent of your gift (up to \$10,000) will be matched.

*For more information, please contact Rich Thorvilson, Director of Planned Giving, at 206.624.2184, ext. 266 or [rthorvilson@aclu-wa.org](mailto:rthorvilson@aclu-wa.org).*

**RETIREMENT ACCOUNTS:** When you designate the ACLU or ACLU Foundation as a beneficiary of your IRA, 401k, or other retirement plan, you may avoid estate tax and income tax.

**LIFE INSURANCE:** By naming the ACLU Foundation as the owner or beneficiary of a life insurance policy, you may generate a charitable income tax deduction equal to the current value of the policy.

**BEQUESTS:** If you provide for the ACLU in your will, your bequest will fund our critical legislative efforts. By designating the ACLU Foundation, you support all of our work and may reduce the estate tax.

**LIFE INCOME PLANS:** A gift annuity, pooled income fund, or charitable remainder trust pays income to you or another person over time and may provide a charitable income tax deduction.

Audited statements will be available from the ACLU-WA office late summer 2007

## ACLU OF WASHINGTON

### INCOME

Membership.....	524,141	(81.1%)
Annual Fund Campaign.....	66,250	(10.3%)
Bequests & Miscellaneous.....	27,805	( 4.3%)
Add sharing with National ACLU.....	27,721	( 4.3%)
<b>TOTAL.....</b>	<b>645,917</b>	

### EXPENSES

Communications.....	64,024	(13.9%)
Legislative & Field Programs.....	244,465	(53.3%)
Fundraising.....	25,373	( 5.5%)
Board Governance.....	9,355	( 2.0%)
Management & General.....	115,740	(25.2%)
<b>TOTAL.....</b>	<b>458,957</b>	



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# ACLU-WA IN THE NEWS

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## MEDIA COVERAGE 2006-07

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

### PRINT

Aberdeen Daily World  
The Advocate  
Associated Press  
Bellevue Reporter  
Columbia Basin Herald  
Daily Evergreen (Pullman)  
Deseret News (Salt Lake City)  
Ellensburg Daily Record  
Everett Herald  
Grand Coulee Star  
Grant County Journal  
Issaquah Press  
Jib Sheet (Bellevue)  
Journal of Educational Controversy  
Journal of the San Juans  
King County Journal  
Kitsap Sun  
Lewiston Tribune (Idaho)  
Los Angeles Times  
New York Times  
Olympian  
Port Townsend Leader  
Real Change News (Seattle)  
Seattle Gay News  
Seattle Post-Intelligencer  
Seattle Times  
Spokane Spokesman-Review  
The Stranger (Seattle)  
Tacoma News-Tribune  
Tri-City Herald (Richland)  
Vancouver Columbian  
Washington Free Press  
Washington Law & Politics  
Wenatchee World  
Yakima Herald-Republic

### RADIO

KBCS (Bellevue)  
KBKW (Aberdeen)  
KBSN (Moses Lake)  
KDRM (Moses Lake)  
KEXP (Seattle)  
KIRO (Seattle)  
KIT (Yakima)  
KLKI (Anacortes)  
KMAS (Shelton)  
KNCW (Omak)  
KOMO (Seattle)  
KOMW (Omak)  
KPLU (Tacoma)  
KPQ (Wenatchee)  
KSWW (Aberdeen)  
KUGS (Bellingham)  
KUOW (Seattle)  
KWNC (Wenatchee)  
KYRS (Spokane)  
KZBE (Omak)  
Metro Networks Radio  
Northwest Public  
Affairs Network  
Radio Cadena (Granger)  
Sirius Satellite Radio  
Voice of America  
Washington News Service

### TELEVISION

BBC  
FVTV (Vancouver)  
KAPP (Yakima)  
KING (Seattle)  
KLTV (Longview)  
KOMO (Seattle)  
KREM (Spokane)  
Seattle Community  
Access Network  
Snohomish County  
Community Programming  
Thurston Community Television

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*Abdulameer Yousef Habeeb (R) with attorneys, Jesse Wing and Aaron Caplan*



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# THANK YOU, CONTRIBUTORS

*We are grateful to all ACLU members for making our defense of liberty possible and for enabling us to become one of the leading ACLU affiliates in the country. We especially acknowledge the following for their very generous contributions to the protection of civil liberties over the past year.*

## **PRESIDENT'S COUNCIL**

Buster & Nancy Alvord  
Fredric Danz  
William & Sally Neukom  
Alan & Andrea Rabinowitz  
Anonymous

## **PRESIDENT'S COMMITTEE**

Arnold & Judy Bendich  
Edna Douglas  
Judith Drake  
Floyd Jones  
Microsoft Corporation  
Carrie D. Rhodes  
Gregory L. Shaw  
Karen Sloss  
Hans Spiller  
Daniel Weise & Laura Yedwab  
Anonymous

## **JUSTICE COUNCIL**

Brian Arbogast & Valerie Tarico  
Steve Clapp  
The Dudley Foundation  
Gail & Brad Husick  
Kendall Jensen & Connie Hale  
Jonathan Mark & Donna Sakson  
Laurel K. O'Neil  
George Wallerstein & Julie Lutz

## **LIBERTY COUNCIL**

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Betty Azar & Lawrence Harris  
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Margaret Ceis  
Eugene & Fran Coan  
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Sherri Wolson  
David Zuckerman



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# INTERNS AND WEEKLY VOLUNTEERS

Evan Abraham  
Mina Barahimi  
Alison Barany  
Justin Campbell  
Mark Cooke  
Michelle Croft  
Daniel Davidson  
Robin Dean  
My-Lan Dodd  
Mark Dorshkind  
Brittany Fitch  
Jennifer Franich  
Mari Hayman  
Richard Hearsey

Molly Henry  
Anders Ibsen-Nowak  
Lu Jiang  
Ameya Krishnan  
Bess McKinney  
Kevin Means  
Colleen Melody  
Marisa Morales  
Jill Mullins  
Polly Nelson  
Josette Parker  
Katherine Plimpton  
Judy Porterfield  
Kristina Purdom

Shanthi Raghu  
Maria Elena Ramirez  
Lacy Renfroe  
Cecille Ryweek  
Hillela Simpson  
Amrita Srivastava  
Ward Stern  
Nick Verbon  
Vandana Whitney  
Carmen Wong  
Tracy Wood  
LeAnn Woodrum  
Beverly Yuodelis

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Ashish Wahi

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Internet Operations Manager – Sarah Davies  
Administrative Assistant – Erin Parrish  
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Legal Program Assistant - Rubén García Fernández  
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Staff Attorney – Nancy Talner  
Skadden Fellow - Rose Spidell  
Legal Intake Manager – Eric Nygren  
Intake Assistant – Logan Kelly  
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Marijuana Education Project Director – Alison Chinn Holcomb

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Annual Fund Director – Leah Lee  
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"One does not fight to influence change and then  
leave the change to someone else to bring about."

– Stokely Carmichael

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