



LIBERTY | JUSTICE | EQUALITY

# 2007-2008 ANNUAL REPORT

NATIONWIDE SPECIAL BALLOT  
VOTE YES ON THE SPECIAL MEASURES BELOW

## REMINDER: YOUR FREEDOMS MATTER

FREEDOM OF SPEECH AND ASSOCIATION	YES <input type="radio"/>
RELIGIOUS LIBERTY	YES <input type="radio"/>
EQUALITY FOR ALL	YES <input type="radio"/>
DUE PROCESS	YES <input type="radio"/>
IMMIGRANT RIGHTS	YES <input type="radio"/>
EDUCATIONAL EQUALITY	YES <input type="radio"/>
ECONOMIC JUSTICE	YES <input type="radio"/>
EQUAL ACCESS TO TECHNOLOGY	YES <input type="radio"/>
DISABILITY RIGHTS	YES <input type="radio"/>
UNIVERSAL HEALTHCARE	YES <input type="radio"/>
PRIVACY	YES <input type="radio"/>
REPRODUCTIVE FREEDOM	YES <input type="radio"/>
GBT EQUALITY	YES <input type="radio"/>
CONSTITUTIONAL CHECKS AND BALANCES	YES <input type="radio"/>

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FIX 3 STRIKES

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THIS YEAR  
VOTE FOR  
FREEDOM OF SPEECH AND ASSOCIATION  
RELIGIOUS LIBERTY  
RACIAL / ETHNIC / GENDER  
EQUALITY  
DUE PROCESS  
IMMIGRANT RIGHTS  
EDUCATIONAL EQUITY  
ECONOMIC JUSTICE & EQUAL ACCESS TO TECHNOLOGY  
DISABILITY RIGHTS  
UNIVERSAL  
HEALTHCARE  
PRIVACY & REPRODUCTIVE FREEDOM  
LESBIAN GAY BISEXUAL AND TRANSGENDER EQUALITY  
CONSTITUTIONAL CHECKS AND BALANCES  
BEFORE IT FADES AWAY

## WELCOME TO OUR 2007-2008 ANNUAL REPORT

In its waning months, the Bush Administration's failed policies and abuses of power have continued unabated, and it's clear that most of the country is ready for change. It could have been discouraging, but as we look back over our work the past year we were struck by the fact that with your help our members and donors we were able to remain an assertive, credible force directly confronting the administration and its agencies. The ACLU was able to fight for change on both a national and local level, demanding a return to the principles of governmental checks and balances and due process upon which this country was founded. Some of those battles resulted in clear victories for the Constitution.

The determination to take a stand against administration abuses came from the top of the organization when the ACLU/SC Board of Directors voted 40-0, with one abstention, to call for the impeachment of President George W. Bush and Vice President Richard B. Cheney, citing a laundry list of documented constitutional violations. In doing so, the board became the first ACLU affiliate in the nation to formally call for impeachment.

Among the ACLU/SC Legal Department's astounding victories was our lawsuit to stop immigration officials from forcibly drugging detainees; it resulted in a nationwide policy change. That was but the latest salvo in the legal battle protecting the rights of hundreds of post-9/11 detainees held in federal detention centers in San Pedro, Mira Loma and Lancaster.



The recently expanded ACLU/SC Field Department launched an extensive program of creative education and outreach events throughout Southern California. Their events brought attention to the need to close the federal detention center at Guantánamo Bay; educated the public about how badly government has broken down through town halls featuring political pundits John Dean and Lawrence O’Donnell; and mobilized the membership to urge the U.S. Senate to stand firm against the administration’s pressure to authorize wiretapping of American phone calls without warrants. The ACLU/SC was both leader and participant in the national effort of civil liberties groups to protect privacy, which saw more than 40 lawsuits filed to fight warrantless spying.

While the fight against injustices at the federal level roiled throughout 2007, the ACLU/SC worked equally hard to redress grievances at the state and local levels. When the California Commission on the Fair Administration of Justice brought its hearings to Los Angeles to solicit public input on reform of the state’s criminal justice system, ACLU/SC Executive Director Ramona Ripston provided strong testimony to commissioners making the case to change California’s approach and to end capital punishment in the state. Our legal team also brought positive change for tens of thousands of young people in state care when our expert in a lawsuit seeking to alter how mentally-ill children are treated was appointed by a federal judge to oversee the improvement of mental health services for these children.

Change happened at home, too. This year the ACLU/SC administrative staff pulled off a difficult and long-held goal – the relocation of our headquarters from Beverly Boulevard. We are now installed on West 8th Street in downtown Los Angeles, in a building big enough to hold current staff and accommodate future growth. That effort is one of the many successes of 2007 that would not have been possible without support from *you*, our members and donors.

We thank you for all the ways you have supported our efforts to make positive differences this year – tabling at events, making phone calls and sending e-mails to your legislative representatives, educating yourself about the issues and spreading what you’ve learned to your family and friends. Most of all, the ACLU of Southern California appreciates you for remaining vigilant in support of civil rights and civil liberties. We thank you for *not* remaining silent.



**Alan Toy**  
President  
ACLU of Southern California



**Jarl Mohn**  
Chair  
ACLU Foundation of Southern California



**Ramona Ripston**  
Chief Executive Officer  
ACLU of Southern California &  
ACLU Foundation of Southern California

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THE GOVERNMENT ADMITTED  
THAT IT HAD FORCIBLY ADMINISTERED  
POWERFUL ANTI-PSYCHOTIC DRUGS  
TO HUNDREDS OF IMMIGRANTS  
BEFORE DEPORTATION.



## A Tale of Forced Drugging

In June, the nation discovered yet another example of rampant abuse of power wielded by immigration officials when the ACLU of Southern California filed a class-action lawsuit to end the practice of forcibly drugging immigrants facing deportation. A few months later, the government admitted that it had forcibly administered powerful anti-psychotic drugs to hundreds of immigrants before deportation. In fact, the nation's top immigration official admitted to a U.S. Senate committee that 56 people had been forcibly drugged between October 2006 and April 2007. Based on data provided by U.S. Immigration and Customs Enforcement (ICE), it appears that hundreds of illegal druggings have taken place over the past five years. In many cases the detainees had no pre-existing psychiatric conditions, and the drugs were administered by low-level medical personnel without either a prior medical examination or a court order.

Our lawsuit took many interesting turns, but ultimately ended with victory for our clients—and unknown numbers of detainees—when ICE announced that it would change its policy to require a federal court order before agents could drug immigrants during deportation. Unlike ICE's earlier policy, its new rule contains no exceptions that would allow the government to circumvent court oversight.

At the center of the lawsuit are Raymond Soeoth and Amadou Diouf, who were drugged against their will and without proper medical oversight during botched

deportations. Neither man had any history of mental illness, yet Soeoth was forcibly injected with the anti-psychotic drug Haldol in 2004, causing him to lose consciousness. The drug forcibly administered to Diouf in 2006 is unknown. Soeoth, a Christian from Indonesia, was seeking asylum based on religious persecution. Diouf, a native of Senegal who is married to a U.S. citizen, had a stay of deportation at the time he was drugged. Both men remain in the country while they seek to become legal residents.

As compelling as the courtside drama is the personal bond that developed between Soeoth and Diouf as they endured this ordeal. The two men met while detained together for nearly two years in the same pod at the Terminal Island Federal Detention Center in San Pedro. They had the same attorney, attended the same court hearings, and even came down with chicken pox at the same time.

Having prevailed in their effort to change the forcible drugging policy, the two men continued to pursue their lawsuit to obtain compensation for the horrific experience they suffered. At the same time, their individual challenges to their deportation orders continued as well. But as their immigration cases wound through the courts, Diouf turned out to be in a stronger legal position. While Diouf was likely to win his immigration case, Soeoth faced likely deportation. The government saw this and took advantage of it. It's offer-cum-ultimatum: they would settle Soeoth's





Cindy and Raymond Soeoth, left, with Amadou Diouf, right.

case and allow him to remain in the United States for two years with an opportunity to stay beyond that date, but only if Diouf also agreed to drop his suit against the government to obtain compensation for having been forcibly drugged.

“Amadou had zero reason to settle,” said ACLU/SC attorney Ahilan Arulanantham. “We were in a very strong position, but if he didn’t settle, Raymond and his wife would be deported.”

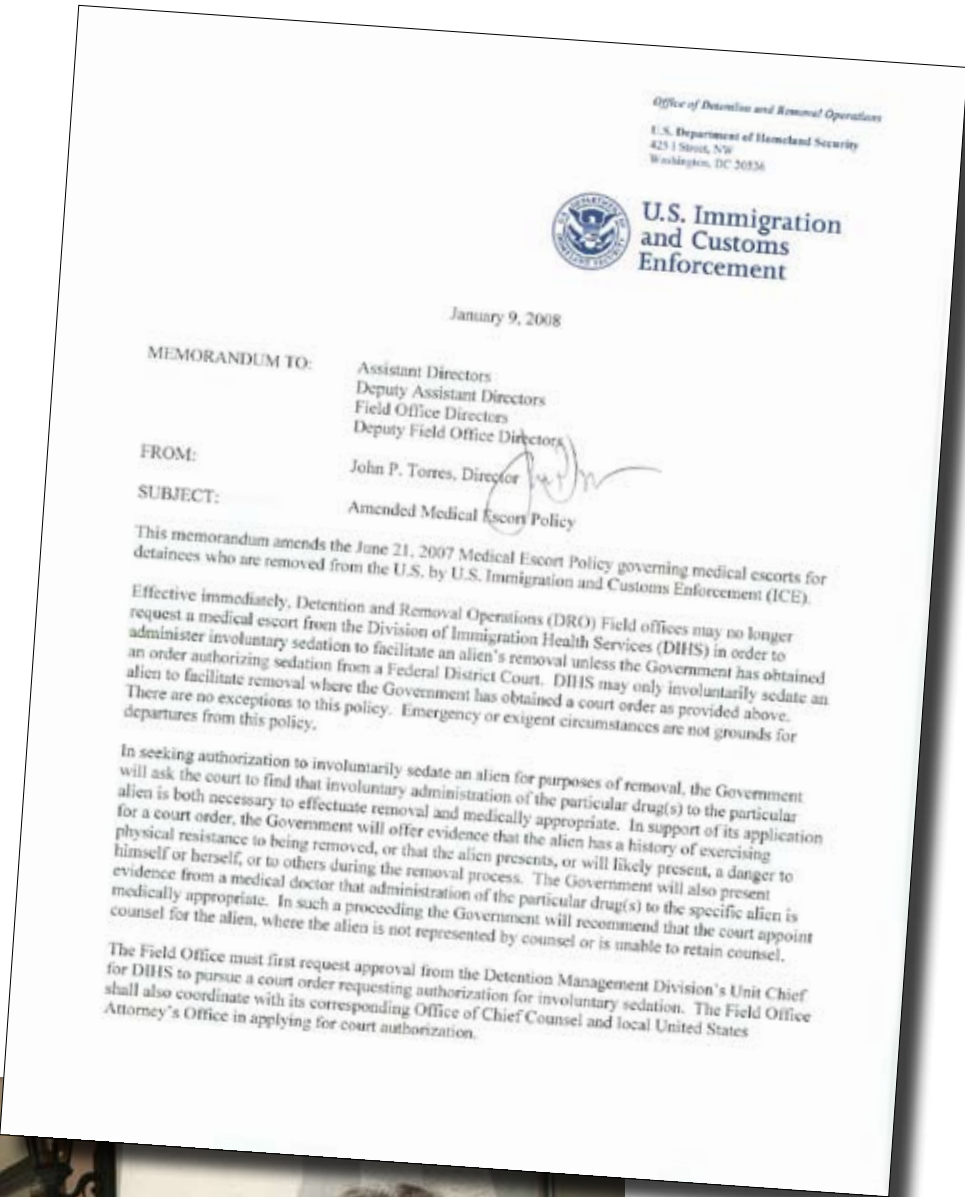
In essence, the government asked Diouf to walk away from potentially thousands of dollars in order to save his friend.

Diouf said yes. That decision moved Arulanantham deeply.

“It was intense. It makes me feel proud to represent both of them,” Arulanantham said. “It’s a profound moment, when you realize so clearly that just as you do this work not only for the principles at stake but also because of the individuals who suffer, your clients are sometimes like that, too. They don’t make the sacrifice to file a lawsuit with the ACLU and take the risks associated with that decision because they’re in it for the money.”



Cindy Soeoth presents a painting to ACLU/SC staff attorney Ahilan Arulanantham as thanks.



Fadia Rafeedie, center, is joined by (left to right) Wesley Shih, Steve Kristovich, Dr. Mark Mills, Brad Phillips and Ahilan Arulanantham, the team behind the forced drugging victory.





# Mapping Plan Scrapped



One of the most overt local challenges to personal liberty came in November, when administrators of the Los Angeles Police Department (LAPD) proposed a program designed to identify every Muslim in the City of Los Angeles, under the guise of protecting the city from terrorism.

The problem? Blatant racial, ethnic and religious profiling, along with a healthy disregard for basic First Amendment safeguards. As outlined by the commanding officer of LAPD's Counter-Terrorism/Criminal Intelligence Bureau, the police department administrators would join with the University of Southern California's National Center for Risk and Economic Analysis of Terrorism Events to create a Muslim "map." The map would pinpoint the geographic location of Muslim individuals and groups within city limits, examining demographics, language, culture, ethnic breakdown, socio-economic status and social interactions. In addition, police also planned to monitor which news and information outlets individual Muslims use as a means of gauging their "threat potential." LAPD Deputy Chief Michael P. Downing explained, during testimony before a U.S. Senate subcommittee, that judging people based on their choice of information source was necessary because "Muslim communities in the U.S. are mistrustful of the mainstream media."

Downing maintained that identifying these so-called Muslim enclaves, which he described as "closed and

vulnerable" as well as "much more integrated into the larger society," would help them uncover terrorists.

"Watching people because of their religious beliefs is as abhorrent as watching people for their political beliefs," said Ramona Ripston, ACLU/SC executive director. "Policing is never effective when it's based on religious profiling, and the LAPD should not be in the business of tagging Muslims or any community of faith as terrorists, because that's discriminatory and divisive."

The ACLU/SC, working in conjunction with a coalition of Muslim organizations, responded swiftly, arguing forcefully against the proposal by exposing its anti-Muslim presumptions and biases. The campaign generated wide media attention and condemnation of the mapping proposal.

The LAPD backed off within days. Instead, department administrators decided to increase its outreach in Muslim communities to promote understanding and trust. The LAPD convened a Chief's Forum for Los Angeles-area Muslims, where the community could meet with LAPD Chief William Bratton and discuss issues and concerns regarding policing. The ACLU/SC continues to monitor the proposal to ensure it doesn't show up again in a different form.

November 8, 2007

Commander Michael P. Downing  
Counter-Terrorism/Criminal Intelligence Bureau  
Los Angeles Police Department  
150 N. Los Angeles St., Rm. 630  
Los Angeles, CA 90012

Dear Commander Downing,

We write to express our grave concerns about efforts by the Los Angeles Police Department ("LAPD") to map Muslim communities in the Los Angeles area as part of its counter-terrorism program. You recently described this mapping project in your testimony regarding LAPD's "efforts to identify and counter violent extremism."<sup>1</sup> The nature and scope of the program is unclear from your testimony, and we request a meeting to discuss our concerns in greater detail and learn more about the program's parameters.

The mapping of Muslim communities as part of counter-terrorism efforts seems premised on the faulty notion that Muslims are more likely to commit violent acts than people of other faiths. Singling out individuals for investigation, surveillance, and data-gathering based on their religion constitutes religious profiling that is just as unlawful, ill-advised, and deeply offensive as racial profiling. In addition to constitutional concerns that such a practice would violate equal protection and burden the free exercise of religion, religious profiling engenders fear and distrust in the community that hampers law enforcement efforts. A mapping project that aims only to gather intelligence and identify "risk factors" unfairly targets members of the Muslim community based on their religion and ethnicity, and also increases the inaccurate perception among the larger community that Muslims are doing something suspicious that merits investigation.

Your testimony regarding risk factors describes other assumptions about the Muslim community that are troubling in their breadth and questionable accuracy. For example, mere exposure to Wahhabi-Salafi teachings, unemployment, or instability in a country of origin or ancestry may not be suitable "risk factors" that accurately distinguish the majority of peaceful residents of Los Angeles from any potential criminal threats. Although Americans of all backgrounds and religions maintain ties to family or organizations in other countries, you suggest that for a Muslim, such ties make the individual a likely terrorist. Similarly, use of non-mainstream media by Muslim Americans — as by any other Americans — cannot possibly be counted as an indicator of extremist ideology or inclinations. We are deeply concerned if any part of LAPD's efforts targets community members based on their First Amendment rights to access news or opinions from whatever source they choose.

<sup>1</sup> Testimony of Michael P. Downing before the Senate Comm. on Homeland Security and Gov't Affairs (Oct. 30, 2007).

Commander Michael P. Downing  
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November 8, 2007

While preventing violence and terrorism is a goal we all share, it must be pursued in a manner respectful of the rights of the hundreds of thousands of Muslim Americans living in the Los Angeles area. We recognize that the LAPD is striving to embrace a community policing model that includes openness, transparency, and engagement with the community. "Outreach and grassroots dialogue" with all communities affected by law enforcement efforts are the foundations of a community-based policing model that we certainly endorse. We also agree that the public safety of all citizens is best served by an approach that relies on engagement and services rather than just suppression. We cannot agree, however, that the mapping project as it has been described furthers any of these worthy goals.

In that spirit of transparency and dialogue, we would like to meet with you to discuss our concerns about this program and to engage on these important public safety and civil liberties issues. You can contact us through Ranjana Natarajan or Peter Bibring at 213-977-9500 x.236 or x.295, respectively. We look forward to hearing from you.

Sincerely,

*Ranjana Natarajan*

Ranjana Natarajan  
Staff Attorney  
ACLU of Southern California

*Farhana Y. Khara*

Farhana Y. Khara  
Muslim Advocates

*Hussam Ayloush*

Hussam Ayloush  
Council on American Islamic Relations

cc: Police Chief William Bratton  
Mayor Antonio Villaraigosa  
Councilmember Jack Weiss

*Peter Bibring*

Peter Bibring  
Staff Attorney  
ACLU of Southern California

*Shakeel Syed*

Shakeel Syed  
Islamic Shura Council



## May Day 2007: Demanding Accountability

The troubled history between the Los Angeles Police Department and the community it serves exploded again last May, when officers overreacted to a small group of bottle throwers during a peaceful immigration reform rally in MacArthur Park and injured more than 150 attendees and journalists.

In 2000 the U.S. Department of Justice launched an investigation of the LAPD and concluded that the department routinely violated the constitutional rights of Los Angeles residents. As part of a settlement of a Department of Justice lawsuit, in which the ACLU/SC intervened on behalf of community groups, a federal monitor was appointed to oversee reforms designed to eliminate the department's aggressive tactics.

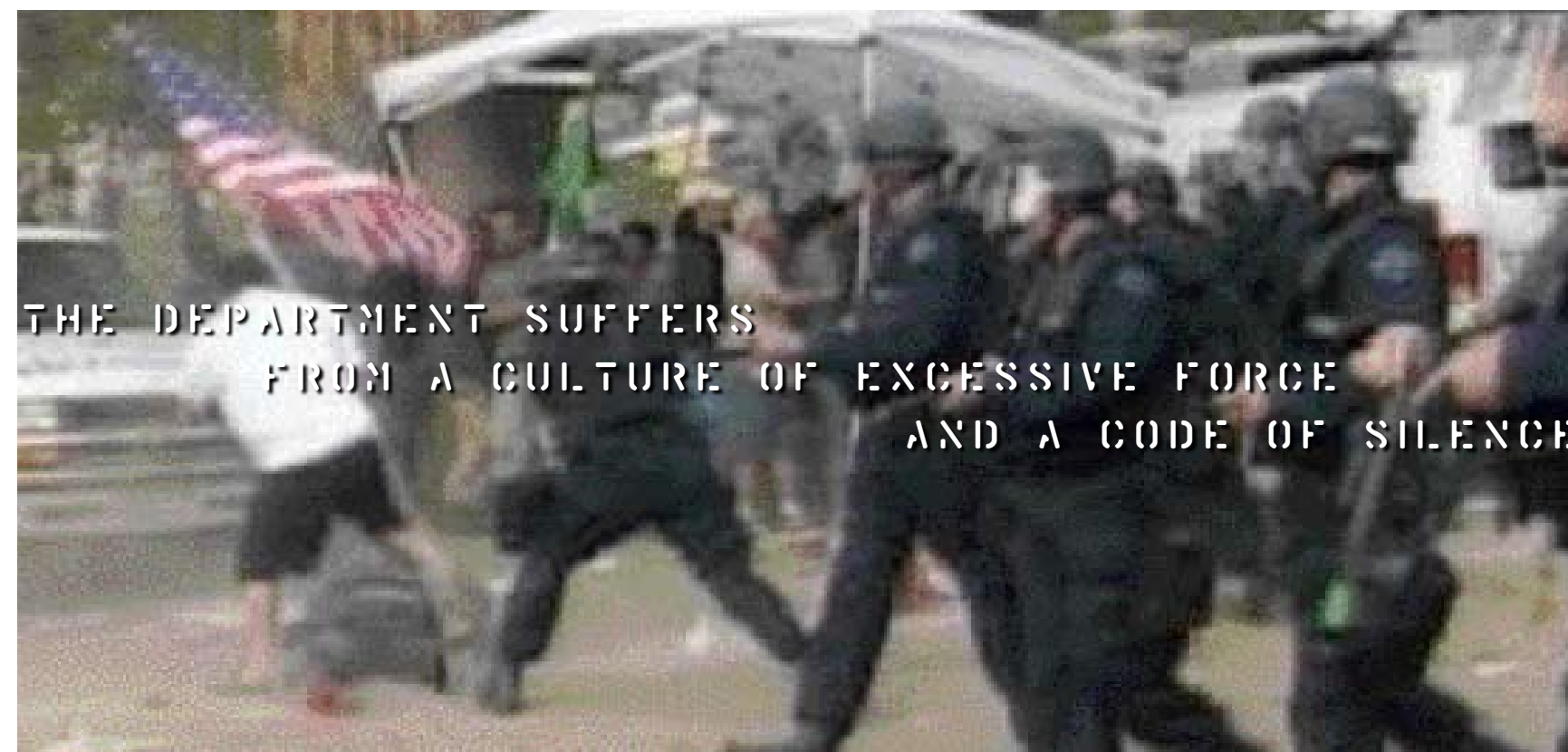
The May Day incident was the latest misstep for the department, which has achieved only limited success in changing the culture of violence and silence among its rank and file officers.

"The troubled history of the LAPD can be found in the reports of commission after commission that, while spurred by various different incidents from the Watts disturbances of 1965 to the Rampart scandal of the 1990s, are virtually interchangeable in their conclusions that the department suffers from a culture of excessive force and a code of silence about the misconduct of fellow officers that, to date, neither civilian oversight nor department

leadership has been able to uproot," wrote ACLU/SC attorneys in their motion to a federal court seeking a hearing to determine if an independent monitor should investigate the May Day incident.

That request was one of several ACLU/SC's responses to the disturbance. In addition, Ramona Ripston, executive director of the ACLU/SC, wrote a strongly worded letter condemning the department's actions to LAPD Chief William Bratton. He responded by requesting a meeting with the ACLU/SC and representatives of the advocacy groups that organized the MacArthur Park rally. During the 90-minute meeting, Bratton listened to complaints and promised an open investigation of the incident and changes in department procedures.

When the department completed its investigation and presented its report to the Los Angeles Police Commission five months later, ACLU/SC attorney Peter Bibring told commissioners that though significant, the report's recommendations failed to adequately address the department's culture of excessive use of force and its chronic inability to retrain officers in the use of more effective and less coercive approaches. He urged the commission to voluntarily adopt some of the report's best practices, including heightened requirements on eligibility, supervision, and length of assignment for officers in the specialized Metro unit. He also suggested the LAPD adopt a department-wide rotation program



Officers from LAPD's elite Metropolitan Division storm a peaceful demonstration for immigration reform in MacArthur Park on May 1. Image courtesy of Fox 11 News.

commonly in use by law enforcement agencies. Rotating officers between units helps reduce the creation of intra-unit insular culture, combats the code of silence, and limits pressure for officers to forget what they are told in training when they hit the streets.

Our work on this issue continued into the new year. Two months ago, the ACLU/SC met with Chief Bratton and representatives from several of the organizations that planned the 2007 rally to continue the dialog and discuss logistics and other concerns for the 2008 event. Bratton shared with the group the steps the LAPD planned to take to ensure a peaceful event and protect free speech during May Day 2008. The ACLU/SC was at the rally to monitor events.



LAPD Chief William Bratton meets with march organizers in the aftermath of the 2007 May Day rally.





## Re-opening the Book on Police Misconduct

The ACLU of Southern California continued its strong advocacy to overturn the 2006 *Copley Press v. Superior Court* decision by the California Supreme Court and reopen police disciplinary hearings to public scrutiny and accountability.

*Copley* took the hearings and records of police officers disciplined for misconduct and placed them behind closed doors, despite the fact that those records were previously public, as are similar records for other public employees, doctors and lawyers. By declaring records of serious police misconduct off-limits to civilian review boards, newspapers, and the public, accountability and the relationship between police and the community it serves is severely compromised.

“Reform is built on trust between the community and police,” said Ramona Ripston, ACLU/SC executive director. “*Copley* jeopardizes that trust.”

The ACLU/SC sponsored two legislative efforts designed to reverse the repeal of *Copley* – A.B. 1648 and S.B. 1019. Though these bills ultimately were not sent to Gov. Arnold Schwarzenegger’s desk this year, our extensive outreach, public education, legislative visits, patch-through calls and online activism put awareness of the issue into wide play. We were critical in building a powerful coalition of more than 20 politicians, civic leaders, social justice and municipal organizations in support of reversing *Copley*. Members include LAPD Chief William Bratton, the California State Personnel Board and the League of Women Voters.

Related to the need for police reform and accountability, the ACLU/SC was a vocal proponent of reform within the LAPD. In January 2007, when a review commission released a report exonerating the 2005 shooting of 13-year-old Devin Brown, the ACLU/SC delivered a strongly worded statement to the Los Angeles Police Commission calling for transparency.

“American justice is done in the open, but the conduct of LAPD officers is now judged in secrecy,” we wrote in our statement to the commission. “Secrecy communicates dishonesty, and the product of secrecy is distrust that undermines the efforts of good and conscientious officers to do their jobs. Improvement of the LAPD requires trust as a starting point, built on transparency and openness.”

More recently, we responded with equal passion to an LAPD inspector general audit of complaint investigations that showed an extraordinarily high incidence of serious flaws in the department’s examination of citizen complaints. This is the third year in the row such findings were revealed through audits; Ripston, along with ACLU/SC staff attorney Peter Bibring, wrote a detailed critique to the department. They called for the LAPD to take immediate action to fix the broken complaint system through the use of independent civilian investigators, or placing the complaint process directly under independent civilian supervision. That approach, used by other major cities, lends additional credibility to the complaint process. It does not allow the police to police themselves.

We will continue our leading role advocating for criminal justice reform in the coming year.

SHE HAD SPENT  
MORE THAN HALF HER LIFE  
IN MENTAL INSTITUTIONS,  
IN ISOLATION AND RESTRAINTS  
OR HEAVILY SEDATED.



## Futures, not Warehouses, for Mentally Ill Children

The ACLU of Southern California won a major ruling in 2007 that will help the thousands of California children who suffer from serious mental illness.

In 1997, disability rights advocates found 17-year-old Emily Q. at Metropolitan State Hospital in Norwalk. She had spent more than half her life in mental institutions, in isolation and restraints or heavily sedated because of her violent behavior.

A year later, attorneys representing Emily Q. successfully argued in court that children in mental institutions and group homes could be better served by behavior aides or “coaches” who would work with them one-on-one in their homes and communities. In 2001, a federal court issued a final judgment requiring California to provide that care, which is called Therapeutic Behavioral Services (TBS) through the Medi-Cal program. However, defendants continue to violate the court order, denying TBS to thousands of children and leaving them to languish in group homes and probation camps.

In June, ACLU/SC attorneys took the unusual step of asking a federal court to impose compliance standards on the state and appoint a special master to oversee compliance with the 2001 judgment. The court agreed, appointed a well-known children’s advocate, Richard Saletta, as special master and gave the state 18 months to come into compliance. This ruling, which affects more

than 25,000 mentally ill children throughout the state, could end the warehousing of children in large, expensive, ineffective group homes and mental institutions by doubling or tripling the use of TBS.

“The court’s decision means California must increase its efforts to keep children in home-like settings, where research shows they are more likely to improve,” said Melinda Bird, senior counsel for the ACLU/SC and lead attorney on the case.

As for our client, Emily Q., after wasting precious years isolated in mental institutions where her mental health deteriorated, in 2003 she was finally able to obtain TBS and was released into outpatient care. She is now living independently in Los Angeles, where she volunteers at an animal shelter and is a member of a local church group. It is because of the support of ACLU/SC members and donors that Emily Q. and thousands of children have a chance for a meaningful future.







Eric Greene prepares to speak at a Los Angeles City Council meeting about the need to protect affordable housing.

## Sheltering Rent Control

The bloodsport that is the Los Angeles housing market took an even more absurd turn this year when a downtown developer sued the city to avoid rules governing affordable housing. The ACLU of Southern California joined a coalition of legal groups to intervene on behalf of nearly all of the non-profit affordable housing developers in the region in an attempt to keep some of downtown affordable for low- and middle-income families.

G.H. Palmer Associates attacked the inclusionary zoning rule for Central City West in downtown Los Angeles, seeking an exemption so it could build a 340-unit luxury development. Adopted in the early 1990s, the law requires developers targeting the rapidly gentrifying downtown to devote 15 percent of their apartments to people who make less than \$40,000 a year, or to help make such housing available elsewhere. Between 2001 and 2006, the city lost nearly 11,000 affordable-housing units due to several factors, including condominium conversions of rent stabilized units. However, the city has not replaced them at the same rate.

“The law of the highest bidder will be a nightmare for this city, not just for its poorest residents but for the middle class struggling to hang on,” said ACLU/SC staff attorney Peter Bibring. “A clean, safe apartment shouldn’t just be a dream for Los Angeles residents, it should be a basic right.”

The ACLU/SC also took a leading role fighting efforts to end rent control in the city. Throughout the year we worked with coalition partners, reached out to elected officials and educated ACLU/SC member-activists to work against Prop. 98, slated to appear on the June 3 primary election ballot.

Backed by wealthy apartment and mobile-home park owners, Prop. 98 is filled with hidden agendas that would eliminate rent control, critically damage local land use planning, and hurt environmental protections. With an estimated 1 million California families living in rent stabilized units, and about 300,000 affordable homes created through inclusionary housing guidelines, protecting rent control is critical.

“By allowing rents to sky rocket, by eliminating our ability to protect and increase our stock of affordable housing, many of our fellow Angelenos who are barely getting by will be pushed over the edge and onto the streets,” said Eric Greene, ACLU/SC special policy assistant. “We all have a fundamental right to safe, decent and affordable housing. Many Angelenos already struggle to exist at a subsistence level. They work two or three jobs just to provide the most meager, basic necessities for their families. Rent stabilization has been a lifeline for the elderly and the working poor, for young families and the less fortunate. Prop 98 would sever the lifeline that many in our community rely upon to live in safety and dignity.”



## Making the Grade for California Students

Our efforts to provide educational equity to all California students hit another high point this reporting period with the passage of state legislation sponsored by the ACLU, and court action preserving the integrity of desegregation efforts within the Los Angeles Unified School District (LAUSD).

Middle and high school counseling programs received a makeover through S.B. 405, a bill written by Sen. Darrell Steinberg and sponsored by all three California ACLU affiliates. Signed into law in October, it requires that students get individual attention to go over their career goals, understand eligibility requirements and options for post-high school education, and financial aid availability. The counseling must be done by a qualified professional.

The law significantly addresses California’s dropout crisis: fewer than 70 percent of ninth-graders statewide graduate from high school, and in some districts the percentage is much lower. When paired with another bill, S.B. 219, which establishes tough accountability standards for schools to reduce their dropout rates, these changes will combat the conditions that lead students to lose hope and leave school early.

“Many students have no idea they are a few classes away from being college-eligible, or from starting a great career,” said ACLU/SC Racial Justice Director Catherine Lhamon. “Getting good advice at the right time can be the

difference between dropping out and going to college or beginning on a solid career path.”

Yet another milestone victory came in December, when the Superior Court dismissed a lawsuit challenging the LAUSD’s desegregation programs and upheld a plan to reduce racial divisions in L.A. schools through a court-ordered magnet and busing program. *American Civil Rights Foundation v. LAUSD* was brought in 2005 by the conservative Pacific Legal Foundation, using Prop. 209 to challenge the desegregation programs, despite the fact that 209 specifically protects court-ordered desegregation plans such as LAUSD’s. In 2006, on behalf of parents, students and teachers in some of the district’s top magnet programs, the ACLU/SC joined a broad coalition challenging Ward Connerly’s attempt to curb these integration programs.

The ACLU/SC has fought racial segregation within L.A. schools for more than 40 years. Besides the obvious desire to avoid returning to the bad days of rigidly segregated schools, LAUSD is under a 1981 court order, which the ACLU/SC secured, creating magnet schools. Transportation is provided free to qualified program participants.

**Photo:** Catherine Lhamon, racial justice director for the ACLU/SC, announcing the filing of a lawsuit to protect desegregation programs in the LAUSD.





## “How Did This Happen? Because of His Skin Color.”

The case of 30-year-old Peter Guzman, a U.S. citizen who was wrongfully deported to Mexico, attracted worldwide media attention when attorneys for the ACLU of Southern California went to court to force government officials to help find him.

Peter, as he is called by his family, was born Pedro Guzman at Los Angeles County+USC Medical Center in East Los Angeles, but was deported May 11, 2007, from an L.A. County jail despite readily available evidence that he is a U.S. citizen. Guzman, who is cognitively impaired, struggles with basic reading and writing, visual processing, conceptualization skills and memory. However, agents for U.S. Immigration and Customs Enforcement (ICE) say he voluntarily signed papers that said he was not a U.S. citizen and that he agreed to be deported to Mexico. Guzman, who speaks some Spanish but is more comfortable speaking English, was then put on a bus to Tijuana with only \$3 in his pocket. Once across the border, he disappeared for nearly three months.

During that time, family members desperately searched for him, risking their jobs and quickly depleting their savings while they spent days and weeks scouring the hospitals, jails, shelters and truck stops of Tijuana and neighboring cities. His mother even scanned online photos of bodies at the Tijuana morgue.



Michael Guzman joins other members of the family asking for help in finding his older brother, Peter.

In June 2007, when the ACLU/SC asked a federal judge to order the government to assist in the search, Department of Homeland Security officials failed to undertake reasonable efforts to return Guzman to his family even though they admitted he is a citizen.

Peter was located only after he walked up to the border crossing at Calexico, 125 miles from where he was dumped by the government, trying to return home. He was taken into custody by U.S. border agents, gaunt after weeks of eating garbage, drinking river water, and sleeping in the wild. Exhausted and in shock, he was barely able to communicate with his family members when they were reunited.







Peter Guzman and his mother, Maria Carbajal, finally at home in Lancaster.

In a lawsuit filed on behalf of Peter Guzman and his family in February of this year, attorneys for the ACLU/ SC argued that Peter was coerced into signing documents he was incapable of understanding and that the government's actions endangered Peter's life and violated his civil rights.

As we prepare for trial and wait for all parties to respond to the complaint, Peter is now safely back at home with his family. He continues to be under the care of doctors and receives ongoing medical treatment.

"Citizenship is the constitutional birthright of every individual born within our borders. Our government deported and abandoned Peter because in its eyes, he was the wrong skin color," said Mark Rosenbaum, legal director of the ACLU of Southern California.



Backyard altar created by the family as they prayed for his return.

## Excerpt From A Press Conference, August 7, 2007

“

They have asked us *how did this happen?*

Because of his skin color.

This government deported this young man because of his skin color; did not believe him when he said he was born in California because of his skin color; did not examine or attempt to verify their own records saying he was born in California because of his skin color; did not look for him once it deported him illegally because of his skin color; misrepresented to a federal judge what it was doing because of his skin color; did not tell his family he was finally found because of his skin color; even at the last put an immigration hold on him because of his skin color.

What saves us from our frailties and our imperfections is our caring for one another.

Today, as for the past 89 days, the United States government failed its only purpose by spreading fear and sadness instead of comfort.

But if this is a day to disappoint at the indecency and callousness of our government toward one of its own families, it is a day to marvel and revere the power of love on the part of Pedro's family that overcame their government's inhumanity – a family that would not be swayed but by the beat of its son's heart.”

- Mark Rosenbaum, LEGAL DIRECTOR,  
ACLU OF SOUTHERN CALIFORNIA







Photo courtesy of the Rocky Mountain News.



## Rights Over Raids

After Homeland Security agents arrested more than 130 people working at a toner manufacturing plant in Van Nuys, the agents refused to allow attorneys to be present during interrogations of the arrested individuals, a violation of the statutory and constitutional right to counsel. The ACLU of Southern California responded with lightning speed.

Working with a coalition of groups, the ACLU/SC contacted U.S. Department of Homeland Security (DHS) officials and demanded that they allow attorneys to be present. When DHS refused, ACLU/SC attorneys and paralegals, working in conjunction with a broad coalition of other civil rights groups, filed for a temporary restraining order less than twelve hours after the officials refused to change their policy. Concurrently, the ACLU/SC field department canvassed families of the detained to offer help and support. The need was dire: during the raid the workers were handcuffed en-masse, bullied, and forbidden to talk even to their families, let alone attorneys.

As a result of *National Lawyers Guild et al. v. Michael Chertoff et al.*, the government quickly settled, agreeing that any worker arrested in the raid has a right to have an attorney present at any interview or other appointment with immigration officials. Though a victory, this effort to protect the basic constitutional rights of immigrants is far from over. For example, U.S. Immigration and Customs Enforcement has forced a number of the workers who

have been released to wear electronic monitoring devices on their ankles, and subjected them to a 7 p.m.-to-7 a.m. curfew. This despite zero evidence that these individuals are a flight risk.

“The City of Los Angeles has been severely affected by the federal government’s unwise decision to rely on workplace raids as a method of enforcing our nation’s immigration laws,” we wrote in a joint statement with our coalition partners. “The atmosphere of intimidation that surrounded this raid highlights the extent to which the worksite enforcement policy itself is harmful to the dignity and rights of all workers. In a nation built by immigrants, that thrives on their contributions to every aspect of American life, it is shameful that the federal government has chosen now to punish precisely those same immigrants by conducting Gestapo-style worksite immigration raids rather than addressing the underlying problem: our broken immigration system and lawmakers who are unwilling to address this issue in a sensible and humane manner.”

So long as the federal government continues to ignore the true problems inherent in a flawed immigration system, the ACLU/SC will continue its efforts to help those victimized by over-zealous agents who show blatant disregard for basic constitutional and human rights.





## The Freedom to Love and Cherish

As this annual report went to press, the California Supreme Court was expected to hand down its ruling on a constitutional challenge to the state's ban on same-sex marriage. It is an issue the California ACLU affiliates –along with millions of other state residents who care about fairness for all when it comes to this most intimate of life decisions.

As a coalition partner in Equality For All, which works to secure same-sex marriage rights for Californians, the ACLU/SC has taken a lead role in the fight to end marriage discrimination in the state. The coalition urged that the ban on same-sex marriage be declared unconstitutional, charging that the law discriminates based on sexual orientation and sex, and violates the fundamental right to marry, which is protected by guarantees of privacy, intimate association and due process in California's Constitution.

At the center of this particular legal effort are 15 couples, some of whom have been together 50 years. These men and women come from all walks of life, from couples raising children to couples enjoying their retirement. They are part of six marriage cases the California Supreme Court is considering. More than 250 religious and civil rights organizations filed friend-of-the-court briefs supporting marriage rights for same-sex couples.

The ACLU/SC has a long history with the quest for marriage equality in California. We championed the Religious Freedom and Civil Marriage Protection Act, which would have provided marriage equity for same-sex couples in California. Unfortunately, though it was passed by the Legislature, Gov. Arnold Schwarzenegger vetoed it. We celebrated California's landmark legislation offering the most expansive protections for domestic partners in the nation, giving domestic partnership rights and responsibilities to gay and lesbian couples and putting them on equal footing with married couples when it comes to hundreds of state laws dealing with property rights, child custody, debt assumption, health care decisions and other issues. Though it did not provide the more than 1,000 rights and benefits afforded to married couples by the federal government, California's courage was a victory worth celebrating.

No matter what the decision handed down by the state's high court, the ACLU/SC will remain a staunch advocate for the right to marry for all California residents. Already an effort to ban same-sex marriage through an amendment to the state Constitution is working its way through the initiative system and is expected to qualify for the November general election. We are ready to fight this, and ask you to join us. Visit our website: [www.aclu-sc.org](http://www.aclu-sc.org) for updates.

## Changing Licenses for Better, Not Worse

They signed their Christmas cards "Michael and Diana Bijon." But California authorities said his driver's license had to have his given name, Michael Buday. This spring, the Marina del Rey man who tried for two years to take his wife's surname as his own got a new driver's license that made it official – thanks to the ACLU of Southern California.

Their saga began in December 2006, one year after their marriage. Buday is a manager at an advertising firm, and Diana Bijon is an emergency room nurse. In tribute to her father's role in his life, Buday wanted to take Bijon's last name and use that on his driver's license. But the state of California said not without a court order, \$320 in fees and a legal notice advertising his intent to adopt his wife's name. Had the roles been reversed, with Bijon taking Buday's name, none of the exorbitant fees or other demands would have been required.

In January 2007, the ACLU/SC sued the California Department of Motor Vehicles (DMV) and the Department of Health Services (DHS), the agency overseeing marriage licenses, to equalize the treatment of men and women who want to change their names on marriage applications in this state. One month later all three ACLU California affiliates joined with Equality California to sponsor AB 102, a bill specifying that all Californians have the right to select a surname of their choice upon marriage or entering a domestic partnership,



with that option included in the marriage license or application for domestic partnership. This new law will go into effect in 2009.

This spring the DMV and DHS reached settlements with our clients. As part of the agreements, Michael Bijon gets a driver's license with his preferred name. Workers at the DMV will receive training to ensure this doesn't happen to other couples.





## ...And Free Speech for All

In August, the ACLU of Southern California won a critical free speech victory when a long-fought case stemming from the controversial 2000 presidential election ended when the United States Court of Appeals for the Ninth Circuit ruled that vote swapping websites are protected by the First Amendment.

As the electoral contest between George W. Bush and Al Gore heated up in the final stretch, websites emerged that allowed third-party supporters of Ralph Nader in swing states to strategize with major-party voters in “safe” states about “trading” their votes to avoid handing the election to their least-preferred candidate. Although these swaps involved no financial compensation, Bill Jones, who was then California secretary of state, threatened to prosecute these website operators, accusing them of buying votes. The sites shut down under duress.

The ACLU/SC joined with the National Voting Rights Institute (now known as Demos: A Network for Ideas and Action) to mount a challenge, arguing in part that the threats by Jones violated the First Amendment rights of the website operators and exceeded the scope of Jones’ authority under California’s election code. The Ninth Circuit’s ruling now establishes that the activities that Jones attempted to squelch “are at the heart of the liberty safeguarded by the First Amendment” and cannot be prosecuted under vote-buying statutes. The decision will be an important precedent protecting the right of website

operators and voters to maintain and use such sites in future presidential elections.

“Technology changes the way politics work, but it doesn’t alter the basic principles of democracy,” said Peter Eliasberg, the ACLU/SC’s Manheim Family Attorney for First Amendment Rights. “Voters of any political persuasion should be able to meet like-minded voters wherever they are and organize for their candidates without threats to their freedom of speech.”

That wasn’t the only First Amendment victory celebrated this reporting period.

In September, the ACLU/SC helped a group of Alta Loma High School students in the Inland Empire who were banned from wearing “Free the Jena 6” T-shirts at school. The students were participating in a national day of protest on behalf of the six students in Jena, La. who were prosecuted after racially-motivated violence erupted there. The Alta Loma students made and wore “Free the Jena 6” T-shirts to school. Administrators pulled them out of class and ordered them to turn their shirts inside out. They were also ordered not to wear the shirts again, except for on the one day administrators set aside for an assembly addressing the Jena 6 issue.

ACLU/SC staff attorney Peter Bibring intervened, pointing out in a letter to the school that banning

non-disruptive student expression was blatantly unconstitutional. Students wearing T-shirts to express their views about a national issue of concern to many throughout the nation at the time is protected, political speech. Bibring’s letter was read at the Alta Loma High School Jena 6 assembly. The next day the school revoked its ban and announced that students would be allowed to wear the shirts whenever they wished.

Also this year, Huntington Beach resident Michelle Roberge found herself facing off with the Huntington Continental Town House Association Inc. when the association demanded she remove a small, unobtrusive anti-war sign from her condo’s window. She turned to the ACLU/SC and Eliasberg informed the condo association of the law.

Eliasberg was able to protect Roberge’s right of free speech in part because of a state statute Francisco Lobaco, the legislative director for the three California affiliates, was able to get passed in the state legislature in 2003. As recently as 1994 the U.S. Supreme Court affirmed the importance of signs on and around the home as a means

of self-expression, yet in California it was still unclear whether that same freedom of expression applied to property owners in “common interest developments” (CIDs), which include condominium developments, because they are considered private corporations. For years all three ACLU affiliates had received complaints from residents of developments who were pressured by their homeowner and condominium associations to curtail political expression on their own property.

In 2003 the ACLU decided that the time had come to guarantee the right to display political signs to persons who owned condominiums and homeowners in CIDs. We sponsored legislation to that effect, and though lobbyists for the homeowners associations put up a big fight, the ACLU received support from numerous groups, including the Congress of California Seniors. Then-Gov. Gray Davis signed the bill after it had passed both the California Senate and Assembly by overwhelming majorities. The law was just the thing to use this year when Roberge was told that she could not express an opinion on the Iraq War by means of a sign on her property.



Michelle Roberge in front of her Huntington Beach condo.



## Behind the Orange Curtain

Orange County remained a hotbed of civil rights and civil liberties action during this reporting period with challenges to religious freedom and free speech, among other things.

Jameelah Medina's academic accolades began when she graduated from Bloomington High School in the Inland Empire, at the age of 15. She went on to graduate cum laude from Claremont McKenna College in 1999, joining the National Spanish Honor Society, studying abroad at the University of Barcelona, and earning a master's degree in education from Claremont Graduate University, where she is currently pursuing a doctorate.

But in 2005 when this Muslim woman was found with an invalid MetroLink pass, all the arresting officer saw was her hijab, a symbol of her Muslim faith. What followed was a terrifying ordeal of being handcuffed in the back of a patrol car while a deputy excoriated her faith and accused her of being a suicide bomber-sympathizing terrorist. She was forced by San Bernardino County Sheriff's deputies at the West Valley Detention Center in Rancho Cucamonga to remove her hijab and stand with bare head in front of men she did not know as she went through processing. She felt humiliated and exposed.

Medina was never prosecuted for the expired pass. But two years later she read about the ACLU of Southern

California bringing suit in Orange County for forcing Muslim women to remove their hijabs when being processed into the jail system. Only then did she realize her rights had been violated and she called the ACLU/SC. We, along with the ACLU Women's Rights Project and the national ACLU Program on Freedom of Religion and Belief, filed suit in December on her behalf in U.S. District Court.

The Constitution protects individual religious expression, whether in schools, jails or other government buildings. San Bernardino's policy forbidding religious exemption for head coverings is in contrast to many other agencies, including the Federal Bureau of Prisons. Detention facilities in several states mirror this federal practice.

"This was an egregious violation of basic constitutional protections," said Hector Villagra, director of the ACLU/SC Orange County office.

In March, the Orange County staff was victorious in securing important free speech rights for day laborers, when the City of Lake Forest reversed itself by repealing an unconstitutional ordinance prohibiting people from standing on the sidewalk to solicit work.

As anti-immigrant sentiment increases across the country, some cities are responding by aggressively enforcing or creating ordinances targeting day laborers, a population



Jameelah Medina speaks to the press.

Hector Villagra, at a rally for Lake Forest day laborers.

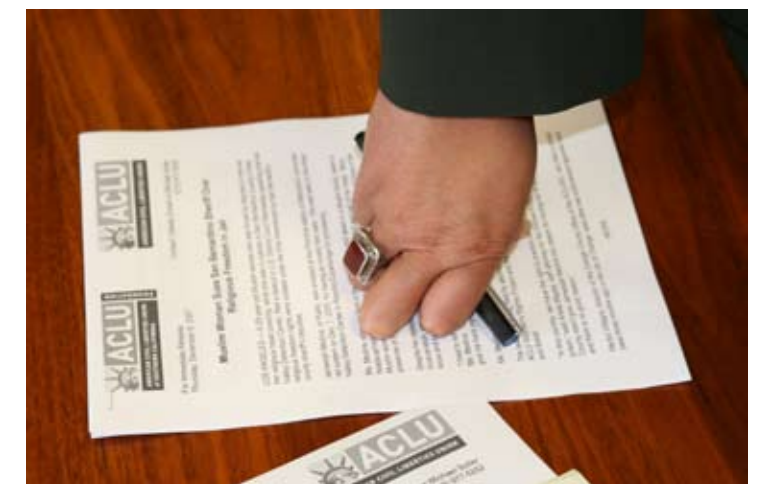
with a large number of undocumented immigrants. Though federal courts have blocked enforcement of these types of ordinances three times as a violation of free-speech rights, cities continue to try to enforce them.

"This case will send a message to other cities in Orange County that they can't just make easy targets out of day laborers," said Belinda Escobosa Helzer, staff attorney for the ACLU/SC Orange County office.

The case continues, despite the repeal of the ordinance, because police officers continue harassing the day laborers and preventing them from communicating with willing employers.

Yet another win on behalf of free speech came in December, when the Orange County office helped a group of young men who wanted to start an official chapter of Sigma Alpha Mu fraternity at Chapman University. In 2006 when Chapman announced one open position for a new fraternity, the hopeful Sigmas were among the 13 national fraternities to apply. When they were not selected after a competitive process, the students decided to continue on with recruitment efforts, even though it would be an unofficial campus group. The dean of Chapman University sent them a letter of warning forbidding them from recruiting or even assembling on campus.

Under a settlement brokered by the ACLU/SC, that warning letter is void. The university maintained the right to protect its name, logo and conduct its own selection process for sanctioned groups at Chapman. But the free speech rights of unrecognized groups to leaflet and rent tables to promote themselves is allowed as long as the groups clearly state on all written and online documents that they are not affiliated with the university.





# Field Department



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The ACLU of Southern California Field Department was everywhere throughout our service area this year. From a packed town hall in Laguna Woods featuring former Nixon counsel turned incisive political critic, John Dean, to an environmental justice forum on the West side of Los Angeles, their activities are too numerous to catalog, but we are proud to share a few highlights.

**A:** Jan. 11, 2008 marked the sixth anniversary of the arrival of the first detainees at Guantanamo Bay. To mark this anniversary the ACLU/SC joined the national day of protest. Wearing orange to show solidarity with the calls for an end to torture and the closure of Guantanamo Bay, our members attended the “Torture is Un-American Un-Happy Hour” at The Bar on Sunset

Boulevard. The event also included a substantial number of activists and local bloggers.

**B:** The ACLU/SC Field Department: Clarissa Woo, Meera Manek, Elvia Meza, Miguel Angel Cruz Angeles and Susanne Savage, field director.

**C:** Giant valentines advocating budget solutions that provide true healthcare solutions were delivered to Gov. Schwarzenegger during “Have A Heart: Create A Budget For All of Us,” an event sponsored by the ACLU/SC and our coalition partners.

**D:** Two members of the field department traveled to Washington, D.C. in June for a day-long rally and meetings

with members of Congress. Their mission – to urge an end to torture and the restoration of habeas rights.

**E:** More than 200 people attended a rally and candlelight vigil in support of victims of the Feb. 7 immigration raid in Van Nuys, detailed elsewhere in this report. Families, religious leaders, students, and members of community organizations and labor unions, all gathered to protest the separation of families as a result of the raid.

**F:** In April, the ACLU/SC played a major role in launching a rally for “It’s OUR Healthcare” in Huntington Park, bringing together health providers, consumer advocates and politicians for an event that generated extensive media coverage. This statewide campaign

focuses attention on the need for affordable, quality healthcare. The campaign collects personal stories from everyday people and relays those tales to politicians working on healthcare reform.

**G:** The ACLU/SC was a presenting sponsor at this year’s Outfest, the region’s premier LGBT Film Festival. Former president Isabelle R. Gunning, center, introduced a film and talked about our work on behalf of the LGBT community. Here she is joined by her partner, Pam, and fellow ACLU/SC board member Antonio Brown. Members of our LGBT chapter and field department staff were at the event to distribute information and answer policy questions.



E



F



G



# Development Department



The ACLU of Southern California Development Department hosted lively educational, fundraising and outreach events throughout our service region this reporting period. Their activities, ranging from tabling at the West Hollywood and Los Angeles Times book festivals to hosting another lovely Garden Party, are too numerous to list, but we are proud to share a few highlights.

**A:** In October, a stellar collection of writers and actors joined the ACLU Foundation of Southern California and the PEN USA Center at the Skirball to re-create “Hollywood Fights Back,” a 1947 radio broadcast that helped turn public opinion against the Communist witch-hunt conducted by the House Un-American Activities Committee. Our event, “Hollywood Strikes Back .... Again!” updated the original to address current concerns about the Patriot Act. Pictured: Nat Segaloff, ACLU/SC board member and producer of the evening’s event with actress Marsha Hunt, the veteran actress who appeared in the original broadcast. She and her late husband, Robert Presnell Jr., were blacklisted.

**B:** Emmy-winning actor Ed Asner shares a moment with writer Norma Barzman backstage at the event. Barzman recounts her experiences as a blacklisted screenwriter in her memoir “The Red and the Blacklist: A Memoir of a Hollywood Insider.”

**C:** Two heavyweights of the political scene joined us at the Skirball in December for “Broken Government,” a conversation between author and former Nixon counsel

John Dean and Emmy-winning “West Wing” writer and political analyst Lawrence O’Donnell, right. They are pictured here with Susanne Savage, ACLU/SC field director and Lindsay Rachelefsky, ACLU/SC development director.

**D:** In September, the ACLU/SC made its debut appearance at the Black Business Expo, just one part of our ongoing effort to take our message of civil rights and civil liberties to all of the region’s diverse communities.

**E:** Our newly-launched Foundation Advisory Board is a diverse group of young professionals dedicated to expanding awareness of the ACLU/SC and promoting education and activism to a new generation of potential members. Here, FAB Governor Sayeme Hameed, center right, is joined by other attendees at a March event featuring chocolate and civil liberties.



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