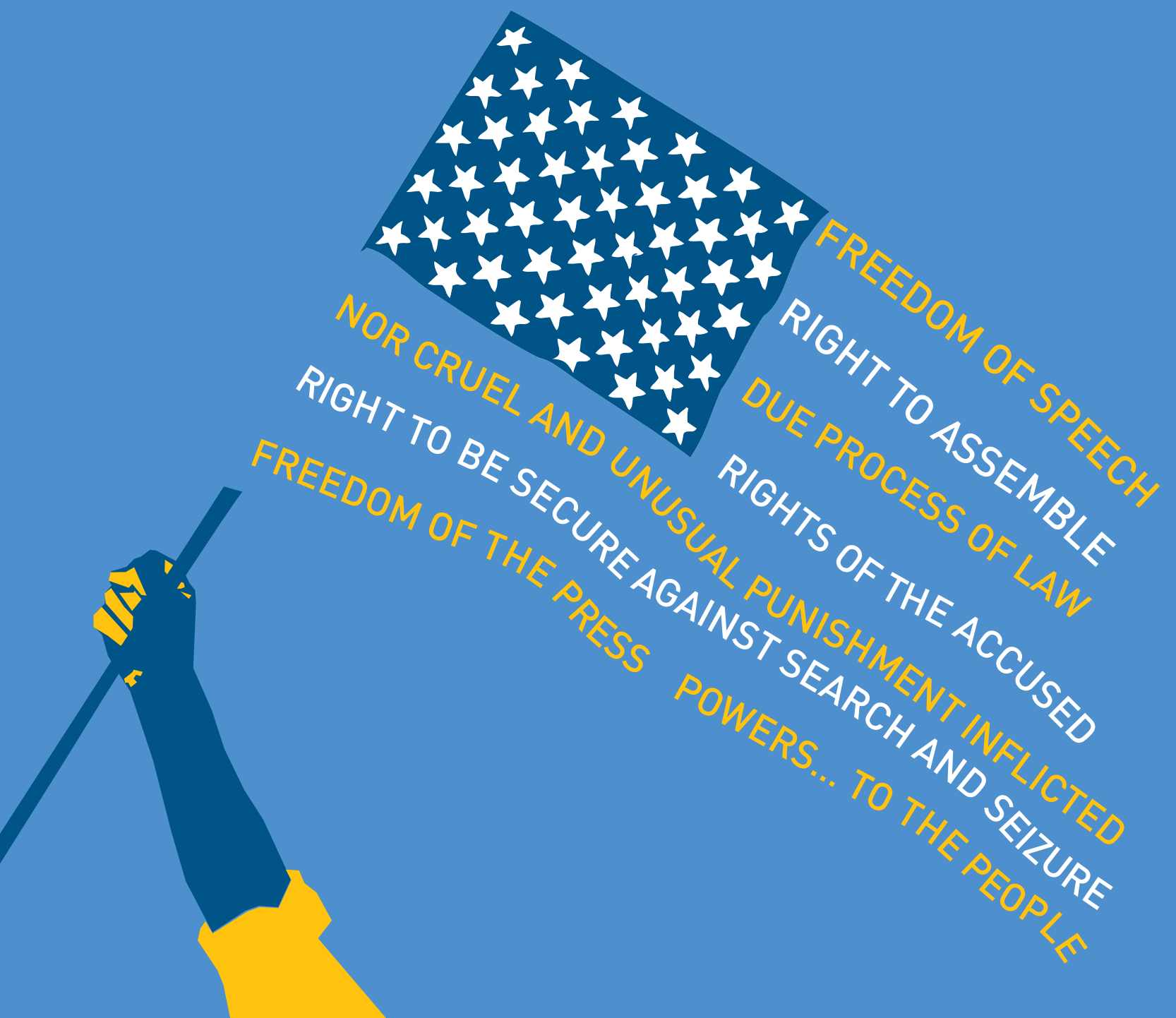




2006-2007 ANNUAL REPORT





WELCOME TO THE 2006-2007 ANNUAL REPORT OF THE ACLU OF SOUTHERN CALIFORNIA. WE ARE VERY PROUD OF WHAT WE'VE BEEN ABLE TO ACCOMPLISH THIS YEAR.

The seeds sown by the Bush administration's unprecedented abuse of power found fertile soil in Southern California, and our staff faced some of the greatest challenges to constitutional rights and civil liberties in the nation: National Security Agency (NSA) spying, indefinite detention, unfair immigration policies, challenges to abortion rights and threats to religious freedom.

We were among the first to challenge the administration's domestic spying with our lawsuit to stop Verizon and AT&T from illegally sharing private customer data with the NSA.

We won freedom for three immigrants held indefinitely at the federal detention center on Terminal Island in San Pedro and will continue to fight for civil liberties and improved conditions at the local federal detention centers. While the U.S. Supreme Court chipped away at abortion rights for women, our community organizers helped defeat a state ballot initiative aimed at curtailing access to abortion in California.

Closer to home, the local issues confronting us were just as important: hospitals dumping homeless patients on Los Angeles streets, Los Angeles Police Department officers brutalizing demonstrators at a peaceful May Day immigration march and the illegal deportation of a mentally challenged American citizen. In Orange County we fought for free speech rights for day laborers and won freedom of religious practice rights for a congregation of Vietnamese Buddhists.

For many years the ACLU/SC has recognized that we must do more than litigate to accomplish our goals; it takes effective grass-roots organizing, legislative lobbying and a comprehensive communication strategy. To maximize our success in these areas, this year we split our public policy program into two separate but highly coordinated departments with distinct missions.

The ACLU/SC has been a leader in coalition building and online activism for many years, and our new field



department will tap into new communities through the use of fresh approaches and new forms of media outreach. The expanded communications department will better inform our constituencies and attract new members and donors through expanded media coverage, and will increase the functionality of our Web site and our ventures into new areas of the digital realm.

We take great pride in serving this community. We thank you for your support over this past year and look forward to your continued participation in years to come. Only by working together can we remind this nation of its singular promise and the example of freedom it should set for the world.

**ISABELLE R. GUNNING
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

GUARDING THE CONSTITUTION IN TIMES OF WAR

It has been six years since President George Bush launched his so-called war on terror under the guise of protecting us from the dangers of the world. In all that time, as terrorism flourished and the war effort failed, alarming revelations about the erosion of the bedrock of the Constitution mounted daily.

There have been attacks against the fundamental principles of privacy through illegal wiretapping and other surveillance. The loss of due process can be seen in everything from the stripping of habeas corpus protections to the troubling elements contained in the Military Commissions Act of 2006. One day, former attorney general Alberto Gonzales tells us that there have been no verified violations of civil rights and civil liberties under the Patriot Act. When evidence to the contrary comes forth, he says it wasn't a deliberate act of misconduct but merely a mistake. According to the Bush administration: We don't open your mail without a warrant, except when

we do. We do not torture; we just need to reinterpret certain parts of established international guidelines to improve our interrogation techniques. We need flexibility. We need the freedom to change the rules.

This is not the America our founders set out to create.

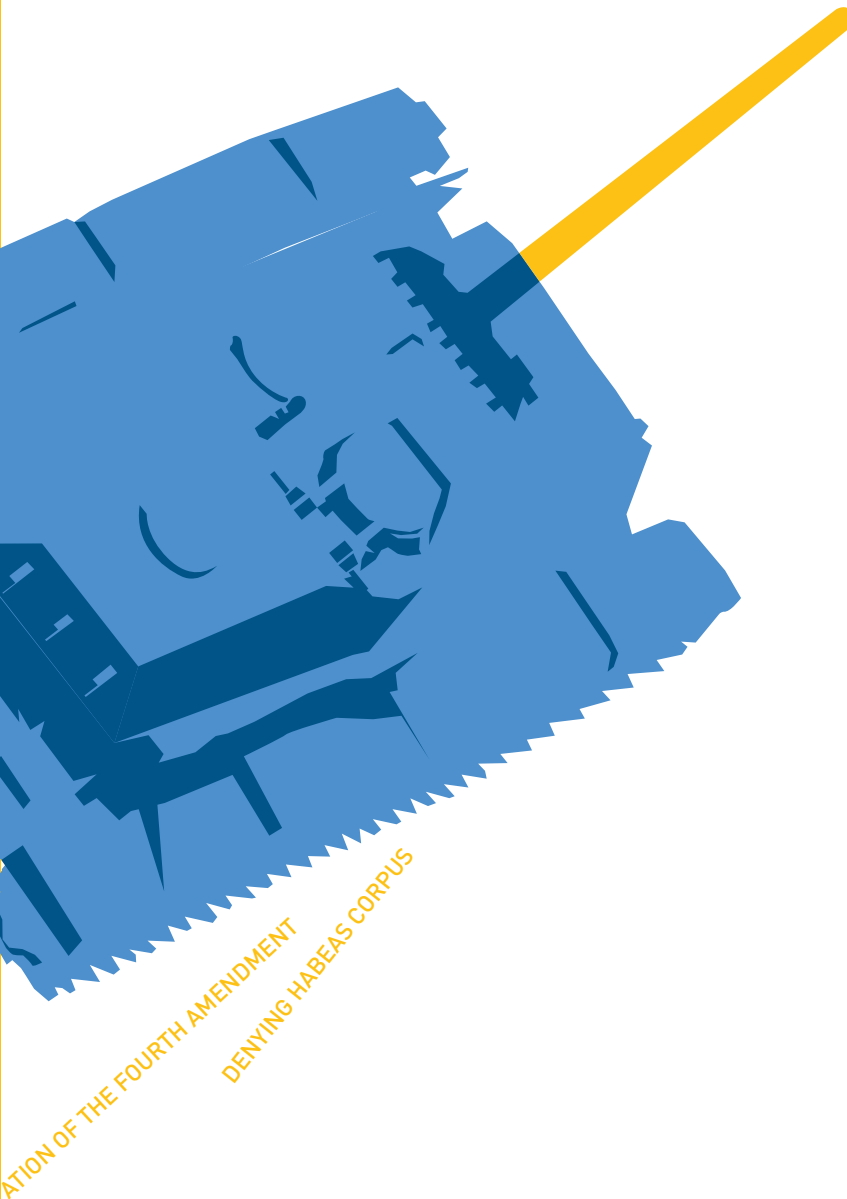
With your support, we have worked through litigation, advocacy and public education to raise the alarm and attempt to restore the constitutional rights that are the unique foundation of this nation. But the ACLU of Southern California wanted to go a step further in its efforts to signal distress.

On May 16, 2007, we became the first affiliate in the nation to pass a resolution condemning the wars in Iraq and Afghanistan and the blatant abuses of power by the Bush administration.




The ACLU/SC Board of Directors did not make this decision lightly. A committee appointed by the board spent two years examining the issue, combing through the Constitution and having the difficult conversations about our role as a civil rights and civil liberties organization. In the end, the vote to approve the resolution was not unanimous. But we are united in our resolve to treat the Constitution and Bill of Rights as the vital, living documents they are. Talk of a vibrant, participatory democracy is meaningless if citizens cannot rely upon some amount of honesty from their government. It presents a constitutional problem if officials are consistently and constantly untruthful when portraying important matters of state.

Our 16-point resolution is by no means comprehensive, but it provides a clear outline of how these wars are being waged through a method inextricably bound with violations of the Constitution. Protection of constitutional civil rights and civil liberties is the bedrock of the ACLU, and though it is unusual for our organization to take a public stance on a war, it is not unprecedented. The National office took a formal stand against the Vietnam war during the 1970s. When examining the current conflict, it is clear that the government's approach toward waging this war violates the Constitution. That's why the ACLU/SC felt we had to add a voice to the growing opposition to the wars in Iraq and Afghanistan.



HISTORICALLY, WARS HAVE FOSTERED A DOMESTIC ATMOSPHERE HOSTILE TO CIVIL LIBERTIES.

As we wrote in our resolution, “Violations of our Constitution and of civil rights and civil liberties are not justified by a state of war. All branches of our government should exercise their respective constitutional authority to end these violations and to forestall future abuses of power. As an indispensable step toward ending these abuses of power, the ACLU/SC calls on Congress to exercise its constitutional authority to ensure the safe and swift withdrawal of all U.S. troops and military contractors from Iraq and to support diplomatic efforts to seek peace in Iraq, Afghanistan and the region; humanitarian relief to the Iraqi and Afghani people; and the economic reconstruction of Iraq and Afghanistan.” 

VETERAN WINS THE BATTLE FOR CITIZENSHIP

Many come to America with hope in search of its promise, while others, after years of living here, decide to formalize their relationship with the country they come to view as home. But to the dismay of hundreds undergoing the process of becoming naturalized citizens, sometimes they find themselves trapped in a confusing and illegal bureaucratic limbo because of callous treatment by immigration officials.


U.S. immigration law gives officials four months to grant or deny citizenship to legal residents who have passed their naturalization exams and interviews. But despite federal law requiring the U.S. Bureau of Citizenship and Immigration Services to complete its processing of citizenship applications in that timeframe, agency officials routinely

refused to do so. The delay hinged on a process officials called a “name check,” a detailed background check with no deadline for completion and, apparently, no one agency held accountable. Often, our clients, who included a U.S. Air Force veteran who grew up in Orange County and a doctor, endured delays exceeding seven times the legal maximum.

The ACLU of Southern California’s class-action lawsuit was designed to end this egregious situation. Filed in federal district court against the FBI and the U.S. Bureau of Citizenship and Immigration Services, not only did it result in freeing several people trapped in a bizarre system in which no government official was held accountable for unreasonable delays, it also focused public attention on this situation.

Mustafa Aziz, an Air Force veteran who had served four years and was honorably discharged as a senior airman in 2004, was thrilled when he got the news that our lawsuit resulted in his being granted the citizenship he worked so hard to obtain.

“In the Air Force, I worked to keep this country safe,” he said. “Now I’m thrilled to join my family as a citizen and hope the government will make sure this doesn’t happen to anybody else.”

The ACLU/SC is still seeking a fix for a policy that leaves final-stage citizenship-seekers in bureaucratic limbo — and a straight answer for the remaining clients. We were joined in this effort by the Immigrants’ Rights Project and the Council on American-Islamic Relations. 





David Cole (left), co-counsel and cooperating attorney for CCR joins Aiad Barakat, first of the L.A. 8 to become a U.S. citizen, and ACLU SC staff attorney Ahilan Arulanantham (right).

A HAPPY ENDING FOR 20-YEAR-OLD CASE

The ACLU won a significant victory this reporting period when a federal judge threw out 20-year-old charges and ordered an end to all deportation proceedings against two men, persecuted because of their alleged political affiliations.

In a decision that combined early American poetry with legalese, Immigration Judge Bruce J. Einhorn threw out charges against Khader Hamide and Michel Shehadeh, saying the government violated their right to due process, and hounded them with a deportation proceeding that lasted 20 years. Judge Einhorn added that because the government refused to disclose evidence favorable to the pair, as he ordered in the summer of 2005, the proceedings were terminated.

Hamide and Shehadeh are members of a group that became known as the L.A. 8, who were accused of having ties with a faction of the Palestine Liberation Organization.

Members participated in activities such as distributing newspapers, protesting in demonstrations and organizing humanitarian aid fund-raisers for Palestinians in the Middle East. Though these are activities protected by the First Amendment, the government decided they were grounds for deportation and launched a relentless campaign against them in January 1987. The case reached every level of the court system, including the U.S. Supreme Court.

Judge Einhorn's decision is important not only for Hamide and Shehadeh but for all immigrants in this country who want to be able to express their political views. The decision makes clear that the government cannot blatantly refuse to comply with an immigration judge's orders and that the government cannot continue to try to deport these permanent residents who did nothing but try to exercise their right to free speech. 🇺🇸



BACK TO COURT

INHUMANE CONDITIONS AT L.A. JAILS CONTINUE

The 30-year fight to eliminate inhumane conditions within Los Angeles County's jail system centered this year on the Inmate Reception Center, the central processing center for six of the county's jail facilities. Reports of severe overcrowding, garbage ankle-deep on the floor and lack of emergency medical attention at the center are common.

Without the ACLU of Southern California, people thrown into the Inmate Reception Center would have few places to turn for help. The county's jail system is the largest in the nation, with 90 percent of its inmates awaiting trial and not convicted of any crime


In the fall of 2006, U.S. District Judge Dean D. Pregerson issued a temporary restraining order to end the unconstitutional practices at the center, but six months later conditions were even worse. The ACLU/SC discovered that the Sheriff's Department was out of compliance every single day between February 10, 2007, and our return to court in April, with 60 or more inmates crammed into the holding cells designed for far fewer. People were routinely being held for four and five days without access to beds, visitors or their attorneys.

When the ACLU/SC returned to court to file its new challenge, its attorneys were armed with more than a dozen sworn declarations describing the brutal conditions witnessed and endured by people held in the reception

center. Among them were statements from a diabetic college professor from Orange County who was denied medication and forced to stand in a room where rotting trash lay four inches deep on the floor and another client who watched deputies chain a man to the floor, then taunt him for hours, until he had difficulty breathing.

"I saw four or five deputies beat one of the men so badly, that I do not know if the man is still alive today," said Albert Smith, a real estate broker. "Blood was pouring off his head and the deputies' rubber gloves were dripping with his blood. They punched him and sprayed pepper spray into his nose and throat."

Through our intervention, the county took steps to obey Pregerson's order to reduce the overcrowding and eliminate some of the inhumane conditions in the reception center.

This battle by the ACLU/SC to improve substandard conditions in Los Angeles County jails began in 1977, with *Rutherford v. Block* in which we argued that officials have a constitutional obligation to provide humane conditions and treat inmates with basic dignity. Our work extends beyond the courtroom through advocacy and education by the ACLU/SC Jails Project, which includes everything from an informational Web site to the Jails Advocacy Task Force, a coalition of 25 organizations dedicated to improving conditions for the inmates and their families. 

**“I SAW FOUR OR FIVE DEPUTIES BEAT ONE OF
THE MEN SO BADLY THAT I DO NOT KNOW IF
THE MAN IS STILL ALIVE TODAY.”**



Carol Ann Reyes, a homeless woman dumped by a hospital on Los Angeles' Skid Row.

JUSTICE FOR PATIENTS DUMPED ON SKID ROW

This reporting period saw rapid-fire movement on the ACLU of Southern California's trailblazing effort to end the dumping of homeless people on Skid Row by Los Angeles area health-care providers.

Reyes v. Kaiser was filed in Los Angeles Superior Court last fall against Kaiser Permanente on behalf of a 64-year-old woman whose plight was captured on security cameras. Carol Ann Reyes was discharged from Kaiser Permanente's Bellflower Medical Center, and although she lived in Gardena, she was dropped instead in front of the Union Rescue Mission,

16 miles away in downtown Los Angeles. She was pushed out of the taxi wearing nothing but two hospital gowns and a pair of socks. She was disoriented and had no identification.

The Los Angeles city attorney filed criminal and civil charges against Kaiser. This was not the first time the region's medical establishment found its practice of dumping homeless patients under scrutiny. As far back as 2005 the city attorney warned local hospitals of potential legal action if they didn't stop the practice. Working in collaboration with a broad coalition of concerned organizations, including Public Counsel, the law firm of Girardi and Keese, and the city attorney, the ACLU/SC spent months trying to negotiate a settlement that would unilaterally end this inhumane policy by health-care providers. In the settlement that was finally brokered, Kaiser agreed to adopt new discharge protocols for




In this scene from the documentary film "Sicko," a security guard describes Reyes' abandonment on the street.

homeless patients and provide new training for hospital staff members who work with this population. Meanwhile, the court will appoint a retired district judge to oversee implementation of the settlement.

This project represents the first time the ACLU/SC has entered into a close collaboration with the city attorney's office; together the staffs investigated the dumpings and negotiated the hospital protocols designed to end the practice. The protocols, the first of their kind in the nation, are a model that should be replicated by other health-care providers. Training has already begun for service providers along Skid Row and in hospitals throughout Los Angeles.

Aspects of the civil side of the settlement are confidential, but Reyes' is not the only case of patient abandonment the ACLU/SC has been involved in this period. Another is that of a wheelchair-bound man dumped on Skid Row who was forced to crawl in the street when the driver of the van refused to help him; a passer-by assisted him while the driver sat in the van and applied her makeup.

This lawsuit parallels the ACLU/SC's effort to reach a settlement with the city over an ordinance that allows the harassment and arrest of homeless people despite the fact that the city lacks adequate shelter facilities to serve its large homeless population. 

DEFENDING THE HOMELESS

The ACLU of Southern California's intense effort to end the criminalization of homelessness saw a historic court decision handed down this reporting period as well as confirmation by the courts that some of the practices being used by the Los Angeles Police Department against this population are unconstitutional.

In 2003, through *Jones v. City of Los Angeles*, the ACLU/SC sued in federal court on behalf of six homeless people arrested for having no place to sleep but the streets. Every day in Los Angeles an estimated 88,000 adults and children wander the streets because they have no place to live, with thousands living on the sidewalks and in doorways of downtown's Skid Row district. At the time our lawsuit was filed, Los Angeles was the only major city in the country with a blanket 24-hour law allowing the rousting of homeless people "sitting, lying or sleeping on streets, sidewalks or public ways" without exception. In April 2006, the U.S. 9th Circuit Court of Appeals ruled it is unconstitutional for the city to arrest homeless people and threaten them with jail time and fines in excess of their worldly possessions when it fails to provide enough shelter beds for them. That decision marked the first time in a

Continued on Page 17



A homeless encampment in downtown Los Angeles.

MORE TEXTBOOKS, MORE TEACHERS

Concrete improvements are already in evidence in the short time since a settlement was reached in the ACLU of Southern California's historic *Williams v. California* effort, with students and faculty in the state's most neglected schools receiving new books, repaired buildings and even better teachers, all because of new standards and accountability systems.

Though everything is not yet perfect, California is finally putting a dent in the de facto segregation in its public schools.

Through *Williams*-mandated site inspections, students have received more than 88,000 new textbooks and instructional materials. Because of a *Williams* mandate that requires that administrators inventory and track instructional materials, one school that was chronically short of textbooks found 30 books that had been forgotten in a cabinet for years.

Annual monitoring of teacher assignments in the lowest-performing schools has revealed a high number of teachers assigned to teach classes for which they lack credentials, particularly among those teaching English learners. Because of *Williams*, teachers along with school and district administrators have had to be proactive in creating and implementing strategies and approaches to strengthen teaching through training, mentoring and other programs. This has helped low-performing schools attract and retain qualified teachers.

Because of a repair program that made \$800 million available in the form of grants to school districts, nearly 3,000 critical repairs have been funded at facilities throughout the state. This aspect of the *Williams* settlement is one of many that have directly empowered those desperate for clean, safe and healthy school environments.

Lourdes Rocha, mother of two children attending Compton High School, grew weary of the poor conditions her children and others had to endure. The school was drafty because of 19 broken windows that had never been repaired. Because of a rarely working heating and air conditioning system, when a cold snap hit, some teachers held classes outside in hopes of catching a little warmth from the winter sun. Compton Unified School District officials had failed to submit any of the school-facilities assessments required by *Williams*, despite having



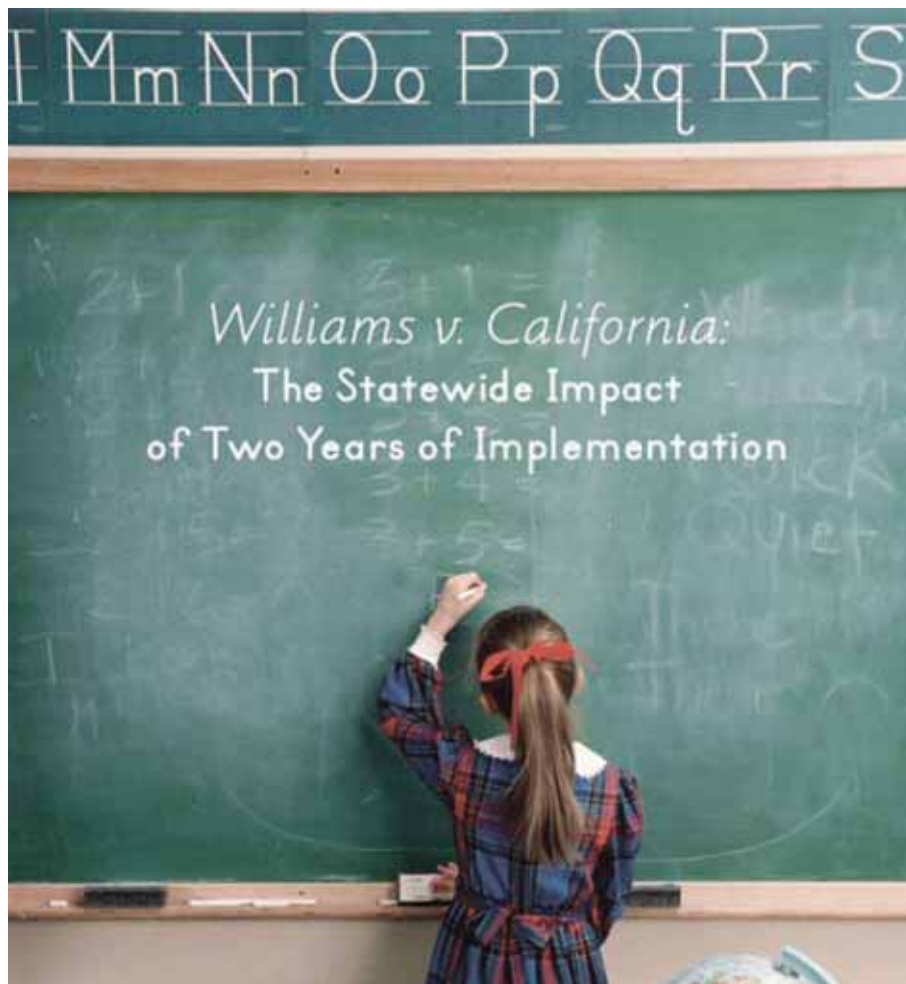
received more than \$300,000 to do so. The assessments are designed to help a district identify needed repairs and guide officials through the process of applying for emergency funds to fix them. Compton Unified alone accounted for 83 percent of all uncompleted assessments statewide.

Rocha took action. Using the complaint system set up by *Williams*, she formally demanded action from the district— and got it. After failing to do so for years, Compton

administrators had all broken windows repaired, as well as the heating and air conditioning system.

The *Williams* standards apply to all schools in the state, but many school officials have not heard of the program. Much work remains to spread the word of the full meaning and potential impact of *Williams* and its associated legislation. With more parents, teachers and administrators aware of its tools and intent, compliance will increase at the school level and within the communities that need help.

Continued vigilance by everyone involved in our public schools will be necessary to ensure that the gains made in the first two years of implementation lead to greater improvements and full compliance with the *Williams* standards. In this way, we can all make certain that the promise of *Williams* is realized and all students receive the educational opportunities they need and deserve.



Cover and excerpts from the second *Williams* report.

An interior spread from the second *Williams* report.

“I think that over the last three, four years we’ve learned a lot together through professional development, through coaching, through mentoring. I think we all have learned so much in terms of direct instruction in the classroom and overall vision in getting things accomplished in the school and having long-term goals at the school. From the administrative end, what resources do we need here to make it better? I think we improved the quality of teaching and the program here.”

Principal of a school in the Greater Bay Area

Alameda County and San Mateo County’s decile 1-3 schools were fully credentialed. In 2005-06, Alameda remained at 93% and San Mateo fell to 91%. In addition, 89% of the decile 1-3 schools in San Mateo County had at least one teacher misassignment in 2005-06.” Within these schools, the classes with 20% or more English learners were all too often taught by teachers lacking the appropriate authorization: in 2004-05, 30% of the teachers in these classes in San Mateo and 27% of the teachers in these classes in Alameda lacked the appropriate authorization. In 2005-2006, teachers lacking the appropriate English learner authorization taught 19% and 14% of those classes in Alameda and San Mateo Counties, respectively.

Yet even in the schools with lower percentages of fully credentialed and properly assigned teachers, the years since the *Williams* case was filed have seen marked improvement. For example, at Green Oaks Elementary School in the Hayward City Elementary School District, 77% of the teachers were fully credentialed in 2005-06 whereas only 42% of the school’s teachers were fully credentialed in 2000-01.”

This gain in provision of fully credentialed teachers at that school site is extremely impressive given the continuing challenge that the district faces in recruiting and retaining high quality teachers when surrounding, more affluent school districts pay higher teacher salaries. Administrators highlighted the particular challenges of finding and retaining teachers uncredentialed to teach math, science, special education and English learners. As one Green Oaks teacher explained, “we’re still always fighting to stay where we could be or should be because of teacher turnover.” But Green Oaks staff believe that “always fighting” on this issue is paying off.

This past year, out of the five teachers we hired, only two are first-year teachers. It’s changed a lot, dramatically. One of the most significant changes has been a lot of the structures that have been placed at the school site with professional development, with teacher support in the classroom with students. Instructional materials play a big part in that, providing the professional development around the curriculum, and providing the curriculum for writing the materials and also providing teachers with the resources to meet the needs of our student population, that’s huge.

Throughout the Greater Bay Area region, school personnel cited additional professional development, mentoring, and support from their districts as key components to ensuring students receive qualified teachers. For example, an administrator at Green Oaks explained:

In the real world we know that new teachers will need a lot of support in the actual delivery of the instruction or the delivery of the lessons, and we’re fortunate to have, district-wide this year, the use of the New Teachers Center as a support to the school and the district. They have highly qualified mentors that come in to work with the new teachers, to work with veteran teachers, and to work whenever there’s a need. That has been an incredible resource to us.

Similarly, one young teacher at Edna Brewer Middle School in Oakland Unified stated that “the support I receive is the greatest impact on my teaching. It’s been really, really great to have as much support as a teacher. I was very lucky to get into this school.”

FIGURE 14
Percentage of Decile 1-3 School Teachers Assigned to Classes with 20% or more English Learners Who Lacked the Appropriate EL Authorization in 2004-05

County	Percentage
Greater Bay Area	30%
California	89%

FIGURE 15
Percentage of Decile 1-3 School Classes with 20% or more English Learners That Were Taught by Teachers Lacking the Appropriate EL Authorization in 2005-06

County	Percentage
Greater Bay Area	19%
California	14%

BACK-TO-BACK ABORTION RIGHTS VICTORIES

BUT THE STRUGGLE CONTINUES...

When voters defeated Prop. 85 in the November election, marking back-to-back rejections of continued attempts to restrict health choices for women, the ACLU of Southern California had a lot to celebrate.

Prop. 85 would have amended the state Constitution to require parental notification of abortions for pregnant teens, a move that would have put teens in violent or abusive homes at risk of further injury. A near-identical version of this initiative was attempted in 2005. It wasn't any easier to stop this initiative the second time around, but we were able to help California voters see through the misinformation put out by initiative supporters and cast their votes firmly on the side of protecting teen health and safety.

ACLU/SC's Field Department led the Southern California effort that included a wide range of activities: a detailed, user-friendly Web site, house parties, information salons, community forums, street canvassing, advertising and phone banks. In addition, special events were held for Spanish-language audiences, along with a press conference aimed at Southern California's multiethnic press outlets.

Because Latina voters were identified as a key demographic, the ACLU/SC created a special full-page ad featuring L.A. Mayor Antonio Villaraigosa speaking out against the initiative.



Clarissa Woo and ACLU/SC Chief Executive Officer Ramona Ripston at a house party for Real Teen Safety, in support of "No on Prop. 85"



Prop. 85 was polling in a statistical dead heat right up to Election Day. A Field Poll published shortly before we ran the ads even showed us losing by three percentage points. But in the end, 54.3 percent voted to reject the measure, compared to the 45.7 percent who were in favor—an 8.6 point margin of victory. In 2004, the breakdown defeating a near-identical measure was 52.8 percent voting against and 47.2 percent in favor.


The need to remain on the front lines to protect women's health became clear in the spring, when the Supreme Court of the United States issued its troubling and disappointing ruling in *Gonzales v. Carhart*. In a 5-4 decision, the court upheld the so-called partial-birth abortion ban passed by Congress in 2003, deciding that this law does not impose an undue burden on a woman's right to end a pregnancy. The



Members of the Khmer Girls In Action activist theater group perform during a "No on Prop. 85" community forum.

National ACLU had filed an amicus in the case on behalf of the National Abortion Federation.

Carhart is the first case in which the court voted to uphold a complete ban on a specific abortion procedure. It is also the first real hit against abortion rights since *Roe v. Wade* recognized that women had a constitutional right to abortion in 1973. Although *Carhart* did not dismantle *Roe*, it did damage its principles.

"*Carhart* is a frightening decision," said Ramona Ripston, chief executive officer of the ACLU/SC. "This is the most damaging attack on the fundamental right to abortion access in 30 years, which is why our work protecting this element of women's rights must continue." 

¡Este 7 de noviembre vote
NO a la Proposición 85
para la seguridad de la jóvenes!
LA 85 PONE EN PELIGRO A NUESTRAS HIJAS.



Ninguna ley puede forzar la buena comunicación entre nuestras familias. Como un padre de hijas, lo que mas quiero para ellas es que estén seguras. La mayoría de las jóvenes tienen familias amorosas y hablan con sus padres sobre todo – y lo hacen sin una ley, como la 85.

—
Antonio Villaraigosa
—



Según La Opinión,
un voto 'NO' a la Proposición 85
protegería a las adolescentes que viven en hogares
abusivos o violentos donde no pueden hablar con sus padres.
Únase con los doctores, enfermeras, maestros, grupos
comunitarios y familias como la del alcalde Villaraigosa.

VOTE NO A LA PROPOSICIÓN 85.



www.aclu-sc.org



Prop. 85 advertisement in La Opinion.



FREE EXPRESSION FOR ALL

The ACLU of Southern California's work protecting First Amendment rights continued this reporting period, with a victory secured in one significant case on behalf of an activist and a lawsuit in another to protect access to public airwaves.

In the spring, the City of Santa Barbara gave up its year-long fight against the lawsuit on behalf of Michael Tocher, who was arrested on Veterans Day in 2004 for disturbing the peace. His so-called crime? Standing on a public street and reading aloud the names of soldiers killed in Iraq.

The ACLU/SC filed suit in May 2005. Though a judge ruled in November 2006 that the arrest was unlawful and happened because of the city's failure to train its officers properly about state law, Santa Barbara fought the ruling. Eventually it agreed to a settlement adopting a new policy for police that explicitly states the importance of recognizing free speech protections afforded under the Constitution and

retraining police officers to adhere to that policy. The city also agreed to pay Tocher \$17,000 in damages.

The new policy states that "the Constitution guarantees the right to protest in a peaceful manner" and explains that "officers responding to disturbance complaints during demonstrations must be cognizant of demonstrators' rights." The policy creates new procedures to ensure protestors are not arrested without prior warning or legal justification.

In Los Alamitos, access to public airwaves was preserved when city officials settled our lawsuit on behalf of Alan Katz, who had an episode of his arts and politics show censored and ordered off the city's public access station.

The issue began when the City Council took control of the nonprofit station, firing the independent board of directors who managed it. Katz's episode had been taped in September 2006 with former board members and had

**WITH MEDIA
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aired twice before the city manager — who admitted she had not seen it — ordered it off the air, citing unspecified “complaints” about its content. The program was later returned to the broadcast schedule, then pulled again.

The producer of another series taped interviews with City Council candidates before the November election. That episode was swapped for local football games and other programs just before the Nov. 7 election.

After our intervention, city officials agreed to adopt new policies designed to provide equal access to show times during prime time and to disallow removal of programming without careful review.

With media consolidation an ever-increasing reality, it is important to protect access to the shrinking number of public airwaves and keep them free from arbitrary acts of government censorship. 


DEFENDING THE HOMELESS

Continued from page 11

decade any court has struck down an ordinance criminalizing lack of shelter. The appellate court ordered the district court to create a narrow injunction designed to stop the city from enforcing the code at will.

“The state may not make it an offense to be idle, indigent or homeless in public places,” the court wrote. “Nor may the state criminalize conduct that is an unavoidable consequence of being homeless — namely sitting, lying or sleeping on the streets of Los Angeles’ Skid Row.”

The ACLU/SC also won on another front in our effort to end criminalizing homelessness. In April 2007, a district judge ruled that the LAPD had continued its policy of unconstitutional searches of the homeless on Skid Row in direct violation of a 2003 injunction. Officers were arbitrarily stopping, detaining and searching Skid Row residents without a warrant or just cause. Homeless people reported being asked by officers if they were on parole or probation; they alleged that officers sometimes initiated searches before asking their probation or parole status. Even when told the person was not on parole or probation, LAPD often searched their belongings anyway.

The injunction was set to expire last winter, but U.S. District Judge Dean Pregerson extended it for four months, finding that police “admitted to an unconstitutional policy” that violated the rights of Skid Row residents. During the time of the extension, Pregerson ordered the LAPD to review its procedures and make sure they are in compliance with Fourth Amendment protections. Should the LAPD fail to comply by late August of 2007, Pregerson allowed the ACLU/SC to seek another extension. 



The Most Venerable Tich Dao Quang, abbot of the Quan Am Temple, at a press conference announcing the lawsuit against the City of Garden Grove.

ORANGE COUNTY

NEW DIVERSITY AND NEW CHALLENGES

The staff in the ACLU of Southern California's Orange County office didn't need a parking lot full of protestors to let them know things are hot down in that region, but there's nothing like the Minutemen showing up at the door to help make the point. Now in its second year of operation, the ACLU/SC's small group of attorneys and advocates have entered 2007 just as they did their first year – fighting.

One key challenge this reporting period was an attempt to restrict the free speech rights of day laborers through the use of anti-solicitation ordinances. This tactic

by municipal governments has become increasingly common as anti-immigrant sentiment continues to grow in the wake of the attacks of 9/11. With day laborers an obvious and easy target for those who choose to express animosity toward immigrants, some cities are responding by aggressively enforcing or creating ordinances targeting day laborers, a population with a large percentage of immigrants. Though federal courts have blocked enforcement of this type of ordinance three times because they infringe on the right to freedom of speech, attempts

to create and use them continue.

But ACLU/SC staff in Orange County pulled off a huge victory when its efforts resulted in the repeal of an unconstitutional ordinance that prohibited people from standing on the sidewalk to solicit work in Lake Forest. It was the first case in Orange County to directly challenge a day laborer ordinance, and it sent a message to other municipalities in the region.

However, the ACLU/SC's efforts in Lake Forest are not finished. We are investigating reports that city officials continue to target the free speech activities of day laborers.

The Orange County office also worked to protect freedom of religion in its defense of the Quan Am Temple in its struggle against the Garden Grove City Council and planning commission. Officials, using a zoning ordinance, violated federal law and infringed upon the congregation's First Amendment right to worship freely by denying the temple permits to build a house of worship. The rejection by the council and planning commission came even as the city's own staff recommended that the project go forward. Worse, the city refused to negotiate.

In the end, with the help of the ACLU/SC's Orange County staff, a federal judge granted the temple the right to hold religious services at the medical building currently on the site. Now focus has turned to helping the temple obtain a permanent order permitting construction.

The Orange County staffers are not just waiting for

problems to come to them. In this reporting period, staff members launched investigations into allegations of enrollment disparity within Gifted And Talented Education (GATE) programs in public schools throughout the region. They are now in the process of determining if minority students have been excluded from these prestigious programs.

So far staff members have documented evidence of startling racial and ethnic inequities in Tustin Unified School District's GATE program, where student demographics show 43.1 percent of students are Latino, 35.8 percent are white, and 2.6 percent are African American. Yet nearly 60 percent of GATE students in 2005-2006 were white, compared to 8.6 percent Latino and 1.4 percent African American. Moreover, records show that since 2001, Latino students are 86 percent less likely than white students to be admitted to Tustin's GATE program, and African American students are 74 percent less likely.

In response to the ACLU/SC's inquiry into this pattern of exclusion, Tustin school officials, without admitting any wrongdoing, agreed to hire an educational expert and conduct a review of its GATE operations.

Education is as important as litigation in this still-new frontier for the ACLU/SC. The needs in Orange County will only increase as the region continues to grow and diversify, and with the help of ACLU/SC member activists, our Orange County team will be right there to meet every challenge. 🇺🇸

The Minutemen protest outside the Orange County Branch Office.



TAKING THE MESSAGE TO THE PEOPLE

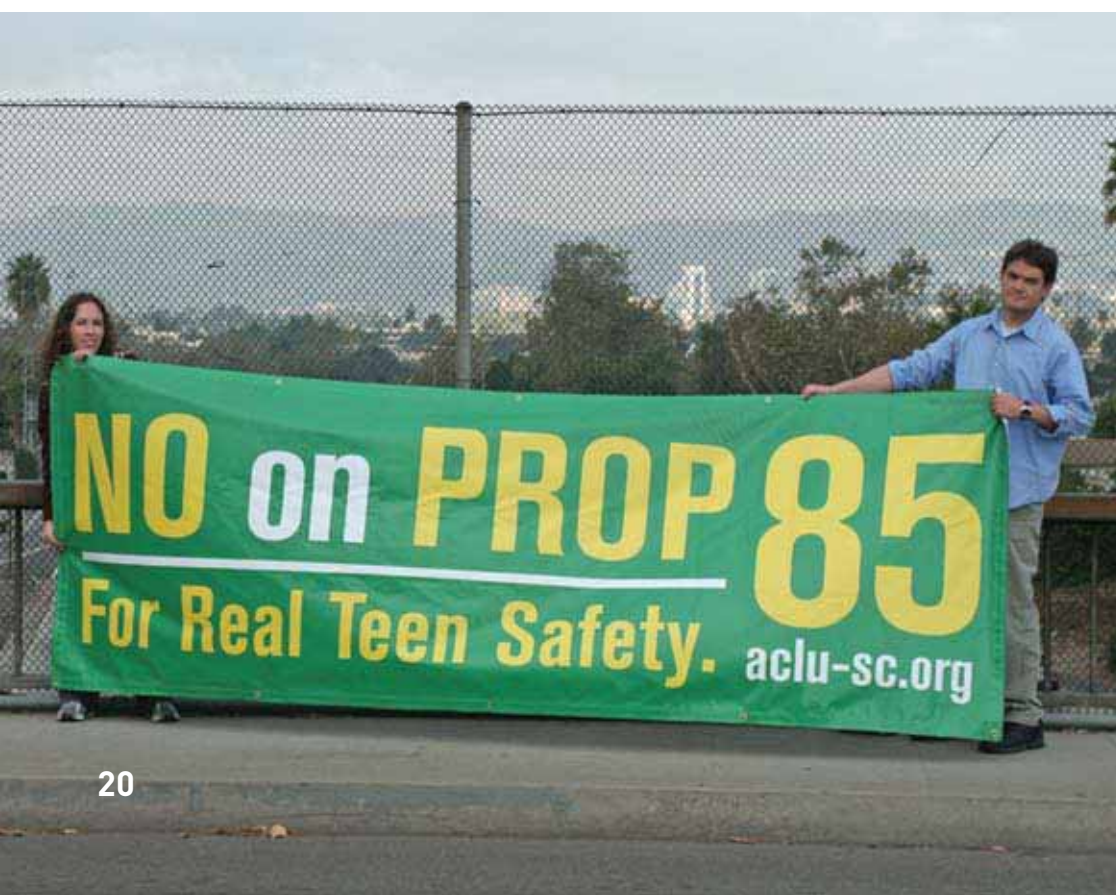
This year's long-planned expansion of the ACLU of Southern California's Field Department brought impressive results. Though much of our work is conducted in the courts, it is especially critical in these times to inform and rally the public to take action when necessary. The people who go to the polls, sign petitions and write letters to legislators remain the foundation of our political process, and our field staff has worked hard to engage and organize the public around a variety of important issues.

If you can touch the people, you can change the world, and the number of people touched by the ACLU/SC Field Department over this reporting period was nothing short of astounding.

Clarissa Woo, senior policy coordinator, and Elvia Meza, field manager, led the Southern California effort that was instrumental in defeating Prop. 85 (see p. 14) through a collection of house parties, informational salons, community forums, theater presentations, door-to-door canvassing and phone banks.



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Our field department has also been out front in the ACLU/SC's long running effort to bring needed health care reform to California. In 2006 the department played a major role in launching statewide campaigns to collect personal stories demonstrating the need for our elected officials to make affordable, quality health care available to everyone in our state. Those stories were collected through a toll-free number people could call to share their experiences. They could also make submissions to a special Web site. All the stories were presented to legislators and others responsible for developing health-care reform.



Spreading the word to rush-hour drivers.

Equally important has been our effort to provide equal access to educational opportunities to all of California's students. This spring, when Gov. Arnold Schwarzenegger requested \$100 million be put toward beefing up college-prep and career-technical classes, it was in part because of years of lobbying and months of discussions among the governor's staff, legislators and the ACLU. Approximately 55 percent of California's public high schools do not offer enough of the classes students need to qualify for college. In addition, the number of rigorous career-technical classes has been slashed severely. What this abysmal combination of factors means is that opportunities for educational advancement in California are tragically limited. According to a study by UCLA, nearly one million students do not qualify for admission to college or other career training because they lack access to required courses taught by qualified teachers. Nearly two-thirds of these students are Latino and African American, with nearly 250,000 of them attending racially isolated schools.

The ACLU/SC Field Department is also a force for bringing disparate groups together to promote better understanding. In the aftermath of the Los Angeles Police

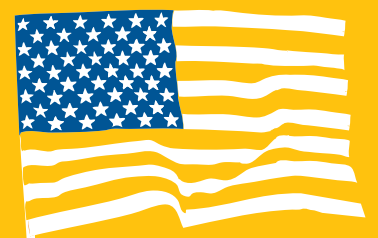
Department's May Day attack on a peaceful demonstration for immigration reform in MacArthur Park, our field staff immediately organized an unprecedented meeting between concerned advocates and police officials. For the first time in ACLU/SC history, a sitting LAPD chief came to our headquarters, sat down and spoke candidly for more than an hour with our staff and a room full of representatives from 10 community organizations.

Another major project has been Senate Bill 1019. Last summer, the California Supreme Court in *Copley v. Superior Court* ruled that police disciplinary hearings, which in many California cities had been open to public, should be closed. SB 1019 would restore the transparency to disciplinary procedures that was taken away by that decision. The field staff conducted legislative visits, built and worked with coalitions and developed and distributed general public informational materials to garner support for the legislation.

Under the leadership of Susanne Savage, the new field director who was hired toward the end of this reporting period, the work of Elvia Meza and Clarissa Woo, along with field and chapter advocate Miguel Cruz and Meera Manek in the Orange County branch office, is sure to reach new heights in the coming year. 🏛️

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FREEDOM OF SPEECH
RELIGIOUS LIBERTY
SEPARATION OF CHURCH & STATE
RACIAL AND ETHNIC EQUALITY
IMMIGRANT RIGHTS
EDUCATIONAL EQUALITY
CRIMINAL JUSTICE
DEATH PENALTY ABOLITION
DISABILITY RIGHTS
PRIVACY RIGHTS
LESBIAN AND GAY EQUALITY
WOMEN'S EQUALITY
REPRODUCTIVE RIGHTS
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VOTING RIGHTS
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