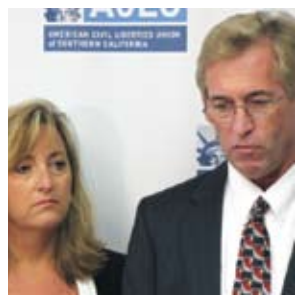


A N N U A L
R E P O R T

‘09

‘10



LIBERTY | JUSTICE | EQUALITY

W E L C O M E

To say that this has been an eventful year for the ACLU of Southern California would be an understatement. When Ramona announced that she will step down next February after leading our organization to unprecedented growth, innovation and success for 38 years, we all needed a moment to catch our breath. It truly means that an era is ending and a time of transition has begun. Nevertheless, we were impressed and gratified as our organization maintained its broad and vigorous efforts on behalf of civil liberties and civil rights throughout 2009-10, and even took them to new heights.

This year we were in the chambers of the U.S. Supreme Court, for example, to argue an important case concerning government favoritism toward religion – and protect key turf on that issue. We defended the free-speech rights of an Army veteran who took on the Veterans Administration, too. And we filed ground-breaking lawsuits to protect basic education for all students in California, holding accountable government agencies that have failed to meet their responsibility for ensuring that fundamental right.

With Arizona pursuing its blatantly unconstitutional racial profiling law on immigrants, we lent our strong support to the national ACLU in filing suit to overturn it, mindful of our successful battles here in California to prevail over Prop. 187 and uphold the LAPD’s Special Order 40. Meanwhile, we also fought to protect the rights of immigrants this year by ending FBI delays in processing citizenship applications, enabling hundreds of people to finally have the chance to become Americans. We co-wrote a widely publicized report on shameful conditions inside immigration detention facilities nationwide, and brought an abrupt halt to the practice of imprisoning immigrants under unsanitary and unlawful conditions in an infamous facility in downtown Los Angeles. In perhaps the year’s most heart-rending case, we also won long-overdue freedom for two men with mental disabilities who were lost in immigration detention for years.

Against a national backdrop, we hit the streets and contacted legislators as part of a concerted fight for health care reform. We’re deeply disappointed that the package passed by Congress included hurdles for women to obtain abortion coverage, but we believe that the legislation is nevertheless a historic step toward better and more equal access to health care for all Americans, and we won’t rest in pushing for improvements as health care reform evolves.


Meanwhile, we forged ahead on the issue of LGBT equality. In a case that attracted national media attention, our Orange County office won a far-reaching settlement to end a culture of sexism and homophobia that school officials had allowed to flourish at a high school in Corona del Mar.

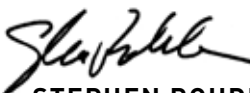
A new LAPD chief, Charlie Beck, was appointed this year, and addressed the Foundation board not long afterward, raising hopes that he will continue with the reforms initiated by his predecessor. Nevertheless, we continue to keep a close eye on police practices and especially the potential for racial profiling, as evidenced by our preliminary win in a lawsuit over police raids -- conducted under the pretense of sanitation and licensing inspections -- at African American barbershops in the Riverside area.

In these and other ways, it has been a year of milestones for the ACLU/SC. Despite our accomplishments, though, we know well that much remains to be done. State budget cuts are threatening to seriously erode or even end programs that protect the poorest and most vulnerable Californians. And the Obama administration continues to disappoint those of us who champion civil liberties and civil rights, too often following the corrosive policies of its predecessor on issues of privacy and national security, among others.

There is no more effective organization in the country to right these wrongs than the ACLU. There is none that has the kind of influence we do on such a broad range of important issues, either. Check out the stories we have to tell in this latest edition of our annual report; we’re confident that the more you know about us, the more you’ll understand what an amazing organization this is. And once you’ve read about us, please consider a donation or raising your level of support in any and every way possible. Liberty, justice and equality depend on us all.


RAMONA RIPSTON | Executive Director
ACLUF/ACLU OF SOUTHERN CALIFORNIA


ALAN TOY | President
ACLU OF SOUTHERN CALIFORNIA


STEPHEN ROHDE | Chair
ACLU FOUNDATION OF SOUTHERN CALIFORNIA

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>>> CHURCH AND STATE

In his first appearance before the U.S. Supreme Court, Managing Attorney Peter Eliasberg argued powerfully that a cross in the Mojave National Preserve does not commemorate veterans of all faiths. His separate warning to the Lancaster City Council over sectarian prayers before meetings addressed another instance of government endorsement of a specific religion – a violation of the First Amendment. to the Lancaster City Council over sectarian prayers before meetings addressed another instance of government endorsement of a specific religion – a violation of the First Amendment.

Salazar v. Buono landed before the Supreme Court of the United States on Oct. 7, 2009, argued by Peter Eliasberg, our managing attorney and Manheim Family Attorney for First Amendment Rights.

The case centers on an 8-foot-tall Latin cross atop Sunrise Rock in the Mojave National Preserve, originally erected in 1934. Our involvement began in 1999, when Frank Buono, a practicing Catholic, former assistant superintendent of the preserve and ACLU member, brought the cross to our attention. His concern: an overtly sectarian religious symbol on federal land represented unconstitutional favoritism toward a specific religion, violating the First Amendment's Establishment Clause. He felt it should be removed. We agreed.

A lengthy exchange of sternly-worded letters between the ACLU and the National Parks Service began in October, 1999. When that process failed to produce a constitutionally acceptable result, in 2001 we filed suit.

Up to the day Eliasberg made his debut in front of the Supreme Court, we had won every major court action in the case. We also had the support of a range of military veterans and veterans' associations. Even so, we expected an uphill battle, partly because a majority of the justices has shown a far narrower view of the Establishment Clause than we believe is proper, and partly because this is a complicated case dealing with many issues.

Arguments before the Supreme Court addressed whether Congress' transfer to private owners of the small parcel of land containing the cross remedies the Establishment Clause violation found by the lower courts. The ACLU argued that transferring the land to the Veterans of Foreign Wars does not cure the government's unconstitutional endorsement of one religion over another.

The Mojave cross is one of only 49 congressionally designated national war memorials. Despite its defenders' claims that it commemorates all war dead and veterans, or that it honors all veterans of World War I, the Latin cross is unquestionably a Christian symbol, making it an inappropriate national memorial to all veterans. The cross sends the message that the military values the sacrifices of Christian soldiers over those of non-Christians, particularly in light of the parks service's denial of requests to erect shrines for other religions on the property. The closely watched case divided the nation as well as the Supreme Court. Six justices wrote different opinions on the case.

The narrowly-focused, 5-4 decision handed down this spring overturned the lower court's order enjoining the land transfer, on the grounds that the wrong legal standard was used as basis for invalidating the transfer, and sent the case back to lower court.

However, Justice Anthony Kennedy's plurality opinion suggested the court might be prepared to depart significantly from the traditional separation of church and state enshrined in the Constitution. The opinion stated that the Constitution "does not require the eradication of all religious symbols in the public realm," and that a Latin cross "is not merely a reaffirmation of Christian beliefs."

This stance was not shared by Justice John Paul Stevens, who wrote in his dissent that the cross "is not a universal symbol of sacrifice," but "the symbol of one particular sacrifice, and that sacrifice carries deeply significant meaning for those who adhere to the Christian faith."



► Peter Eliasberg on the steps of the Supreme Court of the United States after arguing *Salazar v. Buono*. It was Eliasberg's first appearance before the high court.

Meanwhile, the court's complex decision rejected the government's argument that Buono did not have "standing" to bring the case, on the grounds that that issue was resolved by the lower courts in 2004. As a result, the Supreme Court's ruling does not affect private citizens' ability to challenge the constitutionality of religious displays on government property in the future – a key mechanism through which the

ban on government endorsement of religion is enforced. "We're disappointed that the court did not simply affirm the district court's ruling that the land transfer was impermissible, but we're encouraged that the case is not over," Eliasberg said.

Closer to home, we continue to oppose the unlawful and divisive use of sectarian prayers at official government meetings of any kind, and will continue to oppose voter approval of a ballot measure supporting religious prayers at the start of Lancaster City Council meetings.

Concern over the issue began last summer, when we were alerted to the city's practice of opening council and other government meetings in the city with sectarian prayers. We sent a letter to Lancaster's mayor and council members calling for them to desist. The city responded by putting a nonbinding measure on the ballot asking the voters to approve the city's practice. The measure passed by a large margin.

"In a constitutional democracy such as the United States of America, some basic rights are protected by the Constitution and cannot be determined by a vote," Eliasberg said. "We are

deeply concerned about the direction Lancaster city leaders have taken in calling for and supporting this ballot measure. No court in the land has ever approved a city's attempt to specifically authorize sectarian prayers prior to city meetings.

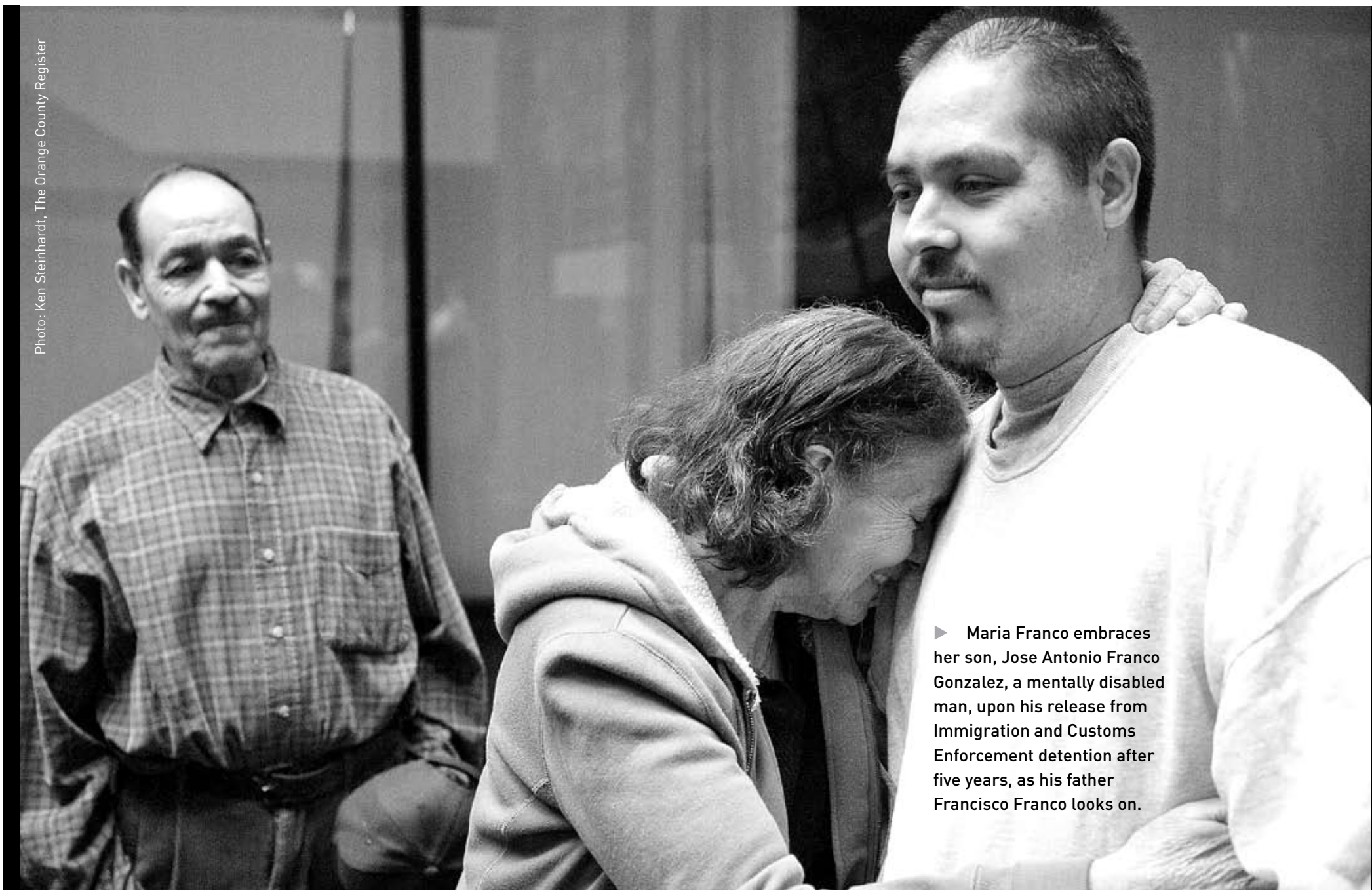
AT THE U.S. SUPREME COURT OCTOBER 7, 2009

JUSTICE SCALIA: *(The cross) is erected as a war memorial. I assume it is erected in honor of all of the war dead. The cross is the most common symbol of the resting place of the dead...What would you have them erect? Some conglomerate of a cross, a Star of David, and you know, a Moslem half moon and star?*

PETER ELIASBERG: *Well, Justice Scalia, if I may go to your first point. The cross is the most common symbol of the resting place of Christians. I have been in Jewish cemeteries. There is never a cross on a tombstone of a Jew. (Laughter.) So it is the most common symbol to honor Christians.*

SCALIA: *I don't think you can leap from that to the conclusion that the only war dead that that cross honors are the Christian war dead. I think that's an outrageous conclusion.*

ELIASBERG: *Well, my point here is to say that there is a reason the Jewish war veterans said we don't feel honored by this cross; it is a religious symbol of another religion.*



► Maria Franco embraces her son, Jose Antonio Franco Gonzalez, a mentally disabled man, upon his release from Immigration and Customs Enforcement detention after five years, as his father Francisco Franco looks on.

Our nation has a long and rich tradition of welcoming immigrants, and offering those who meet requirements for citizenship into the ranks of proud Americans. But imagine that you have applied for citizenship and are looking forward eagerly to the day when you can take the oath of allegiance, only to be forced to wait for years for a decision because your application has disappeared into an administrative black hole.

That’s the situation hundreds of applicants from the Los Angeles, Santa Ana, and San Bernardino areas found themselves in when the FBI was unable to process routine background checks. We filed a class-action lawsuit in 2007 to remedy this outrageous situation, and this year we forged a settlement with the U.S. Citizenship and Immigration Services that will enable these immigrants -- along with thousands of others -- to finally get a chance to become Americans.

“The naturalization process has been a nightmare for so many permanent residents who did everything right to become citizens of this country,” said Jennie Pasquarella, staff attorney with the ACLU/SC. “Many spent thousands of their hard-earned dollars and pored over endless documents, only to be met with red tape at every corner. This restores the dream of citizenship and ensures that the government will be accountable.”

As part of the settlement, naturalization data will be provided so that the ACLU/SC and its partners in this effort – the National Immigration Law Center, the Asian Pacific American Legal Center and the law firm of Munger, Tolles & Olson – can monitor to ensure this level of backlog does not happen again.

Another black hole in the immigration system swallowed two men with mental disabilities, who vanished into detention for years without a hearing. When the outrageous story of Jose Antonio Franco Gonzalez, 29, and Guillermo Gomez-Sanchez, 48, came to our attention, we took immediate action, working in partnership with the Public Counsel Law Center and Casa Cornelia Law Center.

Franco suffers from mental retardation severe enough that he doesn’t know his own age or birthday, and cannot tell time or dial phone numbers. Though a judge administratively closed his case in 2005 after deciding

Franco could not understand the proceedings, immigration authorities refused to release him or send him to a hospital. Instead, they continued to detain him, at taxpayer expense, at various facilities. He was never given a bond hearing to determine if he presents a danger that would justify his prolonged detention, or whether his detention was even appropriate in light of his disability.

Gomez-Sanchez, also detained since 2005, has been diagnosed with paranoid schizophrenia. An immigration judge administratively closed his case for two-and-a-half years after the Department of Homeland Security failed to administer a psychiatric evaluation of him. When the case was reopened in June 2008, a judge ordered Mr. Gomez-Sanchez released on a \$5,000

bond. But attorneys for the DHS challenged the bond order, even though Mr. Gomez-Sanchez was found to be neither a flight risk nor a danger to the community, and an appellate immigration court agreed with the government.

Franco and Gomez-Sanchez are only the tip of the proverbial iceberg. An estimated 15 percent of all immigration detainees have a mental disability, yet there are no standard procedures in place to resolve cases in which a detainee is ruled incompetent.

“These men were punished for having a mental disability,” said Ahilan Arulanantham, ACLU/SC director of immigrant rights and national security. “Nobody tracked their cases, or even knew why they were detained. It’s a nightmare no family should face, but many will unless there’s true detention reform that creates standards to deal with individuals with mental disabilities.”

Our lawsuits on behalf of the two men, filed this spring in U.S. Federal District Courts in Southern California, charged that the government deprived them of their constitutional right to due process, and violated both the immigration statute under which they were detained and federal discrimination laws designed to protect people with disabilities. Five days after filing, the men were released from custody into the care of their families. Both were placed on electronic monitoring and will be given treatment in community health centers.

“We have waited five years for this moment,” said Ruben Franco, brother

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”

>>> IMMIGRANTS' RIGHTS

As Arizona's un-American racial profiling law took front and center in the immigration debate, we threw our support behind the National ACLU's efforts to overturn it, mindful of similar battles in California that we successfully fought in prevailing over Prop. 187 and upholding the LAPD's Special Order 40.



► Ahilan Arulanantham, ACLU/SC director of immigrants' rights and national security.

of Jose. "This was such a long struggle that nobody should have to go through."

Targeting shocking conditions in immigration detention centers nationwide, over the summer we also released "A Broken System: Confidential Reports Reveal Failures in U.S. Detention Centers," a report based on 18,000 documents that were previously confidential. It's the first report of its kind, and received wide media attention.

The report exposes the conditions suffered by hundreds of thousands of people housed in detention centers around the country, where they are too often subjected to capricious enforcement of policies with no effective oversight. We collaborated with the National Immigration Law Center and the law firm of Holland & Knight, LLP to produce the report, which offers policymakers specific recommendations for improvements.

A basement facility in downtown Los Angeles where U.S. Immigration and Customs Enforcement housed immigrants without soap, drinking water, toothpaste, toothbrushes, sanitary napkins, changes of clothing or showers became the subject of a separate lawsuit that we filed this year.

The B-18 facility was originally intended to be a temporary space, where no one would be held for more than 12 hours. But instead it became part of a shell game, with detainees shuttled for weeks and even months between its filthy, overcrowded space and local jail facilities. Often detainees would be awakened in the middle of the night to be moved. They were also denied access to basic services all detention centers must provide, such as outdoor recreation, mail, and the right to make phone calls, which are of course critical to mounting a defense, not to mention staying in touch with family members.

Working with the National Immigration Law Center and the law firm of Paul, Hastings, Janofsky and Walker LLP, we reached a settlement with ICE that provides basics, such as sanitary supplies, water and writing materials, to detainees. It also largely ends shuttling them back and forth in an attempt to do an end-run around rules prohibiting long-term detention. The agreement prohibits the agency from holding detainees for more than 12 hours on any given day or over two consecutive days, subject to limited exceptions, and requires ICE officials to allow lawyers to meet with their clients there. In addition, it enables us to walk through the facility in order to monitor the government's continued compliance with our agreement.

"This settlement eliminates the unacceptable conditions that existed and restores detainees' dignity and their right to due process," Arulanantham said. "It is one step, but an important one, in correcting our severely broken immigration detention system nationwide."

NAJI HAMDAN UPDATE

For over 13 months, the ACLU of Southern California campaigned on behalf of Naji Hamdan, an American citizen and former resident of Hawthorne, who was tortured and imprisoned for more than a year in the United Arab Emirates at what appears to be the behest of the United States government.

This fall, after a trial filled with troubling issues, including hearings behind closed doors and the use of a so-called confession obtained through torture, Hamdan was found guilty on unspecified terrorism-related charges and sentenced by the judge there to 18 months time served.

Shortly afterward, the U.A.E. finally released him from prison and he was deported to Lebanon.

"I am grateful to everyone that has stood by my side during this difficult time. I can't tell you how horrific the conditions were and the immense personal and physical toll I have suffered," Hamdan said from his home in Lebanon. "But just because I am safe now does not mean that others are. My story is destined to repeat itself if the Obama administration does not put an end to this practice."



► Naji Hamdan and his son.

Although we are grateful for Mr. Hamdan's release, we continue our advocacy efforts to learn more about the U.S. government's policies concerning "proxy" detention by foreign governments of Americans abroad.

>>> EDUCATIONAL EQUALITY FOR ALL

The ACLU of Southern California has earned national acclaim for its track record of successfully pursuing complex litigation to ensure better education for all students. This year was no exception. Two of our cases – one protecting low-income schools from devastating cutbacks, the other challenging the appalling conditions within Los Angeles County probation camps – broke fresh ground.



► Eighth-grader Sharail Reed, a plaintiff in our landmark education lawsuit over teacher layoffs at three urban schools, wants to go to college but is frustrated to have so many substitute teachers who can't or don't teach.

Even a child knows that it's wrong to make it hard for her to learn. Sharail Reed, an 8th grader at Markham Middle School in Watts, wants to be a psychologist or lawyer when she grows up, and she's already working hard toward that goal. She's part of a program in her school for top students hoping to become the first in their family to attend college.

As a plaintiff in our latest effort on behalf of disenfranchised students, she's also standing up for her constitutional right to be provided the resources for a basic education as good as anyone else's, regardless of socioeconomic status.

Markham is one of three Los Angeles Unified School District middle schools devastated by budget cuts that disproportionately decimated their teaching staffs. While many schools around the state lost no teachers due to the budget crisis, more than half of the teaching staffs at Markham, Gompers (also in Watts) and Liechty (in Pico-Union) lost their jobs as permanent teachers.

The layoffs caused educational efforts at the schools to fall below the state constitutional guarantee that all students will receive a basic education consistent with prevailing statewide standards. At Liechty, fully 72 percent of the teachers received layoff notices; at Markham, the layoffs included almost the entire English department along with every 8th grade history teacher.

Reed has had nine different substitute history teachers in one year. She's so ashamed of her poor knowledge of the subject that she tries to hide it when hanging out with friends from other schools.

"I don't want this to happen to somebody else," she said. "It's not fair for my school to lose so many teachers. It feels like everyone else is learning except for us. It feels like we're a lower-class school and like we're not as thought about as other schools. When it comes down to it, we all want to learn but when we don't get the opportunity to learn, we're left with nothing."

The ACLU of Southern California, working with the Public Counsel Law Center and the law firm of Morrison & Foerster LLP, swung into action on behalf of the students. Our class-action lawsuit sought a preliminary injunction preventing the state or LAUSD from laying off teachers at the three schools for the 2010-11 school year. Among other things, the lawsuit also seeks a permanent injunction directing the state and LAUSD to allocate funds and oversight that will enable the three schools to develop an effective and stable faculty for more than 5,000 current and future students.

"At a time when California is already 46th in the nation in per-pupil spending -- and is about to drop lower -- our state and school district have chosen to

balance their budgets by decimating the teaching corps at schools which serve nearly exclusively students of color from low-income families," said Mark Rosenbaum, chief counsel for the ACLU/SC. "Every student knows that you don't reform a school by removing great teachers. If government can bail out the bankers of Wall Street, then it can bail out the children of Watts and Pico-Union."

In May, Superior Court Judge William F. Highberger granted our request for an injunction, preventing LAUSD from laying off teachers at the three schools. In his ruling, Highberger stated what we knew all along: that California's education code allows school districts flexibility in laying off teachers in order to comply with constitutional requirements to provide equal education to all students.

"The ruling carries on the ideals of Brown v. Board, that no child may be deprived of the right to learn," Rosenbaum said.



► Mark Rosenbaum, ACLU/SC chief counsel

In another major effort this year to ensure educational equality, we filed a ground-breaking suit against the Los Angeles County Probation Department and top county education officials on behalf of youth too often discarded or ignored by society.

The federal class-action, filed in U.S. District Court in Los Angeles, charges that county personnel have completely failed to provide students at the Challenger Memorial Youth Center with basic and appropriate education, denying them the legally mandated rehabilitative program intended to prepare

them to re-enter society and the work force. We were joined in this effort by the Public Counsel Law Center, the Disability Rights Legal Center and the National ACLU.

Comprised of about six camps and a single school, Challenger, located in Lancaster, is the county's largest juvenile probation camp. The shocking truth of the educational offerings to the 650 incarcerated there was revealed during our months-long investigation.

Instead of educating the youth, administrators and teachers essentially ran a labor camp. Sometimes they threw worksheets under the door of students' cells in lieu of classroom instruction; often they denied all educational services when children asked for help or to use the restroom; and they systematically denied students access to appropriate instruction and the required minimum school day.

One of our clients spent less time in class than he did as part of a work detail weeding the grounds, collecting trash, and painting and fixing broken sprinklers. His instructor at Challenger routinely allowed a probation camp employee to pull him out of class for these and other menial tasks.

Yet, knowing that he was functionally illiterate, the teacher routinely gave him answers so he could pass required state tests. And the county billed the state for reimbursement during the student's work hours, claiming to have provided him with full-time educational instruction.

"The conscience-shocking practices at Challenger are among the most egregious failures to deliver education and rehabilitative services to incarcerated youth ever documented in the nation," Rosenbaum said. "The lives of these young people matter, yet the county is releasing them in conditions which all but assure their failure to meaningfully reintegrate, having been denied even a semblance of an education for years upon years. This is a system out of control, with no accountability and no concern for the children under its charge."

After the case was filed and received considerable media attention, the parties began serious and confidential talks aimed at reaching a resolution of systemic deficiencies. Those discussions have been fruitful to date, and we're hopeful that progress will be announced soon.

>>> STANDING UP FOR LGBT RIGHTS

As one of the largest ACLU affiliates in the nation, we have long been on the forefront of working to secure LGBT rights. In Orange County, we took on a heartbreaking case in a high school where homophobia was so rampant, and administrator response so inadequate, that some students felt free to threaten others with impunity.

We secured a major victory this year on behalf of students at Corona del Mar High School, where the failure of school officials to take action allowed a culture of homophobia and sexism to flourish, generating national media coverage.

Events began in the spring, with the decision of school officials to cancel the high-school version of “Rent,” a long-running and wildly popular Broadway musical about a group of impoverished young artists struggling to pursue their work under the shadow of HIV/AIDS. Though officials quickly reversed themselves in the wake of widespread, negative media attention, their initial action revealed a troubling atmosphere at the school.

Students who protested the cancellation of “Rent” by peacefully wearing rainbow buttons had them confiscated by school officials. One of the actresses in the play, Hail Ketchum, then a senior, was targeted with videotaped rape and death threats posted online. The school’s response was inadequate and inappropriate. Hail was forced to change her schedule, classes and routines in order to avoid her harassers.

“The threats, intimidation and slurs directed toward students on the basis of gender and sexual orientation at Corona del Mar High School are part of a growing sexist and homophobic environment there that school administrators could have – and should have – stopped,” said Hector Villagra, ACLU/SC legal director. “Instead, these school officials amplified the hostile atmosphere by sending the message that the harassers can act with impunity, and by telling students who were the targets of threats and bullying that they would have to find ways to avoid it.”

Our lawsuit against the Newport-Mesa Unified School District and officials at Corona del Mar High School charged that female, lesbian, bisexual, gay and transgender students were at risk in the school, where sexist and homophobic remarks were common, and administrators did little to intervene. We charged that students faced discrimination on the basis of sexual orientation or gender, violating the 14th Amendment to the U.S. Constitution, Title IX and California safe schools laws.

The settlement, reached in the fall, provided major protection for future students. There will be mandatory training sessions for administrators, teachers and students, guided by the Orange County/Long Beach regional office of the Anti-Defamation League. The training will focus on the harmful



► Karyl Ketchum and Michael Wiggins, parents of former Corona del Mar high school student Hail Ketchum.

We also supported the National ACLU’s fight in another high-profile case of LGBT discrimination. High school senior Constance McMillen courageously spoke out when her high school cancelled its prom rather than allow her to attend with her girlfriend and wear a tuxedo. After meeting with officials from Itawamba Agricultural High School, parents then set up a secret prom for the class and sent McMillen to a decoy prom that was attended by a handful of students.

This spring the U.S. District Court for the Northern District of Mississippi issued a preliminary ruling in McMillen’s case, stating that school officials violated her First Amendment rights when it canceled the high school prom rather than allow her and her girlfriend to attend. The court stopped

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I hope that other students will learn from my experience that it is possible to stand up for what is right and to prevail.

”

impact of sexual discrimination and harassment, as well as on federal law and district complaint protocols to be followed whenever anyone experiences discrimination or harassment based on sex, sexual orientation and gender identity. District managers, school-site administrators, principals and assistant principals were assigned to 8-hour programs, while teachers, staff and students at Corona del Mar got two 2-hour sessions during the current school year.

As part of the settlement, Hail received a personal written apology from the district.

“I hope that other students will learn from my experience that it is possible to stand up for what is right and to prevail,” she said. “I’m happy that the settlement provides the school with a road map of how to address situations like this more appropriately.”

short of ordering the school to put the school prom back on the calendar, relying on assurances that a new, alternative, “private” prom being planned by parents would be open to all students, including McMillen. When that turned out not to be the case, the ACLU filed an amended complaint.

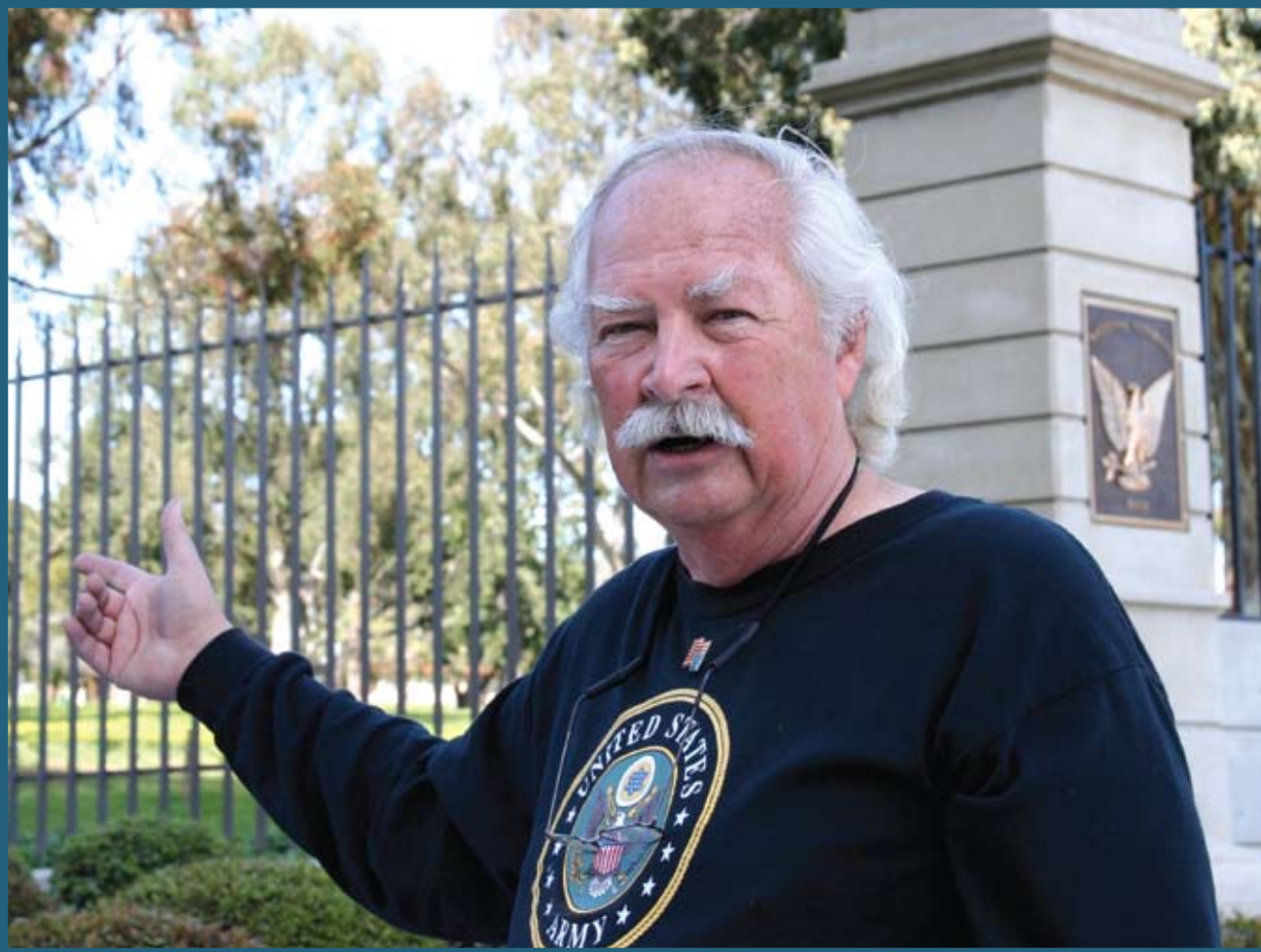
The case generated a firestorm of media attention. A Facebook page set up by our national office around the theme “Let Constance Take Her Girlfriend to the Prom” generated hundreds of thousands of followers in a matter of weeks.

Meanwhile, McMillen took her story to the national media, including talk-show host Ellen DeGeneres, who zeroed in on details of how the teen pursued her complaint over unequal treatment.

“So then you called the ACLU to help you,” DeGeneres said. “Yeah, they are very awesome,” McMillen responded.

>>> FREE SPEECH

When a Vietnam War-era veteran was told by the Veterans Administration that he couldn't hang the American flag upside down to protest VA policies, we rushed to defend his right to criticize government officials and their decisions – a key goal of the First Amendment. We also stepped in to defend the right of day laborers to solicit work in Orange County.



▶ Rosebrock, above, is joined by fellow veteran Larry Kegel during a Sunday protest. Veterans come from as far away as the Inland Empire to participate in the weekly actions.

▶ Robert Rosebrock, left, organized a longrunning series of peaceful protests against plans to use Veterans Administration property in Brentwood for non-veteran purposes.

▶ Bottom: Belinda Escobosa Helzer, an ACLU/SC staff attorney in our Orange County office, discusses our challenge to an unconstitutional ordinance in Costa Mesa.

For more than a year, 67-year-old Robert Rosebrock, a U.S. Army veteran, organized demonstrations in front of the Veterans Administration property in west Los Angeles to protest a plan by the VA to convert the 16-acre site into a public park.

As part of the protests, he and other veterans hung an American flag right side up on the fence bounding the property to draw the attention of passersby. But during the summer of 2009, they began hanging the flag upside down to signify their view that the property was in distress and that its transfer would endanger veterans. Rosebrock soon began receiving citations from the VA police, followed by an e-mail from Lynn Carrier, associate director of the West Los Angeles Veterans Administration office. Rosebrock "may not attach the American flag, upside down, on VA property," Carrier wrote, because "this is considered a desecration of the flag and is not allowed on VA property."

That's when the ACLU of Southern California stepped in.

Peter Eliasberg, Manheim Family Attorney for First Amendment Rights, wrote a letter on Rosebrock's behalf in December that outlined the ACLU/SC's free-speech concerns. Within days the U.S. Attorney's Office dropped its action against the veteran, followed soon after by a formal dismissal order signed by a federal judge.

Unfortunately, that didn't end the campaign of selective harassment against Rosebrock and his fellow veterans. Even after the judge's order, VA police still removed his flags, depending on how they were displayed. This spring we filed suit in federal court against the VA for continuing its unconstitutional policy of denying this Army veteran's free-speech rights.

"The VA has shown a basic misunderstanding of the meaning of the First Amendment of the Constitution, the very document that Mr. Rosebrock and other veterans have served in the military to protect," Eliasberg said. "The government cannot say it's OK to hang the flag one way but not another just because the latter expresses a message that the government does not approve of."

In Costa Mesa, we joined a coalition that filed suit on behalf of the Asociacion de Jornaleros de Costa Mesa, whose members were unable to peaceably advertise their need and availability for employment in the city's public areas due to an anti-solicitation ordinance.

Costa Mesa's ordinance prohibits any person standing on a sidewalk or

other public area from soliciting employment, business or contributions in any manner deemed to be intended to attract the attention of traveling vehicles. Aimed primarily at day laborers, it subjects them and other solicitors to a fine of \$1,000 and imprisonment up to six months. It also happens to violate day laborers' rights under the First and Fourteenth Amendments of the U.S. Constitution, and is so sweeping that it bans school children from holding car wash signs on the street, and prevents struggling businesses from using sign spinners.

In fact, under the ordinance, a person standing on a sidewalk waving an American flag while shouting "Support the troops!" at passing vehicles would not be in violation. But schoolchildren on that same sidewalk waving an American flag while shouting, "Car wash for five dollars!" would be subject to prosecution. In other words, the legality of the speech allowed depends on the message or content of that speech. Such content-based speech restrictions in the public sphere are unconstitutional.

Within days of filing suit, the city of Costa Mesa agreed to place a moratorium on enforcement of the ordinance, pending a decision by the U.S. 9th Circuit Court of Appeals on a challenge to a similar anti-solicitation ordinance in the city of Redondo Beach.

"It shouldn't have taken a lawsuit for the city to understand that this ordinance was constitutionally questionable," said Belinda Escobosa Helzer, ACLU/SC staff attorney.

Our partners in this effort were the Mexican American Legal Defense and Education Fund and the National Day Laborer's Organizing Network.



>>> FIELD DEPARTMENT

Our field team spent as much time on the streets advocating through picket lines and direct educational outreach as they did in conference rooms, developing strategy with our coalition partners. Here are a few highlights of their many efforts this year.



A

A In January, our field team joined coalition partners for **No Retreat! No Surrender!** a theatrical rally in East L.A. drawing attention to the pressing need for health care reform. Clarissa Woo, ACLU/SC policy manager, played the role of a private insurance company lobbyist determined to protect the status quo. To view the full photo set, visit our Flickr page, www.flickr.com/photos/aclu_socal

B



B

A significant victory in the **CLEAN Car Wash Campaign** came in October, when Gov. Schwarzenegger signed AB 236 into law. But our work with coalition partners to secure economic justice for car wash workers did not end. Within days our field team was out protesting in front of Celebrity Car Wash in Hollywood, demanding that its owner provide a safe environment for workers. Here, a private ambulance is directed around our picket line by a Celebrity Car Wash employee. To view the full photo set, visit our Flickr page, www.flickr.com/photos/aclu_socal

C



C

Miguel Angel Cruz Angeles, ACLU/SC field and policy associate, and Elvia Meza, ACLU/SC field manager, during a lunch hour outreach and education action at the intersection of Vermont and Wilshire in Los Angeles. We are part of the **Stop the Cuts!** coalition urging that vital and needed health care, education and social services for the elderly, disabled and poor not be slashed as part of California's budget crisis.

>>> CRIMINAL JUSTICE

Our work on criminal justice covers a broad range of issues. This year we focused key efforts on the death penalty and a case of racial profiling.

The ACLU of Southern California expanded its commitment to abolishing the death penalty by hiring our first professional organizer in nearly a decade to be devoted solely to death penalty issues in California. “The system of state-sanctioned killing is expensive, biased and error prone,” said ACLU/SC Executive Director Ramona Ripston. “This move comes as the ACLU/SC and its partner ACLU affiliates in Northern California and San Diego ratchet up their longtime campaign to end the death penalty,”

James Clark, former coordinator of Georgians for Alternatives to the Death Penalty, will undertake a major organizing effort in Southern California aimed at raising awareness among the public and legislators that the death penalty is costly, unjust, ineffective as a crime deterrent and inhumane. He will launch education campaigns and help unite and focus the many groups that oppose the death penalty on timely advocacy efforts.

We have been increasingly active on this issue in recent months. In the winter the ACLU/SC helped get the word out about the new execution protocol developed by the California Department of Corrections and Rehabilitation, and more than 12,000 people from throughout the state and beyond submitted comments to the agency. The revised lethal injection plan does very little to address the serious problems that are endemic to California’s system of death.

This spring we partnered with our Northern California affiliate to release Death in Decline ’09, a report showing that while death sentences are declining nationwide – reaching the lowest levels in 2009 since the death penalty was reinstated in 1976 – California sent more people to death row than ever before. Shockingly, Los Angeles, Orange and Riverside counties accounted for 83 percent of all California death sentences last year. Our tireless efforts educating and campaigning to end this egregious, unjust practice continue.

At the same time, in Riverside County’s Moreno Valley, we achieved partial

success in obtaining justice for a group of black barbershop owners who were victims of racial profiling.

In the spring of 2008, armed Moreno Valley police officers accompanied by state barbering and cosmetology inspectors burst into five barbershops and carried out searches reminiscent of narcotics raids, even though the supposed reason for the inspections was to check on sanitation and licensing. Only barbershops owned and heavily patronized by African Americans were targeted for these “inspections.”

We filed suit in the spring of 2009, and reached a settlement with the California Board of Barbering and Cosmetology in December. The board adopted a formal policy against racial discrimination, and developed a new one specifying that the board’s inspection activity is not to be used as a pretext for any other law-enforcement purpose, either by the board or another agency. The latter is a key part of the settlement; it will help to prevent police across the state from using business or health inspections by this board as a way to get around the constitutional requirement for search warrants. No settlement has been reached with the Moreno Valley Police Department, which is run by the Riverside County Sheriff’s Department, and the lawsuit against those defendants continues.

Seyfarth Shaw LLP is our partner in this case.



► Ronald Jones was victimized when Moreno Valley police, acting in conjunction with the California Board of Barbering and Cosmetology, raided his barbershop as part of a series of racially-targeted, warrantless actions on barbershops owned and patronized by African Americans.

ORANGE COUNTY

Our Orange County office has achieved a string of important victories since being permanently established in fall, 2005. This ever-growing and diverse region is a hotbed of challenges to civil rights and civil liberties, particularly in the areas of immigration law and immigrants’ rights.

Immigrants – both documented and undocumented – are among the most vulnerable members of our society. Some have come to the United States fleeing extreme poverty or persecution, and most are simply seeking a better life for their families. But a pervasive post-9/11 climate encouraging mistrust of others, along with all manner of purported security measures, has added to the vulnerability of the immigrant community, pushing many further into the shadows. More individuals are denied their most fundamental rights and, in turn, access to full social, economic and civil litigation.

We’ve gone to bat repeatedly in Orange County on behalf of mostly immigrant day laborers who solicit work on the street. As documented elsewhere in this report, for example, the city of Costa Mesa halted enforcement of its anti-solicitation ordinance this year in response to our lawsuit.

Building on our immigration work, we are now focusing on reshaping the public debate regarding local enforcement of

federal immigration laws, especially in Orange County. We want to help provide law enforcement agencies with the tools they need to promote community policing, while also providing community and advocacy organizations that serve immigrants with the tools they need to address enforcement issues. As always, we will continue to hold the government accountable for violations of federal and state statutory and constitutional rights of immigrants in the context of enforcement activities.

The ACLU/SC has also conducted community education in the form of “Know Your Rights” presentations and trainings, and routinely provided technical support to other organizations trying to address problems faced by immigrant communities. We’ve helped host several statewide immigrant rights conferences bringing lawyers, advocates and community organizers together to share best practices and develop effective strategies to address statewide problems. And we are key participants in the Statewide Enforcement Working Group, a sub-committee of immigrant rights activists developed from those conferences, to coordinate efforts and share resources.

Our Orange County office will continue its leadership role on these and other efforts on behalf of all immigrants in California.

HEAT

Every year, California’s 650,000 farm workers face a daily risk of death and illness from toiling in stifling summer heat. At least 11 have died from heat-related illness since 2005. But state officials have failed in virtually every possible way to create a system to protect these workers, who provide 90 percent of the labor for the largest agricultural industry in the nation.

This year we filed a landmark lawsuit against the state and its Occupational Safety and Health Standards Board (Cal/OSHA) for failing to live up to their constitutional and statutory duties to protect the safety of farm workers. Our legal action came swiftly on the heels of a proposed new emergency standard by Cal/OSHA to address the threat of heat-related illness to farm workers and other outdoor laborers – a proposal that was totally inadequate and only underscored the state’s failure to provide an effective system to protect the workers on whom California’s huge agricultural industry depends.

The state’s existing, deficient heat safety regulations are enforced exclusively through Cal/OSHA, even though that agency has no practical ability to do the job. In 2008, Cal/OSHA conducted only 750 inspections among



► Francisco Farfan, farm worker.

approximately 35,000 farms statewide – and found that nearly 40 percent had violated mandatory heat safety regulations. Yet the agency routinely imposes paltry fines even for serious violations and deaths, fails to collect fines it does impose, and allows enforcement actions to be tied up in appeals processes that often delay penalties for years.

In other words, the state’s system is so full of loopholes that compliance is effectively optional, and employers flout the law with impunity. Cal/OSHA must do its job and ensure that employers provide farm workers with access to adequate shade, water and rest breaks.

Our work on this issue continues in conjunction with our partners from the ACLU of San Diego and Imperial Counties, and the law firm of Munger, Tolles & Olson LLP.

>>> WHAT WE DO & HOW WE DO IT

>>> HOW YOU CAN HELP

THE GOVERNMENT OF THE UNITED STATES IS BUILT ON TWO BASIC PRINCIPLES:

- 1. majority rule through democratic elections; and**
- 2. protection of individuals from any attempts by the majority to curtail individual liberties and rights, as spelled out in the Bill of Rights.**

The **Constitution** and **Bill of Rights** set the ground rules for individual liberty, which include the freedoms of speech, association, and religion, freedom of the press and the right to privacy, to equal protection of the law and to due process of law.

OUR WORK CAN BE CATEGORIZED AS FOLLOWS:

First Amendment. The rights of free speech, free association, and assembly, freedom of the press and religious freedom, including the strict separation of church and state.

Equal Protection. The right not to be discriminated against on the basis of certain classifications, such as race, sex, religion, national origin, sexual orientation, age, disability, etc.

Due Process. The right to be treated fairly, including fair procedures when facing accusations of criminal conduct or other serious accusations that can lead to results such as loss of employment, exclusion from school, denial of housing, cut-off of certain benefits or various punitive measures taken by the government.

Privacy. The right to a zone of personal privacy and autonomy. Groups and individuals that continue to struggle for civil liberties. The extension of all the rights described above to those who are still fighting for the full protections of the Bill of Rights, including women; immigrants; the poor; people of color; transgender people; members of minority religions, people with disabilities, lesbian, gay or bisexual people; the homeless; prisoners, and children in the custody of the state.

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The ACLU joined the fight for gay rights in the 1960s as a natural extension of its commitment to speak for all those denied equal treatment before the law. Now, four decades later, the ACLU maintains one of the nation’s largest dockets of cases concerning the rights of lesbians, gay men bisexuals, transgender people and those living with HIV/AIDS disease. To acknowledge the generosity and commitment of friends who have helped advance this historic civil rights struggle, the ACLU Foundation of Southern California has established the PRIDE PARTNERSHIP. We are deeply grateful for this crucial support.

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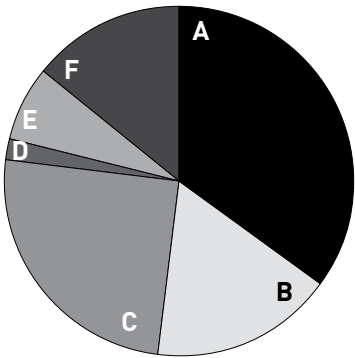
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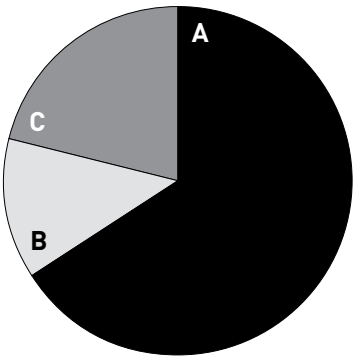
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Sterling Kerr | Catherine Lhamon | Tracy Rice | Lori Rifkin | Teresa VirgenTorres | Todd Weddle

FINANCIAL OVERVIEW

ACLU FOUNDATION OF SOUTHERN CALIFORNIA



SUPPORT & REVENUE



EXPENSES

SUPPORT & REVENUE	TOTAL	PERCENT
A. Individual Contributions	1,941,156	35%
B. Bequests*	945,755	17%
C. Court Awarded Fees	1,437,454	25%
D. Restricted Foundation Grants	130,882	2%
E. Interest & Other**	390,129	7%
F. Budgeted Transfers	815,104	14%

EXPENSES	TOTAL	PERCENT
A. Program Services	3,136,447	66%
B. Fundraising	617,100	13%
C. Management & Gen. Operations	1,061,805	21%

The ACLU Fdn of SC transferred \$59,583 from the Litigation Fund to general operations for legal related expenses.

National ACLU Foundation’s revenue share of incentive income totals \$461,308.

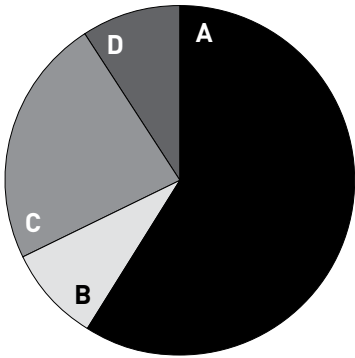
*National ACLU Foundation’s revenue share of bequests totals \$609,327.

Budgeted transfers include \$25,000 transferred from general operations to ACLUSC for the 501(h) election.

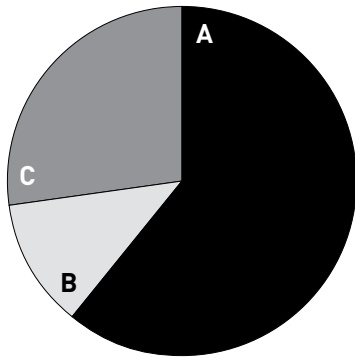
**Includes distribution of \$41,316 from the Permanent Endowment and \$10,295 from the Trust for the Bill of Rights. Grants awarded to the ACLU Foundation are restricted and earmarked for specific projects. The ACLU Foundation transferred \$433,200 in donations from Campaign for the Future Reserves.

FINANCIAL OVERVIEW

ACLU OF SOUTHERN CALIFORNIA



SUPPORT & REVENUE



EXPENSES

SUPPORT & REVENUE	TOTAL	PERCENT
A. Membership*	634,516	59%
B. Interest & Other**	100,278	9%
C. Events	243,565	23%
D. Budgeted Transfers	94,291	9%

EXPENSES	TOTAL	PERCENT
A. Program Services	627,090	61%
B. Fundraising	122,833	12%
C. Management & Gen. Operations	270,957	27%

*Represents net of sharing with the National ACLU of dues, and contributions. The National ACLU bequests revenue shares totaled \$6,404**Includes \$10,246 in bequest revenue.

Although there is some overlap in the work done by each organization, certain activities the ACLU of Southern California does to protect civil liberties must be done by one organization and not the other. This is primarily in the area of lobbying. As an organization that is eligible to receive contributions that are tax-deductible by the contributor, federal law limits the extent to which the ACLU Foundation of Southern California may engage in lobbying activities. Therefore, much of the lobbying activity done by the ACLU of Southern California and discussed in this annual report is done by the American Civil Liberties Union of Southern California. By contrast, most of the ACLU of Southern California’s litigation and public education efforts described in this annual report are done by the ACLU Foundation of Southern California.

All figures provided are unaudited at time of publication. Complete, audited financial statements for the year ending March 31, 2010 by Sanders Kalvin McMillan Carter, LLP, may be obtained by writing to the ACLU/SC at 1313 W. 8th Street., Los Angeles, Ca. 90017.

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& ACLU OF SOUTHERN CALIFORNIA
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info@aclu-sc.org
www.aclu-sc.org

2009 | 2010 ANNUAL REPORT
Gordon Smith • Pam Noles • Alice Flanjak

THE ACLU OF SOUTHERN CALIFORNIA WOULD LIKE TO THANK THESE ATTORNEYS FOR HELPING US TO BE A MORE EFFECTIVE ORGANIZATION OVER THE YEARS BY PERFORMING PRO-BONO WORK IN A VARIETY OF CAPACITIES - SERVING AS CO-COUNSEL, REPRESENTING THE ACLU IN BOTH LITIGATION AND TRANSACTIONAL MATTERS, PERFORMING RESEARCH, OR PROVIDING VALUABLE LEGAL OPINIONS AND ADVICE:

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