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2003/04 ACLU OF SOUTHERN CALIFORNIA ANNUAL REPORT

Dear Friend and Partner of the ACLU:

Too often in an election year, we're intensely aware of the stakes, but the true dimensions and implications of our choices are obscured by the political games that our leaders play in order to stay in power: personal attacks, character-related non-issues, and poll-tested pap.

We hunger for vision; instead, we get political commercials.

We yearn for a glimpse of the kind of society we hope to become, but the headlines and talking heads drag us through an ugly landscape of fear, doubt, and distraction.

Much, indeed, is at stake in this election year, much more than mere politics. What are our hopes for the world we inhabit, for the prospects of our children, for the future of our nation's experiment in democracy?

Sadly, we will hear few meaningful attempts to address this question during the election, but as part of a community dedicated to the core values of liberty, justice, and equality, ACLU supporters and advocates do share a vision of a better society. This report on our work in the last year illustrates the scope and strength of our vision.

What kind of society are we trying to bring about here in California and across the country?

The ACLU is working toward a more open and vibrant society by countering the atmosphere of fear advanced by the current administration with a vision of a stronger democracy and a renewed commitment to our rights and liberties, by defending core values of religious liberty and free speech, and by fighting any efforts on the part of the majority to target or exclude members of minority groups.

We envision a society that invests in every individual by providing all children with a good education and other necessities for success. No society can neglect such an investment without reaping the terrible fruit of exclusion: division, despair, and fear.

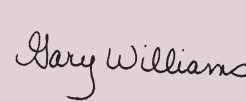
Finally, we believe that our success as a society ultimately rests on caring for each other and on developing a culture of shared responsibility. We are fighting for a society whose response to a hearing-impaired boy whose family can't afford a hearing aid and who is falling further and further behind in school as a result will no longer be, "Tough luck." We're fighting for a society that no longer tells a nonviolent Three Strikes offender, "You're trash. We're throwing you away."

Respect for and belief in our common humanity is the thread that runs through all of our work. Together, we're creating a society that's based on openness, inclusion, and compassion. Thank for your visionary contribution to a better California.

Sincerely,



Jarl Mohn
ACLU/SC
Foundation Chair



Gary Williams
ACLU/SC
President



Ramona Ripston
ACLU/SC
Executive Director

an OPEN &
VIBRANT
society

Freedom In an Era of Yellow, Orange, and Red

In times of war and heightened fear, our nation's commitment to an open and free society has often faltered. Since it was founded, the ACLU of Southern California has recognized this danger and fought with increased vigilance during such eras to preserve and extend a vision of an open and culturally vibrant society. During the red scares that started in the 1930s and extended through the McCarthy years, the ACLU battled blacklists, fought to allow third parties (even unpopular ones such as the Communist Party) access to the ballot, and stood up to measures that sought to eliminate freedom of conscience, such as loyalty oaths.

One of the proudest moments in our affiliate's history was our stand during World War II against the detention of Japanese American citizens and permanent residents at a time when the atmosphere of fear and alarm was even more intense than it is now.



Today, in an era when color-coded security alerts are used to instill fear and manipulate the political environment, the ACLU family of organizations has been the undisputed leader in organizing opposition to the government's efforts to roll back civil liberties. Our progress over the last three years has been steady and unfaltering, and our dedication has yielded critical shifts in popular opinion and in the political climate.

A significant test of our efforts came in early 2003, as Attorney General Ashcroft prepared to launch a second even more intrusive version of the PATRIOT Act, known popularly as "Patriot 2." The ACLU of Southern California, along with other ACLU affiliates nationwide, joined in a massive letter-writing campaign, organizing an internet-based voice of protest that gave Ashcroft and his supporters in Congress pause. The bill was stillborn.

Privacy is a necessary ingredient of freedom of conscience and freedom of expression. A government that monitors its citizens' reading habits or business records chills their exercise of their basic freedoms. The ACLU of Southern California, working closely with Californian librarians, our national office, and Congressperson Bernie Sanders, identified Section 215 of the PATRIOT Act as a piece of the Ashcroft agenda that was particularly vulnerable to public backlash and political challenge. Section 215 allows the federal government unprecedented new powers to scrutinize individuals' private library and other business records, without adequate review, and with no notification.

We developed a website, posters, and bookmarks to educate the public in California about how the PATRIOT Act jeopardizes their privacy. We assisted Congressman Sanders in his efforts to publicize his anti-215 legislative campaign in California. And in 2003, we continued to highlight such dangers with a town hall meeting at Patriotic Hall in downtown Los Angeles, held with the League of Women Voters. The issue was also central to our efforts to help communities pass local resolutions protesting the civil liberties violations of the PATRIOT Act, and in 2003-04, we scored significant new victories on that front, from



Pomona to Los Angeles. Efforts to de-fund Section 215 resulted in a deadlock.



A packed crowd listened to Laura Murpy, Bob Barr, & Grover Norquist discuss the USA PATRIOT Act at our Town Hall meeting

Our fight against the closing down of American society in the face of fear continued in other neighboring policy arenas, as we battled the efforts of anti-immigrant forces in Congress to pass the CLEAR Act. The CLEAR Act proposed to tie federal funding of local police departments to their participation in the enforcement of federal immigration law, an area local police have almost universally avoided because of its profoundly negative effect on their ability to police immigrant communities and ensure the greatest possible safety to all residents within their jurisdiction. Situated in the heart of an immigrant-rich metropolis, the ACLU of Southern California played a critical role in leading the fight to stop this anti-immigrant measure, a fight that continues.

The Larger Shadow Cast by Fear

A climate of fear does not confine itself, however, to the immediate objects of its fear, and the ACLU/SC understands well that in a time when the very nature of our society is so closely contested,

the forces seeking to close our society will choose many strategies to consolidate power and advance their agenda, appealing to authoritarian, “traditional,” and majoritarian values.

An open and vibrant society celebrates diversity of opinion, fosters religious freedom, and recognizes the sexual and gender diversity of humanity. The

effort to pass the Federal Marriage Amendment gained momentum throughout 2003 and early 2004, presenting a key challenge to civil libertarians. Coordinating with our national office and others, the ACLU of Southern California enlisted thousands of activists in the effort to resist an amendment that would have indefinitely barred gay and lesbian couples and families from the protection of our laws and wiped out hard-won gains at the state level, including a comprehensive domestic partner rights bill, AB 205, which we fought for in 2003. In early 2004, the ACLU/SC also joined cases challenging California’s discriminatory marriage laws.

Schools are often a central battleground whose culture and strictures define a society’s openness. In defending the cultural diversity theatrical troupe, Fringe Benefits, from right-wing efforts to exclude their message from schools, we scored a significant victory for the forces of openness (see related story on p. 8).

Another key battlefield in preserving an open society is religious liberty, and the forces that dominate our political landscape now have made a point of exploiting sectarian religious belief for their benefit, blurring our nation’s historic commitment to religious liberty, and fostering government intrusion in religious matters. In 2004, the ACLU of Southern California garnered a key victory in its litigation to remove a large Christian cross from public land in the Mojave National Preserve, overturning Congressional attempts to create a public forum for one religion only.

We also defended religious liberty behind bars in the case of Billy Soza Warsoldier, a Cahuilla American Indian whose religion proscribes men from cutting their hair except on the occasion of the death of a loved one.

Finally, the ACLU of Southern California brought to a successful conclusion its case defending an artist against a lawsuit by Mattel. The effort helped strengthen individuals’ ability to use the cultural materials at their disposal to comment on the culture

that creates them. The loss was widely considered a wake-up call to Mattel and other corporations, giving them notice that strong-arm legal tactics can’t be used to shut down parody and artistic critiques.

Whether a prison warden, a corporation, or the federal government is the entity attempting to shut down freedom of conscience, the ACLU continues to stand up and fight for a vision of an open, vibrant, and free society, a cultural landscape defined by the lively and enriching interplay of individual voices and beliefs.



Photo by Kara Korbel Chinula



ACLU/SC religious liberty plaintiff Billy Soza Warsoldier

ACLU Defeats Right-Wing Effort to Stop Anti-Bias Theater in Schools

Grace Bartee learned about the play in the San Ramon Elementary School newsletter, where her daughter attended fifth grade. “Cootie Shots: Theatrical Inoculations Against Bigotry.” The title grabbed her. It sounded like just the sort of thing Novato, her beautiful Northern California home, too often marred by vicious acts, needed.

Children were often bullied in school, beaten and taunted with words slurring their race, gender and perceived sexuality. Bartee’s son was once called “nigger” at elementary school. A student at San Marin High School was brutally attacked by peers who wrote “fag” on his stomach.

Bartee had expressed her worries about the high school to her husband. What would happen to their oldest son, who is of white and African American ancestry?

His response was direct. “You cannot bring change if you run from it.”

“Cootie Shots” was performed in two Novato elementary schools as part of a district diversity initiative. The play was created by Fringe Benefits, a nonprofit educational theater company in Los Angeles. The age-appropriate messages of understanding and tolerance emerge from, among other things, the pain of real

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*—Grace Bartee, parent, member of United
for Safe Schools Navato*

children whose experiences serve as source material for some skits. Artistic director Norma Bowles said the company’s work has been described as “early hate crimes prevention.”

Bartee was surprised to discover she was one of only two parents to attend. Though she works full time as a respiratory therapist, she thought “Cootie Shots” was important enough to arrange time off and experience what was being presented to her child. When the performance ended, she effused to the principal. He asked her to write a letter. She did.

Later, she opened the local newspaper and read that the Pacific Justice Institute, a right wing legal organization, had filed a lawsuit over the performance against the Novato Unified School District. A lawsuit — when only two parents attended.

Citizens for Parental Rights v. Novato Unified School District angered Bartee. She joined



“IT IS CRUCIAL TO HAVE NOT JUST ANY ORGANIZATION, BUT AN ORGANIZATION AS WELL STRUCTURED AND PROGRESSIVE IN THINKING AS THE ACLU. YOU CAN’T GO IT ALONE. OUR ORGANIZATION, WE’RE TOO LITTLE. WE COULDN’T FIGHT BACK BIG.”

—Norma Bowles, artistic director, Fringe Benefits.

United for Safe Schools Novato, grassroots advocates for diversity awareness and educational materials in local schools. But the group was unequipped to go up against the institute. When the ACLU of Southern California and other organizations stepped in, Bartee began to feel hope.

“We felt we were in this little community fighting by ourselves,” Bartee said. “When the ACLU got involved, there was light at the end of the tunnel. There was a chance to stop these people from getting away with this kind of b.s.”

In July 2003 the courts allowed the ACLU to intervene on behalf of the school board. That step made all the difference; in September the Pacific Justice Institute dropped its action.

FAST FACTS

Citizens for Parental Rights (et. al.) v. Novato Unified School District (et. al.)

Filed: 2002, United States District Court, Northern District of California.

Plaintiff:	The Pacific Justice Institute, on behalf of eight parents
Defendant:	Novato Unified School District
Intervention:	Granted in July, 2003. <ul style="list-style-type: none">• ACLU Foundation of Southern California• ACLU Foundation of Northern California, Inc.• United for Safe Schools Novato• Fringe Benefits• National ACLU Lesbian & Gay Rights Project• National Center for Lesbian Rights
At stake:	The February, 2001 performance of “Cootie Shots: Theatrical Inoculations Against Bigotry” at San Ramon and Pleasant Valley elementary schools. Woven from skits, songs and poetry — some fictional, some based on true stories — the play was presented by Fringe Benefits, a nonprofit, educational theater company based in Los Angeles. Designed to give children the tools needed to face bigotry and embrace understanding and tolerance, the work was developed in collaboration with more than 500 educators, therapists, young people and parents. Performances of “Cootie Shots” have been staged before 35,000 students in more than 150 schools throughout California.
Essence of complaint:	The Pacific Justice Institute (PJI) maintained performance of “Cootie Shots” violated parental rights by exposing children to a pro-homosexual agenda against the will of the parent and denying parents an ‘opt out’ clause to prevent children from viewing objectionable material. The suit also alleged the performance interfered with a parent’s Constitutional right to direct the upbringing of a child and violated a parent’s Constitutional right to free exercise of religion. The suit also claimed there was no advance notice given of the planned performance. In addition to the school district, the lawsuit named individual school principals. The ACLU and others stepped in to fight PJI and allow the performances to continue.
Result:	Dismissed without prejudice, September, 2003



a society that INVESTS

in every

individual

Education: The Passport to What's Possible

Throughout our history, reformers, from the abolitionists to the civil rights leaders of the mid-20th century, have recognized that access to education is a fundamental precondition for every aspect of participation in our society (from exercising one's democratic rights, to securing a living for oneself and one's family, to being fully able to exercise freedom of conscience and speech). Education is the core investment that society makes in an individual's intellectual development and prospects for the future.

Early in its history, the ACLU of Southern California became a friend of the court on behalf of 8-year-old Sylvia Mendez, who was denied admission to a white public school in Orange County. We helped overturn the Westminster school district's practice of segregation in the case *Mendez v. Westminster*, which predated *Brown v. Board of Education* by eight years and started the end of segregation in California.

But just as *Brown* didn't fully solve the problem of inequality in education, California continued to face patterns of inequality for decades, driven by de facto residential segregation, by neglect of schools attended predominately by students of color, and by a state governance structure that turned a blind eye to the vastly inferior education that millions of California students receive — the lack of text books and materials, the scarcity of trained

teachers, and degraded, unhealthful facilities. As a result, in 2000, the ACLU of Southern California, along with a host of other advocacy groups and the pro bono counsel of the law firm Morrison & Foerster, challenged California's provision of inadequate education to so many of its children, (see related story on p. 18).

In today's economy, education beyond the high school level determines a person's lifelong opportunities and earning power. California, since the passage of Proposition 209 has faced the difficult challenge of ensuring that the doors to higher education are open to all without possessing the affirmative action tools that have proven effective in achieving that goal. This challenge informed three of our top priority campaigns in 2003-04.

Proposition 54, the brainchild of UC Regent Ward Connerly, who felt that Proposition 209 hadn't gone far enough, sought to ban the state's collection or use of data on race or ethnicity. Among other consequences, the effect would have been crippling to the effort to ensure greater access to higher education to students from under-represented communities. The ACLU of Southern California worked with civil rights and health groups throughout the state to fight the measure and communicate to the public that it would have made educational outreach programs, targeted public health campaigns, and

civil rights law enforcement virtually impossible. Providing leadership on the executive committee of the campaign and developing the campaign's core information, messages, and strategies well in advance of the election, the ACLU and other civil rights groups who joined us in organizing the opposition to this reckless and dangerous measure laid the groundwork for an overwhelming 64%-36% victory at the polls.

But shortly after the special election that yielded this decisive progressive victory, the new Republican administration unveiled another attempt to erode access to higher education for students of color: Governor Schwarzenegger's first draft budget for 2004 included a controversial proposal to wipe out the University of California's and California State University's outreach programs, which, to some extent, had succeeded in compensating for 209's devastating effects. In fact, since 209, outreach programs have grown in importance as a way of ensuring that the University of California reaches historically under-represented communities and provides opportunities to students from those communities. Among African American UC freshmen last fall, 35.8% had taken part in an outreach program. Among Latino freshmen,

the number was even higher: 46.6%. The ACLU, working with tens of thousands of students and with the outreach program staff, launched an immediate

Internet campaign and followed it up with several "Access for All" fax days. The funds were partially restored.

In 2003-04, we continued another critical campaign to provide access to higher education for undocumented, long-time resident students. After a successful campaign to overturn California's requirement that such students pay exorbitant "out-of-state" tuition fees, we trained our sights on changing federal law so that the same students could become eligible for federally-funded state financial aid programs. The ACLU/SC led Southern California efforts to support the DREAM Act, a bipartisan effort to remove the block on financial aid, helping coordinate and support a youth-led public education and lobbying effort in support of the bill, which is still in progress.



ACLU/SC Executive Director Ramona Ripston at the Prop. 54 victory party

Equality for Girls and for LGBT Students



Battles for equality in education and city youth programs don't always shape up along lines of race and class. Indeed, the ACLU has participated in ground-breaking campaigns to extend our society's understanding of equality by focusing attention on the barriers that girls and lesbian, gay, bisexual, and transgender (LGBT) students too often face.

Continuing a six-year-old litigation and public education campaign for gender equality in city sports programs, the ACLU

Amorette Avila, ACLU/SC gender equity plaintiff

of Southern California filed suit against the city of La Puente for providing girl softball players with grossly inferior fields and facilities than it provided to boy baseball players. The girl softball players stood up to this unfairness, and the ACLU/SC, with a track record of success in challenging such inequities, successfully pushed in the courts for settlement. But the La Puente athletes and the ACLU/SC wanted to make sure that other girls' teams benefited, too, and so, in 2003, we launched legislation to require equality in city sports programs for youth.

LGBT students face a different form of discrimination. Despite passage of a landmark law in 1999 that protects students from harassment and discrimination on the basis of sexual orientation or gender identity, students still face routine harassment and violence. In response, the ACLU/SC helped launch the California Safe Schools Coalition two years ago to focus attention at both the state and local levels on the implementation of our nondiscrimination law. In January, 2004, the Coalition released the largest study ever of the problem of harassment on the basis of sexual orientation in schools. The coalition analyzed data from over 230,000 students and, extrapolating from that data, showed that 7.5% of all students, or more than 200,000 California students between the 7th and 12th grade, are harassed each year on the basis of sexual orientation – with severe negative consequences to their health

and well-being. But the coalition also developed research showing that schools can take steps to make a difference, including making sure students are informed of a nondiscrimination policy, supporting Gay-Straight Alliances, training teachers to intervene, and other steps.

Coincidentally, one of the school districts in which the coalition needed to advocate for LGBT students most actively in 2003-04 was the Orange County district of Westminster – the same district where the ACLU/SC's history of educational equity litigation began. In 2003, Westminster insisted that it needn't include actual or perceived gender in its nondiscrimination policy, and the firestorm that erupted as the district played a game of brinksmanship with the



Westminster protester's sign, left outside school board meeting

state produced an outcome few in the safe schools movement would have ever predicted: a room of over 1,000 community members, teachers, and parents in a conservative Orange County district showing up to protest loudly and vigorously an effort to discriminate against gender non-conforming students. The district, facing pressure from advocates, parents, and the state, revised its policy.

Only through taking affirmative actions can we ensure that each and every person has the opportunity to reach their full potential, whether in the classroom or on the playing field, and only through doing so can we reach our own full potential as a society.

The Williams Case: Breaking New Ground in the Civil Rights Struggle Over Education



Reverend Williams & his son Eli, when the case was filed in 2000



Eli Williams today

As an Army kid moving through posts from Texas to American Samoa, Eli Williams went to a lot of schools. He came to understand them, what made some good and others ... not so.

When his family settled in San Francisco and Eli enrolled in Luther Burbank Middle School, he knew the place ranked "not so." In gym, kids worried about falling ceiling tiles. Broken lockers wouldn't open, requiring many to negotiate with peers to share storage space. In classrooms, the occasional rodent fled across the floor while kids tried to study from ancient books pocky with missing chapters. Often a textbook was little more than a tattered photocopy tossed down through the ages.

"I'm wondering, what is the school district doing?," said Eli, now 16 and a senior at Balboa High School. "Why are they treating different schools differently?"

It was a question asked throughout California for decades, and in May of 2000, the ACLU of Southern California, joined by a statewide

network of civil rights groups, filed suit to change the answer. *Williams v. California* demanded the state provide students with critical basics for education: clean and safe schools, updated textbooks and qualified teachers.

When she started working on the case, ACLU-SC staff attorney Catherine Lhamon was shocked to hear of the appalling conditions in some schools. Her dismay fueled action as she spent the bulk of her five years with the ACLU/SC working on the case. The fight was difficult; then-governor Gray Davis racked up an \$18 million bill hiring a private law firm to resist.

In August, Gov. Arnold Schwarzenegger agreed to a landmark settlement of *Williams*. 2004 marks the 50th anniversary of *Brown v. Board*, which called for the elimination of school segregation.

"It's the best thing I've ever done," Lhamon said. "I think public education is the key to everyone's future. This is the civil rights struggle for this generation."

Eli, an aspiring cinematographer, still thrills at the memory of helping the lawyers gather needed evidence. A seventh-grader at the time, he took the disposable cameras his father

"I HAVE A LITTLE SISTER. SHE'S GONG TO BE ABLE TO SEE THE FRUITS FROM THIS CASE. I HAVE NIECES AND NEPHEWS AND COUSINS. I DIDN'T ACTUALLY DO IT FOR MYSELF. I DID IT FOR THEM."

— *Eli Williams, lead plaintiff.*

provided and photographed "how everything was messed up" at Luther Burbank. If the principal looked at him funny every once in a while, Eli kept on, remembering his father's words.

Sweetie Williams, pastor of First Samoan Full Gospel Pentecostal Church, told Eli dirty looks meant nothing. What mattered was the future for all children.

"I hope this is going to be a real solution. What we have is a real problem happening to real people," Reverend Williams said. "These are our children. They are supposed to be the future of our families, our communities and our country. We still got generations and generations to come."

Williams v. California

Filed: May, 2000. Superior Court, County of San Francisco.

Plaintiff: Eliezer Williams, a minor. Class action.

Defendants: State of California; State Superintendent of Public Instruction; State Department of Education; State Board of Education.

At stake: The lawsuit charged the state with failing to meet its Constitutional obligation to give California students the fundamental basics needed for an education. Substandard and poor facilities, outdated – and in some cases nonexistent – textbooks, and underqualified teachers plagued the poorest of California schools, most of these populated by students of color.

Result: August 2004 landmark settlement.

Financial requirements of the settlement include:

- ◆ Create an \$800 million School Facilities Emergency Repairs Account to help low performing schools fund critical repairs.
- ◆ \$138 million to be used to provide books and various instructional materials to schools ranked in the bottom three tiers of the Academic Performance Index.
- ◆ \$50 million to be used to evaluate the repair needs of the actual school sites. This includes \$20 million to inventory sites and \$30 million to help county superintendents build capacity in order to supervise these schools and oversee repairs in those schools during the coming year.

Other requirements of the settlement include:

- ◆ Create new standards for instructional materials and school facilities.
- ◆ Streamline the requirements to credential out-of-state teachers in order to get more qualified teachers in classrooms.
- ◆ Intervene in the lowest performing schools, ranked in the bottom three tiers in the Academic Performance Index, if those schools fail to provide adequate books and materials or have trouble finding teachers.
- ◆ Eliminate the shortened, multi-track school year by 2012.
- ◆ Add new schools to the High Priority Schools Grant Program as current schools improve and are phased out.



Students in the Williams case documented school conditions such as these

a society of caring
& SHARED
responsibility

A Broader Vision of Shared Responsibility

One of the core values of the ACLU of Southern California is an emphasis on a broad agenda that encompasses economic rights and extends beyond a circumscribed list of civil liberties issues. The ACLU of Southern California believes that the only way to achieve true liberty and equality is to bring about a society that cares about each individual member's basic well-being and institutes public policies that embody that caring through a shared responsibility for one another.

The linkage between economic welfare and liberty and justice issues was apparent to the Southern California affiliate from the very moment of our inception, over 80 years ago, as Upton Sinclair faced a violent police force and a corrupt criminal justice system, risking his life to speak out in support of San Pedro longshoremen's right to assemble and organize for better working conditions. Wrapped up in this moment were three threads that we continue to pursue today: core liberties in the form of freedom of speech and the freedom to assemble, injustice in our criminal justice system, and economic justice issues.

The lack of health care security continues to dominate California households' list of domestic concerns, and our health care system, under the duress of untrammelled cost increases and the rising population of the uninsured, is in a state of crisis. In

addition to pursuing a global solution to these problems (see related article on p. 27), the ACLU of Southern California took targeted litigation and policy action to defend and expand access to health care in 2003-04.

Faced with cuts that would devastate critical portions of Los Angeles County's safety net for injured and disabled people in need of rehabilitation, the ACLU/SC joined other local groups in filing suit to stop the closure of Rancho Los Amigos, the premiere county facility providing such services. We successfully secured an injunction that prevented the closure and other cuts.

In 2003, we worked with allies in labor to push for SB 2, a bill that expands health care coverage to an additional 1.1 million Californians by requiring businesses that are shirking their duties to provide health coverage to begin sharing the responsibility for health care, rather than sending their workers to public programs, or worse, emergency rooms. McDonald's, Macy's, and other businesses that wanted to continue shirking or to divest themselves of this shared responsibility bankrolled an effort to overturn the law. That referendum, Proposition 72, will be on the November, 2004 ballot.

Falling Through the Cracks: Society's Most Vulnerable



Our emphasis on a caring society and a society of shared responsibility finds expression in many of the basic social

Dickensian county facility called MacLaren, where they were so neglected that their care was characterized by ACLU attorneys on the case as "amounting to government-sponsored child abuse." The ACLU filed suit against the county in 2003, alleging systemic failures to provide the treatment and care specified by state and federal laws. The county, recognizing the undeniable truth of these charges, quickly settled. MacLaren has been closed.

systems affecting the most vulnerable and, in some cases, despised members of our society.

Los Angeles County, with the nation's largest foster care system, has a dismal and disheartening record of keeping track of and providing the necessary treatment for the children in its charge. Many of the most troubled children, those most in need of therapy and individual attention, had been warehoused for years in a jail-like,



interests, began a policy of conducting skid row sweeps, instilling fear and disrupting the tenuous lives of those who had no place else to go. The ACLU filed suit against the city.

In 2003, the ACLU also took action on behalf of Los Angeles' homeless population. As demand for shelter beds increased by 19% in 2002, the steepest rise in a decade, and 32% of shelter requests by homeless families in Los Angeles could not be met, Los Angeles answered this crisis by enforcing an ordinance that bans sitting or sleeping on sidewalks. Law enforcement, acting at the behest of downtown business

The Toughest Test of Our Humanity: Fairness in Criminal Justice

But the truest — and toughest — test of a society's compassion and the depth of its belief in the inherent worth of every person is its criminal justice system. Does it operate fairly in every phase of its operations, from law enforcement, through trial, to sentencing? Does it provide for humane conditions to those who are convicted of crimes? Is its basic approach one of rehabilitation or one of vengeance?

By these measures, California has a long way to go. The Los Angeles Police Department, still emerging from the abuse crisis that necessitated a consent decree monitored by the ACLU and the federal government, has made strides, but remains a work in progress — a work we're active in shaping and influencing through our vigorous participation in monitoring the consent decree on behalf of affected communities.

Likewise, the Los Angeles County jail system, which we monitor under another consent decree, continues to require rigorous scrutiny and oversight. In 2003, the ACLU added staff to strengthen our oversight capacity, and we continue to work on a daily basis taking complaints, conducting inspections, and advocating for inmates' rights — critical, difficult, and unsung work to make Los Angeles County a more humane place.

Perhaps the most telling example of California's humanity deficit



After an action campaign by the ACLU & FACTS, Pam Martinez, a former Third Striker, won clemency from Governor Schwarzenegger in her dispute with the state over time served

is its treatment of nonviolent Third Strike offenders. California is the only state in the nation to apply 25-years-to-life sentences to nonviolent third strike offenses such as stealing diapers or bread, or possessing a small quantity of drugs. As U.S. Supreme Court Justice Stephen Breyer pointed out in a minority opinion regarding a Three Strikes challenge we brought jointly with Professor Erwin Chemerinsky in 2002, at no other point in our nation's history has a person been sent to prison with an indeterminate life sentence for an offense as minor as shoplifting. Thousands of families have been torn apart, and our legislature has failed in nine consecutive attempts to amend the law, despite overwhelming public support.

The ACLU of Southern California continued its strong partnership with Families to Amend California's Three Strikes (FACTS) throughout 2003-04, working to develop



Dorothy Erskine & her nephew Brian, who is serving 25 years to life for aiding & abetting shoplifting

an initiative campaign strategy, then jumping into high gear when it became apparent that an initiative to fix the law's flaws would at last be placed before voters in November, 2004.

Caring for all, caring for the most vulnerable, and caring for the most despised: collectively, these acts of caring constitute a culture of shared responsibility, and this is the true measure of a society's civilization.

Our work, though unfinished, is guided by a vision that moves us closer to a better California.

7 Million Uninsured Californians Live in Fear



Dr. Jamie Garcia examines patient Valencia Mc Herron at the Pomona Community Health Center

the results were devastating: cancer. The cancerous polyps were removed from her colon in 2002, but Clendenin is living in fear.

“I haven’t had a colonoscopy since then,” she says, and she knows she needs regular screening. She also needs a procedure to correct a prolapsed bladder.

As a certified nursing assistant working temporary jobs through a registry, Clendenin is trying to support herself but has no insurance.

“I can’t afford not to work,” she said, but by earning a little too much, she could threaten the limited health care she does have access to: indigent care. Indigent care leaves much to be desired,

Patricia Clendenin knew something was wrong, but knew that, without health insurance, there was nothing to do but save. Save and pray.

She finally scraped together the money to pay for tests, and

making specialists, tests, and other necessities for someone in Patricia’s situation difficult to access.

Even if she could afford private insurance, it might not be available. When she contacted Blue Cross about an individual plan, she learned she would have to be cancer-free for five years just to be eligible.

For Clendenin and the approximately 7 million uninsured Californians, hope is on the horizon. It’s a distant horizon, but one the ACLU helped bring a step closer in the last year. With the support of the ACLU and other groups, Senator Sheila Kuehl’s “Health Care for All Californian’s Act,” SB 921, which would provide health care for every resident, passed out of the Assembly Health Committee on a 12-5 vote. This was a critical early test in what’s sure to be a long battle to create a single-payer, universal health care system in California. By redirecting to health care money now being wasted on administrative costs and drug company profits, California could deliver comprehensive care for every resident without raising the overall cost.

“I see patients every day whose health — whose very survival — is threatened because they don’t have access to comprehensive health care,” said Dr. Jamie Garcia, who runs the Pomona Community Health Center, and who joined the ACLU in its



lobbying effort in support of SB 921. “I know a boy whose family couldn’t afford to treat their son’s ear infections and who then couldn’t afford a hearing aid to compensate for his resulting hearing impairment. He fell behind in school. What will become of him? By neglecting him today, we risk losing the full value of his contributions to our society tomorrow.

“With regular access to a pediatrician and inexpensive treatment, he wouldn’t be disabled.”

Despite the overwhelming need, moving the plan forward over the opposition of entrenched interests will require support from members of the public and from the private sector. Mike Suarez, president of the Pomona Valley Latino Chamber of Commerce, joined the ACLU’s efforts to lobby Assemblywoman Gloria Negrete McLeod on behalf of the bill.

“She was on the fence and, lo and behold, she voted for it,” he said.

His chamber’s officers voted to support the bill, Suarez said, but many business people don’t realize they could be relieved of workers’ compensation costs as well.

If that message gets out, he said, he thinks they’ll back universal health care for Californians. With 25-30% of every health dollar wasted every year on overhead and with costs escalating every year, Suarez believes, the business sector is a sleeping giant that will soon awaken and demand fundamental change.

FAST FACTS: sb 921

The Health Care for All Californians Act (Kuehl)

Introduced: 2003

At stake:

- Our current system leaves out 1 in 5 Californians; nearly 7 million Californians are uninsured.
- 83% of the uninsured belong to working families.
- 1 of every 2 bankruptcies is connected to medical bills
- The uninsured have a 25% higher mortality rate, according to the Institute of Medicine.

Outcome:

The ACLU, working with the advocacy group Health Care for All - California, won a key victory in 2004 in an early legislative test. Securing universal health care in California will take years.

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Add your voice to the more than 39,000 members in Southern California and 400,000 ACLU members across the nation! Annual memberships cost \$20.00 (\$30.00 for a joint or family membership) and connect you to one of the largest activist networks in Southern California. Call (213) 977-5216 or join on our website, www.aclu-sc.org

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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, more than three decades later, the ACLU maintains one of the nation's largest dockets of cases concerning the rights of lesbians, gay men, transgendered people and those living with HIV-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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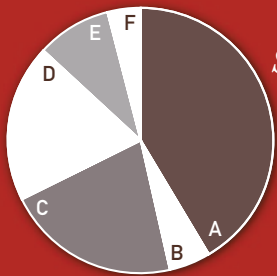
ASSOCIATES (\$500 to \$999)
Timothy Alderete
Robert Brassel
Jory Burton
Mike Cavalluzzi
David Dinielli
John Duran
Herb Gore & Bob Wildman
Tony Hamer
John Heilman
Keith Kauhanen, M.D. & Jim Petrone
J. Christopher Kennedy
Isa-Kae Meksin
Steve Nikolas
Dr. Silas E. O'Quinn & Nathan Smith
Edward Pierce & Robert Saltzman
Christopher J. Price
Franklin & Shirley Poul
Gregory Ritmire
Alan H. Rosenberg & Harry Drasin, M.D.
Anita May Rosenstein Foundation

EXECUTIVE DIRECTOR
Ramona Ripston

LEGAL DIRECTOR
Mark D. Rosenbaum

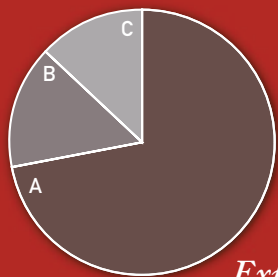
Julianne Alexander
Vernon Andrews
Brenda Anthony
Ahilan Arulanantham
Lois Bader
Joyce Bradberg
Christopher Calhoun
Oscar Carpinteyro
Heather Carrigan
Kerith Dille
Glen Eichenblatt
Peter Eliasberg
Anabela Ennes
Tenoch Flores
Elizabeth Gonzalez
Sandra Graham-Jones
Eric Greene
Hal Gunn
Mario Guzman
Rachel Howzell Hall
Carol Kaye
Jody Kent
Catherine Lhamon
Sheila Long-Harmon
Maricela Lopez-Krulak
Michelle Matthews
Brenda Maul
Elvia Meza
Sharon Murphy
Ranjana Natarajan
Samuel Parker
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Elizabeth Schroeder
Lisa Suppanade
Cristina Ventura
Teresa Virgen
Ben Wizner
Clarissa Woo

SACRAMENTO LEGISLATIVE OFFICE
Francisco Lobaco
Valerie Small Navarro
Ken Russell



Support & Revenue \$4,307,948

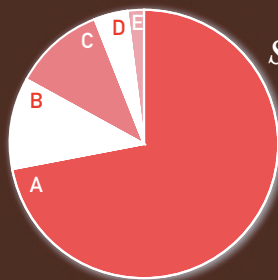
SUPPORT & REVENUE*	TOTAL	PERCENTAGE
A. Individual Contributions	\$1,787,167	41%
B. Bequests	\$890,271	21%
C. Court Awarded Fees	\$829,301	19%
D. Restricted Foundation Grants	\$393,120	9%
E. Interest & Other	\$176,750	4%
F. Budgeted Transfers	\$231,339	5%



Expenses \$3,472,316

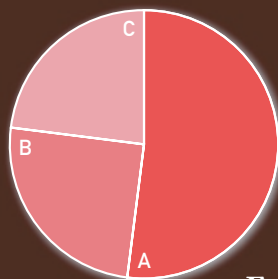
EXPENSES	TOTAL	PERCENTAGE
A. Program Services	\$2,502,272	72%
B. Fundraising	\$524,714	15%
C. Management & General	\$445,330	13%

**Represents net of sharing with the National ACLU Foundation of contributions and bequests. The National ACLU Foundation shares totaled \$2,274,370*



Support & Revenue \$765,966

SUPPORT & REVENUE*	TOTAL	PERCENTAGE
A. Membership Dues	\$554,066	72%
B. Individual Contributions	\$83,363	11%
C. Bequests	\$81,879	11%
D. Interest & Other	\$29,968	4%
E. Budgeted Transfers	\$16,690	2%



Expenses \$775,262

EXPENSES	TOTAL	PERCENTAGE
A. Program Services	\$400,857	52%
B. Fundraising	\$193,411	25%
C. Management & General	\$180,994	23%

**Represents net of sharing with the National ACLU of dues, contributions and bequests. The National ACLU shares totaled \$175,829.*

All figures provided are unaudited at time of publication. Complete, audited financial statements for the year ending March 31, 2004 by Engel, Kalvin, et al., may be obtained by writing to the ACLU/SC, 1616 Beverly Blvd. Los Angeles, CA 90026.

annual report · 2003/2004

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