

Civil Liberties

BECAUSE FREEDOM CAN'T PROTECT ITSELF



NEWS AND EVENTS FROM THE ACLU OF WASHINGTON

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Oly '09: A Banner Year for Civil Liberties in the Legislature



Gov. Gregoire and supporters of sports equity at signing of the Fair Play bill

“It was a banner session for civil liberties,” said Kathleen Taylor, executive director of the ACLU of Washington, in assessing the 2009 state legislative session.

Citing voting rights reform, extension of domestic partnerships, privacy for car travelers, and fair play in community sports, she said, “The Legislature took significant strides in protecting privacy and extending fairness in several important areas.”

One disappointing area of inaction was drug policy reform. In a year of severe budget cuts, the legislature missed an opportunity to save significant money by reclassifying possession of small amounts of marijuana from a misdemeanor to a fineable civil infraction. The Washington State Office of Financial Management estimated that the ACLU-backed marijuana reclassification bill (HB 1177, SB 5615) would save the state more than \$16 million a year by no longer forcing the state to arrest, prosecute, and jail people for possessing marijuana for personal use.

Continued on page 3

ACLU-WA Gains Settlement for Art Professor Handcuffed and Detained for Taking Photos

An art professor who was frisked, handcuffed, and detained for taking photographs of power lines has received \$8,000 in a settlement of her lawsuit against the City of Snohomish. The ACLU-WA represented Shirley Scheier in seeking redress for her wrongful detention by Snohomish police.

The settlement came after the U.S. District Court in Seattle last year found that officers “lacked a reasonable justification for their aggressive tactics in completely restraining Scheier’s personal liberty.”

“Taking photographs of objects or people in plain view is not a crime. Police should not presume that it is a suspicious

act, and should not overreact by detaining people for taking pictures,” said ACLU-WA Legal Director Sarah Dunne.

Shirley Scheier is a 55-year-old artist and Associate Professor of Fine Art at the University of Washington who often uses photos of public land and public structures

Continued on page 3

Stop Indefinite Detention

The ACLU is vigorously opposing plans by the Obama administration to seek the power to indefinitely detain individuals without charge or trial. Indefinite detention fundamentally undermines our system of justice. It guts the very meaning of the Constitution’s guarantee of due process.

“In America we do not just lock up people and throw away the key. Indefinite detention is a dangerous idea, and the ACLU calls upon our lawmakers to reject it decisively,” said the ACLU-WA’s Taylor.

“For America to be both safe and free, we need to renew our commitment to the Constitution’s values of justice, due process, and individual freedom,” she added.

Accountability for Torture

To restore the rule of law, the ACLU is demanding a thorough investigation of those who ordered and authorized the Bush Administration’s torture policies and criminal prosecution of the perpetrators.

“We can’t just sweep the abuses of the last eight years under the rug,” said ACLU-WA executive director Kathleen Taylor. “Torture is a crime. We need to get to the roots of the torture program and ensure that the abuses are not repeated.”

Freedom of Information Act requests by the ACLU already have resulted in the disclosure of more than 100,000 pages of government documents, including key memos authorizing torture. It is clear that torture policies

Continued on page 3

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ACLU-WA Ready to Resist Rollback of Domestic Partnership Rights

The ACLU-WA is working with other members of the Washington Families Standing Together Coalition to defend the state's new domestic partnership law. Passed by the 2009 legislature, the measure (SB 5688) extends the rights and responsibilities of registered domestic partners to all areas of state law that cover legally married couples.

The law takes effect on July 26 unless groups seeking to roll back equal right collect 120,577 signatures to put a referendum on the November ballot. Referendum 71 would ask voters whether SB 5688 should be retained as law or repealed. A vote to "Approve" would keep the law.

The ACLU is urging voters not to sign the referendum petitions. It has been working with allies to be prepared to mount a vigorous defense if there is an electoral contest. "Our laws should respect the needs of all families. We are confident that if R-71 were to make the ballot, Washington voters will support fairness for all families," said ACLU-WA executive director Kathleen Taylor.

The legislature established a domestic partnership registry in 2007 for same-sex couples and opposite-sex couples with a partner age 62 or older. SB 5688 provides registered domestic partners the same legal guarantees under state law to make decisions about families and finances that other committed couples have. Rights and responsibilities covered by the new law include:

- Death benefits for partners of police and firefighters killed in the line of duty
- Pension benefits for partners of teachers and other public employees
- Victims' rights to receive notifications and benefit allowances
- The right to adopt a partner's child without paying for a home study

"Families raise children, buy houses, and seek to create stable lives together. They need the security that legal protections provide," added Kathleen Taylor.

Check the ACLU-WA website for an update on whether R-71 will be on the ballot. ■

Contreras, Gainer Join Board

The ACLU of Washington Board of Directors has appointed two new members to fill vacancies on the board. **Frances Contreras** is on the faculty of the UW College of Education, where she researches issues of equity and access for underserved students of color. She recently authored a report on Latino students in Washington for the Commission on Hispanic Affairs. Previously she served as a consultant to Bay Area nonprofit organizations. Contreras earned a Ph.D. from Stanford University and an M. Ed. from Harvard University.

Randy Gainer is a partner at the law firm Davis Wright Tremaine, where his practice areas include privacy and security, communications, media, information technology and intellectual property. He was co-counsel for the national ACLU in litigation against the National Security Agency, challenging its domestic surveillance program, and has spoken for the ACLU-WA. Gainer earned a J.D. from Indiana University School of Law and a B.A. from the University of California, Berkeley. ■

STRETCH

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Through the generosity of a long-time supporter, donors who increase their previous year's gift by \$1,000 or more will have the increase matched dollar for dollar. Make the most of your donation and together we can build an America we can all be proud of!

Events Calendar

July 31-August 21 – Friday Night Mural Concerts. The ACLU-WA partners with KEXP 90.3 FM for outdoor concerts over 4 consecutive Friday nights at the Mural Amphitheatre in Seattle Center.

August 3 – Promote the Vote Kick-Off Events celebrating Voting Rights Restoration in Seattle and Tacoma with the Washington Bus and League of Women Voters.

August 6 – Greater Access to Assistance Program Training for Attorneys. ACLU-WA cooperating attorney Cynthia Buhr trains young lawyers in domestic partnership law at the Snohomish County Courthouse.

August 15-16 – the ACLU-WA at Hempfest. The ACLU-WA provides information and speakers on drug policy reform at the annual festival held in three waterfront parks in Seattle.

September 1 - Civil Liberties 101: Student Rights. Continuing legal education for attorneys: ACLU-WA cooperating attorneys discuss rights of public school students, celebrating the 40th anniversary of the landmark Tinker Vietnam protest case.

September 12 – ACLU-WA Board Meeting (Seattle)

September (date TBA) – Film on Guantanamo. The ACLU-WA Thurston County Chapter and St.

Martin's University cosponsor a screening of *The Response*, a courtroom drama based on transcripts from Combat Status Review tribunals at Guantanamo.

September 26-October 3 – Banned Books Week. Many ACLU-WA chapters across the state will host events to celebrate the freedom of expression. For information about an event in your community, see the ACLU-WA website or e-mail field@aclu-wa.org.

October 1 – Abolishing the Death Penalty. The ACLU-WA Thurston County Chapter and St. Martin's University cosponsor a talk by renowned death penalty abolitionist Sister Helen Prejean on campus in Lacey.

October – Faces of Freedom. The ACLU-WA's photo exhibit of individuals who have stood up for their rights will be on display at the Intiman Theatre at Seattle Center.

October 8 – Student Conference on Civil Liberties. The ACLU-WA brings together high school students to learn about their rights and share ideas about civil liberties.

October 10 – ACLU-WA Board Meeting (Seattle)

October 24 – Seattle Race Conference The ACLU-WA co-sponsors workshops and presentations at South Seattle Community College.

For more information about events, see www.aclu-wa.org.

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Annual Report

2008-2009

The past year was one of renewed hopes, as the White House became home to an African American and constitutional law professor who articulated the dreams of renewal for America. President Barack Obama has called for the closure of the Guantanamo Bay prison camp, a ban on our government's use of torture, the ending of secret American prisons around the world, and a new era of openness in government.



Yet the ACLU has much work to do. The president's soaring rhetoric needs to be matched by his actions. And two fundamental principles of justice are still at risk post-Bush: that everyone arrested should get his day in court, and, conversely, that no one in America is above the law.

We are working hard to ensure that the president – and Congress – reject proposals that would allow America to continue the indefinite detention of suspects without charge or trial. The American justice system is strong enough to handle the prosecution of dangerous suspects, just as it has done so in the past.

Other suspects have to be prosecuted, too. Government officials who ordered torture, authorized illegal wiretapping, or intentionally withheld CIA programs from Congress should be punished, no matter how high their office. Every parent knows that there must be consequences for misconduct. And every historian knows that if we ignore history, we are bound to repeat it.

Closer to home, in Washington state, the past year has seen some significant hopes realized. The 2009 legislature enacted several ACLU-WA priority measures, including long-sought laws reforming the state's unfair system for restoring voting rights and extending domestic partnership rights to include all those provided by civil marriage.

Support for our work came from beyond the usual quarters. The Secretary of State, county auditors, and some leading law enforcement officials weighed in for voting rights restoration, while coaches and administrators sought ACLU advice about equity in school sports.

We are heartened by shifts in public opinion. As the "culture wars" of the '90s recede, equal treatment under the law for LGBT people – including civil marriage – no longer seems a distant dream. The war on drugs



is widely recognized as a failure, providing a much-needed opening for fresh thinking about laws making people criminals simply for possessing marijuana. Fiscal strains on public budgets stemming from the economic downturn make harsh criminal justice laws ripe for re-examination.

The past year saw an incredible outpouring of energy and enthusiasm for political engagement. Young people in particular have felt that activism and active groups like the ACLU are vital. In the coming year, the ACLU-WA looks forward to continuing to use the momentum from renewed hopes to fuel our work for freedom, justice, and equality – the values at the core of the Bill of Rights and that define who we are as a nation.



Jesse Wing
Board President

Kathleen Taylor
Executive Director

FREEDOM OF *Speech*

► MARCHING IN THE STREETS

Marching is a time-honored way for Americans to express their political views, and public officials must respect free speech rights, even if they are inconvenient.

Culminating years of advocacy and litigation by the ACLU-WA, the City of Seattle this spring revised its ordinance for granting permits to march. Under the new ordinance, police no longer have discretion to arbitrarily revoke or alter permits. The change came after a favorable ruling in an ACLU-WA lawsuit on behalf of the October 22 Coalition, a national organization that holds an annual march against police brutality.

When 80-100 people gathered on Seattle's Capitol Hill for the coalition's 2003 march, a police officer suddenly informed organizers their permit had been rescinded because they had too few people. The participants had to keep on the sidewalk, which limited the march's

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effectiveness. In December 2008 the 9th U.S. Circuit Court of Appeals agreed with the ACLU's contention that Seattle's ordinance for granting march permits wrongly gave police unfettered discretion. Handling the case were cooperating attorneys Michael Ryan and Ryan Redekopp of K & L Gates.

► PROTESTING AT THE PORT

Law enforcement agencies sometimes use aggressive tactics to limit the size and duration of demonstrations. The ACLU-WA is representing peace activists in a lawsuit that tackles the Tacoma Police Department's establishment of designated "protest zones" and other arbitrary restrictions at the Port of Tacoma.

The anti-war demonstrators were arrested for "disobeying a traffic officer" in 2007 when they refused to leave their backpacks out of designated protest zones. Charges ultimately were



dismissed because the offense – a traffic offense – was inapplicable. Our suit in federal court asserts that police actions violated constitutional rights and were part of a systematic effort to discourage demonstrations.

In another lawsuit, we are co-counsel in a challenge to Washington State Patrol actions. As plaintiff Phillip Chinn headed out of Olympia for an anti-war protest in Aberdeen, a call went out to state patrol officers that his car was carrying three known "anarchists." Chinn was pulled over while driving 53 mph in a 55 mph zone and, without any supporting evidence, was charged with driving under the influence of marijuana.

Cooperating attorney Evan Schwab of Dorsey Whitney is assisting the ACLU-WA; co-counsel is Larry Hildes.

► PERFORMING IN THE PARKS

In a resounding victory for freedom of speech in public spaces, a federal appeals court in June struck down the City of Seattle's excessively restrictive rules at Seattle Center. The ruling agreed with an ACLU-WA friend-of-the-court brief asserting that Seattle Center is a park where traditionally strong constitutional protections for free speech apply.

The case arose from a legal challenge by Mike Berger, a street performer known as "Magic Mike." The overturned rules had prohibited any speech activities within 30 feet of a "captive audience," which the city defined so broadly as to cover most of the 80-acre area. The court also found that a rule requiring street performers to obtain a permit before playing was an unconstitutional prior restraint on speech. And the court nixed a ban on soliciting contributions by word, gesture, or second parties, regardless of how quiet and inobtrusive. Cooperating attorneys Amit Ranade and Jake Ewart of Hillis Clark Martin & Peterson assisted the ACLU.

► BROWSING THE WEB AT THE LIBRARY

Public libraries are a valuable resource for online research and reading, especially in rural areas where broadband access is less common and Internet cafes are few and far between. The ACLU is representing three library users and a nonprofit organization in a lawsuit to ensure that patrons of the five-county North Central Regional Library (NCRL) in eastern Washington have access to information on the Internet. The lawsuit challenges the policy of refusing to honor requests by adult patrons to temporarily disable a filter on public computers.

Federal law requires that libraries block minors from viewing "harmful" materials. However, NCRL's filter blocks an ever-shifting list of websites and prevents adults from seeing a wide array of constitutionally protected materials. Among sites that have been blocked are those of an organization encouraging people to commit random acts of kindness and of a Christian group urging women to bring pregnancies to term, as well as YouTube. The Bellevue-based Second Amendment Foundation, a plaintiff in the suit, has found its publication *Women and Guns* blocked.

The suit contends NCRL's filtering policy is overbroad and the library has no reasonable justification for denying adult patrons access to so much lawful information. In June the Washington Supreme Court heard oral argument on state constitutional issues. Still pending in federal court are issues raised under the U.S. Constitution. The team handling the case includes cooperating attorneys Duncan Manville of Savitt Bruce LLP and Aaron Caplan of Loyola University Law School, ACLU-WA staff attorney Harry Williams, and national ACLU staff attorney Catherine Crump.



NATIONAL *Security*

► CONSTITUTION-FREE ZONE

Claiming the right to exercise its authority up to 100 miles from the border, the U.S. Customs and Border Protection (Border Patrol) has created a Constitution-free Zone on the Olympic Peninsula and nearby areas, where it ignores key provisions of the Bill of Rights. The ACLU-WA has worked all year to document and curtail these aggressive actions.

YOUR RIGHTS with Border Patrol Agents on this Bus

- If you're a U.S. citizen, you don't have to prove it.
- If you're not a U.S. citizen and are age 18 or older, you must show your immigration papers to federal agents.
- Everyone has the right to remain silent.

For more information about your rights, contact the ACLU of Washington at 206-425-3180 www.aclu-wa.org



ACLU-WA placard on Jefferson County buses

In 2008, the Border Patrol agents began setting up periodic checkpoints at the Anacortes ferry terminal and highways on the Olympic Peninsula, plus Hwy. 20 in the Cascades. Without any suspicion of wrongdoing, agents stopped all cars and questioned passengers about their nationality – detaining those who do not give “satisfactory” answers. The ACLU objected that such checkpoints interfere with the right to travel freely and do not reflect America’s values. Though touted as a national security measure, in practice the checkpoints have targeted immigrants who pose no security threat.

As grassroots protest against the Border Patrol mounted on the peninsula, we worked with local activists and immigrant rights advocates to educate people about their rights and mobi-

lize opposition. ACLU-WA legislative director Shankar Narayan voiced our concerns before a packed house at a forum organized by the mayor of Port Townsend. At the invitation of the transit officials, ACLU placards on rights with the Border Patrol are displayed on Jefferson County buses. We have distributed “Know Your Rights” materials in Spanish and English.

The Border Patrol has backed off this controversial tactic in recent months, but the ACLU stands ready to file suit if checkpoints are started again and is readying to respond to the agency’s latest tactic. “Roving patrols” of agents are targeting individuals who appear to be Hispanic for questioning and possible arrest. They have stopped cars, boarded buses, and staked out restaurants, courthouses, workplaces, and even playfields. In trips to the peninsula to investigate the situation, ACLU staff saw the climate of fear and intimidation these heavy-handed tactics have created. In addition to preparing litigation options, we have worked with Sen. Maria Cantwell and Rep. Norm Dicks, who have expressed concern about overreaching by the Border Patrol.

► ART IS NOT TERRORISM

Taking pictures of objects or people in plain view is not a crime. Yet many photographers have complained of being harassed by law enforcement since 9/11, as a result of misplaced fears of terrorism. Highlighting this pattern of abuse was an ACLU-WA lawsuit for an art professor who was frisked, handcuffed, and detained for taking photos of power lines in Snohomish.

University of Washington faculty member Shirley Scheier often uses photos of public land and public structures in her artistic prints. In 2005, after she took shots of the towers at a



Shirley Scheier's artwork

substation – from public property – Snohomish police questioned Scheier about her pictures and said her behavior was “suspicious.” Though Scheier was cooperative, identified herself, and explained that the photos were part of an art project, officers detained her in the back of a police car for almost half an hour.

Scheier received an \$8,000 payment in a settlement the ACLU-WA reached with Snohomish this June. It came after the U.S. District Court in Seattle found that officers “lacked a reasonable justification for their aggressive tactics in completely restraining Scheier’s personal liberty.” ACLU-WA cooperating attorney Venkat Balasubramani along with Steven Fogg and Christina Dimock of Corr Cronin Michelson Baumgardner & Preece LLP represented Scheier.

WHY I'M A MEMBER



ROBERT WINSOR, Retired Judge

Bob Winsor first became a member of the ACLU in 1952, after he met neighbors who were active in the organization. Since then, he has been a private attorney, a King County Superior Court Judge, a Washington Court of Appeals judge, and an arbitrator. He also served as a member of the ACLU-WA Board of Directors for a decade and

served a term as its president.

“The ACLU is here to enhance what makes America a great country. I want my children and grandchildren to have as much of the

Bill of Rights as possible,” he says.

On the bench and with the ACLU, Winsor has been a stalwart advocate of the First Amendment. In one of his early cases as judge, he upheld the free expression rights of a woman who challenged a Seattle ordinance prohibiting topless dancing. Local newspapers lambasted his decision, but he was vindicated when the U.S. Supreme Court ruled in a similar case that the First Amendment did indeed protect topless dancers.

In retirement, Winsor volunteers regularly at the ACLU-WA office and recently participated in a moot court to prepare an attorney for an upcoming case. “ACLU lawyers are so effective in the work that they do. It’s exciting to see them in action,” he says.

IMMIGRANT *Rights*

The Constitution guarantees some basic rights of due process and fair treatment to all people in the United States, not just citizens. In 1920, the year of its founding, the ACLU opposed the government's summary arrest and deportation of Eastern European immigrants during the Palmer Raids. We have continued to be on the forefront of every major legal struggle to defend the constitutional rights of immigrants.

► UNLAWFUL CITIZENSHIP DELAYS

Although federal law requires the Department of Homeland Security to approve or deny citizenship applications within 120 days of the naturalization interview, many citizenship applications languished for years, for no good reason. The delays left hundreds of legal permanent residents in limbo unable to participate fully in civic life.

A class-action lawsuit brought by the ACLU-WA and the Northwest Immigrant Rights Project put an end to the delays. And at a ceremony in Tukwila on September 12, 2008, 283 people took the oath to become U.S. citizens – in time to vote in the November election. Legal director Sarah Dunne handled the case, with help from cooperating attorneys Rita Latsinova of Stoel Rives LLP and Alfred Day of Ropes & Gray.

► YOUR PAPERS, PLEASE

It would shock most Americans to be asked for proof of citizenship, yet in some communities, police and other local officials regularly question the immigration status of anyone they think appears Hispanic. Not only is such racial profiling discriminatory, it leads immigrants, regardless of citizenship status, to fear government employees and to hesitate to report crime or seek needed care from public health facilities – which harms us all.

The ACLU-WA has worked with allies to urge the King County Council to follow Seattle's lead and pass an ordinance prohibiting county employees from inquiring about the immigration status of people seeking to use county services. The ACLU helped mobilize supporters to rally at a county council meeting in late June. County Council members were surprised when its hearing room filled up with residents calling for action on the stalled ordinance. A hearing on the proposal has now been set for late July.



Proud new U.S. citizens, thanks to a lawsuit by the ACLU-WA and the Northwest Immigrant Rights Project

There are many pitfalls when local government attempts to take on federal immigration enforcement. In the Tacoma suburb of Lakewood, an ordinance now requires companies that contract with the city to participate in the federal E-Verify program. That program relies on error-ridden government databases to determine who is eligible to work, and its use can result in U.S. citizens losing their jobs due to database flaws. Unfortunately, the ordinance passed this spring over objections of the ACLU-WA and community organizations.

► FAIRNESS IN DEPORTATIONS HEARINGS

In an understandable effort to reduce prison overcrowding, the state Department of Corrections sought to identify inmates who may be deportable and turn them over to federal authorities before they finish serving their sentences. In similar programs elsewhere, legal assistance was not provided to the inmates, and some inmates were deported even though they were U.S. citizens or lawful residents. To avoid this injustice, the ACLU-WA and its allies convinced Gov. Gregoire to ensure that prisoners receive basic advice about their legal rights during the process.

► KNOW YOUR RIGHTS

Immigration and Customs Enforcement (ICE) raids at workplaces, residences, and elsewhere have created fear and confusion in immigrant communities. Whether or not an immigrant's papers are fully in order, many individuals become reluctant to do such routine activities as go to the city clerk to pay a parking ticket, ride a ferry, or just drive down the highway. Immigrant service organizations have been flooded with questions about the criminal justice system and civil liberties. In response, in October 2008 the ACLU-WA conducted a "legal basics" training for outreach workers and grassroots organizers who work with immigrants.

CIVIL LIBERTIES 101

The ACLU-WA has launched a Continuing Legal Education series that is both informative and fun. "Civil Liberties 101" kicked off in February with a seminar on domestic partnership law held at Theo Chocolate in Seattle's Fremont neighborhood. Attendees also had an opportunity to tour the organic chocolate maker's factory.

Throughout 2009, the program is presenting nine free or low-cost seminars for attorneys on timely civil liberties issues. Each provides historical perspectives on landmark cases, as well as an overview of current law and policy. And each is held in a community setting that creatively connects to the seminar's theme. To commemorate the 10th anniversary of the WTO protests, we offered a seminar on Street



ACLU-WA speakers Cynthia Buhr and Hank Balson with Legal Director Sarah Dunne

Speech at the Museum of History and Industry.

Upcoming CLEs will examine Student Rights and Technology, Voting Rights Restoration, Immigrant Rights, and International Human Rights. For more details, see the ACLU-WA website.

VOTING *Rights*

Washington's version of the poll tax finally ended when the 2009 legislature passed a bill that reforms the state's unfair and unworkable system for restoring voting rights. Its passage culminated several years of advocacy and organizing by the ACLU-WA, with support of numerous allies.

The new law automatically restores the vote to citizens who have come out of the criminal justice system. The previous law tied the right to vote – a cherished and fundamental right in a democratic society – to a person's financial means. Individuals with felony convictions were barred from voting solely because they had not completely paid off all fees and costs associated with their sentence. Interest on these debts often accrues at 12% a year. Since an overwhelming majority of felony defendants are indigent at the time of sentencing, many can never fully pay off their legal system debts – and as a result tens of thousands could not vote.

The law disproportionately impacted people of color. The disenfranchisement rate among African American is five times that of the general population and roughly three times as high among Latinos.

Our reform campaign gained support from many quarters, from civil rights and social justice groups to county auditors and law enforcement officials – who explained that restoring the franchise promotes public safety by helping former offenders reconnect with their community. The bill's success reflected the savvy and dedication of prime sponsor Rep. Jeannie Darneille and of Sen. Jeanne



Silvia Giannattasio, Kristin Beneski, Monika Goforth, Jennifer Shaw, and Eric Nygren at a CityClub event where the ACLU-WA was honored for its voting rights work

Washington's voting rights restoration system has been so complex that many eligible people needed outside assistance in navigating its often mystifying processes. Volunteers with the ACLU-WA's Voting Rights Restoration Project helped more than 170 individuals regain the franchise, and their experiences demonstrated the need for reform.

In November 2008 the project was one of five nonprofit groups awarded the Seattle CityClub's Community Matters Campaign "People's Choice Award to Drive Change," which included a \$1,000 donation. Much-appreciated pro bono help came from staff at the Starbucks Coffee Company Law and Corporate Affairs Department and the Gonzaga University Law School's student legal clinic.

Kohl-Welles, sponsor of a companion bill. In the coming months, the ACLU-WA will be spreading the word about the new restoration procedures to eligible individuals and organizations which serve them. And we'll work with government officials to ensure the law is implemented properly.

PRIVACY AND *Technology*

Through its Technology and Liberty Project, the ACLU-WA works to make sure that civil liberties get due consideration in the development and adoption of new technologies. Protections are needed so that personal information about an individual is not gathered and shared without the person's knowledge and consent.

► MY CAR, MY PRIVACY

Technological devices that make our cars safer and more convenient to use also pose new threats to privacy. A law advanced by the ACLU-WA and passed by the 2009 legislature has

moved Washington to the forefront in protecting the privacy rights of vehicle owners.

Global positioning systems (GPS) and event data recorders in cars collect information about the driver's location, speed, steering, brake use and general driving patterns. The ACLU-backed SB 5574 requires auto manufacturers to notify consumers who purchase vehicles that devices in their car will collect such data. Further, it prohibits individuals and agencies from collecting such personal information without the driver's permission or a court order, and it sets limits on sharing the information. The bill's prime sponsor was Sen. Claudia Kaufman; Rep. Deb Eddy sponsored a companion bill in the House.

► PEEPING CAMERAS IN THE PARKS

The ACLU-WA objected vociferously when – with no prior debate – the City of Seattle installed police surveillance cameras in Capitol Hill's Cal Anderson Park. We warned of the dangers of gov-

ernment cameras recording the activities of law-abiding citizens in the parks, and noted that without safeguards for privacy, inappropriate uses of such cameras likely would result.

Sure enough, we obtained surveillance footage of a camera following and zooming in on a couple, with particular interest on a girl in a mini-skirt. The ACLU contacted the Mayor's office, which confirmed there were other instances of improper live monitoring and that changes had been made to ensure that records were kept of officers viewing live video feeds. We also met with the City Auditor to discuss our concerns about the project's evaluation. Under budgetary pressures, the city council halted installation of the controversial police cameras in three other parks in November 2008.



DRUG POLICY *Reform*

Our nation's misguided "war on drugs" has done tremendous damage to civil liberties. It has eroded protections against unreasonable searches and seizures, has been a major cause of racial profiling on highways, and has meant disproportionate arrests and sentences for minority populations. The ACLU-WA is working for a saner approach that treats drug use as a public health concern, not a criminal justice matter.

► MARIJUANA: THE CONVERSATION HAS BEGUN

A recent front-page headline in the *Seattle Times* reported, "More are asking: Is it time to legalize pot?" The ACLU-WA is playing an important role in moving along this growing debate. Throngs attended showings of our award-winning video "Marijuana: It's Time for a Conversation" in Spokane, Vancouver, Kirkland, and elsewhere, plus forums featuring travel writer Rick Steves, who earned an EMMY nomination for hosting the video. Nearly 50,000 people have viewed the video via Comcast OnDemand and YouTube, and the companion website, marijuanaconversation.org, has drawn an amazing 375,000 hits.

We're nurturing the widespread understanding that our current drug policies simply don't work. In March we released an ACLU-WA-commissioned study by two University of Washington researchers on the impact of marijuana laws. They found that laws criminalizing marijuana are not achieving their goals: arresting, prosecuting, incarcerating, and seizing the property of people who commit marijuana-related offenses doesn't reduce use. And lessening or removing penalties doesn't increase it. But it does consume a large chunk of government budgets.

Laws for simply possessing pot have harsh personal consequences, including jail time and fines; possible loss of employment, housing, and financial aid for college; and the stigma of a conviction. The ACLU-WA is championing a bill that would reclassify possession of small amounts of marijuana from a misdemeanor carrying mandatory jail time to a civil infraction imposing a \$100 penalty that can be paid by mail. The state's Office of Financial Management found that its passage would save our cash-strapped governments \$16 million and generate \$1 million more in new revenue each year.

The measure was voted out of committee in the Senate with a bipartisan "do pass" recommendation but failed to come to a vote on the floor. We'll be pressing for its enactment in the 2010 legislature.

► PREVENTING DEATHS FROM OVERDOSES

In Washington, drug overdose is now the leading cause of accidental injury deaths, ahead of motor

vehicles and fire arms. Many of these deaths could be prevented if the victim gets medical assistance in a timely manner. Yet often, witnesses to drug-related overdoses hesitate before calling 911 or do not call at all, fearing arrest or other police involvement.

The ACLU-WA is promoting the "Save a Life" bill that would provide limited immunity from drug charges for overdose victims and for people who seek emergency medical assistance for them. We'll be reaching out to new potential supporters as we seek its passage in the next legislative session.

► PROVIDING TREATMENT RATHER THAN JAIL TIME

A step towards drug policy reform is showing that treating drug abuse as a public health problem can work. That's why we're promoting "pre-booking diversion" programs that offer low-level offenders – people engaged in street-level trafficking and use – the opportunity to receive drug treatment services instead of jail. Such programs bring significant savings to local governments and avoid creating criminal records that become permanent obstacles to improving individuals' lives.

Meetings with law enforcement and other government officials have been fruitful. Pilot programs are underway in Seattle and King County, and are being considered in Spokane. In Seattle, drug policy director Alison Holcomb is serving on a city council advisory group studying whether alternative approaches to low-level drug offenses could avoid the need to build a new municipal jail.

MY RIGHTS: **FACES OF FREEDOM**

A moving new photography exhibit vividly portrays the human side of civil liberties. "My Rights: Faces of Freedom" presents 17 portraits of individuals and families from across Washington who stood up for their rights and the rights of others. Accompanying each photo is the story of how these courageous individuals, together with the ACLU, advanced the cause of freedom.

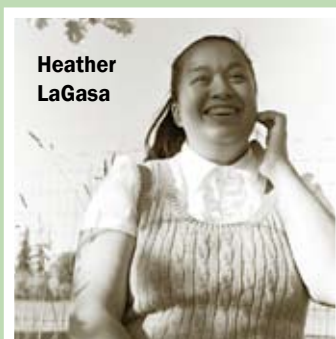
"My Rights" debuted at the 2008 Bill of Rights Dinner and since has taken the faces of freedom to the Intiman Theatre in Seattle Center, the Community Building in Spokane, St. Mark's Cathedral on Capitol Hill, and the hip Vain Hair Salon in Seattle's Belltown.

The portraits gain strength from presenting images of everyday people. Lauri Conner, a teacher, and Leja Wright, a medical assistant, were plaintiffs in our lawsuit seeking marriage equality for same-sex couples. Heather LaGasa, a project coordinator, regained her right to vote with the help of the ACLU. Bogdan Mohora gained a settlement from the City of Seattle in compensation for his wrongful arrest

simply for taking photos of police. Minister Storm Reyes secured her right to burn tobacco during Native American prayer ceremonies.

"Sometimes your moment to push society forward comes when you are least looking for it. The photo exhibit encouraged me to stand strong for what I know is right and just," said Vain's owner Victoria Gentry.

Seattle photographer Mychal Richardson shot and printed the images, traveling the state and spending time with each subject. Richardson, who does corporate photography for a living, donated all his work to the ACLU.



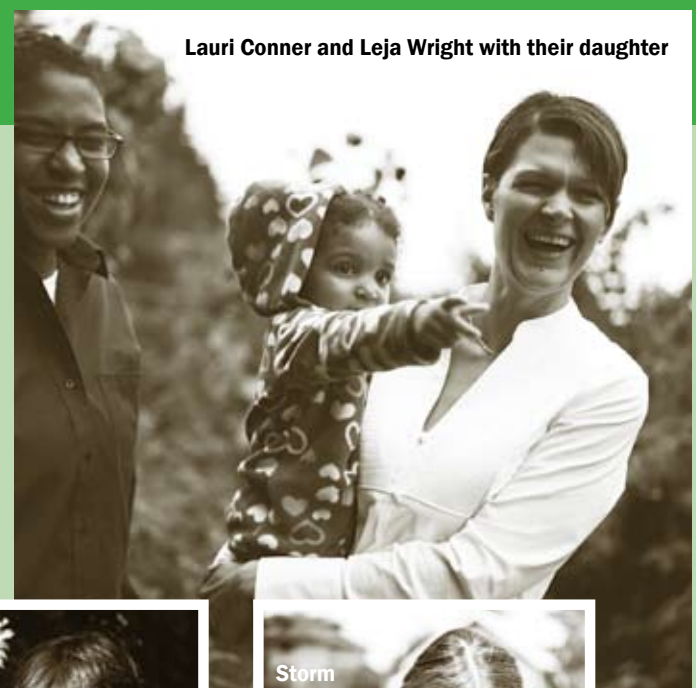
Heather
LaGasa



Bogdan
Mohora



Storm
Reyes



Lauri Conner and Leja Wright with their daughter

PHOTOS:
MYCHAL RICHARDSON

CRIMINAL *Justice*

► DEFENDING THE POOR IN COURT

When the government prosecutes people without means, it must provide them a capable lawyer with the resources to present an adequate defense. After obtaining a successful settlement against Grant County's public defense system in 2005, the ACLU-WA and Columbia Legal Services (CLS) continue to watchdog the county's efforts to upgrade its formerly woeful system, to ensure it meets constitutional standards.

Though the county has made progress, problems remain. In March 2009, without obtaining the required approval of the monitor, the county shifted from using contract attorneys to a partly in-house defense system. The ACLU and CLS filed a court motion over this violation of the settlement. The county agreed to pay \$10,000 associated with enforcing the agreement. In April the monitor submitted a nine-page letter detailing concerns about the new system. We are watching

the county's latest actions.

The spectacular litigation team includes volunteer attorneys David Taylor and Breena Roos from the Perkins Coie firm and Don Scaramastra and Lori Salzarulo of Garvey Schubert Barer.

► SEEKING HUMANE TREATMENT OF INMATES

While the Constitution bars "cruel and unusual punishment," reducing inhumane treatment of inmates in our state's jails and prisons requires a long-term effort, as our experience with two lawsuits settled more than a decade ago has shown.

In 1995 the ACLU-WA and Columbia Legal



Services sued over appalling overcrowding and medical care deficiencies at the Pierce County Jail. Among outrages sparking the suit: 20-30 women prisoners forced to share a single toilet, and inmates mistreated in units known as "the dog pens." In a wide-ranging settlement, Pierce

County committed itself to major reforms, and a monitor was appointed to make sure the county met its requirements. A court-ordered review in 2008 – a dozen years later – found the jail still did not meet national corrections standards in 18 areas, including staffing and health care. ACLU-WA cooperating attorney Fred Diamondstone is representing the inmates in mediation over the continuing concerns.

With Diamondstone's assistance, the ACLU-WA also continues to seek compliance with terms of a 1991 settlement of another suit we and Legal Services filed over severe overcrowding and other abuses at the King County Jail. We have repeatedly objected to poor hygiene that has resulted in outbreaks of MRSA among inmates. In 2007 the U.S. Justice Department

issued a report the Seattle Times termed "devastating" on problems at the jail. In its wake, the county council this January approved an agreement with federal officials to cease using excessive force on inmates and to improve "life-threatening" deficiencies in medical care and inadequate procedures to prevent suicides.



ACLU IN THE NEWS

The actions and view of the ACLU of Washington were covered by these media (among others) in the past year.

Print

Associated Press
Bainbridge Island Review
Bellingham Herald
ColorLines magazine
Columbia Basin herald
Daily Evergreen (Pullman)
Detroit News
The Easterner (Cheney)
Epoch Times
Everett Herald
In These Times
India Journal
The Inlander (Spokane)
Journal of the San Juans
Kirkland Reporter
Kitsap Sun
Longview Daily News
Mercer Island Reporter
The News Tribune (Tacoma)
New York Times
North Kitsap Herald
The Olympian
Parade Magazine
Peninsula Daily News (Port Angeles)
Port Townsend Leader
Real Change (Seattle)
Seattle Gay News
Seattle Magazine
Seattle Metropolitan
Seattle Post-Intelligencer
Seattle Times

Seattle Weekly
Seattle Woman
Skagit Valley Herald
Snohomish Times
Snohomish Tribune
South County Business Report (Renton)
Southern Voice
Spokane Spokesman-Review
Stonewall News (Spokane)
Stranger (Seattle)
Sunnyside Daily News
Tri-City Herald
uwlaw magazine
University of Washington Daily
Vancouver Voice
Wall Street Journal
Washington Coach
Washington Free Press
Washington State Bar News
Wenatchee World
Whidbey News Times
Yes Magazine

Radio

KBCS (Bellevue)
KBOO (Portland)
KIRO (Seattle)
KOHQ (Leavenworth)
KOMO (Seattle)
KPBX (Spokane)
KPLU (Tacoma)
KUOW (Seattle)

Television

FOX News
KCPQ (Seattle)
KCTS (Seattle)
KING (Seattle)
KIRO (Seattle)
KOMO (Seattle)
KVEW (Kennewick)
Seattle Channel
Seattle Community Access Network
Snohomish County Community TV
Thurston Community TV

Online

The Agonist
Colors Northwest
Common Dreams
Crosscut
Daily Kos
Daily Weekly
Daughters
Drug War Chronicle
Horse's Ass
Law 360
Political Buzz
Publicola
RHRealityCheck
SeattleAM
Seattle PostGlobe
Slog
Truthout
WashBlog

STUDENT AND *Youth Rights*

The ACLU-WA does substantial work every year educating students about the Bill of Rights and defending students when they exercise their rights. First-hand experience with liberty teaches a great civics lesson and prepares young people to become guardians of freedom.

► FAIRNESS IN DISCIPLINE

The ACLU-WA has been addressing a troubling trend of public schools imposing unduly harsh punishments on students. In Oak Harbor, police were called in to arrest students for simply holding a peaceful sit-in at the school cafeteria. Ironically, the students were protesting what they felt was excessive discipline for a classmate. Based on reports of a possible walkout, the school also banned the students' protest petitions and T-shirts!

ACLU communications with the superintendent about the use of police in non-emergency situations led the district to revise its policy relating to police in schools. The district adopted our suggestion that parents must be contacted before the police are called, and agreed to review other policy recommendations.

The recent U.S. Supreme Court case involving the strip search of a girl for allegedly bringing ibuprofen to school may seem like a one-of-a-kind incident, but similar "zero tolerance" policies harm students in every state. A student in the Lake Washington School District was suspended for alleged drug possession even though school authorities searched him twice and found no drugs. We helped resolve the problem short of litigation.

► RIGHT TO COUNSEL IN TRUANCY HEARINGS

Truancy court proceedings are intimidating and confusing for a child, and they can have a major impact on a young person's liberty and education. Youth are sometimes steamrolled into court and threatened with juvenile detention for absences that could be best addressed at the school level.

In a landmark victory for fairness, the Washington Court of Appeals in January 2009



Youth Activist Award winner
Caitlin Donnelly

PHOTO: ELIZA TRUITT



The energetic ACLU-WA contingent at Seattle's 2009 Pride March

echoed concerns of an ACLU-WA friend-of-the-court brief when it ruled unanimously that children have a constitutional right to counsel in truancy proceedings. The case involved a 13-year-old girl defending

herself against truancy charges brought by the Bellevue School District. The child was accompanied at the hearings only by her mother, who spoke very little English. The ACLU-WA pointed out that an attorney could help the child understand the proceedings, assist in discovering the reasons for truancy, and ensure that the child receives adequate due process. Legal director Sarah Dunne and staff attorneys Nancy Talner and Rose Spidell wrote the ACLU brief, assisted by cooperating attorneys Alyse Bertenthal and JuNelle Harris of Kecker & Van Nest LLP.

The ACLU-WA has published a first-of-its-kind practice manual for attorneys who are defending youth in truancy proceedings in Washington. Recognizing our leadership on the issue, the American Bar Association invited the ACLU-WA's Rose Spidell to be a panelist on at-risk youth in school at a national conference.

► HARASSMENT MUST NOT BE TOLERATED

In order for schools to provide welcoming

environments for all students, officials must respond swiftly and meaningfully to incidents of peer harassment. The ACLU-WA is representing an African-American high school student in Aberdeen who has been the victim of repeated, severe harassment by other students, based on his race and perceived sexual orientation.

The harassment has continued for years, despite his parents' persistent efforts to get the school district to protect him from it. While the district had a written anti-harassment, intimidation and bullying policy, it was not being implemented consistently. The family complained of several instances of harassment but never heard back on what the school would do to prevent future incidents. Their younger son also was harassed by a classmate at the junior high school. After the ACLU-WA got involved, the district finally conducted its own investigation and confirmed that harassment was a systemic problem in its schools.

The district agreed to provide cultural competency training to their administrators, staff and students, and administered a student survey to help assess the strengths and challenges each school faces. It also has publicized its anti-harassment policy, so that students and parents will know what their rights are when harassment occurs.

LGBT *Rights*

► **ALMOST MARRIAGE**

All couples should have access to the benefits and responsibilities of legally recognized relationships, and all families deserve legal protections. In 2009, the Washington Legislature took an important step toward equal treatment for same-sex couples by passing an “everything but marriage” bill. The measure provides registered domestic partners the same legal guarantees and responsibilities for their families and finances that married couples have.

Legislators added hundreds of property rights and other protections to state law, supplementing the domestic registry for same-sex couples (and opposite-sex couples with a partner age 62 or older) that it approved last year. The new law extends the rights and responsibilities of registered domestic partners to include all areas of state law that cover legally married couples. Its implementation, however, was put on hold as groups seeking to roll back equal rights try to gather enough signatures to place a referendum that would affirm or repeal the law on the fall ballot.

The ACLU-WA is playing a leadership role on the coordinating committee of Washington Families Standing Together, the coalition defending the domestic partnership law. And we will continue to fight for the ultimate goal: the right to marry for all couples, regardless of gender.

► **TAKING A COURAGEOUS STAND**

At a dinner in the nation’s capital, ACLU-WA plaintiff Major Margaret Witt received the 2009 Courage Award from the Servicemembers

Legal Defense Network. Major Witt, a U.S. Air Force flight nurse and operating room nurse assigned to McChord Air Force Base near Tacoma, was discharged in 2006 after 18 years of decorated service when her command discovered she had been involved in a relationship with another woman outside the military.

The ACLU-WA is representing Major Witt in challenging her dismissal under the “Don’t Ask, Don’t Tell” policy. In 2008, the U.S. Court of Appeals for the Ninth Circuit reinstated her lawsuit, finding that the government must show evidence that Major Witt’s sexual orientation disrupts unit cohesion. The Obama administration chose not to appeal, and the case has been remanded to the trial court. It now goes back to federal district court for a trial, where the Air Force will try to prove that reinstating Major Witt would be bad for morale.

“I resolved that my life of service for the country I love was not going to be taken away from me under this discriminatory ban,” said Major Witt.



Major Margaret Witt receiving the Courage Award from the Servicemembers Legal Defense Network.

“I resolved that my life of service for the country I love was not going to be taken away from me under this discriminatory ban.”

-Major Margaret Witt

REPRODUCTIVE *Freedom*



requires school districts that provide sex education to teach medically accurate information, including facts about contraception and sexually transmitted diseases.

Yet, despite the Healthy Youth Act, state law still required the Department of Health to apply for federal funds that can only be used

To make reasoned, healthy choices about sex and sexuality, young people must have access to full and accurate information. In 2007 the state legislature passed the Healthy Youth Act, which the ACLU-WA strongly backed. It

for teaching medically inaccurate “abstinence-only” programs. The legislature remedied this conflict in 2009 by adopting another ACLU-supported measure, the Proven Programs bill, which allows the health department to apply for federal funding that promotes truly comprehensive education about reproductive choices.

ACLU-WA’s leadership in advancing the Healthy Youth Act led to an invitation to speak at a national summit on sexual health education in Washington, DC, where we described our strategies around a survey of school district sex education programs – a project critical to passage of the Healthy Youth Act. The survey found that nearly 30 percent of school districts taught that abstinence is the only way to prevent pregnancy or sexually transmitted diseases, or that all sexual activity outside marriage is harmful.

WOMEN'S *Rights*

► TYING THE SCORE FOR SCHOOL ATHLETES

Females who are forced to accept second-class treatment in sports are conditioned to accept second-class status in other areas of life. We have seen significant progress toward equality since 1972, when Congress passed the Title IX law that bans discrimination based on sex in any education program or activity receiving federal money. As a result, the number of girls involved in high school sports has increased tenfold. Yet inequities still exist, often based on traditional favoritism toward male sports programs and outdated stereotypes about female interest in athletics.

Just this year, a league of 10 public schools in Washington planned to move their girls' soccer season from fall to winter, so that the boys' basketball team could have exclusive use of the gym during winter – leaving the girls to play outdoors in inclement weather. The ACLU-WA intervened, and the district changed its plans.

The ACLU-WA and the Women's Sports Foundation (the national group founded by Billy Jean King) launched a campaign to ensure that all athletes receive equal treatment in publicly funded sports programs. A key feature has been Tying the Score workshops to assist athletes, coaches, administrators and parents understand school obligations under Title IX and to offer simple and cost-effective solutions to inequities. Our Title IX expert, Linda Mangel, has traveled the state advocating for fair treatment of female athletes. We found strong interest at the Vancouver Coaches Institute, the Washington School Directors Association, the Washington Interscholastic Athletic Association, and numerous other school groups.



The ACLU-WA helped these soccer players get fair treatment in scheduling for their season.

► LEVELING PLAYING FIELDS AT COMMUNITY PARKS

Title IX does not apply to community-run and regional sports programs. Girls and women in leagues outside of school too often have been relegated to the worst-maintained fields, the most undesirable practice or play times, and the least experienced referees. To address such problems, the ACLU-WA promoted the Fair Play in Community Sports bill sponsored by Sen. Jeanne Kohl-Welles and Rep. Christine Rolfes. The measure, adopted and signed into law, requires cities and counties to adopt and publicize policies that explicitly prohibit discrimination on the basis of sex in community recreation programs.

► COMBATING HARASSMENT OF FARMWORKERS

Many women agricultural workers face sexual harassment and discrimination on the job. Often they are unaware that the harassment is illegal and are afraid to speak up when it happens.

The new Amparo Project works to empower mi-

grant women farmworkers to stand up for their rights when they experience workplace harassment or discrimination. It is a collaboration among the ACLU of Washington, the national ACLU Women's Rights Project, Columbia Legal Services, and the Northwest Justice Project. To educate women about their rights, the project has held house meetings, distributed flyers, conducted trainings for service providers, broadcast public service announcements on Radio Cadena in the Yakima Valley, and developed radio novellas.

Through the project, the ACLU is representing a woman who was sexually harassed by a co-worker in the orchards near Mattawa. When she complained about the harassment, her employer refused to take meaningful action and ultimately said they had no more work for her. We have filed a complaint on her behalf with the Equal Employment Opportunity Commission.

► PROTECTING PRIVACY OF DOMESTIC VIOLENCE SURVIVORS

Protecting domestic violence survivors often involves safeguarding their privacy. In February 2009, the ACLU-

WA, Legal Voice, and several other organizations jointly filed a friend-of-the-court brief urging the Washington Court of Appeals to uphold the right of a woman seeking to escape domestic abuse to substitute her initials for her full name in a court record.

The case arose after a mother in a King County apartment sought police help because of violent altercations with her partner. When she notified her real estate company of the situation, the company sought to evict her. The company soon dropped the case, as it violates state law to discriminate against someone because she has been subjected to domestic violence. But the Superior Court declined to protect the privacy of her name in the record of the now-dismissed case. The brief explained the importance of privacy in protecting domestic violence survivors from further abuse and from discrimination by landlords.



SUK-LIN ZHOU, High School Student

Suk-Lin Zhou walked into a meeting of the school's ACLU-WA club during her freshman year at Seattle's Garfield High School – and never looked back.

"It was protecting civil liberties," she says about what attracted her to the ACLU. "I have a lot of friends who are minorities. I wanted to learn more about the justice system."

Zhou's background gives her particular empathy for people who are targets of racial profiling. She came to the U.S. from China at age three; at the time, neither she nor her parents spoke English.

Zhou participates fully in the Garfield club's

activities, which include members leading classroom discussions about civil liberties and sponsoring assemblies.

After hearing James Yee speak at an ACLU event at the University of Washington, Zhou and other club members arranged for him to speak at Garfield as well. Yee is the former Army chaplain who ministered to Muslim detainees at Guantánamo. He was arrested and wrongfully charged with espionage – charges that were later dismissed – and has been speaking out about government excesses in the name of security.

When Zhou goes on college, she wants to find one that has an ACLU club. She really appreciates what involvement with the ACLU has given her: "I've learned so much more about the U.S. government and what rights I have."

DEATH WITH *Dignity*

Individuals, not the government or religious groups, should be able to control medical decisions about how to die. The November 2008 election saw the fulfillment of a long-sought ACLU-WA goal, the passage of the Death With Dignity initiative. Former Gov. Booth Gardner played a leading role in promoting the initiative. The ACLU-WA provided significant financial and advocacy support to the measure's sponsoring organization, It's My Decision.

Initiative 1000 enables terminally ill, mentally competent adults with six months or less to live to obtain a prescription for life-ending medication. Based on Oregon's successful Death With Dignity Act, the initiative contains over a dozen safeguards. Only the terminally ill patient may administer the medication.

CIVIL LIBERTIES ACROSS THE *State*

ACLU-WA members in county chapters and student clubs provide critical support to our legislative agenda and help advance civil liberties across the state. Local activists serve as civil liberties watchdogs in their communities, mobilizing supporters, educating the public, and advocating for policies with local governments.

The inauguration of a new president spurred high hopes for restoring lost liberties. At the **Pierce County** Chapter's annual Bill of Rights Celebration and **Jefferson County** Chapter's annual meeting, state board members Pat Gallagher and Peter Danelo discussed the ACLU's expectations for the new administration.

Members throughout the state have been enthusiastically engaged in the fight for marriage equality, with the **Kitsap** and **Whatcom County** Chapters holding public forums on LGBT rights.

Mobilizing to protect immigrant rights, **Pierce County** leader Colleen Waterhouse testified against the Lakewood City Council proposal to adopt the badly flawed E-verify system. **Jefferson County** Chapter leaders worked to counter Border Patrol excesses away from the border, while the **Whatcom County** Chapter cosponsored an immigrant rights forum.

Our **Thurston County** Chapter hosted an educational forum almost every month, on issues ranging from religion and government and the new Death with Dignity law to voting rights restoration and the death penalty. And ACLU-WA members in **Spokane** turned out in large numbers for a forum on marijuana policy and a social gathering at Isabella's Restaurant.

Our newest student club at **Washington State University** drew more than 150 people to a showing of the ACLU-WA's "Marijuana Conversation" video. The **Western Washington University** student club hosted a successful Privacy Week, with panelists speaking on the excesses of the Border Patrol away from the border and reproductive freedom issues. The **UW Law School** club also had a forum on the Border Patrol. The very active **Gonzaga University Law School** club hosted lively forums on the death penalty and the medical use of marijuana.



Members of the UW School of Law student club

2008-2009 GENERAL OPERATING BUDGET

(unaudited)*

ACLU OF WASHINGTON FOUNDATION SUPPORT & REVENUE

Annual Fund Campaign	1,103,060
Workplace Giving	147,649
Miscellaneous.....	84,231
Endowment Fund Income.....	319,631
Transfers from Designated & Restricted Funds	907,320
Less sharing with National ACLU	(298,827)

Total **2,263,064**

EXPENSES

Communications Program	464,652
Legal Program	611,436
Field Program.....	136,566
Drug Policy Reform Project.....	392,398
Liberty & Technology.....	77,950
Development.....	481,025
Management & General.....	293,155

Total **2,457,181**

ACLU OF WASHINGTON SUPPORT & REVENUE

Membership	555,793
Annual Fund Campaign	75,274
Miscellaneous.....	1,553
Transfers from Designated & Restricted Funds	75,374
Less sharing with National ACLU	(26,470)

Total **681,524**

EXPENSES

Communications	92,396
Legislative & Field Programs.....	308,099
Fundraising	8,296
Management & General.....	95,879

Total **504,670**

*Audited statements will be available from the ACLU-WA office in early fall

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Noel Salah
Traci Ann Sammeth
Jen Cosgrove Smith
Jane Whicher
David Zuckerman



LEGAL INTERNS

Katie Cameron (Boalt)
Casey Schwarz (NYU)
Karl Smith (University of Washington)
David Owens (Stanford)
Allegra Johnson (pictured) (Cornell)
Ann Wagner (University of Chicago)

Natalia Sanoja
(University of Washington)
Vanessa Torres Hernandez
(University of Washington)
Seung-Jae Lee (Columbia)
Michael Schachter (NYU)

Banner year

Continued from page 1

“In the next session, the ACLU will continue working for saner approaches to drug use that reverse the destructive effects of the misguided War on Drugs,” added Taylor.

ACLU-WA priority bills that passed:

Voting Rights Restoration – HB 1517: The Legislature reformed Washington’s unfair and unworkable voting law by passing a measure to automatically restore voting rights to citizens when they exit from the criminal justice system – no longer conditioning the right to vote on complete repayment of monetary debts to the legal system.

Fairness for Domestic Partners – SB 5688: Recognizing that all committed couples deserve the same legal protections

for their relationships, legislators extended the rights and responsibilities of registered domestic partners to include all those granted to married couples.

Fair Play in Community Sports – SB 5967: Sending a message that second-class treatment of girls and women is unacceptable, the legislature prohibited gender discrimination in community athletics programs.

Proven Programs – SB 5629: Building on the Healthy Youth Act passed in 2007, the legislature acted to permit state officials to apply for federal funding that promotes truly comprehensive education about reproductive choices.

My Car, My Privacy – SB 5574: Moving Washington to the forefront in protecting privacy of drivers, the legislature limited access to and distribution of information gathered by GPS and other technological devices in cars. ■

Photographer

Continued from page 1

in her artistic prints. In October 2005, Scheier drove to Snohomish and stopped to take pictures of the power towers at a substation near downtown, from outside the facility’s gate. She was on public property, and there were no signs indicating that photography was not allowed.

As she drove home on St. Highway 9, Snohomish police pulled her over, began to question her about her pictures and said her behavior was “suspicious.” Scheier explained that she was a university faculty member working on an art project and cooperated with the officers’ requests. Nevertheless, police frisked and handcuffed Scheier, and placed her in the back of a police car for almost half an hour.

In rejecting the city’s motion for summary judgment which would have ended the case, the federal district court in November 2008 found that the officers’ actions had



Shirley Scheier

likely violated Scheier’s rights. “An individual’s fundamental Fourth Amendment right to be free from ‘unreasonable searches and seizures’ does not dissipate merely because of generalized, unsubstantiated suspicions of terrorist activity,” wrote Judge John Coughenhour.

ACLU cooperating attorney Venkat Balasubramani, along with Steven Fogg and Christina Dimmock of Corr Cronin Michelson Baumgardner & Preece LLP represented Scheier.

Scheier’s experience highlights a pattern of law enforcement officers harassing people engaged in taking pictures in public. In 2007 the ACLU obtained compensation from the city of Seattle for Bogdan Mohora, who was wrongfully arrested for taking photographs of police making an arrest downtown. In 2004, the ACLU assisted photography student Ian Spiers, who was questioned by police and homeland security officers for taking pictures at the Ballard Locks, a popular tourist destination. ■

torture policies and recommend legislative changes. And the ACLU continues to pursue a lawsuit to hold Boeing subsidiary Jeppesen DataPlan liable for its knowing participation in the “extraordinary rendition” of five men.

Information about our initiative against torture is available at www.aclu.org/accountability. Included is a feature allowing the public to search the thousands of government documents the ACLU has unearthed through litigation. ■

Accountability

Continued from page 1

were developed at the highest levels of the administration.

The ACLU is urging the Attorney General to appoint an independent prosecutor to examine issues of criminal responsibility. We are pressing Congress to form a select committee to investigate the origins of the

Civil Libertarians in Action

Our thanks to these volunteers who spoke for the ACLU at school and community events.

Nick Gellert – Border Patrol Checkpoints to the ACLU-WA Club at UW School of Law; Racial Justice for a Civil Liberties 101 CLE at Hidmo Eritrean Cuisine in Seattle

Chris Gamache – Civil Liberties to a class at Arts & Academics Academy in Burien

Cynthia Buhr – LGBT Rights for an ACLU-WA Whatcom County Chapter forum in Bellingham; Domestic Partnership at a Civil Liberties 101 CLE at Theo Chocolate in Seattle

Hank Balson – Domestic Partnership at a Civil Liberties 101 CLE at Theo Chocolate in Seattle

Pat Gallagher – Human Rights at the PeaceJam Slam in Vancouver; Obama’s First 100 Days to a class at the University of Puget Sound in Tacoma; Privacy and the Patriot Act to the Camano Island Democrats

Jane Whicher – The Border Patrol and Civil Liberties at an International Women’s Day Rally in Sequim

Dan Larner and Phil Bereano – Criminal Justice & Morality for the Intiman’s Front Porch Theater at Tougo Coffee in Seattle

Pete Day – Landmark ACLU Cases to a class at the University of Washington in Bothell

George Critchlow – 2009 Legislative Review at a Faces of Freedom exhibit opening at the Community Building in Spokane



Phil Bereano spoke about criminal justice at Tougo Coffee in Seattle.

Jim Lobsenz – The “Don’t Ask, Don’t Tell” policy at SIFF Cinema in Seattle

Randy Gainer – Privacy Rights to a class at West Seattle High School

Brett Rubio – Torture Memos to the Muslim Students of Social Work at the University of Washington in Seattle

Gery Gerst – Separation of Church and State at an ACLU-WA Thurston County Chapter forum.

Michael Ryan – Street Speech for a Civil Liberties 101 CLE at the Museum of History & Industry in Seattle

Hannah Stone – Immigrants and Civil Liberties, and Sex Education at ACLU-WA Whatcom County Chapter forums

Alex Ransom – Border Patrol Checkpoints at a Western Washington U. ACLU-WA Club forum

Tell 3 About Equality

People who know LGBT families are more likely to support laws that provide protections for all families.

Whether you are in a same-sex relationship or are an ally of LGBT equality, you can talk to friends, family members and neighbors about why equal treatment matters to you.

The ACLU-WA encourages supporters of equality to pledge to tell 3 people you know about how being gay has affected your life or the lives of your friends.

For more information and to take the Tell 3 pledge,
go to www.aclu-wa.org

Adults at the Library: Suit Backs Access to Internet

The ACLU-WA went to the state supreme court in June to defend the rights of adults in Eastern Washington to access information on the Internet on public library computers.

The ACLU is challenging the North Central Regional Library's (NCRL) policy of refusing to honor requests by adult patrons to temporarily disable a filter on public computers for sessions of research and reading. The lawsuit (*Bradburn v. NCRL*) was filed in 2006 on behalf of three library users and a nonprofit organization, the Bellevue-based Second Amendment Foundation, whose publication *Women and Guns* was blocked by the filter.

The library's policy impacts residents in a largely rural area who rely on the public library for Internet access. NCRL has set its filter to block access to an ever-shifting list of websites. Sites that the library's filter has blocked adults

from viewing include:

- the website of an organization encouraging individuals to commit random acts of kindness (www.kindnessusa.org)
- the Seattle Women's Jazz Orchestra website
- the website of an organization encouraging women to carry to term by creating "a supportive environment for women in crisis situations to be introduced to the love of Christ" (www.acceptpregnancy.org)
- YouTube

"Community libraries are a valuable resource for a wide variety of information. Libraries should not deny adults using publicly available computers the opportunity to view research material and other lawful information," said ACLU-WA Legal Director Sarah Dunne.

NCRL operates 28 community libraries in Chelan, Douglas, Ferry, Grant, and Okanogan

Counties. NCRL has used a blocking software product called FortiGuard to filter Internet content on public computers at its branches and refuses to commit to promptly unblocking sites for patrons who request it.

Libraries that receive funds for Internet access under two federal programs are required to have the ability to block minors from seeing "visual depictions" of sexual activity. NCRL has adopted a policy of blocking access for adults to all materials it deems inappropriate for children. The lawsuit contends that the policy of refusing to disable Internet filters at the request of adults who wish to conduct bona fide research or to access the Web for other lawful purposes is unconstitutional.

Under the state constitution, people in Washington have the right to "freely

speak, write and publish on all subjects" (Article I, Section 5). NCRL's policy of full-time filtering for adults is overbroad, and the library has no reasonable justification for denying adult patrons access to the substantial amount of information it blocks. The U.S. District Court in Spokane has requested that the Washington Supreme Court provide guidance on the state constitutional issues raised in the case. Still pending a decision by the federal court are the claims raised under the U.S. Constitution.

Handling the case are ACLU-WA co-operating attorneys Duncan Manville of Savitt Bruce LLP and Aaron Caplan of Loyola Law School of Los Angeles; National ACLU staff attorney Catherine Crump; and ACLU-WA staff attorney Harry Williams. ■

Canvassing for Civil Liberties



The canvassers have raised more than \$350,000 in dues and donations that provide valuable resources to continue our work, as well as substantially expanding our base of engaged activists. In the past fiscal year, this program, in Washington alone, recruited over 2,200 people to be Guardians of Liberty who make monthly contributions (making a 10% increase in our statewide membership) and over 5,700 others who gave one-time gifts.

As a result of their efforts, new ACLU-WA members recruited in one recent month increased tenfold compared with the same month last year. Overall, 85% of these supporters nationwide had not been ACLU members previously.

The outreach effort is taking place in areas of Seattle and Tacoma likely to have people simpatico with the ACLU. Some teams of canvassers work on sidewalks at community gathering points, while others contact people door-to-door.

Who is willing to approach total strangers about issues some people find controversial? Canvassers tend to be idealistic individuals attracted by what the ACLU stands for and does. While some are college students or recent grads, many are not. One joined the ACLU in college in Iowa back in 1993 and has been a member ever since. Another is a graphics professional who has done pro bono design work on ACLU-WA publications.

What they all share is a passion to make a difference in the world. ■

In recent months, individuals wearing bright vests and toting clipboards and ACLU literature have been asking passersby on the sidewalks, "Would you help us hold our government accountable for torture?"

These canvassers are part of a new program that has proven remarkably successful in bringing the ACLU to people we have not reached before. And in a down economy, they have provided a significant new source of revenue for the ACLU-WA.

The ACLU-WA has contracted with Grassroots Campaigns to send paid canvassers into eight major metropolitan areas of the country to inform people about our work and to seek new members and supporters. The canvassers go through training about the ACLU and current civil liberties issues, and they work under strict guidelines as to how to approach people. All reports of unpleasant contacts are taken seriously.

Save
the
Date

Bill of Rights
Celebration Dinner

November 14, 2009

Seattle Waterfront Marriott

Visit ACLU-WA Chapters
at County Fairs This Summer

Grays Harbor August 5-9

San Juan Islands August 12-15

Jefferson County August 14-16

ACLU Partners with KEXP on Summer Concert Series

The ACLU-WA is cosponsoring KEXP-FM's Mural Concert Series at the Mural Amphitheatre at Seattle Center from 6 to 8 p.m.

The shows are all-ages, with seating first-come, first-served. Fans can bring lawn chairs and blankets.

Look for the ACLU-WA information table.

FRIDAY, JULY 31
Blitzen Trapper

FRIDAY, AUG. 7
Dyme Def

SATURDAY, AUG. 8
Cymbals Eat Guitars
and **Japandroids**
(Plus a barbecue from
2 to 9 p.m.)

FRIDAY, AUG. 14
The Dodos and
Army Navy

FRIDAY, AUG. 21
Fruit Bats