

Annual Report

State of the Union By Jeanne Baker, President

This is the forty-first year of the ACLU of Florida's existence... and the state of the "Union" in this State of the Union is stronger than ever. We have to be—as the civil liberties challenges we face are increasingly greater.

We have taken another leap in size over the past year to over 30,000 members and supporters—more than double since 2001. We have grown to 22 full-time staff members and will continue to expand in early fall. We have offices in five cities across the state and an overall annual budget in excess of \$2 million. With assistance from National ACLU, we are embarking on a major expansion—adding more regional offices and more staff—with an increased budget to match.

This expansion is necessary as Florida remains a hotbed of constitutional violations. From anti-gay prejudice to curtailment of immigrants' rights, from race discrimination to faith-based government initiatives, from ex-felon disenfranchisement to suppression of political speech in the name of national security, to the renewed assault on a woman's right to choose. Civil liberties in Florida are under siege and the ACLU is the first-responder seeking to protect those liberties from extinction.

We launched several new initiatives in 2005. The PATH Project, a resource for young women who need assistance in navigating the "judicial bypass," was launched in response to the Parental Notification of Abortion Act. The PATH Project also has a Florida Bar Approved CLE Training for attorneys who volunteer to represent teens in these court proceedings.

The ACLU of Florida's Lesbian, Gay, Bisexual and Transgender Project was also launched in 2005. Created in part due to a generous grant from the Community Foundation of Broward, the Project helps combat the fierce anti-gay movement in Florida through advocacy, litigation and public education on a myriad of subject matters. The LGBT Litigation Project takes great pride in assisting those who are in need of a voice.



President Jeanne Baker

"With civil liberties under siege in Florida, it is more important than ever to rally the troops and continue fighting the good fight to keep all Americans safe and free. My heartfelt thanks goes out to all our friends and supporters, volunteers and staff, local and state board members for all their hard work."

— JEANNE BAKER, PRESIDENT

Thanks to a generous gift from Martin and Nancy Engels, last year we also launched the Religious Freedom Project. Under the direction of West Central Regional Director, attorney Rebecca Harrison Steele, the Project has addressed a number of religious liberty and separation of church and state issues that are so persistent in local communities and school districts. The Project also created an Advisory Committee consisting of religious leaders from diverse theological perspectives which has held several fascinating dialogues on issues involving the connection between religion and public policy.

We have been busy in the first half of 2006 as well with the newly launched Racial Justice Project which fights for the fair and equal treatment for people of color. Through the RJP, the ACLU of Florida will continue to advocate for the restoration of voting and civil rights for persons with past felony convictions. The project will also address issues such as the racial profiling of people of color for police stops and searches, and for detentions since 9/11.

We continue growing—and fighting—on the local level as well. Our 16 chapters have been hosting town halls and Freedom Files viewings; working to rationalize the use of Tasers; fighting anti-immigration ordinances; challenging the community and actively pursuing support through fund raising, legal battles and speaking engagements.

The Florida Rights Restoration Coalition, of which the ACLU of Florida is a founding member, continues fighting on behalf of disenfranchised voters throughout the state. Among its many initiatives, the coalition has been lobbying the legislature, running workshops across the state to help ex-felons maneuver through the clemency process to restore their voting rights, and working to shape public opinion about the fundamental right to vote.

In this, the hour in which we are truly being called to duty for each and every American's rights, the ACLU of Florida has met and will continue to meet the challenge. We greatly value each and every one of our members and supporters who provide the mettle for us to do so.

Sincerely,

A handwritten signature in black ink that reads "Jeanne Baker". The signature is written in a cursive, flowing style.

Keeping an Eye on the Florida Legislature

LARRY HELM SPALDING, LEGISLATIVE STAFF COUNSEL

Bills the ACLU of Florida Would Like to See Passed:

Restoration of Ex-Felon Voting Rights

tops the list of bills the ACLU is supporting during this regular session. Florida's current system is the most restrictive voting prohibition for former felons in the nation. The ACLU is working with voting rights organizations to obtain passage of a joint resolution to let voters decide whether to amend the State Constitution so that ex-felons who have served their sentences have their civil and voting rights restored. A strong effort has been made to reach out to legislators who had concerns about automatic restoration such as whether certain categories of offenses (e.g., murder and sexual assault on a minor) should be excluded.

Repeal of the Gay Adoption Ban

remains a priority for the ACLU. A coalition of gay rights and civil liberties organizations is lobbying aggressively for a repeal of the ban, but forces in control of the Legislature seem to remain firm in their opposition.

Safe Schools

is another gay rights issue that is being addressed by legislation dealing with harassment and bullying of students in the public schools because of their sexual orientation. The ACLU and our coalition partners initially opposed this bill because it included language that would have repealed all of Florida's strong safe schools policies. In the final weeks of the regular session, however, the coalition was able to get the bill amended to protect our state's best policies.

DNA Testing

of incarcerated persons who continue to assert their innocence is yet another issue of importance. Legislation has been filed this year that would eliminate any deadlines for the administration of a DNA test and the submission of DNA evidence. Proponents are optimistic about passage.

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"The Rights Stuff"

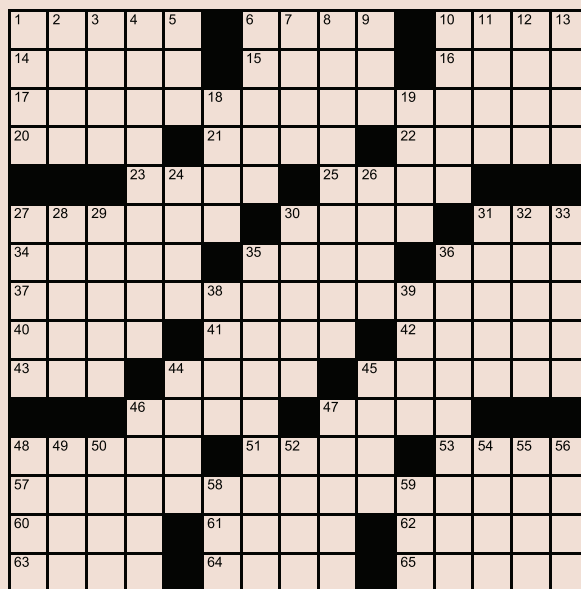
by Donna S. Levin

Across

1. Holey cheese
6. Cyberguffaw
10. Traditional gifts bestowed by the U.S. Supreme Court on attorneys in honor of their first argument
14. Bavarian band sound
15. Actress Falco
16. Darth Vader's daughter
17. First Amendment guarantee
20. Pony up, in poker
21. Wound
22. Stand for Seurat
23. Mil. honors
25. Gives grounds for appeal
27. Common election problem
30. One of Cunard's fleet, for short
31. Initials of a favorite newspaper on Wall Street
34. Cuba ___ (rum drink)
35. Fourth down option
36. Miss in Madrid
37. Fourteenth Amendment guarantee
40. Edge, in astrology
41. Portnoy's creator
42. Hanukkah potato treat
43. Take a look at
44. Hurricane prediction gp.

Down

1. Davenport
2. Shabby
3. "___ a man with seven wives ..."
4. Cops' backwater revenue raiser
5. Blue
6. Chandler's Uncle
7. Smell
8. Amendment guaranteeing voting rights irrespective of race
9. "___ Miserables"
10. Guilty and nolo contendere, e.g.
11. Wide shoe sizes
12. Pleasant
13. Comedian Mort
18. "Goodness gracious!"



19. Scope or winkle prefix
24. Author Silverstein
26. Baptism or bar mitzvah, e.g.
27. Smart ___ (wiseguys)
28. Arouse, as interest
29. Take unfair advantage of
30. Issue at the heart of the *Bakke* case, in the eyes of some
31. Mandamus and certiorari
32. Supply with fuel
33. Former Attorney General Reno
35. Both sides of the issue
36. Represents
38. You or me, grammatically (abbr.)
39. Detective's discovery
44. Film or bête color
45. Female pigs
46. Like Superman or Batman, sartorially
47. ACLU attorney's workload
48. They represent the People in criminal court (abbr.)
49. Submerge, as a donut
50. Director Riefenstahl
52. Tear apart
54. ___ mater
55. ___ Am (Dr. Seuss character)
56. Smite a fly
58. "___ nation ..." (pledge quote)
59. Mo. when the Supreme Court reconvenes

Donna Levin is a lawyer and Palm Beach ACLU member

Top Ten Successes for Civil Liberties Since 9/11

Conservatives Join ACLU's Fight

— Prominent conservatives and conservative organizations joined the ACLU's fight to keep America safe and free. As part of the collaboration, Patriots to Restore Checks and Balances (PRCB) was launched as an alliance of conservatives and progressives, bound by the belief that the threat of terrorism cannot be allowed to dissolve or erode the carefully constructed structural foundations for preserving our liberty, enshrined forever in the Constitution. Former Congressman Bob Barr (R-GA) is chair, and members include: the ACLU, the American Conservative Union, Americans for Tax Reform, Free Congress Foundation and Gun Owners of America.

Right to Judicial Review for Detainees

— In June 2006, the Supreme Court ruled in *Hamdan v. Rumsfeld* that the military commissions system established by President Bush to try detainees at Guantánamo Bay is unfair and illegal. The court found the military commission rules do not guarantee independent trial proceedings, do not provide for impartial appellate review and do not prohibit the use of coerced testimony despite extensive evidence that coercive interrogation techniques have been used at Guantánamo Bay and elsewhere. The ACLU filed an amicus brief in that case.

Patriot Reauthorization Filibuster

— When the expiring provisions of the Patriot Act were brought up for reauthorization, several Senators refused to bow to the White House's demand that Congress renew and expand the law without adequate protections for the privacy and civil liberties of ordinary Americans. In late December 2005, Senators Russ Feingold (D-WI), Larry Craig (R-ID), Dick Durbin (D-IL), Chuck Hagel (R-NE), Lisa Murkowski (R-AK) and John Sununu (R-NH) threatened to filibuster the unacceptable bill. The Senate filibuster that resulted held up reauthorization of the expiring provisions of the Patriot Act and led to modest improvements in the reauthorizing legislation. Also, more than 400 communities and eight states passed pro-civil resolutions calling for changes to be made to the act.

Courts Reject Government Surveillance Powers

— The Patriot Act included a "National Security Letter" provision authorizing the FBI to demand records without prior court approval. Anyone who receives an NSL, of which an estimated 30,000 are issued annually, is forbidden, or "gagged," from telling anyone about the record demand. The ACLU challenged the NSL power in two cases: one involved an Internet Service Provider; the second, a group of librarians. In both cases, the judges ruled the gags unconstitutional. After two district court rulings, Congress amended the NSL provision to make largely cosmetic changes, but made the "gag" provision even more oppressive. The ACLU has now gone back to court to challenge the constitutionality of the amended law. Also, in August 2006, in a lawsuit brought by the ACLU, a federal judge in Detroit found President Bush's warrantless surveillance program both unconstitutional and illegal and ordered it stopped.

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Working for Floridians in the Communities, Courts and Legislature

Security and Civil Liberties: Challenging the Abuse of Executive Power

The ACLU of Florida is working with our national organization and in concert with other ACLU affiliates throughout the country to restore the balance between protecting the security of the country and guarding constitutional freedoms.

Patriot Act: We organized grassroots activists and lobbied lawmakers to limit the effect of the most extreme provisions of the USA Patriot Act, and we filed lawsuits challenging the constitutionality of various provisions of the USA Patriot Act – including Section 505 authorizing the federal government to obtain business and personal records by simply having the Attorney General post a National Security Letter without any oversight of a court. (This case resulted in the first federal court decision striking down a provision of the Patriot Act.) The ACLU also challenged Section 215 of the Act, which allows the government to obtain business and personal records authorities deem relevant to an investigation, if the government obtains a warrant from the Foreign Intelligence Surveillance Court, which the Court must issue if the government claims that the records are relevant to an investigation – even if the records are not of a person suspected of any wrongdoing.

Abuse of Power: Following lawsuits seeking access to public records that uncovered evidence of the use of torture on detainees, we filed a lawsuit seeking to hold government officials, including Secretary of Defense Donald Rumsfeld, accountable for such policies. The ACLU represents an individual who was picked up off the streets in Europe (officials later acknowledged that they mistakenly believed the individual to be a terrorist suspect) and transported for interrogation to a country that uses torture, as part of the CIA's "extraordinary rendition" program. We have also challenged the President's claim of authority to wiretap telephone calls in violation of the Foreign Intelligence Surveillance Act's (FISA) warrant requirement. Twenty ACLU state affiliates, including Florida, filed petitions with their State Public Service Commissions seeking an investigation of the apparent violation of law when telephone companies turned over the phone and email logs of millions of customers to the government without court order. In Florida, such a breach of trust is specifically prohibited and punishable by state law.

Political Surveillance: Following our discovery of "spy files" on peaceful protesters in Brevard County, we worked with law enforcement officials to implement safeguards to ensure the protection of First Amendment freedoms, and that police surveillance policies require credible



evidence of criminal activity. At the invitation of the newly elected Sheriff, the ACLU of Florida participated in the training of top command officers on the Sheriff's revised surveillance policy. We joined with several other ACLU affiliates in a lawsuit that seeks records from federal officials documenting the renewal of surveillance of First Amendment activities of church and peace groups and others opposing the policies of the government.

Right to Protest: The ACLU has brought several lawsuits against South Florida police departments for the suppression of the rights of protestors and the use of excessive force during the November 2003 Free Trade Area of the Americas (FTAA) Ministerial conference in Miami. The most recent, filed in June 2006, was filed on behalf of Amnesty International.

Defending Religious Freedom and Separation of Church and State

Vouchers: In January, the Florida Supreme Court declared that school vouchers (the Opportunity Scholarship Program) violates the Florida Constitution. The ACLU was part of the legal team that fought this six-year battle. The Court ruled that the voucher program violated Article IX, Section 1 of the Florida Constitution ("The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools...") because it diverts funds from public to private and mostly church-run schools.

The school voucher program had been previously struck down by the Court of Appeals as a violation of Article I, Section 3 of the Florida Constitution. ("No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.") The Governor's effort to place a proposed amendment on the 2006 ballot that would "constitutionalize" vouchers was defeated in the Florida Senate by one vote.

The ACLU is now exploring the application of the Court's ruling to other voucher programs that had been authorized subsequent to the Opportunity Scholarship Program in defiance of the State Constitution, specifically the universal pre-kindergarten program (UPK). The funding of sectarian pre-K programs (in excess of \$20 million per year) administered by churches and which engage in the religious proselytizing of thousands of 4 year-old children is unconstitutional under Article I, Section 3 of the Florida Constitution. We must also address the civil liberties issues involved in what the Governor and President Bush call their "faith-based"

initiative. Too often, such programs constitute government funding of the sectarian aspects of religious social service agencies which also discriminate in whom is hired and who is served.

Abortion Restrictions: The ACLU of Florida created the PATH (Providing Access for Teen Health) Project to train lawyers throughout the state to assist pregnant minors seeking abortions—and who cannot involve their parents—to obtain a judicial waiver of the state's new parental notification requirement. Our National ACLU Reproductive Freedom Project, representing Planned Parenthood, argued this term's abortion rights case before the U.S. Supreme Court, successfully challenging the constitutionality of a New Hampshire law restricting access to abortion for minors.

Religious Freedom Project: Our Religious Freedom Project staff, based in Tampa, has led our efforts to increase public understanding of the religion clauses of our constitution and, when necessary, challenge government sponsorship and government endorsement of religious activities at local levels of government throughout Florida.

Voting/Electoral Reform

The restoration of civil and voting rights for people with past felony convictions is the unfinished business of the Civil Rights Movement in Florida. We seek the automatic restoration of civil and voting rights after completion of a sentence. Led by the staff of our newly created Racial Justice Project, we are lobbying state lawmakers for legislation providing for a constitutional amendment to repeal the Civil War-era provision mandating the lifetime loss of civil and voting rights for those with a felony conviction, a disproportionate number of whom are African-American. At the same time, we continue to provide assistance to those seeking the restoration of their rights through the Clemency process.

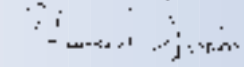
Fighting Discrimination and Extending Equal Rights

Although the U.S. Supreme Court declined to hear our challenge of Florida's discriminatory ban on adoptions by gays and lesbians, we are exploring further litigation to end the prohibition against qualified gay adoptive parents that deprives many children of a permanent and stable adoptive home. We are also lobbying Florida legislators to repeal the discriminatory ban in the next Legislative session.

We are working to inform the public about the harmful consequences of a proposed amendment to the Florida Constitution that would ban marriage for same-sex couples. Acting on behalf of several same-sex couples and families, and citing requirements for constitutional amendments, we urged the Florida Supreme Court to not permit the proposed amendment to appear on the ballot. The Court declined our request.



Howard Simon, Executive Director



While the misleading proposal seeks to ban marriage, it will be used, as it has in other states, to restrict other forms of legal recognition of same-sex relationships. If approved by voters, thousands of men, women and children in Florida could find their health insurance and domestic partner employee benefits threatened.



LGBT Advocacy: Under the leadership of our John C. Graves Fellow,

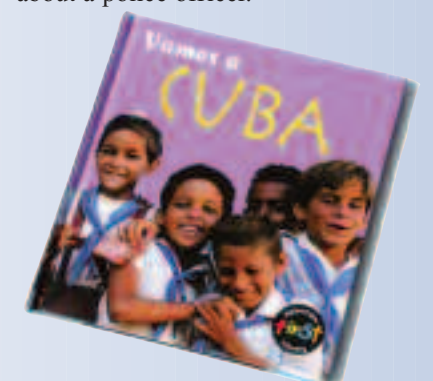
the ACLU has increased its efforts to combat sexual orientation discrimination, particularly focusing on discrimination and harassment of gay youth in Florida public schools.

Racial Justice and Police Practices

From Miami to Pensacola, the ACLU of Florida has been working to create effective mechanisms for civilian oversight of law enforcement and to strengthen those mechanisms that already exist. Independent citizen police review boards are needed to investigate complaints of police misconduct and make recommendations for changes in police policies and procedures. The ACLU is also investigating police department policies governing the use of Taser stun guns.

Defending Freedom of Speech and Expression

Our continuing defense of the First Amendment has involved recent lawsuits challenging the censorship of school library books, a state law banning academic research in certain specified countries, mandatory reciting of the Pledge of Allegiance and the jailing of journalists for printing information about an investigation of a citizens complaint about a police officer.



Vamos a Cuba book, photo by Jeff Borg.

Legal Snapshot

In addition to some of the cases highlighted in various Torch articles, here is a brief summary of other ongoing ACLU of Florida legal work:

Travel Ban

The ACLU of Florida brought a lawsuit against State of Florida officials this spring alleging that the State is usurping federal government authority by limiting how state universities disburse travel monies for purposes of research in certain countries. The law—which is clearly targeted at limiting travel by professors, students and scientists to Cuba—also affects travel to Iran, North Korea, Sudan and Syria. The prominent national and international law firm, Alston & Bird is lead counsel for the ACLU of Florida.

FTAA Cases

The ACLU's Greater Miami Chapter has been at the forefront of the litigation brought in the aftermath of the 2003 Free Trade Area of the Americas (FTAA) protests in Miami. Numerous constitutional rights were stomped on during the events and ACLU plaintiffs vary from union members to a filmmaker, a college student to reporters, and Amnesty International USA. To-date, six lawsuits have been brought against the Miami, Miami-Dade and Broward Police Departments and individual officers.

Freedom of the Press

The Tallahassee Chapter filed a federal lawsuit on behalf of the Wakulla Independent Reporter, a local newspaper unjustly targeted as an “electioneering communication” by the Florida Election Commission. The suit contends that the newspaper should not be subject to election reporting laws, as it is protected by the First Amendment. The ACLU sees this action by the FEC as part of an increase in frequency and instances of election commissions across the nation trying to apply campaign reporting requirements to situations where they don't apply. Similar cases in Massachusetts and Washington State indicate that this could be part of a growing trend.

Veterans for Peace

ACLU Regional Director Rebecca Harrison Steele and the Pinellas Chapter were successful in convincing the Pinellas School District to allow Veterans for Peace the same access to students that the military recruiters receive, for the purpose of presenting alternative career information. Steele was able to accomplish this without stepping foot in a courtroom.

The Pinellas Veterans for Peace (VFP) group will be permitted to offer printed material to public school students and answer

questions about careers that don't require military enlistment first. An excerpt from Steele's letter to the school district follows:

The First Amendment prohibits the government, including the Pinellas County School District, from denying access to a speaker solely to suppress the point of view he or she expresses. When the schools open their doors to one type of speech, such as the career information presented by military recruiters, they cannot bar the doors to others who seek to present the same type of information – but from an alternative viewpoint that may not receive favor.



Eye on the Constitution continued from page 2

There were 42 proposed constitutional amendments in Florida this year. Republicans in the Legislature do not have to rely on petition drives to get their amendments before voters since they have sufficient numbers—absent the unlikely defection of party members on the floor—to pass any joint resolution.

The list of possible constitutional amendments includes virtually every major hot-button issue of the past decade. Here are just a few:

- **School vouchers:** The Legislature is close to passing a joint resolution that is designed to overrule the Florida Supreme Court's ruling on the Opportunity Scholarship (Voucher) Program and foreclose future legal challenges to “school choice” by stripping the courts of jurisdiction to overrule the Legislature.
- **Gay marriage:** A petition drive to put a ban on same-sex marriage into the Florida Constitution fell short of the signatures needed. Legislators were deciding whether this issue would best serve an electoral advantage in a gubernatorial election year (2006) or in a presidential election year (2008). The former would have required passage of a joint resolution this session, which thankfully did not happen. The latter allows proponents of the discriminatory amendment another two years to get the required signatures.
- **Class size:** Depending on which side is strengthened in the November elections, the House and Senate are likely to be confronted with another effort to pass a joint resolution that will ask Floridians to repeal the class-size amendment they approved in 2002 and replace it with a requirement that school districts spend 65 percent of their money in classrooms.
- **Restricting Citizen Initiatives:** Last year, Legislators put a measure on the November ballot to require that any future constitutional amendment receive approval from at least 60% of state voters, rather than the current simple majority. Now under consideration are restrictions on petition gatherers and a filter mechanism to keep certain issues off the ballot. If successful, the bar will have been set too high that this will be the end, for all practical purposes, of citizen's initiatives.
- **Pledge of Allegiance Protection Act:** Some Senators believe the Pledge of Allegiance is under attack in Florida by the ACLU. In a fundraising letter, Senator Ken Pruitt (Republican-Port St. Lucie), who is next in line to be President of the Florida Senate, blamed “anti-God, left-wing liberals” for urging courts to ban the pledge from public schools because it contains the phrase “one nation, under God.” He urged supporters to contribute to a petition drive that would put a constitutional amendment on the ballot to require public school students to recite the Pledge of Allegiance. A joint resolution has also been filed in both houses to have the issue placed on the November ballot by the Legislature. Following U.S. Supreme Court decisions of 60 years ago, the ACLU has insisted upon a viable opt-out opportunity for students who do not wish to recite the Pledge for religious or political reasons.
- **Assault on the Independence of the Judiciary:** There are joint resolutions under consideration which would strip the Florida Supreme Court of jurisdiction in several areas, most notably education. They would change the manner in which court rules are promulgated, defining how the courts must interpret statutes, and otherwise lessen the ability of the courts to act as an independent third branch of government.

Abuse of Power

The current Administration, taking advantage of the post-9/11 climate of fear, continues to exercise an unprecedented abuse of power on several fronts.

Never before in our history have we seen such blatant disregard by the Executive Branch for the laws that made our great nation what it is today, coupled with a lack of oversight by the Legislative Branch. Though there has begun to be some push-back from the courts, there is a great deal of work to be done.

Following is a recap of some of the major abuse of power issues the ACLU is fighting to bring to an end...

Domestic Phone Records

In a nationally coordinated effort this spring, the ACLU of Florida filed a complaint with the Florida Public Service Commission (PSC) on behalf of our 30,000 members, urging the Commission to investigate whether local telecommunications companies allowed the NSA to illegally spy on their customers. Nineteen other ACLU state affiliates also filed complaints with their PSCs and/or attorneys general.

Two weeks later, the ACLU of Florida delivered 3,266 signatures to the PSC on behalf of concerned Floridians who urged the PSC to investigate the NSA spying program in Florida.

"We do not seek to obstruct legitimate law enforcement activities, but we are determined to stand up for the fundamental privacy and constitutional rights of people whose telephone records have been released without a warrant, notice or their consent," said Howard Simon, Executive Director of the ACLU of Florida.

Florida Statute §364.24(2) makes unauthorized divulging of a customer record by telecommunications companies a second degree misdemeanor and provides punishment of up to \$25,000 per day of the violation, which is outlined in Fla. Stat. §364.285.

The ACLU's letters to the state Public Service Commissions and other



information are available at: www.aclu.org/dontspy.

Warrantless NSA Spying on Americans

The ACLU brought the first lawsuit against the Bush Administration's program to spy on phone calls and e-mails of Americans without warrants. U.S. District Court Judge Anna Diggs Taylor ruled on August 17 that the program is unconstitutional and must be halted. This is the first ruling by a federal court to strike down the illegal NSA surveillance program.

Judge Taylor wrote: "There are no hereditary Kings in America and no powers not created by the Constitution. All 'inherent powers' must derive from that Constitution."

The lawsuit was filed in Detroit on behalf of prominent journalists, scholars, attorneys and national nonprofit organizations who said that the NSA

program is disrupting their ability to communicate effectively with sources and clients.

Not only does the program violate the Foreign Intelligence Surveillance Act (FISA), the NSA program infringes on constitutional guarantees of free speech and privacy. The Administration's 'state secrets' defense was also scrubbed due to the facts about NSA wiretapping having been previously conceded by the government.

"This ruling is a landmark victory against the abuse of power that has become the hallmark of the Bush Administration," said Anthony D. Romero, National ACLU Executive Director. "Government spying on innocent Americans without any kind of warrant and without Congressional approval runs counter to the very foundations of our democracy. Now Congress needs to do its job and stop the president from violating the law."

Keep up-to-date with the case and find more information on the ACLU's concerns with the NSA spying online at: www.aclu.org/nsaspying.

Spy Files

In June, the ACLU of Florida joined a federal lawsuit filed in Philadelphia to force the Department of Defense to turn over records it kept on peace groups and critics of Administration policies including groups in Ft. Lauderdale, Melbourne and West Palm Beach, Florida.

"The individuals and groups that we represent in seeking Pentagon files are law-abiding Americans who are being targeted for exercising their First Amendment rights," said Randall Marshall, Legal Director for the ACLU of Florida. "We count on the government to keep our country safe, but when the Pentagon wastes resources targeting Quakers and other peaceful critics, America is less safe and less free."

The ACLU filed a FOIA request in February after evidence surfaced that the Pentagon was secretly conducting illegal surveillance of protest activities by anti-war organizations and individuals who attended peace rallies. According to news reports, the Pentagon gathered information on law-abiding Americans and shared the data with other government agencies through its Threat and Local Observation Notice (TALON) database. The TALON program was initiated by former Deputy Secretary Paul Wolfowitz in 2003 to track groups and individuals with possible links to terrorism.

"We've lost a significant amount of our freedoms when the Federal Government is not accountable to the people," said Peter Ackerman of the Fort Lauderdale Society of Friends (Quakers). "It's obvious to me the ship of state is far off course and the Government needs to be held responsible."

A full list of groups in the lawsuit is online at www.aclu.org/spyfiles.

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Documentation of Torture and Abuse

— The ACLU filed a lawsuit to make the government comply with a Freedom of Information Act request seeking internal documentation of investigations into torture and abuse perpetrated in U.S.-controlled detention facilities including Abu Ghraib, Guantanamo and others in Iraq and Afghanistan. As a result, the government has been forced to turn over more than 100,000 pages of documents detailing the torture and abuse of detainees. The ACLU has created a search engine for the public to access the documents at www.aclu.org/torturefoiasearch

McCain Amendment — In 2005, Congress adopted as part of the Defense Department spending bill, the "McCain Amendment" which restores the rule of law in military interrogations. So named for the chief sponsor, Senator John McCain (R-AZ), a former prisoner of war, his proposal uses the Army's field manual on interrogations as the legal standard for interrogation policies and reinforces the ban on cruel, inhuman and degrading treatment. However, when signing the act into law, President Bush issued an ominous signing statement asserting that he

might construe the protections the law offers in a limited manner, consistent with his authority to act as commander in chief.

CAPPS II — Immediately after 9/11, Congress and the FAA called for airline passenger prescreening based on a traveler's name and Passenger Name Record. Opposition to sharing PNR data prevented the launch of this program and led to the development of the Computer Assisted Passenger Prescreening System (CAPPS II). The program was to assign each airline passenger a "risk score." However, implementation of CAPPS II was contingent upon review and certification by the General Accounting Office that the program met certain performance and civil liberties standards. The program failed to meet the criteria, and in August 2004, CAPPS II was scrapped. A new proposal, Secure Flight, remains stalled. Opposition to CAPPS II came not only from the ACLU, but also from conservative organizations including the Eagle Forum, the American Conservative Union and Americans for Tax Reform.

Total Information Awareness — In November 2002, the New York Times reported the Defense Advanced Research Projects

Agency, under the direction of John Poindexter, was developing a massive data-mining program called "Total Information Awareness" (TIA). This super-snoop program would create an infrastructure for the government to use "data-mining" technology to track and monitor, among many other things, innocent Americans' financial, health, travel and credit card transactions. In September of 2003, Congress killed the program in the Department of Defense Appropriations bill. However, even with the demise of TIA, reports indicate the government may be secretly developing other and similar super-snoop programs. Opposition to TIA also came from conservative allies including the American Conservative Union, Americans for Tax Reform, the Eagle Forum and the Free Congress Foundation.

Operation TIPS — The Terrorism Information and Prevention System was a proposal to have ordinary citizens and workers who have access to your home, such as meter maids and telephone repairmen, spy on their neighbors and report "suspicious" activity. It was unclear how the data would be collected, screened and stored. Bipartisan uproar over the program, led by Congressman Dick Armey (R-TX) and Senator Patrick Leahy (D-VT), prompted efforts to derail the citizen-spy

proposal. The final result: Congress explicitly prohibited the implementation of Operation TIPS.

Patriot Act II — In February 2003, it was revealed that the Justice Department had drafted new legislation, "The Domestic Security Enhancement Act of 2003," or Patriot Act II. The draft bill went substantially further than the Patriot Act to erode checks and balances on presidential power and infringe on constitutional rights. Among other things, the bill enhanced the ability of the government to strip naturalized Americans of their U.S. citizenship, encouraged police spying on political and religious activities, allowed the government to wiretap without going to court and dramatically expanded the death penalty under an overly broad definition of terrorism. Opposition to the draft was broad -- the bill was never officially introduced and did not gain any traction. However, some provisions have since been introduced in piecemeal form.

Top Ten Successes prepared by ACLU National. For additional information on civil liberties issues in the five years following 9/11, visit: www.aclu.org.

Grassroots Activity & Upcoming Events in Florida

GREATER BAY – INTERIM CHAPTER: One thing is for sure in Panama City – just about everyone knows the ACLU is now in town. In addition to a monthly Rights Restoration workshop held on the second Monday of each month at 7PM in the Panama City Library, this active group is hosting an ACLU table at Friday Fest which is held the first Friday of every month in downtown Panama City. Fest-goers can learn more about the work of the ACLU while they enjoy food and drinks from local vendors, browse through shops, and enjoy live music. (For more information call: 850-429-9128).

BREVARD: In a successful example of grassroots organizing, coalition building and uniting community and state leaders that has received national recognition and kudos, Kevin Aplin and the Brevard Chapter helped defeat an anti-immigrant ordinance in Palm Bay this August.



ACLU members and friends march in the 7th Annual Fort Lauderdale Pride Parade, photo by Joel Delgado.

Following similar ordinances which passed in communities in Pennsylvania and California, this is the second ordinance in Florida to be defeated. (The defeat of a similar ordinance in Avon Park was the first.) If ever there was an example of individuals coming together to accomplish a common goal, this is it. Way to go Kevin, everyone in the Brevard Chapter and our fellow coalition partners!

BROWARD: The Broward Chapter gathered in the June heat to celebrate International Pride Day and raise awareness about the ACLU of Florida's LGBT Advocacy Project. Donning "Take A Stand" signs and ACLU shirts, members of the Broward chapter and the state office gathered with their friends and marched in the 7th Annual Stonewall Street Festival and Parade in Wilton Manors.

Banned Brilliance of Authors of African Descent – Join the Broward Chapter and the ACLU of Florida Racial Justice Project for a celebration of Banned Books Week on September 27th at 6:30PM. The event will feature prominent African-American Broward citizens reading from banned or challenged works. For location and details, visit: www.aclufl.org/broward or contact the State office at: 786-363-2728.

CENTRAL: The Orlando area chapter has been working overtime this summer in defense of the homeless who are falling victim to a recently passed ordinance that prohibits religious and other groups from feeding the homeless in parks near the Orlando city hall. The chapter, along with the State ACLU office is looking into possible solutions including working with the city and religious groups to broker a resolution, or possible litigation to challenge the ordinance.

COLLIER - INTERIM CHAPTER: Join the Collier County interim chapter in their first public events as an interim chapter:

Membership Reception - Monday, Oct 23rd, 5:30 - 7:30PM at Bha! Bha! restaurant (847 Vanderbilt & 41, Pavilion Shopping Center)

- Mingle with other local ACLU supporters and the interim Collier County Board of Directors;
- Find out what a local ACLU chapter does;
- Meet and hear a brief presentation by Howard Simon, Executive Director of the ACLU of Florida; and
- Enjoy complimentary hors d'oeuvres and cash bar reception.

Town Hall: Immigration and its Impact on Collier County - Thursday, November 9th, 7-9PM at the Norris Center.

Call (786) 363-2728 for more information about the interim Collier County chapter.

FLORIDA KEYS: The Florida Keys Chapter is working with the Florida Keys Community College on several events for this year's Constitution Day, which will be the chapter's annual community project. The chapter is planning a free public screening of the Stanley Kramer movie "Inherit the Wind" at 3PM in the Key West Public Library on September 18th. A discussion will follow.

The Keys Chapter is also planning events for Bill of Rights Day on December 15th. The event, commemorating the 215th anniversary of the ratification of the Bill of Rights, will consist of a panel of local citizens discussing specific amendments, their personal interest and/or experiences.



Terry Coble and Albert Krieger of the Miami Chapter present an award to prominent American Bar Association member, Neal Sonnett

issues discussed in a civil manner," says host and Chapter president Ken Hurley.

GREATER MIAMI: The Miami Chapter wrapped up another exciting and educational season of its FreedomWatch cable TV series. Topics included: Civilian Oversight of Police Activities in Miami, Reproductive Rights in America Today, Comprehensive Immigration Reform, Freedom of

Speech – Here and Abroad, Privacy and Executive Power, and Student Rights – Do Zero Tolerance Policies Provide Equal Protection.

PALM BEACH: The Palm Beach County Chapter of the ACLU of Florida proudly presents Clarence Darrow: The Search for Justice, on Wednesday, November 1, 2006 at the Palm Beach Community College's Duncan Theater in Lake Worth. The theater is located at 4200 S. Congress Ave., between Lake Worth Rd. and 6th Avenue South. Tickets are \$15 in advance and \$20 at the door, \$10 for students. To purchase tickets, call: (866) 813-7761.



Young Molly Potts shows her patriotism at the Pensacola July 4th Parade, photo by Kileen Marshall.

PANHANDLE: The Panhandle Chapter continues to sponsor Rights Restoration Workshops on the fourth Saturday of each month from 10AM to Noon. They are held at the Pensacola Public Library, 200 W. Gregory St., Pensacola.

Coming up on October 14th is "Come Out Pensacola" – check with the chapter for more information. Also, the Panhandle Chapter will hold an ACLU Friend Raiser on October 29th at Old Bay Steamer, Fort Walton Beach, 120 Santa Rosa Blvd on Okaloosa Island. (For more information contact 850-429-9128)

PINELLAS: The Pinellas Chapter has been busy this summer! Chapter members tabled at the Juneteenth Freedom Day celebration at Campbell Park in St. Petersburg on June 17th and participated and tabled at the St. Petersburg Gay Pride Festival on June 24th.

Planned upcoming chapter events include hosting a Banned Book table at the St. Petersburg Times Reading Festival and an information table at Circus McGurkis, both on October 28th. The Pinellas Chapter's annual membership meeting and Bill of Rights Dinner will be held on December 7th at Banquet Masters II in Largo, at which the chapter will present the Gardner Beckett, Jr. Civil Liberties Award and the Irene Miller Vigilance in Journalism Award.



A group of ACLU members march in the St. Pete Pride Parade in June, photo by John Heinz.

GREATER TAMPA: The Greater Tampa Chapter co-sponsored a very successful Town Hall meeting titled "Executive Power in the War on Terror—Are There Any Limits?" on May 25th. Almost 300 people attended the event that was held at USF. In the words of one participant, it was "the most important program I've been to in ten years!" The event featured a stimulating discussion by a panel of experts on Safe and Free issues and a keynote address by Georgetown Law Professor, David Cole.

In June, the chapter held another community forum commemorating the anniversary of Lawrence v. Texas which bans states from criminalizing homosexual behavior. The Freedom Files Gay and Lesbian Rights episode – which shows how the members of gay and lesbian families in America are treated as second-class citizens under the law, lacking rights that many people take for granted – was shown at the event. Notable LGBT activists from around the state participated in a discussion of LGBT issues in the Bay Area and members of the chapter also participated in the St. Petersburg Gay Pride parade with members of the Pinellas Chapter and the West Central Florida ACLU Office.

TREASURE COAST: Congratulations to the Treasure Coast Chapter! They were awarded a \$1000 grant this summer for LGBT work in the Treasure Coast area.

Chapter activities include:

- An episode of Freedom Files will be showing in the St. Lucie County Library system the fourth week of each month: 4th Tuesday, 2-PM, Morningside Branch; 4th Friday, 11AM – 1PM, Lakewood Branch; 4th Saturday, 12-2PM, Downtown Fort Pierce Branch.
- Bill of Rights Birthday Bash, December 15, location and time to be announced. This is the most regularly observed event for the Treasure Coast Chapter. Visit www.aclufl.org/treasurecoast for more info.
- The Okeechobee County Library will honor Constitution Day with an exhibit and the chapter is working with the schools in Okeechobee County to encourage Constitution Day to be addressed in all grades.
- Several house parties are being planned at which ACLU's short video titled "Stop the Abuse of Power" will be shown and a discussion about Government abuse of power issues will follow.
- Next Chapter Board meeting: Saturday, October 7, 3:00-5:00pm. Visit www.aclufl.org/treasurecoast for more info.

VOLUSIA/FLAGLER: ACLU Freedom Files Forum – The Volusia/Flagler Chapter of the ACLU is beginning a series of bi-monthly forums dedicated to some of the most important civil liberties issues facing the local community. Each Freedom Files Forum will begin with a big-screen showing of an episode of the new ACLU TV series, Freedom Files, followed by expert guest speakers and audience discussion. Each forum will address the issues from a local as well as national perspective, including a "call to action" for local citizen involvement.

The first Freedom Files Forum dealt with Voters' Rights. The two guest speakers were Volusia County League of Women Voters President, Judy Moore and the founder of the Florida Fair Elections Coalition, Susan Pynchon. Topics included touch-screen voting machines, disenfranchisement of voters, and the new laws that affect voter registration as well as election results. We hope you can join us for the next forum on LGBT rights to be held on October 28th. The guest speaker will be Karen Doering from NCLR and it will be hosted at Embry-Riddle Aeronautic University in Daytona Beach from 1 - 3PM.

ACLU DeSilver Society

The DeSilver Society is named after Albert DeSilver (1888-1924), one of the founders of the American Civil Liberties Union and the first ACLU member who made certain that his support for civil liberties and the work of the ACLU would live on after his death.

The ACLU established the DeSilver Society to recognize those thousands of supporters who, in the same spirit of Albert DeSilver, extended their commitment to the defense of civil liberties beyond their lifetimes through bequests, life income plans, or other giving options.

The struggle to defend individual rights never ends, because no generation can secure liberty for all time. Each generation must do its part to keep the promise of the Bill of Rights alive.

The ACLU of Florida gratefully acknowledges the devoted support of the following DeSilver Society members who have provided the ACLU with the resources needed to protect civil liberties for future generations:



DeSilver Society Member and ACLU of Florida State Board Member Darlene Williams with family

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For more information about wills, charitable gift annuities or other gift planning opportunities, contact the ACLU's planned giving department toll-free at (877) 867-1025, or send an email to DeSilver@aclu.org. Supporters who have already included the ACLU in their wills or estate plans are encouraged to notify the ACLU's Planned Giving Office. We want to welcome you as a member of the DeSilver Society.

Investors in Liberty

Thanks to our many supporters who contributed so generously to the ACLU during the past year. We want to single out those supporters in Florida who made extraordinary contributions to the ACLU/ACLU Foundation of Florida between January 1, 2005 and December 1, 2005. Their names appear directly below. Because of the generosity of all of our donors, the values of the Bill of Rights continue to be more than a promise on paper. We also want to thank those Board members and other volunteers who have participated in our efforts to raise funds to support the ACLU's work on behalf of civil liberties in Florida and across the nation.

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Financial Report

Substantial financial resources are essential for the ACLU of Florida to effectively defend and advance civil liberties. What is remarkable about the ACLU is the way that financial support is raised – by the energetic and dedicated work of committed board members, staff and dozens of volunteers. They are the engine that drives all that the ACLU is able to accomplish. The ACLU receives no government funding. Our existence depends entirely upon private donations, foundation grants, court-awarded legal fees and membership dues.

ACLU Foundation of Florida Operating Income and Expenses*

Fiscal year ending March 31, 2006

The Foundation is a 501(c)(3) organization. Contributions to it are deductible for income tax purposes.

REVENUE AND SUPPORT:

Contributions and grants	\$ 1,402,920
Bequests	-
Attorney fee and cost reimbursement:	\$ 120,889
Event loss/revenue, net	\$ 161,178
Investment gains	\$ 241,799
Other income	\$ 391,339
Net assets released from restrictions	\$ 166,298

Total revenue and support: \$ 1,078,804

EXPENSES:

Program Expenses	\$ 1,080,407
Supporting expenses:	-
Management and general	\$ 236,537
Fund raising	\$ 123,599
Total expenses:	\$ 1,440,543
Changes in net assets	\$ 1,043,880
Net assets, beginning of year	\$ 1,742,350

Net assets, end of year \$ 2,786,230

ACLU of Florida Operating Income and Expenses*

Fiscal year ending March 31, 2006

The ACLU is supported primarily by membership dues.

REVENUE AND SUPPORT:

Membership:	\$ 411,579
Bequests	\$ 43,419
Investment income	\$ 41,995
Unshared revenue	\$ 40,000
Other income	\$ 2,388

Total revenue and support: \$ 539,381

EXPENSES:

Program Expenses:	\$ 365,287
Supporting expenses:	-
Management and General:	\$ 84,701
Fund raising	\$ 24,411
Total Expenses:	\$ 474,399
Change in Net Assets	\$ 64,982
Net Assets at the beginning of the year	\$ 533,721

Net Assets at the end of year \$ 598,703

*These are unaudited figures. Audited financial statements prepared by L. Brown and Company, P.A. for the year ending March 31, 2006 will be available as of October 31, 2006. Copies available by writing: ACLU of Florida, 4500 Biscayne Blvd., Suite 340, Miami, FL 33137.

ACLU-FL Volunteers and Interns

A special thanks to the following volunteers and interns who have helped build our program and carry out our message through their dedicated work in the ACLU's Miami, Tampa, Brevard and Pensacola offices:

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With Thanks to the Following Attorneys For Donating their Services in 2005-2006:

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