

ACLU FALL 2008 news

BECAUSE FREEDOM CAN'T PROTECT ITSELF

VOLUME LXXI ISSUE 4

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RENTING WHILE BLACK: ANTIOCH TENANTS CHARGE POLICE WITH CAMPAIGN OF INTIMIDATION

By Rachel Swain

All Mary Scott wanted was a quiet place to raise her girls. With high-ranking schools, low crime rates and plenty of affordable housing, Antioch seemed to fit the bill. That was before the police tried to run her out of town.

"When I first moved here things were smooth like I had expected," says Scott, who has four daughters and is fighting cancer. "Then I got bombarded by prejudice."

Scott is not alone: A federal class-action lawsuit filed against the city of Antioch in July charges that the Antioch Police Department engaged in a campaign of intimidation and harassment against African Americans who rent subsidized housing in the East-Bay suburb.

"A few years ago, the ACLU launched an effort to stop police pulling over people for driving while Black," says Alan Schlosser, legal director at the ACLU-NC. "Now, the problem in Antioch appears to be the police targeting you for renting while Black."

The five women plaintiffs in the lawsuit are represented by the ACLU-NC together with the Impact Fund, Public

Advocates, Lawyers Committee for Civil Rights and the law firm of Bingham McCutchen LLP.

The story began as the subprime mortgage crisis rolled through Antioch. The suburb was the hardest hit in the Bay Area, with almost one-third of homeowners facing foreclosure in some parts of town. The empty houses led to a glut of affordable housing, enabling low-income renters to use federal ("Section 8") vouchers to lease houses in formerly high-rent areas. As the community's demographics began to shift, Antioch homeowners complained to the City Council about "residents receiving federal housing assistance dragging the city down." The city responded by creating the Community Action Team (CAT), an arm of the police department, ostensibly to monitor "quality-of-life" issues.

But, according to the lawsuit, CAT's real mission was clear: "to force African-American Section 8 households to move out of Antioch and to discourage any new Section 8 households from locating there."



Four of plaintiffs in the case, Alyce Payne (bottom row, second from left), Mary Scott (bottom row, third from left), Priscilla Burton (top row, middle), Karen Coleman (middle row, fourth from left), shown here with their families, members of the legal team, and community leaders from the NAACP who helped bring the issue to light.

Mary Scott was nine-months pregnant when CAT officers first banged on her door, looking for her children's father, who was visiting at the time. When Scott asked for a warrant, they said they didn't need one.

"I didn't know if it was true or not, I'd never been in trouble in my life," says Scott, who was on maternity leave from her job at Washington Mutual. She says the officers threatened to handcuff her and make her lie on the floor if she didn't consent to a search, so she and her toddler watched in terror as police rifled through her closets.

CONTINUED ON PAGE 4

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with remarks from NCLR Executive Director Kate Kendell

Sunday, December 7

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BOARD OF DIRECTORS ELECTION

VOTING INFORMATION

WHO CAN VOTE:

The by-laws of the ACLU of Northern California call for the “at large” Directors to be elected by our general membership. The label affixed to this issue of the *ACLU News* indicates on the top line if you are a current member and thus eligible to vote. Your label states “VOTE” if you are eligible to vote or “INELIGIBLE” if you are not eligible to vote.

If your label states that you are ineligible to vote, but you have recently renewed your membership, please send in your ballot with an attached note including your name and phone number, so we can verify your renewal that was not yet processed at the time the ACLU News mailing labels were generated. If you are ineligible because you have not renewed your membership but would like to do so at this time, please enclose your membership renewal check in the same envelope along with your ballot. (Please note that it is your non tax-deductible membership dues payable to the ACLU, not donations to the ACLU Foundation, that make you eligible to vote.)

HOW THE CANDIDATES WERE NOMINATED:

As explained in our spring/summer 2008 issue of the *ACLU News*, our by-laws specify two methods for nominating candidates for directorships. Candidates may be nominated by the current Board of Directors after the Board considers recommendations from its Nominating Committee. Candidates may also be nominated by petition bearing the signatures of at least 15 of our members in good standing.

INSTRUCTIONS FOR VOTING:

The candidates are listed in alphabetical order. We have 10 candidates running to fill 10 vacancies on our Board of Directors. You may vote for up to 10 candidates.

You cannot cast more than one vote for any candidate. That is so even if you vote for fewer than 10 candidates. If you share a joint membership with another member, each of you can vote for 10 candidates. Do that by using both of the columns provided for that purpose.

After marking your ballot, clip it and enclose the ballot in an envelope. Your address label (on the reverse side of this ballot) must be included to ensure voter eligibility.

ADDRESS THE ENVELOPE TO:

ELECTIONS COMMITTEE
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111

If you prefer that your ballot be confidential, put your ballot in one envelope, then insert that envelope plus your address label in a second envelope and send to our Elections Committee at the address indicated above. In that case, we will separate your envelopes before we count your ballot.

In order for your ballot to be counted, we must receive it at the address shown above by noon, Pacific Standard Time, on Thursday, Dec. 11, 2008.

As required by our by-laws, in order to have a quorum for our election, we need at least 100 timely returned ballots from our members.

To help you assess this year’s candidates, we’re including brief statements submitted by the candidates (see page 3). We’ve also indicated how they were nominated.

ACLU-NC BOARD OF DIRECTORS BALLOT

Please vote by marking one square next to each candidate you support.
You may vote for up to 10 candidates on this ballot (joint members: use both squares).

☐ ☐ Jim Blume

☐ ☐ Linda Colfax

☐ ☐ Dr. Alicia Fernandez

☐ ☐ Dick Grosboll

☐ ☐ Allen S. Hammond IV

☐ ☐ Magan Pritam Ray

☐ ☐ Steven Rosenbaum

☐ ☐ Jahan Sagafi

☐ ☐ Betsy York

☐ ☐ Elizabeth Zitrin

Please clip and send along with your address label to:

Elections Committee
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111

Ballots must be received by noon on December 11, 2008

NOT A CARD-CARRYING MEMBER? JOIN ONLINE AT WWW.ACLUNC.ORG

CANDIDATE STATEMENTS



JIM BLUME

I am honored and excited to be nominated to the Board of the ACLU-NC for a second term. Unfortunately, during this period, the crucial nature of our work has been enhanced largely because of the unprecedented assault by the Bush administration on basic civil liberties. Even with a new administration the need for continued vigilance by the ACLU will remain. I am proud to be able to play a role in strengthening

the organization, mainly by my work on the Finance Committee and as Chair of the Investment Sub-Committee. It is on these committees that I can put my expertise as an Investment Advisor to use. I appreciate the opportunity to continue to serve the ACLU-NC in its critically important mission.

Nominated by: ACLU-NC Board of Directors. Incumbent: Yes.



LINDA COLFAX

Linda Colfax has worked as a San Francisco Deputy Public Defender for over 11 years. She represents indigent clients charged with felonies ranging from simple drug possession to homicide. Linda volunteers as: the Treasurer of the Municipal Attorney's Association, the collective bargaining unit for the San Francisco Public Defenders, District Attorneys, and City Attorneys; the Vice President of discipline for the

Golden Gate Women's Soccer League; and board member at large of the Women Defenders, a professional organization that provides mentoring, education, and networking to female criminal defense attorneys. Linda has a 7.5 year old daughter and a 3.5 year old son. Linda obtained her undergraduate degree from Harvard in 1990 and law degree from the University of Michigan in 1996.

Nominated by: ACLU-NC Board of Directors. Incumbent: Yes.



DR. ALICIA FERNANDEZ

I am deeply committed to the work of the ACLU and feel honored to be nominated to serve on the Board of the ACLU-NC. I hope to bring to the Board a perspective shaped by my clinical work caring for underserved patients at San Francisco General Hospital where I am daily reminded of the social and personal costs of social inequities. As a health services researcher focused on racial and ethnic health disparities, I

understand the challenges posed by the growing inequality in wealth and the decline in civil liberties. The ACLU has long played a central role in protecting and advancing civil rights and I look forward, if elected, to contributing to this effort.

Nominated by: ACLU-NC Board of Directors. Incumbent: No.



DICK GROSBOLL

I am pleased to be nominated for a final term on the Board of Directors of the ACLU-NC. I have been involved with the ACLU-NC since 1980, including having been the Chair of the Board from 1995 through 1999. I am Co-Chair of the ACLU-NC's Campaign for the Future Cabinet and serve on the Finance Committee. I am proud of my long-term association with the ACLU-NC, including having had the opportunity to work with its great staff and Board. The ACLU-NC continues to be a leader in

protecting and expanding civil liberties and civil rights throughout Northern California. I am excited about helping improve and enhance that work. I ask for your vote.

Nominated by: ACLU-NC Board of Directors. Incumbent: Yes.



ALLEN S. HAMMOND IV

Allen S. Hammond IV is the Phil and Bobbie Sanfilippo Chair and Professor of Law at Santa Clara University. A professor at Santa Clara Law since 1998, he serves as director of the Broadband Institute of California, is former President of the Alliance for Public Technology and is a board member of the AT&T Telecommunications Consumer Advisory Panel.

He has held legal and policy positions including the White House Office of Telecommunications Policy (Carter Administration), and academic positions at the University of Maryland, Howard University, Syracuse University College of Law, and the New York Law School.

Professor Hammond earned his J.D. from the University of Pennsylvania School of Law, M.A. from the Annenberg School of Communications at the University of Pennsylvania, and B.A. from Grinnell College.

Nominated by: ACLU-NC Board of Directors. Incumbent: No.



MAGAN PRITAM RAY

Serving on the Board of Directors of ACLU-NC would be a great privilege. I am devoted to the fight to protect our civil liberties. A partner at Greenberg Traurig, I specialize in benefits & compensation and am active in various professional and political organizations. As a first generation immigrant, wife of an African American, mother of 3 teens, and graduate of Berkeley and Stanford, I am particularly committed to

educating young people and immigrants about civil liberties and the foundational role they play in a democratic society. I have served on a variety of Boards, including the ACLU-NC (Mid Pen), PAUSD Gate Advisory, school site, sports and academic boards. If elected, I will bring my energy and perseverance to further the mission of the ACLU.

Nominated by: ACLU-NC Board of Directors. Incumbent: No.



STEVEN ROSENBAUM

My first ACLU connection was as a client, challenging a high school dress code in Michigan. As a college intern, I hooked up with the fledgling ACLU of Mississippi, defending the right of the klan to march in a parade and of university students to read controversial literature. As a lawyer, I have co-counseled with various California affiliates—litigating immigration eligibility requirements for farmworkers and La

Migra's workplace raids and helping a pupil attend school with her service dog. My travels now take me from Oakland to Ukiah—advocating for students with disabilities and community access for adults with intellectual impairments. I teach law students: mental health law, social justice, civil rights and disability rights. It would be an honor for me to serve on the board.

Nominated by: ACLU-NC Board of Directors. Incumbent: No.



JAHAN SAGAFI

I would be honored to continue to serve on the Board. I have been active in the Legislative Committee, Board Nominating Committee, development, and other work. As a plaintiffs' class action attorney with Lieff Cabraser, I fight for the rights of individuals wronged by corporations.

As a Board member, I draw on this perspective as well as my past experience as an editor of the Harvard Civil Rights-

Civil Liberties Law Review, a management consultant, and a high school teacher to help guide our beloved organization to greater achievements.

We must remain vigilant in protecting all people's rights, no matter who is in power. Furthermore, we can build on our 21st Century achievements, cementing protections we have worked so hard to win.

Nominated by: ACLU-NC Board of Directors. Incumbent: Yes.



BETSY YORK

I welcome the opportunity to assist the ACLU-NC's efforts to preserve the protections of our Bill of Rights. I bring 19 years of fundraising experience and have served on many non-profit boards. I now serve on the wonderfully organized and productive ACLU Development Committee. I am a graduate of Pomona College and Simmons College of Management (MBA). The ACLU takes

care of all people and I would be proud to serve.

Nominated by: ACLU-NC Board of Directors. Incumbent: Yes.



ELIZABETH ZITRIN

I am honored to be nominated again to the ACLU-NC Board. I have served on the Board as both an at-large member and as a Chapter representative. I serve on the Development, Legislative Policy and Executive Search Committees. I am a lawyer working on abolition of the death penalty, in California and on the Steering Committee of the World Coalition Against the Death Penalty. Our civil liberties have been

seriously eroded in recent years, and continue to be under attack. It is the work of the ACLU to right the wrongs done to our fundamental liberty, and I view my service on the ACLU-NC Board as service to the Constitution and the Bill of Rights.

Nominated by: ACLU-NC Board of Directors. Incumbent: Yes.

NEW STAFF

Dana Textoris is our new Major Gifts Officer. Dana comes to us from NARAL Pro-Choice America, where as Associate Director of Development she launched a comprehensive development program for California, including initiatives in major gifts, foundation grants, on-line fundraising, and special events.

In her native Ohio, Dana managed public relations and communications for the ACLU of Ohio. Upon coming to California, she worked briefly as a consultant on the ACLU-NC's "Yes on 66" and "No on 69" ballot campaigns. She has provided consulting services in grant writing, campaign management, team training, and board support to a variety of non-profit organizations, including the American Democracy Institute, Planned Parenthood Shasta-Diablo and Active Voice. Dana is board secretary of the Development Executives Roundtable and a founding member of Good Ol' Girls, a networking organization for progressive women in the San Francisco Bay Area. ■



FRONTLINE CELEBRATES YEAR FIVE

In an enthusiastic show of support from the Bay Area legal community, nearly 200 lawyers and summer associates attended the fifth annual Frontline Attorney Reception in June to commemorate the ACLU's groundbreaking work to protect the civil rights of lesbian, gay, bisexual and transgender (LGBT) people and people with HIV/AIDS.

Twenty-two law firms served as sponsors—a new benchmark of support. The event was generously underwritten and hosted by Pillsbury Winthrop Shaw Pittman.

The reception featured two ACLU clients, Ralph Martinelli and Robert Ryan, an Idaho couple. Ryan, a 9/11 survivor, barely escaped from his office at Morgan Stanley as the World Trade Center crumbled. He and Martinelli became registered domestic partners in New Jersey in 2005, and Martinelli's employer allowed him to cover Ryan under the company's health insurance plan. But when the two later moved to Idaho, Ryan was stripped of his health benefits because Idaho does not recognize domestic partnerships. The ACLU has urged the company, Konica Minolta, to honor its policy on domestic partners in all states.

In their remarks from the podium, Matt Coles, ACLU's National LGBT & AIDS Project Director and then-ACLU-NC Executive Director Maya Harris encouraged the assembled braintrust of talented legal professionals to become actively involved in the fight to oppose Proposition 8, the initiative that would overturn the recent California Supreme Court ruling in favor of marriage equality.

Contributions to the Frontline Campaign enable the ACLU to fight discrimination and move public opinion on LGBT rights through the courts, legislatures and public education. For more information about the Frontline Campaign, contact Sandy Holmes at sholmes@aclunc.org, or (415) 621-2493. ■



Host Bill Wong of Pillsbury Winthrop Shaw Pittman; Jeanne Rizzo with Ralph Martinelli and Robert Ryan; ACLU-NC Interim Chair Dick Grosboll with ACLU-NC Senior Development Associate Sandy Holmes.

WHY WE ARE CARD-CARRYING MEMBERS

While they were still dating, Maya M. gave her soon-to-be-husband Matt one of the best gifts he's ever received: an ACLU membership. The two have invested their generosity of spirit in the organization again and again. For the past seven years, Maya and Matt have played active roles in the ACLU-NC community as members, donors and volunteer fundraisers. Maya has also worked with the ACLU as a volunteer attorney and a member of the Lawyer's Council.

"We feel a responsibility as concerned citizens to support the ongoing fight to preserve our most precious and hard-won freedoms. The ACLU's work has always been critical, but it has been especially important over the past 7 years. Every American should be tremendously thankful that the ACLU remains vigilant on behalf of our core rights, regardless of who is in power.

"We are very proud to count ourselves among those who are able to contribute in some small way to the ACLU-NC's local advocacy and education efforts."

If you're looking for a special gift during this holiday season, consider the gift of courage and clarity symbolized by ACLU membership. For more information, contact Shana Heller at sheller@aclunc.org, (415) 621-2493. ■



MICHAEL WOOLSEY

RENTING WHILE BLACK CONTINUED FROM PAGE 1

CAT officers didn't stop there. Claiming that Scott's boyfriend was living with her illegally, they complained to the housing authority, which terminated Scott's benefits but later rescinded the decision. They also harassed Scott's landlord, threatening legal action if he didn't evict her.

"It never crossed my mind to evict," said the landlord, Riaz Petras. "The police should go after people who bring crime in the neighborhood, not good people who're struggling to make ends meet."

Scott's experience was echoed across the city: According to the lawsuit, officers routinely conducted illegal searches, solicited complaints from neighbors, coerced landlords into making evictions, and pressured the housing authority to terminate vouchers. Two-thirds of families targeted by CAT were African Americans, who constitute 14 percent of Antioch's population. African Americans represent 56 percent

of households on Section 8, but 70 percent of complaints brought to the housing authority by CAT target African American families.

"It's clear that the police were trying to find ways to make problems for these tenants," says Schlosser.

Karen Coleman says she joined the lawsuit after police handcuffed her and searched her house, terrifying her children. She says CAT officers asked neighbors to submit surveillance reports and went to her husband's workplace, trolling for information.

"The police should keep things calm, not create more chaos," says Coleman. "Families and young children should be able to live in their communities without being afraid of the police." ■

Rachel Swain is a former ACLU-NC Communications Director.

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NEW REPORT: MAKING EVERY VOTE COUNT

By Laura Saponara

During the heated months of the election season, the ACLU-NC released a new report on the laws and policies that strip hundreds of thousands of Californians with felony convictions of their right to vote. *Making Every Vote Count: Reforming Felony Disenfranchisement Policies and Practices in California* explains why and how felony disenfranchisement laws may be the single greatest factor excluding people of color from the political process.

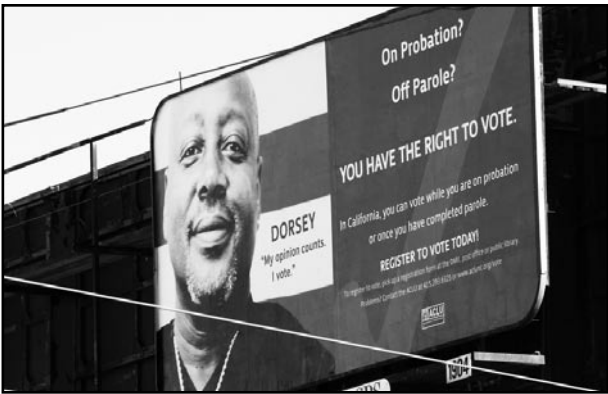
The number of people who are currently denied the right to vote is higher than at any other time in history, largely a result of the expansion of sentencing laws that target non-violent offenders.

A key component of *Making Every Vote Count* is its documentation of widespread confusion among eligible voters and public agencies about who is and is not eligible to vote in California. By law, an individual with a felony conviction can not vote while in state prison or on parole, but can vote while on probation or once he or she is off parole. But in a review of Northern California probation, sheriff and elections offices undertaken from 2005 to 2008, the ACLU-NC found widespread misinformation about California's disenfranchisement laws and an absence of regularly available, targeted information. In telephone surveys undertaken by the ACLU-NC, responses to questions such as, "Can I vote if I am on probation?" and "Can I vote if I have a criminal conviction?" were too often incorrect, even among local elections officials.

The vast majority of people in the United States who are prohibited from voting under felony disenfranchisement laws are living, working, and raising their families in their communities.

Making Every Vote Count traces the history of felony disenfranchisement to Jim Crow laws that were enacted to prevent newly enfranchised black voters from exercising their rights. Today, of the more than five million citizens denied the vote nationwide, 1.4 million are African American men.

While some agencies have taken important steps to educate



voters about their rights and improve access to voting, there is more work to be done.

The report was authored by Maya Harris, who served as the ACLU-NC's lead attorney in the lawsuit *League of Women Voters v. McPherson*, which successfully argued that people who are confined in county jail as a condition of felony probation are entitled to vote under California law.

Harris highlights the following recommendations:

- The State Legislature should mandate more effective voting procedures through new legislation, such as notifying individuals who lose and regain their voting rights;
- The Secretary of State should play a leadership role in protecting voting rights for Californians with felony convictions by developing specific, targeted materials clearly explaining their voting rights; disseminating this information

throughout the state; and instituting uniform criteria and procedures for timely, secure jail voting.

- Local elections officials should post this information on their websites and establish written procedures for collaborating with jails to ensure eligible jail inmates have timely access to voting.
- County probation officials should proactively inform probationers of their voting rights by posting information in probation office waiting areas and on websites, and by training probation staff.
- The California Department of Corrections and Rehabilitation should proactively inform parolees that their voting rights are automatically restored upon completion of their state prison and parole term.

A PDF copy of *Making Every Vote Count* is available on the ACLU-NC website: www.aclunc.org

In addition to the lawsuit mentioned above and the new report, the ACLU-NC's efforts to clarify, expand and promote voting rights include a statewide public education campaign called Every Vote Counts. ACLU-NC staff work directly with probation offices, sheriffs and corrections departments to provide the materials and information they need to become consistent sources of accurate information about voting rights. To learn more about this effort, visit www.aclunc.org/vote. ■

Laura Saponara is the ACLU-NC Communications Director.

LEGAL BRIEFS

By Rebecca Farmer

ENDING UNLAWFUL INMATE TRANSFER

The California Department of Corrections and Rehabilitation (CDCR) is using internal guidelines, rather than lawful regulations that are publicly available, to decide how to transfer California prisoners to out-of-state facilities. The ACLU filed suit on behalf of three advocacy groups in July 2008 to require that the prison system use fixed, public rules, based on sufficient notice, and allow for public comment.

The lawsuit seeks an injunction to stop the involuntary transfers until proper policies, standards and transparency are in place. Under the current guidelines, inmates and their families do not know what rules apply and CDCR officials can use arbitrary and subjective judgments related to ethnicity and immigration status to transfer inmates. In some cases, inmates are transferred as far away as Mississippi and Tennessee, effectively cutting off their ability to maintain close ties with support networks of family and friends. State law recognizes the benefit of placing inmates near family members.

DEFENDING LESBIANS AGAINST DISCRIMINATION IN HEALTH CARE

When Guadalupe Benitez's doctors learned she was a lesbian, they refused to give her certain infertility treatments, saying their religious beliefs prevented them from giving her the same care they regularly provided other patients. Benitez sued for discrimination and the ACLU-NC filed an amicus brief in support of her claim. We argued that although freedom of religion is important, it is outweighed in this case by the state's compelling interest in ensuring



Guadalupe Benitez with her twin daughters, Sophia and Shane.

full and equal access to medical treatment irrespective of sexual orientation. The California Supreme Court agreed, ruling unanimously in August 2008 that doctors' religious objections are not a justification for refusing to treat lesbian and gay patients.

STOPPING UNLAWFUL DETENTIONS AND RACIAL PROFILING

On September 5, the ACLU-NC filed a lawsuit charging that the Sonoma County Sheriff's Department and U.S. Immigration and Customs Enforcement (ICE) have been collaborating beyond the law to target, arrest and detain Latino residents of Sonoma County. For three years Sheriff's

deputies and ICE agents have stopped and searched people who appear to be Latino, interrogated them about their immigration status, and detained them in the county jail without criminal charges. The lawsuit charges that the actions by the local Sheriff and ICE violated constitutional guarantees of due process and equal protection, and that the Sheriff's Department acted beyond its authority in enforcing federal immigration law.

CHALLENGING REPEATED DENIALS OF PAROLE

For years, the ACLU-NC has been concerned with California governors' reversal of parole grants based solely on the facts of the original offense. In these instances, no consideration has been given to overwhelming evidence of individual rehabilitation and reform. The ACLU-NC filed an amicus brief with the California Supreme Court in support of the parole request of 82-year-old Arnold Jacobson.

The brief argued that these practices allowed arbitrary and political considerations to govern the executive decisions, and that this violated both the parole statute and constitutional principles of due process. In August 2008, the state Supreme Court delivered its decision in a companion case. In a 4 to 3 ruling, the Court reversed the governor's denial and stated that parole cannot be denied based solely on the nature of the crime committed, but rather on a fair and reasonable determination that parole of the individual presents a risk to public safety. Consistent with our amicus argument, the decision also reaffirmed the role of the judiciary in ensuring that parole decisions follow due process norms. ■

Rebecca Farmer is an ACLU-NC communications consultant.

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FRIEDMAN YOUTH INVESTIGATE: VISIONS OF JUSTICE AND EQUITY IN SCHOOLS

By Rachel Swain

For some the investigation was a shock; for others, an affirmation of personal experience.

But all the students who spent their summer exploring California’s embattled schools agreed on one thing: something has to change.

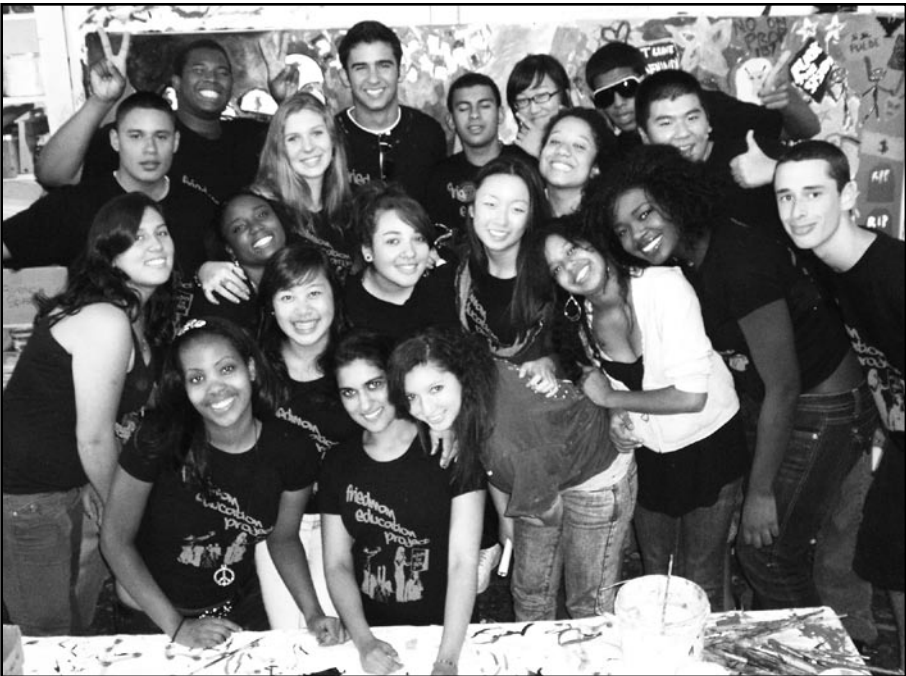
In August, 21 high-school students, aged 13 to 19, traveled the state with the Friedman Education Project, exploring the question: Is Education a Right or a Privilege?

The students met with teachers, activists, artists and academics, and visited schools across the state. They learned about the ways that young people are being pushed into the criminal justice system, and the unique experiences of immigrant students and students with disabilities. They explored the impact of standardized tests and No Child Left Behind, and studied the history of segregation. And they learned about each other, as their meetings sparked frank discussions about race and equity.

“Any vision we have about creating educational equity must hold racial justice at its core,” explained Bruin Runyan, co-director of the ACLU-NC’s Howard A. Friedman Education Project, which organized the investigation. “The trip aimed to expose young people to the complexity of the issues and their interconnectedness, and to learn what directly affected communities are doing to build power and create solutions and the role of allies in supporting that leadership and vision.”

The students ended the trip with a report to friends and family members. Over the next year, participants will produce a written expose, and present their findings to local schools.

Two students discussed the investigation with the ACLU News:



The high school students on their August trip.

JICHAO XU: AN EYE-OPENER

For Jichao Xu, a senior at San Rafael High School, the trip was an eye-opener. The experience jarred the way he thinks about race, education, and himself. “I realized how sheltered I was,” he says. “And I saw how race impacts us all.”

Xu, the son of Chinese immigrants, was plunged into an English-speaking elementary school in Marin County at the age of six. Now, he says, he feels lucky. In Los Angeles, he saw 5,000 students squeezed into a building the size of his own high school, which serves 1,000. “I was, like, ‘whoa, how do you cram all those students into that school? How is this a good learning environment?’” he recalled.

Xu says that the trip also highlighted the subtle way that racism permeates the schoolyard. “It woke me up,” he says. “I grew up in an environment where people brushed racism away, didn’t think it existed. But they’d perpetuate stereotypes with racist jokes. Now I’m telling people it’s not cool. I’m talking about what I learned, trying to open their eyes.”

XIHUANEL TATSHINDA: A CALL TO ACTION

Xihuanel Tatshinda, a senior at Berkeley High, said the investigation was less epiphany than call to action. “It hasn’t changed how I think about education,” she said, “but it makes me want to question more and fight back.”

Inspired by the community groups and organizers she met, Tatshinda came home with a manifesto for change and a strong desire to inform. In particular, she’d like to see more teachers of color in public schools, less emphasis on standardized tests, and a curriculum that reflects the state’s diversity.

“It’s like two different worlds; there’s no connection, no support for students of color,” she said. “I feel like we’re not represented in schools: the history that we learn is not all of our history. It’s white people history.”

Above all, Tatshinda says, it’s time for adults to hear what young people have to say. “They can learn a lot from us; we’re being neglected in terms of having our voice heard,” she said. “Just listen!” ■

Rachel Swain is a former ACLU-NC Communications Director.

SACRAMENTO REPORT

By Tiffany Mok

The 2008 legislative session was a disappointing term with some notable bright spots.

Though several important ACLU-supported bills were signed into law, the governor vetoed a majority of the bills we backed. Especially disheartening was the governor’s three-year run of vetoing our criminal justice reform legislation. But first let’s celebrate the victories.

PRIVACY PROTECTIONS

Gov. Schwarzenegger signed a key privacy bill. SB 31 (Simitian, D-Palo Alto) makes it a crime to surreptitiously read information stored on radio frequency identification (RFID) tags. The information stored on unsecured RFID chips embedded in identification cards can be read from a distance, without an individual’s knowledge, and misused for tracking, counterfeiting, and identity theft.

The passage of SB 31 is an important first step in protecting millions of Californians who could be put at risk by RFID technology – a priority the ACLU-NC has been working hard on in Sacramento for several years.

DISASTER RELIEF

State and local employees will now be required to provide disaster relief services without asking for identification or documents unless required by state or federal law, thanks to the signing of AB 2327 (Caballero, D-Salinas). During last year’s San Diego fires, some evacuees did not have identification and were denied critical assistance.

OTHER WINS

The ACLU found a First Amendment victory with the enactment of SB 1370 (Yee, D-San Francisco), which prohibits retaliation against school employees who act to protect a student’s free speech rights.

In the area of patients’ rights, the governor signed AB 2747 (Berg, D-Eureka), which requires medical professionals to give counseling about end-of-life options to terminally ill patients upon their request.

THE BAD NEWS

The governor vetoed a historic number of bills this year, in part due to the protracted budget crisis.

Both disappointing and inexplicable was the red pen he took to SB 1322 (Lowenthal, D-Long Beach), which would have removed McCarthy-era language from California law that permits discrimination against individuals associated with the Communist Party, and would have provided a religious exemption to the loyalty oath.

Before the bill ever got to the governor, the cell phone lobby killed AB 3011 (Huffman, D-San Rafael), which would have prohibited cell phone companies from disclosing their customers’ financial, calling, and demographic information without customers’ consent.

Two other RFID bills failed. The governor vetoed SB 29 (Simitian), which would have required that parents be informed and give consent before a school issues a child an RFID device for tracking or attendance-taking. SB 30 (Simitian), which would have set minimum protections for RFID use in state-issued identity documents, never made it to the governor.

CRIMINAL JUSTICE

It was another frustrating year for our efforts at criminal justice reform.

The governor vetoed SB 1589 (Romero, D-Los Angeles), which would have prohibited conviction based on the uncorroborated testimony of jailhouse informants. Such testimony is the leading cause of wrongful convictions in death penalty cases.

Also vetoed was AB 2937 (Solorio, D-Santa Ana), which would have ensured that the wrongfully convicted have the same access to resources that ex-offenders receive.

SB 1590 (Alquist, D-San Jose) and SB 1591 (Ridley-Thomas, D-Los Angeles), which would have reformed interrogation and eyewitness identification procedures, respectively, never made it out of Senate Appropriations.

POLICE ACCOUNTABILITY

A bill we had worked tirelessly on for two years, SB 1019 (Romero), fell victim to amendments and an early death. The bill originally sought to overturn the 2006 California Supreme Court decision in Copley Press v. Superior Court, which effectively shut off public access to information about police misconduct.

IMMIGRATION

We also supported AB 2076, (Fuentes, D-Los Angeles), which would have barred local governments from requiring businesses to use the E-Verify system. The system relies on often inaccurate information from the Social Security Administration and the Department of Homeland Security, misidentifying workers as ineligible for employment. As a result, E-Verify is contributing to racial profiling and discrimination in work places. Unfortunately the author placed the bill on the inactive file.

LOOKING AHEAD

The ACLU’s legislative priorities for 2009 will be set later this fall. Despite a difficult year, we will be back with a strong package of bills to promote civil liberties and civil rights in the state. ■

Tiffany Mok is a Legislative Advocate in the ACLU California Legislative Office in Sacramento.

TAKING POLITICS PERSONALLY: PENINSULA ACTIVISTS COLLABORATE TO DEFEND MARRIAGE RIGHTS

By Shayna Gelender

ACLU-NC is fortunate to have thousands of members and supporters on the Peninsula, so much so that two active chapters – North Peninsula (North Pen) and Mid Peninsula (Mid Pen) – span the region, bordered by the Santa Clara Valley Chapter to the south. Increasingly, North Pen and Mid Pen chapter activists have stepped it up to work together in coordinated efforts, especially with regard to the NO on 8 / Equality for All Campaign.

For Carol Cook and Susan Grieger, together for more than 15 years, their fierce commitment to NO on 8 is personal.

“Before I thought about marriage for myself, I recognized that marriage is a fundamental civil right and, shamefully, that denying that right to minorities to ‘keep them in their place’ is a time-honored tradition in this country. The May 15 California Supreme Court decision went beyond giving marriage rights to gays and lesbians: it determined that any differential treatment of LGBT citizens under the law should be subject to the same strict scrutiny applied to gender, race, and religion. Taking away our right to marry will undermine this vital protection,” said Cook.

On June 19, 2008, Cook and Grieger were legally married, exactly four years after their June 2004 church wedding, which followed their February 2004 civil ceremony.

The women want their marriage to remain legal this time. “It was hurtful,” Cook recalled, “to have our 2004 marriage nullified by the state.”

From August through the election, Cook and Grieger are participating in weekly No On 8 phone banks in San Francisco and San Mateo County. As the North Pen Chapter rep to the Peninsula NO On 8 Coalition, Cook helped host a large fundraising house party in Palo Alto, and she secured No On 8 endorsements from San Mateo County elected officials and community organizations.

Longtime ACLU supporter and Mid Pen Chapter leader Paul Gilbert also joined forces with the Peninsula NO On 8 Coalition.



Susan Grieger, Carol Cook, and Marshall Dinowitz of the North Peninsula Chapter celebrate Grieger and Cook's June 19, 2008 wedding.

“Now that the court has recognized that this right is fundamental and must include all of us, to run the risk of having it taken away is unthinkable,” said Gilbert.

Prior to joining together in coalition to defeat Proposition 8, Gilbert and Cook did not know each other. Now, Gilbert explained, it “will be easier to collaborate in the future on any issue that comes up.”

Emily Lehr-Anning, also a North Pen chapter leader, is actively involved in ballot measure campaigns, too. In addition to speaking to community groups about the propositions, she organized an inter-chapter tabling event at Foothill Community College’s Annual Political Awareness Day.

“I believe in building coalitions because I think it is an effective way to reach more people in the community,” said Lehr-Anning. “Expanding the web of people involved in a campaign and increasing the diversity within a coalition are both very important.”

A young leader, she added that “intergenerational collaboration is one of the key factors in successfully advocating for civil liberties and social change.”

No matter the results of Proposition 8 and the other measures that threaten civil liberties, the relationships among ACLU-NC activists that have developed during this campaign season will endure for many seasons to come. ■

Shayna Gelender is an ACLU-NC Field Organizer.

ACLU-NC CHAPTER MEETING SCHEDULES

CONTACT YOUR LOCAL ACLU CHAPTER AND GET INVOLVED!

BERKELEY/NORTH EAST BAY CHAPTER MEETING: Third Wednesday of each month at 7 p.m. For more information, contact Jim Hausken at (510) 558-0377 or jhausken@redshift.com.

CHICO CHAPTER MEETING: For more information, contact Leslie Johnson at leslie@acluchico.org.

GREATER FRESNO CHAPTER MEETING: Contact Bill Simon, Chair, for more information at simonaclu@sbcglobal.net.

MT. DIABLO CHAPTER MEETING: Regular meetings. For more information, contact Lee Lawrence at (925) 376-9000 or leehelenalawrence@yahoo.com. All ACLU members in central and eastern Contra Costa County are invited to participate.

MARIN COUNTY CHAPTER MEETING: Third Monday of each month from 7–9 p.m. at the San Rafael Corporate Center. For more information, contact George Pegelow at (415) 492-8903 or gpegelow@sbcglobal.net. Or call the Marin Chapter complaint hotline at (415) 456-0137.

MID-PENINSULA CHAPTER MEETING: Fourth Tuesday of each month, from 7–9 p.m. at the Fair Oaks Community Center, Room #4, 2600 Middlefield Road, Redwood City. The chapter mailing address is PO Box 60825, Palo Alto, CA 94306. Contact Harry Anisgard for more information: (650) 856-9186.

MONTEREY COUNTY CHAPTER MEETING: Third Tuesday of the month (except August, December, and January) at 7:15 p.m. at the Monterey Public Library, 625 Pacific Street, Monterey. For more information, contact Elliot Ruchowitz-Roberts at (831) 624-1180 or visit www.aclumontereycounty.org. To report a civil liberties concern, call Monterey’s complaint line at (831) 622-9894 (Spanish translation available).

NORTH PENINSULA (DALY CITY TO SAN CARLOS) CHAPTER MEETING: Third Monday of the month. The chapter mailing address is PO Box 51, San Mateo, CA 94401. For more information, contact the chapter hotline at (650) 579-1789 or npenaclu@comcast.net.

PAUL ROBESON (OAKLAND) CHAPTER MEETING: Fourth Monday of each month at the Rockridge Library (corner of Manila and College Ave.), Oakland. For more information, contact (510) 527-6592.

REDWOOD (HUMBOLDT COUNTY) CHAPTER MEETING: Third Tuesday of each month at noon. 917 3rd Street, Eureka, CA. For more information, contact (707) 215-5385 or visit redwoodaclu.blogspot.com.

SACRAMENTO COUNTY CHAPTER MEETING: For more information, contact Jim Updegraff at updegraf@pacbell.net.

SAN FRANCISCO COUNTY CHAPTER MEETING: For more information, contact Alicia Walters at awalters@aclunc.org.

SAN JOAQUIN COUNTY CHAPTER MEETING: Regular meetings. For more information, contact Amarjit Bal at amarjitbal2000@yahoo.com.

SANTA CLARA VALLEY CHAPTER MEETING: First Tuesday of each month at 7 p.m. at 1051 Morse Street (at Newhall), San Jose. For more information, contact acluscv@hotmail.com or visit www.acluscv.org. To leave a voice message for the chapter Chair, call (408) 327-9357.

SANTA CRUZ COUNTY CHAPTER MEETING: Fourth Monday of every month. For more information, contact info@aclusantacruz.org or visit www.aclusantacruz.org.

SHASTA-TEHAMA-TRINITY COUNTIES CHAPTER MEETING: Regular meetings are held in Redding. For more information, contact Dan Yost, Chair, at donald@snowcrest.net or (530) 241-8421.

SONOMA COUNTY CHAPTER MEETING: Third Tuesday of each month, at 7 p.m. at the Peace and Justice Center, 467 Sebastopol Avenue, Santa Rosa (one block west of Santa Rosa Avenue). For more information, contact the chapter hotline at (707) 765-5005 or visit www.aclusonoma.org.

STANISLAUS COUNTY CHAPTER MEETING: Third Tuesday of every month from 7–9:30 p.m. at the Modesto Peace/Life Center, 720 13th Street, Modesto. For more information, contact the chapter hotline at (209) 522-0154 or stanaclu@sbcglobal.net.

YOLO COUNTY CHAPTER MEETING: Fourth Thursday of every month at 6:30 p.m. For meeting location, contact Natalie Wormeli at (530) 756-1900.

CAMPUS CLUBS

GOLDEN GATE UNIVERSITY: For information, contact Johanna LaBranch at jo.labranch@gmail.com.

SANTA CLARA UNIVERSITY LAW: For information, contact Lauren Vazquez at lvazquez821@yahoo.com.

STANFORD UNIVERSITY: For information, contact Eve Rips at erips@stanford.edu.

UC BERKELEY ACLU: For information, contact Brandon Hutchens at bhilton@berkeley.edu or Azeen Ghorayshi at azeen_ghorayshi@berkeley.edu.

UC DAVIS KING HALL LAW: For information, contact Aaron Thompson at asthompson@ucdavis.edu.

ASK THE EXPERTS!

PRESIDENTIAL PRIORITIES



Caroline Fredrickson

Caroline Fredrickson, Director of the American Civil Liberties Union's (ACLU) Washington Legislative Office, discusses how a new administration and Congress can immediately begin to repair the damage to freedom in our country.

WHAT SHOULD THE NEW PRESIDENT DO ON DAY ONE TO RESTORE SOME OF THE CRITICAL CIVIL LIBERTIES THAT HAVE BEEN LOST SINCE 9/11?

This is really an historic opportunity for the next president to restore the rule of law in our nation.

The president must negotiate with Congress on some matters. But in the case of dismantling the interrogation and detention procedures for detainees held at Guantanamo Bay, Iraq, Afghanistan, and in secret prisons around the globe, he has at the ready a tool—the executive order—to take action on his first day in office. With the stroke of a pen, he can go a long way toward turning back the abuses of the previous administration.

Right off the bat, he should issue an executive order that bans the use of torture and abuse. A 2007 national poll of likely presidential election voters—conducted for the ACLU—documented a broad, bipartisan consensus on torture: Americans are against it, pure and simple.

That same stroke of a pen can close the detention facility at Guantanamo Bay.

With all the debate about how the detainees should be prosecuted, the answer is quite straightforward. We should charge and try detainees at Guantanamo under criminal law in federal courts or before military courts-martial. Uncharged detainees should be returned to their home countries or to countries where they will not be tortured or detained without charge.

When our government wants to prove a defendant has committed a crime, it must ensure that when the final gavel comes down, we can walk away with some assurance that, whether we agree with it or not, the outcome is legitimate. That's how we define American justice; it's what separates us from our enemies. We do not change the rules depending on who is being prosecuted and what they are accused of.

Finally, that first executive order should stop the practice of extraordinary rendition, which is the transfer of people, outside of the judicial process, to other countries, including countries that torture or abuse prisoners.

WHAT ARE SOME OF THE LONGER-TERM EFFORTS THE NEW PRESIDENT SHOULD ENGAGE IN TO REGAIN A BALANCE BETWEEN SECURITY AND CIVIL RIGHTS?

There are many critical actions the president should take during his first 100 days in office. Priority areas ought to include ending warrantless spying, reducing government watch lists, and putting a stop to the political monitoring of Americans.

Warrantless spying. Ending warrantless spying isn't about whether you have anything to hide; it's about whether we should let the government listen to our phone calls, read our e-mails, and invade our privacy without a warrant from a judge.

The president should issue an executive order recognizing the government's obligation to comply with FISA and other statutes, and prohibiting the NSA from collecting the communications of U.S. citizens and residents without a warrant. He should also issue an executive order prohibiting new FISA powers from being used to conduct bulk collection dragnets for no reason. The President should also order the attorney general to launch an investigation to determine if any laws were broken or to appoint a special counsel to do the same.

Watch lists. 9/11 has been used as an excuse to create "watch lists" of untold numbers of innocent Americans. An executive order should require review of all watch lists within three months, with names limited only to those for whom there is credible evidence of terrorist ties or activities.

Monitoring Americans. Americans have a right and even an obligation to stand up for the Constitution through legitimate political activity. The government should end monitoring of political activists unless there is reasonable suspicion that they have committed a crime or are preparing to do so. The attorney general should also change internal guidelines to ensure that race is not used as a factor in determining targets for investigation.

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HOW CAN A NEW PRESIDENT IMPROVE GOVERNMENT TRANSPARENCY DURING HIS FIRST 100 DAYS?

I like to think of the Freedom of Information Act (FOIA) as democracy's X-ray machine, because it gives us an inside look at the internal machinery of government so we can identify the waste, fraud, abuse, and corruption that may cause our nation to become dangerously weak, inefficient, and ineffective. Unfortunately, the X-ray machine is not working as well as it should, and important information about the health of our democracy is being hidden from view.

The president's first effort at repair should be to order the attorney general to rescind the "Ashcroft Doctrine" regarding FOIA compliance, which instructs agencies to withhold information whenever there is a "sound legal basis" for doing so, and return to the former standard, which

promoted an "overall presumption of disclosure" of government information through the FOIA unless it was "reasonably foreseeable that disclosure would be harmful."

WHAT ACTIONS CAN THE PRESIDENT TAKE TO REDUCE DISCRIMINATION?

The president has myriad opportunities to reduce discrimination—too many to list here.

For example, he should issue an executive order prohibiting discrimination in federal employment and contracting against sexual minorities.

CAN YOU DISCUSS A FEW KEY PRIVACY ISSUES THAT CONGRESS SHOULD ADDRESS UNDER A NEW ADMINISTRATION?

First, it's time to reform the Patriot Act. Its passage in 2001 foreshadowed the administration's obsession with gathering private information about innocent Americans.

For example, the law relaxed the standards for FBI use of national security letters (NSLs), which are used to demand access to sensitive records in the custody of third parties, including Internet service providers, financial institutions, credit reporting agencies, and many other kinds of organizations. In almost all cases, recipients of the NSLs are served with gag orders that prohibit them from disclosing that they have received the letters. This allows federal agents to obtain personal information on almost anyone without judicial oversight.

The law was amended in 2006 but serious problems still remain. Internal reports on the use of NSLs show that the FBI has issued literally hundreds of thousands of these invasive requests—and has NOT limited their use to actual terrorists.

With parts of the Patriot Act due to expire in 2009 and proposals to reauthorize likely, the NSL authorization should be completely overhauled to require court oversight for the most sensitive data and a showing of a connection to terrorist activity. Also, the gag restrictions that have been held unconstitutional should be amended.

WHAT ABOUT OUTSIDE THE AREA OF PERSONAL PRIVACY?

I could not discuss priority areas without talking about the need to reaffirm our commitment to our youth.

Young people coming into contact with our juvenile justice system face two paths—one leading to successful integration into society and the other leading to the adult justice system. For more than 30 years, the Juvenile Justice Delinquency Prevention Act (JJDP) has been a force for the former path.

In the coming year, the JJDP will require reauthorization to help keep youth from entering the system, to ensure young people receive age-appropriate treatment, and to guard against racial and ethnic disparities within the system.

We must avoid the simplistic, counter-productive push to put more and more young people into prisons and jails across the country and focus instead on moving young people along paths that honor their promise and lead to opportunity. ■

This interview was conducted by ACLU-NC Senior Communications Officer Elise Banducci.