

ACLU FALL 2009 news

BECAUSE FREEDOM CAN'T PROTECT ITSELF

VOLUME LXXII ISSUE 4

WHAT'S INSIDE

SPECIAL INSERT: THE ACLU CAMPAIGN FOR THE FUTURE

A PERMANENT HOME AND COAST TO COAST IMPACT

DIGITAL LIVES, DIGITAL PRIVACY: DEMANDING OUR DOTRIGHTS

By Rebecca Farmer

In the digital realm, the possibilities for communication and innovation are boundless. But many of us don't realize that privacy law regarding electronic communications is stuck in an analog era; the Electronic Communications Privacy Act was passed in 1986, long before the Internet as we know it today even existed.

"The more we do online, the more digital footprints we leave behind," said Nicole Ozer, Technology and Civil Liberties Director at ACLU-NC. "Web-based companies collect vast amounts of information about who you are and what you do. The information could be kept indefinitely, shared or sold to data mining companies, and even handed over to the government."

This fall the ACLU-NC launches the Demand Your dotRights campaign to educate the public, businesses, and policy makers about the need to update privacy laws for the digital era. Already, ACLU experts and our partners have

shaped the debate about online privacy regarding two of the world's largest web-based enterprises: Google and Facebook.

SEARCHING FOR READER PRIVACY

What we read says a lot about who we are. That's why libraries and bookstores have fiercely defended the privacy of readers. But Google Book Search—a service that allows you to read a wide variety of books online—is poised to undergo a vast expansion that doesn't currently include strong reader privacy protections. Without these, Google Book Search could become a one-stop shop for government surveillance.

Government efforts to compel online and offline booksellers to provide user data are a real concern. In one instance in 2006, the U.S. Attorney demanded book purchase records of 24,000 Amazon.com customers. Whether we read our books on our computer or in paperback, privacy protections are essential.

ACLU-NC's advocacy for strong privacy protections in Google Book Search, in coalition with the Electronic Frontier Foundation and the Samuelson Law, Technology, and

Public Policy Clinic at UC Berkeley, will continue until online readers have the same privacy they would have at the local library.

POP QUIZ: DOES FACEBOOK SHARE TOO MUCH?

Taking a quiz on Facebook about which superhero you most resemble seems harmless enough. Indeed, millions of users on the site use applications like quizzes that are created by outside developers. Most people don't realize, however, that Facebook's default settings allow their personal information to be exposed even if it's their friend who takes one of these quizzes.

To illustrate the extent of the problem, ACLU-NC launched its own quiz about Facebook quizzes. The *San Jose Mercury News* credited the quiz with "engaging in some online jujitsu" by utilizing the site itself to illustrate the inherent privacy problems. People quickly discovered that the quiz developer gains access to details like their politics, group affiliations, and photos—and those of their friends. Who knows where that information could end up?

CONTINUED ON PAGE 7



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ACLU

AMERICAN CIVIL LIBERTIES UNION
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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 a note that includes your name and phone number, so we can verify that your renewal that was not yet processed when 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 as your ballot. (Please note that it is your membership dues payable to the ACLU, not tax-deductible donations to the ACLU Foundation, that make you eligible to vote.)

HOW THE CANDIDATES WERE NOMINATED:

As explained in the summer 2009 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 applies 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 so by using both of the two columns provided for that purpose.

After marking your ballot, clip it and enclose it 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 December 21, 2009.

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.)

☐ ☐ Patrice Harper

☐ ☐ Simran Kaur

☐ ☐ Tal Heinz Klement

☐ ☐ Linda Lye

☐ ☐ Reverend William McLennan Jr.

☐ ☐ Susan Mizner

☐ ☐ Izzy Ramsey

☐ ☐ Bianca Sierra

☐ ☐ Tracy Weitz

☐ ☐ Michelle “Mickey” Welsh

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 December 21, 2009

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

CANDIDATE STATEMENTS



PATRICE HARPER

I am truly honored to once again be nominated to serve on the Board of the most innovative affiliate in the ACLU family. Prior to joining the Board, I was impressed by the organization's past, primarily its longstanding commitment to rights that my ancestors were frequently denied, such as the right to equal protection under the law. Now, as a member of the Board, I am even more excited about its future. If re-elected,

I will not only continue helping our affiliate make inroads into the African-American community but hope to become more involved in the affiliate's efforts to eliminate racial and socioeconomic disparities in the criminal justice system. I look forward to continuing to work with all of you to protect the rights of all Americans.

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



SIMRAN KAUR

I'm delighted to be nominated to the Board of the ACLU-NC. As an active member of the Punjabi Sikh community in Central California, I find that the ACLU's work complements efforts that occur within immigrant communities on a grassroots level. As a graduate of Boston University with degrees in Public Health and Medical Sciences, I am highly committed to global health and social justice issues in both a professional and personal context. Since 2003, I have been

working with Jakara—a non-profit organization created to mobilize second-generation Punjabi Sikh youth to play an active role in their community. I look forward to preserving and advancing the civil rights of all by serving the ACLU-NC in this capacity.

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



TAL HEINZ KLEMENT

My name is Tal Klement and I am a deputy public defender in San Francisco. Prior to my work as a public defender, I clerked for Justice Carlos Moreno of the California Supreme Court. I am a graduate of Yale Law School and have a Masters from Harvard's Kennedy School of Government. I received my Bachelor of Arts in History from U.C. Berkeley.

I have a physical disability, and I have been involved in advocacy for people with disabilities since my undergraduate years. I filed my own successful administrative complaint against the INS when my citizenship application was repeatedly denied because I could only provide five fingerprints. I am also committed to racial justice and I continue to write publicly about the failed War on Drugs. I hope to continue to fight for civil rights as a Board Member of the ACLU of Northern California.

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

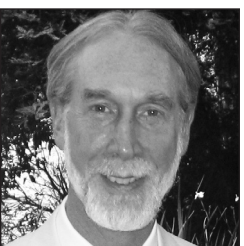


LINDA LYE

I joined the Board in 2005 and now serve as Chair of the Legal Committee, and on the Executive and Finance Committees. I am also a member of the Campaign For the Future Kitchen Cabinet, a group of solicitors committed to securing our physical home, to expanding program capacity, and to helping ACLU affiliates in states with less supportive environments than we in Northern California are so lucky to enjoy.

In my private practice, I represent labor unions on a broad array of labor, environmental, immigration, and constitutional issues. I have dedicated my professional life to social and economic justice, work I see as inextricably intertwined with the ACLU's vital mission. I would be honored to continue serving on the Board.

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



REVEREND WILLIAM MCLENNAN JR.

I am honored by this nomination, after decades of being a card-carrying member of the ACLU here and in Massachusetts. I am a lawyer and Unitarian Universalist minister who spent the first ten years of my career doing legal services work in a low-income community in Boston under church sponsorship, before becoming the University Chaplain at Tufts and advisor to the student community service organization. For

the last nine years I have been the Dean for Religious Life at Stanford, teaching courses on ethics in the professions and nonviolent social change. I am deeply committed to issues like reproductive rights and marriage equality, where I feel religious organizations have often been on the wrong side. I am a graduate of Harvard Law and Divinity Schools.

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



SUSAN MIZNER

The ACLU's work has never been more important. In Northern California, we are fortunate to have the largest and most influential affiliate in the entire country, thanks to an amazing staff and strong community organization. My previous work on the Board, from 1993 - 2001, focused on disability rights issues and the intersection of poverty and civil rights. If reappointed, I would continue to be a voice

to represent these interests, as well as, of course, to support the rest of the crucial work the ACLU is doing. I would be honored to have your vote, and to have the privilege of serving on the Board. Recently, I have also been working on the development committee and with the National ACLU on its affirmative action policy.

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



IZZY RAMSEY

I would be honored to serve on the Board of Directors of ACLU-NC. I am committing to fighting to protect our civil liberties, particularly for those accused of crimes. I co-founded a criminal-defense firm in 2006, after having spent 4 years as a federal prosecutor. For the last decade, I have seen on a daily basis the impact of our criminal justice system on our youth. As an African American male who grew up in the East

Bay, I am committed to educating young people in our area about civil liberties and the role they play in a democratic society. I have served on a variety of Boards, including the Fred Finch Youth Center and the Donald P. McCullum Youth Court. If elected, I will bring all my energy to further the mission of the ACLU.

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



BIANCA SIERRA

I am honored to be nominated to the Board of Directors of the ACLU-NC. As the Executive Director of Centro Legal de la Raza, an Oakland-based non-profit providing free legal services to low-income, Spanish-speaking, and immigrant communities, and the daughter of Mexican immigrants, I am deeply committed to and passionate about the fight for social justice. I am excited and eager to serve the ACLU-NC

because of its long history fighting for and protecting civil liberties for all members of our society. If elected, I plan to bring my passion and perseverance to further the organization's mission by contributing my leadership skills and commitment to advocating for under-represented communities.

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



TRACY WEITZ

It is an honor to be nominated to serve a second term for the ACLU of Northern California (NC). Over the prior term, I have served on the Board Nominating, the Legislative Policy, and the Development committees. As a UCSF-based medical sociologist who studies access to abortion care, I am keenly aware of the importance of the ACLU-NC to the fight for reproductive rights in California, especially for young women

and women on public insurance. As a lesbian who married during the small window of legality, I am personally appreciative of the ACLU-NC work on marriage equality. I am proud to contribute to these efforts and the broader fight to preserve everyone's civil liberties.

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



MICHELLE "MICKEY" WELSH

I have been a volunteer activist for the ACLU since 1978 when I joined the Board of Directors for the Monterey County Chapter. I represented the chapter as its representative on the ACLU-NC Board from 1994 to 2004 and during that time I chaired the Field Activists Committee and served on the Executive and Nominating committees. I continue to serve on the Board of the Monterey County Chapter and to chair its legal committee. I am a lawyer in practice in Pacific Grove and an adjunct professor of Constitutional Law at Monterey College of Law. I am honored to be nominated to serve on the Board of the ACLU-NC and, I will look forward to continuing the work of the ACLU throughout Northern California as an at-large member of the Field Activists Committee.

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

LETTER FROM THE EXECUTIVE DIRECTOR

MY ACLU ROAD TRIPS

BOB HSIANG PHOTOGRAPHY



Highways 5. 99. 101. 880. And the 80. They have taken me to meet scores of ACLU members and allies throughout the region as we celebrate our 75th anniversary. Six months into my position as director of the ACLU of North-

ern California, it is extremely gratifying to meet the people who make the ACLU thrive.

Recently I spent a day with ACLU members in Redding. As remote as this region is from our San Francisco office, I was struck by how connected we are. These members brought to our attention the mandatory drug testing of students in their local school district—a policy promoted by the Bush administration—which led to a successful ACLU lawsuit to stop the practice and protect student privacy.

Another road trip took me south to Fresno. The Central Valley faces poverty and unemployment that is as bad—or worse—as that in any other part of the country. The lack of resources for defending civil liberties is glaring. I learned that attorneys in private practice sometimes decline to take civil liberties cases for fear of economic reprisals. But that has not stopped the ACLU chapter in Fresno. Our activists work to defend the rights of the homeless from police abuse and school children from discriminatory policies.

As I drove back from Redding and Fresno, I was struck by the similarity of what these communities face to what I have learned about the ACLU's work in places like Montana and Mississippi, which are supported by the ACLU's historic Campaign for the Future. These are isolated communities, facing severe poverty and legacies of discrimination—and most importantly—with energetic advocates who can move mountains with more support.

In each of these places, the ACLU is making a difference not only in the law, but also in people's lives.

Abdi Soltani

Abdi Soltani
Executive Director

IN THEIR OWN WORDS: REFLECTIONS FROM CARD-CARRYING MEMBERS

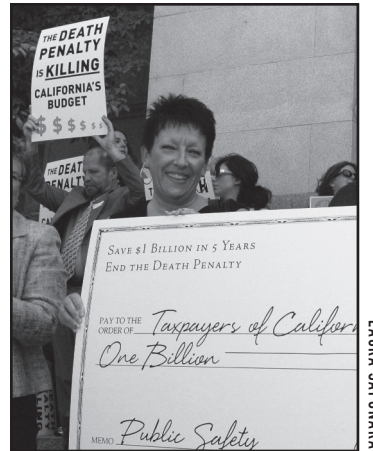
I work as a paralegal at the Public Defender's office in Sacramento. It changed my life to see the money trail in California and how lack of funds can create hopelessness, disenfranchise people and keep them in the revolving door of the criminal justice system. We cut programs that give children a way out of the system and then we spend \$50,000 each year to incarcerate each child who is unable to resist the lure of crime. The ACLU is helping to change that picture.

The number one factor in combating recidivism is receiving family and community contact while in prison, yet prisons can accommodate visits for only 2.5% of their population. Each week I send my clients who are on death row articles about what the ACLU is doing, which cases are being tried, and what action they can take. It gives them hope to know that people out there are working on their behalf.

The phenomenal thing is that innocence is not the issue. Giving people the same rights is the issue. That is one of the wonderful things about the ACLU. No one is treated more or less human. No matter your view, the ACLU will go in and fight for your civil liberties.

I've worked with people who have gone to Harvard, who do incredible work, who save their clients' lives, and I always thought that they were the only people who could speak effectively. But it takes everyday people speaking with other everyday people to effect change. I urge other ACLU supporters 'Find your voice and speak for the far too often voiceless!'

Christine Thomas
ACLU Sacramento chapter board member and death penalty activist



LAURA SAPONARA

Christine Thomas at an anti-death penalty day-of-action in Sacramento on June 30, 2009.

FRONTLINE ATTORNEY RECEPTION YEAR SIX

On June 30, Orrick Herrington & Sutcliffe generously hosted the FrontLine Attorney Reception. At this annual event, the ACLU-NC updates Northern California lawyers about our efforts to protect the rights of lesbian, gay, bisexual, and transgender (LGBT) people and people with HIV/AIDS, and to raise funds for this work. The reception featured ACLU client Rochelle Hamilton, a Vallejo high school student who successfully fought bias and harassment based on sexual orientation and gender expression. Matt Coles, ACLU's National LGBT & AIDS Project Director, and Abdi Soltani, ACLU-NC Executive Director, described the legal landscape for LGBT rights and urged attendees to engage the hearts and minds of Californians to achieve marriage equality.



ACLU client Rochelle Hamilton with her mother, Cheri Hamilton, and Craigslist Foundation chief executive Lynn Luckow.

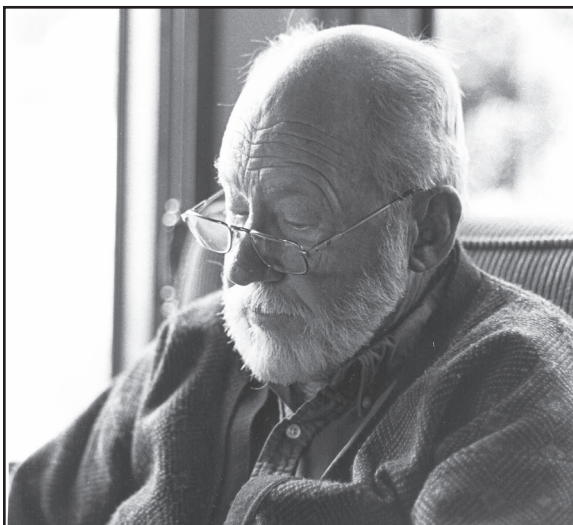


PHOTOS BY MICHAEL WOOLSEY

Orrick Herrington & Sutcliffe partners Rob Shwartz and Angela Padilla, ACLU LGBT & AIDS Project Director Matt Coles, Rochelle Hamilton, ACLU-NC Executive Director Abdi Soltani, and Orrick Diversity Manager Kris Greene.

JOHN DE J. "JACK" PEMBERTON 1918-2009

The ACLU mourns the passing of John de J. "Jack" Pemberton, who led the American Civil Liberties Union in the 1960s and played a vital role in securing milestone victories in the Supreme Court on interracial marriage, political representation and student free speech. The ACLU is a more robust and vital organization because of his vision and leadership. Pemberton's legacy lives on at the ACLU through his daughter, Nancy, herself a visionary leader of the ACLU-NC.



COURTESY OF THE PEMBERTON FAMILY

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Nancy Pemberton **CHAIR**
Abdi Soltani **EXECUTIVE DIRECTOR**
Laura Saponara **EDITOR**
Gigi Pandian **DESIGNER AND PRODUCTION MANAGER**



39 Drumm Street, San Francisco, CA 94111
(415) 621-2493

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VETOES, MORE VETOES, AND BRIGHT SPOTS

By Laura Saponara

During the legislative session, the ACLU’s Sacramento team maintained an intense and prolonged focus on bills that would cost little or nothing, yet would add up to important progress in curbing gender discrimination, promoting the due process rights of immigrants, and protecting the privacy rights of consumers and students, among other promising gains. Unfortunately however, the ACLU’s efforts to bolster fundamental rights for Californians in tough times were trumped, again and again, by Governor Schwarzenegger’s zealous exercise of veto power.

The Governor refused to sign even the most pragmatic bills that the ACLU sent to him, despite the fact that many of the bills enjoyed bipartisan support. Some had no opposition.

“The Governor’s extensive exercise of veto power has been, above all, confounding to many of our members and counterproductive to civil liberties,” reflected ACLU Legislative Advocate Tiffany Mok.

The session was not without a some bright spots.

A VICTORY FOR THE WRONGFULLY CONVICTED

For years, the ACLU has campaigned to reduce wrongful convictions and to ease some of the burdens faced by people who are wrongfully convicted in California. After six prior vetoes of four different bills, Gov. Schwarzenegger signed one of our bills in October. The new law, AB 136, will make it easier for judges to help exonerees to clear their names and records, and to to prove that they are entitled to compensation.

CALIFORNIA PRISONS AND THE BUDGET PACKAGE

Pressure on the Legislature to cut the budget of the Department of Corrections and Rehabilitation (CDCR), in tandem with the federal mandate to decrease California’s prison population, resulted in a couple of significant reforms

to the criminal-justice system that the ACLU has advocated for many years:

- Implement risk-based supervision of parolees, finally overhauling the most dysfunctional and oft-criticized part of California’s prison system. One predictable result will be that fewer low-risk parolees will be forced to return to prison for technical violations such as missing an appointment or failing a drug test.
- Creation of incentives for counties to keep probationers in their local communities rather than sending them off to state prisons when they commit small violations. Counties that succeed will be rewarded with additional funding.

Sadly, the Assembly rejected two proposals that would have resulted in significant savings without compromising public safety. One, backed by the Governor, the CDCR and the ACLU, would have converted the many petty “wobblers”—crimes that can be charged as either misdemeanors or felonies—to straight misdemeanors. The opposition succeeded in defeating this proposal by overstating the impacts, saying it would make it more difficult for law enforcement to get search warrants to enter people’s homes and to send people to prison for life under the Three Strikes law. The other proposal would have transferred some elderly, medically infirm and low-risk offenders to home detention with GPS monitoring. The plan was labeled “early release” by opponents and simply fell victim to political rhetoric. ■

STEPS FORWARD

- Health-insurance companies will no longer be able to charge women more than men for health care based on a practice known as “gender rating.” (AB 119, Assembly Member Jones)
- Same-sex couples who were legally married outside of California prior to Nov. 5, 2008 will enjoy the same rights, protections and benefits as married spouses, save for the designation of their status as “married.” (SB 54, Senator Leno).
- May 22 is now officially Harvey Milk Day in California (AB 2567, Senator Leno)

For an extensive list of the bills that the ACLU sponsored or supported, see the Legislation section of our website: www.aclunc.org.

LEGAL BRIEFS

By Rebecca Farmer

PROTECTING DUE PROCESS IN FAIRFIELD

In June, the City of Fairfield proposed a gang injunction, a court order that restricts the activities of alleged gang members. Gang injunctions effectively function like parole or probation, in that an individual violating them can be sent to jail or fined, but without being convicted of any criminal offense and with no definite termination date. ACLU-NC responded by submitting an amicus brief urging the Solano County Superior Court to limit the scope of the injunction. ACLU-NC presented three key concerns: the potential for racial profiling; the ability of the police to serve the injunction on an individual without presenting clear and convincing evidence of gang membership; and the ability to do so without court approval, thus denying due process.

A preliminary injunction was granted on July 24, and a number of ACLU-NC’s recommendations were adopted. On Sept. 4, the judge ordered that each person served with the injunction be afforded the opportunity to appear and object to being classified as a gang member.

CONTINUING THE MARRIAGE EQUALITY FIGHT

In July, the ACLU joined Lambda Legal and the National Center for Lesbian Rights in filing a motion to intervene

in *Perry v. Schwarzenegger*, the federal lawsuit challenging the constitutionality of California’s Proposition 8, which eliminated the right of same-sex couples to marry. James Esseks from the national ACLU LGBT & AIDS Project argued before the court. The motion to intervene was denied on Aug. 19. In the filing we represented LGBT community organizations: Our Family Coalition, Lavender Seniors of the East Bay, and PFLAG. Going forward, the ACLU will likely weigh in on the case in the form of friend of the court briefs.

STEMMING BIAS IN ANTIOCH SCHOOLS

The Antioch Unified School district reached a settlement with ACLU-NC on June 24 to ameliorate the climate of racial harassment and discrimination experienced by its African American and Latino students.

Data from an ACLU-NC Public Records Act request and other sources revealed a grave situation for students of color, who are punished more frequently and more severely than their white peers for the same behavior.

The settlement includes provisions to strengthen anti-discrimination and harassment policies, provide training for school staff in preventing and responding to bias, and better define and limit the role of police officers assigned to school campuses in the district. ACLU-NC will work with the district over a five-year monitoring period to ensure that all of the reforms in the agreement are carried out.

School districts have a responsibility to ensure that schools are free from harassment and discrimination, and that all students have the opportunity to learn and to thrive.

PROTECTING A FAIR PUBLIC CONTRACTING SYSTEM

In September ACLU-NC and our civil rights allies filed a motion on behalf of small businesses run by women and people of color who support Caltrans’ Disadvantaged Business Enterprise (DBE) program. The DBE initiative aims to give minority-owned and women-owned businesses equal opportunity to compete for federal contracts. Our motion is in response to a suit, pending in U.S. District Court in Sacramento, against Caltrans filed by the Pacific Legal Foundation seeking to dismantle DBE.

After Caltrans previously suspended the race and gender-conscious portions of the program, the number of women and minority owned businesses awarded Caltrans contracts plummeted—from nearly 11% in 2005 to just 2.2% in 2009.

ACLU-NC filed the motion with the Lawyers’ Committee for Civil Rights of the San Francisco Bay Area and the Equal Justice Society. ■

Rebecca Farmer is the ACLU-NC Media Relations Director.

FRIEDMAN SUMMER TRIP 2009: A YOUTH INVESTIGATION INTO LGBTQ HISTORIES OF RESISTANCE

By Gigi Pandian and Isobel White

From July 26 through Aug. 2, 20 students from age 13 to 19 traveled throughout Northern California to explore LGBTQ history. “Fierce and Fabulous: A Youth Investigation into LGBTQ Histories of Resistance” gave the students a chance to hear local, first-person voices often left out of historical narratives.

From the first student summer trip on immigration in 1996 to recent trips on educational equity and military recruitment at high schools, students involved in the Howard A. Friedman First Amendment Education Project have addressed difficult topics with an open-minded approach towards challenging themselves and gaining greater understanding.

Meeting with a wide range of community groups and activists throughout the region (see sidebar), this year’s team of students addressed questions such as: Who participated in the histories of LGBTQ resistance? How has the LGBTQ movement changed over time? What would a world that celebrated all genders and sexualities look like?

For Maxwell Wallace, a recent graduate of Lowell High School in San Francisco, one of the most eye-opening parts of the trip occurred not far from his home in San Francisco—but a world apart. The group’s home base was a hostel in the Tenderloin. It was there that the group learned about the Compton’s Cafeteria Riot, a 1966 uprising of transgendered people of color protesting police harassment. “The Stonewall riots were three years later,” said Maxwell. “It was amazing to learn what had happened here first.”

Maxwell came into the trip a staunch supporter of same-sex marriage rights—and left just as committed, but also understanding why some in the queer community do not see

marriage as a top priority. “When you see poor transgender people on the street—the truth is, what they may need most is health care,” said Maxwell. “The trip helped me understand how movements towards racial equality, immigrant rights, gender equality are all intertwined with queer liberation—we need to push movements forward together because we’re all basically fighting for the same thing.”

Cally Wong, a Friedman Education Project intern, was drawn to the project after what she learned in history class her junior year of high school. “We learned about racial profiling, Native American history, police brutality, history that interested me,” Cally shared. “Instead of reading *The American Pageant*, we read *The People’s History* [of the United States] by Howard Zinn. I saw a flyer for the annual conference and learned about the Friedman Project. The Friedman Project focused on similar issues that I was learning about in my U.S. history class, and when the class was over, Friedman continued the learning process for me.” ■

Gigi Pandian is the ACLU-NC Graphic Designer and Publication Production Manager. Isobel White is a Communications consultant.



The 2009 Friedman summer trip group.

SOME HIGHLIGHTS FROM THE TRIP

- A Prop. 8 debate, featuring not two but six different perspectives
- A panel of elders in the movement who participated in the Stonewall Riots, Coors Boycott, anti-Briggs initiative, and other key LGBTQ organizing history
- Proyecto Poderoso in Salinas to hear about LGBTQ organizing by farmworkers and young people
- A queer history scavenger hunt through San Francisco
- Groundspark’s “Straightlaced” video addressing gender roles and expectations

The Howard A. Friedman First Amendment Education Project was established by the ACLU-NC in 1991. The project works with high school students and teachers to improve students’ understanding of the core principles underlying the Bill of Rights. To learn more about the project, visit www.aclunc.org/youth.

SUNSHINE REFORMS IN SAN JOSE: AN UPHILL BATTLE, BETWEEN SCANDALS

By Laura Saponara

Created in 2006 after the corruption charges against a former mayor, San Jose’s 15-member Sunshine Reform Task Force has worked diligently to improve the transparency of city government, including steps to open up police records to the public. But in October, the City Council, in a narrow six to five vote, rejected their call to allow public access to arrest records in some cases.

Instead, a majority of council members opted for a proposal by Mayor Chuck Reed which included no substantive reforms.

“It’s not like we were offered half a loaf,” explained Skyler Porras, director of the ACLU-NC’s San Jose office. “It’s a mirage of a loaf, crafted to look like progress.”

The mayor’s role in this latest chapter is punctuated by an ironic twist. In his 2006 campaign, candidate Reed ran on a platform that included sunshine reforms and expanded access

**THE ACLU THANKS THE FIVE
COURAGEOUS CITY COUNCIL
MEMBERS WHO SUPPORTED
THE SUNSHINE REFORMS:**

Nora Campos

Kansen Chu

Ash Kalra

Sam Liccardo

Madison Nguyen

tremendous inroads in publicizing the need for reforms. The *San Jose Mercury News* has buoyed public awareness with consistent, detailed coverage of the debate.

Last year, the *Mercury News* revealed that San Jose police were arresting more people for public drunkenness than any other agency in the state, and that 57% of those arrested were Latino. Latinos comprise just 32% of the city’s population, and public outcry over racial profiling and the seemingly arbitrary

and punitive nature of many of the arrests prompted the convening of a Public Intoxication Task Force.

The ACLU-NC filed a Public Records Act request to obtain the original police reports of all arrests for public intoxication in 2007. The city responded by releasing only 4% of the records. In reviewing these records, task-force members concluded that probable cause for arrest was in-



adequate in approximately 50% of the cases.

Frustrated by the city’s lack of responsiveness, task force representatives from the NAACP, La Raza Roundtable, African American Services Agency, La Raza Lawyers Association, the Latino Democratic Forum and the ACLU-NC walked out of the task force proceedings and declined to participate further.

A new scandal surfaced in late October when San Jose police officers were caught on video beating an unarmed San Jose State student, Phuong Ho, with a metal baton, then shooting Ho with a Taser gun. The video appears to show a final baton strike after Ho was handcuffed. The officers involved are under investigation.

The task forces convened in response to the scandals of 2006 and 2008 were appointed by the mayor to show that citizen-led information-gathering and policy-making can result in real progress. But the city’s refusal to take the recommendations of either seriously has done great harm to public confidence.

It remains to be seen where the newest scandal will lead. ■

DEMANDING OUR DOTRIGHTS

CONTINUED FROM PAGE 1

Word about the quiz—and directions for users to fix their privacy settings—spread quickly through news reports, the blogosphere, and even on Facebook itself. The websites for CNN and the *New York Times* posted links to the quiz. At press time, more than 115,000 people had taken the quiz, and more than 40,000 people signed an online petition demanding that Facebook upgrade its privacy controls so that quizzes can only see what people want them to see. ACLU-NC has subsequently met with Facebook executives and will continue to monitor the site’s default privacy settings.

DEMAND YOUR DOTRIGHTS

We have an opportunity to define a clear legal framework for digital privacy that will impact generations to come. **It’s time to Demand our dotRights.** Learn more about the dotRights campaign and ACLU-NC’s work on digital privacy: www.dotrights.org and www.aclunc.org/tech. ■

The dotRights campaign is funded in part by the ACLU Campaign for the Future. See the center insert for more information.

Rebecca Farmer is the ACLU-NC Media Relations Director.

CHICO CHAPTER: PAVING THE WAY TO CITIZENSHIP

By Katy Fox

After five years of living and working outside of Chico, Calif., one migrant worker thought he was required by law to leave the United States. But he was wrong. Speaking with a family member who had attended an ACLU-sponsored “Know Your Rights” presentation in Gridley, Calif., he learned that not only could he lawfully remain in the United States, he was, in fact, well on his way to becoming a U.S. citizen.

Through its community outreach program, the ACLU Chico Chapter works persistently to spread one of the ACLU’s core principles: the U.S. Constitution applies to all people living in this country, not just citizens. Chapter activists in Chico place a special focus on reaching the Sacramento Valley’s most under-served communities. In August, the chapter teamed up with local organizations to provide free access to nine immigration lawyers and two members of the ACLU’s staff for more than 80 migrant workers and other newcomers who came seeking information.



A Know Your Rights training by the Chico Chapter.

The day proved pivotal for many.

The next “Know Your Rights” event, expected to serve more than 1,000 people, will take place on Nov. 14 at Hamilton City High School. The Chico chapter also plans to partner with UC Davis Law School to conduct a citizenship fair, a “one-stop-

shop” where participants can take advantage of information and services from local health clinics, the Mexican Consulate, immigration lawyers and the ACLU. ■

Katy Fox is an ACLU-NC volunteer.

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 acluberkeley@gmail.com.

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

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

MT. DIABLO CHAPTER MEETING: For information, contact Lee Lawrence at (925) 878-1162 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.

MID-PENINSULA CHAPTER MEETING: Fourth Tuesday of each month, from 7–9 p.m. at the Friends Meeting House, Friendship Room, 957 Colorado Ave., Palo Alto. 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:

Meet the fourth Wednesday of the month, except for November with the chapter meets the third Wednesday. 7 - 9 p.m. For more information, call (510) 314-9713.

REDWOOD (HUMBOLDT COUNTY) CHAPTER MEETING:

Third Tuesday of each month at noon. 917 3rd Street, Eureka. For more information, contact (707) 442-4419 or visit redwoodaclu.blogspot.com.

SACRAMENTO COUNTY CHAPTER MEETING:

For more information, contact Jim Updegraff at updegraf@pacbell.net.

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 infor-

mation, contact Don 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:

For information, contact the chapter hotline at (209) 526-4854 or contact stanaclu@earthlink.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 LAW:

For information, contact Johanna LaBranch at jo.labbranch@gmail.com.

SANTA CLARA UNIVERSITY LAW:

For information, contact Michael Hellman at mhellman@scu.edu or Nick Webber at njwebber@scu.edu.

STANFORD UNIVERSITY:

For information, contact Salone Kapur at svkapur@stanford.edu.

UC BERKELEY:

For information, contact Brandon Hutchens at bhilton@berkeley.edu or Maria Krauter at mkrauter@berkeley.edu.

UC DAVIS KING HALL LAW:

For information, contact Kara Abelson at Kabelson@gmail.com.

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

ASK THE EXPERTS!

CALIFORNIA CIVIL LIBERTIES

WHAT INSPIRED YOU TO WRITE A HISTORY OF CIVIL LIBERTIES STRUGGLES IN CALIFORNIA?

Not long after 9/11, the federal government was vigorously eroding fundamental rights to due process and privacy in the name of the “war on terror.” Arab, South Asian, Muslim, and Middle Eastern immigrants and citizens were the targets of government round-ups, questioning and surveillance. The Bush administration equated dissent with disloyalty. We and our publisher thought a book on civil liberties history would help readers understand how Californians in the past have faced other crises and fought for their rights.

THE FOUNDING OF CALIFORNIA YOU DISCUSS INCLUDES DETAILS WE NEVER LEARNED IN K-12 HISTORY CLASSES. WHAT STANDS OUT TO YOU MOST ABOUT OUR FLEDGLING STATEHOOD?

We were outraged to learn of state-sponsored extermination of native Californians and laws that allowed their virtual enslavement. Vigilante violence against Chinese and Latino immigrants was common. Although California entered the union as a free state, slavery was tolerated. Courageous slaves like Archy Lee and Biddy Mason fought for their freedom. We were surprised—and pleased—to learn that the first state constitutional convention, held in Monterey in 1849, was conducted in English and Spanish, and the first constitution was bilingual.

WHAT SURPRISED YOU THE MOST IN RESEARCHING AND WRITING THE BOOK?

ELAINE: Though I had worked at the ACLU for 20 years when we first started this book, I was surprised how little I knew about the people and movements that came before us. I was stunned to learn that though Rosie the Riveters were treated equally at the worksites where they built ships for World War II, child care and other services were only provided for white women workers.

STAN: Before starting this book, I knew that Chinese immigrants in the 19th century were the targets—locally, statewide, and nationally—of numerous discriminatory laws. But I was surprised to learn that they aggressively organized to fight against these laws. They hired a lobbyist to represent them in Sacramento, and they actively litigated at the state and federal levels. Some of those lawsuits are significant beyond the Chinese American community. The Yick Wo case, for example, challenged the discriminatory enforcement of a San Francisco laundry ordinance and went to the U.S. Supreme Court, which ruled for the first time that 14th amendment equal protections apply to non-citizens.

IN WHAT WAYS IS CALIFORNIA’S EXPERIENCE WITH EXPANDING LIBERTY UNIQUE IN AMERICA?

Our state has been a place of great diversity since the Gold Rush. Civil liberties conflicts between the powerful and powerless have frequently taken place in California before they have in other states. African Americans in 19th century California brought lawsuits challenging segregation in classrooms and streetcars. Lesbians and gay men began organizing for their political rights in San Francisco and Los Angeles 20 years before the Stonewall riots that many consider the birth of the movement for gay equality.

As the ACLU-NC celebrates its 75th Anniversary, Elaine Elinson and Stan Yogi discuss their new book, *Wherever There’s a Fight*, the first-ever account of the struggle to protect and expand rights in the Golden State.

HOW WOULD YOU CHARACTERIZE THE ROLE OF THE ACLU IN THE HISTORY OF CIVIL LIBERTIES IN CALIFORNIA?

Since their foundings—the ACLU of Southern California in 1923 and the ACLU of Northern California in 1934—the California affiliates have played a pivotal and often leading role in exposing violations of civil liberties and fighting to protect and expand them. They were not afraid to take on unpopular causes.

In the 1920s and ’30s, ACLU-SC attorney A.L. Wirin and ACLU-NC Executive Director Ernest Besig challenged vigilante actions against labor organizers, sometimes getting punched in the nose (or worse). During World War II, the ACLU-NC brought the Korematsu case opposing removal of Japanese Americans from the West Coast—and took the case all the way to the U.S. Supreme Court—even though the national ACLU told them not to. Daring to publicly oppose obscenity laws in the prim 1950s, the ACLU-NC made history defending poet Lawrence Ferlinghetti who sold Allen Ginsberg’s brutally iconoclastic poem “Howl” in his City Lights Bookstore.

CALIFORNIA HAS ONE THE COUNTRY’S MOST PLURALISTIC POPULATIONS AND YET ALSO HAS A TROUBLING HISTORY OF XENOPHOBIA. ARE WE DOOMED TO ENDURE PERIODIC EPISODES OF RACISM OR HAVE OUR PAST STRUGGLES MADE US A MORE TOLERANT PLACE WITH STRONGER CIVIL RIGHTS LAWS?

When we consider California’s future, having looked at the past 160 years, we’re optimistic. It’s been a “two steps forward, one step back” progression. Thanks to brave individuals before us, we now have a considerable body of law to protect civil liberties, and—except in very rare occasions, like brutal attacks on the Mexico border—we no longer face vigilante violence.

Yet, we still confront rabid anti-immigrant sentiment; racial inequality in schools; and second-class citizenship for lesbian, gay, bisexual and transgender people. At some point, practically every minority group has been the target of civil liberties violations.

We hope that our book will help to bring this hidden history to light, so that we won’t repeat the mistakes of the past. But we know that battles for freedom, equality and justice are perpetual. We’re confident that the ACLU will be wherever there’s a fight for civil liberties. ■

SOME CIVIL LIBERTIES VICTORIES WERE ACHIEVED THROUGH LITIGATION, BUT OTHER STRATEGIES HELPED IN THE STRUGGLE FOR FREEDOM AND EQUALITY. WHAT CAN WE LEARN FROM PAST CREATIVE EFFORTS?

In the early part of the 20th century, the Industrial Workers of the World (IWW) or Wobblies, declared the “street corner is our union hall.” In their street orations, they condemned oppression by the bosses and advocated for workers to organize. One by one they were arrested. As one was sent to jail, another would take his place, until the jails were bursting.

In 1923, author Upton Sinclair joined the Wobbly picket line on the San Pedro docks. He stood on Liberty Hill and read the Constitution—and was promptly arrested! When he got out of jail, he wrote a play called “The Singing Jailbirds,” and founded the ACLU of Southern California.

Another example is the Jewish suffragist Selina Solomons who organized working class women in San Francisco. She opened the Votes-for-Women Club on Union Square, inviting shop girls and clerks to come in for a meal. We found the menu in the Bancroft Library—it included four kinds of soup, sand dabs, and French artichokes. She stocked the Club’s reading room with suffrage literature and recruited women to join her in canvassing neighborhoods for the 1911 election. The campaign was successful—and California women won the right to vote almost a full decade before the 19th Amendment was passed.

OUR STATE HAS BEEN A PLACE OF GREAT DIVERSITY SINCE THE GOLD RUSH. CIVIL LIBERTIES CONFLICTS BETWEEN THE POWERFUL AND POWERLESS HAVE FREQUENTLY TAKEN PLACE IN CALIFORNIA BEFORE THEY HAVE IN OTHER STATES.



Wherever There’s a Fight authors Elaine Elinson and Stan Yogi.

Elaine Elinson was the Public Information Director of the ACLU-NC from 1980 to 2001. Stan Yogi is the Director of Planned Giving at the ACLU-NC. They are coauthors of the recently-released Wherever There’s a Fight: How Runaway Slaves, Suffragists, Immigrants, Strikers, and Poets Shaped Civil Liberties in California, published by Heyday Books.

This interview was conducted by ACLU-NC Staff Attorney Margaret Crosby.