ACLU NEWS

Newspaper of the American Civil Liberties Union of Northern California

Volume LXIV, No. 4 - July/August 2000

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Please call and let us know if your schools lack textbooks, have untrained teachers, or filthy, run-down buildings or have failed to offer the bare minimum conditions for successful learning.

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Landmark Case Challenges Pervasive Substandard Conditions in Schools

Student plaintiff Eliezer Williams, 7th grader at Luther Burbank Middle School in San Francisco, and his father Sweetie Williams, at the ACLU press conference. Eliezer's school is infested with vermin and roaches, two of the three bathrooms are locked all day, every day, and children are afraid to play in the gym because they are worried that the cracked ceiling tiles will fall on them during games.

On May 17, on the 46th anniversary of Brown v. Board of Education, civil rights groups and attorneys in California filed a landmark lawsuit charging the state of California with violating students' rights by not providing the bare minimum necessities required for an education. The historic class-action lawsuit was filed in San Francisco Superior Court on behalf of students in eighteen schools located throughout California.

The lawsuit, Williams v. State of California charges the state with having reneged on the state

constitutional requirement to provide all students with at least the bare essentials necessary for an education. The suit also charges California with having violated state and federal requirements that equal access to public education be provided without regard to race, color, or national origin.

The suit was filed on behalf of more than 60 students from elementary and high schools throughout the state.

Plaintiffs have been subjected to the following conditions as part of their everyday educational experience:

LACK OF MATERIALS AND BASIC RESOURCES

- no textbooks or other educationally necessary curricular material
- outdated or defaced textbooks
- no or not enough basic school supplies
- no access to a library
- no or not enough access to computers or computer instruction
- no or not enough labs
- no or not enough lab materials
- no access to music or art classes
- no or too few guidance counselors

INADEQUATE INSTRUCTION

- as few as 13% teachers with full teaching credentials
- chronically unfilled teacher vacancies
- heavy reliance on substitute teachers
- no homework assignments due to lack of materials

MASSIVE OVERCROWDING

- classes without enough seats and desks, so students sit on counters
- cramped, makeshift classrooms
- multi-track schedules that curtail the calendar length of courses
- multi-track schedules that prevent continuous, year-to-year study in a given subject
- multi-track schedules that force students to take key exams before completing the full course of study

DEGRADED, UNHEALTHFUL FACILITIES AND CONDITIONS

- broken or nonexistent air conditioning or heating systems; extremely hot or cold classrooms
- toilets that don't flush; toilets that are filthy with urine, excrement, or blood
- toilets that are locked
- lack of working water foundations
- unrepaired, hazardous facilities, including broken windows, walls, and ceilings
- vermin infestations
- leaky roofs and mold

"These are schools where students can't possibly learn, and teachers can't teach," said Michelle Alexander, Director of the ACLU-NC Racial Justice Project. "How can we expect students to do their best, when the schools are doing their worst? The fault lies with the State of California, which has for years abdicated its responsibility to ensure that every child receives an equal and adequate education."

The lawsuit charges that thousands of California's school children are forced to study in "overcrowded, unsafe, poorly ventilated buildings with terrible slum conditions." These conditions include infestation of cockroaches, rats, and mice, toilets that back up or leak, faucets that do not work, and lack of air conditioning and/or heat, leaving children in a constant sweat in temperatures of 90 degrees and above or with a persistent chill so severe that they

have to wear coats, hats, and gloves in the classroom.

"Education is the key to providing equal opportunity to children of all backgrounds," said Matthew Kreeger, of Morrison & Foerster. "Our current system of public education is failing to serve this purpose. This lawsuit aims to establish that the ultimate responsibility for ensuring that children receive the basic tools for education falls upon the State of California."

"Too many California schools have been allowed to fester while some of our best minds wither on the vine," said John Affeldt, Managing Attorney at Public Advocates in San Francisco. "The lawsuit holds the State accountable for ensuring each child has the opportunity to achieve."

Teacher Shannon Carey described the conditions at Stonehurst Elementary School in Oakland . "This January 24, the roof in my classroom leaked over half of my room, ruining a great many diligently done projects. The roof had been leaking for years -fourteen years, in fact--and yet not one repair was undertaken to prevent its eventual collapse."

"At the dawn of the 21st century, thousands of California public school children still are suffering under learning conditions that were appalling and unacceptable in the 19th century," said Catherine Lhamon, ACLU-SC staff attorney. "These children try to learn in schools where they have no books, where they routinely share space with rats and roaches, where their teachers are under-prepared. The children who attend these schools are overwhelmingly poor and children of color. They are children the State has forgotten."

Hector Villagra of the Mexican American Legal Defense and Educational Fund noted, "Families and teachers in all communities - including immigrant and economically struggling communities - understand the fundamental importance of educational opportunity to their future economic mobility and success. They're tired of being ignored."

"At a time of unprecedented wealth in this state, there are thousands of children who attend public schools that are so grossly inferior that the conditions simply shock the conscience," said ACLU-NC Executive Director Dorothy Ehrlich. "Denying these students basic educational tools crushes their hopes and dreams for college and careers. This lawsuit is a first step toward allowing all children in California to have a chance to reclaim those dreams."

The suit was filed by the ACLU affiliates of Northern and Southern California and San Diego, Public Advocates, the law firm of Morrison & Foerster, and several other public interest legal organizations and attorneys.

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Sea Change in Public View of Death Penalty

BY DOROTHY EHRLICH AND
ELAINE ELINSON

Reverend Joseph Garlic, seated on the dais next to presidential candidate George W. Bush at a religious gathering in Elizabeth, New Jersey in July, turned to the Texas Governor and said he had to ask a sensitive question. "It is one I could not live with myself if I did not ask or bring up. It's about Gary Graham."

Gary Graham was executed on June 22 in Huntsville, Texas. Graham's execution, the 135th execution in Texas since George W. Bush has been Governor, galvanized both national and international activists against the death penalty. Graham was a 17- year old when charged with murder, an indigent African-American teenager. Like the majority of people on Death Row, he was poor, he was a person of color, and he lacked adequate legal counsel. Despite national protests, Graham was never allowed to prove his likely innocence.

That the question of the death penalty is dogging both presidential candidates - not only from street protests but from the dais - indicates just how widespread the serious public debate about the ultimate sentence has become.

Recent revelations of the persistent fallibility of the death penalty have had an extraordinary impact on the public's view of capital punishment.

In California, opposition to the death penalty has doubled. A June California Field Poll, a group that has been tracking public sentiment about the death penalty since 1956, reveals opposition has gone from a low of 14% in 1986 to a high of 30%. Even more surprising is the news that by a margin of 4 to 1 Californians favor imposing a moratorium on capital punishment until a study of its fairness can be carried out.

ILLINOIS GOVERNOR'S MORATORIUM

Gary Graham's execution shocked a nation whose conscience had already been awakened to the possibility of innocent people being executed by the dramatic decision in January by Illinois Governor George Ryan, a Republican and a supporter of the death penalty, to impose a

moratorium on any further executions in his state. Since 1977, 13 condemned prisoners had been released from Illinois's Death Row because they had been found innocent based on new DNA evidence. Governor Ryan's action created a sea change in the political climate for the death penalty. Sixteen states are now considering a moratorium. The New Hampshire Legislature passed a bill to outlaw the death penalty once and for all, the first successful legislation to repeal the death penalty since its reinstitution in 1972. Senator Russ Feingold and Representative Jesse Jackson have introduced legislation in Congress for a national moratorium.

What does this mean for California?

More than 560 men and women await execution in California, the largest Death Row in the nation. Approximately one-third of them currently lack any legal representation.

SERIOUS ERRORS IN CALIFORNIA

A recent Columbia University study found that 87% of the 531 death penalty cases disposed of by California trial courts between 1976 and 1995 were reversed or remanded for new trials by appellate and federal courts because of serious errors. The California statistics were part of a national study, "A Broken System: Error Rates in Capital Cases," by Professor James Liebman of Columbia University. California's rate of serious error in death penalty cases is far above the national average, where, Liebman found, two out of three convictions were overturned on appeal, mostly because of serious errors by defense attorneys or because of police and prosecutorial misconduct.

Even more disturbing is the fact that the Liebman study ends in 1995, prior to the passage of the federal Habeas Corpus Reform Act. That law speeds up the death penalty process and, ironically, reduces the opportunity that courts have to look for these errors, thus exacerbating an already unfair system of justice.

According to Death Penalty Focus, at least five men convicted of capital murder in California were subsequently found to be wrongly accused and released from prison. In the most recent instance, Dwayne McKinney , convicted in 1982, was released in January of this year - spending almost two decades in prison for a crime he did not commit.

Governor Gray Davis has given no indication that this new information has changed his heart or mind on capital punishment. Unlike Governor Ryan, Davis says he is convinced that that California's process is fair.

FEDERAL EXECUTION POSTPONED

Yet this time, it may be Gray Davis, and not the abolitionist movement, who is out of synch. On

July 7, just weeks after the outrage over the execution of Gary Graham in Texas, President Clinton announced he was postponing the first federal execution in 40 years, that of Juan Raul Garza scheduled for August 5, because of concerns about racial disparity as well as a lack of federal clemency procedures. There will be no federal executions until the Department of Justice issues its report on whether racial minorities are more likely to face the federal death penalty. The Justice Department report is due out this summer, but numerous recent studies, including one by the U.S. General Accounting Office, already overwhelmingly conclude that race, ethnic origin and economic status are the key determinants in who gets sentenced to death.

Both Al Gore and George Bush support the death penalty, but in the presidential campaign, and throughout the nation, politicians are now scrambling for ways to restore faith in a broken criminal justice system. Ironically, having successfully convinced the public for so long that the death penalty was an effective crime -fighting tool, many politicians are now trying to figure out how to respond to the dramatic change in public attitude. They are being asked to reckon for a system that has been exposed as grossly arbitrary, riddled with racial bias and unable to insure that innocent people are not wrongly being sentenced to death.

This is a crucial time to take action. Opponents of the death penalty, who have been laboring in lonely vineyards for years, must step up our efforts.

NEW LEGISLATION

The ACLU is supporting a new DNA testing bill based on the Illinois legislation. The bill, SB 1342, by Senator John Burton and Minority Leader Scott Baugh (R-Huntington Beach) would permit convicted persons to file a motion requesting DNA testing under certain conditions. The inmate's request would be allowed if either the evidence or the technology was not available at the time of trial and the identity of the person who committed the crime was a significant issue. [See Sacramento Report, page 5]

At the same time, the ACLU is organizing support for the federal "Innocence Protection Act," (S. 2690/H.R. 4167) introduced by Senator Patrick Leahy (D-VT), a former prosecutor, and Representatives. Ray LaHood (R-IL) and William Delahunt (D-MA). The bill seeks stronger guarantees of adequate legal help for capital defendants and provides for DNA testing of inmates who seek to prove they did not commit the underlying crime for which they were condemned to die. Supporters of the legislation note that since 1976, more than 80 Americans sentenced to death have been exonerated and freed, sometimes within days of their scheduled execution.

The often lonely battle against the death penalty appears to have turned a corner. As the public begins to lose faith in a flawed and unjust system, it will be the responsibility of the ACLU and other opponents of the death penalty to continue to expose its fallibility and to press

for alternatives . It is an opportunity that has not presented itself for nearly three decades, and we must pursue it with vigor and tenacity.

Dorothy Ehrlich is Executive Director and Elaine Elinson is Public Information Director of the ACLU of Northern California.

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Court Order that Muzzles E-Mail Violates Free Speech, ACLU Charges

The ACLU of Northern California and the national ACLU filed a friend of the court brief endorsing the right of Ken Hamidi, a former Intel employee, to send e-mail critical of his former employer to Intel employees. Over a two-year period, Hamidi sent six e-mails to the Intel workforce and told recipients that he would remove them from his mailing list upon request - a pledge he has honored.

"This case is about the right of a former employee to criticize a large and powerful corporation," said ACLU-NC staff attorney Ann Brick. "E-mail is the electronic version of a protestor's picket sign or leaflet. It has quickly become the preferred means of communication for millions of people across the country and around the world. The First Amendment protects Hamidi's right to use e-mail to reach his intended audience at the place where that audience can best be found."

Frustrated at not being able to block Hamidi's e-mails technologically, Intel sought a court injunction in October 1998. The company claimed that Hamidi's e-mails were "trespassing" on its equipment. In June of last year the court issued an order prohibiting Hamidi from sending unsolicited e-mails to addresses on Intel's computer system.

The ACLU brief, filed with the Third District Court of Appeal in Sacramento, contends that the injunction violates the First Amendment and that Intel's "trespass" theory does not apply in a situation like this one. The ACLU argues that there can be no liability under the doctrine of trespass to personal property because the e-mails caused no damage to or disruption of Intel's e-mail system. The First Amendment prohibits an injunction that is based solely on Intel's objection to the content of Hamidi's messages.

"The ancient tort of `trespass to personal property' was never intended to be used as a tool to muzzle free speech," said Christopher A. Hansen, an attorney with the national ACLU. "Both the United States Supreme Court and the California Supreme Court have been very clear in saying that state tort laws may not be employed as a smokescreen for silencing those with whom we disagree. That is what is happening here."

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ACLU Protects Free Expression and Gay Employee in Oakland Library

In May, after nearly a year of advocacy by the ACLU-NC affiliate and its Paul Robeson Chapter, the Oakland Public Library rescinded its disciplinary action against a lesbian employee for refusing to take down a gay pride display in the West Oakland branch of the Library. The Oakland Library Advisory Commission also approved a new policy on the removal of items from display cases that comports with the First Amendment, according to ACLU-NC staff attorney Bob Kim.

The seemingly unremarkable display, exhibited in June 1999, featured a magazine cover depicting two men--one African American and one white--kissing and locked in an embrace. In response to a complaint from a library patron complaining about "pornography," the acting branch director of the Library ordered the magazine cover to be removed from the display case. When the employee refused to follow the order, a disciplinary "letter of instruction" was placed in her employee file.

This caused an outcry from members of the Oakland community, including the ACLU-NC Robeson chapter. In response, the Library Commission held a series of public hearings. "Although the hearings were quite heated, they did little, at first, to address the homophobia and disrespect for the First Amendment underlying the Library's actions," charged Kim.

But on May 23, the Library Commission voted to adopt a new display policy largely drafted and shaped by the Robeson Chapter and Kim. Fittingly, the condemned magazine cover made a reappearance in a "Banned Book Week" display at the Library.

In addition, Kim and Christine Hwang, a staff attorney with the National Center for Lesbian Rights, persuaded the Oakland City Attorney's Office to intercede in the Library employee's case, resulting in the removal of the disciplinary letter from her file

"This is a total victory on all counts," said Kim. "And it represents the best of what staff and ACLU chapters can do when we collaborate." None of the changes would have happened, said Kim, without the persistence and dedication of Robeson chapter chairperson Louise Rothman-Riemer, vice-chair Grover Dye, members Judy Flum, Yani Herdes, Winona Miller, Judge Rice, Nancy Broderick and others.

HISTORY OF CONFLICT

In September 1999, Kim wrote a letter to Oakland City Attorney Jayne Williams complaining about the incident. "The Library impermissibly abridged the First Amendment right of members of the public to view the gay pride display in its entirety," wrote Kim. "Speech cannot be suppressed because of the viewpoint it conveys--this is especially true in a public library, which is a locus for free and independent inquiry . . . the Library's censorship of a [gay pride display] has had an indelible impact on the gay and lesbian community."

In November 1999, the Robeson Chapter followed up with a letter to Terry Preston, the Chair of the Library Advisory Commission, demanding that steps be taken to alleviate homophobia in the Library and to come up with a display policy that reflects First Amendment values. The Chapter was ultimately successful in getting the Commission to make several key policy recommendations to the Library staff. "We feel proud that we empowered the Advisory Commission to truly `act' in their proper role as advisors to library staff--something they had rarely, if ever, done," said Chapter Chair Rothman-Riemer.

The next hurdle came when Oakland City Manager Robert Bobb inserted language into a draft policy governing library display cases and exhibits that would have forbidden displays that included "sexually explicit materials that are publicly visible to individuals under the age of 18."

Kim fired back a letter condemning the City Manager's insertions. "The term `sexually explicit' is too vague to adequately guard against the possibility of improper censorship," said Kim. "What is sexually explicit to one may not be the case to another. Moreover, the prohibition is impermissibly broad. It is often the case that sexually explicit materials are of value and importance both to minors and adults and hence are protected by the First Amendment--for example, a print of a Botticelli nude, a copy of Flaubert's Madame Bovary, or a public health message on safe-sex practices."

Kim and the Robeson Chapter worked together on subsequent drafts of the Library's display policy, which culminated with the Commission's adoption of a policy supported by the ACLU.

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Civil Rights Groups Demand Justice for Dr. Wen Ho Lee

Author and activist Helen Zia, pictured here at a protest at the San Francisco Federal Building, spoke at the CARES press conference at the ACLU office.

On May 31, the Coalition Against Racial and Ethnic Scapegoating (CARES) held a news conference at the ACLU-NC office in San Francisco to demand the freedom of Dr. Wen Ho Lee, a sixty-year-old Chinese American scientist, who faces life in prison and has been held in solitary confinement since December 1999 for mishandling classified information. The coalition grew out of a growing concern by civil rights organizations and business and civic leaders over what many view as a government witch hunt against Asian Americans. In contrast to Dr. Lee's harsh punishment, John Deutch, the former CIA director, and several others who committed similar or worse violations have not been prosecuted, the groups noted.

"Portraying all Asian Americans as potential security risks in the face of political tensions with China smacks of the wartime hysteria that led to the imprisonment of loyal Japanese American

men, women, and children during World War II," said ACLU-NC Executive Director Dorothy Ehrlich.

Helen Zia, author of "Asian American Dreams," also drew the parallels to World War II as well as the Cold War era. "That was a dark and dangerous time for this nation, and let us be very clear: we are perilously close today to one of those times, when politics and spy hysteria are being used to keep Dr. Wen Ho Lee in prison," Zia said.

Dr. Lee has been charged with mishandling restrictive nuclear data at the Los Alamos National Laboratory, where he had been an employee for over 20 years. Despite a lengthy investigation involving more than 40 agents, the FBI did not produce evidence that Lee passed on classified information to foreign agents and did not charge him with spying.

Dr. Lee has been in solitary confinement since his arrest, denied bail, and is shackled with leg irons and chains when he leaves his solitary cell.

"Every American should be alarmed when the civil liberties and rights to due process of any persons are denied -and we are alarmed by the presumption of disloyalty of Asian Americans that has led to the criminal prosecution of Dr. Wen Ho Lee," said Karen Jo Koonan, national president of the National Lawyers Guild.

The newly formed coalition includes the Organization of Chinese Americans, Chinese American Citizens Alliance, the Lawyers Committee for Civil Rights, the National Lawyers Guild and the ACLU of Northern California.

"The goal of our Coalition is to ensure that no more Asian Americans will be treated like Dr. Lee," said Daphne Kwok, of the Organization of Chinese Americans. "We want to stop this discrimination, stop the stereotyping that Asian Americans and other people of color are somehow suspect simply because of how we look."

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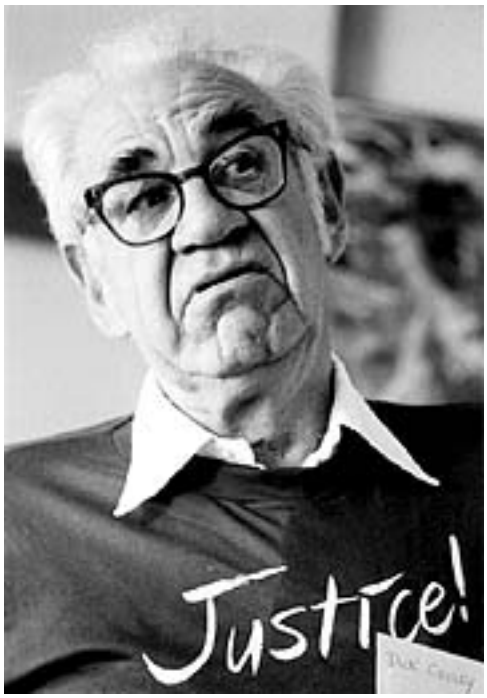
Dick Criley: A Lifetime of Activism



"The FBI is my Boswell,"
- Dick Criley

The ACLU-NC mourns the death of Dick Criley, an activist for more than six decades and a towering civil libertarian. Criley died at age 88 on June 18 at his home in Carmel Highlands.

Though he was born in Paris, Dick Criley was a child of America's most democratic traditions. His ancestors include a signer of the Declaration of Independence, three soldiers who fought in the American Revolution, and the only man in America to be executed by being buried alive under stones, a victim of the Salem witch trials of 1692. His maternal grandfather marched with General Sherman through Georgia and his father's parents settled in Kansas to help make it a free state.

FREE SPEECH MOVEMENT

Criley's own activism began in the Bay Area. As a graduate student at UC Berkeley in 1934, he led the first free speech movement there, organizing a student strike when university officials refused to allow the noted author and social critic Upton Sinclair to speak on campus.

When he was denied the right to distribute leaflets on campus, Criley turned to the fledgling ACLU-NC for support - planting a seed for a relationship that flowered for more than half a century.

"Dick was a leader of the generation of activists who shaped who we are today," said ACLU-NC Executive Director Dorothy Ehrlich. "His leadership, dedication and complete adherence to principle paved the way for us. The only way to imagine the ACLU without Dick Criley is to believe - as he did - that we can carry on the work he lived for."

Criley also led the student contingent of the successful campaign to free Tom Mooney, a Socialist labor leader who was framed and convicted of the Preparedness Day bombing in San Francisco in 1916. Criley eventually left academia and became an organizer of the American Student Union, a national movement focused on peace and civil liberties issues, and the Young Communist League. Attracted by the labor movement as a powerful force for social change, Criley started working as a warehouseman on the San Francisco waterfront and joined the ILWU.

He entered the Army during World War II to fight fascism in Europe, and ironically found himself subpoenaed for his pre-war activities by the Senate Subcommittee on Internal Security while still in uniform. Criley, who had entered as a private and became a captain, was cited along with Dashiell Hammett and a dozen others by Stars and Stripes as radicals who became officers during the war.

After the war, Criley moved to Mayor Daley's Chicago where he became deeply involved in local grassroots organizations fighting racial injustice and political corruption.

He soon found himself targeted by the FBI, listed as one of several thousand "subversives" that J. Edgar Hoover believed to be threats to American society. In the era of the Cold War and McCarthyism, the House Un-American Activities Committee made suspects out of labor organizers, progressive activists and dissenters of all kinds.

Criley was undaunted. He went after those who would go after him and his fellow organizers. In 1960 he and Frank Wilkinson launched the National Committee to Abolish HUAC. The fledgling group was immediately labeled a "Communist plot." In one of the five HUAC hearings to which he was subpoenaed, Criley told the Committee that his "constitutional reason" for not answering their questions was because he would not cooperate with the modern counterpart of the Salem witch-hunts that had done in his ancestor. "They told me that reason was not

constitutional enough," Criley said.

FOUGHT HUAC, OUTLIVED HOOVER

After fifteen years of fighting HUAC, the House Committee was finally abolished . Criley and Wilkinson transformed their organization into the National Committee Against Repressive Legislation (NCARL) and continued to fight on against other injustices, particularly the intrusion of government intelligence agencies - from the FBI to the Chicago Police Red Squad - into the private lives of citizens. Criley often joked that he was pleased that he outlived J. Edgar Hoover.

He served for 17 years as the Midwest Regional Director of NCARL and later as its Northern California Director. A dynamic orator, Criley was invited to speak and debate before hundreds of academic, religious and activist audiences throughout the United States. His book exposing the FBI's decades-long surveillance of Wilkinson, The FBI and the First Amendment, was published in 1991.

Wilkinson, currently the Executive Director Emeritus of NCARL, said, "Dick Criley's grasp of the forces of history, coupled with his brilliant political analysis and heartfelt identification with the working and oppressed people, guaranteed his decisive leadership in all social issues for which he struggled."

Criley's activities were well documented by the government. Thousands of pages were delivered to him after he made a Freedom of Information Act request for his files from the FBI. The documents include copies made from tapes of his speeches, clippings of his letters to the editor and many, many pages blacked out from top to bottom. "I sometimes say the FBI is my Boswell," Criley told the ACLU News.

In 1977, Criley moved from Chicago back to his boyhood home in Carmel where he immediately became involved in the ACLU-NC. During the 1980's, he served as the Vice-Chair of the affiliate board and Chair of the ACLU-NC Field Committee. He served as both Chair and volunteer Executive Director of the Monterey County Chapter. On May 12, he was named Executive Director Emeritus of the Chapter.

Field Committee Chair Michelle Welsh, who was recruited to the Monterey Chapter by Criley, said, "Dick Criley was well-known as our local champion of civil liberties. He persuaded people in power to honor the Bill of Rights and he spurred the powerless into action. Dick was the heart and soul of the Monterey Chapter and our cherished friend. "

As an ACLU leader, Criley played a key role in numerous coalitions and campaigns in Monterey County. He worked with the Reproductive Rights Coalition, the Nuclear Weapons Freeze and the Coalition of Minority Organizations, among others. His gentle, thundering

presence helped mobilize activists against the last decade's divisive initiatives - the anti-immigrant Proposition 187, the rollback of affirmative action and the Three Strikes law.

Dick Criley was the recipient of numerous honors and awards, including the 1985 Earl Warren Civil Liberties Award from the ACLU-NC. In 1991, he was one of twenty-three authors to be awarded by the Fund for Free Expression; and in 1993 he was given the Baha'i Human Rights Award. He was named as "Local Hero" and cited for his Lifetime Achievement by the Coast Weekly in 1995 and honored with the Stephen E. Ross Award from the Monterey Peninsula Chapter of the NAACP in 1998, an award of which he was particularly proud.

Dick Criley is survived by his wife Jan Penney, the former Chair of the ACLU Monterey County Chapter, and four stepchildren. A memorial service was held on July 23 at Asilomar in Monterey.

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Sacramento Report

Crucial Votes on AP Classes, DNA and Police

BY VALERIE SMALL NAVARRO
ACLU LEGISLATIVE ADVOCATE

AP COURSES - EQUAL OPPORTUNITY?

Students who do not have meaningful access to AP courses - students in poor districts and communities of color -- are not able to compete for admission into our state's best universities. In addition, the lack of pre-AP and AP courses denies them the opportunity to obtain academic skills needed to succeed in any post-secondary educational institution.

In an effort to improve the situation in California, the ACLU sought significant changes in the Governor's bill on Advanced Placement courses carried by Senator Martha Escutia (D-Montebello), SB 1504. This bill establishes the Advanced Placement (AP) Challenge Grant Program towards the Governor's stated goal that every high school in California offer at least four AP courses by fall 2001. SB 1504 would provide for grants of up to $30,000 annually for a 4-year period to at least 550 high schools to use for AP professional development, instructional equipment and materials, and other start-up costs.

We submitted comprehensive amendments to address concerns that the bill would not adequately resolve current inequities that poor students of color face in obtaining AP classes. Since the University of California began enhancing students' grades in Advanced Placement (AP) classes when calculating their grade point averages for university admission, students' opportunities to prepare for and take AP courses and successfully complete AP exams have become critical

While there have been significant changes made to the measure, we remain concerned that the number of AP classes is not based on the number of students at each school. Currently, schools with fewer than 3 AP classes would be eligible for up to $30,000 regardless of whether there were 500 students or 2000 students at the school.

The contents of SB 1504 were converted into a budget trailer bill, which was signed by the

Governor as part of the budget package.

PROVING INNOCENCE THROUGH DNA EVIDENCE

DNA testing has exonerated more than 70 inmates in the United States, including some inmates who were condemned to death. Yet California law still does not provide DNA testing for inmates who request it.

To remedy this lack, Senator John Burton (D-San Francisco) and Minority Leader Scott Baugh (R-Huntington Beach) have co-authored SB 1342, a measure that would permit convicted persons to file a motion requesting DNA testing under certain conditions. The request would be allowed if either the evidence or the technology was not available at the time of trail and the identity of the person who committed the crime was a significant issue.

The advent of DNA testing raises serious concerns about the prevalence of wrongful convictions, especially wrongful convictions arising out of mistaken eyewitness identification testimony. According to a 1996 Department of Justice study, Convicted by Juries, Exonerated by Science: Case Studies of Post-Conviction DNA Exonerations, in approximately 20-30 percent of the cases referred for DNA testing, the results excluded the primary suspect. Without DNA testing, many of these individuals might have wrongfully continued to serve sentences for crimes they did not commit. The Innocence Project run by Peter Neufeld and Barry Scheck at Cardozo Law School in New York has been overwhelmed with hundreds of requests from inmates asking for DNA testing to establish their innocence.

The measure passed the Senate and the Assembly Public Safety Committee; it is pending in the Appropriations Committee.

DOUBLE HELIX MEETS PRIVACY RIGHTS

While we are fighting for convicted prisoners' rights to have DNA testing to prove their innocence, we are also concerned about the Attorney General's race to catalogue the DNA of persons accused, but not convicted, of crime.

For the second year in a row, the Attorney General is pushing a bill, AB 2814 (Assemblymember Mike Machado, D-Linden), that would allow the Department of Justice to add the DNA profiles of people who are suspected of committing any crime to a state database. He says it is analogous to the current practice of collecting and storing fingerprints. Under current law, only DNA profiles from people who have been convicted of specified sex and other violent crimes are compiled in the state database.

The ACLU fundamentally opposes, based on privacy and Fourth Amendment search and seizure grounds, the creation of a state database containing private genetic information from

people who are merely suspected of committing crimes. We were joined in our opposition by several strange bedfellows, including the Committee on Moral Concerns and the California Shooting Sports Association.

The ACLU agrees that when there is probable cause to believe someone committed a crime and DNA was left behind, the court should be able to order (or the person may agree) that a suspect's DNA be tested against the crime scene evidence.

However, if someone is merely a suspect, and indeed may be completely innocent of any wrongdoing, he should not have genetic information about himself or his family added indefinitely to a state database.

In addition, although the purpose of the database is identification of people who have committed crimes, we are deeply concerned about the dissemination of this private information. History contains numerous examples of unauthorized use of data: census records were used in World War II to round up Japanese Americans and social security numbers are widely used for a multitude of non-Social Security purposes.

The Senate Public Safety Committee, Chaired by Senator John Vasconcellos (D-Santa Clara) and the Assembly Appropriations Committee, Chaired by Assembly Member Carol Migden (D-San Francisco) significantly narrowed the bill in their respective committees.

Now the bill provides that the Department of Justice may only add to a state database DNA profiles from people who have already had a preliminary hearing for sex and other violent crimes, not people merely suspected of committing a crime. In addition, the DNA profile can only be maintained in the database for two years or whenever the charges are dropped or the individual is acquitted, whichever happens first. Finally, the DNA sample itself (not just the profile) must also be destroyed at that time.

The ACLU remains opposed to this measure because it still creates a state database containing genetic information from people who have not been convicted of any crime and their DNA may be searched without probable cause. The bill has cleared the Assembly and the Senate Public Safety Committee and is now pending in the Senate Appropriations Committee.

DRIVING WHILE BLACK/BROWN

The gutted measure on racial profiling, SB 66 (Kevin Murray, D-Los Angeles), which no longer includes the crucial data collection provision, has passed the Assembly Public Safety and Appropriations Committees. The ACLU and more than 30 civil rights and community groups - including the NAACP Inc. Fund, the Mexican American Legal Defense and Educational Fund, the Lawyers' Committee for Civil Rights, the United Farm Workers, and the League of United Latin American Citizens -- continue to oppose the measure unless it is amended to restore the

data collection provisions originally included in SB 1389, also by Murray.

"Without data collection, racial profiling remains invisible to everyone except its victims," states the June 16 letter. " Police chiefs who claim that their offices do not engage in racial profiling have no way of knowing whether that is true without data. And victims of racial profiling have no way of proving that a pattern of discrimination exists without data. In short, data collection is essential to any effort to address the problem of racial profiling."

"This bill is watered-down so badly that it has become a sham," said ACLU-NC Racial Justice Project Director Michelle Alexander. "Data collection is essential to any meaningful effort to address racial profiling. As it stands, SB 66 is simply a smokescreen, worse than no racial profiling bill at all."

As a result of organizing and mobilization by the Racial Justice Coalition, newspapers throughout the state have editorialized against the diluted version of the bill. The Sacramento Bee headlined its editorial: "Redrafted bill does nothing, should be defeated." The Mercury stated, "[The Governor] should not sign SB66 unless it is amended to include data collection. Signing anything less would be meaningless."

The ACLU is urging people to send letters to Governor Davis demanding data collection. In addition, If you have been a victim of racial profiling, please call the toll-free statewide hotline to make sure that your story is heard. [The hotline has been discontinued. For legal matters contact the ACLU of Northern California's legal counseling line at **415-621-2488.**]

AG'S AUTHORITY TO ENFORCE THE LAW

In response to the Rampart scandal - where Los Angeles police officers are alleged to have planted evidence on people and abused them - Assembly Member Gloria Romero (D-Los Angeles) is carrying AB 2484. Sponsored by the ACLU, this bill provides California's Attorney General the statutory authority to seek civil remedies against law enforcement officials who engage in a pattern or practice of depriving people of their rights under the federal or state Constitutions or statutes. This measure has passed the Assembly and the Senate Judiciary Committee; it is pending in the Senate Appropriations Committee.

When the Legislature reconvenes on August 7, the full Assembly will vote on the measure; it then goes back to the Senate where it must be voted on before the end of the month.

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Post-Prop 21: The Fight Goes On

Marcos Contreras of the League of United Latin American Citizens (LULAC) at the Sacramento press conference denouncing the dilution of the racial profiling bill.

In the wake of the passage of Proposition 21, the Juvenile Justice Initiative passed by California voters in March, the ACLU-NC is at the forefront of the efforts to expose and challenge the impact of this dangerous measure.

LEGAL CHALLENGE TO PROP 21 MOVES TO S. F. SUPERIOR COURT

On June 7 the ACLU-NC filed suit in San Francisco Superior Court challenging the constitutionality of Proposition 21 - the Juvenile Crime Initiative passed by the voters in the

March 7 election. On behalf of the League of Women Voters of California, Children's Advocacy Institute, and Coleman Advocates for Children and Youth, and taxpayer Peter Bull, the ACLU argues that the measure "violates a core provision of the California Constitution designed to ensure the integrity of the electoral process: its requirement that each initiative embrace only a single subject."

ACLU-NC staff attorney Bob Kim explained, "Instead of embracing one issue, Proposition 21 - the largest crime-related initiative in California history - makes far-reaching changes in several unrelated subjects." California law mandates that an initiative deal with only one subject.

"In addition, Proposition 21 offends the Elections Code by containing text different then the initiative circulated by petition to voters to qualify the measure for the ballot," Kim argued.

Co-counsel Steven Mayer, a partner with Howard, Rice, Nemerovski, Canady, Falk & Rabkin added, "The backers of the initiative quietly tucked in provisions amending prior voter-approved initiatives that had nothing to do with the issues that voter were led to believe they were deciding on March 7."

The new law requires children as young as 14 to be tried in adult courts when accused of murder and other serious crimes. The initiative transfers authority from the courts to prosecutors, enacts stricter probation rules and creates dozens of new offenses related to gang activity. In addition, Proposition 21 makes changes in the three-strikes law, adds to the list of death-penalty-eligible crimes for adults and overhauls the juvenile court system.

The defendants in the lawsuit are Governor Gray Davis, Attorney General Bill Lockyer, and San Francisco District Attorney Terence Hallinan. The California Supreme Court on May 10 declined by a vote of 5-2 to hear the ACLU's earlier challenge to the constitutionality of Proposition 21.

A copy of the complaint, League of Women Voters v. California is available online at www.aclunc.org.

ELECTION DOESN'T END YOUTH ACTION ON PROP 21

The ACLU Youth Advisory Committee joined other youth organizations to sponsor a June 22 community forum, "Session 21: Knowing Your Rights Under Prop. 21." The coalition, which also includes HOMEY, the Third Eye Movement, Youth Force Coalition, and Youth Making a Change, organized the forum to help educate and mobilize young people following the passage and implementation of the Juvenile Crime Initiative.

"Increasing numbers of counties are implementing Proposition 21," explained William Walker, fellow with the Howard A. Friedman First Amendment Education Project, "and until we can

defeat it, we must continue to organize so a whole generation will not be lost to these harsh, discriminatory and unjust laws."

The forum at Golden Gate University featured "Ask the System," a panel of youth and of juvenile justice professionals including Captain John Newlin of the San Francisco Police Juvenile Division, Golden Gate Law School Dean Peter Keane, and Bill Johnston, Senior Supervising Probation Officer of the San Francisco Juvenile Probation Department.

In addition, discussions were held on the juvenile justice system following Prop 21, youth rights, and next steps for the youth movement.

"It's important that agencies understand that implementing Prop 21 is targeting our communities unfairly. Session 21 gave youth a chance to talk to officials directly about looking at how to implement Prop 21 to keep youth from returning to the juvenile justice system," added Walker, an organizer of the ACLU Youth Advisory Committee.

NEW STUDIES STRESS RACIAL DISPARITY IN JUVENILE JUSTICE SYSTEM

Several new studies have been issued in the last six months documenting the disproportionate impact of laws like Proposition 21 on youth of color. The Color of Justice , published by the Justice Policy Institute found that youth of color in California are 2.5 times more likely than white youth to be tried as adults and 8.3 times more likely to be incarcerated by an adult criminal court. The National Council on Crime and Delinquency issued a report And Justice for Some, which documents that minority youth experience harsher treatment than white youth at ever step of the juvenile justice system. In April, the Youth Law Center reported that there is a "cumulative disadvantage" for black and Latino youth in the nation's criminal justice system. For example, the report showed, a black youth is six times more likely to be locked up than a white youth, even when charged with a similar crime and when neither has a prior offense.

A round-up of these terrifying statistics was released in June by the Leadership Conference on Civil Rights. The group's 90-page report, Justice on Trial: Racial Disparities in the American Criminal Justice System, indisputably outlines that the juvenile justice system is home to widespread and consistent racial disparities.

ACLU Legislative Director Laura Murphy, speaking at a Washington, D.C. press conference to launch the report, noted, "There can no longer be any doubt that America's justice system is not blind. This report from the nation's oldest, largest and most diverse civil and human rights coalition reveals that `lady justice' sees skin color all too well. Study after study demonstrates that minority youths are more likely than whites to be treated as harshly as possible at each step in the criminal justice system even when compared only to youths of similar age, gender, offense and record.

"The consequences of the racial disparities that taint the criminal justice system - both for youth and adults - cannot be overstated," Murphy charged.

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Sullivan Analyzes Supreme Court Term at Lawyers Council Luncheon

BY STAN YOGI

(Left to right) Lawyers Council guest speaker Kathleen M. Sullivan of Stanford Law School, Co-chair Susan Harriman, and ACLU-NC Executive Director Dorothy Ehrlich at the Lawyers Council Luncheon.

On June 6, 25 attorneys and law professors who are members of the steering committee for the ACLU Lawyers Council gathered at Boulevard Restaurant for the kick-off of the Lawyers Council Fundraising Campaign and to hear Kathleen Sullivan, Dean of the Stanford Law School. The Lawyers Council is the ACLU-NC Foundation's fundraising partnership with lawyers, law firms, and legal scholars.

Sullivan, a Constitutional law expert and a long-time friend of the ACLU explained how her formative work as a lawyer, professor and scholar have been influenced by her involvement with the ACLU.

As a means of highlighting the importance of civil liberties litigation and the legal work of the

ACLU, Sullivan analyzed three cases with important civil liberties implications that at the time were pending before the United States Supreme Court: Stenberg v. Carhart, the Nebraska law that banned dilation and expulsion abortions, dubbed "partial birth abortions" by anti-choice advocates; Boy Scouts of America v. Dale, involving an assistant scout master who was expelled because he is gay; and Santa Fe School District v. Doe, brought by the ACLU to challenge student-initiated prayer before football games in Texas. In each case, Sullivan brought an incisive analysis and thorough run-down of the civil liberties issues involved.

During the luncheon, Dick Grosboll, new co-chair of the Lawyers Council, paid tribute to his fellow co-chair, Susan Harriman of Kecker and Van Nest, who will be stepping down from her leadership after the completion of the fundraising campaign this year. Harriman co-chaired the Lawyers Council Campaign for the past 10 years.

Stan Yogi is the Director of Planned Giving and Foundation Support at the ACLU-NC Foundation.

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Lessons From the Internment

Panel Discussion Brings Painful History to Life

BY STAN YOGI

Professor Mitch Maki, with ACLU-NC Executive Director Dorothy Ehrlich (left) and civil rights leader Aileen Hernandez, said the redress movement changed the Japanese American communityÕs view of the internment from a social misfortune to a political injustice.

On June 8, the same day as nationwide community protests over the unjust imprisonment and racial profiling of Wen Ho Lee (the Los Alamos Laboratory scientist accused of espionage), the ACLU-NC led a panel discussion entitled "Protecting Our Civil Liberties: Lessons From the Japanese American Incarceration for Americans Today."

Panelists Mitchell Maki of the UCLA School of Social Welfare, long-time civil rights leader Aileen Hernandez, and journalist and activist Helen Zia shared insights about the civil liberties lessons of the internment based on their scholarship, research, and political experience.

Panel moderator ACLU-NC Executive Director Dorothy Ehrlich acknowledged the late Ernest Besig, former ACLU-NC director, who represented Fred Korematsu, over the objection of the

national ACLU, and challenged the exclusion and internment of Japanese Americans all the way to the U.S. Supreme Court. She explained that racial justice continues to be a priority for the ACLU and, citing Wen Ho Lee, commented about the poisonous mixture of racial profiling and national security. Just as during World War II, Ehrlich noted, people are currently branded as disloyal or subversive if they don't agree that national security interests trump civil liberties.

Professor Maki, co-author of Achieving the Impossible Dream: How Japanese Americans Obtained Redress, explained how key government leaders, including Ron Dellums, Ronald Reagan, Alan Simpson, and Norman Mineta, were impacted during their youth by the Japanese American internment and how each played a role decades later in redress legislation. He cited two critical lessons from the internment: first, the government cannot incarcerate people without due process, and second, the government should not withhold evidence, as it did during World War II. He noted these points should be obvious since the U. S. is a country of laws, but he added that we are also a country run by humans prone to error.

REDRESS MOVEMENT

The redress movement, Maki said, was a community effort that symbolized among Japanese Americans a transition from viewing the internment as a social misfortune to understanding it as a political injustice. He noted several lessons from the redress movement, including the importance of framing an issue. He explained that redress legislation was successful partly because it was framed as correcting a violation of the Constitution and consequently drew support from unlikely allies. The redress movement was also a lesson in dedication, he said. It took more than two decades for activists and legislators to pass the redress law.

LONG HISTORY OF RACISM

Labor and civil rights leader Aileen Hernandez warned the audience that an injustice like the internment could happen again. She pointed out that the internment was possible, in part, because of a long history of racism, including housing discrimination that ghettoized Japanese Americans and made it easy for the government to round up the community.

To help prevent a violation like the internment from ever happening again, she exhorted the audience never to be silent about injustice and never to stop fighting against injustice. She also explained the significance of history and helping younger generations understand that the U.S. has not been a perfect society. Acknowledging the late activist Edison Uno, who spurred former California Governor and U.S. Supreme Court Justice Earl Warren to say privately that he regretted his role in the internment, Hernandez stressed the importance of admitting mistakes and then doing something to correct them.

"We have an obligation to make this country what it's said it's been all along," said Hernandez, a former national President of NOW and the 1989 recipient of the ACLU-NC Earl Warren Civil

Liberties Award.

Author and activist Helen Zia focused on the media's significant role in the internment. Decades before World War II, she explained, the Hearst and McClatchy newspapers fanned racist hysteria and suspicions against Japanese Americans, which laid the political groundwork for internment. She described how the current racial profiling of Wen Ho Lee is grounded in years of contemporary media depictions of Asian Americans as "politically suspicious, clannish, and foreign."

OPINION MAKERS

Journalists are not merely passive recorders of events, Zia noted, but active trendsetters and opinion makers. She challenged the audience to be vigilant about the media, just as we are vigilant about government. "This vigilance is even more necessary now that the media is more closely tied to business interests," Zia noted.

Panelists engaged in a lively and at times emotional discussion with the audience and stressed the importance of recognizing discrimination against other communities and building alliances.

This panel discussion was held in conjunction with the exhibit "America's Concentration Camps: Remembering the Japanese American Experience," which was organized by the Japanese American National Museum in Los Angeles and displayed at the California Historical Society between March 21 and June 17. The ACLU-NC was one of the community sponsors of the exhibit, and contributed to the display original correspondence between former Executive Director Ernie Besig and Fred Korematsu.

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Court Ruling Means Abortion Rights Safe - for Now

ACLU-NC staff attorney Margaret Crosby (left) and Planned Parenthood President Dian Harrison spoke at a press conference on the day the United States Supreme Court struck down Nebraska's ban on so-called "partial-birth abortion." Crosby warned that the narrow victory means that "we need to make sure that the Court stands ready to protect the right to choose for future generations."

The high Court ruled in Carhart v. Stenberg that the state may not regulate abortion in a way that endangers women's health. In addition, the Court recognized that the ban would prohibit an array of safe and common abortion procedures and invalidated the law on this ground as well. The ACLU submitted a friend-of-the-court brief in the case, representing abortion providers in support of Dr. Carhart. The decision means that all state laws that have been challenged - 21 of the 31 laws - are unconstitutional.

"The Court recognized the nationwide campaign to promote these bans for what it is: a broad attack on women's fundamental right to determine the outcome of their own pregnancies," said Crosby. "It is a victory for women and their doctors because it reaffirms that the Constitution protects women's childbearing decisions and health."

Noting that only five of the nine Supreme Court justices upheld a woman's right to choose, Crosby said that the "sharply divided decision demonstrates that the right to reproductive choice is far from secure."

Crosby also explained California does not have a law restricting lawful abortion procedures, and if one were to pass, the ACLU would challenge it as unconstitutional. "California's explicit right to privacy protects women's childbearing decisions more broadly than the federal Constitution," Crosby said, "and the state could not justify intrusion into women's autonomy under our state Constitution."

The Carhart ruling came on June 28, at the end one of one of the Court's most significant

terms in recent memory. In addition to striking down the ban on so-called "partial birth" abortion, the Court upheld restrictions on abortion clinic protests, upheld a program of federal aid to parochial schools, and upheld the policy the Boy Scouts' policy of excluding gay troop leaders.

"We are disappointed with the Dale ruling because we think the Court should have valued New Jersey's goal of eradicating anti-gay discrimination over the associational rights of the Scouts," explained ACLU-NC staff attorney Bob Kim. "Although we are staunch supporters of an organization's First Amendment right to associate -- including the right to exclude others from the group -- in this case the troop leader, simply by being gay, did not interfere with a core expressive purpose of the Scouts."

"In pursuit of what remains a largely conservative agenda, this has become one of the most activist Courts in American history," said ACLU national legal director Steven R. Shapiro.

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Summer Interns Focus on ACLU Cases

Every semester the ACLU-NC benefits from the skills and talents of law students who intern with the Legal Department. This summer's crop included (left to right) Kara Suffredini from Boston College Law School, Jocelyn Bramble from Harvard Law School, Michael Chu of Stanford Law School and Josefina Jimenez of Hastings Law School. The law students have worked on a wide range of ACLU issues - from interviewing individuals who have called the DWB hotline, to contacting lesbians and gay men who have been subjected to harassment in the Central Valley, to researching cutting-edge legal cases on cyberliberties and the Internet, and the consequences for young offenders following the implementation of Proposition 21.

Chu is the recipient of the Paine Internship, an award named for Robert Alexander Paine, the brother of longtime ACLU supporter Ann Forfreedom. Robert Paine, who changed his last name to Paine in honor of American revolutionary Tom Paine, died in 1979 at the age of 31 from cancer. A conscientious objector in the Vietnam war, an anti-draft counselor, and a medical technician, Paine aspired to be an attorney working for human rights and social justice. He received his law degree from People's College of Law in Los Angeles just days before his death. In 1989, Forfreedom set up the fund with the ACLU-NC to honor her brother's memory and to support law students at the ACLU-NC.

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Profile of an Activist
Steve Morozumi

BY MELISSA SCHWARTZ

Steve Morozumi knows how difficult grassroots organizing can be. A member of the Santa Cruz County chapter of the ACLU since 1995, Steve has spent more than two decades fighting for civil rights and social justice. Since he began his organizing as a young man, his experiences inspire the young people he actively recruits to the ACLU today. "I want them to be involved in understanding and protecting their rights as well as those of other marginalized and disenfranchised groups," explained Morozumi, a Student Affairs Officer at the University of California at Santa Cruz.

Morozumi's work has spanned a wide range of issues. He has advocated for immigrant rights, organizing union drives in Chinese restaurants, garment sweatshops and canneries. He has

worked in community coalitions to challenge police abuse in Harlem and Newark. During the 1985-87 Watsonville strike of more than 1,000 predominantly Latina women cannery workers, Morozumi worked on the Strikers' Support and Media Committees. He helped to organize a strikers' press conference challenging the prohibitively high park insurance fees charged by the city that effectively prevented the strikers' ability to assemble.

VIETNAM WAR AND CIVIL RIGHTS

"My involvement in political causes was originally motivated by an awareness of the Vietnam War and the growing civil and human rights protest movements. I became aware of how the Kennedy/Hoover, Johnson and Nixon administrations tried to stifle dissent through measures such as the Cointelpro Program, the Smith Act and the McCarthy era repression."

Morozumi grew up in an environment of activism. His grandparents and father were among the 120,000 Japanese Americans interned in America's concentration camps during WWII in spite of his father's United States citizenship and his grandfather's longstanding opposition to Japanese militarism. "My grandfather was a liberal journalist, had attended Columbia Law School, believed strongly in the Bill of Rights and democratic representation," said Morozumi. " But he and my grandmother and their children were still held without due process and a trial. They were detained in Tanforan horse stalls and sent to a barren desert camp. Ironically they ended up teaching classes of fellow internees about U.S. government and the constitution in the Topaz, Utah camp in tar paper barracks, behind barbed wire and under gun towers."

Decades later in 1982, Morozumi's family testified before the Congressional Commission to investigate the Wartime Internment and Relocation and lobbied members of Congress for redress and reparations. "The collective efforts of a revitalized, rearticulated Japanese American community finally led to a formal governmental apology and symbolic reparations," he recalled.

SANTA CRUZ CHAPTER BOARD

When Morozumi became increasingly aware of the activist work of the ACLU in the local as well as national arena, he decided to join. He became an active member of the Santa Cruz Chapter Board and served as its Recording Secretary and on the Programs Committee. For the past two years, he has Co-chaired the board with Bob Taren.

"Steve is the quintessential activist," said ACLU-NC Field Director Lisa Maldonado. "Every time I see him he is running from one meeting to the next or organizing an action. Whenever I call him about a civil liberties related bill or legislative alert in Santa Cruz, I know he will activate people to call their elected representatives."

He has recruited many students to the Chapter Board as well. Last November's Proposition 21