



## ACLU NEWS

Newspaper of the  
American Civil Liberties Union of  
Northern California

Volume LXIV, No. 3 - May/June 2000

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**LGBTI (Lesbian, Gay, Bisexual, Transgender, Intersex) Annual Meeting**

A Public Forum

### **Homophobia in High School - The Legalities and the Realities**

Hear what it's like for lesbian, gay, bisexual, transgender, queer, and questioning youth and their friends in high schools today.

**Sunday, August 13, 2000  
12:00 - 1:00 pm**

**ACLU-NC offices  
1663 Mission Street, #460  
San Francisco**

Everyone is welcome to attend! ACLU members and community and youth leaders from local schools are encouraged to attend.

[Planned Parenthood Names, Phone Numbers](#)

- **In Memoriam**

[Chalmer "Chal" Cochran and Thomas Rolfsen](#)

- **Profile of an Activist**

[Chloe Watts](#)

Refreshments will be served.

For details, please call Carl Jaeger at 415/255-0704.

**aclu news**

*6 issues a year: January-February, March-April, May-June, July-August, September-October and November-December.*

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ACLU News - The Newspaper of the ACLU of Northern California, May/June 2000

## The ACLU Files Lawsuit Challenging Proposition 21

BY STELLA RICHARDSON  
MEDIA ASSOCIATE

On Thursday, April 20th, the League of Women Voters of California, Children's Advocacy Institute, Coleman Advocates for Children and Youth, and Peter Bull, taxpayer and private citizen, filed a lawsuit in the California Supreme Court stating that Proposition 21 violates the single-subject rule of the California Constitution. The petitioners are asking the Court to issue an immediate stay to prevent Proposition 21 from being implemented. The Juvenile Crime Initiative was passed by voters on March 7, 2000.

"Proposition 21 violates a core provision of the California Constitution, the single-subject rule, designed to ensure the integrity of the electoral process," said Robert Kim, attorney with the ACLU of Northern California. "Instead of embracing one issue, Proposition 21 makes far-reaching changes in three separate areas of law; juveniles, gangs, and changes to other laws that do not relate to either juveniles or gangs. That is, too many subjects to fit under one initiative."

"We believe the initiative process has gone far beyond what the reformers who developed it intended," said Anne Henderson, Legislative Director of the League of Women Voters of California. "It is being used not as a check on the deliberative legislative process representative government requires, but an alternative where the public is asked to vote yes or no with little input into and limited understanding of what they are being asked to decide." The League of Women Voters of California is a nonpartisan political organization with over 11,000 members.

The petitioners are asking the Court to issue an immediate stay and to issue a writ of mandate, permanently restraining enforcement of Proposition 21 in violation of the rights of voters to consider and vote on clear, specific and discrete changes to California law.

"When we were campaigning against Proposition 21, we encountered a great deal of confusion by voters who did not understand the complexity of the initiative," said Kathryn Dresslar, Senior Policy Advocate for the Children's Advocacy Institute (CAI). "For example, the forty-three page initiative had buried within it significant changes to voter enacted initiatives." CAI is a nonprofit

organization dedicated to the health, safety and welfare of children. CAI works in the Legislature, with California agencies, and in California courts to promote the well being of children.

"As I speak, youth are being prosecuted under the Juvenile Crime Initiative and I think it is critical that the California Supreme Court halt the enforcement of this dangerous initiative that harms so many young people," said Taj Rashad James, Director of Youth Policy and Development at Coleman Advocates for Children and Youth. Coleman Advocates is a nonprofit organization that works to reform the juvenile justice system in California.

Peter Bull, formerly the Executive Director of the Youth Law Center, is also a petitioner in the lawsuit. Mr. Bull has worked for many years to improve the juvenile justice system. He is a citizen and resident of San Francisco.

The respondents in the case are Governor Gray Davis; Bill Lockyer, Attorney General of the State of California; Bill Jones, Secretary of State of the State of California; Superior Court of the State of California for the County of Sacramento; and Jan Scully, District Attorney of the County of Sacramento.

The lawsuit is brought by all of the California ACLU affiliates, including the ACLU of Southern California and the ACLU of San Diego.

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## Driving While Black/ Brown Bill Gutted



**Michelle Alexander of, Director of the ACLU Racial Justice Project, speaks at the April 27th Sacramento Rally.**

**G**overnor Gray Davis and Senator Kevin Murray have effectively gutted the Driving While Black or Brown bill (SB 1389) by eliminating the data collection provisions that would document the widespread practice of racial profiling and serve as a deterrent to the practice. Instead, they've proposed a measure - which will be inserted into another bill, SB 66 -- to increase diversity training, require officers to provide their business cards to people who are stopped, and outlaw racial profiling.

"Racial profiling is already illegal in California under the Fourteenth Amendment of the Constitution," said Michelle Alexander of the ACLU of Northern California. "This is a cynical smoke screen and just one more tactic to avoid mandatory data collection by law enforcement. We don't need a bill outlawing something that is already illegal, and we don't need police

officers' business cards when we are stopped by police on the basis of race. What we need and demand is police accountability. We demand data collection that will allow us to prove discriminatory police practices and serve as a deterrent to police who are overtly racist and provoke those officers who are not consciously using racial profiles to stop and think."

Handing out business cards to people who have been stopped but not arrested or cited is one of the "reforms" that the Los Angeles Police Department (LAPD) has been using for years. Few would claim that the LAPD has solved the problem of racial profiling, or is a model of ethical policing - least of all the U.S. Department of Justice. The Justice Department has asked the LAPD to settle its pattern and practice of civil rights violations by police officers. Yet Governor Davis wants all law enforcement agencies to aspire to this standard.

More than one thousand people gathered in April at the State Capitol to protest racial profiling and to urge the Governor to sign the Driving While Black or Brown Bill, SB 1389. The protest was sponsored by the newly formed Racial Justice Coalition, which includes the ACLU, NAACP, California League of United Latin American Citizens, United Farm Workers, Lawyer's Committee for Civil Rights, and numerous local organizations. More than 70 churches, unions, civil rights and grassroots organizations throughout the state endorsed the demonstration.

"The compromise brokered by Governor Davis and Senator Murray today is a betrayal of communities of color and their families who have suffered discriminatory police practices," said Michelle Alexander. "The bill is largely symbolic, and Governor Davis is sorely mistaken if he thinks that people of color are going to be fooled by this. We are not going away and we will continue to demand that mandatory data collection by law enforcement becomes the law."

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## ACLU Works Overtime Against Propositions 21 & 22

The ACLU played a crucial role in the recent No on Propositions 21 and 22 campaigns. Proposition 21 was the juvenile justice initiative authored by former Governor Pete Wilson and Proposition 22 was an anti-gay marriage initiative by Senator Pete Knight. The ACLU's efforts, in collaboration with other organizations, included training speakers and coordinating phone banking nights using volunteers to reach out to ACLU members. The Field Department also spearheaded the effort to create and place a full page ad against Proposition 22 in La Opinion, California's leading Spanish language daily.

The Public Information Department published a six-page "No on Knight" brochure that was used statewide and distributed along with the ACLU of San Diego's No on 21 brochures. As part of the media team, the Public Information Department, with the help of volunteer Pat Flynn, worked to coordinate media interest and editorial board meetings for the No on Proposition 21 campaign. The campaign was successful in getting editorials against Proposition 21 from every major Northern California newspaper including the San Francisco Chronicle, the Sacramento Bee, and the San Jose Mercury News. In addition to editorials, the ACLU-NC and chapters raised over \$300,000 for both campaigns.



Although both initiatives passed, much was learned from these campaigns and the progress made displays the enthusiasm and motivation of civil rights advocates to continue to fight divisive and invasive politics which threaten our communities.



## Highlights of the ACLU Campaign (NOVEMBER 15-MARCH 6)

- 20 phone banking nights
- 93 callers made 3502 calls to contact ACLU members
- Recruited 43 new volunteers and 14 house parties for both campaigns
- Distributed 17,000 No on Knight brochures
- Raised over \$55,000 for the No on Proposition 22 Campaign
- Helped to specifically coordinate two large house parties by chapters (LGBT and North Peninsula)
- Two speaker's trainings for Prop 22 that trained over 100 speakers (one focusing on communities of color)
- One speaker's training for Prop 21 that trained over 60 speakers
- Distributed 5,000 No on 21 brochures
- Raised over \$250,000 for the No on Proposition 21 Campaign
- Organized successful No on 21 editorial board meetings, resulting in editorials in the San Francisco Chronicle, the Sacramento Bee and the San Jose Mercury News



*Top Photo:* ACLU Volunteers demonstrate against Proposition 21. *Bottom Photo:* Phone Bank volunteer Winona Miller of the Paul Robeson Chapter reaches out to voters. Photos by R. Chakraborty.

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## Local Activist Wins ACLU Youth Scholarship

BY STELLA RICHARDSON  
MEDIA ASSOCIATE

**W**hen Shayna Maxine Gelender was in preschool her teacher told her mother that she needed to play more, and not worry about the injustices of who's knocking over who's blocks. "Well, thankfully, I never have given up worrying about injustices, and my `playtime' still consists of battling for social equality," said 18 year old Shayna, one of seven recipients of the ACLU Youth Activist Scholarship. The award is given by the national ACLU to high school seniors for their outstanding contributions to the struggle for civil liberties.

Now 18, Shayna has been working with the Youth Advisory Committee (YAC) of the American Civil Liberties Union of Northern California for two years. She is looking forward to a trip with other students that will explore the influence of corporations on government and the resulting erosion of individual rights. The trip is being sponsored by the Howard A. Friedman First Amendment Education Project of the ACLU-NC. The project provides unique resources to teachers and students about the Bill of Rights.

Shayna will attend Mills College in Oakland in the fall. She plans to major in Political, Legal, and Economic Analysis and will continue her ACLU involvement. "Activism is a way of life for me. In whatever career I pursue in my adult life, I will always be an activist."

Shayna is honored to receive this year's Youth Activist Scholarship. "Being awarded this scholarship," she said, "says to me that I am on the right track with what I'm doing in my life--both personally and professionally. This award helps me validate the goals I've set for myself."

"We are very happy that Shayna was awarded the ACLU's Youth Activist Scholarship," said Dorothy Ehrlich, Executive Director of the ACLU of Northern California. "The commitment and energy she has brought to YAC has been inspiring for all those around her."

Along with her work with YAC, Shayna has also written for the ACLU News. She is Editor-in-Chief of her high school paper, the Olympian, and she says her regular editorial column is "usually related to instances of injustice. It's a call to proactive--rather than reactive--action."

Last year, Shayna co-founded Spectrum, the first ever gay/straight/ bisexual/ transgender Alliance Club at her high school in Castro Valley. "The community I live in is largely overshadowed by conservative, fundamentalist Christian influences which are largely unsupportive of our rights," said Shayna. "Despite that, Spectrum is alive, providing a support group for students." Shayna was very involved in the No on Proposition 22 Campaign and believes that "my generation will legalize same-sex marriages, but first, we must enact civil domestic partnerships for same and mixed sex couples."

Shayna is a reform Jew and belongs to the Congregation Shir Ami in Castro Valley. She teaches a fifth and sixth grade Jewish Ethics class and has also worked as a counselor at Camp Kadima, a Jewish day camp. She loves writing and finds the "dual role of activist and journalist appealing and one that I'd like to continue."

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## Racial Profiling Issue Fills Town Hall Meetings

BY STELLA RICHARDSON  
MEDIA ASSOCIATE



**Over one thousand people attended the April 27th protest in Sacramento. Photo by Susana Millman.**

**F**rom Los Angeles to Sacramento, town hall meetings were held focusing on the issue of racial profiling by law enforcement. The meetings were organized in March and April by the newly formed Racial Justice Coalition, which includes the National Association for the Advancement of Colored People (NAACP), the League of United Latin American Citizens (LULAC), the United Farm Workers (UFW), and the ACLU.

The Racial Justice Coalition was formed largely in response to Governor Gray Davis's veto of SB 78, commonly known as the "DWB Bill" (Driving While Black or Brown bill). That bill would have required law enforcement to collect data regarding the race and ethnicity of people stopped by the police. The goal is to determine whether and to what extent law enforcement agencies are discriminating against motorists of color. The bill passed by a two-thirds majority in the California Legislature, yet Davis vetoed it, citing his belief that racial profiling is not a serious problem in California. The bill was reintroduced by Senator Kevin Murray (SB 1389) this past January.

"Racial profiling is not a figment of our imagination," said Mich-elle Alexander of the ACLU. "There are few people of color alive today who haven't been affected in some way by this serious problem. That is why we have organized town hall meetings throughout California as part of our campaign against racial profiling, culminating in the April 27th protest in Sacramento, urging Governor Davis to sign SB 1389."

The town hall meetings focused on the testimonies of people who have been victims of racial profiling. Local elected officials, law enforcement, and community leaders were invited to attend as part of a listening panel.

At the crowded Oakland town hall meeting held on March 30th, about 400 people attended and many of them were victims of racial profiling. One after another, they came up to the microphone and told their stories. An African-American grandmother spoke about how her four grown sons have been harassed by the police. She said they have filed three complaints against the police in Oakland and Berkeley. A young African American man talked about his frustration at being repeatedly stopped despite the fact that he was a recent graduate from Stanford University.

At the Stockton town hall meeting, held at Delta College on March 22, a Latino woman told the audience of nearly 200 about how she was pulled over by a California Highway Patrol officer who accused her of being drunk. When she became upset she was then taken to jail and given a Breathalyzer test. After she passed the test, the officer told her he wouldn't have taken her to jail if she had "acted right." Another African-American man from New York testified that he had lost count of the number of times he had been stopped by the police. About twenty people, ranging from students to professionals, stepped up to the mic to tell their stories. The Stockton Chief of Police, Ed Chavez, along with Vice Mayor, Gloria Nomura, formed part of the listening panel.

In San Jose, over 200 people attended the town hall meeting held at the American GI Forum on March 21st. Over and over again, the mostly Latino and African American audience, talked about how they had been stopped and harassed by the police.

"People of color have complained for decades about racial profiling, and nothing has been done to solve this problem," said Walter Wilson of the NAACP. "Driving while black or brown is not a crime. That is why we urge Governor Davis to sign SB 1389 when it arrives on his desk. It's time that our elected officials hear us and put an end to this racist practice."



**Oakland residents spoke out against racial profiling at one of many town hall meetings across the state. Photo by Stella Richardson.**

Town hall meetings were also held in Sacramento, East Palo Alto, Salinas, and Los Angeles.

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## Transgender Teacher Comes Under Fire

BY ROBERT KIM  
ACLU-NC STAFF ATTORNEY

The teaching career and medical autonomy of a California high school teacher--along with the First Amendment rights of all California teachers--has come under fire in Antelope, California. After responsibly addressing the visible affects of her treatment for gender dysphoria, the teacher faces the possibility of an adverse determination (including the loss of her teaching credential) by the California Commission on Teacher Credentialing. The ACLU of Northern California has responded with a letter urging that no action be taken and is currently awaiting response.

For the past eight years, Dana Rivers (formerly David Warfield) has taught American history and broadcast journalism at Center High School in Antelope. She was the founder and director of the Media Communications Academy at Center High School. Consistently regarded as a stellar teacher, Rivers received several accolades for her performance. She also received excellent comments on her performance evaluations, the last occurring on May 27, 1999.

In January 1999, Rivers, who had been diagnosed with gender dysphoria, began undergoing hormonal treatment to increase the female characteristics in her body. Later that year, she changed her name to Dana Rivers. A few months after she began her treatment, her condition became visible.

In April 1999, Rivers explained her condition to the school's principal Stephen Wehr, and the two discussed ways in which Rivers could handle inevitable questions from staff and students. With Wehr's knowledge, Rivers sent a letter to all Center High School employees explaining her transition.

By late May 1999, students began to speculate and fear that Rivers had cancer or AIDS. Since silence would have only added to the confusion, Rivers allayed the concerns of her students in the classroom while refraining from discussion of her condition. She was also available outside the classroom to answer questions. In all instances, Rivers could not have handled the situation better or with more dignity.



Following Rivers' explanation in class, school operations continued without disruption. In fact, school officials presumably endorsed open dialogue by permitting the June 4, 1999 article about her transition to be published in Blue & Gold, the school newspaper.

However, on August 18, 1999, the Governing Board of the Center Unified School District voted 3-2 to dismiss Rivers, charging that she had demonstrated "evident unfitness for service" as a teacher. The following month, the Board sent her a notice of the school's intent to dismiss her. Rivers and her attorney, Margaret Geddes, disputed the charges against her. Rivers has since left the school, but she still struggles to maintain her teacher credentialing.

In its letter to the Commission on Teacher Credentialing, the ACLU strongly contends that any change in Rivers' teaching credential would unquestionably violate her First Amendment rights. As with all governmental employees, public teachers retain their right of free expression upon arrival at work each day.

"Rivers' speech in this matter is undoubtedly protected by the First Amendment," said ACLU Staff Attorney Bob Kim. "Schools may not restrict a teacher's noncurricular speech unless it would interfere with the operation of the school. In this case, Rivers' speech actually facilitated school operations. Her speech was designed to prevent further confusion and disruption among the students and restore an appropriate learning environment."

At the heart of this matter is the fact that Rivers' very personal medical decision is unavoidably public by its nature.

"Dana Rivers is changing one of the most basic and defining aspects of her person," said Kim. "Implicated in that decision are controversial questions of identity, society and science. To undertake that process within the context of a school community requires sensitivity to the questions and fears of students. It mandates an open communicative process to promote mutual understanding."

"Teachers need to be able to discuss sensitive issues in an appropriate manner without the fear of losing their job," Kim continued. "Any negative repercussions on Rivers would have a deeply felt chilling effect on all teachers."

Kim also stated that Rivers has a right of autonomy to make personal and fundamental medical decisions affecting her body without government interference, and that any action taken against her teaching career would violate her constitutional right to make private medical decisions free of government intrusion.

"In this instance," he noted, "it is virtually impossible to distinguish between Rivers' `speech' and her right to medical autonomy. Dana Rivers' transition from male to female was unavoidably visible and public. Had she not addressed her medical transition, the cloud of fear

and speculation around her would have escalated. Any adverse effect on her credential would constitute punishment of Rivers for deciding to undergo gender reassignment, and it would wholly undermine her right to medical autonomy."

*(The ACLU is currently awaiting response from the Commission on Teacher Credentialing.)*

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## Hundreds Gather at San Quentin to Protest Death Penalty

**D**arrell Young Elk Rich was executed by the state of California on March 15, 2000. To protest the execution, 800 abolitionists gathered at the gates of San Quentin that evening, protesting capital punishment and urging Governor Gray Davis to declare a moratorium on executions in California.

ACLU-NC Executive Director Dorothy Ehrlich spoke at the rally and was encouraged by the number of abolitionists present. "Such visible and committed opposition to the death penalty is desperately needed--especially here in California," said Ehrlich. "While much of the nation is making strides toward abolishing the death penalty, this state seems intent on going backwards on the issue." In the same week that the California electorate passed three separate initiatives expanding the death penalty, the House of Representatives in New Hampshire voted to abolish the death penalty. At the same time, Indiana's governor has called for





a review of that state's death penalty. "We need to continue pressuring Governor Davis on this issue and we need to continue voicing our opposition to this cruel and inhuman practice."

Other encouraging news for death penalty abolitionists has come from an Ohio State University poll from November of last year. According to the poll, 68% of Ohioans think wrongful executions are "likely" and support alternatives to the death penalty. A Chicago Tribune poll from March of 1999 also showed that support for the death penalty in Illinois has dropped 13 percentage points in the last five years, and a majority of voters (54%) favors a moratorium on all executions in the state. Fewer than half of the respondents-- 49%--said they believe the death penalty deters crime.



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## **ACLU Studies Political Bias by State Medical Board**

**BY STELLA RICHARDSON  
MEDIA ASSOCIATE**

**T**he ACLU-NC released a study on May 16th entitled "Preventing Unfair Prosecution of Abortion Providers." In the report, the California Medical Board's record of discipline for patient death is examined in the wake of the recent criminal prosecution of Dr. Bruce Steir.

Dr. Steir is the first abortion provider in California to be criminally prosecuted in over 25 years. He was charged with second-degree murder in the case of a 27-year-old patient who bled to death following an abortion. On April 5th, in Riverside County Superior Court, the 69-year-old physician pleaded guilty to a lesser charge of involuntary manslaughter. According to the American Medical Association, only ten physicians have faced murder charges nationwide in the past dozen years based on their medical treatment.

According to the ACLU study, written by Phyllida Burlingame, anti-choice groups have "advanced a raft of legislation in recent years that singles out doctors who provide abortions for particularly strict health and safety regulation." The result is that thirteen states have enacted strict regulatory laws targeting abortion providers, and more "anti-choice legislation was enacted in 1999 than in any other year."

The study reports that abortion is not only the most commonly performed ambulatory procedure for women of childbearing age in the U.S., it is also one of the safest. Less than 1% of abortion patients experience a major complication, and only one death occurs for every 150,000 abortions.

Based on these findings, the ACLU-NC calls for the Medical Board to be open about its policies and procedures; to show fairness and consistency in pursuing complaints against doctors; and to reform practices or policies that allow bias to influence the agency's actions. The study was also designed to help readers understand the role of state medical boards and to serve as a guide for advocating for fair practices.

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## Sacramento Report

# Knowledge is Power: Civil Rights Lobbyists Focus on "Our Right to Know"

BY VALERIE SMALL NAVARRO  
LEGISLATIVE ADVOCATE

**S**an Francisco and Sacramento criticizing Governor Davis's record on civil rights issues. "Though Governor Davis has said that the Legislature and Judiciary should implement 'his vision,' we've yet to see any vision for civil rights," said Eva Paterson, chair of the CCR. The Coalition--comprised of over 50 organizations including the ACLU, Mexican American Legal Defense and Educational Fund (MALDEF) and Public Advocates--urged Davis to sign into law a package of bills that will address the public's "Right to Know" about state-sponsored discrimination. Davis had vetoed many of these bills last year.

What's remarkable about this package of measures is that it doesn't actually call on the state to do anything proactive about discriminatory practices. Rather, the bills help identify discrimination by gathering and publishing data--a truly modest request.

**The Right to Know about Equal Educational Opportunities--SB 1632 (Hayden)--**will require the State to study and report to the public on the unequal opportunities that exist in our public schools. The bill focuses on (1) teacher experience, (2) availability of advanced placement and other courses preparing students to pass state tests, (3) experience of principals and academic counselors, and (4) the availability of technology and recently published textbooks.

**The Right to Know about Discriminatory Patterns in Public Contracting--SB 2047 (Polanco)--**will require the state to study and report to the public data on the State's hiring of women and minority contractors. Anecdotal evidence indicates that people of color see less than 3% of the State's contracting dollars. Governor Davis vetoed a similar measure last year.

**The Right to Know About Discriminatory Patterns in Police Stops--SB 1389 (Murray)--**will require law enforcement agencies to gather data on all traffic stops, revealing whether African

Americans, Latinos, and Asians are disproportionately pulled over by the police. Governor Davis also vetoed a similar bill last year.

**The Right to Know About Prison Conditions--AB 2101 (Migden)--**will restore the media's access to inmates and thereby afford the public the right to know about the conditions inside Pelican Bay and other prisons. Governor Davis vetoed a similar bill last year.

**The Right to Know About Discriminatory Patterns in Suspensions and Expulsions--SB 444 (Alarcon)--**requires school districts to report their suspension and expulsion data by gender, age, and race.

**The Right to Know About Hate Violence in Schools--SB 1326 (Hayden) and AB 1785 (Villaraigosa)--**will require schools to report the number of incidents of hate violence they experience.

The ACLU is also seeking significant improvements in the Governor's bill on Advanced Placement Exams, carried by Senator Escutia (SB 1504). Our proposals effectively redress the grossly unequal allocation of Advanced Placement course offerings throughout the State. These disparities severely impair the educational opportunities of a large number of California high school students, particularly for students in high schools serving predominately lower income, African-American and Latino students.

Another bill sponsored by the ACLU is in response to the LAPD Rampart scandal--in which police officers are alleged to have planted evidence on people and abused them. Assembly Member Romero is carrying the bill, AB 2484, which gives California's Attorney General the authority to seek civil remedies against law enforcement officials who engage in a pattern or practice of depriving people of their rights.

Assembly Member Kuehl is carrying AB 2222, which makes clarifying changes to the disability definitions throughout various civil rights statutes and strengthens civil rights protections for the disabled. In addition, it details the extent to which employers may make medical inquiries or require examinations of applicants and employees. The bill reaffirms the greater protections granted the disabled under California law while retaining the provisions of the ADA as minimum guarantees.

The ACLU opposes a measure broadening the involuntary commitment laws (the Lanterman-Petris-Short Act) affecting the mentally disabled (AB 1800 [Thomson]). This bill, among other things, weakens the law in such a way that makes the statute extremely vague and overly broad, thereby seriously implicating the due process rights of the mentally disabled.

## **THE RIGHT TO PRIVACY**



In response to Congress's enactment of the Financial Services Modernization Act, allowing the merger of banks, insurance companies, and brokerage firms, Assembly Member Kuehl and Senators Speier and Leslie introduced financial privacy measures AB 1707, SB 1337, SB 1372, respectively. Joining with the Privacy Rights Clearinghouse, the Eagle Forum and a panoply of organizations from across the political spectrum, the ACLU supports the measures that require that (1) consumers affirmatively consent to the sharing of their information and (2) companies disclose their practices and policies regarding the sharing and selling of consumer information. Currently, Assembly Member Kuehl's measure is the most protective of individual's privacy rights.

## **CRIMINAL JUSTICE**

Senators Burton and Baugh have introduced a bill (SB 1342) that permits people who have been convicted to file a motion requesting DNA testing to demonstrate their innocence. The law would affect those cases where 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. DNA has exonerated over 60 people in prison in the U.S. and Canada and the Innocence Project at Cardozo Law School in New York has been overwhelmed with hundreds

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ACLU News - The Newspaper of the ACLU of Northern California, May/June 2000

## **ACLU Urges Court to Halt Release of Planned Parenthood Names, Phone Numbers**

**T**he American Civil Liberties Union of Northern California has urged a California Superior Court to stop an order requiring Planned Parenthood to disclose the identities, home addresses and residential telephone numbers of its staff members and volunteers. According to the ACLU, the order--issued during litigation brought by political opponents of abortion--poses a serious threat to the staff and volunteers of the clinic.

The ACLU is the nation's strongest advocate for freedom of expression, including the rights of protesters who oppose abortion. However, the ACLU also has a long history of protecting privacy rights and the autonomy of women's childbearing decisions.

In the case of Planned Parenthood Golden Gate v. Superior Court of the State of California, the ACLU argued that the court has created a great imbalance among these vital interests. By allowing the home addresses and telephone numbers of doctors, nurses, counselors and volunteers to be revealed to political opponents of abortion, not only are these individuals put at risk, but the availability of legal abortions is also put at risk.

The abortion issue is one of today's most emotionally explosive issues and anti-choice activists have waged a consistent campaign of violence and harassment against abortion clinics and doctors. This campaign includes chemical attacks, arson, vandalism, bombings and even murder. The purpose is explicit: to restrict the availability of abortion by eliminating abortion providers.

This campaign of violence and harassment has achieved its intended goal of discouraging doctors, nurses, counselors and volunteers from providing constitutionally-protected abortion services. In 1999, following the murder of Dr. Barnett A. Slepian in his home, 10% of clinics reported staff resignations resulting from anti-abortion violence. Of those, 32% lost a physician, 29% lost a receptionist, 26% lost a lab technician, 23% lost a counselor, and 20% lost a nurse.

"The fact that this order is directed at Planned Parenthood is especially threatening to the availability of safe, legal reproductive health services for women," said ACLU Attorney Maggie Crosby. "Planned Parenthood is the leading national nonprofit organization dedicated to reproductive health. It is a leader in the abortion rights movement. If the names and addresses

of these health professionals is made public, there will be an immediate attrition of staff and volunteers. That will deter others from joining the staff or volunteering at Planned Parenthood--and that will deny women their constitutional right to reproductive freedom. "

The court has stated that a protective order--which would limit the dissemination of this information--would not curb these dangers. However, one of the most recent weapons in the campaign of harassment is the use of the Internet. Personal data about abortion providers are currently collected and immediately disseminated to a network of potentially violent abortion opponents on the Internet. Such information is decidedly hard to trace, and impossible to stop once it is released.

The court failed to explore other methods of privacy, such as contact through Planned Parenthood's business address and the use of pseudonyms, as suggested by the California Legislature.

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## In Memoriam: Chalmer "Chal" Cochran and Thomas Rolfsen

Chloe Watts  
BY MELISSA SCHWARTZ



**Thomas Rolfsen (left), Chalmer Cochran (right).  
Photo by Ted Sahl.**

**S**upporters of Proposition 22--the initiative that prohibits the state of California from recognizing same-sex marriages--might have voted against the divisive measure had they met long-time ACLU members Chalmer "Chal" Cochran and Thomas Rolfsen. The two men, partners for 50 years, passed away within days of each other early this year. The ACLU Foundation is deeply honored that the couple remembered the ACLU in their estate plans.

Thomas Rolfsen was born in Kentucky in 1913 and grew up in Cincinnati. Chal Cochran, was born in 1924 in Cleveland, where the two met in 1950. After briefly living in Los Angeles, they moved to San Francisco in 1952. Cochran and Rolfsen were members of The Matachine Society--one of the first gay rights organizations--and were activists during a time of incredible repression and persecution of lesbians and gay men. They recalled police harassing gay men as they left bars and remember undercover officers spying on Matachine Society gatherings from the rooftops of neighboring homes.

Cochran, who worked several years as a credit manager at the Schlage Lock Company, remembered the common fear among gay men during the 1950s and 1960s of being denied employment or losing their jobs because of their sexual orientation. In an oral history interview with the Gay and Lesbian Historical Society, Cochran recounted that the State of Ohio would not permit gay men who were arrested because of their sexual orientation to open dry cleaning businesses. "You couldn't even clean dirty clothes for people," Cochran explained.

The couple launched Scope Press, a printing business, in 1967. Even during the freethinking Summer of Love era, printers in San Francisco refused to provide services for lesbian and gay businesses and organizations. The Scope Press soon became the printer for the gay and lesbian community. The company also received regular jobs from established non-gay organizations like the World Affairs Council and the American Lung Association. Cochran also worked as a typesetter for the Bay Area Reporter, a San Francisco gay and lesbian weekly.

In addition to lesbian and gay rights, the couple was deeply committed to the separation of church and state. In 1976, they founded the Gay Atheist League of America (GALA), and Rolfsen served as National President from 1976 through 1982. GALA promoted separation of church and state to gay people and was formed partly in response to the establishment of religious organizations within the gay and lesbian community.

Rolfsen and Cochran were part of the first wave of gay men to settle in the Castro neighborhood of San Francisco. The two lived there for decades but as they grew older found it increasingly difficult to take care of their home. In 1998, they sold their Victorian and moved into a Vallejo triplex with two other friends. By this time, Rolfsen was debilitated by Alzheimer's disease. That same year, Cochran was diagnosed with cancer. Despite extremely painful chemotherapy and radiation treatments, Cochran insisted on caring for his life partner until days before Rolfsen died on January 27. Twelve days later, Cochran passed away.

Although both men did not live to see the passage of Proposition 22, they would probably view the discriminatory measure as a temporary setback. Looking back on the positive changes for lesbians and gay men in the past three decades, Cochran reflected "I don't think you can put the genie back in the bottle. That's one satisfaction I have. I don't think gay rights are ever going back. It may be two steps forward and one step back. We may get knocked down a little bit here and there, but I don't believe you could ever put things back the way they were."

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## Profile of an Activist Chloe Watts

BY MELISSA SCHWARTZ



**Chloe Watts and daughter Ryan.**

**W**hy is a straight, black woman the co-chair of the ACLU of Northern California's LGBTI (Lesbian, Gay, Bisexual, Transgender and Intersexed) chapter? "I believe in breaking down stereotypes," answers Chloe Watts, enjoying her first term with the chapter, "I think it's important that a straight black woman say that gay rights are not special rights but just rights... period!"

Watts has received various inquiries about her involvement with the LGBTI chapter. Her response is, "I grew up in San Francisco during the AIDS epidemic. I remember the terror and fear incited by people being openly gay. I first got involved in Queer politics fighting the LaRouche Initiative--a measure I found terrifying." It was that terror which made Watts look past her Catholic upbringing, which taught that homosexuality was a sin. Instead, she saw the

sin in sitting back and doing nothing.

Watts got involved with the ACLU when she met Field Director Lisa Maldonado during the National Organization for Women's "Fight the Right March." Watts was an organizer attempting to galvanize people to defeat the "Anti-Affirmative Action Proposi-tion." She joined the ACLU in June of 1999 and became the co-chair of the LGBTI chapter with Jeff Mittman. A strong believer in civil rights advocacy for race, sexual and spiritual beliefs, Watts especially enjoys the work the ACLU has done in regards to racial justice.

Her most recent work includes organizing with coalitions against Proposi-tions 21 and 22. She has also volunteered for speaker's trainings and the upcoming "Driving While Black" statewide protest in Sacramento on April 27th.

The results of the March 2000 elections left her extremely disappointed, having worked so hard to defeat Propositions 21 and 22 as an activist and chapter representative.

"If anything, I hope the powers that be and the community has learned that hate filled propositions cannot be won by television, radio and print media ads alone. Grassroots activism and door to door canvassing have to be incorporated as well. Putting a face and a message from the heart to the campaign is an essential tool that cannot be dismissed."

Having worked in insurance on and off for over 10 years, Watts is presently going back to school at the University of San Francisco to obtain her B.A. in Organizational Behavior. She lives in Oakland with her eleven- year-old daughter, Ryan Claire Sarafina McCaffrey. When asked what she thinks about gay marriage, Ryan Claire answered, "What's the big deal... love is love right?"

*Melissa Schwartz is the Program Assist-ant for the Field and Public Information Departments of the ACLU-NC.*

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