



ACLU NEWS

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American Civil Liberties Union of Northern
California

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aclu news

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Locked In, Locked Out

Student Art Links Internment to Today's Battles

On the Day of Remembrance, Sunday, February 18, 9 high school students were awarded for their creative work linking the internment of Japanese Americans during World War II to today's civil liberties battles. At an awards ceremony at the Kabuki Theatre in San Francisco's Japantown, Rosalyn Tonai, Executive Director of the Japanese American Historical Society, presented the awards on behalf of the Society and the ACLU of Northern California.

"The ACLU legal challenge to the internment is a key part of our affiliate's history," said ACLU-NC Executive Director Dorothy Ehrlich. "And our projects to educate young people about their rights are a crucial component of our current work. We are proud to co-sponsor this arts competition with the Japanese American Historical Society, as it brings our past, our present and the future together."

The students were also featured at an awards ceremony at the state Capitol in Sacramento on May 10. There they were joined by state historian Kevin Starr and ACLU-NC Friedman Project Director Nancy Otto. The winners in the Essay section are: Lauren Hashimoto, 16, Castro Valley High School, "Not So Free,"

Jessica Diaz, 17, Analy High School (Rohnert Park), "The Monster Under the Bed," and Marissa G. Mendoza, 17, Soquel High School, "Fear in America."

The winners in Visual Art are: Zephyr Yokoya Roos, 16, Santa Cruz High School, "Live Wire;" Sharon Hing, 16, University High School (San Francisco); "60,000 Metamorphoses;" and Jesus Garcia, 17, Challenge to Learning High School (San Francisco), "Internment Camp: Arizona."

The winners for Poetry are: Kalia Lydgate, 15, Soquel High School, "The Bird Still Sings;" Terence Kitada, 17, Menlo-Atherton High School, "Trapped;" and Nathan Kitada, 17, Menlo-Atherton High School, Monologue from "Fighting the Enemy"

"We feel it is important to encourage students to think creatively about Japanese American WWII internment -- the major breach in civil rights that this represents, and its continuing relevance to their own civil rights and to the rights of those around them. In this way, we hope

to help them reflect on their own responsibility for the preservation of justice in the United States," said Tonai.

The students were awarded cash prizes of \$500, \$300, and \$100 for first, second and third place honors. The contest was supported by the California Civil Liberties Public Education Fund.

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Save the Date

**Thursday, July 19
6-8 PM**

On the FrontLine

Reception

Honoring

Ambassador James C. Hormel

Ambassador Hormel, a longtime supporter of the ACLU, gave the gift 15 years ago that founded the national ACLU Lesbian and Gay Rights/AIDS Project. He was nominated Ambassador to Luxembourg by President Bill Clinton, and, after an extended battle in the Senate courageously facing homophobic and anti-civil liberties forces, he was confirmed and served as Ambassador from 1999-2000.

National Maritime Museum
890 Beach Street
San Francisco

The FrontLine Campaign is a collaborative effort between ACLU-NC and the national ACLU Lesbian and Gay Rights/AIDS Project. Donor's gifts to the FrontLine are shared equally. Half supports the general efforts of the ACLU Foundation in Northern California to preserve everyone's rights. The other half supports the Project to ensure the protection of lesbian, gay, bisexual, and transgendered people, and the rights of people with HIV and AIDS nationwide.

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California Highway Patrol Halts Consent Searches

New DWB Bill Passes First Hurdle

by Stella Richardson
Public Information Associate

The California Highway Patrol (CHP) issued an order on April 19 to all CHP commanders mandating a six-month moratorium on consent searches, following a review of data that revealed that Latinos were about three times as likely as whites to be searched by CHP drug-interdiction officers in the Central and Coastal areas. African Americans were approximately twice as likely to be searched. Consent searches are when an officer asks and receives permission to look through a vehicle even though there is no probable cause to justify the intrusion.

In November 1999, the ACLU-NC filed a class action lawsuit, *Rodriguez v. California Highway Patrol*, in federal district court in San Jose on behalf of the NAACP, LULAC, and three victims of racial profiling challenging the CHP's discriminatory drug interdiction program then known as Operation Pipeline. Data about the disproportionate searches of Latinos and African Americans was obtained through discovery in the case. In addition, the CHP drafted a report in July 2000 showing that Latinos were the most likely racial or ethnic group to be searched when innocent, and released with a verbal warning.

"We applaud the CHP's decision to issue a moratorium on consent searches as a positive first step in ending racial profiling," said Michelle Alexander, Director of the ACLU-NC Racial Justice Project. "We sincerely hope that the CHP will permanently ban consent searches. Law enforcement officers should not be searching people without probable cause. Innocent people, particularly motorists of color, are routinely intimidated into giving consent to search their vehicles when they have done nothing wrong."

New Data Collection Bill

Earlier this year, Assembly Member Marco Firebaugh (D-E. Los Angeles) introduced SB 788, a new racial profiling bill that would mandate statewide data collection for all law enforcement agencies. Only about 70 of the state's 385 law enforcement agencies voluntarily collect any data on racial profiling, and less than 10 are collecting the essential elements of data necessary to determine whether racial profiling exists.

"The CHP data motivated that agency to issue a moratorium on consent searches," said Alexander. "Their action truly underscores why mandatory data collection is so important - it is the first step in identifying the illegal practice of racial profiling by law enforcement."

The bill would make it illegal for law enforcement officers to rely on race "in any fashion" and "to any degree" when deciding whom to stop, detain, interrogate or search (except where there is a specific suspect description that identifies a suspect by race). The bill also seeks statewide mandatory data collection, and restricts the funding that is available to support voluntary data collection efforts to those agencies that are already collecting the essential data described in the new bill.

The measure was approved by the Assembly Public Safety Committee on April 17; it will go to the Assembly Appropriations Committee for May.

The bill is also sponsored by Assembly Members Jerome Horton (D-Inglewood), Carl Washington (D-Paramount), Gil Cedillo (D-Los Angeles), and Edward Chavez (D-La Puente). The racial profiling bill also has widespread support among civil rights organizations, unions, churches, and grassroots organizations.

Latinos are three times as likely as whites to be searched by CHP drug-interdiction officers in the Central and Coastal areas.

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Federal Court Affirms that Gay Straight Alliance Can Sue for Civil Rights Violations

The ACLU successfully defeated a motion to dismiss the Gay Straight Alliance Network, a plaintiff in *Loomis v. Visalia Unified School District*, the federal civil rights lawsuit filed to challenge anti-gay harassment in the Visalia Unified School District.

In a 44-page opinion issued on March 28, U.S. District Court judge Oliver Wanger halted the District's attempt to eliminate the Gay Straight Alliance Network, an organization with chapters and members all over California, including Fresno and Visalia, from the lawsuit, stating that "the harms sought to be redressed by GSA Network on behalf of its members to redress deprivation of education rights are currently suffered by GSA Members and will continue to be suffered by GSA Network members absent relief."

The opinion also stated that the GSA Network had direct standing to sue for civil rights violations because its purpose to "end intolerance, discrimination, harassment, and violence in schools" had been frustrated, and because it had "committed resources to advance goals which are thwarted by the alleged policies of the [District]."

This is a victory on all counts," said ACLU-NC staff attorney Robert Kim. "The judge recognized that the GSA Network is an integral part of this lawsuit. Its members include a cross-section of the community--gay and straight, youth and adults--all of whom are affected by the hostile climate that pervades their school system. Harassment and discrimination in the Visalia schools affect everyone, not just students perceived to be gay."

The judge also denied the District's motion to dismiss, on technical grounds, plaintiff George Loomis's civil rights claim under the state Education Code from the lawsuit. The Education Code provision, sponsored by then-Assembly Member Sheila Kuehl (AB 537) and passed in late 1999, forbids discrimination on the basis of sexual orientation and gender identity in public schools.

"The judge's principled ruling allows us to continue to seek redress for the serious civil rights violations committed by the District," added John Eichhorst, partner at the law firm of Howard, Rice, Nemerovski, Canady, Falk and Rabkin in San Francisco, which is also representing plaintiffs. "The decision puts to rest any suspicion that the District can avoid confronting the very serious allegations in the complaint."

The lawsuit, brought by plaintiffs Gay Straight Alliance Network and former student George Loomis, alleges that the District committed constitutional and other civil rights violations by participating in, fostering, or ignoring the pervasive harassment and discriminatory acts by teachers, administrators, and other students against students perceived to be gay.

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Two who Complained about CHP Now Face Criminal Charges

In a retaliatory move against those who file complaints against police officers, the Solano County District Attorney criminally charged two flight attendants with "falsely alleging police misconduct," after they filed a citizen's complaint against a CHP officer. Kimberly Reed and Rita Jamerson were criminally charged with violation of Penal Code 148.6 and arraigned in Solano County Superior Court on April 4. The statute, which only applies to citizen complaints about police misconduct, makes it a misdemeanor to file "any allegation of misconduct against any peace officer ... knowing the allegation to be false."

"The ACLU believes that Penal Code sec. 148.6 is unconstitutional, and we intend to challenge it in this case as special counsel for Ms. Reed and Ms. Jamerson," said ACLU-NC Managing Attorney Alan Schlosser.

The ACLU is representing Reed and Jamerson because the organization values the mechanism of citizen complaint as crucial in maintaining police accountability to the community, Schlosser explained.

Chilling Effect

"Giving police agencies the power to retaliate against citizen complainants with criminal prosecutions - coupled with the statutory requirement that a warning about possible criminal prosecutions be printed in bold face on all complaint forms - plainly has a chilling effect on the willingness of citizens to speak out about police misconduct," Schlosser explained. "It is critical that the First Amendment right to petition the government about grievances involving police officers be protected."

On February 10, Reed and Jamerson were driving on I-80 at 2:00 a.m. from the San Francisco airport to their home in Reno, Nevada after an eighteen-hour-work day. They were stopped by a CHP officer for speeding at 78 miles per hour.

According to Jamerson and Reed, the officer was "mean, rude, and discourteous" and made them feel "afraid." After the encounter, which included Reed being subjected to a drunken driving test, Jamerson's husband sent a letter of complaint to the CHP. The CHP responded by sending official complaint forms, which Reed and Jamerson then submitted.

Their complaint was investigated by a CHP investigator who concluded that the women's

allegations were false. The CHP then brought criminal charges against both women for "falsely alleging police misconduct."

"The freedom to criticize our government is one of the most important foundational elements of the First Amendment's guarantee of freedom of speech," said Leonard E. Oldwin, Jr., a Solano County criminal defense attorney who, along with Dan Russo, is representing Ms. Reed and Ms. Jamerson. "The decision by the Solano County District Attorney's office to file criminal charges against Rita Jamerson and Kimberly Reed is nothing less than a cowardly assault by the government on this basic and essential right."

Schlosser noted that the ACLU has been greatly troubled by a statewide pattern of retaliatory legal actions by law enforcement officers directed against citizen complainants. These retaliations have included criminal charges under Penal Code section 148.6, and also civil lawsuits for damages under Civil Code section 47.5. Like the criminal code, Section 47.5 is a law that gives police officers special rights to sue for damages when they claim that a citizen's complaint is false. The ACLU is aware of over twenty such legal actions in California.

Court Victories

The ACLU has recently brought two legal challenges against Civil Code section 47.5. In *McCloskey v. Evans*, the ACLUNC represented a woman who was sued for damages by a San Francisco police officer after she reported witnessing the officer kicking a suspect. The damages case was quickly dismissed by the officer, but a San Francisco judge held that the case was brought to chill free speech, and ordered the officer to pay the woman's attorneys fees in the amount of \$52,000.

In *Gritchen v. Collier*, another ACLU case, a federal district judge in Southern California ruled in 1999 that "Section 47.5 has...(a chilling) effect, since it imposes greater risk upon citizens who report claimed police misconduct and thereby discourage the filing of complaints." That case is set for argument in the Ninth Circuit Court of Appeals on May 7 in Pasadena.

And in another ACLU case in southern California, *Hamilton v. City of San Bernardino*, U.S. District Judge Robert Timlin held last August that Penal Code section 148.6 "impermissibly discriminates on the basis of the content of speech which it criminalizes," thereby violating the First Amendment. That case is still pending in federal district court in Riverside.

ACLU News volunteer Daniel Putnam of Piedmont High School contributed to this article.

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Court Halts Governor's Attempt to Thwart ACLU Education Lawsuit

The San Francisco State Superior Court on April 11 handed a substantial victory to the coalition of civil rights groups that is fighting to reform California's failed and inequitable school system in the landmark, statewide education lawsuit, *Williams v. State of California*.

The ACLU lawsuit was originally filed in May 2000 on behalf of 100 students and their parents in 18 school districts where there is a lack of textbooks, credentialed teachers and a clean, safe learning environment.

In response, the Governor filed a smokescreen cross-complaint, in which the State attempted to blame individual school districts rather than acknowledge any responsibility for its own system. The Court severed that suit from *Williams v State of California* and put off any proceedings on it until *Williams* is decided.

"This is a tremendous victory for plaintiffs," said John Affeldt of Public Advocates, Inc., who argued the motion. "Now we will be focusing exclusively on the State's failure to establish an effective system of oversight which delivers fundamental educational tools to students in the state."

"The Judge's order will allow school children to get the real relief they need as quickly as possible without a needless finger-pointing exercise against school districts that cannot themselves do what the state should have done in the first place." said Michael Jacobs, a partner at Morrison & Foerster, *pro bono* co-counsel in the case.

"The State tried to pass the buck to school districts," said Michelle Alexander, Director of the ACLU-NC Racial Justice Project, but the Judge put the buck right back where it belongs - in the pocket of the state."

The Court also denied the State's motion for summary judgment on a group of plaintiffs from Cloverdale, whose classrooms routinely reach unbearably high temperatures.

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Religious Groups Challenge Governor Davis' No Parole Policy

by Stella Richardson
Public Information Associate

On April 18, three religious denominations, represented by the ACLU affiliates of Northern and Southern California, and the law offices of Latham & Watkins filed a friend-of-the-court brief in support of Robert Rosenkrantz, who is challenging in court Governor Davis' decision to deny him parole. The religious groups, along with Albert M. Leddy, former Chairman of the California Board of Prison Terms, say that Rosenkrantz is a victim of Governor Davis' no parole policy that violates state and federal law. The religious groups include the California Council of Churches, the Board of Rabbis of Northern California, and the California Province of the Society of Jesus. The brief was filed in Los Angeles Superior Court.

"We urge Governor Davis to reconsider his policy of refusing to release inmates convicted of murder who have been recommended for parole and are not considered a danger to society," said Scott Anderson of the California Council of Churches. "The Governor's no parole policy takes away any incentive for rehabilitation and reform and only increases the prisoner's despair and hopelessness. The policy robs society of those inmates who are rehabilitated, remorseful and repentant and who want to return as productive members to their communities. Mr. Rosenkrantz is such a man."

Rosenkrantz is considered a model prisoner who has the support of several members of the legislature, the judge who sentenced him, and a member of the victim's family. Rosenkrantz was convicted of second-degree murder in 1985. Since his imprisonment, the 33-year-old Rosenkrantz has become a computer expert, and has received several job offers. He completed therapy and has had a spotless record since he's been at the state's medium-security prison in San Luis Obispo.

Blanket policy

"Governor Davis' blanket policy of no parole for all those who have committed murder is clearly unconstitutional and unlawful," said Will Barnett Fitton, of the law firm Latham & Watkins. "The Governor's policy does not consider all of the individual's characteristics and his likelihood of reform and only looks at the facts of the crime. In the Rosenkrantz case, the Los Angeles

Superior Court and the Court of Appeal ruled that the offense was not sufficient to deny him parole. Rosenkrantz is being held captive by the Governor's no parole policy."

Governor Davis has clearly declared that he has a no parole policy. In April 1999, Davis told the *Los Angeles Times* and the *Sacramento Bee* that "if you take someone else's life, forget it (parole)." That same year, the Board of Prison Terms held nearly 2,000 parole hearings for those serving life terms. The Board determined that only 16 were suitable for parole. In every case, Governor Davis reversed or recommended against parole. In 2000, the Board conducted a similar number of hearings, and deemed only 19 lifers suitable for parole. Governor Davis has reversed or recommended against parole in every instance last year except one.

"We are anxious to preserve the integrity of the state parole system," said Rabbi David Teitelbaum, of the Board of Rabbis of Northern California. "The state parole system is based on the principle of human reconciliation and renewal. The Governor's no parole policy violates this very principle."

Former Commissioner

Albert Leddy, who served for nine years as a member, Commissioner and then Chairman of the California Board of Prison Terms from 1983-1992, said, "The Governor's policy of denying parole to all prisoners who have committed murder eliminates hope and motive for improvement and creates increased tension within the state's prison walls. If an inmate has no hope of being released, then why should he respect the rules and regulations that govern the prison? The California parole system values redemption and rehabilitation, and Rosenkrantz is clearly a model prisoner who deserves to be released."

"A 'get tough on criminals' stance may have political appeal, but the Governor's blanket policy denies inmates the individualized consideration that they are entitled to under due process of law," said Alan Schlosser, ACLU-NC Managing Attorney. "The Governor may have the final word, but he is not above the law - he cannot convert all life sentences to 'life without possibility of parole' by administrative fiat."

In a letter to Governor Davis last October, Cardinal Roger Mahony, Archbishop of Los Angeles, urged the Governor to reconsider his no parole policy based on the extensive visits made by Bishops to California's prisons. In the October 25, 2000 letter, the Archbishop wrote "The concern that has arisen repeatedly throughout these visits is the policy of your administration to deny parole to inmates with term-to-life sentences against the recommendations of your Parole Board. I would ask you to reconsider your policy that takes away the only real incentive inmates currently have to commit themselves to genuine rehabilitation."

"The Governor may have the final word, but he is not above the law."

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ACLU Supports Probationer's 4th Amendment Rights

On March 14th, the ACLU-NC filed a friend-of-the-court brief in *People v. Moss* a case involving the constitutionality of a search by police of a probationer's home. Nora Moss's home was searched by police, without a warrant, even before they knew she was on probation. As a condition of her probation, Moss had agreed to let the government search her home without a search warrant or probable cause that she committed a crime. The government has argued that, because probationers have "waived" their Fourth Amendment rights against unreasonable search and seizure, they are not entitled to any privacy in their homes; therefore, the police do not even have to know if the probationers are subject to a search condition before entering their homes.

Moss's defense counsel and the ACLU counter that, at the very least, knowledge of the probationary search condition is required before searching a probationer's home.

"This case is important because if this 'search first, ask questions later' policy is upheld, the police will end up violating the Fourth Amendment rights of a lot of innocent people," said ACLU-NC staff attorney Robert Kim. "If the police are not required, prior to searching a home, to know whether somebody inside is subject to a search condition, then they will have an incentive to enter anyone's home-including those of people who are not on probation -with the hope that, if a resident is on probation, the otherwise illegal search is legal."

In the brief, the ACLU urges the California Supreme Court to "guard steadfastly against unintentionally stripping innocent non-probationers - whether those who live with probationers, or those who live in areas where police suspect probationers may reside - of their privacy in their own homes."

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ACLU Challenges California Voting System

The ACLU affiliates of Southern California, Northern California, and San Diego joined forces on behalf of the AFL-CIO, the Southern Christian Leadership Conference, the Southwest Voter Registration and Education Project, Common Cause, and the Chicano Federation of San Diego County to challenge California's flawed and discriminatory voting system. In a suit filed on April 18 in U.S. District Court in Los Angeles, the ACLU argues that California's hodgepodge of voting systems creates unacceptably discriminatory results in violation of the U. S. Constitution and that its lack of legally binding standards for recounts aggravates these unconstitutional disparities.

The suit focuses on the disparities between counties using the now-notorious pre-scored punch card voting systems and those using other, more reliable systems.

"Our democracy has been left hanging by a chad," said Dan Tokaji, ACLU-SC staff attorney. "Under our Constitution, every vote should be counted, regardless of where a person lives or the color of his or her skin. Unfortunately, that is not true in California, thanks to outdated equipment which is the voting equivalent of a horse and buggy. Unless the State takes action, California could become the next Florida."

Inaccurate count

At the time of the November 2000 election, 8.4 million people were registered to vote in counties - including Alameda, Santa Clara and Los Angeles -- that used pre-scored punch card technology; over 5.9 million people - 53.4% of voters statewide - actually voted in the November election using a pre-scored punch card system, and over 132,000 of those votes were not counted or were counted inaccurately.

"Pre-scored punch card machines produce disproportionately high rates of two types of errors: undervoting and overvoting," explained ACLU-NC Managing Attorney Alan Schlosser. In overvoting, the machine reads more than one vote, thus disqualifying the vote; in undervoting, the machine fails to read any vote. The combined undervote and overvote, or error rate, averaged 2.23% for counties using pre-scored punch card machines - more than twice the error rate for any other type of machine or system used in other California counties, and nearly four times the error rate of Riverside County's touch-screen voting machines.

According to one recent study, only 58.3% of white voters resided in counties using the substandard punch card systems, whereas 80.8% of African American voters and 66.6% of Latino voters reside in those counties.

"Our organization rests its work on the premise that voting is the key to participating fully in our nation's civic life," said Antonio Gonzalez, President of the Southwest Voter Registration Education Project, "and that premise, in turn, rests on the fundamental principle of democracy: that each vote is equal and that no vote is valued less than any other. We tell our community, 'Su voto es su voz,' or 'Your vote is your voice.' But California, by relying on an inadequate system, blocks out the legitimate voices of thousands of voters, voters who have taken the trouble to fulfill their civic duties."

The California lawsuit is the fourth such suit that the ACLU and its affiliates have filed since the November 2000 election; the organization filed suits in Florida, Georgia, and Illinois earlier this year. In all four cases, the ACLU targets the discrepancies created by the use of the pre-scored punch card system in some areas and less error-prone systems in other areas.

"California could become the next Florida."

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San Quentin Vigil

On a chilly March evening, opponents of capital punishment once again gathered outside the gates of San Quentin. ACLU Marin County Chapter members Martin Roth and June Swan kept a midnight vigil on March 26, while inside, Robert Massie was executed by lethal injection.

The ACLU-NC mobilized activists for the anti-death penalty vigil, joining with the Social Action Committee of the Unitarian Universalists of San Mateo to recruit and transport supporters to the prison gates. Anti-death penalty advocates took a chartered bus from the ACLU office to San Quentin, watching a tape of an ABC special report on the death penalty on the way. The bus was piled high with posters proclaiming, "Don't Kill in my Name", and "The Death Penalty is Dead Wrong," that were distributed to supporters.

Field Director Lisa Maldonado represented the ACLU-NC on the speakers' platform, reminding the crowd that the once-isolated abolition movement is "gaining strength every day, with moratorium proposals in several states and in Congress." As the midnight execution hour drew near, Native American drummers played, hoping that the beating of their drums would comfort both those inside and outside the prison walls.

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A Farewell to Remember

A crowd of more than 200 friends of the ACLU came to celebrate the extraordinary contributions of three departing veteran ACLU staff members -- Ed Chen, who served as staff counsel for sixteen years, and was recently appointed as a Federal Magistrate Judge for the District Court; John Crew, the Director of the ACLU-NC Police Practices Project for 15 years, and Elaine Elinson, the ACLU-NC Public Information Director for twenty years, and Editor of the *ACLU News*. Elinson's future writing endeavors will move her from non-fiction to fiction.



Ed Chen



Elaine Elinson

While their individual efforts were applauded by many speakers, including ACLU-NC Board Chair Margaret Russell and long time civil rights activist Eva Paterson, the three honorees attributed their achievements at the ACLU-NC to their collaboration with colleagues on the staff and the incredible support of the ACLU-NC Board and membership.

"These three staff members have made an indelible mark on the organization," said ACLU-NC Executive Director Dorothy Ehrlich. "It is impossible to measure the collective impact they have made on the battle for civil liberties in northern California." One hopeful note was

Ehrlich's suggestion that John Crew, who plans to take a long leave of absence, may return someday. In the meantime searches are being planned to replace these three remarkable staff members.

The honorees were feted with original songs and presented with hand blown bowls by ACLU resident glass artist, Nancy Otto, Director of the Friedman First Amendment Education Project.



An all-staff chorus, including (left to right)

Michelle

Alexander, Alan Schlosser and Jocelyn Wicker serenaded the departing staffers with a medley composed by staff attorney Margaret Crosby (not pictured).



John Crew

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ACLU News - The Newspaper of the ACLU of Northern California, May/June 2001

Gabe Martinez Wins ACLU Scholarship for Youth Activism

In addition to preparing for his graduation this month, Alhambra High School senior Gabriel Martinez is working on a very important project - he is leading a student walkout to protest the school superintendent's firing of the principal, without telling the students why.

Activism seems to come naturally to Martinez, a leader with the Youth Advisory Committee of the ACLU-NC Howard A. Friedman First Amendment Education Project. And it has its rewards. Martinez has just been named as one of 12 high school seniors nationwide to be awarded the ACLU College Scholarship for Youth Activism Award, worth \$4,000.

The scholarship was established by the national ACLU with a grant from an anonymous donor to recognize the efforts of graduating seniors who have demonstrated a strong commitment to civil liberties throughout high school.

Martinez joined the ACLU Howard A. Friedman Education Project as a sophomore, when he joined the summer field investigation on homelessness. Following the trip, Martinez spoke in high school classrooms all over northern California. "He was often surrounded by students who wanted to ask him more questions," said Project Director Nancy Otto. "I watched as he patiently offered his point of view, and allowed students the dignity to differ with his opinion. He is an amazing teacher."

While earning top grades at Alhambra High School in Martinez, Martinez also served on the ACLU's Youth Advisory Committee, volunteered his time to work on ACLU initiative campaigns, and served as president of his school's ACLU Club.

"I am a strong believer in the power of activism in effecting social change," said Martinez, "so I frequently go to protests, rallies and death-row vigils. The fight for justice cannot stop at concepts; it is essential that I apply what I learn to my actions."

Last spring, Martinez focused his energies on the campaign to defeat Proposition 21, the initiative that called for increased incarceration of young people, and the increased prosecution of youths as adults. During ACLU conferences, Martinez planned and facilitated debates about Prop. 21 - and played a leading role in a student skit about the dangers of the anti-youth

initiative. He also participated in a grassroots campaign to defeat the bill by leafleting in San Francisco, making appearances on radio talk shows and writing letters to newspapers.

"Although we ultimately were defeated by an overwhelming majority of California voters, I learned a lot about the democratic process," said Martinez. "As a young person, I was empowered by the experience of having my voice heard. Being a significant part in a political movement made me feel, at least in part, successful in this endeavor."

Martinez has three brothers, one of whom - Sierra -- also participated in the ACLU's Howard A. Friedman Education Project.

In addition to being a model youth activist, Martinez is a serious scholar. He is an honor roll student who will attend Stanford University in the Fall.

This is the second year that the scholarships have been awarded, and the second year that an ACLU-NC student activist has won. Last year, the national ACLU selected Shayna Gelender of Castro Valley High School. Gelender, currently a freshman at Mills College in Oakland, continues to work with the Friedman Project as a Youth Advocate.

In addition to Martinez, this year's other recipients hail from Southern California, Florida, Illinois, Kentucky, Maine, Michigan, New Jersey, New York, North Carolina, Oklahoma, and Tennessee.

"The ACLU's College Scholarship for Youth Activism Award gives us an opportunity to recognize the courage of students like Gabe Martinez and the example they set for their peers," said Nadine Strossen, President of the National ACLU. "It truly is an honor to be able to provide these intelligent, resourceful and committed young people with support for their education."

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Student Conference "Awakened the Activist in All of Us"

by Joey Willhite

On the campus of San Jose State University on March 29, the audience for the ACLU-NC Say What??!! Spring Conference was pregnant with vision and insight, the ideas of youth activists and conference participants were nourished, and eyes were opened.

More than 800 students from schools all over northern California filed through the hallways of the student union, with anticipation. Some were there for the first time, others were back for the second or third. They were greeted by Firme, a Latin ska band from San Jose, and the quartet, Baktun 12, whose spoken word sketches and poetry about government manipulation and drug fixation were enough to awaken the activist in all of us.

The students heard from a panel four students who have fought against injustices on their school campuses. George Loomis, who encountered some of the most horrific degradation at Golden West High School in Visalia because of his sexual orientation. This brutal harassment not only came from students who spit on him, but also from a teacher, who taunted him and called him a "faggot" in class.

The crowd gave Loomis a standing ovation. His courage and inspiration made a perfect segway into the two sessions of workshops that followed, many of which dealt with discrimination. Workshops such as State Sanctioned Murder, Prisoners' Rights, GLBTQ Rights and Resources, Tracking in Schools, and United or Divided: Is Your School Promoting Cultural Awareness? And Clinic Rights gave students insights into the criminal justice system and disparities in educational opportunities.

Students at the workshop on State Sanctioned Murder had the rare opportunity of hearing a former Death Row inmate who had been exonerated and released. "I use to be real big on the death penalty," said Greg Wilhoit, who spent 8 years in Cellblock 13 of Oklahoma's death row before being cleared of all charges. "Even when I was on death row I was all for it. Then one of my friends was executed and the world was not a better place...there was no reason for it."

Wilhoit told the story of his trial and his change of heart toward state sanctioned murders. "I lived that life," he said. "I was for [the death penalty], now I'm not." And then he asked the

audience to share their opinions on the death penalty. Paired with the speakers, information from a youth perspective was provided by members of the ACLU's Youth Advisory Committee (YAC) of the Friedman Education Project, who facilitated all of the workshops. "You have to take as much out of it as you can," said Chelsie Osenga, a student at San Lorenzo Valley High School. "If I wouldn't have come to the conference that day, I wouldn't have...realized the support I had." Osenga noted that the students were exposed to a wide range of topics and heard of so many experiences including the organizing of a walk-out at Alhambra High School and the fight against censorship of student publications. "On the way home in the car, I was talking with fellow students and we realized what rights we had," Osenga said. The conference closed with spoken word from a group of youth from the Log Cabin Ranch juvenile detention center and an electrifying performance by YAC member Badru Gardner, a semi-finalist in the Bay Area Youth Speaks spoken word competition. "If students left the conference informed of their constitutional rights, and knowing that they do not relinquish those rights at school, then we have accomplished our goal," said YAC member Dan Fitzpatrick from Bullard High School in Fresno. "We hope that these students will wake up their schools by asserting their rights and preserving them."

Joey Willhite, a senior at Stagg High School in Stockton, is a member of the ACLU-NC Youth Advisory Committee.

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Maurice Rosen: A Life and a Legacy for Justice

By Stan Yogi
Director of Planned Giving

Long-time ACLU member Maurice Rosen saw first-hand in Europe and California how the denial of civil liberties impacted people. These experiences contributed to Rosen's life-long commitment to liberty and justice. He manifested his beliefs not only through his professional and volunteer work but also through a generous bequest to the ACLU Foundation.

Born in Pennsylvania in 1913, Rosen hitchhiked across the country during the height of the depression to study citriculture at Chaffey Jr. College in Southern California. His interest in that field was sparked by a trip he took with his family to Israel (then Palestine), where he witnessed the reclamation of arid lands and the development of citrus crops. After two years he realized that his true calling was his facility for and love of language. With the aid of a scholarship he transferred to Pomona College and earned a bachelors degree with honors in French. He eventually learned to speak six languages.

While working on his Ph.D. in Romance Language Philology at UC Berkeley in the late 1930s, he awakened to the rise of fascism in Europe. Many of his professors were émigrés who escaped persecution in Europe. Rosen himself got a taste of this oppression when he was detained in southern France by police officers that suspected him of attempting to cross the border to support anti-Franco forces in the Spanish Civil War. The political crises of World War II and the resulting human misery ultimately compelled Rosen to leave academia, just short of completing his doctorate degree, and work directly to help people impacted by the war.

His first post-academic job was with the Farm Security Administration, through which he aided migrant farm workers. He worked for the Red Cross and the United Nations Relief and Rehabilitation Administration, where he was stationed in post-war Italy and helped resettle refugees in Germany and Poland.

In 1948, Rosen joined the staff of the California Department of Social Welfare, where he worked until retirement in 1978. He traveled throughout California doing fieldwork and saw firsthand the results of economic injustice in the state. He was also one of the first non-lawyers to become a referee for the Department, and he conducted hearings throughout Northern California. One of Rosen's more notable decisions was a ruling that teachers could receive unemployment benefits. For this decision, he earned the ire of then-Governor Ronald Reagan.

During his 22 years of active retirement, he devoted his time and financial assistance to numerous peace and justice organizations, including the Abraham Lincoln Brigade, Gray Panthers, American Friends Service Committee, as well as groups working for peace in the Middle East.

According to his nephew, Stephen Rosen, Maurice Rosen devoted his nearly 50-year career "to ameliorate social, political, and economic injustice both in the United States and the rest of the world" and was always aware of the important role the ACLU played in protecting unpopular viewpoints and liberty for minorities.

"Maurice Rosen led a truly inspirational and remarkable life," said ACLU-NC Executive Director. "His compassion and generosity have made the world better, and we are deeply honored that he left the ACLU a bequest to defend the principles he cared about so passionately."

If you would like to leave a legacy to the ACLU, please contact Stan Yogi at 415/621-2493 ext. 330 or by e-mail at syogi@aclunc.org.

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