Resolution Campaign
Gains Force

BY SANJEEV BERY
ACLU ADVOCATE/ORGANIZER

In city halls across the U.S., a movement is growing to reclaim our rights. As a new Bush administration proposal dubbed "Patriot Act II" looms on the horizon, local officials around the nation are mounting vocal opposition to its predecessors— the USA Patriot Act of 2001. Already, over 75 cities and counties nationwide representing more than 5.4 million Americans have passed resolutions opposing the USA Patriot Act and other federal actions that erode civil liberties. These measures are powerful statements in opposition to troubling new government powers, including giving the FBI expanded authority to spy on political meetings and houses of worship, monitor Internet and email use, and subpoena libraries for information about what patrons are reading. Here in Northern California, 17 communities—San Francisco, Oakland, Yolo County, Davis, Atrava, Point Arena, Santa Cruz, Watsonville and El Cerrito—have passed resolutions. The ACLU praised the CHP and its Acting Commissioner Spike Helmick for becoming the first agency in the nation to institute such reforms. "The reforms agreed to by the CHP should serve as a model policy for local police departments throughout the state," said Schlosberg.

ACLU Challenges Student Roundup

BY STELLA RICHARDSON
MEDIA RELATIONS DIRECTOR

On January 30, the ACLU of Northern California (ACLU-NC) filed a class action lawsuit challenging the unlawful roundups of approximately 60 students at James Logan High School in Union City. On February 22, 2002 the students were illegally rounded up, detained for up to two hours, searched, interrogated, and photographed by Union City police officers and school officials. The information gathered from the students apparently was entered into a "gang database" maintained by the Union City Police Department. "These high school students, most of them Latino or Asian, were subjected to the most humiliating kind of treatment: they were rounded up, patted down, forced to let officials search their backpacks and purses, and then interrogated and photographed by the police so that they could be added to a 'gang database'—all without any justification," says Ann Birtik, staff attorney with the ACLU-NC. "This kind of mass roundup is a blatant violation of the students' Fourth Amendment rights."

One of the plaintiffs, Brian Benitez, was walking through the corridors with two friends during lunch period when he was stopped by a Union City police officer. "I was warned that if I didn’t follow them I was going to school to learn, but the school is teaching them the wrong lesson when it rounds kids up who are simply going to class or eating lunch," Benitez. President, and a third student, Victor Munoz, are suing on behalf of all students.
New Chair for Affiliate Board

BY GIGI PANDIAN
PROGRAM ASSISTANT

Long-time ACLU supporter and board member Marjorie Quin Delaney was enthusiastically welcomed by the ACLU-NC as the new chair of the affiliate board in February. Delaney takes over the reins from Margaret Russell, who chaired the board from January 2000.

An Associate Professor of Law at the University of North Carolina, Russell has been a member of the board for over 15 years. "Margaret has run the ACLU-NC board has been one of the highest honors and most meaningful experiences of my professional life," Russell said.

"As a professor of constitutional law, Margaret combines being a brilliant legal scholar with her substantive leadership skills and a tireless champion of the ACLU," ACLU-NC executive director Dorothy Ehrlich said of Russell. "She led through two important organizational changes during her tenure as chair; an important strategic planning process that is making the organization function more effectively, as well as leading us through the complex process of restructuring the field program. We thank Margaret for her exemplary dedication and leadership."

Delaney takes the chair after serving for four years as vice chair of the board and chair of the development committee. Under her stewardship, the ACLU-NC reached and exceeded its fundraising goals and concluded its multiyear campaign for a 65 million Trust for Democracy. "Delaney is an elegant leader who pushed board members to increase their giving, and with amazing results," said Ehrlich. "She is an accomplished leader and will be a great chair."

Delaney, who is director of the Akonadi Foundation which gives grants to nonprofit organizations working towards eliminating racism, says she is well aware that she assumes the leadership of the board during a period of serious challenges. "I look forward to working with the dedicated staff, energized board, and a very active group of supporters as we work to secure civil liberties and rights for everyone," she said.

Tell them:

- The new legislation would allow the government to spy on First Amendment protest activities. By applying an overbroad definition of terrorism, organizations using protest tactics could become victims of criminal entrapment and other electronic surveillance. In addition, the proposal would terminate court-approved limits on police spying.
- Patriot II would radically diminish personal privacy by removing checks on government power. It would permit, without any connection to anti-terrorism efforts, sensitive personal information about U.S. citizens to be shared with local and state law enforcement. In addition, the government could gain secret access to credit reports without consent or judicial process.
- Patriot II would increase government secrecy while diminishing public accountability. It would authorize secret arrests in immigration and other cases where the detained person is not criminally charged. It would allow for the sampling and cataloging of innocent Americans’ genetic information without court order and without consent. And, the act would shelter federal agents engaged in illegal surveillance without a court order from criminal prosecution if they are following orders of high Executive branch officials.

Visit www.aclunc.org to take action at the click of a mouse.

Read more about Patriot II at http://www.aclunc.org/opinion/030117-underattack.htm.

BAEZ AND RENO PACK THE HOUSE AT ACLU BENEFIT

On February 7, the legendary Joan Baez and comedian John B. Staglianeto brought down the house at the Castro Theatre. Marc Huestis and Outside Enterprises produced this memorable event, with past performances featuring the ACLU Foundation. The show started with Reno’s new film, “Reno: Rebel Without a Pause,” which focuses on life near Ground Zero, post-September 11. Reno exhorted the crowd to support the ACLU and introduced Dorothy Ehrlich, who gave a stirring presentation on our work before Baez took the theater with her trademark voice. Together, Baez and Reno combined humor, song, and seriousness in a riveting performance.

NEW ELECTIONS

The ACLU-NC is proud to welcome new board members Peter Kwan, Matt Murray, Harmee Dhillon, Belal Omeira, and Phillip Mehias. Congratulations to re-elected board members Luz Buitrago, Scott Burrell, Milton Ezés, Angel Garganta, and Nancy Pemberton.

The new members of the Executive Committee are Steve Fabian, Paul Gilbert, and Jon Streeter (Legal Committee Chair).

We thank outgoing board members Dennis McNally, Aundré Herron, Millenent Rutherford, and Zona Sage.

The budget deficit debate in Sacra- mento is raging. Does the deficit in fact exceed $34 billion? Through what combination of cuts and tax increases will the state address this gaping hole?

Although Governor Davis did not pro- pose any significant cuts to the sprawling corrections budget, the ACLU supports a variety of options that could reduce the non-violent prison population. For exam- ple, Senator John Vasconcellos-D has introduced legislation (SB 518) to allow people who would have qualified for drug treatment under Proposition 36 but who were convicted before its passage to qualify for treatment instead of incarceration.

The Legislature is looking at other options, including early release of certain non-vio- lent offenders and elimination of some early release programs. The fiscal crisis casts a shadow across legislation that includes any implementa- tion of the new death penalty. The latest ACLU policy (you could never imagine the numbers of letters and phone calls that we will support and oppose based on their impact on civil liberties and civil rights, the ACLU will be taking a leading role on the following bills:

SB 71 (Kasamatsu–Shirakawa), Reforms sex education laws. With 11 separate laws scattered throughout the Education Code, confusion reigns over California’s sex education laws. Although schools that teach sex education are required to take a comprehensive approach, teaching about contraception as well as abstinence, many schools rely on curricula that are inaccurate or incom- plete. Sponsored by Planned Parenthood and the ACLU, the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act (SB 71) aims to plug these holes by replacing these laws with one new section that ensures that students are pro- vided with comprehensive, age-appropriate, unbiased, free information while allowing parents to opt their children out of the instruction. The bill ensures that sex educa- tion programs provide students with the necessary information to help them pre- vent sexually transmitted diseases and unintended pregnancies, and to foster healthy attitudes about sexuality.

SB 3 (Burton-D), Prohibits the execu- tion of the mentally retarded. Sponsored by the ACLU and California Attorneys for Criminal Justice. SB 3 implements the U.S. Supreme Court decision last summer by estab- lishing a pretrial proceeding to determine whether a capital defendant is mentally retarded. A pretrial proceeding would ensure that the jury is not prejudiced by hearing the facts of the case before being asked to determine whether the defendant is men- tally retarded. It may also save the state costs of an unnecessary capital trial.

SB 1 (Speier-D) Protects financial privacy. SB 1 is designed to ensure that your personal financial information is protected. The bill protects the financial privacy of requiring by that banks and insurance companies get consumers’ permission before they share pro- vidual companies or with companies with which they have joint marketing agreements, they would have to notify cus- tomers that they will do so unless the consumer says “no” (“opt-out”).

AB 205 (Goldberg-D), Domestic Partner Rights and Responsibilities Act of 2002. This bill expands the rights and responsibilities provided to registered domestic partners and their families to include nearly all the legal rights, benefits, responsibilities, duties, and obligations under state law currently available only to married couples. This will include such protections as community property, finan- cial support obligations, mutual responsi- bility for debts, assumption of parenting responsibility, inheritance rights, and decision-making authority for funeral arrangements.

AB 1012 (Steinberg-D) Parental involvement after students are ques- tioned at school. Sponsored by the ACLU, this bill requires that before police question an elementary school child at school, a par- ent should be asked permission. When police seek to interrogate secondary school students, the student should be advised that he or she has the right to have a parent or member of the school staff present.

Our Constitution protects the rights of Americans, young and old, to refuse to answer questions of the police. However, children are being subjected to police ques- tioning at school without knowing that they have the right to refuse to talk to the police. If the situation is serious enough that the police are involved, parents must have an opportunity to decide what is best for their elementary school student. In addition, AB 1012 makes it clear that students may have a parent or trusted adult present dur- ing questioning by police.

SB 60 (Cedillo-D), Immigrants’ Driver’s Licenses. By allowing immigrants who are in the process of applying for legal status to obtain driver’s licenses, SB60 will improve the safety of our roads. Furthermore, undocumented immigrants will be more likely to report accidents — and ensure that unsafe drivers are identi- fied — when they don’t fear repercussions.

Last year, this bill was bogged down by numerous amendments requested by Governor Davis that violate immigrants’ rights. This year, labor unions and immi- grants’ rights organizations have joined forces to ensure that the bill improves pub- lic safety and does not discriminate.

ACLU-NC Privacy Policy

To our members...

Direct mail appeals to our members and the general public provide opportunities to describe complicated legal and political issues in ways possible in other media. They enable us to explain, in detail, the benefits and provisions of the Constitution and our rights that are threatened by modern world, and the costs of preserving those rights. We use the mail to inform people of the importance of our legal work and to solicit funds that enable us to continue our litigation, public education and legislative lobbying.

Sometimes, as part of our member recruitment program, we exchange or rent our list of members’ names to like-minded organizations and publications. The ACLU never makes its list available to partisan political groups or those whose programs are incompatible with the ACLU’s mission. Whether by exchange or rental, the lists are governed by strict privacy procedures, as recommended by the ACLU Privacy Study Commission. Lists are never given automatically to people. We will not sell your name to any political organization.

We do not believe in mass mailing. When you receive a letter or a solicitation, it is addressed to you, not to your family or friends. If you do not wish to receive materials from other organizations, please complete this coupon (or attach your mailing label) and send it to:

ACLU-NC Membership Department
1663 Mission Street, Suite 600, San Francisco, CA 94103.

If you prefer not to receive materials from other organizations, please eliminate your name from member exchange/rental lists.

MEMBER # __________________________________________________________
NAME _____________________________________________________________
CITY: ________________________________ S TATE: ________ Z I P: ___________

To our members...

Joe Lewbin
BY VALERIE SMALL NAVARRO
ACLU LEGISLATIVE ADVOCATE

Joe Lewbin loved this work, he said, because — and he figured the ACLU was the place to come into the office every Tuesday and clip the numerous bills pending in Congress. He would have told us all the latest ACLU policy (you could never imagine the numbers of letters and phone calls that we will support and oppose based on their impact on civil liberties and civil rights, the ACLU will be taking a leading role on the following bills:

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OBITUARY

Joe Lewbin

BY ELAINE ELINSON

Joe Lewbin

BY ELAINE ELINSON

Elaine Elinson is the former public information director of the ACLU-NC.
Groups Call for Police Reform in Sacramento

A City Council hearing in Sacramento on February 14, the Sacramento NAACP, the Mexican American Legal Defense and Educational Fund (MALDEF), and the ACLU of Northern California called for major policy changes following the release of the second Sacramento Police Department (SPD) report on racial profiling. The data this year, like last year’s, shows dramatic disparities in how African American and Latino motorists are treated when compared with white motorists as well as significant underreporting of stops and searches by SPD officers.

The groups called for reforms including the adoption of a clear definition of racial profiling, clear audit mechanisms, expansion of the department’s data collection program, and a decision from SPD not to accept a flawed the conclusions of USC Professor Howard Greenwald, who has sought to explain away dramatic disparities in how African Americans and Latinos are treated.

Justice for Sonoma High Protesters

Thanks in large part to the efforts of Sonoma Chapter and all the members who wrote and called the School Board, the suspensions of 50 Petaluma High School Students who walked out of school to attend an anti-war demonstration have been expunged. The ACLU of Sonoma County wrote the school board, pointing out that suspensions should not be meted out for a first offense, and that the students may not be punished for exercising their First Amendment rights.

Protesting ‘Special Registration’

A smen from a list of mainly Middle Eastern countries were ordered to register with the Immigration and Naturalization Service or face arrest, detention, or deportation, human rights and community groups including the ACLU mounted vocal protests. On February 21, at one of a series of demonstrations outside the San Francisco INS office, ACLU-NC police practices policy director Mark Schlosberg spoke out against the discriminatory “special registration” program. As well as urging Minority House Leader Nancy Pelosi to administration” program. As well as urging against the discriminatory “special registration” program. As well as urging Minority House Leader Nancy Pelosi to administration” program. As well as urging Minority House Leader Nancy Pelosi to administration” program. As well as urging Minority House Leader Nancy Pelosi to administration” program. As well as urging Minority House Leader Nancy Pelosi to administration” program. 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