ACLU PRESSES FOR PATRIOT ACT REFORM: CONCERN GROWS AS HOUSE RENUES ANTITERRORISM LAW

By Kristen Jones and Julia Daniels

The ACLU of Northern California (ACLU-NC) campaigned hard this summer to keep Congress from making permanent the most intrusive provisions of the USA PATRIOT antiterrorism law.

At press time, the PATRIOT Act appeared headed for reauthorization, with the House voting to extend indefinitely all but two of the act’s 16 sunset provisions, proposing 10-year extensions on roving wiretaps and searches of library, medical, and other personal records.

Meanwhile, the Senate unanimously passed a bill that would extend to four years, instead of 10 years, the provisions for roving wiretap and records searches. Although the bill falls far short of the key reforms needed to protect civil liberties, the ACLU commends the Senate for taking a bipartisan approach to moderating some of the PATRIOT Act’s most intrusive stipulations.

To kick off the reform effort in early June, ACLU National Legislative Communications Director, Phil Gutis, conducted legislative briefings and speaker trainings in San Francisco and San Jose, attended by hundreds of activists. Just days later, ACLU National Executive Director Anthony D. Romero spoke at a San Francisco press conference. He listed the sinister consequences of the government’s expanded counterterrorism powers, from the FBI’s ability to snoop into...
Throughout the ACLU’s history, thousands of Americans have chosen to act as stewards of our constitutional heritage by including the ACLU Foundation as a beneficiary of their estate.

Now, through a generous commitment by ACLU Foundation supporter Robert W. Wilson, a bequest provision in your will or trust will be matched with up to $10,000 in immediate cash support to ACLU programs. Never before has your commitment to the ACLU been able to accomplish so much.

To request information about how your legacy gift can benefit the ACLU Foundation today, please complete the following:

- [ ] Yes, I’d like to find out how to participate in the Legacy Challenge.

Name:

Address:

Phone:

E-Mail:

RETURN TO:
Stan Yogi, Director of Planned Giving
ACLU Foundation of Northern California
1663 Mission Street, Suite 460
San Francisco, CA 94103
On call (415) 621-2493 x350

CREATE A LEGACY OF LIBERTY

THE ACLU FOUNDATION ANNOUNCES THE LEGACY CHALLENGE
YOUR GIFT FOR THE FUTURE WILL DEFEND FREEDOM TODAY

BECAUSE FREEDOM CAN’T PROTECT ITSELF
thanks ACLU-NC’s major supporters for their part-
Guests viewed a documentary
chron-

B O A R D  E L E C T I O N S  N O T I C E
mittee’s report. If additional nominations are proposed, the
those present and voting, shall adopt the nominating com-

Article VII, Section 3:

R E V I S E D  A C L U - N C  B Y - L A W S
2. They may submit a petition of nomination with the sig-
pluralities of 15 current ACLU-NC members. Petitions of
which should also include the nominee’s qualifications, must be submitted to the Board of Directors by September 28, 2005 (20 days after the September board meeting). Current ACLU members are those who have re-
newed their membership during the last 12 months. Only
current members are eligible to submit nominations, sign
petitions of nomination, and vote.

ACLU members will select Board members from the slate
of candidates nominated by petition and by the nominating
committee. The ballot will appear in the full issue of the
ACLU News

RELYING A C L U - N C  B Y - L A W S
Article VII, Section 3: Presentation of Nominations and Ad-
ditional Nominations. The final report of the committee to
nominate members-at-large to the Board shall be presented at
the September Board meeting. Members of the Board may
propose additional nominations. If no additional nominations are
proposed by Board members, the Board by a majority of
those present and voting, shall adopt the nominating com-
mittee’s report. If additional nominations are proposed, the
Board shall, by written ballot, elect a slate of nominees to
the vacancies to be filled; the persons nominated by the Board
shall be those persons, equal in number to the vacancies to be
filled, who have received the greatest number of votes. The list
of nominees to be placed before the membership of the Union
for election shall be those persons nominated by the Board as
herein provided, together with those persons nominated by
petition as hereinafter provided in Section 4.

Article VII, Section 4: Recommendations and Nominations by Members of the Union. Any fifteen or more members of the Union in good standing may themselves submit a nomina-
tion to be included among those voted upon by the general
membership by submitting a written petition to the Board not
later than 20 days after the adoption by the Board of the slate of
Board nominees. No member of the Union may sign more
than one such petition, and each such nomination shall be
accompanied by a summary of qualifications and the written
certificate of the nominee. This provision of the By-Laws shall
be printed in the first page of the summer issue of the ACLU
News together with an article advising members of their rights
in the nominating process.

FAREWELL MILA DEGUZMAN: TWO DECADES OF SERVICE
By Sharada Balachandran-Orihuela
As two decades with the ACLU of Northern Califor-
Mila
DeGuzman has stepped
down as administrative
director and assistant to
Executive Director Doro-
y
Ehrlich to write a book
about Filipina activities.

“IT was a most difficult
decision, as the ACLU-
NC has been my com-
munity and my family in
the last two decades, but
I’m very excited to finally
have the opportunity to
devote more hours to
pursuing my longtime dream,” DeGuzman said.

DeGuzman joined the ACLU in 1985 as a politi-
cal activist whose work focused on gay, immigrant,
and women’s rights, and continued in that vein throughout
her tenure at the organization.

“She elevated our political consciousness about wom-
en, about women of color, about immigrants, youth, and
about the lesbian, gay, bisexual and transgender (LGBT)
community, and she was determined to ensure that
our work for equality and for justice not only re-
mained central to our mis-
sion, but was carried out
in a way that was sensitive
to the needs of those com-
munities,” Ehrlich said. At a
farewell gathering for De-
Guze

The ACLU-NC admin-
istrative staff grew under
DeGuzman’s watch, and she
was recognized for bringing
a more holistic approach to
managing the office.

After working full

time and attending graduate school at night, DeGuzman
earned a master of fine arts degree in writing from the
University of San Francisco. She is looking forward to us-
ing her storytelling skills to showcase exceptional Filipina
women activists.

“One of these women is Mila DeGuzman, so let us
hope that one of those stories will be autobiographical,”
Ehrlich said.

FRONTLINE ATTORNEY RECEPTION

Joining Dorothy Ehrlich at the podium, Stephen V. Bemis,
ACLU-NC general counsel and senior partner with Heller
Ehrman LLP (center) encourages summer legal associates
in our work. Guests viewed a documentary
chronicling the affiliate’s history and board from Legal Director, Alan Schlosser, about future directions.

BENEFACTORS DINNER

From left to right: Carina Ryan, Steve Silverstein, and
Wayne Jordan celebrate the ACLU-NC’s 70th anniversary at the Benefactors Dinner held March 22. The annual
event thanks ACLU-NC’s major supporters for their par-
tnership in our work. Guests viewed a documentary
chronicling the affiliate’s history and board from Legal Director, Alan Schlosser, about future directions.

*The Board of Directors of the ACLU of Northern California
revised the By-Laws of the organization in February 1995, to
change the timeline for Board election procedures.

ACLUnews
THE QUARTERLY PUBLICATION OF THE
AMERICAN CIVIL LIBERTIES UNION OF NORTHERN CALIFORNIA.

Membership ($20 and up) includes a subscription to the
ACLU News. For membership information call
(415) 621-2493 or visit www.aclunc.org/join.html.

Quinn Delaney, Erika Clark
CHAIR EXECUTIVE DIRECTOR
MANAGING EDITOR DESIGNEE AND
EDITORIAL ASSISTANT
1663 Mission Street #460, San Francisco, CA 94103
(415) 621-2493
The federal lawsuit was brought by the ACLU of Northern California (ACLU-NC) on behalf of three James Logan High students who were among nearly 60 youths, most of them Latino and Asian, who were rounded up in a police "gang intervention" sweep during the school lunch hour on Feb. 22, 2002. "I really hope that (this settlement) will prevent my younger brother from ever going through what I went through," said Brian Benitez, one of the plaintiffs. I was questioned, searched and photographed like a criminal when I knew that I had not done anything wrong. I knew that the administrators and police did not have a right to do this.

"WE APPRECIATE AND RESPECT THE NEED OF THE FBI TO CONDUCT INVESTIGATIONS OF POSSIBLE CRIMINAL ACTIVITY, HOWEVER ANY INVESTIGATION NEEDS TO BE DONE IN A WAY THAT RESPECTS INDIVIDUAL'S RIGHTS."

-MARK SCHLOSBERG, ACLU-NC STAFF ATTORNEY

"I REALLY HOPE THAT MY ACTIONS WILL PREVENT MY YOUNGER BROTHER FROM EVER GOING THROUGH WHAT I WENT THROUGH."

-ANN BRICK, ACLU-NC STAFF ATTORNEY

"THESE NEW POLICIES ARE DESIGNED TO ENSURE THAT SCHOOLS AND THE POLICE WILL RESPOND TO CONCERNS ABOUT GANG PROBLEMS BY FOCUSING ON CONDUCT, NOT BY ERRONEOUSLY LABELING STUDENTS."

-ANN BRICK, ACLU-NC STAFF ATTORNEY

Police officers from Union City and Fremont heeded up the students and sent them into classrooms, separating them according to their race or ethnicity. Officers then searched, interrogated, and photographed the students for a gang database. These new policies are designed to ensure that schools and the police will respond to concerns about gang problems by focusing on conduct, not by erroneously labeling students based on their race or ethnicity or on how they dress or on who their friends are. These policies will guarantee that February 22 does not happen again," said ACLU-NC staff attorney Ann Brick.

Also, New Haven Unified school officials must notify parents, obtain their consent and allow them to accompany an elementary school student brought in for questioning. High school students will also be given the opportunity to have a parent or trusted adult present if questioned by authorities on campus. Moreover, Union City police have agreed not to engage in racial profiling on or off campus. "We applaud both the School District and the City for their responsiveness in adopting a set of policies that address the concerns raised by this lawsuit," said ACLU-NC cooperating attorney Nancy Wexler of the San Francisco law firm of Keker and Van Nest. "These policies create a 'win-win' situation for everyone," added John Hanssen, of San Francisco's Nossuman, Guthner, Knox & Elliott, LLP, who also co-counseled the case as an ACLU cooperating attorney.

The lawsuit, Benitez v. Montoya, was filed Jan. 30, 2003 in the U.S. District Court of the Northern District of California.
SHARE YOUR MILITARY RECRUITMENT STORIES WITH THE ACLU

In light of recent news reports of aggressive and sometimes abusive recruiting tactics employed by the U.S. military, the Friedman Education Project is interested in hearing about students’, parents’, and teachers’ experiences with military recruiters, negative or positive, throughout Northern California.

Please contact Friedman Project Youth Advocate Danielle Silk at (415) 621-2493 x368, with details and contact information for follow-ups.

Below are some examples of aggressive or questionable recruiting tactics:

**Houston, Texas:** Recruiters threatened to arrest a student if he didn’t report to a recruiting station. Sgt. Thomas Kelt left this message on that young man’s cell phone: “Hey Chris, this is Sgt. Kelt with the Army, man, I think we got disconnected. Okay, I know you were on your cell probably and just had a bad connection or something like that, I know you didn’t hang up on me. Anyway, by federal law you get an appointment with me at 2 o’clock this afternoon at Greenspoint Mall, okay? That’s the Greenspoint Mall Army Recruiting Station at 2 o’clock. You fail to appear and we’ll have a warrant. Okay. So give me a call back.” (KHOU-TV, May 11, 2005)

**Ohio:** Recruiters in Ohio signed up a mentally ill man even after the man’s parents informed the recruiters of his recent three-week stay in a psychiatric ward. In the same New York Times article, an anonymous recruiter admits to “bending or breaking enlistment rules for months.” (New York Times, May 3, 2005)

**Denver, Colorado:** A high school journalist recorded a recruitment officer instructing him how to falsify a high school diploma and pass a drug test with marijuana in his system. (CBS News, May 2, 2005)

YOUTH RIGHTS SUMMIT INSPIRES FLEDGLING ACTIVISTS

By Salma Habis, Junior at Clayton Valley High School (Concord, California)

A t the ACLU Youth Rights conference at UC Berkeley’s MLK Student Union in April, one thing was clear: students were psyched. More than 600 students from around northern California gathered from various schools and diverse backgrounds to discuss topics ranging from students’ rights to affirmative action and civil liberties.

Students hailed from Davis, Vallejo, Oakland, San Jose, Antioch, Concord, Elkhaven, Martinez, Union City, Santa Rosa, Hayward, El Cerrito, and Albany, among other places.

High school students in the ACLU-NC’s Friedman Education Project Youth Activist Committee (YAC) had put in months of effort to organize the event, with the purpose of bringing together high school students to share their experiences and perspectives on issues that affect their lives, and to develop strategies for action.

Kicking off the event were electrifying performances by Youthspeaks poets. Youthspeaks is an organization that helps young people to use their voices while building literacy and critical thinking. Other young speakers, such as UCLA Law School Student Shaffy Moeri, discussed how her activism during high school ignited her passion for human rights and immigration law.

Student speakers affiliated with the Friedman Education Project YAC described the impact their activism has had in their local schools and communities, to promote racial justice, freedom of expression, and transgender rights for students, among other issues.

A breakdance performance by “Sisterz of the Underground,” an all-female hip hop collective had the audience utterly captivated, prompting students to dance. This energy carried into the range of morning and afternoon workshops that brought out critical information and sparked animated discussions.

“I’ve helped to organize several conferences with the YAC, and I thought that this was one of the most successful ones we’ve ever had. The entertainment was amazing, and the workshops ran very smoothly. I only heard positive feedback from the students, and overall I think it was a fabulous experience for everyone involved,” said Amanda Gelender, a senior at Castro Valley High School.

Conference participants said the workshops were truly informative, because they allowed students to use their own experiences to learn from one another and teach.

When the morning workshops ended, students headed for the Youthspeaks poetry and writing workshops and breakdancing workshops by Sisterz of the Underground that were offered during the lunch break.

“The youth conference was one of the most powerful experiences I’ve been a part of. Looking at the crowd as I spoke, I was truly inspired to see all the people who wanted to make a difference; it was an escape from a somewhat depressing world,” said Riley Evans, senior at Davis Senior High in Davis, California.

Friedman Education Project YAC members have been working for quite some time to develop workshops that would inform students about issues that do have an impact upon their lives directly or would impact them later, such as military recruitment and the potential implementation of the draft. Students now are able to take this information and use it in different ways to promote change within their communities.

“I’m glad to know that I’ve been able to work with students on topics that are significant to all our lives in very different ways, and hope I can continue working with the ACLU in these type of events,” said Monica Vega of Northgate High School.

“CHANGE IS POSSIBLE—IT MAY BE SMALL AND INCREMENTAL, BUT IT IS POSSIBLE.”

-KIRAN SAVAGE-SANGWAN, AGE 17

(JUNIOR, DAVIS HIGH SCHOOL, DAVIS, CA)

STUDENT HONORED FOR CIVIL LIBERTIES WORK

By Eveline Chang

Amanda Gelender, a recent graduate of Castro Valley High School in Castro Valley, California, is one of ten high school seniors in the nation to be honored for their commitment to civil liberties by the National ACLU.

Gelender has been a passionate and dedicated leader with the Friedman Education Project’s Youth Activist Committee (YAC) of the ACLU of Northern California (ACLU-NC). Her activism extends far beyond that program.

Gelender participated in the 2003 summer program “The War on Drugs: A Field Investigation for and By Youth” with the Youth Activist Committee. After the trip Gelender immediately put her knowledge to action. She rallied her peers at school and started a high school chapter of Students for a Sensible Drug policy.

Later, she went on to testify before the California State Congress on behalf of the Drug Policy Alliance to support a bill that would halt random drug testing in schools. Through her involvement in the YAC, Gelender has organized and led workshops on numerous topics, from sexism to student rights to the USA PATRIOT Act.

Not only has Gelender proved to be a dedicated activist, but she also cares deeply about these issues and those impacted, and believes that educating her peers is a powerful means toward creating a more just society for all. Gelender attended this year’s ACLU Biennial Conference in New Orleans as an alternate delegate. She is continuing her activism with the ACLU this summer as an intern for the Death Penalty Project, and she will attend Stanford University this fall.

COMPASSION AND CHOICE AT LIFE’S END: BILL MOVES THROUGH CALIFORNIA LEGISLATURE

By Vivek Malhotra

California could become the second state in the nation to permit mentally competent, terminally-ill patients with up to six months to live to hasten their own death, if the state approves the recently introduced California Compassionate Choices Act.

Assembly Bill 654’s co-authors are Assembly members Patty Berg (D-Eureka) and Lloyd Levine (D-Van Nuys). Its main sponsor is Compassion & Choices, a leading advocate of improved palliative care and expanded options for the dying. AB 654 is modeled after Oregon’s eight-year-old Death With Dignity Act, first approved by that state’s voters through a ballot initiative in 1994. The bill would allow terminally ill patients to request and obtain a lethal medical prescription from their doctors.

Like Oregon’s law, the bill contains numerous safeguards to protect a patient from undue influence or abuse. For example, to obtain a prescription, a patient must make both oral and written requests, which must be reviewed by at least two doctors and, if necessary, mental health professionals. The medicine can only be administered by the patient, not a physician, family member, or friend.

Despite opponents’ objections that the measure would lead to euthanasia and disproportionately affect the uninsured, Oregon’s experience has been just the opposite. The Oregon Health Department’s seventh annual report shows that only 208 patients took the lethal medication in Oregon from 1997 to 2004. The three most commonly cited reasons for requesting the lethal prescription were loss of autonomy; a decreasing ability to participate in the activities that made life enjoyable, and a loss of dignity.

Not surprisingly, Oregon’s law has been challenged by the Bush Administration, with the U.S. Supreme Court set to hear the case, Gonzales v. Oregon, in the next session. In previous cases, the high court has declined to recognize a federal constitutional right of terminally ill patients to obtain a physician’s assistance in ending their lives, but it has suggested that this is a matter that should be left to each state to decide.

A recent field poll found that 70 percent of Californians would want the option to obtain a medical prescription to end their lives if they were battling a terminal illness. Support for the bill cuts across racial, ethnic, and religious lines. ACLU members throughout California have sent letters, e-mails, and postcards to their state representatives, urging them to support the bill. “The ACLU believes that terminally ill patients should be provided the comfort and compassion to live their final days with dignity and peace,” wrote the three ACLU California affiliates in a joint letter to ACLU members.

Meanwhile, opposition to the bill, led by the Catholic Church hierarchy, has been substantial. As the debate rages in Sacramento and elsewhere in California, the ACLU will continue to advocate in favor of the individual’s choice to end life on his or her own terms.

AB 654 passed two major committees in the Legislature to make it all the way to the Assembly floor. After discussing the legislation with their colleagues, the authors believed that the vote count on the measure was too close to call, and decided to wait before taking it up for an official vote to give some undecided members more time to weigh the issue. The bill is now on hold until next year. AB 651, a bill already sitting in the state Senate, has been amended so that it is now identical to AB 654, and can be taken up by that house before going back to the Assembly for a concurrence vote, but not before next year.

TAKING ACTION ONLINE TO PROTECT CIVIL LIBERTIES: SIGN UP AT WWW.ACLUNC.ORG
FRESNO STUDENTS WANT ANSWERS ABOUT UNDERCOVER POLICE

By Julia Daniels

On Nov. 10, 2004, five dozen Fresno State University students, members of the Campus Peace and Liberties Coalition (CPLC), settled down to hear a lecture on veganism by animal rights advocate Gary Yourofsky. Little did they know then that six undercover police officers were also attending the lecture.

Today, the students still don't fully understand why the police infiltrated their campus lecture. The ACLU of Northern California (ACLU-NC) is on the case.

"CALIFORNIA HAS A CONSTITUTIONAL RIGHT TO PRIVACY. IT WAS INCORPORATED INTO THE CONSTITUTION BY THE VOTERS IN 1972 TO PREVENT EXTREME GOVERNMENT SNOOPING."

-MARK SCHLOBSERG, ACLU-NC POLICE PRACTICES POLICY DIRECTOR

Schlosberg says that police officers in California have to be especially careful to respect citizens' right to privacy and protection from government probing. "California has a constitutional right to privacy. It was incorporated into the Constitution by the voters in 1972 to prevent extreme government snooping." The 1972 amendment to the Constitution sets California apart from other states, says Schlosberg.

While Fresno State University police claim that they sent undercover officers to the lecture to protect the students, Schlosberg argues that "if the police were going to protect the group, why not send uniformed officers and contact the group to begin with?"

"The ACLU-NC has sent a Public Records Act Request to the Fresno County Sheriff's Department and to the university asking that the agencies release all documents relating to the lecture. As a result of that request, the ACLU has learned that the Sheriff's Department sent undercover police "at the request of the Fresno State Chief of Police."

The students have learned that of the six undercover police officers present at the lecture, three were from the Fresno State University police department and three were from the Fresno Sheriff's Department.

"I T O O K U S G O I N G O N A HUNGER STRIKE TO GET SOME RECOGNITION."

-RUTH OBEL-JORGENSEN, FRESNO STATE STUDENT

The ACLU also filed a Freedom of Information Act request, in hopes that it the federal government was involved in infiltrating the lecture, the FOIA request would shed light on the situation. As of press time, the FOIA request had not generated any response.

Still, the inquiry by student activists and the ACLU-NC has yielded impressive results. In early May, Welty wrote a letter to Obel-Jorgensen, in which he promised that "police will not conduct illegal surveillance," and said that he would "convene a task force next fall to review procedures related to policing issues on campus, especially with a view to events sponsored by public groups and student organizations."

Also, Welty authored a letter to the campus Chief of Police David Huerta, and director of public safety, David Moll, stating in no uncertain terms that, "University police should not conduct surveillance activities at university events unless they are required by law. We should always make the event organizer aware that offices will be present."

Schlosberg says that the ACLU is pleased with Welty's decision to explore new school policies regarding student privacy and campus security. "We're basically happy with what Welty has done on the policy front in terms of making instructions for the police chief, the director of public safety and in setting up the task force."

However, Schlosberg maintains that the students and ACLU still "need the information" about the Police Department's activities. "Hopefully we'll get it," Schlosberg says.

The infiltration of the Yourofsky lecture comes on the coattails of a privacy violation in which Peace Fresno was infiltrated by a member of the Fresno Sheriff's Department's anti-terrorism unit in 2002. In that incident, which was publicized in Michael Moore's "Fahrenheit 9/11," the true identity of agent Aaron Kilner, who joined Peace Fresno as "Aaron Stokes," was not revealed until his Aug. 31, 2003 death. When Peace Fresno and the ACLU-NC asked the reason for the investigation of Peace Fresno Sheriff Rich Pierce left many questions unanswered.

An apparent pattern of surveillance in Fresno is of concern to the ACLU-NC, and has spurred an investigation by California Attorney General Bill Lockyer.

However, Schlosberg remains optimistic that the ACLU and students' negotiations will lead to greater transparency in the police community and to a greater respect for civilian privacy.
NATIONAL GUARD SPIES ON PROTESTING MOMS AND GRANDMAS

By Amy Stuiman

Three dozen representatives from Code Pink, Gold Star Families for Peace and Raging Grannies gathered on the steps of the state Capitol to protest the Iraq War in May. Some protesters had lost a son or daughter in the conflict. Their message: “Bring the troops home now!” The protest ran smoothly and concluded peacefully. No one suspected there was a fourth party attending: the California National Guard’s Intelligence Unit.

Emails obtained by the San Jose Mercury News revealed that a new program in the Guard, called the Intelligence Unit, spies on the May 8 protest. In the email to Guard Col. Jeff Davis, Col. John Moorman, chief of staff, wrote: “Sir, Information you wanted on Sunday’s demonstration at the Capitol.” Davis replied, “Thanks. Forwarding same to our Intel. folks who continue to monitor.”

The Mercury reported that the California National Guard created the Intelligence Unit to track terrorist activities. It now seems that the Guard is using “terrorism” as a guise to spy on whoever it wants. Fortunately, Californians in 1972 adopted an initiative protecting against government monitoring and surveillance in the absence of reasonable suspicion of criminal activity. It was confirmed by White v. Davis, the California Supreme Court case interpreting the state Constitution’s right to privacy. The National Guard’s action on May 8 is a violation of Whita.

On behalf of its more than 10,000 California members, the ACLU wrote to Gov. Arnold Schwarzenegger and Brigadier Gen. John Alexander about the spying incident. The letter said, “There is nothing un-American or terrorist-related about the time-honored tradition of peaceful protest against military action. Such protests unequivocally are protected speech under the United States and California Constitutions. To monitor anti-war protests simply because of the message the demonstrators seek to convey violates the spirit of the First Amendment and the country’s long tradition of political dissent.”

The letter recommends disbanding the Intelligence Unit for two reasons: The program is not fulfilling its expressed purpose. And, even if it strictly monitored terrorist-related activities, the program would seem to duplicate the tax-funded California Anti-Terrorism Information Center (CATIC), an organization whose existence is a threat enough to civil liberties. If the Guard will not disband the Intelligence Unit, the ACLU insists that the following regulations be strictly imposed:

- Prohibit the monitoring and collection of information on individuals and organization engaging in First Amendment protected activity.
- Prohibit dissemination of information already collected to other law enforcement agencies.
- Write definitions and guidelines that make it clear that protest activity—including protest activity involving civil disobedience—is not terrorism.
- Regulate file storage and data retention to ensure regular purging of any databases and storage systems.

The ACLU also made a formal request, under the California Public Records Act, for all documents or correspondence that pertains to the May 8 demonstration and all training materials that members of the Guard, especially the Intelligence Unit, receive, as well as those that inform on California constitutional right to privacy.

Perhaps the most disturbing about the May 8 spying operation is the Guard’s explanation: “Who knows who could inchoate that type of group and try to stir something up?” spokesman Lt. Col. Stan Zuotarski warned in reference to the protest, “After all, we live in an age of terrorism.”

We do, indeed, live in an age of terrorism, and what could be more terrifying than a special Guard unit threatening the very liberties that the rest of the military is fighting to protect: the right to peacefully assemble, the right to petition our government, and the right of ordinary citizens to keep their personal information to themselves?

PATRIOT ACT STIRS CONCERN

Library, medical and financial records without a warrant or the suspect’s consent, to the alleged abuse of terrorism suspects at Guantanamo Bay Prison and other detention facilities.

“The idea that the government could be able to seize these records from ordinary Americans going about their everyday lives, without any judicial review, is what troubles us most,” Romero said. “You never concentrate too much power in one branch of the government. That’s the reason we have ... checks and balances and three branches.”

Romero warned that the government’s definition of terrorism under the PATRIOT Act is too broad and ambiguous and could be used to quash legitimate forms of protest and debate.

For these and other reasons, the ACLU and other civil liberties and rights advocates have been pressing for the most egregious sections of the PATRIOT Act to sunset or expire on December 31, as they were intended to.

However, some members of Congress have been pushing legislation that would renew and even expand government powers under the law.

Continued from page 1

SEVEN STATES AND MORE THAN 380 CITIES AND COMMUNITIES AROUND THE COUNTRY, REPRESENTING MORE THAN 60 MILLION PEOPLE, HAVE PASSED RESOLUTIONS CALLING FOR REFORM OF THE LAW. CALIFORNIA ALONE HAS SEEN THE PASSAGE OF 64 RESOLUTIONS OPPOSING THE PATRIOT ACT.

In response, ACLU members and allied organizations across northern California faxed, emailed, phoned, visited and wrote letters to their senators and representatives. Opinion editorials were published and organizations of the public were trained to advocate for PATRIOT Act reform.

The campaign hit the streets during the Fourth of July weekend when ACLU interns donned sandwich networks and the ethnic press, took place in San Francisco, Sacramento, Fresno and Napa, among other northern California cities. Participants paraded at the Golden Gate Bridge, Bay Bridge and Ferry Building. They urged the public to ask their Congressional representatives to help bring the PATRIOT Act in line with the U.S. Constitution.

The groundswell in opposition to the PATRIOT Act has been formidable. Seven states and more than 380 cities and communities around the country, representing more than 60 million people, have passed resolutions calling for reform of the law. California alone has seen the passage of 64 resolutions opposing the PATRIOT Act.

TO MONITOR ANTI-WAR PROTESTS SIMPLY BECAUSE OF THE MESSAGE THE DEMONSTRATORS SEEK TO CONVEY VIOLATES THE SPIRIT OF THE FIRST AMENDMENT AND THE COUNTRY’S LONG TRADITION OF POLITICAL DISSENT.

The protests, which were covered by major media networks and the ethnic press, took place in San Francisco, Sacramento, Fresno and Napa, among other northern California cities. Participants paraded at the Golden Gate Bridge, Bay Bridge and Ferry Building.

They urged the public to ask their Congressional representatives to help bring the PATRIOT Act in line with the U.S. Constitution.

The groundswell in opposition to the PATRIOT Act has been formidable. Seven states and more than 380 cities and communities around the country, representing more than 60 million people, have passed resolutions calling for reform of the law. California alone has seen the passage of 64 resolutions opposing the PATRIOT ACT.

ACLU-NC summer interns helping with the campaign over the Fourth of July weekend.

INTERN WHO PARTICIPATED IN THE SANDWICH BOARD DEMONSTRATIONS.

The protests, which were covered by major media networks and the ethnic press, took place in San Francisco, Sacramento, Fresno and Napa, among other northern California cities. Participants paraded at the Golden Gate Bridge, Bay Bridge and Ferry Building.

They urged the public to ask their Congressional representatives to help bring the PATRIOT Act in line with the U.S. Constitution.

The groundswell in opposition to the PATRIOT Act has been formidable. Seven states and more than 380 cities and communities around the country, representing more than 60 million people, have passed resolutions calling for reform of the law. California alone has seen the passage of 64 resolutions opposing the PATRIOT ACT.

KEEP AMERICA SAFE AND FREE. LEARN MORE AT WWW.ACLU.ORG

ACLU BLACK THUNDER (FEBRUARY 2005) | 7
DEFENSE DEPARTMENT MUST HAND OVER TORMENT PHOTOS TO ACLU

By Stella Richardson

In response to an ACLU lawsuit requesting torture documents under the Freedom of Information Act, a federal judge has ordered the U.S. Defense Department to hand over 144 photographs and four movies depicting detainee abuse by U.S. troops at Abu Ghraib prison in Iraq. The order was issued on June 1 by U.S. District Judge Alvin K. Hellerstein in New York.

“These images may be ugly and shocking, but they depict how the torture was more than the actions of a few rogue soldiers,” said Anthony D. Romero, executive director of the ACLU. “The American public deserves to know what is being done in our name. Perhaps after these and other photos are forced into the light of day, the government will at last appoint an outside special counsel to investigate the torture and abuse of detainees.”

The most recent court order is in response to a FOIA lawsuit, filed June 2, 2004, that generated the release of more than 35,000 pages of government documents on the treatment of detainees by the U.S. in Iraq, Afghanistan and Guantanamo Bay. The lawsuit was filed by the ACLU, the New York Civil Liberties Union and the Center for Constitutional Rights.

On May 26, the court reviewed, in camera, eight documents containing photographs and images of detainees at Abu Ghraib and ordered the government to redact the photographs and movies provided by Sergeant Joseph Darby to the Army’s Criminal Investigation Command.

Attorneys for the government had argued that turning over visual evidence of abuse would violate the United States’ obligations under the Geneva Conventions, but the ACLU argued that obscuring the faces and identifiable features of the detainees would erase any potential privacy concerns.

The court agreed.

“It is indeed ironic that the government invoked the Geneva Conventions as a basis for withholding these photographs,” said Amrit Sing, a staff attorney at the ACLU.

“The government genuinely adhered to its obligations under these conventions, it could have prevented the widespread abuse of detainees held in its custody.”

The ACLU expects redacted versions of the photographs and movies to be released in the coming weeks.

In April, the ACLU sent a delegation to the United Nations Commission on Human Rights 61st meeting in Geneva to urge the international body to take immediate action to address the torture and abuse of prisoners in the U.S.-controlled detention centers. The ACLU also brought the issues of racial profiling and the exploitation of migrant domestic workers to the commission’s attention.

“Nearly a year after the Abu Ghraib torture and abuses came to light, serious violations of human rights continue to be committed in U.S.-controlled detention centers around the globe,” said Jamil Dakwar, a senior human rights attorney with the ACLU. “No country is above the law, and the United States should not be permitted to violate fundamental human rights in the name of national security.”

The ACLU delegation made several urgent recommendations to the commission including a request that the U.S. government permit human rights experts and monitors to visit, at the earliest possible date, those persons arrested, detained or tried on grounds of alleged terrorism or other violations in Iraq, Afghanistan, the Guantanamo Bay military base and elsewhere.

In addition, the delegation urged other nations to call upon the U.S. to take effective measures to prevent torture and other cruel, inhuman, or degrading treatment of detainees in U.S. facilities; to ensure that all violations are thoroughly and impartially investigated; and to hold those officials who encouraged or sanctioned such actions accountable.

ACLU CONCERNED ABOUT O’CONNOR REPLACEMENT

By Yasmin Anwar

From reproductive rights to expanded police powers in the war on terror, much is at stake in the battle over who will replace outgoing Supreme Court Justice Sandra Day O’Connor, the swing vote in numerous controversial decisions.

President Bush has nominated appellate judge John G. Roberts Jr., a onetime White House lawyer who has accumulated a slim record as a judge. However, as deputy solicitor general in the George H.W. Bush administration, Roberts signed a brief on abortion financing that argued in a footnote that Roe v. Wade, which established a constitutional right to abortion, should be overturned because it “stands up for individual rights and against a radically conservative vision of the Constitution.”

For these and other reasons, the national American Civil Liberties Board is considering taking a position if it determines that the nominee’s judicial philosophy is “fundamentally hostile to civil liberties.”

“Justice O’Connor fully earned her reputation as a centrist; she was a conscientious jurist and, in a number of key cases, stood up for individuals against a radically conservative vision of the Constitution,” said Steven Shapiro, ACLU Legal Director.

The national board has voted to oppose only two nominees in its history: Justice William Rehnquist and former solicitor general and law professor Robert Bork.

O’Connor has provided the fifth vote in a number of high-stakes cases. The following are key 5-4 decisions that could be overturned if her replacement adheres to a conservative agenda favored by the Bush administration:

- Grutter v. Bollinger (2003) affirmed the right of state colleges and universities to use affirmative action in their admissions policies to increase educational opportunities for minorities and promote racial diversity on campus.
- Alaska Department of Environmental Conservation v. EPA (2004) said the Environmental Protection Agency could step in and take action to reduce air pollution under the Clean Air Act when a state conservation agency fails to act.
- Bush v. Ashcroft (2000) upheld state laws granting people the right to a second doctor’s opinion if their HMOs tried to deny them treatment.
- Planned Parenthood v. Casey (1992) broke with Chief Justice Rehnquist and other opponents of a woman’s right to choose as part of a 5-4 majority in affirming Roe v. Wade.
- Hunt v. Cromartie (2001) affirmed the right of state legislators to take race into account to secure minority voting rights in redistricting.
- Tennessee v. Lane (2004) upheld the constitutionality of Title II of the Americans with Disabilities Act and required that courtrooms be physically accessible to the disabled.

If you’re concerned about Justice O’Connor’s replacement, look for upcoming ways to take action on the national ACLU website at www.aclu.org. Also, let your Congressional representative know about your concerns.
DEER VALLEY HIGH STUDENTS WIN RIGHT TO RALLY

By Stella Richardson

When a group of high school students return to school this fall, they will be able to hold a peace rally and express their views on the war in Iraq. Deer Valley High School’s Students for Peace and Justice (SFJP) won the right to hold a rally under an agreement reached July 12 with the Antioch Unified School District. The ACLU of Northern California (ACLU-NC) represented the students in their talks with the school district.

The students asked permission in February to hold a rally, and planned to include a folk singer, student speeches, leaflets, banners and information about the war in Iraq and other social justice issues. Although students at Deer Valley High commonly use the school’s sound system for campus activities, and the school has even allowed the U.S. military and radio station K-Vision to play music on campus, the principal denied the students’ request. The principal expressed concern that the anti-war message was disrespectful of the military and might offend people.

“The U.S. Supreme Court has recognized that high schools are important forums for free speech and political debate,” said Julia Harumi Mass, staff attorney with the ACLU-NC. “As students prepare to participate in society as adults, schools should encourage independent thought and dialogue about current events, even controversial ones. School administrators cannot silence students because they disagree with the students’ message.”

With the assistance of the club’s advisor, the students submitted a revised plan for a rally on March 17, and the principal initially agreed to allow the rally to go forward. However, the principal then restricted the students to a rally without the use of the school’s sound system, and the day before the planned rally, withdrew permission for the event altogether. The school also placed the two primary organizers of the rally on two-day on-campus suspensions for allegedly harassing a military recruiter at the school, starting the day of the planned rally.

Patrick Edelbacher, one of the two students suspended, said: “If we prohibit forum and debate within our public schools, our democratic ideals will become meaningless.”

“Young people have a right to express their viewpoints, even if we disagree with them. But it is far more important that the students are allowed to express their viewpoints than that the government has the right to determine which points of view are valid and which are not.”

Patrick Edelbacher, one of the two students suspended

The ACLU is among the organizations leading the court fight.

The law never actually took effect. Because of the ACLU case, the law never actually took effect.

For these and other reasons, the ACLU-NC has been challenging parental consent efforts since the California law was passed in 1987.

Because of the ACLU case, the law never actually took effect.

In 1992, the San Francisco Superior Court issued a permanent injunction barring the enforcement of the law, and that ruling was upheld by a state appeals court.

In 1992, the San Francisco Superior Court issued a permanent injunction barring the enforcement of the law, and that ruling was upheld by a state appeals court.

The court concluded that the consent law violates privacy and actually undermines its stated goals of protecting the health and welfare of adolescents and family harmony.

With the law found to be unconstitutional, parental consent advocates are now trying to get around the courts with this initiative to amend the California Constitution.

The ACLU is among the organizations leading the Campaign for Teen Safety to inform voters of the dangers of the initiative.

While all parents rightfully want to be involved in their teenagers’ lives, good family communication cannot be imposed by government.

This law puts vulnerable teenagers in harm’s way, or forces them to go to court. A terrified, pregnant teenager doesn’t need a judge, she needs a counselor.

VOTE NO on Prop 73 this November and Protect Teen Safety, ■
Dear Editor,

Your “70 Years for Justice” article was a compelling, but contained one significant error that requires correction. The statement that “Proposition 227 wrapped bilingual education” is incorrect. While the proponents of Proposition 227 likely had that goal in mind, what 227 actually did was establish “English immersion” as the default mode of instruction for English learners while maintaining—and, arguably, actually strengthening—parental choice. That choice includes the option of parents placing their children in classrooms using bilingual education techniques. Over 130,000 California students were enrolled in such programs during the 2003-04 school year. Bilingual education in California is alive and well and deserves our continued support and defense.

Sincerely,
James Zabrinuk

Dear Editor,

It seems pretty reasonable for people to wear ID tags when they are in buildings or on campuses. I wear a badge at work. To add a Radio Frequency Identification (RFID) to the badge does not seem to pose any threat to me.

The range at which an RFID tag can be read is a very significant variable, which was not mentioned in the article by Nicole Ozer. I share her discomfort at the notion that my driver’s license number might be obtained by an unknown person while I am riding a bus, or attending a political rally. But that is a very different situation than a school campus.

As for concerns about RFID on passports, while we might wish that we could travel around the world without such identification showing entry and exit stamps, that is not and never has been the world we live in.

Ozer might have noticed that blue passports embossed in gold with United States of America are easily identified as one passes through Passport Control. They don’t look anything like the red ones carried by British citizens. For that matter, it is easy enough to recognize Americans. We are the large people dressed in distinctly American style, with good haircuts. Yes, we may be able to distinguish ourselves from as far away as 30 feet. Unfortunately, even the projections of an ACLU attorney sometimes end up being too conservative.

With small and powerful readers entering the market, there is a very real danger that RFID-embedded identification documents would be read surreptitiously as an individual walks through a doorway or hallway, sits on a bus or train, or stands at a political rally.

Fortunately, the Identity Information Protection Act of 2005 (SB 682) is moving through the California state legislature. This bill will protect the privacy, personal safety, and financial security of Californians by prohibiting the inclusion of RFID tags in driver’s licenses, K-12 student identification cards, medical and benefit cards, and library cards. If you are interested in learning more about the privacy and security implications of RFID tags in identification documents or urging your legislators to support SB 682, please visit our website at www.aclunc.org.

Nicole A. Ozer
Technology and Civil Liberties Policy Director,
ACLU of Northern California

LETTERS TO THE EDITOR
L

ove from the Crest Theater in Sacramento, California, it’s the Al Franken Show! (Applause, cheers, and whistles.) Thus began a three-hour broadcast hosted by Sacramento’s Talk City 1240 radio on May 11th heard on over 64 radio stations throughout the country. This energy-filled theater provided a unique outreach opportunity for the Yolo County chapter of the ACLU of Northern California (ACLU-NC).

The Al Franken show is a clever combination of news and entertainment. The show often focuses on debunking lies presented on other radio and television broadcasts. There have been many moments in the last year where Franken has enthusiastically espoused lies spewed by Bill O’Reilly about the ACLU. In particular, the “Christmas Under Siege” series and the “ACLU is a terrorist organization” diatribe. Franken has dedicated a large chunk of his time on the air following those O’Reilly broadcasts to point out the positives of the ACLU.

In particular, the “Christmas Under Siege” series and the “ACLU is a terrorist organization” diatribe. Franken has dedicated a large chunk of his time on the air following those O’Reilly broadcasts to point out the positives of the ACLU. The Talk City 1240 crew, from the general manager to the on-air talent, sincerely appreciated our support and graciously offered to record PSAs as well as interviews on their local shows for any ACLU issues. Christine Craft, the host of the 4-6 p.m. local show, was particularly friendly to our volunteers. We continue to nurture this relationship and we will remember our exciting field trip to the Crest Theater in Sacramento.

Tabling at the Crest Theater—$1.240

Yolo County ACLU tee shirt—$20

Free Speech—PRICELESS •
After Sept. 11, 2001, Congress passed the USA PATRIOT Act under rushed circumstances, vastly expanding the government’s power to monitor Americans. Four years later, some of the PATRIOT Act’s most controversial provisions are scheduled to “sunset,” or expire at the end of the year. ACLU-NC Executive Director Dorothy Ehrlich answers questions about the debate over the sunset provisions and what the federal government’s growing investigative powers mean for our civil liberties.

The ACLU Forum is the place where you, our readers and members, can ask questions of our experts and share your comments with us. In each issue, we will focus on one or two specific topics.

We want to hear from you! For the fall 2005 issue, please send us questions about:

— Border Vigilanties a.k.a. Minutemen

We also encourage you to send letters to the editor on any of the subjects we cover, though we cannot print every letter or answer every question. Letters should not exceed 200 words.

Send your questions and comments to granddIan@aclunc.org or Letter to the Editor, 1663 Mission Street #460, San Francisco, CA 94103.

The ACLU Forum is the place where you, our readers and members, can ask questions of our experts and share your comments with us. In each issue, we will focus on one or two specific topics.

We want to hear from you! For the fall 2005 issue, please send us questions about:

— Border Vigilanties a.k.a. Minutemen

We also encourage you to send letters to the editor on any of the subjects we cover, though we cannot print every letter or answer every question. Letters should not exceed 200 words.

Send your questions and comments to granddIan@aclunc.org or Letter to the Editor, 1663 Mission Street #460, San Francisco, CA 94103.