

ACLU SUMMER 2010 news

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THE FUTURE OF THE ACLU: BROADER HORIZONS, STRONGER IMPACT

By Elaine Elinson

A new ACLU office in San Francisco serving as a hub for coalition meetings, election phone banks and educational forums. A federal court case opposing Arizona's notorious anti-immigrant law. Statewide mobilization against the Texas school board's decision to skew the social studies curriculum. National publicity for a Mississippi high school senior barred from her prom because she wanted to wear a tux and bring her girlfriend.

All of these were made possible because of ACLU-NC members' outpouring of support for The ACLU Campaign for the Future. This national effort, the largest fundraising effort for civil liberties to our knowledge, came to a successful conclusion on June 30.

"Our members can look at the strengthened capacity of affiliates that had limited resources and know that their gifts to The ACLU Campaign for the Future really made a difference," said ACLU-NC Executive Director Abdi Soltani.

STRATEGIC AFFILIATE INITIATIVE

Through the Strategic Affiliate Initiative (SAI), the Campaign has created stronger, more proactive ACLU affiliates in key regions of the country. These are places where civil liberties problems are significant — and opportunities for change abound. With this investment, affiliates have been able to

tackle difficult issues through an integrated strategy of litigation, public education and advocacy.

Here are three examples:

ARIZONA'S DEMAND FOR PAPERS

The ACLU of Arizona became a recipient of SAI funding just months before SB 1070, the most egregious anti-immigrant law in the country, was signed by the governor. With SAI support, the Arizona affiliate was able to increase its staff 100 percent, from 9 to 18. Within days of SB 1070's passage, the affiliate, along with the national ACLU Immigrants' Rights Project and MALDEF (Mexican American Legal Defense and Education Fund), filed a federal civil rights lawsuit to halt its implementation.

WHAT WE ACCOMPLISHED IN FIVE YEARS

Raised over \$25 million ✓

Purchased permanent home in
Northern California ✓

Invested in California programs ✓

Strengthened coast to coast impact ✓

Unified 389 ACLU donors and 68
volunteers in a historic effort ✓

Transformed the ACLU! ✓

The new law, which requires all people to show their papers to police on demand to establish their citizenship or immigration status, "turns Arizona into a police state," according to Arizona ACLU Executive Director Alessandra Soler Meetze. "You need to carry papers just to establish your innocence and legal status. There is a tremendous amount of fear, many Latinos are afraid to send children to school, afraid to contact police."

"The lawsuit and the ACLU's ability to rapidly mobilize political opposition — from the grassroots to the editorial board of the *New York Times* — shows that a strong local base in Arizona makes a difference for the country," explained Soltani.

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◆ BOARD ELECTION NOTICE ◆

The ACLU-NC Board of Directors, in accordance with changes adopted in the bylaws in 2003 (Article VI, Section 3 and Article VI, Section 4), have an election schedule as follows:

Nominations for the Board of Directors will now be submitted by the September Board meeting; candidates and ballots will appear in the Fall issue of the *ACLU News*; elected board members will begin their three-year term in January.

As provided by the revised ACLU-NC bylaws, the ACLU-NC membership is entitled to elect its 2010-2011 Board of Directors directly. The nominating committee is now seeking suggestions from the membership to fill at-large positions on the Board.

ACLU members may participate in the nominating process in two ways:

1. They may send suggestions for the nominating committee's consideration prior to the September Board meeting (September 16, 2010). Address suggestions to: Nominating Committee, ACLU-NC, 39 Drumm Street, San Francisco, CA 94111. Include your nominee's qualifications and how the nominee may be reached.
2. They may submit a petition of nomination with the signatures of 15 current ACLU-NC members. Petitions of nomination, which should also include the nominee's qualifications, must be submitted to the Board of Directors by October 6, 2010 (twenty days after the September board meeting). Current ACLU members are those who have renewed their membership during the last 12 months. Only current members are eligible to submit nominations, sign petitions of nomination, and vote. No member may sign more than one such petition.

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 fall issue of the *ACLU News*.

WELCOME TO THE ACLU NEWS. READ MORE AT WWW.ACLUNC.ORG

LETTER FROM THE EXECUTIVE DIRECTOR



BOB HSIANG PHOTOGRAPHY

This *ACLU News* marks the successful completion of the historic Campaign for the Future. Fundraising initiatives like this one are usually done for museums and universities. To my knowledge, an effort of this scale has never been undertaken for civil liberties.

As the Campaign comes to a successful conclusion after 5 years — raising \$25 million in Northern California toward \$135 million nationally — it is quite fitting that a group of generous donors has come together to name a wing of our new building in honor of Fran Strauss.

Fran is a real inspiration. At a recent meeting, covering a thorny topic she had discussed at least once before in her 50 years volunteering with the ACLU, Fran said with characteristic wit, “I know your struggle well.” Indeed she does, because the struggle of the ACLU has been Fran’s struggle.

And it is not just Fran. It is a generation of people who have measured their involvement in the ACLU not by days, weeks or months. But by years, decades, and half-centuries.

People like Howard Lewis, who fought the early ballot measures on racial discrimination in housing. People like Marlene DeLancie, who has helped build the ACLU into an enduring institution.

As we celebrate the conclusion of the Campaign, a momentous congratulations goes to every single person who has made the future brighter by making the work of the ACLU possible.

And it is your support that recently helped us get through a very challenging incident.

On Monday, July 19, our office received a call from police that a gunman who was stopped that weekend by the California Highway Patrol on 580 in Oakland had intended to target the ACLU and the Tides Foundation in San Francisco. We are incredibly thankful that he did not reach his destination and that none of the four Highway Patrol officers or anyone else was seriously injured.

As the next few days unfolded, we received messages of support from our members, partner organizations and ACLU affiliates throughout the country. I was inspired by our entire staff, who handled the matter calmly and kept doing their work.

We chose not to make public statements in the media about this incident — there were news trucks camped outside our office for two days. But I want you to know that we are incredibly grateful for your support that makes our work possible — and that not a day was wasted at the ACLU because of this incident.

Abdi Soltani

Abdi Soltani
Executive Director

VOLUNTEER JUDY ELLMAN'S 12 YEARS OF SERVICE



GIGI PANDIAN

Membership volunteer Judy Ellman has been volunteering with the ACLU of Northern California since 1998.

Recalling how she got her start, Judy said: “The ACLU sent a card in the mail about a telephone night. I came in, but panicked—‘I can’t do this.’ People were very nice. So I came by the next day and apologized and asked if there was something else I could do. I started helping with mailing out membership information to people who requested it, and helping with large mailings.”

She found her niche when she started sending out the monthly mailings to lapsed members, asking them to rejoin. She’s been faithfully coming into the office every month since then.

In her 12 years with the ACLU-NC, Judy’s mailings have resulted in 3,766 lapsed members rejoining the ACLU. Judy reflects the spirit of volunteerism that makes the work of the ACLU possible.

THE 2010 FRONTLINE RECEPTION

The ACLU-NC Foundation celebrated its civil rights advocacy on behalf of Lesbian Gay Bisexual Transgender communities at the annual FrontLine Attorney Reception on June 29.

This year’s event honored Matt Coles for his 15 years at the helm of the ACLU LGBT & AIDS Project and was generously underwritten and hosted by Orrick Herrington & Sutcliffe. ACLU-NC Executive Director Abdi Soltani and LGBT Project Director James Esseks addressed the lawyers and summer associates, describing the ACLU’s work to protect the constitutional rights of LGBT people and those living with HIV. Coles also acknowledged the support of the firm sponsors and host committee members whose contributions provide a portion of the financial support needed to lead this effort.



MICHAEL B. WOOLSEY

Above left: Matt Coles, James Esseks, Kelli Evans, Abdi Soltani. Directly above: L to R: Bonnie Akimoto, Daniel Galindo, Susanna Chase, Nishan Bhaumik. At left: Robert Nakatani, David Helbraun, R. Boone Callaway.

ACLU-NC AUTHORS' CIVIL LIBERTIES BOOK WINS CALIFORNIA BOOK AWARD

Wherever There's a Fight, How Runaway Slaves, Suffragists, Immigrants, Strikers, and Poets Shaped Civil Liberties in California, written by former ACLU-NC Communications Director Elaine Elinson and ACLU-NC Planned Giving Director Stan Yogi, was awarded the Gold Medal in the category of Californiana at the 79th California Book Awards. Since 1931, the California Book Awards have honored the exceptional literary merit of California writers and publishers.

Elinson and Yogi are pictured at the June 3 awards reception at the Commonwealth Club in San Francisco.



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OAKLAND GANG INJUNCTION: A FALSE SOLUTION

By Diana Tate Vermeire

During a recent visit to a youth center in Oakland, U.S. Attorney General Eric Holder said, “We don’t want to get tough on crime, we want to get smart on crime.”

Being smart on crime requires winning strategies to enforce existing laws today and invest in community programs that change the climate of violence over the long term. Oakland faces a serious problem with violent crime, but it is also a wonderful city that deserves meaningful, long-term solutions to its problems.

My husband and I are raising our young son just three blocks from the huge area of North Oakland covered by a proposed injunction. I understand the safety concerns, but this community does not need a false solution that fails to address the root problems of violence and gang activity.

Gang injunctions are court orders that criminalize everyday activities of people labeled gang members by relying on a lower burden of proof in the civil court system. In cities where gang injunctions have been issued, they have resulted in young black and Latino men — whether they are 16, 25 or 35 — facing harassment by police simply because of what they look like and where they live.

Our communities are less safe when police spend their time profiling and penalizing otherwise legal day-to-day activities, instead of truly addressing serious crime and violence. If someone has committed a violent crime, police can arrest them. The criminal justice system — along with its procedural protections and tougher sentencing — is the appropriate place for addressing these offenses against the community.

Some may look to San Francisco, which has enacted gang injunctions in several neighborhoods,

but it is impossible to compare San Francisco side-by-side with Oakland. The gang injunction in San Francisco’s Mission District, for example, covers just a few square blocks, compared with 100 square blocks in North Oakland. The Oakland Police Department’s relationship with the community is also far worse than the relationship between the community and the police in San Francisco.

IN CITIES WHERE GANG INJUNCTIONS HAVE BEEN ISSUED, THEY HAVE RESULTED IN YOUNG BLACK AND LATINO MEN — WHETHER THEY ARE 16, 25 OR 35 — FACING HARASSMENT BY POLICE SIMPLY BECAUSE OF WHAT THEY LOOK LIKE AND WHERE THEY LIVE.



Demonstrators opposed to gang injunctions at a San Francisco press conference in 2007.

A quarter-century after the first injunction was issued in Los Angeles, injunctions still aren’t working, and cities like Oakland are following a bad example. Thorough reports from the Justice Policy Institute and the Advancement Project conclude that, to prevent violent crime and gang activity, cities need to create job and education opportunities and fund social services for at-risk youth.

The City of Oakland has the opportunity to chart a different path and craft a winning public safety strategy that works. My family and neighbors deserve to feel safe, and truly be safe, in the city that we love.

Oakland should have the best public safety strategies in place. The measure of these strategies should be whether they work. Gang injunctions do not. ■

This Op-Ed by Diana Tate Vermeire, ACLU-NC’s Racial Justice Project Director, is adapted from one that originally appeared in the San Francisco Chronicle on May 26, 2010.

The ACLU-NC actively opposed the North Oakland injunction by filing an amicus brief and speaking publicly about concerns. The first version of the injunction proposed by the Oakland City Attorney was very broad and problematic. The version that a judge granted on a preliminary basis is far more narrow and tailored due to the ACLU-NC’s advocacy efforts, as well as community outcry.

LEGAL BRIEFS

By Rebecca Farmer

PROTECTING STUDENT FREE SPEECH

Five students at a high school in Morgan Hill were sent home on Cinco de Mayo for wearing T-shirts bearing the American flag. The students were reportedly sent home after the vice principal told them the shirts posed a safety issue on a day celebrating Mexican heritage. The ACLU-NC responded to the incident by sending a letter to the school superintendent, noting that punishing students for wearing T-shirts with the American flag is a clear violation of their free speech rights under the U.S. and California constitutions.

The letter points out that students’ wearing of the American flag wouldn’t have been controversial but for the interest of other students in celebrating their Mexican heritage on Cinco de Mayo. The right to wear an American flag every day except Cinco de Mayo would do little to advance the important work of the First Amendment, whose protections must be enforced every day.

The ACLU-NC also underscored that given the displays of the American flag created such a strong concern about disruption, it’s likely the school has underlying racial and cultural tensions that need attention. The ACLU-NC encouraged the school to use the incident as an opportunity to teach students about tolerance, diversity, and mutual respect. The school district has responded to the ACLU-NC expressing a commitment to address cultural and racial tensions.

MAKING STRIDES IN SEX EDUCATION JUSTICE

California has one of the country’s strongest comprehensive sex education laws, requiring medically accurate and bias-free curricula. Due in great part to the ACLU-NC’s work to craft and pass the law in 2003, California is also the only state that never accepted federal funding under the Title V abstinence-only-until-marriage program. A recent report from the Guttmacher Institute credits these factors as a core reason that California leads the nation in lowering teen pregnancy rates.

The ACLU-NC’s sex education advocacy now focuses on bringing all public schools into compliance with state law. Many school districts around the state are still using programs which primarily tell young people that sexual activity is only acceptable in the context of marriage.

For the past year, the ACLU-NC has been actively involved in supporting parents and community members in Sonoma County in their efforts to remove an abstinence-only-until-marriage program that provides inaccurate health information. This program and others like it exaggerate the failure rates of condoms and marginalize LGBT youth as well as students with LGBT parents. The ACLU-NC has helped parents in Fremont and Walnut Creek remove abstinence-only programs from their schools, and has begun working with community organizations in the Central Valley on sex education.

ADVOCATING DUE PROCESS FOR STUDENT PROTESTERS

Following protests around California against education budget cuts, student demonstrators at several universities faced harsh disciplinary crackdowns. The ACLU-NC stepped in on behalf of students facing questionable discipline at UC Berkeley, UC Santa Cruz and San Francisco State University, sending letters to university leaders.

The ACLU-NC’s role involves ensuring that universities follow due process in disciplinary proceedings and that the level of discipline of students is not connected to the content of their protests or intended to squelch further demonstrations.

The ACLU-NC sent a Public Records Act request to the SFSU president seeking documents about disciplinary procedures, and records of student expulsion and suspensions. The PRA request seeks to determine whether an SFSU student, who occupied a campus building along with 14 other students in a December 2009 protest, was given a disproportionately harsh punishment for his offense. The ACLU-NC’s letters to UC Berkeley and UC Santa Cruz raised constitutional concerns about those universities’ disciplinary responses to students’ acts of civil disobedience. We also produced a new Know Your Rights factsheet for university students who plan to engage in civil disobedience. ■

Rebecca Farmer is the Media Relations Director at the ACLU of Northern California.

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SACRAMENTO REPORT

By Tiffany Mok

Each year, lawmakers introduce thousands of bills to the Legislature. Your ACLU lobbying staff reviews every one. Following are updates on a few of the ACLU’s top legislative priorities in California.

FISCALLY SOUND CRIMINAL JUSTICE REFORM

As the state grapples with the budget deficit, the ACLU continues to herald fiscally sound criminal justice reforms. The ACLU is co-sponsoring Assembly Bill 2372 (Ammiano-D), which would raise the monetary value of property theft crimes eligible for grand theft convictions to \$950, an adjustment that accounts for inflation since the current level of \$400 was established in 1982. The Department of Corrections estimates the bill would lead to prison savings of \$68 million by reducing the numbers of low-level property offenders who would otherwise be sent to state prison. The bill has passed through the Assembly and faces the Senate Public Safety Committee.

GOOD SAMARITANS BILL MOVES TO SENATE

The ACLU has also been busy continuing to push Assembly Bill 2460 (Ammiano-D), which would provide limited immunity for certain crimes to “good samaritans” who contact emergency services about drug overdoses (including alcohol) and the victims they are seeking to save. Research has shown that fear of arrest or police involvement is the most significant barrier to people calling 911 for help in overdose situations. The Assembly voted to pass the bill, which now goes to the Senate.

SHACKLING PREGNANT WOMEN? BAD IDEA

This past spring, ACLU members lobbied on Assembly Bill 1900 (Skinner-D), a remedy for the tragic fact that

nearly two-thirds of county jails shackle pregnant women in ways that could cause miscarriage or other injuries. Assembly members agreed to support less barbaric practices, and voted to pass the bill 64-0. The Senate has already signaled that the journey through its house will be far more difficult.

RACIAL JUSTICE ACT STALLED IN SENATE

The California Racial Justice Act unfortunately will have to wait another year to pass through its first house, the Senate. Senate Bill 1331 (Cedillo-D), would create a procedure for the court to determine whether race is a significant factor in the decision to seek or impose the death penalty. Most Californians assume that death sentences are imposed based on the gravity of the crime. Unfortunately, there is significant evidence that race discrimination has long been a consistent feature of the state’s broken and costly death penalty system. The bill passed the Senate Public Safety Committee, but the Appropriations Committee decided that the bill costs too much and would have to wait another year to be considered further.

EMERGENCY REPAIR FUNDS FOR SCHOOLS AT RISK IN BUDGET CUTS

The ACLU continues to fight for funding for emergency repairs to school facilities where conditions pose an urgent threat to the health and safety of students and teachers. These emergency repair funds were part of the settlement agreement from the lawsuit *Williams v. State of California*.



In *Williams*, the ACLU and other organizations claimed the state was denying thousands of California students their fundamental right to an education under the California Constitution because it failed to give them the basic tools necessary for that education.

The settlement legislation included an agreement to provide sufficient instructional materials, qualified teachers and safe school facilities for the lowest performing schools in the state. In light of recent budget cuts the emergency repair funding has been eliminated or stalled despite the state’s settlement agreement. This year, the Governor has proposed, and the Legislature might agree, to give at least \$51 million to this program. ■

Tiffany Mok is a Legislative Advocate at the ACLU’s California Legislative Office..

LGBTQ STUDENTS ACROSS CALIFORNIA: YOU HAVE THE RIGHT TO BE YOURSELF

California has strong laws that require public schools to protect LGBTQ students from harassment and discrimination, but many educators, parents, and young people are not fully aware of these rights. Organizers from the ACLU-NC conducted trainings throughout California’s Central Valley on what the law says about LGBTQ students, how young people can advocate for themselves, and how schools can ensure they are protecting all their students.



Participants learned that schools must take complaints of anti-LGBTQ harassment seriously, and can’t prevent students from discussing LGBTQ issues in class. The trainings in Modesto, Fresno, Stockton, Chico, Salinas and Redding followed the release of the ACLU-NC’s Know Your Rights guide for LGBTQ students.

The guide is online at www.aclunc.org/lgbtq.

This outreach reflects stepped up efforts by the ACLU to be a resource to Central Valley communities on a range of issues.

Pictured at left: Darron Lewis from the Stanislaus Pride Center.

Guardians of Liberty: Sustaining Freedom’s Defense

☆ YOU MAKE THE DIFFERENCE ☆

Guardians of Liberty are a special group of members who make monthly donations that support our work defending the freedoms guaranteed in the Constitution and the Bill of Rights.

Your monthly gift of \$25, \$20, or even \$15 can provide the vital support that helps us to fight for all our rights whenever and wherever they are under attack.

The program is easy for you and efficient for us — with more of your contributions going right to work on our most urgent campaigns.



Help us fight against efforts to undermine our basic freedom. Become a Guardian of Liberty today!

Go to www.aclu.org/sustain to sign up online. It’s fast, easy, and secure.

TAKE ACTION ONLINE TO PROTECT CIVIL LIBERTIES: SIGN UP AT WWW.ACLUNC.ORG

INSPIRATION BECOMES EDIFICATION: HONORING FRAN STRAUSS

By Elaine Elinson

Fran Strauss has walked through many doors at the ACLU, and worked in many rooms — sometimes until the late hours of the night. As a board member, volunteer and fundraiser, Fran has done everything from addressing envelopes to designing new campaigns to debating civil liberties policy.

But this fall, Strauss — the first board member emerita of the ACLU-NC — will have the unique experience of walking into a wing of the ACLU-NC’s new offices named in her honor.

As part of The ACLU Campaign for the Future, five of her longtime ACLU colleagues and admirers — Andy Grimstad, Mary Wikstrom, Tom Lockard, Alix Marduel, and Al Baum — organized a group of 29 donors to pool their gifts to name the Development Department wing in honor of Strauss.

Grimstad, a former board member and an algebra teacher whose activism dates back to the civil rights movement, wanted to provide an opportunity for donors to pool their gifts in honor of someone who truly deserved public recognition. “Fran is one of those rare people,” said Grimstad, “who is not only committed to the ACLU, but is willing to go out and do everything it takes to sustain it.”

Lockard, an investment banker and former board treasurer, had been inspired by Fran’s love of life and commitment to the ACLU. Wikstrom and Marduel enthusiastically agreed.

Together with Al Baum, another former ACLU-NC treasurer and a “98% retired psychotherapist,” they contacted donors with the idea. The response was overwhelming.

A Bronx native, Strauss became active in the ACLU in 1953, when she and her husband, the renowned medical sociologist Anselm Strauss, moved to Chicago. There, she worked in the Illinois ACLU affiliate office — doing whatever had to be done — and served on the affiliate’s board.

When Strauss moved to San Francisco in 1960, she brought her ACLU commitment with her. In 1970, she established the Complaint Desk. Then, as now, the desk is completely staffed by volunteers who field calls every day from people with civil liberties problems. She helped to reorganize the San Francisco Chapter and soon became the chapter representative to the ACLU-NC affiliate board.

In 1975, Strauss was elected as an at-large member and treasurer of the board. Her sharp mind, wit and joie de vivre made her a valued ambassador for the organization. When she launched the very first Bill of Rights Day Celebration in 1975, she filled the Geary Theater and created an instant tradition.

In the 1980s, Strauss was a founding member of the Development Committee. She has served on the committee continuously for a record 28 years — and counting. A visionary leader, she helped create the affiliate’s highly successful major gifts program, which is based on the philosophy of personal outreach and contact with supporters.

“Her passion and dedication,” says Lockard, “have helped secure a sound financial base for the ACLU-NC for years to come.”

“The ACLU to me is the heart of my life,” says Strauss. “The people I’ve come to know, the work we do together, what I’ve learned about civil liberties — it’s all so bloody important.

“I was absolutely flabbergasted when Tom and Andy told me about this honor — and it brought back years and years of memories. I guess it’s a wonderful cap to a long-term commit-



ment — and I’ll be continuing to support the ACLU as long as I’m around.”

This is not the first time Strauss is being honored by the ACLU. In 1989, she was given the Lola Hanzel Advocacy Award for her extraordinary contributions as a volunteer and in 1997 she was named the first member emerita of the board.

Her former board colleagues Baum, Lockard and Grimstad were able to pull off a rare feat: create something important at the ACLU-NC that she was not in the middle of planning. Because of their efforts, Fran Strauss’s myriad contributions to the organization that she helped build will serve as an inspiration to future generations of activists as they follow her footsteps through the doors of the ACLU. ■

THE ACLU CAMPAIGN FOR THE FUTURE CONTINUED FROM PAGE 1

TEXAS TEXTBOOK TRAVESTY

With its extensive report, *Learning in Texas Classrooms*, the ACLU of Texas shed a national spotlight on the State Board of Education’s attempts to infuse the curriculum for 4.7 million school children with an ideologically right-wing bias. SAI funding bolstered the affiliate during this strenuous debate, adding 12 positions and doubling its litigation staff.

But the state board shocked educators around the state and the nation with the new curriculum they adopted this spring. It removed teaching about farm worker leader Cesar Chavez because he “lacks the stature” and should not “be held up to our children as someone worthy of emulation.” It decided that Jefferson Davis’s inaugural address, as the leader of the Confederacy during the Civil War, should be taught along with Abraham Lincoln’s speeches. It removed Thomas Jefferson’s statements on separation of church and state, and struck the word “democratic” from the description of the U.S. Government, instead terming it a “constitutional republic.”

Now the ACLU of Texas is trying to stop the spread of this unbalanced curriculum, which was widely condemned by historians, educators and even President Bush’s secretary of education. Because Texas is the second largest textbook market in the country, its decisions can impact curricula in other states. And the Texas ACLU is providing a homegrown voice.

MISSISSIPPI’S PROM PREJUDICE

When Mississippi high school officials canceled the prom rather than let a lesbian high school student attend with her girlfriend and wear a tuxedo, they probably did not expect that their prejudices would be exposed on national TV.



Some of The ACLU Campaign for the Future volunteers and staff. Bottom: David Blazeovich, Ron Tyler, Abdi Soltani, Marshall Krause, Wendy Baker. Middle: Dick Grosboll, Quinn Delaney, Howard Lewis, Cheri Bryant, Cori Stell, Al Baum. Top: Susan Freiwald, Nancy Pemberton, Peter Yessne, Kathleen Bennett, Linda Lye, Marina Hsieh, Suzanne Irwin-Wells, Lee Lawrence, Dennis McNally.

But with the support of the ACLU, 18-year-old senior Constance McMillen was able to tell her story to Ellen DeGeneres and *People* magazine. “All I wanted was the same chance to enjoy my prom night like any other student. But my school would rather hurt all the students than treat everyone fairly,” said McMillen.

The Mississippi ACLU, backed by the national legal and communications departments, moved quickly to support McMillen.

Mississippi executive director Nsombi Lambricht, once the only ACLU staff member in the state, explained that because of SAI support, she was able to add an attorney, a paralegal and media, community outreach and development staff. “I can’t say enough about the victories we’ve been able to achieve with our expanded capacity,” said Lambricht.

NEW HEADQUARTERS, STRONGER ADVOCACY

The ACLU Campaign for the Future has also created important advances here in Northern California. The most concrete is the affiliate’s ownership of its new headquarters in San Francisco — a centrally located office that is already serving as a hub for the civil liberties community.

The Campaign has also allowed the ACLU-NC to strengthen and expand its programs.

The legal department hired two full-time legal fellows, who have tackled work in the arenas of educational equity, police abuse and race discrimination. The legislative office expanded for the first time in 20 years, adding a second legislative advocate to focus on immigration, voting rights and education.

Campaign funds also support the directors of the highly-acclaimed Technology and Civil Liberties Policy Project and Death Penalty Project. With the support of an additional communications strate-

gist, an expansive media campaign is working to shift public opinion against capital punishment through effective use of op-eds, letters to the editor, and new media.

“Even in this time of recession, the outpouring of support from committed ACLU-NC donors has enabled the affiliate to protect its core programs and priorities,” said Nancy Pemberton, Chair of the Board. “The ACLU Campaign for the Future will enable our organization to better protect the civil rights of those who reside in California and every state.” ■

Elaine Elinson is a former Public Information Director at the ACLU of Northern California.



SHAYNA GELENDER

The ACLU of Northern California's contingent at the 2010 San Francisco Pride Parade.

THE PRESIDENT AND HOSPITAL VISITING

An opinion piece by Matt Coles, Director of the National ACLU Center for Equality, who previously served as a Staff Attorney at the ACLU-NC in the 1980s.

Early in 1978, I hung out a shingle and began practicing law with three friends on Castro Street in San Francisco. It was before HIV turned all our lives upside down, but we soon realized that hospital ICU visitation policies were a big problem for the LGBT community. So many lesbians and gay men in those days had come to San Francisco because life elsewhere was impossible. They'd built families because they were rejected by their "natural" families. But most medical facilities didn't recognize those families.

My law partners and I sat down and created a very official sounding document called a "Hospital Visit Authorization." It purported to direct the hospital to let a person named by the patient visit if visiting were restricted. We also tried to create a medical power of attorney so partners could make medical decisions. We didn't have any legal authority for any of this. We just made the stuff up. And more times than I care to remember, I bluffed my way through confrontational phone calls with hospital administrators and lawyers. I'm pretty proud of the fact that most of the time I got them to back down.

But in the ensuing 30 years (ok, 30 plus years), the problem didn't go away. In the first Domestic Partnership laws, hospital visiting was something we always included. Just three years ago, a story we used in a video about a man whose partner died alone because of a hospital visitation policy broke my heart.

Maybe that history is why I got a genuine all-American

lump in my throat when I read President Obama's April 15 Memo to Kathleen Sebelius on Hospital Patients. I'm still a geeky lawyer at heart, so I loved the substance of the memo. The President told Sebelius to use her power to make rules for hospitals that get Medicaid and Medicare—virtually all hospitals. So it isn't a classic regulation; if you don't want to comply, you don't have to. You just can't get paid by Medicare if you don't. Cute. Moreover, by doing that, the President was using the federal power to spend—the broadest of the federal government's powers.

But it was the President's explanation of why we needed the new policy that got me misty:

"There are few moments in our lives that call for greater compassion and companionship than when a loved one is admitted to the hospital. In these hours of need and moments of pain and anxiety, all of us would hope to have a hand to hold, a shoulder on which to lean — a loved one to be there for us, as we would be there for them."

Yes. Exactly. He went on:

"Yet every day, all across America, patients are denied the kindnesses and caring of a loved one at their sides — whether in a sudden medical emergency or a prolonged hospital stay. ...Also uniquely affected are gay and lesbian Americans who are often barred from the bedsides of the partners with whom they may have spent decades of their lives — unable to be there for the person they love, and unable to act as a legal surrogate if their partner is incapacitated."

I felt like the man had been there with me in the early 80s when we were trying to get partners into ICUs with people who had GRIDS (the first name for what we now call AIDS). Did I mind that the memo talked about straight widows or nuns? Not at all. I want him not just to issue orders but to make Americans understand. And this memo works hard to do that.

As I walked home after reading the memo, I realized that after this order, those "Hospital Visit Authorizations" and local domestic partnership laws will soon not just be unnecessary. They'll soon be forgotten, not even a historical footnote. So I went home and poured myself a small glass of old whiskey (ok, not that small) to celebrate the irrelevance of something I worked hard on when I was a young lawyer. How sweet it is to become beside the point. ■



MICHAEL B. WOOLSEY

Matt Coles

UPDATING ELECTRONIC PRIVACY LAWS

Electronic privacy law hasn't been updated since 1986. That's right, the federal law that is supposed to be protecting our digital privacy was written 24 years ago — when Ronald Reagan was President, mobile phones were bigger than your head, and the World Wide Web didn't even exist!

The longer our privacy law remains out of date, the more your privacy is at risk. Every time you log on, you leave digital footprints behind. Once information about who you are, where you go, and who you know is collected by private companies, outdated privacy law makes your personal information easily accessible to a spying government.

With your help, the ACLU has been pushing Congress to update privacy law and we're gaining momentum — Congress has already held two hearings.

But privacy laws don't auto-update. We need your help to demand a privacy upgrade. Please visit www.dotrights.org/take-action to learn more and email your Congressional representative.

PRIVACY 2.0



NOT A CARD-CARRYING MEMBER? JOIN AT WWW.ACLUNC.ORG

WHAT A DIFFERENCE A CHAPTER MAKES

By Ashley Morris

This spring, ACLU of Northern California chapters played a key role in raising awareness of the positions of candidates for district attorney, arguably the most powerful and least-known elected office. Through the ACLU-NC’s “What a Difference a D.A. Makes” campaign, chapter members highlighted the local importance of D.A.s in the June 8 elections and created opportunities for candidates to speak directly with voters.

Despite the fact that many District Attorney candidates run unopposed, Humboldt County found itself with a highly contested race between three candidates. The Redwood Chapter of the ACLU of Northern California used the opportunity to engage with the person who would soon be the top law enforcement officer in the county.

On tax day, the Chapter brought together all three candidates, along with activists and media makers, to produce the chapter’s first televised candidate debate. The debate, which aired live and re-aired several times on local public television station Access Humboldt, included prepared questions on police accountability, juvenile justice reform, the Three Strikes Law, corrections spending, and drug laws.

Days after the debate, one candidate withdrew from the race. In a surprising turn, neither of the two remaining candidates garnered even 40% of the vote, sending the two of them to a November run-off election.

The Redwood Chapter plans to host a follow-up debate prior to the November election. According to Board Member Charles Douglas, “Thanks to chapter activists and the campaign, thousands of local voters heard more civil liberties-oriented questions, along with answers from the next District Attorney of Humboldt County.”

One of the hottest races in Northern California was the Sonoma County race between incumbent Stephan Passalacqua and challenger Jill Ravitch. Rather than coordinate

a live debate, the Sonoma County Chapter opted to provide both candidates with a questionnaire including questions on a broad range of civil liberties topics, from drug laws to local immigration enforcement.

Both responded, and the chapter made their responses available on its website. To reach a broader audience, the chapter also released a statement to local press inviting members of the press and the public to visit the chapter website to review the candidates’ survey responses.

Getting engaged in the D.A. race is important not only in counties with contested races, but also those where the candidate is running unopposed. In Marin County, Chapter Chair George Pegelow was able to secure a meeting with D.A. Ed Berberian, in which they were able to have a frank conversation about restorative justice for youthful offenders, the youth courts, and the death penalty—a sentence which D.A.s determine whether and when to pursue.

In Alameda County, Paul Robeson Chapter leaders attended several events at which interim D.A. Nancy O’Malley made appearances, using them as opportunities to ask questions of the unopposed candidate and to provide her with educational materials.

These chapters’ efforts are a crucial part of our criminal justice reform work. ■

Ashley Morris is an Organizer at the ACLU of Northern California.

ACLU CALIFORNIA AFFILIATES ENDORSE PROPOSITION 19

Enforcing laws against marijuana consumes a great deal of California’s law enforcement resources, and has a disproportionate impact on communities of color.

The ACLU of Northern California, along with the ACLU of Southern California and the ACLU of San Diego and Imperial Counties, endorses Proposition 19. Proposition 19 is the initiative on the November 2010 ballot that would allow adults 21 and older to possess and grow small amounts of their own marijuana for personal use, and would allow cities and counties to regulate and tax commercial sales.

Unless individual cities and counties enact local regulatory structures, marijuana sale would remain illegal under state law.

More information is available online at www.aclunc.org.

BERKELEY/NORTH EAST BAY CHAPTER BRINGS IMMIGRATION ISSUES TO LIGHT

By Jim Hausken, Chair of the ACLU-NC Berkeley/North East Bay Chapter

The idea of an immigration forum was already on Joel Marsh’s mind five years ago when he joined the board of the Berkeley/North East Bay Chapter. For three years, Joel helped bring together immigration law specialists, ACLU activists, and sizeable portions of West Contra Costa County’s Latino populations.

In April, the fourth annual immigration forum filled a packed room at the Richmond Public Library, which co-sponsored the event.

The annual forum is a response to real and ongoing problems in Richmond and San Pablo. Forty-eight hours earlier, across the street from the library, the gymnasium at St. Cornelius church was packed with people who gathered to vent their anger and frustration over a police “DUI Checkpoint” set up outside the heavily Latino church at 6 p.m. during Holy Week. Residents say the police are using the checkpoints primarily to target and harass Latinos.

Speakers at the Immigration Forum included ACLU-NC Staff Attorney Julia Harumi Mass, Ramon Cardona of Centro Latino Cuzcatlan, Isaac Menashe of the California Immigrant Policy Center, and West County School Board Trustee Antonio Medrano. Dr. Amahra Hicks from Black Alliance for Just Immigration spoke of ways to get together people from different backgrounds with similar immigration problems. Immigration attorney Michael Epstein answered questions about individuals’ particular problems.

Richmond Mayor Gayle McLaughlin addressed the group, stressing her commitment to working to make Richmond a

more welcoming place for immigrants. The question and answer part of the evening reflected community concerns with both the bigger picture — comprehensive immigration reform — and local issues such as police interactions with immigrants.

The Berkeley/North East Bay Chapter plans to maintain the forum tradition. The relationships built in the process help those of us who share the same concerns to work together to defend the rights of immigrants. These alliances were always important in Joel Marsh’s planning. He died April 4. I wish that he could have lived a little longer to have seen the successful fruition of his efforts. ■



Rally for immigrants’ rights in Oakland on May 1, 2010.

Members of the Berkeley/North East Bay Chapter interested in being on the ballot for election to open chapter board seats should get their forty-word maximum statements for voters’ ballots submitted by September 3, 2010. Please send to Berkeley/ North East Bay Chapter ACLU, PO Box 11141 Berkeley, California 94712-2141 or acluberkeley@gmail.com. Questions? Call Jim at (510) 558-0377.

GET INVOLVED! CHAPTERS AND CLUBS IN YOUR COMMUNITY

Northern California Chapters

- Berkeley/North East Bay
- Chico
- Greater Fresno
- Mt. Diablo
- Marin County
- Mid-Peninsula
- Monterey County
- North Peninsula (Daly City to San Carlos)
- Paul Robeson (Oakland)
- Redwood (Humboldt County)
- Sacramento County
- San Joaquin
- Santa Clara Valley
- Santa Cruz County
- Shasta-Tehama-Trinity Counties
- Sonoma County
- Stanislaus County
- Yolo County

Campus Clubs

- Golden Gate University
- Santa Clara University Law
- Stanford University
- UC Berkeley
- UC Davis King Hall Law

Get contact information at
WWW.ACLUNC.ORG/ACTION/CHAPTERS
or by calling (415) 621-2493 x369

ASK THE EXPERTS!

IMMIGRANTS' RIGHTS



BOB HSIANG PHOTOGRAPHY

Julia Harumi Mass

Arizona's new law is a watershed moment for its blatant disregard of America's most fundamental values of fairness and equality. Staff attorney Julia Harumi Mass explains what the ACLU — and all of us — can do to reject the criminalization of immigrants.

THE ACLU HAS LAUNCHED AN ALL OUT ATTACK ON THE NEW ARIZONA LAW, SB 1070, REQUIRING POLICE TO DEMAND "PAPERS" FROM PEOPLE THEY STOP WHO THEY SUSPECT ARE NOT AUTHORIZED TO BE IN THE U.S. WHY?

We believe that the law is unfair, unwise and unconstitutional. This law makes all of Arizona's Latino residents, and others who appear foreign, potential criminal suspects. Racial profiling is already rampant in Arizona, and if allowed to stand, this law will make it worse. The ACLU's opposition is rooted in another core concern: this law undermines public safety by diverting scarce security resources toward false threats and eroding trust between law enforcement and immigrant community members—including U.S. citizens and others who are lawfully present.

IN WHAT WAYS DOES SB 1070 VIOLATE THE U.S. CONSTITUTION?

Our Constitution assigns responsibility for immigration to the federal government, not the states. Arizona's attempt to create its own immigration laws and its own immigration enforcement system violates this allocation of authority. The law also chills the free speech of people in Arizona who may be perceived as foreign based on their language or accent, including people like day laborers who are looking for work.

WHAT IS THE ACLU DOING TO OPPOSE THE ARIZONA LAW?

The ACLU and a coalition of civil rights groups have filed a class action lawsuit in the U.S. District Court for the District of Arizona. We intend to stop the law from being enforced.

WHAT SHOULD LOCAL POLICE AND SHERIFFS DO ABOUT ILLEGAL IMMIGRATION?

Without a doubt, the fact that many people living in our cities and towns lack immigration authorization creates challenges for local officials, including law enforcement. The ACLU is in the midst of an ongoing project to talk with community members and law enforcement leaders to develop model practices. The goal is to allow local police to focus on crime-fighting priorities and avoid the unnecessary burden of immigration enforcement, which is costly in terms of strained law enforcement budgets and community policing efforts. Some of these suggestions include:

- accepting reliable forms of non-U.S. issued identification, a simple step that will help eliminate arrests for offenses that merit only citations, like jaywalking or driving with expired registration tags;
- refraining from asking questions about citizenship and immigration status in the booking process; and
- limiting the use of checkpoints to areas and times where they are most likely to identify drunk drivers, rather than using them to generate profits for towing companies by impounding the cars of poor immigrant families.

ARIZONA SAYS "SHOW US YOUR PAPERS."
WE'LL SHOW THEM THE CONSTITUTION!

DO UNDOCUMENTED PEOPLE HAVE CONSTITUTIONAL RIGHTS?

All of us — including undocumented immigrants — are protected by our Bill of Rights. The Constitution established the "right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures," and the rule that "no person shall be deprived of life, liberty or property without due process of law." It also decrees, "no state shall ... deny to any person within its jurisdiction the equal protection of the laws." There are many other laws, including labor laws, that apply to people regardless of citizenship or immigration status.

THERE'S BEEN SOME SCATTERED REPORTING IN THE MEDIA ABOUT A NEW FEDERAL PROGRAM CALLED SCOMM. IS SCOMM GOOD NEWS OR BAD NEWS?

Bad news. SCOMM is a new program, devised by the federal Immigration and Customs Enforcement agency (ICE), to use the criminal justice system to channel immigrants into the deportation system, regardless of whether they have been convicted of a crime. It works by checking the fingerprints of anyone arrested by the local police against Department of Homeland Security databases — even people arrested for minor infractions, and even if they are or turn out to be innocent.

ICE says that the intent of SCOMM is to apprehend serious criminals. But because it happens at the booking stage, we know that SCOMM is specifically designed to identify people who have not been convicted of any crime. Like other forms of police/ICE collaboration, SCOMM drives a wedge between immigrant crime victims and the police, burdens local law enforcement agencies with the costs of civil immigration enforcement, and creates an incentive for police to engage in racial profiling.

DO COMMUNITIES HAVE TO PARTICIPATE IN SCOMM?

No law or rule mandates that communities participate. ICE has not made clear the process for opting out, and we are pressing them to do so. The ACLU and many other civil rights organizations are urging the California Attorney General and local law enforcement agencies to reject SCOMM. We are also working hard to ensure that everyone, and particularly Spanish speakers, understand their rights should they be questioned by the police, the FBI or ICE.

MOST PEOPLE AGREE THAT OUR IMMIGRATION SYSTEM IS BROKEN. WHAT TYPES OF REFORMS WILL CREATE A FAIRER, MORE WORKABLE SYSTEM?

The current immigration system has proven to be insufficient to respond to domestic demands for immigrant labor and global forces that contribute to migration. That's why the ACLU of Northern California has adopted policies to support federal immigration reform, including reforms that will give people living here the opportunity to register with the government, become legal, pay taxes, and experience the benefits and responsibilities of citizenship.

Immigration reform ideas that the ACLU opposes are calls for a national ID card or biometric employment authorization card and mandating local and state policing of immigrants.

On a regional level, ACLU-NC is undertaking an extensive effort to reach out to community members and law enforcement agencies to identify the practices that result in civil rights violations, and propose solutions. We bring the concerns of the community to our meetings with police departments across the region, and use our legal knowledge and practical experience to help the police to better manage the challenges they face. If we get creative, we can identify solutions that aid law enforcement and simultaneously bolster the safety of immigrants in our communities. ■

ACLU-NC Staff Attorney Julia Harumi Mass is an expert on immigration issues.

HOWARD A. FRIEDMAN FIRST AMENDMENT EDUCATION PROJECT TACKLES IMMIGRATION FOR THEIR ANNUAL SUMMER TRIP

This August, the Friedman Education Project will embark on its annual summer field investigation for young people, entitled Crossing Borders, Borders Crossing: A Youth Investigation into Immigration and Migration Rights and Histories.

Over twenty participants, from around Northern California, age 14 to 18, will travel around the state meeting with various organizations and communities about immigration and migration histories, policies, perspectives, experiences, visions, and solutions. In the fall, the Youth Activist Committee will develop activism and communications projects to share what they learned, to pass on stories and visions for change, and to continue the fight for justice. Stay tuned for more information about the trip in the fall issue of the *ACLU News*.