

ACLU WINTER 2004 news

BECAUSE FREEDOM CAN'T PROTECT ITSELF

VOLUME LXVIII ISSUE 1

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HISTORY IN THE MAKING: SAME-SEX COUPLES WED AT CITY HALL

They stepped out of San Francisco's City Hall and into the history books. Thousands of same-sex couples braved wind, rain, and the wrath of the anti-gay lobby this February, waiting hours for a simple privilege that had been denied them for years: a marriage license.

"We've waited 51 long years for this day, for the right to get married," said Del Martin, 83, and Phyllis Lyon, 79, the first couple to wed at City Hall on Feb. 12, 2004. "We've been in a committed and loving relationship since 1953."

Martin and Lyon were one of more than 3,000 gay and lesbian couples to tie the knot in San Francisco after Mayor Gavin Newsom, on just his 35th day in office, directed city officials to issue marriage licenses to same-sex couples.

Spurred by President Bush's advocacy of a constitutional amendment banning same-sex unions, Newsom was determined to take action. After consulting with legal advocates for the LGBTI community, including ACLU of Northern California (ACLU-NC) staff attorney Tamara Lange, Newsom took a bold step. He instructed the City Attorney's office to amend the City's marriage license to make the language gender-neutral.

Newsom explained that he had taken an oath to uphold the California constitution, including its promise of equal protection for all Californians. "What we were doing before last Thursday [Feb. 12], from my perspective, was clearly, by any objective, discriminatory," he told CNN.

On Feb. 12, 2004, the City and County of San Francisco began granting marriage licenses to same-sex couples.

ACLU STAFF WITNESS FIRST WEDDING

"It was profoundly moving," says ACLU-NC associate director Bob Kearney. "What had been about politics and strategy all week was brought back down to what really matters: an intimate, personal relationship between two people who want nothing more than to pledge their lives to one another."

ACLU staffers Kearney and Lange witnessed the marriage of Lyon and Martin, and those of four other couples to wed



Couples line up outside City Hall, Feb. 17, 2004

that first day.

Lyon and Martin met in Seattle in 1950, moved to San Francisco, and bought a house together in 1955. Lyon worked as a journalist; Martin as a bookkeeper, and together the women fought for LGBTI rights. As gay seniors, Martin and Lyon faced an extraordinary set of issues: would they be allowed to share a room in a nursing home? What would happen to one when the other passes away?

Now that they are married, they have achieved a lifelong dream. "Del and I vowed on February 12, 2004, to 'love and comfort, honor and keep in sickness and health, for richer or poorer, for better or for worse and be faithful as long as we both shall live,'" says Lyon. "While we have lived these vows for all our 51 years together, it was very meaningful and important to do so as intended legal spouses."

As Lyon and Martin exchanged vows, [continued on page 6](#)

PATRIOT ACT ANTIDOTE: THE SAFE ACT

By Bob Cuddy, *ACLU News Contributor*

Over the last two years, a vigorous and broad-based citizen campaign has persuaded local and state governments to adopt resolutions opposing the USA Patriot Act. Now, with the 260th resolution passing in March 2004, and a storm brewing in Washington, DC, over the reauthorization of controversial provisions that sunset next year, civil libertarians are ready to up the ante. "It's time to pressure Congress to bring the Patriot Act back in

line with our Constitution," says Dorothy Ehrlich, executive director of the American Civil Liberties Union of Northern California (ACLU-NC).

"We want to build on the city council resolutions at the national level," says Bob Kearney, associate director of the ACLU-NC. "And we don't just want people to get angry: We want them to get active."

The target of reform efforts is a bill that is currently before Congress. The SAFE Act—SAFE stands [continued on page 4](#)

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NEW CALIFORNIA MEDIA AWARDS



ACLU of Northern California executive director Dorothy Ehrlich (right), with award-winner Tram Nguyen of *ColorLines*, presented the awards for best civil liberties journalism at the New California Media (NCM) ethnic media awards ceremony on November 18, 2003. The ACLU-NC was proud to participate in NCM's annual EXPO and awards, which brought together over 2,000 people to celebrate and learn about the ethnic media's growing role in public communication. NCM is a nationwide association of over 700 varied ethnic media organizations.

SHAPIRO LUNCH

DONORS GET INSIDE VIEW OF SUPREME COURT

By Stan Yogi, *Planned Giving Director*

Local members of the ACLU's DeSilver Society got the scoop on last year's U.S. Supreme Court term from Steven Shapiro, national ACLU legal director, at a special lunch on November 14.

Shapiro explained that although the Court ended its year with two important decisions promoting civil liberties—upholding the University of Michigan's law school affirmative action program, and extending to lesbians and gay men the fundamental right to establish intimate, personal relationships—earlier decisions, including the validation of California's draconian "Three Strikes" law, undercut civil liberties. Shapiro predicted that if the justices uphold a lower court ruling in the California case challenging the constitutionality of the words "under God" in the Pledge of Allegiance, the ACLU will be fighting against a constitutional amendment to retain those words in the Pledge.

Later that day, Shapiro spoke to members of the ACLU's Lawyers Council, which includes hundreds of lawyers from

the legal, academic, public interest, and business communities, whose leadership and financial commitment support the ACLU of Northern California's work. That evening, he met with contributors to the ACLU's endowment campaign.

The DeSilver Society is the ACLU's special recognition group for supporters who have included the ACLU in their estate and financial plans. The ACLU appears before the U.S. Supreme Court more often than any other body or organization except the Department of Justice. Shapiro heads a team of over 50 lawyers in the ACLU's legal department, and oversees the ACLU's strategy and presentation of cases in the nation's highest court. ■



ESTATE PLANNING IN A CHANGING TAX WORLD

Shifting estate tax laws have implications for individuals and couples who have previously set up a Will or Living Trust and also for those who haven't yet done so.

IF YOU'RE INTERESTED IN LEARNING ABOUT:

- How the latest estate planning rules affect your existing plans
- How to establish an estate plan based on current laws
- How to include the ACLU in your estate plans

Please join us for a special seminar with estate planning attorneys.

Refreshments will be served at 6:30pm, and the seminar will begin promptly at 7:00pm. Space is limited, so reserve your place now by returning the form below or calling Stan Yogi at (415) 621-2493, ext. 330, or e-mailing syogi@aclunc.org.

- YES, I WOULD LIKE TO ATTEND THE BASICS OF ESTATE PLANNING PLEASE RESERVE _____ PLACES.
- I CANNOT ATTEND, BUT PLEASE LET ME KNOW IF YOU PLAN TO HAVE ANOTHER SEMINAR.

NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TELEPHONE: _____ E-MAIL: _____

Please return to: Stan Yogi, Director of Planned Giving, ACLU Foundation of Northern California
1663 Mission Street, Suite 460, San Francisco, CA 94103

TOPICS COVERED INCLUDE:

- Goals of estate planning
- Changes in tax and estate laws
- The probate process
- Reducing estate taxes
- Providing more for the organizations and people you care about.

MAY 12 AT 7PM

Monterey City Library
625 Pacific Street, Monterey, CA

FREE FOR ALL ACLU MEMBERS!

BOARD ELECTION RESULTS

The ACLU of Northern California is proud to welcome new board members **Mariano-Florentino Cuellar**, **Barbara Zerbe Macnab**, **Ronald Tyler**, **Jeff Vessels**, and **Cecillia Wang**. Congratulations to re-elected board members **Donna Brorby**, **Quinn Delaney** (chair), **Laura Donohue**, **Jan Garrett**, and **Philip C. Monrad**, and new members recently appointed to interim vacancies **Jim Blume**, **Marsha Rosenbaum**, and **Peggy Saika**.

The new members of the Executive Committee are **Robert Capistrano** (vice chair and legal committee chair), **Harmeet Dhillon**, **Lisa Honig**, **Matt Murray**, and **David Sweet**.

Fran Strauss is now a member emeritus for the board and the Executive Committee for 2004.

We thank outgoing board members **Margaret Russell** and **Jon Streeter**. ■

NEW LEADER FOR YOUTH PROGRAM

The ACLU of Northern California youth outreach team has a new leader! **Eveline Chang** has joined the affiliate as the director of the Howard A. Friedman First Amendment Education Project. Chang brings 10 years of experience in student leadership training, multicultural youth organizing, and public education, most recently with the Posse Foundation in Chicago. Chang received a Master's



of Social Work from the University of Michigan, and has an extensive background coordinating youth-focused and youth-led events, conferences and retreats. "Youth organizing is a powerful way to

combat negative public perceptions of youth, and to protect the rights and liberties of young people," said Chang. "Their perspectives and experiences deserve to be heard and shared." ■

See page 7 for more about the Friedman Project.

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SETTLEMENT WILL PROTECT LGBTI STUDENTS

By Derek Turner, *ACLU Intern*

In one of the most far-reaching settlements of its kind, the Morgan Hill Unified School District has agreed to a reform of its harassment policies and a comprehensive training program for its students and faculty. The settlement brought to an end a lawsuit filed by the ACLU of Northern California (ACLU-NC) and the National Center for Lesbian Rights on behalf of six students who faced unrelenting harassment because of their sexual orientation.

At an emotional news conference at the ACLU-NC offices on January 6, plaintiffs Alana Flores and Freddie Fuentes emphasized the importance of the settlement. "I am so happy that the district has finally recognized the seriousness of this problem and is ready to do something to stop it," said Flores. "The kind of abuse I had to deal with every day when I went to school was horrible. No student should have to face that."

IN THE NEIGHBORING COMMUNITY OF GILROY, JUST SOUTH OF MORGAN HILL, SCHOOL DISTRICT OFFICIALS ARE REEXAMINING THEIR POLICIES TO ENSURE THAT ALL OF THEIR STUDENTS HAVE A SAFE PLACE TO LEARN.

In addition to the policy reforms and training programs, the school district also agreed to a monetary award in excess of \$1.1 million.

Located just 10 miles south of San Jose, Morgan Hill is a school district that serves over 9,000 students in 15 different schools. The plaintiffs in this case were students between 1991 and 1998 in three of

the district's schools, during which time they experienced a torrent of verbal and physical homophobic attacks. Despite repeated requests, school administrators and district officials did not intervene to protect the students.

The school district denied any wrongdoing, arguing that officials were not aware of their responsibilities under the law. On April 8, 2003, the Ninth Circuit Court of Appeals

ruled that if a school district is aware that anti-gay harassment is happening, it must take "meaningful" steps to stop it, and sent the suit back to district court for trial. The ruling covers all nine states of the court's jurisdiction, but will likely be influential throughout the nation.

"IF YOU'RE NOT GAY, THEN WHY ARE YOU CRYING?"

A MORGAN HILL ASSISTANT PRINCIPAL TO ALANA FLORES

tims of harassment, and education on the legal responsibilities of district employees. There will also be periodic policy reviews and a bimonthly discussion of school safety, including the issue of anti-gay harassment, in staff meetings.

For students, the mandatory program will begin in the fall of 2004 and run through 2008. Seventh graders will attend a 50-minute training session that is exclusively about anti-gay harassment, and ninth graders will do peer-to-peer trainings and discussions.

"This settlement serves both as a model and a lesson for the rest of the country," says ACLU-NC attorney Ann Brick. "It serves as a model that can be copied by schools across the country that are committed to making anti-gay harassment a thing of the past. For those schools that persist in taking a hear-no-evil-see-no-evil approach to anti-gay harassment, it is a lesson in liability."

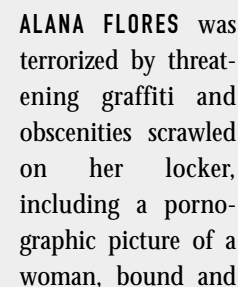
Already, it appears to be working. In the neighboring community of Gilroy, school district officials are reexamining their policies to ensure that all of their students have a safe place to learn. "As a result of some of the issues that we heard about in Morgan Hill, we thought it might be a good idea to look at our training and our requirements," says Gilroy District Superintendent Edwin Diaz. "Sometimes, when something like this happens, it makes you look back again at your own policies." ■

THE PLAINTIFFS



GIGI PANDIAN

FREDDIE FUENTES was in the seventh grade when he was surrounded at a school bus stop by a group of students who brutally beat and kicked him and called him "faggot." The bus driver ignored the scene when he drove up, allowed the attackers to board the bus, and left Fuentes lying on the ground at the bus stop. Fuentes had to be treated in hospital.



GIGI PANDIAN

ALANA FLORES was terrorized by threatening graffiti and obscenities scrawled on her locker, including a pornographic picture of a woman, bound and gagged, with her throat cut. When Flores reported it, the assistant principal's reaction suggested that it was Flores who was at fault. According to Flores, the assistant principal responded, "Don't bring me this trash anymore," and "If you're not gay, then why are you crying?"

THE SETTLEMENT

- Over \$1.1 million.
- Mandatory training for school staff and faculty through the 2006-2007 school year, including exercises on how to address anti-gay harassment, and education on the legal responsibilities of district employees.
- Periodic policy reviews and a bimonthly discussion of school safety, including the issue of anti-gay harassment, in staff meetings.
- Safe schools and anti-harassment training for seventh and ninth grade students through the 2007-2008 school year.

LEGAL BRIEFS

MEDICAL MARIJUANA

In a victory for the First Amendment, the U.S. Supreme Court declined to review the Ninth Circuit's ruling that physicians have a First Amendment right to recommend the medical use of marijuana to their patients. Noting that "a doctor's recommendation does not itself constitute illegal conduct," the court affirmed a lower court injunction prohibiting the government from investigating a doctor or attempting to revoke a doctor's prescription drug license solely because he or she has recommended the medical use of marijuana. The ruling was the result of a federal class action lawsuit filed by the ACLU of Northern California, the ACLU's Drug Policy Litigation Project, and the Alshuler Berzon firm on behalf of a group of physicians and patients. The suit was filed in response to the government's attempt to undermine Proposition 215 by threatening to revoke the prescription drug licenses of physicians who recommend the medical use of marijuana to their patients. *Conant v. Walters*

INTERNET SPEECH

The California Court of Appeal has ruled that Section 230(c)(1) of the Telecommunications Act of 1996 does not provide absolute immunity from lawsuits for those who post material on the Internet that was written by someone else. Instead, the court held that if the Internet

user has been put on notice that the material in question is claimed to be defamatory, the user posts at his or her own risk. The ACLU of Northern California, along with the Electronic Frontier Foundation, filed an amicus brief in the case arguing that Internet health activist Ilena Rosenthal could not be sued for defamation based on her use of an Internet newsgroup to repost messages written by another person. We pointed out that e-mail, newsgroups, and bulletin boards are often used to exchange or forward items of interest written by others. By limiting the protection afforded by Section 230, the court of appeal has made it riskier to share the work of others via the Internet. *Barrett v. Rosenthal*

DOMESTIC PARTNERSHIPS

Anti-gay forces filed two lawsuits challenging California's groundbreaking domestic partnership legislation, AB 205, which will provide domestic partners with many of the responsibilities and rights available to married couples when it goes into effect in January 2005. All three ACLU affiliates in California, along with the ACLU national office, Lambda Legal, and the National Center for Lesbian Rights successfully intervened in one of the cases on behalf of Equality California and 12 same-sex couples who need the protections that AB 205 will provide. We are also representing the same clients as amici in

the second case, and our request to coordinate the two cases has been granted.

We obtained an important win at the outset, when a Sacramento Superior Court judge found the challenges to the new law are unlikely to succeed and allowed the state to continue its plan to implement AB 205. Summary judgment briefing will take place over the next several months. *Knight v. Davis*

SAME-SEX PARENTS

The California Court of Appeals for the Second District held oral argument in January in a case challenging the validity of a non-biological mother's parentage decree. Kristine and Lisa decided to have a child together. While Kristine was pregnant with their child, they jointly obtained a decree identifying Lisa as their daughter's legal parent. Kristine and Lisa later ended their relationship, and Kristine filed suit claiming that Lisa has no parental rights. After oral argument, the Appellate Court ordered additional briefing on several issues, including questions about the possibility of a sexual-orientation-neutral interpretation of California family law. The ACLU of Northern California, the ACLU of Southern California and the National Center for Lesbian Rights are participating as amici and were permitted to present oral argument on Lisa's behalf. *Kristine H. v. Lisa R* ■

PATRIOT ACT continued from page 1

for Security and Freedom Enhanced—aims to square the Patriot Act with the U.S. Constitution by reforming its most troubling provisions.

“The SAFE Act is our first concrete opportunity to start rolling back what we know is wrong,” says Kearney.

MAKING LIBRARIES SAFE

Libraries have been a concern almost from the day the Patriot Act sailed through Congress, with the prospect of government agents watching what we read sending a chill down many ordinary Americans’ spines.

Under Section 215 of the Patriot Act, government agents, operating under the shield of an expanded Foreign

The SAFE Act would protect the privacy of library records, medical information, and financial statements by requiring individualized suspicion before the government can search somebody’s personal records. It would require the government to show “specific and articulable facts” that the records in question belong to a spy, terrorist or other foreign agent, and would amend the law to clarify that federal agents may not use “national security letters” to obtain the records of a public library’s computers without a court order.

ACLU AND LIBRARY ASSOCIATION URGE ACTION

Like the ACLU, the American Library Association and its affiliates were out front early in raising the alarm about the Patriot Act. “The Patriot Act is a clear and present danger to our civil liberties, and is an assault on free speech in an open society,” says Karen Schneider, chair of the California Library Association (CLA)’s intellectual freedom committee.

That’s why, as President Bush urged reauthorization of the Patriot Act in his State of the Union address, the ACLU-NC and the CLA teamed up to launch a counteroffensive.

Full-page advertisements ran in independent newspapers with a combined circulation of

more than one million throughout the region, from Monterey to Eureka. The ads (see p. 9) show a student at work, with the words: “Don’t you just hate it when someone reads over your shoulder? Especially when that someone is the Justice Department.”

Through the ad campaign and other efforts, we called on members of Congress to support the SAFE Act, and many members swiftly answered the call. Congressmen Pete Stark, George Miller, Sam Farr and Tom Lantos joined Congresswomen Barbara Lee and Lynn Woolsey as cosponsors of the SAFE Act, with Rep. Lantos even writing a powerful op-ed in support. In March, Democratic House leader and San Francisco Congresswoman Nancy Pelosi also cosponsored the bill, saying it would, “ensure that the Attorney General’s far-reaching powers are not abused.”

“We support the SAFE act so that libraries can continue to remain institutions of free expression and exploration of ideas,” says CLA president, Susan Hildreth.

REINING IN SEARCHES

It’s not only personal records that are at risk under the Patriot Act. The SAFE Act also reins in a provision that allows the government to search innocent Americans’ property—without notification.

The SAFE Act would put an end to most “sneak and peek” searches, permitting the government to delay notice of a search warrant only for one of three reasons: preserving life or physical safety; preventing flight from prosecution, or; preventing destruction of evidence.

In addition, the SAFE Act expands protections now in place against domestic wiretaps for foreign intelligence investigations. Under the Patriot Act, the powers to eavesdrop were greatly expanded, and left open the possibility that federal agents could listen in on conversations between people who were not targets of an investigation.

The SAFE Act would also ensure that key provisions sunset in 2005.

LEFT-RIGHT ALLIANCE

The Patriot Act looks set to move to the eye of the

TAKE ACTION

A CLEAR AND PRESENT DANGER

Even as the SAFE Act promises to restore lost liberties, Rep. Charlie Norwood (R-GA) and Sen. Jeff Sessions (R-AL) have introduced a bill that would further erode them. The CLEAR Act (known as the Homeland Security Enhancement Act in the Senate) would require state and local law enforcement agencies to enforce federal immigration laws or risk losing federal funds.

HERE’S WHY THE ACLU SAYS ‘NO’ TO THE CLEAR ACT.

- The CLEAR Act would put additional burdens on already-overburdened law enforcement agencies. It is opposed by law enforcement, including the California Police Chiefs Association.
- The CLEAR Act would make immigrant communities afraid to talk to police or report crime.
- The CLEAR Act would increase racial profiling. American citizens and permanent residents would be stopped or questioned based solely on their ethnic background or their accent.

PLEASE ASK SENATOR DIANNE FEINSTEIN TO OPPOSE THE HOMELAND SECURITY ENHANCEMENT ACT (S.1906):
(559) 485-7430

election-season storm. President Bush laid down the gauntlet during his State of the Union address, drawing protests from Democrats when he urged Congress to renew provisions that are scheduled to sunset next year, and, days later, threatened to veto the SAFE Act.

Yet the Patriot Act has drawn fire from both sides of the aisle. The ACLU-NC’s Kearney notes that people from across the political spectrum are battling with ever-increasing vigor to save fundamental freedoms. “This is a rare and important opportunity for the left and the right to come together,” he says.

Indeed, the SAFE Act is co-sponsored by conservative Sen. Larry Craig (R-Idaho) and liberal Sen. Dick Durbin (D-Illinois). A companion bill in the House of Representatives is being carried by Rep. Butch Otter (R-Idaho). Liberal Congressman Barney Frank of Massachusetts and conservative Jeff Flake of Arizona have signed on, as have others of all political persuasions.

The breadth of the opposition is an indicator of the height of the stakes, notes Kearney. “The Bush administration is pushing for permanent changes to our rights,” he says, adding that those who say we need to retain these protections only until the U.S. wins the war on terror are overlooking an important fact: “There is no one to surrender in a war on terror.”

THE SAFE ACT—SAFE STANDS FOR SECURITY AND FREEDOM ENHANCED —AIMS TO SQUARE THE PATRIOT ACT WITH THE U.S. CONSTITUTION BY REFORMING ITS MOST TROUBLING PROVISIONS.

TIME FOR A CHANGE

It has been more than two years since a panicked Congress passed the Patriot Act, just 45 days after Sept. 11, 2001. At first, the voices of opposition were few, and quiet. But now that such

a broad range of individuals and organizations, including several members of Congress who initially voted for the Act, have joined the rising chorus of discontent, the ACLU-NC’s Ehrlich believes the tide may finally turn.

“Millions of Americans are demanding that freedom be restored to keep America both safe and free,” she says. “It may take time, but eventually, their voices will surely prevail. Passing the SAFE Act is the first scene in a much longer drama.” ■



Intelligence Surveillance Act, have virtually untrammelled power to search innocent Americans’ library, bank or medical records. All they need to do is declare to a judge that they want the target’s records for a counter-terrorism investigation. The judge cannot turn them down.

“It takes away the power of judges to review information,” Kearney says, “and throws the balance of power toward the police. It creates a rubber stamp, and it’s ordinary Americans who are paying the price.”

TAKE ACTION

TELL OUR SENATORS: “SUPPORT THE SAFE ACT!”

The SAFE Act of 2003 (S1709/HR 3352) would roll back some of the Patriot Act’s worst excesses:

- Individual suspicion would be required before law enforcement could execute searches of personal records including library records, medical records and financial records.
- Sneak and peek searches would be limited. Under the Patriot Act, law enforcement agents can use these searches to get access to someone’s home or business without their knowledge.
- More sections of the Patriot Act would automatically expire at the end of 2005.

Despite its bipartisan support, neither U.S. Senator Dianne Feinstein nor Barbara Boxer have cosponsored the SAFE Act. Please urge them to do so.

SEN. FEINSTEIN: (559) 485-7430
SEN. BOXER: (916) 448-2787

SPECIAL REGISTRATION REDUX

Sparks flew when the Bush administration instructed males from a list of mainly Middle Eastern countries to report to their local INS offices for fingerprinting and registration. Under fire from a host of critics, including the ACLU, the government later terminated a portion of the discriminatory program. But for many, this partial victory only caused more confusion. Here, associate legal director **Jayashri Srikantiah** cuts through the clutter.

More than 83,000 men and boys flocked to their local immigration offices in the fall and winter of 2003. They were seeking to comply with the new National Entry Exit Registration System (NSEERS), or special registration, which required males over the age of 16 who were citizens and nationals of 24 mostly Muslim countries to register with their local immigration office or face possible arrest and deportation. The program also required individuals to register at ports of entry to the United States.

Special registration caused mass confusion, fear, and worse. Thousands were detained. And for many, their worst fears were realized. Deportation proceedings were initiated against almost 14,000 men and boys. Yet the typical registrant was not a terrorist — what terrorist would voluntarily submit to

registration and fingerprinting? These were regular people: high school students, fathers, businesspeople, who had, often unwittingly, overstayed their visas.

THE TYPICAL REGISTRANT

WAS NOT A TERRORIST—

WHAT TERRORIST WOULD

VOLUNTARILY SUBMIT

TO REGISTRATION AND

FINGERPRINTING?

also wrote letters to members of the northern California congressional delegation demanding that the program be terminated. The ACLU-NC and others condemned the program as a discriminatory dragnet targeting individuals based on place of birth rather than on individualized suspicion based on behavior.

In the winter of 2003, the Bush administration announced that it would suspend portions of the special registration program. Yet it was only a partial victory. The suspended provisions were those requiring that individuals re-register annually with local offices, and that people who registered on entering the United States submit to a follow-up interview. Other onerous provisions remained on the books. For instance, the program continues to sharply limit the ports allowed for the departure of those who have registered, and requires registrants to submit to in-person “exit” registration with a designated immigration official, often at an obscure location.

And for the 14,000 facing deportation, and their families, the damage is already done.

The administration continues to enforce other parts of the special registration program, including requirements that registrants inform the Department of Homeland Security of changes of address

The programs sparked outrage and widespread protest. In northern California, activist groups including the ACLU of Northern California (ACLU-NC) condemned special registration at a series of impassioned rallies. The ACLU-NC

also wrote letters to members of the northern California congressional delegation demanding that the program be terminated. The ACLU-NC and others condemned the program as a discriminatory dragnet targeting individuals based on place of birth rather than on individualized suspicion based on behavior.

NSEERS NUMBERS

- INDIVIDUALS REGISTERED AT PORT OF ENTRY: **93,741**
- INDIVIDUALS REGISTERED AT INS OFFICES: **83,519**
- INDIVIDUALS DETAINED: **2,870**
- DEMONSTRATORS IN LOS ANGELES PROTESTING THE DETENTIONS: MORE THAN **3,000**
- INDIVIDUALS SCHEDULED FOR DEPORTATION: MORE THAN **14,000**
- COUNTRIES TARGETED BY NSEERS: **24**
- PEOPLE CHARGED WITH TERRORISM-RELATED CRIMES: **0**

within ten days, and port-of-entry registration for citizens or nationals of five Middle Eastern countries.

The Bush administration’s decision to terminate only portions of the program, along with its failure to publicize the program’s remaining requirements, has created further confusion in immigrant communities. The administration has failed to adequately notify immigrants of the program’s requirements, even though the penalties for non-compliance may include deportation. Those who unwittingly fail to satisfy the departure requirements, for example, will be deemed in violation of the law and may face the penalty of being denied permission to return to the United States.

The state of confusion has only been exacerbated by the administration’s institution of a new program termed US VISIT. As of January 2004, 24 million foreign visitors to the United States will be required to include fingerprints and photos in their passports. By announcing the US VISIT program, while maintaining the confusing and discriminatory requirements of special registration,

the government continues to

trap unwary immigrants who have made every effort to comply with the law.

The ACLU and other organizations are working to ensure that immigrant communities know their rights, and will continue to fight for America’s new “disappeared.” The battle to end special registration has only just begun. ■



NSEERS: WHAT STAYS *

- Registrants must inform the Department of Homeland Security of changes of address, employment or education within ten days of the change.
- Citizens or nationals of Iran, Iraq, Sudan, Libya and Syria must register on entering the country. Citizens or nationals of other countries may also be designated for special registration at ports of entry.
- People who have registered may only depart the U.S. from designated ports, and must submit to in-person “exit” registration.

* PLEASE NOTE THAT THIS LISTS ONLY THE PRIMARY REQUIREMENTS.

RESOLUTIONS WATCH

TOTAL NUMBER OF RESOLUTIONS PASSED AGAINST THE USA PATRIOT ACT AS OF MARCH 2, 2004

261

Cities and counties continue to join the relentless march against the USA Patriot Act. As of March 2, 2004, the total number of resolutions passed against the Patriot Act was 261. Since our last report in July 2003, thanks to the work of numerous ACLU chapters, activists, and allied organizations, the following communities in northern California have passed resolutions:

- LIVERMORE (JULY 28)
- PLEASANTON (AUGUST 5)
- SANTA CLARA COUNTY (AUGUST 19)
- PACIFIC GROVE (AUGUST 20)
- PORTERVILLE (SEPTEMBER 2)
- SARATOGA (SEPTEMBER 3)
- SAN RAFAEL (SEPTEMBER 15)
- MOUNTAIN VIEW (SEPTEMBER 16)
- SAN JOSE (SEPTEMBER 23)
- SAN RAMON (OCTOBER 14)
- SOLEDAD (OCTOBER 15)
- SACRAMENTO (NOVEMBER 13)

Los Angeles, New York, NY, and Dallas, TX, also passed anti-Patriot Act resolutions in early 2004.

SAME-SEX COUPLES continued from page 1

a crowd gathered outside City Hall. Word of the marriages was spreading across the city, but many LGBTI rights activists arrived not for the weddings but for a long-planned rally: Feb. 12 is Freedom to Marry day. Assemblyman Mark Leno (D-San Francisco) marked the day by introducing the California Non-Discrimination Act, a bill in the California Legislature that would permit same-sex marriage.

"The mood at City Hall was beyond excitement," says Kearney. "The Mayor came out and people were effusive in their praise. You could see people feeling validated in their relationships in a way they never had before. We felt we were witnessing history in the making."

THE QUEST FOR EQUALITY

With the media spotlight focused on the city, couples from around the nation and world flocked to join the lines snaking around the courthouse. The mood was by turns euphoric and reflective as couples, some clad in wedding dresses and tuxedos, others in sneakers and rain jackets, waited their turn.

"We wanted to get married because we love each other," says Sarah Conner-Smith, who changed her name from Sarah Conner after marrying her partner, Gillian Smith. "Being married is the only universally understood way we have of expressing the depth and permanence of our commitment to each other."

While love comes first, for many couples, marriage is also about equal recognition under the law. "It's about legal rights," says Andrea Fontenot of Santa Barbara, who joined the line with her partner, Erin, and their baby daughter, Etta, at 5:30a.m. on Tuesday, Feb. 17. "Why make some groups second-class citizens?" Fontenot is working to legally adopt Etta, whose birth mother is Erin.

California and San Francisco have some of the strongest protections for domestic partners in the nation, particularly with AB 205, a state law that goes into effect next year, granting domestic partners the same benefits as married couples. Even so, domestic partnerships fall far short of actual marriage. Social security, immigration rights for noncitizen spouses, and a range of other federal benefits remain out of reach. In 1996, Congress passed the "Defense of Marriage Act," anti-gay legislation that denies same-sex couples a laundry list of benefits. To compound the situation, AB 205 is being challenged in the courts by anti-gay activists.

"Denying same-sex couples the right to marry denies them hundreds of important rights," says Lange.

Driven by the desire to solemnize their relationships, many couples camped out overnight over the long President's Day weekend, despite chilling rains. They were hoping to tie the knot before anti-gay forces succeeded in their efforts to shut the weddings down.

TAKING THE BATTLE TO THE COURTS

As soon as the mayor's plan took shape, attorneys from the ACLU, the National Center for Lesbian Rights (NCLR), and Lambda Legal began working alongside city attorneys to stave off the inevitable attempts by anti-gay groups to stop the weddings.

Sure enough, as soon as the weddings began, the Alliance Defense Fund (ADF) and the Campaign for California Families headed to court to challenge Mayor Newsom's authority to issue the licenses in two separate lawsuits.

In both cases, superior court judges refused to issue stays that would halt the weddings – in a clear indication that the weddings were harming no one.

On Feb. 17, Judge James Warren also granted a motion by the ACLU, NCLR and Lambda to intervene in the ADF suit

IN SICKNESS AND IN HEALTH

Sarah and Gillian Conner-Smith will never forget May 13, 2000: "We fell in love at first sight and have been in a committed relationship since that day," Sarah says.

Sarah and Gillian have lived the marriage vows "in sickness and in health, for better or worse" despite not being allowed to get married. For two of the four years Sarah and Gillian have been together, one has had to support the other both financially and emotionally through a severe disability that required several surgeries and extensive recuperation. Their love and commitment was so strong, they did not need a marriage license to tell them how to act in this time of crisis. But being legally married would have made this experience easier to endure.

"It is important to us that we have legal protections for our relationship should we ever have to go through



Sarah and Gillian Conner-Smith (center l-r) shortly after their wedding, with ACLU-NC staffers Tamara Lange and Bob Kearney.

something like that again," Sarah says. "Being married is the only universally understood way we have of expressing the depth and permanence of our commitment to each other."

Sarah, 35, and Gillian, 34, live in Oakland, California. ■

"AMERICANS WILL LOOK BACK ON THESE DAYS AND WONDER WHY WE EVER DENIED TWO PEOPLE IN LOVE THE RIGHT TO MARRY JUST BECAUSE OF THEIR SEXUAL ORIENTATION."

TAMARA LANGE, ACLU-NC

on behalf of five same-sex couples, including Lyon and Martin and the Conner-Smiths. The groups argued that excluding same-sex couples from the right to marry violates the equal protection and due process provisions of the California constitution.

These provisions, they said, outweigh the petitioners' claims that Proposition 22, the state initiative defining marriage as between a man and a woman, outlaws the mayor's actions.

"Just as we told the state in 1974 when they passed a statute limiting marriage to a man and a woman, that kind of discrimination against same-sex couples violates the California constitution's promise of equality," says ACLU-NC executive director Dorothy Ehrlich. "Discrimination in marriage was wrong then and it's wrong now."

SAN FRANCISCO TAKES THE LEAD

The controversy soon spread beyond San Francisco, with Governor Arnold Schwarzenegger instructing California Attorney General Bill Lockyer to sue the city. Laws banning same-sex marriage began moving through a handful of state

legislatures. And in the most ominous move of all, President Bush officially endorsed a constitutional amendment that would bar same-sex marriage.

Yet others rallied to the cause. State Assemblywoman Carole Migden married her partner of 20 years at City Hall on Feb. 19. Talk-show host Rosie O'Donnell and her partner traveled to San Francisco to solemnize their relationship. And officials in New Paltz, New York; Portland, Oregon; Sandoval, New Mexico; and Asbury Park, New Jersey began issuing marriage licenses to same-sex couples.

DOMESTIC PARTNERSHIPS FALL FAR SHORT OF ACTUAL MARRIAGE. SOCIAL SECURITY, IMMIGRATION RIGHTS FOR NONCITIZEN SPOUSES, AND A RANGE OF OTHER FEDERAL BENEFITS REMAIN OUT OF REACH.

It's hard to believe that not that long ago Americans did not tolerate marriages between Catholics and Protestants or

between people of different races because they thought it was immoral and violated God's will," says Lange. "As marriages between same-sex couples become more common, most Americans will look back on these days and wonder why we ever denied two people in love the right to marry just because of their sexual orientation." ■

TAKE ACTION

OPPOSE THE FEDERAL MARRIAGE AMENDMENT!

Write your Members of Congress and urge them to oppose the Federal Marriage Amendment (H.J. Res 56/S.J. Res 26). Tell them:

- **Amending the Constitution is an extreme act.** The proposed amendment would deny the right to marry to gay and lesbian couples and obliterate the family rights that many same-sex and unmarried couples now have.
- **The Federal Marriage Amendment is unnecessary.** Even though the country has struggled with the question of marriage—the last law prohibiting interracial marriage was overturned only 35 years ago—we have never amended the Constitution to define marriage.
- **The Federal Marriage Amendment rejects American traditions of life, liberty and the pursuit of happiness.** None of our constitutional amendments restrict individual freedoms. In fact, the amendments to the Constitution have been the source of most of the Constitution's protections for individual liberty rights.

To take action directly, visit our special feature at www.aclunc.org.

MARRIAGES SHUT DOWN, ACLU FILES SUIT



ACLU clients Jeanne Rizzo and Pali Cooper outside City Hall before they learned that their wedding could not go forward.

Jeanne Rizzo and Pali Cooper had the champagne on ice back at their Tiburon home as they drove over the Golden Gate Bridge to San Francisco, ready to make the commitment of a lifetime. Fifty family members and friends were at City Hall, eagerly waiting for the women, who had been partners for 15 years, to descend the marble staircase as a married couple.

But the euphoria soon turned to heartbreak as Rizzo, 57, and Cooper, 48, became one of the first same-sex couples to be denied a marriage license since February 12.

Moments before the couple was due to wed on Thursday, March 11, the California Supreme Court ordered the City to halt the weddings until the Court determined whether Mayor Gavin Newsom had the authority to order city officials to issue licenses to same-sex couples.

Television cameras swarmed around a tearful Rizzo and Cooper as they greeted their dismayed friends. "Promise us you'll come back," Rizzo said. "One day, soon, we will have our day. We'll be back."

The following day, Friday, March 12, Rizzo and Cooper joined five other same-sex couples who were prevented from marrying as plaintiffs in a lawsuit filed by the ACLU of Northern California (ACLU-NC), the National Center for Lesbian Rights, and Lambda Legal in San Francisco Superior Court.

The suit argues that denying these same-sex couples the right to marry violates the California constitution's guarantees of equality, liberty, and privacy.

"We are eager to take this historic opportunity to end marriage discrimination in California," said Tamara Lange, staff attorney with the ACLU-NC. "Marriage is a commitment. It is about sharing, love, trust, and compromise. Two adults who make this personal choice to form a life-long commitment should not be denied the right to marry just because they are gay or lesbian."

Equality California and Our Family Coalition are also parties in the suit.

For more on the suit and the plaintiffs, visit www.aclunc.org.

WHAT IS FREEDOM? YOUTH CONFERENCE TACKLES TOUGH QUESTIONS

By Jenni Lerche, *Carlmont High School*

Hundreds of students from cities and schools around the region traveled to the Howard A. Friedman First Amendment Project's Youth Rights Conference at San Jose State University on October 30, 2003. From the conference's inception, it was clear that the attendees were passionate and emphatic about the issues of the day. Posters displayed around the main auditorium posed questions like, "What do you think about California's new governor?" and "What is freedom?" More so in past years, the black sheets of butcher paper were soon filled with comments.

The conference began in an unconventional fashion. Youth Activist Committee (YAC) members posed a series of questions, such as, "Do you believe the death penalty is cruel and unusual punishment?" or, "Have you ever had your rights violated at school?" or, "Have you ever questioned your sexu-

ality?" If an individual's personal answer to the question was "yes," then that person stood up. Following about ten minutes of questioning and (mostly) silent responding, YAC members provoked a lively discussion on how students were affected by the questions, and what the questions made them think about. Following the activity, students were treated to an interactive performance from Flo-ology, a break-dancing two-some. "The opening was excellent, and I mean terrific," one participant said.

First session workshops featured an in-depth look at the USA Patriot Act and freedom of speech, youth rights with the police, drug safety and harm reduction, human rights and the Drug War, and a teacher workshop called "Controversy in the Classroom." The second session included seminars about students' rights at school, flaws in the criminal justice system, indigenous people's rights, white supremacy, independent



media, sexism as an institution, and marijuana.

YAC member Amanda Gelender, a junior at Castro Valley High School said, "This was my first time facilitating a workshop for an ACLU conference, and it was an extraordinary experience. I love working with my friends through the YAC, but it's also constructive and worthwhile to reach out and talk to my peers who may not have been exposed to activism yet. It's so important to get youth involved and thinking about their rights in order to empower a generation that is often overlooked in society." ■

DELANCEY STREET

By Jackson Yan

THE SCENE: the swanky restroom at Delancey Street.

SITUATION: dude doing his business, a waiter walks in,

"NORMAL" DUDE: Ah, can I ask you a question?

WAITER: Hit me

"NORMAL" DUDE: How long you been here?

WAITER: A little while; been here for a year or two

"NORMAL" DUDE: Why'd you decide to enroll at Delancey?

WAITER: I was an alcoholic when my mother died. Felt a change was needed. Wanted to be "normal" in this society

"NORMAL" DUDE: Is it hard

WAITER: Mother dying—

"NORMAL" DUDE: Yeah, that but also about the alcohol

WAITER: Think about both a lot but I'll make it

"NORMAL" DUDE: Do they all make it

WAITER: No, but those who do, they're happy

"NORMAL" DUDE: Foods great, having a burger

WAITER: Glad you like it

"NORMAL" DUDE: Thank you, you take care

The Delancey Street Restaurant, a project of the Delancey Street Foundation, is staffed by former substance abusers and others who need a second chance in life. This poem is excerpted from the Friedman Project's 2003 report, "The Drug War: A Field Investigation by and for Youth".

SCHOOL SEGREGATION: HOW FAR HAVE WE COME?

In 1954, an historic ruling integrated the nation's schools.

In *Brown v. Board of Education*, the Supreme Court ruled that separate, segregated schools were inherently unequal. Fifty years later, 30 high school students joined together for a teach-in that explored the state of Martin Luther King Jr.'s dream in contemporary California, and posed the question: How far have we come?

Students heard testimony on the current inequities in California's school system, explored the concept of institutional racism, and learned about the class-action lawsuit *Williams v. California*, in which the ACLU and other organizations are challenging the deplorable conditions in which many students of color are forced to learn. Here, one teach-in participant gives her perspective:

"Learning about institutionalized racism was fascinating for me in a way I had not expected. I already had some sense of the connection between economics and racism that still segregates our schools and job markets. However, during the presentation I was struck with questions about the subtlety of racism in our society that I had not expected. Why do whites not realize, or choose to deny that racism exists? Where does institutionalized racism COME from? I have trouble believing that a select few white, high-powered officials with a racist agenda are controlling our job and real estate markets (although of course that IS possible). I have to wonder if racism is more deeply entrenched in America than we know—so deep that we

cannot blame it on a few blatant racists or see its source. Perhaps our society was and is so unequally constructed that the past, and not a racist agenda, is spurring and perpetuating inequality. And perhaps—even more frighteningly—money, and not racism is what drives racism today; thus being born into a society that revolves around money we are incapable of escaping or solving institutionalized racism. These are pessimistic thoughts, I realize, but learning about the history of Levittown and our school system, I have to wonder."

- Youth Advisory Committee member Claire Greenwood, The Urban School of San Francisco

"How Far Have We Come?" was the first in a series of teach-ins organized by the staff of the Howard A. Friedman First Amendment Education Project of the ACLU of Northern California. The teach-in took place on January 18, 2004, and involved students from Castro Valley, Pacifica, San Francisco, San Mateo and Santa Rosa. ■



REFORMING THE SFPD

In November, the voters of San Francisco passed Proposition H, a landmark police accountability measure. Here, the *ACLU News* explores what this victory means for the future of police accountability—and how a coalition of dedicated advocates won a David and Goliath battle against the powerful police union.

OPENING THE DOOR TO REFORM

By Elaine Elinson, *ACLU News Contributor*

“Proposition H has sent a wake-up call to those in power,” said Richard de Leon, Chair of the Political Science Department at San Francisco State University, the day after the city’s voters approved the most sweeping civilian oversight measure in the country.

The change is long overdue. According to John Crew, former director of the ACLU of Northern California (ACLU-NC) Police Practices Project, “The news accounts and official reports detailing the Department’s accountability failures in recent months and years, simply echo dozens of prior studies and exposés going back at least three decades.”

The Office of Citizen Complaints (OCC) was founded in 1982, largely at the inspiration of the ACLU-NC, when voters demanded that San Francisco create a civilian mechanism to address the growing problem of police abuse.

Yet for years the OCC was hampered by a pattern of obstruction and delay by the department. Case after case of police misconduct was dismissed simply due to the department’s failure to cooperate. Moreover, the San Francisco Police Commission often refused to exercise its oversight function, balking at holding hearings on sensitive issues.

BLUEPRINT FOR REFORM

In March 2003, following a series of high-profile scandals in the police department, Mark Schlosberg, police practices policy director of the ACLU-NC, issued a report recommending seven steps to reform.

They included: responsible and speedy compliance with the OCC; improvement in the “early warning” system that identifies problem officers; automatic disciplinary investigation triggers; whistleblower protections; a ban on promotion of officers with discipline problems; and an increase in the accountability and independence of the Police Commission.

Proposition H amended the City Charter to include several of these measures. In addition, it helped to put a spotlight on the issues. “H created a lot of space for other things to happen,” explained Schlosberg.

CREATING A CLIMATE FOR CHANGE

Prior to the election, the Board of Supervisors unanimously passed a resolution (Chapter 96 of the Administrative Code) which mandated reporting on the status of all pending cases against police officers, protocols for document exchanges between the department and the OCC, and studies by the Police Commission on the early warning system and promotional practices.

“If H had not been on the ballot, these reforms might not have enjoyed such widespread support,” explained Schlosberg.

According to Kevin Allen, who directs OCC, “Proposition H is an important step forward for civilian oversight of the San Francisco Police Department. The civilian Police Commission now has the power to hear and decide serious charges of misconduct even in cases where the Police Chief maintains that no misconduct occurred.”

In April, new members of the Police Commission will be named. Thanks to Proposition H, four will be appointed by Mayor Newsom, and three by the Board of Supervisors. This system of appointment will increase the independence of the Commission, as its members will not be beholden to one powerful elected official.

As Crew noted, “With the political support of the Police Officers Association always on the line, San Francisco mayors have only rarely demanded that their police commissioners aggressively pursue a reform agenda.”

MODEL FOR THE STATE

Other aspects have improved as well. Mayor Gavin Newsom has appointed Police Chief Heather Fong, the first Asian-American woman to head a police department in California. Chief Fong stated that protection for whistleblowers and new training guidelines are among her top priorities.

“Hopefully, we’ll become even stronger because out of controversy we have to learn our lessons, and we become stronger and work closer together – so that’s the hope I have for San Francisco and the Department,” Chief Fong told the *San Francisco Chronicle*.

“We still have a lot of work ahead,” said Schlosberg, “and not every problem will be solved by this package. But it is no longer business as usual in San Francisco.” ■

PROP H: WHAT DOES IT DO?

POLICE COMMISSION:

- **Representation:** Makes the Commission more representative by increasing the number of commissioners from five to seven.
- **Diversity:** Increases diversity of opinion on the Commission by dividing appointment power between the Board of Supervisors and the Mayor.
- **Independence:** Makes the Commission more independent by staggering Commissioners’ terms and ensuring that Commissioners cannot be removed without the consent of the Supervisors.

OFFICE OF CITIZEN COMPLAINTS:

- **Power to bring charges:** Gives the OCC the power to bring misconduct charges directly to the Police Commission, preventing dismissal of valid cases if the Police Chief fails to act or seeks to bury cases.
- **Access to documents:** Mandates that the OCC is empowered to receive all relevant documents from the Police Department in misconduct investigations.

PROP H: HOW WE WON

By Elaine Elinson

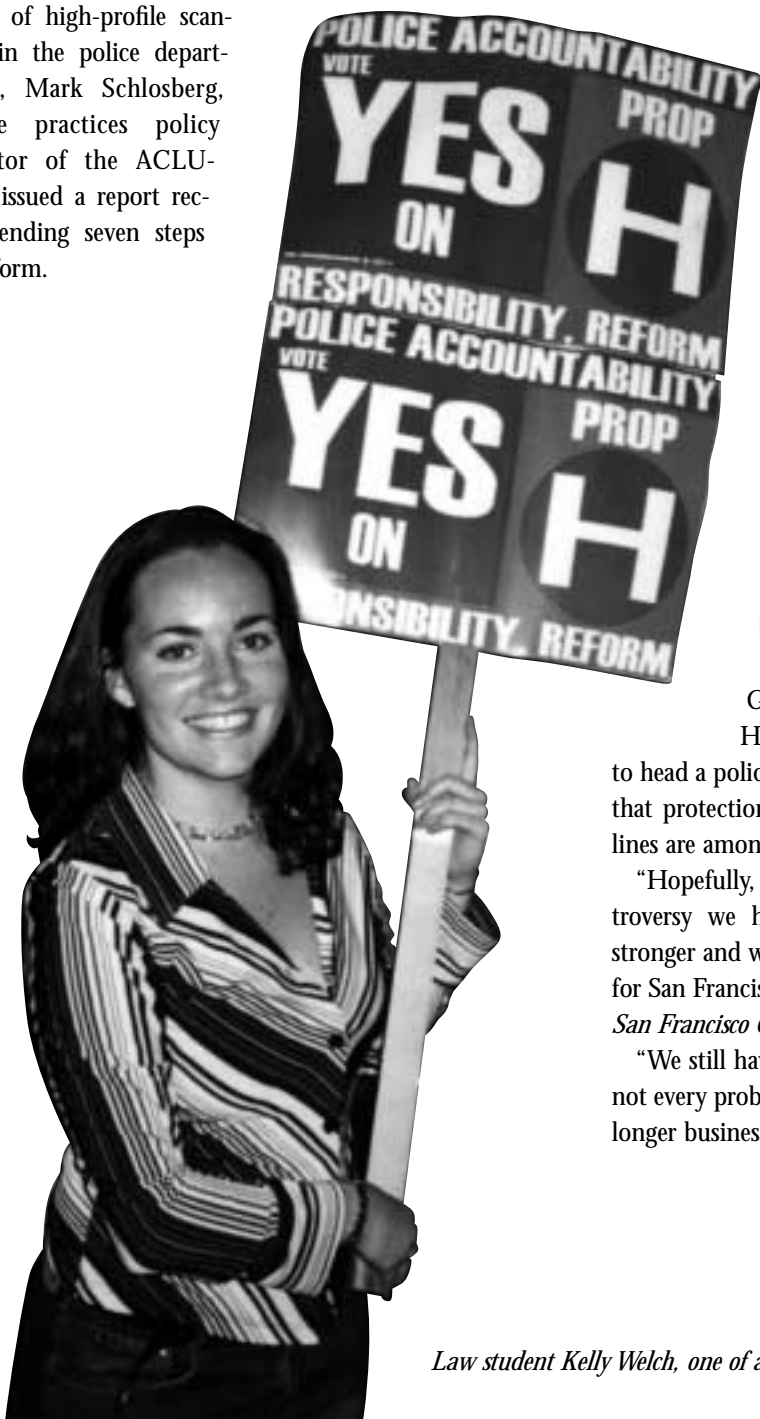
The passage of Proposition H “showed it was possible to beat the police unions and possible to get police reforms passed by the voters,” said Mark Schlosberg.

As director of the ACLU-NC’s Police Practices Project, Schlosberg had long been frustrated by the inaction and inertia of the San Francisco Police Commission. “I spent many Wednesday evenings at the Police Commission meetings,” he says, “where the commissioners ignored serious complaints by people who came to testify about serious incidents of police abuse in their neighborhoods. Sometimes they would adjourn the meetings after half an hour.”

In an effort to bring his concerns to the public, Schlosberg began working on a report, “Roadmap to Reform: Strengthening the Accountability Mechanisms of the San Francisco Police Department.”

While Schlosberg was researching the report, the “Fajitagate” scandal broke. The series of events – in which high-ranking members of the Department allegedly covered up an assault by two off-duty officers – put a spotlight on the broader issues of police accountability. Suddenly, everyone was looking into the misdeeds of the SFPD.

Schlosberg moved quickly to finish his report. The ACLU-NC sent it to the Board of Supervisors, *continued on page 9*



Law student Kelly Welch, one of a crucial cadre of volunteers.

WANT TO SUPPORT THE ACLU? GIVE ONLINE AT WWW.ACLUNC.ORG

PROP H continued from page 8

all mayoral and district attorney candidates, city agencies and community organizations and, of course, the media.

In the heated Fajitagate climate, the response was swift. Supervisor Tom Ammiano requested that reports be issued from a number of city agencies. The City Controller issued a statement that the oversight system of the Police Commission was "lacking." The OCC produced a report that detailed the SFPD's "pattern of obstruction and delay." And in May, the Civil Grand Jury issued its own report, which called for improved cooperation with the OCC.



GIGI PANDIAN

Mark Schlosberg, police practices policy director of the ACLU-NC, played a leadership role in the campaign.

The ACLU-NC began meeting with La Raza Lawyers Association, Police Watch, National Lawyers Guild, the Green Party, the Transgender Law Center, victims of

police misconduct, Supervisor Ammiano's office, and other advocates to hammer out the language for a serious police reform measure.

In May, Ammiano brought the advocates' language to the Board of Supervisors, which voted 7-4 to place the measure on the November ballot.

The coalition then went into full campaign mode. They sought endorsements—and won them—from all three candidates for district attorney, four of the five mayoral candidates, and scores of civil rights organizations and community leaders. Advocates spoke all over the city and issued press releases every step of the way.

But the Police Officers Association (POA) was a powerful foe. The police union ran TV ads, sent out 300,000 pieces of direct mail, and conducted auto-dial phone calls. When the election financial reports were disclosed in February, they revealed that the POA had spent \$383,000 – more than six times the amount that the "Yes on H" forces raised.

But the H campaign had something just as powerful: an army of committed volunteers. "We never could have won without the tireless efforts of our outstanding volunteers," says Schlosberg. "They walked precincts every weekend, made 5,000 phone calls, wrote letters to the editor and stood outside—rain or shine—holding "Yes on H" signs. They made the difference." ■

DOCUMENTS SPARK NEW FEARS IN "NO-FLY" CASE

Almost one year after the ACLU of Northern California (ACLU-NC) filed a Freedom of Information Act (FOIA) request on behalf of two Bay Area activists who were detained at San Francisco airport because their names appeared on a government "no-fly" list, the FBI has released 94 pages of classified documents related to the list.

The FOIA request was filed on December 12, 2002, on behalf of Jan Adams and Rebecca Gordon. Months later, charging that the FBI and the Transportation Security Administration violated FOIA and the Privacy Act by failing to provide information about the "no-fly" list and other government watch lists, the ACLU-NC filed a lawsuit demanding immediate disclosure of the requested records.



GIGI PANDIAN

The suit sought information including why Adams and Gordon's names had appeared continued on page 11

Jan Adams & Rebecca Gordon were detained because their names were on a "no-fly" list.

BACKLASH PROFILE: WHAT'S IN A NAME?

The ACLU continues to gather stories of individuals caught in the backlash after Sept. 11, 2001. This story came to us through the Oakland-based Applied Research Center, which, last year, organized a "Public's Truth" forum for people to share their stories.

KAWAL ULANDAY

Kawal Ulanday is a U.S.-born Filipino peace activist—not, he stresses, a terrorist. But apparently, the FBI wasn't so sure. In January of 2003 an FBI agent showed up at his door, asking about his connection to Muslim terrorist groups in the south Philippines.

KAWAL WAS ASKED

WHERE HE WAS BORN; IF

HE, THE PEACE ACTIVIST,

KNEW ANY TERRORISTS,

AND IF HE HAD ANTI-

AMERICAN FEELINGS.

to risk being hauled away, even though he knew he had the right to refuse to answer the agent's questions at his home.

Kawal was asked where he was born; if he, the peace activist, knew any terrorists, and if he had anti-American feel-

ings. The agent commented that Kawal had no criminal record, so he asked suspiciously why Kawal had changed his name. As a Filipino who cares about the traditions of the country, he had changed his name from his Spanish name to a more traditional Filipino name.



FRANCIS CALOPTORA, THE PUBLIC'S TRUTH/APPLIED RESEARCH CENTER

The experience left Kawal shaken but determined: "In the end, the FBI visit motivated me to fight even harder for justice," Kawal said. "The targeting of myself and other peace activists... in [our] communities is only part of the reactionary hysteria which has given birth to the Patriot Act and the Department of Homeland Security." ■

DON'T YOU HATE IT WHEN SOMEONE READS OVER YOUR SHOULDER?



ESPECIALLY WHEN THAT SOMEONE IS THE JUSTICE DEPARTMENT.

TAKE ACTION AGAINST THE PATRIOT ACT AND RESTORE OUR CONSTITUTIONAL RIGHTS.

You shouldn't have to worry about being under surveillance simply because of what you're reading. But that's what could happen since the PATRIOT Act was enacted. The government can indiscriminately search your library records, Internet activity and bookstore purchases. And under these expanded government powers, you have fewer legal protections against searches of your personal information such as banking, medical and membership records. It's time to bring the PATRIOT Act back in line with the Constitution. And the SAFE Act, which was recently introduced in Congress, is an important first step. It's supported by Democrats and Republicans in Congress and by organizations across the political spectrum.

Contact your representatives in Washington and urge them to keep us both *safe* and *free* by supporting the SAFE Act. After all, someone reading over your shoulder should only threaten your personal space, not your freedom.



VISIT WWW.ACLUNC.ORG/FREEDOM TO CONTACT YOUR REPRESENTATIVES IN WASHINGTON AND URGE THEM TO PROTECT YOUR CONSTITUTIONAL RIGHTS.

FREEDOM DETAINED: BILL OF RIGHTS DAY 2003

By Saipriya Choudhuri, *ACLU News Contributor*

In 1983, a team of legal pioneers won a pivotal civil rights victory when a San Francisco District Court vacated the conviction of Fred Korematsu for resisting the internment of Japanese Americans during World War II.

Twenty years later, over 400 ACLU supporters packed the Argent Hotel in San Francisco to honor Korematsu's *coram nobis* team with the Chief Justice Earl Warren Civil Liberties Award at the ACLU of Northern California (ACLU-NC)'s annual Bill of Rights Day celebration on December 14, 2003.

"Our ability to protect civil liberties today has been strengthened immeasurably by the groundwork laid over the past 20 years by Dale Minami, Don Tamaki, Fred Korematsu, and all the members of the *coram nobis* legal team," ACLU-NC executive director Dorothy Ehrlich said. "The internment of Japanese Americans, this most shameful chapter in America's history, could have been just a footnote in our history books were it not for the work that they did to reopen [Korematsu's] case."



Bob Weir, formerly of the Grateful Dead, brings the crowd to their feet.

Ed Chen, Dennis Hayashi, Peter Irons, Karen Kai, Leigh Ann Miyasoto, Bob Rusky and Eric Yamamoto filed a

coram nobis petition, arguing that the government had no legitimate basis for suspending their client's civil liberties. The groundbreaking District Court decision paved the way for a federal apology and reparations to internees and their survivors.

Members of this remarkable team were reunited on December 14. A rapt crowd rose to its feet as Korematsu presented the Chief Justice Earl Warren Civil Liberties award to Minami and Tamaki. "This was our opportunity to vindicate our families and retry history; we wanted to vindicate a nation, lifting forty years of shame, abuse, and injustice," said Minami.

"THERE ARE ARAB AMERICANS TODAY WHO ARE GOING THROUGH WHAT JAPANESE AMERICANS EXPERIENCED YEARS AGO, AND WE CAN'T LET THAT HAPPEN AGAIN."

FRED KOREMATSU

Yesterday and Today,' speakers drew parallels between Japanese internment and the erosions of civil liberties in the post-Sept. 11 era. "There are Arab Americans today who are going through what Japanese Americans experienced years ago, and we can't let that happen again," said Korematsu.

In the lobby, an exhibition entitled "Locked In/Locked Out," echoed this theme, displaying the winners of a high

school art and essay competition surrounding the topic of internment and its significance today.

The ACLU-NC also honored Judith Volkart, an attorney, educator, and ACLU activist, with the Lola Hanzel Courageous Advocacy Award for her outstanding volunteer work with the Sonoma County chapter. Bob Kearney, associate director of the ACLU-NC, urged the crowd to follow Volkart's inspirational example, challenging each attendee to take action to bring the USA Patriot Act back in line with the Constitution.

Bringing the crowd to their feet on a lighter note, this time to dance, was a musical performance by Bob Weir, rhythm guitarist of the Grateful Dead, and Grammy Award-winning bassist Rob Wasserman. ■



"I am an American," by Jennifer Gates, Senior, Carpinteria High School, was part of the Locked in/Locked Out lobby exhibit.



Fred Korematsu (second from right) celebrates with Dale Minami (left) and Don Tamaki (right) of his *coram nobis* team, and the ACLU-NC's Dorothy Ehrlich (second from left).

SACRAMENTO REPORT

By Bob Kearney, *Associate Director* and Ken Russell, *ACLU Legislative Office Assistant*

LEGISLATIVE PREVIEW

As we enter a new legislative year with a new governor installed in Sacramento, one thing is certain to remain the same: the budget crisis will dominate the legislative agenda. The ACLU's Legislative Office intends to become more actively involved in these fights, particularly in areas impacting the immigrant community and criminal justice.

The November 2004 elections will witness the political retirements of three prominent Bay Area advocates for civil liberties. Senators Byron Sher, John Vasconcellos and John Burton are the last of the "old guard" to be removed by term-limits, and the loss of their experience and stalwart support will be significant. Meanwhile, the ascension of Fabien Nuñez to speaker in the Assembly offers the need of much-needed stability in that body. Nuñez could retain power for four years if Democrats maintain control of the Assembly.

Recent revelations on abuses in the California Department of Corrections, while not news to ACLU activists, do have the potential to open up the conversation on reform of the system. As legislators seek solutions to the high costs of the prison system, the ACLU will push for cost saving alternatives such as expanded diversion and rehabilitation for non-violent drug offenders, as a means of lowering our prisons populations.

At the time of this writing, only a few bills have been introduced. Stay tuned to www.aclunc.org for updates. These are some of our legislative priorities this year:

MEDIA ACCESS TO INMATES

SB 1164 (Romero) would allow access to prisons by the press. This measure aligns with principles of free speech and of freedom of the press as well as with basic principles of open government. The Society of Professional Journalists and the California Newspaper Publishers Association are our coalition partners on this bill.

COMPASSIONATE RELEASE

AB 1946 (Steinberg) would establish procedural safeguards and notice provisions to facilitate the release of prisoners who are likely to die within a year and are deemed to present no threat to society. This could be a cost-saving measure for the state, especially given the high cost of medical care usually associated with this stage of life.

ENDING MARRIAGE DISCRIMINATION

AB 1967 (Leno) would create marriage equality for same-sex couples in California. If passed, this bill would grant lesbian and gay couples access to civil marriage licenses, as well as the protections and responsibilities of civil marriage.

FOOD STAMPS FOR DRUG FELONS

AB 1796 (Leno) would end California's prohibition on food stamps for people who have served time for a drug felony. This provision would actually help the state's financial situation, as ending this prohibition would qualify California for federal money we currently cannot receive.

GENDER EQUITY

AB 2404 (Steinberg) would apply Title IX gender equity principles to sports activities involving municipal and county facilities, allowing girls and boys equal access.

In addition, we will be working to pass bills carried over from last year, including:

STUDENT INTERROGATIONS

AB 1012 (Steinberg) would require schools to notify parents before students can be interrogated by the police.

POLICE REFORM

AB 1077, AB 1119, AB 1221 (Wesson). This package of police reforms would require law enforcement agencies to implement "early warning systems" to identify problematic patterns of police officers, improve the current complaint procedures, and make filing a complaint less intimidating by allowing complaints to be filed at locations other than in person at the police department. It would also require the Attorney General to establish whistleblower protections in law enforcement agencies. ■

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

STANISLAUS COUNTY CHAPTER LAUNCHES

Stanislaus County is the latest chapter to join the ACLU family. On January 29, some 50 local ACLU members gathered at the Stanislaus County Library in Modesto to elect their first board of directors. They were joined by ACLU of Northern California field organizer, Sanjeev Bery, and police practices policy director, Mark Schlosberg.

According to chapter board member Fred Herman, "Not only will there be a Stanislaus County chapter of the ACLU, but it will be a prestigious, proactive group dedicated to guarding Modesto area freedoms."

SONOMA COUNTY DINNER TAKES AIM AT "ENEMY COMBATANT" DOCTRINE

On March 13, Sonoma County ACLU members gathered to hear Stanford Professor Jenny Martinez take on the notion of "enemy combatant." Martinez authored one of the legal briefs successfully challenging the government detention of Jose Padilla as an "enemy combatant." She also served as an associate legal officer at the U.N. International Criminal Tribunal for the Former Yugoslavia at The Hague.

Speaking at the chapter's awards ceremony and annual dinner, Martinez pointed out how the label "enemy combatant" has been used to deny basic constitutional protections to citizens and noncitizens alike.

FRESNO RESIDENTS SEEK RECORDS ON FBI INFILTRATION

On January 29, the ACLU of Northern California and Fresno residents filed requests under the Freedom of Information Act and the Privacy Act seeking information about the government's infiltration of a local peace group.

Peace Fresno discovered that one of its members had actually been a government agent when the *Fresno Bee* published an obituary about his death in a motorcycle accident.

The request was prompted in part by a disclosure in the *New York Times* of an internal FBI bulletin advising local law enforcement agencies around the country to monitor anti-war activists and to report on their activities to the local FBI Joint Terrorism Task Force (JTTF). The requests were filed with the offices of the FBI and the U.S. Attorney, who maintain a JTTF with local law enforcement agencies in the Fresno area. ■

"NO-FLY" continued from page 9

on the list, whether people could be blacklisted for First Amendment protected activity, and how the women could get their names removed from the list.

The heavily redacted documents released by the FBI failed to answer to these crucial questions. However, they indicate that not only are the lists being culled together by the "FBI, CIA, and probably other [intelligence] agencies," but that the list may be disseminated widely in America and overseas to both embassies and the military.

"Particularly given the troubling revelation that the 'no fly'

list may be distributed internationally and domestically and even to the U.S. military, the public has a right to know whether the list makes us any safer," said Jayashri Srikantiah, ACLU-NC associate legal director. "As with all these government lists, the concern is that they will be distributed and built without any constraints to ensure that innocent Americans are not wrongly flagged. This disclosure does nothing whatsoever to allay that fear—and in places gives reason to be more worried about the no-fly list." ■

JOIN US: NATIONAL ACLU CONFERENCE IN SAN FRANCISCO JULY 6-8, 2004

Last year, the ACLU held its first ever membership conference with great success. Nearly 1,500 card-carrying members of the ACLU lobbied, learned, and networked at an uplifting conference in the nation's capital.

Because of northern California's leadership against the Patriot Act and other "Safe and Free" issues, San Francisco has been chosen as the site of the 2004 national ACLU conference.

Thousands of the ACLU's 400,000 members nationwide are expected to join us as attendees, and we urge all of our northern California members to turn out in force and welcome activists from across the nation.

"We have some wonderful special events planned for ACLU members in northern California," says ACLU-NC associate director Bob Kearney. "We invite you all to visit our northern California hospitality suite, meet the staff, and discuss ways to take ACLU action in your communities."

The conference is an opportunity for members to hear from—and challenge—the nation's executive, judiciary and legislative leaders, gain insight into key issues at stimulating workshops and plenary sessions, honor luminaries who have devoted their lives to the cause of liberty, and enjoy a spectacular concert and the company of ACLU members from every walk of life.

You can register now for the second ACLU Membership Conference, July 6 - 8, by visiting the National ACLU website at www.aclu.org, or calling 212-549-2590. ■

GET INVOLVED! LOCAL CHAPTER MEETINGS

Contact your local ACLU chapter and become a force for change in your community.

B-A-R-K (BERKELEY-ALBANY-RICHMOND-KENSINGTON) CHAPTER MEETING: Third Wednesday of each month at 7p.m. Contact Jim Hausken for location and other info: (510) 558-0377.

MARIN COUNTY CHAPTER MEETING: Third Monday of each month at 7:30 p.m. at the public media room, Sewerage Agency of Southern Marin, 450 Sycamore Ave., Mill Valley, CA 94941. Contact Bob Harmon for more information: (415) 388-3980. Or call the Marin Chapter complaint hotline at (415) 456-0137.

MENDOCINO CHAPTER MEETING: Second Saturday of each month from 12 noon until 2 p.m. Locations rotate throughout Mendocino County. For information on next meeting, contact Jessie Jesulaitis at (707) 964-8099, or Chapter Chair Linda Leahy at (707) 937-3452 or lleahy@mcn.org.

MID-PENINSULA CHAPTER MEETING: First Wednesday of each month from 7:00 to 9:30 PM. All meetings are at conference room of Community Activities Building in Red Morton Community Park at 1400 Roosevelt Avenue, Redwood City. Contact Harry Anisgard for more information: (650) 856-9186.

MONTEREY COUNTY CHAPTER MEETING: Third Tuesday of the month at 7:15 p.m. at the Monterey Public Library. Contact Matt Friday to confirm time and location: (831) 899-2263. Or to report a civil liberties concern, call Monterey's complaint line: (831) 622-9894. Visit www.aclumontereycounty.org.

NORTH PENINSULA (DALY CITY TO SAN CARLOS) CHAPTER MEETING: Usually third Monday of each month at 7:30 p.m. in the downstairs conference room at 700 Laurel Street (off Fifth Avenue), San Mateo. Contact Linda Martorana: (650) 697-5685.

PAUL ROBESON (OAKLAND) CHAPTER MEETING: Usually fourth Monday of each month at the Rockridge library (corner of Manila and College Ave.), Oakland. Contact Louise Rothman-Riemer: (510) 596-2580.

REDWOOD (HUMBOLDT COUNTY) CHAPTER MEETING: Third Tuesday of each month at 6 p.m. above 632 9th St. Arcata, CA 95525. Contact Roger Zoss: rzoss@quik.com or (707) 825-7636.

SANTA CLARA VALLEY CHAPTER MEETING: First Tuesday of each month, 1051 Morse Street (at Newhall), San Jose. For more info, contact acluscv@hotmail.com or visit www.acluscv.org.

SANTA CRUZ COUNTY CHAPTER BOARD MEETING: Third Tuesday of each month at 7 p.m. at 260 High Street. Contact Kathleen Hughes for more information: (831) 439-9467 or www.acluncsc.org.

SONOMA COUNTY CHAPTER MEETING: Third Tuesday of each month, at 7 p.m. at the Peace and Justice Center, 467 Sebastopol Avenue, Santa Rosa (one block west of Santa Rosa Avenue). Call the Sonoma hotline at (707) 765-5005 or visit www.aclusonoma.org for more info.

STANISLAUS COUNTY MEETING: Monthly. Contact Tracy Herbeck at (209) 522-7149 for more information.

YOLO COUNTY CHAPTER MEETING: Usually third Wednesday of each month. Contact Natalie Wormeli, (530) 756-1900, or Dick Livingston, roliving@jps.net.

NEW CHAPTERS ORGANIZING

CONTRA COSTA/MT. DIABLO CHAPTER: Regular meetings. Contact Lee Lawrence for more info at (925) 376-9000 or leehelenalawrence@yahoo.com. All ACLU members in central and eastern Contra Costa County are invited to participate.

NAPA COUNTY CHAPTER: Meetings to be announced. Call (415) 621-2493.

SACRAMENTO COUNTY CHAPTER: Regular meetings. Contact Mutahir Kazmi, (916) 691-0582.

SAN FRANCISCO CHAPTER: Meetings to be announced. Call (415) 621-2493.

SAN JOAQUIN COUNTY CHAPTER: Regular meetings. For more information, contact: Kamran Alavi (209) 833-0576, calm_ron@yahoo.com; or Marcia Savage 209-339-1599, ms1599@comcast.net.

SOLANO CHAPTER: Contact Bill Hatcher at (707) 449-0726.

Q: WHAT IS A "PARTIAL BIRTH ABORTION?"

MC: "Partial birth abortion" is a politically concocted phrase, with no medical meaning, fabricated to conjure up images of infanticide. The law was apparently targeted at intact dilation and evacuation (IDE), an abortion technique that was developed as part of the continuing scientific effort to improve the safety of abortion technology. IDE is a variant of the dilation and evacuation (D&E) procedure most frequently used to end pregnancies after 12 weeks.

Q: SO WHAT DID CONGRESS BAN?

MC: By defining the crime with vague and arbitrary language, Congress outlawed safe and common medical procedures currently used in 95 percent of second trimester abortions. The Act sweeps in both D&E and its variant IDE. Even if Congress intended to ban only IDE, it is virtually impossible for doctors to know or control when an ordinary D&E procedure crosses the arbitrary line and becomes a felony. In the stress of the operating room, a doctor faced with sudden medical events calling for moment-to-moment decisions may shift from one procedure to a related technique. Doctors will therefore be at risk of criminal prosecution any time they terminate pregnancies after 12 weeks using safe and common techniques.

Q: BUT I THOUGHT THIS WAS ALL ABOUT VERY LATE ABORTIONS?

MC: It's not. The law has no time limit at all. The ban applies throughout pregnancy.

Q: DOES THE LAW HAVE EXCEPTIONS FOR WOMEN WHO NEED THIS PROCEDURE TO PRESERVE THEIR HEALTH?

MC: No. Congress substituted its judgment for the wisdom of medical professionals actually involved in patient care, by inserting extensive Congressional "findings" that the abortion technique known as intact dilation and extraction (IDE) is never medically appropriate. These "findings" are not grounded in medicine and are simply untrue.

Q: WHEN MIGHT WOMEN NEED IDE?

MC: Contrary to the misleading public relations campaign surrounding the effort to ban "partial birth abortion," healthy women and their doctors do not capriciously decide to murder healthy fetuses moments

ASK THE EXPERTS! SAVING CHOICE

In September 2003, President Bush signed into law the first federal criminal law restricting abortion in United States history. The *ACLU News* asked reproductive rights attorney Margaret Crosby to explain what the "Partial Birth Abortion Act" of 2003 means for women—and where the ACLU's challenges to the law are headed.



Margaret Crosby

before birth. The decision to end a wanted pregnancy in the second or third trimester often reflects poignant circumstances: fetal abnormalities that mean that a baby will be born dying, or serious complications that will jeopardize a woman's ability to work and care for other children.

Experts agree that the IDE procedure is safer for some women. It minimizes the chance of perforation, infection and blood loss; it allows for autopsies of intact fetuses to determine what went wrong and enhance the woman's chance of a healthy future pregnancy; and it affords grieving couples an opportunity to hold the fetus and find closure after experiencing a pregnancy loss. Doctors in training learn the IDE procedure at leading teaching hospitals because it offers the best care for some patients.

Q: WHAT DO DOCTORS SAY ABOUT THE BAN?

MC: Prestigious medical organizations strongly oppose the ban. For example, the Association of Reproductive Health Professionals has said: "Threatening doctors, nurses, midwives, and other health care providers with fines and imprisonment will compromise quality care for women and result in needless injury and death." The California Medical Association has said that the Act "endangers the health of women throughout California, and makes criminals out of highly trained healthcare professionals for taking steps necessary to preserve women's health when they perform the safest and most common procedures available for second-trimester abortions. The Act has no foundation in medical science, usurps the role of physicians in deciding what is best for their patients, and violates firmly established constitutional principles."

Q: WHAT HAVE THE COURTS SAID ABOUT THE BAN?

MC: Just three years ago, the United States Supreme Court struck down a virtually identical Nebraska law. The Court said the ban was unconstitutional for two independent reasons: *first*, its broad language made safe and common abortion procedures used before fetal viability a crime; and *second*, it contained no exception for procedures necessary to protect women's

health. (*Stenberg v. Carhart*, 530 U.S. 914 (2000)). The consistent thread that runs through the Supreme Court decisions on abortion is the primacy of women's health. Thirty years ago, in *Roe v. Wade*, 410 U.S. 113 (1973), the Court established that even *after* fetal viability, when abortion can be prohibited, the state may not ban an abortion necessary to preserve a woman's health. In the 2000 case, the Court reaffirmed the principle that the government's proper role in regulating abortion is never to endanger women's health. Congress simply defied the Supreme Court in drafting the new federal ban, which has the identical constitutional flaws.

Q: WHY WOULD CONGRESS DO THAT?

MC: Congress and the President are playing politics with women's health. They are placating anti-choice supporters, who feel that even if this law is never enforced, it allows them to launch a deceptive public relations campaign that weakens support for the right to choose abortion.

Q: HOW IS THE ACLU INVOLVED IN CHALLENGES TO THE NEW LAW?

MC: The ACLU is representing the National Abortion Federation against John Ashcroft in federal court in New York, in one of three constitutional challenges to the ban. In another challenge, brought by Planned Parenthood, and filed in federal court in San Francisco, the ACLU of Northern California is representing the California Medical Association as a friend of the court.

Q: WHAT IS THE STATUS OF THE LEGAL CHALLENGES?

MC: In every case, the courts halted enforcement of the Act, so that women may continue to obtain safe and legal abortions while the courts consider the constitutionality of the Act.

Q: WHAT HAPPENS NEXT?

MC: Trial is set to begin on March 29 in all three cases. Appeals are expected in the cases, which will be closely watched as they work their way up to a possible Supreme Court ruling on the future of *Roe v. Wade*. ■

YOUR LETTERS

PROP. 54 VICTORY

Editor,
In your most recent issue you hailed the victory of the no vote on Proposition 54. I, along with many other Californians, voted no on this proposition, but I am much less sure than you are that the victory serves the interest of civil liberties.

Back in the mid-1960s when I was on the Berkeley-Albany ACLU board, the more passionate members were periodically reminded by the then director of the ACLU-NC, Ernest Besig, that there are civil liberties and good causes, and we should recognize the difference between them.

The ACLU loses credibility when it strays from its reason for being, protection of civil liberties, to give political support to good causes.

- Larry Waldron, Berkeley

Thank you for this thoughtful letter. The ACLU is committed to protecting equal justice, which is a fundamental civil liberty. We believe that fighting Proposition 54 was absolutely central to our mission; its defeat ensures the continuance of our core work on racial justice.

- The Editor.

Editor,

The Fall, 2003, issue of the *ACLU News* deceptively led readers to believe that the CA ACLU played a major role in the defeat of Proposition 54 by devoting two full pages to the lopsided 64% to 36% defeat. Arnold Schwarzenegger and many others also opposed Proposition 54. Its defeat was even conceded by Ward Connerly weeks before the recall election. Valuable ACLU assets were spent on defeating Proposition 54 at the expense of the more important task of amending or repealing the Patriot Act.

- Ralph Hoffman, Danville

Without a crystal ball we don't know what would have happened had the ACLU and others not fought full throttle against Prop. 54. But we do know that it was no easy victory—until late in the day the polls showed voters liking the measure. We believe it took a village — months of furious organizing, fundraising and media work, the hard-won endorsements of unlikely allies like Gov. Schwarzenegger, and a Herculean volunteer effort—to secure this pivotal victory.

- The Editor

NEW! ACLU FORUM

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 focus on one or two specific topics.

WE WANT TO HEAR FROM YOU!

We welcome letters on any of the subjects we cover, although we cannot print every letter or answer every question. Letters may be edited and should not exceed 200 words.

Send your questions and comments to gandian@aclunc.org or Gigi Pandian, 1663 Mission Street #460, San Francisco, CA 94103.

Editor's note: Thank you to all those who wrote in about Touch Screen Voting. The ACLU Forum on TSV will appear in the next issue of the *ACLU News*.