

ACLUnews

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BECAUSE FREEDOM CAN'T PROTECT ITSELF

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LOOKING BACK AT INAUGURATION

By Aundré Herron

Obama's election stands as a testament to the best and most enduring aspect of this country: our ability to continually remake ourselves as a nation, moving closer to those ideals we proclaim to distinguish us from all others.

For me, attending the Inauguration of Barack Obama was imperative. I was undeterred by the lack of tickets or guarantee of a place to sit or stand. Though I was able to see little more than the flags that draped the Capitol's façade, I was thrilled to be there personally, to be a witness to history.

Obama's election is a victory for which no particular group can take full credit, yet one in which nearly every constituency played a pivotal role. Young, middle-aged and senior citizens; men and women; people of color and white people; LGBT and straight people; able-bodied and physically-challenged people; well-to-do and poor people; independents and party loyalists—all came together in a perfect storm of electoral politics that delivered the White House to a Black man.

Although the Obama campaign team succeeded in diverting

race as a dominant theme during the election, its significance is not lost on those who acknowledge this country's tragic and painful history. How ironic that, nearly 150 years after the abolition of slavery—a peculiar institution that stripped enslaved Africans of their provenance and their lives—this nation should come to be led by a person who is descended directly from Africa and who, unlike the vast majority of Black Americans, actually knows what part of Africa he is from!

Only a Black man with Obama's particular background and atypical experience could so thoroughly and unimpeachably challenge the legacy of stereotypes and misperceptions that underlay the very foundation of American racism—those deeply entrenched notions that have, for so long, deprived this



DAVID KATZ OBAMA FOR AMERICA

nation of some of its greatest talent. Still, he did not have an easy time of it, enduring countless racist euphemisms passed off as inquiries into his fitness to serve. Obama's election does not absolve the nation from its racist past nor its continuing derelictions but, in a curious joinder of karma and paradox, signals that the circle has come full.

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PROP 4: HOW WE WON. (AGAIN).

Editorial

For the third time in four years, California voters in November rejected a ballot initiative that would have required doctors to notify a pregnant teen's parent before an abortion. As with its predecessors, Prop. 73 and Prop. 85, Prop 4 sought to reverse a hard-won ACLU-NC victory protecting young women's reproductive choices from mandatory government involvement laws. The ACLU-NC and Planned Parenthood fought tooth and nail to defeat Prop. 4. And we won. Again.

But truthfully, we weren't certain that we would win at all. The polls never looked good. There wasn't much money behind the No on 4 campaign. And we needed to educate 5 million new voters in a crowded election year.

The greatest challenge was one of perception. To many people, forcing a young woman to tell her parents that she is pregnant sounds like the right thing to do. As one of the ACLU-NC's star organizers, Alicia Walters, will tell you,

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No on Prop 4 volunteers at the ACLU-NC office.

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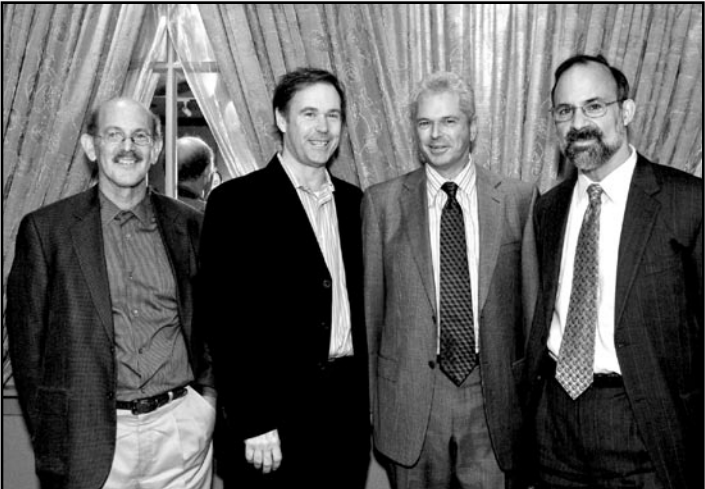
AMERICAN CIVIL LIBERTIES UNION
of NORTHERN CALIFORNIA

LAWYERS COUNCIL CELEBRATES 20TH ANNIVERSARY

The ACLU has long worked to promote equality by eliminating all forms of discrimination for LGBT people, most recently through our vigorous opposition to Proposition 8. In November, the ACLU-NC Lawyers Council welcomed Matt Coles, director of the ACLU's national Lesbian Gay Bisexual Transgender and AIDS Project, and Kate Kendell, executive director of the National Center for Lesbian Rights, as featured speakers at the Lawyers Council's 20th Anniversary Civil Liberties Briefing Luncheon. Coles and Kendell offered their analysis of the campaign to defeat Proposition 8 and the current litigation strategy in the aftermath of its passage.

For more information about the Lawyers Council, please contact Sandy Holmes at sholmes@aclunc.org.

PHOTOS BY MICHAEL WOOLSEY



Karl Olson, Mike Ram, Steve Vettel, Ethan Schulman.



Matt Coles and Kate Kendell.



More than 30 local attorneys attended the luncheon.

REMEMBERING HERB DONALDSON

By Stan Yogi

The ACLU-NC mourns the passing of Judge Herbert Donaldson, who died on December 5, 2008 at the age of 81. Donaldson leaves us with his pioneering legacy as a respected jurist and advocate for the poor. As an attorney for Southern Pacific in the early 1960s, Donaldson volunteered to represent indigent clients in federal criminal cases. He subsequently opened a criminal law practice before joining the staff of the San Francisco Neighborhood Legal Assistance Foundation, representing impoverished residents in the late 1960s. Born in a West Virginia coal town, Donaldson's own beginnings were so humble that he and his widowed mother and two siblings once lived in a converted chicken coop.

Donaldson was also an ACLU client. He was arrested for challenging San Francisco police who harassed the organizers of a 1965 fundraiser for a gay rights group. Police targeted the gathering because it was a gay event. The incident became a cause célèbre. Donaldson was found not guilty, and the police hired a liaison to the gay community.

In 1983, Governor Jerry Brown appointed Donaldson to be a superior court judge, the first openly gay man to hold the position in San Francisco.

After retiring from the bench in 1999, Donaldson served as the first judge in the newly formed Behavioral Health Court, a branch of the Superior Court for people with mental health problems. ■



PHOTOS COURTESY OF LOUISE SWIG

KUDOS!

Development Director **Cheri Bryant** received the 2008 Hank Rosso Outstanding Fundraising Professional Award at the National Philanthropy Day Luncheon in San Francisco. Named after the fundraising master, the award recognizes an individual who has guided fund development campaigns with extraordinary success.



Death Penalty Policy Director **Natasha Minsker** was honored by California Attorneys for Criminal Justice with its 2008 Skip Glenn Award for her outstanding work as key strategist and coordinator of research and testimony during the 2008 hearings of the California Commission on the Fair Administration of Justice. Her efforts are helping to shine more light—and more public attention—on the many dysfunctional and costly facets of the state's broken system.

Legal Director **Alan Schlosser** and Attorney **Michael Risher** received Champion of Justice award from the City of Fresno, Congressman Jim Costa, and Central California Legal Services, Inc. for their work to restore the constitutional rights of homeless residents in Fresno. See page 5.



BOARD ELECTION RESULTS

Congratulations to ACLU-NC's new board members, officers and executive committee members!

ELECTION RESULTS: BOARD OF DIRECTORS

The membership of the ACLU-NC has elected the following people to serve on the Board of Directors for the 2009 term [an asterisk (*) denotes an incumbent]: *Jim Blume, *Linda Colfax, Dr. Alicia Fernandez, *Dick Grosboll, Allen S. Hammond, Magan Pritam Ray, Steven Rosenbaum, *Jahan Sagafi, *Betsy York, and *Elizabeth Zitrin. In addition, Lateefah Simon, Natalie Wormeli, Mickey Welsh, and Tal Heinz Clement have been appointed to fill interim vacancies on the Board. We also thank outgoing at-large Board members Phillip Mehas and Lovely Dhillon for their valuable contributions to our work and mission.

NEW OFFICERS AND EXECUTIVE COMMITTEE MEMBERS

The ACLU-NC Board of Directors elected Nancy Pemberton as Board Chair, Dick Grosboll as Finance Committee Chair (Secretary/Treasurer), Philip Monrad as Legislative Policy Committee Chair, and Allen Asch as Field Activists' Committee Chair. The Board has re-elected Quinn Delaney as Development Committee Chair, Linda Lye as Legal Committee Chair, and Lisa Honig as National Board Representative. The 2009 Executive Committee will also include the following "at-large" members: Cherri Allison, Farah Brelvi, Susan Mizner, Jahan Sagafi, Clara Shin, Frances Strauss (*member emeriti*), Ken Sugarman, and Elizabeth Zitrin.

ACLUnews

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AMERICAN CIVIL LIBERTIES UNION OF NORTHERN CALIFORNIA

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MEET OUR FELLOWS

By Isobel White

In addition to our hardworking staff and diligent volunteers, the ACLU-NC is honored to host four Fellows whose highly focused research and advocacy contribute greatly to our work. Recent law school graduates, the Fellows are chosen through an intensely competitive application process and selected for their current skills and future promise as public interest attorneys. They get excellent training in advocacy and impact litigation, and their hard work enables the ACLU-NC to address civil liberties issues in even greater depth.

Andre Segura's Civil Liberties Fellowship spans the range of the ACLU-NC's work, from protecting civil liberties in schools to defending against abuses of government power in the post-9/11 era. His current projects include assisting with our case against the City of Antioch and its police department for racially profiling and harassing Section 8 residents. Andre is also working on our lawsuit against Sonoma County and ICE for stopping and searching people who appear to be Latino and detaining people in the county jail without criminal charges, based on suspected immigration status alone. The biggest challenge of his work? "Addressing the continued targeting of people of color by law enforcement agencies."

As the Racial Justice Project Fellow, **Saneta deVuono-powell** advocates for changes to education and criminal justice policy. Leading up to the election, she helped coordinate the ACLU-NC's campaign to educate the public about voting rights for people with felony convictions, she says. "Many people take voting for granted and are cynical about the process. But in my work on the Every Vote Counts campaign, I have come to appreciate how painful it is to have this right taken away." Saneta is also conducting research on the disproportionate confinement of minorities in



ACLU-NC Fellows: Andre Segura, Greta Hansen, Saneta deVuono-powell, Chris Conley.

the criminal justice system, and assisting with the ACLU-NC's Schools for All campaign.

Greta Hansen is the ACLU-NC's Equal Justice Works Fellow. She focuses on addressing the lack of equal educational opportunities caused by discriminatory school discipline and

over-policing in our schools. "Students of color are disciplined disproportionately in every school district I've reviewed," Greta explains. By identifying the school districts with the greatest disparities, promoting public awareness and initiating litigation, Greta is helping the ACLU-NC to draw attention to places where the promise of equal opportunity is falling far short, and to spark institutional shifts that can change the culture of these schools.

As Technology and Civil Liberties Fellow, **Chris Conley's** work focuses on the intersection of privacy, free speech, and modern technology. "Our legal landscape has not kept up with the realities of new technologies," says Chris. "For example, journals or email stored online should have the same legal protections as diaries or letters kept in a desk drawer at home—but in many cases they don't." With Chris's assistance, the ACLU-NC is developing a public education campaign to promote protections for online privacy and check the government's power to see and use our data without our knowledge. ■

Isobel White is a Berkeley-based writer and communications consultant, and a special contributor to the ACLU-News.

MEET OUR NEW BOARD CHAIR

By Laura Saponara

Nancy Pemberton's kinship with the ACLU began when she was a child. And for a full generation now, she has played a central role in the family life of the ACLU of Northern California.

Nancy's father, John De J. "Jack" Pemberton, served as the executive director of the national ACLU from 1962 to 1970. His tenure—and Nancy's childhood and early adolescence—coincided with the events that have come to symbolize the Civil Rights Movement: Bloody Sunday; Loving v. Virginia; the murder of Medgar Evers; the Civil Rights Acts of 1964 and 1968; the jailing and later the assassination of Dr. King.

Among his many achievements, Jack Pemberton was charged with establishing the first regional offices of the ACLU in the Southern United States. Nancy recalls vividly how her family's home in New York became a temporary haven for ACLU attorneys whose physical safety was threatened by white supremacists.

Among the many values and virtues her parents modeled, Nancy draws often on an appreciation of the vulnerability of liberty that she got from her dad.

"I understood early on how important it is that the individual keep and protect power, because power can be stripped so easily by government," Nancy explains.

Following a youthful period of rebellion about which little is known to her ACLU colleagues, Nancy received a law degree in 1985 and became Chair of the ACLU-NC's Board of Directors that same year. She was 26 years old and already a board veteran, having first joined as the youth representative six years earlier.



Other than cycling off of the board one or two times (per board policy), Nancy has served consistently, as a calm and insightful voice on most committees and many subcommittees. She chaired the Finance Committee twice, most recently until 2008.

"Nancy brings an intimate knowledge of the workings of the organization," says board member Lisa Honig. "She treasures it, values it, sees its strengths and weaknesses."

Nancy's dedication to protecting the rights of those most at risk is at the core of her professional career, as it has been in her ACLU involvement. Early on she was drawn to criminal defense work. But soon she became disillusioned with what she terms "the imbalance of power within the criminal justice system." After a few years, Nancy realized that the work she loved most was the intensive investigations that surround capital cases—the compilation of a deeply personal social history, a life story that amounts to a factual defense against a death sentence. After getting a private investigator's license, she created her own agency, Pemberton & Associates, in San Francisco. The firm continues to specialize in fact investigation and mitigation in capital cases.

With former longtime ACLU-NC Executive Director Dorothy Ehrlich and others, Pemberton played a critical role in founding the organization Death Penalty Focus in 1980, at the time when California had just reinstated the death penalty and no other organization was focused solely on its abolition.

Asked about highpoints of her ACLU-NC board service, Pemberton says that she is particularly proud of the respect-

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SCHOOLS FOR ALL

By Isobel White

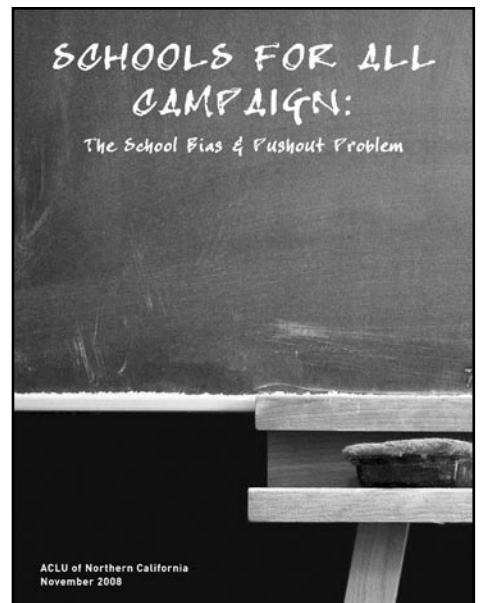
A critical function of our society is to educate our youth, and a great deal of opportunity is lost if we don't. Yet too often schools treat students in ways that dismiss their promise, marginalize their presence, and discourage learning. In environments like these, schools not only fail to protect students from bias and harassment, they *push out* youth who are most vulnerable.

The ACLU-NC is proud to announce the release of a report synthesizing some of the nation's best thinking about the push-out phenomenon by a circle of experts in education, family law, psychology, violence prevention, and the study of race and ethnicity. *Schools for All*

Campaign: The School Bias and Pushout Problem delves into the misperceptions that underlie common forms of bias; how vulnerable youth populations intersect with one another; and the need to address these very complex and overlapping issues in a manner that is respectful of all students.

The report concludes with a discussion of promising approaches to ensuring that every child attends a welcoming school.

The roundtable gathering synthesized in the report was funded by the Evelyn and Walter Haas, Jr. Fund and is available online at <http://www.aclunc.org/s4a/index.shtml>. ■



LEGAL BRIEFS

By Emma Lierley

REDEMPTION: HELPING CITY COLLEGE TO SEE THE LIGHT

At the urging of the ACLU-NC, City College of San Francisco adopted new hiring procedures in September that will give full consideration to job applicants with prior drug-related convictions who have been fully rehabilitated for at least five years.

This new policy will allow City College to draw on a wider, more diverse pool of job applicants.

In a letter to the College, the ACLU-NC pointed out that drug-related charges disproportionately affect poor people and people of color. As the California Supreme Court has observed, "...the teacher who committed an indiscretion, paid the penalty, and now seeks to discourage his students from committing similar acts may well be a more effective supporter of legal and moral standards than the one who has never been found to violate those standards."

The new policy brings hiring practices in line with state laws on rehabilitation.

DEFENDING FREE SPEECH ON YOUTUBE

The ACLU stepped up to defend political discourse and fair use online in October 2008 when it sent a letter to four major television networks objecting to their demands that YouTube remove several election-related video clips.

Claiming copyright infringement, CBS, Fox, NBC, and the Christian Broadcasting Network had demanded that YouTube remove news clips posted by individuals and by both presidential campaigns.

The ACLU joined a coalition of public interest groups in calling on the networks to stop stifling Internet free speech and political discourse with unsubstantiated and overreaching copyright claims. Visit www.aclunc.org/tech to read the letter and learn more about internet free speech.

CHALLENGING SCHOOL DRUG TESTING

The ACLU-NC filed a lawsuit in December on behalf of students in the Shasta Union High School District, challenging the District's newly adopted drug testing policy. The policy mandates that all students who participate in a wide range of school-related activities—including music programs, debate club, the math team, and others—must submit to invasive drug testing.

The policy infringes on students' rights to privacy and to participate fully in classes and non-athletic school-related activities, a core part of public education and curriculum.

"To test students without any suspicion of drug use just because they want to participate in activities like the math team or band isn't just unconstitutional, it's also irrational," said Michael Risher, ACLU-NC Staff Attorney. "Students who have done absolutely nothing wrong shouldn't be treated like criminal suspects."

PROTECTING SF'S MUNICIPAL ID

The ACLU-NC celebrated a victory in October when the San Francisco Superior Court dismissed a lawsuit challenging the San Francisco Municipal ID Ordinance.

The Municipal ID program makes legal identification cards available to anyone who is able to prove their identity and establish fifteen days presence in the City. The gender-neutral ID cards are essential for San Franciscans who face difficulties in obtaining legal identification—a necessary item for many city services.

The ACLU-NC, ACLU Immigrants' Rights Project, and Lawyers' Committee for Civil Rights represented St. Peter's Housing Committee and the San Francisco LGBT Community Center as interveners in the case to defend the Ordinance and filed an amicus brief for the Transgender Law Center and San Francisco Coalition on Homelessness.



Residents of San Francisco waited in line at the Office of the County Clerk to apply for the SF City ID card on the first day that the city began to implement the program, in January.

The suit challenged the ordinance for not requiring proof of lawful immigration status. The court's dismissal of the suit was an important step toward ensuring that all San Francisco residents have access to essential city services and police protection.

EXPANDING ACCESS TO PRENATAL CARE

The ACLU-NC is very pleased to report that we succeeded in challenging a state law requiring that low-income working women must have resided in California for at least six months before they can be eligible to receive prenatal and other medical care services through California's Access for Infants and Mothers (AIM) insurance program.

The San Francisco Superior Court in December struck down the law, in response to a lawsuit filed by ACLU-NC and the Lawyers' Committee for Civil Rights, Bay Area Legal Aid and attorney Lucy Quacinella on behalf of an advocacy group, Maternal and Child Health Access.

The ruling clears the way for more women to obtain the essential prenatal and other medical care they need.

PROTECTING THE PRIVACY AND FREE SPEECH OF ACTIVISTS

The ACLU of Northern California and the Electronic Frontier Foundation (EFF) filed suit in federal court in January to protect the privacy and free speech rights of two San Francisco Bay Area community organizations after the groups' computers were seized and the data copied by federal and local law enforcement. Both organizations, Long Haul and the East Bay Prisoner Support Group (EBPS), based in Berkeley, are publishers of information for social and political activists.

In August, University of California Police, the Alameda County Sheriff's Department and the Federal Bureau of Investigation (FBI) raided Long Haul's space in Berkeley, searching public and private rooms and cutting or unscrewing locks that protected private offices. The officers removed every computer in the building, even though the federal Privacy Protection Act specifically protects publishers from search and seizure except in the most narrow of circumstances.

The search was not based on any allegations of wrongdoing on the part of Long Haul, EBPS or their members. The seized computers were eventually returned, but investigators likely copied the data and continued their illegal search of the information. ■

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WE HAVE RIGHTS, TOO: THE STORY OF FRESNO HOMELESS RESIDENTS

AFTER YEARS OF ABUSE FROM POLICE OFFICERS AND CALTRANS WORKERS, A GROUP OF FRESNO HOMELESS RESIDENTS MADE THE JUSTICE SYSTEM WORK FOR THEM

By Hamed Aleaziz

Al Williams had accepted a few realities of daily life on the streets of Fresno: people feared him, shelters fed him food and evangelism, and the police harassed him.

For a proud man like Williams, who served in the U.S. military, the third reality was the toughest to accept. “When the police look at you as a homeless person they think you have no way of defending yourself legally. I would stand up and I’d get the gun in my face. You back off and you just watch. You feel helpless,” he says.

Williams, like the other homeless residents of Fresno, was repeatedly bullied by the police department. The destruction of property by police officers and Caltrans workers - wheelchairs, medication, photographs, personal papers, tents - was commonplace.

While many saw no end in sight, a few homeless residents like Williams, with assistance from community activists, enlisted the help of the ACLU to file a class action lawsuit against the city of Fresno.

The process was long but finally, in June 2008, the City and Caltrans agreed to a \$2.35 million settlement. The settlement has not eradicated homelessness in Fresno, but it has brought housing, food and newfound awareness among the 344 class members of what it feels like to claim one’s right to basic civil liberties.

The settlement has also allowed many homeless residents, including Williams, to become activists for those still on the streets.

Many of the homeless people involved in the case, including Jeannine Nelson, now have housing. Nelson, whose property was repeatedly destroyed by the police, now goes home to an apartment and, thanks to her purchase of a motor home, will never be homeless again. “It gave me my self-worth and dignity. I got a chance to speak up and talk about what was wrong and what was right,” she says.

Nelson sees the settlement as an opportunity to change the lives of those still on the streets.

Resolute and now strengthened by a sense of purpose, she sees the cause as her calling.

Other plaintiffs, like Joanne Garcia, also see the settlement as an assertion of civil rights for homeless individuals. Inside her new apartment, Garcia reflects, “I think the best thing I can say is—it’s nice to know we have rights. Because of what we and our lawyers did, other homeless can know they have rights.”

After years of running or hiding from the police, Garcia feels comfortable outside and enjoys walks around a park, a luxury that most take for granted.

“I can say we got justice. It’s not always the case but this time it was,” she says.

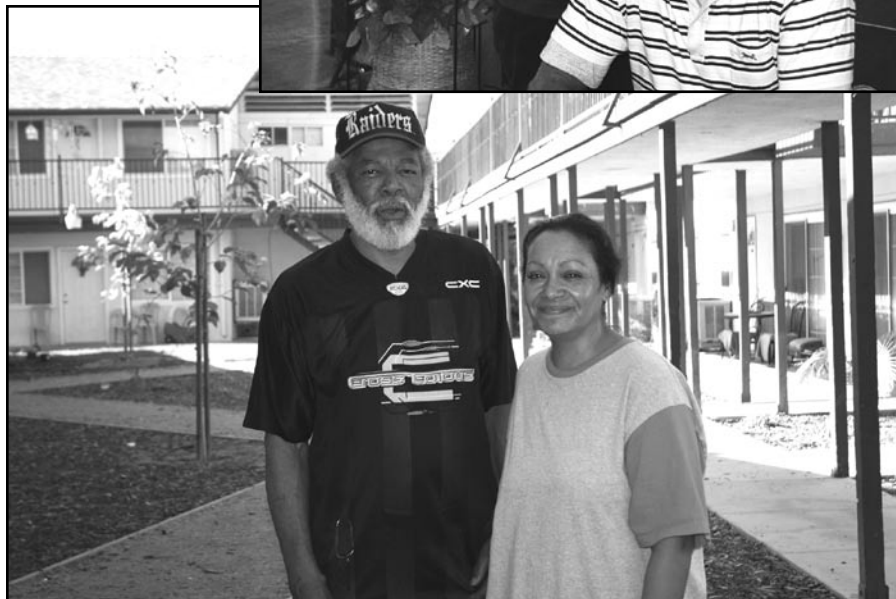
The settlement has vastly changed the lives of many of the people involved in the case. Seventy people now have housing. Others have started school and several have purchased cars. Liza Apper, administrator of the settlement and a local activist, sees the results as a start to improving the lives of those involved.

“For people to be able to establish a home—it motivates them to keep it,” she says.

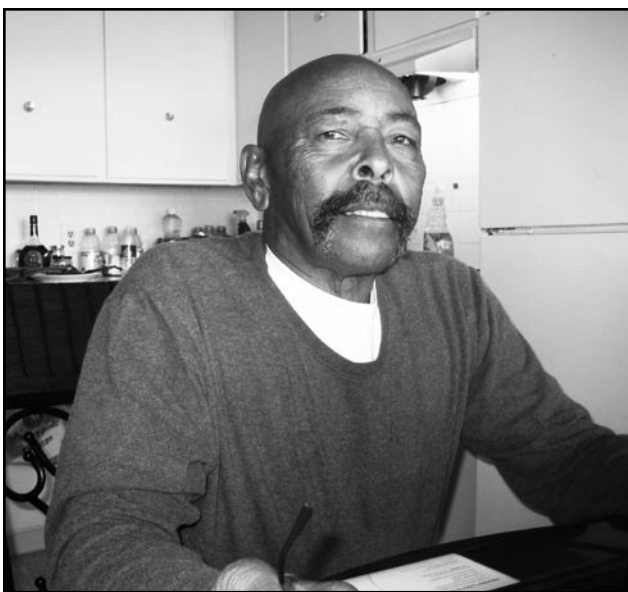
For some, like Williams, the settlement has only increased their earlier activism. Williams now owns his own laptop computer that he can use to write articles for The Community Alliance, a local activist paper. Before the settlement, Williams



PHOTOS BY MIKE RHODES



Top, Joanna Garcia, one of the plaintiffs, and Austin Simon, a class member, pose in front of their tents under a bridge in New Jack City, one of Fresno’s oldest encampments. Above, Garcia and Simon in the courtyard of the apartment building where they are now renters.



Plaintiff Al Williams in his new apartment.

AFTER 15 YEARS OF LIVING ON THE STREETS, IT’S AS IF AL WILLIAMS IS MAKING UP FOR LOST “ADVOCATING TIME.”

was forced to borrow a laptop from the paper’s editor in order to complete the articles.

“Hauling a laptop around a park, outside, isn’t easy,” he recalls.

Now Williams regularly writes articles about homelessness in Fresno.

After being homeless for more than 15 years, Williams believes the settlement has dramatically changed his life.

“I have a voice now,” he says.

Williams works with old friends who are still homeless to help organize gatherings. The City of Fresno took note of Williams’ involvement and expertise and appointed him to a council that aims to end homelessness in ten years.

The head of Central California Legal Services, Chris Schneider, views the settlement as a giant step forward for the homeless community.

“Most people had no idea that there is a total lack of shelter for the homeless. This lawsuit put a face on the homeless and helped Fresno folks get to know who was homeless,” he says.

Schneider believes city policy has dramatically shifted, as evident in the creation of the homelessness council in ten years and establishment of new homeless shelters. Schneider also recognizes new caution in the police force’s treatment of homeless issues. “All of this came together to change policy—that is legal advocacy at its best,” he says.

The lawyers who worked on behalf of the homeless, including the ACLU’s Michael Risher and Alan Schlosser, received “Champions of Justice” awards from Central California Legal Services, Congressman Jim Costa, and the City of Fresno.

“IT GAVE ME MY SELF-WORTH AND DIGNITY. I GOT A CHANCE TO SPEAK UP AND TALK ABOUT WHAT WAS WRONG AND WHAT WAS RIGHT.”
—JEANNINE NELSON

Looking out the window from his new dining room table, Williams is animated as he enthusiastically describes his numerous activities. After 15 years of living on the streets, it’s as if he is making up for lost “advocating time.”

After years without a voice, he is now a trusted expert on homelessness, a journalist, and an activist. “We made a statement across the nation. We have people like the ACLU to fight for people’s rights,” he says.

Now we have Williams and his fellow plaintiffs, too. ■

In addition to the ACLU, extensive work on the case and on the settlement were performed by lead counsel Paul Alexander, formerly a managing partner with Heller Ehrman, LLP and now of Howrey LLP, Oren Sellstrom of the Lawyers’ Committee for Civil Rights, and Elisa Della-Piana, formerly of the Lawyers Committee and now project director for the CLASS self-help clinic and the homeless citation defense program at the East Bay Community Law Center.

Hamed Aleaziz is a former intern in the Communications Department at the ACLU-NC and currently a student at the University of Oregon in Eugene where he studies journalism.

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RESTORING OUR CONSTITUTIONAL RIGHTS AND FREEDOMS

On his third day in office, President Obama issued executive orders putting an end to some of the worst Bush Administration policies dealing with the detention of terrorism suspects. The executive orders call for:

- the closure of the prison camp at Guantánamo Bay within a year and the halting of its military commissions;
- the end of the use of torture;
- the shuttering of secret prisons around the world; and
- a review of the detention of the only U.S. resident being held indefinitely as a so-called “enemy combatant” on American soil. (The detainee, Ali al-Marri, is an ACLU client in a case pending before the Supreme Court).

These steps are promising first signs that the new administration may actively support a more open and honest government and may take decisive steps to demonstrate to other countries that we are a nation of integrity, able to follow our own laws.

But the task of restoring the Constitution has barely begun, and resistance from many corners will surface and resurface in familiar forms and in cynical rhetoric we have yet to hear.

Already there are mixed signals and one stark disappointment. During oral arguments on Feb. 10 in San Francisco in the ACLU’s case against Boeing subsidiary Jeppesen DataPlan, the company that collaborated in the CIA’s extraordinary rendition program, attorneys from Eric Holder’s Justice Department stuck to Bush Administration claims that the victims of torture and rendition must be denied their day in court lest “state secrets” be revealed.

As he deliberates over when and how to restore civil liberties, President Obama will need the active, ongoing support of ACLU members if he is to summon the will and the way to follow through on crucial civil liberties and human rights priorities.

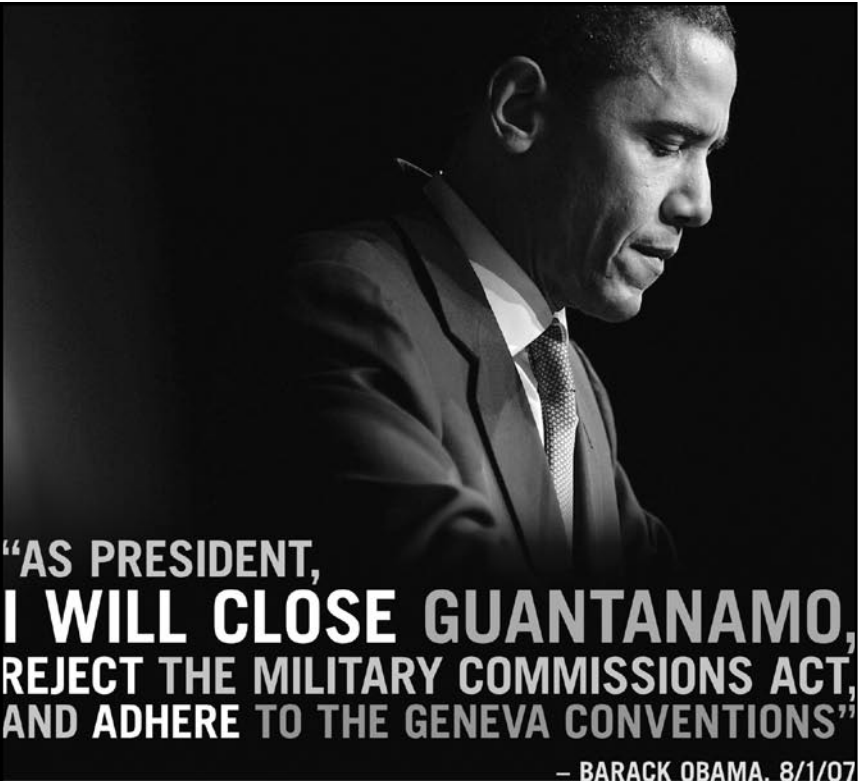
Just as the Obama campaign worked wonders with email as a tool for organizing and action, the ACLU has stepped up its e-activism alongside more traditional forms of advocacy. The most recent effort, a “Thank You for Acting” message to President Obama, signed by thousands and thousands of people, sent a strong, clear message affirming the courage behind the President’s action. E-advocacy is a small but powerful gesture that can make a big difference. If you haven’t already done so, sign up at the upper righthand corner of our homepage: www.aclunc.org. ■

CARRYING THE TORCH FORWARD: THE FIRST 100 DAYS

The ACLU has provided the White House, Attorney General Eric Holder, Secretary of State Hillary Clinton and Secretary of Defense Robert Gates—among others—with detailed proposals for renewing American freedom.

Indeed, the executive orders signed on Jan. 22 contain many of the recommendations provided to the Obama transition team by the ACLU. (See www.aclu.org/transition).

Below is a sampling of actions that the ACLU proposes during the First 100 Days to decisively signal a restoration of American values.




“AS PRESIDENT, I WILL CLOSE GUANTANAMO, REJECT THE MILITARY COMMISSIONS ACT, AND ADHERE TO THE GENEVA CONVENTIONS”

— BARACK OBAMA, 8/1/07

ON DAY ONE,
with the stroke of a pen,
you can restore America’s moral leadership in the world.

For the past eight years, The American Civil Liberties Union has led the battle against the most un-American policies in recent history.

The Bush administration created a prison camp at Guantánamo—a place where they claimed the law didn’t apply. They detained hundreds of men without charge or trial, prosecuted others in unconstitutional military commissions and authorized torture. President-elect Obama, with a stroke of your presidential pen, on Day One of your administration, you can ensure that our government will be faithful to the Constitution and to the principles upon which America was founded. Close Guantánamo and shut down the military commissions. Give us back the America we believe in.



Get involved. Go to www.closegitmo.com

Before President Obama took office, thousands of ACLU members and allies began calling on him to close the prison at Guantánamo Bay. The ACLU ran the ad you see here (above) in major newspapers as a respectful and hopeful reminder of the promises that candidate Obama made during his campaign.

1. WARRANTLESS SPYING.

Issue an executive order recognizing the president’s obligation to comply with the Foreign Intelligence Surveillance Act and other statutes, requiring the executive branch to do so, and prohibiting the National Security Agency from collecting the communications, domestic or international, of U.S. citizens and residents.

2. WATCH LISTS.

Issue an executive order requiring watch lists to be completely reviewed within three months, with names limited to only those for whom there is credible evidence of terrorist ties or activities. Eliminate mechanisms for designating individuals and groups as terrorist suspects and preventing US persons and companies from doing business with them - a power of such breadth that, the record shows, it inevitably leads to the designation of many innocent people and does more harm than good.

3. FREEDOM OF INFORMATION.

Direct the attorney general to rescind the “Ashcroft Doctrine” regarding Freedom of Information Act compliance, which instructs agencies to withhold information whenever there is a “sound legal basis” for doing so, and return to the compliance standard under Attorney General Janet Reno, which promoted an “overall presumption of disclosure” of government information through the Freedom of Information Act unless it was “reasonably foreseeable that disclosure would be harmful.”

4. MONITORING OF ACTIVISTS.

Direct the attorney general and other relevant agency heads, such as the Defense Department and Homeland Security, to end government monitoring of political activists unless there is reasonable suspicion that they have committed a criminal act or are taking preparatory actions to do so.

5. DOJ’S CIVIL RIGHTS DIVISION.

Order renewed civil rights enforcement at the Civil Rights Division of the Department of Justice, particularly in relation to voting rights, discrimination in employment, misconduct by law enforcement, and prison conditions.

6. REAL ID ACT.

Direct the Secretary of Homeland Security to suspend the regulations for the Real ID Act pending congressional review. (If implemented, the Real ID Act could establish a vast network of interlinking databases containing enormous amounts of Americans’ personal information —such as Social Security numbers, photos, and copies of birth certificates—and would be accessible to federal and DMV employees across all 50 states.)

7. ABORTION GAG RULE.

Rescind the “Mexico City policy” or “Global Gag Rule,” prohibiting foreign aid to organizations overseas that promote or perform abortions.

8. BAN ALL WORKPLACE DISCRIMINATION AGAINST SEXUAL MINORITIES BY THE FEDERAL GOVERNMENT AND ITS CONTRACTORS.

Issue an executive order prohibiting sexual orientation and gender identity discrimination by federal contractors, and expand the existing order to also protect against gender identity discrimination.

9. DEATH PENALTY.

Implement a federal death penalty moratorium until racial disparities are studied and addressed.

10. “FAITH-BASED INITIATIVES.”

Restore fundamental religious liberty protections by halting Bush Administration efforts to permit direct funding of houses of worship, underwrite religious proselytism with taxpayer dollars, and allow government-funded religious discrimination. ■

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

CELEBRATING THE BILL OF RIGHTS

By Elaine Elinson

“We all need each other to survive,” sang the East Bay Church of Religious Science Choir at the opening of our 35th annual Bill of Rights Day Celebration. The soaring voices captured a bittersweet moment: ACLU members were elated at the imminent end of an administration that committed massive violations of civil liberties, and dismayed at the passage of Proposition 8, denying fundamental rights to lesbians and gay men.

The event on December 7 in San Francisco’s Regency Center featured the presentation of the Chief Justice Earl Warren Award, the ACLU-NC’s highest honor, to the National Center for Lesbian Rights—a trailblazer in the pursuit of justice, fairness and legal protections for all LGBT people.

Kate Kendell, NCLR executive director and a former ACLU-Utah staff attorney, accepted the honor. It was the first time an organization, rather than an individual, was given the Warren award, a distinction that underscores the magnitude of NCLR’s leadership and accomplishments.

In presenting the award to Kendell, national ACLU Lesbian and Gay Rights Project director Matt Coles lauded NCLR for its leading role in the marriage equality case decided favorably by the California Supreme Court in May, a legal victory he called “breaktaking.”

Kendell reminded the audience that in the wake of the Proposition 8, there is much organizing work to be done and “there are those waiting for us to be their voice.” Her words were underscored by a moving photo collage created by ACLU-NC staffer Michael Woolsey, which included wedding pictures of previous Warren award hon-



Alan Schlosser, Kate Kendell, Matt Coles, John Crew, Phyllis Lyon, and Dick Grosboll at the Bill of Rights Day celebration.

orees Del Martin and Phyllis Lyon. Martin passed away on August 27, but Lyon was in the audience.

“There were many moments after Prop. 8 that I felt devastated, but Phyllis Lyon grabbed me by the shoulder and said ‘we’ll be fine!’” Kendell noted, smiling at the lesbian rights pioneer.

Kendell’s prediction that “we know how this last chapter will be written!” brought the audience of 300 to its feet.

ACLU-NC Acting Chair Dick Grosboll presented the Lola Hanzel Courageous Advocacy Award to 25-year veteran Berkeley activist Tom Sarbaugh, who has served his chapter as treasurer, hotline volunteer, and monitor of the Berkeley Police Review Commission.

Grosboll also presented the Dick Criley Activism Award to the Greater Fresno Chapter, highlighting its role in the lawsuit protecting the rights of homeless people that achieved an unprecedented \$2.35 million settlement. The award was accepted by chapter chair Bill Simon and Al Williams, a plaintiff in the suit.

Grosboll expressed the affiliate’s appreciation for sponsorship of the celebration to the law firm of Howard Rice Nemerovski Canaday Falk & Rabin and the Van Loben Sels/RembeRock Foundation.

He paid special tribute to the law firm Heller Ehrman for its sponsorship of the event in the past, and its generous service to the ACLU-NC as general counsel; the 110-year-old firm dissolved this year. ■

THINKING ABOUT BARACK OBAMA

continued from page 1

Every step of Obama’s ascension to the presidency bears an aura of providence that is hard to deny or ignore. From his parental lineage to his exceptional accomplishments, from his electrifying prime time speech at the 2004 Democratic Convention to his 2008 nomination 40 years to the day of Martin Luther King’s “I Have A Dream” speech, Barack Obama is a man whose life is marked by a higher purpose than perhaps

even he could have imagined. He has been chosen to lead the most powerful nation in the world at a time when two terms of failed Republican policies have left the United States disrespected, disaffected and in the worst economic condition since the Great Depression - further evidence of

AS IF THE HOPES AND DREAMS OF THE AMERICAN PEOPLE ARE NOT CHALLENGE ENOUGH, OBAMA ALSO HAS MANAGED TO GARNER THE GREAT EXPECTATIONS OF THE ENTIRE WORLD.

his date with destiny. And, as if the hopes and dreams of the American people are not challenge enough, Obama also has managed to garner the great expectations of the entire world. Yet, he approaches the enormous work before him with a cool resolve that suggests he knows exactly what he was put on earth to do.

And what will he do as President? About the economy, the wars, foreign policy, education, health care and ensuring equal protection for all citizens? About Abu Ghraib, abuses



of executive and corporate power, partisan gridlock and the politicization of government? How will he reconcile the divide between his aspirations and the nation’s realities? In office for just one month as of this writing, Obama already has begun to show us his vision of America. The country and the world await with great anticipation to see if our brilliant, young President can repair eight years of disregard for constitutional principle and the separation of powers; restore U.S. stature in the world by setting the country back on course with its most deeply-held values; and make good on the sense of hopefulness he has inspired. That he could motivate more than two million people to endure the cold and to conduct themselves without incident speaks volumes about the good

WHAT REMAINS TO BE SEEN OF PRESIDENT BARACK OBAMA WILL UNFOLD ON THE STAGE OF HISTORY, TOO IMMENSE TO BE GRASPED FULLY BY US AS WE LIVE IT.

will his election has generated.

What remains to be seen of President Barack Obama will unfold on the stage of history, too immense to be grasped fully by us as we live it---burdensome in its gravity and promise, pregnant with possibility for what the nation might become. Obama’s election reflects a seismic shift in our political identity that

will forever mark the epicenter of this nation’s evolution going forward.

Succeed or fail, Obama has shattered for all time the fallacious belief that only white men are competent and fit to lead. This achievement, and that of Hilary Clinton—the first woman to make a credible run for the White House—portend a time when sending a woman or person of color to the White House will be unremarkable. Until then, Obama’s election stands as a testament to the best and most enduring aspect of this country: our ability to continually remake ourselves as a nation, moving closer to those ideals we proclaim to distinguish us from all others.

That is the greatest achievement of all. ■

Aundre Herron is a capital appeals defense attorney and a member of the National ACLU Executive Committee and Board of Directors.

BEYOND PROP 8: THE WRITING ON THE WALL

By Matt Coles

After the California Supreme Court’s brilliant, inspiring decision last May saying that the state could no longer deny lesbian and gay couples the ability to marry, losing Prop 8 at the polls was a bitter pill. That it follows all the wonderful, vivid stories of people getting married, and a similar victory by the Connecticut Supreme Court that seemed to put us on a roll, makes it all the more difficult to accept. But indulge me for a look back in history.

Intimacy for same sex couples was a crime in California until 1974. There wasn’t a single law recognizing LGBT relationships anywhere in the U.S. until the Berkeley Unified School District passed one in 1984.

In 1982, we passed a domestic partnership law in San Francisco, the country’s first. Despite having carefully laid the groundwork, it was vetoed without warning, and a vote essential to an override defected the next day. It took

EIGHT YEARS AGO
WE COULD ONLY GET
39% OF THE VOTE.
THIS TIME WE GOT
OVER 48%! WE’VE
COME A LONG WAY
IN A SHORT TIME.

us seven years to get it passed again. And when we did, our opponents got enough signatures to put it on the ballot in 30 days. We ran one of the most expensive local initiative elections in California history. And we lost, 50.5 to 49.5. In 1990, we put it back on the ballot again and won.

But the next year, we had to defend it again against an attempted repeal initiative.

Even in San Francisco, we had to go through the process of trying to pass a simple domestic partnership law five times, and we lost twice. If you run up an unbroken string of victories in any battle for civil rights, that simply means you waited too long to get to work. Change that matters is never smooth or easy.



No on 8 activists rally at the Mt. Diablo Unitarian Universalist Church in Walnut Creek.

IF YOU RUN UP AN UNBROKEN STRING OF VICTORIES
IN ANY BATTLE FOR CIVIL RIGHTS, THAT SIMPLY
MEANS YOU WAITED TOO LONG TO GET TO WORK.
CHANGE THAT MATTERS IS NEVER SMOOTH OR EASY.

It is important to go over the campaign carefully and learn from our mistakes. But we need to resist the temptation to blame ourselves for the loss. Thousands of very good people worked their hearts out on this, and they deserve our thanks. The victims of an injustice should never be blamed for failing to end it unless they don’t try. And you can’t say that we didn’t try, and try damn hard.

We didn’t lose by much. Eight years ago, on virtually the same question, we could only get 39 percent. On election day, we got over 48. We’ve come a long way in what is, in cultural history, a short time.

It would have been great to defeat Prop. 8—it is always great to make the promises of the Constitution real. But the handwriting is on the wall. There are other states where we’ll be able to get marriage in the next few years, and others where we’ll get domestic partnerships and civil unions. Millions of Californians are now able to live their lives without hiding their love. And as long as we keep the pressure on—and we will—we’ll win this thing. In just a few years, Proposition 8 will be but a dim memory. ■

Matt Coles, a former ACLU-NC staff attorney, is Director of the ACLU LGBT and AIDS project and the author of *Try This at Home!*, a practical guide to passing nondiscrimination and domestic partnership laws.

THE CASE AGAINST PROP 8

Immediately after the November election, the ACLU-NC, Lambda Legal and the National Center for Lesbian Rights filed a writ petition in the California Supreme Court urging the court to invalidate Proposition 8.

Our case, *Strauss v. Horton*, argues that the initiative process was improperly used in an attempt to undo the constitution’s core commitment to equality for everyone by eliminating a fundamental right from just one group—lesbian and gay Californians. Proposition 8 also attempts to prevent the courts from exercising their essential constitutional role of protecting the equal protection rights of minorities.

According to the California Constitution, such radical changes to the organizing principles of our state government cannot be made by simple majority vote through the initiative process, but instead must, at a minimum, go through the state legislature first.

Forty-three “friend of the court” briefs were filed affirming our argument as of Jan. 21, highlighting the extraordinary breadth of support among the full gamut of state and national civil rights organizations and legal scholars, as well as among local governments, bar associations, business interests, labor unions, and religious groups. Sixty-five current and former California legislators officially support our claims presented to the court. Additionally, the City and County of San Francisco filed a writ petition, and was joined by the City of Los Angeles and Santa Clara County.

A brief authored by Professor Karl Manheim, one of the foremost authorities on California’s initiative process, stated: “Proposition 8 . . . improperly attempts to revise the Constitution by taking the unprecedented step of singling out a



MICHAEL WOOLSEY

Opponents of Prop 8 await the results from the polls on election night at the St. Francis Hotel in San Francisco.

suspect class and depriving that class—and only that class—of a fundamental right.”

The lawsuit was filed on behalf of Equality California and six couples who did not marry before the election but would like to be able to marry now.

Serving as co-counsel on the case with the ACLU, NCLR, and Lambda Legal are the Law Office of David C. Codell, Munger, Tolles & Olson LLP, and Orrick, Herrington & Sutcliffe LLP.

The California Supreme Court may hear oral argument in the case as early as March. ■



What changes “hearts and minds” and generates new support for equality? Conversations, peer to peer.

The ACLU is helping spearhead a campaign to prompt LGBT people and their supporters to have three conversations with friends and family to help build support for LGBT equality, particularly marriage equality.

We are on the cusp of a tipping point, so start talking!

Visit www.aclunc.org – click on the Tell 3 icon, and then come back to share your experiences with us.

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

WHAT'S IN YOUR WALLET?

NEW LAW WILL STRENGTHEN DATA PRIVACY

By Rebecca Farmer

You wouldn't you let a stranger go through your wallet and take away your driver's license or credit card. You wouldn't want your children to announce to passers-by on the street their name, age, and where they attend school. But tiny computer chips that carry our personal information, called Radio Frequency Identification (RFID) tags, are much more forthcoming when unprotected.

RFID chips can be embedded in documents like drivers' licenses, student or medical ID cards, or building access cards, and store data such as your name, address, and social security number. Originally invented to track cows, the chips have been adapted to the task of tracking and monitoring people.

Are you suspicious? Is your mind racing toward unsettling implications? There's more.

Without adequate privacy and security protections, the personal information embedded on the chips can be read at a distance with an RFID reader. When the reader emits a radio signal, RFID tags in the vicinity automatically transmit their stored information to the reader. This information can be "skimmed" at a distance without anyone realizing it, and then used maliciously for tracking, counterfeiting, and identity theft. (Collecting information contained on RFID tags without permission is called "skimming.")

Devices that can both skim and clone an RFID tag can be built for as little as \$25, and be both compact in size and unassuming in appearance. (See photo on this page.)

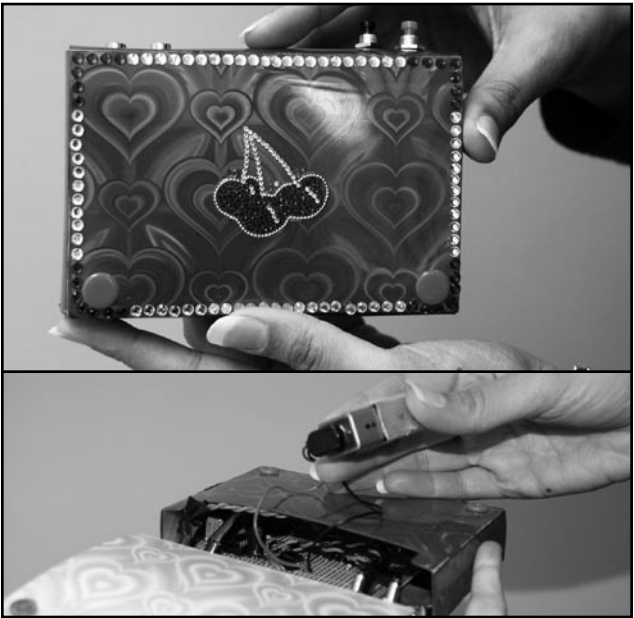
RFID protection has privacy, public safety, and financial security implications. The ACLU-NC has pursued RFID protections for years, beginning in early 2005 when we learned

that school children in Sutter, CA, were coming home wearing ID badges embedded with these small computer chips. With the ACLU's help, parents successfully petitioned the school to remove the RFID tags. These parents didn't know at the time that their privacy and security concerns would spark a firestorm of public debate and policy reform.

Thanks to steady public education and advocacy, California has finally taken a decisive first step to protect the privacy, personal safety, and financial security of millions of state residents. In October, legislators passed and the Governor signed SB 31, which makes it a crime to read information stored in RFID tags embedded in ID documents without that person's knowledge and prior consent. SB 31 was authored by Sen. Joe Simitian (D-Palo Alto), sponsored by the ACLU, and supported by a diverse group of organizations.

Disturbingly, the Governor vetoed a related RFID bill during the same legislative session, despite the bipartisan support it had received. SB 29 would have required parents' consent before RFID technology could be used in school identification documents. Two years earlier, the Governor vetoed another effort by Simitian to ensure that RFID tags used in government-issued IDs have technological protections, like encryption, to

ORIGINALLY INVENTED TO
TRACK COWS, RFID CHIPS
NOW MONITOR PEOPLE.



An RFID skimming device, attractively packaged.

make sure they cannot be read and copied from a distance. "People are surprised to learn that all it takes to copy and clone insecure RFID tags are a few spare parts purchased online and some reason to want access to your information," said Nicole Ozer, ACLU-NC Technology and Civil Liberties Policy Director. "Until now, there's been zero legal recourse for unauthorized RFID skimming. With technology evolving so quickly, it is essential that privacy law keep up."

But enforcing laws on RFID skimming will be an ongoing challenge. Because RFID tags can be read at a distance, it will be difficult to actually catch people breaking this law. A crucial next step in protecting our privacy and safety will be to ensure that driver's licenses and other government ID do not use insecure RFID technology. ■

PROP 4: HOW WE WON (AGAIN)

CONTINUED FROM PAGE 1

caring mother after caring mother would look her in the eyes and say gently and slowly, "I would want to know." To which Alicia would say what we know well: "Of course you would want to know. And most teens do tell their parents. This measure would put those who can't in grave danger."

So how did we make it to the tipping point wherein enough voters—a margin of less than 400,000—understood that Prop. 4 would put teens in harm's way?

We defeated Prop. 4 the old fashioned way—conversation by conversation, endorsement by endorsement, meeting by meeting, rally by rally, media interview by media interview.

We recruited volunteers to converse, night after night, with registered voters across the state, reinforcing our message that Prop. 4 would endanger teens. The tight coordination and extraordinary dedication resulted in more 120,000 conversations. We believe these

were absolutely pivotal, as was the growth of the activist base that enabled them.

The staffing behind the victory was skeletal. But with the support of our larger staff and committed donors, we were determined to make the No on 4 effort "the little campaign that could."

We are extremely proud that we did.

It would be nice to forego the experience of defeating parental notification for a fourth time. But another battle is already on the horizon. There is a silver lining, however, and it may be worth its weight in gold.

We are part of a much larger family, the California Coalition for Reproductive Freedom. Now 50 organizations strong, CCRF is, in the opinion of ACLU-NC reproductive rights attorney Margaret Crosby, "the best reproductive rights coalition in the country." With each initiative battle, the coalition grows larger and stronger. ■



ACLU-NC New Media Strategist Catrina Roallos created two videos that bring the grassroots victory over Prop 4 into focus.

Check us out: "How We Won: Prop 4"
www.youtube.com/watch?v=docmApJbYz8

"Activists Instrumental in Defeat of Prop 4"
www.youtube.com/watch?v=docmApJbYz8

NANCY PEMBERTON

CONTINUED FROM PAGE 3

ful deliberation that often leads to good policymaking. She points to a 1993 decision to oppose the privatization of prisons, for example, that led to a socially responsible investment policy governing ACLU reserve funds. A policy in 1994 helped guide the affiliate's approach to balancing the rights of protestors with the rights of clients at abortion clinics. And a policy on campaign finance, passed in 1995, called for limiting campaign contributions without adversely affecting speech rights, a balance that many feel put the ACLU-NC a step ahead of the national ACLU.

Looking back on the way that governance of the ACLU-NC has evolved, Nancy points to the development of a major gifts program in the early 1980s as a pivotal turning point.

"Once board members were expected to make a personal commitment to raising money, a new sense of community and purpose blossomed," she explained. The shift, emphasizing the fiduciary responsibility of the board, resulted in a stronger organization, one more in touch with its community.

Nancy has always led by "walking the walk" herself. "Nancy is a heroine of the civil liberties movement who has, all her life, exemplified her values of fairness, respect and integrity in all her doings," says Development Director Cheri Bryant. "To have her depth of knowledge at the service of the ACLU as our Board Chair at this time is incredibly valuable." ■

Laura Saponara (lsaponara@aclunc.org) is ACLU-NC's Communications Director.

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IS EDUCATION A RIGHT OR A PRIVILEGE?

A YOUTH INVESTIGATION INTO EDUCATIONAL EQUITY AND RACIAL JUSTICE IN SCHOOLS

Compiled by Isobel White

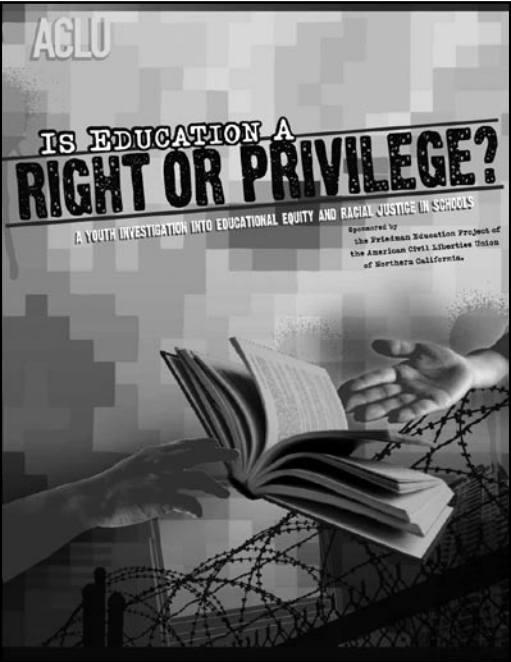
As part of the ACLU-NC’s Howard A. Friedman Education Project, 21 high school students from Northern California spent eight summer days investigating a topic that affects them all: educational equity and racial justice in schools.

The youth sought to explore why there are vast disparities in the quality of their education, and why so often these disparities are linked with race and socioeconomic class.

They designed an in-depth learning tour, traveling from San Francisco to East Los Angeles and through Oakland, Dublin and Fresno to meet with community leaders, students, parents, teachers, librarians and organizers who are working to create educational justice for California’s young people. They learned about the roots of public education as a system designed to, in Thomas Jefferson’s words, “rake a few geniuses from the rubbish.” They took part in fascinating discussions about modern-day segregation, the criminalization of youth, and the negative impact of “teaching to the test.”

The youth investigators also created their own mural and performed their own spoken word pieces on the topic—a first-hand lesson in the power of education that builds on the experiences of people directly impacted by inequity.

The youth chronicled their observations and insights in “Is Education a Right or a Privilege?,” a raw and moving series of essays, poems, photographs and drawings, just published and available at www.aclunc.org. Following are excerpts from their work.



I PUT THEM ASIDE

By Olivia Ray

The quivering
brown skinned boy shakes, as he is testing.
His IQ
His feet stamp the Aztec rhythms
He heard his Aztec grandmother’s voice in his ear
Whispering stories of the coyote
He felt his Aztec clothes rapping against his body
Rapping because of his Aztec winds.
And his Aztec people surrounding him.
His Aztec foods, settled onto his tongue.

He looked down at the puzzle.
There was something there
A big white something
He hadn’t seen it before.
He fell silent.

This was the small brown boy,
Whose mother couldn’t afford the zoo?
Maybe if he’d been
A little smarter
A little better
A little faster
He could problem solve
Maybe.
But then, doesn’t the child who’s seen the animal
Been immersed in the culture,
Still have an advantage?

How valid is my intelligence?
Wondered the little girl sitting in her house in the
forgiving
suburbs.
So that little girl cried
For her brain
Because she thought she was special
Was she still special? She cried out.

But then there were those kids
They didn’t have good grades

But she stepped outside with them at recess
And then they told her what they saw.
And she thought, did it just come to them harder
Am I of less worth for my gift?
Then the girl grew up, and so did those kids at recess
And she went to school, and they were in the
Under-funded
Overcrowded
Crap hole.

Seventh period: test prep.
The crap hole offered no such class.
And the engineer that could’ve been,
Wasn’t.

Her mom prepped her for the high school exit exam
for months.
And this boy couldn’t leave high school,
Because he just didn’t read
English well enough because his School
No bilingual program,
He was so –
Special.
He cried out.
Nobody cared
Nobody cares

YOUR SCHOOL AND MINE

(Fresno Elementary School Tour)

By Araceli Tamayo-Lee

The appearances of our entrances are Night and Day

The pollution in the air is Love and Hate

The existence of a crosswalk is Purge and Binge

The eminence of grass is Moon and Sun

The beauty of our play structures is Starving and Full

The widths of our sidewalks are Yin and Yang

The existence of speed limits is Old and Young

The homes surrounding our schools are Oil and Green

The chances of me getting hit by a car while walking to
school is Winner and Loser

The presence of stop signs is Fresh and Rotten

The reality of children’s safety is War and Peace

The sanitation of our streets is Water and Earth

The level of noise outside is Honey and Gin

Our schools should be equal, does anyone care?

I am dying over here, while success mocks me over there.

PRECITA EYES MURAL WORKSHOP

By Mandeep Chahal

When we got to Precita Eyes on Sunday morning, the beginning of the end of our trip, I was taken aback by the small building, every spare inch covered in paint and tables and chairs made for people much younger than us. We had a quick brainstorm of what we wanted to say and then we grabbed some charcoal and started sketching. After about half an hour, we stepped back and all I could see on that huge white paper was smudged black marks, vague sem- blances of shapes and words. We wanted to say too much. Then we started to paint and a picture slowly formed. We painted a large tree in the center of the piece, with one side representing those who had privileged educations, with neat, organized lines and a clear path for students. This was the side I had grown up on, where any grade less than an “A” is shameful and college is the only option. There were no deviations from the path; we knew that an education was a guarantee.

The other side of the tree represented the majority of students who have to fight to even get an education. There was no clear path here; instead there was a sense of oppression, of trying not to get caught up in the system. Through this side of the piece, we wanted to express that while these students were fighting for themselves, all of the people we had met were fighting the system for those who didn’t have a voice. And here we were, showing that not only did they have a voice, but that they were being heard.

THE YEAR OF THE YOUNG VOTER: STUDENTS ASSUME LEAD ROLES IN CAMPUS AND COMMUNITY ORGANIZING

By Ashley Morris

Members of the ACLU-NC UC Berkeley Club shined both on campus and off as leaders in the No on Proposition 4 and No on Proposition 8 campaigns this fall.

Several members of the club participated in Campaign for Teen Safety phone banks at the ACLU-NC office and Equality for All phone banks at the First Congregational Church of Berkeley. The club also coordinated their own Sunday afternoon No on Prop. 4 phone banks on campus.

“It was inspiring to see so many students from a diverse range of student organizations and so many new members of the ACLU club step up and truly make a difference and help implement the field program for these campaigns,” said Brandon Hutchens, the club’s Internal Affairs Co-President. “Because there were so few staff working on the No on Prop. 4 campaign in the Bay Area, students were given opportunities to take on new roles—opportunities that they didn’t

necessarily have during the No on Prop. 73 or 85 campaigns,” said Maria Krauter, the club’s Women’s Rights Division Director and former ACLU-NC Organizing Intern.

Krauter acted as one of the campaign spokespersons on campus by responding to press calls from the Daily Californian and by participating in a debate on Propositions 4 and 8. Additionally, she expanded her role by leading in-person volunteer recruitment off campus and by seeking and securing an endorsement of the Campaign for Teen Safety from the Metropolitan Greater Oakland Democratic Club.

Club leaders, along with leaders from other student organizations such as the Queer Alliance and Resource Center, the National Organization



Members of the Cal Votes No on 4 & 8 Coalition, including Brandon Hutchens (upper left) and Maria Krauter (lower right).

for Women, and the Cal Berkeley Democrats coordinated three rallies on campus. Knowing that this would undoubtedly be the “year of the young voter,” the objective of the rallies was to increase visibility and student awareness of these dangerous and deceptive initiatives.

“Given their many priorities—work, school, social lives, and activities—I didn’t expect that some of our most consistent volunteers and de facto staff on the campaign would be students, but young people from dozens of campuses across northern California illustrated that students can not only participate but play a significant role in shaping and leading field campaigns among their peers and in their communities,” said ACLU-NC Field Organizer Alicia Walters. ■

ACLU-NC CHAPTER MEETING SCHEDULES

CONTACT YOUR LOCAL ACLU CHAPTER AND GET INVOLVED!

BERKELEY/NORTH EAST BAY CHAPTER MEETING: Third Wednesday of each month at 7 p.m. For more information, contact Jim Hausken at (510) 558-0377 or jhausken@redshift.com.

CHICO CHAPTER MEETING: For more information, contact Leslie Johnson at leslie@acluchico.org.

GREATER FRESNO CHAPTER MEETING: Contact Bill Simon, Chair, for more information at simonaclu@sbcglobal.net.

MT. DIABLO CHAPTER MEETING: Regular meetings. For more information, contact Lee Lawrence at (925) 376-9000 or leehelenalawrence@yahoo.com. All ACLU members in central and eastern Contra Costa County are invited to participate.

MARIN COUNTY CHAPTER MEETING: Third Monday of each month from 7–9 p.m. at the San Rafael Corporate Center. For more information, contact George Pegelow at (415) 492-8903 or gpegelow@sbcglobal.net. Or call the Marin Chapter complaint hotline at (415) 456-0137.

MID-PENINSULA CHAPTER MEETING: Fourth Tuesday of each month, from 7–9 p.m. at the Fair Oaks Community Center, Room #4, 2600 Middlefield Road, Redwood City. The chapter mailing address is PO Box 60825, Palo Alto, CA 94306. Contact Harry Anisgard for more information: (650) 856-9186.

MONTEREY COUNTY CHAPTER MEETING: Third Tuesday of the month (except August, December, and January) at 7:15 p.m. at the Monterey Public Library, 625 Pacific Street, Monterey. For more information, contact Elliot Ruchowitz-Roberts at (831) 624-1180 or visit www.aclumontereycounty.org. To report a civil liberties concern, call Monterey’s complaint line at (831) 622-9894 (Spanish translation available).

NORTH PENINSULA (DALY CITY TO SAN CARLOS) CHAPTER MEETING: Third Monday of the month. The chapter mailing address is PO Box 51, San Mateo, CA 94401. For more information, contact the chapter hotline at (650) 579-1789 or npenaclu@comcast.net.

PAUL ROBESON (OAKLAND) CHAPTER MEETING: Fourth Monday of each month at the Rockridge Library (corner of Manila and College Ave.), Oakland. For more information, contact (510) 527-6592.

REDWOOD (HUMBOLDT COUNTY) CHAPTER MEETING: Third Tuesday of each month at noon. 917 3rd Street, Eureka, CA. For more information, contact (707) 215-5385 or visit redwoodaclu.blogspot.com.

SACRAMENTO COUNTY CHAPTER MEETING: For more information, contact Jim Updegraff at updegraf@pacbell.net.

SAN FRANCISCO COUNTY CHAPTER MEETING: For more information, contact Alicia Walters at awalters@aclunc.org.

SAN JOAQUIN COUNTY CHAPTER MEETING: Regular meetings. For more information, contact Amarjit Bal at amarjitbal2000@yahoo.com.

SANTA CLARA VALLEY CHAPTER MEETING: First Tuesday of each month at 7 p.m. at 1051 Morse Street (at Newhall), San Jose. For more information, contact acluscv@hotmail.com or visit www.acluscv.org. To leave a voice message for the chapter Chair, call (408) 327-9357.

SANTA CRUZ COUNTY CHAPTER MEETING: Fourth Monday of every month. For more information, contact info@aclusantacruz.org or visit www.aclusantacruz.org.

SHASTA-TEHAMA-TRINITY COUNTIES CHAPTER MEETING: Regular meetings are held in Redding. For more

information, contact Dan Yost, Chair, at donald@snowcrest.net or (530) 241-8421.

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). For more information, contact the chapter hotline at (707) 765-5005 or visit www.aclusonoma.org. **The Chapter’s Annual Dinner will take place April 3 at the Santa Rosa Veterans Auditorium. Keynote address by ACLU-NC staff attorney Julia Harumi Mass. Visit the website or call the number above for reservations or details!**

STANISLAUS COUNTY CHAPTER MEETING: Third Tuesday of every month from 7–9:30 p.m. at the Modesto Peace/Life Center, 720 13th Street, Modesto. For more information, contact the chapter hotline at (209) 522-0154 or stanaclu@sbcglobal.net.

YOLO COUNTY CHAPTER MEETING: Fourth Thursday of every month at 6:30 p.m. For meeting location, contact Natalie Wormeli at (530) 756-1900.

CAMPUS CLUBS

GOLDEN GATE UNIVERSITY: For information, contact Johanna LaBranch at jo.labbranch@gmail.com.

SANTA CLARA UNIVERSITY LAW: For information, contact Lauren Vazquez at lvazquez821@yahoo.com.

STANFORD UNIVERSITY: For information, contact Eve Rips at erips@stanford.edu.

UC BERKELEY ACLU: For information, contact Brandon Hutchens at bhilton@berkeley.edu or Azeen Ghorayshi at azeen_ghorayshi@berkeley.edu.

UC DAVIS KING HALL LAW: For information, contact Aaron Thompson at asthompson@ucdavis.edu.

ASK THE EXPERTS! ORGANIZING



MICHAEL WOOLSEY

Shayna Gelender

Shayna Gelender has been a driving force in the ACLU-NC's Organizing Department since 2004. Here, she talks about the role of organizing in helping the ACLU marshal the grassroots momentum we need to be a strong, agile, vocal and local force for protecting freedoms and instigating justice in Northern California.

HOW DO YOU PERSONALLY DEFINE ORGANIZING?

Organizing is bringing people together to work towards a common goal. It's individuals working in their communities on local issues that impact their daily lives. Organizing can also be powered by people who are concerned about an issue on principle. We do both types of organizing at the ACLU.

HOW DOES ORGANIZING FIT INTO THE MISSION OF THE ACLU?

The ACLU's overall mission is to defend the Bill of Rights, not just in theory, but in tangible practice. That plays out at the federal, state and local levels. The ACLU sponsors dozens of bills. An essential component of getting these bills passed is to show broad public support. ACLU members' insights, historical knowledge, and ethical clarity are assets in our communication with elected officials.

We connect our members to their legislators via lobby visits and email action alerts timed to have impact at key junctures where our voices can make the difference. We also play a valuable role in bringing coalitions together.

Organizing is also very important at the local level. Let's say a city council or school board proposes a policy that violates civil liberties. Like drug-sniffing dogs in schools. While this is considered legal in some circumstances, many people don't think it's a fair or justified thing to inflict upon students. To prevent this practice in a particular school district, the local community needs to take a strong, vocal stand against it. ACLU-NC chapters monitor these kinds of situations, tell members about it, and get people out to meetings.

WHAT IS THE ROLE OF ACLU-NC CHAPTERS IN ORGANIZING?

Chapter activities range from educating the public to monitoring police tactics to opposing library censorship to organizing rallies and protests, to name a few. Chapter members sit in on meetings of county supervisors and city councils as local eyes and ears of the ACLU-NC.

The No on 8 campaign is a great example of how our chapters organize. While we lost statewide, we won in many Northern California counties that are not as reliably progressive, like Yolo, Monterey, and San Mateo. The people who coordinated phone banks, raised money, staged rallies, and engaged their neighbors and colleagues to support marriage equality made the difference in the swing counties. ACLU chapter leaders helped engineer the sea change that has slowly but surely taken hold since the ballot initiative in 2000.

SPEAKING OF PROP. 8, WHAT IS THE ACLU-NC'S ROLE IN ORGANIZING FOR MARRIAGE RIGHTS NOW?

We're helping to support ACLU chapters and grassroots activists from other organizations as we all work to determine next steps. Some groups might decide to create a rapid-response team to write letters to the editor. Or collaborate with faith organizations or promote anti-bias curriculum in local schools. For instance, I might help a community to plan a PTA night on gay families and the schools. I operate from the principle that local activist leaders know their communities best, but as an organizer I can offer ideas about what might work, help problem solve, and share materials and organizing tools.

Now, we're able to have more extensive conversations with people. There's exciting work happening all over the state—both publicly and behind the scenes. And it's ACLU-NC activists and many others who are shaping what this movement will look like over the long haul.

WHAT DOES ORGANIZING HAVE TO DO WITH PURSUING JUSTICE IN THE COURTS?

Even when we win in the courts, to truly protect our rights we also have to win in the court of public opinion. We have to win widespread affirmation of the civil and human rights of every individual. For example, *Roe v. Wade* was decided decades ago, but as Prop. 4 showed, we are still working to protect those rights. I believe we beat Prop. 4 because people now understand that parental involvement laws threaten teen safety.

In terms of marriage equality, we will have truly won when we convince enough people to support marriage equality such that measures like Prop 8 can't make it to the ballot again.

WHAT ARE SOME WAYS IN WHICH THE TOOLS OF ORGANIZING ARE CHANGING?

Email, the Internet generally, and social networking sites have made it possible to reach hundreds or thousands of people very quickly and for those people to communicate with their networks. Online technologies are very helpful for recruiting people to come out to protests or other events, for circulating action alerts, and for raising awareness of issues and perspectives that don't get wide exposure. But sending an email or creating a Facebook group is not organizing, per se. Sometimes we run the risk of forgetting the basics of grassroots organizing – door-to-door, face-to-face, community by community. There is no substitute for a live phone call to another person or a face-to-face meeting.

WHAT DOES PRESIDENT OBAMA'S WIN SAY ABOUT THE POWER OF COMMUNITY ORGANIZING? AND ANY PREDICTIONS FOR WHAT CIVIL LIBERTIES ORGANIZING IN NORTHERN CALIFORNIA WILL LOOK LIKE DURING THE OBAMA YEARS?

One of the things the Obama campaign did brilliantly was to utilize online organizing tools to recruit and engage tons of people in the offline world. People learned about and created volunteer opportunities in their neighborhood, via the Internet, and then actually turned off their computers and went to work talking to real people about why they should vote for Obama.

The relationships built during the 2008 election, among individuals and organizations, provide groundwork for collaboration on all kinds of issues. I am hopeful that people will stay engaged with one another, continue working together, and stand in solidarity with their neighbors to create positive change in our communities. ■

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it's worth up to
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