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IT'S YOUR DNA—OR IS IT? ACLU SUIT AIMS TO KEEP YOUR GENETIC BLUEPRINT OUT OF THE GOVERNMENT'S HANDS

By Rebecca Farmer

On a crisp Saturday in March 2009, Lily Haskell set out to join a peace rally in San Francisco to oppose the Iraq war. What she didn't know at the time was that by the end of the day, she would be forced to turn a DNA sample over to be placed in a national databank.

During the demonstration, Haskell was arrested on suspicion of trying to help another protester held by police—a felony. She was held for several hours in a San Francisco jail. Though not formally charged with any crime, Haskell was told that she must provide a DNA sample. Alarmed, she asked to speak with an attorney but was informed that refusing to give a sample would result in an automatic misdemeanor charge. She consented.

"Now my genetic information is stored indefinitely in a government database, simply because I was exercising my right to speak out," Haskell said.

Haskell was later released, and no charges were filed against her.

Haskell is now the lead plaintiff in the ACLU-NC's class action lawsuit seeking to stop California's policy of mandating that DNA be collected from anyone arrested for a felony, whether or not they are charged or convicted. The suit, *Haskell v. Brown*, was filed in federal court in October 2009. The mandatory DNA collection policy is a result of Proposition 69, which was enacted by California voters in 2004 and went into effect on Jan. 1, 2009.

Under the new law, anyone arrested for a felony must provide a DNA sample that is then stored in a criminal database accessible to local, state, national, and international law enforcement agencies. The requirement can be applied to victims of domestic violence who are arrested after defending themselves as well as to individuals who have committed non-violent offenses like writing a bad check and to people who are wrongfully arrested.

In the lawsuit, the ACLU-NC is arguing that the law violates constitutional guarantees of privacy and freedom from unreasonable search and seizure.

"Forcing a person to provide a DNA sample without any judicial oversight violates the Constitution," said Michael Risher, ACLU-NC staff attorney. "The result of this new program is that thousands of innocent Californians will be subject to a lifetime of genetic surveillance because a single



VANESSA HUANG

Lily Haskell, who had her DNA taken even though no charges were ever filed against her.

police officer suspected them of a crime."

The chilling implications for free speech are of great concern.

Aakash Desai, a UC Berkeley graduate student in environmental engineering, participated in one of the recent large demonstrations against university fee hikes and custodial layoffs. He was arrested and taken to the Berkeley city jail, where he was told he was being charged with felony burglary. Like Haskell, Desai learned that refusal to provide a DNA sample is itself a misdemeanor and would result in a higher bail amount. He relented and swabbed the inside of his cheek seven times, as the law mandates.

"I felt like *I* was being burglarized," Desai noted in a declaration to the Court. "Each swab was like being coerced into giving up part of my being."

People like Haskell and Desai who are innocent and were not even charged with a crime can seek to have their DNA

sample expunged from the state database, but the process is cumbersome.

UNDER THE NEW LAW, ANYONE ARRESTED FOR A FELONY MUST PROVIDE A DNA SAMPLE THAT IS THEN STORED IN A CRIMINAL DATABASE ACCESSIBLE TO LOCAL, STATE, NATIONAL, AND INTERNATIONAL LAW ENFORCEMENT AGENCIES—WHETHER OR NOT THEY ARE CHARGED OR CONVICTED.

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LETTER FROM THE EXECUTIVE DIRECTOR MY DAY IN COURT

BOB HSIAO PHOTOGRAPHY



December 15th was my first chance to see the ACLU represent plaintiffs in court. The hearing, in the 9th Circuit Court of Appeals in San Francisco, marked the latest advance in the ACLU's case on behalf of five men whom the CIA kidnapped

and secretly transferred to U.S.-run prisons overseas where they were tortured.

The case, which began in 2007, was being heard *en banc*, meaning by an expanded panel of the court.

At one table were seated the plaintiffs' attorneys—a team from the National ACLU and from the ACLU of Northern California. At another table sat the defense, made up of the most powerful government in the world, represented by the U.S. Justice Department, and an attorney for one of the most powerful companies in the world—Boeing.

ACLU attorney Ben Wizner began his argument about why the case should proceed, despite the government's claim that it should be dismissed on "state secrets" grounds. Barely a few minutes in, the judges began firing questions at Ben. The questions came not just from all directions of the room, but from all directions of the law.

At that moment, all I could feel was a sense of awe. My mouth was literally agape as I leaned forward in my chair watching the proceedings.

The judges' questions travelled horizontally across an X axis—the decisions of other circuit courts. Vertically on a Y axis—decisions spanning from the lower courts to the Supreme Court. And they travelled on a Z axis back in time, to precedents set in the aftermath of the Civil War.

For all the back and forth, the government's case came down to this: 1) while nothing in the 1,000 pages of evidence the ACLU had filed was a state secret or classified, Jeppesen would have to reveal secret information in order to defend itself, and 2) the entire matter of whether there was such a program and whether Jeppesen was involved is *itself* a secret, rather than just specific evidence. The ACLU in turn argued that our plaintiffs should have their day in court, and that the court can seal certain evidence the government on a case by case basis.

The court will decide if the case proceeds. But one thing will be clear: at each step the plaintiffs in this case will have a great team of attorneys at their table—and your support makes that possible.

Abdi Soltani

Abdi Soltani
Executive Director



S. TODD ROGERS/DAILY JOURNAL

CONGRATULATIONS!

ACLU-NC attorney Ann Brick has retired. In her twenty years as an ACLU-NC attorney, Brick commanded an extensive docket of cases ranging from student rights to government abuses of power, to privacy and free speech. She is most well-known for the groundbreaking role she played in significant civil rights issues involving the Internet, including the protection of free expression, privacy, and due process in cyber space. Inside the ACLU, Brick is loved and revered for her uncommon passion, perseverance and intellectual zeal, and for the paths she helped forge on behalf of women in the legal profession.

LAWYERS COUNCIL EVENT FEATURES LEGENDARY FIRST AMENDMENT ATTORNEY

Chairpersons Luz Buitrago and Steve Vettel hosted the Civil Liberties Briefing Luncheon on Nov. 19, kicking off the annual Lawyers Council campaign. Committee members, legal staff, and interns were treated to a rare appearance by renowned first amendment lawyer Al Bendich.

Bendich recounted his early career as the ACLU-NC's Legal Director, describing his work as defense counsel in the 1956 landmark obscenity case *The People and State of California vs. Ferlinghetti*. Lawrence Ferlinghetti was found not guilty of obscenity for publishing Allen Ginsberg's book *Howl*. His case established the legal precedent that controversial works with socially redeeming value could be published in the United States.

Bendich captivated the luncheon audience with behind-the-scenes stories of his experiences in the 1960s with another famous client, the late comedian Lenny Bruce, who was also charged with violating California's obscenity laws.

The Lawyers Council is a program of the ACLU Foundation of Northern California. Representing a broad cross-section of firms and practices, hundreds of lawyers in the corporate, academic, and non-profit sectors join or renew their membership in the Lawyers Council each year. Members may hold differing views on some issues but they share a common goal: to build a just society by preserving the fundamental freedoms of the Bill of Rights. ■

For more information about joining the Lawyers Council, contact Sandy Holmes at sholmes@aclunc.org or (415) 621-2493.



PHOTOS BY MICHAEL WOOLSEY

Left to right: Board Member Linda Lye, Lawyers Council Chairperson Steve Vettel, former ACLU-NC Legal Director Al Bendich, Lawyers Council Chairperson Luz Buitrago, ACLU-NC Executive Director Abdi Soltani.



Left to right: Lawyers Council Steering Committee Member Matthew Kahn, ACLU-NC and LGBT & AIDS Project Attorney Elizabeth Gill, Linda Lye, ACLU-NC Attorney Michael Risher.

BOARD ELECTION RESULTS

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 2010 term [an asterisk (*) denotes an incumbent]: *Patrice Harper, Simran Kaur, *Tal Klement, *Linda Lye, Rev. William ("Scotty") McLennan, Jr., *Susan Mizner, Ismail ("Izzy") Ramsey, Bianca Sierra, *Tracy Weitz, and *Mickey Welsh. In addition, Ajay Krishnan has been appointed to fill an interim vacancy on the Board. We also thank our outgoing at-large board members Philip Monrad, Quinn Delaney, and Barbara McNabb for their valuable contributions to our work and mission.

NEW OFFICERS AND EXECUTIVE COMMITTEE MEMBERS

The ACLU-NC Board of Directors re-elected Nancy Pemberton as Board Chair, Dick Grosboll as Finance Committee Chair (Secretary/Treasurer), Linda Lye as Legal Committee Chair, Allen Asch as Field Activists Committee Chair, Lisa Honig as National Board Representative, and Cherri Allison as Affirmative Action Officer. The Board also newly elected Susan Mizner as Development Committee Chair and Farah Brelvi as Legislative Policy Committee Chair. The 2010 Executive Committee will also include the following "at-large" members: Elliot Ruchowitz-Roberts, Jahan Sagafi, Frances Strauss (*member emerita*), Kenneth Sugarman and Elizabeth Zitrin.

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Nancy Pemberton	CHAIR
Abdi Soltani	EXECUTIVE DIRECTOR
Laura Saponara	EDITOR
Gigi Pandian	ASSOCIATE EDITOR & DESIGNER



39 Drumm Street, San Francisco, CA 94111
(415) 621-2493

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IT'S YOUR DNA—OR IS IT? CONTINUED FROM PAGE 1

When another plaintiff, Jeffrey Patrick Lyons, contacted the San Francisco District Attorney's office seeking information about how to have his DNA removed from the database, he was told that he would have to file a motion and to consult with a lawyer. Because Lyons had been represented by a court-appointed lawyer, he was not sure where to turn next. Like Haskell and Desai, Lyons had been arrested at a political demonstration. His case was dismissed.

"Automatically collecting DNA from people who are merely arrested ignores the presumption of innocence. It blurs the line between being suspected of a crime and being convicted," Risher added.

The ACLU-NC's lawsuit also points to the huge racial impact of the mandatory DNA collection law. People of color are already disproportionately represented in California's criminal justice system. Racial profiling and heavy police presence in neighborhoods that are predominantly made up of people of color are likely to exacerbate the problem.

The United Kingdom's broad national DNA database has already been found to have significant racial disparities. The organizations GeneWatch UK and Oakland-based Generations Ahead report stark figures: that country's DNA database contains records on 27 percent of the black population but just 6 percent of the white



AUTOMATICALLY COLLECTING DNA FROM PEOPLE WHO ARE MERELY ARRESTED IGNORES THE PRESUMPTION OF INNOCENCE. IT BLURS THE LINE BETWEEN BEING SUSPECTED OF A CRIME AND BEING CONVICTED.

population. In late November 2009, the BBC reported on a former UK police chief who testified that police officers in England and Wales had made arrests just to get people into the DNA database.

Data from the California Department of Justice reveal

that nearly one-third of the hundreds of thousands of arrests every year in California on suspicion of a felony never result in a conviction. A disproportionate number of these arrestees are people of color.

Meanwhile, California's huge forensic DNA database—the third largest in the world—already faces tremendous backlogs. The resources spent collecting thousands upon thousands of DNA samples from arrestees consume resources that could instead be devoted to processing crime-scene samples to help solve violent and serious crimes like rape, assault, and murder.

Update at press time:

Shortly after filing this lawsuit, the ACLU-NC asked the court for a preliminary injunction to stop the state from collecting DNA from people who have merely been arrested. That motion was heard on Dec. 4, 2009. In a disappointing ruling on Dec. 23, 2009, U.S. District Court Judge Charles Breyer denied ACLU's request for a preliminary injunction. The ACLU-NC filed an appeal of the denial of the preliminary injunction. On Jan. 29, the court certified the case as a class action, and

denied the government's motion to dismiss the case. The lawsuit and advocacy for genetic justice continues. ■

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

LEGAL BRIEFS

By Rebecca Farmer

DEFENDING THE RIGHT TO LEAFLET

The ACLU-NC recently secured a win for the right to distribute political material in UC Berkeley's Sproul Plaza.

In September, university police told individuals who were passing out flyers for a political event to be held on campus that because the event was sponsored by a bookstore and the store's name appeared at the bottom of the flyer, the flyer was in effect an advertisement, and thus could not be distributed on campus.

The ACLU-NC sent a letter to the Campus Police Chief in September asking that officers be instructed not to interfere with peaceful, non-disruptive leafleting. Under the First Amendment, public areas at state universities—such as Sproul Plaza—are considered public forums where the government cannot prohibit free-speech activity.

The flyer in question, which promoted a lecture about political systems, constitutes core political speech. Both the United States and the California Constitution protect such speech, as well as the right to distribute printed material.

In October, the University agreed to comply with the ACLU-NC's request.

PROTECTING AIRLINE PASSENGERS FROM PROFILING

On Nov. 15, 2008, three internationally renowned Sikh religious musicians were wrongfully removed from their US Airways

flight at the Sacramento airport in a racial profiling and discrimination incident. One year later, the ACLU-NC has helped bring about a settlement.

Shortly after passing through Transportation Security Agency screening without any problems and peacefully boarding their flight, the men were ordered to leave the plane. Other passengers had expressed baseless concerns about the musicians' appearance and complained to the flight crew. Federal law, however, prohibits airlines from targeting and removing passengers based on their religious or ethnic appearance.

Sikhs wearing turbans, as the musicians do, have increasingly been subject to harassment and discrimination after September 11, particularly at airports, as have many other ethnic and religious groups.

The ACLU-NC worked with the group UNITED SIKHS to advocate on behalf of the musicians, resulting in the settlement. The musicians also received an undisclosed amount of money in compensation. The ACLU-NC and UNITED SIKHS urged US Airways to update

its training materials, which the airline did. US Airways also distributed a bulletin reminding employees of the company's anti-discrimination policy.

ENSURING LGBT RIGHTS AT HOSPITALS

In December, the ACLU-NC announced a victory for LGBT patients at a Fresno hospital. The ACLU-NC advocated on behalf of a lesbian couple who had faced bias and mistreatment at Fresno's Community Regional Medical Center. In May, the couple travelled to Fresno for the Meet in the Middle for Equality rally.

ACLU-NC client Kristin Orbin was rushed to the emergency room with an epileptic seizure. After being admitted, her partner was barred from visiting her and giving doctors advice about treatment based on Orbin's medical history. As a result, Orbin had an adverse reaction to a medication the doctors prescribed.

The hospital agreed to make policy changes and conduct staff trainings to ensure that the rights of its LGBT patients and family members are properly respected. The changes are in response to a June demand letter to the hospital from ACLU-NC, in conjunction with the national ACLU LGBT Rights Project, and the National Center for Lesbian Rights. ■

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



Sikh religious musicians who were wrongfully removed from their US Airways flight.

CELEBRATING 75 YEARS WITH ACLU PARTIES ACROSS NORTHERN CALIFORNIA

By Gigi Pandian

In 2009, the ACLU-NC turned 75. To celebrate this historic anniversary, ACLU volunteers, chapter activists, donors, and board members across Northern California held parties in their homes, backyards, and community centers. Hundreds of spirited celebrants—from Berkeley to Walnut Creek, Big Sur to San Geronimo—came together to honor the legacy of the ACLU-NC and take stock of the ways that challenges to fundamental rights and freedoms are likely to surface in decades to come.

In Palo Alto, more than 50 people gathered at board member Alice Smith's house for an informal buffet dinner and a carrot cake emblazoned with the ACLU-NC's 75th anniversary logo. Smith enjoyed the connections made at the event, both old and new.

"A couple I hadn't seen in 35 years since before I went to law school in 1974 attended the party," Smith said. "It was the first ACLU event they had ever attended in spite of being life-long card-carrying members."

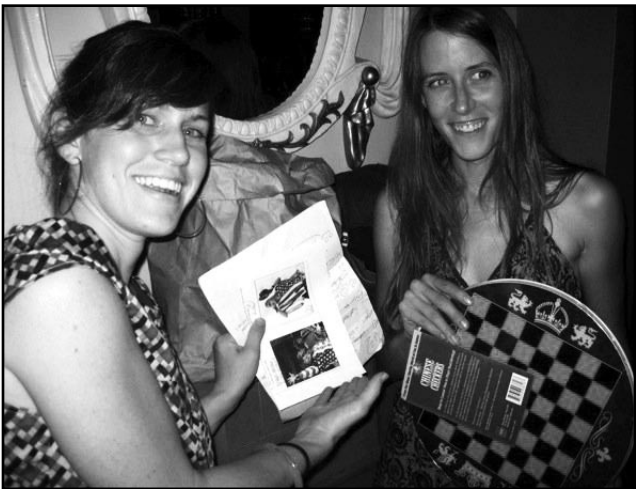
Staff member Maria Guzman hosted a party where artists were invited to display and donate their work to benefit ACLU campaigns.



Monterey Chapter members Michelle "Mickey" Welsh, Kathy Stoner, and Ibrihim Musa, with ACLU-NC Executive Director Abdi Soltani at the Monterey Chapter's party.

"The artists' enthusiasm illustrates the kindred spirit of both the activist and art communities," Guzman said. "I discovered that many people that I had been socializing with as a newcomer to San Francisco had a firm belief in and support for the ACLU's campaigns and accomplishments."

Further down the coast, the Monterey County Chapter hosted a 75th anniversary party at the Henry Miller Library. Dozens gathered under towering redwood trees in Big Sur to hear remarks from ACLU-NC Executive Director Abdi Soltani, and enjoy live music by Magnus Toren, Executive Director of the library.



At Maria Guzman's party, artists donated works to raise money for the ACLU. Suzanne Seesman (left) proudly displays a winning Rock N' Roll trivia answer sheet while Lesley Hayward shows off a prized set of Chinese Checkers, donated by Tamie McGranahan.

Monterey County Chapter Chair Elliot Ruchowitz-Roberts perfectly summed up the spirit of the parties. "It was clear that we could enjoy this moment to celebrate and enjoy our camaraderie," Ruchowitz-Roberts said, "It was also clear that we have an obligation to today's youth that they grow up in a world in which their civil liberties have been preserved." ■

Gigi Pandian is the Graphic Designer & Publications Production Manager at the ACLU of Northern California.

CRISIS INTO OPPORTUNITY? LOOKING AHEAD IN SACRAMENTO

By Tiffany Mok

"Never let a serious crisis go to waste," White House Chief of Staff Rahm Emmanuel stated to Congress in November. "What I mean by that is it's an opportunity to do things you couldn't do before."

Given California's fiscal crisis, the advice seems applicable to the legislature's upcoming session.

Last year, legislators closed a \$60 billion gap in the 2008-2010 state budget through a combination of significant cuts to programs for low-income and vulnerable populations, fund shifts, borrowing, reliance on federal stimulus funds, and the raising of fees and taxes.

This year, the state faces an additional deficit of \$20.7 billion. This amount exceeds California's entire expenditures for prisons and higher education combined.

There's no question that 2010 promises many challenges. At the same time, the fiscal crisis has unlocked opportunities for reform. Legislators have already taken the first steps to reduce prison overcrowding through parole and probation reforms. This year, the ACLU will continue to advocate for sentencing reforms, including proposals suggested by the Governor, such as shifting petty-theft crimes from state prison to local jails, and reducing some non-violent crimes to misdemeanors.

Since 1980, through the War on Drugs, "three strikes" laws for minor crimes, and other ill-conceived measures, California's prison population has grown by more than 500 percent. The mass incarceration of more than 170,000

TWO WAYS YOUR VOICE CAN BE HEARD IN SACRAMENTO IN 2010!

- IN PERSON:** Join the ACLU-NC for our 2010 Conference & Lobby Day March 6 - 8 in Sacramento. All who are interested in becoming active participants in the struggle for freedom and justice are welcome to attend. This event is FREE but space is limited, so register today!
Register at www.aclunc.org/action.
- VIA EMAIL:** Make a difference by communicating directly with policymakers through the ACLU-NC e-activist network. We make it easy to stay informed and weigh in at critical junctures.
To join the network, visit the right hand corner of the homepage: www.aclunc.org.

Californians today has meant the denial of rights and the deprivation of liberty on an unprecedented scale, including violations of due process and equal protection, among other fundamental rights.

Twelve thousand people are currently locked up in state prison for nothing more than a petty drug offense—at a cost of more than \$1 billion a year.

In addition to pressing for criminal justice reforms, the ACLU will also continue to support legislation to decriminalize marijuana use and to end the death penalty. Together these reforms have the potential to save hundreds of millions of dollars over several years.

While the budget crisis brings opportunities, it's also true that other budget cuts are sure to have devastating impacts in areas such as health care for poor children, support services for the elderly, disabled and immigrant populations, and shelters for domestic violence victims.

Amid all of the budget turmoil, the ACLU will also continue to review thousands of bills and do all that we can to keep those that threaten fundamental liberties from becoming law. With just three lobbyists and one assistant in our Sacramento office, this is no small task.

The grassroots power of our members is invaluable in helping us to defeat bad bills and push good ones into law. This year in particular, we will need to do all that we can to protect the safety and security of the most vulnerable among us. ■

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

BILL OF RIGHTS DAY: HONORING THE LIVING HISTORY OF CIVIL LIBERTIES

By Katy Fox

A wooden wheel of a ship decorated the wall behind the podium at the ACLU of Northern California’s 36th annual Bill of Rights Day, held at the meeting hall of the International Longshore and Warehouse Union (ILWU) in San Francisco. Weathered and varnished, the helm seemed to symbolize the courageous and far-sighted stewardship of all those gathered to be honored, and all those who have come before us.

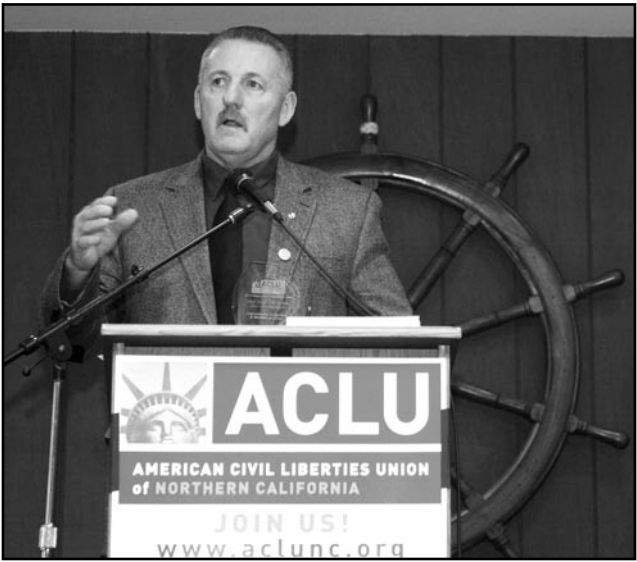
2009 marked the 75th anniversary of the ACLU-NC. Fittingly, the ACLU-NC chose to bestow the Chief Justice Earl Warren Award, the affiliate’s highest honor, upon the ILWU. Like the ACLU-NC, the ILWU was born in 1934 out of one of the most dramatic labor struggles in US history, the San Francisco General Strike. The courage of union activists and the ACLU-NC in asserting the rights of workers to speak and assemble freely helped put an end to the treatment of trade unions as “criminal syndicates” and ushered in a new era of First Amendment rights and protections for organized workers.

ACLU-NC Board Member Philip Monrad delivered an evocative speech on the history of the two organizations to an audience of more than 300. Monrad cited many examples of the connections between the sibling organizations, including the ILWU’s filing of an amicus brief in support of the ACLU-NC’s work against Proposition 8, and the ACLU’s representation of the ILWU after police fired rubber bullets on union members and others during protests against the Iraq war, when the ILWU led a shutdown of all 29 West Coast ports.

“Big Bob” McEllrath, international president of the ILWU and leader of the union’s 60,000 members on the West Coast and in Canada, Alaska, and Hawaii, accepted the honor. McEllrath’s vitality seized the audience’s attention as he spoke of the ILWU legacy and the solidarity that is its strength. “It takes *we*,” McEllrath implored. “It takes the people on the ground to continue the forward motion of civil liberties.”

In his State of the Union address, ACLU-NC Executive Director Abdi Soltani recapped some of the year’s significant victories, with special focus on the affiliate’s work for LGBT rights, the pending challenge to the new state DNA database, and the ACLU-NC’s groundbreaking effort to hold Facebook and Google accountable to respect the privacy rights of their users.

ACLU-NC staff attorney Michael Risher presented the Dick Criley Activism Award to the Chico Chapter by applauding the group for turning “their outrage into activism and stepping up in an area of California where there is



“Big Bob” McEllrath, international president of the ILWU, speaking at Bill of Rights Day.

much to be done.” The seven board members of the chapter, launched just two years ago, shared the stage like a family. Stressing a theme that permeated the event, chapter activist Amro Jayousi accepted the award, noting that “issues of social justice and civil rights are never over.”

The audience grew quiet as all attention turned to a multi-media slide show created by ACLU-NC Development Department staff Michael Woolsey and Wendy Baker. The slide show was made up of vignettes about three Northern California ACLU activists: civil liberties counselor Richard Muir, donor Angel Garganta, and ACLU Berkeley Campus Club Co-President Maria Krauter. Each story served as a reminder of how uniquely each of us can embody service, and how doing so binds us to our humanity.

Dennis McNally, recipient of the 2009 Lola Hanzel Courageous Advocacy Award, thanked the ACLU-NC for the opportunity to serve as a board member, chapter leader, and fundraiser. “I’ve come to learn that a life without service to others is incomplete,” McNally remarked. McNally, an author, historian, and Grateful Dead publicist and biographer, has been an activist and fund-raising volunteer for the ACLU since the early 1990s.

Upon leaving the ILWU Union Hall on Second Street, participants in the 2009 Bill of Rights Day chatted excitedly, energized by the experience of honoring the principles that the ILWU and the ACLU have worked so hard to uphold. ■

Katy Fox is volunteer Field Correspondent at the ACLU of Northern California.

A PROUD TRADITION OF SUPPORTING WORKERS

By Gigi Pandian

The ACLU of Northern California was founded defending freedom of speech and assembly of workers during the San Francisco General Strike of 1934. After police attacks resulted in two trade unionists being killed and a general strike was underway, the fledgling National ACLU sent two organizers to protect Northern California workers’ civil liberties. The ACLU-NC’s support of workers’ Constitutional rights has continued ever since.

A more recent case began when electrical workers sued their employer, a contractor, in civil court for cheating them out of their wages by falsifying worker time cards. The International Brotherhood of Electrical Workers (IBEW) Local 595 publicized the action, which resulted in media attention, and the State of California filed criminal charges against the contractor, Monica Ung. Ung hired former San Francisco Mayor Willie Brown, traditionally a labor supporter, to represent her.

Members of IBEW were shocked when Brown took the case, and called his office to ask why he did. In response, Brown’s firm requested a gag order against the union from the Alameda County Superior Court.

Gag orders against non-parties to a criminal case are almost always considered unconstitutional prior restraints on free speech. When granted, a gag order generally applies only to parties before the court, not third parties. In this case, IBEW was a third party.

“Upholding a prior restraint is the worst thing you can do to speech protected by the First Amendment,” said ACLU-NC volunteer attorney Ajay Kundaria.

ACLU-NC legal director Alan Schlosser and Kundaria filed an amicus brief, arguing that silencing the workers would have an unconstitutional chilling effect on free speech. Before the court could rule, an attorney at Brown’s firm read the ACLU-NC amicus brief and withdrew the motion.

For Victor Uno, the Business Manager of IBEW Local 595, the victory was especially meaningful. Uno’s mother was confined during the Japanese American internment of World War II, and remembered the ACLU-NC’s defense of Fred Korematsu.

“When we found out that the ACLU had filed an amicus brief on our behalf, our reaction was one of wonder and awe,” Uno said. “That this seemingly small and petty effort to stop the voice of our members and our union was deserving of your attention made us realize that there is never too small an attack that does not deserve the ever vigilant voice of those who cherish the civil liberties we often take for granted.” ■

Gigi Pandian is the Graphic Designer & Publication Production Manager at the ACLU of Northern California.



Left - right: Sara “Sally” Matlin and Jay Laefer of the ACLU-NC North Peninsula Chapter, Melita Bena, and Doug Bennett of the Shasta-Tehama-Trinity Chapter, enjoying Bill of Rights Day.

KEEP AMERICA = SAFE & FREE

Through the National Security Project, the ACLU advocates for policies that are consistent with the Constitution, the rule of law, and fundamental human rights. The National ACLU and the ACLU of Northern California work together to challenge abuses of government power that continue to make the national headlines: unlawful detention, torture, discrimination, surveillance, censorship, and secrecy.

Below is an overview of many of the challenges the ACLU confronted in 2009 as part of our efforts to convince courts, legislatures, and local elected officials in Northern California and around the country that our nation can be both safe *and* free.



COMBATING THE USE OF TORTURE

Torture is wrong, illegal, and un-American. Though the United States led the international fight against torture for 60 years, Bush administration policies betrayed this proud tradition of humane detention and interrogation practices.

The ACLU's Freedom of Information Act lawsuit led to the release of more than 110,000 pages related to the treatment of detainees in U.S. custody—including the four "torture memos" that provided the legal underpinnings for the CIA's torture program. We'll continue to push for the release of still-secret torture documents as well as continuing to campaign to hold accountable the government officials who commissioned and authorized these illegal acts.

Attorney General Eric Holder appointed a special prosecutor to conduct a preliminary investigation into whether federal laws were violated in connection with the interrogation of specific detainees in U.S. custody overseas under the Bush administration. We are currently pressing the Justice Department to broaden the scope of the appointed special prosecutor's investigation to include senior Bush administration officials.

We have also ramped up pressure on Congress to order investigations, to hold hearings on post-9/11 abuses, and to demand oversight by the Justice Department.

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ENDING MILITARY COMMISSIONS AND INDEFINITE DETENTION

The Constitution assigns the essential right to due process to everyone under U.S. jurisdiction. The ACLU remains committed to protecting that right, even as our government has subverted the rule of law by holding detainees indefinitely and without charge, and by creating unconstitutional military commissions. Although Congress recently improved the military commissions system in certain respects, the system still fails to provide the procedural rights that are guaranteed by U.S. and international law.

Our comprehensive ‘Close Guantánamo’ campaign was successful in eliciting a promise from the Obama administration to close the prison at Guantánamo Bay by Jan. 22, 2010.

But recently, the Obama administration announced it will try a sixth Guantánamo detainee in the military commissions system and Congress has stymied plans to move some of the 198 remaining detainees to a prison in Thomson, Ill., by refusing to fund an upgrade of the prison’s facilities. It now seems clear that the President’s deadline will pass without any meaningful change in policy for those still held there.

The ACLU will continue to bring pressure on government officials to follow the rule of law, using federal lawsuits when necessary.



DEMANDING AN END TO UNLAWFUL RENDITION

“Extraordinary rendition” was used illegally by the Bush administration to apprehend and detain foreign nationals it suspected of involvement in terrorism and to secretly transfer them to CIA-run “black sites” or to prisons run by foreign intelligence agencies in countries known to torture. Though President Obama issued an executive order banning the use of torture, no victims of rendition have yet been granted their day in court and some are still detained. The appalling facts about the rendition program have long been publicly known, but the government has insisted that our lawsuits should be dismissed on “state secrets” grounds.

One challenge to extraordinary rendition is the ACLU’s case against Jeppesen Dataplan, Inc. seeking to hold the Boeing subsidiary accountable for its role in transporting the detainees. In April 2009 we gained a landmark victory on be-

half of the five men named in our Jeppesen suit, when the Ninth Circuit Court of Appeals ruled that the government can invoke the state secrets privilege only with respect to specific evidence, not to dismiss the entire suit. The ACLU returned to court in December 2009 after the government appealed the court’s decision asking a full panel of 11 judges to rehear the case.

FIGHTING UNCHECKED GOVERNMENT SURVEILLANCE

Since 9/11, the government has stepped up its use of the National Security Agency (NSA) to conduct unchecked spying on ordinary Americans, encroaching on our privacy and free speech rights—all without judicial oversight.

Shockingly, in summer 2008, Congress passed the FISA Amendments Act (FAA), which not only legalized the NSA’s warrantless surveillance program but actually *expanded* the power of the executive branch to conduct suspicionless dragnet surveillance of Americans’ international communications. Just hours after President Bush signed the legislation, the ACLU filed a landmark lawsuit to block its enforcement (we are appealing the lower court’s dismissal of the case).

As the Obama administration has largely ignored our call for an executive order barring such surveillance, we have shifted our focus toward Congress. The ACLU has brought lawmakers’ attention to the surveillance activities of local authorities in several states and provided testimony before Senate and House committees about the problems inherent in surveillance without suspicion of criminal activity and about the sharing of collected information without adequate controls for accuracy and privacy.

CHALLENGING UNCONSTITUTIONAL EXPANSION OF GOVERNMENT POWERS IN THE PATRIOT ACT

In 2006, Congress reauthorized the Patriot Act without fixing the law’s most egregious flaws. The ACLU continues to challenge two provisions in particular: 1) the National Security Letter (NSL) provision, which allows the FBI to gag recipients of demands for records purportedly related to investigations of terrorist activity, and 2) the ideological exclusion provision, which denies visas to foreign nationals who disagree with U.S. policy.

The ACLU is challenging the exclusion of foreign scholars Tariq Ramadan and Adam Habib in two separate cases on behalf of U.S. organizations that have invited the scholars to speak in the United States.

We have also challenged the NSL provision of the Patriot Act in three cases, including a case currently pending before a district court in New York that involves an NSL served on an Internet Service Provider. We are challenging the government’s suppression of an “attachment” to the NSL our client received. Although the FBI abandoned its demand for records more than three years ago, the ACLU is still prohibited from disclosing the identity of its client because the court has ruled that government can continue to enforce its five-year-old gag order on “John Doe.”



Members like you make it possible for the ACLU to expose government abuses, win important victories in the courts, and shine a light on illegal government policies and practices.

THANK YOU!

MEET THE NEW FELLOWS ON THE BLOCK

By Rebecca Farmer

Integral to the work of the Northern California affiliate are Legal and Policy Department Fellows. Promising public interest attorneys who have recently begun their post-law school careers spend one to two years on a project to advance civil liberties. The fellows dig into focused research and advocacy in key areas.

Two new fellows have recently joined the ACLU-NC team. **Natalia Merluzzi**, Racial Justice Project Fellow, and **Amalia Greenberg-Delgado**, Soros Justice Advocacy Fellow, hit the ground running last fall. Both are working on advancing the core principle in the Fourteenth Amendment—equal protection under the law—and applying it to vulnerable populations.. The two quickly developed an aire of camaraderie and a keen awareness of the ways their projects intersect.

Merluzzi’s fellowship involves looking closely at how to address systemic problems in schools that lead to racially disproportionate discipline.

“Students of color are suspended and expelled more than their peers and for less serious behavior,” she explains. “We are working to equip school with policies that keep students in school and out of the criminal justice system.”

Merluzzi will conduct research and explore public policy approaches to challenge the portions of the state education code that lead to these racial disparities. Currently she is co-writing a troubleshooting manual for schools, aimed at implementing improved discipline policies so that they are fair and just. Ultimately, she hopes to help level the playing field for young people of color.

Greenberg Delgado’s fellowship is focused on the problems inherent in local enforcement of federal immigration laws, which can result in communities of color and immigrants being unfairly targeted for immigration enforcement for no



Fellows Amalia Greenberg-Delgado and Natalia Merluzzi.

reason other than their race. One big piece is public education, developing Know Your Rights materials and delivering timely, accessible information to immigrant communities.

Greenberg Delgado recently spent a week travelling around the Central Valley, talking with community activists and organizations about pressing issues. In each community, people shared stories about the effects of vehicle checkpoints. In a practice that has become widespread, municipalities are impounding cars for as long as a month if a driver is pulled

over and does not have a valid driver’s license with them. The impact on poor immigrant families is tremendous. Particularly in rural and suburban areas, a car is a necessity to get to work, and a month of impound fees can cost as much as \$2000. San Francisco recently changed its impound policy after working with a coalition including the ACLU and community groups. Greenberg Delgado sees hope for other municipalities.

Building connections between immigrant communities and local law enforcement agencies is another component of Greenberg Delgado’s work. A key aspect is educating local police about the importance of keeping their doors open to immigrant communities to report crimes, which is crucial for effectively protecting public safety. Putting local police as immigration agents effectively closes that door.

Despite the challenges of their work, both fellows talk about the privilege and impact of being at the ACLU-NC. For Greenberg-Delgado, who came to the United States from Venezuela as a child, her advocacy work at the ACLU-NC is a way to “open up opportunity for other people of color, for other immigrants, who can then open further opportunities.” Merluzzi echoes the delight in helping create access for others, and making possibilities known. “What else would you wake up and want to do?” ■

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

SEX EDUCATION ROUNDTABLE

By Phyllida Burlingame

Animated discussion about the future of sex education in California public schools dominated the November 2009 meeting of the California Sex Education Roundtable, a bi-annual meeting that brings together advocates, researchers, and health educators to share information and strategize about how to improve sexual health education for California’s youth.

The ACLU of Northern California has worked on this issue for more than a decade, since we discovered that many California school districts were teaching abstinence-only-until-marriage education to students instead of science-based health education. Abstinence-only education, which was supported with over \$1 billion during the Bush administration, teaches students that any sexual activity outside of marriage is inevitably harmful, includes bias based on gender and sexual orientation, and provides misinformation about condoms, contraception, and abortion. This instruction is grounded in political ideology, not public health science, and has no place in our public schools.

The initial meeting of the Sex Education Roundtable, convened by the ACLU-NC and Planned Parenthood Affiliates of California in 2002, generated ideas and enthusiasm for strengthening state sex education requirements and led to a groundbreaking law: the California Comprehensive Sexual Health and HIV/AIDS Prevention Act of 2003. It requires that all sex education in California be medically accurate and bias-free; provide comprehensive information about condoms and contraception as well as abstinence; and be appropriate for and inclusive of all students.

Since the law passed, the Roundtable has served as a nexus, bringing together otherwise unconnected organizations interested in implementing the law effectively to ensure that all California youth have access to comprehensive sex education.

The statewide advocacy organization California Latinas for Reproductive Justice now serves as an additional convener of the Roundtable, and member organizations include the Family Violence Prevention Fund, Asian Health Services, the Gay-Straight Alliance Network, and the Los Angeles Unified School District, among others. Roundtable meetings provide an invaluable opportunity for the ACLU-NC to consider new perspectives, formulate joint priorities, and identify new partners.

Following years of support for abstinence-only education, the nation is now poised to take a new direction, and many are looking to California as a leader. Tempering this positive outlook for the future, California’s budget crisis is stripping funds from state programs that provide young people with sexual health information and services. The loss of funding for community-based programs makes school-based sex education all the more important, yet many



Marisol Franco of California Latinas for Reproductive Justice, co-convenor of the California Sex Education Roundtable.

challenges exist to full implementation of California’s law. Chief among these challenges is a lack of state oversight and enforcement, resulting in many school districts with sex education programs that do not meet the legal requirements.

Roundtable participants left the meeting re-energized and convinced that by working together at the state and local levels, through policy advocacy, education, and community organizing, we can improve sex education in California. We can advance the reproductive and sexual health of our youth and our communities as a whole. ■

Phyllida Burlingame is the Sex Education Policy Director at the ACLU of Northern California.

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

THE ACLU CAMPAIGN FOR THE FUTURE

MEET KATHLEEN BENNETT, ACE VOLUNTEER FUNDRAISER

WHY DO YOU SUPPORT THE ACLU?

The ACLU's philosophy strongly appeals to us both—the commitment to champion the citizen against abuses of the state and to stand up for the underdog. We're glad to support an organization that supports the rights of individuals and does not overlay a set of cultural values that would lead to defending some people but not others.

HOW WOULD YOU DESCRIBE THE ACLU COMMUNITY?

Interesting, intellectual people who are committed to defending our civil liberties. There are shared values within the ACLU community — values that are profound. But there's also room for a diversity of beliefs and differences of opinion. For example, in the late 1990s, both the ACLU and the National Organization for Women opposed public funding for the Young Women's Leadership School (YWLS) in Harlem. As the founder of a single-sex school, I supported YWLS. We don't expect to support every position that the ACLU takes, but we value the integrity of the organization and believe that their positions are thoughtful and important, even if we don't agree with every one.



ANGUS MACLANE

Kathleen and her husband Tom are enthusiastic donors to the ACLU Campaign for the Future. Kathleen is also the founder of the Girls' Middle School in Mountain View.

WHAT DO YOU ENJOY ABOUT YOUR ROLE AS A VOLUNTEER FUNDRAISER?

I love raising money for the ACLU. I meet wonderful people, both donors and staff, and keep abreast of issues that deeply interest me. I like and respect the way the

over time and in a well thought out and methodical way to those affiliates where we desperately need to fight for racial justice, voting rights, gay and immigrant rights, reproductive rights, fair police practices, etc. It's not a one-shot investment but a measured way to expand our fight for civil rights across the entire nation. ■

ACLU raises money. Members of the board and the development committee meet with donors to better understand what interests them most about the ACLU's work and provide materials and information to help make their relationship to the ACLU even more meaningful. The development staff conscientiously answers donors' questions, and the legal staff is willing to meet with donors to provide in-depth information on donors' areas of interest.

WHAT DRAWS YOU TO THE ACLU CAMPAIGN FOR THE FUTURE IN PARTICULAR?

There are parts of the U.S. where we see egregious violations of civil liberties—like Florida, Texas, Mississippi, New Mexico—and, at the same time, there are often fewer ACLU supporters in those regions. The ACLU is able to channel Campaign for the Future dollars

ELWOOD BURTON GERRITS' LEGACY OF LIBERTY

By Stan Yogi

During World War II, Elwood Burton (Burt) Gerrits was stationed in the Treasure Island Naval Base hospital as a medical corpsman on a psychiatric ward for gay sailors who were being discharged. Little did the military know that the young South Dakota native was also gay.

After the war, Gerrits remained in the Bay Area until his death in 2008 at age 85. A pioneer in the movement for lesbian and gay equality and longtime ACLU supporter, Gerrits created a lasting legacy of liberty through a generous bequest to the ACLU Foundation, part of which will be used to defend and expand the rights of lesbians, gay men, bisexual and transgender (LGBT) people.

Gerrits graduated from UC Berkeley in 1948 and was a committed educator, working as a public school teacher for 35 years, mostly in Piedmont where generations of students fondly remember him as a popular geography instructor.

After retiring in 1983, he devoted his time and energy to volunteering for several gay and social justice organizations. He co-founded UC GALA (the university's lesbian and gay alumni association), served as a switchboard counselor at the Pacific Center (Berkeley's LGBT community center), and was active in the East Bay Lesbian/Gay Democratic Club, GLBT Historical Society, and Mobilization Against AIDS. He also participated in three historic "Marches on Washington" for LGBT equality during the 1980s and

1990s, and was arrested during the 1987 march as part of a sit-in on the steps of the Supreme Court.

"We will always remember Burt as a man who courageously advocated for justice, equality, and positive social change," said Development Director Cheri Bryant. "I will also miss his good humor in the face of adversity and his amazing tenacity when faced with setbacks. We are honored to use his bequest to continue the fight for LGBT equality and to defend the rights and liberties that meant so much to him."

To learn about how to create a legacy of liberty through your estate plan, please contact Stan Yogi at (415) 621-2493. ■

Stan Yogi is the Planned Giving Director at the ACLU of Northern California.



"WE WILL ALWAYS REMEMBER BURT AS A MAN WHO
COURAGEOUSLY ADVOCATED FOR JUSTICE, EQUALITY,
AND POSITIVE SOCIAL CHANGE."
—DEVELOPMENT DIRECTOR CHERI BRYANT

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

A YOUTH INVESTIGATION INTO LGBTQ HISTORIES OF RESISTANCE



At left, the students from the Howard A. Friedman First Amendment Education Project 2009 summer trip, *A Youth Investigation Into LGBTQ Histories of Resistance*. The following are student writings inspired by the trip.

LEARNING AS ONE. MOVING AS ONE.

By Ilham Awad

We spend our whole lives hearing about amazing people who fought and risked their lives for social justice. To be part of a greater movement is something that I’ve always aspired to do, and last summer’s trip investigating LGBTQ histories of resistance allowed me to do just that.

Before going on this trip, I really didn’t know enough about the LGBTQ struggle, that there were historical events that helped to lay the foundation for all of us who are fighting for justice today.

One of the most amazing stories I had heard was that of the 1969 Stonewall Rebellion in New York’s Greenwich Village. I had the privilege of sitting down and talking to someone who was involved in the Stonewall events, and to hear her story made everything really come to life for me. I met Miss Major, who is such an incredible woman, during our discussion with the panel of elder activists at Humanist Hall earlier in the week. It was hard for me to believe that I was sitting with someone who had experienced so much.

Seriously, to be in the presence of someone with so much history, it’s unfathomable. What do I say? Where do I begin? I wanted to ask her so many questions but I knew that my list was endless. I guess what I really wanted to know was how we as youth could really strengthen the movement, not just this one, but any fight for justice. Miss Major’s words were simple, but the message was clear. “Never lose sight of the movement,” Miss Major said, “It’s not just what you’re fighting for but why you’re fighting for it.” That was it. That’s really all I needed to hear and I knew that those words would inspire me to do continue fighting for justice.

WHERE I’M FROM

By Tyler Foster

I’m from candyland
From states avenue and UNO
I am from television 24/7
I am from sesame street
My furry green friend in a garbage can
Whose negative attitude penetrated the town

I’m from black and white
From timothy and susan
I’m from the anger management
That was diseased upon me
From the swearing and yelling
The “shut-up” and repressed feelings
I’m from what I’m told to believe
The prodigal son
The holy ghost
And what makes no sense to me

I’m from phyllis and harry, tom and pat
Great cooking, calm and centered
From the man I wish I met
The best friend I wish I never lost

With great honor I hold onto what she wanted
Though in the mirror,
That’s not who I see
Nor whom I hold within
I am from the only one she had
The only one she lost
And the tree ends here

AN INTRODUCTION

By Cassandra Chase

Fresh warm air with a summer’s breeze, new acquaintances forming, possible friendships, maybe. Hands clamped so tight with one another in fear of falling, even with harnesses secured around our waists. We came together as students, interns, and staff from all over the Bay Area and beyond, but first we came together at the ropes course in Sonoma.

As everyone began to get to know one another, we all realized that we were all queer in our own way, may it be by sexuality or race or ethnicity or other parts of our complicated identities. Every day was a new journey with different things coming our way. Learning experiences from our elders that fought for equality was one of the most beloved moments, while walking through the Castro on the walking tour was another enlightening moment.

As the days went on, listening to different perspectives,

many of us realized that Prop 8 was not as much of a priority as we thought. We heard about many LGBTQ people’s daily struggles with health care, youth homelessness, harassment and hostility in families and schools and workplaces, and history in general. Some people we ran into expressed their concerns for the people devoting so much time and so many resources to fighting this proposition while other issues like health care could be the focus.

By the end of the trip everyone took new information back home, which for some was a burden and for others was enlightening. Some students felt as though it was harder to hold people accountable, having learned all this information about the LGBTQ community—so much change is needed so where do we start? Others felt as though they had credibility to teach their community about what they had just learned. Regardless of the circumstances after the trip, everybody went back home a different person.

MEET THE ORGANIZING & COMMUNITY AFFAIRS STAFF

By Gigi Pandian

The ACLU-NC’s organizing team implemented some exciting changes in 2009. The Organizing & Community Affairs Department has 4 main jobs: lobbying state and federal officials on key issues; organizing efforts on ballot measures; supporting ACLU chapters, clubs, and volunteers; and connecting the ACLU to communities. From the organizing work of political activism and field support for volunteer chapters, to the community-based outreach that connects the work of the ACLU to a wide range of communities, the department is building the organization and strengthening our presence throughout the region.

Shayna Gelender, who has been a part of the ACLU-NC for 10 years, has been named the new Organizing & Community Affairs Director. Shayna first got involved with the ACLU in high school as a Howard A. Friedman Education Project youth leader. Shayna is putting her leadership training to good use in her new role.

“My favorite part of my job is working with people,” Shayna says. “Through working with my colleagues on staff, chapter leaders, volunteers, board members, coalition partners, and the general public, it’s exciting to see how we can collectively figure out how to advance civil liberties.”

Alicia Walters is now Senior Organizer. Alicia came to the ACLU-NC after working on health education in a village in



Organizing & Community Affairs Director Shayna Gelender, Organizing & Community Affairs Assistant Daniel Galindo, Senior Organizer Alicia Walters, and Organizer Ashley Morris

Namibia. Her work in Africa taught her the importance of working directly with communities. When she returned to the states, she knew she wanted to work for social justice not from behind a desk, but out in the community.

“There is a certain adrenaline that takes over when I know I am part of something larger than myself,” Alicia says. “When I

march alongside activists or accompany members of the community as they address decision-makers, I see the importance of organizing and know we’ll make a difference.”

Organizer **Ashley Morris** spends much of her time supporting the work of our volunteer chapters and clubs. It’s a fitting position for Ashley, who herself became involved with the ACLU through the U.C. Berkeley ACLU Club during college.

The best part of Ashley’s job? “The organized chaos,” she says. “The energy and passion of our volunteers, working under the time pressure of a campaign, is truly inspiring.”

The newest member of the team is Organizing & Community Affairs Assistant **Daniel Galindo**. A recent graduate of Trinity University in Texas, Daniel is excited to be working on such a wide range of issues. “Working for the ACLU is a rewarding opportunity to give back to an organization that has championed civil rights for minorities across the board.”

Feeling inspired by this talented group to do even more to help promote civil liberties in your community? Get involved locally!

Check out the list of chapters, below, and connect with ACLU activists. ■

Gigi Pandian is the Graphic Designer & Publications Production Manager at the ACLU of Northern California.

DEEPER INTO THE VINES: THE SONOMA CHAPTER

By Katy Fox

The Sonoma Chapter of the ACLU of Northern California has been working to stop racial profiling of Latinos, a critical concern in this farming region. When the Multi-Agency Gang Enforcement Team, known as the MAGNET unit and overseen by the county sheriff, and Immigration and Customs Enforcement (ICE) detain a young man who is neither a gang member nor a criminal, there is virtually no authority to review the seizures. As part of their advocacy, Sonoma Chapter ACLU-NC Board Representative Steve Fabian and Chapter Chair Marty McReynolds emphasize how Sonoma desperately needs a civilian review board.

Sonoma Chapter board member Rick Coshnear brought the issue of unconstitutional stop-and search operations against people who appear to be Latino to the ACLU-NC legal staff. The ACLU-NC filed suit in U.S. District Court in San Francisco alleging that the Sonoma Sheriff’s Department and ICE collaborate to racially profile Latinos and exceed their authority with respect to civil-immigration enforcement. Coshnear, who came to Sonoma County after working with the Latino community in Los Angeles, led forums and community meetings with the Latino community in order to lay the groundwork for the case.

“Rick has been indispensable in terms of client contact

and fact development,” said Julia Harumi Mass, staff attorney for the ACLU-NC and lead counsel on the case.

Other police practices—such as vehicle checkpoints where police impound vehicles and impose fines up to \$2000—are also under scrutiny by the Sonoma Chapter. “It can be absolutely detrimental to people’s livelihoods, and thus to families and communities,” McReynolds said.

The chapter met with the Santa Rosa Police Chief to discuss issues of impoundment and police brutality. The chapter has also collaborated with Sonoma’s Police Accountability Clinic and Helpline (PACH) to document reports of abuse by law enforcement in Sonoma County.

The ACLU-NC Sonoma Chapter formed in the 1960s with 66 members. Today membership has grown to nearly 2,500. The chapter is an active presence in the community, speaking at local schools and junior colleges about student rights and ACLU history, tabling at farmers’ markets and various public events, distributing a chapter newsletter, keeping in touch with local media, and holding an annual award dinner, the next of which is scheduled for April 9, 2010. ■

Katy Fox is volunteer Field Correspondent at the ACLU of Northern California.

UPCOMING CHAPTER EVENTS

The **Berkeley/North East Bay Chapter’s** annual immigration forum will be held on **Wednesday, April 7 from 7 to 9 pm** at the Richmond Public Library. Contact 510-558-0377 or visit www.acluberkeley.org for more information.

The **Sonoma County Chapter’s** 2010 Awards Ceremony & Annual Dinner on will be held on **Friday, April 9 at 5:30 pm** at the Santa Rosa Veterans Memorial Hall. Aundré Herron will deliver the keynote address, “What’s Up with the Death Penalty?” For reservations or information, call (707) 765-5005.

GET INVOLVED! CHAPTERS AND CLUBS IN YOUR COMMUNITY

Northern California Chapters

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

Campus Clubs

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

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

ASK THE EXPERTS!

STRATEGIC AFFILIATE INITIATIVE



Nsombi Lambright

Nsombi Lambright is the Executive Director of the American Civil Liberties Union of Mississippi. Founded in 1969, this ACLU affiliate grew out of efforts to represent civil rights workers who were being jailed, beaten and killed for participating in demonstrations.

WHAT ARE SOME OF THE CHALLENGES TO CIVIL RIGHTS AND CIVIL LIBERTIES THAT ARE AT THE FOREFRONT OF YOUR WORK?

One of our main projects involves reforming the state's criminal justice system to fight for more alternatives to incarceration, more rehabilitation services for drug offenses, full restoration of voting rights for people with felony convictions, ending racial profiling as a law enforcement tool and ending the state's mandatory minimum sentencing law.

We're also very concerned with the rights of immigrants. Immigrant laborers working in factories and helping to rebuild after Katrina are being exploited by employers who call the immigration authorities to try to have them deported instead of paying them the wages they've earned.

MUCH OF THE WORK OF YOUR OFFICE INVOLVES FIGHTING RACIAL BIAS AND DISCRIMINATION AS IT PLAYS OUT IN SCHOOLS. WHAT'S HAPPENING?

Some of the starkest examples of racial injustice are reflected in the ways that our school systems are treating our young people. There is a systematic pattern of arbitrary and unlawful conduct by school and police officials, often referred to as the school-to-prison pipeline, wherein children are pushed out of public schools and into the criminal justice system. We have filed three federal civil rights suits on behalf of students in DeSoto County here.

The fact is that many students face administrators and teachers who want to get rid of them. These young people are put in a position of needing to assert their rights before the people who have the power to suspend, expel and arrest them. We counsel young people to document what is happening, and to seek support from their parents and from us.

We were able to win a settlement for the families of a group of students who were arrested on a school bus for laughing at a police officer. The officer yelled, "You'll end up with a bullet between the eyes if you don't shape up!" He charged them with disorderly conduct. Through an Open Records Act request, we were able to prove that the kids' behavior was annoying but not illegal. They didn't deserve to go to jail.

WHAT IS THE STATUS OF WOMEN'S REPRODUCTIVE RIGHTS IN MISSISSIPPI?

Mississippi receives an "F-" from the National Abortion Rights Action League. The state has one abortion facility that we struggle to keep open. There is a 24-hour waiting period for an abortion. Women are asked whether they want to see a sonogram before making a final decision. In

the case of teens, both parents must give permission for their daughter to obtain an abortion. If not, a judge decides. Physicians and pharmacists can refuse to provide information about abortion on religious grounds, even if the pregnancy presents extreme dangers for the woman. The last major restriction put in place requires doctors who perform abortions to be licensed at three different hospitals. But we're fighting to change things.

WHAT ABOUT SEX EDUCATION?

Most Mississippi schools teach an abstinence-only-until-marriage curriculum that is extremely religious. When we filed suit objecting to the preaching of religion at a state-sponsored gospel festival for teens, the Lieutenant Governor was quoted as saying, "I don't know why the ACLU is challenging the way we use religion to teach girls not to have sex at early ages." Many public officials see it as their duty to bring Christian messages to students in our public schools.

MISSISSIPPI IS ONE OF THE STATES THAT RECEIVES FUNDING FROM ACLU DONORS ELSEWHERE, INCLUDING FROM NORTHERN CALIFORNIA, THROUGH THE STRATEGIC AFFILIATE INITIATIVE (SAI). WHAT HAS THE FINANCIAL SUPPORT ENABLED?

In 2003, I was the only ACLU staff person in the state. The office nearly closed. Now we have a staff attorney, a paralegal, and other key staff who specialize in public education, community outreach, and development. We have a full and active legal docket. I can't say enough about the victories we've been able to achieve with our expanded capacity.

ARE THERE LESSONS ABOUT COMMUNITY ORGANIZING THAT YOU TAKE FROM YOUR PREDECESSORS IN THE CIVIL RIGHTS MOVEMENT?

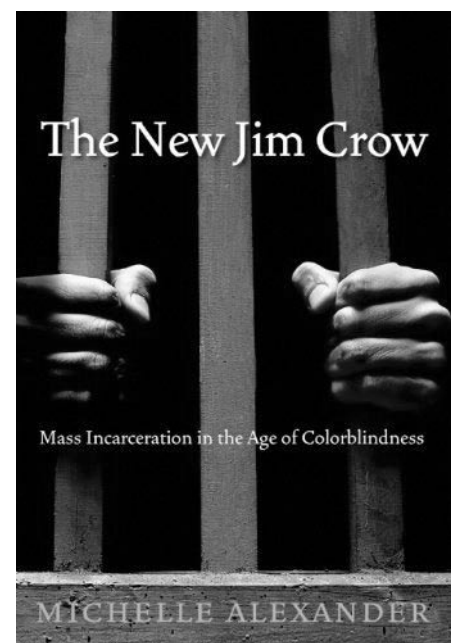
I'm a native of Mississippi and I was trained by civil rights activists from the 1960s, a heritage I'm very proud of. But I've come to realize that some of the frameworks that shaped our strategies for organizing back then need to be reshaped to fit present day obstacles. For example, we viewed getting African Americans elected to public office as an end in itself. But we didn't do the kind of training and leadership development that was needed to help these Black leaders to become champions for equality. Now there are people in city councils and in the state legislature who look like us, but who don't necessarily understand injustice, how it functions, and what accountability truly means.

WHAT IS YOUR APPROACH NOW TO ORGANIZING AND POLICY ADVOCACY IN MISSISSIPPI?

Community organizing means a group of people coming together on a common issue to develop a strategy for change. In Mississippi, and in the South, everything gets done in coalition. We have a tremendous history of the civil rights movement, but we can no longer do the kind of organizing our parents and grandparents did in the '60s. We had clearer targets then—segregated schools, no voting rights for Blacks. The laws were clearly discriminatory. Now, we are dealing with institutionalized racism, which is less visible. Our approach is engaging and connecting people from affected communities to share stories of what's happening, to make things visible—relying on their expertise and making sure they are central to the process. ■

This interview was conducted and compiled by ACLU of Northern California Senior Organizer Alicia Walters.

HOT OFF THE PRESS!



The New Jim Crow: Mass Incarceration in the Age of Colorblindness, a new book by former ACLU-NC Racial Justice Project Director Michelle Alexander. Alexander now holds a joint appointment at the Moritz College of Law and the Kirwan Institute for the Study of Race and Ethnicity at Ohio State University.