

*A few days before Christmas, Governor Snyder signed the Public Employee Domestic Partner Benefit Restriction Act, one of the more shameful and inhumane laws this state has passed in a long time,”*

Michael J. Steinberg

Get the whole story below.

# RIGHTS REVIEW



SUMMER 2012

The reality of racial profiling

2



In the courts around the state

3



6

A legacy of liberty



7

At the Grassroots



Celebrate freedom with us

8

## ACLU BLOG ROLL

Check out the ACLU of Michigan's blog and learn more about how we are protecting your rights. Go to [www.aclumich.org/blog](http://www.aclumich.org/blog) and hear from our staff, clients and cooperating attorneys on the issues that affect you.



After a visit to an alternative prom, our West Michigan Administrative Assistant Julia Henshaw made some sobering observations: "As they arrived in their gowns and suits, I became aware of a slowly creeping realization. This isn't just some cute, rainbow-decorated event. This is some serious stuff. There were some issues outside that evening - kids coming by, harassing the LGBT kids. A team of security guards were there, donating their evening to keeping these kids safe. I was struck that even a sweet and innocent prom celebration was marked with an awareness of the bigotry these kids face every day."



Our Field Director Rodd Monts took us into the United States Supreme Court with him as he described attending oral arguments: "I can still feel the electricity in the room, the sense that this was an historic moment. If the justices are convinced by Stevenson's arguments in *Miller v. Hobbs* and *Jackson v. Alabama*, the futures of more than 2,600 individuals currently serving juvenile life without parole sentences could change decidedly. This may be the last time they have such a promising hope of a future where their growth, maturity and individual circumstances matter."



Guest writer Angi Becker-Smith provided a lengthy look at the assaults on women's freedom in the Michigan Legislature: "Michigan has already received a failing grade on its choice-related laws from NARAL, and yet the current dismal state of access to abortion in Michigan is nothing compared to what could soon become in reality. This legislative season, the legislature has already passed a redundant ban on so-called partial birth abortions and over a dozen more potential pieces of extreme anti-choice legislation are currently at various stages of being passed into law. From personhood to ultrasounds, the proposed legislation represents every variety of anti-choice tactic we've witnessed in state legislatures across the country in recent months."

## REPRODUCTIVE JUSTICE, FREE SPEECH AND "VAGINA"

*Nothing makes legislators take notice more than five thousand men and women chanting "vagina" on the Capitol steps.*

In June, Michigan vaulted to the top of the list of states with outrageous, retrogressive legislation on women's health, placing a monster 60-page omnibus package - House Bills 5711, 5712 and 5713 - on the fast-track to becoming law. If successful, the bills would effectively make safe abortion services inaccessible in the state.

### *War on Women Hits Dangerous New Low*

This far-reaching legislation represents the biggest assault on women's health care in Michigan's history, endangering nearly all areas of reproductive health care by targeting doctors and centers in the hopes of putting abortion providers out of business. The bill would force health centers to close, requiring them to meet unnecessary, excessive standards and forcing doctors to ac-



Protesters at the Capitol

quire expensive liability insurance.

Proposals included in the bills would require physicians to conduct scripted inquiries into the personal lives of their patients and introduce requirements that would leave women in rural areas without access to care by requiring a physician's presence for abortions via the use of prescription drugs. This is especially troubling considering that fact that 83 percent of Michigan counties have no abortion providers.

The truth is that this package will not prevent a single unintended pregnancy and will undermine

the health of many women, making it harder to access critical services like lifesaving cancer screenings, contraception and continued access to safe and compassionate abortion care.

### *Silencing Women on Women's Issues*

We first raised the alarm when this dangerous legislation came before the Michigan House Health Policy Committee. Despite the fact that the bill had only been introduced a week prior and more than 90 people were waiting to speak in opposition, the Chair abruptly ended the meeting before any woman had a chance to testify against the bills.

The bills were approved, the committee was quickly adjourned, and those left unheard were enraged, speechless, and in some cases, in tears.

One of the bills - HB 5711 - passed the Michigan House of Representatives the fol-

*continued on page 2*



## DOMESTIC PARTNERSHIP BAN IS ILLEGAL, HURTS MICHIGAN FAMILIES

Gerardo Ascheri of Lansing left Argentina in 1987 and thought his days of feeling like a second class citizen were behind him.

But the 54-year-old self-employed music teacher said that changed when Governor Rick Snyder signed legislation that immediately prohibited certain public employers from providing health insurance to domestic partners of same-sex couples.

Thanks to Snyder and the Michigan Legislature, Gerardo no longer qualifies for health coverage through his long-term partner, Doak Bloss, who works for Ingham County.

Gerardo and Doak are among five same-sex couples the ACLU of Michigan is representing in a federal lawsuit challenging the discriminatory law. The lawsuit argues that it violates the constitutional right to equal protection by forcing gay and

lesbian employees in committed relationships to carry the financial hardship of being uninsured, while allowing heterosexual couples to marry and receive family health protections.

In addition, the law only bars domestic partners from receiving health care coverage, while allowing government employers to offer these benefits to all other family members, including parents, siblings, uncles and cousins.

"A few days before Christmas, Governor Snyder signed the Public Employee Domestic Partner Benefit Restriction Act, one of the more shameful and inhumane laws this state has passed in a long time," said Michael J. Steinberg, ACLU of Michigan legal director. "The law was designed with one purpose in mind and that is to strip away health insurance coverage from same-sex couples and their children."

*continued on page 2*



FACING REALITY: ACLU FIGHTS RACIAL PROFILING

Mother and Son Illegally Assaulted and Detained by ICE File Federal Lawsuit

The fact that Luis Valdez was born in the United States and his mother, Telma, is a legal permanent resident didn't stop U.S. Immigration and Customs Enforcement agents from illegally arresting and assaulting them last year.

In April, the ACLU of Michigan and the Michigan Immigrant Rights Center filed a federal lawsuit against ICE for the unconstitutional treatment of Luis and Thelma

"Being born in the U.S., I've always felt like a true American. This has always been my home. But most importantly, I always believed I was equal to every other American," said Luis. "I never imagined that, just because of my skin color, I would end up in handcuffs."

On February 23, 2011, Telma and Luis drove to the home of relatives to allow their 6-year-old cousin to play with Luis' new puppy. As they pulled the car into the driveway, ICE agents ran toward them. An agent pointed a gun at Luis and demanded identification. Both Luis and Telma produced their valid driver's licenses and ICE agents ordered them to get out of the car.

Telma was handcuffed and taken to the back of the car



Luis Valdez

where an agent held a gun to her back and repeatedly hit her head into the trunk of the car. Telma screamed and begged the agent to stop while Luis was handcuffed.

Both Luis and Telma were forced into an apartment where they again tried to explain that he was a U.S. citizen and she was a legal permanent resident. Eventually, the agents realized what they had done and released the Valdezes, but not before one agent threatened Telma that she risked losing her legal status if she reported what happened. The agents then pushed both Telma and Luis out of the apartment.

"Fairness and equality are the most fundamental values we share as Americans. There's nothing fair or equal about arresting citizens and trampling on their rights because of the color of their skin or their ethnicity," said Miriam Aukerman, ACLU West Michigan staff attorney.

From Arizona to Michigan, the stories of racial profiling, intimidation and illegal detention are proof that what happened to Luis and Telma is not unique.

Watch Luis tell his story by visiting [aclumich.org](http://aclumich.org).



Tiburcio Briceno

STATE POLICE LAUNCHES INTERNAL INVESTIGATION INTO RACIAL PROFILING INCIDENT

After a letter from the ACLU of Michigan, Michigan State Police (MSP) launched an investigation into a racial profiling incident in which an officer illegally detained a United States citizen and turned him over to Customs and Border Patrol (CBP) apparently based on the fact that the citizen is of Mexican origin and speaks limited English.

Tiburcio Briceno was stopped by the officer for a minor traffic violation. Rather than issue him a ticket, the officer interrogated Tiburcio about his immigration status and threatened to "kick his butt" if he was lying. Throughout the ordeal, Tiburcio reiterated that he was a U.S. citizen, presented his valid driver's license and offered to show his social security card. The officer refused to look at the card, impounded Tiburcio's car and transported him to another location to wait for CBP officers. Tiburcio was released after CBP officers arrived and confirmed that he was telling the truth.

Shortly after the ACLU's letter was sent, Tiburcio was invited to tell his story in Washington D.C. on the same day Congress heard testimony on the End Racial Profiling in America Act.

DOMESTIC PARTNERSHIP BAN continued from page 1

The five couples named in the lawsuit are in long-term committed relationships. Several of the domestic partners need ongoing medical care for chronic conditions. For example, Barbara Ramber faces potential blindness if she can't access care and Gerardo fights high blood pressure and high cholesterol.

The other couples also worry about finding comprehensive and affordable insurance coverage. Carol Kennedy anticipates having to pay \$800 per month for comprehensive cover-

age because of a family history of breast cancer. Peter Ways and Joe Breakey are considering moving back to Washington because finding comprehensive coverage for Joe would be extremely expensive.

In September 2011, a United States Court of Appeals struck down a similar Arizona law banning benefits for unmarried partners of state workers. Oral arguments are scheduled for August.

MEET THE FAMILIES

**Peter Ways and Joe Breakey** of Ann Arbor have been in a committed relationship for more than 20 years and have a nine-year-old daughter, Aliza. Peter works for Ann Arbor Public Schools and the district extends insurance coverage to his partner Joe. Peter and Joe are considering a move back to Washington so that Peter could take a job that provides family benefits rather than bear the added expense that comparable individual coverage will cost.



**Theresa Bassett and Carol Kennedy** of Ann Arbor have been in a committed relationship for 25 years and have six kids. Theresa and Carol receive health coverage through Theresa's job as a teacher in the Ann Arbor Public School system. Because of Carol's family history of breast cancer, individual comprehensive insurance coverage will cost the family an additional \$800 a month, endangering the ability for the couple to send their children to college.



**JoLinda Jach and Barbara Ramber** of Kalamazoo have been in a committed relationship for 17 years and have two young children. JoLinda has worked for the City of Kalamazoo for 24 years, and though Barbara could purchase health insurance coverage through her part-time employer, the \$540 per month price tag is more than half of her monthly take-home pay. Barbara has glaucoma and rheumatoid arthritis, and risks blindness if she doesn't receive her medication.



**Doak Bloss and Gerardo Ascheri** of Lansing have been in a committed relationship for 18 years. Doak has worked for Ingham County for over a decade, currently serving as its Health Equity and Social Justice Coordinator. Doak's employer provides health insurance to Gerardo, who has high blood pressure and high cholesterol. The loss of this coverage would cost the family over \$500 a month in premiums.



**Denise Miller and Michelle Johnson** are residents of Kalamazoo, where Denise has taught at Kalamazoo Valley Community College for seventeen years. Denise's job provided health coverage to Michelle, who is the executive director of a non-profit which does not offer health insurance. Denise paid taxes and contributed to the monthly premium cost for Michelle's coverage, as Michelle has breast tumors that require continued monitoring. Her health conditions make it extremely difficult for Michelle to find affordable coverage, and she has been without health coverage since the Act was signed into law.



REPRODUCTIVE JUSTICE

continued from page 1

lowing week, but not without attracting the attention of the entire nation when a legislator was banned from speaking on the House floor for using the word "vagina."

Representatives Lisa Brown and Barb Byrum were punished after expressing their impassioned opposition to this extreme and dangerous legislation.

Rep. Byrum was censured after protesting when the Majority Floor Leader refused to allow her to speak on her amendment that would regulate vasectomies. Representative Brown was banned for uttering the phrase, "I'm flattered you are interested in my vagina, but no means no."

The House leadership was quickly inundated with messages from men and women all over the country, protesting the censorship and punishment.

Women and Men Take Action

A week before the bills were introduced, several hundred women and men stood united against the War on Women in Grand Rapids at the Stop the War on Women Rally, carrying handwritten signs urging legislators to keep their minds off women's bodies, citing issues such as access to birth control and cancer screenings as critical for all women.

In Detroit, hundreds of protesters marched through the streets, chanting "if you can't say it, don't legislate it" in support of the silenced legislators.

In Lansing, the windows of legislator's offices shook with the chants of thousands gathered to see Tony Award-winning playwright Eve Ensler head a special performance of *The Vagina Monologues* on

continued on page 6



Protesters in Detroit

NOTICE OF ELECTION TO THE  
ACLU OF MICHIGAN STATE  
BOARD OF DIRECTORS

The ACLU of Michigan Bylaws provide that any fifteen or more members of the Union in good standing may submit a nomination to be included among those voted upon by the general membership by submitting a written petition to the Board not later than twenty (20) days after the adoption by

the Board of the slate of at-large board nominees. Each such nomination shall be accompanied by a summary of qualifications and the written consent of the nominee.

The slate will be elected at its meeting on June 23, 2012. For more information, contact [nominations@aclumich.org](mailto:nominations@aclumich.org).



# IN THE COURTS

## Democracy and Emergency Managers

Through the emergency manager law, Michigan has stripped the ability of thousands of Michiganders to select their own elected officials. In response, voters gathered signatures to place a measure on the November ballot to repeal the EM law. However, the Board of Canvassers refused to certify the petitions because of a disagreement over whether the type size used was slightly smaller than required. The ACLU filed a friend of the court brief in the Michigan Court of Appeals arguing that the people should be permitted to vote as long as the petitions are in “substantial compliance” with the law. The Court of Appeals agreed.

## Michigan’s Emergency Child Removal Laws Unconstitutional

In 2008, a University of Michigan professor took his 7-year-old son, Leo, to a Detroit Tigers game at Comerica Park. The professor purchased a Mike’s Hard Lemonade and gave it to Leo unaware that it contained alcohol. A security guard alerted the police. Although a blood test revealed that Leo had no alcohol in his system, the police turned him over to Child Protective Services, who refused to release Leo to his mother or father for three days. The ACLU filed a lawsuit in 2011 to challenge the constitutionality of Michigan’s child removal law. In June, the legislature passed “Leo’s Law,” which bars the govern-



ment from taking custody of children without having to prove that the child is in immediate danger.

## Victory in Sexual Orientation Employment Discrimination Case

A prisoner was removed from his public works job and filed an employment discrimination case on his own, claiming that he was fired because he is gay. A federal judge dismissed the lawsuit without the benefit of any briefing, ruling that there is no protection against discrimination based on one’s sexual orientation. On appeal, the ACLU represented the inmate. In its decision, the Sixth Circuit Court of Appeals reaffirmed that gay men and lesbians are able to challenge discriminatory treatment against them.

## Right Not to Freeze to Death

In the winter of 2009, Thomas Pauli froze to death on the street in Grand Rapids after he could not get into any of the city’s emergency homeless shelters because he is listed on the Sex Offender Registry. All shelters in the city are close to schools and registrants are not permitted to reside within 1000 feet of a school. The ACLU represented five homeless registrants who, along with two Grand Rapids area homeless shelters, filed a federal lawsuit arguing that the residency restrictions do not apply to shelters, and that forcing people to sleep on the street is cruel and unusual punishment. In December, the judge held that homeless registrants can access emergency shelters.

## ACLU Sues Ann Arbor Bus System For Censoring Controversial Ad

For years, the Ann Arbor Transportation Authority (AATA) has allowed advocacy organizations, churches and political candidates to advertise on the outside panels of the bus. However, when a local activist submitted a “Boycott Israel” ad, the AATA refused to run it. The ACLU wrote a letter to the AATA stating that once a government agency creates a forum for advocacy ads, it cannot deny an ad simply because some might find it offensive. The AATA still refused to run the ad and in November 2011, the ACLU filed a free speech case in federal court.

## Flint Police have right to speak out

In 2008, the Flint Police Chief barred police personnel from speaking to the media in response to union leaders’ remarks about some controversial appointments by the chief. He then fired Sergeant Richard Hetherington and disciplined two other officers for their comments. The ACLU filed a federal lawsuit arguing that police officers do not forfeit their First Amendment rights when they join the po-



lice department. The District Court judge agreed and ruled that Hetherington may present his free speech and due process claim to a jury. In January, on the eve of trial, the case settled for \$70,000. The city of Flint has repealed the unconstitutional rule that led to the case.

## Vegan Leafletter Charged with Crime

In July 2009, Phillip Letten was standing on a public sidewalk in Detroit distributing flyers advocating a vegan diet when a police officer told him to stop. After Letten questioned the officer, he was charged with “distributing leaflets without a permit” – even though there is no such crime. In 2010, the ACLU filed a federal lawsuit seeking to ensure that Detroit police officers stop retaliating against citizens for exercising their First Amendment rights to question police action. In 2011, the City agreed to settle the case by enacting new policies and paying damages and attorneys’ fees.

## Unfairly Barred for Life from Working as Nurse

In 2009, the Department of Community Health informed a certified nurse aid that she was permanently barred from working in long-term care because she was charged with altering a painkiller prescription more than a decade ago. The nurse does not have a criminal record and completed the youthful offender diversion program for the charge. The ACLU is representing the nurse in her appeal. An administrative law judge has issued a preliminary ruling in favor of the nurse. A final decision is expected shortly.

## Livonia Agrees: No Warrant, No Breathalyzer for Minors

In September, the ACLU filed a lawsuit against the Livonia police for forcing a 13-year-old boy to take a breathalyzer on a middle school field trip. The test revealed that the student had not been drinking. The lawsuit alleged that the police cannot force minors to take a breath test without first obtaining a search warrant or valid, non-coerced consent. Livonia has agreed to a settlement agreement with a new police policy and training for its officers.

## Grad Counseling Student Cannot Refuse to Help LGBT Clients

The ACLU filed a friend-of-the-court brief in the U.S. Court of Appeals supporting Eastern Michigan University’s right to remove a graduate student from its counseling program after she refused to counsel lesbian, gay, bisexual and transgender clients during her clinical training on any issues relating to same-sex relationships. The ACLU argued that while counselors are entitled to their own religious beliefs, EMU properly took steps to prevent the graduate student from imposing those beliefs on her clients and discriminating against them in the University’s training program. In January, the Court of Appeals sent the case back to the trial court to determine whether EMU properly applied the American Counseling Association’s code of ethics.

## Five-Year-Old Denied Right to Bring Service Dog to School

Ehlana Fry is a young girl with cerebral palsy who needs assistance with many of her daily tasks. Ehlana acquired a hypoallergenic service dog named Wonder to help her become more independent. However, in 2010, the Napoleon Community Schools refused to allow Wonder in the school. The ACLU negotiated an agreement with the school district to allow Wonder in the classroom for the rest of her kindergarten year – although the district insisted on unlawful restrictions. Once the school year ended, the Frys and the ACLU filed a complaint with the Department of Education (DOE). After a thorough investigation, the DOE found that the school violated the Americans with Disabilities Act. The district invited Ehlana back to school without the illegal restrictions, under an agreement with the DOE.



agreement with the school district to allow Wonder in the classroom for the rest of her kindergarten year – although the district insisted on unlawful restrictions. Once the school year ended, the Frys and the ACLU filed a complaint with the Department of Education (DOE). After a thorough investigation, the DOE found that the school violated the Americans with Disabilities Act. The district invited Ehlana back to school without the illegal restrictions, under an agreement with the DOE.

## Deporting Crime Victims on Thanksgiving Day

In November 2012, a stranger threatened Lazaro Mendoza and stole his property. Mr. Mendoza asked a neighbor to report the incident to the police. The next day, Mr. Mendoza was about to sit down to Thanksgiving dinner when the Antirim County Sheriff’s deputies came to his home. Rather than investigate the crime, the deputies began interrogating him about his immigration status. The deputies took Mr. Mendoza, a ten-year resident of the United States with no criminal record, and a guest away in handcuffs. They were turned over to immigration authorities, who began deportation proceedings. The ACLU sent a letter to Immigration and Customs Enforcement (ICE) on behalf of the two men, arguing that ICE’s own

policies do not permit crime victims to be deported, since public safety is undermined when people do not trust law enforcement and are reluctant to report crimes. The day after the ACLU sent its letter, ICE released the two men.

## Halting Degrading Body Cavity Searches of Women Prisoners

After meeting with dozens of women prisoners, the ACLU wrote a letter to the Michigan Department of Corrections (MDOC) calling for an end to humiliating and unnecessary searches of inmates following all visits and after work detail. For months, women inmates were forced to remove all of their clothing and use their hands to spread open their vaginas as prison guards watched. Some prisoners were so traumatized they avoided family visits, just so they could avoid the search. MDOC has put an end to the practice.



## Kids Sentenced to Die in Prison

The United States is the only country in the world that sentences juveniles to life in prison without the possibility of parole. In Michigan, there are more than 300 prisoners serving life without parole for offenses committed before the age of 18, including some who were as young as 14. In the first victory of its kind in Michigan, a judge in Kalamazoo struck down the life without parole sentence of Anthony Jones. More than 30 years ago, the 17 year-old Jones was convicted of felony murder after a co-defendant unexpectedly shot and killed a store’s owner during a robbery.

## First Medical Marijuana Victory in Michigan Supreme Court

The ACLU successfully represented a man with severe and chronic back pain in the first case before the Michigan Supreme Court to address medical marijuana. After receiving a medical marijuana card, Larry King grew his plants in an enclosed, locked six-foot-high dog kennel. Nonetheless, he was charged with felony drug possession because the locked kennel did not have a roof. The Supreme Court ruled that even if he was not in strict compliance with the law, he should be able to argue in his defense that he is a medical marijuana patient.

## Lifetime Electronic Monitoring Without Notice Struck Down

When David Cole pleaded guilty to an offense, he was not informed that if he pleaded guilty he would be subjected to electronic monitoring for the rest of his life. When he tried to withdraw his plea because he had not been accurately informed about the consequences, the state argued that lifetime electronic monitoring is not punishment. The Michigan Supreme Court disagreed, holding that such monitoring is punishment, and that due process requires that the court inform defendants at the time of the plea about consequences. The ACLU filed an amicus brief in the case.

## Election Sign Victory

In January, Redford Township charged Thomas Krause with a crime for posting a campaign sign in his yard more than 45 days before an election. The ACLU wrote a letter explaining that the restriction violates the First Amendment, as there is no similar restriction on real estate signs. Therefore the ordinance treats commercial speech more favorably than political speech. In response, the Township dismissed the charges against Krause and promised to cease enforcing the 45-day restriction.

## Student Cell Phone Privacy

School officials at Chippewa Hills Intermediate Schools confiscated a student’s cell phone, forced her to provide her password, and permitted the principal to read through personal messages on her phone. The ACLU sent a letter to the school explaining that students have a right to privacy in the information contained on their cell phones.

## Non-Dangerous People on Sex Offender Registry for Life

In July 2012, the Michigan legislature passed sweeping changes to Michigan’s sex offender registry that require many non-dangerous individuals to be listed on the registry for life, without any individualized determination of whether they are dangerous. The ACLU filed a federal lawsuit with the University Clinical Law Program on behalf of five individuals who have been clinically assessed as non-dangerous. The ACLU argues that the registry should be restricted to individuals who are actually a threat to the public. The state has filed a motion to dismiss, which is pending.

*continued on page 6*



# ACLU SUPPORTERS TELL THEIR STORIES AT THE ANNUAL DINNER

The ACLU of Michigan hosted its 52nd annual dinner on Saturday, November 5 at the Henry Ford Museum with special guest MSNBC host Melissa Harris-Perry, who began her talk by producing her ACLU membership card, proving she is one of those notorious “card carrying members.” Melissa spoke about her passion for the Declaration of Independence, while also discussing the national disparity in unemployment and wealth for people of color.

Jennifer Poteat and Michael Staebler served as our fabulous co-chairs. With their assistance, we sold a record number of sponsored tables this year. Michael spoke of his affinity for the ACLU, which he called the “single most important voluntary association in the United States. Free speech, freedom of expression...no one else is dedicated to these tasks. Consider your life, if those freedoms were not defended and won again in every generation.”

Mike also noted the rich history on display at the museum, including the Rosa Parks bus and the limousine which President John F. Kennedy was riding in at the time of his assassination.

In her remarks, Executive Director Kary Moss spoke about the ACLU’s involvement in voter rights, the Mississippi personhood battle, the Occupy movement, and Michigan House Bill 4770 which the Governor signed into law December 2011, denying employer provided health care insurance to LGBT families (see page 1). Speaking about Michigan’s practice of jailing defendants who cannot pay court fines or fees, Kary remarked that such debtor’s prisons are “not acceptable in a country where freedom has no price, and equality must prevail regardless of a defendant’s economic status.”

A high point of the evening was the presentation of the LGBT Leadership Award to Allan Gilmour and Eric Jirgens, Stacey Cassis and Dr. Arianna Morales, and Henry Grix and Howard Israel. The three couples were honored for their hard work and guidance, which has helped advance the fight for equality in Michigan. In her introduction of the awardees, Nancy Katz noted that “because of its outstanding work, the ACLU is seen by many as the legal arm of the LGBT community.” Nancy added that the ACLU of Michigan’s LGBT Project has consistently challenged discriminatory practices that would deny members of the LGBT community their fundamental constitutional rights.

The crowd of more than 450 guests also paid tribute to the New York law firm of Cravath, Swaine and Moore,

LLP, for their dedication and commitment to civil liberties. Led by Karin DeMasi and Julie North, the Cravath team has volunteered close to 10,000 hours over the past five years on three major ACLU projects: our legal challenges to ensure poor defendants have access to adequate counsel, ensuring that students of color have access to our colleges and universities, and our campaign to end “pay or stay” sentences on behalf of individuals illegally jailed for being too poor to pay court fines.

In addition to the honorees, several dinner attendees had the chance to tell their stories on video, before the formal program began. If you would like to be included in this video project, contact Maggie McGuire at 313.578.6828.



From left: Ann Lampkin-Williams, ACLU of Michigan President Ralph Simpson and Renee Moton



ACLU of Michigan Executive Director Kary Moss and ACLU of Michigan Legal Director Michael Steinberg present an award to Karin DeMasi, Julie North and associates of the law firm of Cravath, Swaine and Moore, LLP



From left: Claudia Seldon, Melissa Harris-Perry, Lester Johnson and Joan Nagrant



From left: Honorees Henry Grix, Howard Israel, Eric Jirgens, Dr. Arianna Morales, Stacey Cassis, and Wayne State University President Allan Gillmour pose with Melissa Harris-Perry



Front, from left: Melissa Harris-Perry, Don Rumelhart, Judy Rumelhart, Deb Polich, Russ Collins and Jill McDonough. Back, from left: Margot Staebler, Greg Merriman and Mike Staebler



Michigan Supreme Court Justice Marilyn Kelly, Judge Elizabeth Gleicher, Donald Newman, Mark Granzotto, ACLU of Michigan Staff Attorney Sarah Mehta chat with Cravath, Swaine and Moore, LLP legal associates



From left: Curtis Lipscomb, Willie Jew, Melissa Harris-Perry, Stacy Ebron and ACLU of Michigan Washtenaw Branch President David Thomas



Drs. Joshua and Judith Adler

## A SPECIAL THANK YOU TO ALL THOSE WHO MADE THIS EVENT A GREAT SUCCESS:

### Host Committee

Deb Polich and Russ Collins  
Phillip Cooley  
Katy & Tony Derezinski  
Hon. John & Debbie Dingell  
Eric Jirgens  
Hon. Carl Levin  
Hon. Sander Levin  
Matthew Lund  
Tom Wilczak & Stephen Quinkert  
Judy & Don Rumelhart  
Kathleen Strauss & Walter Shapiro  
Sherry & Abe Singer  
Annie & Ned Staebler

### Constitutional Champion

Allan Gilmour & Eric Jirgens

### Bill of Rights Defender

Cravath, Swaine and Moore LLP  
Jennifer Poteat & Michael Staebler

### Civil Liberties Sponsor

ACCESS  
Bank of America  
Rachel Bendit & Mark Bernstein  
Jonathan Cohn  
Dickinson Wright, PLLC  
Henry Grix & Howard Israel  
Life for Relief and Development  
Office for Inclusion, Michigan State University  
Kris Olsson & David Moran  
Rosa & Stanford Ovshinsky  
Pepper Hamilton, LLP  
Pitt McGehee Palmer Rivers & Golden, PC  
Elizabeth & William Rands  
Claudia Seldon  
Kelly & Ernie Sorini  
UAW Michigan CAP  
Unity Michigan Coalition  
Wayne State University  
Wayne State University Law School

### Honorary Hosts

ADC-Michigan  
American Arab Chamber of Commerce  
Judith & Joshua Adler  
Peter Armstrong  
Mandell L. Berman  
Joan Binkow  
Mark Brewer  
Norton J. Cohen, Miller Cohen, PLC  
Peggy Costello  
Elaine & Eugene Driker  
Rory L. Gamble, UAW Region 1A  
Nancy Katz & Margo Dichtelmiller  
Betsy & Joel Kellman  
Hon. Marilyn Kelly & Donald Newman  
Jeanie & Murray Kilgour  
Peter Kobrak  
Deborah LaBelle  
Chancellor Daniel Little, U of M Dearborn  
Anne & Tom Logan  
Judy Martin & H. Lynn Jondahl  
Olivia Maynard & Olof Karlstrom  
Sandra & Doug McClennen  
Fay & Rollo O'Hare  
Lloyd Emory Powell  
Diana & Charlie Rothstein  
Rozanne & Robert Sedler  
Susan Titus  
Brian Weisman, Columbia Asset Management  
Wayne Wolfson

### In-kind Support:

Marx Layne Public Relations for their pro bono work on the dinner invitation  
Marcie Paul and Stewart Shevin for their inspiring opening video



Bill Rands and Kay Felt



**Michigan's legislative session in Lansing is gearing up** for the summer hiatus, better known as "election season." A lot has already been accomplished on the policy front with the help of the ACLU of Michigan, and a lot more is on the line when the legislature comes back to Lansing in September. Below is a listing of issues to watch out for this fall, including bills amending our election laws and proposals to clarify protections afforded to medical marijuana patients.

**With the primary election just a few months away,** we worked against a package of bills that could suppress thousands upon thousands of Michigan votes. The three bills (Senate Bills 751, 754 and 803) would amend Michigan's election laws—to make registering to vote and voting itself more difficult in Michigan, without increasing the security or integrity of elections. At presstime, the bills passed both chambers and were on the Governor's desk for approval.

**Senate Bill 751** extends the application of photo ID to absentee ballot voters who pick their ballot up in person. Requiring new voters to provide photo ID when registering to vote, a new documentary requirement, is inconsistent with the National Voter Registration Act. These unnecessary barriers have a disproportionate effect on senior citizens, minorities, young adults, low income people, and those with disabilities because many of them find it difficult to obtain not only the requisite ID, but also the underlying documentation required for ID.

**Senate Bill 754** places unnecessary restrictions on voter registration efforts and community organizations that conduct voter registration drives. We know from other states that piling restrictions on voter registration drives damages civic engagement and voter participation. Florida's 2011 law severely restricting voter registration drives has forced the League of Women Voters of Florida, and Rock the Vote to suspend their drives in Florida, and substantially reduced the registration activities of other groups. These non-partisan organizations that have conducted voter registration drives for decades are

now unable to help bring thousands of eligible voters onto the rolls.

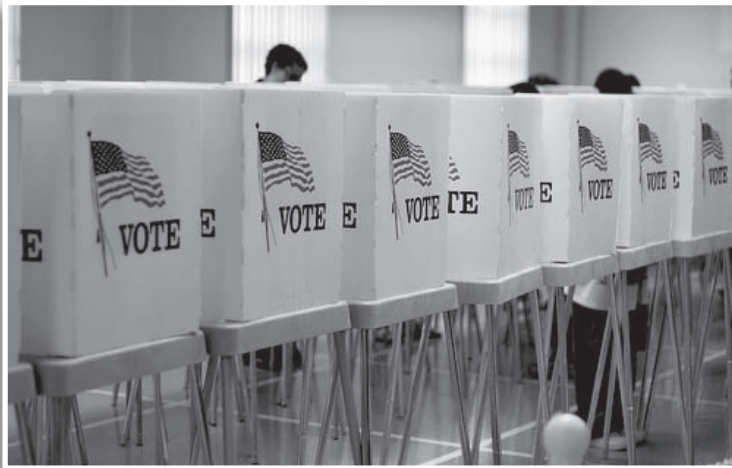
**Senate Bill 803** requires that applications for a ballot include an affirmative statement by the voter indicating that he or she is a citizen. If a voter fails to state under oath that he or she is a citizen, they are not issued a ballot. This measure was implemented by the Secretary of State in the February primary, in advance of its passage by the legislature. That election demonstrated that this provision creates confusion, which increases the potential for long lines in future elections. It is also unnecessary because every voter registration applicant signs and certifies, under the penalty of perjury, that he or she is a U.S. citizen.

**After we had many meetings with legislators and key stakeholders,** a package of bills that would make some necessary changes to Michigan Medical Marihuana Act overwhelmingly passed the State House. Perhaps the most important change gives medical marijuana patients meaningful access to the affirmative defense provision of the law, which protects people against criminal prosecution if they are using marijuana on the advice of a physician. Like most legislative issues, not everyone was satisfied, but the ACLU was instrumental in drafting fair language that expressed the intent of the voter-initiated

law, while protecting the privacy of patients. The bills will come before the Senate in the fall. We can expect controversy to continue to swirl around the intent and limitations of the Michigan Medical Marihuana Act.

*You can take action on these and other issues that are important to you. Watch out for emails from us on legislation that need your attention. We are happy to provide training on becoming a citizen lobbyist and we welcome and encourage our members to spend a day at the Capitol to meet with your legislators and engage in the legislative process. Please feel free to contact our Legislative Office at [sweisberg@aclumich.org](mailto:sweisberg@aclumich.org) for more information.*

***If you don't already receive our email action alerts, sign up at [aclumich.org](http://aclumich.org) to make sure your voice is heard.***



## REPRODUCTIVE JUSTICE *continued from page 2*

the Capitol steps, in protest of silencing women's voice when talking about women's health.

Tens of thousands of passionate women and men across the country are standing up, speaking out, and making it clear that we don't want politicians restricting access to reproductive health care. Our elected officials should stop playing politics with women's health and instead pursue common-sense policies that are proven to work - improved access to family planning and prenatal health care, expanded insurance coverage of contraceptives, and abstinence plus education for our young people.

As this legislation advances to the Senate, we will need all the supporters of women's health on the case to convince the legislature not to approve these bills.

*Get involved and learn more about the War on Women by becoming a fan on [Facebook.com/acluofmichigan](https://www.facebook.com/acluofmichigan).*



*Protester in Grand Rapids*

## SYLVIA GLEICHER LEAVES A LEGACY OF LIBERTY

The impact of one family can benefit the essential freedom of an entire generation. From working with our branches to financially supporting the ACLU of Michigan, the Gleicher family has contributed leadership and passion to civil liberties in Michigan.

Morris Gleicher was a long time ACLU supporter who took great pride in spreading the message of the Bill of Rights and talking about his devotion to civil liberties. He was best known as a consultant to Detroit political figures like Mayors Coleman A. Young and Jerome Cavanagh, Rep. John Conyers, Sen. Carl Levin, and Rep. George W. Crockett, Jr. Morrie was a member of the Detroit Branch Board of Directors and served several terms as its treasurer and president. Throughout his life, Morrie championed racial equality, peace, and social justice, lending his talents to a number of civil libertarian causes. After Morrie passed away in 1993, his family continued his legacy of impassioned support. His daughters, Sara Gleicher and Judge Elizabeth Gleicher support the defense of civil liberties in Michigan. Before her appointment to the bench, Judge Gleicher served as a cooperating ACLU attorney working on reproductive rights cases and her husband, Mark Granzotto, currently serves as ACLU General Counsel.

Morrie's sister Sylvia Gleicher was inspired by her brother's dedication to protecting civil liberties and included the ACLU of Michigan in her estate plans. When she passed away in 2011, the organization received a very generous estate gift.

Sylvia taught in Detroit Public Schools her entire working career and was passionate about the arts, lending her time and talents to the Fisher Theater, Detroit Institute of Arts, Detroit Symphony and the Detroit Public Library. She knew that her brother Morrie would be proud of her decision to direct a portion of her estate to ACLU in his honor.

## IN THE COURTS *continued from page 3*

### Arrested for Flirting in Kent County

The Kent County Sheriff's Department targeted gay men in an undercover sting operation in Kent County parks in 2010. Undercover deputies approached male visitors to the parks and attempted to engage them in conversations regarding sexual activity. Although there were no conversations about exchanging money for sex, several men were charged with solicitation or criminal sexual conduct. The ACLU sent a letter to the Kent County Sheriff's office expressing concerns about the constitutionality of the stings and some of the arrests. The Kent County Sheriff has agreed not to target LGBT people when enforcing laws against public sexual activity, and has made significant changes to its policing operations.

### Prayers at City Council Meetings

The ACLU received a complaint that the Portage City Council was opening its meetings with explicitly Christian prayers. In a letter to the city council, the ACLU argued that because council meetings are a central forum for community discussion, they should be welcoming to people of all faiths, as well as non-believers. The ACLU urged the City to adopt an invocation practice that reflects both a commitment to inclusiveness and compliance with constitutional standards, either by eliminating prayer or by opening meetings with non-sectarian prayer.

### Stopping Unnecessary Student Expulsions

A 15-year-old student in the Westwood Heights School District was facing expulsion from high school after forgetting to remove an apple-slicing knife from his backpack before going to school. The ACLU, as part of its effort to stop the school-to-prison-pipeline, pointed out that state law does not mandate expulsion if the student does not intend to use a knife as a weapon. With this information, the school board not only declined to expel the ACLU client, but also declined to expel two other students.

### Voting Rights for the Poor

This spring, the ACLU worked with Demos and other national voting rights groups to ensure that the state followed the section of the National Voter Registration Act (NVRA) that requires public benefits offices to help applicants register to vote. Although the ACLU won a suit in the 1990s forcing the state to comply with the NVRA, the Michigan Department of Human Services stopped distributing voter registration cards to all applicants in 2007. The ACLU identified plaintiffs and, with its coalition partners, was preparing to file suit when the DHS and the Secretary of State voluntarily agreed to changes.

### Religious Freedom in Warren City Hall

As in past years, the City of Warren allowed private organizations to put up religious displays in the atrium of the Warren Civic Center/City Hall in December. This year, the Freedom From Religion Foundation (FFRF) attempted to put up its own display. The sign characterized religion as "myth and superstition" and urged the separation between church and state. Warren Mayor James Fouts denied the FFRF because the atrium was only reserved for religious speech and not anti-religious speech. The FFRF sued and the ACLU filed a *friend of the court* brief arguing that Warren was engaging in unconstitutional viewpoint discrimination.

### Animal Rights Activist Charged with Crime

The ACLU is representing Pam Sordyl after a Westland Police Officer issued her a misdemeanor ticket for allegedly violating a sign ordinance during a protest outside a pet store. Ms. Sordyl was given a misdemeanor ticket for placing a sign in the ground in the area between the sidewalk and the road. Numerous businesses regularly placed signs in the same area without being ticketed.

## Leaving Your Own Legacy

The ACLU recently launched a Legacy Challenge. It's simple -- by including a bequest to the ACLU in your will, you may qualify the ACLU to receive a matching cash donation of 10% of the value of your future gift, up to \$10,000 today, while matching funds are available.

You don't have to be wealthy to create an estate plan. In fact, when planning a bequest, many people find that they can leave a more substantial and meaningful gift than they'd ever be able to do during their lifetime.

Your bequest can be a stated dollar amount, a percentage of your estate, or even property and you may direct that it be used for the general support of our work or for a specific program you designate. Whatever your objectives, the ACLU stands ready to work with you in planning a bequest that will be satisfying, economical, and effective in carrying out your wishes and furthering our important mission.

For more information on planned giving options and the Legacy Challenge, contact Mia Axon at 313.578.6815.



## FLINT BRANCH

### Education, Not Incarceration: Protecting our Children

After over a year of working with local coalitions to promote the right to a quality education for all children, the ACLU of Michigan Flint Branch hosted a panel discussion on the school-to-prison pipeline. ACLU of Michigan Field Director Rodd Monts participated on the panel alongside local school leaders and activists. The panel participants discussed the complex balance between school safety and students' rights, from zero tolerance policies to the increased presence of police in schools.

## LANSING BRANCH

### Rights at Risk in Michigan

Addressing an engaged audience at the Lansing Branch Annual Meeting, ACLU of Michigan LGBT Staff Attorney Jay Kaplan discussed pending, discriminatory state legislation that will have impact on the LBGT residents of Michigan, including a recently passed law that bars some public employers from offering healthcare benefits to domestic partners of their employees. Jay addressed the ACLU of Michigan's lawsuit challenging the legality of the law.

## METRO DETROIT BRANCH

### Music That Moved Generations

Music has inspired social change, soundtracked the struggle for justice, and been an instrument of the First Amendment. That heritage is why the ACLU of Michigan Metro Detroit Branch once again hosted Music that Moved Generations this past spring. The fantastic live concert featured timeless music that reflects political turmoil across the decades, performed by professional musicians Trina Hamlin, Rev. Robert Jones, Julie Beutel and Kate Monaghan.

## NORTHWESTERN BRANCH

### Civil Liberties in a Time of Economic Crisis

In April, the ACLU of Michigan Northwestern Branch honored Sally Neal with the 2012 Dean Robb Unsung Hero Award in recognition of her years of standing up for essential civil liberties as an artist and activist. The award was presented at their annual meeting, where ACLU of Michigan Staff Attorney Miriam Aukerman spoke about *Civil Liberties in a Time of Economic Crisis: Poverty and the Constitution*. She provided insight on current legislation and policies that impact the poor in Michigan.

## OAKLAND BRANCH

### Telling Herstory

Across the nation, we're seeing a rising tide of assaults on women's rights. Close to home we're witnessing a stunning proliferation of laws in the Michigan Legislature that severely restrict our reproductive freedoms. In reaction to these recent events, the ACLU of Michigan Oakland Branch stepped up and joined forces with local pro-choice organizations and hosted *It's Not an Easy Choice*, an abortion speak-out. The emotional and educational evening gave voice to many brave women who shared their real-life pre- and post- Roe v. Wade experiences as well as keynote speakers who discussed the importance of protecting women's health.

## SOUTHWESTERN

### Civil Liberties Film Festival

Each year, the ACLU of Michigan Southwestern Branch hosts the wildly popular Kalamazoo Civil Liberties Film Festival, which showcases groundbreaking films that deal with essential civil liberties issues: civic engagement, citizenship, free speech,

privacy and more. The festival teams films with expert speakers who discuss topical ACLU issues and legislation in Michigan. This year's four-event festival featured the following films and discussions:

- LGBT Project Staff Attorney Jay Kaplan discussed the current challenges to equality in our state after a screening of the indie documentary **Tying the Knot**.
- Communications Director Rana Elmir lamented the misguided government policies that stereotype and target those perceived as Arab or Muslim after a screening of the Bruce Willis blockbuster **The Siege**.
- Deputy Director Mary Bejian discussed how rapidly evolving technology and increased government surveillance is becoming spookily close to the sci-fi classic **Minority Report**.
- Legislative Director Shelli Weisberg stressed the importance of moving beyond party politics to protect our civil liberties after showing Philip Seymour Hoffman's documentary **The Party's Over**, which was filmed during the 2000 presidential race.

## WASHTENAW BRANCH

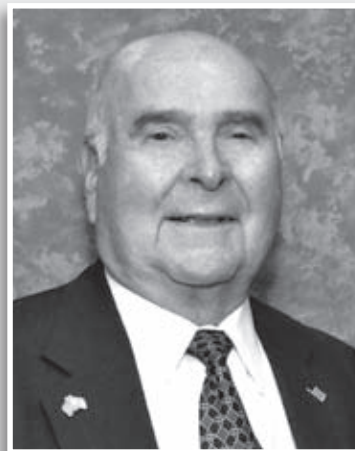
### Guantánamo: A Regrettable Anniversary

Now ten years after the first prisoners arrived, the prison camp at Guantánamo Bay has the dubious distinction of being the longest-standing war prison in U.S. history. This past spring, the ACLU of Michigan Washtenaw Branch brought together pioneering attorneys William Goodman and Douglas R. Mullkoff for a public event at which they discussed how to end America's policy of indefinite detention and told stories about their experiences representing detainees at the Guantánamo Bay detention center.

## WESTERN BRANCH

### Civil Libertarian of the Year

Every year since 1966, the ACLU of Michigan Western Branch has honored those who have gone the extra mile to guarantee that our essential constitutional rights are protected in Western Michigan by awarding the Civil Libertarian of the Year Award. In April, the branch bestowed the honor to Jerry Subar, a long-time ACLU of Michigan board member, supporter and friend who made a huge impact on the Grand Rapids community working not only with the ACLU of Michigan but with other local organizations including the Urban League, Special Olympics and the Kent Optimist Club.



## LEONARD GROSSMAN IMMIGRANT RIGHTS INITIATIVE FOUNDED

Leonard Grossman and Stuart Padnos met as students at the University of Michigan, where they were both interested in business. Leonard went into real estate after becoming a lawyer, while Stuart rose to co-lead his father's scrap recycling business and became a self-taught artist. The two formed a deep friendship, although Leonard was a staunch Democrat living in West Bloomfield and Stuart was a staunch Republican living in Holland.

A native Detroit, Leonard served with the 94th Infantry Division in Europe during World War II. He was wounded badly in battle and doctors thought he might never walk again. At one point, his family was informed that he had been killed in action during the Battle of the Bulge.

Stuart was in WWII as well, and for months the only word his family received was when letters and packages they had sent came back stamped "Missing in Action." The family lived in that limbo until April, 1945, when an odd looking postcard arrived at the Holland Post Office. The Holland Postmaster saw it was a postcard from Stuart saying that he was alive in a German POW camp and rushed to bring it to his family's home. They got the news just as they were preparing to sit down to their own First Night Passover Seder.

The two men were both children of immigrants who believed that America provided the best chance at prosperity and freedom for the largest number of people. While they loved American ideals, they both recognized that there are times when the system needs a little help to stay on track to reach its full potential. Polar opposites on the political spectrum and separated geographically by hundreds of miles, they both agreed on basic American values and their friendship continued until Leonard's passing in January 2011.

In honor of his good friend, Stuart Padnos decided to make a major gift to the ACLU of Michigan, establishing the Leonard Grossman Immigrant Rights Initiative. Inspired to learn more about the ACLU and this lifelong friendship, Stuart's son and daughter-in-law, Jeff and Peg, matched their father's generosity with a gift of their own.

Leonard Grossman served as president of the ACLU's Detroit Branch from 1977-1979, and as the State Board's

executive vice president from 1981-1983. He also served on the Investment Committee for many years and helped secure the ACLU of Michigan's first 'home of justice' on Hancock Avenue in Detroit. A steadfast believer that no other organization more effectively protected our civil rights than the ACLU, he was beloved for his kind and generous heart, sense of humor, and dedicated commitment to civil rights issues. Sadly, Stuart passed away in April 2012.

To make a contribution to the Leonard Grossman Immigrant Rights Initiative, see the enclosed contribution envelope, or contact Paul Jeden at 313.578.6801.



Stuart Padnos



Leonard Grossman



CELEBRATE FREEDOM AT OUR 2012 ANNUAL DINNER

Join your friends at our annual dinner, just four days before we protect freedom and exercise our right to vote on Election Day!

As we approach an historic election with far-reaching consequences for those who cherish our liberties, the ACLU of Michigan is pleased to invite you to our Annual Dinner on Friday, November 2, at the Henry Ford Museum in Dearborn. The event will begin with a cocktail reception at 6:30 p.m.

**freedom** | frē-dəm |

The state of being free or at liberty rather than in confinement or physical restraint. Personal liberty. Exemption from external control. The power to determine action without restraint.

who are working to advance the cause of civil liberties and civil rights in Michigan.

This year, we will recognize several outstanding individuals:

**Justice Marilyn Kelly** has served on Michigan's Supreme Court for 16 years, including two years as its chief justice. An honors graduate of Wayne State University Law School and a member of its Board of Visitors, Justice Kelly was first elected to the Michigan Supreme Court in 1996. She holds honorary doctor of law degrees from Eastern Michigan University, Michigan State University College of Law, and Wayne State University Law School. A well-known advocate for access to justice, Justice Kelly co-chaired the State Bar's Open Justice Commission from 1999 through 2003 and serves on the governing board of the National Consortium for Racial and Ethnic Fairness in the Courts. She is a past president of the Women Lawyers' Association of Michigan and the Women's Bar Association. Her outstanding service to the legal profession has been recognized with many awards, including the State Bar's Michael Franck Award and Wayne State University's Distinguished Alumni Award in 2010. She will retire from the Michigan Supreme Court this year.

**Ralph Simpson** has served as ACLU of Michigan president since 2008. In addition, Ralph has served in many volunteer capacities, including president of the Metro Detroit Branch, member of Budget and Audit Committee, a powerful fundraiser, and our representative to the national ACLU Board of Directors. A tireless worker, Ralph brings a rich knowledge of the ACLU and a passionate commitment to civil rights and civil liberties. When he steps down from his role as president this year, there will be large shoes to fill.

Finally, we are proud to honor the chairs of our statewide Lawyers Committees in recognition of their countless hours of pro-bono work and leadership. **Pete Armstrong, James Rodbard, Megan Reynolds, Greg Gibbs, Penny Beardslee, Gayle Rosen, John Shea, Steve Morse, Gillian Talwar** and **Sally Wallace** all serve as powerful advocates and civil liberties watchdogs in their local communities.

Our co-hosts **Jennifer Poteat** and **Michael Staebler** are in the process of planning an extra special evening featuring screenwriter, producer, director and social activist Dustin Lance Black.

**Dustin Lance Black** won an Academy Award and two WGA Awards for Best Original Screenplay for Milk, the biopic of the late civil rights activist Harvey Milk, starring Sean Penn. In 2012, Black merged his passions with "8," a new play based on the heated battle during the Proposition 8 trial deciding the constitutionality of California's ban on same-sex marriage. Black will speak about the creative class's role in building inclusive communities.

Each year, the ACLU of Michigan honors a select group of people



Justice Marilyn Kelly



Jennifer Poteat and Michael Staebler



Dustin Lance Black



Ralph Simpson

LEVELS OF SUPPORT AND BENEFITS

Premium Packages:

All premium packages include reserved seating, complimentary valet parking and invitations to a private afterglow with Dustin Lance Black.

- Constitutional Champion - \$7,500
- Bill of Rights Defender - \$5,000
- Civil Liberties Sponsor - \$2,500
- Student Table Sponsor - \$2,500
- ACLU Volunteer Appreciation Table Sponsor - \$2,500
- Honorary Host \$1,000

Individual Tickets

- Member - \$150
- Non-Member - \$200
- Under 35 - \$75
- Student and Fixed Income - \$50

For more information or to reserve your seat, call 313.578.6827, email [dmoss@aclumich.org](mailto:dmoss@aclumich.org), or purchase tickets online at [www.aclumich.org](http://www.aclumich.org).



RIGHTS REVIEW  
NEWSLETTER  
2966 Woodward Ave.  
Detroit, MI 48201

