



2004
MICHIGAN
VOTER GUIDE
ENCLOSED

AMERICAN CIVIL LIBERTIES UNION
of MICHIGAN

The American Civil Liberties Union of Michigan
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RAISE YOUR VOICE. VOTE!

THE ACLU OF MICHIGAN is proud to offer our 2004 Primary Voters' Guide which you can find inside this newsletter. The guide is based on a 10-question survey regarding important civil liberties issues which was sent to every candidate who filed to run in the upcoming Michigan House of Representatives election. We hope you find it helpful.

This year's primary has over 400 candidates vying for party nominations in 219 races across 110 districts. The ACLU Voter Guide can serve as an important resource when you consider that thirty-six Representatives, about a third of sitting legislators who have served since 1998, will lose their seats due to term limits. As a result, many of the candidates have no voting records to offer indicators of their civil liberties positions.

Term limits will affect 13 Democrats and 23 Republicans. This has a significant effect on the primary pool: in districts where an incumbent has been retired by term limits, the average party primary has more than twice as many candidates as party primaries in districts where term limits have no effect in 2004.

In districts that traditionally go to one particular party, the primary election for the House of Representatives will be the most important election this year. And the participation of a small number of active and informed voters can have a significant impact. In 2002, six seats were decided by less than 1,000 votes, and in 29 districts the winner had less than 60% of the general election vote.

In 2002, only about 25% of registered Michigan voters participated in the primary election. Because there are no

statewide elections in August, turnout is likely to drop considerably. The 13,000 members of the ACLU of Michigan can make a major impact in the form the new legislature will take. It is vital that we have elected officials who will be active leaders in the fight to protect freedom and our state's rich constitutional heritage.

We believe that Americans share a common belief in the importance of the freedoms guaranteed by the Bill of Rights. Americans believe in civil liberties, due process, equal opportunity, and the rights of all people. Our values are the values of America, and our members are the best ambassadors of these values.

Let your candidates know how you feel about civil liberties and consider volunteering with or contributing to a candidate who will fight to protect these rights. As a non-partisan organization

with engaged, active members, the ACLU of Michigan can and will have an impact on this election.

Above all, don't forget to vote on August 3 between 7 AM and 8 PM and be sure to bring a friend with you to the polls. If you are 60 years of age or older or will be out of town on Election Day, you may request an absentee ballot from your city or township clerk.

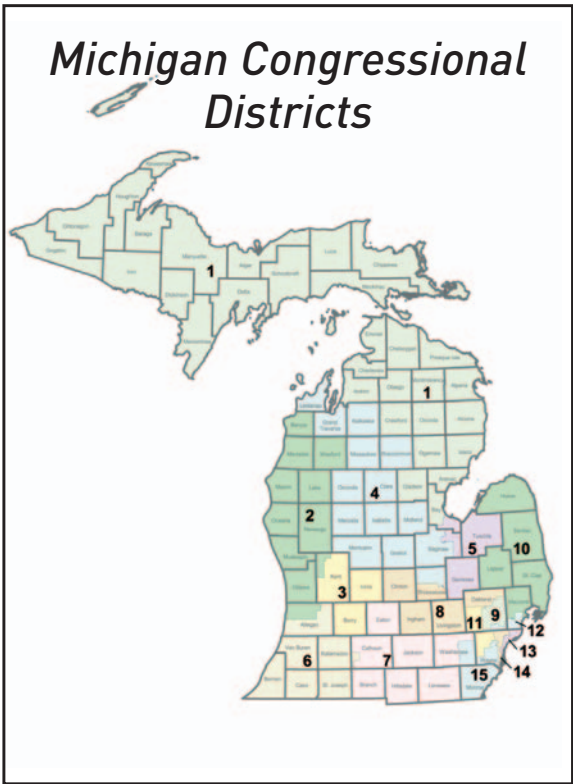
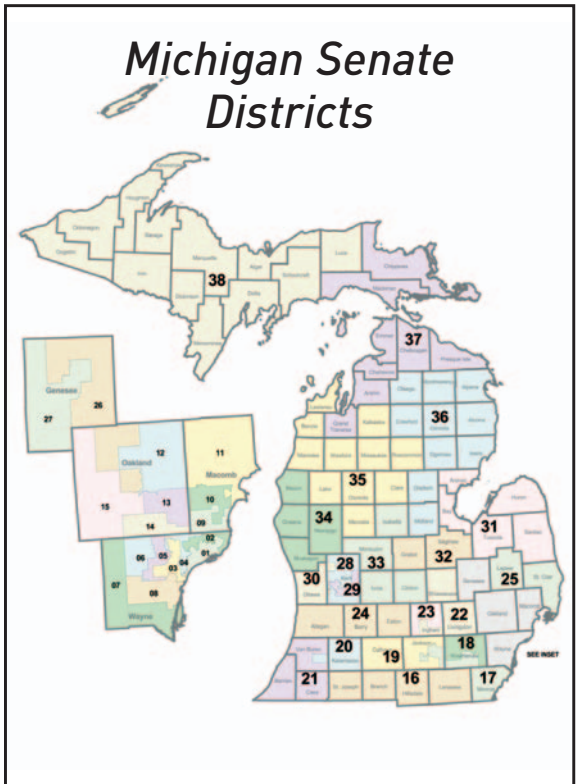
DO YOU NEED TO KNOW...

How you can register to vote?

Where your polling place is?

How to get an absentee ballot?

We found a great new website that answers these questions and more. Go to www.publius.org



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WE ARE VERY EXCITED TO WELCOME

Mary Bejian to the staff as the very first Field Organizer for the ACLU of Michigan. Mary's major responsibilities include developing strategies to build and strengthen grassroots support for civil liberties in Michigan. As one part of this, Mary will be working with our nine branches to help with coalition-building, community education and membership recruitment.

Before joining the ACLU staff, Mary worked for nine years as the Coordinator of Investigations at the Fair Housing Center of Southeastern Michigan. But many of you may know her as the former Chair for the ACLU-Washtenaw County Branch. Under Mary's leadership, Ann Arbor was one of the first cities to pass a civil liberties resolution regarding concerns raised by the Patriot Act. In addition to her many ACLU volunteer activities, Mary has worked on issues related to the politics of HIV/AIDS, sexual assault prevention and racial profiling.

Mary graduated with a B.A. in Women's Studies and Psychology from the University of Michigan in 1992.

We are very fortunate to have Mary as part of the ACLU team, and you can look forward to seeing her around the state.



ACLU
AMERICAN CIVIL LIBERTIES UNION
of MICHIGAN

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Civil Liberties Newsletter

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CIVIL LIBERTIES RESOLUTIONS DO MAKE A DIFFERENCE

NOEL SALEH, SAFE AND FREE PROJECT STAFF ATTORNEY



Equally significant is that the U.S. Congress is raising opposing concerns. Legislation, such as the SAFE Act and the Civil Liberties Restoration Act, has been introduced to restrict the more egregious provisions of the Patriot Act and related government policies. This is in direct response to the questions raised by the ACLU's "Safe and Free" campaign. Our branches and individual members need to redouble our efforts at this critical period.

The USA-PATRIOT Act has been the topic of many debates and discussions—both in and out of legal circles. Significantly, the general American public has identified the whole panorama of sweeping "anti-terrorism" activities with this act. In the public eye, mass arrests and prolonged detentions, holding American citizens incommunicado in military prisons (so-called "enemy combatants") and even the Guantanamo Bay detentions have been seen as part of the USA-PATRIOT Act. The concern is so widespread that over 329 communities from 39 different states, including 4 state legislatures, have passed "Civil Liberties" resolutions questioning the wisdom, if not the legality, of the Patriot Act and related federal actions in the "war on terrorism." It is this campaign that has made the Patriot Act an election issue.

While clearly there are "legal arguments" both for and against the various provisions within the USA-PATRIOT Act, I want to stress that the major function of the "civil liberties resolution" campaign is to affirm the commitment to American core values, as expressed in the Bill of Rights. As noted recently by Supreme Court Justice Ruth Bader Ginsburg when asked if our rights as U.S. citizens were in danger:

"On important issues, like the balance between liberty and security, if the public doesn't care, then the security side is going to outweigh the other; [that would change], if people come forward and say we are proud to live in the USA, a land that has been more free, and we want to keep it that way."

As we enter into the November election campaign, the efficacy of the Safe and Free Civil Liberties resolution is clear. A major part of President Bush and Vice-President Cheney's campaign has been an effort to renew the Patriot Act.

In Michigan, the communities that have been involved in "Civil Liberties" resolutions have inevitably had to address comments from the U.S. Attorneys offices. The major arguments faced are as follows:*

"No section of the PATRIOT Act authorizes or encourages restrictions on First Amendment rights of public assembly or religion or Fourth Amendment invasions of privacy."

In the wake of the USA-PATRIOT Act, the FBI removed its previous guidelines, and authorized surveillance of religious activities and peace groups. While the change in policy may not be strictly a

Terrorism Task Force" to join a 20-year-old faith-based peace group—as they have in Washington and Oregon? Do we agree with the Justice Department's attempt to obtain the names of every person who attended a conference on "Women and Islamic Law" as it did at the University of Texas Law School or a peace conference (including subpoenaing the entire membership list of one of the organizing groups) as it did at Drake University in Des Moines, Iowa? Does the FBI memo requesting that local police agencies videotape anti-war rallies to locate "potential terrorists" really present the picture of American Free Speech to which we adhere?

"Only one Court has held that any part of the USA-PATRIOT Act violates any portion of the Bill of Rights..."

The U.S. District Court in California has already ruled that a portion of the act is unconstitutionally vague and has a "chilling effect" on Free Speech. The ACLU lawsuit, pending in the federal court in Michigan, challenging Section 215 of the USA-PATRIOT Act, is grounded upon a First Amendment challenge. It is our plaintiffs' fear that the Patriot Act has caused a dramatic decline in memberships

and donations in their mosques and has forced a church-sponsored refugee group to change its record-keeping practices that forms a substantial basis of our claims.

This First Amendment "chill" is reminiscent of an earlier era when the government attempted to shut down dissent by investigating groups like the NAACP and the Japanese American Citizens League. Notably, these groups and other civil rights, immigrant and free speech advocates filed briefs supporting the ACLU's challenge arguing that the law also violates their members' First Amendment rights to free speech and free association — as well as their right to privacy under the Fourth Amendment.

HELP KEEP CIVIL LIBERTIES AN ELECTION CONCERN!

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WWW.ACLUMICH.ORG**

violation of our "reasonable expectation of privacy," it is a dramatic reversal of longstanding policy. The former FBI policy limiting the "monitoring" of free speech and religious events was a response to FBI abuses during the era of Civil Rights and Vietnam War protests. The U.S. Senate Church Committee outlined numerous abuses by the Justice Department during this period. The policy was enacted to cure these abuses. The Justice Department attempts to justify the increased authority of the FBI to monitor public events, including religious services, as nothing more than the right of any other citizen.

But the issue is not whether such activity is strictly a violation of the Fourth Amendment. The issue is: do we want our government investigating our First Amendment activities? Do we want undercover members of the "Joint

continued on page 4

* The recurring arguments from the U.S. Attorneys office in both the Eastern and Western Districts of Michigan are set forth in a letter from Hagen Frank, Asst. U.S. Attorney for the Western District to the Grand Rapids Police Department. This article is based upon the response sent to the Grand Rapids Commissioners.

LET'S GET TO WORK!

FROM THE EXECUTIVE DIRECTOR, KARY L. MOSS, ESQ.



I want to thank each of you for your support of the ACLU of Michigan and our work to defend freedom. You make it possible for us to operate an incredible program that I hope makes you proud.

If you have not yet received our 2003 annual report, which documents our most recent work, please contact the office.

Our efforts protecting freedom and democracy are especially important right now.

With this year's presidential election, civil liberties move front and center in the heightened political climate. This is a "teachable moment" — a time when we can build a lifelong commitment to civil liberties and the ACLU. Our rising membership in this state — now over 13,000 — is testimony to the importance of this organization.

Consider the range of issues and activities in which we're engaged. Our legal challenge to Section 215 of the Patriot Act is one of the most important lawsuits in the country right now. Section 215 allows the government to go to a secret court to obtain warrants without having to show probable cause that a crime has been committed.

This case, and our other work on this issue, demonstrates that the Executive branch is making efforts to limit the power

of the courts. This presents an immediate and profound threat to our democracy — our system of checks and balances — and ignores the strong bi-partisan support we have for national policies that keep us both safe and free.

To ensure that everyone who wants to vote is able to and have that vote counted, we are developing voter registration literature, including specific information for students.

We're also working hard to get the facts out as the right wing promotes a marriage ban amendment that would write discrimination into the state and U.S. Constitution, allows the death-penalty, eliminates affirmative action, and bans abortion.

As we near election day, our goal is to ensure that free speech and dissent are protected. We will continue to oppose efforts to restrict protests from areas far away from debates and rallies and will closely monitor these events.

And as the President launches his campaign to defend the Patriot Act and prevent certain provisions of the law to sunset, our

statewide efforts to tell policy-makers that we can be both safe and free becomes even more crucial. Twelve cities and counties in Michigan have passed ordinances and resolutions and we are working hard to add even more to that list.

All of these issues — openness in government, voting rights, gay marriage, affirmative action, the right to privacy — and many others, are central to this election. The ACLU is a nonpartisan organization — one that challenges politicians of all parties and all ideological stripes to defend freedom. We never have — and never will — play any role in influencing the outcome of an election. But, we do have a responsibility to make sure that a great debate about civil liberties takes place all across our nation.

To do this, we need to attract, engage and motivate young people, not only because they are a great force for change today but also because we must create the next generation of civil liberties advocates. For many youth today, this is the moment that will shape their lives.

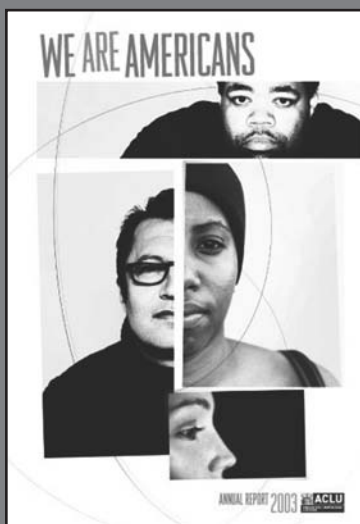
In addition to placing significant resources into our legal work, this year we have created a new position of Field Organizer and welcome Mary Bejian to the staff. She will help activate our membership using, in particular, an Internet strategy aimed at attracting new members and activists.

We're creating bilingual "know your rights" public service announcements for broadcast on public television. We're writing op-ed pieces to appear in newspapers throughout the state. We're briefing media outlets to make certain that their coverage of the 2004 debate over civil liberties is well-grounded in the facts.

We're planning the first-ever ACLU of Michigan Membership Conference, to be held next spring in Lansing, which will feature civil liberties workshops and advocacy-training. Mark your calendar.

All this activity depends upon the energetic support of people like you. With your help, we can lead a great 2004 debate about civil liberties and, even more importantly, we can win that debate. Let's get to work.

THE 2003 ANNUAL
REPORT IS NOW
AVAILABLE ON THE
WEBSITE AT
WWW.ACLUMICH.ORG



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(313) 578-6801

FROM THE PRESIDENT

JACQUELIN WASHINGTON

It has been an honor to serve as president of ACLU of Michigan for the past four years. The need to defend the U. S. Constitution has never been greater.

In the past four years there have been many successful initiatives at the ACLU of Michigan — including the LGBT Project, efforts to eliminate racial profiling, a statewide conference on women's issues, as well as collaboration with groups to oppose school vouchers and the attempt to ban affirmative action. At the same time, the ACLU of Michigan continued to conduct strong legal and legislative programs.

All of us feel secure in knowing that this country is great because of the Bill of Rights and the protection it affords us. After 9/11 and the threat of terrorism, we have felt more uncertainty. The government's response — enacting the USA

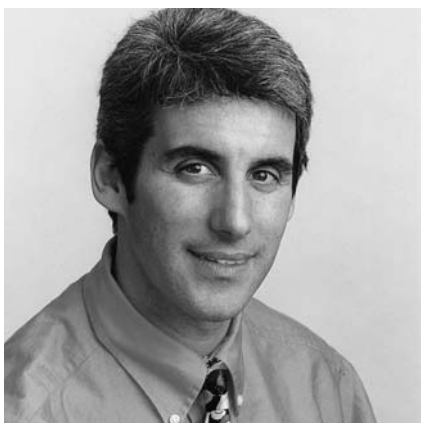
Patriot Act and other measures — seemed to shake the very foundation of this democracy. Since then, Michigan citizens have increasingly turned to the ACLU. Our membership has grown to unprecedented numbers in support of our efforts to preserve our rights under the Constitution.

These four years have been a challenging time for civil liberties, but a rewarding time for me as your president. So it is with great pride that I end my term of office. I have worked with a tremendous group of people, including the staff, branches and Board of Directors. I leave confident knowing that a strong leadership will continue under our new president, Jim Rodbard, and Executive Director Kary Moss.



LGBT PROJECT UPDATE

JAY KAPLAN



During what has come to be known as Pride months, June and July will find LGBT communities across the nation and worldwide celebrating our lives, our relationships, our families and the progress that has been made towards achieving LGBT equality.

The ACLU's LGBT Project has already participated at events in Ferndale, Lansing and Grand Rapids, and we'll be at the Detroit Gay Black Pride celebration in July.

Looking back since Pride 2003, we have much to celebrate. Striking down Texas' same-sex sodomy law as unconstitutional, the U.S. Supreme Court majority in *Lawrence v. Texas* recognized that gays and lesbians can no longer be treated as second-class citizens. That decision holds tremendous potential for challenging policies, practices and laws that treat LGBT people unequally. We have also seen same-sex marriages become a reality in Canada. On May 17th Massachusetts became the first state to legally recognize same-sex marriages, affording LGBT couples the same legal rights, benefits and protections as heterosexual couples. Legal challenges have already been filed in California, New Jersey, New York, Oregon and Washington to challenge those states' refusal to legally recognize same-sex marriages.

And there has been some good news in Michigan, as well.

- Governor Granholm issued an executive directive, prohibiting sexual orientation discrimination in state departments.

- The State Registrar introduced a revised birth certificate form that can record the names of both same-sex parents.
- The Department of Corrections revised its policy on new inmates, to no longer record on prison forms whether the inmate is "homosexual."
- The City of East Lansing added gender identity to its human rights ordinance, and the Charter Township of West Bloomfield added sexual orientation to its employment non-discrimination policy.
- And a proposed amendment to Michigan's constitution that would prohibit same-sex marriage and other forms of legal recognition for same-sex marriages failed to secure enough votes in the Michigan House of Representatives for passage.

But for all our celebration, Pride must also be a time for motivation because not all of the news is good. In response to the gains made, there are efforts by the religious right to turn back the clock and to continue to treat LGBT people as second-class citizens. In spite of the victory in the Michigan House, there is a petition drive to put the proposed Michigan Constitutional amendment on the November ballot. By the time you read this newsletter, we will know if they

secured the necessary 317,000 valid signatures. If they reach their goal and this amendment is passed by a majority of Michigan voters in November, it will mean that same-sex marriages, civil unions and domestic partner benefits will all be prohibited in Michigan. A similar proposed amendment to the U.S. Constitution has been introduced (and supported by President Bush) that would do essentially the same thing on a federal level. If either of these amendments are adopted, it will be the first time that discrimination against a particular group of people is written into the Constitution. And it is a travesty of democracy when a majority votes on whether a minority group should have a fundamental right.

Michigan's legislature continues to churn out bills that would marginalize and disenfranchise LGBT people. Recently the House passed a series of bills that would permit health care providers, hospitals and medical insurers to refuse treatment to individuals, based on their "moral" or "religious" beliefs. This legislation could result in LGBT persons being refused medical treatment, as well as limiting the reproductive rights and choices of women.

A bill has also been introduced that would permit foster care and adoption agencies to refuse to place children in a home if they believe that the home violates the agency's religious or moral convictions. In other words, LGBT

people could be denied the opportunity to be foster or adoptive parents solely on the basis of an agency's attitude toward sexual orientation. This bill will allow decisions to be made with no regard for the best interests of the child.

If that weren't enough, Rep. Scott Hummell (R-DeWitt) has announced that he will introduce legislation limiting joint adoptions to married couples. Since same-sex couples cannot marry in Michigan, children living in same-sex households will not have the legal protection of both parents. Once again, the best interests of the child would be ignored, with the sole focus on the marital status of the adoptive parents.

Michigan's LGBT community, friends, families and allies must be motivated to fight back against these mean-spirited attempts to promote discrimination. We must all decline to sign the ballot initiative petition. We have to raise our voices and take action. We must speak out against legislation that tinkers with the Constitution and denies rights and protections. We must oppose legislation that denies health care, nurturing homes for children, and the protection of two parents for a child.

The civil rights gains we've achieved are a result of hard work and advocacy. We need to keep celebrating and to keep working.

SAFE AND FREE PROJECT UPDATE

continued from page 2

"The assertion that the PATRIOT Act restricts Sixth or Fifth Amendment rights to counsel or Fifth Amendment Due Process guarantees...is incorrect, without exception."

In making this argument, the U.S. Attorneys office seeks to distinguish its policies and Executive Orders, which are a concern of the Civil Liberties resolutions, by noting that such rights are not directly affected by the USA-PATRIOT Act. They cite the Guantanamo Bay detainees as an example of a policy that is not a part of the Act. But that is not the issue. They next argue that ultimately it is the role of the U.S. Supreme Court to make a final determination. The U.S. Supreme Court has agreed to rule on this very issue and the ACLU has filed an amicus brief. Among the many other human rights, legal and religious organizations joining as friends-of-the-court are: the

American Jewish Committee, Amnesty International, the Anti-Defamation League, the Association of the Bar of the City of New York, Human Rights Watch, Islamic Circle North America (Relief), the Law Society of England and Wales, the Lawyers Committee for Human Rights, the National Association of Criminal Defense Lawyers, the National Association of Social Workers LDF, the National Council of Churches, People for the American Way, the Religious Action Center, the Rutherford Institute, Trial Lawyers for Public Justice, and Union for Reform Judaism.

The policy of declaring U.S. citizens as "enemy combatants" is, admittedly, not included in the USA-PATRIOT Act. It, too, is a policy included in the Civil Liberties resolution. Again, this issue is currently before the U.S. Supreme Court. It is significant to note that the Justice Department, immediately following the

grant of certiorari by the Supreme Court, reversed its long-held position and allowed Jose Padilla to be visited by his attorney. Equally significant are the rulings of both the District Court and the U.S. Court of Appeals holding that the government policy of designating persons as "enemy combatants" was constitutionally void and ruled that a U.S. citizen, arrested on American soil, cannot be held at the sole discretion of the President without charges, trial or access to counsel.

"Finally, the assertion that the PATRIOT Act in any way changes the criminal burden of proof (or), allows for selective prosecution ..."

Most communities, when supporting a Civil Liberties resolution, have argued that many of the immigration-related programs, such as the FBI questioning of Arab and Muslims (not based upon any individualized circumstances), NSEERS

etc., seem to be a form of ethnic profiling. More recent resolutions also call upon the local government to go on record opposing the CLEAR Act legislation that would make state and local law enforcement enforcers of civil immigration violations. These concerns raise legitimate civil liberties questions. They should not be mischaracterized as alleging the government is participating in "selective prosecution."

When community members coalesce to work on a "Civil Liberties" resolution, it is the USA-PATRIOT Act combined with numerous federal policies that are the source for many of their concerns. These resolutions are the voice of many Americans, who, like Justice Ginsburg, say "we are proud to live in the USA, a land that has been more free, and we want to keep it that way."

EMPOWERING STUDENTS

FROM THE LEGAL DIRECTOR, MICHAEL J. STEINBERG



I frequently speak to high school students about civil liberties and the critical role the Bill of Rights plays in our democracy. Unfortunately, many students believe that the Bill of Rights is some abstract historical document that has no meaning in their lives.

And how can we blame them? In many schools today students are subjected to random searches, constant videotaped surveillance and drug sniffing dogs. In other schools, students are prohibited from criticizing school policies in their high school newspapers, in underground student newspapers or even on private Internet sites that they create from home. Students attempting to express their political or religious views through their clothing or in a public forum are often censored.

Young people are not treated much better out of school than they are treated in school. Malls are implementing new policies that ban people under 18 after 5 p.m. unless they are accompanied by a parent or person over 21 years of age. Police officers force students walking down a street to submit to a Breathalyzer test even though they don't have a search warrant. Teenagers—especially teenagers of color—are often targeted by police officers based on unfair stereotypes.

Recently, I spoke at a government class at Mumford High School. A few days before my visit, each and every student in the school was forced to stand silently in line for 1-1/2 hours waiting to be frisked and have their backpacks and purses searched by Detroit police officers. The students complained about how the officers yelled at them and roughed them up if they questioned why the search was necessary. They complained that they were being treated like criminals rather than students and that the mass search prevented them from going to classes and learning.

While I was disturbed by the mass search of Detroit students, what I found even more disturbing was the fact that the Mumford students felt absolutely powerless to do anything about it. They said that they have been treated like this by the police and, in some cases, by their teachers, since they started school. While the students knew their rights were being violated, they had been conditioned to believe that there was no remedy. I believe that this sense of helplessness not only leads to inaction and apathy, but it also breeds a resentment of “the system” that has troubling ramifications for society long after the students leave school.

I strongly believe that it is our responsibility to teach young people that they do have rights and that they don't have to “sit back and take it anymore.” Rather, they can organize, speak out against injustice and bring about change through non-violent and productive methods. And when the authorities – whether it is the police, school administrators or even mall owners – violate their civil liberties or engage in illegal age discrimination,

young people should know that the ACLU is in their corner standing ready to fight with them for justice.

This newsletter is full of stories of the ACLU taking legal action or threatening legal action in recent months to support the rights of young people—whether it be an African American student's right to attend school free of a hostile racial environment, a valedictorian's right to share a bible verse in a section of the yearbook reserved for self-expression, a student activist's right to wear anarchy and peace signs on his clothes, or Detroit students' rights to attend a school where they are not treated like inmates. We must continue to bring cases on behalf of young people to prevent an entire generation from falling into a permanent state of powerlessness, apathy and despair. We must teach our students that the Bill of Rights is a living document that protects the liberties and freedoms of everyone and that they can make a difference in this world. Our democracy depends on it.

UPDATES

Many of our cases are featured elsewhere in the newsletter. Here are a few additional victories and updates.

RIGHT TO APPOINTED COUNSEL IN APPEAL OF MISDEMEANOR CONVICTIONS.

The courts have made it clear that poor people who are convicted of a crime and sentenced to jail are entitled to a free court-appointed attorney to represent them on appeal. Nonetheless, many Michigan judges will not appoint appellate counsel in misdemeanor cases. After a Plymouth District Court judge refused to appoint appellate counsel to a man sentenced to a year in jail for a misdemeanor, the ACLU of Michigan successfully appealed the issue to the Wayne County Circuit Court. The ACLU is now working to persuade the Michigan Supreme Court to clarify its court rules to make it clear that all indigent misdemeanants who are sentenced to jail are entitled to appointed counsel and free transcripts. *People v. Kanka*. Cooperating Attorney: Ralph Simpson, with assistance from law interns Bryan Anderson and Melanie Sonnenborn.

CHALLENGING “GAG RULE” ON POST-TRIAL PUBLICITY IN TERRORISM CASE.

After the first terrorism trial in the country was over, a federal judge in Detroit issued a broad gag rule barring attorneys in the case from not only disclosing sealed and classified documents, but also from “commenting” on “confidential” information about the case. While the defense attorneys did not object to the portion of the order about

sealed or classified documents (it is a federal crime to reveal such documents), the prohibition on commenting on “confidential” information is much broader. The attorneys who represented the terrorist suspects have wanted to respond to media calls about the failure of the government to disclose exculpatory evidence about their clients and about the lawsuit filed against Attorney General John Ashcroft by the government lawyer who prosecuted the case. However, they will not do so for fear of violating the gag order. The defense attorneys have appealed the gag order, and the ACLU, along with the Criminal Defense Attorneys of Michigan, filed a friend-of-the-court brief in support of the defense attorneys. The ACLU is primarily concerned about the weak standard the judge applied for “gag rules” after the trial is over and the precedent it will set for other cases. *U.S. v. Koubriti*. Cooperating Attorney: Erwin Chemerinsky.

APPELLATE COURT RULES THAT CASE WAS WRONGLY DISMISSED FOR PRE-TRIAL STATEMENTS.

The Michigan Court of Appeals, agreeing with the ACLU's friend-of-the-court brief, recently reinstated a sexual harassment case against Ford Motor Company. The trial judge had dismissed the case because of public statements made by the plaintiff and her attorneys before trial—even though the judge had never issued a “gag rule” and even though the judge had never attempted to determine whether an impartial jury could be seated. The ACLU, concerned about both the right to fair trials and free speech, had argued that that the dismissal of the case violated the plaintiff's and attorneys' free speech rights were violated and that there were less drastic means of ensuring a fair trial short of dismissing the case altogether. *Maldonado v. Ford Motor Co.* Cooperating Attorney: Christine Chabot.

Teachers: The ACLU has a Bill of Rights curriculum guide available for use in your classroom. Go to <http://www.aclumich.org/pubs/billofrights.pdf> to download the “A Resource Guide for Teaching the Bill of Rights.”

YOUTH SCHOLARSHIP AWARD GIVEN TO MICHIGAN STUDENT

The American Civil Liberties Union has again selected ten high school seniors from around the country to receive Youth Activist Scholarships for 2004. Each student is the recipient of \$4,000 in honor of his/her outstanding work to protect civil liberties, especially the rights of young people.

This is the third time that a Michigan student has been selected. This year's winner was Bretton Barber, the Dearborn student who was the plaintiff in the ACLU's successful First Amendment challenge against the Dearborn Schools' t-shirt ban. Brett has been an ACLU member since 7th grade. So by the time he got to high school and was asked to remove his anti-war t-shirt by school officials, he knew what his rights were, and he knew who to call: the ACLU. In addition to his First Amendment activism, Bretton has been volunteering at the ACLU office all year. He also writes a column on youth issues for *Between the Lines*, a monthly gay rights newspaper.

“My First Amendment battle only strengthened my desire to be an activist for civil liberties,” Brett said. “I realize now that violations occur to everyone, everywhere, no matter what their ideals.”

The Award was created in 2000 to recognize the efforts of graduating seniors who have demonstrated a strong commitment to civil liberties and civil rights through some form of student activism.

“The next generation of civil libertarians will face new challenges as part of their ongoing defense of the Bill of Rights,” said ACLU Executive Director Anthony D. Romero.

“This scholarship gives the ACLU an opportunity to recognize the bravery of these students and the inspiration they provide.”

ACLU SETTLES CASE ON BEHALF OF CHRISTIAN VALEDICTORIAN



Abbey Moler

WHEN ABBEY MOLER WAS A SENIOR at Stevenson High School in 2001, she and a handful of other high achieving graduates were profiled in a section of the yearbook that listed the students' activities and the colleges they planned to attend. In addition, each student was invited to share some words of wisdom or advice to pass on to the rest of the school.

But when the yearbook was published, Abbey's entry had been deleted from the yearbook because it contained a passage from the Bible. Ms. Moler, a devout Christian and class valedictorian, submitted a bible verse that she found meaningful. It stated:

I would like to share a favorite verse that shapes my life and guides me from day to day:

"For I know the plans I have for you," declares the Lord, "plans to prosper you and not to harm you, plans to give you hope and a future." Jeremiah 29:11 (New International Bible).

"While it is true that schools may not constitutionally promote religion, they also must be very careful not to suppress the private religious expression of their students," said Michael J. Steinberg, ACLU of Michigan Legal Director, who represented Abbey Moler, the Sterling Heights student. "This was a case where

a high school had created a forum for student expression, yet censored a student's speech because it was religious in nature."

In previous years, students' entries in the "wants to pass on" section ranged from serious advice to humorous tidbits. For example, one student wrote, "I'll never grow old, I'll never die, and I'll always eat oatmeal." Another student's entry was simply, "One word: Plastics."

Abbey and her parents were never told that the school could not publish the entry because it was religious so they were quite astonished when they saw the book minus Abbey's thoughts. At that point, they came to the ACLU for help.

The ACLU and the school district were able to negotiate a settlement without the need to file a lawsuit. The district has agreed to place a sticker with Abbey's original entry in the copies of the 2001 yearbook on file with the school; instruct the Stevenson High School yearbook staff not to censor entries in the "Wants to Pass On" section solely because they contain religious or political speech that others might find offensive; provide continued in-service training and advice to school staff on free speech and religious freedom issues that arise in schools; and write a letter of regret to Abbey.

SCHOOL REVERSES STUDENT'S SUSPENSION FOR WEARING ANARCHY T-SHIRT

LAST APRIL, TIMOTHY GIES, a senior at Bay City Central High School, was suspended on April 7 for five days for wearing a t-shirt with an anarchy symbol. After conversations with the ACLU, the Bay City Schools has changed its mind.

School administrators had previously prohibited Tim from wearing peace signs, upside-down American flags and a sweatshirt with an anti-war quote from Albert Einstein either with suspensions or by insisting that he take off the t-shirt or sweatshirt he was wearing.

When Tim contended that he had a First Amendment right to express himself, one administrator informed him that the Constitution does not apply to Bay City students. Another mockingly told him to report the incident to the ACLU. So that's what he did.

"Public schools should create an environment where free exchange of ideas is fostered, not silenced," said ACLU of Michigan Legal Director Michael J. Steinberg. "It is unconstitutional for

school officials to censor a student's expression of their political views simply because they disagree with those views."

The ACLU represented Tim in an appeal to the district's director of student services, Marty Gottesman, arguing that the suspension violated the student's free speech rights. The school finally agreed in writing that because the shirt was neither threatening nor disruptive, the discipline would be set aside. In addition to reversing Tim's suspension, the administration has agreed to allow students to wear other political symbols on their clothing.

"I believe that in order to adequately prepare students for the future, they must be exposed to a diverse cross-section of people and ideas," said Tim Gies. "The fight for our right to free expression was a hard one and even though I'm graduating in June, I'll rest easy knowing that next year's class will be able to share ideas without being punished."



Timothy Gies

ACLU HOSTS PULITZER PRIZE-WINNING PLAYWRIGHT NILO CRUZ

The ACLU held an event with Nilo Cruz at the Art Exchange Gallery/Museum on May 20 to benefit the LGBT Project. Cruz read from his works, including "Anna in the Tropics," which was recently produced on Broadway with a cast led by Jimmy Smits.

A gay Cuban-American, Cruz became the first playwright of Hispanic descent to win the Pulitzer Prize in 2003 for "Anna in the Tropics," which, in addition to Broadway, has had several regional productions throughout the U.S.

Cruz teaches playwriting at Yale University. His newest play, "Beauty of the Father," recently had its world premiere in Seattle, Washington.



ACLU CHALLENGES MASS SEARCH POLICY IN DETROIT PUBLIC SCHOOLS

The ACLU held a news conference on June 10 to announce a challenge to a policy that has allowed the Detroit Police Department and the Detroit Public Schools to conduct mass searches of middle and high school students.

“These searches are not based on any individualized suspicion of criminal behavior,” said Kary Moss, ACLU of Michigan Executive Director. “Before you treat someone like a criminal, you have to suspect that they’ve committed a crime.”

As a result of a Detroit School Board policy that allows periodic “sweeps” without notice in Detroit intermediate and high schools, the entire student body of Detroit’s Mumford High School was subjected to a physical search on February 18, 2004. The search included a pat-down of the students, and inspection of the contents their pockets, purses and school bags.

Metal detectors are always operational at the school’s entrance, but were moved to the back hall on that day. Instead, students were ushered into the school, lined up against the walls, and, under the close supervision of Detroit Police and the School Board’s Public Safety Officers, marched to the end of the hall where they

were physically searched. They were then taken to the school auditorium and not allowed to leave until the entire search was concluded about one and one half hours later.

Some students questioned the police officers’ right to search, but were quickly silenced when an officer told them to “shut up” or they would be arrested. “My grandson was scared,” said Sharon Kelso, a plaintiff in the lawsuit. “I’ve raised him to be respectful, but he was treated disrespectfully. What really bothers me is that I dropped him off to get an education, and instead he missed two hours of classroom instruction only to be treated like a prisoner.”

The unlawful sweeps were planned and scheduled in advance and therefore not based on reasonable suspicion or probable cause to believe that any particular student or group of students had committed or was about to commit a crime or violated the law in any way. No guns or drugs were found at Mumford High.

According to information given to the ACLU, it is believed that at least two other high schools were searched in the same manner and pursuant to the same policy,



Fred Wells, Mumford student; Sharon Kelso, parent; and Amos Williams, attorney.

including Murray Wright High School and Pershing High School.

Amos Williams, the ACLU cooperating attorney handling the case, likened this practice to a police raid with no warning or warrant. “As a retired police lieutenant with 17 years of experience with the Detroit Police Department, I know what’s right and what’s wrong in a search. A

search with no particular or individualized suspicion turned this schoolhouse into a jailhouse.”

*Read the complaint on the
ACLU website at:
[http://www.aclumich.org/pdf/briefs/
mumfordcomplaint.pdf](http://www.aclumich.org/pdf/briefs/mumfordcomplaint.pdf)*

ACLU OF MICHIGAN LAUNCHES PROJECT TO INVESTIGATE LIFE WITHOUT PAROLE SENTENCES FOR JUVENILES

THE AMERICAN CIVIL LIBERTIES UNION of Michigan has been awarded a grant of \$100,000 by the JEHT Foundation to form the Juvenile Life Without Parole Initiative to investigate the issues surrounding the growing number of children sentenced to life sentences without the possibility of parole. Attorney Deborah Labelle will be the Project Director.

“Life sentencing for juveniles is a heartbreaking issue and there is a real need to examine the impact these sentences have on our communities, state agencies and families,” said ACLU of Michigan Executive Director Kary Moss. “We are extremely fortunate to have Deborah Labelle, a nationally recognized expert on this issue, as our director of this initiative.”

The imposition of life without parole on minor children is explicitly prohibited by the International Convention on the Rights of the Child, which was ratified by President Clinton in 2000, and is widely considered a violation of international law and fundamental human rights. Despite this, Michigan, and forty other states, permit these sentences to be imposed on juveniles. Michigan is one of thirteen states that have no lower age limit for life sentences without possibility of parole.

“We know that in Michigan, there are 150 individuals serving “life without parole” sentences for offenses that

occurred when they were sixteen years old or younger,” said Project Director Labelle. “Two-thirds of those have been sentenced since 1990 and over 70% of these children are African-American.”

In Michigan and many other states juveniles can be transferred to adult courts and sentenced to a life without any chance of parole no matter what their age or consideration of the circumstances of their offense. Recent research casts doubts on the cognitive capacity of adolescents and teens raising serious questions about juveniles’ ability to understand criminal consequences for their actions, and their ability to understand the judicial system or cooperate in their own defense.

Currently there is no national census of the number of youth serving life sentences without possibility of parole. However, sweeping changes to state laws in the 1990s have made it easier to try juveniles as adults and subject them to “natural life” sentences.

In addition to the prevalence of these sentences, the report will also address issues of race, gender and economic disparities in reviewing whether there are inequities within the sentencing of juveniles to life without parole. There will be an emphasis on looking at alternative ways of viewing and responding to the problems of these sentences.

MILDRED MCWILLIAMS “MILLIE” JEFFREY (1910-2004)



The ACLU lost a dear friend and long-time supporter when Mildred McWilliams Jeffrey, social justice activist, retired UAW Director of the Consumer Affairs Department and a Governor Emerita of Wayne State University, died on March 24 at the age of 93.

Millie served as a role model for countless women and men in the labor, civil rights, women’s rights, and peace movements. In 2000, President William Clinton awarded her the Medal of Freedom, the highest civilian award bestowed by the United States government.

Millie was inducted into the Michigan Women’s Hall of Fame and was an original board member of the Michigan Women’s Foundation. She served in various leadership roles in a wide-variety of national and state organizations including the American Civil Liberties Union (ACLU).

In the invitation to the June 26 celebration of Millie’s life, Governor Jennifer Granholm perhaps described her best. “*Millie’s tiny stature and quiet, humble gentleness belied a powerful force that truly changed our world. When scientists refer to the butterfly effect – the notion that the smallest, imperceptible change in one corner of the world can eventually result in history-changing events someplace else – I know that they must be referring to Millie...Millie Jeffrey was our butterfly. She whipped up change in countless corners of our world and helped write entire chapters in the story of our nation and our state.*”

Millie was a notable presence at every ACLU event – she will be sorely missed.

justice
EQUALITY
human dignity
tolerance

The JEHT Foundation was established in April 2000 to support its donors’ interests in human rights, social justice and community building. The name JEHT stands for the core values that underlie the Foundation’s mission: Justice, Equality, Human Dignity and Tolerance.

FROM THE CAPITOL

SHELLI WEISBERG

As summer neared, the legislature was busy clearing calendars, moving languishing bills and making the cuts necessary to present a balanced budget.

WITH THREATS that they could be scheduled to convene through July, House members shifted budget negotiations into high gear in order to get back to their districts for the intense summer campaign season.

Over 400 candidates have filed for the House of Representatives' August 3 primary race. As we have in past years, the ACLU of Michigan sent a written survey to each candidate. The survey questions, along with their responses, are published in a supplement to this newsletter. (*See Voter Guide insert.*) Because the ACLU is a non-partisan organization, the voter guide should not be considered an endorsement of any candidate. But, it is meant to help our members gauge each candidate's commitment to civil liberties.

REPRODUCTIVE FREEDOM

In the wake of this legislative session, however, the ACLU of Michigan is preparing to file a challenge to an anti-choice law called "The Legal Birth Definition Act." The Act was originally proposed as Senate Bill 395 and was vetoed by the Governor last October. In her letter to the Michigan Senate, Governor Granholm stated that she vetoed the bill because the courts have repeatedly declared such efforts unconstitutional and that "Senate Bill 395 does not remedy deficiencies identified by the courts." On June 9, the House and Senate voted to enact this legislation following a citizens' initiative advanced by Right to Life. A law enacted in this manner is not subject to a gubernatorial veto.



ACLU of Michigan was well-represented at the March for Women's Lives, Washington, DC, April 25.

Like the two previous attempts by the legislature to ban legal and safe abortions in Michigan, this newest effort is constitutionally overbroad and vague and does not contain a sufficient health exception, which has been repeatedly required by the U. S. Supreme Court. Additionally, 28 doctors and nurses from the University of Michigan Health System stated that the act "misstates medical fact and could adversely impact the medical management of birth."



The ACLU of Michigan continues to work with a coalition in opposition to legislation designed to broaden refusal clauses in the medical field. The legislation, which passed the House and will be voted on in the Senate this fall, allows individuals, facilities and insurance plans (including HMOs) to refuse to provide services based on "religious, moral or ethical" objections. In addition to threatening reproductive health care options for women, a consequence of this legislation is that it may allow discrimination based on sexual preference because there is no protection for sexual orientation under the Elliott-Larson Civil Rights Act. With help from the broader LGBT community and our pro-choice friends, we have been successful in making our legislators aware of the danger this legislation poses in obtaining comprehensive healthcare. We look forward to working with the Senate to make necessary changes to the bills.

The ACLU of Michigan was well represented in Washington D.C. for the March for Women's Lives on April 25th. Although there were clearly over one million participants at the March, Michigan ACLU members managed to find each other on the mall to march as a contingent. The crowd of men and women was inspiring, representing every age, race and walk of life. Most impressive was the large percentage of youth in attendance. The event was truly exciting and the ACLU had a huge presence.

CHURCH AND STATE

We had a substantial victory on the church/state front in securing amendments to a series of bills that would have allowed taxpayer-funded scholarships and grants to be used for religious curriculum in higher education. The U.S. Supreme Court ruled in *Locke v. Davey* that States could withhold scholarship money for the purpose of religious training without vio-

lating the Free Exercise Clause of the First Amendment. This package of legislation was prompted by a Michigan case remarkably similar to *Locke* where a student was denied a state funded scholarship to pursue a degree in theology or divinity. Michigan's constitution, like Washington's, prohibits using state funds for religious training. The bills passed the Senate before the Supreme Court issued their decision supporting our argument that the legislation is unconstitutional in Michigan. By working with friendly legislators, we helped craft amendments to remedy the unconstitutional provisions of the bills. The amendments were sponsored by term-limited Republican Representative Charlie LaSata (Benton Harbor) and actively supported by the Governor's office.

DEATH PENALTY

The ACLU of Michigan spoke out against a proposed constitutional amendment to reinstate the death penalty in Michigan. HJR W, introduced by Representative Larry Julian (R-Lennon), failed to get the required votes for it to be placed on the ballot for a vote by Michigan citizens.

Michigan was the first state in the union to ban the death penalty when it eliminated capital punishment in 1846 after an innocent man had been hanged. The ban became part of Michigan's Constitution in 1963.

Michigan currently has "life without parole" eliminating the fear that someone convicted of murder could be released. As of December 2003, 113 inmates around the nation have been found innocent and released from death row. More than half of these people have been released in the last 10 years. For every eight people executed, one has been exonerated. The vast majority of those exonerated were found innocent because someone came forward to confess committing the crime, key witness testimony was found to be illegitimate, or new evidence was found to support innocence.

There is currently a statewide petition drive underway to place the issue on the November ballot, but it appears doubtful that the proponents of this constitutional amendment will get a sufficient number of signatures.

If you have doubts that the primary election is worth your time, think about this—in many districts, the primary election determines the winner of the general election. If you want to see a change in Lansing, the primary election is often the most important contest. Your vote can determine the direction of the general election—including which issues will be debated and which constituents will have the most powerful influence. It is critically important to cast your vote in August. Use the ACLU Voter Guide to help you evaluate the primary candidates and bring three friends to the polls with you!

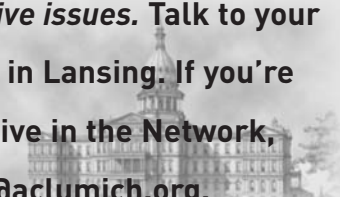
PUSH FOR ANTI-CIVIL RIGHTS AMENDMENT STALLED

Affirmative action is safe - at least for the time being. Supporters of the ill-named Michigan Civil Rights Initiative (MCRI) announced that they have stopped their effort to put the issue on the fall 2004 general election ballot, but will continue to collect signatures through the fall to qualify for the 2006 general election ballot.

Headed by California businessman, Ward Connerly, MCRI hopes to ban state affirmative action policies with a new constitutional amendment.

The ACLU of Michigan is a powerful voice in the legislature because of our passionate and articulate members. We can harness even

greater strength by working together as part of a finely tuned Grassroots Legislative Network. *If you haven't already done so, sign up at www.aclumich.org to receive Action Alerts on breaking legislative issues. Talk to your legislators, in their districts and in Lansing. If you're interested in becoming more active in the Network, please contact me at sweisberg@aclumich.org.*



ACLU REACHES AGREEMENT WITH MICHIGAN SCHOOL AFTER BLACK STUDENT IS ATTACKED IN “KKK GAME”



AS THE COUNTRY FOCUSED on the 50th anniversary of *Brown v. Board of Education*, the landmark case that ended government-imposed segregation in public schools, the American Civil Liberties Union of Michigan reached a settlement in May with the Bullock Creek School District near Midland on behalf of an African American student who was the victim of racial harassment and attacked by white students in a so-called “game of KKK.”

The settlement was the result of negotiations that began last summer. “It is disturbing that African American students still face such shocking racism in school 50 years after *Brown v. Board of Education*,” said Michael J. Steinberg, Legal Director of the ACLU of Michigan. “We are heartened, however, by the sincere efforts of the school district to begin to create an atmosphere in which such

acts will not happen again.”

The ACLU complaint, filed with the Michigan Department of Civil Rights (MDCR) against the Bullock Creek School District in mid-Michigan, has been voluntarily dismissed after district officials agreed to adopt a much-needed comprehensive plan to address racism.

Kyron Tryon was an eighth-grader at Bullock Creek Middle School near Midland, Michigan in May 2003 when seven white boys grabbed him during recess on the school playground. According to Kyron, the boys picked him up off the ground and chanted “KKK” while one of them whipped him with a belt. The boys then threw Kyron on the ground and began kicking him. The attack did not stop until the bell rang, signaling the end of recess. When the white students were questioned about the incident, they described it as “just a game of KKK.”

Kyron and his older siblings were victimized by racial harassment several times at school, the ACLU said. Prior to the playground incident, Kyron, the only African American in his grade, was told by his white peers to “go back to Africa.” They also called him a “porch monkey” and threatened him because he is black.

Unsatisfied with the way the school district initially responded to the “KKK” incident, Kyron’s parents contacted the ACLU and then filed a complaint with the MDCR. Over the past year, the school district, the ACLU and the Tryons met with an MDCR mediator and jointly developed a plan to address what the

Tryons believed to be a hostile environment for students of color at the Bullock Creek Schools.

“Although we found the incident last spring to be deplorable, we have been encouraged by the school community’s serious and intelligent response to these actions,” said David Chapin, Superintendent of Schools. “It is clear the Bullock Creek students, staff and community will not tolerate these behaviors. We are grateful we are able to work in conjunction with the Tryon family in creating a positive school culture in Bullock Creek.”

The school is undertaking the following actions:

- **DIVERSITY TRAINING.** The district has contracted with the Bridge Center for Racial Harmony to develop a comprehensive plan for implementing diversity training within the district for students, teachers and administrators. The Bridge Center has implemented similar programs in Michigan, including one in Saginaw.
- **MARTIN LUTHER KING DAY.** The district will plan symposiums on Martin Luther King Day in which students will have the opportunity to learn about different races and ethnicities, as well as learning to understand and tolerate differences.
- **DIVERSITY STEERING COMMITTEE.** The district is developing a steering committee to oversee and develop the diversity training, MLK Day, Black History month and other race-related issues. The committee will include Kyron’s parents, as well as representatives from the student body, teaching staff, administrative team, Board of Education, Michigan Department of Civil Rights, Dow Chemical Company and the West Midland Family Center.

WHEN CHILDREN GO TO SCHOOL THEY SHOULD NOT HAVE TO FEAR THAT THEY WILL BE BEATEN UP BECAUSE OF THE COLOR OF THEIR SKIN.

- **GRANTS.** The district has applied for and received a grant from the Dow Chemical Foundation to help fund the district’s work.

“We pray that the diversity training will make kids think twice before hurting and dehumanizing other kids the way they hurt and dehumanized my son,” said Kyron’s mother, Joyce Tryon. “When children go to school they should not have to fear that they will be beaten up because of the color of their skin. The reason we filed the civil rights complaint was not to recover money, but to bring about change.”

Kary Moss, Executive Director of the ACLU of Michigan, said she hoped that other school districts will emulate what Bullock Creek is doing to respond to discrimination on campus. “As we look back at the history of desegregation, Kyron’s experience illustrates how far we still have to go in combating racism.”

Although more comprehensive diversity training will begin next fall at Bullock Creek, it is not soon enough for fifteen-year-old Kyron. He has already decided to attend high school in a different school district next year.

“I just want the nightmare to be over and to go back to being a teenager,” said Kyron. “If what I experienced somehow ends up helping someone else, I will be happy.”

Michael J. Steinberg handled the case with the assistance of two ACLU law interns, Dan Scripps and Tiffani Smith.

COURT RULES CITIZENS HAVE RIGHT TO CRITICIZE POLICE

SLAPP SUIT THROWN OUT

AFTER EIGHT YEARS of a court struggle, the Michigan Court of Appeals ruled in April that a citizen has the right to express an opinion about a police officer’s ability to perform his duties without fearing retaliation. The citizen, Richard Mach, was represented by the American Civil Liberties Union of Michigan.

“Whenever there is abuse by government officials, citizens should be encouraged to report it,” said Michael J. Steinberg, ACLU of Michigan Legal Director. “This decision assures victims of police misconduct that they may report bad cops without fear of being penalized for expressing their views.”

In 1995, psychologist Richard Mach drove down a Flint street when he came upon an accident scene. Seeing the blocked lanes, Dr. Mach drove up next to a police car to ask the officer for instructions on how to proceed through the area.

According to Dr. Mach, Flint Police Officer Daniel Allen stormed out of the patrol car and began angrily shouting in an aggressive manner. Officer Allen then issued Mach a ticket for ignoring a police barricade and threatened to arrest him if he did not leave in three seconds.

Dr. Mach was shaken by the intimidating and threatening manner in which he was treated. He wrote a letter to the police chief and sent copies to other officials about the encounter. He stated in the letter that, as a psychologist, he believed Officer Allen was a danger both to the community at large and to himself. He further said that Officer Allen should be taken off street duty until a counselor found him fit to return to duty.

Officer Allen was never disciplined by the Flint Police Department for the incident, but filed a lawsuit against Dr. Mach for slander which the Genesee County Circuit Court dismissed. Officer Allen appealed.

In an opinion issued April 27, a unanimous 3-judge panel of the Michigan Court of Appeals held that Dr. Mach could not be liable for expressing his personal impression of Officer Allen: “[A] review of defendant’s statements indicates that defendant expressed opinions about plaintiff, and that his comments amounted to subjective assertions” that cannot serve as a basis for a slander lawsuit.

“I believe that the ultimate purpose of this lawsuit was to intimidate me and other citizens from reporting police misconduct,” said Dr. Mach. “Despite the stress and expense of this lawsuit, I refused to succumb to their transparent attempt to threaten my First Amendment rights to dissent. I urge all citizens in like circumstances to assert their right to freely speak their minds about any perceived governmental abuse.”

“Dr. Mach had to fight for over eight years to be free of this lawsuit,” said Daniel Quick, the ACLU volunteer attorney who handled the appeal. “While his constitutional rights to free speech have been vindicated, people should not have to go through this emotionally painful and

financially burdensome experience. The Michigan Legislature should act to help protect Michigan citizens from these sorts of onerous lawsuits.”

The ACLU has been advocating for state legislation to deter what is known as “SLAPP suits” or “strategic lawsuits against public participation.” The laws provide for expedited dismissal of SLAPP suits when the purpose of the suit is to stifle free speech and make the plaintiff liable for the defendant’s attorneys’ fees in those cases. Several states already have Anti-SLAPP laws on the books.

To read the ACLU brief on appeal,

go to <http://www.aclumich.org/modules.php?name=Sections&op=viewarticle&artid=110>

To read the Court of Appeals opinion, go to

<http://www.aclumich.org/modules.php?name=Sections&op=viewarticle&artid=111>

MEMBERS, YOUR VOTE IS NEEDED

AT-LARGE NOMINEES TO STATE BOARD OF DIRECTORS

THE STATE BOARD OF DIRECTORS is comprised of delegates elected by each of our nine branches. Each branch receives a designated number of seats based upon the membership within their geographical region, for a total of 50 seats.

In 2002, the State Board created an additional category of “at-large” board members to improve board diversity. These delegates are nominated by the state board and elected by the entire ACLU membership.

With a recent board reorganization, the number of at-large seats now comprises 5 seats which is 10% of the total number of state delegates to serve three year terms beginning in 2004. The following 6 people have been nominated to fill the 5 at-large positions: (Vote for up to 5.)

MO ABDORABOH, DEARBORN

Mo is an attorney in private practice in Dearborn. He is a member of the Michigan Department of Civil Rights Board of Commissioners. He has been active with the ACLU and the Arab Anti-Discrimination Committee (ADC). The ADC recently named him Pro Bono Attorney of the Year. He has served as an at-large delegate since 2002.

EVA GARZA DEWAELSCHÉ, DETROIT

Eva is President of SER Metro Detroit, a workforce development, non-profit organization. She is the former Executive Director of LA SED, a large social service agency serving the Hispanic community in Southwest Detroit. She is co-chair of ALPACT, a statewide coalition of civil rights organizations and law enforcement agencies working on social justice issues. She has served as an at-large delegate since 2002.

SHAWN K. JACQUE, OAKLAND

Shawn is Senior Counsel for the Detroit Diesel Corporation. He is a graduate of the University of Michigan (1989) and received his J.D. from the State University of New York at Buffalo Law School (1992). He started in civil litigation with Edwards & Jennings, P.C., a plaintiffs lawfirm and went on to practice

defense litigation as Assistant Corporation Counsel in the City of Detroit Law Department’s litigation section. In 1995 he became an Assistant Prosecuting Attorney for Wayne County, during which time he prosecuted criminal cases in the trial division, the juvenile division and the prosecutor’s auto theft unit.

In 2001 Shawn was appointed as an Assistant United States Attorney and prosecuted federal firearm and controlled substance violations for the general crimes unit. He has served as an at-large delegate since 2003.

RUBINA S. MUSTAFA, DETROIT

Rubina is a staff attorney with the State Appellate Defenders Office, representing indigent criminal defendants on appeal from their trial and plea-based convictions. She is a graduate of the University of Chicago (1988) and Detroit College of Law (1994). Ms. Mustafa worked at Dykema Gossett after graduation and later clerked for the Honorable Robert P. Young, Jr. during his tenure on the Michigan Court of Appeals.

Ms. Mustafa has a background in social work with Catholic Social Services of Wayne County. Ms. Mustafa currently serves as a Director-at-Large for the board of the Woman Lawyers’ Association. She has served as an at-large delegate since 2002.

SHARON ROEPKE, KALAMAZOO

Sharon is the Executive Director of the Resource Center, agency for LGBT community. She has served as an at-large delegate since 2002.

ANNETTE E. SKINNER, LANSING

Annette is an attorney in private practice who specializes in disability law. She is former president of the Stonewall Bar Association and former Commissioner of the State Bar’s Open Justice Commission. She has co-authored and edited several manuals for people with disabilities and advocates about legal rights related to HIV. She has served as an at-large delegate since July 2002.

VOTE FOR UP TO FIVE OF THE FOLLOWING:

☐ MO ABDORABOH

☐ EVA GARZA DEWAELSCHÉ

☐ SHAWN K. JACQUE

☐ RUBINA S. MUSTAFA

☐ SHARON ROEPKE

☐ ANNETTE E. SKINNER

Please return the completed ballot to:

ACLU of Michigan
60 W. Hancock
Detroit, MI 48201-1324

CELEBRATING A LEGACY OF GIVING

ON JUNE 28TH WE HONORED our DeSilver Society members with a reception at the Townsend Hotel in Birmingham. Of course we appreciate all of our donors—those who support us by giving to our annual gift campaigns, buying tickets and tables at our annual dinner, giving monthly gifts via their credit cards or gifts in honor or memory of friends and loved ones. But there is something very unique and special about those donors who make the ultimate philanthropic gift—the planned gift.

We honor and thank those whose most important life plans include the ACLU of Michigan. Our DeSilver Society donors have included us in their plans in a variety of ways, all leading to one incredible outcome—the sustained life and stability of the ACLU of Michigan for generations to come. When they include us in their Wills or Living Trusts as beneficiaries or name us as beneficiaries to a Charitable Remainder Trust or Life Insurance policy, or support us through a Pooled Income Fund or Gift Annuity they tell us they deeply care about the work we do now and the work we will do years from now.

In order to enhance our financial stability, the ACLU of Michigan set up a special endowment in the mid 1980s to be funded solely through bequests. Because of the many planned gifts that we have received, that endowment is now valued at over \$1.2 million. In addition, we have sent at least \$800,000 to our national office with whom we share these gifts. We manage these funds wisely and take only

a small amount each year to support our general program.

Many of our bequest gifts have been from long-time supporters of the ACLU of Michigan. Sometimes, very interestingly, we receive gifts from people we never knew. Either way, we appreciate the forethought, planning, and sacrifice that goes into every planned gift. We feel honored and grateful to be connected to what is essentially our donors’ legacy.

Planned gift donors come from all walks of life and gifts are many different sizes and inside many different gift vehicles. Last year we received our largest estate gift so far of \$1.2 million through a trust. Already this year, we have notice of another forthcoming gift of \$20,000 from a donor who never gave to the ACLU during her life, but so appreciated the work done by her friends on the ACLU of Michigan board that she gave the gift in their honor. Thank you to all who have given and to all of those family members, attorneys, and estate administrators who help facilitate the gifts and present them to us.

If you are interested in learning more about how to include the ACLU of Michigan in your estate plans, please contact your attorney or financial planner or call us to discuss options and opportunities. Planned and estate gifts are not only of tremendous benefit to us, they are gifts that often provide unique tax benefits as part of your overall financial plan.

CREATE A LEGACY OF LIBERTY: SUPPORT THE AMERICAN CIVIL LIBERTIES UNION FOUNDATION

Nearly four generations ago, a handful of Americans established the American Civil Liberties Union, in the conviction that patriotism requires a vigilant defense of the Bill of Rights.

Today, more that 330,000 individuals support that purpose through their membership in the ACLU. But as Albert DeSilver, one of the founders, realized long ago, it takes more than inspired leaders and mailing lists to sustain a vision through decades of war, crises and inconceivable change.

It takes a commitment to the future defense of civil liberties far beyond your own lifetime.

DeSilver (1988-1924) was the first person to leave the ACLU a financial legacy upon his death.

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To learn more about becoming a member of the DeSilver Society and the many tax and financial benefits of making a legacy gift to the ACLU Foundation, please contact:

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If you are an employee of the State of Michigan, please contribute to us during the upcoming State Employees’ Combined Campaign. Our Designation Code is 7501. Your tax deductible payroll deduction will support the programs of the ACLU Fund of Michigan.

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The ACLU of Michigan has nine branches across the state comprised of volunteers, each with its own board of directors.* Branch board members work very hard on local issues and are the back bone of our organization. Listed below are the women and men who are often the first point of contact for many people who need the ACLU. To contact a branch in your area, go to www.aclumich.org and click on the Michigan mitten for contact information.

*Branches recently held local elections. We hope that the information provided here is accurately reflected.

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On the opening night of Michael Moore’s new film, *Fahrenheit 911*, the ACLU made its presence felt in theaters across Michigan. Close to 30 volunteers in 6 cities distributed ACLU literature and membership applications. Over 1000 brochures were given out in Kalamazoo, Flint, Ann Arbor, Royal Oak, Southfield and Dearborn – in some cases they were literally grabbed off tables following the film. Moore’s film was in danger of not being released due to the controversial issues that it raises, including the USA PATRIOT Act and other post 9/11 executive orders and policies.



A VOICE OF SUPPORT FOR THE ACLU

This letter to the editor appeared in the *Detroit Free Press*, May 16, 2004

Right on, ACLU!

When Stevenson High School in Sterling Heights sought to censor a student’s Bible verse for the yearbook, high schooler Abbey Moler knew enough to turn to the American Civil Liberties Union.

Yet the Free Press opined in its May 12 article (“ACLU gets Bible verse back in local yearbook”) that the ACLU was among “unexpected sources” for help in her defense. Likewise, when the ACLU filed a brief helping Rush Limbaugh protect the privacy of his medical records, the news media acted surprised.

But both of those cases were quintessential ACLU. Its mission has nothing to do with taking a liberal or conservative stance on individual issues such as religion or pornography. Its only mission is to defend civil liberties wherever and whenever it can. In the process, it lets the chips fall left or right as they may.

The Bible verse Abbey Moler chose was perfect for a yearbook. Thanks to the ACLU for helping her stand up to those who would censor it.

Wesley Eric Nichols
Garden City

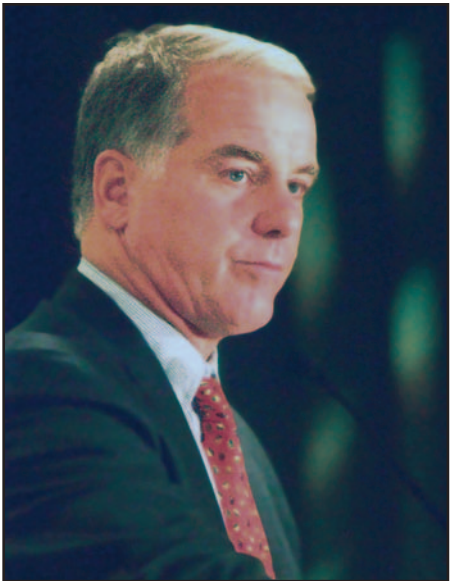
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November 20, 2004

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Dinner
At The Henry Ford Museum

Keynote Speaker:
Governor Howard Dean

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