



ELECTION ISSUE - See Pages 6-7

ACLU Seeks Records of Surveillance of Peace Groups

The ACLU-WA has filed requests under the Freedom of Information Act (FOIA) on behalf of itself and 11 peace organizations across the state, to obtain any records of surveillance of the groups by the FBI, the Department of Defense, and the Seattle Joint Terrorism Task Force.

All the organizations have been involved in peaceful protest of government policies. The action follows the recent disclosure of government files showing that the FBI and other federal agencies monitored nonviolent groups around the country, including peace groups in Washington during the 2003 Seafair festival.

"The government should not spy on groups engaging in peaceful political protest. The FBI should focus its efforts on actual threats and not target people because of their political views," said ACLU-WA Executive Director Kathleen Taylor.

The ACLU-WA is filing FOIA requests on behalf of these groups:

- American Friends Service Committee
- Peace and Justice Action League of Spokane
- People for Peace, Justice, and Healing
- Pierce County Truth in Recruiting
- Raging Grannies
- Seattle Peace Chorus
- Sound Nonviolent Opponents of War
- United for Peace in Pierce County
- Vancouver for Peace
- Yakima Valley Peace Advocates Network
- Western Washington Fellowship of Reconciliation

Some of these groups were named in federal documents created in 2003 during the Seafair festival in Seattle. These files were released under a FOIA request filed by the ACLU on behalf of Glen Milner of Ground Zero, a Bangor-based nonviolent group that opposes the use of nuclear weapons.

The files show communications between the FBI and other agencies about planned, nonviolent demonstrations by Ground Zero, SNOW, and other groups against Navy ships scheduled to dock in Elliott Bay during the summer Seafair festival.

The agents in the communications visited the groups' Web sites and collected information about their plans to ride small boats in Elliott Bay to protest the Navy fleet, display signs against the war in Iraq, and protest peacefully at Seafair events. Agents wrote about monitoring of the protesters' flotilla as it prepared to launch from Alki beach. Other communications showed information about organizational meetings, and general e-mails sent to partner groups about the peace flotilla, given to the FBI by a tipster.



The Seattle Raging Grannies, one of the groups requesting files under the Freedom of Information Act, assisted by the ACLU (photo: Nathan Appfel)

Another e-mail in the released files noted that the Raging Grannies, a group of elderly peace protestors who sing at events, had attended a potluck held by Snohomish County Peace Action of Edmonds. It noted that the Snohomish group's Web site had links "from everything between Aljazeera.net and the Ground Zero Center for Non-Violent Action."

The monitoring shows a disturbing government interest in groups that have no history of violence. It also created permanent government records that could later be misinterpreted or misused.

"Our national security people should have better things to do than monitoring the Raging Grannies," said Aaron Caplan, staff attorney at the ACLU-WA. "Domestic spying feeds the false notion that political dissent is automatically dangerous and somehow linked to criminal acts or terrorism. Expressing disagreement with the government is central to American freedom. It is not evidence of crime."

The requests for public records are part of a nationwide ACLU effort to learn the extent of inappropriate domestic surveillance of political groups under the "war on terror." Documents obtained thus far have shown that the FBI and local police infiltrated political, environmental, anti-war, and faith-based groups. In Pennsylvania, files revealed that the FBI investigated gatherings of a pacifist group because the organization opposed the Iraq war. In Santa Cruz, Calif., college students protesting military recruiters on campus ended up as "credible threat" on a Pentagon surveillance program database.

To see copies of the files the government released about Glen Milner and Ground Zero, visit www.aclu-wa.org. ■

Court Strikes Down Modern Form of Poll Tax

In a landmark ruling, King County Superior Court Judge Michael Spearman struck down the Washington law that denies the right to vote to thousands of ex-felons, solely because they owe court-imposed fines. The ACLU-WA filed the lawsuit on behalf of three individuals banned from the polls because they have not paid off court-imposed debts.

"It is well recognized that there is simply no rational relationship between the ability to pay and the exercise of constitutional rights," Judge Spearman wrote in his March 27 decision. "There is no logic in the assumption that a person in possession of sufficient resources to pay the [legal financial] obligation immediately is the more law-abiding citizen. Indeed, the better example of respect for our justice system may very well be the indigent who manages for years to make monthly payments toward the obligation," Judge Spearman said.

"Today's ruling puts an end to this modern form of the poll tax," said ACLU-WA Executive Director Kathleen Taylor. "The right to vote is one of our most fundamental rights in a democracy. After people have completed their prison time and have been released back into society, our state should not impose economic barriers to voting."

Under the state law challenged in the ACLU lawsuit, individuals who have finished their prison terms cannot vote

until they completely satisfy fines and other court-imposed financial obligations. Interest on these assessments accrues at the exorbitant rate of 12 percent a year.

According to Washington's statistics, more than 90 percent of felony defendants are indigent at the time of charging. The problem is widespread and hits people of color especially hard. Overall, more than 250,000 people in Washington cannot vote because of a prior felony conviction. Disenfranchisement affects about 3.7 percent of eligible voters in Washington – almost double the national average. Almost 25 percent of all voting-age African-American males in the state are disenfranchised.

The ACLU lawsuit does not seek to eliminate the financial obligations of ex-felons. It only separates the right to vote from one's financial ability after release. The state has other means to pursue persons who fail to satisfy their legal financial obligations.

Plaintiffs in the lawsuit are Dan Madison of King County, Beverly DuBois of Spokane County, and Dannielle Garner of Snohomish County.

Secretary of State Sam Reed has announced the state is appealing the ruling. Handling the case for the ACLU are Peter Danelo, Molly Terwilliger, Darin Sands, and Timothy McMichael of the firm Heller Ehrman White & McAuliffe, ACLU-WA Staff Attorney Aaron Caplan, and Neil Bradley of the ACLU Voting Rights Project. ■

Ways to Support the ACLU of Washington

Our accomplishments are made possible through the financial partnership of committed Washingtonians who make the defense of liberty a top priority. The ACLU of Washington and the ACLU of Washington Foundation are separately incorporated nonprofit organizations. The ACLU is our membership and legislative lobbying organization, supported by dues, which are not tax-deductible. The ACLU Foundation is our tax-deductible arm and conducts litigation, research, and public education in support of civil liberties.

Cash or Credit Cards: We accept cash and checks as well as debit cards and credit cards via MasterCard or VISA. Monthly, quarterly, or other installment schedules are welcome.

Gifts of Stock: By giving appreciated securities, you can usually deduct the full fair market value of your stock and avoid capital gains taxes.

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Honorary and Memorial Gifts: If you would like to honor someone special or the memory of a loved one, you may make a gift and include a personal message that we will send to the person or family.

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THE LEGACY OF LIBERTY CHALLENGE

Through a generous commitment by ACLU Foundation supporter Robert W. Wilson, if you establish a bequest in your will or trust, or a charitable gift annuity to the ACLU Foundation by Dec. 31, 2006, 10 percent of your gift (up to \$10,000) will be matched.

The Annual Fund: Continuing financial support from dedicated citizens like you helps us advance as well as defend rights. To make a tax-deductible contribution to the ACLU of Washington Foundation, please send in the form below. Thank you for helping make our voice heard and our actions strong!

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 Enclosed is my gift of:
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Thank you! Please mail to:
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- I'll seek a match from my employer.
 Please send me information about making gifts of stock.
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 I have already included the ACLU in my will or other estate plans.

For more information, please contact Development Director Theda Jackson Mau at 206.624.2184, ext. 261 or jacksonmau@aclu-wa.org

ACLU-WA Events Calendar

April 19: Grays Harbor Meeting (Aberdeen)

May 3: Pierce County Chapter Meeting (Tacoma)

May 4: Town Hall Forum on Surveillance (Seattle)

May 8: Kitsap County Chapter Meeting (Bremerton)

May 13: ACLU Board Meeting (Seattle)

May 20: Sasha Abramsky Talk on Voting Rights (Seattle)

May 20-21: U-District Fair (Seattle)

June 10: ACLU Board Meeting (Seattle)

June 17-18: Fremont Fair (Seattle)

June 24-25: Pride March (Seattle)

For more information about times and locations of events, contact the ACLU office.

Privacy of ACLU Membership List

The ACLU's membership list is confidential. The ACLU does not sell or give the names, membership status, or contact information of its members to other organizations or entities. In order to recruit new ACLU members, the ACLU does, however, let other advocacy groups or sympathetic publications send you mail in exchange for their letting the ACLU send materials to their lists. Such mailings are done in such a way that the other group at no time possesses your name or contact information. The other entity can only obtain your name or contact information if you reply to the mailing. Either a professional mailing house handles the mailing, or the ACLU itself oversees the mailing.

When do we allow other groups to send materials to our members? First, if the ACLU is working jointly with another group on an important civil liberties issue, it may advance the cause to send an ally's message to our members. Second, the ACLU may allow another organization to send a specific mailing to our members in exchange for our sending a recruitment mailing to its list. Such direct mail recruitment is still the most effective way to gain new ACLU members. List "exchanges" never occur with partisan political groups or with groups whose programs are incompatible.

The ACLU always honors a member's request not to make his or her name available. Members who do not wish to be mailed any non-ACLU materials can either call or e-mail the ACLU-WA (206.624.2184 or membership@aclu-wa.org), or send a note directly to the ACLU, Membership Department, 125 Broad St., New York, NY 10004-2500. Thank you for your understanding.

Correction

The photo of the Grant County Courthouse on the cover of the Winter 2006 issue of *Civil Liberties* was taken by J. Craig Sweat of J. Craig Sweat Photography Inc.

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ACLU Statewide Chapters, Clubs Stage Flurry of Events on National Security

It was a busy winter for ACLU-WA chapters and clubs, with a flurry of activities focused on the 2006 session of the Legislature and the hot-button issues of government spying and marriage equality.

More than 40 activists—half of them high school and college students—participated in the third annual ACLU of Washington Lobby Day in Olympia on Jan. 23. They spent the day lobbying legislators about ACLU legislative priorities, with ACLU-WA Field Director Genevieve Aguilar and Legislative Director Jennifer Shaw providing tips on the legislative process and how best to approach legislators.

Responding to revelations about NSA spying and debate over renewal of the PATRIOT Act, chapters and clubs organized a host of educational events. The **Western Washington University ACLU-WA club** organized a Feb. 23 forum on wiretapping and privacy, with ACLU Board members Dan Larner and Doug Klunder as guest speakers. The **San Juan Outreach Group** drew more than 90 people for a presentation on Feb. 26 on the PATRIOT Act by ACLU Board member Chris Varas and a former Reagan aide. The **Thurston County Chapter** held a discussion on presidential abuse of power on March 8. The ACLU-WA club at **Seattle University Law School** hosted a speaker panel on April 12 on “Torture, Terrorism, Domestic Wiretapping, and Rights.”

In Eastern Washington, the **Spokane County Chapter** sponsored a presentation on government spying by **Greg Nojeim**, associate director of the ACLU National Legislative Office. The ACLU-WA club at **Washington State University** hosted an address by ACLU National Field Organizer **Matt Bowles** on March 6, on the effects of post-9/11 policies on students. **Gonzaga Law School** students co-sponsored a panel on NSA spying on March 24. The ACLU-WA’s Doug Klunder also spoke about the NSA spying scandal to 150 students at Whitman College.



Western Washington University ACLU-WA club students at Annual Membership Conference (photo: Paul Sanders)

To raise awareness about the marriage equality case pending before the state Supreme Court, the **University of Washington Law School ACLU-WA club** held a forum on Feb. 16 featuring ACLU plaintiff Judy Gamache and cooperating attorney Paul Lawrence. The **Spokane County Chapter** co-sponsored a talk by **Sharon McGowan**, staff attorney for the ACLU’s national Lesbian and Gay Rights Project.

Other events of note include:

The **Pierce County Chapter** hosted a well-attended forum on open government with the *Tacoma News Tribune* and the League of Women Voters on March 15-16.

The **Spokane County Chapter** and Eastern Washington University co-sponsored a GAP Theatre performance of “PATRIOT Acts,” drawing 250 students and community members.

Don Beckett has been selected to succeed longtime chair Yvonne Saddler as leader of the **Kitsap County Chapter**. Yvonne will remain involved in the chapter.

The **Whatcom County Chapter** co-sponsored the recent Human Rights Film

Festival in Bellingham, with the ACLU’s Eric Weight speaking after a showing of the film *After Innocence*.

The **Clark County Chapter** sent a letter to the Fort Vancouver Regional Library Board and testified at their meeting against the implementation of filters on all library computers in Vancouver. On another front, chapter leaders supported the rights of students to form a Gay Straight Alliance at Battle Ground High School.

More than 400 students at **Garfield High School** attended an assembly about the death penalty organized by the school’s ACLU-WA club.

Gonzaga Law School students hosted a speech by John Wilson about academic freedom on March 7. The club also hosted a lunchtime screening of the ACLU Freedom Files episode “Dissent.”

The ACLU club at the **University of Washington** did educational work on campus about the unfairness of the Higher Education Act provision that disqualifies students with drug convictions from receiving aid. Club leaders joined with other student clubs to start a two-credit discussion course on social justice issues. ■

Get Involved

To get involved in the ACLU-WA’s grassroots work, contact Field Director Genevieve Aguilar at aguilar@aclu-wa.org or your local chapter.

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School District Abandons Drug-Sniffing Dog Searches

The Nine Mile Falls School District has decided to stop searching its junior high and high school students with drug-sniffing dogs. The decision avoided a planned lawsuit by the ACLU-WA and the Center for Justice (CFJ).

The Nine Mile Falls School District covers territory in both Spokane and Stevens counties, and is located north of the City of Spokane. Many parents and students were upset when the District began bringing trained dogs on school grounds to sniff students’ belongings for contraband, without any suspicion of wrongdoing on the part of individual students. ACLU and CFJ were poised to file a lawsuit on behalf of a student and parent. In a March 27 letter, the school district stated it will place a moratorium on future drug dog searches until a state or federal court determines their lawfulness.

“We are pleased that the district has chosen to respect its students,” said Julia Hampton, ACLU legal program director. “The district’s blanket use of drug-sniff-

ing dogs treats every student as a suspect, without reason to believe that he or she has done anything wrong.”

The Nine Mile Falls School District hired Interquest Detection Canines in January 2004, to use trained dogs to search for drugs, alcohol, and tobacco. Asking dogs to identify so many different and unrelated items leads to a very low accuracy rate. Records from the first rounds of searches in the district showed that the dogs were incorrect over 85 percent of the times that they alerted to a package.

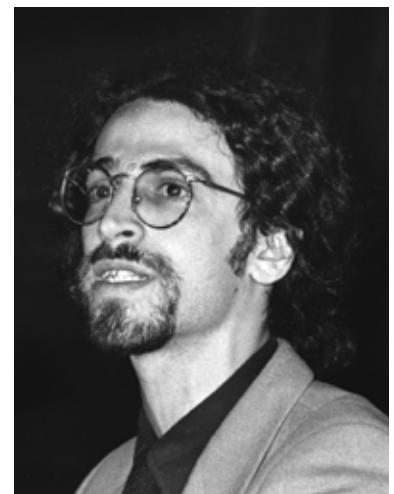
Handling this matter are ACLU Staff Attorney Aaron Caplan and Center for Justice Staff Attorney John Sklut.

In a landmark ACLU case, the Washington Supreme Court in 1985 ruled that it is unconstitutional for public schools to search a student without individualized suspicion that he or she is breaking a law or school rule. Officials at Hazen High School in Renton had sought to search student luggage prior to a school band trip. ■

“Conned” A reading by award-winning journalist Sasha Abramsky

Sat., May 20 - 2 p.m.
Elliott Bay Books
101 S. Main St.
Seattle

Felony disenfranchisement laws now deny the vote to millions of citizens while they are in prison or on parole. Abramsky will discuss how disenfranchisement is undermining America’s democratic ideals.



(photo: Rob Klein)

Co-sponsored by the ACLU of Washington

Thanks to Our Civil Libertarians in Action

These ACLU-WA volunteer speakers took the message of civil liberties to schools and community groups in recent months.

Carolyn deRoos – Marriage Equality to PFLAG in Friday Harbor

Pat Gallagher – Civil Liberties since 9/11 to the Magnolia Neighborhood Peace Project in Seattle, and at the Seattle Human Rights Film Festival, and at a forum sponsored by the Kittitas League of Women Voters in Ellensburg

Amit Ranade – Marriage Equality to the ACLU-WA Club at Seattle University

Dan Larner – Current ACLU Issues on KGMI-AM and Government Spying to the ACLU-WA Club at Western Washington University in Bellingham

Paul Lawrence – Marriage Equality to the ACLU-WA Club at the University of Washington Law School

Doug Klunder – Government Surveillance to the ACLU-WA Whitman College Club in Walla Walla and the ACLU-WA Club at Western Washington University in Bellingham, and Radio Frequency ID tags to a meeting of Dorkbot in Seattle

Brean Beggs – the PATRIOT Act to a GAP Theatre performance sponsored by the Spokane County ACLU-WA Chapter at Eastern Washington University in Cheney

Chris Varas – Homeland Security to the San Juan ACLU-WA Action Group in Friday Harbor and Government Surveillance at a forum sponsored by the Pierce County ACLU-WA Chapter in Tacoma

Steve Quesinberry – the PATRIOT Act to a Washington Education Association conference in Federal Way

Scott Johnson – Open Government at a forum sponsored by the Pierce County League of Women Voters in Tacoma

Stan Graves – the ACLU to the Croatian Society in Seattle

Timothy Kaufman-Osborn – gender issues at Abu Ghraib to students at Whitman College

Nancy Bristow and Suzanne Holland – Civil Liberties in Wartime at a teach-in at the University of Puget Sound in Tacoma

Outreach Volunteers:

Percy Hilo – staffed an information table at the ACLU Night at the Seattle Human Rights Film Festival

Betty Richardson – distributed leaflets at a Constitution Vigil

LeAnne Laux-Bachand and Larra Morris – staffed an information table at the Annual March and Rally for Marriage Equality

Josh Adlin and Russell Bates – staffed an information table at a political conference. ■

Freedom of Information

Want to know if the government has a file on you or your organization? See the pamphlet "How to Get Government Records" in the Resources/Publications section of www.aclu-wa.org to learn how to file a Freedom of Information request.



Judy Fleissner (l) and Chris Gamache speaking on marriage equality at a forum in Bellevue

Fleissner, Gamache Join Board

The ACLU-WA Board of Directors selected five new members in January. Serving interim terms and up for election in 2006 are Nancy Bristow, a professor of history and the director of the Gender Studies Program at the University of Puget Sound in Tacoma; Moley Good, a leader of the ACLU-WA Clark County Chapter and an attorney with the Fair Housing Council of Oregon; and Karen Freeman, a government relations liaison with the King County Executive. (Their candidate statements are on pages 6 and 7.)

Two other new members will stand for election in 2007. Judy Fleissner is a Bellevue police officer trained in hostage negotiations. Judy volunteers with the Seattle Schools Division of Health as a

speaker and trainer on lesbian, gay, bisexual and transgender issues, and she also volunteers at West Woodland Elementary, her children's school. She and her partner Chris Gamache are plaintiffs in the ACLU-WA marriage equality case.

Chris Gamache is an attorney with Pacific Medicaid Services, which works to provide uninsured and underinsured people with hospital coverage and services. Chris volunteers at West Woodland Elementary, and is a speaker for the Seattle Schools health office. A long-time civil libertarian, Chris was an intern in the ACLU-WA Legal Department during the summer of 1990. She helped prepare several of the other plaintiffs' declarations for the marriage equality case. ■

PATRIOT Act Renewed

Despite opposition across the political spectrum, Congress voted in early March to renew a slightly amended version of the PATRIOT Act.

Lawmakers renewed 16 provisions scheduled to expire. It approved cosmetic changes to two sections related to secret government records searches, and extended them four more years. Washington Sena-

tor Patty Murray was one of 10 senators who opposed this flawed legislation. Representatives Jay Inslee (D-Bainbridge Island) and Jim McDermott (D-Seattle) were among 138 members of the House voting against the bill.

The ACLU opposed the renewal of the PATRIOT Act because it did not address critical flaws, such as giving the government overly broad powers to conduct secret "sneak and peak" searches, access private records not directly related to terrorism, and impose gag orders on people whose records are obtained. It will continue to pursue reforms of the Act that better protect civil liberties. ■

Conference Uses Theater, Poetry, and Discussions to Educate Students



The ACLU-WA's 2006 Student Conference on Civil Liberties drew 200 students and teachers from a dozen high schools around western Washington.

The event was emceed by Rocky Bernstein, a UW freshman and performer with YouthSpeaks Seattle. It featured discussions of rights with the police, censorship, government spying, writing about civil liberties, the Drug War, and youth organizing. The conference also showcased skits by GAP Theatre and readings from challenged books by Book-It Repertory Theatre.

One of the conference highlights was an inspiring presentation

by Claire Lueneberg and Sara Eccleston, co-editors of *The Kodak* newspaper at Everett High School, who are challenging the school district's censorship and oversight of their newspaper.

Many thanks to volunteers Mina Barahimi, Matt Wexler, Percy Hilo, Mike Graham, Russell Bates, Shanthi Raghu, Larra Morris, Israel Donahue, Vonda McIntyre, Josh Adlin, and Catherine Hinchcliff. Thanks to Talking Rain for donated beverages.

Photos by Paul Sanders.

Olympia 2006: Victory for Anti-Discrimination Law

Remarkably, the 2006 legislative—scheduled to be a “short” 60 day session—was completed in just 59 days. Legislators introduced more than 1,700 bills during the session. Of those bills, more than 60 dealt with changes to the registration, sentencing and monitoring of sex offenders. In this hectic environment, few bills actually made their way through the entire process before the final gavel on March 8.

The ACLU celebrated one landmark victory: passage of the long-sought anti-discrimination bill. In another victory, legislators provided increasing funding for indigent defense, thereby putting teeth into a reform bill adopted last session. For our other priority issues, we have more work ahead to advance them in future sessions. Thanks to our members for your support throughout the session.

Here is how our priority measures fared. For a roundup of other bills we worked on, please see the ACLU-WA Web site, www.aclu-wa.org.

CIVIL RIGHTS

Anti-discrimination – HB 2661

Passed – Signed by the Governor on Jan. 31, 2006

For three decades, civil rights advocates have worked to pass statewide protections against discrimination based on sexual orientation in employment, housing, public accommodations and other areas. HB 2661 extends the jurisdiction of the Human Rights Commission to include discrimination based on sexual orientation. As happened last year, it again passed the House with a comfortable margin. This time, in the Senate the bill passed with a two-vote majority, 25–23 (with one senator excused).

While we are excited by the victory, we are concerned that opponents of the anti-discrimination measure are working to have the bill overturned. We ask people to carefully read all petitions circulated this year and decline to sign petitions for initiatives with misleading claims or titles.

CRIMINAL JUSTICE

Indigent defense funding

Passed

Last session we worked with a broad coalition to pass HB 1542, a bill that would create funding for public defense programs across the state as well as establish caseload limits and practice standards. Though the bill passed last year, the state budget did not fully fund the program. As a result, the caseload limits and practice standards are not enforceable.

This year, the Legislature passed a budget that included funding for indigent defense. We believe that the funds are a good start toward implementing a constitutionally mandated statewide public defense program. We will continue to work with our coalition partners to ensure that the counties implement and enforce the caseload limits and practice standards.

VOTING RIGHTS

Automatic restoration of the right to vote – HB 2873, 3276, SB 6651

Did not pass

Washington state prohibits former offenders from voting until they have paid all of their outstanding court fees and legal financial obligations. Because these fees can be large and take years to pay, thousands of citizens are routinely denied their right to vote, particularly among minority groups. The current process to regain the vote is also cumbersome and creates uncertainty over who is eligible to vote. HB 2873 and

SB 6651 would have automatically restored the right to vote upon the offender's release from prison. HB 3276 would have created a task force to study the issue of felon disenfranchisement and make recommendations to the Legislature.

These bills received hearings and HB 3276 was voted out of the House State Government Committee. Unfortunately, the bill was not brought up for a vote before the cut-off date. We will continue to promote automatic restoration of the right to vote.

PRIVACY

REAL ID joint memorial – HJM 4029, SJM 8037

Did not pass

The REAL ID Act was signed into federal law in 2005, requiring states to generate standardized driver's licenses with enhanced security features, and to store the drivers' information in nationally connected databases. The law requires states to start issuing these licenses in three years, but it did not set aside funds to make that possible. In Washington state, the costs of transitioning into a new system will be at least \$250 million in the first few years.

We oppose the REAL ID Act because it creates a national identification card that could endanger privacy and expose users to identity theft. We supported these memorials because they would have called on the President and Congress to repeal the REAL ID Act.

Limits on scanning of driver's licenses – HB 2787

Did not pass

As technology improves and driver's licenses become more standardized, more and more retailers and marketers are going to seek to capture the information from driver's licenses for commercial purposes. HB 2787 would have allowed nongovernmental entities to use driver's licenses for identification or age verification but prohibited the capture of that information for any other purpose.

We supported this bill because it would make personal information more secure. Personal information collected to protect safety on the highways should not be used for unrelated commercial purposes.

RELIGIOUS FREEDOM

Religious exemption to the Clean Indoor Air Act – SB 6213, HB 2652

Did not pass

In November 2005, the voters overwhelmingly approved a statewide smoking ban. Unfortunately, the drafters of the initiative did not consider the impact the

ban would have on certain religious rituals. A number of religions incorporate smoke or smoking in their ceremonies. The smoking ban unconstitutionally prohibits these practices. These bills would have simply inserted a religious exemption into the Clean Indoor Air Act to make the statute constitutional.

We had strong support from a number of legislators. However, the bills did not pass due to the concern that the change would be interpreted as a reversal of the initiative and a rejection of the “will of the people.” We will continue to work on this issue in different arenas.

DRUG POLICY

Medical marijuana enforcement – SB 5943

Did not pass

In 1998, the people of Washington passed I-692 to protect medical marijuana patients and caregivers from criminal prosecution. Yet eight years later, it is common for courts to prevent accused patients and caregivers from invoking the Medical Use of Marijuana Act in their legal defense. These practices effectively guarantee that such patients or caregivers will be convicted for use, possession or cultivation of medical marijuana, against the intentions of the voters.

This bill would have clarified that seriously ill patients have the fundamental right to defend themselves fully in court. The bill also clarified what information is to be included in a physician authorization and protects physicians' ability to advise their patients about medical use of marijuana, without fear that their written authorization will be used against their patient or the patient's caregiver.

Medical marijuana, state jurisdiction – SJM 8028, HJM 4028, 4033

Did not pass

Though Washington state allows medical use of marijuana, federal law does not. This creates a dangerous environment for critically ill patients, their doctors and caretakers, who fear arrest and prosecution from federal agencies for medicinal use of marijuana.

These Joint Memorials asked the president and Congress to allow the states to decide for themselves whether to allow marijuana use for personal medical purposes, as long as it is not sold or transferred between states. We supported these resolutions because they would have urged the federal government to remove the threat of punishment for patients who exercise their rights under our state's medical marijuana law. ■

Legal Briefs

Offender Housing Restrictions Upheld

Lewis v. Issaquah

ACLU Staff Attorney Aaron Caplan

King County Superior Court Judge Linda Lau dismissed in February part of a lawsuit by the American Civil Liberties Union of Washington, which challenged an Issaquah ordinance that severely restricts where sex offenders may live in the city.

Judge Lau rejected ACLU-WA arguments that the Issaquah city ordinance conflicted with state laws, that the city had exceeded its police powers, and that the ordinance was unconstitutional as a bill of attainder, as a violation of due process and equal protection, and as a cruel and unusual punishment.

The ACLU will pursue the claims that remain in the lawsuit, which ask whether Issaquah's application of its ordinance against Kyle Lewis violates the Constitution. Because the Issaquah city ordinance was passed after Lewis moved into the city to force him to move from his home, the ACLU will argue that the ordinance is unconstitutional as an ex post facto law that imposes additional punishment on a felon who has already served time for his crime.

The ACLU is also challenging fines that Issaquah imposed on Lewis. That challenge will take place in Issaquah city court.

Suit over Free Speech Rights of Marchers Can Go Forward

October 22 v. City of Seattle

ACLU-WA Cooperating Attorneys Michael Ryan and Christopher Varas and Staff Attorney Aaron Caplan

On March 14, U.S. District Judge Robert Lasnik rejected a motion from the City of Seattle to dismiss a lawsuit brought by the ACLU-WA on behalf of the October 22 Coalition, a group that opposes police brutality. The lawsuit challenges the actions of the Seattle Police Department on Oct. 22, 2003, when officers told the demonstrators that their parade permit was “rescinded” only moments before their march was scheduled to begin. The city had originally granted the Coalition a parade permit to march from Seattle Central Community College to Hing Hay Park.

The judge ruled the parade ordinance provision that allows the police to modify the terms and conditions of the permit in the interests of vehicular and pedestrian traffic safety is constitutional. But a trial will be necessary to determine whether the ordinance was applied in an unconstitutional manner that violated free speech rights. The case is scheduled to go to trial on May 1. ■

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Receive Legislative Alerts so you can take action on key civil liberties issues when it matters most.

Sign up at www.aclu-wa.org click on the “Take Action” icon

Make a difference on important issues!



ACLU of Washington Board

Dear ACLU-WA members,

Give us a vote of confidence. The Nominating Committee is pleased to present an excellent group of candidates for the Board of Directors. The Nominating Committee sought individuals who, in addition to having a strong commitment to civil liberties and civil rights, have expertise and characteristics that match current needs of the Board. Each of our candidates has expressed a commitment to active participation in the stewardship of the ACLU-WA through organizational, substantive, and fundraising efforts.

The persons who serve on the Board of Directors of the ACLU-WA play a crucial role in ensuring the strength and direction of the foremost civil liberties organization in this state. They devote a tremendous amount of time and effort in order to set policies, review potential ACLU cases, oversee other programs, and raise funds for our \$2-plus million dollar budget. Your vote is an endorsement of the candidates and a vote of confidence in the work of the ACLU of Washington over the past year. No candidates were nominated by petition.

The Board's five-year Strategic Plan, adopted in 2004, called for an overhaul of the bylaws. To align the Board members' terms with the ACLU-WA's budget year, the Board of Directors changed the month in which board terms begin. Previously, Board members served three-year terms starting in June of their election year. The

new bylaws provide for board members to start serving their terms in the January following their election. Future elections will be moved from April of each year to November. Terms for the Board's 30 members are staggered so that 10 positions expire every year.

In order to effect this change, the terms of current Board members and those to be elected this year would either have to be lengthened by six months or shortened by six months. The Board determined that subject to membership approval, the terms should be extended by six months so that all terms of office will end in January instead of June. Accordingly, the candidates presented on this ballot will serve terms ending in January 2010 instead of June 2009. In addition, the current Board members have been asked to extend their terms by six months. Please vote below indicating whether you approve this change in term for current members and those to be elected this year.

Thank you to Nominating Committee members for their work: Beth Andrus, Karen Boxx, Becky Guerra, Karolyn Hicks, Scott Johnson, Paul Lawrence, Salvador Mungia, and Laurel Siddoway. And a special thanks to Libby McIlhany.

Amit Ranade
Nominating Committee Chair

ACLU-WA Board Election Ballot: VOTE HERE

The ballot lists the 9 nominees for 9 positions on the Board of Directors and an item concerning term extensions. Please follow these instructions.

- Two ballots are supplied — Voter A and Voter B — in case you have a joint membership, which you can determine by looking at the label on Page 1 of your newspaper. On the top line, if you see a "J" after the string of letters ("WAA," "WAB," etc.), then you have a joint membership. If you see an "I" or an "O," then you have an individual or organizational membership and you may only use one ballot.
- Only current ACLU members may vote. If you are a current member, the top line of your mailing label will have a date, and the date will be "Nov-05" or later. The word "VOTE" will also appear on your label. Otherwise your membership is no longer current or you are an ACLU-WA Foundation supporter only.

- Mark the space next to the name of each candidate for whom you wish to vote, and also mark Yes or No on the ballot item.
- Clip the ballot and enclose it in the envelope provided. If you wish added privacy, first put your ballot inside a plain envelope, then place it inside the vote envelope. If your envelope is missing, just address another envelope to: attn: Tally Committee, ACLU of Washington, 705 2nd Avenue, 3rd Fl. Seattle, WA 98104-1799.
- Peel the mailing label from your copy of Civil Liberties and place it on the return address area of your envelope. Ballots cannot be counted without this mailing label.
- Affix postage and mail the ballot so that it is postmarked no later than **May 10, 2006**.

Voter A		Voter B	
<input type="checkbox"/> Robert Plumb	<input type="checkbox"/> Nancy Bristow	<input type="checkbox"/> Robert Plumb	<input type="checkbox"/> Nancy Bristow
<input type="checkbox"/> Moloy Good	<input type="checkbox"/> Christian Halliburton	<input type="checkbox"/> Moloy Good	<input type="checkbox"/> Christian Halliburton
<input type="checkbox"/> Timothy Kaufman-Osborn	<input type="checkbox"/> Trilby Robinson-Dorn	<input type="checkbox"/> Timothy Kaufman-Osborn	<input type="checkbox"/> Trilby Robinson-Dorn
<input type="checkbox"/> Yvonne Sanchez	<input type="checkbox"/> Ashish Wahi	<input type="checkbox"/> Yvonne Sanchez	<input type="checkbox"/> Ashish Wahi
<input type="checkbox"/> Daniel Larner		<input type="checkbox"/> Daniel Larner	
(For more information on this see above letter from Nominating Committee Chair Amit Ranade).		(For more information on this see above letter from Nominating Committee Chair Amit Ranade).	
The terms of office of the current Board and those to be elected in April 2006 shall be extended from June to the following January in order to implement the change of month in which new Board members are seated.		The terms of office of the current Board and those to be elected in April 2006 shall be extended from June to the following January in order to implement the change of month in which new Board members are seated.	
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No



Nancy Bristow

In 1963, Martin Luther King wrote that "we are caught in an inescapable network of mutuality, tied in a single garment of destiny." For King, the protection of the civil liberties of the lone individual had become the responsibility of all. As a scholar of American history, though, I am profoundly aware of how frequently this responsibility has been abdicated. From the Jim Crow laws, immigration restriction and Japanese-American incarceration of the past to the Patriot Act, racial profiling and prohibitions on gay marriage of the present, it is clear that civil liberties have always needed protecting. As a teacher of American history I have worked to awaken in my students an awareness of the importance of each citizen defending those liberties. I would be honored to serve

on the ACLU Board, working to extend my role as an educator in the service of a true leader in this struggle.

Photo credits

Nancy Bristow: University of Puget Sound, Ross Mulhausen; Christian Halliburton: Seattle University School of Law; Timothy Kaufman-Osborn: Ian Spiers; Yvonne Sanchez: City of Seattle

of Directors Candidates



Moloy Good

I was recently appointed to the Board of Directors of the ACLU-WA. It has been a tremendous honor to serve on the Board. I wish to continue this service, because I wish to help people vindicate and protect their rights. I have been active with the Clark County Chapter of the ACLU for the past three years, helping organize our events, and providing advocacy on issues of civil liberties on behalf of the Chapter. I strongly believe that southwest Washington should be represented on the Board, and I am happy to fill that role. I am committed to the pursuit of social justice, and I have used my career to achieve that goal. Currently I assist people who feel they have been illegally discriminated against in housing by coordinating covert investigations. Previously I worked for Legal Aid Services of Oregon representing a variety of low-income clients with their legal needs.



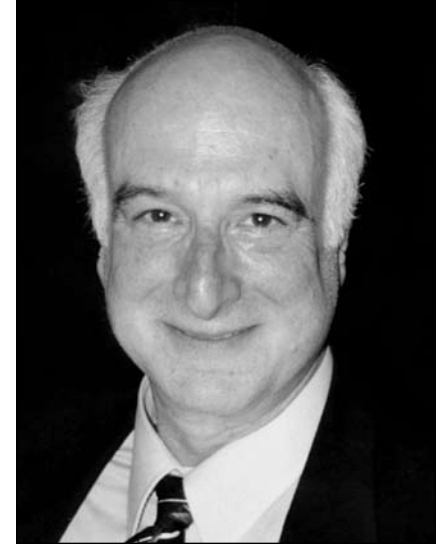
Christian Halliburton

I ask you for the opportunity to continue to serve on the ACLU-WA Board of Directors. I remain eager to advance the public interest by working to protect our individual and collective civil liberties. I have sought to preserve those liberties in a variety of ways: assisting in federal litigation over physician-assisted suicide to protect terminally ill peoples' medical choices; exposing race-based enforcement of criminal laws; and working to preserve our state's constitutional prohibition on the use of public funds for private religious purposes. The law's potential to be used to intrude on fundamental human and distinctly American freedoms can be resisted. I am now focused on that effort at the intersections of criminal law and social justice, particularly given the disparate law enforcement treatment of socially disadvantaged communities, and encroachments on the right to privacy and freedom of conscience occasioned by anti-terrorism efforts.



Timothy Kaufman-Osborn

I have been a member of the ACLU-WA's board of directors for 15 years now; and, for the past four years, I have had the honor to serve as its president. In this capacity, I am especially proud of my work in overseeing completion of our long-range strategic planning effort, "Building on Success." I have also served as a plaintiff in our successful challenge to Washington's "dirty music" law as well as in our challenge to Washington's term limits statute. If elected to another term, I will continue to do what I can to enhance the visibility of the ACLU in southeastern Washington. In the present political context, the ACLU is perhaps the only organization capable of checking the erosion of our most fundamental civil liberties, and I am eager to continue to be a part of that fight.



Daniel Larner

In the present crisis I have given more than 40 presentations to various organizations, civic groups, schools, universities and public forums on civil liberties and national security. I have been raising funds for ACLU at a redoubled pace. I have had the honor of serving on the ACLU-WA Board of Directors for most of the last 37 years, serving on the executive, nominating, chapter structure, awards, and field committees, and on several ad hoc committees formulating policy. Urgent priorities: Public education and outreach, legislative work, keeping the pressure on against government spying and the Patriot Act, fighting restrictions on free speech whenever and wherever they arise, keeping our board diverse and connected to diverse communities, and mobilizing our membership to speak out. If elected, I will continue to devote the best of my energies to the ACLU. Civilian life: Professor of Theatre, Fairhaven College, WWU.



Robert Plumb

I am honored to be considered for a position on the board of the ACLU-WA. I have a continuing interest in protecting civil liberties for all citizens. Let me briefly tell you a little about myself. I hold four advanced degrees and was founding faculty and the first chair of education and psychology at Heritage University (main campus located on the Yakama Indian Reservation – the only minority university in Washington). My teaching fields are diversity issues and research. I presently sit on the boards of METT (Multi Ethnic Think Tank – for the Superintendent of Public Instruction), the GLBT Board for DSHS and the Yakima County Coalition for the Homeless. I hope to add to the superb work the ACLU-WA has done in defense of citizen rights.



Trilby Robinson-Dorn

It has been my privilege to serve on the Board of the Directors of the ACLU-WA for the past three years. I currently serve on the organization's Executive Committee, and have also served on the Awards Committee and as a delegate to the ACLU Biennial Conference in New Orleans. I have been active as a cooperating attorney for the ACLU for over eight years, handling cases involving the constitutionality of denying a divorce to a woman based upon her pregnancy, juvenile strip searches, and the right of students to protest. In addition, I have served as a public speaker for the ACLU-WA on a variety of topics, including reproductive freedom, student rights, search and seizure, government censorship, and civil liberties post 9-11.

I am committed to continuing to use my background in law and political organizing to advance the ACLU's goals, and thank you for your support.



Yvonne Sanchez

I joined the Board in 2005 – and all year felt a deep sense of pride in being able to say that I serve on the Board of the ACLU! My short time as a Board member has been spent "getting my feet wet:" shadowing fellow board members during the annual capital campaign to learn how it is done; contributing to Board discussions whenever it made sense for me to speak up; and, speaking about the ACLU and its position on civil liberties when offered the opportunity. If re-elected to the Board I would like to be much more involved – reaching out to youth and speaking to groups like Rotaries and Chambers. I am particularly interested in giving voice to the threat posed to our human rights and civil liberties by the current wave of anti-immigration sentiment and activity sweeping our country.



Ashish Wahi

I am honored to submit my name as a potential candidate for the Board of the Washington chapter of the ACLU. I have lived in the United States for the past seven years. Prior to that I was a student in Sydney, Australia and I spent my formative years in India. I believe that my education and life experiences will enable me to be an effective member of the board in shaping policy for the critical and complex issues currently being faced by the ACLU. Further, as a person of South Asian descent, the work that ACLU of Washington has done to promote equal rights is extremely important to me and my family. As a board member, I would like to have a voice in contributing to the ACLU Washington chapter's policies and in advocating its charter of civil liberty to all, regardless of affiliation.

Supporters Flock to ACLU-WA Conference



Audience members lining up several deep to ask questions to panelists



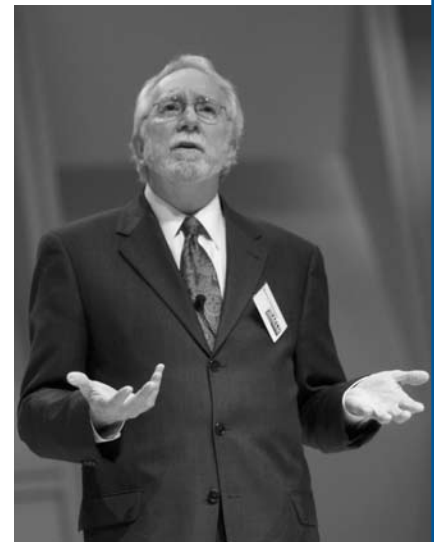
Volunteers staffing ACLU table



Keynote speaker Bruce Schneier



Board Members Trilby Robinson-Dorn (l) and Nancy Bristow



Norm Stamper

More than 500 members and supporters thronged to the ACLU-WA's Annual Membership Conference at the University of Washington in February. With a theme of "Beyond Fear: Thinking Sensibly About Freedom in an Uncertain World," the event featured talks by security expert Bruce Schneier and former Seattle Police Chief Norm Stamper and panel discussions on privacy, the REAL ID Act, detentions, and torture. Schneier's keynote address was covered by the *Seattle Times* and later broadcast on the Seattle Channel and TVW.

Thanks go to event volunteers Mina Barahimi, Matt Wexler,

Cathy Clemens, Percy Hilo, Alexis Wheeler, Mike Graham, Sarah Shifley, Geoff Cole, Bradly Nakagawa, Heather Villanueva, Dana Elkun, Aaron Keating, Betty Richardson, Charla Gray, Andrew Johnson, Vonda McIntyre, Brad Thomas, and Justin Campbell. Many thanks to Cynthia Lynn, who designed the conference invitation and program.

Special thanks to our food donors, Mighty-O Donuts and Sunflour Bakery.

Photos by Paul Sanders.

"Spying, Secrecy, and Presidential Power" A Town Hall Forum

John W. Dean, former legal counsel to President Richard Nixon

Lisa Graves, ACLU senior legislative counsel

**Thursday, May 4, 7 p.m. (doors open at 6:15 p.m.)
Town Hall Seattle, Eighth Avenue & Seneca Street**



(photo: FindLaw.com)

"In acting here without Congressional approval, Bush has underlined that his Presidency is unchecked – in his and his attorneys' view, utterly beyond the law. Now that he has turned the truly awesome powers of the NSA on Americans, what asserted powers will Bush use next?"

- John Dean, December 30, 2005