

# LIBERTIES

KEEPING AMERICA SAFE AND FREE

FALL 2008

## STRATEGIC AFFILIATE INVESTMENT POSITIONED TO ADVANCE CIVIL LIBERTIES

AN AMBITIOUS AND DARING PLAN TO BUILD AND EMPOWER  
THE ACLU OF EASTERN MISSOURI

By **Brenda Jones**, Executive Director, ACLU-EM

I hope you like the new look of *Liberties*. It is only one important change taking place at the ACLU of Eastern Missouri.

We have embarked on a strategic growth plan that includes additional staff, enhanced regional presence, increased public education and more intensive work at the legislature.

This growth plan is transforming the ACLU of Eastern Missouri which until 2004 had three full-time and one part-time staff and approximately 3000 members. The ACLU of Eastern Missouri now has a full-time staff of six and close to 5000 members. When the growth plan is fully implemented in 2013 or 2014, we will have a staff of 15, including staff on the ground in Columbia, Missouri and southeast Missouri.

The anticipated dramatic growth of the next years is attributed to the recent selection of the ACLU of Eastern Missouri (along with Florida, Texas, New Mexico, Montana,

Mississippi, Michigan and Tennessee) for participation in the organization's Strategic Affiliate Investment program. This program is a bold and daring plan to build up the infrastructure and institutional capacity of ACLU affiliates.

For more than 80 years the American Civil Liberties Union has been on the frontline in our state where many civil liberties battles are fought and opportunities to advance civil liberties are first revealed. As a relatively small affiliate, we have typically performed out of proportion to our size, accomplishing more for civil liberties in this part of the state than might reasonably be expected.

Being chosen as a strategic affiliate is an acknowledgement of our success and will give us the capacity to serve more clients, take on more cases and achieve more legal victories. The expanded staffing and legal, legislative and public education programming will ultimately increase the protection and advancement of civil liberties throughout eastern Missouri, including



those areas where the need is great and the opportunities abound.

Our affiliate is honored to be named a "strategic affiliate," and we feel the nervous excitement that often accompanies an important challenge. We want our members and supporters to feel this excitement too, because the plan will not succeed without your help. We'll need even more of your support to meet and surpass this challenge. Look to the pages of *Liberties*, our website, and our office for more information about how you can help.

## ACLU-EM Staff

Brenda Jones, Executive Director  
 Tony Rothert, Legal Director  
 Lucinda Perry, Director of Development  
 Scott Emanuel, Development Associate  
 Redditt Hudson, Racial Justice Manager  
 John Coffman, Legislative Consultant  
 Debbie Read, Executive Assistant

### Contact us

File a legal complaint (314) 652-3111  
 Reach a staff member (314) 652-3114

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## ACLU ACTIVIST TRAINING

**O**n September 27 over 50 ACLU-EM members learned how to bring about positive change in Missouri through advocacy. The ACLU-EM's Mid-Missouri Chapter located in Columbia, Missouri, hosted an "ACLU Activist Training." Participants honed their skills on how-to topics such as meeting with elected officials, talking to reporters, positioning civil liberties issues, and bringing about positive change that will impact the quality of life for all Missourians.

"What I think people walked away with was greater confidence in dealing with legislators, the media and their fellow citizens on topics of civil liberties," said **Dan Viets**, an attorney and



Mid-Missouri Chapter board member. "In presidential election years, people tend to become politically active. We'd like to see that carryover beyond this year, and I think this session helped build interest and involvement."

The ACLU-EM is planning a Lobby Day at the Missouri Legislature next spring. Stay tuned on how your voice can be heard.

## 2008 MISSOURI VOTER EMPOWERMENT CARD

The ACLU-EM believes that no civil right is more important in our democracy than the right to vote. We want to thank the following community partners who helped us distribute over 12,000 Voter Empowerment Cards to people at risk for being disenfranchised.

- A Call to Oneness
- The Advancement Project
- ACORN
- Missouri Pro-Vote
- Missouri Immigrant and Refugee Advocates (MIRA)
- No More Stolen Elections



## DIRECTOR'S SERIES

**T**his spring, ACLU-EM Executive Director **Brenda Jones** launched the 2008 Director's Series featuring National ACLU program directors. These experts shared insightful comments with our members on a variety of issues including racial justice, reproductive rights, religious freedom, voting rights, and immigration rights. Planning is already underway for the 2009 Director's Series. Join us for these compelling conversations!



**top:** Hon. Evelyn Baker, Brenda Jones (Executive Director, ACLU-EM) and Rosalyn Madden

**second from top:** Murray Underwood (ACLU-EM Board member), with wife Mary Jane and Louise Melling (National ACLU Reproductive Freedom Project Director)

**third from top:** Attorneys Tom Durphy, Althea Jones and Rufus Tate

**bottom:** Terry Bloomberg (ACLU-EM Board Treasurer), Lucas Guttentag (National ACLU Immigrants' Rights Project Director), Tom Blumenthal (ACLU-EM Board President) and Frances Hyman

"The 2008 Director's Series promoted the most current and innovative thinking on civil liberties issues. Our membership and community partners left feeling more informed about the complex subjects we face in these extraordinary times."

—Brenda Jones,  
Executive Director, ACLU-EM

### THANKS TO OUR SUMMER INTERNS



**left to right:** Matthew Thomas, Aaron Wallis, Tony Rotherth (Legal Director), Natalia Evdokimova, Allison Schulman, Nate Howard and Ian Darnell

## WORKING TO GUARD CIVIL LIBERTIES IN LAW ENFORCEMENT

POLICE ACCOUNTABILITY ROUNDTABLE NOVEMBER 13

### Stopping the School-to-Prison Pipeline

The “School-to-Prison Pipeline” refers to the policies and practices that push our nation’s schoolchildren, especially our most at-risk children, out of classrooms and into juvenile and criminal justice systems. This pipeline reflects the prioritization of incarceration over education. The ACLU-EM is taking action to halt this disturbing trend in our state. The program will consist of an intensive public education and outreach campaign, focused in select high schools located in southeast Missouri and St. Louis City. We’ll be promoting best practices that include:

- Revising disciplinary policies that push students out of school and into the criminal justice system.
- Educating teachers and administrators about the consequences of punitive policies.
- Encouraging parent involvement in policy change at schools.

“Children have both constitutional rights and human rights that are violated when we channel them into the notorious school to prison pipeline. As a society, we are judged by how we nurture and protect our children,” said **Brenda Jones**, Executive Director of the ACLU of Eastern Missouri. “We know there are better ways to address these issues.”

Innovative strategies to curb police misconduct will be the main topic of discussion at a roundtable discussion hosted by the ACLU-EM on November 13.

Criminal justice expert **Sam Walker**, author of the book, *The New World of Police Accountability*, will be the featured guest at the event. “There are a package of reforms now being implemented that appear to be significant,” Walker said. Among these are customized data systems that track officer performance in areas such as use of force and citizen complaints, according to Walker. “It’s now possible to identify specifically those officers with questionable behavior, and to provide them with training and counseling to ensure that behavior stops,” he said.

The roundtable will bring together some of the foremost authorities on law enforcement in the St. Louis metropolitan area. Invited participants in the discussion include U.S. Rep. **William Lacy Clay, Jr.**; **Francis Slay**, St. Louis City Mayor; **Charles Dooley**, St. Louis County Executive; St. Louis Board of Police Commissioners; members of the St. Louis Board of Alderman Public Safety Sub-Committee; **Catherine Hanaway**, United States Attorney; a U.S. Justice Department representative; **K.L. Williams**, St. Louis Circuit Attorney and expert on police accountability issues; and **Rodney Holmes**, former U.S. Prosecutor and ACLU-EM Legal Committee member, along with selected law enforcement officials.

“This event gives us a tremendous opportunity to dialogue with policy makers and others who impact our criminal justice process in Missouri. The ACLU of Eastern Missouri is the right organization to convene this meeting. Given the most recent scandals and widespread reports of police misconduct in our state, the timing is right too.”

– **Redditt Hudson**, ACLU-EM Racial Justice Manager

# RACIAL JUSTICE

## GOOD NEWS!

IT'S NOT ON THE BALLOT

**M**issourians gained a victory in the fight for fairness and equal opportunity when the so-called Missouri Civil Rights Initiative (MoCRI) failed to earn a place on this November's ballot. MoCRI was aimed at eliminating affirmative action programs that have helped level the playing field for minorities and women in business and education.

In an attempt to get the signatures needed to put the issue on the ballot last spring, its backers used deceitful tactics to lure voters into signing on. MoCRI's backers sued Missouri Secretary of State **Robin Carnahan** when she revised MoCRI's language to make voters aware of its impact on affirmative action. The ACLU of Eastern Missouri filed an amicus brief in support of Carnahan.

### Appeal Pending in Dillard's Discrimination Case

What are the civil rights of shoppers in a retail setting? Plaintiffs in *Crystal Gregory et al v. Dillard's* contend that 13 black shoppers at the Columbia store were denied the same opportunity to purchase goods as white shoppers.

The case was initially dismissed by the district court. With the help of an amicus brief filed by the ACLU-EM, the plaintiffs won on appeal. The case is now pending a rehearing.

### ARE YOU THE PARENT OF A STUDENT ACTIVIST?



Photo Credit: Michael Woolsey, ACLU of Northern California

If so, please contact us about the **ACLU Student Activist Scholarship Program**

Has your son or daughter stood up for

- RACIAL JUSTICE
- FREE SPEECH
- HUMAN RIGHTS
- EQUALITY
- TOLERANCE

16 high school students from across the country will each be awarded a \$12,500 college scholarship for their dedication to preserve our civil liberties. Those students will then become part of an elite "class" of student activists, whose talents and passion will be fostered by the ACLU National Office.

Please contact Deborah Read at 314-652-3114 by November 21.



To learn more about the ACLU, its mission, and our work, please visit [www.aclu.org](http://www.aclu.org)

## DUE PROCESS RIGHTS STALLED?

“Before the ACLU agreed to help me, I felt there was nothing I could do to find out about the status of my green card application. The long wait was affecting my career — I couldn’t apply for federal grants or even for some private grants.”

— **Dr. Haibo Zhao, M.D., Ph.D.**  
Instructor in Pathology and Immunology  
Washington University in St. Louis

**H**ow long is too long to wait? That’s the question raised by a long-standing request for permanent residency by **Dr. Haibo Zhao**, a researcher and molecular biologist at Washington University Medical Center in St. Louis.

Zhao, a native of China, waited nearly two years for the Citizen and Immigration Services (a division of the Department of Homeland Security) to act on his request. In the meantime, government research grants Zhao had been awarded were withdrawn because he lacked permanent residency. In general, processing residency requests takes a year or less.

The ACLU-EM filed a challenge to the indefinite delay on behalf of the Zhao family. The case demonstrates a potential lack of due process provided to those awaiting a determination like

“It appears that the executive branch of the government can take as long as they like for any reason or no reason in adjudicating these applications.”

— **Tony Rotherth**,  
ACLU-EM Legal Director

Zhao’s. “It appears that the executive branch of the government can take as long as they like for any reason or no reason in adjudicating these applications,” said **Tony Rotherth**, ACLU-EM Legal Director.

If an applicant has a common name, the required “name check” can stall the approval process indefinitely. The FBI blames the INS (Immigration and Naturalization Services) and the INS blames the FBI.

Zhao and his family finally have received their “green cards,” making them permanent legal residents. Yet the case demonstrates a serious issue. This is an ongoing problem, and one that will need to be resolved in the courts eventually.

## MUSLIM RIGHTS TASK FORCE

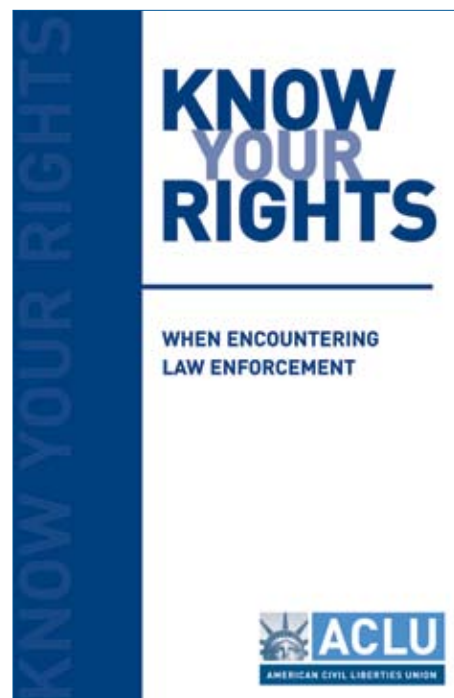
Since the 9/11 attacks, the FBI has implemented hundreds of “interview programs” in Muslim communities throughout the nation. Many people have been singled out for questioning because of their religion and ethnicity, not for criminal suspicion.

The Muslim population of St. Louis is estimated to be between 50,000 and 65,000 people. They represent a broad range of countries and ethnicities, including African-Americans, Bosnians, Indians, Pakistanis, Bangladeshis, Afghans, Arabs and recent refugees from Somalia. The ACLU of Eastern Missouri anticipated that serious civil liberties violations would occur here because of the government-created climate of fear. Unfortunately, our local experience is consistent with what the ACLU has found nationally; that is: FBI agents arriving unannounced at homes and workplaces of innocent people who have no records of criminal activities or ties to terrorist groups; agents casting undue suspicion in questioning co-workers, neighbors and friends of interviewees; and officials denying interviewees their right to attorney representation and questioning about First Amendment behavior which has no bearing on criminal activity.

In response, the ACLU of Eastern Missouri formed a Muslim Rights Task Force with representation from a cross-section of the Muslim community. On July 13 the Muslim Rights Task Force hosted a forum that attracted over forty concerned Muslims at the Daar-Ul-Islam Mosque in Ballwin. The format, similar to a town hall meeting, featured an expert panel that included **Jim Hacking**, an attorney with expertise in American-Islamic relations; **Annette Lamoreaux**, legal director for the Texas Advocacy Projects; and **Dr. Naseem Shekhani**, an ACLU-EM Board Member. Forum attendees confirmed they had been confused about how to respond if approached by an FBI agent and admitted a lack of understanding their constitutional rights.

The ACLU-EM is actively pursuing funding from individuals and private foundations that will support a comprehensive approach to address the problem. The program calls for developing a network of attorneys who would be “on call” to accompany those targeted for questioning, conducting “Know Your Rights” workshops throughout the Muslim community, and referring appropriate cases to our litigation program.

“The ACLU of Eastern Missouri has formed a Muslim Rights Task Force with representation from a cross-section of the Muslim community.”



## ACLU PREVAILS OVER BROAD FUNERAL PROTEST LAW

### Pine Lawn Pulls Up Its 'Sag' Law

At the suggestion of the ACLU-EM, the city of Pine Lawn may give up on legislating how citizens may wear their pants.

In a move that attracted national attention last year, Pine Lawn passed a law prohibiting "sagging," a style embraced by some urban youth. Sagging means wearing pants below the waist, sometimes exposing underwear.

The ACLU-EM took up the defense of Brian Valley, 38, who received a \$100 ticket for sagging. Rather than face an expensive legal battle, Pine Lawn dismissed the case in municipal court.

"Our plan was to ask the court to dismiss it as unconstitutional, but we didn't have to because the city decided to dismiss it voluntarily," said **Tony Rothert**, Legal Director of the ACLU-EM.

Pine Lawn officials apparently are still considering their wardrobe options.

In response to an ACLU of Eastern Missouri suit, the U.S. Court of Appeals for the Eighth Circuit ruled the ACLU's clients were entitled to an injunction against Missouri's broad funeral protest law. At the heart of the matter were protests at military funerals by members of the Westboro Baptist Church of Topeka, Kansas. Protesters claimed the military deaths were God's retribution for tolerance of

homosexuality. The injunction ensures that church members retain their right to peaceful protest while the constitutionality of the law is being reviewed.

Free speech must be protected, even if the speech is unpopular. Laws that restrict first amendment rights never harm only one group; they pave the way for restrictions on the right to dissent for all groups.

## PINK AND PRESENT

**A**melia Robbins, a seventh-grader at Mountain Grove Middle School in southern Missouri, was suspended shortly after the start of school for dyeing her hair pink. Responding to an ACLU-EM

letter noting that students have a protected right to express themselves, school district officials allowed the student to return to school. Amanda dyed her hair pink as a tribute to her father who died of cancer a few years ago.

Looking for a complete list of our legal docket?  
Visit our website: [www.aclu-em.org](http://www.aclu-em.org).

# RELIGIOUS FREEDOM

## APPEAL PENDING ON BIBLE DISTRIBUTION IN PUBLIC SCHOOLS

**T**he First Amendment protects us from government establishment of religion. The South Iron School District in southeastern Missouri still seems to think it can bend that rule a bit.

The school district has appealed a decision by the U.S. District Court for the Eastern District of Missouri. The court held that the school district's practice of allowing the distribution of Bibles in classrooms during class time was unconstitutional. The ruling was in response to a suit by the ACLU-EM.

"If the appellate court reverses the lower court's ruling, it will be a real break in the wall of separation between church and state," said Leonard Frankel, ACLU-EM cooperating attorney.


## HARRY POTTER AND THE SMALL-TOWN LIBRARIAN

**N**o Missourian should be persecuted because of his or her religious beliefs.

This concept forms the basis of a lawsuit filed by the ACLU-EM on behalf of Deb Smith, a librarian with the Poplar Bluff Public Library. Because of her religious convictions, Smith sought to be excused from participating in a library event

promoting the release of Harry Potter and the Deathly Hallows in June 2007. The library director disagreed and suspended Smith without pay for 10 days. When Smith returned to work, the director continued to harass Smith about her religious beliefs until, eventually, the stressed-out librarian quit her job.

The case is pending.



**37TH ANNUAL  
BILL OF RIGHTS  
CELEBRATION**

**SATURDAY, DECEMBER 6**  
RECEPTION 6-9PM  
REMARKS 7PM

**MISSOURI HISTORY MUSEUM  
ST. LOUIS, MISSOURI**

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**HONORING THE ATTORNEYS  
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# INBELOVEDMEMORY

## REMEMBERING HELEN WEISS

ACLU-EM BOARD MEMBER: 1925-2008



Laura Cohen, Helen Weiss and Honorable Judge Draper

“The ACLU-EM has lost a great leader in the passing of our board member, Helen Weiss. Helen was a great defender of civil liberties. Her energy and spirit in support of the ACLU was unflagging. She certainly helped form my philosophy of what a civil liberties activist should be. Helen’s focus on civil liberties and her dedication to this cause was acute and unerringly correct. She was inspirational. We will miss her voice.”

– Thomas Blumenthal, *ACLU-EM Board President*

### TRIBUTES

#### IN MEMORY OF HELEN WEISS

Aly Abrams and Patrick Kelly  
Joel Achtenberg  
Joyce Armstrong  
Gladys Barker  
Gordon and Terry Bloomberg  
Tom Blumenthal  
Jutta Buder  
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Roger Goldman and Stephanie Riven  
Sidney and Lois Goldring  
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Louise Green

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Stewart Halperin and Susan Spiegel  
Frank Hamsher and Peggy Guest  
Virginia Harris  
Susie Hochman  
Art and Gayla Hoffman  
Claudia Horn  
Valerie Hyman  
Brenda Jones  
Aron and Jeanne Katzman  
David Krauss and  
Nada Fremder-Krauss  
Jerold and Judith Kreisman  
Kim Kuehner  
David Landau and Marybeth Pereira  
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Joy Lieberman  
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Shannon Lopata  
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Charles and Gigi Werner  
Marilyn R. Werner  
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Gerald and Sandra Wool

# 2007-2008 GIFTS

## THANK YOU TO OUR SUPPORTERS

**A**s you reflect on your philanthropic contributions, please consider a generous gift to the ACLU Fund of Eastern Missouri. As a valued donor, you'll receive special invitations to attend exclusive events and meetings with prominent local and national civil libertarians — along with other opportunities designed to keep you abreast of the most pressing issues of our day. And you'll have the satisfaction of knowing that you are defending the constitutional rights of thousands of Missourians.

Thank you to our many supporters who contribute to the ACLU Fund of Eastern Missouri. Because of their generosity and commitment, the values of the Bill of Rights continue to be more than a promise on paper. These tax-deductible contributions made to the Fund support our litigation and public education programs.

Donors to the ACLU Fund of Eastern Missouri in FY07-08 are listed below.

### ACLU of Eastern Missouri Membership

Our sincere thanks to our card-carrying members — You are part of a vibrant national network boasting over 550,000 members. Your support allows us to stay ahead of the freedom curve!

## ACLU FUND OF EASTERN MISSOURI

#### LIBERTY COUNCIL: \$5,000-\$10,000

Gordon and Terry Bloomberg  
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 Bill and Pudge Landau  
 Joseph and Yvonne Logan  
 Pershing Place Foundation  
 Murray and Mary Jane Underwood

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 Ann Lever  
 Linda Sher  
 Lois Jean Turner

Every effort was made to ensure the accuracy of this list. If your name has been omitted or listed in error, please contact Lucinda Perry at (314) 652-3114.

Our thanks to those contributors who wish to remain anonymous.

# THANKYOU

## TRIBUTE AND MEMORIAL GIFT PROGRAM

A GIFT TO HONOR AND REMEMBER OTHERS

**IN MEMORY OF ELMER PRICE**  
Fred and Sara Epstein

**IN MEMORY OF ROBERTA  
"PUDDGE" LANDAU**  
Brad Pierce and Laurie Vincent  
Lawrence and Sydell Shayer

Are you looking for a unique way to celebrate or acknowledge a special occasion or event, such as a birth or birthday, anniversary, bar mitzvah or other life events? The ACLU of Eastern Missouri's tribute program is a wonderful way to honor family and friends... or to express sympathy. A personal acknowledgment is sent to the family or individual being honored, and your tribute is listed in the *Liberties* newsletter.

Tribute gifts are particularly special because in addition to honoring a friend or loved one, your gift also helps the ACLU of Eastern Missouri defend civil liberties. You can participate in our Tribute & Memorial Gift Program through our website at [www.aclu-em.org](http://www.aclu-em.org) or by calling Scott Emanuel at (314) 652-3114 ext. 23.

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ACLU

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of EASTERN MISSOURI



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