



CIVIL LIBERTIES NEWSLETTER

The American Civil Liberties of Michigan
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CIVIL LIBERTIES NEWSLETTER

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Security...Freedom... WE CAN HAVE BOTH!

by Kary Moss, Executive Director

WE GRIEVE with the rest of the nation, and world, over the devastating loss of life resulting from the joint attacks against the World Trade Center, the Pentagon and the crash of the airplane outside of Pittsburgh.

We strongly applaud the words of our national leaders who, in reaction to this unparalleled tragedy, have promised to preserve the free and open society that has made this nation great.

As we face the future and begin to heal, there will understandably be a willingness by some to surrender all freedoms in order to attain a sense of security. We must recognize, however, the importance of upholding the principles of liberty this nation holds dear as necessary security measures are taken. Eliminating our freedoms and civil liberties could result in a false sense of security and do irreparable damage to innocent citizens.

A recent front page headline in the Detroit News/Free Press (Sunday, Sept. 16), entitled "*America approves limits to liberties*" determined an outcome well before the debate had begun. Written in bold type the size of which is used usually to announce war, the article suggests a complete willingness of Americans to abandon the Bill of Rights.

The poll on which the article was based was taken the week of the terrible attack. It is far too soon to make such a declaration with everyone still in enormous shock. Polling results are highly dependent on the questions asked. If given specific examples of how our freedom would be curtailed, the answers might have been different. For example, would the public support police searches of property of innocent people? Would they support detention based on the color of one's skin or the ethnicity of a last name? Would people be willing to give up their freedoms if it did NOT mean greater security?

At this point, we do not know why airport security or the intelligence community failed. We must have some answers before we devise solutions or else we risk devising solutions that prove ineffective and cost us important freedoms. At a minimum, we support increased airport security measures, including fortified cockpit cabin doors, improved training for security personnel, stricter hiring criteria, and matching people with luggage.

Among the provisions of the Administration's bill that are of greatest concern are measures that would dramatically expand law enforcement's ability to do secret searches, deny

meaningful hearings to immigrants, minimize judicial supervision of electronic surveillance by law enforcement authority, and would expand the government's ability to conduct secret searches and seize assets in non-terrorism-related cases. The ACLU is also greatly concerned about provisions that would allow for the indefinite detention of non-citizens without any judicial review. Please visit our website – www.aclu.org – for more information about these initiatives.

Additionally, we have received complaints of retaliation against innocent Arab Americans here in the Detroit community. The night of the attack, for example, rocks were thrown through the windows of the Muslim Student Center located around the corner from our new office. These reports, as well as reports across the country, are of great concern to the ACLU of Michigan. I have been speaking to our many diverse communities, as well as law enforcement agencies, to ensure that the lines of communication are open and that our civil rights laws are enforced to protect everyone against hate crimes. We will continue to work diligently to protect freedom for all people in our state, especially for our friends in the Arab community, the largest outside of the Middle East.

Just as those in New York and Washington remain strong in the face of adversity, Detroit and our surrounding communities must remain united and remember that we were all equally horrified and disbelieving that such an event could take place on our soil.

I know that Americans want both to be safe and to be free. The Statue of Liberty is located only a short distance from the World Trade Center and, miraculously, stands unharmed. Let us be vigilant and make sure that we do not damage it ourselves.

" If we abandon
the liberties we
cherish, the
terrorists will
have won. "

—Sen. Chuck Hagel (R-NE)

What’s Happening in the Capitol

by Bill Flory

SEPTEMBER 12, 2001. It is difficult to concentrate on work in the aftermath of such destruction. But, we all need to continue. This is likely to be a time of great importance for the ACLU and others who believe in protecting our civil liberties.

The Legislature returned on Thursday, September 20, 2001. We anticipate the introduction of bills that will substantially increase the power of law enforcement agencies to stop and detain people as well as expand wiretapping authority.

We also anticipate that the following issues are likely to move quickly:

RACIAL PROFILING

House Bill 4927, introduced by Representative Samuel Buzz Thomas, requires law enforcement agencies to maintain data on the ethnicity of the people stopped, searched and arrested. It also prohibits racial profiling and requires law enforcement agencies to report their statistics to the Michigan Department of Civil Rights who is required to analyze the data collected. This bill acquires special significance given the recent tragedy of September 11 and reports of widespread discrimination against Arab-Americans.

We expect this bill to move forward this fall. Please contact your representative to urge that hearings be held and to pass the bill.



HOUSE BILL 4655 TO DE-FUND PLANNED PARENTHOOD

The ACLU presented testimony in opposition to the bill at a hearing before the Family and Children Services committee last June. The bill was put on the back burner at that time (in order to finish the now unfinished redistricting).

HB 4655 will require that Planned Parenthood and other pro-choice groups move to the back of the line when competing for government funds that support family planning. Though the bill’s supporters would have people believe otherwise, the funding dollars in

question are already prohibited from being used for abortions. The only real effect the bill will have is to undermine the availability of family planning services, particularly advice on contraceptives. Ironically, given its support from anti-choice groups, the bill will likely lead to more unwanted pregnancies and increase, rather than decrease, the number of abortions performed in this state.

Pressure from anti-choice forces has not decreased and this bill may be on the House Family and Children Services committee agenda again before the Thanksgiving break. The ACLU strongly urges you to contact your Representative to voice your opposition to this bill.

NATIONAL DEVELOPMENTS

Finally, on the national front, Congress has already increased the President’s war powers and Attorney General John Ashcroft is seeking legislation to eliminate even the most basic judicial oversight in the areas of wiretapping and immigration. Under current proposals, the Attorney General would be given authority to detain and deport any immigrant who is believed to engage in terrorist activity or who “may endanger the national security.” The detention and deportation could occur without a legal hearing or other opportunity to contest the Attorney General’s decision or an opportunity to examine the criteria upon which the decision was made. These changes, if enacted, would become a permanent part of our immigration laws.

Even worse are proposals contained in the “Combating Terrorism Act of 2001.” The Act, which has already been approved by the United States Senate, would significantly decrease the existing role of judges to ensure that law enforcement wiretapping is conducted legally and with justification. It should be noted that the Foreign Intelligence Surveillance Act (FISA) already grants extensive authority to the FBI to intercept communications for “intelligence” purposes without showing probable cause of crime.

Of great concern is the expansion of power to the Internet which would allow the disclosure of web sites a person had visited. While a phone number merely shows that the caller dialed a number, an Internet address provides not only the “place” visited, but the content of the site as well. This change in the law would be akin to giving law enforcement the power – based only on its own certification that the information was relevant to an investigation – to require a librarian to report on the books you had perused while visiting the public library.

ACTION ALERT NETWORK

If you’re not already receiving Action Alerts from the State Office and would like to, you can add your name to our list. Sign up on our website at www.aclumich.org. Action Alerts will provide pertinent information and talking points about upcoming legislation that impact civil liberties. They put you in a position of knowledge so that you can inform your legislators and make them aware of your views before they vote. You can make a difference!

From the President

STRENGTHENING THE ACLU THROUGH DIVERSITY AND OUTREACH

AS YOU MAY BE AWARE, the local branches elect the current delegates to the State Board of Directors. This method has served the organization well over time, but in an effort to increase the Board’s diversity, ACLU members recently approved a change in the by-laws to add ten at-large members to the State Board of Directors.

The State Board has approved four talented nominees to help the organization achieve its affirmative action goals. You will find their bios and a ballot in this newsletter. It is important that you review the candidates’ qualifications and return your ballot promptly.

These candidates will provide representation from communities not currently represented on the Board. We believe that it is important to have a

variety of viewpoints, ideas and opinions around the board table as we debate policy issues. Diversity will enrich our discussions and deliberations on civil liberties matters. We look forward to having the new members as part of Michigan ACLU leadership.

The Nominating Committee will continue to interview candidates for the additional six slots whom you will be asked to approve at a later date. Future nominees may include those who bring talents and expertise that the Board needs at a particular time, such as fund raising or finance.

Additional efforts to strengthen the ACLU include the formation of a state wide Advisory Board. Invitations were extended to over fifty men and women representing the legal community, civic and religious groups, advocacy organizations, and educational institutions. We look forward to the Advisory Board’s first meeting to hear about their

concerns and what issues they feel the ACLU needs to address and to elicit their support for the current ACLU programs. This promises to be a fruitful discussion.

Outreach to other communities is evident in our on-going programs. The emphasis on racial profiling has raised our visibility with people of color who are the targets of this practice. The October seminars in Detroit and Oak Park (see Racial Profiling Update) will not only raise awareness of the issue, but will help strengthen our relationship with African Americans, Latinos and Arab Americans.

The State Board has set a goal of increasing membership by 10%. To reach this goal we have been outreaching to professional organizations. At a recent meeting of the State Bar of Michigan, we received thirty-five new members. Please help us identify other organizations to target for membership outreach.



Jacquelin Washington

Now, more than ever, we need to strengthen our membership in order to protect civil liberties. You and your friends can join on-line. Visit our web site at www.aclumich.org!

Buddy can you spare...4 tickets to a Red Wings game?
We need donations for the silent auction at our second annual dinner
on December 2, 2001

We're looking for items valued at \$25 or more. Use your imagination: donate theater or opera tickets, restaurant gift certificates, artwork, pedicures, DVD players, tickets to a Pistons' game, autographed photos, massages, etc. Just fill out the information below and send it to: ACLU of Michigan, 60 W. Hancock, Detroit, MI 48201

COMPANY NAME	
CONTACT	
PHONE	FAX
E-MAIL	
ITEM(S) DONATED/VALUE (MORE THAN \$25, PLEASE)	

**HOT NEWS FROM
AROUND THE STATE**

**OAKLAND BRANCH
ROZANNE SEDLER, CHAIR**

Vision Committee

THE OAKLAND BRANCH has two very active committees. Barbara DeMarco is chairing the Oakland County Branch's newly formed "Vision Committee" whose goal is to assist in setting a direction for the board and its members. They have broadly defined the mission of the Oakland County Branch and are currently developing active roles for board members.

Candace Crowley is the new Chair of the Election Committee. "By appointing the Chair of the Election Committee early in the election process, the Oakland County Branch hopes to identify new leadership that will allow for stronger community connections," said Sedler, who returns to Chair of the Oakland County Branch for another term. The branch election is scheduled for Spring, 2002. Branch members are seeking to recruit a diverse slate of board candidates knowing that diversity is the key to a stronger local organization.

**SOUTHWESTERN MICHIGAN
BRANCH
PETER KOBRAK, CHAIR**

*Free Speech, Free Books!
Book Giveaway Program*

THE SOUTHWESTERN MICHIGAN Branch has begun its first annual Free Speech, Free Books! Program. A member of the Branch's Board will personally deliver books to over 20 middle and high school libraries in the Kalamazoo, Portage, and Battle Creek areas. The books, selected for their message of free speech and civil liberties, will contain a donation bookplate identifying the Southwestern Michigan Branch of the ACLU as the donor.

Each school will receive two of the following books, all critically acclaimed

novels that will appeal to both middle and high school students. They are:

*A KID'S BILL OF RIGHTS: CURFEWS,
CENSORSHIP AND THE 100 POUND GIANT*
by Kathleen Krull

IN THE SPIRIT OF CRAZY HORSE
by Peter Matthiessen

MEMOIRS OF A BOOKBAT
by Kathryn Lasky

*PLACES I NEVER MEANT TO BE: ORIGINAL
STORIES BY CENSORED WRITERS*
Edited by Judy Blume

THE LAST SAFE PLACE ON EARTH
by Richard Peck

THE YEAR THEY BURNED THE BOOKS
by Nancy Garden

This program is the branch's way of giving back to the community and educating students about their civil liberties. It will hopefully produce some future civil libertarians!

Any questions about the program should be directed to Kevin King at kzookev@aol.com.

**WASHTENAW BRANCH
ELLEN RABINOWITZ, CHAIR**

THE WASHTENAW BRANCH has been actively working in a leadership capacity with Washtenaw County's Criminal Justice Association on the problem of racial profiling. Branch members have been attending meetings with the Association and working with individual law enforcement agencies to assist them in their efforts of data collection.

The Education Committee will be promoting the the ACLU of Michigan's new Bill of Rights curriculum in the Washtenaw public schools.

**WESTERN BRANCH
PETER ARMSTRONG, CHAIR**
(see Racial Justice Update)

MEMBERS, YOUR VOTE IS NEEDED!

Earlier this year the ACLU of Michigan amended our by-laws, with the approval of our membership, to create ten new At-Large positions for the State Board of Directors. To fill four of these positions, our State Board is recommending four nominees that you, our members, must vote on. A short biographical statement of each appears below. Please take the time to complete the ballot in this newsletter and return in the enclosed envelope to: The ACLU of Michigan, 60 W. Hancock, Detroit, MI 48201-1324.

Please vote for up to four
of the following:

- ☐ Imad Hamad
- ☐ Linda Parker
- ☐ DaVita McCallister
- ☐ Sharon Roepke

Please return the
completed ballot to:

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

IMAD HAMAD

Mr. Hamad is the Midwest Regional Director of the Arab American Anti-Discrimination Committee. He was born as a Palestinian refugee in Lebanon and came to the United States as a student in 1980. He and the ACLU have worked closely on a number of issues, including racial profiling and the secret evidence law that targets citizens of foreign descent.

DAVITA McCALLISTER

Reverend McCallister is African-American and the only openly gay ordained minister in the United Methodist Church. She is currently serving an Episcopal appointment to Detroit Central UMC. She holds a Master of Divinity in Hebrew Bible from Gammon and a Bachelor of Science degree in Psychology and Religion, from Lincoln University.

LINDA PARKER

Ms. Parker is currently the Development Director of the Detroit Institute of Arts. She is African-American, an attorney and formerly worked for the United States Attorney. She is also past President of the Wolverine Bar Association.

SHARON ROEPKE

Ms. Roepke is Executive Director of the Kalamazoo Gay & Lesbian Resource Center. She is also a member of the steering committee of Kalamazoo Against Discrimination and recently served on the Kalamazoo City Police Community Relations Task Force. She is a limited licensed psychologist and has been a past board member many organizations. She has published the first set of All American Girls Baseball cards and is listed as an expert in women's baseball history with the National Baseball Hall of Fame.

**LANSING BRANCH NEWS
HENRY SILVERMAN, CHAIR**

A successful fundraiser, with proceeds going both to the Lansing Branch and the State ACLU, was held on September 19th at the Boarshead Theater. Members and friends of the ACLU were treated to a great performance of "Inherit the Wind" followed by an "After Glow," featuring hors d'ouerves and wine.

The play is loosely based on the

Scopes "Monkey trial" in Dayton, Tennessee in 1925, with Clarence Darrow for the defense and William Jennings Bryan for the prosecution. The case was actually initiated by the national ACLU, seeking to challenge the Butler Act, which restricted the teaching of evolution in Tennessee schools. The Baltimore Sun, which sent H.L. Mencken to cover the trial, helped to underwrite the defense.

A NEW HOME FOR JUSTICE WELCOMES ACLU MEMBERS

THE DOORS TO OUR NEW HOME FOR JUSTICE were open wide when we hosted two receptions, one for major donors on Sept. 14 and a 40th Anniversary celebration for all members on Sept. 24. “It was a wonderful experience to have so many people visit the new building and to hear all their comments,” said Kary Moss, Executive Director. “Everyone seemed as proud as I am to know that we have a permanent home.” Tom Wieder, an Ann Arbor attorney and generous contributor to the Capital Building Campaign, spoke at the major donor reception. The following are excerpts from his remarks:

“The ACLU has never been about bricks and mortar. It is about principles, principles both deeply profound and, at times, almost maddeningly abstract. We belong to this organization because of those principles, which exist in our minds, in our hearts, in our history and in our hopes. They are found in no particular place and are defined by no particular space. They exist everywhere freedom allows them to, and the ACLU fights to allow them to exist and to grow and to flourish...

... there is something wonderful and exciting and important about this spectacular new facility.

Fighting for principles, especially principles so constantly under siege as those that the ACLU champions, is never easy, under the best of circumstances. We have to fight the battles for those principles not just with our hearts and minds, but also with all the tools of the modern world...

I believe that this new building, this new home for the ACLU of Michigan, is already proving to be a tool which our dedicated staff and volunteers are using to make the fight for civil liberties a more forceful and effective fight. Helping to provide such a tool was motivation enough for me to contribute to its coming into being...

Having a building of our own serves several important symbolic purposes. It provides a visible, physical presence of our organization to the outside world. It says that we are solid, permanent. We will be here for the long haul to help you or to fight against you – to help you if your civil liberties are threatened, to fight against you if you threaten the civil liberties of others. We are not going anywhere, you can count on that, whether that is a comfort to you or a thorn in your side.

And while I hope that all of us expect the ACLU to be here as long as there is a Constitution to protect, whether we have this building or another one or none at all, I believe that having this facility makes an emotional and symbolic difference to us ... It says that “we have a home,” and it says to ourselves – as we say it to the rest of the world – that we are, indeed, here to stay.



Our most special thanks go to Leonard Grossman whose tireless efforts and diverse skills made it all possible.

Many others also contributed to our New Home For Justice by donating their services either in-kind or at a greatly reduced charge:

ALPHA 21 GRAPHICS CENTER <i>(Advertising)</i>	BEACON GROUP <i>(Technology)</i>
CARL DORN <i>(Advertising)</i>	ED EISENBERG <i>(Architectural)</i>
HONIGMAN, MILLER, SCHWARTZ AND COHN <i>(Legal)</i>	W.A.P. JOHN <i>(Donor Wall, Signage)</i>
MITCH MEISNER, ESQ. <i>(Legal)</i>	PHONE CHECK <i>(Technology)</i>
LORI SAGINAW <i>(Design)</i>	MORT ZIEVE <i>(Advertising)</i>

*To these people and to everyone who helped make this dream possible,
THANK YOU!*



Counterclockwise from upper left:

Leonard Grossman, Kary Moss, Jacquelin Washington cutting the anniversary cake.

Guests in front of the Donor Wall. For information on how your name can be added, contact the state office.

Guests at the September 14 reception took time to hold a candlelight vigil outside of the ACLU building.

From the Legal Director

THE DAY AFTER the terrorist attacks, one of the ACLU summer legal interns called me in distress. Earlier that day, she was walking down Liberty Street in Ann Arbor when a man stormed toward her, yelled out an anti-Arab slur and spat on her. The student, who attends the University of Michigan Law School, is a U.S. citizen of East Indian descent and a Hindu.

We all mourn for Americans and citizens from other countries who died in the unconscionable attacks in New York and Washington, D.C.; I almost lost my cousin. At the same time we must do all we can to counter ignorant, knee-jerk reactions to the terrorist attacks that violate our civil liberties without increasing our security.

In the 1940's, the ACLU undertook the unpopular task of challenging the constitutionality of the United States internment of Japanese-Americans following the bombing of Pearl Harbor. As then, we stand ready today to protect and preserve the civil liberties and freedoms that have helped make this country great.

Fortunately, the Michigan ACLU legal department is better equipped than ever before to step up and expand our work to defend civil liberties in these troubled times. In addition to our new "Home for Justice" and new staff attorneys, the commitment of our cooperating attorneys, interns and volunteers has never been stronger. Last year, cooperating attorneys alone donated services worth more than \$750,000. This summer, eight stellar law students and four undergraduates devoted their entire summers to preserving civil liberties.

Even before September 11, the Michigan ACLU was working to defend the religious freedom of Muslims. We are in the midst of a lawsuit challenging the Michigan Department of Corrections' designation of an Islamic group called the Melanics as a "security threat group." The MDOC demanded that all Melanics renounce their religion in writing. Those who refused were moved to the prisons' highest security areas and denied privileges - even those inmates who have been "model prisoners." At our invitation, the U.S. Department of Justice recently intervened in the case.



Michael J. Steinberg

Now the need to expand our work is greater than ever. Within hours of the terrorist attack, several Arab-American and Muslim employees had been fired from their jobs. Another Muslim public employee who wears a head covering was ordered to remove his fez or face suspension. Racial profiling of Arab Americans is widespread. Northwest Airlines escorted three Middle Eastern men off a plane simply because they made other passengers "uncomfortable." It appears that the authorities are interrogating numerous international students in Michigan because of their nationality.

The ACLU is vigorously investigating these and other cases and will be doing our best in the upcoming months to ensure that the government or individual citizens do not needlessly discard the constitutional freedoms that have made the United States the envy of the world. If we fail to meet this challenge, the terrorists will have won.

For an update on the nearly 50 other cases on the Michigan ACLU legal docket, please see our new and improved website: www.aclumich.org. While you're there, check out "A Resource Guide for Teaching the Bill of Rights," our updated curriculum for high school teachers.

STUDENT LEARNS 1ST-HAND ABOUT 1ST AMENDMENT

WHEN A BRIGHT 11th grader in Mt. Pleasant wrote a humorous commentary criticizing a new tardy policy at school, he did not give much thought to free speech. But when the school principal charged Alex Smith with verbal assault under the school's student code of conduct, his life was turned upside down. Alex and his parents contacted the ACLU and we filed a lawsuit on September 5, 2001 claiming that the Mount Pleasant Public Schools violated his First Amendment.

Alex wrote the commentary at home in October, 2000 which criticized the tardy policy, the process leading to its adoption, and several teachers and administrators charged with its enforcement. Though the commentary was only read to a small group of friends in the cafeteria, the school principal heard about it and took offense at comments directed at her in the parody.

"I never intended for the principal to see or hear it. It was meant as a joke and I'm truly sorry that anyone was offended," Alex said. He has been genuinely cooperative and remorseful throughout this ordeal and, in fact, delivered written apologies to each of the school personnel mentioned in his writings.

Nevertheless, Alex was suspended for ten days for allegedly assaulting "the dignity of a person." Although state law requires that all districts suspend students for committing "verbal assaults," the law leaves it up to the school to define the term. Mt. Pleasant appears to be the only school district to define "verbal assault" to include assaults on the dignity of a person.

The code's vagueness in defining what is meant by "dignity of persons" and the right to express ideas and thoughts freely in the form of private communications without fear of sanction based on the content of that expression is the thrust of the lawsuit.

"This case is another example how zero tolerance laws are being used to squelch free expression," said Kary Moss, executive director of the Michigan ACLU. "Schools should be teaching students about the Constitution, not punishing them for exercising their rights."

Alex's dream since he was six years old is to attend the University of Michigan. That dream could be over if the law is not struck and he is required to admit to a suspension on his entrance application.

"School administrators cannot suspend students and mar their school records for expressing their social and political views - even if the expression is critical of the school administration," said Richard Landau, one of the ACLU Cooperating attorneys. "The Mt. Pleasant policy casts too broad a net and permits the school to punish good students for speech that is protected by the First Amendment."

The ACLU lawsuit asks the court to declare the Mt. Pleasant verbal assault policy and the state verbal assault law unconstitutional.

The complaint and several news articles about the case can be found on www.aclumich.org.

OUR HEARTFELT THANKS TO OUR SUMMER INTERNS



◀ **Sitting, left to right:** Aaron Warren, Laura Leelun, Jonquil Bertschi
Standing, left to right: Erica Seyburn, Amy Purcell, Mike Steinberg (legal director), Richard Gallagher, Archi Pyati.
Not pictured: Sarah Barnes
Left to right: Richard Petts, Aaron Goodman, Steve Sharpe, Lou Aquillina



"...it will be necessary for us to protect the civil liberties of Americans... we must protect the great constitutional and indeed religious principles with regard to treating our fellow Americans well and properly."

-Rep. John Dingell (D-MI)

GLBT PROJECT UPDATE

By Jay Kaplan

IT HAS BEEN A BUSY first four months for the GLBT Project, but we feel energized and committed to the tasks ahead of us.

OUTREACH

We are devoting a substantial amount of time to outreach and providing information about our program and services to the GLBT community. In addition to developing a program brochure, sending a mass mailing out to GLBT organizations and community groups statewide, we had information exhibits at gay pride events in East Lansing, Ferndale, Lansing and Port Huron.

In addition, I've been speaking around the state – at a P-FLAG meeting in Grand Rapids, at the Michigan Jewish AIDS Coalition in Detroit and at Coming Out Day at Western Michigan University. I'll be at P-FLAG Lansing (November 18th) and a Schools Issues Training in Battle Creek (December 15th). If you are in those areas, please come to hear more about the project.

We were fortunate to host Detroit News columnist Deb Price and Joyce Murdoch, authors of "Courting Justice," an overview of the United States Supreme Court and its treatment of gays and lesbians, on October 5th at our new office. Deb is the first nationally syndicated columnist in mainstream journalism devoted to exploring life from a gay perspective. Joyce is the managing editor for politics of the National Journal.

PUBLIC EDUCATION

We have distributed our joint publication with GLSEN, "What Schools Need to Know: GLBT Students and the Law," to the community at large as well as to school districts throughout the state. At this stage we have distributed over 4,000 copies. As a result of our publication of this document, we have been invited to work with the Sexual Minority Task Force of the Department of Education in developing training curricula for school district staff regarding sexual orientation issues. We are in the process of developing a GLBT Family Issues manual for non-attorneys, with a targeted publishing date before the end of the year.

In August, we and the Michigan Protection and Advocacy Service, hosted Todd Pilcher, an attorney from the Whitman Walker Clinic, who provided training to attorneys on HIV and same-sex partner immigration issues.

LEGAL ADVOCACY AND LITIGATION

We have been able to provide support and technical assistance to attorneys handling third party child custody and visitation matters, as well as conditions



Jay Kaplan

in prison. We are closely examining the actions of the Detroit Police Department and its undercover sting operation that targeted gay men in Rouge Park earlier this year. We will be submitting an amicus brief to the Michigan Supreme Court in the case of a former police officer who sued the Detroit Police Department for sexual orientation discrimination under the City's human rights ordinance (*Mack v City of Detroit*). The outcome of this case could affect the ability of municipalities to pass civil rights ordinances that provide legal remedies for persons who encounter discrimination. In addition, we were able to provide assistance to a student who dropped out of school due to anti-gay harassment and to encourage his school district to adopt training for school personnel and to support a diversity school group, where GLBT issues can be discussed.

FIGHTING THE RELIGIOUS RIGHT

Several Michigan communities have been targeted by conservative political action groups for proposed amendments to their Charters. Both Kalamazoo and Traverse City residents will vote in November on amendments that would prohibit their city governments from passing laws that protect GLBT persons from discrimination. Unfortunately, in Ypsilanti a petition drive was successful in creating a proposal to rescind that City's human rights protections for GLBT persons and to prohibit passage of future protections. In Huntington Woods, residents will vote on human rights protections passed by City Council for GLBT persons that were suspended by a petition drive. We have offered support and assistance to each of these communities, including legal research and analysis of these proposed amendments.

Our legal director Michael Steinberg continues to play an active role in the Ann Arbor grass roots organization, Scouting for Equality, which advocates for the elimination of special privileges to the Boy Scouts, not afforded to other extra-curricular school groups in Ann Arbor. Scouting for Equality was successful in its efforts to persuade the City of Ann Arbor to end its practice of direct employee contributions to the Washtenaw County United Way, which provides a large amount of discretionary funding to the local Boy Scouts, despite its anti-gay policies.

There is much work to be done to achieve progress in the development of civil rights for GLBT persons. We are looking to the GLBT community to help us identify legal cases that affect the civil liberties of GLBT persons and have an impact on the community as a whole. If you know of an incident that should come to our attention, please contact me at the state office (313/578-6800, ext. 812).



Guest speaker Deb Price, standing, with Joyce Murdoch, sitting on the left, and Jay Kaplan, GLBT staff attorney, sitting on the right.

“...as we consider legislation to address this crisis, each proposal must be passed before the great lens of our Constitution, the cornerstone of our Republic and our freedom.”

—Rep. Lynn Rivers (D-MI)

Racial Justice Project Update

by Delphia T. Simpson

THE RACIAL JUSTICE PROJECT has been extremely busy since our last newsletter. Our dedicated members and staff have been instrumental in bringing this issue to the forefront in many communities.

RACIAL PROFILING LEGISLATION
State Representative Samuel “Buzz” Thomas, the sponsor of the Michigan Racial Profiling and Report Statistics Act (HB 4927), has held Task Force hearings in Flint, Dearborn and in Detroit to gather information on the extent of the problem of racial profiling in the state. As a member of the panel, I was able to talk about the calls that we receive at our state office and how important HB 4927 is to the effort in bringing an end to racial profiling.

The ACLU has created post cards for citizens to mail to Representative Howell, Chair of the Committee on Civil Law and the Judiciary, to express support for the bill. The cards also request that the bill receives a hearing so the public can be heard on this important issue. If you would like post cards to hand out to your branch members or to others organizations, contact the state office at (313) 578-6800, ext. 817.

We have also been working closely with law enforcement agencies around the state. As a member of ALPACT (Advocates and Leaders for Police Community Trust), a coalition started several years ago which includes the capitol, state police, FBI, INS, U.S. Customs, NCCJ (National Conference for Community and Justice), NAACP, MOSES, local churches and other civil rights groups. The coalition’s main focus has been to discuss data collection efforts by law enforcement agencies.

SOUTHEASTERN MICHIGAN

As part of our ongoing education efforts of communities and law enforcement agencies, we have been speaking at, as well as organizing, conferences and workshops .

Kary Moss, our Executive Director, and Lloyd Powell of our Washtenaw County Branch were asked by the Commander of the Michigan State Police for the Southeastern Michigan Area to attend and speak at a special all day seminar on racial profiling for police chiefs throughout southeast Michigan. Over 20 police chiefs attended the seminar that was held on September 6 at Eastern Michigan University.

“It was wonderful to sit down and discuss the impact of racial profiling with people we so often only encounter in a confrontational setting,” said Moss. “The Racial Justice Project affords us the opportunity to build stronger bridges between the community and law enforcement.”

We are also pleased to be sponsoring three interfaith conferences in October in an effort to educate the community on their rights and on the issues surrounding racial profiling. The ACLU of Michigan, NCCJ, and the NAACP Detroit Branch, along with Detroit area churches and synagogues will be hosting the conference “Prayers Alone Are Not Enough.” The conference will provide participants with strategies and ideas that can be used to combat racial profiling as well as information about pending anti-racial profiling legislation in the U.S. Congress and Michigan Legislature.

The featured speaker is David Harris, Professor of Law at the University of Toledo, a leading expert on racial profiling. Professor Harris worked closely with the national ACLU on racial profiling issues and has written many articles on the subject. The Southern Christian Leadership Conference will also be participating and has agreed to tape and telecast the conference for local Detroit cable television.

THE CONFERENCE DATES ARE:

October 11, 8:30a.m. - 11:45a.m-Hartford Memorial Baptist Church-Detroit,

October 11, 5: 45pm-9:00pm-Central United Methodist-Detroit and

October 18, 5:45p.m. - 9:00p.m-Congregation Beth Shalom, Oak Park.

Please contact the ACLU State office if you are interested in attending. There is no charge to attend.

GRAND RAPIDS AREA

The Western Branch of the ACLU has made the fight against racial profiling their primary focus this year. Peter Armstrong, president of the branch, along with Jerry Subar, Gary Gershon, Tom Logan, and myself have begun two projects.

The first involves the Grand Rapids Police Department which voluntary began collecting traffic stop data in an effort to detect any trends of racial profiling. The Western Branch Racial Profiling Committee contacted the police department and asked to be involved. The committee, knowing the importance of the community having faith in the results generated from the traffic stop survey, has become a vital resource to the department as it compiles the data.

The Grand Rapids Police has given the committee a presentation on the current data and their preliminary findings. As a result of that meeting, the committee offered written recommendations on how to improve the accuracy of the collection process, as well as ways to better analyze the data collected.



Delphia T. Simpson

The Department has informed the Western Branch that, within the next few months, it will be requesting the city to hire an independent statistician to analyze the data collected from the survey. The branch was asked to comment on the request and was also able to submit names of nationally known experts for consideration for the contract.

The second project involves the Kent County Racial Justice Institute with which many members of the Western Branch have been involved for years. The Racial Justice Institute, which includes political leaders, police chiefs and community advocates, was formed to work on general racial issues in the community. One of the Institute’s committees is charged with finding solutions to the problem of racial profiling.

The Western Branch Racial Profiling Committee turned out in force to participate on this committee. The committee has been intricately involved in the on-going development of a countywide campaign to address the growing distrust of police departments by minority communities.

The Western Branch Committee has worked closely with local police chiefs and county commissioners on the first leg of the campaign by helping to compose and design a booklet on citizens’ and police officers’ rights and responsibilities during traffic stops. The branch’s goal is to become the organizing center for local civil rights groups and other non-police participants on this issue.

LITIGATION

The Eastpointe “Bicycling While Black” case is moving steadily forward. As our legal staff meets the young men we are representing, we are very impressed with their level of interest in civil liberties. They all have a strong commitment to seeing the case through and, more importantly, they are eager to bring to an end the discriminatory practices of the Eastpointe Police Department. Many of the young men want to ensure that no other young minority person is treated like a criminal when simply enjoying a summer bike ride. We are still in the process of gathering information from both our clients and the police department.

If your branch is interested in starting a racial profiling committee, contact Delphia Simpson at the state office or e-mail delphia@aclumich.org.

Satisfy Your Hunger for Justice at the ACLU Fund of Michigan Annual Dinner

December 2, 2001

*at Temple Beth El, in Bloomfield Hills
on Telegraph Road at 14 Mile Road.*

Cocktails and silent auction bidding begin at 5 p.m.

Dinner and program begin at 6 p.m.

*Civil rights activist and NAACP Chairman Julian Bond
will be the featured speaker.*

The law firm Sachs Waldman will be honored as Volunteer of the Year.

Tickets cost \$125 and are on sale now.

Table packages are also available.

Call Becky Bull at 313-578-6815 for more information.

To learn more about this event, go to www.aclumich.org.

SANITY...

The Sept. 16 headline “America approves limits to liberties” was inflammatory. The News poll took advantage of emotion and fear, and was very general in scope. I doubt the pollsters presented a balanced view of what limits are being proposed.

Every infringement on civil liberties is done in the guise of “safety.” Privacy is infringed with cameras everywhere. The police can now pull someone over for not wearing a seat belt. Freedom to assemble and speak was abridged at the Republican Convention in 2000. But, hey, we’re safe.

There has been talk in Congress of selling war bonds to support our new war effort. I would proudly write a check for these bonds. And immediately after, I’ll write a check to the American Civil Liberties Union.

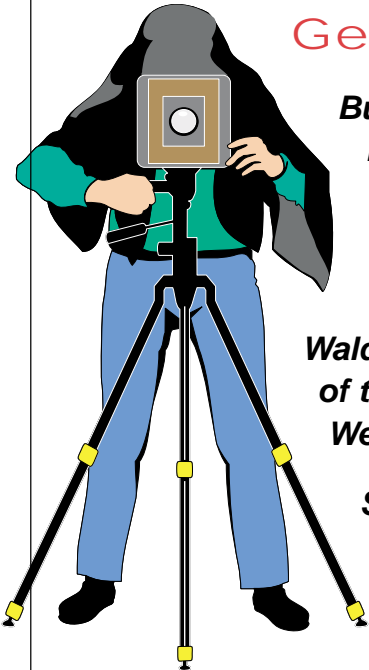
- Christopher McBee, Wyandotte
Detroit News 9/27/01
Letter to the Editor

INSANITY?

The ACLU’s got to take a lot of blame for this. And, I know that I’ll hear from them for this. But, throwing God out successfully with the help of the federal court system, throwing God out of the public square, out of the schools. The abortionists have got to bear some burden for this because God will not be mocked. And when we destroy 40 million little innocent babies, we make God mad. I really believe that the pagans, and the abortionists, and the feminists, and the gays and the lesbians who are actively trying to make that an alternative lifestyle, the ACLU, People For the American Way, all of them who have tried to secularize America. I point the finger in their face and say “you helped this happen.”

– Jerry Falwell, The 700 Club
9/13/01

By the time you receive this newsletter, there may be slight or even drastic changes in our daily lives. The only way we can truly keep you up to date is through our website. For the very latest news, go to the Michigan and national websites at www.aclumich.org and www.aclu.org.



Get Yourself Noticed!

Buy an ad in the ACLU Fund of Michigan Annual Dinner program book.

Honor Julian Bond, the keynote speaker, the law firm Sachs Waldman, the ACLU Volunteer of the Year, or Micah White, the Wendy Joyrich Educator of the Year.

Show your support of the ACLU.

Advertise your business or organization.

ADVERTISING SIZES AND RATES

Full page*	7.5" x 10"	\$500
Half page	7.5" x 5"	\$275
Quarter page	3.75" x 5"	\$150
Eighth page	3.75" x 2.25"	\$85
Friend of Julian Bond	Name listing	\$25
Friend of ACLU	Name listing	\$25
Inside cover	7.5" x 10"	\$1,000
Back cover	7.5" x 10"	\$1,500

*If your ad is not camera ready, please add \$10. Ad deadline: November 9, 2001
For more information, contact Becky Bull at 313-578-6815 or bbull@aclumich.org.

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