

CIVIL LIBERTIES

BECAUSE FREEDOM CAN'T PROTECT ITSELF

News and Events from the ACLU of Washington



Fall 2014 | VOLUME 46, NO. 3

BOARD OF DIRECTORS ELECTION PAGE 11 INSIDE

Bill of Rights Dinner to Recognize Champions of Civil Liberties

At the Bill of Rights Dinner on Saturday, November 1 at the Sheraton in Seattle, ACLU supporters will honor lifetime and recent civil liberties heroes and enjoy contemporary political humor. Awards will go to **Floyd U. Jones** and **Alene Moris** for lifetime achievements in advancing civil liberties; two legal teams from **Perkins Coie** that worked tirelessly on ground-breaking cases to reform public defense and enforce voting rights; internationally known rapper **Macklemore**, an outspoken advocate of LGBT equality; and student activist **Sien-na Colburn**, who sparked a protest movement over the firing of a gay educator. Comedian **Larry Wilmore** of *The Daily Show* will offer his unique insights on matters

absurd and serious in our current political scene.

William O. Douglas Award
Floyd U. Jones and Alene Moris

William O. Douglas Award is given to persons based on their “consistent, outstanding and sustained contributions to the cause of civil liberties.” It is the ACLU of Washington’s lifetime achievement honor. Floyd U. Jones and Alene Moris are being honored for their decades of devotion to justice and equality. Both together and individually, they have contributed outstanding leadership, hard work, and enduring dedication to advancing civil liberties.

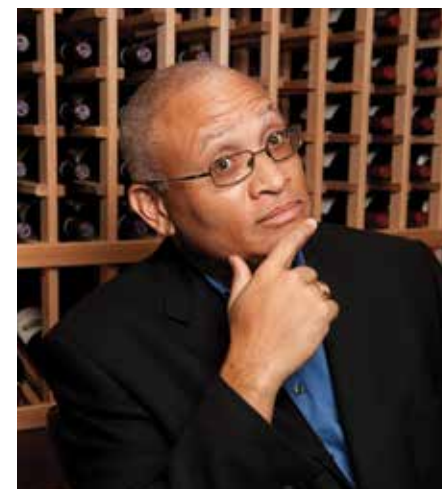
For the last 40 years, Floyd Jones has

been an unwavering supporter of liberty and fairness for all. He has used his considerable financial expertise to accrue wealth and to share it with causes important to him. His unprecedented financial support of the ACLU-WA has had a lasting impact on the organization’s financial stability, expansion of programs, and ability to sustain its work for years to come.

In the 1980s, even before the national ACLU had an endowment fund, Floyd helped the ACLU-WA start its endowment fund, and his firm began managing it. In the 1990s, during the ACLU’s national campaign to build the endowment, Floyd and his late wife Delores made a \$250,000 gift to the fund – the largest gift ever received by the ACLU-WA at that time. Floyd also actively encouraged others to contribute. Now, decades later, as a result of the wise and prudent investing of Floyd and his son Steve, the endowment has earned more than \$5 million to defend and extend civil liberties in Washington.

Firmly believing that more people should be aware of the ACLU’s longstanding, invaluable work, Floyd and Delores conceived of and funded the one-hour documentary “The ACLU: A History,” which aired nationally on PBS in 1998.

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Featured speaker Larry Wilmore

Larry Wilmore, the “Senior Black Correspondent” on *The Daily Show*, is the featured speaker at this year’s Bill of Rights Dinner. A winner of Emmy, Peabody, and NAACP Image awards, Wilmore provides a unique comic perspective to the news and opens the door to honest conversations about race and diversity. He will succeed Stephen Colbert on Comedy Central in 2015 with his new show, *The Minority Report* with Larry Wilmore.

Federal Court Ruling is Big Win for Voting Rights in Yakima

In a case that drew widespread attention, a federal court ruled in August that the City of Yakima’s election system for City Council violates the federal Voting Rights Act. The court found that the system dilutes Latino votes and that “... City Council elections are not ‘equally open to participation’ by members of the Latino minority.” This was the first such case in Washington under the Voting Rights Act.

“Latino voters will be able to elect candidates of their choice and to have more of a say in how city services are distributed. All voices of the community need to be represented in local government – that’s what democracy is all about,” said ACLU-WA executive director Kathleen Taylor.

The ruling came in a lawsuit (*Montes v. City of Yakima*) filed in 2012 under Section 2 of the federal Voting Rights Act. Section 2 prohibits cities from using voting practices or procedures which result in “a denial or abridgement of the right of any citizen of the United States to vote on account of race or color.”

The suit was brought by Yakima residents Mateo Arteaga, a university administrator, and Rogelio Montes, a student at Yakima Valley College. The ACLU filed the case on behalf of the plaintiffs in U.S. District Court in Eastern Washington.

Plaintiffs contended that the City of Yakima’s at-large voting system deprives Latinos of the right to elect representatives of their choosing to the Yakima City Council. No Latino has ever been elected to the City Council in the 37-year history of the current system – despite the fact that Latinos account for 41 percent of the city’s population; they also are approximately one-third of its voting-age population and approximately one-quarter of the citizen voting-age population.

The seven members of the Yakima City Council are all elected “at-large,” with every voting resident of the city casting their vote for each council member whether they live

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ACLU-WA Acts to Ensure Secular Health Care at WSU Clinic

Responding to advocacy by the ACLU-WA, Washington State University has agreed that health care and education at its new clinic in Spokane should not be restricted by religious doctrine.

WSU is partnering with Empire Health Foundation and Providence Health & Service (a Catholic health institution) to open the Spokane Teaching Health Center. The center has obtained federal funding for six medical residents, with hopes of hosting dozens more in the next few years.

In a letter to WSU’s Board of Regents in late August, the ACLU-WA pointed out that the health care consortium’s bylaws specified that its activities conform to the Ethical and Religious Directives (ERDs) for Catholic Health Care Services. These directives forbid or

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Ferguson Shines a Spotlight on the Need for Police Reform

The shooting of an unarmed black teenager by a white policeman in Ferguson, Missouri and the heavy-handed police reaction to protests afterward have shone a spotlight on the racial bias, abuse of force, and militarization of our nation’s police departments. Will it be a wake-up call for cities nationwide?

With a strong presence in every state, the ACLU is pressing for systemic changes, demanding that our police be protectors, not warriors. All segments of our community have a right to expect their police departments act less like an occupying army and more like community guardians.

It cannot be overlooked that Ferguson is a majority-black town with a very white police force. Policing in America dispro-

members of the media and public to stop photographing the police officers on public streets and sidewalks, the ACLU went to court – just as we have over similar practices in Washington. In Ferguson, it was resolved by an agreement recognizing that people may record public events, unless it obstructs the activities or safety of others or physically interferes with law enforcement officers’ ability to perform their duties.

When the police department instituted an astounding rule that threatened arrest to anyone who stood still on the sidewalk for more than five seconds, the ACLU was quickly in court again. Sadly, I was reminded of the notorious “no-protest zone” that the ACLU-WA challenged during the WTO protests in Seattle.

Police in camouflage toting military rifles in armored vehicles highlighted concerns about the growing militarization of local law enforcement. Just this June, the ACLU’s national office issued a hard-hitting report, *War Comes Home: The Excessive Militarization of American Policing*, documenting this trend. It raises the risk of violence and encourages police to adopt a “warrior” mindset that views the people they are supposed to serve as enemies. Paramilitary SWAT raids, as the report points out, are disproportionately used against black and Latinos. (The ACLU-WA will be releasing a report on police militarization in our state, along with online tools to better understand it later this year.)

“The ACLU is calling on elected leaders to insist that the police mandate to “serve and protect” be applied equally to all.”

I’m heartened by President Obama’s call for a review of federal programs that fund and incentivize wartime arsenals for local police forces. And, while I applaud Attorney General Holder for launching a federal initiative to study racial bias in policing, plenty of studies are in: implicit bias affects us all. Anti-bias training must be a continuing part of every police department.

Seattle may be able to provide part of the solution. New intensive bias-free policing policies and training are being developed for the Seattle Police Department. Perhaps we can help other cities understand that the problem is not just Ferguson. It is all of us. ■



portionately affects communities of color, particularly black youth, who are too often targeted because of bias and implicit stereotypes. The ACLU, both here in Washington state and across the country, is calling on elected leaders to insist that the police mandate to “serve and protect” be applied equally to all.

In Ferguson, the ACLU has had people on the streets and in the courts tackling a host of civil liberties concerns. Volunteers distributed hundreds of “bust cards,” explaining what to do if you are stopped by police, and encouraged residents to file reports of police misconduct with the ACLU. (Here’s in Washington, “bust cards” are one of the ACLU’s most popular publications.)

Within days, the ACLU filed two suits under Missouri’s Sunshine Law to gain access to police incident reports. When finally released, the reports lacked basic details about the shooting, and the ACLU pressed for a full accounting by law enforcement. Further, the ACLU called for a thorough investigation of the Ferguson Police Department from top to bottom and removal of agents who are obstructing open communications.

When the police department ordered

EVENTS CALENDAR

- OCTOBER 11-12: **ACLU-WA at Geek Girl Con** in Seattle.
- OCTOBER 18: **ACLU-WA Board Meeting** in Seattle.
- OCTOBER 18-30: **Social Justice Film Festival** in Seattle.
- OCTOBER 22: **ACLU-WA at City Club** panel on Police Militarization in Bellingham.
- NOVEMBER 1: **ACLU-WA Bill of Rights Dinner** in Seattle.
- NOVEMBER 15: **Smart Justice Symposium** in Spokane.
- DECEMBER 6: **ACLU-WA Board Meeting** in Seattle.

For more information about these and other ACLU events, visit aclu-wa.org or call the ACLU office at 206.624.2184

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The ACLU-WA comprises two separate corporate entities, the American Civil Liberties Union and the ACLU Foundation. Although both the American Civil Liberties Union and the ACLU Foundation are part of the same overall organization, it is necessary that the ACLU have two separate organizations in order for the ACLU to do a broad range of work in protecting civil liberties. This newsletter collectively refers to two organizations under the name “ACLU.”

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Suit Seeks Lawyers for Immigrant Children in Deportation Hearings

Advocates for fairness for immigrant children are challenging the federal government's failure to provide the children with lawyers in deportation hearings. The ACLU and four other groups have filed a nationwide class action lawsuit (*J.E.F.M. v. Holder*) in U.S. District Court in Seattle seeking to uphold the children's due process rights. The suit says the government is violating the U.S. Constitution and the Immigration and Nationality Act's provisions requiring a "full and fair hearing" before an immigration judge.

“*The government pays for a trained prosecutor to advocate for the deportation of every child. It is patently unfair to force children to defend themselves alone.*

*-Abilan Arulanantham,
ACLU Immigrants' Rights Project*”

Each year, the government initiates immigration court proceedings against thousands of children. Some of these youth grew up in the U.S. and have lived in the country for years, and many have fled violence and persecution in their home countries. The Obama administration has called the heart-tugging influx of unaccompanied children coming across the southern border a “humanitarian situation.” Yet, thousands of children required to appear in immigration court do so without an attorney.

In early September the plaintiffs argued in court for a preliminary injunction to block the government from pursuing deportation proceedings against several children unless it ensures they have legal representation. The move came as immigration courts began speeding up deportation hearings against children in a process known as a “rocket docket.”

Plaintiffs in the case include:

- Three children aged 15 and under from El Salvador whose father was murdered in front of their eyes. The father was targeted because he and the mother ran a rehabilitation center for people trying to leave gangs.
- A 14-year-old girl who had been living with her grandparents, but was forced to flee El Salvador after being threatened and then attacked by gang members.
- A 16-year-old boy born in Mexico who has lived here since he was 1 and has had lawful status since 2010.
- A 16-year-old boy with limited communication skills and special education issues who escaped brutal violence exacted on his family in Honduras, and who has lived in California since he was 8.

The ACLU is pursuing the suit with the American Immigration Council, Northwest Immigrant Rights Project, Public Counsel, and K&L Gates LLP. Legal director Sarah Dunne is handling the case for the ACLU-WA.

Washington Attorney General Bob Ferguson has filed an amicus brief supporting the right to legal representation. The brief noted that since 2005, 47 percent of unaccompanied children with attorneys have been allowed to stay in the country; only 10 percent of those without a lawyer were able to stay. In Washington state, said the AG, the numbers were 41 percent vs. 4 percent. ■

WA Supreme Court Rules “Psychiatric Boarding” Illegal

The Washington Supreme Court in August ruled unanimously that the practice of “psychiatric boarding” is illegal. In a case (*In re Detention of DW*) arising out of Pierce County, the state and county had been holding people involuntarily detained for mental health treatment in general hospital emergency rooms and acute care centers for days – despite the fact that those facilities were neither certified for or capable of providing the mental health treatment required by law.

“The court rightly recognized that when the government deprives someone of their liberty, the government's failure to provide adequate funding does not allow it to violate the law and constitutional rights,” said ACLU-WA deputy director Jennifer Shaw.

Psychiatric boarding was occurring because of a shortage of beds in the certified evaluation and treatment facilities which the law requires be used when a person is detained via a civil commitment order. Officials were “certifying” individual beds in hospital emergency rooms, even though they were not actually able to provide any mental health treatment. As a witness from one of the hospitals testified, they were “basically warehousing these people.”

The court's reasoning was similar to that of an amicus brief by the ACLU-WA, Disability Rights Washington, and the National Alliance on Mental Illness Washington. It found that the government's authority to use civil commitment for mental health treatment purposes carries an obligation to meet patients' constitutional right to receive individualized treatment.

In its ruling, the court noted that Washington's civil commitment system has been overwhelmed and overcrowded for most of its existence since 1979. “This ruling addresses a problem coming from a broken mental health system. Washington needs to focus on helping people when mental health problems first arise, not just when they have a crisis and go to the emergency room,” said the ACLU's Jennifer Shaw.

Handling the case for the ACLU-WA are legal director Sarah Dunne and staff attorney Nancy Talner. The challenge to boarding was brought by public defenders representing 10 civil commitment patients. ■

Care Without Religious Restrictions

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severely restrict many reproductive and end-of-life health services, including contraception, vasectomies, fertility treatments, tubal ligations, abortion, Death with Dignity, and advance directives. Adherence to the directives may also increase the likelihood that LGBT individuals and families will face discrimination in seeking to access health care services.

The ACLU reminded the regents that WSU is subject to Washington's constitutional requirements strictly prohibiting state support of religious worship, exercise, or instruction as well as state laws protecting patients' rights. Further, state law, including the Reproductive Privacy Act (I-120), the Death with Dignity Act (I-1000), and the Anderson-Murray Anti-Discrimination Law, supports the provision of reproductive and end-of-life health care as well as requires non-discrimination.

We asked that the Board of Regents decline to support the financing of a new building to house the STHC residents unless all medical training and practices at the building were unrestricted by religious doctrine.

“As an institution of the State of Washington, WSU must not subsidize or support the restriction of health care on the basis of religious doctrine,” said ACLU-WA policy counsel Leah Rutman.

Two days later, after prominent coverage of our action in Spokane media, Providence announced that the health center is a secular organization and that its medical care would not be restricted by the ERDs; the health center's governing documents would be modified to reflect this understanding. As Spokane's Spokesman-Review reported, “Religious directives that some worried could restrict medical care at a new health clinic ... are being jettisoned.”

The ACLU-WA wrote to WSU regents commending the quick response of the health center partners and urging them to ensure that contractual language guarantee the center truly will be secular. The regents approved funding for the new clinic in early September, and the ACLU-WA is following up to make sure the promise of health care unrestricted by religious doctrine becomes a reality. ■

Bill of Rights Awards

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Always thinking ahead and inspiring others to follow, in 2007 Floyd gave \$2.5 million to the ACLU's Leading Freedom Forward campaign. His gift was, again, the largest the ACLU of Washington had ever received. The campaign strengthened the ACLU across the country, increasing staffing in key underfunded states and enabling the ACLU-WA to significantly expand its work. It helped to establish numerous new positions at the ACLU-WA, among them the Floyd and Delores Jones Family Fellowship for a young attorney in the legal department. His funding allowed us to continue the Technology and Liberty program, bolster the legal department, and add an Education Equity Director.



Floyd Jones and Alene Moris

Over the past few years, Floyd has directed increased support to the ACLU's work to end the crisis of over-criminalization. Deeply moved to address the problem, this year Floyd established The Floyd and Delores Jones Transformational Fund for Justice at the ACLU-WA. Yet again, the largest gift the ACLU-WA has ever received, the \$10 million fund is dedicated to advancing major, systemic changes to the criminal justice system that will promote freedom and fairness for all, especially for the most down-trodden.

For more than 40 years, Alene Moris has made it her life's work to empower and uplift women. She has spent her career counseling and guiding women to become leaders. In 1971 she and Dorothy Strawn co-founded the Women's Center at the University of Washington to assist and returning women students

to the rigors of a university setting. The Women's Center has thrived, and its current mission is to promote and advocate for gender equity and social justice on campus and in the larger community. In 2001 the Center hosted the first-ever human trafficking conference in the state. This ground-breaking conference acted as a catalyst for the first statewide legislation in the country to criminalize the human trafficking industry.

Alene co-founded the pioneering Individual Development Center on Capitol Hill in Seattle, a career-counseling center for men and women in transition, which she directed for 14 years. She conducted sexual harassment trainings at traditionally male-dominated workplaces in the 1970s and '80s. In some towns, where Alene's views on equal treatment were not welcome, union bosses or employers tried to intimidate her. On occasion, her car's tires were slashed or windshield smeared with "Get out of town," but Alene never quit.

For her work on behalf of women, the University of Washington Women's Center established the Alene H. Moris Endowment Fund in 2003. And in 2008, she received the King County Bar Association President's Award, which honors special service to the Bar Association and to the community. Alene currently serves on the board of the Puente House Foundation, a nonprofit providing assistance to persons who need a structured residential living environment in their recovery from substance abuse.

Civil Libertarian Award: Perkins Coie Legal Teams

The Civil Libertarian Award honors people and organizations that have recently made an outstanding contribution to the cause of civil liberties and justice in Washington state. We are honoring two legal teams from the Seattle office of the Perkins Coie law firm for their dedication, advocacy, and thousands of hours of superb pro bono work as cooperating counsel in two ground-breaking ACLU-WA lawsuits.

James Williams, Breena Roos, J. Camille Fisher, David Steele, Chris Knowlden, Joel Higa, and Carol Kness were the pro bono Perkins team in *Wilbur v. Mt. Vernon*. The suit challenged the deficient public defense system of Mt. Vernon and Burlington, where excessive caseloads and inadequate monitoring deprived indigent people of the right to counsel – a right guaranteed by the Sixth Amendment. Generally a full-time attorney should manage only 400 misdemeanor cases per year, to ensure adequate time to meet with clients, interview witnesses, and properly advise clients. Attorneys in Mt. Vernon and Burlington were managing 650-1000 cases per year, on a part-time basis.

In December 2013, the U.S. District Court in Seattle found that public defense in Mt. Vernon and Burlington offered clients little more than a "meet and plead" system, and required the cities to hire a supervisor to ensure their defense system complies with constitutional standards. Citing the landmark Gideon case that established the right to counsel for all people accused of a crime, Judge Robert Lasnik wrote, "The notes of freedom and liberty that emerged from Gideon's trumpet a half a century ago cannot survive if that trumpet is muted and dented by harsh fiscal measures that reduce the promise to a hollow shell of a hallowed right."

The *Wilbur* case has already had a positive impact on local and national indigent defense reform. The U.S. Department of Justice filed a statement in the case, reaffirming a federal interest in ensuring the mandate of Gideon and endorsing workload limits for public defenders. An opinion from Attorney General Eric Holder printed in the *Washington Post*, a nationally-broadcasted NPR story, and an editorial by the *New York Times* all called for a renewed commitment to adequate funding and oversight of public defense systems.

Likewise, the dedication and extraordinary hard work of a Perkins team was vital



Perkins Coie's team for the Wilbur case

to a landmark victory for voting rights. Kevin Hamilton, Abha Khanna, William (Ben) Stafford, Kimball Mullins, Rose Kelly, Rike Connelly, and Mica Simpson worked for the ACLU-WA on *Montes v. City of Yakima*. In the case, the ACLU-WA has represented two Yakima residents in challenging the city's voting system for city council. Though Latinos comprise a significant and growing segment of the city's population, no Latino has ever been elected to the council. An at-large election system, combined with racially polarized bloc voting, has served to deny Latinos a meaningful voice in city government.

This August, the federal district court ruled in our favor, finding the city violated Section 2 of the federal Voting Rights Act by diluting the vote of Latinos. The Perkins Coie team had helped put together a truly compelling case – one that moved the judge to rule based on a motion of summary judgment, without needing a scheduled trial. In a strongly worded opinion, Judge Thomas Rice concluded, "In the final analysis, there is only one rational conclusion to be drawn from the undisputed evidence recounted above: that the non-Latino majority in Yakima routinely suffocated the voting preferences of the Latino minority."

With voting rights under attack around the country, this is a tremendous victory for fairness in elections. The case was the first vote dilution lawsuit to be brought in Washington state. Now the Latino community in Yakima will have a chance for their interests to be represented on the city council. That will impact how city services are allocated and will make a real difference in people's lives. We expect this ruling to be influential in changing unfair voting systems in other cities around the state.



Civil Libertarian Award: Macklemore

A Seattle rapper and musician who gained international recognition with a string of hits, Macklemore (Ben Haggerty) has been an outspoken supporter of gay rights. He shares his views about the issue in his moving song “Same Love,” written in support of legalizing marriage for same-sex couples during the Referendum 74 campaign. He explained that the song came out of his frustration with hip hop’s attitudes toward homosexuality. Proceeds from the sale of the song supported the work of Music for Marriage Equality, a non-profit that worked closely with Washington United for Marriage.

In 2013 he shot a promotional video, on a completely pro bono basis, for the ACLU-WA promoting membership in the ACLU; we turned into an online ad viewed by more than 100,000 people. Macklemore helped us spread the word about the ACLU to a younger audience and recruit more than 250 members.

He was the first major celebrity and non-athlete to endorse the work of the You Can Play Project, a national nonprofit dedicated to ensuring equality, respect, and safety for all athletes, without regard to sexual orientation. As part of his endorsement, he released a public service announcement. In the video, he acknowledges his gay family members and friends, says that anti-gay language has no place in music or sports, and that “if you have

Yakima

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in the council member’s district or not. This has caused the Latino community’s voting strength to be impermissibly diluted.

“In the final analysis, there is only one rational conclusion to be drawn from the undisputed evidence recounted above: that the non-Latino majority in Yakima routinely suffocates the voting preferences of the Latino minority.
-Judge Thomas Rice ”

Both parties had filed motions for summary judgment after the close of discovery. The U.S. Department of Justice filed a Statement of Interest in the case, opposing a section of the City of Yakima’s summary judgment motion. The court granted the ACLU’s motion and ordered the parties jointly to submit a proposed remedial districting plan by October 3.

Though focused on Yakima, the ruling is having an impact statewide. The ACLU is urging jurisdictions around the state to examine their own elections systems and to change any that unlawfully dilute the vote of minority communities.

Attorneys representing the plaintiffs are ACLU-WA staff attorneys Sarah Dunne and La Rond Baker, Laughlin McDonald of the ACLU Voting Rights Project, Joaquin Avila of the Law Firm of Joaquin Avila, and ACLU cooperating attorneys Kevin Hamilton, Abha Khanna, and Ben Stafford of the firm Perkins Coie, LLC. ■

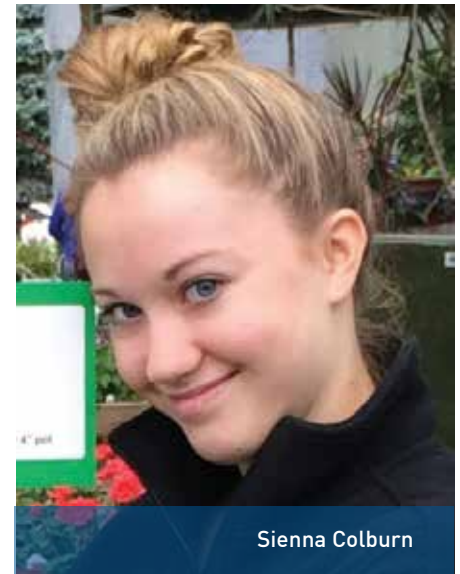
the skills, talent and heart, you can play.” The video has over 40,000 views on YouTube, and national media including the Huffington Post, Rolling Stone, and MTV have done stories on it.

Youth Activist Award: Sienna Colburn

The Youth Activist Award is presented to a young person (age 22 or younger) or group of young people whose activism exemplifies work to defend and extend liberty and justice for all. Sienna Colburn, a student at Eastside Catholic School in Sammamish, led the charge in a movement to support Mark Zmuda, a former vice principal who was fired last December for being married to a man. Sienna was a sophomore on the swim team coached by Mr. Z.

Outraged by his unfair firing, she posted to Twitter #savemrz2013. A social media campaign to Keep Mr. Z followed her tweet, and what ensued was a groundswell of support. Hundreds of students from Eastside Catholic and neighboring high schools organized walk-outs and sit-ins; the swim team posted a banner reading “We swim for Zmuda” at a swim meet; alumni conducted rallies and warned the school they would stop donating; parents threatened to remove their children from Eastside Catholic; and a petition calling for Zmuda’s reinstatement garnered more than 20,000 signatures. Student activists also marked Jan. 31 as Z Day and urged Zmuda’s supporters to wear orange, one of the school’s colors, and to join in a minute of silence to show support for Mr. Z.

The students at Eastside Catholic bravely stood for the right to love and spoke out against injustice. Zmuda says, “It is those memories I will cherish and remember after all that transpired.” Though Eastside Catholic refused to reinstate Zmuda, he has accepted a position as Associate Principal and Director of Athletic Programs at Mercer Island High School. ■



Sienna Colburn

State Voting Rights Act Needed

The Yakima case was decided under the federal Voting Rights Act. In the wake of court ruling, the ACLU-WA and allies are continuing to push for the state legislature to adopt the Washington Voting Rights Act. The measure would enable jurisdictions to craft locally tailored solutions to remedy election systems that exclude minority communities from having a meaningful vote.

Sponsored by Rep. Luis Moscoso and Sen. Sam Hunt, in the 2014 session the measure passed the House and came within a single vote of passing out of committee for a vote by the full Senate. We are working with the Win/Win Network, One America, the League of Women Voters, and others to gain its adoption in 2015.



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

Floyd Jones Establishes \$10 Million Endowment at ACLU-WA to Help Transform Criminal Justice System



Floyd Jones and Alene Moris (center front) with ACLU staff and board leadership at signing of papers to establish new fund.

“Our prison population is overwhelmingly black. This is a crisis, and we should treat it as such. It is telling that while the government is helping to deal with the crisis in sub-prime loans, very little is being done about the prison crisis. This is a great country where justice and fairness are expected.”

-Floyd Udel Jones

Longtime ACLU supporter Floyd U. Jones has established the Floyd and Delores Jones Transformational Fund for Justice at the ACLU-WA. The \$10 million gift for the fund is the largest the ACLU-WA has ever received. “Floyd’s extraordinary vision is matched by extraordinary generosity,” said Kathleen Taylor executive director, upon announcing the gift.

Expressing his lifetime commitment to American values of equality and fairness, Jones directed that his gift advance the ACLU’s criminal justice work. The Floyd and Delores Jones Transformational Fund for Justice will promote major, systemic changes to the criminal justice system, especially for the most down-trodden.

The crisis of over-criminalization and racially biased enforcement has turned the “home of the free” into the jailer of the world, putting more African Americans behind bars or on parole today than were enslaved in 1850. This national crisis plays out in the everyday lives of millions of Americans struggling to survive, provide for families, fight addictions, live with mental illness, or simply regain footing on the path toward their American Dream.

The fund will advance the ACLU’s work to end the era of mass incarceration by:

- Engaging the public in a broad conversation to promote the view that not every social ill can or should be treated as a crime.
- Ending the excessive funneling of people who are mentally ill, people of color, poor, or troubled into the criminal justice system for petty offenses.
- Keeping children out of the destructive criminal justice system.

Though this visionary gift is the ACLU-WA’s largest, Jones has been an unwavering supporter of liberty and fairness for the past 40 years. His support of the ACLU has had a lasting impact on ACLU-WA’s financial stability, capacity to expand the organization and programs, and will sustain its work for years to come.

Floyd’s life story epitomizes the American Dream. Born the 11th of 12 children to

sharecroppers in Arkansas, Floyd picked cotton as a boy and seldom got to school before Thanksgiving when the cotton crop was in. Determined to get an education, after service in the Army, he enrolled in college and earn a degree in Business Administration. Floyd always speaks of the good fortune in his family and in his work that led him to be a successful stockbroker. That he is able to share that good fortune with others brings him the deepest joy of all. To him, “philanthropy is sweetness for the soul.”

In his autobiography, *Kisses for Breakfast*, Floyd wrote of his life: “I always wanted to do the right thing, to be helpful, to be good. What amazes me is that it all turned out so well. It was like a dream come true. Neither my wife nor I thought we would ever do big charity, but before we got through we were doing big charity. Nothing could please me more than

that, because this is how I used to daydream as a boy.”

Expressing appreciation, Board president Jean Robinson said, “There are not many funders with his compassionate, deep understanding of our broken criminal justice system and the lives it destroys. With Floyd’s gift, the ACLU-WA will re-double its efforts to push our state and nation to live up to its promise of justice for all.” ■



Teachers and Students: Stay Up to Date on Civil Liberties

Can the school search a student's locker – or his/her cell phone? Can the police make you show ID? Why did the ACLU-WA bring its latest case?

It's back to school season – a good time to keep in mind the many ways the ACLU can help teachers and students learn more the Bill of Rights and its meaning for today. For teachers putting together lesson plans and students preparing a report or presentation, the ACLU-WA website (aclu-wa.org) has a wealth of information about civil liberties issues and cases in Washington. Some other notable resources:

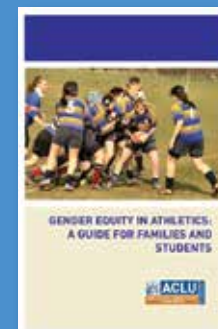
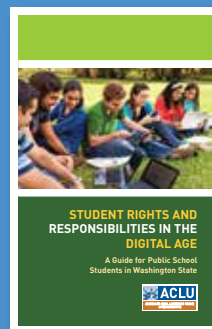
- **Classroom speakers** about a variety of topics, including the very timely issue of student rights with computers and cell phones.
- Our “**bust card**,” an ever-popular wallet-sized card summarizing rights in interactions with the police.
- **The ACLU-WA Teachers Network**, an easy way for educators to receive emails to stay up-to-date on civil liberties developments issues – perfect for classroom discussions.
- Our annual **Student Conference of Civil Liberties**, always an exciting event for high schoolers. To be held in March 2015 in Seattle.

To request a speaker or other educational resource, call John Flodin at the ACLU-WA office or simply e-mail us at schools@aclu-wa.org.

And, of course, another way for teachers and students to stay informed on the latest in civil liberties is to “like” us on Facebook ([facebook.com/acluwa](https://www.facebook.com/acluwa)) or follow us on Twitter (twitter.com/aclu_wa). ■

RESOURCES FOR STUDENT RIGHTS

What rights do students have under our constitution and laws?



Learn about these and other publications by visiting aclu-wa.org/resources.

ACLU-WA Shows Its Pride



(left to right) John Flodin, Robert Ingersoll, Curt Freed, and Margaret Chen at A Toast to Love in Tri-Cities



ACLU-WA marchers at the Seattle Pride Parade



ACLU-WA marchers at the Trans* Pride Parade in Seattle



ACLU-WA's Brian Woll handing out treats at the Seattle Pride Parade



ACLU-WA's Brynn Felix with guests at A Toast to Love in the Tri-Cities



Lauren Lee, Jill Beckerman, Christine Zarker Primomo, and Wesley Ducey at Seattle Pride

Hobby Lobby Decision: Imposing Religious Beliefs on Employees

By Leah Rutman, ACLU-WA Policy Counsel

Religious freedom is a fundamental right in our society. But while everyone has the right to his or her religious beliefs, those beliefs cannot be imposed on others.

Unfortunately, for the first time, in *Burwell v. Hobby Lobby Stores, Inc.*, the U.S. Supreme Court has decided that business owners can use their personal religious beliefs to deny their employees a benefit that is guaranteed to them by law. The potential implications of this decision are far-reaching and alarming.

Immediately at issue in these cases was part of the Affordable Care Act that requires health plans to cover contraception without a co-pay. Suit was brought by two closely held corporations, the arts-and-craft chain Hobby Lobby and Conestoga Wood Specialties, which argued that requiring them to include certain types of contraception in employee health plans violated their religious beliefs. In an unprecedented decision, the Court ruled that under federal law such corporations need not comply with the contraceptive rule if they object on religious grounds.



Leah Rutman

Put another way, the Court empowered employers to impose their religious judgments on the women who work for them by deciding which method of birth control is religiously acceptable and, thus, insurable.

The law in question was designed to ensure women's equality by eliminating the disparities in health care costs between men and women. It

aimed to ensure women have the ability to make decisions about whether and when to become parents – which in turn allows them to participate equally in society. At stake was a benefit only women need. In effect, the Court has sanctioned discrimination against women.

Moreover, the Court's decision set a precedent for allowing religion to be used as a vehicle for other forms of discrimination. Courts long have refused to allow employers to use religion as a justification for refusing to comply with general laws, such as equal pay. After *Hobby Lobby*, that could change. The decision may open the door to claims to discriminate in various areas.

“*Religious freedom does not include the right to discriminate in the commercial marketplace.*”

Thankfully, the rights of Washingtonians remain protected by state law. We are one of 28 states that require contraceptive coverage if an employer's health plan covers other prescription drugs (though these laws do not apply to self-insured corporations). The *Hobby Lobby* decision does not affect these protections, as it was decided under a federal law (the Religious Freedom Restoration Act) which does not apply to states. Nor does it affect our state's strong anti-discrimination laws. The *Hobby Lobby* decision does not mean that a business has the right to turn away customers or fire employees based on religious beliefs that conflict with state laws.

However, where the ruling may take us in the future is another matter. Some businesses now may feel entitled to assert religious objections to all sorts of laws. Will owners whose religions forbid blood transfusions, in vitro fertilization, or mental health care assert a right to refuse to cover these for their employees?

Religious freedom does not include the right to discriminate in the commercial marketplace. A free and pluralistic society requires everyone, including corporations with religiously observant owners, to comply with laws intended to advance public health and the general public interest. ■



Legal Marijuana Sales Begin

ACLU-WA criminal justice director Alison Holcomb (above, center) was on hand to see history made as legal marijuana sales began in early July. “Small businesses across the state are undertaking the formidable challenge of creating this new legal marketplace and proving that we can do better than prohibition,” she said. The author of I-502 reminded people why the ACLU-WA had pushed for a new approach: to end arrests of adult marijuana users and the racial disparities in who gets busted, and to curb erosions of liberty in pursuit of the war on drugs.

Suit Challenges Local Marijuana Ban

Representing three state-licensed marijuana business owners, the ACLU-WA has intervened in a lawsuit (*MMH v. Fife*) challenging the City of Fife's ban on marijuana operations. Fife enacted an ordinance which prohibits any production, processing, or retail sales of marijuana in the city – regardless of whether these activities are authorized by state law.

“We have intervened to ensure that Washington's marijuana law goes forward as the voters intended when they adopted it,” said Alison Holcomb, ACLU-WA criminal justice director and the author of I-502, the state's marijuana law. “Federal law does not preempt our state's marijuana law, nor can individual cities opt out of state law.”

In 2012, Washington's voters decided that the state's previous policy for marijuana had failed and adopted a new approach to regulation and enforcement. I-502 replaced marijuana prohibition with a tightly regulated, state-licensed system. Under the new law, the state's objectives remained the same: overcoming drug abuse and controlling drug-trafficking.

At the federal level, Congress passed a law regulating marijuana and other drugs, the Controlled Substances Act (CSA), in 1970. The main objectives likewise were “to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances.” Congress made clear that it did not intend to preempt state laws that regulate drugs. Rather, the CSA expressly leaves to states the task of creating their own laws and developing their own tactics for marijuana regulation.

Federal and state governments have since operated in partnership, with the national government enforcing federal law and state governments managing intrastate and local law enforcement. Eighteen states have decriminalized marijuana possession, and 23 states plus the District of Columbia permit the medical use of marijuana.

“State and federal laws do not have to be the same,” said the ACLU-WA's Alison Holcomb. “I-502 is designed to protect the health and welfare of our state's residents, and it is consistent with federal enforcement priorities. It accounts for revenues, prohibits marijuana sales to children, and reduces the risk of violence by taking marijuana out of the hands of criminal enterprises.”

Further, the ACLU-WA contends cities, counties, and other municipalities may not prevent marijuana enterprises that are legal under state law from operating within their jurisdictions. They may enact local zoning ordinances and health and safety regulations that do not conflict with state law, but they may not forbid activity that state law permits.

In late August, a Pierce County Superior Court judge upheld Fife's ban, saying that I-502 does not require cities to allow marijuana businesses. The ACLU-WA will participate in an appeal of the ruling.

Handling the case are ACLU-WA cooperating attorneys Sal Mungia of Gordon Thomas Honeywell LLP and Don Scaramastra, Jared Van Kirk, and Dominique Scalia of Garvey Schubert Barer, and staff attorneys Sarah Dunne, Alison Holcomb, and Mark Cooke. ■

ACLU Questions Tacoma's Stingray

The ACLU-WA is questioning Tacoma police's use of a controversial cell phone simulator that vacuums up the records of all cell calls and text messages up to a half-mile away. Known as a Stingray, the device mimics the signal transmitted by a cell phone tower to trick cell phones into sending it information – without the cell phone owner's knowledge.

"They are essentially searching the homes of innocent Americans to find one phone used by one person," said Chris Soghoian, chief technologist and policy analyst for the ACLU. "It's like they're kicking down the doors and searching 50 homes because they don't know where the bad guy is."

A front-page story in Tacoma's The News Tribune (TNT) in late August revealed that the Tacoma Police Department has been using a Stingray for six years. Records showed that the device had been used 179 times since 2009, primarily in drug investigations. It is mobile and small enough to fit in a car. Its information shows where a caller is and whom he/she is calling in real time. Aggregations of data collected by a Stingray can be analyzed to determine associations between groups of people.

The revelation took many local officials by surprise. According to the TNT, neither county prosecutors nor public defenders were aware of its use. Judges who had signed warrants authorizing its use in specific cases said that warrant applications had not mentioned the device. What they had signed were "pen/trap/trace" authorizations that allow police to obtain cell phone data for a specific suspect from the phone company.

"I would personally have some concerns about just sweeping up information from non-involved and innocent parties – and to do it with a whole neighborhood? That's concerning," said Judge Ronald Culpepper, presiding judge of Pierce County Superior Court.

Adding to the troubling secrecy about the Stingray, Tacoma had to sign a non-disclosure agreement

with the FBI to attain it – limiting what officials can tell the public.

Tacoma acquired its Stingray in 2007 through a federal grant. Seeking city council funding in 2013 to upgrade it, the police chief said new equipment was needed for dealing with improvised explosive devices. But the police department now tells the TNT that it has never been used for that purpose. "I've got to find out what I voted on before I comment," one city council member said.

The situation in Tacoma is reminiscent of what happened in Seattle recently, when law enforcement obtained two aerial drones, surveillance cameras, and a mesh network via federal grants and without public discussion. Seattle and Spokane have since adopted ordinances seeking to regulate the acquisition and use of surveillance technology. The ACLU-WA has developed a model ordinance for jurisdictions that want to do likewise.

"Police agencies need to have clear and transparent policies about such invasive surveillance technology. They have to ensure that any data not relating to criminal activity is gotten rid of quickly," said the ACLU-WA communications director Doug Honig. ■



SHORT & SWEET

Limiting Shackling of Juveniles: The Washington Supreme Court has adopted a court rule that the ACLU and others had been seeking. It states that "Juveniles shall not be brought before the court wearing any physical restraint devices except when ordered by the court during or prior to the hearing." The rule went into effect on September 1.

Reaching Out to Communities: Field director Liezl Tomas Rebugio was a featured speaker at the Pride ASIA celebration, and the ACLU-WA cosponsored the national Gender Odyssey Conference, an annual event supporting trans rights held in Seattle. We had information tables at Ethnic Fest Northwest in Tacoma and the Grays Harbor County Fair, and ACLU-WA supporters carried our banner at the 4th of July Parade on Bainbridge Island.

Promoting Sensible School Discipline: The state's Office of Superintendent of Public Instruction issued its final revised discipline regulations which largely incorporate features the ACLU and allies had been seeking. These include:

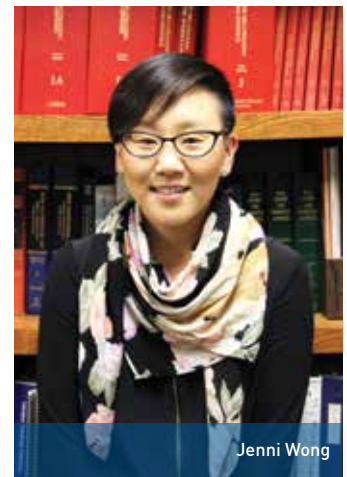
- Encouraging schools to use alternatives to suspension and expulsion.
- Removing language that appeared to direct schools to suspend or expel students for truancy.
- Removing language that allowed discipline for expressing suicidal thoughts.
- Replacing all references to "punishment" with "discipline."

Jenni Wong Is New Legal Fellow

Jenni Wong has begun serving as a Robina Public Interest Fellow with the ACLU-WA's Legal Department. She is working on general litigation matters with a focus on LGBT rights.

Wong previously was an ACLU-WA legal intern, working on religiously based discrimination in health care and religious accommodations for jail inmates, among other matters. "I had an amazing experience with the ACLU of Washington and got such great support and mentorship," she said. "I am honored to return to the ACLU and have the opportunity to work on issues I care deeply about."

A Washington native, Wong grew up in various south Puget Sound suburbs, including Federal Way, Lakewood, and Tacoma. She attended Vassar College and spent a year in New York City advocating for voting rights within the Asian American community. Inspired by the power of legal advocacy, she enrolled in the University of Minnesota Law School to pursue a public interest career. ■



Jenni Wong

Thanks to these **VOLUNTEERS** who have helped the ACLU-WA in the community and at our office:

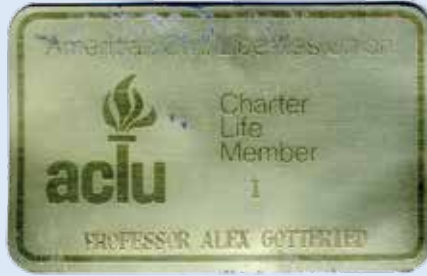
Holly Akilesh, Ram Akilesh, Liz Allen, Eric Monek Anderson, Rajiv Ayyagari, Valerie Balch, Stephanie Bardin, Kayley Bebbler, Jill Beckerman, Camille Boushey, Rory Bowman, Greg Brewis, Terentia Brumage, Kasey Burton, Claire Carden, Misty Carman, Stuart Cassel, Sarah Chaplain, Sarah Churng, Danielle Cole, Nick Crocker, Irene DeMaris, John Dickinson, Stephan Diedrich-Oswald, Michelle Dillion, Spring Dowse, Wesley Ducey, Fabio Dworschak, Emily Elijah, Bobby Emerson, Nancy Evans-Jones, Peter Feichtmeir, Dorothy Finlay, Catherine Fisher, Chilton Fowler, Georgia Fowler, Steve Fradkin, Wendy Frankel-Reed, Don Franks, Steven Frantz, Audrey Frey, Yoko Gardiner, Bill Gleason, Johnene Granger, Patti Hackney, Anne Hamilton, Elena Hernandez, Carlos Hernandez, Luis Hernandez, Dashiell Holcomb, Greg Holcomb, Alice Hsu, Lachlan Huck, Claire Hudson, Esmarald Iman, Mara Isaacson, Lana Jacobus, Daniel Jeon, Laurie Johnson, Lakeisha Jones, Linda Kehoe, Kristin Kelly, Rebecca Kopplin, Chaya Kostelicki, Jean Larson, Lauren Lee, Julie Lehnis, Sally Mary S. de Leon, Nicole Li, Stephanie Llanes, Jennifer Lu, Michael Marchesini, John Marlow, Camille Matern, Danielle McKenzie, Catherine Means, Kristie Miller, Fred Moody, Ben Moody, Julia Neil, Henry Nidel, Dan O'Brien, Ian O'Grady, Aeden O'Neil-Dunne, Nikkita Oliver, Maly Oudommahavanh, Michelle Ovacik, Lisa Paquette, Connor Paulich, Gigi Penn, Monty Pieperreit, Clive Pontusson, Christine Zarker Primomo, Aaron Rabinowitz, Greg Ramsey, Nadine Rankin, Bruce Rankin, Qwynn Rankin, Summer Rosa-Mullen, Lauren Ross, Susan Roth, Carla Savalli, Frederick Sawyer, McKenzie Schnell, Jordan Schrage, Mark Sheran, Bernadette Sheran, Lauren Simmons, Korica Simon, Monique Spivey, Leona Sponsler, Sally Suh, Tanya Suthern, Jon Swanson, Janice Swanson, Ben Sweeney, Karen Swinger, Jordan Taren, Ameet Thaker, Katherine Thichava, Minda Thorward, Luis Tobar, Josh Treybig, First Trujillo, Paul Tucker, Jeffrey Veregge, Eric Villar, Peren Votolato, Nathan Wahl, Kerry Werner, Susie Weymouth, Jacquelyn Williams, Bob Winsor, Margaret Witt, Faith Wolfson, Karalynne Wood, Nick Yasman, Caitlin Yates, Constance Yenne

In Memoriam

Alex Gottfried

Longtime ACLU-WA leader and political scientist Alex Gottfried passed away earlier this year at 94. Alex served on the ACLU-WA board of directors for much of the 1960s-1980s, and also served on the national ACLU board. A devoted pacifist, he was active in the civil rights and peace movements.

Alex was the first member of the ACLU's "Charter Life Member" program. "Civil liberties is my religion, and the American Civil Liberties Union is my church" is how he summarized his central passion. As a board member, Alex often was a gadfly, arguing for the organization to broaden its definition of civil liberties. His advocacy was instrumental in the organization becoming one of the first ACLU affiliates to oppose the military draft and marijuana prohibition on constitutional grounds. In 1988, the ACLU-WA presented him its highest honor, the William O. Douglas Award.



"Alex Gottfried was a staunch defender of civil liberties principles. He stood out as an articulate and determined proponent of his viewpoints," said ACLU-WA executive director Kathleen Taylor.

He was a native of Hungary who immigrated to America with his family as a boy, and during WWII led "de-Nazification" efforts in Allied-occupied Bavaria. A member of the UW political science faculty for three decades, Alex taught American politics and constitutional law to many future political leaders. He spoke frequently to community groups and appeared on local radio and television programs on politics and civil liberties. He was also a contributor to *The Nation*, *The Progressive*, and *Liberation* magazines.

Alex is survived by his wife of 70 years, Sue Davidson Gottfried, herself a writer, editor, and political activist. The family asks that anyone who wishes to honor Dr. Gottfried make contributions in his name to the ACLU.

Sher Kung



The ACLU-WA is deeply saddened by the tragic death of former staff attorney Sher Kung. On August 29, a truck collided with the bicycle Sher was riding in downtown Seattle, and she passed away at the scene of the accident. She was 31 and is survived by her partner and seven-month-old child.

After receiving her law degree from Hastings College of Law, Sher worked for the ACLU-WA as a Perkins Coie Fellow in 2009-'10. She was an integral part of the ACLU-WA's legal team for Maj. Margaret Witt's landmark challenge to her dismissal under "Don't Ask, Don't Tell" – case whose success paved the way for the demise of the discriminatory policy.

"Sher was like a spark plug. She was sharp, smart, and strategic," recalled ACLU-WA legal director Sarah Dunne.

Sher subsequently worked on intellectual property issues for Perkins Coie. She served on the board of QLaw, Washington's LGBT Bar Association, and maintained an active pro bono practice. Pro bono, she worked on matters involving discrimination based on sexual orientation at small businesses, federal health benefits for a same-sex spouse, and a protection order and divorce for a victim of domestic violence.

"Sher was actively engaged in leading the world to a better place," said Margaret Witt.

Ruling Protects Access to Post-Conviction DNA Testing

The Washington Supreme Court in a 6-3 ruling in August found that in deciding whether to grant a convict's request for DNA testing, state courts must presume the results of testing would be favorable to the convict. The presumption supports conducting the test, while not necessarily requiring a new trial until the results of the test are obtained. The ruling agreed with an amicus brief submitted by the ACLU-WA and the Innocence Network.

The ruling came in a rape case (*State v. Crumpton*) in which lower courts had rejected a post-conviction request for testing, finding that the requestor had not shown that the DNA test would likely demonstrate his innocence. In reversing these rulings, Justice Mary Fairhurst noted,

"Many innocent individuals have been exonerated through post-conviction DNA tests, including some who had overwhelming evidence indicating guilt."

The case involved a Washington statute that permits post-conviction testing if the test results would raise a likelihood that the person is innocent of the offense. Our amicus brief said that the lower courts had imposed a legal standard that failed to protect adequately against convictions of actually innocent people. Staff attorney Nancy Talner handled the case.

"This is a matter of ensuring that justice is done. If society can conduct testing that potentially can show an innocent person has been convicted and imprisoned, we should do the test," said Nancy Talner. ■

CIVIL LIBERTARIANS IN ACTION

Our thanks go to these speakers who helped do public education on civil liberties to school and community groups

David Whedbee gave a presentation on Know Your Rights with the Police to immigrant and refugee students at the Seattle Public Library.

Doug Klunder Klunder was featured on the television program Last Inspire Talk on Surveillance on cable channel 77.

Judy Bendich spoke about the Impacts of Religious Doctrine in Health Care to a class of nurses at St. Martins University in Everett.

Jamila Johnson and **David Keenan** spoke on Student Rights with Technology at the annual WA Journalism Education Assn.'s Journalism Day in Seattle.

Pat Gallagher talked about Student Rights to several classes at Shorewood High School in Shoreline.

Binah Palmer spoke on Current Civil Liberties Issues to the senior class at the Center School in Seattle.



ACLU-WA tabling at Fillipino American festival, Pista sa Nasyon

BOARD OF DIRECTORS ELECTION

Dear ACLU-WA members,

Let us know what you think of these candidates! Vote Yes or No for each candidate. Candidates who receive a majority of Yes votes will join 13 others in governing the ACLU-WA.

In selecting candidates, the Governance Committee looks for ACLU members who have a strong and broad commitment to the ACLU as well as the skills and qualities needed to serve as trustees. The Board of Directors ensures that the ACLU-WA stays true to its mission to protect and extend freedom, fairness and equality for all. The Board approves policy and program direction, maintains the financial well-being of the organization, and serves as a bridge

to the larger community. Each candidate has expressed a commitment to active participation in the stewardship of the ACLU-WA. With this slate, the Board meets or exceeds its diversity goals of 25% people of color, 10% people with disabilities, 50% women and 10% LGBT.

Your vote is an endorsement of the candidate and a vote of confidence in the work of the ACLU of Washington over the past year. Thank you to fellow Governance Committee members Alexes Harris, Paul Lawrence, Alex McKay, and David Whedbee.

Doug Klunder,
Governance Committee Chair

BALLOT INSTRUCTIONS

- 1.** Only current ACLU members may vote. If you are a current member, there is an envelope included in this newspaper. Otherwise, your membership was not current at the time of the mailing or you are an ACLU-WA Foundation supporter only. If you think there has been an error please contact us at membership@aclu-wa.org or **(206)624-2184**.

2. Two ballots are supplied for a joint membership. Look at the mailing address on the back page of your newspaper. If the top line has the word "JOINT," then you have a joint membership. If it says "IND" you have an individual membership and you may use only one ballot.
- 3.** Mark a YES or NO next to the name of each candidate. To be elected, a candidate must receive more YES than NO votes.

4. Clip the ballot and enclose it in the envelope provided. If you wish added privacy, put your ballot inside a plain envelope, then inside the vote envelope. If you lost your envelope, address a blank envelope to: Tally Committee, ACLU of Washington, 901 5th Avenue #630, Seattle, WA 98164.

5. Write your name (as it appears on the mailing address of this newspaper) on your return envelope, and check the box for either INDIVIDUAL or JOINT membership.

6. Ballots must be postmarked by no later than **October 30, 2014**.

INDIVIDUAL BALLOT

Use this ballot if you have an **INDIVIDUAL MEMBERSHIP**
(check the mailing address)

Rory Bowman ☐ YES ☐ NO
Jesse Wing ☐ YES ☐ NO
Peter Danelo ☐ YES ☐ NO
Emily Cooper ☐ YES ☐ NO

Hank Balson ☐ YES ☐ NO
Pat Gallagher ☐ YES ☐ NO
Jean Robinson ☐ YES ☐ NO
Dan Shih ☐ YES ☐ NO

SECOND BALLOT

Use both ballots **ONLY** if you have a **JOINT MEMBERSHIP**
(check the mailing address)

Rory Bowman ☐ YES ☐ NO
Jesse Wing ☐ YES ☐ NO
Peter Danelo ☐ YES ☐ NO
Emily Cooper ☐ YES ☐ NO

Hank Balson ☐ YES ☐ NO
Pat Gallagher ☐ YES ☐ NO
Jean Robinson ☐ YES ☐ NO
Dan Shih ☐ YES ☐ NO

BOARD CANDIDATES

TO READ CANDIDATE STATEMENTS, GO TO [ACLU-WA.ORG/BOARD](http://aclu-wa.org/board)



Rory Bowman

As a fifth-generation Washingtonian born and living in southwest Washington, serving with the ACLU of Washington has been one of my most satisfying volunteer experiences. Thank you for this opportunity and your ongoing support.



Jesse Wing

Civil Rights Lawyer in Seattle at MacDonald, Hoague & Bayless. Served as Board President for 5 years & feel as committed as ever to supporting our effective staff advance civil liberties through legal work, fundraising, & public speaking.



Peter Danelo

I am nearing the end of my second three-year term on the Board and would appreciate your support for a third term. Since 2012, I have been the Washington affiliate's representative to the National Board.



Emily Cooper

I have greatly enjoyed serving on the board for the past few years and would be honored to continue contributing to the outstanding work of ACLU-WA. Currently fighting for those with disabilities at Disability Rights Washington.



Hank Balson

Started my legal career as a staff attorney with Columbia Legal Services, and now practice with Public Interest Law Group, PLLC in Seattle. I have a particular interest in representing prisoners who are being denied necessary medical care.



Pat Gallagher

I'm honored to be nominated for a third term as a Board Member for the ACLU of Washington. During my tenure I've served on the Board's Second Amendment & Executive Committees and also an active member of the Speaker's Bureau since 2001.



Jean Robinson

I have been honored to serve on the Board of Directors of the ACLU-WA for the past 15 years and currently as Board President. In the past, I have served as the Development Chair, the Treasurer, and on the Nominating Committee.



Dan Shih


Partner at Susman Godfrey LLP handling complex commercial litigation with a substantial pro bono practice; serves on the boards of API Chaya and QLaw: The GLBT Bar Association of Washington.



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FEATURED SPEAKER
LARRY WILMORE