

Expert on NSA Spying Headlines Annual Membership Conference

Conference to Confront the Surveillance Society

A talk by James Bamford, the nation's foremost expert on surveillance by the National Security Agency, will kick off the ACLU of Washington Annual Membership Conference. The event will examine some of today's most challenging civil liberties issues with a multi-faceted program of speakers, workshops, a film, and more. The conference will be held on Saturday, Feb. 24 at the University of Washington's Kane Hall.

The opening session, on "Confronting the Surveillance Society: Privacy in the 21st Century," will feature journalist James Bamford, author of two groundbreaking books on the secretive NSA and currently a plaintiff in the ACLU's lawsuit challenging its domestic surveillance program. In August, a federal court found the NSA's program to monitor the phone calls and e-mails of Americans without warrants is unconstitutional and must be stopped. Oral argument in the government's appeal

took place in late January. Also speaking will be Tim Sparapani, an ACLU legislative counsel and the organization's point person for privacy legislation in Congress.

Next, a series of concurrent workshops will explore three hot issues. "Privacy under Siege" will look at how to protect privacy in the face of the rapidly increasing flow of personal information into government and public databases. "What's Next for LGBT Rights" will discuss what can be done to advance

toward full equality in family relationships in the wake of the state Supreme Court's

ruling against legal marriage for same-sex couples. "The School to Prison Pipeline" will examine whether public schools' handling of discipline and truancy issues is un-

necessarily putting students—especially students of color—into the criminal justice system.

A second plenary session will provide an opportunity to hear from ACLU clients why they have decided to stand up for their rights. Featured will be Maj. Margaret Witt, who is fighting dismissal from the Air Force because of her sexual orientation; Abdulaameer Yousef Habeeb, who is seeking justice after being arrested

and detained for eight days in an act of ethnic profiling; Charles Heinlen, who is seeking unfiltered access to the Internet at his public library; and Jock Young, who is opposing suspicionless drug testing of children and other high school students.

A social hour with refreshments will provide the chance to continue the dialogue with like-minded people. Two new features will cap the day. During the reception, you can take your food to an Advocacy Workshop while you learn more about how to support the ACLU's agenda in Olympia. And afterward, in the early evening, you can attend a screening of the gripping film *The Road to Guantánamo*, which presents a frightening dramatization of the real-life travail of three British citizens who were held for two years without charges.

The Annual Membership Conference is free and open to all ACLU members and the general public, with a suggested donation of \$10. Please bring friends! ■



James Bamford

ACLU Takes on Mail Searches, Calls for Hearings

The ACLU is responding forcefully to the latest revelations of actions by the administration that undermine constitutional rights.

The ACLU is submitting a request for public records regarding a Dec. 20 signing statement by President Bush, which asserted that the executive can open postal mail without a warrant in emergency conditions. The signing statement accompanied the Postal Accountability and Enhancement Act of 2006, which explicitly says that First Class Mail cannot be opened without a warrant.

The ACLU is also asking Congress to investigate whether the executive has searched mail without warrants, whether people who are searched are notified after the fact, and what policies are being put in place to conduct the searches.

"Given the president's dismal record of violating the privacy rights of Americans, we must question whether he is authorizing the opening of mail without a warrant in violation of the Constitution and laws enacted by Congress," said ACLU Executive Director Anthony D. Romero.

Earlier in December, the ACLU filed a request for public records regarding the Department of Homeland Security's Automated Targeting system (ATS), and asked Congress to shut the program down. The DHS recently announced that it uses the ATS to assign a "risk assessment" score for all travelers who cross borders, which is retained for 40 years. The risk scores are based on information that includes how travelers paid for airfare, driving records, seating and meal preferences on flights.

"This program breaches one of our most fundamental values as a democracy: that the government does not review or scrutinize your life unless it has a reason to suspect you of wrongdoing," said Barry Steinhardt, director of the national ACLU's Technology and Liberty Project. "Once we set the security agencies down that road, their hunger for details of our lives will know no bounds, and will be applied for all manner of security purposes large and small."

The government never filed a public notice about ATS in the Federal Register, as required by the Privacy Act. The ATS also violates a congressional prohibition on airline passenger risk scoring that has been in every recent DHS appropriations bill.

On yet another front, the ACLU is seeking tighter controls on the use of National Security Letters, in lieu of warrants, to access private information. The Bush administration recently admitted that the

Pentagon and CIA are using these letters to obtain the bank and credit records of Americans, without judicial approval or congressional oversight.

Federal law prevents the Pentagon and CIA from involvement in domestic law enforcement, and civil libertarians have long sought to restrict the agencies from engaging in domestic intelligence gathering. But according to the *New York Times*,

Continued on page 8

Support Our Priority Issues in the State Legislature

Automatically Restore Voting Rights

The state currently has a complicated, confusing process for restoring voting rights to ex-felons. The ACLU is supporting legislation to automatically restore the franchise to individuals upon release from prison. This would create a clear system: People who are in prison cannot vote, and people who have served their time can vote.

Block REAL ID

We are urging legislators to block implementation of the federal REAL ID Act in Washington. The Act requires states to produce standardized driver's licenses and to store ID information in shared databases, creating a de facto national ID card and making personal information more vulnerable to theft or misuse. REAL ID would cost Washington taxpayers \$50 million annually for the first five years and would create a bureaucratic nightmare.

Protect Privacy

Stronger controls are needed on how personal information is collected and used. We support banning the capture and

use of information in driver's licenses for any purposes other than identity or age checks. We also back restricting Radio Frequency ID tags on government-issued identification, since they could allow capture of personal information without a person's knowledge.

Provide Comprehensive Sex Education

We support the Healthy Youth Act to require public schools to provide comprehensive, medically accurate sex education that complies with the state Department of Health guidelines. This legislation would ensure that teens receive information to help protect them from sexually transmitted diseases and unwanted pregnancies.

Extend Domestic Partnerships

We support legislation to enable unmarried couples to register as domestic partners with the state. This registration would protect the right to make health decisions for a sick partner, to visit a partner in the hospital, and to consult with the partner's doctors, protections already recognized by many cities and counties.

See page 5 for our legislative agenda, and visit www.aclu-wa.org for the latest updates.

Restore the Rule of Law

Thanks to a mighty push from voters in November, the 2007 Congress has a golden opportunity and constitutional obligation to start healing five years' worth of injuries to civil liberties.

There is much work to be done. Since 2001, under the banner of national security, the Bush administration has pursued a quest to expand the power of the executive. On the way, it has rolled over the right to privacy, protections against unreasonable searches, guarantees of due process, and basic human rights. It has blatantly ignored the system of checks and balances and shoved aside the rule of law. And the majority in Congress stood feebly by, accepting the president's agenda.

The 2007 Congress should start by fixing the Military Commissions Act (MCA). This grossly un-American law created a new, parallel system of military justice for prisoners in Guantánamo and anyone else the president labels an "unlawful enemy combatant." The president can now – with the approval of Congress – indefinitely hold people without charge, take away protections against horrific abuse, put people on trial based on hearsay evidence, authorize trials that can sentence people to death based on testimony literally beaten out of witnesses, and slam shut the courthouse door for habeas petitions.

The writ of habeas corpus is one of the cornerstones of constitutional democracy. It is the age-old principle that prisoners can't be held without cause. It requires government to show in court that it has a legitimate reason for depriving them of liberty. In our history, the writ has only been temporarily suspended during extreme conditions of war or unrest. But now, President Bush wants to permanently deny the writ to prisoners in the war on terror, a war with no boundaries and no end in sight.

The MCA was a direct response to the administration's loss in *Hamdan v. Rumsfeld*. Salim Ahmed Hamdan used the right of habeas corpus to challenge his confinement in Guantánamo, winning a U.S. Su-

preme Court ruling that the administration lacked the legal and constitutional power to set up military tribunals and ignore the Geneva Conventions. With the MCA in place, no other prisoner of the war on terror will have that opportunity again. The new Congress must restore the writ of habeas corpus and end the administration's bypass of the judiciary.

Congress must also address another wrong that recalls the worst abuses of the Watergate scandal – the secret and warrantless spying on millions of Americans by the National Security Agency. In one program, the NSA eavesdropped on the phone calls and e-mails between Americans and people abroad. Although federal law and the Constitution require warrants for such surveillance, the Bush administration never sought them. A second NSA program involves the data mining of millions of domestic phone call records, seeking the communication patterns of terrorists. The NSA did this without getting warrants or the permission of customers and with the complicity of major telecommunications companies.

Under pressure from a ruling against the spying program in an ACLU lawsuit, and with upcoming congressional hearings, the administration recently backtracked and announced that the executive would allow the Foreign Intelligence Surveillance Court to review NSA requests for domestic surveillance. Congress should continue to hold the administration's feet to the fire. It must investigate what types of information were obtained by the NSA, and how the executive branch used that information. And it must not protect those who have broken laws.

For five years now, Congress has acted as a rubber stamp to the administration's unbridled expansion of executive powers. It's time for a return of the system of checks and balances, the rule of law, and a renewed respect for civil liberties. Please keep pressure on your members of Congress. They will need your help to restore constitutional rights. ■

Streetwise



Kathleen Taylor
Executive Director

Events Calendar

February 7: Advocacy Workshop (Tacoma)

February 8: Advocacy Workshop (Bellingham)

February 13: ACLU-WA Lobby Day (Olympia)

February 15: Privacy Forum (Bremerton)

February 21: Police Accountability Forum (Spokane)

February 21: Grays Harbor County Chapter Meeting (Aberdeen)

February 24: Annual Membership Conference (Seattle)

February 24: ACLU-WA Board Meeting (Seattle)

March 7: Pierce County Chapter Meeting (Tacoma)

March 14: Thurston County Chapter Meeting (Olympia)

March 20: Death Penalty Talk by actor-activist Mike Farrell (Seattle)

March 21: Grays Harbor County Chapter Meeting (Aberdeen)

March 22: Student Conference on Civil Liberties (Seattle)

April 4: Pierce County Chapter Meeting (Tacoma)

April 11: Thurston County Chapter Meeting (Olympia)

April 21: ACLU-WA Board Meeting (Seattle)

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

ACLU Board Welcomes New President, Members

At its January meeting, the Board of Directors elected Jesse Wing as Board president. Wing is a partner in the law firm MacDonald, Hoague and Bayless. He follows Timothy Kaufman-Osborn who served as president for the past five years and as Board member since 1991.

Since joining the Board in 1999, Wing has served as second vice president and secretary. As a cooperating attorney, Wing is representing Abdulameer Yousef Habeeb, an Iraqi refugee who was unjustly detained for eight days because of racial profiling by immigration officials. In college he served on the ACLU board in Ohio and was an intern in the national legislative office.

Kaufman-Osborn is taking a sabbatical in California in 2007. "Tim's wisdom, energy, devotion, and wit made him an outstanding leader for the ACLU-WA. We look forward to his rejoining the Board when he completes his time in California," said Executive Director Kathleen Taylor.

The ACLU of Washington Board of Directors has also chosen four new members to fill vacancies on the board.

Eve Enslow was most recently a diversity manager at Microsoft, where she held positions in technology development and marketing. Enslow is an active community volunteer, and is involved in neighborhood

politics. Enslow is especially interested in technology and liberty, privacy, and marriage equality.

Dan Laster is an assistant professor at the University of Washington Law School. He retired in 2001 as associate general counsel for Microsoft Corporation, responsible for the trademark, copyright, trade secret, and standards practices. Before Microsoft, Laster was an associate at Stokes Lawrence and at Perkins Coie.

B. Stephen Lee is an anesthesiologist at Group Health in Redmond. He is an active supporter of LGBT rights and speaks on behalf of PFLAG. Lee earned his medical degree from UCLA, completed his anesthesiology training at Stanford, and earned an M.B.A. from the Wharton School at the University of Pennsylvania. He recently joined the ACLU-WA Budget Committee.

RoseMary Reed is an associate at Stokes Lawrence focusing on estate planning, nonprofit organizations, and real estate transactions. She was a *Washington Law & Politics* "Rising Star" in 2006. Reed has a law degree from the University of Washington. Before law, Reed was a scientist working on genetics and infectious disease research. She volunteers at the King County Bar Association Elder Law Clinic, and at high schools for the Bar Association's Law Week. ■

New Year's Resolutions

- 1) END TORTURE in secret prisons
- 2) RESTORE habeas corpus and due process
- 3) STOP warrantless eavesdropping on innocent Americans
- 4) Bring the Patriot Act in line with the Constitution

There are some resolutions the ACLU can help you keep.



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2006 ACLU Bill of Rights Celebration Dinner



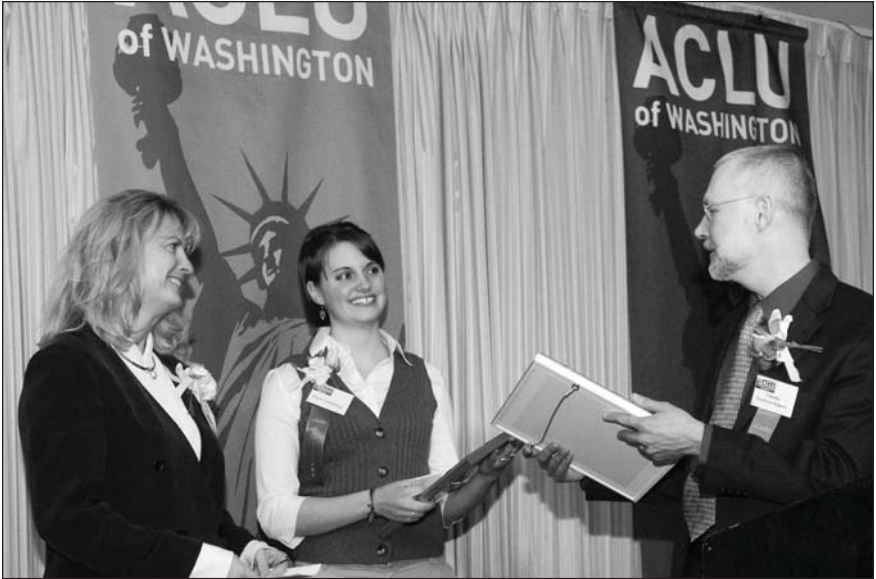
Kathleen Taylor presents the William O. Douglas Award to Marcy Bloom.



James Yee and Lt. Ehren Watada



ACLU-WA Board Member Jesse Wing, Jenise Silva, Alan and Andrea Rabinowitz, and Michael Nank



ACLU-WA Board President Timothy Kaufman-Osborn presents the Youth Activist Award to Claire Lueneburg and teacher Deb Kalina (on behalf of Sara Eccleston).

Photos by Paul Sanders



George Wallerstein and Lt. Cmdr. Charles D. Swift

Thank You to Our 2006 Bill of Rights Celebration Dinner Sponsors

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Give to the Annual Fund Campaign

Today we are faced with unprecedented challenges to core American values. From our headquarters in New York and Washington, D.C. to staffed offices in every state, the ACLU is at work to demand that government live up to our cherished principles of freedom, fairness and equality.

Thanks to the continuing commitment of our members, the ACLU of Washington is one of the largest and most active affiliates in the nation. Our current and future successes are a direct result of financial contributions from supporters like you. To make a tax-deductible gift to the ACLU of Washington Foundation, please send in the form below or contact Theda Jackson Mau at 206.624.2184, ext. 261 or jacksonmau@aclu-wa.org. Thank you for helping to make our voice heard and our actions strong!

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ACLU Defends Access to Internet at Public Libraries

The ACLU is defending the rights of adults in eastern Washington to access information on the Internet on public library computers. In November, it filed a lawsuit against the North Central Regional Library District (NCRL), because the district refuses to give adults unfiltered access to the Internet upon request.

The lawsuit was filed in U.S. District Court in Spokane, on behalf of three library users and the Second Amendment Foundation, a nonprofit group that advocates for the right to own and possess firearms. The NCRL operates 28 community libraries in Chelan, Douglas, Ferry, Grant, and Okanogan Counties.

"Community libraries are a valuable resource for a wide variety of information. Libraries should not deny adults using publicly available computers the opportunity to view research material and other lawful information," said ACLU Legal Director Sarah Dunne.

The NCRL uses a blocking software to filter Internet content on all public library computers. The filter blocks a range of lawful materials, and the NCRL has refused to unblock sites for adult patrons when they request it.

The lawsuit argues that the library system's refusal to disable its Internet filters violates the United States and Washington constitutions. Libraries that receive funds for Internet access under two specific federal programs are required to have the ability to block minors from seeing "visual depictions" of sexual activity. But the U.S.

Supreme Court has interpreted the law to mean that libraries should disable those filters upon the request of an adult. The ACLU believes that the NCRL filtering policy goes far beyond what is allowed

under federal law.

The suit seeks an order directing the NCRL to provide unblocked access to the Internet to adults upon request.

Plaintiffs represented by the ACLU in the lawsuit are:



Charles Heinlen

- Sarah Bradburn, a resident of Republic in Ferry County, who has been blocked from using NCRL computers to research an academic assignment about teenage smoking, while studying at Eastern Washington University to become a drug and alcohol counselor.

- Pearl Cherrington, a resident of Twisp in Okanogan County, a professional photographer specializing in landscapes and outdoor scenes, who has been blocked from using NCRL computers to conduct

Internet research on art galleries and health issues.

- Charles Heinlen, a resident of Okanogan in Okanogan County, who has been blocked from using NCRL computers to access a blog he maintains, as well information relating to gun use by hunters and other lawful information.

- The Second Amendment Foundation, a nonprofit organization headquartered in Bellevue. The foundation advocates the constitutional right to own and possess firearms. The NCRL has blocked access to the foundation-sponsored magazine *Women & Guns*, which covers such topics as self-defense, recreational shooting, new products and legal issues.

Handling the case for the ACLU are cooperating attorneys Duncan Manville and Robert Hyde of the firm Rafel Manville PLLC and ACLU Staff Attorney Aaron Caplan. ■

Volunteers Help Make Voting Dreams Possible

A wall of the ACLU's legal department sports dozens of brightly colored cards. Arranged in a growing spiral, each card bears the name of a person who has regained the right to vote. The wall is quickly getting crowded, thanks to the work of a dedicated crew of ACLU interns.

Since the ACLU Voting Rights Restoration (VRR) project set up shop in 2004, in-

paid, a person is eligible to earn a certificate of discharge restoring civil rights.

The process to get this certificate, however, is often delayed by technical glitches, errors and misinformation from government officials who are not familiar with the proper rules and procedures. And this is where the VRR volunteers come in, gathering information about individuals'

necessary to restore their rights."

VRR project interns helped one person discover that he could not vote because he owed 77 cents to the court. Several others learned that they had received discharges years before, but had never been informed by court administrators. Others earned their certificates only after the ACLU requested court hearings.

Maria Elena Ramirez, a recent University of Washington graduate and a VRR intern since January 2006, said her work with clients is inspiring and invigorating. She appreciates the opportunity to work with someone from beginning to end of the restoration process. One new voter, for example, recently told her that he had gone to vote with his entire family in tow for the first time since regaining his rights.

"Everyone I have spoken to wants to be an active member of society and feel that his or her voice is heard," Ramirez said.

"These folks are parents. They pay taxes. Why deny them the right to vote?"

In addition to helping individuals work through the existing restoration process, the ACLU is also promoting legislation in the Washington Legislature that would automatically re-enfranchise people when they get out prison. This would simplify the restoration process, save government resources, and ease the transition from incarceration to citizenship.

VRR project members are also working to share information to persuade legislators to pass the law. Over 160,000 Washingtonians are currently disenfranchised due to felony convictions. "We have helped a fraction of that number directly," notes Nygren, "but passage of the reform bill will have a much broader impact."

In addition to Ramirez, the current VRR interns are LeeAnn Woodrum, Bess McKinney, Marcia Skok, and Mina Barahimi. ■



Voting Rights Restoration volunteers Bess McKinney and Maria Elena Ramirez

terns have helped restore the voting rights of 76 people. They are working with hundreds of others. Their job is to help people who have served time for a felony, but who have not been able to negotiate the complicated process to regain their right to vote.

In order to vote, individuals must pay all court fees and penalties associated with their sentences. These "legal financial obligations" (LFOs) can add up to thousands of dollars and accrue interest at 12% each year, taking years to pay. When LFOs are

cases, talking with court officials, researching court records and, at times, educating others about the law.

"After the current voting restoration petition process was introduced, we realized that it was so complicated that nine of 10 people would not be able to do it on their own," said Eric Nygren, ACLU legal intake manager, who coordinates the VRR project. "Because of this, we decided that we needed to directly assist people in navigating through the procedural mazes

Medical Marijuana Law Reform Needed

The Washington Supreme Court's rejection of a seriously ill woman's plea to use medical marijuana highlights the need to clarify the state's medical marijuana law, to ensure that qualified patients and caregivers are protected from arrest and prosecution.

"Despite the clear intent of Washington's voters, seriously ill people still are being prosecuted and convicted for using medical marijuana. The Legislature needs to act to ensure that qualified patients are able to benefit from medical marijuana," said ACLU Legislative Director Jennifer Shaw.

The court's Nov. 22 ruling stemmed from the case of Sharon Tracy, a resident of Skamania County. Tracy uses cannabis to control chronic pain from migraines and hip deformities.

Tracy had a recommendation from a California doctor to use medical marijuana. But during an unrelated visit by a Skamania Sheriff's detective in 2003, Tracy was arrested and charged with possession and manufacturing of marijuana.

A trial court did not allow her to present her right to use marijuana under the

state's Medical Use of Marijuana Act as a defense. The court ruled that her California medical marijuana card was not valid in Washington. Tracy was found guilty; an appeals court upheld the conviction. The Washington Supreme Court voted 6-3 to affirm that decision.

The ACLU's Andy Ko and Alison Chinn Holcomb helped to write a friend-of-the-court brief supporting Tracy in her appeal to the state Supreme Court.

In 1998, nearly 60 percent of Washington state voters approved the Medical Use of Marijuana Act (Initiative 692), making it legal for people with certain qualifying illnesses to grow and use marijuana, for their caregivers to provide it to them, and for their physicians to recommend its

use. But the language of the law did not provide clear guidance on how to document a doctor's recommendation, who qualifies as a caregiver, and how a person may present a medical marijuana defense in court.

The ACLU is working to introduce legislation in the 2007 Legislature to address these issues. For more details, see our legislative roundup on page 5. ■



Drug Arrests Questioned

The ACLU has joined The Defender Association in challenging stark racial biases in drug law enforcement by the Seattle Police Department.

Litigation was started late last year on behalf of a group of African Americans charged with low-level, nonviolent drug offenses. It aims to have the clients' cases dismissed or to have evidence against them suppressed, if they resulted from racially disparate enforcement. Through the cases, the ACLU and The Defender Association will seek information about Seattle Police Department policies and practices, which regularly result in the targeting of blacks while all but ignoring sizable white drug markets.

Although government data shows that people of all races use drugs at virtually the

same rate (with whites consuming many more times the amount of illegal drugs than other races), prisons are disproportionately filled with people of color convicted of drug crimes. Research by University of Washington Professor Katherine Beckett on Seattle-area drug users and sellers revealed a striking racial disparity: although whites make up the majority of both Seattle's drug users and dealers, African Americans constitute more than 64 percent of those arrested for drug crimes.

The hope is that this litigation will discourage law enforcement decisions that result in gross racial disparity in drug arrests. Cooperating attorneys from the Heller Ehrman firm are working on the case for the ACLU. ■

Olympia 2007

Voting Rights Reform Gains New Support

The Washington Legislature roared into action on Jan. 8. Hearings were scheduled on some bills before they even received an official number, as legislators rushed to get a quick start on moving measures forward. The Legislature is scheduled to adjourn on April 22.

The highlight of last year's session was passage of a long-sought bill barring discrimination based on sexual orientation. This year, we are hoping for adoption of another measure we have nurtured for several sessions: a bill to restore the franchise to tens of thousands of citizens who have completed prison terms yet can't vote solely because they owe court-related fees. The legislation has new backing from the Secretary of State, the Department of Corrections, and county clerks.

Here are some key measures we are working to advance – or to block – in the 2007 Legislature. Be sure to check our Web site at www.aclu-wa.org for updates on the progress of these and other bills affecting civil liberties.

VOTING RIGHTS

Voting Rights Restoration – HB 1473
Support

Our state's process for restoring voting rights is so complicated that even elections officials often aren't certain who is eligible to vote. People convicted of a felony who have served their time are not allowed to vote in Washington until they have paid all of their outstanding court fees and legal financial obligations. The current system unfairly disenfranchises people based on their inability to pay – ex-felons with money get to vote, but those who are poor do not. Given the disproportionate incarceration rates in our society, the impact is especially serious in communities of color.

The ACLU is supporting legislation to streamline the system by automatically restoring the right to vote for people upon release. The proposal does not waive individuals' court-imposed debts or change the conditions of their sentences. Instead, it creates a clear distinction: People who are in prison cannot vote, and people who have been released can vote.

Photo ID at the Polls
Oppose

A healthy democracy encourages all eligible voters to exercise the franchise. To facilitate voting, Washington currently provides a variety of options for voter identification, including utility bills. The ACLU opposes proposals to require citizens to show photo ID to be able to vote. Such measures are unnecessary and likely to disenfranchise large numbers of otherwise eligible voters. Research has shown that poor, elderly and voters of color are less likely to have government-issued picture ID.

CRIMINAL JUSTICE

Indigent Defense Funding
Support

For the past two sessions we have worked with a broad coalition to ensure adequate funding for public defense programs across the state, and to establish caseload limits and practice standards. These reforms would help ensure that indigent defendants get fair trials in court. State funding for public defense has slowly risen, but not all essential public defense programs have been secured.

We will continue to work with our coalition partners to increase the allocation of funds in the budget, to ensure that necessary programs are implemented across

the state and that better public defense standards can be enforced. Last year's landmark settlement in the ACLU and Columbia Legal Service's suit to reform Grant County's woefully inadequate system of indigent defense has put a spotlight on the need for changes statewide.

LGBT RIGHTS

In the wake of last summer's state supreme court ruling upholding the state ban on marriage by same-sex couples, the ACLU's goal remains equal treatment under the law for the relationships of all couples in Washington. As we continue to work for marriage rights, we will also support legislation to provide couples needed protections when making important life decisions about health, family and property.

Domestic Partnerships – HB 1351, SB 5336
Support

We support legislation that would allow unmarried couples to register as domestic partners with the state. This registration would protect the right to make health decisions for a sick partner, to visit a partner

in the hospital, to consult with the partner's doctors, or consent to an autopsy. The registry will also give a registered partner property rights enjoyed by spouses in this state. Many cities, counties and major corporations in the state already recognize domestic partnerships. This bill would extend these protections to all state residents.

Civil Marriage – HB 1350, SB 5335
Support

As a matter of fundamental fairness, we support legislation that would allow two people of any gender to be married civilly before a judge. Legal recognition for marriages of all couples would not affect the right of religious groups to determine which marriages to sanctify.

DEATH PENALTY

Death Penalty Commission – HB 1518
Support

States across the country are beginning to reconsider the fairness and humanity of the death penalty. Florida created a study commission on lethal injections after a botched execution in December 2006. A study commission in Illinois recommended a moratorium on the death penalty until the problem of wrongful convictions could be resolved.

Recognizing a need to focus critical attention on capital punishment here, we support the establishment of a commission to study

how the death penalty is applied in Washington. The commission would examine its costs, methods, and fairness. And there would be a moratorium on executions until the commission's work is complete.

DRUG POLICY

Medical Marijuana – HB 1395
Support

In 1998, the people of Washington passed the Medical Use of Marijuana Act (I-692) to enable patients to use marijuana for medicinal purposes, with their physician's recommendation. The Act intends to protect qualified medical marijuana patients and their caregivers from criminal prosecution. Yet eight years later, it remains common for courts to convict medical marijuana patients and caregivers.

We support legislation that will clarify the Act's definition of a caregiver and will protect seriously ill patients and their caregivers from convictions for possessing or providing marijuana. The bill also clarifies what information is to be included in a physician authorization and protects physicians' ability to advise their patients about medical use of marijuana.

Drug Overdose Reporting
Support

People who witness someone suffering from a drug overdose often will not seek help, out of fear that they will be arrested or prosecuted on drug charges. This bill would provide immunity to people who report a drug overdose. It would save lives and focus public resources on resolving medical emergencies.

PRIVACY

REAL ID Moratorium – SB 5087
Support

We support legislation that will prohibit state implementation of the REAL ID Act, unless the federal government fully funds it and provides stronger protections for the privacy of Washington drivers.

Passed by Congress in 2005, the REAL ID Act requires states to produce standardized driver's licenses and to store the drivers' information in nationally connected databases – creating a de facto national ID card. By placing personally identifiable information in databases accessible across the country, REAL ID makes the information more vulnerable to identity theft and misuse. The law requires states to start issuing these licenses by May 2008, but it did not set aside funds to make that possible. In Washington, the net costs of implementing this new system will be ap-

proximately \$50 million per year for the first five years.

Radio Frequency ID Restrictions
Support

The REAL ID Act requires new driver's licenses to store identity information about the user in a way that can be read by machine. One possible technology for this could be a Radio Frequency ID (RFID) tag, which uses radio waves to transmit information to a remote reader at a distance of a few inches to several hundred feet. When used in an identity document, RFID tags could allow thieves equipped with tag readers to lift personal information from a distance; businesses or other entities could use the tags to track people.

We will support legislation to prohibit RFID tags or other contactless transmitting devices in Washington identity documents. It would make future driver's licenses more secure and better protect users' privacy.

Scanning Limits on Driver's Licenses
Support

As technology improves and driver's licenses become more standardized, more and more retailers and marketers will seek to capture the information from driver's licenses for commercial purposes. We support legislation that limits nongovernmental entities to using driver's licenses for identification or age verification, and prohibits the capture of that information for any other purpose. Capture and use of identity information can expose a person to unwanted marketing, tracking or surveillance.

REPRODUCTIVE FREEDOM

Comprehensive Sex Education – HB 1297, SB 5297
Support

We are working with our allies to promote the Healthy Youth Act. The bill will require public schools to teach comprehensive, medically accurate sex education that complies with the Department of Health guidelines. This training can help to protect teens from sexually transmitted diseases and unwanted pregnancies. Schools may promote abstinence as long as they follow the Department of Health guidelines, which say that information about contraception also should be provided.

The Healthy Youth Alliance (of which the ACLU is a member) recently released a detailed report examining sex education around the state. It found that a sizable proportion of school districts – 29 percent – do not provide comprehensive sex education. Rather, they provide "abstinence only" curricula that say abstinence is the only way to prevent pregnancy or sexually transmitted diseases; or they provide "abstinence until marriage" curricula that teach all sexual activity outside marriage is harmful.

EDUCATION EQUITY

Data Collection for School Discipline and Truancy Cases
Support

We support legislation that would require schools to collect data about the race, ethnicity and gender of students who are subject to discipline or truancy actions. In the few districts that currently collect this data, we have seen that students of color are more likely to be disciplined or incarcerated as truants and to face harsher discipline than white students. Collection of data will show the disproportionate impacts of school practices, and ultimately will lead to changes that curtail unfair treatment of students of color. ■

Join the ACLU-WA E-mail Activist Network

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

Sign up at www.aclu-wa.org





ACLU Board members and speakers Yvonne Sanchez and Nancy Bristow

Thanks to Our Civil Libertarians in Action

These ACLU-WA volunteer speakers took our message to schools and the community in recent months:

- Yvonne Sanchez** – Immigrant Rights to members of Community to Community in Bellingham
- Susan Helf** – The Military Commissions Act at a teach-in sponsored by World Can't Wait in Seattle
- Rachael Heade** – Civil Liberties Since 9/11 to a class at Cleveland High School in Seattle
- Dan Lerner** – The ACLU to members of the National Active and Retired Federal Employees Association in Bellingham
- Major Margaret Witt and Jim Lobsenz** – Lesbians and Gay Men in the Military to students at the University of Montana Law School
- Nancy Bristow** – The Bill of Rights to a class at Federal Way Public Academy
- Deborra Garrett** – Guantánamo Detainees to the Western Washington University ACLU student club in Bellingham
- Pat Gallagher** – Guantánamo Detainees to the ACLU-WA Pierce County Chapter in Tacoma
- Judy Mercer** – The ACLU to the staff of the Washington Community Action Network in Seattle
- Maria Elena Ramirez** – Voting Rights Restoration in a workshop at the Martin Luther King Celebration in Seattle
- Brett Rubio** – Civil Liberties Since Katrina to the Western Washington University ACLU student club in Bellingham
- Mat Harrington** – Drug Testing in Schools to the Kiwanis Club of Cle Elum

Outreach Team volunteers worked at several events in recent months. Our thanks go to the following volunteers:

- Colin McCluney and Keo Capestany** – Tabled at a showing of the film “*The Trial of Donald Rumsfeld*” at Seattle University
- Keo Capestany** – Tabled at Commission of Hispanic Affairs “Plática Comunitaria” at the South Park Community Center in Seattle
- Maria Elena Ramirez** – Spoke and distributed materials at the Village of Hope Community Forum on Criminal Justice at Freedom Church in West Seattle

ACLU Welcomes New Interns

Several new interns have joined the ACLU team. Legal intern, **Amrita Srivastava**, graduated from Delhi University in Delhi, India and is currently a student at Seattle University Law School. Legal complaint counselors are **My-Lan Dodd**, **Ward Stern**, **Mari Hayman**, and **Robin Dean**. My-Lan graduated from the University of California at Berkeley, Ward graduated from Boston University, Mari graduated from Stanford University, and Robin graduated from Middlebury College. Jody Weller, field intern, is in her last semester at Michigan State University.



Short & Sweet

No Speech for You

In October, students wearing t-shirts supporting U.S. Senate candidate Mike McGavick were barred from attending a speech by Senator Barack Obama at a campaign event for Senator Maria Cantwell held at Bellevue Community College. Cantwell campaign workers said that since they had rented the hall, they could decide who could attend. But a campus official had sent an earlier e-mail to the student body that all students were welcome. The rejected students contacted the press and much coverage ensued.

We spoke and wrote to college administrators, who expressed regret but thought they had no legal authority to interfere with the decisions of the Cantwell campaign once it rented the hall. The ACLU proposed that in the future, the college should include a clause in its hall rental contracts that prevents organizers from discriminating against attendees because of their political viewpoints. We are sending a letter advocating this to colleges and universities statewide.


Recognition for Our Legal Work

Our lawsuit seeking marriage equality for same-sex couples (*Castle. v. State*) gained nationwide attention. ACLU-WA staff attorney Aaron Caplan spoke on the case at a symposium in New Orleans on Jan. 27 at the invitation of Tulane Law School. His presentation explored the constitutional and procedural approaches used to challenge the unfairness of “marriage protection” laws. During the trip Aaron also spoke to members of the ACLU of Louisiana.

Washington Law & Politics selected our voting rights restoration case (*Madison v. State*) to lead off its annual feature on “Lawsuits of the Year” for 2006. The magazine’s Winter issue also featured an article on the ACLU’s successful lawsuit (*Best v. Grant County*) against Grant County over its deficient system of providing defense to individuals who cannot afford attorneys. The case also will be highlighted in an article in the upcoming edition of *Washington State Bar News*.

Swift on Television

If you missed the moving speech by Lt. Cmdr. Charles Swift at the ACLU Bill of Rights Dinner in November, you can watch it on the Web site of the state’s cable TV network, TVW (tvw.org). While Swift was in Seattle, we also arranged for him to be interviewed on KIRO-AM’s Dave Ross Show, KUOW’s “The Conversation” with Ross Reynolds, and by the *Seattle Post-Intelligencer*, which podcasted the interview.



ACLU Student Conference on Civil Liberties

Thursday, March 22, 2007
8:30 a.m. – 2 p.m. • University of Washington HUB

HIGHLIGHTS:

- » “What about MY rights!?” – Discussion and Skits on Student Rights
- » Spoken Word Shout Out for Freedom
- » Workshops on Censorship, Your Rights and the Police, Gay-Straight Alliances & More!

Questions? E-mail publiceducation@aclu-wa.org or call 206.624.2184

Confidentiality of ACLU Membership List

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

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

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



Chapters and Student Clubs Spread Message of Freedom

Field Activist Conference

Forty civil liberties advocates from around the state participated in our Field Activist Conference (formerly the Chapter and Student Club Training) on Oct. 21. They included chapter leaders from Kitsap, Whatcom, Clark, Pierce, and Spokane counties, and student club members from Foss High School, Gonzaga Law School, Whitman College and Western Washington University. The conference focused on outreach strategies, techniques for getting the word out, and voting rights issues.

Chapters

The Clark County Chapter held a screening of the ACLU's *Stop the Abuse of Power* film, followed by a discussion led by ACLU-WA Board Member Moloy Good and Field Director Genevieve Aguilar. The event was held in a meeting room at a Roundtable Pizza and was filled to capacity. Kathy Dixon was added to the steering committee. The chapter has an Advocacy Workshop scheduled for Feb. 25.

Grays Harbor County members held a "wake" for the Constitution on Nov. 11, to mark the passage of the Military Commissions Act. At the event, 20 people each read aloud an article from the Bill of Rights, with a backdrop of a coffin decorated with words such as habeas corpus, Constitution and the Bill of Rights.

Jefferson County members held their annual membership meeting on Jan. 22, featuring a talk by former Army Chaplain James Yee on "Faith and Patriotism Under Fire: The Guantánamo Muslim Chaplain's Struggle for Justice." Barbara Donovan has joined the chapter steering committee.

The city of Spokane recently experienced two high-profile police incidents that highlighted the need for a citizen review board. In response, the Spokane County Chapter helped organize a series of public forums on police accountability. At the December forum, an overview of issues was provided by ACLU Legislative Director Jennifer Shaw, Gonzaga University Law School Professor Brooks

Holland and city of Boise Police Ombudsman Pierce Murphy. A second forum on Jan. 30 focused on what is currently taking place in the city of Spokane; speakers were Spokane Police Chief Anne Kirkpatrick, investigative reporter Tim Connor and Police Advisory Committee Member Rick Mendoza. The final forum on Feb. 21 will focus on steps necessary toward police accountability, with city Council Member Mary Verner and Breean Beggs from the Center for Justice speaking. The ACLU also held an advocacy workshop in Spokane on Jan. 17.

The Kitsap County Chapter's November meeting included a viewing of the ACLU film *Stop the Abuse of Power* followed by a discussion. A February event will focus on threats to privacy rights, featuring

of the ACLU-WA spoke at the forum. Members placed a letter to the editor in a local newspaper about the importance of Bill of Rights Day.

The Thurston County Chapter hosted an Oct. 11 discussion on privacy issues, featuring the ACLU's Doug Klunder. In November, members attended a panel on changes in the separation of powers, which included U.S. history educator Gery Gerst, former Pierce County Council Member Kevin Wimsett, and local civil rights attorney Hugh J. McGavick.

The Whatcom County Chapter welcomed Leaf Schumann, Robin Barker, Johann Neem, Brett Rubio and Lizzie Stewart to the steering committee. The chapter presented two workshops at the annual MLK Conference on Jan. 13 in Bellingham. In February, the chapter will host an advocacy workshop to prepare members for Lobby Day.

Student Clubs

Central Washington University formed the newest ACLU student club in October. ACLU Field Associate Binah Palmer conducted a new club orientation with students and their advisor, Djordje Popovic. The students are working with the LGBT group on campus on military recruitment issues, and on a campus resolution condemning discriminatory practices in the military. They are also planning a screening of *V for Vendetta*, a film that addresses issues of torture and detention.

Garfield High School club members requested information on student rights in preparation for a possible confrontation with their school principal over a requirement that students stand for the Pledge of Allegiance. Happily, after teachers forwarded the information to the administration, the principal dropped the Pledge requirement. Garfield club members also participated in a photo shoot for graphics for the ACLU's upcoming publication on student rights.

The Seattle University Law School club screened *V for Vendetta* and had a discussion on issues of torture and

Get Involved

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

Clark County Chapter
Craig Dewey
geowrite@comcast.net

Grays Harbor Chapter
Gary Murrell
360.533.8039

Jefferson County Chapter
jefferson@local.aclu-wa.org

Kitsap County Chapter
206.624.2184

Pierce County Chapter
pierce@local.aclu-wa.org

Spokane Chapter
Dick Steele
rsteale@mail.ewu.edu

Thurston County Chapter
360.252.6047

Yakima Chapter
Yalisha Case
huntcasefamily@earthlink.net

Whatcom County Chapter
whatcom@local.aclu-wa.org



Moloy Good and Genevieve Aguilar discuss privacy issues during Clark County Chapter meeting

Be a Citizen Lobbyist

You can make a difference in this year's legislative session by participating in the ACLU's Lobby Day on Feb. 13 in Olympia. Lobby Day provides an opportunity for ACLU supporters to meet with legislators and advocate for pending legislation. ACLU staff provides you with information and training to be effective champions for civil liberties. Priority issues for this year include voting rights, privacy, REAL ID, comprehensive sex education and domestic partnerships.

Training sessions will take place from 10 a.m. to noon. Meetings with legislators will

take place from 12-3 p.m.

Looking to learn about lobbying and the issues before Lobby Day? We encourage you to attend a regional advocacy workshop. We have already held sessions in Olympia, Seattle, Spokane, Ellensburg and Vancouver, and are still registering people for workshops in Tacoma (Feb. 7) and Bellingham (Feb. 8). Register and get up-to-the-minute information about our Lobby Day issues at www.aclu-wa.org.

Travel scholarships will be available. For more information, contact field@aclu-wa.org. ■

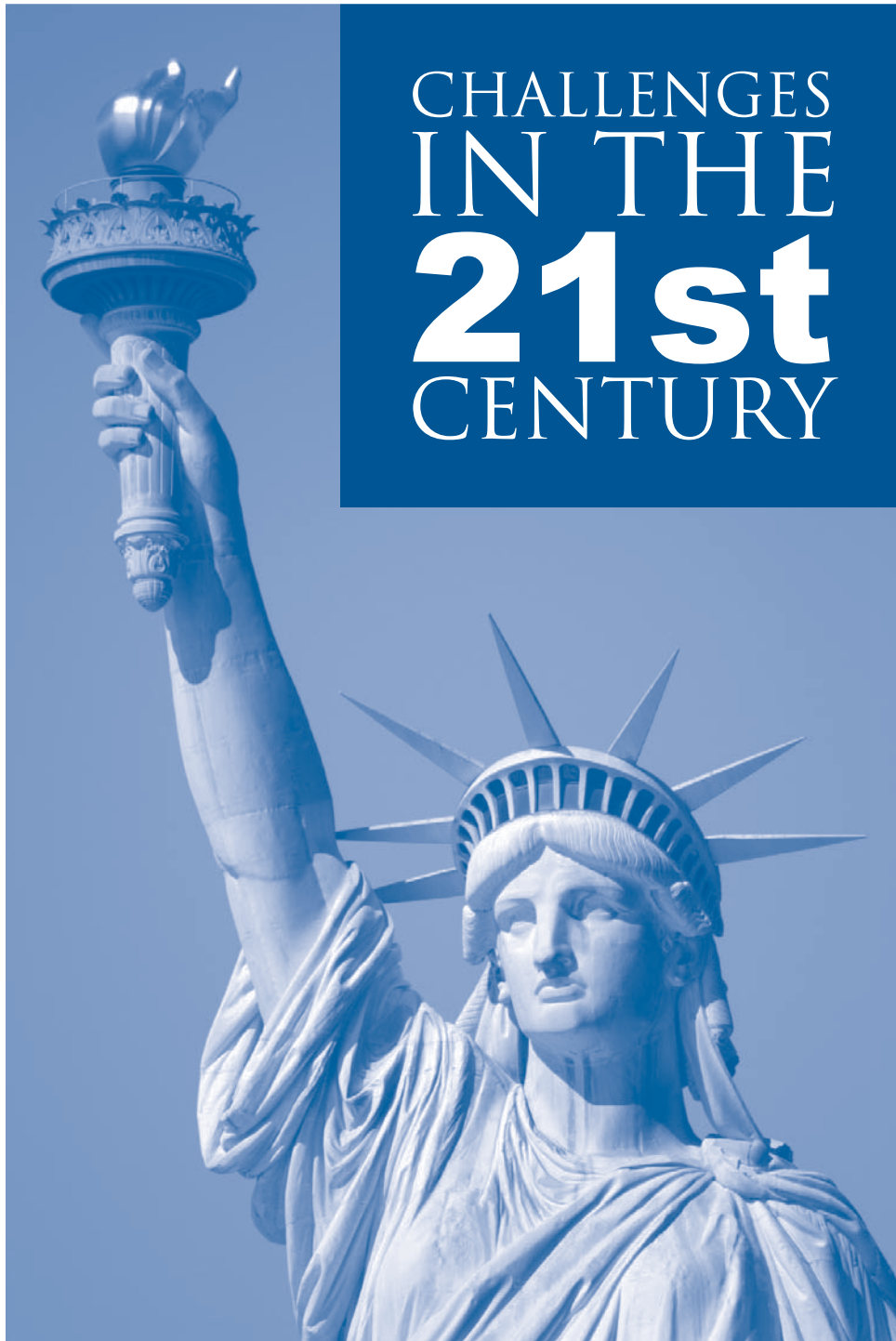


"Speaking of Freedom"

Civil Liberties on Television
Host: Doug Honig, communications director

Seattle – SCAN Channel 29/77
Third Wednesday of the month at 7 p.m.

Rebroadcast on:
Clark County – FVTV Channel 11
Call the station for schedule information
Cowlitz County – KLTV Channel 11/44
Saturdays, 8 p.m.
Snohomish County – Channel 29/77
Fourth Monday of the month at 5 p.m.
Thurston County – TCTV Channel 22
Sundays at 6:30 p.m. and Wednesdays at 9 p.m.



CHALLENGES IN THE 21st CENTURY

Annual Membership Conference Saturday, February 24

University of Washington
Kane Hall, Seattle
12:30 – 6 p.m.

Privacy in the 21st Century: Confronting the Surveillance Society

Keynote by James Bamford, Author, *Body of Secrets: Anatomy of the Ultra-Secret National Security Agency*

Hear ACLU clients tell why they are taking a stand for freedom.

Featuring Maj. Margaret Witt, Charles Heinlen, Abdulameer Yousef Habeeb, and Jock Young.

Workshops

Privacy Under Siege
What's Next for LGBT Rights
The School to Prison Pipeline

Reception + Advocacy Workshop

The Road to Guantánamo

Extra Feature: Film Showing at 6 – 7:30 p.m.
The terrifying first-hand account of three British citizens who were held for two years without charges.

Registration begins at 12 p.m. in the foyer at the Red Square entrance. No RSVP is necessary. Parking on campus is free after noon on Saturdays.

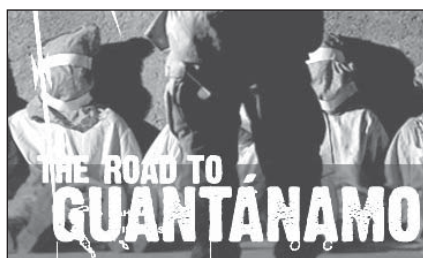
Suggested donation: \$10 General, \$5 Student.
For information, call 206.624.2184.

Conference Features New Advocacy Workshop

This year's Membership Conference will include a new session for people who want to become effective citizen lobbyists for civil liberties.

The special Advocacy Workshop will be held at 5:15 p.m. in a room near the event's Reception in Kane Hall. "People can pick up food at the Reception and bring it with them while they attend the workshop," said Field Director Genevieve Aguilar, who will lead the advocacy training.

Attendees will learn the basics of how to encourage legislators to support civil liberties issues, ranging from how to reach them, messaging, to how to make your pitch. Participants will also learn details of legislation supported by the ACLU.



Conference Shows Film

The ACLU will cap off the 2007 Annual Membership Conference with a free screening of the internationally acclaimed film, *The Road to Guantánamo*. It will be shown at the University of Washington's Kane Hall, 6-7:30 p.m. on Feb. 24.

This award-winning film combines interviews, documentary footage and dramatic action to tell the stories of three British citizens who flew to a wedding in Pakistan, and ended up as American prisoners in Guantánamo Bay.

Known as the "Tipton Three," the trio went to Pakistan in September 2001, and crossed into Afghanistan for a humanitarian mission, just at the start of the American bombing campaign. They were captured by the Northern Alliance, herded into containers and turned over to American troops, who repeatedly beat and interrogated them. The group was flown to Cuba in January 2002.

Two years after their capture, they were released and returned to Britain. They were never charged with a crime.

The film was shown at the 2006 Seattle International Film Festival. It was co-directed by Michael Winterbottom and Mat Whitecross and produced by Andrew Eaton and Melissa Parmenter. ■

ACLU Backs Investor Action on NSA Spying

The ACLU is supporting an effort by AT&T shareholders to force the company to disclose more about its role in the National Security Agency (NSA) illegal spying scandal and to better protect customer privacy.

The shareholders support a resolution at AT&T's April stockholder meeting that would require management to issue a report on the company's cooperation with the NSA, define steps to ensure customer privacy, and show expenditures related to the program. It is led by the As You Sow Foundation, an investor activist group.

"In an era when one of the nation's oldest corporate names has begun to collude with the government in an illegal domestic spying program, patriots must seek out every possible avenue for defending the Constitution and our privacy," said Barry Steinhardt, director of the ACLU's Technology and Liberty Project. "We are backing this campaign because it promises to increase AT&T's accountability and shed light on just what kind of spying has been taking place."

AT&T has appealed to the Securities and Exchange Commission for permission to exclude the resolution from its proxy statement. The company claimed that the resolution would interfere with "ordinary business matters," and deal with information protected by the so-called "state secrets privilege."

The state secrets privilege permits the government to block the release of any information in a lawsuit that, if disclosed, would cause harm to national security. But the Bush administration has invoked

the privilege to evade accountability for torture, to silence national security whistleblowers, even to dismiss a lawsuit alleging racial discrimination.

"Once again the intelligence agencies, working through their proxies in the telecom industry, are abusing the state secrets privilege," said Steinhardt. "We at the ACLU are all too familiar with this tactic, which is more about trying to shield the government from embarrassment than actually protecting national security."

Steinhardt said the ACLU plans to lend its legal expertise, mobilize members, activists and allies and also our many affiliates that are AT&T shareholders.

The ACLU's support fits in with other efforts to stop the NSA's illegal spying program. The ACLU has asked the Federal Communications Commission to review AT&T's merger with BellSouth because of the spying issue, and has filed requests with state utility commissions in 23 states (including Washington state) seeking investigations of violations of state laws. It has also sued the government directly over the program.

"This is an issue for all telephone users, which is why we have asked the state utilities commission to investigate. But it is of particular concern for AT&T shareholders, since their company is at the heart of many of the allegations, and potentially bears enormous multi-billion-dollar financial liability. AT&T management should not be trying to duck accountability on this matter," said Doug Klunder, ACLU-WA Privacy Project director. ■

Hearings

Continued from page 1

the Pentagon sent hundreds of letters requesting records from banks and financial institutions since Sept. 11, 2001.

The ACLU is especially concerned in light of previous revelations that the Pentagon compiled anti-terrorism dossiers on domestic organizations that had done nothing more than peacefully exercise their constitutional right to protest. It has asked Congress to investigate the legal basis for the government's action, safeguards to protect basic privacy rights, how often the Pentagon and CIA used this authority, and whether compliance is voluntary or effectively coerced. ■