



ACLU

Palm Beach County Chapter



AMERICAN CIVIL LIBERTIES UNION

Annual Meeting

Monthly meetings of the Palm Beach County Chapter of the ACLU are the 4th Wednesday of the month at 6:30 at the John Bull English Pub, 801 Village Blvd in WPB. NO MEETING IN MARCH DUE TO ANNUAL MEETING

All members of the chapter are welcome. We can build a strong, effective chapter by having many interested and active members.

The Board of Directors of the Palm Beach County Chapter of the ACLU

cordially invites you to attend our

Annual Meeting and Board Elections

- **When:** Wednesday, March 25, 2009, from 6:00 pm to 8:00 pm
- **Where:** Community Foundation of Palm Beach and Martin County, 700 South Dixie Highway, Suite 200, West Palm Beach
- **Cost: FREE**
- **RSVPs** to Diane Duvall at 561-313-7435 are appreciated
- Come enjoy refreshments and light appetizers with your chapter members, hear what your board has been up to, elect new board members, and watch a short ACLU video.
- **NOTE:** The Glasner Freedom Award Luncheon will be held later this year

Message from Chapter Chair

John Pauly

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Around town recently, I noticed two young men wearing saggy pants revealing several inches of boxer shorts. An older man approached and asked, "Sons, why are you wearing your pants like that?" One answered sheepishly, and disingenuously, "Well, they just fall down like that." "I don't understand," the man replied, "I have a pot belly and a flat ass, and I don't have any trouble keeping *my* pants up."

I don't completely understand why people wear saggy pants, especially given the trouble they often go through to keep them from completely falling off. But I *do* understand why it's a terrible idea for a city to legislate a dress code prohibiting underwear exposure, as Riviera Beach did last year – it violates the wearer's personal liberty interest, gives police unbridled discretion to stop and search young men, and wastes police resources.

The Palm Beach County Chapter of the ACLU FL works to defend and protect the constitutional rights of all people – from "saggy pants" wearers to Rush Limbaugh to convicted felons – regardless how unpopular they may be. The Constitution is our guiding light, and it shines on all people.

This newsletter describes the work that Chapter volunteers have done this year, addressing legislative bodies, litigating claims, and educating the public. You'll see that we've begun to address drug-law reform by speaking to our legislators and holding a community conversation on the negative effects of punitive drug laws. We oppose such laws because they diminish our civil liberties, incarcerate hundreds of thousands of mere drug users, divert resources from drug education and treatment, and simply don't work.

(cont'd p.2)

Board of Directors**John Pauly***Chair***Marcia Hayden***Vice Chair***Alphonse Lindor***Secretary***Marcia Halpern***Treasurer***Nancy Blackburn****Clive Cuthbertson****Diane Duvall****Steve Ellum****Jim Green****Ethelene Jones****Larry Jordan****Geoffrey Kashdan****Zoe Stout****Allen Taylor****Bob Terpstra****Barbara Walker****Gregg Weiss****State Board****Delegates****Marcia Hayden****Ethelene Jones****Geoff Kashdan****John Pauly****Message from Chapter Chair (cont'd)****John Pauly**

As one of 3,000 ACLU members in Palm Beach County, you already support our work. But consider getting involved with our Chapter by attending our Annual Meeting and Board Elections on March 25, and our annual Glasner Freedom Award activity later this year. Come to board meetings. Volunteer for a committee. Visit our website at www.aclufl.org/palm_beach to see what we're up to. We need your help, because Freedom Can't Protect Itself.

Education and Information**Geoff Kashdan**

Over the past year, the Public Education Committee has worked to inform our community about our constitutional rights and the ACLU's role in protecting them. Together with the Membership Committee, we have tabled local green markets, where we explain our mission and share materials on subjects such as voting rights and citizens' rights during encounters with law enforcement. And through our Speaker's Bureau, we have spoken to numerous community groups on a variety of subjects, including the *separation of church and state*, the *history of voting rights* for minorities, and *gay adoption*.

Last summer and fall, our work focused on defeating Amendment 2 – the so-called "Florida Protection of Marriage Amendment." Through speeches and a Town Hall forum, we informed voters that Amendment 2 would not protect marriage. Instead, it would endanger the rights of all non-married, domestic partners, including the rights to receive insurance coverage through a partner or to visit a partner in the hospital. We will continue to speak for the rights of all people, and against any attempt to use Amendment 2 to undermine the rights of domestic partners.

Chapter volunteers are available to speak to community groups on a variety of subjects. If you are interested in arranging a speaker for your group, or would like to get involved in the Public Education Committee, please contact the committee chair, Geoff Kashdan, at kashdang@bellsouth.net or 561-738-6524.

Tabling / Membership Committee**Diane Duvall**

Our chapter sponsored a booth the West Palm Beach Green Market and at the Palm Beach Gardens Green Market on several Saturdays where we distributed ACLU literature and signed up new members. We even fended off a few hecklers by telling them that even though we may not agree with what they were saying, the ACLU would be there to defend their right to say it. Thanks to all our members who stopped by and showed their support.

We need volunteers to help our chapter staff the beer and wine booth at the **Clematis By Night** event in West Palm Beach on June 18, 2009. If you are 21 or older and would like to help out between 5:30 and 9:30 p.m., please call Diane C. Duvall at 561-313-7435. If you can't volunteer, come by and join us for a cold one.

Legislative Committee**Geoff Kashdan**

Members of the Legislative Committee have been busy this past year advocating our positions before our state and local legislators.

On separate occasions, Board members Geoff Kashdan, Marcia Halpern and Marcia Hayden spoke to the Palm Beach Legislative Delegation, comprised of our county's state senators and state representatives, on four priority issues.

We advocated an **end to mandatory minimum drug sentencing for first and second time offenders**, in favor of a public health-based approach to drug policies. We explained that the yearly cost of treating an addict (\$4,400 to \$6,800) is much less expensive than the annual cost of incarcerating the addict (\$25,900).

On the issue of **gay adoption**, we asked the legislators to work toward appeal of Florida's total ban on gay adoption, the only one in the country. We informed them that thousands of children in foster care are in need of adoption, and that every mainstream child advocacy and mental health organization is opposed to excluding gay people from adoption.

We addressed the **restoration of civil rights** for convicted felons, which is necessary for them to be able to vote and to secure certain state-regulated jobs. Although Governor Crist streamlined the process two years ago, we asked them to make civil rights restoration easier, automatic and immediate for offenders who now meet state criteria.

Finally, we encouraged the Legislative Delegation to replace abstinence-*only* sex education in public schools, a proven failure, with an **abstinence-based, but comprehensive, age appropriate and medically accurate program**, a proven success. The Constitution guarantees students the right to accurate information.

Locally, Board member John Pauly shared with the West Palm City Commission our constitutional concerns with a proposed ban of food sharing in two downtown parks. And in Lake Worth, he expressed our position that the City's creation of a Resource Center where day laborers can seek work would lessen the possibility that the City's ordinance banning street-side solicitation of work would be unconstitutional.

ACLUFL-PB will continue to use every available opportunity to influence legislation to provide more constitutional approaches to state and local legislation.

If you are interested in getting involved with the legislative committee, please contact the Chair, Geoff Kashdan at kashdang@bellsouth.net or 561-738-6524.

**Legal Panel Report****Jim Green**

Our Chapter's Legal Panel meets monthly to review requests for help from Palm Beach County residents who believe their Constitutional rights have been violated. This past year, such requests have led to the filing of lawsuits by our Chapter's cooperating attorneys. Among those handled by the Legal Panel this year are the following three cases.

Furtado v. Palm Beach County Sheriff's Office is a wrongful-death action brought by the husband of a woman who was shot to death by law-enforcement officers to prevent her from killing herself. A jury trial is scheduled for June 2009. This case is being handled by ACLU Cooperating Attorneys James K. Green and Louis Silber, with ACLU Associate Legal Director Maria Kayanan as co-counsel.

Dilthey and Tamayo v. Palm Beach County School District arose from a "pilot program" enacted by the School District in 2005, which allowed insurance coverage for the domestic partners of 750 of its employees.

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Nominating Committee

Gregg Weiss

Our Chapter Board Elections will be held at our Annual Meeting on March 25, 2009 (see page one for details). The Nominating Committee invites all Chapter members to recommend candidates to serve as Board members. For consideration, the candidate must be an ACLU member who lives or works in Palm Beach County and agrees to serve a two-year term, participate on a standing committee, and regularly attend board meetings held the fourth Wednesday of the month (6:30 pm at the John Bull English Pub in West Palm Beach). If you would like to recommend someone, including yourself, by March 18, 2009, please send the candidate's name, contact information, a brief biographical statement (limit to one page) and a resume or c.v., if available, to the Nominating Committee at: pbcacLU@comcast.net or 615 Kanuga Dr., West Palm Beach FL 33401. Nominations for Chapter board members also may be made from the floor at the time of the election provided the nominee is in good standing (paid dues), consents to the nomination, and has attended at least 3 board meetings or 3 meetings of a standing committee in the preceding 12-months.

Rights Restoration Project

Marcia Hayden

Since May 2008, a diverse group of local and state organizations held free Redemption Workshops in Palm Beach County. The Redemption Workshops have been successful throughout the State of Florida, in assisting over 115,000 applicants with the Restoration of Civil Rights ("RCR") and sealing and expunging their criminal records.

"There is an enormous injustice underlying our entire voting process which has led to the mass disenfranchisement of close to **one million Floridians**. Florida's Constitution strips persons with felony convictions of their rights to vote, to serve on a jury, and to hold public office, and the ability to obtain many state occupational licenses," said John Pauly, Chairperson of the ACLU, Palm Beach County. The Redemption Workshops are crucial because they help offenders successfully reenter society by assisting eligible



applicants to restore their fundamental rights. Once someone has paid their debt, we should welcome them back into society and give them that second chance.

At the workshops, participants were able to get answers to the following questions:

- Can I seal my criminal record?
- Am I required to disclose that my record has been sealed or expunged?
- Can I restore my right to vote, sit on a jury, run for public office, and regain eligibility to

apply for various occupational licenses?

Partial list of the participating organizations whose members counseled and assisted the clients seeking to have their civil rights restored or their records sealed and expunged, in addition to registering people to vote:

ACLU of Florida

ACLU Palm Beach County Chapter

Palm Beach County Office of the Public Defender

Palm Beach County Bar Association

F. Malcolm Cunningham, Sr. Bar Association

Alpha Kappa Alpha Sorority, Inc.

Delta Sigma Theta Sorority

Omega Psi Phi Fraternity

City of Riviera Beach

Pahokee Beacon Center

Glades Tri-Cities Coalition (Belle Glade, Pahokee, South Bay)

Concerned Citizens for Community Improvement, Inc.

Kappa Alpha Psi Fraternity

Glades Area Branch NAACP

For more information about upcoming redemption workshops visit: www.restorerights.org

Legal Panel Report

Jim Green

Unfortunately, the program required domestic partners to pay between \$4,000 and \$17,000 more per year to cover their partners than married employees paid for similar coverage for their spouses. Along with the Palm Beach County Human Rights Council (PBCHRC), the ACLU filed a claim with Palm Beach County's Office of Equal Opportunity (OEO).

In June 2008, the OEO determined that the School District was in violation of the Palm Beach Equal Employment Ordinance, which makes it illegal to discriminate when providing family health benefits, regardless of marital status. Following this ruling, the School District settled the case, agreeing to end the unequal treatment for domestic partners and paying nearly \$15,000 in damages and attorneys' fees. This case was handled by ACLU Cooperating Attorney James K. Green.

Peter Ballance v. City of Greenacres was filed in State court in March 2008 on behalf of 63-year-old Greenacres resident Peter W. Balance, who suffers from Asperger's Syndrome. To accommodate his disability, Mr. Balance uses assistive technology devices in his daily living. For example, to assist his memory and understanding his conversations, he records them to play back to himself. To alert people with whom he interacts, he wears a notice that he uses an assistive tape recorder, and also posts a notice at his home.

The complaint alleged that the City violated the Americans with Disability Act (ADA) by intentionally discriminating against him on the basis of disability when it repeatedly refused to honor his requests for city services such as police protection and emergency medical assistance; and when, in one instance, a police officer took him to the ground without warning, causing him to seek hospital treatment for injuries. The lawsuit also alleged that the City failed to grant his requested reasonable accommodation and ensure effective communications, by not allowing him to use his assistive recording device during interactions with City employees. Finally, the complaint alleged his false arrest and malicious prosecution by the City's police department, for exercising his right to a reasonable accommodation for his disability.

On January 23, 2009, the parties reached a settlement which included a declaratory judgment and injunctive relief that ensure that the City of Greenacres will comply with the reasonable accommodation requirements and other requirements of the ADA, which have been the law for nearly 20 years. The City also agreed to pay \$100,000 in damages and attorneys' fees. The ACLU Cooperating Attorneys who handled this case are James K. Green, Meredith Trim and Aaron Clemens. To read a copy of the lawsuit, visit: <http://www.aclufl.org/pdfs/Ballance.pdf>

Drug Policy

Steve Ellman

As part of a statewide effort to collect personal experiences and first-hand knowledge of Florida's drug laws, including their enforcement and impact on civil liberties, Palm Beach County chapter board members John Pauly and Steve Ellman—with the assistance of state staff member Adelle Fontanet—hosted a community conversation in Lake Worth on Saturday, January 31.

The goal of the national ACLU's Drug Law Reform Project (now in its tenth year) is "to end punitive drug policies that cause the widespread violation of constitutional and human rights, as well as unprecedented levels of incarceration." For more information on our national drug policy work, please visit www.aclu.org/drugpolicy. (cont'd p.6)

Membership on our Chapter's six standing committees is open to non-board members. If you are interested in joining one or learning more about their work, please contact us at pbcaclu@comcast.net.

Membership:

Conducts membership drives and actively seeks new members for the Chapter.

Legal Panel:

Investigates and presents, for Board approval, cases worthy of ACLU action.

Fund-Raising:

Conducts fundraising activities in conjunction with the State and National ACLU.

Legislative:

Works with State and National ACLU organizations to lobby legislative bodies regarding civil liberties issues.

Public Information and Education:

Disseminates information to the public about civil liberties issues.

Nominating:

Nominates candidates for Chapter Board of Directors and Officers.

The ACLU and Drug Policy (cont'd.)

Steve Ellman

The Palm Beach community conversation was a part of a statewide series of small group discussions designed to help the ACLU glean feedback from community members on proposed drug policy reform goals and possible action items. The conversations took place in nine cities around Florida. The Palm Beach community conversation consisted of five local individuals with first hand knowledge of the failed War on Drugs. Under the direction of a volunteer facilitator (by design, not an ACLU member) their lived experiences with law enforcement, the courts, prison and rehabilitation services were recounted, discussed and recorded for use in ACLU's efforts to educate and persuade legislators and the general public on the rationale for drug law reform.

The discussion took place using ground rules devised by the state ACLU. During the guided discussion, group members reached general agreement as to numerous flaws in current drug policy and suggested specific reforms. The Palm Beach participants generated the following chief points:

- A health care approach to the misuse of illegal drugs would be more effective, humane and respectful of civil liberties than the current punitive approach.
- The chief complaint was infringement of civil liberties. Current drug law enforcement is disproportionately targeted at ethnic minorities and the poor. Accounts of abusive searches were near universal.
- Needed reforms included 1) excessive bail for arrestees, 2) mandatory minimum sentencing laws, which tie the hands of judges, 3) the use by police of confidential informants and consequent abuses and 4) the need for rehabilitation services that are not "faith-based."
- Participants discussed various proposals for the decriminalization of marijuana and the creation of needle exchange programs for addicts.

The notes from our local conversation will be analyzed, along with those of other community conversations around the state, to give us a better understanding of flaws in Florida's drug laws and practices. The end result will be an improvement in our ability to effectively advocate for changes to our state's drug laws, policies and practices that will help protect Floridians' civil rights and civil liberties. The conversations will also help us improve our public education and outreach efforts, especially to those who may be directly impacted by the ongoing War on Drugs.



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Visit us on the web:

http://www.acluf.org/palm_beach
pbcaclu@comcast.net

Save the Date!

Annual Meeting

March 25

6:00—8:00 P.M.