



Palm Beach County Chapter

December 2005

Vol.2 No.2

Working to Defend Individual Rights

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Annual Meeting and Elections

The Board of Directors of the Palm Beach County Chapter of the ACLU cordially invites you to attend our

Annual Meeting and Lunch

Sunday February 12, 2006

12:30 P.M. - 2:30 P.M.

Renaissance Boca Hotel

2000 NW 19th Street, Boca Raton

Hear Howard Simon, Executive Director of ACLUFL, in a debate of the controversial issue of State funding of school vouchers.

Presentation of Harriette Glasner Civil Libertarian of the Year Award

The cost is \$35.00 per person. Send check payable to

ACLU-PBC, by Feb. 1 to:

Marcia Halpern

142 Lost Bridge Drive

Palm Beach Gardens FL 33410

For further information please call:

Marcia Halpern 561-622-8560 or

Ethelene Jones 561-687-4433

Monthly meetings of the Palm Beach County Chapter of the ACLU are the 4th Wednesday of the month at 6:30 at the offices Jim Green.

222 Lakeview Ave
Ste 1650, WPB

All members of the chapter are welcome.

We can build a strong, effective chapter by having many interested and active members.

Email Address Request

The Board would like to be able to communicate quickly and at no cost when an issue demands our attention. We can save a lot of money by emailing newsletters in future. Please provide your email address by emailing

pbaclu@adelphia.net

See inside: January Mixer!

The following is a list of **standing committees**.

To volunteer for one or more of these committees. Email pbcaclu@adelphia.net with your intentions and suggestions.

Nominating (Nominates candidates for Chapter Board of Directors and Officer)

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).

Information and Education (responsible for disseminating information to the public about civil liberties issues)

Notes From the President: Chapter Board Nominations

The maximum number of board members allowed under our by-laws is 15. We currently have 11. Terms of five of these are now expiring. The by-laws state: "The person so nominated must have active standing in the Chapter, defined as being an active participant in a Standing Committee or having attended a minimum of 3 Chapter Board meetings during the preceding twelve months"

The Nominating Committee respectfully has submitted the following names of all those who qualify:

Allan Taylor
Jim Green
Marcia Hayden
Connie Cash
Carole Greene

Ethelene Jones, (President)
Helen Reid, (Vice President)
Turia Hayden, (Secretary)
Marcia Halpern, (Treasurer)
John Pauly
Zoe Stout
Nancy Blackburn

The following is the list of board members whose terms do not expire this year and therefore will continue to serve:

We would like to be able reach our maximum number of board members. I invite you to get involved in board or committee meetings.

Ethelene Jones, M.D.

Law Lesson: Section 1983 by Allan Taylor

Chapter 42 of U.S. Code (Federal Law) section 1983, a federal law commonly referred to as "section 1983", provides, in essence, that " every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State,... subjects or causes to be subjected, any citizen... to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, Suit in equity, or other proper proceeding for redress...."

Section 1983 was enacted by Congress as part of the Civil Rights Act of 1871, and is also known as

the Ku Klux Klan Act. The goal of section 1983 is to deter state public officials from violating citizens' federal rights and to compensate the victims of such wrongdoing. Section 1983 is a remedial statute. Therefore, a plaintiff may prevail only if it can be demonstrated that he/she was deprived of a right secured by the U.S. Constitution or a federal statute.

For nearly a century section 1983 was rarely invoked because it was thought to apply only to acts that were *officially authorized* by a state governmental entity and were therefore "under color of law".

In 1961, in the seminal

case of *Monroe v. Pape*, the U.S. Supreme Court confronted the issue of "whether Congress in enacting section 1983, meant to give a remedy to parties deprived of Constitutional rights, privileges and immunities by an official's abuse of his position". The Court answered in the affirmative and made clear that officials are subject to suit even when their actions are not authorized or condoned by the state. The *Monroe v. Pape* decision opened up a floodgate of section 1983 cases, and even today section 1983 is used frequently as a remedy for a vast array of violations of federal rights.

Thursday, January 26, 2006
6-8 P.M.

ANOTHER ACLU MIXER!

Join your fellow ACLU members

Mark's at CityPlace

Hot hors d'oeuvres and cash bar

\$10 per person

RSVP 622-8560

Network with like-minded individuals.

Find out what
your local chapter is doing.

Bring a friend.

Board of Directors

Ethelene Jones

Chair

Helen Reid

V. Chair

Turia Hayden

Secretary

Marcia Halpern

Treasurer

Nancy Blackburn

Jim Green

Marcia Hayden

John Pauly

Allen Taylor

Zoe Stout

Barbara Walker

State Board Delegates

Nancy Blackburn

Turia Hayden

Ethelene Jones

John Pauly

Zoe Stout

We are seeking underwriting for this event.
Interested parties please contact Ethelene Jones or Marcia Halpern.



Members enjoying the August mixer in Lake Worth

Law Lesson: (cont'd)

Virtually every word of section 1983 has been subject to interpretation by the courts. Through the years hundreds of decisions have been necessary to interpret, explain, expand, or restrict the meaning of section 1983. Furthermore, dozens of law journal articles have been written in attempts to explain what Congress had in mind when it passed section 1983 in 1871, and what it means today in light of judicial interpretations.

LONG-TIME UNION ORGANIZER AND ACLU MEMBER SOL SILVERMAN DIES; WAS STRIKER IN JERSEY CITY INVOLVED IN FAMOUS U.S. SUPREME COURT CASE HAGUE V. CIO.

When it comes to standing up for the rights of others, few cast a shadow as large as Sol Silverman. From his fourteenth birthday when he entered the workforce in a New York City factory to his recent passing at the age of 88, Sol was organizing working people, fighting oppression and working on progressive political causes.

Before he was 18 he became a full-time union organizer. He attended the founding convention of the CIO in 1936 and spent the greater part of his life organizing workers. He passionately fought fascism and racism before those positions were popular or safe. Long before the United States joined WWII, Sol joined opponents of fascism when they swarmed onto a German ship and tore down the Nazi flag. One of the strikes Sol was involved in during this time was in Jersey City, New Jersey, where the mayor denied workers the right to demonstrate, saying "I am the law." This case ended up in the U.S. Supreme Court, which declared, in Hague v. CIO, that the streets and the parks belong to the people. Sol worked with Martin Luther King, Jr., and attended the 1963 March on Washington for Civil Rights.

Sol was a long-time member of the ACLU and former board member of the Florida ACLU.

Retirement barely slowed Sol down. He was a leader of the 2002 campaign to get the Palm Beach County Commission to approve a "living wage" ordinance requiring county contractors to pay employees considerably more than the federal minimum wage. And although loop holes weaken the ordinance, Sol knew it was only the beginning of the fight which is one reason he became known as the "conscience of Palm Beach County."

Some people seek to satisfy their ego by attaining wealth or power. Sol's ego was satisfied by fighting the good fight for the just cause. Even at the end, Sol would greet you when you entered his hospital room and ask about your children, your health or your job. Sol will be remembered for his passion and dedication and for always caring about others. We are a better society and nation for having had Sol among us. Fight on Sol, fight on.

by Peyton McArthur

Working to Defend Individual Rights

Visit us on the web:

http://www.aclufi.org/palm_beach
pbcaciu@adelphia.net
