



AMERICAN CIVIL LIBERTIES UNION

OF

FLORIDA

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We're on the Web!
www.aclufl.org

The ACLU of Florida is involved in a number of pressing civil liberties matters across the state.

Florida's Guardian of Liberty

The ACLU of Florida, with headquarters in Miami, is the local affiliate of the national organization. Chartered in 1965, the ACLU of Florida operates with the help of 33 staff members and 16 volunteer-run chapters across the state. The organization's oldest chapter -- the Greater Miami Chapter was founded in 1955. The newest chapters -- in Collier and Bay Counties -- were chartered in 2007.

With more than 30,000 members and supporters across Florida, the ACLU is funded entirely with private donations, foundation grants, court-awarded legal fees and membership dues.

The ACLU of Florida has an office in Tallahassee where our Legislative Staff Counsel works to ensure that Florida lawmakers do not pass anti-civil liberties bills that violate the rights of all Floridians. Other regional offices are located in: Jacksonville, Melbourne, Orlando, Pensacola and Tampa.



The State of Freedom in Florida

To Tase or Not to Tase: ACLU Asks U.S. Supreme Court to Answer the Question for First Time

MIAMI – In a petition submitted to the United States Supreme Court, the American Civil Liberties Union of Florida has asked the nine Supreme Court Justices to rule that a law enforcement officer's excessive use of force with a Taser is unconstitutional. The case offers the Supreme Court its first opportunity to address Taser abuse in an incident captured by a video camera mounted on the patrol car dashboard of the Washington County, Florida Sheriff's Deputy, Jonathan Rackard.

Deputy Rackard administered three five-second-long 50,000 volt discharges of a Taser to Jesse Buckley with the Taser in "drive-stun" mode, which



means that the device was pressed directly against the skin instead of from a distance. The ACLU lawsuit alleges that the deputy's actions violate the Fourth Amendment, since his only

purpose was to inflict pain upon an already-handcuffed arrestee to make him stand up.

"The Eleventh Circuit's ruling licenses police officers to use Tasers as cattle prods to inflict gratuitous pain on a nonviolent handcuffed arrestee, simply to herd him towards a police car. The repeated and excruciatingly painful application of 50,000 volts of electricity was once the exclusive province of the agents and implements of torture, and cannot be condoned in a civilized society," said Maria Kayanan, ACLU of Florida Associate Legal Director.

To view a video of the incident online visit youtube.com and search 'Buckley vs. Haddock'



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Upcoming Events:

- April 18, 2009 - Tabling at Pensacola Earth Day
- April 18, 2009 - Miami Pride Parade
- April 20, 2009 - Broward Chapter Board meeting
- April 22, 2009 - Brevard Chapter Monthly Meeting
- April 25 and 26, 2009 - Goombay Gulf Coast Festival Pensacola
- May 9th - Orlando Rights Restoration Workshop
- May 16th - Panhandle LGBT Rally

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The State of Freedom in Florida

New Member Newsletter



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ACLU Wins Preliminary Injunction in Clearwater 'Fish Mural' First Amendment Lawsuit

CLEARWATER, Fla. – The American Civil Liberties Union of Florida received another victory in the now-famous "Fish Mural" lawsuit today when United States District Judge James D. Whittemore adopted the Magistrate Judge's Report and Recommendation. The preliminary injunction prevents the City of Clearwater from imposing fines against The Complete Angler bait and tackle shop. The order also allows them to continue displaying the First Amendment banner, as well as the wildlife mural on the side of the business while the trial proceeds.

The City of Clearwater first issued notices of code violations to the bait shop owners in March of 2008, claiming that a mural of game fish and marine life that the Quinteros commissioned a local artist to paint on the exterior wall of their bait shop is not "art work," which is exempt from

permitting under the City's code. The city claims that the mural is advertising "signage" for the business, although no text appears on the artwork.

"The City of Clearwater cannot be the sole arbiter of what is and what is not art. Nor can the city favor one form of speech over another. To do so is evidence of disregard for the First Amendment rights of city residents," said Maria Kayanan, ACLU of Florida Associate Legal Director.

After paying \$690 in fines to the city in January of 2009, the Quinteros hung a banner over the mural as an act of political protest. The banner proudly displays the text of the First Amendment above the statement: "THE SUPREME COURT REQUIRES THE GOVERNMENT TO PROVIDE SUBSTANTIAL JUSTIFICATION FOR THE INTERFERENCE WITH THE RIGHT OF FREE SPEECH WHERE IT ATTEMPTS

TO REGULATE THE CONTENT OF THE SPEECH." The city again threatened the Quinteros ordering them to remove both the banner and the mural by Feb. 27, 2009, further violating their First Amendment rights."

"Only in Florida could a business owner be targeted and fined for displaying artwork; and then in protest of the fine, display the First Amendment to the U.S. Constitution – and then be ticketed for that," said Howard Simon, Executive Director of the ACLU of Florida.

"Unfortunately, public officials disregard constitutional freedoms all the time, but punishing citizens for displaying the Constitution may be a first."

Clearwater Fish Mural

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-Maria Kayanan,



Photo credit:
Douglas R. Clifford

Unlawful Suspension of 8th Grader Draws ACLU of Florida Lawsuit Against Sumter County Schools

TAMPA, Fla. – The American Civil Liberties Union of Florida and its Greater Tampa Chapter filed a federal lawsuit on behalf of 8th grader Jessica Sorensen, who was suspended from school for refusing to allow her backpack to be searched when school officials had no basis to suspect that she had anything illegal or dangerous in her backpack.

The incident occurred when a male classmate jokingly said that he was carrying a bomb on the school bus. School authorities determined that there was no bomb and that he was joking. Nevertheless, school officials attempted to search every student. Sorensen refused and was suspended for two days, tarnishing her academic record.

“School officials do not have the legal authority to search students’ private belongings without some

cause – they have to have a suspicion that is reasonable,” said Rebecca Steele, Director, ACLU of Florida West Central Florida Regional Office.

“Just because students are in a school setting, it doesn’t mean they enter a constitution-free zone. We’re proud of Jessica for standing up for her rights,” said Darlene Williams, President of the ACLU of Florida’s Greater Tampa Chapter.



“Just because students are in a school setting, it doesn’t mean they enter a constitution-free zone.”



ACLU-FL Defending Florida’s Freedoms

Lake County Sheriff’s Office Investigation of Immigrant Mother’s Unlawful Arrest and Detention a Whitewash, Says ACLU

LAKE COUNTY, Fla. – The American Civil Liberties Union (ACLU) of Florida charged that the Lake County Sheriff’s Office (LCSO) report of its internal investigation of the February arrest of Rita Cote, a wife and mother of three small children, was a whitewash of the Department’s unlawful arrest and detention. The report, released on Monday, March 30th, is

replete with misrepresentations according to a review by ACLU attorneys.

“The report does not describe an investigation; it is simply an effort to cover up the misconduct of the Lake County Sheriff’s office,” said Glenn Katon, Senior Staff Attorney at the ACLU of Florida, who filed a *habeas corpus* petition on behalf of Ms. Cote while she was unlawfully detained in the

Lake County Jail. “It is clear that the Lake County Sheriff’s Office completely ignored their constitutional duties and held Rita Cote for six days more than the [allowed] 48 hours, with no charges against her, and without bringing her before a judge. She was torn away from her three crying children and held for several days with absolutely no legal basis.” Katon added.

ACLU of Florida Hails Victory as Gainesville Voters Reject Discriminatory Effort

GAINESVILLE, Fla. – The American Civil Liberties Union (ACLU) of Florida applauds Gainesville voters’ overwhelming rejection, 58% to 42%, of an effort by anti-gay crusaders that would have repealed protections against discrimination for gay, lesbian, bisexual, and transgender (LGBT) people in housing, employment, public accommoda-

tion, and credit extension services.

The ACLU of Florida, which has approximately 800 members and supporters in Alachua County, including Gainesville, provided significant support to Equality is Gainesville’s Business (EQGB), the Gainesville-based political committee created to defeat Charter

Amendment I.

A full time ACLU staff attorney was sent to Gainesville for the final six weeks of the campaign, providing important communications and legal support for the campaign. Additionally, the ACLU of Florida mobilized volunteers to phone bank from several of its offices around the state and (article cont. on page 3)

ACLU of Florida Hails Victory as Gainesville Voters Reject Discriminatory Effort (cont.)

the ACLU-FL’s Northeast Regional Office Director, Benetta Standly, worked to build important alliances for the campaign.

“EQGB greatly appreciates the support of the ACLU of Florida, and other partner organizations that responded to EQGB’s appeal for help,” says Joe Saunders, EQGB’s campaign manager. “The ACLU’s on the ground assistance was invaluable in our effort to successfully defeat Charter

Amendment I.”

About the ACLU of Florida’s LGBT Advocacy Project

The ACLU of Florida is freedom’s watchdog, working daily in the courts, legislatures and communities to defend individual rights and personal freedoms guaranteed by the Constitution and the Bill of Rights. The ACLU’s case striking down as unconstitutional Florida’s ban on adoption by gays and

lesbians is now before the Florida appeals court. In addition, the ACLU has won two recent federal court victories (in Okeechobee and Nassau Counties) on behalf of LGBT students.



Visit Our Website to download the 2009 Voting Rights Report on Felon Disenfranchisement.

Month-Long Campaign for Rights Restoration; Orlando Events Highlight Statewide Day of Action

ORLANDO, Fla. – The Florida Rights Restoration Coalition (FRRRC) has released a report about Florida’s civil rights crisis and the need for a truly automatic civil rights restoration process. The FRRRC is hosting events around the state, including an event in Orlando on March 12, 2009, to raise awareness of this issue.

The groups will announce their plan for a month full of programming around restoration of civil rights, including trainings, workshops, and consistent locations for direct services with rights restoration, which could become part of a year-long program.

Florida’s civil rights restoration process remains lengthy and cumbersome

for too many people with past felony convictions. “FRRRC members are committed to fighting for a truly automatic, paperwork-free civil rights restoration process, said La Rhonda Odom, ACLU of Florida Voting Rights Associate. “The Governor and Cabinet have not only a moral obligation but a duty to do the right thing for the State of Florida.”

“Limiting the pool of candidates in an election by this manner is about as undemocratic of a system as one can imagine.”

ACLU Defends Kenneth City Mayoral Candidate in Lawsuit Targeting Her Eligibility

ST. PETERSBURG, Fla. – The American Civil Liberties Union of Florida and its Pinellas County Chapter are defending Teresa A. Zemaitis, a Pinellas County public school teacher who is one of two candidates in a March 10 mayoral election. Zemaitis is being targeted in a lawsuit by the Town of Kenneth City, which alleges that no public employee

may run for the seat of mayor, a position that only offers a \$400/month stipend. As the stipend is not enough to live on, Zemaitis intends to continue with her current employment as a public school teacher.

The ACLU argues that the town’s ban serves no significant purpose to the city and violates Zemaitis’s due process and equal pro-

tection rights.

“Limiting the pool of candidates in an election by this manner is about as undemocratic of a system as one can imagine,” said Rebecca Harrison Steele, ACLU of Florida West Central Florida Regional Director.



Go online to learn more about our Campaign to clean up Florida’s voting Laws.