



THE CIVIL LIBERTARIAN



Newsletter of the ACLU of Nevada
Summer 2010

IMMIGRATION IN ARIZONA FROM BORDER CONTROL TO POLICE STATE

by MAGGIE McLETCHE

America is the land of freedom, equality, privacy, and presumed innocence ... unless you are in Arizona (and possibly soon, Nevada).

law violates the Supremacy Clause of the U.S. Constitution. Because the law is rife with constitutional problems, the ACLU and other civil rights groups have filed a challenge to stop it from taking effect.

**ACLU OF NEVADA
BOARD
ELECTIONS
INFORMATION ON
PAGES 10 & 11**

Arizona recently enacted SB1070, the country's most severe law intended to combat illegal immigration. In actuality, the law will make it impossible for local police officers to do their job and will make racial profiling a mandate. In addition, because immigration enforcement is a job that belongs to the federal government, the

Eroding Core American Values

Under SB1070, when an officer lawfully stops someone and has "reasonable suspicion" that the individual is an

Continued on page 5

REAL I.D., V.M.T. AND H.I.T. AN ALPHABET SOUP OF PRIVACY THREATS

by REBECCA GASCA

From driving a car to seeking medical treatment, Nevadans' right to privacy is in peril. Information privacy means being free from unwarranted government intrusion into personal and private affairs. To truly enjoy this right individuals need to have control over their own personal data and have the ability to grant or deny access to others. However, recent government proposals and practices are putting this fundamental right in serious jeopardy.

to collect this data is through GPS (global positioning software) technology.

Although the ACLU of Nevada takes no position regarding tax policies, we vehemently oppose any information collecting system that threatens individual privacy rights, particularly if it allows the government to create a perfect infrastructure for routine surveillance of citizens. The ACLU of Nevada has serious questions about this proposal, including how mileage would be tracked and what privacy standards will be implemented. Unfortunately, NDOT has already begun conducting a preliminary VMT study using GPS (see www.vmtfeenv.com).

Continued on page 8

Vehicle Miles Traveled

The Nevada Department of Transportation (NDOT) is studying ways to replace the fuel tax with a Vehicle Miles Traveled (VMT) program to charge drivers for the number of miles traveled rather than the fuel they consume. One proposed system

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READING A THOUSAND LETTERS

TWO VOLUNTEERS WHO MAKE IT POSSIBLE

by TAMIKA SHAUNTEE

The ACLU of Nevada receives numerous complaints from all over the state regarding a multitude of issues and concerns from our community. With ever-increasing demands on staff resources, we rely on the assistance of volunteers to help read the hundreds of requests for assistance we receive each month. To assist us in this arduous task, we have enlisted the help of two volunteers: Bryn Esplin and Jessica Barry.

Bryn and Jessica read each and every letter sent to our offices. They summarize the letters to track trends in issues and to facilitate staff review. The legal team then does a more thorough review of any letters that raise potential civil liberties concerns.

Jessica has been volunteering with the Reno office since the beginning of 2010. She is an English Literature Major and an Art History Minor at the University of Nevada, Reno. She is originally from San Rafael, California, which is just outside of San Francisco. When she is not volunteering or going to school, she spends her free time with her bullmastiff, named Dyna (after the Harley Davidson) and works at a bikram yoga studio. Jessica plans to attend law school and although her original interest was in disability advocacy, she has come to appreciate the importance of all civil

liberties and civil rights in the law.

Bryn, a native Nevadan, has been volunteering at our Las Vegas office for 8 months. She graduated from UC Berkeley with an Honor's Degree in Rhetoric, and wrote her thesis on Reality TV.

Bryn is heavily involved in civil liberties. She is "perpetually puzzled by those who insist the ACLU runs contrary to the ideals upon which America was founded; in fact, we are scrupulously strict Constitutionalists." Bryn adds, "besides defending and preserving individual rights and liberties guaranteed by the Constitution and laws of the United States, the ACLU is a vehicle through which institutionalized inequities can begin to be dismantled, or at least, investigated."

VOLUNTEER

The ACLU of Nevada relies on the help of volunteers and cooperating attorneys to protect the rights and liberties of all Nevadans. If you want more information about volunteering with the ACLU visit:
www.aclunv.org/jobs

OUT AND ABOUT WITH THE ACLU

Siete de Mayo Fiesta
Hosts Karen and Robert Langford; Allen Lichtenstein, Maggie McLetchie & volunteer Goshia Tomaski; Tamika Shauntee & Phil Hooper.



Las Vegas Pride
Volunteers Judi Brown & Sheila Hall; volunteers Andrew Catton & Bryn Esplin.



Death Penalty Forum

Lee Rowland, Lonnie Feemster (Reno-Sparks NAACP), Fr. Chuck Durante, Assemblywoman Sheila Leslie & Nancy Hart (NVCADP)

Liberty & Liberties
Maggie McLetchie with interns Ilan Acherman & Max DelRay; volunteers Bryn Esplin & Judi Brown; crowd



A LEAN, MEAN CIVIL LIBERTIES MACHINE

A NOTE FROM THE INTERIM EXECUTIVE DIRECTOR

It is often said that a time of change is also a time of opportunity. This is certainly the case at the ACLU of Nevada. As our organization continues its search for a new executive director, I am proud to tell you that we have not only maintained our high level of advocacy, public education, and litigation, but have actually expanded our activities and experimented with new ways to engage you, our valued members and supporters. We are confident that when our new executive director does come on board, he or she will take the reins of an organization that is stronger and healthier than ever.

During this interim period, we made a commitment to be as vigilant as ever in protecting the rights and liberties of all Nevadans, and I can say with confidence that we have met that promise. Each and every member of our staff has worked tirelessly to ensure the affiliate's continued success, and many of us have taken on new roles and responsibilities to help carry the organization forward. Along with our Board of Directors, we sincerely look forward to welcoming a talented new leader to take over and shape the lean, mean civil liberties machine we call the ACLU of Nevada.

Our public advocacy continues to be as hard-fought and successful as ever, racking up victories against government abuse and overreach, from fighting the push for REAL ID to changing an invasive gender-marker policy for state-issued IDs. We also remained the premier civil liberties voice at the Special Legislative Session this February, where we fought against erosions of our rights and liberties disguised as budget solutions.

While litigation is always an option

of last resort for the ACLU of Nevada, our legal department has never been more of a force to be reckoned with. We've defended a citizen's right to review public documents (*Gray v. Clark County School District*), we protected access to abortion and birth control in Nevada (*Bristol v. Personhood Nevada*), and we stopped the discriminatory use of permitting systems once used to kick homeless individuals out of public parks (*Sacco v. City of Las Vegas*).

We have continued to expand our legal program, taking on school-year externs from the UNLV Boyd School of Law and expanding our summer intern class to seven law students from across the country. This fall we'll be introducing a ground breaking fellowship to study the Nevada prison system through a human rights lens. The fellowship, sponsored by the National ACLU's Human Rights Project, was awarded to recent Boyd graduate Rebecca Paddock, who will be with us for three months.

Perhaps most amazingly, we have accomplished all of this while expanding opportunities to interact with our members and donors. Our Las Vegas office has sponsored a number of social events where our supporters can relax and bond over shared values, and we have continually increased our use of social media to connect and inform Nevada's civil libertarian community. We even launched a new blog on our website, *The Torch*, where we explore civil liberties with a range of perspectives and voices.

It's hard not to be proud of our exciting work and the great time we have doing it, but we never forget for a moment



that this organization exists because of you, our members.

Therefore, I encourage you to find some way to connect with the broad ACLU of Nevada family. You can join the staff and board for a drink at an upcoming mixer, watch an inspiring film or panel discussion, read about our work on our website, www.aclunv.org, or share your opinions with us on Facebook. And because this family is only as strong as the support it receives, please also consider making a donation that is personally meaningful for you.

Thank you for being a part of our ACLU of Nevada community, and for continuing to help us protect civil liberties in the Silver State.

In Liberty,

Handwritten signature of Allen Lichtenstein

Allen Lichtenstein
Interim Executive Director

SPECIAL LEGISLATIVE SESSION

OUR CIVIL LIBERTIES ARE NOT FOR SALE - EVEN IN A BUDGET CRISIS

by REBECCA GASCA

The Nevada Legislature convened a Special Session in late February to address the state's ongoing budget crisis. Tucked into several proposals to "solve" Nevada's financial woes were thinly-veiled attacks on the Constitution and Nevada's libertarian ethos.

Though the ACLU of Nevada takes no position related to specific budget allocations, we do address how policies impact individual rights. We remind the Legislature that Nevadans' civil rights and liberties are not for sale - even in a budget crisis.

Some measures wouldn't have actually solved Nevada's financial woes because they simply shifted the financial burden from one part of the state's system to another. For example, one proposal was to close Nevada State Prison or other correctional facilities. While the ACLU

of Nevada did not oppose closure of the prison per se, we did oppose the closure of any correctional facilities that would have included sending Nevada inmates to private or out-of-state prisons because this would have resulted in a lack of accountability or oversight and an increase in the risk of liability and additional costs.

The ACLU of Nevada encouraged the Legislature to address policy shortcomings that marginalize our most at-risk youth and deny them access to education by asking them to reject calls for school vouchers.

We also requested that legislators soundly reject the proposed total elimination of the Nevada Equal Rights Commission (NERC). NERC provides vital services that the federal Equal Employment and Opportunity Commission is simply too overburdened to grant real relief

to Nevadans who suffer unlawful discrimination.

Most notably, we urged the Legislature, and it agreed, to reject a proposal to grant a private company an exclusive contract - without any competitive bidding - to install a surveillance net of cameras throughout Nevada's roadways.


Though we successfully lobbied against all of the measures that jeopardized our fundamental rights, we expect that several of these proposals will resurface during the 2011 Legislative Session when the state is expected to confront budget shortfalls that may reach as high as \$3 billion.

For more information about the Special Session, visit www.aclunv.org/75SpeSes_Outcome.


PREVIEW OF ONLINE LEGISLATIVE REPORT

ACLU OF NEVADA'S INTERACTIVE LEGISLATIVE REPORT OF THE 2009 SESSION

Hyperlink to bill's official legislative webpage



ACLU of Nevada 2009 Legislative Report Card




BILL	SUMMARY	ISSUE	ACLU POSITION AND ACTION	ASSEMBLY	SENATE	OUTCOME
AB 1	Prohibits certain demonstrations at a funeral, memorial service or ceremony.	Free Speech	Opposed and offered amendment - Would have criminalized protected First Amendment activity. Although preventing interference at funerals is a laudable goal, the particular language of this bill went too far. <i>Written testimony >></i> <i>Oral testimony from committee minutes >></i>	--	--	Failed. Missed deadline.
AB 6	Revises provisions governing certain emergency admissions to mental health facilities and hospitals.	Mental Health	Opposed and offered amendment - Individuals who have been involuntarily admitted for mental health reasons should be released as soon as they no longer pose a threat to themselves or others. <i>Written testimony >></i> <i>Oral testimony from committee minutes >></i> <i>Oral testimony from committee minutes >></i> <i>Oral testimony from committee minutes >></i>	40 - 1 Excused: 1	21 - 0	Passed.
AB 8	Makes various changes governing the investigations of the criminal history of certain employees and licensees and creates the Statewide Central Registry for the Collection of Information Concerning the Abuse, Neglect, Exploitation or Isolation of Older Persons.	Due Process	Neutral and offered amendment - The ACLU-NV did not oppose the creation of a registry of individuals accused of abuse, neglect, exploitation or isolation of older persons, but was concerned that the database could include inaccurate information without due process procedures. <i>Written testimony >></i> <i>Oral testimony from committee minutes >></i> <i>Oral testimony from committee minutes >></i>	--	--	Failed. Missed deadline.
AB 11	Revises provisions governing the Governor Guinn Millennium Scholarship Program.	Immigrants' Rights	Opposed - Would have required all Millennium Scholarship applicants to submit proof that they completed a FAFSA application, which requires Social Security numbers of both parents. This could prevent some Nevada students who are American citizens from applying because their parents might be undocumented. <i>Information sheet >></i>	--	--	Failed. Did not receive committee hearing.

✓ ACLU of Nevada **AGREES** with the legislative outcome
✗ ACLU of Nevada **DISAGREES** with the legislative outcome
↔ ACLU of Nevada **IS NEUTRAL** on the legislative outcome

ACLU of Nevada's position on the bill's outcome

Final outcome of the bill

Hyperlink to all of ACLU of Nevada's oral and written testimony



Access the entire interactive report online at www.aclunv.org/files/75-LegReport.pdf

... Arizona! continued from page 1

undocumented immigrant, the officer is *required* to demand proof that he or she is legally in the United States. The person has to “show their papers” and prove that they are either a lawful immigrant or a U.S. citizen.

If that doesn’t immediately sound problematic, try to pin down exactly what it means to have “reasonable suspicion” that someone is an undocumented immigrant.

“Reasonable suspicion” is left undefined in the Arizona law, but in the legal world, the term usually describes when an officer can detain someone who hasn’t been seen breaking the law. It’s more than a hunch and requires an officer to rely on objective facts that a crime has been or is being committed.

Apart from watching someone cross the border, there are no objective facts that indicate immigration status. Moreover, local police do not have the training to do immigration enforcement work. Instead, police are left with little choice but to guess the status of each individual they stop - a recipe for racial profiling.

So, what will the police look for? That someone speaks Spanish? Has an accent? Is standing near another person who admits to being undocumented? Is wearing a t-shirt that reads “I am not here lawfully”? Looks or dresses “foreign”? Has a certain skin color?

None of these are crimes. In fact, all are protected by the Constitution and the Bill of Rights. In the hope of catching someone without documentation, Arizona is sacrificing core American values like equal protection under the law; being presumed innocent until proven guilty; and First Amendment freedoms of speech, expression, and association.

The reality is that people who look or

sound “foreign” will be stopped more often for minor infractions – having a broken tail light, jaywalking or having an overgrown lawn. Pretextual stops like these are not new. Studies have shown time and again that African Americans are stopped by police simply for “driving while black.” Although a last-minute amendment prohibiting racial profiling was inserted into the bill, the practical application of the law will be the same.

Although the phrase “Your papers, please!” sounds more like something heard in a police state, now U.S. citizens and non-citizens alike will be required to carry papers proving their status at *all times* in Arizona.

Hamstringing Local Police

The law drastically increases police powers and creates a whole new slate of state crimes. The new crimes, which are based in part on federal civil violations, will unnecessarily distract local police from their primary job of keeping the community safe. Local law enforcement will be forced to prioritize immigration-related crimes over even violent felonies.

SB 1070 will also make cops’ jobs harder for another reason: people could be afraid to come forward as victims or witnesses of crime, in fear of being asked about their immigration status. As many top law enforcement officials have already acknowledged - including the Arizona Association of Chiefs of Police - the Arizona law will significantly harm public trust in law enforcement. Officials need that trust and cooperation to protect the people they serve.

In Nevada, we have already seen problems emerge because of an

agreement the Las Vegas Metropolitan Police Department entered with the Department of Homeland Security where LVMPD enforces immigration laws (see www.aclunv.org/287g).



Coming to an Initiative Near You!

If this law weren’t bad enough in Arizona, it could soon be coming to Nevada. A ballot initiative, “Nevada Immigration Verification,” has been filed that seeks to make changes similar to Arizona’s law here in the Silver State.

Nevadans need to understand the very real consequences of local police enforcing federal immigration laws. Using local police officers who are untrained in the complexities and proper enforcement of federal immigration law is a recipe for racial profiling, erodes local trust in law enforcement and diverts scarce law enforcement resources. It is no wonder that Nevada law enforcement has not supported importing Arizona’s law to our state.

We need to make sure that Nevada does not follow Arizona’s shameful lead. Relying on a person’s appearance is never “reasonable” nor is it an effective tactic for law enforcement. In fact, it is racial profiling and is not constitutional.

THE NEW FRONTIER OF WORKERS' RIGHTS

CIVIL RIGHTS FOR SEX WORKERS

by PHIL HOOPER

When Bobbi Davis, owner of the Shady Lady Brothel in Goldfield, Nevada, decided to mix things up and add a man to her lineup, she came up against an unexpected problem: Nevada required all legal sex workers to undergo cervical exams as part of their regular medical testing. Obviously men can't have such exams, which effectively barred them from working at legal brothels.

That's when the ACLU stepped in. Arguing that the regulation's language ran afoul of state and federal laws prohibiting gender discrimination in employment, ACLU of Nevada General

Counsel Allen Lichtenstein appeared before the State Board of Health on Davis' behalf last December. The state agreed with the ACLU's interpretation, and under an interim agreement with the Shady Lady, the country's first male brothel worker, "Markus," was hired. Although his tenure lasted only a few months, the case set a significant precedent for the sex work industry in Nevada.

Whether it's brothels, provocative handbills on the Las Vegas Strip, or even the short-lived "Stripper-Mobile" truck featuring pole-dancing women, Nevada has its share of controversial,

adult-themed issues. The Constitution, though, applies equally to everyone, and the ACLU of Nevada continues its efforts to ensure that local and state authorities respect the rights guaranteed to all people – even those in adult-oriented industries.

In July the ACLU of Nevada will continue to highlight these issues as featured speakers at a Las Vegas conference for the Desiree Alliance, a nationwide nonprofit group dedicated to the human and civil rights of sex workers. For more information, visit www.desireealliance.org.

DEFEATING THE "PERSONHOOD" INITIATIVE

DEFENDING REPRODUCTIVE CHOICE AND PROTECTING THE INITIATIVE PROCESS

by LEE ROWLAND

At press time for our last newsletter, the ACLU of Nevada had just filed our legal challenge to the Nevada Personhood Initiative that sought to ban a range of reproductive health services in the state. Now, we are proud to tell you we won that case.

The ACLU of Nevada joined with the National ACLU's Reproductive Freedom Project, Planned Parenthood Federation of America, and attorneys from Nevada firm Kaempfer Crowell Renshaw Gronauer & Fiorentino to represent three Nevadans – a pharmacist, an obstetrician-gynecologist, and a pregnant blogger – who believed that the initiative petition was vague and misleading, and failed to warn Nevadans that they would be voting away their fundamental rights.

While the main intent of the initiative's proponents was to ban all abortions, the initiative language only redefined "person" as a "human being" and proponents never mentioned abortion

**IT IS NOT PERMISSIBLE TO
LEAVE VOTERS
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or reproductive health in the description of effect circulated to voters. In addition, by attempting to grant broad legal rights to fertilized eggs and embryos at all stages of prenatal development, the petition sought to ban all abortions and commonly-used forms of birth control, and could have interfered with the ability of doctors to treat infertility, miscarriages and life-threatening pregnancies, or engage in stem cell research.

Carson City District Court Judge Russell

agreed with the ACLU and the Plaintiffs that the initiative proposed far-reaching changes to the Nevada Constitution and laws by attempting to redefine a "person," but that it failed to give voters a clear explanation of the changes it proposed and its intended purposes and effects. "The decision confirms that it is not permissible to mislead voters, or leave them in the dark, when proposing changes to our Constitution that would impact our fundamental rights," said Emmily Bristol, one of the plaintiffs.

While we can breathe a sigh of relief that the Personhood Initiative will not be part of the 2010 ballot, it may be back. If and when it returns, the ACLU will ensure that it only appears on the ballot in a form that allows the voters a meaningful chance to understand and openly debate the fundamental undermining of a woman's right to choose. We hope and expect that Nevada voters will agree with us that such a law would be unwise – and unconstitutional.

TRANSPARENCY AND OPENNESS

KEEPING GOVERNMENT IN THE HANDS OF THE PEOPLE

by MAGGIE McLETTCHIE

The ACLU of Nevada works on some downright exciting and controversial issues. We hold the line against erosion of our traditional freedoms, like challenging limits on brothel advertising. We push the boundaries of what “civil liberties” encompass, as demonstrated by our support of an individual right to keep and bear arms. And because we are driven by constitutional principles we work on seemingly contradictory issues, like advocating for full LGBT equality while representing street preachers with signs declaring, “All sodomites go to hell.”

By contrast, our work on government openness and transparency seems dry on the surface. So why are the Open Meeting Law and the Public Records Act, the twin protectors of openness that guarantee access to government meetings and public documents, so important to us?

The ACLU is a government watchdog, and without government transparency, much of our other work would be impossible. More fundamentally, citizens and the media have a right to see and understand what the government is up to. Without access to the workings of government, that right is meaningless, since people cannot see what happens behind closed doors. For these reasons, we dedicate significant resources to advancing the principle of government transparency.

Our most recent work on open government focused in on the Governor’s Education Reform Blue Ribbon Task Force. The Task Force was appointed by Governor Gibbons to comprehensively examine and make recommendations on education in Nevada. The Attorney General’s Office offered the opinion that the Task Force did not need to comply

with the Open Meeting Law because it was a committee appointed by the Governor. We disagreed, arguing that openness should win, especially in the vital area of education, and called on the Task Force to meet in public. The Governor punted the issue, but after pressure from the ACLU and significant media attention, the Task Force agreed to comply with the Open Meeting Law.



Despite disagreeing with the Attorney General’s Office’s over the Task Force, the ACLU of Nevada was invited to sit on the Attorney General’s Open Meeting Law committee. Now we are working with Catherine Cortez-Masto and other stakeholders – such as Nevada’s Freedom of Information Coalition – on possible recommendations for the legislature to make sure that principles of openness are reflected in Nevada statutory law.

The ACLU of Nevada also won a recent victory in state court over the Public Records Act. Karen Gray, a watchdog activist and now an education analyst for the Nevada Policy Research Institute, wanted access to certain email records of the Clark County School District school board (CCSD). CCSD took the position that emails should not be accessible in the same way that other public records

historically have been. They tried to charge Karen thousands of dollars just to *look* at the requested emails.

Of course, these days most people send emails instead of letters and many public records are stored electronically. The Public Records Act would be virtually meaningless if did not also apply to electronic records. After years of litigation, Karen won access to the majority of the records without having to pay the staggering fee. CCSD still resisted and further litigation was needed. We won yet again - and also won approximately \$48,000 in attorney’s fees for fighting CCSD’s refusal to allow the public access to public records.

Keeping the government open and accountable is no small task, and our efforts extend to all branches of government. While the judiciary is not subject to the Open Meeting Law, we work to ensure that principles of openness apply to the courts through evidentiary rules. We look to strike a balance between appropriate privacy considerations with the rights of defendants, members of the media, and citizens to access and review court documents and evidence.

Our work on government openness might not be terribly glamorous. It doesn’t directly involve cutting-edge constitutional principles and it doesn’t capture headlines the way guns and handbills might. But it is vital and important work – and central to our mission. To make sure that any and all of Nevada’s citizens can serve as watchdogs, the ACLU of Nevada will continue to fight for the right of the people to monitor the government and officials. After all, in a democracy, government should belong to all of us.

... Privacy, continued from page 1

VMT also raises critical privacy questions about consumers' ownership of their own electronic data. The ACLU of Nevada strongly believes that individual consumers should own any data collected. Most importantly, as with any data collected by a government agency, the information should not be accessible to third parties, including the police, without the person's consent or without a warrant. We will continue to monitor this issue throughout each phase of the VMT study.

REAL ID

Despite going nowhere during the 2009 legislative session, Real ID suddenly became a real possibility last December when Governor Gibbons signed an "emergency" regulation implementing it in Nevada. An underfunded federal mandate, Real ID is a de facto national identification card. It has never included adequate privacy protections and puts Nevadans' due process rights at risk. Even worse, under the *temporary* emergency regulation, Nevadans could not even choose if they wanted a regular license instead of a Real ID-compliant license.

After the emergency regulation went into effect, the DMV had 120 days to propose permanent changes to the administrative regulation. In that time, countless Nevadans spoke out against Real ID. This grassroots outcry was made possible through our ACLU members and supporters and through our work with our nontraditional allies - the Nevada Families Eagle Forum and Gun Owners of Nevada. Continued strong opposition helped lead to the quiet decision of the Legislative Commission not to agendize the proposed permanent changes during their April meeting.

The DMV has since stopped issuing Real IDs, but has promised to "continue working with the Commission" to bring

Nevada back into compliance with the federal Real ID mandate. Fortunately, the ACLU of Nevada will continue to work with our allies to fight any incarnation of Real ID in Nevada.

Health Information Technology

Many people believe that Health Information Technology (HIT), or the digitization of health records, promises more efficient and effective medicine, but HIT also raises serious concerns about personal privacy. Medical records contain intimate details of an individual's health and life.

Because leaks of sensitive medical data under the existing health care system have already occurred, it is essential that any HIT initiative include robust data security measures, as well as provisions for patients to discover and correct

errors. Patients should be given full access not only to their records, but to the associated audit trails, and should have the right to choose who gets to see their data.

The state of Nevada, through a Task Force appointed by Governor Gibbons, is currently exploring issues related to the creation of a HIT system. The ACLU of Nevada has a seat on the Privacy Subcommittee, where we advocate for patient control, for the right to opt in and out of the system, the right to segment sensitive information and to require that health information disclosed for one purpose may not be used for another purpose without informed consent or a warrant, if necessary. The Task Force will be working on this issue over the next several years as HIT becomes an inevitable reality in Nevada.

THE TORCH

ACLU of Nevada's Blog Lights Up the Web

Looking for a fresh take on civil rights and civil liberties issues in Nevada? Look no further than *The Torch*, the ACLU of Nevada's new blog. Launched in mid-February, *The Torch* is a series of weekly posts from ACLU staff, board members, allies, and volunteers, each exploring a current event or issue with insight, humor, and a broad perspective.



"We've had great success in the past year engaging our supporters through social media," said ACLU of Nevada Program Coordinator Phil Hooper. "The blog is an opportunity for people to explore the issues a step beyond our website, Facebook and Twitter updates."

Topics on *The Torch* have ranged widely, from a gun-toting field trip for two ACLU of Nevada staff members to the challenges that transgender people face when going into public bathrooms. Such variety has brought the ACLU's many constituencies together in one place, allowing readers to recognize the principles that underlie the organization's multifaceted work.

If your interest is piqued, visit www.aclunv.org/blog and experience *The Torch* for yourself. Have an idea for a blog piece? The ACLU of Nevada is seeking guest bloggers on an ongoing basis; contact Phil Hooper at aclunv@aclunv.org for more details.

WHAT ABOUT THE “T” IN LGBT?

ADVOCATING WITH THE TRANSGENDER COMMUNITY FOR LEGAL PROTECTIONS

by PHIL HOOPER

As the curtain fell on the 2009 Nevada Legislature, the state’s LGBT community (short for Lesbian, Gay, Bisexual, and Transgender) had several important accomplishments to celebrate. With significant ACLU involvement, a domestic partnership registry open to same-sex couples was established and protections for sexual orientation were included in the state’s public accommodations laws.

The thrill of victory, though, was soon tempered by those things left unfinished. At the same time state legislators were enacting landmark bills, they all but ignored efforts to include gender identity and expression in state employment and public accommodations statutes. Neither proposal made it out of committee hearings, which left many transgender activists and their allies wondering what went wrong.

The 2009 Legislature is illustrative of a gap between the growing number of protections related to sexual orientation and the utter lack of protections tied to gender identity. As you read this, transgender people in Nevada are not safeguarded in any way against harassment and discrimination, whether it’s at their workplaces, in a casino or restaurant, or when looking for housing. Fortunately, change is in the air.

In its assessment of the 2009 session, the ACLU of Nevada recognized the need for a long-term campaign focused on public education, local-level advocacy, and coalition building to garner the support necessary for future gender identity-related legislation. Fresh off of its successes in 2009, a newly energized LGBT community is putting its resources into making this happen, and we’ve been there every step of the way.



Community Services’ Jane Heenan, the DMV agreed to institute a standardized form to be filled out in accordance with Nevada’s existing regulations.

New Publications

Our legal and communications staff created a brochure last fall titled “Transgender Issues in Nevada,” which outlines the status of trans rights in the state and the procedures required for name, gender, and driver’s license changes. Our staff is also on a committee of the Nevada LGBT Leadership Coalition that is producing additional educational materials for legislators.

Events and Outreach

The ACLU participated in the first annual Transgender Community Health Fair in October of 2009, and we are regular attendees at the meetings of Equality Nevada Community Services, a Las Vegas-based group of transgender individuals and their allies. We recently supported Equality Nevada’s efforts to send four people to a transgender leadership conference in May, and we are working with them to produce additional advocacy trainings for the community.

We are not stopping there. Planning for the 2011 Legislature is already underway, and the ACLU is engaged in an ongoing dialogue with LGBT leaders across the state. As more Nevadans become aware of the struggles faced by the transgender community and their need for legal protection, the greater the chance that 2011 will be a turning point in their ongoing push for fair treatment under the law. If you would like to become more involved in the campaign for LGBT equality, track the issues at www.aclunv.org/lgbt.

Here are a few of our transgender-related activities from the past year:

Gender Marker Advocacy

Many transgender individuals have a difficult time changing the gender marker on their state-issued identification. Having the correct gender marker is a critical need, as it enables transgender people to avoid harassment and discrimination in a number of public settings.

One local transgender woman, Amber LaMay, was harassed by a Department of Motor Vehicle (DMV) employee and told that “God would not approve” of her. Amber was denied a gender marker change on her driver’s license despite following proper procedures.

After receiving this particularly troubling complaint, the ACLU of Nevada arranged a meeting with DMV officials in an effort to establish a consistent and fair process for transgender individuals to change their gender marker. Following a meeting with ACLU Staff Attorney Maggie McLetchie and Equality Nevada

Who Can Vote:

The by-laws of the ACLU of Nevada call for a Board of Directors that is elected by our general membership. Only current ACLU members may vote. It is your non-tax-deductible membership dues payable to the ACLU, not donations to the ACLU of Nevada Foundation, that make you eligible to vote.

The address label affixed to this issue of *The Civil Libertarian* indicates on the top line if you are a current member of the ACLU and eligible to vote. One of three options indicating your voting status will appear on your mailing label:

- **“VOTE”**: You are eligible to vote.
- **“JOINT VOTE”**: You share a joint membership with another member in your household. You both may vote by using the two columns on the ballot.
- **Only your address**: You may either be a donor to the ACLU of Nevada Foundation and not a member of the ACLU, or your ACLU membership may not be current. If you have recently renewed your membership, please send in your ballot with a note indicating your recent renewal so we can verify that your membership is current. If you would like to become a member or renew your membership at this time so you are eligible to vote, you may submit a check for your membership with your ballot.

Nomination of Candidates:

Our by-laws specify two methods for nominating candidates for directorships. Candidates may be nominated by the current Board of Directors after the Board considers recommendations from its Nominating Committee. Candidates may also be nominated by petition bearing the signatures of at least ten current members of the ACLU of Nevada.

Voting Instructions:

To help you assess this year’s candidates, we’ve included brief statements submitted by the candidates (see page 11). The candidates are listed in alphabetical order. We have three candidates running for three seats on our Board. You may vote for up to three candidates. You cannot cast more than one vote for any candidate even if you vote for fewer than three candidates.

If you share a joint membership with another member—indicated by “JOINT VOTE” on your mailing label—you may each vote for up to three candidates by using both of the columns provided on the ballot.

Mailing Instructions:

After marking your ballot:

1. Clip page 11 from the newsletter, keeping your mailing label attached for voter verification;
2. With page 11 facing you, fold sheet from top to bottom along the natural fold of the newsletter;
3. Fold in half again so that your old mailing label is hidden and the mailing address for the Elections Committee is displayed:
**Elections Committee
1325 Airmotive Way, Ste. 202
Reno, Nevada 89502**
4. Tape or staple the “envelope” where indicated;
5. Sign the back of the “envelope”;
6. Stamp and mail.

Confidentiality

If you would like to ensure the confidentiality of your ballot, remove your mailing label before folding and securing your ballot. Put your ballot **and** mailing label into an envelope and mail to our Elections Committee at the address indicated above. We will separate your mailing label before we count your ballot.

Deadline:

In order for your ballot to be counted, your ballot must be mailed by **August 9, 2010**.



RACHEL ANDERSON, Las Vegas

I am a native Nevadan and a law professor at UNLV, where I teach human rights and business courses. I am committed to the protection of rights and liberties and write about human rights issues. Over the years, I have worked for a non-profit organizations providing services to the elderly, with refugees from Yugoslavia, and in a study abroad project for at-risk African-American youth. I also advise two student groups, the Asian Pacific American Law Student Association and the International Law Society.



ROBERT LANGFORD, Las Vegas

I have been a Nevada resident for twenty years. I have worked with the ACLU of Nevada as a cooperating attorney litigating several high profile Racial Profiling, Inadequate Prison Health Care and Sex Offender Registry cases. I believe that the work done by the ACLU is of the utmost importance the maintenance of a free society. I look forward to continuing my support of the ACLU of Nevada as a member of the Board.



LISA RASMUSSEN, Las Vegas

I have been a member of the ACLU of Nevada Board since 2004. During that time, I have had the pleasure of watching our affiliate grow from a very small staff to an incredible dynamic staff of seven. The growth of the affiliate has truly benefitted Nevada. I look forward to serving on the ACLU of Nevada board for another term so that I can continue to contribute my talents to the ongoing growth of our affiliate during this early part of the new decade. My goal is to ensure the growth and health of our affiliate so that the ACLU of Nevada can continue to have a positive impact on the civil rights and liberties of everyone in our state and our community.

Instructions for Voting

1. Check voting status. Eligible voters will have either "VOTE" or "JOINT VOTE" on this newsletter's mailing label.
2. Mark ballot. You may vote for up to three candidates. If you have "JOINT VOTE" on your mailing label, you may also use the "JOINT VOTE" column.
3. Clip this page from the newsletter. Keep mailing label attached for verification of voting eligibility.
4. With this side of the page facing you, fold from top to bottom along the natural fold of the newsletter.
5. Fold in half again so that your old mailing label is hidden and the mailing address for the Elections Committee is displayed.
6. Secure the "envelope" where indicated.
7. Sign the back of the "envelope."
8. Stamp and mail before the deadline of August 9, 2010.

VOTE	CANDIDATE	JOINT VOTE
YES <input type="checkbox"/> NO <input type="checkbox"/>	Rachel Anderson	YES <input type="checkbox"/> NO <input type="checkbox"/>
YES <input type="checkbox"/> NO <input type="checkbox"/>	Robert Langford	YES <input type="checkbox"/> NO <input type="checkbox"/>
YES <input type="checkbox"/> NO <input type="checkbox"/>	Lisa Rasmussen	YES <input type="checkbox"/> NO <input type="checkbox"/>



AMERICAN CIVIL LIBERTIES UNION
 OF NEVADA FOUNDATION, INC.
 1325 AIRMOTIVE WAY, SUITE 202
 RENO, NEVADA 89509

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Sustaining Freedom's Defense

You Make the Difference

Guardians of Liberty are a special group of members who make monthly donations that support our work defending the freedoms guaranteed in the Constitution and the Bill of Rights.

Your monthly gift of \$25, \$20 or even \$15 a month can provide the vital support that helps us to fight for all of our rights whenever and wherever they are under attack.

The program is easy for you and efficient for us—with more of your contributions going right to work on our most urgent campaigns. Help us fight against efforts to undermine our basic freedoms, become a Guardian of Liberty today.

Go to www.aclu.org/sustain to sign-up online. It's fast, easy, and secure.

DATE _____

MEMBER SIGNATURE _____

DATE _____

JOINT MEMBER SIGNATURE
 (IF APPLICABLE) _____

SECURE HERE

PLACE
 STAMP
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ACLU ELECTIONS COMMITTEE
 1325 AIRMOTIVE WAY, SUITE 202
 RENO, NEVADA 89502

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