

# The Civil Libertarian

Newsletter of the ACLU of Nevada  
 Fall/Winter 2011

## WE WISH YOU A MERRY ... MYTHS AND FACTS ABOUT THE ACLU AND CHRISTMAS

by REBECCA GASCA

It's the most wonderful time of the year. With Christmas just around the corner, we at the ACLU of Nevada are expecting the usual allegations about a supposed ACLU-led "War on Christmas."

Having grown accustomed to provocative chain emails about our work relating to religious expression and the arrival at our offices of many naughty (and a few nice) Christmas cards, last year's misunderstanding by administrators at Virgin Valley High School (VVHS) in Clark County almost came as no small surprise.

plaints from students and families at VVHS alleging school-sponsored religious practices. We responded by sending a letter to the Clark County School District (CCSD) reviewing the problematic practices, including "team-sponsored prayer prior to football games; sectarian instruction by school teachers during class time; and proselytizing literature posted prominently in instructional classrooms."

Somehow, in the fallout from the exchange between our organization and CCSD, administrators at VVHS came to believe that school employees were

*Continued on page 5*

The ACLU of Nevada received com-

## DISSENT IS PATRIOTIC PROTESTS AND THE FIRST AMENDMENT

by DAVID KAPLAN

The right to speak freely is the cornerstone of any free and democratic society. Whenever oppressive governments restrict the freedoms of citizens, the right to speak freely is always the first to go.

The freedom to peaceably assemble and petition the government for redress of grievances along with the freedom of speech are all rights enshrined in the First Amendment of the United States Constitution.

This year the freedom of speech and the freedom to protest has changed the

world we live in. European nations such as Spain and Greece have been protesting economic austerity and disparity for years now and we now see a similar wave of protests hitting the United States.

"Occupy Wall Street," protests have been popping up across the nation as Americans protest a bad economy and unprecedented income disparity. These protests have taken the nation by storm and they have already put the First Amendment to the test.

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# ANTI-BULLYING BANDWAGON

## A NOTE FROM THE EXECUTIVE DIRECTOR

One point that Nevada’s chattering class (politicians and other government officials, journalists, lobbyists, etc.) agrees on right now is that bullying in schools must be stopped—right now—and that an effort can be largely successful. A bandwagon effect is occurring, starting with two anti-bullying bills in the 2011 Legislature; R&R Partners’ anti-bullying public education campaign (the smart “Flip the Script”), and Cox’s “Town Hall” televised statewide (Sept. 26) with a state attorney general-led panel.

Who is not against bullying? No one who I know of, and parents, teachers, and cops tell us it’s common. Charles M. Blow’s Oct. 15 *New York Times* column noted 39% of bullying occurs due to appearance/size, 33% due to actual or perceived GLBT orientation, 28% due to gender expression, 14% due to race/ethnicity, etc. The ACLU has often defended these groups. But I still felt compelled to say on Jon Ralston’s television show (Sept. 28) that the ACLU of Nevada opposes bullying, too. That’s because of what I indicated next: we question anti-bullying legislation, whether passed by the state legislature, a county commission, a city council, or a school board, because it can have real potential to infringe upon First Amendment rights of public school students, if not also teachers and parents.

One question is whether anti-bullying legislation in Nevada is needed because state statutes don’t otherwise address bullying. To ensure I don’t omit anything that might be considered as bullying, however, N.R.S. already outlaw intimidation, harassment, assault, battery, child abuse, stalking, sexual assault, kidnapping, and graffiti. It is somewhere between extremely difficult and impossible to come up with any action that would be called “bullying” that is not

already outlawed, unless that bullying consists solely of speech.

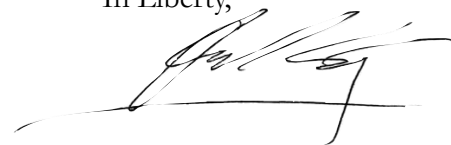
Assuming existing statutes are being enforced (which, based on parents’ testimony to this year’s Legislature about “bullying,” cannot be), what do anti-bullying laws accomplish? At best, it’s either redundant (like outlawing already illegal same-sex marriages), or a potential target of a First Amendment-based lawsuit.

Second, anti-bullying laws are more similar to than different from hate speech laws (such as a city ordinance that the U.S. Supreme Court struck down in *R.A.V. v. St. Paul* [1992]) and university “hate speech codes.” Such regulations have had both constitutionality and workability problems.

Practically, we also must address the complexity of bullying that belies any simplistic zero tolerance model. Danah Boyd and Alice Marwick’s Sept. 22 *New York Times* column showed that teens use code words to mention bullying (not *all* victims are suffering in silence) but adults don’t know them, and that one cannot assume that either bullies or the bullied have no self-esteem. The constitutional issues of, and day-to-day action on, bullying are much more complicated than merely flipping a script.

As always, the ACLU is here to question bandwagons with constitutional implications, no matter how well intentioned. Thank you for your support.

In Liberty,



# NEW LEGAL DIRECTOR HIRED

## STACI PRATT HEADS UP LEGAL DEPARTMENT

by DANE S. CLAUSSEN

Staci Jean Pratt became the ACLU of Nevada's new Legal Director, effective November 1.

Staci, who is based in our Las Vegas office, joined the organization from the Kansas City, Kansas, School District, where she was Homeless Liaison since 2005. While there, she enforced the civil rights of homeless students, developed community support organizations and programs (including housing) for homeless students, testified to the Kansas Legislature about homeless youth, and fulfilled many other responsibilities.

"I am thrilled to have the opportunity to join the ACLU of Nevada," Staci said on her second day on the job. "The ACLU has always acted as our nation's guardian of liberty and freedom, working diligently in the courts, legislatures, and communities to ensure that the promises enshrined in the Bill of Rights have real meaning in the lives of everyday Americans."

"In my first few days alone, I have witnessed the amazing accomplishments of our affiliate," she said. "In arenas ranging from free speech to medical care in prison, the ACLU of Nevada has taken a vital role in securing those protections. I am honored to have the opportunity to continue this mission and to fight for the rights we all share."

Previously, Staci was an attorney for 8 years with Shook, Hardy & Bacon,



**STACI JEAN PRATT**  
Legal Director

an international law firm based in Kansas City, Missouri. Her specialties included public records laws, other regulatory and administrative law, and environmental law. From 1993 to 1997, Staci was Public Policy Research Director at the Texas Institute of Applied Environmental Research, affiliated with the U.S. Environmental Protection Agency.

She holds a B.A. in history (Magna Cum Laude; Phi Beta Kappa) from Dartmouth College; a J.D. degree (Magna Cum Laude; Order of the Coif) from Boston College; an LL.M. degree in international law (human rights and environmental law emphases) from the University of London; and a Master of Social Work (M.S.W.) degree from the University of Kansas. She was admitted to the Missouri and Colorado bars, and Staci is a Kansas-licensed Master Social Worker.

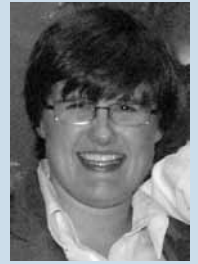
We are delighted to greet Staci to the ACLU of Nevada. Her combination of government and public policy-oriented legal work, success with community partnerships, commitment to disenfranchised communities, diverse research and writing experiences, and public and media relations skills, make Staci an excellent fit for the ACLU of Nevada.

Allen Lichtenstein continues in his long-time role as General Counsel. Staci replaces Maggie McLetchie, who left the ACLU of Nevada in August.

## *New Staff*

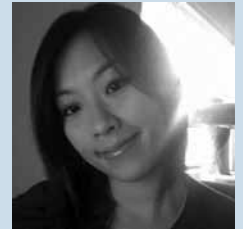
### **Katrina Rogers** Legal Fellow

Katrina is originally from the great state of Iowa and is a graduate of the University of Northern Iowa and the University of Missouri - Kansas City School of Law. During law school she worked at the ACLU of Kansas and Western Missouri and helped establish its Prisoner's Rights Project. Prior to joining the ACLU of Nevada, Katrina worked as a Public Defender in Sioux City, Iowa where she represented the rights of indigent clients throughout the criminal justice process.



### **Angela Francis** Outreach Coordinator

Angela served as the coordinator for the Asian/Pacific-Islander Heritage Project at UNR's Center for Student Cultural Diversity, providing support for students and increasing awareness through various outreach initiatives. She received her undergraduate and Master of Social Work degrees from UNR. She lived in Taiwan and is fluent in Mandarin Chinese.



### **Lu Ann Pillar** Administrative Assistant

Lu Ann has worked in administrative and program manager roles of organizations concerned with social justice and the well-being of women, teens, and families. Originally from Chicago, she has lived in the Reno area since 1996, when she joined Volunteers in Service to America.



# IN YOUR VOICE

## REFLECTIONS ON THE 10TH ANNIVERSARY OF THE USA PATRIOT ACT

compiled by ANGELA FRANCIS

On October 26, 2001, 45 days after the terrorist attacks of September 11, the USA PATRIOT Act was signed into law. In the name of protecting America from further terrorist attacks, the USA PATRIOT Act dramatically expanded the government's authority to spy on its own citizens and reduced checks and balances on governmental

powers like judicial oversight, public accountability, notice of search, and the ability to challenge government searches in court. Earlier this year, the USA PATRIOT Act was reauthorized until 2015. With this in mind, we asked three of our members to share their reflections about the USA PATRIOT Act.



### RICHARD SIEGEL

*is currently a member of the ACLU of Nevada's Board of Directors. He is Emeritus Professor of Political Science at UNR and continues to teach, write and lecture on human rights and civil liberties.*

September 11, 2001 meant for me increasing involvement with privacy, secrecy, racial profiling, torture, and access to habeas corpus review. I lectured at UNR and around the world about the nexus between national security and civil liberties. Indeed, I probably would have stopped teaching human rights long ago if the country had not entered a sad new era of overreach and rights violations.

The Patriot Act brought ordinary Americans into conflict with its Orwellian provisions that allowed federal agencies to disregard various constitutional provisions – particularly those involving unreasonable search and seizure. It never received appropriate skeptical review in Congress by either major political party. And it was used in Nevada illegally to investigate garden-variety governmental corruption and, on at least one occasion, resulted in Nevada hotel-casinos giving up vast troves of personal information on all their hotel guests. The entire ACLU will be remembered for its stalwart fight against all of this. Nonetheless, we cannot claim overall victory in relation to the excesses of the “war on terror” that seems likely to go on endlessly.



### BOB QUILITCH

*became Director of Psychology at Nevada Mental Health Institute. He has since taught at UNR, TMCC, and WNCC and worked at various agencies in Reno.*

Ten years after the devastating event of 9/11 and the quick passage of the Patriot Act, is America safer? Perhaps, but we are definitely less free. The reason for the “perhaps” is that while we have heightened security, we are also more fearful. To alleviate that fear, we over-reacted in our hasty passage and reauthorization of the Patriot Act.

Under the Patriot Act, the government is allowed to obtain information without any evidence of a crime. The “sneak and peek” searches, in which our communications are monitored without being informed and without evidence indicating suspicious activities, are a great invasion of our privacy and civil liberties.

I believe that when our behaviors are simply reactions to fear of terrorism, the terrorists have won. A decade has passed since that pivotal day in American history. It is time we stop being controlled by fear and seek to restore the freedom that was sacrificed.



### ERIC LOWE

*is a senior at the University of Nevada Las Vegas and the president of the UNLV's ACLU of Nevada Student Organization. He was born and raised in Las Vegas.*

Has the Patriot Act really protected us from terrorism? National Security Letters are basically warrants issued by FBI agents to search a citizen's banking history, phone records, computer records and credit history without ever being reviewed by a judge before issued. More than 192,000 of these National Security Letters were issued between 2003 and 2006. Thousands of terrorists, or at least hundreds, should have been prosecuted, right? Wrong. Of the 192,000 letters issued, only one led to the conviction of a terrorist.

Too much power is concentrated in the government as a result of this law, and it is time we take a hard look at the Patriot Act and ourselves. So many have fought and died for American ideals, including protecting individual liberties from government intrusion.

Because of our nation's heightened sense of fear after 9/11 we allowed this not-so-patriotic piece of legislation to be passed.

... **MERRY CHRISTMAS**  
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prohibited from wishing “Merry Christmas” to anyone. Parents from VVHS started a protest against our supposed position and even the Mesquite Local News wrote an editorial based on this misinformation.

It took a concerted outreach effort on our behalf to straighten the situation out. Thankfully, the Mesquite Local News followed up with a full correction and VVHS officials came to understand that the ACLU does not actually have a problem with Christmas in schools.

In fact, the ACLU remains committed to protecting the rights of all Americans to celebrate Christmas,

Hanukkah, Kwanzaa, or any other religious holidays, as well as the right to not celebrate any holiday at all. At the same time, we work ensure that the government does not promote a particular religious belief or practice, regardless of the season.

To help clarify our position regarding religious expression, we created [www.aclu.org/christmas](http://www.aclu.org/christmas), which features a series of short pieces on Christmas, addresses the origins of Christmas celebrations and icons, rebuts the “War on Christmas” myth, and pro-



vides a brief review of the law.

We made this website and hope that you will check it twice – that way, you will be prepared when any of your friends or family forward you an email attempting to discredit our approach to religious freedom.

Individuals, families, and religious communities should be allowed to express the diversity of their beliefs without government interference. This includes wishing each other “Merry Christmas.”

## **STANDING UP FOR ALL RELIGIONS**

### **RECENT EXAMPLES OF PROTECTING THE FREEDOM OF RELIGION AND BELIEF**

by LU ANN PILLAR

The First Amendment declares that Congress shall not prohibit free exercise of religion. This part is called the free-exercise clause, meaning the government cannot make a law prohibiting the free exercise of religion. Standing on this ground, the ACLU of Nevada has successfully battled to protect the right to practice religion at school, at work, and on the street.

In one example, an American-Egyptian teen, Jana Elhifny, wore a traditional headscarf, a hijab, as an expression of her religious beliefs to her high school in Washoe County. She endured repeated insults and death threats from fellow students. School officials offered no help when the teen complained, and even a friend, Stephanie Hart, was discouraged from complaining on Jana’s behalf by the principal. Eventually, both teenagers felt forced to quit high school. The ACLU represented the teenagers in a civil rights suit against the Washoe County School District and agreed on a settlement of \$350,000

to be paid to Ms. Elhifny and \$50,000 to Ms. Hart, as well as an agreement that the School District work with ACLU counsel to establish new policies to better help staff deal with discrimination.

Another dispute involved an experienced Las Vegas police officer who was restricted by superior officers from expressing his faith, even though other religions are expressed by other officers. Detective Steve Riback was told he could not wear the traditional beard and head covering as indicated by his Jewish religion, while working at a non-uniform, desk job. The Las Vegas Metropolitan Police Department did permit, however, officers to wear beards for medical reasons and lapel pins demonstrating their Christian faith. The ACLU represented Riback in a complaint to the Nevada Equal Right Commission and the Equal Employment Opportunity Commission. Riback won the right to wear his beard at his desk job.

Finally, a street preacher was arrested while preaching in front of a Las Vegas casino. Pastor Jim Webber wore a sign board that he had carefully measured beforehand to meet size requirements of the Clark County Code but police officers believed the sign did not meet code. In addition to confusing signage restrictions, the ACLU recognized the Clark County Code for speech content was not constitutional because it allowed certain kinds of speech on the sign boards but not religious speech. The ACLU contested the code, based on First Amendment’s free-exercise clause, resulting in a settlement with the County and, in addition, the code was rewritten to indicate clearer size restrictions.

In each of these cases, the ACLU of Nevada successfully argued that each person had the right to exercise his or her religion, based upon the free-exercise clause.

# REDEFINING "PERSONHOOD"

## INITIATIVES COULD BAN VITAL HEALTH SERVICES

by KATRINA ROGERS

The ACLU of Nevada finds itself, yet again, challenging two petitions that seek to redefine "personhood." The two ballot initiatives seek to grant legal protections to fertilized eggs, embryos and fetuses and could ban vital health services.



On October 13th and 14th, the ACLU, along with Planned Parenthood Federation of America, and Griffin, Rowe & Nave LLP, filed two lawsuits challenging the two proposed ballot initiatives.

The effect of the initiatives, if passed, could outlaw many kinds of reproductive health services, including all abortion care, commonly used forms of birth control, in-vitro fertilization, medical research and treatment for ectopic pregnancies and miscarriages.

The ACLU of Nevada believes that the initiatives are vague and misleading. Both initiatives are worded in such vague and sweeping terms that they fail to make clear the extent to which they could drastically change Nevada law.

"The initiatives are designed to undermine a woman's access to basic health services," said Allen Lichtenstein, general counsel of the ACLU of Nevada. "What's more, they also violate the basic requirement of the initiative process – not to mislead the voter. The initiatives are so confusing that voters may not realize they

are being asked to ban vital health services."

If allowed to go forward, the initiatives could appear on the November 2012 ballot.

In 2010, the ACLU of Nevada was successful in challenging a similar initiative. In that case, a state judge in Carson City threw out the proposed initiative on the grounds that the language was too vague and violated state law that limits proposed changes to the Constitution to a single subject.

Dane Claussen, Executive Director of the ACLU of Nevada, thinks our chances are good. "We have seen success on this issue before, and we hope to see the same this time around. We will continue to challenge any fruitless attempt to redefine 'personhood.'"

Hearings on the suits are scheduled for December 2011. The ACLU of Nevada will continue to be an active supporter of reproductive freedom and equal access to health care for all.

## *Prisoners' Rights*

### **Religious Requirement to Perform Marriages**

Nevada law requires individuals who perform marriages to be affiliated with a religious organization, and the only exception is for certain government officials, including judges and justices of the peace.

The requirement to be affiliated with a religion to perform a civil function amounts to a statutorily mandated religious test. This violates the First Amendment of the U.S. Constitution. We also believe that the requirement violates the Equal Protection of the Fourteenth Amendment, because it grants religious individuals the right to perform marriages while denying that same right to non-religious individuals.

On March 27, 2011, the ACLU of Nevada filed suit in federal court, *Martinez v. Clark County District Attorney et al*, representing five plaintiffs. Two plaintiffs are members of the Humanist Society, a secular organization, and were denied a license to perform marriages because they did not wish to be associated with any religion. Our third plaintiff is a notary public who wants to perform marriages but cannot since she is not affiliated with a religious organization. Notaries are licensed to administer oaths and affirmations among other official acts, but are not allowed to perform marriages in Nevada. Our final two plaintiffs wish to be married, but want someone who is not affiliated with a religion to perform their marriage.

All defendants filed motions to dismiss our lawsuit, which we opposed. On September 26, arguments were heard regarding on the motion to dismiss. We are hopeful the case will proceed.

# CASE ROUNDUP

## UPDATES FROM THE LEGAL DEPARTMENT

by TAMIKA SHAUNTEE

*The Legal Department has been busy with its recent cases and growing docket, Included here is a snapshot of the updates and new cases that have developed.*

### *Prisoners' Rights*

#### **Medical Care at Ely State Prison**

The ACLU of Nevada continues to monitor medical care at Ely State Prison as part of the settlement of our class action lawsuit involving medical care there, *Riker v. E.K. McDaniel et al.* On our most recent visit the first week of October, we saw significant changes to the methods by which medical care is handled.

We are still hopeful that the Nevada Department of Corrections will continue to improve their methods and Ely as well as the entire State Correctional system.

In a related case, *Snow v. E.K. McDaniel et al.*, the ACLU of Nevada submitted a friend of the court brief to the Ninth Circuit on March 5th. In this cruel and unusual punishment case, an elderly man at Ely State Prison had been repeatedly denied hip surgery, and who, as a result, is now barely able to walk and has severely damaged kidneys.

The ACLU of Nevada argued that the district court erroneously granted summary judgment against Mr. Snow despite evidence of real malice. For example, a nurse at the prison testified that one doctor said of Mr. Snow, "This guy's an asshole. I'm not going to treat him" and in response to one of Mr. Snow's medical requests, a physician's assistant wrote that he was "gonna let [Mr. Snow] suffer."

### *Police Practices*

#### **Coroner's Inquest**

In December of 2010, the Clark County Commission voted and agreed to make substantive changes to the County's current method of conducting inquests into police shootings and homicides. Prior to conducting the first inquest under the new approved system, several police agencies filed complaints against the process in the state and federal courts. This has caused a backlog of inquests that have not been able to occur due to the current case litigation. We were on the panel that made the initial recommended changes to the process and are actively seeking motions to intervene in these cases to ensure that families have rights during the inquest process.

### *Criminal Law*

#### **Sex Offenders**

In 2008 we filed a federal lawsuit against state defendants and local law enforcement, *American Civil Liberties Union of Nevada v. Catherine Cortez Masto et al.* We won a permanent injunction in October 2008 preventing the implementation of two bills affecting sex offenders, SB 471 and AB 579. We recently submitted supplemental briefs to the Ninth Circuit Court of Appeals and will be attending a hearing on December 7th. The longer we have the permanent injunction as it is in place, the better.

### *Free Speech*

The sidewalks of the Strip are a public forum where individuals enjoy the full protection of the First Amendment right to free speech and expression.

#### **Buskers**

In July of 2009 the ACLU filed a suit representing two "buskers," street performers who often perform for tips. In the suit, *Banasik v. Clark County et*



*al*, the ACLU of Nevada represents two plaintiffs, Suze Banasik who sings and plays guitar and Bill Jablonski, an Elvis impersonator who poses for pictures. Both had been repeatedly harassed by the Las Vegas Metropolitan Police. Changes to the code have been approved and we continue to work on other settlement aspects of this case.



#### **Zorro and Darth Vader**

In June 2010, the ACLU of Nevada filed *Perez-Morciglio v. Las Vegas Metropolitan Police Department et al.* on behalf of two brothers, Jason and Sebastian Perez-Morciglio, who dress as Zorro and Darth Vader on the Strip. The brothers were walking on the public sidewalk in front of the Venetian when security personnel detained them and confronted them for being on "casino property."

We have completed all briefing and discovery in this case and had a hearing on September 27, 2011. During that hearing the judge reiterated what has been said regarding the sidewalks in front of the Venetian years ago, they are a public forum.

# HIGHLIGHTS FROM OUR RECENT EVENTS

## OUTREACH, EDUCATIONAL, AND FUNDRAISING EVENTS

The ACLU of Nevada sponsored and attended several events in the past few months as part of our ongoing commitment to community outreach, public education, and resource development. Here are the highlights:

### Celebrating 45 Years of Freedom

This year's annual fundraiser, held on September 30th in Las Vegas, marked a special milestone in the life of the Nevada ACLU. It was 45 years ago, in the spring of 1966, that a group of concerned citizens gathered in Reno to form an ACLU affiliate in the Silver State, which has since grown into Nevada's leading civil rights advocacy group.

The celebration, which took place at Cili at the Bali Hai Golf Club, was a gathering of ACLU supporters both old and new. County Commissioner Chris Giunchigliani received the annual Emilie Wanderer Civil Libertarian of the Year award for her many years of advocacy and support for constitutional rights. We are grateful to all who attended and took part in this special evening.

### Reading Banned Books

For the second year in a row, the Las Vegas and Reno offices of the ACLU of Nevada co-sponsored events celebrating Banned Books week, which celebrates the First Amendment and literature each year at the end of September. On September 27th, the Las Vegas office helped plan the second installment of *Uncensored Voices: Celebrating Literary Freedom*. Planned in partnership with the Vegas Valley Book Festival, the Black Mountain Institute at UNLV, and the Las Vegas-Clark County Library District, the event featured readings of banned or challenged literature performed by various authors and community leaders. The evening was moderated by Black Mountain Institute Executive Director and UNLV President Emerita Dr. Carol Harter.

A similar event, *I Read Banned Books*, took place in Reno at the UNR Knowledge Center, and was produced in cooperation with Washoe County Libraries and the UNR Creative Writing Club.

### Remembering 9/11

To mark the 10th anniversary of the September 11th, 2001, terror at-

tacks, the ACLU of Nevada participated in two events examining civil liberties in post-9/11 America. Our General Counsel, Allen Lichtenstein, took part in a panel discussion at the University of Nevada, Las Vegas on September 10th that explored local law enforcement efforts to prevent terrorism and how those efforts have affected our daily lives as citizens. Following the panel, the ACLU of Nevada cosponsored a screening of the PBS documentary "Better This World," which explores the collision between political dissent movements and the war on terror.

### Protecting Rights at Burning Man

The ACLU of Nevada was back at Burning Man this year, with 15 staffers and volunteers traveling to the Black Rock desert in northern Nevada for the week-long event in late August. Our mission there was to monitor the activity of county and federal law enforcement agents, ensuring that constitutional practices were followed, and to educate Burning Man's 50,000+ attendees about their civil rights. Many thanks to our volunteers and to the Burning Man organizers for inviting us back this year to do our important work.

**Celebrating 45 Years of Freedom**  
 (clockwise from top left) Chris Giunchigliani, receiving the Emilie Wanderer Civil Libertarian of the Year award; State Senator David Parks (left), Assemblywoman Peggy Pierce & Assemblyman Tick Segerblom; John Wanderer, son of Emilie Wanderer (left) John White, Dean of the Boyd School of Law; Dane Claussen, ACLU of Nevada Executive Director; ACLU of Nevada Board of Directors.



Photos by Michael McAuliffe [www.michaelmcauliffe.us](http://www.michaelmcauliffe.us)

**Reading Banned Books**  
 Readers at the Las Vegas Banned Books event, *Uncensored Voices: Celebrating Literary Freedom*; Dane Claussen, ACLU of Nevada Executive Director, at the Las Vegas event; Andy Barbano, NAACP Vice President, reading at the Reno Banned Books event; *I Read Banned Books*; Introducing the Reno event.



**Protecting Rights at Burning Man**  
 The ACLU's "Know Your Rights" Booth; (right to left) ACLU of Nevada Legal Fellow Katrina Rogers with volunteers Joey Rueckl & Bridget Guess



# TALES FROM THE TABLE

## WHAT YOU CAN LEARN ABOUT THE ACLU FROM SITTING AT A TABLE

by PHIL HOOPER

Imagine, if you will, the following scene: a windy afternoon at the Chicken Ranch Brothel on the outskirts of Pahrump. Music is blaring by the pool out back; hot dogs are cooking on the grill. It's an association of adult businesses, the members of which come here each spring for a golf tournament, a barbecue, and the novelty of a party at Nevada brothel. Employees and visitors are strolling among a cluster of white vendor tents, featuring everything from erotic lingerie to a Christian outreach ministry for sex workers.

And there, in the middle of it all, is a Lady Liberty banner: the ACLU of Nevada, with a bowl of candy, collecting email addresses and handing out stickers that read “Keep America Safe and Free.”

Now, imagine another scene: the convention center at the Rio Hotel in Las Vegas, in the burning depths of summer. Def Con, an annual gathering of computer hackers, has come to town, and the word on the street is that you might not want to enable the

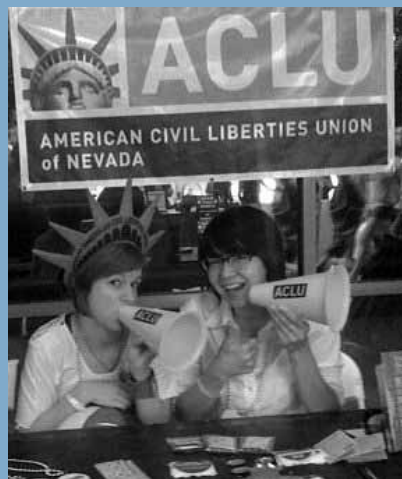
wireless signal on your smartphone while in the building, just in case. There's an edgy thrill to the event—the manifestation of a subculture that's ever-present but usually hidden below the surface of daily life.

And yet, once again, amid the tables selling privacy-protection wallets and black t-shirts with cryptic logos, is a familiar sight: “Know Your Rights” cards, blue and white membership brochures, and little buttons that read “Demand your dotRights.” It's the ACLU again, talking to hackers about the civil liberties frontier of digital privacy.

Most ACLU supporters know that the organization works on a diverse array of issues. Indeed, our mission to defend the Constitution and Bill of Rights has us partnering with many different people and groups on lawsuits and legislative advocacy efforts. But even on a grassroots level, we end up in all sorts of places. At any given time, we might be setting up tables for events about reproductive freedom, homelessness, LGBT pride, felon voting rights, banned books, immigration, Guantanamo Bay—you name it. Each tabling session is a reflection of how unique we are as an



**Tabling at the Chicken Ranch**



**Volunteers Judi Brown (left) and Sheila Hall at Las Vegas Pride.**



**Phil Hooper handing out ACLU materials**

organization, and the extent of our reach within the various spheres of civic life in Nevada.

Unlike our work in the courts or in Carson City, though, tabling allows us to engage directly with the public on a range of issues, and to meet both our supporters and our detractors face-to-face. We can explain to skeptics that yes, the ACLU of Nevada does support the Second Amendment, and no, those e-mail chain letters you received about us probably aren't accurate. We can give Bill of Rights bookmarks to kids who might be the civil libertarians of the future, and we can meet everyday people who might have an important complaint to report.

In short, when we table, we better understand the community, and they hopefully understand us a bit better, too. At the very least, they can put a human face alongside the label “ACLU” and its many connotations.

So, the next time you're at a community event, however unlikely it might seem, have a look around. You just might spot us!

## ... DISSENT IS PATRIOTIC continued from page 1

The Occupy protests are undoubtedly as pure form of political expression as there is. Yet across the nation police departments and city governments have been using public safety as a means to suppress the First Amendment rights of protesters. Rather than working with protesters to come up with a solution to valid public safety concerns, police in cities across the country are simply kicking all Occupiers out of public spaces.

This undoubtedly has a chilling effect on protests. As John F. Kennedy said, "Those who make peaceful revolution impossible, make violent revolution inevitable."

Oftentimes, Americans forget that even speech that is offensive and reviled, is protected by the First Amendment. In the beginning of November, the Westboro Baptist Church (WBC) came to Las Vegas to protest Nevada's apparent love of sin. They wanted to protest at the University of Nevada, Las Vegas because, as WBC announced on its website, the university offers "courses in Rebellion Against God, 101, 201, 301, 401 and you offer advanced degrees in Proud Sin and Perversion."

The WBC is based in Topeka, Kansas and headed by Pastor Fred Phelps. It is primarily made up of his extended family and a few supporters. Because they picket military funerals and their most famous slogan is "God Hates Fags," they are considered one of the most hated families in America.

Even though the message of the WBC is hate-filled and disgusting, they still have a fundamental right to free speech. This is why it was extremely troubling to hear that the University of Nevada Las Vegas (UNLV) would not allow WBC on campus even though UNLV has "free speech

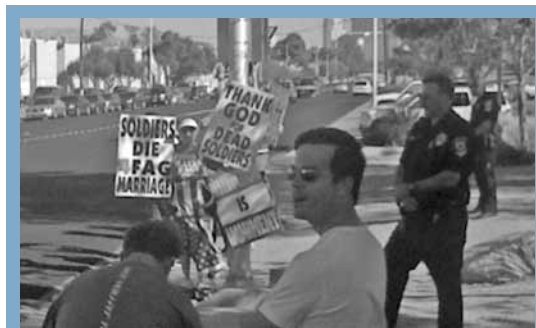
zones," specific areas designated for protected First Amendment activity. The WBC was allowed to protest on the street in front of the Thomas & Mack Center, but they were not allowed on the actual campus. They also protested in front of Clark High School. At both protests, the number of counter-protesters with signs promoting tolerance and love vastly outnumbered the people from the WBC.

If we take away the freedom of speech and the freedom to protest from the WBC, what is to stop the government from restricting other protests, such as Occupy Wall Street or Tea Party protests? Restricting speech, even hated speech, threatens the very core of the First Amendment. We must remember that the key to fighting speech we may hate is...more speech.

The ACLU of Nevada has provided legal observers for several demonstrations in Las Vegas, including the Westboro Baptist Church and the Occupy protests. It is extremely important that we monitor such events to ensure that people are able to fully express their opinions without unconstitutional interference from law enforcement. There have been brutal police crackdowns at Occupy protests across the country, but fortunately, the Las Vegas Metropolitan Police Department has been extremely accommodating of recent protests and demonstrations.

When attending demonstrations, the ACLU of Nevada monitors the actions of police officers, and if the protest is on the Strip or Fremont Street, of private security personnel who are employed by casinos.

We also make protesters aware of their specific rights on the Strip and



**Legal observing at two protests:  
the Westboro Baptist Church (top)  
and Occupy Las Vegas**

Fremont Street by handing out Know Your Rights cards that have information specific to the unique nature of the Strip and Fremont Street. The courts have ruled that the sidewalks and pedestrian bridges directly adjacent to the Strip and Fremont Street are public forums, even if they are privately owned. This means that First Amendment activities are allowed there the protesters are not disrupting other people, forcing passersby to accept leaflets, causing traffic problems, or obstructing movement.

The ACLU of Nevada's First Amendment Know Your Rights cards are available on our website, along with other protest resources, at [www.aclunv.org/news/protesters-know-your-rights](http://www.aclunv.org/news/protesters-know-your-rights). A complete list of our Know Your Rights material can be found at [www.aclunv.org/kyr](http://www.aclunv.org/kyr).

The ACLU of Nevada will continue to fight for the First Amendment rights of all Nevadans and will continue to monitor demonstrations to ensure all Nevadans have a right to speak freely, regardless of their message.

## ON CAMPUS ACLU STUDENT CLUBS by ANGELA FRANCIS

The ACLU of Nevada is excited to announce the reactivation of student organizations at the University of Nevada, Las Vegas and the University of Nevada, Reno. The ACLU of Nevada is enthusiastic about the presence of student organization on college campuses, and we are committed to support increased college involvement in civil liberties issues.

The UNLV ACLU Student Club was reactivated in September 2011 and is headed by Eric Lowe. (See page 4 for Eric's thoughts on the USA PATRIOT Act).

The UNR ACLU Student Club will be reactivated by the end of this year, with the hard work of two UNR students, Lea Mosler and Randy Khong, who are helping reactivate the student club.

For information about joining or supporting the student organizations, please contact:

- **UNLV:** Eric Lowe at [lowe65@hotmail.com](mailto:lowe65@hotmail.com)
- **UNR:** Angela Francis at [francis@aclunv.org](mailto:francis@aclunv.org)

### *Upcoming Campus Events*

The **UNLV ACLU Student Club** will hold a screening of "Fall From Grace," a look at Westboro Baptist Church and a discussion on free speech, tentatively scheduled for **November 17**.

**UNR ACLU Student Club** is planning a celebration of Bill of Rights Day on **December 14** (Prep Day for students).

## SUMMER LEGAL INTERNS GOOD FOR STUDENTS. GREAT FOR THE ACLU.

by TAMIKA SHAUNTEE

The summer at the ACLU of Nevada has become highly anticipated season, for it is during this time that the legal department gains some much needed assistance: interns. Our summer legal interns come from across the country to apply what they have learned in class to real life situations in Las Vegas and across the state.

The main goal of our summer program is to provide law school students with an understanding of the U.S. Constitution, civil liberties and the legal process. Our program gives students the opportunity to learn about numerous constitutional and procedural legal topics, and to delve into different aspects of public interest lawyering, from assisting with media requests to helping draft briefs. Each student is able to explore various civil liberties issues, while developing advanced forms of client communication, civic engagement and research skills.

Students are quickly integrated into the ACLU of Nevada's team and are supervised by the legal director and work directly with the legal staff. The curriculum and work is geared towards students understanding of the civil rights laws in the state of Nevada and developing advanced brief writing skills.

The students also assist the organization in prioritizing and reviewing community complaints. They also responded to and met with the clients, when necessary.

This past summer, we had six interns, hailing from the University of Iowa, University of California, Berkeley, UNLV, Hofstra and Yeshiva (Cardozo) law schools.

The interns attended meetings with the Las Vegas Metropolitan Police Department's Sheriff, Douglas Gillespie, conducted court watching, and even spoke at several informal engagements about the work of the ACLU of Nevada.

Aside from all of the rigorous work the interns were put through, they were also able to enjoy several fun outings, including trips to the Neon Boneyard, the Las Vegas Mob Experience, and had pool parties.

The ACLU of Nevada seeks law students with excellent academic credentials and, most importantly, a desire to learn about the ACLU of Nevada's work. Learn more about our Student Legal Program at [www.aclunv.org/jobs#intern](http://www.aclunv.org/jobs#intern).

## *Volunteer Opportunities*

Being a volunteer with the ACLU of Nevada – in any capacity – means standing up for freedom. Your time and effort help ensure our civil rights and civil liberties continue to be protected in Nevada and across the country. Whether you have time to come in regularly to one of our offices or want to experience tabling at an event first-hand (see page 9), we can use your help!

Visit  
[www.aclunv.org/volunteer](http://www.aclunv.org/volunteer)  
for more information.

# HELP PROTECT CIVIL LIBERTIES IN NEVADA! VOLUNTEER FOR THE ACLU OF NEVADA BOARD OF DIRECTORS

Although I have been a supporter of the ACLU since law school, I never thought about serving on the board. Then, about ten years ago, I attended an ACLU event.

I learned that there was a need for committed volunteers to participate on the board of the affiliate, and realized that **I had not only the requisite commitment to the principles and programs of the ACLU, but also something to contribute:** my experience in business, and with other non-profit, volunteer organizations.

It has been a very rewarding experience, **working with like-minded volunteers with diverse backgrounds in providing leadership for an organization of highly talented, motivated and skilled staff members, dealing with challenging civil liberties and civil rights issues on behalf of all Nevadans.**

- **Robert Chester**  
*ACLU of Nevada Board  
President and National Board  
Representative*

## HOW TO APPLY

The ACLU of Nevada has an ongoing board recruitment process. We are looking for individuals who would like to join in the near future and those who have an interest in serving on the board, and its committees, in the coming years. Committee work includes planning our annual event, board development, finance, fundraising and human resources policy.

Each Board member must be a member of the organization. One-third of the board members are elected each year and a single term of office consists of three years.

If you would like to be considered as a potential candidate for board membership, please submit a written letter of intent with a brief biography to:

ACLU of Nevada, Board Governance Committee  
601 S. Rancho Drive, Suite B-11  
Las Vegas, Nevada 89106

An interest form is available on our website, [www.aclunv.org](http://www.aclunv.org). All such letters must be received by March 1, 2012.

Nominations for board elections may also be submitted by petition. Members interested in being nominated by petition should submit signed statements of nomination from ten active members. A candidate nominated by petition provides a short statement of his/her background and qualifications will have a brief biography included on the ballot in the Summer 2012 newsletter. Nominations must be received no later than March 1, 2012. A nomination form is available on our website and can be sent to the mailing address above.

Letters of interest from women, people of color, people living with HIV, people with disabilities, and lesbian, gay, bisexual and transgender individuals are strongly encouraged.

We encourage you to explore the opportunities for board service by reaching out to a board or staff member, using the interest/nomination forms on our website, or emailing us at [aclunv@aclunv.org](mailto:aclunv@aclunv.org).



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Go to [www.aclu.org/sustain](http://www.aclu.org/sustain) to sign-up online. It's fast, easy, and secure.