



**ACLU**

AMERICAN CIVIL LIBERTIES UNION  
of HAWAII

FOUNDATION

**aclu hawaii'i**  
**news & info**

<http://www.acluhawaii.org>



## Standing Up to Teacher Drug Testing



Will 13,000 people have to pay the price for four "bad apples"?

Honolulu, Hawaii – During Hawaii's 2006-07 school year, four members of Hawaii's primary group of public education employees, known as Bargaining Unit 5, were arrested for drug-related offenses. While no evidence has been presented that any of these incidents impacted students in any way, some of Hawaii's elected officials nonetheless seized upon the opportunity to leverage our fears for political gain by calling for the random drug testing of educators. Bargaining Unit 5 was at that time deep in contentious contract negotiations. Unable to secure an adequate wage increase, educators now found themselves faced with a deeply troubling offer: accept random drug testing in exchange for a living wage. Following a brief but heated deliberation, the deal was approved by a slight majority. The ACLU is deeply concerned, and plans to challenge this unconstitutional politicization of public education will soon be challenged in court. **The Constitution does not allow us to put a price tag on our right to privacy**

The Fourth Amendment of the Bill of Rights protects Americans from unreasonable searches, and Hawaii's state constitution offers an even stronger defense of the right to privacy in certain circumstances. Invasive, embarrassing and unprovoked examination of bodily fluid is a glaring violation of the fundamental right to personal privacy.

Random drug testing conveys an abhorrent civics lesson to Hawaii's youth. Students should be taught to cherish and uphold our constitutional rights, including the fundamental right of personal privacy. As obvious role models entrusted with instructing students on the proper role of government

and the importance of democracy, educators should not be forced to sign-off on government overreach in return for an adequate paycheck. Rather than help to maintain an effective classroom environment, drug testing will demoralize educators and cause them to lose the respect of their students.

Teachers should be judged by their performance in the classroom, not the bathroom. School administrators already have the ability to discipline and even dismiss problematic employees for legitimate reasons. Imposing random drug tests could very well result in the loss of quality educators who are unwilling to abandon their principles and relinquish their constitutional rights. By keeping our schools both safe AND free we will produce better outcomes and better schools.

To fight this shortsighted mandate, the ACLU is seeking Bargaining Unit 5 workers as plaintiffs for possible legal action. At the same time we are taking the issue to the public and the media statewide. Join us for a series of public forums featuring **Graham Boyd**, Director of the ACLU Drug Law Reform Project. Come hear the constitutional perspective on random drug testing, and join the fight for privacy, fairness, and giving our best to our keiki.

### What You Can Do:

**Teachers: Contact the ACLU!**  
**We are actively seeking plaintiffs for legal action in Hawaii'i.**

**All inquiries are confidential.**  
**1-888-9-JOIN US (564687)**

**[www.aclu.org/teachersjoinus](http://www.aclu.org/teachersjoinus)**

### Attend a Public Forum!

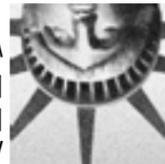
**Hear Visiting Speaker Graham Boyd of the ACLU Drug Law Reform Project!** (All events 5:30 - 7:00PM)

- Thu. 9/27: Maui Comm. College, Library Conf. Room
- Fri. 9/28: UH Hilo, Campus Center 301
- Sat. 9/29: Kona King Kamehameha Hotel, Islander Rm.
- Mon. 10/1: Kauai Community College, Cafeteria
- Tue. 10/2: UH Manoa Art Auditorium
- Weds 10/3: West Oahu, location

**Forum RSVPs: (808)522-5906**  
**[email\\_office@acluhawaii.org](mailto:email_office@acluhawaii.org)**

RETURN SERVICE REQUESTED

American Civil Liberties Union of Hawaii  
P.O. Box 3410  
Honolulu, Hawaii 96801  
[www.acluhawaii.org](http://www.acluhawaii.org)



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**Upcoming Statewide Forums: Teacher Drug Testing, Guantanamo – More Inside!**

**ACLU Hawaii'i is a non-profit, non-partisan organization serving Hawaii'i since 1965.**  
Post Office Box 3410, Honolulu, Hawaii'i 96801 Phone: 808.522.5900

Your tax-deductible donation underwrites public education & legal program activities.  
**Please make checks payable to the ACLU of Hawaii'i Foundation.**

- \$42.00 (\$1 per year ACLU of Hawaii'i has served in paradise!)
- \$115.25 (\$0.25 cents per word in the Bill of Rights)
- Other amount: \$ \_\_\_\_\_

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Please contact me about planned giving.

Send me a volunteer application – I'd like to know how I can help.



Most people know that the ACLU legal department takes important constitutional cases – yet many are surprised to learn that most cases are settled with little or no monetary benefit to the ACLU. In fact, *nationwide, only 3% of ACLU operating funds come from legal settlements.* The lion's share comes from donors like you – and we appreciate you!

As you plan your will or estate, include the **ACLU of Hawaii'i Foundation** to help us fight the legal cases that defend constitutional rights. **Contact Executive Director Vanessa Chong.**

# Forum Series: "Guantánamo & the Law"

Announcing public briefings on the islands of Oahu, Maui, Kauai and Hawai'i focusing on the need to restore the rule of law and close the U.S. detention center at Cuba's Guantánamo Bay.

Join the ACLU of Hawai'i and our sponsor, the law firm of Paul Johnson Park & Niles for an evening with Hawai'i attorney Edmund Burke who has represented a detainee held without charges for almost five years.

- Find out:
- what life is like for detainees
  - how the Military Commissions Act impacts attorneys' and their clients
  - what it's like to be the wartime attorney of a Guantánamo detainee



Join us! RSVP and save the dates:  
**Maui—10/12, Oahu—11/3, Hawai'i Island—11/10, Kauai—11/16**

**10/12, Maui Community College**  
 Friday, 5:30PM to 7:00PM  
 Library Conference Rm. (bottom floor)

**11/16, Kauai Community College**  
 Friday, 5:30PM to 7:00PM  
 Cafeteria

**11/3, Kapiolani Community College**  
 ACLU Annual Meeting (see next page)  
 Saturday, 1:00PM to 4:00PM  
 Ohia Building

**RSVP for any forum:**  
**Call (808)522-5906**  
 or  
**email office@acluhawaii.org**

**11/10, Hilo Community College**  
 Saturday, 5:30PM to 7:00PM  
 Campus Center Room 301

# Educational Rights of Homeless Children

Team of volunteer attorneys working to ensure needy kids' access to this special public fund.



**Got School?** Under the McKinney Vento Act, kids don't have to change schools just because they are experiencing homelessness.

Honolulu, Hawai'i – The **McKinney Vento Act** protects the educational rights of students experiencing homelessness with the goal of ensuring that children and youth in homeless situations can enroll in, attend and succeed in public school and preschool programs.

The State of Hawai'i receives federal grant money to implement the Act's mandates, which include

- assisting students with enrollment
- helping students to stay at their old school (even if they move out of the area)
- providing transportation to and from school.

The ACLU of Hawai'i legal department is currently working with a *pro bono* team of attorneys from **Lawyers for Equal Justice** and the law firm of **Alston Floyd Hunt & Ing** to conduct education and outreach with the homeless community and their service providers on Hawai'i's provision of services under the McKinney Vento Act.

If you know of a family experiencing homelessness who is having a hard time meeting the educational needs of their keiki, please contact the ACLU.

If you would like more information on the Act or would like to assist us in our education and outreach efforts, please contact ACLU Staff Attorney **Laurie Temple**:

lt@acluhawaii.org or (808) 522-5905

## ACLU Hawai'i News & Info

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**Editor:**  
 Kit Grant

**Contributors:**  
 Lois Perrin  
 Esther Solomon  
 Laurie Temple

**feedback:**  
 office@acluhawaii.org

### We depend on you!

The ACLU accepts no government funds & relies on your support! Your gift today to the **ACLU of Hawai'i Foundation** helps us earn 2007-2008 matching funds of up to \$25,000 for educational & legal programs in Hawai'i.



Are you getting multiple copies? Please tell us! (808)522-5900



# Field Team Report

### August-September

• Mahalo to **Russell Yamashita** of the **Hawai'i Historical Arms Association** for donating a table to the ACLU at the recent Gun Show on Oahu.

• Thanks to **World Can't Wait** for a table at the UH-Manoa **Festival of Resistance**.

• Many thanks to Professors **Joshua Cooper** (ACLU's campus sponsor for talks at **Maui Community College**), and ACLU Board Member **Ibrahim Aoude** (ACLU's sponsor at the **UH Manoa Art Auditorium**)!

### June-July

• The **ACLU Biennial** was held in Seattle, WA. The Hawai'i delegation spread the aloha with 'ono products donated from civil liberties minded local businesses:

*Allan Ikawa, owner of Hilo's Big Island Candies shipped in a generous supply of their famous shortbread cookies!*

*Andrea Quinn, owner & pastry chef, Icing on the Cake, Kaua'i donated delicious macaroons.*

*Cheryl Salazar & Joy Tamaribuchi of Kaua'i Granola supplied bountiful granola bars, sugar cane snacks, dried fruit snacks and more!*

*Kauai's Aunty Liliko'i supplied their award-winning "Passion Wasabi Mustard"*

• A **National Day of Action** was held in Washington, DC in June. Mahalo to ACLU attorney **Al Bronstein** for offering his home to Hawai'i ACLUers in DC and to **Tsoghig Hekimian** for her planning and support!

• The ACLU of Hawai'i Guardians of Liberty and Justice Youth Award was presented to **Daniel Coakley** and **Flora Oh**. Mahalo to Committee members **Karen Lee**, **Jiro Arase**, **Mark Ewald** and **Esther Solomon**, and to **Delia L'Heureux**, event volunteer.



**Buying? Selling? Here's a nifty way to give!**

Since 2000, real estate agent and dedicated civil libertarian **Paula Myers** has donated a generous portion of her commissions from ACLU referrals to support ACLU of Hawai'i Foundation programs. Myers has been active with the local ACLU since 1985 and is longstanding chair of the Awards Dinner Committee.

*Myers factoid: Spent Summer of 1965 doing voter registration for the Southern Christian Leadership Conference campaign in Alabama and South Carolina!*

email Paula Myers:  
 paula.myers@pruhawaii.com

office: (808)735-4200  
 cell: (808)284-0287  
 direct: (808)735-8638

**When you hire Paula, just mention the ACLU of Hawai'i!**



September 1 to October 17

**You Give Aloha, We Get Aloha!**

Give to the ACLU at any Foodland store statewide! Gifts up to \$249 are matched in a shared grant pool.

Defend the Bill of Rights, while you shop!

ACLU of Hawai'i Foundation code = "77407"

"GiveAloha"... gifts are tax-deductible & anonymous.



**Save the Date!**  
**11/3/07 (Sat) 1-4PM**

**ACLU of Hawai'i Annual Membership Meeting & Civil Rights Conference!**

**@ KCC (Ohia) - look for a flyer in October!**