



news & info

http://www.acluhawaii.org Vol.37, No.5 • December 2012

Board Election - Vote by 12/31/12 • Give us your feedback!



Mahalo for being a valued member of the ACLU of Hawai'i! We hope you'll participate in the 2012 Board of Directors election (your ballot enclosed). Thank you for voting! Please also share your thoughts (see reverse) so we can be the best advocate for civil liberties for all of Hawaii's people.

Current All-Volunteer Board of Directors:

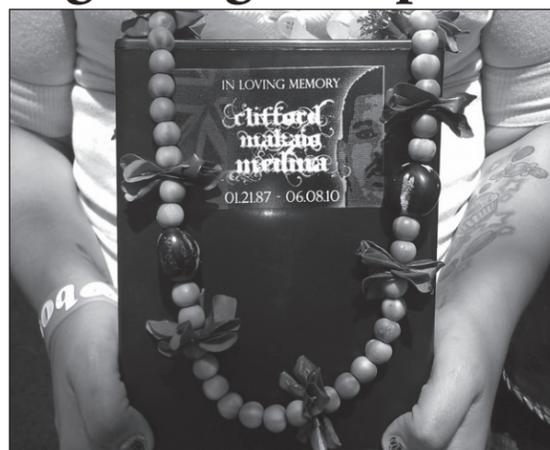
Barbara A. Ankersmit – President
Marianita Lopez – VP & Affirmative Action Officer
Moana Yost – Secretary
Patrick Y. Taomae - Treasurer

Roger W. Fonseca – Nat'l ACLU Board Rep.
Pamela G. Lichty – At-Large
A. Joris Watland – At-Large

Ibrahim Aoude
George Atkins

Barbara L. Franklin (Hawai'i Island)
Steven H. Levinson
Andrea Low
Sheryl L. Nicholson
Esther Solomon (Kauai)
Brooke Wilson
Jackie Young

Legal Program Update • December 2012



The remains of Clifford Medina are held by his sister during a press conference announcing a second wrongful death lawsuit against the State of Hawai'i and the Corrections Corp. of America. May 2012, Honolulu. ACLU Hawai'i photo.

The ACLU protects the fundamental freedoms enshrined in the U.S. and Hawai'i State Constitutions. Each year, nearly one thousand individuals contact us seeking assistance. Although we can only take a small handful of cases, ACLU lawyers review and respond to every inquiry. Many civil liberties problems are resolved informally by telephone calls, letters, and negotiations with government officials. For non-civil liberties matters, we make appropriate referrals. Where violations of civil liberties and/or civil rights occurred, the ACLU uses litigation sparingly, when informal resolution is not possible. The cases accepted (at no cost to our plaintiffs) are taken to court by Legal Director Lois Perrin and staff attorneys Daniel Gluck & Laurie Temple, along with cooperating attorneys from the community who generously donate their time and expertise. This report summarizes recent and current ACLU of Hawai'i cases.

(continued inside)

Free, public resources from your local ACLU!

"Open Records Request"

Archives: We maintain an archive of recent requests for government information made as part of research into possible civil rights violations or emergent issues.

See what was requested and what documents were produced.
<http://acluhi.org/open-records-requests/>

Know Your Rights:

We've posted national & local info, including a "First Amendment Toolkit", voting rights of Hawai'i's incarcerated persons, and your privacy rights under a new Hawai'i law limiting the "swiping" of I.D.s for routine transactions.

<http://acluhi.org/know-your-rights>

Civil Liberties Events Calendar:

Check out happenings in your community here:

<http://acluhi.org/know-your-rights/mcleh/>

Request the addition of your event to the calendar: [contact kgrant@acluhawaii.org](mailto:kgrant@acluhawaii.org).

Bill this gift amount to my card each year
Keep me anonymous (no public recognition)
I am a lawyer, direct my gift to the Lawyers Division
My gift is a tribute in Honor of:
My gift is a tribute in Memory of:
I'd like to discuss adding the ACLU to my estate plan
I'd like to hear more about becoming a volunteer

Gift Options (check all that apply)

Inform the National ACLU to not share my contact info with other groups (ACLU of Hawai'i never shares your info)

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone/mobile #: _____
Email: _____
Cardholder Name: _____
Authorized Signature: _____
Card Number: _____
Expires: ____/____/____
Total amount to be charged: \$ _____

My gift to the ACLU: _____
\$50.00 (Happy 47th, plus three to grow on!)
\$216.67 (\$0.47 cents per word in the Bill of Rights) (other amount) _____

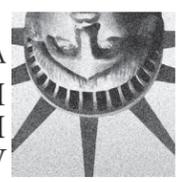
The Bill of Rights needs your financial support! All gifts make a big impact! P.O. Box 3410, Honolulu, HI 96801; Tel: 808.522.5900; FAX: 808.522.5909. Gifts to the ACLU of Hawai'i Foundation are tax-deductible, underwriting public education & legal programs. Donate online w/PayPal at: <<http://www.acluhawaii.org/give>>. For 2012: the "HANA-HOU" DONOR MATCH will match dollar for dollar - any new or increased gift - help us earn as much as we can of this extraordinary match!



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2013 Legislative Priorities

The ACLU of Hawai'i, through our Legislative Working Group, is active during the Hawai'i State Legislative session protecting and promoting fundamental rights for everyone.

As we gear up for the 2013 session, we'll vigilantly track bills that may affect civil liberties, and will strive to advance our identified legislative priorities noted below. **Take action!** Check out the Legislative section of our website, follow us on Facebook or Twitter, join our private email alert list <email: addme@acluhawaii.org> to stay up-to-date on these issues and more!

Access to Emergency Contraception in Hawaii's Emergency Rooms:

Support bills that end the use of religion to discriminate, lessen sex discrimination, ensure reproductive freedom, and allow women to make informed and unbiased decisions, free from government interference, about whether and when to become a parent.

Same-Gender Marriage:

Support bills that provide marriage equality to Hawai'i's same-gender couples.

The principle of equal protection under the law, enshrined in our Constitution, requires that fundamental rights like the right to marry be made available equally to same-sex and opposite-sex couples.

Drug Policy Reform:

Support measures that strengthen Hawai'i's Medical Marijuana Program, and remove criminal penalties for marijuana offenses. This reduces prison overcrowding while more effectively protecting public safety and promoting public health.



2012 Volunteers & Community Allies!

Volunteers statewide donated time and talent so the ACLU stays strong, vigilant and effective!

Monica Adams, Rodney Aiu, Alston Hunt Floyd and Ing, Paul Alston, Nadine Ando, Anthology Marketing Group, Guy Archer,

Susan Arnett, Holly Berlin, John Bickel, Jim Bickerton, Pam Bunn, David Carr, Danielle Castro, Adam Chang, Anthony Chang, Wesley Chang, Andrew Char, Sana Chaudhry, Michelle Ching, Erica Choi, Chuck Choi, Leroy Colombe, Charles Cook, Tom Cook, Annie Curtis, Joyce Darny, Davis Levin Livingston, Mark Davis, Nancy Davlantes, Ama Debrah, Drug Policy Forum of Hawai'i, James Duca, Mark Ewald, Cynthia Farias, David Forman, L. Richard Fried, Jr., Nalani Fujimori Kaina, Jeremy Krivoshey, Gail Gnazzo, Paul Grable, Tom Hackett, Clare Hanusz, Bill Harrison, Brook Hart, Jay Hartwell, Hawai'i People's Fund, Mel Hertz, Matt Hom, Jeff Hong, Tom Humphries, Joe Huster, Nan Ka'aumoana, Ed Kemper, Edward Knox, Mike Kozak, Alex Krueger, LaborFest Hawai'i, FBI SSA Anthony Lang, Karen Lee, Jackie Levein, Bernice Littman, Michael Livingston, Malama Pono, Kevin McLaughlin, Bob Merce, Paula Myers, Jeanne Ohta, Sun Park, Judy Pavey, Planned Parenthood Hawai'i, Cara Rand, Saira Rahman, Blaine Rogers, Rick Schneider, Brandon Segal, Steven Shapiro, Evan Shirley, Sergiy Shtukarin, David Simons, Elbridge Smith, Aviam Soifer, Chelsey Stewart, Paul Sullivan, Rod Tam, Patrick Taomae, Susan Tius, David Tveraas, Priya Varaprath, Melissa Vincenty, Clyde Wadsworth, Matt Winter, G. Todd Withy, Keith Yamada, Lee Yarbrough, Colin Yost, Nancy Youngren, Laniakea YWCA.

Feedback, please!

Give us your 2¢! (anonymous replies OK) Help us improve by answering the questions below. reply by email, mail or fax (see masthead).

What do you value most about supporting the ACLU mission?

Where have we missed the boat?

How can we better tell our story?

Would you like to be more involved? How?

How can we engage more support?

(continued from front)

Prisoners' Rights Issues

• Victory! **Aliviado v. Kimoto** (rights of non-incarcerated individuals to marry prisoners). On August 2, 2012, the United States District Court ruled that Hawai'i prison officials had violated our clients' constitutional rights by prohibiting them from marrying their fiancés (Hawai'i inmates at a for-profit Corrections Corporation of America ("CCA") facilities in Arizona). Both ACLU plaintiffs have since married their fiancés. In November 2012, the Plaintiffs and Defendants reached a tentative settlement agreement, providing for changes in Defendants' practices; damages to each of our clients; and attorneys' fees.

• Ongoing cases: **Nunuha v. State of Hawai'i** and **Medina v. State of Hawai'i** (murders of Hawai'i prisoners at CCA's Saguaro Correctional Facility in Arizona). Both of these wrongful death cases are pending in U.S. District Court in Hawai'i, and are scheduled for trial in 2014.

• Victory! **Davis v. Abercrombie** (Native Hawaiian Legal Corporation case against the State of Hawai'i and CCA). The ACLU of Hawai'i submitted an *amicus curiae* ("friend of the court") brief on the issue of attorney-client telephone calls (more specifically, the right of prisoners at the CCA-Saguaro facility in Arizona to speak with their Hawai'i-based attorneys without a CCA guard standing next to them during the call). Just before a hearing

on the motion, CCA agreed to modify its practices so that prisoners could speak with their attorneys in private.

First Amendment: Free Speech/Freedom of the Press

• Ongoing: **Hawai'i Defense Foundation v. City & County of Honolulu** (Honolulu Police Department Facebook page). Although the ACLU of Hawai'i is not a party to the case, we have been working with the parties to develop new policies to protect the First Amendment rights of those who wish to comment on HPD's practices.

• Victory! **State v. Teale** (*amicus* brief on rights of journalists to videotape court proceedings). We (with the very generous support of Brandon Segal, an associate with Alston Hunt Floyd & Ing) submitted an *amicus* brief on the rights of non-traditional journalists to access courtroom proceedings. The court ultimately allowed the Hawai'i Guerrilla Media Hui to videotape the court proceedings.

Medical Marijuana

• Ongoing: In 2011, the ACLU of Hawai'i submitted *amicus* briefs in two separate cases before the Hawai'i Intermediate Court of Appeals ("ICA") involving the transportation of medical marijuana. The ICA decided the first of those cases in October, but ruled on procedural grounds without reaching the issues raised in our brief. The opinion in the second case is expected soon.



FREE DVD! The Davis-Levin First Amendment Conference:

DANIEL ELLSBERG

"From the Pentagon Papers to Wikileaks- can exposing government secrets be a patriotic act?"

FREE DVDs available for educational, library & non-commercial use. Contact us! office@acluhawaii.org
Recorded live in Honolulu Nov. 13, 2010.



Read 2012's entries!

3rd Annual Bill of Rights Day Haiku Challenge!

Tiny poems for BIG ideas!

http://acluhi.org/know-your-rights/2012bor_hc/

ACLU Hawai'i • News & Info

President: Barbara A. Ankersmit

Executive Director: Vanessa Y. Chong

ACLU Hawai'i **News & Info** is sent to members and supporters of the American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i"). This is not a subscription publication. We do not accept unsolicited articles or advertisements. For information about becoming a member of the ACLU, please contact us.

The ACLU of Hawai'i comprises two separate corporate entities, the ACLU of Hawai'i and the ACLU of Hawai'i Foundation. Both are part

of the same overall organization. This newsletter collectively refers to the two organizations under the name "ACLU of Hawai'i," whose mission is to protect the civil liberties contained in the state and federal constitutions through litigation, legislative and public education programs statewide.

The ACLU is funded primarily through private donations and offers its services at no cost to the public. The ACLU does not accept any government funds.

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