

WHAT'S INSIDE

- 1 Fremont Suit 3 School for ALL Children 4 Reproductive Rights Victory
5 Omaha Traffic Stops 7 Election Signs & ACLU Events at State Capitol

On the Frontlines in Fremont

Your support is allowing us to help the people pictured here as well as the whole community in Fremont. Read about *Martinez v. Fremont*, our lawsuit challenging the city's anti-immigrant ordinance, on page 3.



Mario Martinez, Jr., is a legal US citizen who has lived in Fremont for 13 years. His wife is originally from Columbia and she's now a naturalized citizen. Although the whole family is legally present, they have experienced discrimination based on their race.

This vandalized Habitat for Humanity sign in Fremont is just one example of the hostility that has erupted against Hispanic residents since the ordinance passed into effect this summer. (Photo: Kristin Ostrom)



Paola Mercado is a legal US citizen who has lived in Fremont for 14 years. She says she is involved in the lawsuit to speak up for her neighbors who are too scared to speak for themselves.





The Waiting Room in Benson hosted indoor bands during the Concert for Equality. (Photo: Eric Gonzalez)



Conor Oberst on stage. Conor's generosity brought bands together for hours of music at the "Concert for Equality" as a benefit for ACLU Nebraska. (Photo: Eric Gonzalez)



ACLU Nebraska Legal Director Amy Miller on stage at the Concert for Equality. (Photo: Eric Gonzalez)



Outreach in Fremont to educate residents about housing discrimination. Left to right: Myrtle Wilson (Director of Fair Housing and Equal Opportunity, Region VII), Kristin Ostrom (One Fremont, One Future), John Trasvina (Assistant Secretary of US Dept of Housing from D.C.), Amy Miller (ACLU Nebraska), Tim Butz (Assistant Director, Fair Housing Center of Nebraska-Iowa) (Photo: Leslie Seymore)



Artwork by Lincoln artist Penny Siefker done for Nebraska Appleseed at the Concert for Equality.



ACLU Nebraska Executive Director Laurel Marsh with Fair Housing staff at the Concert for Equality.

MARTINEZ v. FREMONT: CASE UPDATE

Meet Mario Martinez, Jr., Paola Mercado and two anonymous Latina residents of Fremont. The four of them are all legal US residents and all four rent in Fremont. While they are all legal citizens, they have friends and family members who may not yet be citizens and they have to worry about the impact of the new anti-immigrant ordinances on their lives. Under the new Fremont law, everyone who is renting must go get a license from the police. Not only is it incredibly intimidating to most people to take a journey to the police station, but it is especially concerning for new immigrants who fear racial or national origin discrimination.

Fears of such discrimination under what appears to be a neutral rule applying to all tenants are not fantastical, either. Earlier this summer, ACLU Nebraska helped a Hispanic woman who was refused permission to renew her Nebraska driver's license because the Department of Motor Vehicles employees didn't believe her documents were real. The woman, who became a US citizen over 10 years ago, did have legal documents but was told she had to wait months for the DMV to investigate her further. After ACLU contacted the head of the DMV, she received her license and an apology. The problem is that local officials who may feel bigoted against new immigrants just got a green light to harass and intimidate people under the new Fremont law.



“Local officials who may feel bigoted against new immigrants just got a green light to harass and intimidate people.”

The lawsuit is also filed on behalf of Steve Dahl, a local landlord with multi-unit buildings. Dahl says approximately one half of his tenants are Hispanic. He doesn't currently ask questions about their immigration status because “It's none of my business and doesn't matter about whether they will be a good tenant or not.” Dahl worries about how his business will be affected under the new law, and joined the lawsuit to speak out against the burdens placed both on his customers and on himself.

The case is pending in federal court before Judge Laurie Smith-Camp. In early August, the judge asked the parties to consider whether she has jurisdiction, or whether the case should be in state court. On what may be the last issue the opposing parties agree on, both the attorneys for the City and for the plaintiffs agreed that the federal court was the proper place. While the judge reviews briefs and decides on the jurisdiction issue, the Fremont City Council agreed to suspend application of the law for now.

The case was brought by Lincoln attorney and long-time ACLU Nebraska board member Alan Peterson, Omaha attorney Michael Nelsen, the ACLU National Immigrants Rights Project (IRP) Director Lucas Guttenberg and ACLU IRP attorney Jennifer Chang Newell.

Our Message to Schuyler School: “School Is For All Children, No Exceptions.”

After the Schuyler School Board threatened to prosecute any “non resident” who registered their children for school, ACLU Nebraska reported them to the State Dept. of Education for appearing to discriminate against undocumented children. The US Supreme Court made it clear in a 1982 decision that all children—no exceptions—get a public education in America.

The State Board of Education is now currently passing a new regulation specifically instructing all Nebraska schools that they may not require proof of citizenship to enroll children and must educate all K-12 students regardless of their immigration status.

Meanwhile, we've taken the message directly to the Hispanic community in Schuyler as well. In

early August, ACLU Nebraska Legal Director Amy Miller and community organizer Gloria Sarmiento from Nebraska Appleseed held a “know your rights” seminar at the Latino Club in Schuyler. Approximately 60 people attended to learn about their rights as parents. Our thanks to the Benedictine Mission of Schuyler for aiding us with this outreach effort.

We will continue to monitor the situation in Schuyler to ensure the schools are treating all children fairly.

“A human being is not attaining his full heights until he is educated.”

— Howard Mann

INTRUSIVE ABORTION LAW IS HISTORY

On August 24th, Nebraska Attorney General Jon Bruning announced that he has agreed to a settlement acknowledging that the recently enacted Women's Health Protection Act is unconstitutional and will be permanently enjoined. Planned Parenthood Federation of America and the ACLU, co-counsel in the case, applauded the settlement, which acknowledges that the Act is unconstitutional.



"This is a victory for women and women's health in Nebraska," said Roger Evans, Planned Parenthood's Senior Director for Public Policy Litigation and Law. "As we have stated from the beginning, this statute is unconstitutional since the only way to comply would have been to cease providing abortions, which is unacceptable. We are gratified that Judge Camp issued a preliminary injunction, and that the Nebraska Attorney General has decided to settle the case and agreed to the Court's permanently enjoining this statute."

In July, U.S. District Judge Laurie Smith Camp issued a preliminary injunction against the Women's Health Protection Act, noting in her ruling that "no such legislative concern for the health of women, or of men, has given rise to any remotely similar informed-consent statutes applicable to other medical procedures." She also stated that complying with the law's requirements "would be impossible or nearly impossible," and would place "physicians who perform abortions in immediate jeopardy of crippling civil litigation, thereby placing women in immediate jeopardy of losing access to physicians who are willing to perform abortions."

The Act, which passed the Nebraska legislature in April 2010, would have required physicians who may perform an abortion to discuss the entire body of research literature about possible health risks related to abortion with their patients who are seeking abortions, even though much of this information may be outdated, false or misleading. For instance, it would have required a physician to discuss flawed studies that purport to find a link between abortion and breast cancer, even though the leading medical organizations — such as the National Cancer Institute, the American Cancer Society and the American College of Obstetricians and Gynecologists — have all flatly rejected any association between abortion and breast cancer.

Attorneys on the case included Mimi Liu, Jennifer Sandman and Evans of Planned Parenthood; Andrea D. Snowden and W. Scott Davis of Baylor, Evnen, Curtiss, Grit & Witt LLP; and Kolbi-Molinas of the ACLU. The order and final judgment in the case can be viewed at: <http://bit.ly/ppheartland-v-heineman>

FREE STUDENT/YOUTH ORGANIZING CONFERENCE

On September 18 and 19, the 2010 Nebraska Student Organizing Conference will be held at the UNL student union. This year's third annual conference will bring together students and youth from across the state for an intensive two-day leadership and community organizing training facilitated by Wellstone Action. The training will cover: grassroots organizing, strategic planning, power mapping, grassroots lobbying, media and messaging, leadership development and more. The Nebraska Student Organizing Conference has trained more than 200 people since 2007 and brings together young leaders from colleges and high schools across Nebraska.

The conference is **free** to attend, however space is limited and people are encouraged to RSVP early to guarantee entry. For more information about the conference email psc.unl@gmail.com.

ACLU Looks At Omaha Police Traffic Stops by Tristan Bonn, Community Organizer



This year, the ACLU National Racial Justice Project granted ACLU Nebraska funding to conduct a project on traffic stops. For the past several years, the Nebraska Crime Commission, citing data collected from law enforcement agencies statewide, has reported

that blacks are stopped about 4 times more often than whites, and Latinos are stopped about 2.5 times more often than whites in the Omaha metro area.

We will give a live presentation about knowing your rights with police to any neighborhood association, school, church, workplace meeting, etc. A knowledgeable ACLU representative will be available to speak and answer questions about the sorts of stops that people may have with police.

The focus of the program is to reach as many people as possible, but particularly young people of color.

In addition, the program will explain what information is important to gather and what to do if the citizen feels they were treated improperly by the officer. The ACLU will also collect complaints from audience members and analyze the information for patterns.

In the past, ACLU has questioned OPD practices. But Chief Alex Hayes is an entirely new Police Chief and has indicated his desire to make changes and improvements at OPD.

One practice that appears to be ongoing and is one of the most damaging and longstanding is familiar to many people living in North and South Omaha. This is where a

police officer pulls someone over for a minor misdemeanor such as littering or improper display of plates. Typically, these stops would normally result in a ticket being issued, or a “summons in lieu of arrest.” In that sort of stop, the officer issues the ticket and the citizen goes about their business.

However, for years OPD has treated such stops in North and South Omaha as a fullblown “arrest,” and conducted patdown searches of the driver, the passengers, and even searched the vehicle. There is a US Supreme Court case directly on point. In *Knowles v. Iowa*, the Supreme Court stated that the danger to an officer during an arrest is when the suspect is transported to jail. Therefore, only when a suspect is actually taken to jail can an officer conduct a “search

We want to ensure all Omaha residents—particularly young people of color—are educated to minimize any escalation of their encounters with police.

incident to arrest,” NOT when a summons and complaint is issued. This is one practice ACLU would like to see halted once and for all.

Fortunately, in early discussions, Chief Hayes has indicated his willingness to correct any bad practices. If our cooperative efforts are successful, we may see improved police community relations that will help the police improve their crime fighting by instilling a greater sense of trust between the community and the police.

To learn more or to schedule a presentation for your class, organization, or workplace, please call me at (402) 398-3027 or email me at tbonn@aclunebraska.org

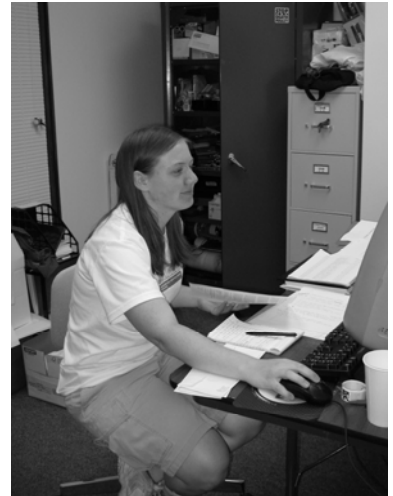
Volunteer Students Make Our Work Possible



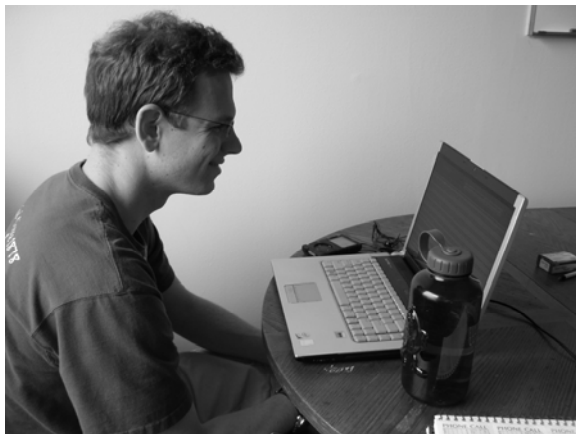
*UNL College of Law student
April Kirkendall*

It's not just the extra brain power, the extra helping hands and the willingness to sometimes wear a funny hat in the office: student volunteers re-invigorate our staff with their ideas and enthusiasm. This summer, ACLU Nebraska had four fulltime volunteer students pictured here, and we are inexpressibly grateful for their help.

Not pictured: volunteers Timothy Malm (University of Illinois College of Law), Mikael Herrlin (Creighton Law) and Cara Olson (Nebraska Wesleyan).



*Grinnell College student
Kate Eno*



*Creighton Law School student
Brandon Mehl*



*University of Iowa College of Law student
Mary Conroy*

CORRECTION

In our Spring 2010 newsletter, a photo caption on page 1 mentioned a protest held by People for the Ethical Treatment of Animals. The event was actually organized by Animal Rights Advocates of Nebraska (ARAN), with no direct connection to PETA. Our apologies for this misstatement.

*I am only one, but I am still one;
I cannot do everything,
but still I can do something,
and because I cannot do everything,
I will not refuse to do the something
that I can do.*

—Edward Everett Hale



Election Signs: Legal All Year Round Central City, Grand Island and Omaha Latest Victories for Free Speech

We know many people think of election signs as unsightly blots on the landscape. But they're also core protected First Amendment speech. You have the right to show your support for a candidate or political issue year round, not just a few weeks or months around election time.

Yet many cities in Nebraska still have outdated laws on the books that limit when a campaign sign may be displayed. In the last few months, ACLU Nebraska has successfully negotiated with Central City, Grand Island and Omaha/Douglas County to ensure that their old ordinances putting time limits on signs will be repealed or not enforced.

If your town has one of these limitations, contact ACLU Nebraska Legal Director Amy Miller by calling 402-476-8091 or emailing info@aclunebraska.org

No Victory Ever Stays Won: ACLU Exhibit at State Capitol

Join us at the Capitol courtyard for a free celebration of the ACLU's 90th Anniversary: **on Sunday, September 12th at 2:00 hear Sam Walker, nationally recognized ACLU historian, give a speech, "Remaking America: the ACLU and American Liberties, 1920—2010."**

Also in honor of the anniversary, ACLU Nebraska will display an exhibit highlighting the crucial work of the organization over the last nine decades. **The exhibit will be on display from September 2nd through 15th at the State Capitol, first floor rotunda.** You can view the exhibit at any time Monday—Friday 8 am to 5 pm, Saturday 10 am to 5 pm, and Sunday 1 to 5 pm. **The exhibit and speech are free and open to the public.**

The traveling exhibit will start in Nebraska before moving across the country. It provides an historical overview of the organization's many monumental achievements since its founding in 1920. Its birth was in reaction to the notorious Palmer Raids when U.S. Attorney General A. Mitchell Palmer began rounding up and deporting so-called radicals because of their political views without warrants and without regard to constitutional protections against unlawful searches.

The exhibit includes the stories of some of the courageous people the ACLU has represented like John Scopes, a teacher accused of violating a Tennessee state law against the teaching of evolution in the 1920s; Ozzie Powell, one of the "Scottsboro Boys" sentenced to death in Alabama in the 1930s for a crime he did not commit; Mildred and Richard Loving, an interracial couple charged in the 1960s with violating the state's "Racial Integrity Act"; and Diane Schroer, an Army veteran whose job offer was rescinded by the Library of Congress when it learned that Schroer was in the process of changing gender.

EVENT DETAILS

Where: State Capitol, 1445 K Street, Lincoln

When: Exhibit runs September 2nd thru 15th. Speech and reception is September 12th at 2 pm in the courtyard.

The ACLU has evolved over the past nine decades from a small group of idealists committed to protecting American's civil liberties into an organization with more than 500,000 members, hundreds of attorneys – both staff and volunteer – and affiliate offices in all 50 states. An interactive online exhibit is available at: <http://bit.ly/90-years-protecting-liberty>

No Victory Ever Stays Won

90 YEARS
OF PROTECTING FREEDOM





Non-Profit Org
US Postage
PAID
Lincoln, NE
Permit # 410

ACLU Nebraska
941 'O' Street #706
Lincoln, NE 68508
(402) 476-8091
www.aclunebraska.org

Be a civil liberties champion just by going to work!



Community Services Fund of Nebraska

ACLU Nebraska is largely supported by individual donor contributions. **Community Services Fund** raises money through workplace campaigns primarily payroll deduction. **Community Services Fund** gives us the opportunity to access funds from donors who give at work.

Community Services Fund is a coalition of 30 diverse non-profit organizations, many of whom, like **ACLU Nebraska**, operate statewide. Member organizations offer education, advocacy and direct services that promote innovative solutions and enhance the quality of life for all Nebraskans. **Please remember to designate your gift to ACLU Nebraska.**

If Community Services Fund is not a part of your workplace giving campaign, **please contact ACLU Nebraska at 402-476-8091 to learn more.**