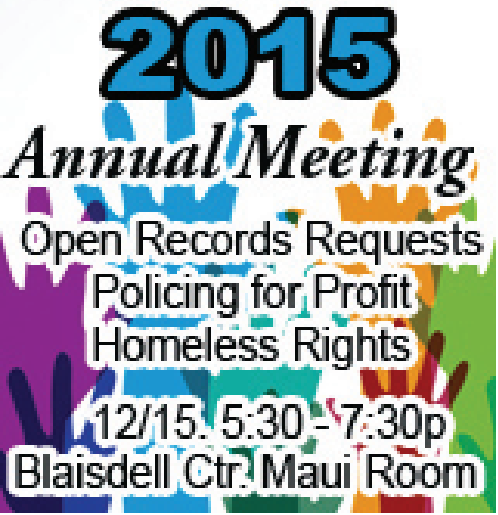


 American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
www.acluhawaii.org

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ANNUAL MEETING RSVP Email: office@acluhawaii.org • Mail: Box 3410, Hon., HI 96801 • 24-hour RSVP line: (808) 522-5906 (Neighbor islands toll-free: (877) 544-5906) • Fax (808) 522-5909. Include contact info so we can reach you in case event details change!

____ of ACLU member reservations for Annual Meeting (no charge)
____ of guest (non-member) reservations for Annual Meeting (no charge)

Special accommodation: submit requests using the contact info above by 11/30. We will always try to accommodate requests. Blaisdell Center is ADA-accessible. Parking is \$7.00, cash only.

Name: _____
Address: _____ City: _____ State: _____ Zip: _____
Day tel: _____ Email: _____ Add to ACLU-HI private email list? Y N

ACLU-HI 4-eva! 50th Anniversary Gift!

Tax deductible. Use the form above to include your contact information. To give by check, make payable to "ACLU-HI Foundation" and mail to address above.

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Charge card type (please circle one) VISA MasterCard
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<input type="checkbox"/> My gift is anonymous (no public recognition!)
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<input type="checkbox"/> My gift is In Honor of: _____
<input type="checkbox"/> My gift is In Memory of: _____
<input type="checkbox"/> I'd like to discuss adding the ACLU to my estate plan. Please contact me.
<input type="checkbox"/> I'd like to volunteer at the ACLU of Hawai'i. Please contact me.



BREAKING: In the face of terrorism, our most cherished ideals are under attack. Fortunately, Hawai'i and other states have loudly expressed and re-doubled their commitment to the shared values of a free and open society.

Hawaii's ACLU and community allies strongly support the commitment of Gov. David Ige to welcome Syrian refugees fleeing extremist horror and violence. This is in keeping with Hawaii's unique and longstanding heritage of inclusion and diversity and its keen sensitivity to the dangers of discrimination against a whole class of people based solely on race.

The U.S. is a world leader in refugee protection and resettlement under terms defined by the U.S. Dept. of State, including a rigorous and multi-layered security screening program. Allowing states to veto this process, especially a discriminatory veto aimed at individuals because of their nationality, conflicts with who we are and why our country is a beacon of liberty for the world.

We urge all our elected officials to hold fast to our local and national core values and resist the efforts of those driven by fear and not facts.



news & info
Vol. 37, No. 8, November, 2015

2015 Annual Meeting & Bill of Rights Day Celebration

- Tuesday, December 15th, 2015, 5:30 - 7:30 p.m.
- Blaisdell Center Maui Room
- Free and open to the public - please bring friends!

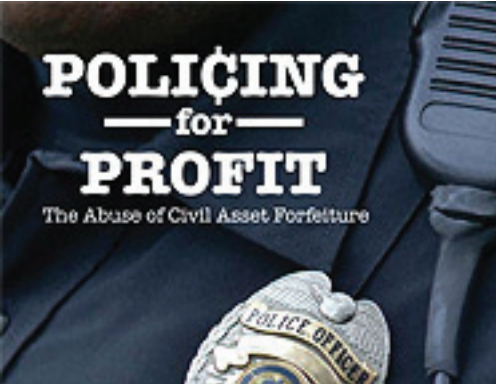


Join us on 12/15/15, Bill of Rights Day, to celebrate the 224th anniversary of the ratification of the Bill of Rights to the U.S. Constitution! The public is welcome!


Following a brief business meeting, we will move right into our program, covering the civil rights aspects of three compelling topics: Policing for Profit, how to access government records, and the civil rights impacts of anti-homeless legislation.

The Blaisdell Center Maui Room is on the second floor (elevators available), air conditioned, and ADA-accessible. Light refreshments will be served. For special accommodation requests, please contact our office by Monday, 11/30/15 - we will always try to meet requests.

RSVPs are appreciated by Monday, 12/7/15 by email to office@acluhawaii.org or by calling (808) 522-5906. You can also use the form on the back. Mahalo, and see you there!



Civil Asset Forfeiture in Hawai'i & the Nation
You may be "innocent until proven guilty", but your car, money, home, valuables? Just the opposite. Civil Asset Forfeiture lets law enforcement seize your valuables, until you prove you acquired them legally. even if charges are never filed against you. Learn more!

public 
(pə-blik), *adj.*, that belongs to, affects, or concerns the community

Getting info from the government: ORR/FOIA
A live demonstration by ACLU lawyers on how to file an "Open Records Request" for State info and a "Freedom of Information Act" request for Federal info. Help increase government transparency and get real data to further your activism!



Civil Rights & Homelessness in Hawai'i
Recent work by our legal program on the due process, free speech and other rights of people experiencing homelessness. Why the City's attempt to "criminalize" it away is only making it worse for everyone, and what's at stake for our civil rights in the process.

Vanguard issues:



The work of the ACLU on issues surrounding homelessness and extreme poverty is grounded in the simple concept of fairness. A growing number of misguided laws are rapidly criminalizing being poor. Poverty and homelessness in Hawai'i today, as in the nation, has a component of racial injustice, being concentrated disproportionately among Native Hawai'ians and racial and ethnic minorities. The frequent denials of civil liberties to which poor people are subjected have long been a serious civil liberties concern. Even worse, these policies do nothing to address the root causes of homelessness and often worsen conditions for the poorest and most marginalized.

The failure to solve the problems of poverty inevitably results in violations of civil liberties and civil rights. Government policies seeking to eliminate the homeless from public spaces often have dire civil rights outcomes. The poor are denied due process, the right to privacy, equal protection of the law, and other constitutional guarantees far more seriously and far more frequently than the middle class and the wealthy.

People experiencing homelessness have the same fundamental rights under the U.S. and Hawai'i Constitutions as those who are not homeless, yet the day-to-day reality regarding the exercise of those rights is much different between the poor and the wealthy. Laws targeting certain behaviors (e.g. sit/lie bans, proposals to



Legal team & plaintiff in lawsuit *Martin v. C&C of Honolulu*. L-R: Nick Kacprowski and Kristin Holland, *pro bono* for Alston Hunt Floyd & Ing, plaintiffs Tabitha Martin and T.M., Daniel Gluck and Mandy Finlay, ACLU of Hawai'i.



Seized coolers & household items being destroyed by City during "sweep"

create/change laws re loitering, confiscation of possessions, civil commitment procedures) may be unconstitutional if the laws are selectively enforced against a particular group or if the laws are so vague and/or overbroad as to violate everyone's rights. In every case, the ACLU has been open to forging reasonable compromise with government officials --- but is also ready to go to court to assertively protect fundamental rights and stop government abuse of power. Here are some highlights of our work:

1965-present (legislative): Measures we opposed before the legislature, City and County Councils have ranged from 'loitering/vagrancy' bills to ban homeless-looking and mentally-unstable looking folks from downtown Fort Street mall from sitting on public benches – to the ongoing battle to confiscate possessions – to loosening up civil commitment procedures in order to criminalize mental illness and force hospitalizations. Recently we have been fighting labyrinth of laws passed by Honolulu County with overly broad restrictions on free speech in public spaces, and bans on activities of daily public living (sleeping, sitting, lying down) that criminalize homelessness without addressing root causes.

2006 (legal) *Center v. Lingle*: ACLU-HI took case of plaintiff banned from the State Library after a security guard took exception to the innocuous gay travel websites he was viewing. Plaintiff was charged under Act 50 – a.k.a. Honolulu's "squatters' law" – a law intended to target the homeless at Mokuleia beach, which gave broad and subjective powers to any government official to "ban" people from public spaces for up to one year. In settling case, Act 50 was repealed as unconstitutional.

2006 (legal) *Langi v. City and County of Honolulu*: Defended and City settled in favor of advocates for the homeless whose peaceful protest on the grounds of City Hall were met with SWAT-garbbed police, mass arrests.

2007 (legal) *Kaleuati v. Tonda*: Challenged Department of Education's disregard of "McKinney Vento Act" – a federal law requiring equal access to public education for children experiencing homelessness. Settlement included sweeping reforms easing access for all students.

2007 to 2013 (legislative, public education): advocacy to stop or modify REAL ID (Federal national ID card envisioned by the USAPATRIOT ACT). Burdensome requirements and costs overly impacted the poor and elderly.

2010 to 2011 (legislative, public education): Worked with state lawmakers and law enforcement to ensure no "sweeps" or round-ups of the poor and homeless in advance of APEC, 1st Amendment protected for homeless persons and protesters using parks and sidewalks.



Seized clothing & household items being destroyed by City during "sweep"

2013 (legislative): Fought proposals to expand asset forfeiture laws to include petty misdemeanors.

2014 (legal) *Guy v. County of Hawai'i*: Settlement in Kona, Hawai'i County case, where plaintiff, who was experiencing homelessness, was cited for holding a small sign asking for help by the side of the road. Settlement resulted in revisions to several County ordinances, and the removal of the ordinance banning "panhandling." (see photos below)

2015 (legal) *Martin v. City & County of Honolulu*: Class-action lawsuit (ongoing) challenging the seizure and destruction of property (targeting the homeless in "sweeps") without due process of law. (see photos, below left)

2015 (legal): After ACLU complaint, City's proposed rules on the "Housing First" initiative were changed to make all homeless individuals eligible, regardless of residency status.

2015 (legal): After ACLU complaint, City's proposed requirements (which had included a ban on persons fleeing domestic violence and persons with mental illness) were changed to allow all people equally to access planned Sand Island shelter.

PRO BONO CELEBRATION 2015

POSTNOTE: Special congratulations to lawyer **Matthew Winter**, of Davis Levin Livingston, who frequently donates his time and expertise to fight for civil rights as a cooperating attorney with the ACLU of Hawai'i.

Matthew was recently awarded the 2015 Pro Bono Award at a ceremony held at, the Hawai'i Supreme Court Building, Ali'iolani Hale. The event was sponsored by the Hawai'i Access to Justice Commission, the Hawai'i State Bar Association, and the Hawai'i State Bar Foundation.



Plaintiff Justin Guy at the corner in Kona where his 1st Amendment rights were violated. Lawsuit *Guy v. County of Hawai'i* led to repeal and/or revision of several unconstitutional ordinances.



Attorney Matt Winter, pro bono attorney for Davis Levin Livingston, *Guy v. County of Hawai'i*.



Join the fun now through Bill of Rights Day, 12/15/15!

December 15, 2015 marks the 224th anniversary of the ratification of the Bill of Rights! Flex your literary skills and help celebrate the Constitution by sharing a haiku poem celebrating your favorite amendment to the Bill of Rights. Learn more! <http://bit.ly/1NvL6XV>

Haiku is a Japanese poetic form, short poems of 5 syllables/7 syllables/5 syllables.

Challenge accepted? :) Send your entries (no limit) to office@acluhawaii.org, via Twitter [@acluhawaii](https://twitter.com/acluhawaii), or on Facebook (www.facebook.com/acluhawaii/) by 12/15/15.

Need inspiration? Here is a cool one from 2012 on the 8th Amendment (bans cruel & unusual punishment):
*Alone and frightened
Children behind prison bars
Stop Solitary*
– Mike Brickner

Teeny tiny, small print: Entries published online & used by ACLU-HI in print, website and social media, etc. Entre under a real name, a nom de plume, or be completely anonymous – just let us know when you submit. This is just for fun, not a contest.

ACLU Hawai'i • News & Info
President: Barbara Ankersmit
Executive Director: Vanessa Y. Chong
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The ACLU of Hawai'i is comprised of 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 pro-

tect 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.

Volume 37, #8 ©2015 Editor: Kit Grant
P.O. Box 3410 Honolulu, HI 96801.
www.acluhawaii.org, office@acluhawaii.org
Tel: (808)522-5900, Toll-free, neighbor islands: 1-877-544-5906 Fax: (808)522-5909