

## Inside!

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## One team, one mission: civil liberties & civil rights for all!

The ACLU of Hawai'i staff L-R: Executive Assistant **Tracey Tokuo-ka**, Deputy Director **Kit Grant**, Legal & Legislative Assistant **George Cordero**, Legal Director **Mateo Caballero**, **Vanessa Chong**, Executive Director **Joshua Wisch**, Legal Fellow **Ainsley Dowling**.

## My kōkua (help) toward ACLU's work for fundamental rights:

Tax deductible. Make checks payable to "ACLU-HI Foundation" and mail to P.O. Box 3410, Honolulu HI 96801.  
To give online via PayPal, visit: [www.acluhi.org/donate/](http://www.acluhi.org/donate/)

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## Aloha from Executive Director Joshua Wisch



*"These are tough times, but the fight is worth it – and the ACLU of Hawai'i has your back."*

- *Joshua Wisch*

**Last year was tough.** It saw attempts to punish Americans based on their faith, nation of origin, race, sexual identity, and financial status. Our highest government officials did and said things that unleashed waves of intolerance. At times, it seemed our country was leaping backwards.

But we also saw our republic's resilience.

The press was attacked for reporting facts, but newspaper subscriptions swelled. Muslims were the target of an unconstitutional travel ban, but lawyers raced to airports to represent them. Civil liberties were attacked daily, but ACLU membership skyrocketed.

Simply put, the governed began to reassert their authority over the governors.

And as the new year begins, we at the ACLU of Hawai'i are going through big changes. **Vanessa Chong**, our Executive Director for over thirty years, has stepped down to begin a well-earned retirement. Vanessa, in partnership with a talented staff and Board and with extraordinary support from supporters statewide, grew this affiliate and turned it into the impactful force it is today. **Barbara Ankersmit**, our ten-year board president who has overseen our tremendous growth, has passed the torch to **Marianita "Nita" Lopez**. We owe them a great debt.

With the help of our board, staff, and – most importantly – all of you, we will honor this legacy by intensifying our capacity to safeguard the civil liberties of the people of Hawai'i. Last year we were involved in issues as varied as abortion rights, immigration, jail conditions, and police accountability. As this year's legislative session begins we'll be working on bail reform, marijuana legalization, voting rights, privacy rights, and more.

We're not slowing down and we'll be ready to take action whenever civil liberties are threatened.

As we move forward, I want to hear from you. If you have questions or suggestions, please reach out to me. We need your support as we continue this increasingly important work.

These are tough times, but the fight is worth it – and the ACLU of Hawai'i has your back.



## The ACLU of Hawai'i Board of Directors: leadership, good governance, and community ties!

L-R: **Patrick Y. Taomae**, **Jackie Young**, **Barbara Ankersmit** (outgoing President and incoming At-Large member), **Marianita Lopez** (incoming President), Executive Director **Joshua Wisch**, Treasurer **Rick Schneider**, incoming Vice President **Barbara Franklin**, **George Atkins**. Joining meeting remotely and not pictured: **Ibrahim Aoude**, Secretary **Roger W. Fonseca**, **Jeff Hong**, At-Large member **Pamela Lichty**, **Esther Solomon**, Equity Officer and National Board Representative **Misaki Takabayashi**, **A. Joris Watland**.

## Board election complete, bylaws updated!

Big mahalo to all who voted in our recent Board Elections and revisions to our bylaws! Winners of our Bylaws mailer tee-shirt drawing will be notified by mail.

Elected to the Board of Directors for a two-year volunteer term: **George Atkins**, **Roger W. Fonseca**, **Pamela G. Lichty**, **Misaki Takabayashi**, **A. Joris Watland**. Congratulations, and mahalo for your service!

ACLU members can vote in board elections. To become a "card carrying member" of the ACLU, please visit [www.aclu.org/join](http://www.aclu.org/join) or we will gladly mail you an application, contact us at [office@acluhawaii.org](mailto:office@acluhawaii.org).



# Legal program update

The work of the ACLU of Hawai'i legal program would be impossible without the generous volunteer support of our Litigation Committee, and countless hours donated each year by some of the brightest legal minds in our community. Two of those attorneys are **Clare Hanusz** and **Kevin Block**, whose contributions as civil rights and immigration attorneys were honored at the annual Hawai'i State Bar Association's Pro Bono Celebration in 2017!

## Some of our recent and ongoing work includes:

### Discrimination and immigration:

- Submitted a friend of the court brief in the State's lawsuit challenging the many iterations of the Muslim ban, *Hawai'i v. Trump*.
- Settled a complaint with the Office of Civil Rights and Civil Liberties at the Department of Homeland Security (OCRCL) on behalf of a deaf Japanese tourist repeatedly denied adequate disability communications accommodations while being interrogated and detained by the U.S. Customs and Border Protection.
- The initial Trump Muslim Ban abruptly plunged airports around the country in chaos. A swift court order blocked its implementation, but it's still unclear if airports complied. We joined a nationwide, coordinated ACLU Freedom of Information Act effort to better understand what airport officials knew, when, and what they did.
- We've participated in numerous public and private meetings of immigrant groups concerned about threats to their rights during the Trump administration.



*"The FDA's unique restrictions on medication abortion are not grounded in science — this is just abortion stigma made law."*

- ACLU press release on *Chelius v. Wright*

*Pictured: Kaua'i physician & lead plaintiff  
Dr. Graham Chelius.*

### Abortion rights:

In *Chelius v. Wright*, we joined forces with the national ACLU's Reproductive Freedom Project to file a federal lawsuit challenging politically driven Food and Drug Administration (FDA) restrictions on Mifeprex, a safe and proven abortion medication commonly known as the abortion pill. The FDA regulations unnecessarily prevent doctors from writing prescriptions for Mifeprex that can be filled at a pharmacy. The lawsuit seeks to expand abortion access nationwide, particularly for women in rural and under served areas such as Kaua'i, where there are no abortion providers. This forces pregnant women to fly to O'ahu just to get a pill – or if it is too late to take the pill, to get a surgical abortion. Kaua'i family medicine physician **Dr. Graham T. Chelius**, who wants to be able to prescribe the pill to his patients, is the lead plaintiff. The lawsuit challenges the FDA restrictions on Mifeprex as unscientific, politically-motivated, and harmful to women's rights and health. The case is pending before the U.S. District Court in Hawai'i.

### Inhumane prison and jail conditions:

Following a year-long investigation, we filed a complaint with the United States Department of Justice ("DOJ") requesting a Federal investigation and intervention to force the State of Hawai'i to address unconstitutional conditions and overcrowding in its jails and prisons, asserting that these facilities do not meet minimum standards required under the U.S. Constitution. The complaint (available on our website) details civil rights violations due to persistent and severe overcrowding and underfunding in seven of the nine facilities run by the State of Hawai'i. This matter is ongoing and of special importance as Hawai'i considers the future of the O'ahu Community Correctional Center and other aging facilities.

### Police accountability:

As the local drama unfolded, the leadership at the Honolulu Police Department was set to change. Police practices everywhere are under scrutiny for violence, racial bias and secrecy. We submitted an open letter to the Honolulu Police Commission: "10 Questions for Honolulu's next Chief of Police" to make sure civil rights were part of the local selection process for a new chief.

### Voting rights, statewide:

With the Attorney General's Office and the Office of Elections, we worked to ensure that their 2016 election calendar comported with the Help America Vote Act.

### Hawai'i Campaign for Smart Justice

We have undertaken a year-long study of Hawai'i bail practices with a goal of identifying data and statistics that can inform the work of lawmakers and build public support to reform this system. Find out more and read the preliminary report on our website, [www.acluhi.org](http://www.acluhi.org)

**ACLU Hawai'i • News**  
**President:** Marianita Lopez  
**Executive Director:** Joshua A. Wisch

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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 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 government funds.

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# Civil rights in the 2018 legislature

*The ACLU of Hawaii's Advocacy Program lobbies state and local lawmakers to protect the rights guaranteed by the state and federal constitutions. We're ready to respond to bills, measures, rules or policies that affect civil rights and civil liberties.*

**Hawai'i Campaign for Smart Justice - fixing our broken bail system:** With our local jails and prisons critically over-crowded, and a growing reliance on for-profit prisons, Hawai'i needs to take a hard look at who it locks up, why, and for how long. Comprehensive criminal justice reform and a concrete plan to reduce our incarceration rate should precede any plan to build new correctional facilities like the O'ahu Community Correctional Center.

One simple way to cut our jail population is within reach, and has worked well in other states: don't keep people in jail just because they're poor. Nearly half the people in Hawaii's jails are "pre-trial" detainees: they have not been convicted of a crime, but cannot afford the thousands of dollars of bail required. We will support measures to modernize and improve this broken system, including policies that:

1. make release without bail the default;
2. require individualized findings of risk with adequate procedural protections; and
3. use alternatives to cash bail that are narrowly tailored to address specific risks.

**Check our website soon for the 2017-2018 Bail Study, "As Much Justice as You Can Afford - Hawaii's Accused Face an Unequal Bail System" - and help us support bills to fix it!**



**Hawai'i Campaign for Smart Justice – marijuana legalization:** For the ACLU, legalization is about moving away from the devastating civil rights legacy of the War on Drugs, and moving toward treating substance abuse as a health care matter. In the U.S., poor people and people of color are arrested and charged more often and receive harsher sentences than white people – even though all races use marijuana equally. This also holds true in Hawai'i, where Native Hawaiians and Filipinos are arrested disproportionately to their percentage of the population. Reform can help confront the racial bias in our policing and courts, and lessen the damage government does when trying to criminalize our way out of a public health problem. Even as states like Colorado and California legalize marijuana, U.S. Attorney General Sessions has reignited the failed War on Drugs, Hawai'i is ready to treat substance abuse as a public health matter, and we add our voice to



*Together, we are a powerful voice for laws that uphold and expand constitutional rights for all!*

*Pictured: Staff making the rounds on the legislature's opening day.*



the call to abandon the prohibition model.

**Digital privacy:** Social media captures an increasing amount of our personal lives, thoughts, and unguarded moments. We protect these accounts with passwords and preferences that can limit who sees our posts. But there is nothing legally stopping a potential employer or a private school administrator from making access to your social media feeds a condition of employment or enrollment. That is a glaring violation of privacy. And in Hawai'i, where robust privacy protections are built into our state constitution, it's unconscionable. We support bills that protect our social media account information from unwarranted inquiries.

**Aloha without borders:** Side-by-side with immigrants' rights groups and community allies, we will continue to push for laws that prohibit the Trump Administration's efforts to enlist local law enforcement into its unconstitutional and xenophobic immigration policies. Look for positive efforts via **People Power** to make Hawai'i a safe place for immigrants. And we'll be ready to play defense if any immigrant-hostile measures get legs.

**Community control over policing practices:** Local police practices concerning surveillance technologies, military-grade equipment, and federal immigration and drug enforcement can create a creeping oppressive environment for communities of color, protestors, and immigrants. Yet in Hawai'i, decisions concerning these liberty-defining policies are made by police departments behind closed doors without any knowledge or input from the public or their elected officials. To bring much needed transparency and accountability to this process, we hope to work with county councils to pass ordinances that ensure communities, through local councils are empowered to decide if and how such police practices are used, through a process that maximizes the public's influence over those critical decisions.

### The Hawai'i legislative session runs until 5/3/18!

Want to get involved in defending civil rights?

- Join our mailing list!** Get email updates on ACLU actions, local and national, alongside over 10,000 other Hawai'i activists. [www.aclu.org/action](http://www.aclu.org/action)
- The ACLU's grassroots advocacy movement, **People Power (www.peoplepower.org)**, is active in Hawai'i, and does weekly lobby visits at the legislature, as well as other great meetups and events - please check them out!