

# NEVADA CIVIL LIBERTARIAN

A Publication of the American Civil Liberties Union of Nevada

## letter from the president...

At last, an ACLU of Nevada newsletter! We hope this is the first of many to come.

It has been a long road from when the national office sent field organizer Kevin Keenan to help restart the Nevada ACLU in 1995. Along the way the reorganizing committee (thanks to Bob Fulkerson, Barb Brents, Rich Siegel, JoNell Thomas and Wayne Wedlow) drafted a new set of bylaws and hired Gary Peck as Executive Director. We later hired Clare Rife as Program Coordinator.

The Board has met half a dozen times since then and has laid the foundation for a strong statewide organization. Other articles will tell you about the work of the legal, legislative, and development

committees, and other plans for the future. At our last board meeting we established an education committee. The Nevada Lesbian and Gay Rights Project is just about off and running. And thanks to some energetic students there is now a UNLV student ACLU. We invite all of you to volunteer for any of these committees. Just give the office a call.

The original Board of 11 was expanded to 17. I am proud to say that this group's diversity goes beyond the ACLU's national affirmative action requirements, and is comprised of extraordinarily competent, committed, creative people.

Our Executive Director, Gary Peck, and our Program Coordinator, Clare Rife, along with many volunteers, deserve the majority of the credit for the work we have done in the past year. We have reestablished

ourselves as a significant presence throughout the state. We are well respected not only by our friends, but by those who sometimes disagree. The ACLU is once again a force in defending the fundamental freedoms of all people in Nevada.

I would like to take this opportunity to thank all those in the past and the present who have worked hard to protect our civil liberties. I invite everyone to become a part of the future. Nevada has a strong history of civil libertarianism, and the state ACLU has long been a force in protecting these liberties. We must remain vigilant. There are great things in store for the ACLU and for the Nevadans whose rights we defend.

Barb Brents  
President, ACLU of Nevada

## Threats to First Amendment Challenged

The ACLU has filed two major lawsuits challenging laws that restrict First Amendment rights in Las Vegas.

### Las Vegas Boulevard Handbilling Lawsuit

Supported by the generous volunteer work of attorney Allen Lichtenstein, the ACLU of Nevada challenged the infamous "anti-smut peddler"

ordinance which bans commercial handbilling on Las Vegas Boulevard. Despite what officials say, this law is plainly content-based, overbroad and limits the rights of all citizens to distribute informational handbills that educate people about important public issues. It also inhibits their rights to solicit contributions.

### Freemont Street Experience Lawsuit

In a related suit, Las Vegas attorney Chuck Gardner is working with national ACLU lawyers, to challenge a pedestrian mall ordinance that restricts a broad array of First Amendment

activities on the Fremont Street⇄

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Experience in downtown Las Vegas. This ordinance gives to the executives of the Fremont Street Experience Corporation the authority to prevent people from leafletting, making speeches, soliciting donations, or otherwise engaging in partisan activities on the mall. This is particularly outrageous, given that the mall has been declared a public park and millions of dollars in public monies have been used to underwrite its development.

These lawsuits are an important first step toward challenging a variety of laws and policies that restrict in significant ways the ability of the public to freely use public space throughout the state.

There are other potential threats the ACLU is monitoring:

- ▶ Casinos in Reno and Las Vegas have created **easements that ban any partisan activities** on adjacent sidewalks. These clearly violate the pre-development agreements they entered into promising to preserve First Amendment rights.
- ▶ Las Vegas passed **laws prohibiting day laborers from soliciting work** in certain areas of the city, preventing people from "aggressively" soliciting contributions anywhere in the city, and creating a massive "order out" area where prostitutes are prohibited from being if they want to avoid serving jail time for prior convictions.

None of us wants to live in a bizarre sort of Disneyland, where all facets of experience are strictly controlled and structured for us. Democracy is a messy business, and there is no justification for violating our constitutional rights in these regards. The notion that it is "good for

business," simply doesn't cut it and the ACLU has not sat idly by while government undermines our freedoms for this or any other reason. ☐☐

### **Legal committee formed**

The ACLU legal committee, under the directorship of Gary Peck, chaired by Tim O'Toole, and consisting of attorneys and lay leaders from around the state, has been hard at work screening cases to determine which ones we can take on and at what level of involvement. The ACLU filed the two major lawsuits discussed above. The Committee has developed a network of cooperating attorneys who are ready to donate their time and energy to help us litigate cases. But we are looking for more, so please volunteer! ☐☐

### **Speaking Out!**

During the past year, the ACLU has consistently and forcefully spoken out in highly visible ways on a great many important civil liberties and civil rights issues that have arisen in the state. Thanks to the efforts of Gary Peck, and of board members who are constantly writing op-eds letters to the editors of various newspapers, our organization is constantly on the front pages and on the airwaves.

- ▶ When the **state legislature opened its sessions with denominational prayers**, the ACLU was there to say it was wrong and to encourage them to insist on non-denominational prayers.
- ▶ The **Taxicab Authority** and the Las Vegas Metropolitan Police Department implemented a policy that restricted the ability of cab drivers to go into certain low income neighborhoods without being subjected to unwarranted

searches and seizures of themselves and their vehicles. This ban threatened to keep drivers out of communities with large populations of color on the grounds that some drivers may be involved in criminal activity. The ACLU effectively helped rescind this ban.

- ▶ When **State Senator Mark James bullied UNLV professors** who testified against legislation he was proposing that would ban outdoor sexually suggestive advertising, we were there to make clear the inappropriateness of his attacks.
- ▶ The ACLU spoke out on the need for **public access television** in the Las Vegas Valley, so that those who have no voice in the mainstream media will have a way to get their message across.
- ▶ We have spoken out on the importance an independent **civilian review board** in Reno and Las Vegas to investigate credible allegations of police misconduct. When the Las Vegas Police Department tried to steer the process so any board would lack independence and authority, we successfully insisted on maximum public participation in the entire process. ☐☐

### **Peck Honored in Community**

Gary Peck received the "Community Member of the Year" award from the Southern Nevada Lambda Business Association in October 1997. Peck is a member, with board president Barb Brents, of the Nevada Supreme Court Task Force on Racial and Economic Bias in the Justice System. ☐☐

## ACLU in the '97 Legislature

Despite the fact that we were not up and running until last November, we were able to establish an effective presence at the 1997 state legislative session. Our Legislative Committee, chaired by Richard Siegel, did an extraordinarily good job. Without much of a budget, any paid lobbyists, or even the ability to be at the statehouse daily, our reactive strategy succeeded in defeating some bad laws and helped to pass some good ones. Legislators knew we were there and took our positions seriously.

### Welfare reform

From the ACLU's perspective, what masqueraded as "reform" was often times a mean-spirited attack on the rights of poor people. We opposed the elimination of benefits for legal immigrants. While newcomers won't be fully protected, we did play a part in helping save the benefits of those

who are already legally in this country. We also opposed mandatory drug-testing for recipients, a battle we and our allies won. We opposed as well a provision that would have resulted in the termination of benefits for families whose children were truant, and we won on this issue as well. The version that did pass remains unacceptably harsh and contains provisions we believe violate constitutional equal protection and due process, and we intend to monitor this in the coming months with an eye toward challenging these provisions.

### Other legislative successes

Other proposed legislation on which we had some success included sex offender laws that would have imposed unconstitutionally harsh penalties on convicted persons both while in prison and afterward, internet laws that would have prohibited the transmission of all unsolicited commercial messages via e-mail or the web, laws banning all sexually suggestive advertising outdoors and in the telephone books,

and laws permitting school administrators to examine sealed court records regarding teachers who could then be fired based on that information.

We intend to be even more effective at the next legislative session by hiring a part-time lobbyist and by preparing a proactive strategy that will enable us to better advance the cause of civil rights and liberties. We are particularly concerned about the practice of suspending the rules in the final weeks of the session, a practice which allows lawmakers to push through legislation that harms most Nevadans while benefiting those interests who are the most powerful, and well funded. Together with Common Cause, the Progressive Leadership Alliance of Nevada, Nevada Womens Lobby, and other organizations who share our concern in this regard, we intend to make this a priority of our legislative agenda at the next session.□□

## Lesbian and Gay Rights Project Organized

by Roger Vogel

Executive Director Gary Peck announced at the annual Lambda Business Association Awards Dinner, that the ACLU would establish a statewide Lesbian and Gay Rights Project. Gary announced the Project while receiving the "Community Member of the Year" award from the Lambda Business Association.

The Project will enable gays, lesbians, bisexuals and transgendered

individuals and their friends to more effectively fight for what is right. A steering committee of approximately 20 members met on January 9th to put the final touches on bylaws. The members of this steering committee include directors of non-profits, businesspeople, leaders from the two major political parties, government officials, academics, artists, and other activists from around the state. It is an extraordinarily creative, committed, highly respected group and extremely diverse group of men and women, who will be able to build bridges to all segments of the community. All races, all classes, gays, lesbians, bisexuals, and straights will be working together to ensure fair treatment of all people regardless of sexual orientation.□□

## ACLU Biennial Conference

by Denys Koyle

The abundance of wildflowers and great Mexican food made the trip to the 1997 ACLU Biennial Conference in Santa Fe, New Mexico quite wonderful. Despite the setting, our affiliate's representatives, Mel Lipman, Denys Koyle, Barb Brents, Gary Peck and Sylvia Otenada Bernales managed to attend most of the Conference.

### Native American issues

The two sessions on Native American rights I attended were the most exciting to me. Presenters Steve Pevar and Keith Harper were excellent. The

quality of their presentations was impressive. I learned more about Indian sovereignty issues in two hours than I have in the past ten years. Although the Native American population in Nevada is less than 1% of the state's overall population, we do have issues that apply here. In White Pine County, we have a Goshute reservation and the Ely Shosone Colony. We also have reservations elsewhere in the state and are working with the Washoe tribe on a variety of civil rights matters.

#### Youth organizing

Also of interest was the youth organizing workshop, which I attended. I gathered all the ACLU materials aimed at students and am starting to work with Gary and Clare on a "know your rights" program for youngsters around the state. Together with the many sessions others from our affiliate attended, we learned a lot that will help us with a variety of issues, including our efforts at organizing student chapters at state colleges and universities.

#### Fundraising

I suppose, however, there was one distressing part of the conference -- the emphasis on the need for fundraising to keep affiliates like ours financially sound. Although some of us on the Board do not relish fundraising, we have all been convinced of the necessity of doing this part of our job. I therefore guarantee you will be hearing from us if you haven't already. See the article below.□□

## ACLU in the Schools

Joey Cohn, Clare Rife, Ben Contine, Jason Bach, and Willie Puchert have organized a student ACLU at UNLV. Barb Brents has been on the national Youth Affairs Committee which has

helped the national staff recognize that youth membership is vital to the growth of the organization. Denys Koyle is spearheading efforts to get educational programs for the public schools. We hope to establish ACLU groups at universities, junior highs, high schools and community colleges throughout the state. Please contact us if you or anyone you know would like to get an ACLU group going in the public schools!□□

## On to the Internet!

One of the Nevada ACLU's goals is to increase communication statewide by continuing this newsletter and by developing an electronic news list and a web page. Roger Vogel's contributions on the computer front, have been invaluable! Since Roger is now on the board, and can't do everything, we welcome the assistance of anyone else who might help us electronically. □□

## Major Gifts Campaign

The ACLU of Nevada launched its Major Gifts Campaign on October 15. The campaign, directed and conducted by the Board, is designed to solicit sufficient contributions to allow our organization to continue to grow. We hope to transform Clare Rife's position from a half-time to a full-time position, to enable Gary Peck to spend a week a month in the Reno-Carson City area and to travel to other parts of the state on a more regular basis, to add to our litigation budget, and to hire a part-time lobbyist. If we are successful, we will be able to expand our current education, legislative, and litigation programs in ways that will advance the cause of civil liberties here in the state.

We are asking all of our members who haven't already donated to help contribute to this campaign. We know you have all given financial support by way of your membership fees. And some of you have given additional monies to the national organization. But it is important that the state affiliate receive additional funds to continue our work. Your help will make the difference. We appreciate the support!□□

## New Board Members Elected

We have just concluded another board election. Along with the re-election of three old board members -- Denys Koyle, Darryl Feemster, and Glynda White -- seven new board members were elected. New officers will be elected at the March board meeting. Here are some brief biographies of new board members:

*Carlos Velasquez* - Carlos is the Health Initiatives Coordinator for Nevada Hispanic Services. He oversees programs for at-risk youth, men in anger management treatment, and HIV/AIDS prevention. He has a BA in Education from the University of Nevada Reno and an MA in Communications Studies from the University of Oregon and La Tribe University in Melbourne, Australia. He works with organizations like the Hispanic Chamber of Commerce, the Nevada Museum of Art, Trucked Meadows Fair Housing, Boy Scouts of America, and the American Red Cross.

*Norman Curry* - Currently the Associate Vice-President of Institutional Services at the Community College of Southern Nevada. He has extensive experience working with a broad range of

community organizations. Norm served as President and Vice-President of the Santa Monica NAACP, and on a Police Advisory Board and on the Pacific Bell Advisory Board. Norm is dedicated to helping disadvantaged and underprivileged people overcome adversity in their lives.

*Roger Vogel* - Roger has served the ACLU with various affiliates since 1962, including a stint as a member of the board of the ACLU of Virginia and as President of the Hampton Roads chapter. He has worked as well with the Nevada affiliate since 1992, with a particular focus on legislative issues. Roger holds a degree in Political Science.

*Elgin Simpson* - Elgin is a lifelong resident of Las Vegas. Until recently, he was Operations Manager and CEO of Ray & Ross Transport, the largest minority-owned transportation company in Nevada. He founded Community Peace, a grassroots organization created in response to the civil unrest following the Rodney King verdicts. He chairs the Metropolitan Police Department Civil Service Review Board and serves on the Board of the Las Vegas Housing Authority and the Community Advisory Group to Nevada Power. He received the Community Hero award from the National Conference and was awarded the Civil Libertarian of the Year award in 1994 by the ACLU of Nevada.

*Harry Copelan* - Harry is the original and present owner and publisher of the High Desert Advocate newspaper,

which has a circulation of about 3,000 paid and 2,100 free copies in the three northeast Nevada counties of Elko, Eureka, and White Pine. He has been married for the past 44 years, has six children and eleven grandchildren. He served in the U.S. Army for two and a half years during the Korean War as a Motion Picture Photo Officer.

*Anne Bowen* - Anne is the Supervising Legal Secretary for the State Public Defender's Office in Carson City. She works on the Appellate Team, including death penalty appeals, and supervises the other legal secretaries in the agency. Anne has for months been a member of the Legal Committee for the ACLU, doing the initial review of complaints for that Committee. She has been a volunteer for Advocates to End Domestic Violence in Carson for six years. Aside from social justice, gardening is her current passion.

*Bree Carlson* - Bree is the Director of the Sundown Zone, a coalition of nine agencies working to provide late-night programming to youth and young adults. The lead agency for the project is the Gang Alternatives Partnership (GAP). Bree served on GAP's Board of Directors for two years before resigning to work on the Sundown Zone project. She also served as Co-Chair of the Gay and Lesbian Student Union of the University of Nevada Reno, the President of the Community Coalition to End Hate-Motivated Violence, and has been involved with numerous other community efforts to promote change.

Together with the old-timers who were not up for re-election -- Barb Brents, JoNell Thomas, Larry Hyde, Tim O'Toole, Kate Hausbeck, Larry Hyde, and Rich Siegel -- these newcomers make for a board of seventeen. Unfortunately, unforeseen commitments forced Darryl Feemster to resign, and we will be looking for his replacement. This board is comprised of a wonderfully talented, diverse, committed group of people who will no doubt do a wonderful job of continuing to move the organization forward in the coming year.

Special thanks to retired board members Lenadams Dorris, Darryl Feemster, Sylvia Bernales, and Mike Franks. □□

**ACLU of Nevada Board**

Barb Brents, President  
 Rich Siegel, Vice President  
 JoNell Thomas, Secretary  
 Larry Hyde, Treasurer

Anne Bowen	Bree Carlson
Harry Copelan	Norman Curry
Kate Hausbeck	Denys Koyle
Mel Lipman	Tim O'Toole
Elgin Simpson	Carlos Velasquez
Roger Vogel	Glynda White

**Staff**

Gary Peck, Executive Director  
 Clare Rife, Program Coordinator

**Students!**

Want to start an ACLU group at your school or on campus? The national office has a newly updated Campus Organizing Manual which gives you background information on the ACLU, and tells you how to start a campus ACLU chapter.

You can download the manual FREE (Adobe Acrobat file) from the ACLU website, [www.aclu.org](http://www.aclu.org), or you can purchase a copy FREE (plus \$3 postage and handling) from ACLU Publications, POB 186, Wye Mills, MD 21679.

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