



Protecting Your Privacy in a Digital World

By Addy Bareiss, Program Associate



In the twenty-first century, our world runs on computers. We use smartphones, tablets, laptops and desktops to communicate with our friends, follow political debates and sports, play games and shop, leaving digital footprints that reveal incredible amounts of information about who we are. Keeping our personal information private has become increasingly complex. Private companies can take advantage of that information to sell ads. And government agencies and law enforcement can collect and store massive amounts of private data, even about people who have done nothing wrong, all without a warrant, proper oversight, or reasonable limits.

Where You At? Cell Phone Location Tracking

Laws that protect us from warrantless searches of our homes and mail have failed to keep up with advances in technology. Law enforcement agencies have been able to take advantage of the lag in legal protection to use new technology to track where we go and who we call. All cell phones automatically register their location by connecting to the closest cell tower several times a minute anytime the phone is getting a signal. This location information is collected and stored by service carriers. Law enforcement agencies can access that location information without a warrant. And they do. Through public records requests, we found out that police departments across Arizona regularly request "cell tower dumps," which list all of the cell phones that registered their location at a particular tower, from services carriers. No warrant. No limits. No privacy.

Big Brother: Eyes in the Sky

There is nothing creepier than being watched. And law enforcement's expanded use of domestic drones means more of us are being watched. The ACLU is calling for privacy safeguards – like limits on when drones can be deployed and for what reasons and restrictions on data retention and who can access stored data and why – so that we can enjoy the benefits of the new technology without becoming a surveillance society. Locally, we're keeping track of a couple of bills that seek to put limits on the use of drones in Arizona and nationally, the ACLU sent Freedom of Information Act (FOIA) requests to five federal agencies asking for current practices and future plans for the drones. We want to know how the programs are funded, what kind of data is collected, how long that data is stored, and who has access to it. The Federal Aviation Administration (FAA) has been tasked with developing a plan for incorporating drones into our national airspace by 2015. We need to make sure that plan includes rules to protect Americans' privacy.

Cybersecurity is important, but it cannot justify trampling on our rights

Although the House Intelligence Committee has reintroduced last year's disastrous Cyber Intelligence Sharing and Protection Act (CISPA), all is not lost. The House cybersecurity bill would allow every company that operates on the internet to turn over sensitive internet records directly to military agencies, like the National Security Agency (NSA) and the Department of Defense, without requiring a warrant. Fortunately, thanks to the ACLU's lobbying efforts, the Senate cyber bill offers alternative amendments that prevent companies from funneling private information directly to NSA and other military agencies, require information shared under the program be "reasonably necessary" to combat a cybersecurity threat, restrict the use of collected information to actual cybersecurity purposes, and require annual reports to maintain oversight and transparency.

We're working to make sure laws and policies reflect the realities of life in the digital age and uphold our most basic constitutional protections. Whether you're new to this issue or a technology expert, check out our website featuring updates on legislation and litigation affecting your right to privacy: www.acluaz.org/DigitalPrivacy.

Upcoming Event

The Constitution is My Firewall

Meet up with others who believe in protecting civil liberties in the in the digital age. Join the ACLU of Arizona on Thursday, March 28th to find out what you need to know to defend your privacy rights.



ACLU Attorney and digital privacy expert Linda Lye will be there to shed light on how government agencies are exploiting outdated privacy laws to access private internet records and what the ACLU is doing to help you keep your personal information private. Linda is currently investigating the FBI's surveillance of the Occupy movement, the federal government's use of location tracking technology, and the use of drones in Alameda County, California.

Thursday, March 28th at 6:30PM
Steve's Greenhouse Grill
139 East Adams St.
Phoenix, AZ 85004
Free appetizers and drink specials
\$3 parking at the Regency Parking Garage (with validation)
RSVP for this event on our Facebook page or at RSVP@acluaz.org

We hope to see you there!

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Civil Liberties in Arizona



★ Standing Up for Freedom ★

Volume 42
Issue 1

We all deserve a commonsense immigration process that upholds our values

As a first generation American raised by a Brazilian mother and an Argentine father, I am the "product" so to speak of what happens when we allow migrants the freedom to pursue opportunity and make lasting contributions to this country.

When my parents arrived in 1965, they were given "green cards" just after landing at Miami International Airport. My mother came to work in her uncle's bakery, and my father came to find a better paying job based simply on the good word of a family friend. Neither had high-tech skills, but they went on to become U.S. citizens and find jobs making a modest living to support our family of five.

Contemporary immigration, though, looks very different than it did in 1965. Gone are the days when Latin American immigrants were granted legal permanent residency simply because they had a relative or friend who could vouch for them. The dramatic increase in border and interior enforcement over the past decade has led to equally dramatic decreases in the avenues allowing immigrants to enter the country lawfully. The 9/11 terror attacks led to stricter immigration policies and a growing number of states adopted laws aimed at making life harder for immigrants.

SB 1070, of course, became the most notorious of these recent anti-immigrant laws. Although most of the law continues to be enjoined, the most dangerous



Photo by Eric Purcell

provision allowing police to question people about their immigration status went into effect on September 18th, 2012. Since then, we have received over 600 calls to our hotline, including many from legal permanent residents and naturalized citizens like my parents who've been stopped, questioned and detained simply because of the color of their skin.

People calling our hotline are particularly vulnerable to abuse. Although they are often part of mixed-status families with U.S. citizens or lawful permanent resident children, parents or spouses, they have no effective way of becoming citizens under our current immigration system. They're part of an under-class of people who are marginalized, treated like dangerous

criminals and often exploited by abusive employers or domestic partners. SB 1070 has only exacerbated their fear and mistrust of law enforcement.

A pathway to legalization is the only solution to end these systematic abuses.

That's precisely why the ACLU will work in the coming months to aggressively advocate for the broadest possible pathway to citizenship – one that rejects additional border enforcement measures. Border spending is at an all-time high, even though migration has hit a historic low. And President Obama, who has deported more immigrants during his first four years than any other president, has already promised to continue devoting resources to deporting individuals at the same level.

So let's not leave aspiring citizens in limbo, waiting for the ever-moving goalposts for "border security." Because we all deserve a commonsense immigration process that is fair, expeditious and upholds the values we share – hard work, taking care of our families and looking out for each other.

To learn more about the ACLU's framework for immigration reform, visit our website at www.acluaz.org/issues/immigrant-rights.

Alessandra Soler
Executive Director, ACLU of Arizona

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Publishing info

Civil Liberties in Arizona is published quarterly by the ACLU of Arizona (ISSN 0164-4475). Periodical postage paid at Phoenix, AZ. Postmaster send address changes to PO Box 17148, Phoenix AZ 85011.

Legal Update From the Desk of Legal Director Dan Pochoda



Fighting for Fair Treatment for Young Immigrants

As the immigration debate continues in legislatures and communities throughout the country, Arizona remains an outlier in its vindictive and illegal treatment of undocumented persons and their families. This attitude was clearly demonstrated by Governor Brewer's August 15th Executive Order denying lawfully present young immigrants the ability to obtain drivers' licenses in Arizona. The ACLU of Arizona, with the ACLU Immigrants' Rights Project, the National Immigration Law Center, the Mexican American Legal Defense Fund, and the Polsinelli Shughart law firm, recently filed suit to reverse this harmful and unconstitutional state action.

The lawsuit was brought on behalf of the Arizona DREAM Act Coalition (ADAC) and several young immigrants who were brought to the United States at an early age by their families in the hope of a better life. These young immigrants are commonly known as "DREAMers" based on proposed – but never passed – federal legislation: the Development, Relief, and Education Act for Alien Minors. On June 15, 2012, the Department of Homeland Security announced the new Deferred Action for Childhood Arrivals or DACA program that allows these young immigrants to remain in the U.S. and continue to contribute to American society without fear of deportation for a specified, renewable period. They are eligible to obtain this "deferred action" status upon meeting specific criteria, including receiving a high school diploma and passing a rigorous background check. Upon being approved, they are provided documentation allowing them to legally work while in the United States. It is estimated that there are 1.76 million DACA-eligible youth in the United States and approximately 80,000 in Arizona. However, far fewer have yet applied for this program.

In directing this executive action, President Obama recognized that these young immigrants "are Americans in their hearts, in their minds, in every single way but one: on paper." The plaintiffs in the ACLU lawsuit are young immigrants, including college students, parents and business owners, who have been granted deferred action and have a work permit and a Social Security Number. The state's decision to ignore the federal program has reduced the ability of these young persons to get and maintain employment despite their authorization to do so, and to care for their families and provide essentials, including access to medical providers. Arizona and Nebraska are the only two states currently denying drivers' licenses to DACA recipients.

Plaintiffs filed a motion for a preliminary injunction asking the federal court to prohibit the unconstitutional denial of drivers' licenses while this case is being litigated. In the complaint, plaintiffs state that Arizona's denial of licenses negates the federal government's decision to authorize successful DACA applicants to remain and work in the United States in violation of the Supremacy Clause of the U.S. Constitution and unlawfully discriminates against the plaintiffs and all other similarly situated residents of Arizona in violation of the Fourteenth Amendment's Equal Protection Clause.

A hearing on the plaintiffs' preliminary injunction motion is scheduled for March 22nd at the federal district court in Phoenix. At the same time, the state's motion to dismiss the case will be heard by Judge David Campbell.

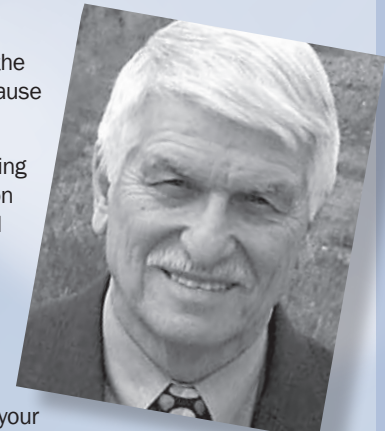
Victory for Women's Reproductive Rights

On February 8th, the federal court granted plaintiff's motion for summary judgment in a lawsuit filed by the ACLU and Planned Parenthood challenging the 2012 Arizona law that prohibits any health care provider who performs elective abortions from receiving Medicaid funding. The clear objective of the law was to cut funding to Planned Parenthood – an agenda being followed in legislatures throughout the country. Judge Neil Wake found that the bill impermissibly disqualifies a class of providers from the state's Medicaid program for reasons unrelated to provider qualifications, in violation of federal law. The ruling is a critical victory for the rights and well-being of women throughout Arizona and sets an important precedent. We expect the state to appeal the ruling, but we will continue our fight to ensure that women have access to the health resources they need.

New ACLU-AZ President Zenaido Quintana on Religion, Equality and Women's Health

In January, I was elected president of the Board of Directors of the American Civil Liberties Union of Arizona. As a native Arizonan, it's an honor to be a card-carrying member of the ACLU. I was drawn to the ACLU several years ago, first as a member, then as a donor, and then as a board member, in part because of the organization's long history of keeping government out of the business of religion.

We continue to face persistent attacks by well-funded and well-organized extremist forces that are using religion as an excuse to discriminate. They have pushed laws that aim to make access to legal abortion virtually impossible, and have supported efforts permitting trained social workers to refuse to counsel gay clients.



The ACLU of Arizona has led the battles against these state-based attacks in Arizona and we need your help to ensure we have the resources to fight back in 2013.

No organization is better equipped than the ACLU to uphold our country's constitutional principles. We have the unique capacity to integrate multiple advocacy tools – litigation, lobbying and public education – to demand fairness. Our nationwide network of lawyers, lobbyists, organizers and over one million members, supporters and activists allows us to respond to a civil liberties crisis wherever it may occur.

I enter my term as board president with renewed commitment to strengthen the work of the ACLU of Arizona. I ask you to join me by taking these three actions:

- **First**, please complete and return (in the enclosed envelope) the survey to the right and tell us what issues are important to you. I am committed to bringing our members and supporters closer to our work and it is critical that we hear from our members. Results will be published in our next newsletter so please make your voice heard.
- **Second**, I ask you to include a donation in that envelope. The ACLU of Arizona has grown thanks to the generous support of Arizonans who are donating more than ever before in our 54-year history. In my new role as ACLU-AZ Board President, I am committed to ensuring the ACLU has the financial resources to make an even greater impact. To that end, **I will match every donation sent in before March 31st in response to this challenge.**
- **Third**, please talk to one person about the ACLU and encourage them to become a member. Share with them our long history of defending targets of discrimination, and let them know the ACLU is in front of the Supreme Court more than any other organization (and has six cases before the court this session). Finally, implore them to understand there is power in numbers – in Arizona we have over 7,000 members and supporters and we need them to grow our strength.

Now is not the time to let up on the gas pedal. We must push harder and seize the opportunity to make 2013 a year for lasting change for civil liberties. With your support and engagement, we will successfully protect and advance the core values of freedom, justice, equality and democracy that make this country great.

In solidarity,

Zenaido Quintana

STAND IN SOLIDARITY WITH THE ACLU AND OUR WORK ON BEHALF OF DREAMERS

ACLU BENEFIT CONCERT

DREAM AND DANCE

SATURDAY, MARCH 30TH

MUSIC BY 12-PIECE R&B GROUP, KT AND THE REPEAT OFFENDERS

THE RHYTHM ROOM **DOORS OPEN 5:30PM** **MUSIC 6-8PM**

1019 E. INDIAN SCHOOL RD. PHOENIX

\$20 TICKET IN ADVANCE | \$25 TICKET AT THE DOOR

Purchase ticket or sponsorship package at www.acluaz.org/DREAMandDANCE or send in a check to ACLU Foundation of Arizona, PO Box 17148, Phoenix, AZ 85011 and include "concert" in memo line

All proceeds support the ACLU Foundation of Arizona and are tax-deductible.

Questions email info@acluaz.org or call office at 602-650-1854

2013 Civil Liberties Survey

Your answers will be a tremendous help as we continue to shape and refine our 2013 agenda and engage our supporters. Complete and return (in the enclosed envelope) the survey below and tell us what issues are important to you. Results will be published in our next newsletter so please make your voice heard. Thank you!

How optimistic are you that 2013 will be a year of genuine progress in the protection of civil liberties in Arizona?

- Very optimistic
- Somewhat optimistic
- Not very optimistic
- Not optimistic at all

Check the top three civil liberties issues you think are most pressing:

- Separation of Church / State
- Immigration
- Privacy
- LGBT Rights
- School to Prison Pipeline
- Reproductive Freedom
- Other _____

How effective, on scale of 1-5 (one being not effective at all and five being very effective) do you think each of the following tactics are to expand fundamental freedoms in Arizona?

- ___ Filing lawsuits to stop civil liberties abuses
- ___ Advocating at the state and local levels for laws and policies that protect our rights
- ___ Using online petitions and grassroots organizing campaigns to build broad public support for civil liberties
- ___ Creating public awareness through media outreach and other communications strategies

What are the greatest threats and/or opportunities facing the ACLU of Arizona?

May we contact you about your responses?

- Yes
- No

Name _____

Email address or Phone number _____

