Arizona Bans Ethnic Studies When It’s Most Needed
By Alessandra Soler Meetze • ameetze@acluaz.org

The 2010 Arizona Legislative Session will undoubtedly go down in history as one of the worst for civil liberties. Aside from passing the most punitive, discriminatory anti-immigrant bill this country has ever seen, the Governor signed HB 2281, which prohibits schools from teaching subjects that “advocate ethnic solidarity.”

The intent of the bill, according to numerous public statements made by Arizona Superintendent of Public Instruction Tom Horne, is to eliminate the popular Mexican American studies program in the Tucson Unified School District (TUSD). The program, which teaches history from a multi-cultural perspective, was moribundly created in 1997 in response to segregation and racial inequality concerns raised by parents in a lawsuit against the school district. In December 2009, a judge monitoring the school district’s compliance with the long-standing lawsuit actually recommended an expansion of the ethnic studies program, which also includes classes in African-American and Pan-Asian studies. Yet, Horne and his counterparts in the Arizona Legislature, including John Huppenthal and Arizona Attorney General Tom Horne, continue to attack the programs.

The bill, signed just weeks after SB 1070 became law, excludes classes for Native American students. School districts or charter schools could lose up to 10 percent of their state aid if they’re found to be non-compliant. Given the headlines surrounding SB 1070 and the potential for discrimination, now is precisely the time when students should be discussing race issues in the classroom. Without a doubt, SB 1070 is the topic of conversation when students walk with their friends and family members, so why not use these courses as an opportunity to look at the history of race relations in Arizona?

The ACLU believes this bill infringes the First Amendment rights of students and teachers and limits their right to access information. This law is a prime example of how politicians use their positions of authority to restrict speech and stifle important discussions about equality, tolerance and history – simply because they don’t agree with what’s being discussed in the classroom. What offends them is precisely what should be taught in our schools.

Through formal presentations to classes and student clubs, community festivals and events, and ACLU sponsored public education events, we have distributed hundreds of palm cards to youth and students across the state. The cards direct students to our Student’s Rights Handbook, available at www.acluaz.org/myrights, where they can find specific and important information on the rights of public school students in Arizona.

In an effort to encourage students to utilize the resources and information provided to them in the Student’s Rights Handbook, we placed ads in student-run, high school newspapers in Phoenix and Tucson. In April and May, the ads ran in Tucson High School’s Cactus Chronicle, Desert High School’s The Spectator, and Catalina Foothills High School’s The Falcon Voice, reaching out to thousands of student readers.

The ACLU believes this law will violate the First Amendment rights of the students and teachers, limit their right to access information, and give school officials the authority to review student’s writing and limit their right to discuss these topics. The ACLU is working to educate students on the legal landscape for teachers and students.

Visit us at www.acluaz.org

ACLU Files Legal Challenge to Arizona’s Racial Profiling Law
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While there’s been no shortage of discriminatory anti-immigrant laws across the country in recent years, SB 1070 is in a league of its own. It requires police officers to stop and demand that people on the street present their papers simply because of the way they look and makes Latinos, and other presumed immigrants, potential criminal suspects in the eyes of the law.

Given that Latinos comprise an estimated 30 percent of Arizona’s population, the law presents a pretty big target. How do you know people are unauthorized to be in the United States just by looking at them? No one, including Governor Brewer who signed this bill into law, has come up with a good answer to that question.

That’s because the whole nature of racial profiling is that law enforcement will find a reason to stop people if they want to. Police officers could stop someone on a very minor traffic infraction, based on the way they look, and then demand their papers. Or, they can stop them for an unspecified reason and then, based on appearance and nothing else, demand their papers. Either scenario is racial profiling and unconstitutional.

The ACLU believes this law will violate racial profiling and violate a host of federal civil rights laws and the Constitution’s guarantee of Equal Protection under the law. That’s precisely why we filed a lawsuit on May 17th challenging this unconstitutional law. To read the complaint, visit our website.

This is the 8th ACLU lawsuit against government officials in Arizona on behalf of a besieged immigrant community. Just last summer, we filed a lawsuit on behalf of a Latino citizen and lawful resident who were forcibly transported by Maricopa County Sheriff’s deputies to the site of an immigration raid. And we’re continuing with litigation challenging unlawful stops of many citizens and legal residents by the Maricopa County Sheriff’s Office.

Unfortunately, we can only expect these show trial incidents to climb in number if this new law takes effect. SB 1070 will undoubtedly force good police officers to do bad things. And the last thing we need is yet another bill that will alienate Arizona residents from law enforcement.

Our fight against SB 1070 is a continuation of our long-standing commitment to eliminate racial profiling and police misconduct. We are devoting additional resources, including hiring more legal staff and launching targeted public education efforts, to inform the public about the harms caused when untrained police officers use immigration enforcement as an excuse to profile people based on race, language or national origin.

For the sake of all people of color in this state, let’s hope justice prevails.
Civil Liberties in Arizona

In His Own Words:
A Story of LGBT Discrimination in Arizona Schools

Gay teens should be protected under the law just like anyone else, but sometimes the rights of LGBT students are not respected. This is exactly why the ACLU of Arizona has identified and fought for Amendment rights as one of our strategic priorities over the next five years. From assisting with the establishment of LGBT student clubs in schools to intervening when schools are indifferent to harassment and threats made against LGBT-identified students, the ACLU of Arizona has been regularly involved in challenging discriminatory and abusive actions directed at LGBT students by governmental bodies in Arizona. This first-person account tells the story of the challenges faced by one brave gay teen who is fighting discrimination and harassment in his school.

My name is Caleb Laieski. I am a 15-year-old gay teenager and attending high school in Surprise, Arizona. As a gay youth in a public school system, I have endured relentless harassment, threats, and bullying—simply because I am a gay teenager. During my 6th grade year of school, I finally acknowledged to the public and myself that I am, in fact, gay. As the news of my gay “outing” made the rounds at school, “anti-gay” slurs and innuendos began. Words like “fag” and “homosexual” became a way of life for me. When I started high school, the harassment, slurs, and threats become more frequent and worse yet is the fact that most majority of teachers failed to intervene. In fact, one teacher said, in front of his class, that all gays are “going to hell.” As these issues worsened, I contacted the school district countless times for help. Help never came.

On March 24, 2010, at about 1:45 p.m, while walking home from the bus stop, I was pursued by several male classmates in a vehicle yelling, “Fuck you, Caleb, you fucking faggot!” followed by “dick gay people— you all need to die!” For me, this was the final straw. I was now in fear for my personal safety and well-being. Thus, I contacted the ACLU of Arizona for help.

While Caleb’s story seems shocking in 2010, it is unfortunately not unique. LGBT-identified youth continue to be threatened, harassed, and victimized in Arizona schools today. A student—regardless of his or her sexual identity, color or religion—should not be victimized in school, ever. The ACLU of Arizona is committed to making sure that negligence and abuse directed at LGBT-identified students ends. In the coming months, we will continue to work with Caleb and school officials until a successful resolution is reached. We will continue to be threatened, harassed, and victimized in Arizona schools today. A student—regardless of his or her sexual identity, color or religion—should not be victimized in school, ever.

At the end of the day, Caleb’s story is a story of basic fairness and equality. We are still far from realizing that the American dream is possible for all—regardless of their sexual, racial, religious, gender, or economic identity. However, the ACLU of Arizona is committed to promoting the understanding of the law and the fundamental First Amendment rights to freedom of speech and religion.

The resulting settlement guarantees that 7FLX will be removed from the “not approved” list and that prisoners may receive books and publications through 7FLX. In the future, 7FLX will be notified if any specific material is censored and provided the reasons and a chance to respond. The settlement was filed on June 2nd, it continues court jurisdiction over the matter and requires notice to all prisoners in the facility.