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**Linda Burt, Executive Director
Wyoming Chapter**

This year civil liberties issues are more important than ever before. So, in my year-end message to our members and friends I ask that you read this newsletter and pass it along to a friend. Membership in our organization is essential for those concerned with protecting freedom.

THIS YEAR THE ACLU HAS:

- ◆ Filed constitutional challenges to portions of the Patriot Act and battled efforts to extend it in Congress
- ◆ Defended a woman's right to choose and challenged in court President Bush's federal ban on abortion
- ◆ Advocated for the full equality of all people, including the right to marry
- ◆ Forged alliances with Conservatives who believe that the Bush war on terror undermines our civil liberties

HERE IN WYOMING THE ACLU HAS:

- ◆ Worked in the legislature to defeat school prayer bills, Pledge of Allegiance and discriminatory marriage legislation
- ◆ Worked to improve prison and jail conditions
- ◆ Organized and participated in Patriot Act Town Hall meetings
- ◆ Provided information and education on a variety of civil liberties issues

WE AT THE ACLU WILL CONTINUE TO DO OUR PART TO DEFEND THE CONSTITUTION AND THE BILL OF RIGHTS. NOW, WE CALL ON YOU TO DO YOUR PART.

GO TO WWW.ACLU.ORG MAKE A DONATION, BECOME A CARD-CARRYING MEMBER OF THE ACLU AND SEE WHAT YOU CAN DO TODAY TO SUPPORT CIVIL LIBERTIES.

BECAUSE FREEDOM CAN'T PROTECT ITSELF.

HOW TO STOP STUDENT DRUG TESTING (IN SPITE OF THE SUPREME COURT)

By Graham Boyd¹ and Marsha Rosenbaum²

In June 2002 the U.S. Supreme Court gave the green light to the drug testing of students who wanted to participate in competitive, extracurricular activities (the Court had already given the nod to testing student athletes in 1995 in *Vernonia v. Acton*, a case brought by the ACLU). *Board of Education v. Earls* was the disappointing culmination of a landmark legal challenge brought by the ACLU on behalf of three students from Tecumseh, Oklahoma whose refusal to take the drug test excluded them from activities like the Quiz Bowl and the school choir. On the day the 5-4 decision was announced, the ACLU's press release warned that drug testing would become "a rite of passage for an entire generation of students."

We are glad to report that our fears have not materialized, much to the credit of ACLU and Drug Policy Alliance (DPA) members and concerned parents throughout the country.

Last year Dr. Lloyd Johnston, who for years has directed *Monitoring the Future*, the leading government-funded annual survey of trends in student drug use, released the results of the first large-scale national study on student drug testing. Dr. Johnston confirmed what we have long suspected: drug testing has no impact on illicit drug use among students. The study should have put to rest the principal justification for subjecting teenagers to this intrusive search—it has no deterrent effect. But it has not stopped the federal Office of National Drug Control Policy (ONDCP) from encouraging school administrators to implement drug testing programs. Drug Czar John Walters still clings to his position, against all evidence to the contrary, that drug testing has "enormous potential benefits."

It looks like the vast majority of educators have not been persuaded by the ONDCP's propaganda. In fact, the Johnston study found that less than one-fifth of the nation's high schools employed any form of drug testing, and that there had been no increase in that figure from 1998 to 2002. Of course one-fifth of the schools are still too many. In an effort to have existing programs dismantled and discourage new programs from taking hold, our two organizations are working together to increase awareness of both the limitations of drug testing and the existence of more effective and more civil liberties-sensitive ways of addressing the issue of teenage drug use.

1 Graham Boyd is the Director of the ACLU's Drug Law Reform Project

2 Marsha Rosenbaum, Ph.D. is the Director of the Drug Policy Alliance's Safety First Project

Making Sense

In early 2004, right on the heels of President Bush's State of the Union speech in which he touted student drug testing programs, we released our booklet, ***Making Sense of Student Drug Testing—Why Educators are Saying No***. The booklet's twenty-five pages clearly lay out all the arguments against drug testing—its ineffectiveness, its financial cost, its disregard for the rights of students and parents, and its unintended consequences, including shutting students out of the very extracurricular activities that are most likely to keep them from engaging in problematic drug use. It also contains quotes like this one from school officials who have rejected drug testing:

“We stopped testing because we didn't think it was the deterrent that we thought it would be...we didn't think it was as effective with the money we spent on it.”—Scott Dahl, Vice President of School Board in Guymon, Oklahoma.

We immediately mailed a copy of ***Making Sense*** to 24,000 school administrators nationwide and since then, we've distributed many more copies to parents, teachers, and teens.

Safety First

The best antidote to the fear which fuels support for drug testing is access to honest, factual, science-based information about drugs and teen drug use. After years of being bombarded by the government with exaggerated claims and misinformation, parents in particular need help sorting fact from fiction. The DPA created ***Safety First*** to serve as a parent drug education project. It provides user-friendly information, tips on how to talk more effectively with teens about drugs, and strategies for helping teens make well-informed, safety-oriented decisions.

Building on an “abstinence-plus” (post-AIDS) sex education model, ***Safety First*** encourages abstinence, but with safety and “harm reduction” as a backup. This approach recognizes that in spite of all the government-funded “drug education” they have received, millions of American teenagers experiment with drugs. In fact, so many of our teenagers experiment with marijuana and alcohol that the behavior is no longer considered “deviant” by many psychologists; rather it's a common part of teenage culture.

The public's response to the project has been overwhelmingly positive. Its 17-page booklet, ***Safety First—A Reality-Based Approach to Teens, Drugs, and Drug Education***, has been translated into 10 languages, and has been distributed so far to 140,000 people around the country. ***Safety First*** has been officially adopted by the California State PTA, the largest state PTA in the country. And its website, www.safety1st.org, which includes an advice column, facts about popular drugs, drug education news, practical methods for reducing drug misuse, is becoming increasingly popular as a resource for parents and others.

Putting Us to Use

Anti-drug testing litigation is still possible in a minority of states whose constitutions or laws provide heightened protection for students' privacy rights, and both the ACLU and the DPA will continue to mount legal challenges where possible. But in most states, the best way to defeat drug testing will be by raising awareness in the school community through public education. We know from our own experience that parents, teachers and school administrators alike are increasingly wary of drug testing programs. *Safety First* recently held several focus groups at the National PTA's Annual Convention, and most of the participants expressed strong reservations because testing invades student privacy, undermines parental authority, and sometimes produces inaccurate test results. If you are interested in helping by distributing educational materials, you can order free booklets by going to www.aclu.org/DrugPolicy and to www.safety1st.org.

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**U.S. Marines Engaged in Mock Executions of Iraqi Juveniles and Other Forms of Abuse,
Documents Obtained by ACLU Reveal
December 14, 2004**

FOR IMMEDIATE RELEASE

Contact: media@aclu.org

Navy Corpsman Described Pressure to "Keep His Mouth Shut"

NEW YORK - U.S. Navy documents released today by the American Civil Liberties Union reveal that abuse and even torture of detainees by U.S. Marines in Iraq was widespread. One Navy criminal investigator sent an e-mail in June 2004 describing his Iraq caseload "exploding" with "high visibility cases."

"Day after day, new stories of torture are coming to light, and we need to know how these abuses were allowed to happen," said ACLU Executive Director Anthony D. Romero. "This kind of widespread abuse could not have taken place without a leadership failure of the highest order."

The release of these documents follows a federal court order that directed the Defense Department and other government agencies to comply with a year-old request under the Freedom of Information Act filed by the ACLU, the Center for Constitutional Rights, Physicians for Human Rights, Veterans for Common Sense and Veterans for Peace. The New York Civil Liberties Union is co-counsel in the case.

The documents the ACLU released today, posted online at www.aclu.org/torturefoia, describe substantiated incidents of torture and abuse by U.S. Marines, including:

- Holding a pistol to the back of a detainee's head while another Marine took a picture (Karbala, May 2003)
- Ordering four Iraqi juveniles to kneel while a pistol was "discharged to conduct a mock execution" (Adiwaniyah, June 2003)
- Severely burning a detainee's hands by covering them in alcohol and igniting them (Al Mumudiyah, August 2003), and
- Shocking a detainee with an electric transformer, causing the detainee to "dance" as he was shocked (Al Mumudiyah, April 2004).

The new evidence comes on the heels of documents released by the ACLU and its allies last Tuesday, which revealed that a special operations task force in Iraq sought to silence Defense Intelligence Agency personnel who observed abuse and that the Department of Defense adopted questionable interrogation techniques at Guantanamo over FBI objections.

"Abuse of detainees was not aberrational," said ACLU staff attorney Jameel Jaffer. "The Defense Department adopted extreme interrogation techniques as a matter of policy."

In addition to highlighting the torture and abuse of Iraqis by U.S. Marines, the documents released today suggest the existence of an internal culture of secrecy, said Jaffer. For example, when describing the Marines' "rough handling" of Iraqi prisoners, one Navy corpsman noted, "there was a lot of peer pressure to keep one's mouth shut."

Other records released by the ACLU today include investigative interviews with Navy personnel that provide a glimpse into the routine abusive treatment of detainees by U.S. forces in Iraq. For example, in one interview, a Navy corpsman described the regular process whereby Iraqis classified as Enemy Prisoners of War (EPWs) would be taken to an empty swimming pool and handcuffed and legcuffed with burlap bags placed over their heads. They would then remain in the kneeling position for up to 24 hours awaiting interrogation. Despite providing this description, the officer stated that he "never saw any instances of physical abuse" toward the detainees.

In response to the release of documents last week, Senator Jeff Bingaman (D-NM) sent a letter to Defense Secretary Donald Rumsfeld calling on him to "expeditiously investigate the allegations of suppression" and to "take immediate action to make public all documents related to cases of detainee abuse not critical to national security and hold accountable those that have attempted to cover up reports of detainee abuse."

Jaffer said the ACLU is continuing to press the government to disclose more documents and will return to court if necessary to ensure that relevant documents are released. The government is required to release all documents by Jan. 31, 2005.

The lawsuit is being handled by Lawrence Lustberg and Megan Lewis of the New Jersey-based law firm Gibbons, Del Deo, Dolan, Griffinger & Vecchione, P.C. Other attorneys in the case are Jaffer, Amrit Singh and Judy Rabinovitz of the ACLU; Art Eisenberg and Beth Haroules of the NYCLU; and Barbara Olshansky and Jeff Fogel of CCR.

The documents obtained by the ACLU are online at www.aclu.org/torturefoia.

Senator Bingaman's letter is online at <http://www.aclu.org/SafeandFree/SafeandFreecfm?ID=17184&c=207>.

Yes, I want to help the ACLU defend my rights!

Please make checks payable to "ACLU" and return them with this membership application to:

**ACLU of Wyoming
PO Box 20706
Cheyenne, WY 82003**

My contribution is enclosed for ACLU membership in the category I have indicated. I understand this contribution will make me a member of the national ACLU as well as a member of my state ACLU, and that I will receive all benefits of both national and state membership.

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