



# TEXAS CIVIL RIGHTS PROJECT

at the Michael Tigar Human Rights Center

# REPORTER

A Publication of Oficina Legal del Pueblo Unido, Inc.

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[www.texascivilrightsproject.org](http://www.texascivilrightsproject.org)

## 'CRAWFORD 5' CLEARED OF ALL CHARGES

The Crawford 5 protestors, represented by TCRP, won a great court victory this July when a Waco judge ruled their 2003 arrest violated the First Amendment.

The group of protestors were arrested in 2003 for not obtaining a "parade permit" in Crawford, TX when they were passing through Crawford on their way to the President Bush's Ranch to demonstrate.

They were arrested and had to spend the night in jail. In 2004, a Crawford jury gave them the largest fine allowable under law.

County Court-at-Law Judge Tom Ragland overturned that verdict.

TCRP is also representing the Crawford 5 and a group of other demonstrators who were not arrested in a federal civil rights lawsuit against the Crawford police.



*The Crawford 5 (l-r): Ken Zarifis, Amara Malizewski, Michael Mashicek, Patricia Major, Amanda Jack*

## Bill of Rights Dinner Will be on February 19, 2005

Danny Glover and Felix Justice to Perform "An Evening with Martin and Langston"

The 14th Annual Bill of Rights Dinner will take place February 19th at the Four Seasons Hotel in Austin and feature actors Danny Glover and Felix Justice in a riveting performance of Langston Hughes and Martin Luther King, Jr., entitled, "An Evening with Martin and Langston."

This award-winning performance has wide acclaim, and we are very lucky to have Mr. Justice and Mr. Glover.

The Bill of Rights Dinner was originally scheduled for November 20th. However, Mr. Glover had to be out of the country unexpectedly due to his filming schedule and asked us to move the date.

As always, the Bill of Rights Dinner evening will begin with a cocktail reception and silent auction followed by dinner and program. Austin

icon Ada Anderson will receive our Henry B. González Award



*Danny Glover*

and the winners of the Pat Dobbs Civil Rights Essay Contest will present their work.

For ticket or sponsorship information, please contact Joy at (512) 474-5073 x 116 or [tigarcenter@yahoo.com](mailto:tigarcenter@yahoo.com).

For information about the silent auction or to place an ad in the dinner booklet, please contact Andrea at (512)474-5073x102 or

[andrea@texascivilrightsproject.org](mailto:andrea@texascivilrightsproject.org).

Our Bill of Rights Dinner is always a night to remember, so please plan on joining us this year.

Past speakers have included Senator Ted Kennedy,

Noam Chomsky, Sister Helen Prejean, who Susan Sarandon portrayed in "Dead Man Walking," and Dolores Huerta, co-founder of the United Farm Workers.

We hope to see you!

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**Texas Civil Rights Project**

1405 Montopolis Drive  
 Austin, TX 78741-3438  
 (512) 474-5073  
 (512) 474-0726 (fax)

www.texascivilrightsproject.org

**Mission:**

To promote racial, social and economic justice throughout Texas.

Jim Harrington Director

**Staff**

**Austin**

Wayne Krause	Attorney
Sheri Tolliver	Attorney
Isaac Harrington	VAWA Attorney
Chris Anderson	Business Manager
Jenna Kelly Landes	Legal Manager
Andrea Buckley	Community Outreach
Joy Authur	Community Outreach

**South Texas**

Abner Burnett	Director
Jaime Ortiz	Office Manager
Sr. Moira Kenny	Paralegal
Juan Rios Villa	VAWA Circuit Rider

**Board of Directors**

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Angélica Pérez	Member
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“The work of the Texas Civil Rights Project is critical in the struggle to bring about justice and equality in Texas”

-- César Chávez

**TCRP Welcomes New Staff Members, Says Fond Farewell to Others**

**Abner Burnett** - Abner joined the South Texas Project staff as director this summer. Originally from Odessa, he is a 1984 graduate of the University of Texas (B.A., Music) and a 1987 graduate of South Texas School of Law (J.D.). A trial lawyer with 17 years experience, Abner enjoys playing the guitar, piano and singing in his spare time.

**Jenna Kelly Landes** - Jenna is the new legal manager in the Austin office. A native of Georgetown, she is a graduate of UT-Austin in Anthropology. Before coming to TCRP she worked as a legal assistant at Rash Chapman and was a full-time AmeriCorps volunteer working at Communities in Schools with junior high students at Pearce Middle School. Jenna is enjoying her work at TCRP, and we are very fortunate to have her working with us.

**Andrea Buckley** - Andrea is the newest addition to the Community Outreach and Development office. Prior to TCRP, Andrea worked as a legislative and communications associate at Shipley & Associates, Inc., a political consulting and public relations firm in Austin. A former student of Jim's, she will graduate from the UT Austin next May.

**Caryn Lai** - We sadly said goodbye this November to Caryn Lai, our part-time legal assistant. Caryn took the LSAT in June and will be attending law school in the fall. She has already been accepted to the UT Law School and is volunteering in South America while she waits for decisions from other schools. We hope she ends up at UT and comes by to visit us often.

**JOURNEYS: PHOTOGRAPHS FROM AROUND THE WORLD A HUGE SUCCESS**

TCRP held a photo exhibit on November 12th entitled, “Journeys: Photographs from Around the World.” The show featured the works of Austin photographers John Langmore and Todd Williams.

More than 300 people attended the event, which raised \$10,000. Thank you to John and Todd for donating their work and to everyone who showed up in the cold and rain to support TCRP.

The following sponsors donated food and drink for Journeys. As a way of saying thank you, please visit them yourself in the near future!

<b>Chez Zee</b>	<b>Wiggy's Wines &amp; Spirits</b>	<b>Deborah Peel</b>
<b>Gourmet Gals &amp; Guys Catering and Events</b>	<b>Four Seasons Hotel</b>	<b>Marc Winkelman</b>
<b>Chinatown</b>	<b>Las Manitas</b>	<b>Troy Ball</b>
<b>Reuben's Liquor</b>	<b>Club de Ville</b>	<b>Lee Simmons</b>

Thank you to everyone who came and especially those who purchased photos.

Thank you also to the following TCRP staff and volunteers who helped out during the event:

Michelle Mays	Aaron Barker	Caryn Lai
Courtney Russell	Chris Anderson	Elías Harrington
Chris Caudle	Jenna Kelly-Landes	Sheri Tolliver

# News from South Texas

## South Texas Project Moves into its New Home

The South Texas Civil Rights Project dedicated its new building on Saturday May 1st, International Workers' Day.

Two awards were presented to recipients whose work for justice has benefited the residents of the Rio Grande Valley.

Rep. Lloyd Doggett presented the First Annual Emma Tenayuca Community Action Award to Socorro González and Rosalinda Rodríguez, mother and daughter, for their work from within, and on behalf of, the colonia community.

The award is named for a woman born in San Antonio in 1916 who joined the labor movement at the age of sixteen and was instrumental in forming two local chapters of the International Ladies Garment Workers Union. She was a leader of the strike of 8,000

pecan shellers in San Antonio in 1938.

The first annual Dr. Hector P. García Human



*The New South Texas Civil Rights Project Building*

Rights Award was presented to David Hall, director of Texas Rio Grande Legal Aid, and first director of the South Texas Project in 1972, which became the South Texas Civil Rights Project years later.

This Award is named for

the Corpus Christi physician who is best known for his founding in 1948 of the American GI Forum, a Mexi-

can-American civil rights organization that boasted 150,000 members at the time of his death in 1996.

Other special guests at the dedication included, Oficina Legal del Pueblo Unido board members, Texas Civil

Rights Project staff, members of the San Juan Chamber of Commerce, United Farm Workers and La Unión del Pueblo Entero (L.U.P.E.) staffs, and representatives of the farmworker and legal communities.

Juanita Valdez Cox, regional Director of LUPE, was the emcee; and Jim Harrington, who was the former director of the South Texas Project, gave a history of the organization. Proyecto Azteca, builders of the new office, were recognized as well.

The staff of TCRP and the South Texas Civil Rights Project thanks everyone for their help in building the new office. The additional space was greatly needed for hosting meetings and giving clients greater privacy.

Come by and see us sometime!

### STP Summer Law Clerks

The South Texas office was blessed with the youth, enthusiasm, and help of four law students during this past summer.

Julie Rivera and Edelina Burciaga (both of Boston University), Carolina Rubio (Oklahoma City University), and Jeremy Maldonado (Univ. of Iowa) were very involved in the ADA campaign, investigating violations, interviewing clients, researching property records, and drafting the lawsuits and discovery requests.

Each intern had other research assignments. All four were bilingual and, therefore, a tremendous help.

The time they were with us went too quickly. We are grateful for their help and miss them already.

### OTHER CASES OF INTEREST

#### *Garza v. International Museum of Arts and Sciences*

STP recently filed a lawsuit on behalf of a locally renowned sculptor whose work was solicited for showing and then rejected by the McAllen International Museum of Arts and Sciences.

The Executive Director gave a quote to the daily paper saying that the content of the solicited sculpture was "too controversial."

The museum receives most of its funding from government sources and advertises its purpose to be public education. Consequently, we have taken the position that it has a responsibility to respect First Amendment rights regarding censorship.

***Sr. Moira Kenny is one of five national recipients of the Mercy Action Cunningham Award, presented by the Sisters of Mercy, "to honor a woman with vision who was committed to making justice and social equality a reality." The award also carries a \$5, 000 contribution to the South Texas Project.***

***Congratulations on this well-deserved honor, Moira!!!!!!***

***We're proud of you .....***

## **Amicus Program: Citizens for Health, et. al vs. Tommy G. Thompson, Secretary, U.S. Dept of Health and Human Services**

TCRP has filed an amicus curiae (“friend of the court”) brief in *Citizens for Health, et. al vs. Tommy G. Thompson, Secretary, U.S. Dept of Health and Human Services* to enjoin a new “Privacy Rule” promulgated under the Health Insurance Portability and Accountability Act (HIPAA.)

The new rule grants over 600,000 health care providers and millions of their “business associates” express federal authority to use and disclose a patient’s private health care information without the patient’s consent, and threatens the medical and prescription records of millions of patients nationwide.

Sheri Tolliver, who wrote the brief, said that prior to Bush taking office, HHS had required providers to obtain patient consent before using or disclosing

the patient’s medical information.

The lawsuit alleges that HHS’s about-face indicates that politics are at work, and argues that the court should not allow HHS to place the interests of the insurance lobby above the privacy interests of every American.

The lawsuit was brought by national medical, mental health and consumers’ rights organization, and by a number of individuals. Dr. Deborah Peel, a local psychotherapist, and a member of TCRP’s Board of Advisors is one of the plaintiffs in the lawsuit and has been very active in widely publicizing the dangers of the “Privacy Rule.”

The suit was originally filed in the Eastern District of Pennsylvania and is currently on appeal before the 3<sup>rd</sup> Circuit Court of Appeals in Philadelphia.

## **APD Sued over 2003 Search**

In July, TCRP filed a federal lawsuit against Austin police on behalf of a family, which says its constitutional rights were violated when members were subjected to an unlawful arrest and an unreasonable search.

The Villegas family, with two young children, were at home asleep around midnight when they heard gunshots, followed by yelling and screaming outside.

Looking outside, they saw 15 police surrounding their house; the officers yelled for them to come out

where they were held at gunpoint, handcuffed, and made to lie on the ground, while the 3-year-old and 8-month-old children remained inside sleeping.

The officers, guns drawn, entered the house to search for a weapon. They opened drawers, emptied the clothes in piles on the floor, and pulled out items from under beds, but did not find a gun, or anything illegal.

The officers left without explanation and said only, “we do this all the time.”



## **Americans with Disability Act ‘14 for 14’ Campaign**

Every year, TCRP files Americans with Disability Act (ADA) cases to commemorate this landmark act that guarantees the rights of people with disabilities.

As in past years, we filed as many cases as the ADA has been in effect. Since this was the 14th year of the ADA, we filed 14 cases.

This year, the Valley office joined the ADA campaign and filed 14 lawsuits on behalf of clients in the disabled community.

### **These cases were filed in this year’s ADA Campaign:**

#### **Texas Civil Rights Project (Austin)**

Travis County Clerk  
Chisholm Trail Winery  
Dillard’s - Houston and Austin  
Pizza Hut

City of Houston and Metropolitan Transit Authority of  
Harris County

US Citizen and Immigration Services, San Antonio  
Landry’s Seafood House, Corpus Christi  
Sonic Drive-In #9  
Bank of America  
Café Josie

Professional Health Care Services (Dallas)  
Spaghetti Warehouse  
Wells Fargo

U.S. Transportation Security Administration  
and Department of Homeland Security

#### **South Texas Civil Rights Project**

Ponchos Restaurant - McAllen  
Ponchos Restaurant - Pharr  
El Centro Mall - Pharr  
Mi Espana Restaurant - McAllen  
Dodge Arena - Hidalgo  
Harlingen Country Club  
Circle K - Edinburg  
Laredo Entertainment Center  
National Car Rental - Laredo  
Holiday Inn Holidome - McAllen  
Luby’s El Centro Mall  
Beall’s El Centro Mall  
Hair Trix - Weslaco  
Bank of America  
Foot Center

## Ways to Help TCRP

### ANOTHER WAY TEXAS SHARES

TCRP is a member of Another Way Texas Shares, an employee charitable giving federation, similar to the United Way. If you are a city, county, state or federal employee, look for TCRP in the material you are given each year for your charitable giving campaign.

### e-bay

If you sell items on Ebay, sign up with MissionFish.org, and you can donate a portion of your proceeds to TCRP. There is no extra charge, just visit [www.missionfish.org](http://www.missionfish.org) to sign up! Shop for justice!

### RANDALLS

If you are a Randalls' shopper, link your Remarkable card to TCRP and Randalls will donate 1% of your purchases back to TCRP! Pick up a Remarkable card application at your nearby Randalls and link your card to TCRP (#7385).

## TCRP Begins

### Endowment Campaign

In an effort to tap into a stable funding source for years to come, TCRP will be starting an endowment.

As you know, TCRP operates on a small budget and an endowment will allow us to fund more work and programs for the underprivileged community.

With an endowment TCRP can have a little relief from exhaustive year-long fundraising.

With the impending decrease in state funds for pro-

bono legal work, establishing a permanent and reliable source of funds is crucial for us to assist those in need.

An endowment will allow TCRP to rely on steady flow of money during lean times and help us budget our valuable resources more wisely.

If you wish to help with our endowment drive, please call Joy Authur at (512) 474-5073 x116 or [tigarcenter@yahoo.com](mailto:tigarcenter@yahoo.com).

### DID YOU KNOW...

Jim Harrington, TCRP Director, is available as a speaker for symposiums, conferences, and community and church groups.

He has recently spoken as a panelist at the LBJ School of Public Affairs Symposium, "Civil Rights ... from Black and White to Color: 40th Anniversary Commemoration of 1964 Civil Rights Act"; the Unitarian Universalist Church ("Civil Liberties in Peril in 2004"); University of Texas Performing Arts Center Zoot Suit Riot Symposium ("Legal and Historical Framework for Sleepy Lagoon Trial"); and at the St. Edward's University 4th Annual Hispanic Leadership Conference ("Méndez v Westminster School District: The Dawn of Civil Rights for Hispanic Americans").

Please call TCRP at (512) 474-5073 for more details about scheduling Jim or another member of the TCRP staff for a speaking engagement.

## TCRP Case Update

### Victory in Democracy Coalition Appeal

The Austin Court of Appeals recently handed a victory to the Democracy Coalition.

The Coalition had brought suit against the City of Austin and various police officers who had used motorcycles and horses to block a small group of protestors.

The incident occurred when President George W. Bush was in Austin to dedi-

cate the Bob Bullock Museum. The protestors were walking from the museum to the Governor's Mansion, where President Bush was having lunch with Governor Rick Perry to protest on the sidewalk across from the mansion driveway - a traditional free speech area.

The police blocked the people at the intersection to the north side mansion and

kept them out of sight of the driveway so that President Bush would not see them.

The trial judge dismissed the city from the case, and a jury decided the police followed orders.

The appeals court reversed and sent the case back for trial, which has been scheduled for June 6.

### NAACP v APD Complaint

On Juneteenth, TCRP and the NAACP filed a federal complaint against the Austin police department with the U.S. Department of Justice, requesting that federal funding be withheld until APD addresses internal problems concerning race relations, particularly the disproportionate use of force against the city's minority communities, especially in East Austin.

### Parsons v. Collin County

TCRP staff attorney Isaac Harrington helped negotiate a settlement with the Collin County Detention Facility on behalf of a man incarcerated there who faced obstacles getting around in his wheelchair, both in jail and in court.

Officers purposefully de-

nied Mr. Parsons use of accessible showers, bathrooms in the pod area, the booking area, the courthouse, and the law library.

The settlement includes implementation of policies with a greater sensitivity to the needs of inmates with physical disabilities, a revision

of the inmate handbook related to the rights of an inmate with a disability, the creation of a ramp in the sally port entrance into the courthouse, disability sensitivity training for all officers, and grievance procedures for inmates with disabilities.

## TCRP Law Clerk Program

The TCRP law clerk program is nationally renowned, and this year we were lucky to have students from all over the country participate in our program.

Thanks to a generous grant of wireless enabled laptops from the Beaumont Foundation of America and our new office space, we were able to expand our program to 15 students this summer and 5 this fall.

Please visit [www.texascivilrightsproject.org](http://www.texascivilrightsproject.org) for more information about our law clerk program.

### Summer 2004 Law Clerks:

(pictured at right , left to right)

Dustin Rynders, University of Texas  
Katie Badrick, New York University  
Andre Segura, New York University  
Aparna Garg (summer volunteer)  
Nima Aghili, University of Texas  
Amrita Mallik, University of Michigan  
Edelina Burciaga, Boston University  
Mike Biderman, University of Iowa Law  
Elizabeth Granados, Loyola University(New Orleans)  
Saaed Mody, University of Texas  
Heather Eastwood, University of Virginia

Not pictured:

Jeremy Maldonado, University of Iowa  
Julie Rivera, Boston University  
Carolina Rubio, University of Oklahoma

### Fall 2004 Law Clerks:

Kate Shapiro, Northeastern University  
Monica Jiménez, University of Texas  
Michelle Mays, University of Texas  
Sujata Ajmera, University of Texas  
Ashley Morris, University of Texas



For information about our law clerk program,  
please email Wayne Krause at  
[waynekrause@texascivilrightsproject.org](mailto:waynekrause@texascivilrightsproject.org)

## TCRP Volunteers

In addition to our law clerks, the work of TCRP could not be done without the valuable assistance of its volunteers. A big "thank you" goes out to our Summer and Fall 2004 Volunteers!

Patricia Velarde  
Stephanie Basanez  
Eran Sharon  
Holly Hanna  
Angela Sandoval  
Angie Cervantes  
Renita Sanders  
Aaron Barker  
Rebecca Sánchez  
Courtney Russell  
Paula Rigling  
Ariane Marion

## WE NEED THE FOLLOWING VOLUNTEERS FOR THE SPRING

- 1) Public relations and marketing
- 2) Help with planning the Bill of Rights Dinner
- 3) Help with newsletter and website
- 4) Membership Assistant
- 5) Help with legal filing and paperwork
- 6) Legislative advocacy

IF YOU WOULD LIKE TO VOLUNTEER.  
CALL ANDREA AT (512) 474-5073 X 102  
OR EMAIL  
[VOLUNTEER@TEXASCIVILRIGHTSPROJECT.ORG](mailto:VOLUNTEER@TEXASCIVILRIGHTSPROJECT.ORG)

## Meet our Council of Advisors

*We have been highlighting members of our Council of Advisors. Below are the next few bios in the series. If you know any of our advisors, please thank them for their hard work on behalf of TCRP!*

**Ben Barnes** served as Speaker of the Texas House of Representatives from 1965-1969 and Lieutenant Governor of Texas from 1969-1973. Well-known for this philanthropic work, Barnes volunteers with the American Heart Association, American Cancer Society, Democratic Majority Trust, and the Boys and Girls Clubs of Austin. Ben is the president of Entrecorp, an Austin-based business consulting and lobbying firm.

**John Eddie Williams**, a Houston native, graduated cum laude with a bachelor of business administration degree from Baylor University and graduated first in his class at Baylor Law School in 1978. While at Baylor, he served as editor in chief of the Baylor Law Review. A director of the Texas Trial Lawyers Association, his professional legal affiliations include the Houston and American Bar Associations, State Bar of Texas, and Association of Trial Lawyers of America. John Eddie is a past president of the Houston Trial Lawyers Association, past president of the Houston Trial Lawyers Foundation and a director of the Baylor Bear Foundation.

**Samia El-Badry** is a Ph.D demographer and national advocate for the Arab-American community. She serves on the U.S. Secretary of Commerce's National Advisory Committee for the Census and is a published writer on Arab-American issues. Samia is currently Vice-President and Director of Operations for Teknecon Energy Risk Advisors.

## HIV# Privacy

TCRP is representing a client of the David Powell Clinic, a free HIV/AIDS clinic in Austin, who had his HIV status revealed to other patients and to strangers in public.

He was also harassed and taunted, cursed at, and has his appointments sabotaged at the clinic.

Two clinic employees revealed that he is HIV+ to a number of people at a local restaurant while at a happy hour, including a friend of Mr. Doe.

## SPOTLIGHT ON TITLE IX

The Texas Civil Rights Project has been litigating Title IX cases throughout Texas for over a decade. Title IX prohibits sex-based discrimination in education.

Studies confirm that girls who use their athletic skill are more confident, less prone to mental and physical health problems, and less likely to drop out of school than their peers who do not participate.

A full 80% of women in leadership positions in Fortune 500 companies were involved in sports during their childhoods and/or adolescence. Despite all of the known benefits of sports participation, however, Texas schools still discriminate against females students by providing disparate treatment, funding and benefits in their athletic programs.

This "unlevel playing field" crosses over to the classroom and to the working world, as girls hear that they do not deserve the same educational and professional privileges boys receive.

TCRP has successfully litigated Title IX athletics cases throughout Texas. Once recent lawsuit against a North Texas school district resulted in substantially increased funding for the women's athletic program, including new lighting on the women's softball field. Another suit against a South Texas school resulted in the reinstatement of the women's high school swim team.

Sexual harassment and assault are other problems for public school stu-

dents. Sexual harassment interferes with students' day-to-day learning process, threatens their safety, and significantly undermines students' physical and mental health.

Recent studies show that sexual harassment is widespread in schools, with 80% of students reporting that they experience some form of sexual harassment.

TCRP represents children who have been sexually abused by school officials. TCRP currently represents two rural Texas junior high boys who were sexually harassed by school administrators, and threatened with knives because they perceived the boys as "gay."

TCRP also represents two South Texas families whose daughters were molested by their coach. Although the teacher was indicted for molesting a number of students, the school board still voted to keep the coach on faculty. As a result, the girls were forced to drop out of his classes and quit athletics in order to avoid the offender.

This is precisely what Title IX was designed to prevent.

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This article was written by Sheri Tolliver, who directs our Title IX program.

Please visit [texascivilrightsproject.org](http://texascivilrightsproject.org) for more information about our Title IX programs and other programs.

**Oficina Legal del Pueblo Unido, Inc.  
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at the Michael Tigar Human Rights Center  
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Austin, TX 78741-3438  
[www.texascivilrightsproject.org](http://www.texascivilrightsproject.org)**

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**You May Now Donate to TCRP via our website.  
Please visit [www.texascivilrightsproject.org/donate](http://www.texascivilrightsproject.org/donate)**



**MARK YOUR CALENDARS FOR  
THE 14th ANNUAL BILL OF RIGHTS DINNER  
FEBRUARY 19th, 2005  
Felix Justice and Danny Glover in  
"An Evening with Martin and Langston"**

**For ticket information, visit [www.texascivilrightsproject.org/BOR](http://www.texascivilrightsproject.org/BOR)  
or contact Joy Authur at  
(512) 474-5073 x 116 or [tigarcenter@yahoo.com](mailto:tigarcenter@yahoo.com)**

**The Staff, Council of Advisors and Board of Directors of  
The Texas Civil Rights Project  
Thank You for Your Continued Support of Our Work!!!**

**Best Wishes for 2005!**