

REPORTER

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IN A ROUTINE TRAFFIC STOP, DO YOU UNDERSTAND YOUR PRIVACY RIGHTS?



Have you ever been pulled over for a traffic violation, an expired sticker or anything else along those lines? And, during one of those stops, have you ever been asked for a document or solicited for information that you felt was inappropriate or perhaps even illegal?

Our client, Austin attorney and long-time musician Anthony “Lucky” Tomblin, had just that experience.

Tomblin was pulled over in 2001 for allegedly speeding in Seguin, Texas with his wife and daughter. The officer who pulled him over—and who had a long history of disciplinary problems—asked for a valid Texas license, insurance, address, home and work telephone numbers and then, stating that it was official city policy, demanded Tomblin’s social security number.

Tomblin gave the officer all of the information initially requested, but told him that social security numbers were private, protected under U.S. law, and that he refused to give the officer that personal information.

At this point, the officer, not one to appreciate a legal education by one of his daily “quota-fillers” threatened to “take” Mr. Tomblin “down to the station” if he did not release his social security information. Rather than face a custodial arrest, Tomblin complied and provided his

social security number.

In the officer’s sworn deposition about his traffic stop policies, he willingly confessed to some very disturbing practices:

- The officer “pretty much” asked for the person’s SSN every time he stopped someone because “it is an identifier.”
- The officer didn’t tell the person that he/she had an option to refuse.
- Those stopped gave him their SSN most of the time (he estimated compliance between 85 and 90% of the time).
- The officer is convinced that people give him the information without questioning its legality because he is “a cop in uniform.”
- The officer had no training regarding the collection or use of social security numbers and the privacy issues involved.
- The officer, in his entire career, had never used a SSN to identify someone.
- About 10,000 people “voluntarily” give their SSN’s to Seguin police each year.

Mr. Tomblin who filed (with TCRP) a civil rights lawsuit against the City of Seguin and the officer in question, said that “the purpose of this lawsuit is to challenge the growing use of social security numbers for purposes of identification by government agencies, especially under the threat of arrest, and identity theft.”

“Lucky” Tomblin is just one of thousands of citizens who have found themselves in this or a similar, situation. If you ever find yourself being asked by an officer of the law for your social security number, keep this in mind:

Social Security numbers are protected as private information under the Federal Constitution, Texas Constitution and Texas Common Law. Social Security numbers may not, under any circumstances, be used as universal identifiers.

AMY'S CORNER: Luling, Pflugerville and the September Conference

LULING ISD:

In the last edition of our newsletter, you may recall an article about the Luling Independent School District and Title IX violations surrounding two students' pregnancies. As a result of that case, Luling ISD did in fact change and/or amend several of its policies and procedures, but apparently, though the district "served the time," it never really understood the crime, as it were.

As you may have guessed by now, Luling ISD is back in the spotlight, at least where TCRP's Title IX expert, attorney Amy Magee, is concerned.

Kimball v. Luling ISD, a case filed against both the Luling Independent School District and former Assistant Principal Gerald Garrett, alleges sexual harassment (gender stereotyping), assault, intentional infliction of emotional distress and grossly negligent hiring, training, supervision and retention. Here is a brief recap of the history of the case:

In April 2002, the plaintiffs' two sons and their friend were caught "horsing around" in an empty shop classroom by a teacher at the local middle school. The boys were immediately sent to Assistant Principal Garrett for disciplining. Interestingly, Garrett had a history of problems associated with student disciplining. The school's principal, Garrett's supervisor, had similar problems, allegedly sending at least one student to the hospital as a result of severe corporal punishment (which was not outlawed in the district until November 2002, subsequent to the filing of this case).

Upon arriving in Garrett's office, Garrett sat the boys down and accused them of being gay and of participating in homosexual activities in the shop classroom. The boys ultimately convinced Garrett to hold off on "punishment" until the following Monday, in the hopes that he would cool off. Unfortunately, however, the gender stereotyping, in violation of Title IX, that had just occurred would be the least detrimental of the violations that would follow.

The second meeting, at first, proved much like the former, complete with name-calling and more gender stereotyping, but when Garrett introduced a coach, two knives and a forced reenactment, an already horrific situation turned potentially life-threatening and out of control. Garrett called Luling coach Tim Richter into the second meeting to serve as the required witness for corporal punishment. The boys, already scared, confused and mortified about the allegations, became fearful for their lives when Garrett retrieved a confiscated butterfly knife from his desk, then handed Richter another knife, both allegedly brandished as a scare tactic, while Garrett then turned the office lights out and forced the boys to reenact their horseplay earlier in the shop classroom.

As a result of these criminal atrocities, two of the boys transferred schools, and their grades and social skills suffered immeasurably. They quit their sports teams as whispers of homosexuality floated down the school corridors. The boys were traumatized.

Having read this case history, you are most likely furious with the crimes committed by Assistant Principal

Garrett and sidekick, Coach Richter. But you haven't yet heard the Luling ISD School Board's reactions to the situation.

The Luling School Board must really have communicated the severity of the situation to Garrett when they awarded him an all-expense paid summer suspension packet- a small price to pay for ruining the schooling (both socially and academically) of three young boys!

Only after Garrett admitted under oath, during the

Asst. Principal Garrett admitted under oath that he had brandished the knife in order to "get the boys to like girls."

criminal trial on the matter, that he had brandished the knife in order to "get the boys to like girls," and only after Garrett was convicted of possession of a prohibited weapon, was he actually fired from the district.

The plaintiffs are seeking an injunction requiring the district to cease its sexually discriminatory practices as well as damages to compensate their sons for their suffering and continuing educational and psychological problems.

Hopefully, as a result of this lawsuit, future students will not undergo the discrimination and abusive conduct these boys have had to face.

PFLUGERVILLE ISD:

Amy Magee is also hard at work on administrative grievance proceedings filed in the Pflugerville ISD in which a young, Hispanic student was pulled out of his regular classes and thrown into the school's Alternative Education Program (AEP) on the grounds that he "appeared to be" under the influence of some sort of drug.

State law requires that students actually be *found* under the influence to be placed in AEP. Despite two different drug tests, one administered by the school nurse and a second by the plaintiff's family doctor, both of which were negative for any kind of narcotics, the student was sentenced to remain in AEP until one week before his regular classes' final exams.

As the AEP's syllabus does not at all reflect the work and/or priorities of the student's regular classes, he faces the serious risk of failing his semester, and consequently, being held back from high school while he is forced to repeat the eighth grade.

CLASSROOM GENDER EQUITY CONFERENCE:

Finally, on the Community Education front, Amy is planning and coordinating a statewide Legislative Conference, tentatively scheduled for September of 2003.

shops, panels, and general information sessions on Title IX issues including sexual harassment in schools, drop outs, grade repetition, testing and assessments, athletics programs, vocational education, parental involvement, student discipline, same-sex education, special education and textbooks/curriculum additions.

For more information about Title IX, the Conference, or Amy's audience-tailored educational programs on gender equity in the classroom, please contact her at TCRP (512) 474-5073.

CHECK OUT TCRP'S NEW DIGS!!!

As many of you may now know, TCRP has moved!!! We officially moved into our new building at 1405 Montopolis Drive in early March. The building, complete with an entire acre of land behind us for parking and festivities, has more than three times the amount of space we had in our house on MLK. After hours of painting, sanding, staining, building and moving, the place looks amazing.

Many thanks to all of those who helped with the move, donated furniture and equipment, made donations to our Capital Campaign fund, and especially to those who have supported and believed in our organization over the years. We could not have done this without you.

Finally, thank you again to our terrific architects, Letisia Cantú-McGarrahan and Ed McGarrahan for your vision and your tremendous work. We appreciate it !

PLEASE COME BY AND SIGN YOUR NAME ON THE CENTER'S MEMORIAL WALL!

The Michael Tigar Human Rights Center was made possible through the generosity of the Reaud Charitable Foundation.

New Michael Tigar Human Rights Center Establishes Council of Advisors

TCRP is establishing a special advisory council for the new Michael Tigar Human Rights Center. We have been fortunate in recruiting an impressive group of community leaders to serve on our council. In the next several issues, we would like to introduce to you, our new council members.



Michael Tigar

For over 30 years, Michael Tigar has been a vigorous and respected advocate of civil rights. Known for his mesmerizing courtroom presence and peerless trial preparation, Michael Tigar has represented diverse and notable people including Angela Davis and Terry Nichols.

He is a professor at American University's Washington College of Law, where he teaches human rights law and works with students on international human rights cases. We chose to name our new Human Rights Center after Mr. Tigar in honor of his unfaltering devotion to upholding civil rights and social justice.



Frank Newton

Frank Newton is the Executive Director of the Beaumont Foundation of America, a non-profit corporation that provides computers to other nonprofits. Formerly the Dean of Texas Tech University Law School, during his time there, Mr. Newton developed a major endowment program, as well as several international programs. Mr. Newton is a true philanthropist, volunteering with such groups as the Waco Independent School District and the Boy Scouts of America, just to name a few. Mr. Newton supports our work as well, commenting: "Our Texas legal system is better because we have the TCRP. With its new facilities, it will be even better."

Jon Reaud

Jon Reaud is the Executive Director of the Reaud Family Foundation in Beaumont, Texas. Jon's reputation as a tireless worker for his community is well-deserved. He serves on the boards of several charitable foundations such as the 100 Club for Police Officers, the Cerebral Palsy Foundation, and the Salvation Army. It was the Reaud Family Foundation's generosity that ultimately made our new Human Rights Center possible, and we are honored that Jon has agreed to serve on our Council of Advisors. When questioned about his involvement with TCRP, Jon said, "Jim Harrington and his staff provide a unique service for the citizens of Texas. Promoting equal access to justice is an important cause, and I'm happy to support the work of the Michael Tigar Center."

TCRP Welcomes New Staff Members...

JOY AUTHUR came to us last Spring to help with the 12th Annual Bill of Rights Dinner. Early this year, she joined us in the Development Office, just in time to help with our new Michael Tigar Human Rights Center. Joy is working on a second undergraduate degree in Public Relations at the University of Texas at Austin. Before TCRP, Joy worked for the Texas Legislature's Speaker of the House. Welcome back, Joy!!!

BETH HUDDLESTON came to TCRP in November of last year to offer her services as a full-time volunteer paralegal. A strong believer in protecting every individual's civil rights, Beth is thrilled to be working with the staff at TCRP, and is thankful for the opportunity to experience first-hand how staff members' hard work benefits the community. Beth assists the attorneys in a wide variety of projects, including tracking important civil-rights-related legislation, investigating and developing cases, and preparing for trials. She plans to put her experiences at TCRP to good use as she begins law school at the University of Miami in August. Thanks, Beth, we will miss you tremendously when you go!!!

WELCOME, NEW INTERNS & VOLUNTEERS

GIOVANNA COLSON-BASURTO is a senior at the University of Texas at Austin. A Public Relations and Radio-Television-Film major, Giovanna has a passion for both Latin American Studies and non-profit work. Last semester, Giovanna interned with the Make-A-Wish Foundation and continues to volunteer with the organization as a Wish-Granter. Giovanna has been interning with the Development Department this semester and is enjoying writing, editing, researching, event planning and developing grant-writing skills. Thanks, Giovanna, for all of your hard work!

MARISOL TREVIÑO, an audacious, aspiring lawyer, came to us in January to volunteer with TCRP several hours per week. Marisol, an amazing violist, writer, editor and researcher, helped out tremendously with both our Bill of Rights Dinner invitations and with the planning and coordination of our very successful Open House and Dedication Ceremony for the new Michael Tigar Human Rights Center. Currently, Marisol is performing throughout Texas as she awaits admission to law school. Thanks, Marisol!!!!

KATIE WALTERS, a bright, ambitious junior at Dartmouth College in New Hampshire, spent an entire scholastic quarter interning with TCRP. Katie not only assisted in the Development Department with event coordination, grant research and writing and the like, she also made her way into the legal arena, working with TCRP's staff lawyers on legal research, brief writing and even trial preparation. Katie's enthusiasm for and dedication to TCRP's work and La Causa, amazed the staff and brightened the working atmosphere

exponentially! Katie was a true gem, her work invaluable, and she is missed greatly at the organization. Thanks Katie for all of your work and good luck on your senior year!!!

KEN HASHIMOTO came to TCRP in August 2002, just as he was beginning the application process for law school. He says: "Over the last eight months, I have gained so much more than just experience. Volunteering at TCRP, collaborating with a dynamic group of intelligent, passionate individuals, has been immensely rewarding. The greatest thing I've realized is that people work at TCRP for one reason, and that is to *act*: to reach out to the poor and powerless, to achieve systemic change, to make positive contributions to our community. With so much more to learn as I prepare for my first year of law at Texas Tech University, I couldn't ask for better role models. I am indebted to Jim for giving me this opportunity." And we are indebted to you for your tremendous work here. Thanks, Ken, and good luck in law school! We'll keep a desk open for your return to us as a lawyer.

WELCOME TO OUR NEW LAW CLERKS

Brendan Crimmins, a third year law student and *Grand Chancellor* at the University of Texas School of Law, has joined our Law Clerk Program. During his final semester of law school, Brendan volunteered several hours every week with TCRP, primarily working with complaint drafting in some of our Americans with Disabilities Act (ADA) cases. Brendan has enjoyed working at TCRP, an experience which he feels provided him with an opportunity to use his legal skills

...And Bids a Fond Farewell to Departing

KIRK HOFFMAN, who worked with TCRP in the early '90's and rejoined the staff for one more great year, said farewell to TCRP this Spring. Kirk, who was instrumental in the production of our first Human Rights Report on the Criminal Justice System in Palestine, Texas, helped over the past year with everything from investigative work on cases to event planning and coordination to administrative assistance. Kirk has decided to go find out what his next great venture in life will be, and we wish him all the best.

Thanks, Kirk, for years of dedication and commitment, and the best to you in all of your future endeavors!!!

Grand Opening of the new Michael Tigar Human Rights Center, a Tremendous Success!!



On March 29, dignitaries, friends and supporters of the political and civil rights world came together to celebrate both César Chávez' birthday and the grand opening of TCRP's new building, The Michael Tigar Human Rights Center. Among the politicians in the crowd were former Lt. Governor Ben Barnes; Judges Wilford Flowers, Bob Perkins, Bea Ann Smith, Jan Patterson, Patrick Higginbotham, Thomas Reavely, Lora Livingston, and Bill Wilson; State Representatives Elliott Naishtat and Eddie Rodriguez; and Travis County Judge Sam Biscoe. Introducing Mr. Tigar was Texas' own Molly Ivins.

Michael Tigar gave a stirring speech in both Spanish and English, thanking Wayne Reaud and the Reaud Family Foundation for their generous contribution, without which the new Center would not have been possible. Raffle prizes, mariachis, and Mexican food contributed to the festive atmosphere. A wonderful time was had by all.

The staff of the Texas Civil Rights Project would like to thank everyone who showed their support both in coming, writing letters and donating to the ceremony. We are continually reminded of what an amazing, dedicated group of supporters and friends we have, and we are so grateful.

Special thanks to everyone who sponsored the event: Las Manitas Avenue Café, Central Market/HEB, Randalls, Live Oak B&B, Aquarelle, Flemings, P.F. Chang's, The Game Store, The Austin Flower Shop, Club DeVille, Mariachi Jalisco, Four Seasons Hotel, and El Sol y La Luna Restaurant.

If you haven't already, please come by, visit, and sign our memorial *Friends of Civil Rights Wall*!



The United Nations Building in New York

Former TCRP Law Clerks, Honored!

Hope Williams and Yonit Sharaby, two of TCRP's law clerks from last semester's program, have been honored with sponsorships by the University of Texas School of Law, to serve as interns with the United Nations Tribunal, assisting on trials involving genocide in Rwanda.

This is a crucially important undertaking by the United Nations, in terms of vindicating international human rights, and the fact that two of our own law clerks were nominated to

SHERI'S CORNER: APD, CPS and Amicus Briefs!

Sheri Joy Nasya Tolliver, who came to us as a full-time pro-bono attorney last year, has been incredibly busy! Between assisting on *Elendu v. City of Austin*, a tragic case about Sophia King, a mentally ill African American woman who was brutally shot to death by Austin Police Officer John Coffey, helping sell our old TCRP location as we moved into our new space, working on several of her own cases and helping to develop a new Children's Advocacy Project with TCRP, Sheri has been working around the clock!

In re: Child Protective Services (CPS)

In *In re: CPS*, TCRP's Sheri Tolliver is suing Child Protective Services for violating the privacy rights of those who have reported instances of child abuse. Texas law mandates that anyone who witnesses child abuse must report it or face Class B misdemeanor/criminal penalties.

Texas law also protects the privacy of people who have reported child abuse, specifically prohibiting CPS from releasing or making public the names of those who have reported the abuse. In this case, that confidentiality right was violated.

While performing secondary education research at an elementary school, the plaintiff in this case, a scholar, witnessed a teacher shake a student with Downs Syndrome.

The plaintiff, upon reporting the abuse, stressed it was imperative that her identity remain anonymous both for personal and professional reasons. Professionally, it was important that the plaintiff preserve her good working relationships with the schools where much of her research was performed. But, while she was promised, in accordance with Texas law no less, that

her identity would not be disclosed, ultimately, it was.

In this case, the plaintiff is alleging that the disclosure of her name has resulted in numerous adverse effects in her personal and professional lives, and she is suing CPS for the violation of her privacy rights.

It is important to note that this is not the first time that CPS has violated confidentiality requirements. When asked about the case, Sheri said "*CPS' pattern of violating the confidentiality requirements of the law jeopardizes the well-being and safety of the very children it is trying to protect, by decreasing people's willingness to contact CPS when they do witness child abuse. We hope that this suit will encourage CPS to take seriously its obligation to safeguard the identity of people who come forward, so that the children who are subjected to abuse are identified and protected.*"

In addition to her work on this case, Sheri has taken over *Tomblin v. City of Seguin* (see cover), and is developing two new programs that she hopes to implement at TCRP, an *Amicus Brief Project* and *R.E.L.A.T.E.*, a new Children's Advocacy Program, whose acronym describes each service involved: *Realize, Educate, Litigate, Advocate, Treat and Empower.*

This program will focus on the emotional, psychological and physical abuse of children with disabilities, and will work with educators, guardians, administrators, foster care families, social workers and shelters to ensure the victims' safety, discontinued abuse, physical and psychological recovery from the abuse and education of those working with the victims, both in the home and at school.

WAYNE'S CORNER: AA, Burger King & Six Flags

Wayne Krause, prominent, young TCRP staff attorney, is working all hours of the night on his cases, the recruiting of our new summer law clerks, and preparing for *13 for 13*, this summer's annual Americans with Disabilities Act (ADA) campaign in San Antonio and its sister campaign in Houston.

Ahmed v. American Airlines

Mohammed Ali Ahmed v. American Airlines, a fascinating post-September 11th racial profiling case, is still hot on the docket. You may remember this case from our Fall newsletter. Ahmed, a contract analyst and frequent flier traveling with his three small children, was taken off an American Airlines flight from Austin to Chicago, as the pilot refused to fly the plane after seeing his last name on the passenger list.

After announcing that TCRP would be suing American Airlines under the 1964 Civil Rights Act for false detention, American Airlines recently made a motion for summary judgment, which is basically a motion to dismiss the case without having to enumerate the reasons to TCRP. The Department of Justice actually intervened (on American Airlines' behalf) and is claiming that all evidence being concealed by

American Airlines is in fact "sensitive security information" and cannot be revealed to TCRP. The United States Transportation Security Administration issued an order to keep this evidence undisclosed and, in response, TCRP has just appealed that order. The appeal was made to the D.C. Circuit Court of Appeals, one court shy of the U.S. Supreme Court.

Wayne is also litigating ADA cases against both Burger King in El Paso and Six Flags Theme Park in San Antonio. In both instances, the facilities failed to make their entrances and rides, respectively, accessible to persons with disabilities. Finally, Wayne is busy settling a number of ADA cases from last summer's campaign.



About 30 people protested the lack of a wheelchair-accessible entrance to the Burger King in Downtown El Paso. The protestors said they have asked for a ramp

TCRP Fan Mail!!!

*Mr. James C. Harrington
C/o Michael Tigar Human Rights Center
1405 Montopolis Drive
Austin, TX 78741-3438*

Dear Mr. Harrington:

Cathi and I were honored to be a part of this great dedication. Just being around people like you and your staff who are so dedicated to the idea of justice and equal opportunity gives one a booster shot—a much needed booster shot. Some wise person once remarked “It’s not that English Judges are bad, they just get used to things.”

It is entirely fitting and proper that a center such as yours be named for a singular champion of the little folks, Mike Tigar.

Our hats are off to you and your staff—you have our every good wish!

Cordially,

*Bill Wilson
U.S. District Judge, Arkansas*

Jim Speaks in Jarvis...

In April, TCRP Director Jim Harrington was invited to speak at the annual Public Policy Forum at Jarvis Christian College, one of Texas’ historically Black Colleges and Universities. Jim discussed the Patriot Act and its adverse affects on the Bill of Rights.

News From Down South...

Our South Texas Project in the Rio Grande Valley, staffed by J. Oscar Ramirez, Director/Attorney; Moira Kenny, Paralegal; and Jaime Ortiz, Legal Assistant/Office Manager; continues its hard work on behalf of farm workers and low-income communities.

Recently, two of our staff members, Oscar and Jaime, had the great opportunity to become trained as mediators in Houston. Oscar is researching ways to implement and provide this service as an extension of our current services to STP clients.

Additionally, we settled and closed three cases this quarter

and are currently involved in about a dozen open cases that deal with ADA violations, police misconduct, employment, and property-related issues.

We have also initiated our own Americans with Disabilities Act (ADA) campaign along with our partner VAIL (Valley Association for Independent Living).

The South Texas’ Violence Against Women Act (VAWA) Project continues its unbroken string of successes. Through this program, abused undocumented women seek assistance and are no longer forced to remain silent. Under the VAWA Project, undocumented women, abused by either a US citizen or legal permanent resident spouse, with our assistance, can self-petition for protection under immigration laws.

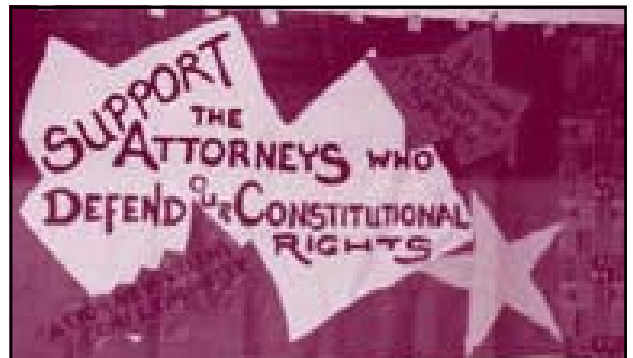
Unfortunately, without assistance, the pain from abuse and fear of deportation keeps these women from reporting their abusive husbands to the proper authorities. Many of these women have been putting up with abuse for years.

We were recently very excited when our youngest VAWA client received her Deferral of Deportation. She is only 18 years old! We are currently in the process of petitioning for two more work authorization cards giving these women a new lease on life and control over their own futures. An additional four or five self petitions are in the system, and we are awaiting word of their status.

Last, our remaining VAWA clients are in the process of obtaining all of the documents required under the program. We are very proud of the VAWA work we are involved in, and grateful that our efforts bring such joy and relief to these deserving, battered women.

South Texas Project’s Colonia Property Rights Project continues to impact colonia residents as we are constantly informing and educating colonia residents of their property rights. We are well aware that there are still unscrupulous developers that are looking for a chance to take advantage of our folks. Thanks to better communication between county officials and the United Farm Workers/La Union Del Pueblo Entero and our South Texas Project, colonia families now know how and where to check for a deed to their land.

The South Texas Project and Texas Rural Legal Aid are working together with the City of McAllen to resolve continuing issues (water, sewer, platting, and deeds) at Colonia Treviño.

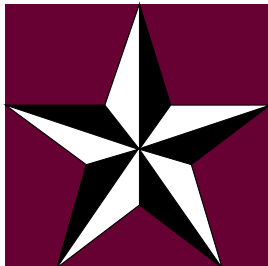


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The Board of Directors and
All the Staff, Law Clerks & Interns
of the
Texas Civil Rights Project

Kindly Thank You for Your
Continued Support Of Our
Important Work

TCRP LAW CLERKS

Chitra Nagarajan came to TCRP as a third year exchange student from United Kingdom She is working as a law clerk with TCRP this semester and thrilled to be here! She says, "I have always been a fervent believer in civil and human rights and wanted to be able to experience the opportunities for redress provided by the American legal system." Thanks, Chitra, for your great work!

Sujata Ajmera is 2L at the University of Texas at Austin School of Law who hopes, ultimately, to work in public interest law. Sujata feels that volunteering her time at the Texas Civil Rights Project is the best way to not only gain valuable legal experience but also learn more about what she can do as a future lawyer to make a substantive difference in society. Thanks, Sujata, for your hard work and dedication to TCRP!

Twiggy Duong is a 3L at the University of Texas School of Law who will graduate in May 2004. Twiggy's main areas of interest are immigration and criminal law, and she hopes to work in the public interest sector, upon graduation. Twiggy is clerking for the Texas Civil Rights Project to learn more about civil rights litigation, and is doing a fabulous job! Thanks, Twiggy!

Ilian Rashtanov, a 3L at the University of Texas at Austin School of Law came to Austin from Houston, after working for several years at NASA, training astronauts! Originally from Bulgaria, he came to the United States with his family in search of better opportunities and decided that a career in public interest law was the best way in which to offer those same opportunities to the disadvantaged and underrepresented members of American society. Thanks, Ilian, for your hard work!