

2011 Legislative Agenda

The ACLU of Arizona hopes to make a dynamic debut at the Arizona Capitol next January. With the hiring of its first full-time lobbyist, Public Policy Director Anjali Abraham, we are eager to become a consistent and respected presence at the Arizona Legislature.



Anjali Abraham In the next session, we will introduce a bill designed to improve the treatment of pregnant inmates in Arizona's correctional facilities. The bill would significantly limit the use of shackles on pregnant inmates. The practice of shackling during labor, delivery, the post-delivery period, and transportation jeopardizes the health and safety of pregnant inmates and their unborn children. There needs to be a meaningful standard so shackling is used only in true public safety emergencies. Currently, the discretion to shackle lies largely with corrections officers in individual settings.

Several troublesome bills emerged from the last legislative session. These include the well-known SB

1070 and the so-called "parents' bill of rights," a bill that could further muddle the already blurred line between church and state and make it harder for LGBT youth to exercise their First Amendment rights of free speech and freedom of assembly. Both bills were signed into law, and many other failed bills from previous legislative sessions will likely stage a return to the Capitol in 2011. Among those failed bills: one that would require educators to determine the citizenship status of their students – a violation of the 14th Amendment to the U.S. Constitution and Supreme Court precedent – and one that would give legal preference to married couples looking to adopt a child. Several lawmakers have already outlined plans to whittle down the 14th Amendment by limiting "birthright citizenship" to only U.S.-born children whose parents were legal residents of the U.S. at the time of birth. This interpretation of the 14th Amendment is belied by the plain language of the amendment itself and represents an extraordinary assault on the U.S. Constitution.

With the results of the November 2nd election, civil liberties will remain under threat in Arizona. The ACLU-AZ is committed to fighting attacks on civil liberties at the Legislature and in other policy-making venues.

ACLU of Arizona Immigrant Rights Advocate, Victoria Lopez, spoke about the issues and problems with immigrant detention on October 28 at Arizona State University. The event presented *Letters to a Detainee*, a multimedia project that explores the experiences of Arizonans impacted by immigration detention. Lindsay Marshall, executive director of the Florence Immigrant and Refugee Rights Project spoke about detention and the immigration courts system as well.

L-R: Lindsay Marshall, Melissa Mundt, *Letters to a Detainee* Project Coordinator, Victoria Lopez, and Laura Belous, Florence Project Fellow and *Letters to a Detainee* Project Coordinator.



Banned Books Week

On September 25, more than 100 people gathered at Madcap Theatre in Tempe for a special screening of *Monty Python's Life of Brian* to kick off Banned Books week. The ACLU of Arizona teamed up with Bookman's for a free screening of the controversial film, whose depictions of organized religion have sparked controversy for more than thirty years, to highlight the importance of free speech and the constant threat of censorship. Michael Lacey, cofounder of the *New Times* opened the event by reminding the audience of the importance of free speech, free expression, and a free press. His humorous and captivating speech outlined the role party politics played in the history of media censorship, from comic books to video games, local and national threats to free speech.



Michael Lacey, cofounder of *New Times*, refers to the internet as the next battleground for the fight for free speech. Photo by Bette Sharpe, *Glendale Daily Planet*.

ASU Civil Rights Club

On October 26, the ASU Civil Rights Club, a university chapter of the ACLU of Arizona, hosted a *Know Your Rights* event on the Tempe campus. More than thirty college students eagerly asked questions about alcohol, dorm rooms, biking, and warrantless searches. Commander Jim Hardina of the ASU Campus Police Department provided students with examples of common interactions with police officers on and off campus and information on how to file a complaint against an officer. ACLU of Arizona staff attorney Annie Lai answered students' questions about when and if they must comply with police requests and when they could exercise their right to remain silent. Students left with a clearer understanding of their rights on and off campus when they encounter law enforcement, and were equipped with resources to protect and defend those rights.

Civil Liberties in Arizona



★ Standing Up for Freedom ★

Winter 2010
Volume 39
Issue 4



Governor Jan Brewer, Tom Horne and Ken Bennett on election night. Photo by James King, *Phoenix New Times*.

SB 1070 was the biggest national story of 2010 and the intensified focus on immigration issues clearly influenced the high-stakes midterm elections to determine who would control Congress. Elections, referendums, and court decisions all affected our civil liberties this year. Consequently, the challenges and opportunities of the coming year are even more important.

Governor Jan Brewer's popularity surged after she signed SB 1070 last spring, and that popularity carried her to her first full term as elected governor. Brewer won 55 percent of the vote to defeat Democrat Terry Goddard's 42 percent. In fact, Arizona Republicans swept all major statewide offices, including Attorney General, Secretary of State, State Treasurer, and Superintendent of Public Instruction. SB 1070 no doubt played a significant role in at least some of these races. The GOP also picked up seats in the state Legislature. Republicans will have at least 21 seats in the 30-member Senate and at least 37 seats in the 60-member House of Representatives. Many legislative candidates campaigned heavily on their support for SB 1070 and a "no amnesty" approach to immigration.

An Overview of Civil Liberties in the Wake of Midterm Elections

under new leadership next year and several new governors and legislators will take the helm in their respective states. While the outcomes of some of these races should cause dismay for those who care about civil liberties, there were some successes worth championing. There were, for example, notable victories for openly LGBT lawmakers in Congress. Barney Frank (MA), Tammy Baldwin (WI), and Jared Polis (C) all survived their re-election bids. And David Cicilline, who is openly gay, won a congressional seat in Rhode Island's First District. Likewise, some candidates who resorted to fear-mongering and appealing to prejudice failed to win the big prize. Carl Paladino, who sent blatantly racist emails to friends and made outlandish and rather bizarre comments about gay people, was trounced by his opponent, Andrew

Cuomo, in New York's gubernatorial race. Additionally, Sharron Angle, whose campaign aired commercials designed to mine fear of and hatred toward Latinos, lost her bid to unseat Harry Reid in Nevada.

Although the midterm elections of 2010 are now complete, voters will get little reprieve from the contentious electioneering of the last several months. The 2010 election is over, but the race for 2012 has now begun. And for the first time in our 50-year history, the ACLU of Arizona will have a consistent presence at the Arizona State Legislature. I welcome your questions and comments. Please feel free to contact me anytime at Aabraham@acluaz.org.

Anjali Abraham, Director of Public Policy

You're Invited

Holiday Open House at the new ACLU of Arizona Offices

Please help us celebrate our move into our new offices

*Sunday, December 5th
5:30 pm to 7:00 pm*

*3707 North 7th Street
Suite 235
Phoenix, 85014*

Meet our board, staff and other ACLU of Arizona members

Hors d'oeuvres and refreshments will be served

Please RSVP to Lindsay Nordstrom at: nordstrom@acluaz.org or 602-650-1854 x105

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UNITED STATES POSTAL SERVICE (All Periodicals Publications Except Requester Publications)

1. Publication Title: **Civil Liberties in Arizona** 2. Issue Date: **9/29/2010**

3. Frequency: **Quarterly** 4. Number of Issues Published Annually: **4** 5. Annual Subscription Price: **20.00**

6. Complete Mailing Address of Known Office of Publication (Not printer) (Street, city, county, state, and ZIP+4):
3707 N 7th Street Ste. 235 Phoenix, AZ 85014

7. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer):
Same as 6 above.

8. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blank):
Publisher (Name and complete mailing address):
ACLU of Arizona 3707 N. 7th Street Ste. 235 Phoenix, AZ 85014
Editor (Name and complete mailing address):
Lindsay Nordstrom Same as above
Managing Editor (Name and complete mailing address):
Alessandra Soter Meeche Same as above

9. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of all individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)
Full Name: **ACLU of Arizona** Complete Mailing Address: **3707 N 7th Street Ste. 235 Phoenix, AZ 85014**

10. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box: None

11. Publication Title: **Civil Liberties in Arizona** 12. Issue Date: **9/29/2010**

13. Signature and Title of Editor, Publisher, Business Manager, or Owner: **[Signature]** Date: **9/29/2010**

14. I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).

PS Form 3526, September 2009 (Page 2 of 2) (Instructions) Page 2 of 2 PSN 7530-01-000-9023 PRINTED IN THE USA See www.usps.gov for more information.

13. Publication Title	14. Issue Date for Circulation Data Below		
Civil Liberties in Arizona	9/29/2010		
15. Extent and Nature of Circulation		Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date
a. Total Number of Copies (Net press run)		6700	6500
b. Paid Circulation (By Mail and Outside the Mail)			
1. Total Paid Circulation (Sum of 15b1, 15b2, and 15b3)		3409	3323
2. Paid Outside the Mail (Carriers, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS)		3143	2998
3. Paid Through the Mail (First-Class Mail® and Other Paid Classes of Mail)		—	—
4. Total Paid Circulation (Sum of 15b1, 15b2, and 15b3)		6552	6321
c. Free or Nominal Rate Circulation (By Mail and Outside the Mail)			
1. Free or Nominal Rate Outside the Mail (Carriers or other means)		8	7
2. Free or Nominal Rate Through the Mail (First-Class Mail® and Other Paid Classes of Mail)		53	13
3. Total Free or Nominal Rate Circulation (Sum of 15c1, 15c2, and 15c3)		61	20
4. Total Circulation (Sum of 15a and 15d)		6691	6341
5. Copies not Distributed (See Instructions to Publishers at page B3)		81	159
6. Total (Sum of 15b and 15e)		6700	6500
7. Payment of Postage (By Mail and Outside the Mail)		99.08	99.68
8. Publication of Statement of Ownership		<input checked="" type="checkbox"/> Publication is general publication; publication of this statement is required; will be printed in the Winter 2010 issue of this publication. <input type="checkbox"/> Publication not required.	
9. Signature and Title of Editor, Publisher, Business Manager, or Owner: [Signature] Date: 9/29/2010			

Phoenix, AZ
Periodicals
Postage Paid

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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. Please submit comments to lnordstrom@acluaz.org.

Postmaster send address changes to 3707 N. 7th Street, Suite 235, Phoenix AZ 85014.

Message from Board President Roberto Reveles



This past year has been a year of incredible civil liberties challenges in my home state of Arizona. As a native-born son of Mexican immigrants, I've experienced both embarrassment and exhilaration as fellow Arizonans have reacted to a series of public policies that can only be interpreted as, at minimum, marginalizing and, at worst, demonizing the immigrant community from which I come.

Emboldened by a wave of support for proposals to "secure the border" and "stop the invasion," far-right legislative leaders and a supportive governor succeeded in enacting extreme measures aimed at, among other things, removal of ethnic studies from public schools, firing of teachers whose non-native English speech traits targeted them as unqualified to be in the classroom, and culminated in enactment of SB 1070, the most extreme racial-profiling law in the country.

Apprehension grew to near-panic levels as immigrants wrestled with the question of whether they should pick up and leave Arizona or simply hunker down and slip further into home-bound isolation. For some of us it was excruciating to get calls from trusting immigrants asking for advice on what to do. And the most frequent question was whether our legal system would allow such a law to prevail.

The embarrassment of trying to explain that these mean-spirited laws didn't really reflect Arizonans' values, for me turned into a

challenge of committing to work even harder in support of the civil liberties of this vulnerable community.

I'm grateful that my sense of community service led me to active involvement with the ACLU. The ACLU's unrestrained commitment to defending Arizonans against the insidious racial profiling inherent in SB 1070 has been one of the most exhilarating and uplifting experiences of my lifetime. Decades ago, I participated in marches for civil rights, for farm workers, and for peace in Vietnam. Today, I'm proud as I march and work in support of the immigrant community, and I'm invigorated knowing that the ACLU is taking the lead in defending the most vulnerable among us.

As I complete my first year as president, I readily recognize the tough work that lies ahead, but we stand ready. We are in a position of strength; strength of principle, strength in our staff and board leadership, and strengthened by friends and supporters like you. And so I ask you today to make a year-end gift to directly support the programs and services of the ACLU Foundation of Arizona. I've asked this of you before, I know; but we will never have this opportunity again to fundamentally change the landscape of civil liberties in Arizona.

Thank you for your generous consideration. I know we can count on your support.

Roberto Reveles
President, Board of Directors

Update From the Desk of Staff Attorney Annie Lai



SB 1070 Litigation

On November 1, the Ninth Circuit heard oral arguments in Arizona's appeal of a preliminary injunction issued by a federal court in the United States' lawsuit challenging SB 1070. The hearing was broadcast live on CSPAN and shown at law schools around the country. The Court's decision will have implications not only for Arizona but for other states that are considering similar legislation. We filed

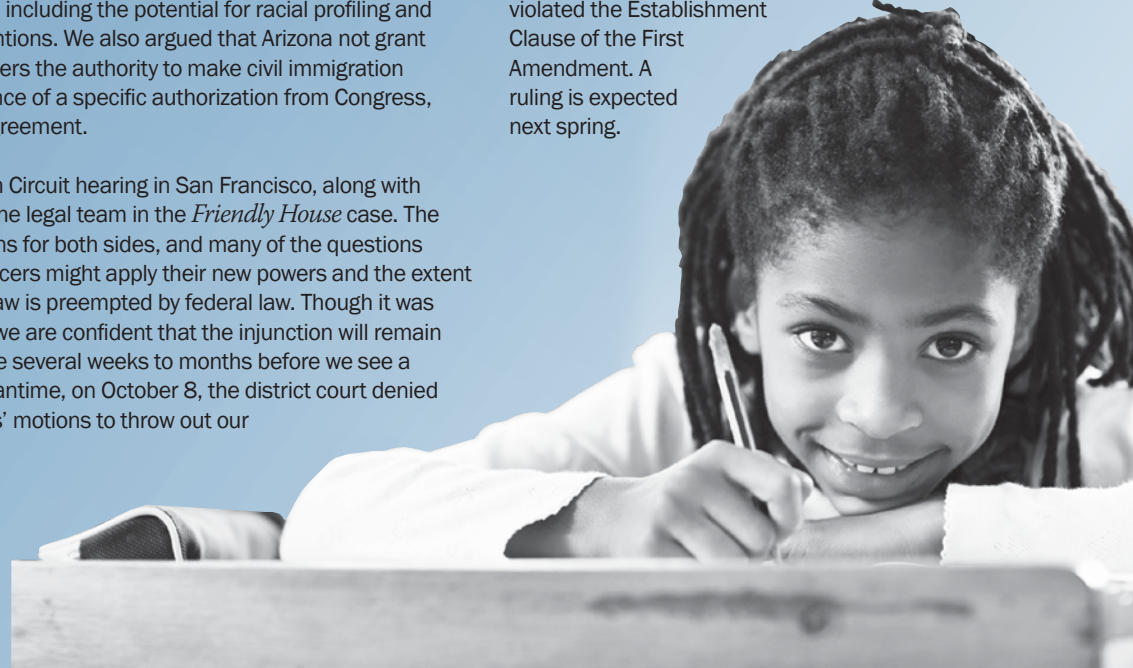
an amicus brief on behalf of the plaintiffs in the *Friendly House v. Whiting* case, which is the case the ACLU of Arizona and other civil rights groups brought in May. We felt it was important that the Court hear from individuals and community organizations in the state and not just government officials. Our brief describes the dangers of trying to implement the four provisions that were enjoined by the district court in July, including the potential for racial profiling and unreasonable detentions. We also argued that Arizona not grant state and local officers the authority to make civil immigration arrests in the absence of a specific authorization from Congress, such as a 287(g) agreement.

I attended the Ninth Circuit hearing in San Francisco, along with other members of the legal team in the *Friendly House* case. The judges had questions for both sides, and many of the questions focused on how officers might apply their new powers and the extent to which Arizona's law is preempted by federal law. Though it was a tough argument, we are confident that the injunction will remain intact. It will likely be several weeks to months before we see a decision. In the meantime, on October 8, the district court denied most of Defendants' motions to throw out our

claims in the *Friendly House* case. That decision breathed new life into our racial discrimination, First Amendment, Fourth Amendment, and procedural due process claims. We will be continuing the fight against SB 1070 until it is permanently enjoined.

Government Funding of Religious Schools

On November 3, the Supreme Court heard oral argument in *Garriott v. Winn*, a case that challenges the constitutionality of Arizona's individual tax credit program for private school tuition scholarships. In 2008, some \$55 million went to school tuition organizations (STOs) as a result of this program, many of which are religiously-affiliated and whose scholarships are restricted to private religious schools. The money could have instead gone to K-12 public schools when our public education system most needed it. The Supreme Court agreed to take the case after the Ninth Circuit found that the tax credit scheme potentially violated the Establishment Clause of the First Amendment. A ruling is expected next spring.



ACLU-AZ Members: Please Vote in the Board Election



The ballot lists 13 nominees for positions on the ACLU of Arizona Board of Directors. ACLU of Arizona By-Laws require that the board consist of at least 30 elected directors. The members are running for staggered terms (two for one-year terms, one for a two-year term and ten for three-year terms) based on the number of votes they receive. This is an uncontested election so all vacancies will be filled.

Please follow these instructions:

1. Two ballots are supplied – Voter A and Voter B – in case you have a joint membership.
2. Only current ACLU members who have paid their renewal dues in the last 18 months may vote.
3. Mark the space next to the name of each candidate you wish to elect. You may vote for one, several or all of the candidates. Your vote is confidential.
4. Clip and place the completed ballot in the envelope provided inside the newsletter. You may also use the envelope for a donation if you wish. For added privacy, first put your ballot inside a plain envelope, seal it and then place it inside the envelope that we have provided for you.
5. Please sign your name on the outside envelope. Affix postage and mail the ballot so that it is postmarked no later than Monday, December 27, 2010. Mail the completed ballot to: 2010 Board Elections Committee, ACLU of Arizona, P.O. Box 17148, Phoenix, AZ 85011.

For information, please contact Lindsay Nordstrom at (602) 650-1854 ext. 105.

ACLU of Arizona Board of Directors Ballot

Voter A

- | | |
|---|--|
| <input type="checkbox"/> Alice Bendheim | <input type="checkbox"/> Bob Meitz |
| <input type="checkbox"/> Elizabeth Enright | <input type="checkbox"/> Napoleon Pisano |
| <input type="checkbox"/> Carol Flaherty-Zonis | <input type="checkbox"/> Zenaido R. Quintana |
| <input type="checkbox"/> Rivko Knox | <input type="checkbox"/> Roberto A. Reveles |
| <input type="checkbox"/> Matt Korbeck | <input type="checkbox"/> Phillip Stevenson |
| <input type="checkbox"/> Jennifer L. Longdon | <input type="checkbox"/> Larry Trachtenberg |
| <input type="checkbox"/> Anne Mardick | |

Please check all nominees you wish to vote for. Results will be announced January 2011.

ACLU of Arizona Board of Directors Ballot

Voter B

- | | |
|---|--|
| <input type="checkbox"/> Alice Bendheim | <input type="checkbox"/> Bob Meitz |
| <input type="checkbox"/> Elizabeth Enright | <input type="checkbox"/> Napoleon Pisano |
| <input type="checkbox"/> Carol Flaherty-Zonis | <input type="checkbox"/> Zenaido R. Quintana |
| <input type="checkbox"/> Rivko Knox | <input type="checkbox"/> Roberto A. Reveles |
| <input type="checkbox"/> Matt Korbeck | <input type="checkbox"/> Phillip Stevenson |
| <input type="checkbox"/> Jennifer L. Longdon | <input type="checkbox"/> Larry Trachtenberg |
| <input type="checkbox"/> Anne Mardick | |

Please check all nominees you wish to vote for. Results will be announced January 2011.

Alice Bendheim

I have been a member of the ACLU since 1954, and of the Arizona affiliate since its beginning. I have been President, Secretary and Treasurer of the affiliate, and served on the National Board of Directors for many years. I was elected to the National Advisory Council in 2009. I have been a cooperating attorney, representing prisoners in a number of ACLU cases, and participating in free speech and reproductive freedom cases. I am a member of the Legal Panel and I am active in fund-raising. Because I believe the ACLU is the most important organization in the country, I'd like to continue to serve on the ACLU of Arizona Board.

Elizabeth Enright

I consider the ACLU to be the premier defender of individual civil liberties and a major force in creating a free, just and peaceful world. I am currently serving as a Board Vice President and am a financial contributor who is also an active member of the Development Committee. My career spans working for HUD where I investigated, determined and negotiated resolutions to discriminatory housing practices; it includes directing operations of a shelter for battered women and their children resulting in national recognition for developing innovative program content including the free provision of legal services provided by students of a local university's law school. I have also designed and launched a unique first time juvenile offenders sentencing program that all but eliminated repeat offences and ran an in-jail program for women inmates aimed at maintaining the parent-child bond during incarceration. I am an Ordained Interfaith Minister and Life Coach passionate about being a voice for the voiceless and ask for your vote to be able to continue in my role as an active contributor to the ACLU Board.

Carol Flaherty-Zonis

Carol works as a consultant for non-profit organizations, schools, corrections departments and law enforcement agencies, assisting them with topics ranging from conflict resolution and leadership development to strategic planning. In 2008, Carol volunteered to lead the ACLU of Arizona Board of Directors through two strategic planning sessions. She has served on numerous boards, and has a Master's Degree in American Civilization from the University of Pennsylvania and a Master's Degree in Social Work from the University of Houston. A longtime supporter, Carol has a passion for civil liberties and would like to help build a stronger ACLU in Arizona.

Rivko Knox

The ACLU is my 'primary' organization. Although I belong to many others, ACLU gets the majority of my money/time because I consider it the bedrock of this democracy. I joined in 1962; was an office volunteer; was active in the Central Chapter for years; joined the Affiliate Board; was President of the Board for eight years and currently am a Board secretary. As a non-attorney, I focus on fund-raising and the 'nitty gritty' of Board work chairing/serving on various committees. I'm a retired state employee who administered the state's CDBG program for over 20 years.

Matt Korbeck

Having now served for one term on the ACLU-AZ Board, I want to ask that you return me to the Board for another term. During my three years I've served on the Development, Finance and Executive Committees and worked several civil rights issues with our Executive Director and Congressmen. I believe that, as a former member of the US defense intelligence establishment, I bring particular knowledge and expertise to our consideration of First and Fourth Amendment protections. I want to continue to protect and defend our civil liberties as a member of the ACLU-AZ Board.

Jennifer L. Longdon

I learned social justice from my grandfather's business practices in 1960. He hired without regard to race or religion and paid equal wages to his black workers – unheard of in my town. While he recognized the equal rights of men, he was blind to his prejudices against women, LGBT, etc. His ability to see unfairness in racial issues versus his intolerance in other areas taught me that we must each be vigilant to our unexamined bias. Paralyzed by a gunshot wound, I experience firsthand this dichotomy and work to ensure everyone has a voice at the table of social justice.

Anne Mardick

Anne is a retired telecommunications professional with 27+ years experience in director-level positions at both Qwest and Sprint. She's led many large-scale efforts such as a federally-mandated \$500M/three-year project. She earned a BS in Business Administration (University of Phoenix) and an MS in Telecommunications (Golden Gate University). In her "activist" retirement, Anne focuses her energy and passion to securing equal rights and social justice. An ACLU member for over 15 years, she regularly volunteers for our local ACLU, immigrant rights groups and is the founder and president of the newly-formed Greater Phoenix Chapter of Americans United for Separation of Church and State.

Bob Meitz

I joined ACLU in 1965. Since 1982, I have served on the state board and the central chapter board with a few sabbaticals – six years as Central Chapter Chair, four as ACLU-AZ President and stretches as treasurer in the 1980s, 1990s and 2000s. I currently serve as one of three ACLU-AZ Secretaries. Our Constitution and Bill of Rights are in peril from shortsighted politicians, those who exploit fear and others who wish to impose their narrow views of a good society. The counterbalance to these threats is the ACLU's alert, active defense of liberty. I am proud to be one of those defenders and ask for your vote.

Napoleon Pisano

I had 26 years in the military (active and guard) as an enlisted and officer. I have worked for the Maricopa County Juvenile Court Center in various positions. I have taught adults, college level and secondary public school students. As the president/officer of a number of community-based organizations, I have had the privilege of leading efforts in addressing affirmative action, immigration, education and employment diversity concerns. My experience has taken me from a new business start-up to the successful establishment of an operation manual for a multi-state training program.

Zenaido R. Quintana

Zenaido Quintana, a native of Phoenix, Arizona, is a small business owner in Phoenix. He previously served as President of Hoffman and Associates and as a corporate officer and board member for major companies in the electronics, environmental and construction industries. He has served as corporate advisor to the Society of Hispanic Professional Engineers and as a member of the US Department of Commerce Environmental Export Advisory Committee. He studied Chemical Engineering at Arizona State University and is currently a member of the ACLU, Humanist Society of Greater Phoenix and the Greater Phoenix Chapter of Americans United for the Separation of Church and State.

Roberto A. Reveles

Defending the rights of immigrants was one of the founding principles of the ACLU and I'd like to be part of an organization that is actively working to challenge unconstitutional laws that violate not only the rights of immigrants, but the rights guaranteed to every man, woman and child in this country – regardless of whether they're U.S.-born or foreign-born. I'm the son of Mexican immigrants and was born in Miami, Arizona. I served as Government Affairs manager and vice president with Homestake Mining Company from 1980 through 1992. I devoted much of my career to public service, working as associate staff director for the U.S. House of Representatives Committee on Interior and Insular Affairs in Washington. Prior to that, I worked for Rep. Morris K. Udall in Washington from 1978 through 1980. I also served as special assistant to Rep. Morris Udall, Rep. George Senner and Rep. Stewart Udall from 1956 through 1969. Since retiring in 1992, I've been involved with various groups, including We Are America, the Arizona Hispanic Community Forum and the New Sanctuary Movement. I live in Gold Canyon, where I enjoy doing figurative and portraiture sculpting and middle distance running.

Phillip Stevenson

My interest in serving on the ACLU of Arizona's board of directors is driven by my strong support for the ACLU's mission and activities. Of special importance to me are efforts to address the unconstitutional policies and practices of Arizona's justice system. I have worked as a researcher and policy analyst for state criminal justice agencies for 13 years in Arizona and Illinois, and have been involved in system reform in the areas of racial inequity, juvenile detention and corrections, and ex-prisoner reentry. I believe that my work and life experiences and academic training gives me a skill set that could add value to the work of the ACLU of Arizona.

Larry Trachtenberg

Larry has served as a director of Mobile Mini, Inc. since 1995. He served as Mobile Mini's Executive Vice President, Chief Financial Officer, General Counsel, Secretary and Treasurer from 1995 until his retirement in 2008. He has also been a member of the Board of Trustees of the Arizona State Retirement System since 2003 where he serves on the Board's Investment Committee. He is a member of Lambda Legal's National Leadership Council. He received his J.D. from Harvard Law School in 1981 and his B.A. in Accounting/Economics from Queens College of the City University of New York in 1977. He is licensed as an attorney in Arizona and New York and as a CPA in New York.