

# COMMUNITY ALLIANCE

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## THE PATRIOT ACT

WHAT'S SO PATRIOTIC  
ABOUT TRAMPLING  
ON THE  
BILL OF RIGHTS?

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The **Community Alliance** is an independent voice for workers and progressive groups in the Central San Joaquin Valley. The goal of this monthly magazine is to build a powerful progressive movement that will support social, environmental, & economic justice, immigrant rights, and a living wage for all working people. We seek to expose social and political injustices, and to link the diverse network of activists working in our community.

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## FROM THE EDITOR

By Mike Rhodes

Welcome to the June 2003 issue of the Community Alliance magazine (1,500 copies). A primary focus of this month's issue is defending civil liberties and features articles and information about the Patriot Act I & II. We want to draw our readers attention to the community forum taking place on June 18. See page 6 for details.

Since the purpose of this magazine is to support and help build a progressive political movement in this area we see featuring critical events, like the Patriot Act forum, as a part of our mission. The articles in this publication are selected to encourage readers to work on peace, social, and economic justice issues.

But, did you know that some of the pages in this publication are paid for by community groups? These pages help subsidize this publication. They are: The Fresno Center for Nonviolence, Women's International League for Peace and Freedom, and the Fresno County Green Party page. Those groups have full editorial control over the content of their pages. These pages serve as the group's newsletter and the magazine is mailed to their members.

Our deadline for the July/August 2003 issue is June 15. If you have an article or calendar item for us, please send it to AllianceEditor@attbi.com. There will not be an August issue of the magazine.

*Correction: In last month's article MORE BLOOD FOR OIL: U.S. AID FOR COLOMBIA there was an error. The sentence should have said: "Democratic Representatives here in the Central Valley—Cal Dooley and Dennis Cardoza—were among the ten Democrats who voted for sending more military aid to Colombia."*



## LETTERS TO THE EDITOR

An AP news item carried by the Bee on April 25, 2003, contained an important piece of the puzzle that is the war in Iraq. The article by Mark Fritz was an obit for James Critchfield, dead at 86 of pancreatic cancer. Colonel Critchfield worked for the CIA and was infamous for bringing defeated Nazi officials into the American intelligence camp. Less well known but equally disturbing was the pivotal role he played in bringing the Ba'ath Socialist (fascist) Party into power. The Ba'ath Party was able to oppress all political opposition with the help of American intelligence, who provided a list of communist sympathizers targeted for torture and elimination. A ruthless killer named Saddam rose to power in 1979 by performing directed assassinations. Colonel Critchfield was quick to point out that any apparent Nazi sympathies were justified by the "Soviet threat" (a favorite CIA cover for decades of quasi-military misadventures). Colonel Critchfield was the key oil policy advisor to the CIA and later to the White House. The quintessential military/industrialist, he fronted Basic Resources (a CIA dummy company) and more currently was president of the Honeywell Inc. subsidiary Tetra Tech International, whose interests included oil, gas, water, and everything else that passed through the Strait of Hormuz. From his unique vantage point in Oman he oversaw the massive distribution of American military hardware in the Middle East. His legacy will affect world politics (to our detriment, I believe) for many more years.

These facts are indisputable, having been admitted to by Colonel Critchfield and the CIA. Much more of the truth remains, however, to be exposed. It matters little at this point if you supported the war in Iraq or not. You may likewise have little sympathy for the civilian populations (foreign and domestic) who are the victims of outright profiteering by the same military/industrialists that President Eisenhower warned us of in the 1950s. If you are not alarmed by the current erosion of our Constitution, you are simply not paying attention. It is up to every citizen now, to demand a full accounting of how terrorists of our own making become the object of endless war.

William T. Lundine  
Fresno Ca

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The mass media in the United States has carried the following story—for that is all it is, a story, a myth. This myth has been carried on all of the major media outlets in this country as if it were factual.

Secretary of State Colin Powell was supposedly asked by the Archbishop of Canterbury if American plans for Iraq were an example of President Bush's empire-building. To which Powell, according to the myth, responded with, "Over the years, the U.S. has sent many of its fine young men and women into great peril to fight for freedom beyond our borders, and the only amount of land we have ever asked for in return is enough to bury those that did not return."

The conversation with the archbishop not only never took place, but Powell's response in itself is historically inaccurate.

The United States has seized and retained lands in the sovereign nations of Panama, Cuba, and the Philippines, to mention just a few. In addition, the United States has controlled the economics of more than fifty countries by having retained land in the form of military bases in nations often referred to as "Banana Republics." Needless to remark, the bulk of America's wars were fought over centuries against the Indian nations and the Mexican people, and in these wars we did not just construct military bases on the conquered lands: we stole and occupied those lands.

It would be wonderful if the mass media would run a retraction on this story nationwide.

Ray Ensher  
Fresno Ca

# FREE SPEECH

by Paul Thomas Jackson



In this, the third and final article having to do with a particular area of free-speech case law—unrelated speech on private property—we criticize two recent California Court of Appeal decisions limiting the time, place, and manner to which free speech may be restricted at a shopping mall.

In 1997, the Union of Needletrades, Industrial & Textile Employees (UNITE), AFL-CIO engaged in a labor dispute with Guess?, Inc. about the wages and working conditions of Guess? clothing workers. Wanting to distribute leaflets, UNITE sought access

to six malls (in northwest Los Angeles County) but despite rules set by the owner of the malls, refused to fill out application forms, to identify and limit the number of demonstrators, to require an insurance policy, to seek prior approval of posters and literature, to remain in designated areas, or to observe an annual limit on the days when demonstration occurred and "blackout" days when sales were at their peak.

The California Court of Appeal, Second District (Los Angeles) decided in favor of the owner. It held that for insurance purposes, prior identification of participants can be required; and that like participants in a parade, they can be required to take out insurance. (But in the case of *H-CHH Associates*, the same court held that a mall could not set a rule requiring that a "responsible person" assume all liability for a proposed free-speech activity.)

The *UNITE* court also held that the owner may limit the size and content of posters "if based upon objective criteria," e.g., a size and color that is aesthetically pleasing in the mall environment, and contents that use no fighting words, obscenities, grisly or gruesome displays, or highly inflammatory slogans likely to provoke a disturbance.

Opining that a mall's prior approval of the content of speech would give participants the opportunity to plan their activity in accordance with the mall's rules, the *UNITE* court held that prior approval was constitutional. According to the court of appeal, second district, the number of participants, their names, addresses, and telephone numbers may be required. And in its earlier decision in *H-CHH Associates*, the same court also held that a mall could use a number to identify the person "in charge" of the free-speech activity and the intended dates, and could require whether literature will be distributed, the nature of the activity (whether political or not, and about what issue). The only purpose mentioned by the court for requiring contact information is to plan activities.

The *UNITE* court held that to prevent personal danger or blockage of traffic, the owner could exclude UNITE from certain areas, such as doorways and loading areas. But in *H-CHH Associates*, the same court, citing a 1971 California Supreme Court case, held that a mall could not adopt rules—written or unwritten—that restrict free-speech activities to a designated area of the mall's property. If

a place is appropriate for an activity, it may be held there. A regulating authority may not adopt rules precluding free speech in an appropriate place, even if another appropriate place is available. This ruling is quite helpful, albeit subjective as to what place may be "appropriate."

The *UNITE* court also held that to prevent one group from monopolizing an area of a mall, the mall may limit the total number of days a group may be present there every year. Finally, a seasonal (Christmas) ban on all free-speech activities was held constitutional because of the increased traffic and decorations, which increased congestion.

The court of appeal, second district has generally been sympathetic to mall owners. In a case heard in another district, petition gatherers caused a commotion that may have resulted in a backfire against free-speech rights.

In 2002, the California Court of Appeal, Fourth District (San Diego) heard a case in which Costco permitted free-speech activity at store locations where Costco shares a parking lot with other retail businesses. (Because of the size and variety of the retail stores, these locations are "miniature downtowns" for purposes of free-speech activity—a distinction first made by the state supreme court in its 1979 *Pruneyard* decision.) Although placing no restriction on the content of the speech, Costco set two rules that were contested by voter-signature gatherers: one rule prohibited anyone from using its property during the 34 days of the year on which it has consistently had high customer traffic; the other rule prohibited

anyone from using its property on more than five days during any 30-day period (the 5/30 rule).

The trial court found that as many as three petition gatherers on even Costco's busiest 34 days would have only a minimal impact on Costco's business, and that there was no basis for the 5/30 rule because "on any given day the typical Costco store will not have any expressive activity being conducted at its location." Despite this factual finding, the court of appeal added evidence of facts about "Costco's Expenses, Burdens, and Risks" and partially based its decision on it.

The only evidence is the testimony of Costco employees and corporate counsel to the effect that customers complained of being annoyed by petition

gatherers, who were allegedly very persistent and sometimes "would not take no for an answer" but would follow customers to their car. Additionally, petition gatherers allegedly verbally and physically abused Costco employees who asked them to respect customers and observe noise regulations. Groups of petition gatherers allegedly used aggressive tactics in competing for the right to use a particular location—waging "fax wars" at the first of the month, or filing multiple applications in an area so as to dominate it "28 or 30 days out of the month," excluding less-organized groups. Finally, the court of appeal found that altercations between proponents and opponents of certain petition-gathering was "the most substantial problem Costco faced"—shouting matches that allegedly escalated prior to the 2002 decision.

How did the court of appeal decide that Costco's rule of 34 blackout days was constitutional? As in the *UNITE* case, the trial court in *Costco* was concerned about the safety of customers, who always were present in far larger numbers on those 34 days. The court of appeal, however, held that "Costco could be

*Continued on page 4*



legitimately concerned with the impact on its business on those days when in fact a conflict between a group of petitioners and their opponents arose. There can be no dispute that when such conflicts arose, ingress and egress would be substantially impaired. In adopting its prohibition on expressive activities during its 34 highest volume days, Costco was acting well within its power to consider all the groups who would have access to all of its stores and its experience with all of those groups."

Hence, it would appear that a shopping mall's rule providing for blackout days may only be justified under the particular circumstances of its experience. Unless Fashion Fair, for example, were inundated with applications for free-speech permits or were the scene of frequent shouting matches, it would appear unnecessary in the light of Fashion Fair's past experience, unjustifiable, and unconstitutional to deny access to any group that wishes to exercise its right on Fashion Fair's property.

And, how did the court of appeal decide that Costco's 5/30 rule was constitutional? The court cited the monopolization by well-organized groups as one problem solved by the 5/30 rule. The court never suggested any method whereby Costco might rotate or handle the weekly applications less bluntly. As mentioned in our last article, the state supreme court in *Pruneyard* said that a mall owner may disavow the views expressed by free-speech demonstrators on its property by means of posters. But in *Costco*, the court of appeal said that the 5/30 rule "plainly serves Costco's interest in dissociating itself from the views of petition gatherers and others who engage in expressive activity on its property."

These inconsistencies raise serious concerns about the soundness of the court of appeal's decision in *Costco*, which may be straying from *Pruneyard*. The decision, however, is persuasive and not mandatory precedent. It was made by and for the fourth district, a jurisdiction at the southern end of the state. Until such time as the supreme court hears and decides a case, we need not obey it. Until then, the objective criteria for setting a mall's rules for free speech, discussed in *H-CHH Associates*, is probably our best guide as to its time, place, and manner.

Both the *UNITE* and *Costco* decisions do indicate the power wielded by most property owners, who neither appreciate the struggle for free-speech rights nor their value to the community in the context of a shopping mall—today's equivalent of the town square. In our next series of articles, we will discuss case law involving free speech at modest retail establishments.

## DEFEND FREE SPEECH SUPPORT THE COMMUNITY ALLIANCE MAGAZINE!

By Mike Rhodes

### 4TH OF JULY FUNDRAISER

We have unfinished business at the Fashion Fair mall. While The Gap 19 did win a fantastic victory in court and groups are now using the mall to distribute literature, there are still a few details that need to be worked out. For example, Fashion Fair security still says that they will arrest protestors if they show up at the front of the mall without a permit and that they will not issue one. The question has been asked: Well, do we have the right to Free Speech at Fashion Fair mall or not? We are about to find out.

On July 4, 2003 several members from the Community Alliance magazine editorial board will take a soap box to Fashion Fair, stand on it at the front entrance, and read from the Constitution and the Bill of Rights. Will Fashion Fair security arrest them? We intend to find out!

The Community Alliance has decided to turn this event into a fund raiser. We CA 4

believe that we will win no matter how the day turns out. We are asking you to support Free Speech by pledging money for each minute that we read from the soap box. It is like making a pledge for a group that is going to run x number of laps. Let us know how many minutes you will sponsor for us to risk arrest and stand up for Free Speech. Suggested donation: \$1 per minute for as many minutes as you would like to sponsor.

On the other hand, if we are arrested and do not get to read from the Constitution and Bill of Rights at Fashion Fair we will make this a fund raiser by challenging their authority to arrest us and violate our civil rights. Last time we did that they ended up paying tens of thousands of dollars. So, it is a win - win situation. We will win Free Speech and raise money for the magazine no matter how Fashion Fair decides to handle this situation.

Want to help? Send your pledge to the Community Alliance magazine at P.O. Box 5077, Fresno Ca 93755 or email us at [AllianceEditor@attbi.com](mailto:AllianceEditor@attbi.com). We will announce more details and the time of this event in the July issue of the magazine.

## Anniversary Celebration

Join the FRESNO CENTER FOR NONVIOLENCE for its Anniversary Celebration on June 14 at 7 PM at the First Congregational Church on N. Van Ness Blvd. We are happy to announce that Ron Daniels, who hails from New York, will be joining us that evening and will speak on "The Case for Affirmative Action and Reparations for Blacks in America."



Dr. Daniels is a veteran social and political activist, and an eloquent voice on the history of racism and its impact on contemporary society and public policy. He is currently executive director of the Center for Constitutional Rights. CCR is committed to the creative use of the law as a positive force fighting against police brutality and misconduct, church burnings, hate crimes, voter disenfranchisement, environmental racism, and the threats to civil liberties posed by the government's response to the September 11, 2001, terrorist attacks.

Ron Daniels has lectured at scores of colleges and universities as well as civil rights, human rights, labor, and environment conferences over the past four decades. He has been a lecturer and resource person for numerous international seminars and conferences. He has served as a consultant for the American Friends Service Committee's 200 Years of the Penitentiary Project, Help Us Make A Nation (H.U.M.A.N.), 100% Vote/Human Serve, and senior consultant for African Resources International, Inc.

After the talk, in the church's charming courtyard, we will have a dessert bar with delicious desserts prepared by La Boulangerie and Berry Nishkian from North Fork and we'll be entertained by the Rondalla Latino Music Group.

And for **all this**, the ticket cost is only \$10.00 in advance and \$12.00 at the door!

Tickets are available at *The Movies*, *Hart's Haven Book Store*, and from Ray Ensher, Richard Stone, Fran Saunders, and Serge Haitayan. For more information call Angela Price at 435-6383.

# CLEARING THE AIR: STORMY SEAS AHEAD

by Kevin Hall



The usual stream of air pollution lawsuits, political action, and other news surged to torrential levels in April. In my submerged state I was unable to breach the surface and offer my monthly spouting. Things are back to "normal" this month. So, sit right back and I'll tell you a tale, a tale of a . . .

**Fateful Trip.** Our coalition of Latino Issues Forum, Medical Advocates for Healthy Air, and the Sierra Club scored another major legal victory in mid-May. Thanks to the hard work and expertise of Earthjustice (our legal counsel), the federal EPA has admitted its failure to

take over the particulate cleanup effort in the San Joaquin Valley. When should they have done so?

1993.

Just look at the number for a moment and think back ten years. Where might we be today had the agency done its job? More than 1,300 people die every year in the Valley from particulate pollution. That's more than homicides, breast cancer, and car wrecks combined. How many of those 13,000 deaths would have been prevented?

The EPA was supposed to have taken over because in late 1991 the Valley's air district submitted an unlawful plan, meaning one that wouldn't work. For example, back then, the air district decided the "best available control measure" (that's the technical term for the most stringent approach or technology available) for fireplace smoke was a voluntary campaign.

Jump forward 10 years to 2003. A new particulate cleanup plan is scheduled for approval on June 19. The major source of particulate pollution is agriculture, more than 40% of the average daily load of 2,000 tons. Care to venture a guess as to how the air district and EPA propose to control pollution from ag?

## Voluntary measures.

So, while we've now won five lawsuits in less than two years and two more have been filed, they still don't get it. Come out at 9 AM on June 19 to the hearing at the air district office in Fresno, 1990 E. Gettysburg, if you want to speak out. We'll be there.

**Florez Flurry.** State senator Dean Florez is for real. His legislative package of air pollution control measures is impressive, and so is the senator. In February and March I participated in negotiation sessions in Sacramento for SB 700, which would end the ag exemption. Florez was very firm with the ag lobbyists: polite but firm.

In early May we brought a small group of local activists to the Senate Environmental Quality Committee hearing for the introduction of four of the Florez bills and spoke in support of the package. Florez again looked a large contingent of ag lobbyists in the eye and said the human health crisis in the Valley was the overriding issue. He couldn't be more right.

His other bills will phase out all ag burning between 2005 and 2010; require Valley biomass plants to burn at least 30% ag waste; create a buffer zone between dairies and schools and neighborhoods; and give our air district clear authority to impose indirect source fees on transportation.

**We Get It.** Back-to-back headlines on April 30 and May 1: First came the Public Policy Institute of California's annual poll of Valley residents to determine our greatest concerns. In the five-county region from Kern through Madera County, twice as many people (28%) ranked air pollution as the most important issue than those who said jobs and the economy (14%).

The next day we learned that Fresno County moved up to the number-two spot for worst smog in the nation in the American Lung Association's annual report, bumping Kern County to number three. Tulare County meanwhile bumped Riverside County down to fifth on the list and took over fourth place. In all, five of the worst counties in the nation are in the Valley, with Merced County and Kings County ninth and tenth. The rankings are based on ozone violations.

**Scummit Report.** The Clean Air Summit was held in Fresno in late April. An afternoon press conference was held outside the building by the Sierra Club, Fresno Metro Ministry, El Comité para Bienestar/Californians for Pesticide Reform, Medical Advocates for Healthy Air, The League of Women Voters—Fresno, and friends.

We effectively pointed out to the assembled media that the Operation Clean Air process has been an industry-driven, racially biased, exclusive process, which cannot honestly claim to be a unified voice for the San Joaquin Valley. We later learned that the names of two highly respected environmental groups, the Coalition for Clean Air and the Union of Concerned Scientists, had been used without permission by the OCA Environmental Care working group headed by Tree Fresno. The groups have since written OCA to have their names removed from the OCA proposal for more than \$200 million from the federal government.

Kevin Hall is the Sierra Club—Tehipite Chapter's chair for transportation, air quality, and global warming. To learn more about the air we breathe and the California Clean Air Campaign, please visit <[www.calcleanair.org](http://www.calcleanair.org)>.

## The Unitarian Universalist Church of Fresno



**Rev. Bryan D. Jessup**

*Welcomes you, whoever you are  
and whomever you call family, our doors are open.*

### Sermon Topics:

June 1 • Vagina Monologues • Bryan Jessup  
June 8 • Out in the Woods With Emerson • Bryan Jessup  
June 16 • Father's Day Thoughts • Bryan Jessup & Congregation Members

### Summer Schedule Begins One Service 9:15 a.m.

June 22 • Schumann by Armin Biberthaler  
June 29 • Beyond War • Pat Reeves & Steve Sacks

Services 9:30 and 11:00 • Church School 9:15 and 11:00  
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# FORUM ON PATRIOT ACT SET FOR JUNE 18

by Howard Watkins

Several community groups are cosponsoring a public forum on the impact that the federal Patriot Act and proposed Patriot Act II have on our basic civil liberties. The forum is set for Wednesday, June 18, 7:00 PM, at the Unitarian-Universalist Church of Fresno at 4144 N. Millbrook (half a block south of Ashlan).

The forum will feature keynote speaker Bob Kearney of the American Civil Liberties Union (ACLU) in San Francisco and local speakers from the Arab and Hispanic communities. Information will also be provided on Fresno's Joint Terrorism Task Force and the actions that individuals can take to help protect our First Amendment rights. The federal Patriot Act expands the government's powers to conduct secret searches, deny rights guaranteed by the Bill of Rights, and treat political advocacy as "domestic terrorism." Information on the Act will be

available at the forum and can also be obtained on the Internet at <[www.aclu.org/safeandfree](http://www.aclu.org/safeandfree)>. Spanish language translation will be provided.

The forum is sponsored by the Unitarian-Universalist Church of Fresno with the active help of several cosponsors, which include the following: ACLU, Women's International League for Peace and Freedom, Peace Fresno, *Community Alliance*, El Comite No Nos Vamos, Fresno Center for Nonviolence, American-Arab Anti-Discrimination Committee, Workers' Rights Center, Fresno Metro Ministry, Sun Mountain, The Lorax Society, CSUF Campus Peace & Civil Liberties Coalition, the Fresno Free College Foundation, the City of Fresno Human Relations Commission, St. Benedict Catholic Workers, Pan Valley Institute of the American Friends Service Committee, National Action Network and others. For more information, call (559) 227-6146.



## PATRIOT RAID

by Jason Halperin, April 29, 2003

A month ago I experienced a very small taste of what hundreds of South Asian immigrants and US citizens of South Asian descent have gone through since 9/11, and what thousands of others have come to fear. I was held, against my will and without warrant or cause, under the USA PATRIOT Act. While I understand the need for some measure of security and precaution in times such as these, the manner in which this detention and interrogation took place raises serious questions about police tactics and the safeguarding of civil liberties in times of war.

That night, March 20th, my roommate Asher and I were on our way to see the Broadway show "Rent." We had an hour to spare before curtain time so we stopped into an Indian restaurant just off of Times Square in the heart of midtown. I have omitted the name of the restaurant so as not to subject the owners to any further harassment or humiliation.

We helped ourselves to the buffet and then sat down to begin eating our dinner. I was just about to tell Asher how I'd eaten there before and how delicious the vegetable curry was, but I never got a chance. All of a sudden, there was a terrible commotion and five NYPD in bulletproof vests stormed down the stairs. They had their guns drawn and were pointing them indiscriminately at the restaurant staff and at us.

"Go to the back, go to the back of the restaurant," they yelled.

## Where's Bobby?

Attorney General Ashcroft is visiting an elementary school. After the typical civics presentation, he announces, "All right, boys and girls, you can all ask me questions now."

A young boy named Bobby raises his hand and says, "I have three questions:

1. How did Bush win the election with fewer votes than Gore?
2. Why are you using the USA Patriot Act to limit Americans' civil liberties?
3. Why hasn't the U.S. caught Osama bin Laden yet?"

Just then the bell sounds and all the kids run out to the playground. Fifteen minutes later, the kids come back to class. "I'm sorry we were interrupted by the bell," Ashcroft says. "Now, you can all ask me questions."

A young girl raises her hand and says, "I have five questions:

1. How did Bush win the election with fewer votes than Gore?
2. Why are you using the USA Patriot Act to limit Americans' civil liberties?
3. Why hasn't the U.S. caught Osama bin Laden yet?
4. Why did the bell go off twenty minutes early?
5. Where's Bobby?"

I hesitated, lost in my own panic.

"Did you not hear me, go to the back and sit down," they demanded.

I complied and looked around at the other patrons. There were eight men including the waiter, all of South Asian descent and ranging in age from late-teens to senior citizen. One of the policemen pointed his gun point-blank in the face of the waiter and shouted: "Is there anyone else in the restaurant?" The waiter, terrified, gestured to the kitchen.

The police placed their fingers on the triggers of their guns and kicked open the kitchen doors. Shouts emanated from the kitchen and a few seconds later five Hispanic men were made to crawl out on their hands and knees, guns pointed at them.

*Continued on page 7*

After patting us all down, the five officers seated us at two tables. As they continued to kick open doors to closets and bathrooms with their fingers glued to their triggers, no less than ten officers in suits emerged from the stairwell. Most of them sat in the back of the restaurant typing on their laptop computers. Two of them walked over to our table and identified themselves as officers of the INS and Homeland Security Department.

I explained that we were just eating dinner and asked why we were being held. We were told by the INS agent that we would be released once they had confirmation that we had no outstanding warrants and our immigration status was OK'd.

In pre-9/11 America, the legality of this would have been questionable. After all, the Fourth Amendment to the Constitution states: "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized."

"You have no right to hold us," Asher insisted.

"Yes, we have every right," responded one of the agents. "You are being held under the Patriot Act following suspicion under an internal Homeland Security investigation."

The USA PATRIOT Act was passed into law on October 26, 2001 in order to facilitate the post-9/11 crackdown on terrorism (the name is actually an acronym: "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act.") Like most Americans, I did not recognize the extent to which this bill foregoes our civil liberties. Among the unprecedented rights it grants to the federal government are the right to wiretap without warrant, and the right to detain without warrant. As I quickly discovered, the right to an attorney has been seemingly fudged as well.

When I asked to speak to a lawyer, the INS official informed me that I do have the right to a lawyer but I would have to be brought down to the station and await security clearance before being granted one. When I asked how long that would take, he replied with a coy smile: "Maybe a day, maybe a week, maybe a month."

We insisted that we had every right to leave and were going to do so. One of the policemen walked over with his hand on his gun and taunted: "Go ahead and leave, just go ahead."

We remained seated. Our IDs were taken, and brought to the officers with laptops. I was questioned over the fact that my license was out of state, and asked if I had "something to hide." The police continued to hassle the kitchen workers, demanding licenses and dates of birth. One of the kitchen workers was shaking hysterically and kept providing the day's date — March 20, 2003, over and over.

As I continued to press for legal counsel, a female officer who had been busy typing on her laptop in the front of the restaurant, walked over and put her finger in my face. "We are at war, we are at war and this is for your safety," she exclaimed. As she walked away from the table, she continued to repeat it to her-

self? "We are at war, we are at war. How can they not understand this."

I most certainly understand that we are at war. I also understand that the freedoms afforded to all of us in the Constitution were meant specifically for times like these. Our freedoms were carved out during times of strife by people who were facing brutal injustices, and were intended specifically so that this nation would behave differently in such times. If our freedoms crumble exactly when they are needed most, then they were really never freedoms at all.

After an hour and a half the INS agent walked back over and handed Asher and me our licenses. A policeman took us by the arm and escorted us out of the building. Before stepping out to the street, the INS agent apologized. He explained, in a low voice, that they did not think the two of us were in the restaurant. Several of the other patrons, though of South Asian descent, were in fact U.S. citizens. There were four taxi drivers, two students, one newspaper salesman — unwitting customers, just like Asher and me. I doubt, though, they received any apologies from the INS or the Department of Homeland Security.

Nor have the over 600 people of South Asian descent currently being held without charge by the Federal government. Apparently, this type of treatment is acceptable. One of the taxi drivers, a US citizen, spoke to me during the interrogation. "Please stop talking to them," he urged. "I have been through this before. Please do whatever they say. Please for our sake."

Three days later I phoned the restaurant to discover what happened. The owner was nervous and embarrassed and obviously did not want to talk about it. But I managed to ascertain that the whole thing had been one giant mistake. A mistake. Loaded guns pointed in faces, people made to crawl on their hands and knees, police officers clearly exacerbating a tense situation by kicking in doors, taunting, keeping their fingers on the trigger even after the situation was under control. A mistake. And, according to the ACLU a perfectly legal one, thanks to the Patriot Act.

The Patriot Act is just the first phase of the erosion of the Fourth Amendment. From the Justice Department has emerged a draft of the Domestic Securities Enhancement Act, also known as Patriot II. Among other things, this act would allow the Justice Department to detain anyone, anytime, secretly and indefinitely. It would also make it a crime to reveal the identity or even existence of such a detainee.

Every American citizen, whether they support the current war or not, should be alarmed by the speed and facility with which these changes to our fundamental rights are taking place. And all of those who thought that these laws would never affect them, who thought that the Patriot Act only applied to the guilty, should heed this story as a wake-up call. Please learn from my experience. We are all vulnerable so speak out and organize, our Fourth Amendment rights depend upon it.

*Jason Halperin lives in New York City and works at Doctors Without Borders/ Medicins San Frontieres. If you are moved by this account, he asks that you consider donating to your local ACLU chapter.*



*Civil Liberty issues were a concern at this Peace Fresno demonstration in October 2002.  
Photo by Mike Rhodes*

# EARTH DAY 2003 ROCKS FRESNO

by Mike Rhodes



*Organic farmers sell produce at Earth Day  
Photo by Simone Whalen-Rhodes*

If you were there, you know. The Fresno Earth Day Festival was a raging success: Thousands of people, good vibes in the air, good food, and lots of politically progressive and environmentally oriented booths made this the best Earth Day so far. What made the Fresno Earth Day Festival such a

not necessarily political," he says. Earth Day is "a community festival in celebration of the earth and to raise awareness around the preservation of our natural resources. We never modified our program because of any of our sponsors." Jeremy said that the organizing committee "did go through some soul searching about whom to invite and spend the sponsor's money on." With speakers such as Kevin Hall speaking about air quality, and Kevin Danaher of Global Exchange talking about globalization, the politics of the Fresno Earth Day Festival seemed decidedly progressive. Not political? You decide.

While past Earth Days relied on KFCF 88.1 FM and the *Community Alliance* to bring out the crowds, this year's organizing committee sought to "expand the circle" of people attending the festival. Jeremy said that they were tired of just "preaching to the choir" and made a conscious decision to get corporate media to sponsor the event. KSEE TV channel 24, Alice 102.7, and CSUF radio station KFSR signed on as sponsors and heavily promoted the festival. Jeremy sees this collaboration as critical to the event's success but is concerned that some people in the progressive community might have problems with building an alliance with corporate media.

great event? Is it in danger of becoming a victim of its own success?

To find out more, we talked to Fresno Earth Day Festival organizer Jeremy Hofer. Jeremy has been working on Earth Day events in Fresno for the last four years and has been instrumental in restoring it as an important people's environmental day in this community. I remember an Earth Day about ten years ago, held at the Fresno Zoo, in which PG&E had a booth. They were talking about "our friend, nuclear energy." That was a low point for progressive Earth Day celebrations in Fresno.

For four years now, Fresno has celebrated Earth Day without the hucksters from PG&E and other large corporations controlling the politics of the event. Held at Fresno Courthouse Park, the event is powered by solar energy (thanks to Offline Energy), and put together by a group of community organizers. Jeremy says that the diversity of the organizing committee was one of the essential ingredients to the event's success. "The most important thing is to include diversity in your group. Try to include people from different cultures, male and female, young and old. We had Native Americans, artists, musicians, and each member brought in more people to the festival." This year's Earth Day Festival in Fresno was a reflection of the organizers' diverse backgrounds, and that diversity was an important ingredient in the success of the event.



*Aztec dancers perform  
Photo by Mike Rhodes*

Another concern about continued expansion of the Fresno Earth Day Festival is that it could get too big. The crowd at this year's festival was around two thousand, which most people felt was about right. But, would you have the same feeling if there were twice as many people? This year everyone could get close to the music and dancers and the whole event had a very intimate feel. There is some concern that bigger would not necessarily be better. Small is beautiful.

The progressive community in Fresno can learn a great deal from the experiences of the Earth Day Festival organizers. Their emphasis on diversity is exemplary. Their ability to reach out to new constituencies by using the corporate media was obviously successful and even the use of corporate sponsors provided the resources needed to reach out beyond the usual suspects. We need to be cautious of the self-censorship that could come from trying to attract corporate sponsors, and there is the potential that future Earth Day Festivals could get too big.

The Fresno Earth Day Festival organizers are to be congratulated on a job well done. While there are still issues to work out in making next year's event a success, we can all be thankful that PG&E, The Gap, and the Bush Administration are not in control of Earth Day festivities in this community.

The Fresno Earth Day Festival organizing committee got started earlier than usual this year. By November 2002 they were already meeting and discussing the pros and cons of corporate sponsorship. In order to expand and move beyond reaching the "usual suspects," a key decision was made to seek alliances with corporate media and aggressively pursue other corporate sponsorships. These two decisions were decisive in the expansion and diversity of this year's event. Whole Foods was an early supporter and provided valuable resources by sponsoring a community support day, a day on which the Fresno Earth Day Festival was given a portion of Whole Foods' proceeds.

"This was the first year that we really focused on sponsorship," Jeremy said. "In order to throw a good festival we need money. The sky is the limit in getting sponsors and that is one of the challenges. It depends on how much you want compromise your politics." But Jeremy does not believe that the group had to compromise their politics to make Earth Day 2003 a success. "Our mission is



*Kevin Danaher speaks about Global Justice  
Photo by Mike Rhodes*



# Women's International League for Peace and Freedom

WILPF Fresno, P.O. Box 5114, Fresno, CA 93755

Vickie M. Fouts, Guest Newsletter Editor, contact at 559.658.8260 or email at [vmfout1@sti.net](mailto:vmfout1@sti.net)

## WILPF Fresno Dates:

**Monday, June 9, 7 PM: WILPF board meeting** at 985 N Van Ness. All are invited to attend. Please submit agenda items by June 6 to Vickie Fouts at [vmfout1@sti.net](mailto:vmfout1@sti.net) or 658-8260.

**Saturday, June 21, 11:30 AM-1 PM: New membership potluck luncheon** at Margaret Hudson's, 4247 N Thorne Ave. Come meet and welcome our new members. For more information call our membership chair, Julie Young-Andrews, at 323-4359.

**Wednesday, June 25, 3:30 PM: Stir It Up! WILPF Style** hosted by guest hostess, Nuria Ibars, while Gabrielle Kirkland is on maternity leave.

## Western WILPF Gathering

This year's conference was titled "Nourishing the Grass Roots." Those in attendance who represented the Fresno branch were Vickie Fouts, Ellie Bluestein, Ingrid Carmean, Desi Cortez, Joan Poss, Jan Slagter, Lynn Jacobsson, Joann Royce Griffin and her husband Mal, Elizabeth Ullrich, Ruth Obel-Jorgensen, and Lupe Delgado. Several members of National were in attendance. About 70 members attended the gathering.

Ellie facilitated the Saturday afternoon plenary. Among the presenters were Lynn on her recent trip to Colombia, and Joan on her trip to South Africa for the World Summit on Sustainable Development. Both presentations/workshops were well received.

The success reported for the Fresno branch was that we have added 39 new members in the last two years; the challenge we faced was putting to good use our new interns. Besides this short verbal report on Friday night, a five-page branch report was available for all who attended. If you want a copy please contact Vickie Fouts.

A special thanks to Joann and Mal Griffin for scholarships that allowed three young women from CSUF to attend. Thanks also go to Polly Victor and Joan Poss for partial scholarships, which helped three other members to be able to attend.

## Congratulations

Congratulations to our graduating members. Elizabeth Ullrich has received the Dean's Award from the School of Social Science plus a full graduate scholarship to Penn State to study political science and women's studies; she plans to set up a WILPF branch on campus. Fabiola Valdez who graduated Cum Laude will probably continue her social justice work in the nonprofit arena.

## Save the Date

**September 4-25, 2003** International Human Rights March from Tel Aviv to Jerusalem. For a long time now the hopeless situation and the suffering of the people in the Middle East has been a constant concern for people from all over the world. As a result many are now organizing The International Human Rights March in Palestine/Israel 2003 as a wish for peace in the region. The main organizer is Toril Eide of WILPF Norway. Toril will be in the US in July and the Fresno branch is hoping to bring her here. At the WILPF Western Gathering, WILPF members were urged to participate if possible. The cost is estimated at \$800 plus airfare. The US committee member is WILPF member Dorinda Moreno. You can contact her at [dorinda@pacbell.net](mailto:dorinda@pacbell.net) or see [humanrightsmarch.org](http://humanrightsmarch.org).

**August 2004** The International WILPF Congress will be held in Sweden in August 2004. If you are interested in going or would like more information, we will be dis-

cussing the Congress more in future meetings. You can also get information by going to the WILPF website.

## Peace Camp

We have received a few scholarships to attend Peace Camp for underprivileged children. So far we have donations from El Comité No Nos Vamos, Interfaith Alliance of Central California, and Susan Orovitz, Ph.D. **Please** think about donating to this worthy cause. Committee volunteers are also greatly needed. Below is a pre-registration form for Peace Camp. Only 15 positions are being held for WILPF members' children and grandchildren, so be sure to get your forms in ASAP.

Camp Harmony: Fresno WILPF Children's PEACE CAMP 2003, Fresno, CA

## DAY CAMP FOR CHILDREN AGES 6 THROUGH 11

**When:** Monday, July 28 through Friday, August 1, 9 AM-2 PM

**Cost:** \$150.00 per child, based on ability to pay. Full and partial scholarships available.

**Location:** California State University, Fresno campus, O'Neill Park, Barstow Avenue at Woodrow Avenue

**Program:** Through art, science, music, drama, games, and stories, the camp's activities are designed to promote appreciation of many cultures, cooperation with and respect for others, care for the Earth

**Theme:** Living in harmony with each other and Mother Earth

**Staff:** Professional teachers, artists, and volunteers

Sponsored by Women's International League for Peace and Freedom, CSUF Peace and Conflict Studies Program, CSUF Commission on Human Relations and Equity

Registration is limited to 30 children; full registration packets will be mailed to the lucky people who get in.

cut ----- cut

## Camper Pre-Registration for Peace Camp 2003

Please Print

Child's Name \_\_\_\_\_

Age \_\_\_\_\_ M \_\_\_\_\_ F \_\_\_\_\_ Ethnicity \_\_\_\_\_

Parent or Guardian's Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone \_\_\_\_\_

We would like to apply for financial assistance: Yes \_\_\_\_\_ No \_\_\_\_\_

Pre-Registration is due June 15. Mail to: WILPF PEACE CAMP 2003, PO Box 5114, Fresno CA 93755

**Deadline for the July issue is June 10. Submit articles to Desi Cortez at 907-2200 or [desicortez@cvip.net](mailto:desicortez@cvip.net).**



## Green Party of California Supports AB 1039, the Local Electoral Freedom Bill

Seeking alternative voting methods to streamline the electoral process, and at the same time seeking to save communities' dwindling tax dollars (lost under the new state budget), the Green Party of California endorses and actively supports AB 1039, the Local Electoral Freedom bill. Introduced by Assembly member Loni Hancock (D-Berkeley), AB 1039 allows municipalities to enact alternative election methods, including Instant Runoff Voting and Proportional Representation.

"With declining voter turnout, cities need options to reinvolve residents and make sure municipal elections have the broadest participation," explains Green Mayor pro tem of Santa Monica, Kevin McKeown. "Instant runoff voting is perhaps the most exciting alternative," McKeown continues, "because it lets voters rank their choices and truly vote their consciences. IRV saves cities money and reduces the role of big corporate contributions in politics because candidates need run only a single campaign."

In an IRV election, voters rank their choices—first, second, third, and so on. If a voter's first choice "loses" (in effect, finishes last), the voter's next choice is counted toward the total in the next round. The rounds continue until a candidate has 50 percent plus one vote. In this way, runoffs are eliminated and a candidate receives a true majority.

IRV's advantages are many. In this era of budget constraints, for example, IRV would limit costs to cities for runoff elections by declaring a winner on Election Day; currently, a community bears the costs of a runoff election a month later.

Other advantages of IRV are these:

- It eliminates the "spoiler effect" of three-way candidacies. The Nader-Gore situation in 2000, as well as the Bush-Perot situation in 1992, would not be a concern under an IRV system.
- It allows local communities more control over local elections. Voters can directly choose the best voting option for their communities.
- It promotes positive campaigns and eliminates negative campaigns, since a candidate needs second- and third-choice votes. Attack ads, then, would not be wise and would probably not pay off in an IRV system.
- It raises voter turnout: turnout has been shown to increase with more choices on the ballot. IRV increases the likelihood that one's vote will be decisive.

The city of San Francisco will use IRV for the November elections this year, after citizens passed Proposition A in March 2002. November races for mayor, district attorney, and sheriff will be chosen by IRV, and all subsequent elections for supervisor, treasurer, city attorney, public defender, and assessor will use IRV.

Other alternative voting methods included in the bill are cumulative voting, limited voting, and choice voting.

The GPCA encourages all Californians to lobby their assembly representatives to cosponsor and/or support the bill. Contact your assembly members at <[www.assembly.ca.gov](http://www.assembly.ca.gov)>.

For more information on IRV:

California IRV Coalition <[www.calirv.org](http://www.calirv.org)>

The Green Party of California <[www.cagreens.org](http://www.cagreens.org)>

## Rumsfeld Agenda Would Gut U.S. Democracy

WASHINGTON, D.C. - A legislative proposal from the office of Secretary of Defense Donald Rumsfeld would grant the military nearly unlimited freedom from civilian oversight, and bring the U.S. to the brink of a military-dominated state, say members of the Green Party of the United States. The "Defense Transformation for the 21st Century Act" would allow the Secretary of Defense to choose billion-dollar CA 10

corporate contractors without public accountability or Congress's review; strip Defense Department employees of union rights, whistleblower protections, annual pay raises, and right to appeal disciplinary actions; exempt the Pentagon from environmental protection rules on more than 23 million acres of U.S. land; and exempt the Pentagon from numerous Congressional oversight rules.

"The Cheney-Rumsfeld-Ashcroft doctrine has been compared with the Mussolini definition of fascism as 'the merger of state and corporate power,'" said Nathalie Paravacini, secretary of the Green Party of the United States. "In the past three years, we've witnessed a power grab by the executive branch and military, to the benefit of favored corporate."

"The 'Patriot II' Act would gut the Constitution even further," said Jake Schneider, treasurer of the Green Party of the United States. "All these measures have been used to distract Americans from domestic economic woes aggravated by President Bush's tax cuts and gutting of social services." Greens note that the groundwork for some of the Bush Administration's worst excesses was laid during the Clinton years: the 1996 Antiterrorism and Effective Death Penalty Act; the 1996 Telecommunications Act, which concentrated the corporate ownership of media; training of civilian police forces in military tactics; mandatory sentencing and erosion of judicial discretion; Plan Colombia; bombing raids against several small nations; and establishment of U.S.-dominated international trade authorities with the power to veto environmental, labor, and human rights protections.

"Our only hope is the enormous resistance that's building all over the U.S., from the refusal of some cities and towns to comply with the Patriot Act, to the widespread protests against the invasion of Iraq," said Green Party activist Deyva Arthur of Troy, New York. "But, with a few exceptions, Democrats have endorsed most of Mr. Rumsfeld's and President Bush's agenda. None of the Democratic candidates who hold a chance of winning the national nomination dares to criticize Rumsfeld or Bush on this basis or has called for the defeat of Rumsfeld's defense legislation."

"Without the Green Party, the 2004 campaign will be a contest between two prowar parties, both with little regard for the rights, laws, and principles enshrined under the Constitution or the U.N.'s Universal Declaration of Human Rights," Arthur added.



*Fresno Greens gather at meeting of California Green Party in Sacramento last month. Front row (L-R) Dirk Van Gelder, Carol Bequette and Jeff Eisinger. Back row (L-R) Chris Petersen, Nick DeGraff and Larry Mullen.*

## GET INVOLVED!

Come to the Fresno County Green Party's monthly meeting at the Center for Nonviolence located at 985 N. Van Ness on June 12 at 7:00 p.m. and get involved. Listen to the Green Scene on KFCF 88.1 on June 18 at 3:30 p.m. And don't forget to visit our website at [www.cagreens.org/fresno](http://www.cagreens.org/fresno) (where you can now donate via PayPal) or call us at 265-3647.

# CENTER FOR NONVIOLENCE

**Racism** - The Center brought Tim Wise in March, and brings Ron Daniels this month (see box) to talk bluntly about existing racism in the United States. In my understanding, the roots of racism lie deeply embedded in the way human consciousness has evolved, and is found in some form in every society as "us/them" thinking. Overcoming this reflex requires hard spiritual and/or psychological work. American racism, however, is uniquely pernicious in that it was arbitrarily color-coded (as white supremacy) and was used to *justify* exploitative economic expansion. Because of this history, racism is especially difficult for Americans to confront: we must reevaluate not only our overt treatment of "others," but also the presumptions undergirding our sanctified "way of life"-which unfortunately is based as much on expropriation and systematic dehumanization as on free enterprise and democracy.

I have invited members of the Black/White group that the Center cosponsored a couple of years ago, and fellows of the Central California Institute, to jointly create a public workshop to explore how implicit racism impacts the way we do business daily . . . often without awareness. This event is intended to be challenging to the participants, rather than to facilitate gratifying dialogue. Anyone interested in helping plan this event can contact Richard Stone at 266-2559.

**501(c)3** - The Center is one of the few local progressive organizations constituted as a 501(c)3 tax-exempt nonprofit corporation. This means we can accept tax-deductible donations, and we don't pay taxes on moneys raised by our educational activities. Conversely our status limits us to minimal activities in the realms of electoral politics and issue advocacy. We can and do cosponsor specified educational activities with nonexempt organizations

(such as WILPF), but we cannot simply donate money to them; that would be considered money-laundering.

Because we are in a position to accept grants from foundations that similarly cannot give to non-tax-exempt groups, we have occasionally taken on the "fiscal agency" for grants to groups like *Community Alliance*, whereby the grant-related activities (necessarily consistent with our purposes) become programs of, and are overseen by, the Center.

For the past three years, we have acted as fiscal agent for the Lighthouse AIDS Management Program of Merced County. We had precedent for taking on this kind of program in our previous role as incubator for the Living Room; but this out-of-county experiment was undertaken only because of our long association with the Lighthouse's (then) new executive director, Jean Kennedy. This collaboration has been a thorny but worthwhile endeavor.

As with the Living Room, it was never our intention to make this a permanent relationship, especially because we are unprepared to manage a program with salaried staff. In the past month, two things have occurred simultaneously: The current Lighthouse staff have expressed their intention to seek grants enabling salaries; and Jean has decided to move her focus to Fresno programs. In this situation, the Center has begun working with the Lighthouse to transfer our fiscal agency to a Merced-based organization.

It is a credit to Jean and her coworkers that they've been able to bring a program back from bankruptcy and run it on an all-volunteer basis for so long. We wish them all the best of luck as they continue their now-separate path of community service.

**Fresno Center for Nonviolence**  
985 N. Van Ness • Fresno, CA 93728  
Ph. (559) 237-3223 • [fcnv2@juno.com](mailto:fcnv2@juno.com)  
<http://www.fresnoalliance.com/centerfornonviolence>

## THE WELCH REPORT

May 12, 2003

Jack H. Welch, M.D.

### NUCLEAR GENIE HAS ESCAPED BOTTLE

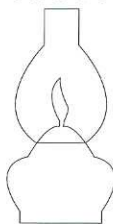
"The recent revelations about secret US nuclear warfighting plans are a wake-up call." When the Cold War ended more than ten years ago, most Americans put nuclear weapons out of their minds. The US military-political establishment, however, regrouped and developed a new set of justifications for retaining nuclear weapons and refining them for greater utility in the changed international situation.

"The Bush Administration's Nuclear Posture Review (NPR) reaffirms the centrality of nuclear weapons in US national security policy and makes their use more credible." Nuclear weapons are no longer relegated to the category of weapons of last resort, but are to be fully integrated into a broad spectrum of warfighting capabilities.

The NPR identifies three scenarios in which nuclear weapons might be used: "against targets able to withstand nonnuclear attack," in retaliation for the use of chemical, biological, or nuclear weapons, or "in the event of surprising military developments"-an open-ended condition. The NPR provided justification for the request of \$5.9b from Congress for nuclear weapons activities in FY2003.

"If the programs and policies advocated in the NPR go forward, they will doom hopes for progress on arms control and disarmament for the foreseeable future, and will add to the increasingly unstable global security environment." Russia will retain an arsenal large enough to destroy the US, and China likely will expand its own relatively small nuclear forces.

The viability of the Nuclear Nonproliferation Treaty (of 1968), which has limited the spread of nuclear weapons, will be endangered. If the world's most powerful



nation feels that it must rely on the threatened use of nuclear weapons to ensure its national security, why shouldn't other nations follow suit? As responsible global citizens we must insist on a more sustainable concept of human security based on the security of all people everywhere, in which nuclear weapons have no place.

(Source: *Western States Legal Foundation, Oakland, California, April 8, 2002*)

### SECRET PENTAGON DOCUMENTS CALL FOR USABLE NUCLEAR WEAPONS

An "Implementation Plan" for the Bush Administration's controversial NPR is nearly finished. The NPR expands potential nuclear targets from two countries to seven, including China, Russia, Iraq, Iran and North Korea, and prioritizes the destruction of hardened, deeply buried targets by nuclear bunker busters. "Taxpayers have a right to know that the Pentagon is quietly pursuing a 'brave new world' of more 'usable' nuclear bombs and warheads, at the same time it forcibly instructs other nations to abstain from developing weapons of mass destruction."

The Pentagon's plans must be viewed in the context of implementing the policy shift to "preemptive strikes," as evidenced by the Iraq War just concluded. The Pentagon also has drafted legislation to overturn the nation's current prohibition against the development of "mini-nukes," nuclear weapons with yields of less than five kilotons (the Hiroshima weapon had a yield of 12 kilotons).

The Bush Administration wants to develop a whole array of new and modified nuclear weapons, including the high-yield Robust Nuclear Earth Penetrator (RNEP) and specialized, low-yield nuclear bunker-busters and other mini-nukes.

**ACTION:** Call your US Senators and Representative without delay, (202) 224-3121, urging their support of cutting funding for the RNEP and upholding the Spratt-Furse prohibition on low-yield nuclear weapons (mini-nukes).

(Source: *Tri-Valley CARES "Citizen's Watch," April 2003*)

**Sunday, June 1 • 9 AM-3 PM**

Free Clinic/Health Fair at the Kerman Community Center, 15100 Kearney Blvd in Kerman. For more information call 298-4894.

**Tuesday, June 3 • 10 AM**

The *California Latino 5 a Day Campaign* will unveil its highly anticipated mural, which depicts our Latino community eating healthful foods, celebrating Latino traditions, enjoying physical activity with family and friends, and living healthy lives. In combination with the unveiling ceremony, the *California Latino 5 a Day Campaign* will release the powerful results of an evaluation study, which measured the effectiveness of the *Campaign* in improving fruit and vegetable consumption among Latinos. The study reveals significant gains in fruit and vegetable consumption among Spanish-speaking Latinos. The study also shows positive and significant correlations between exposure to the program and attitudes, beliefs, and intentions related to fruit and vegetable consumption.

To celebrate the amazing beauty and humanity of the mural, the successes the *California Latino 5 a Day Campaign*, and the long-term health of the Latino community, a resolution will be passed by the State Legislature to declare June as Latino Health Awareness Month.

WHERE: Fulton Mall at the clock tower in downtown Fresno (intersection of Fulton Mall and Mariposa Mall).

**Thursday, June 5 • 7 PM**

The St. Alphonsus Local Organizing Committee and FACT are sponsoring a meeting to address issues of great concern for West Fresno families. The meeting will be held in the Edison High School cafeteria (540 California). Our guests for that night will be school board members Luisa Medina and Manuel Nunez. An as-yet-identified third board member will be also present. For more information call 442-3120.

**Friday, June 6 • 7 PM**

Waddama, at Artes Americas, 1630 N Van Ness. Outdoor concert as part of the La Pena Cultural program <www.waddama.com>. Free!

**Saturday, June 7 • Time to be announced**

The Community Link is hosting the 13<sup>th</sup> annual Gay Pride Parade & Festival in the Tower District. The parade starts at Palm and Olive Aves. and finishes at Maroa and Olive Aves. with a festival immediately following. For more info call (559) 486-3464 or email CLinkInc@aol.com.

**Thursday, June 12 • 6:30-8:30 PM**

Financial Education Class: Money Flows and Asset Creation-Workshop participants learn how money works and is recycled into the community. Participants learn the importance of saving money and accumulating assets. New Birth Evangelistic Church, 2360 South Bardell St. Sponsored by Fresno West Coalition for Economic Development & the proposed Fresno United Federal Credit Union. This is the first of eleven classes, which will be held the second Thursday of each month. Classes are free and open to the public. For more information contact Amy Guerra: (559) 485-1119 or amy@fresnounited.com.

**Saturday, June 14 • 9 AM**

Self-Help Enterprises is having a "Wall Raising" event at the Harvest Acres Subdivision in Fresno. The mission of Self-Help Enterprises is to improve the lives of low-income residents in the San Joaquin Valley through housing and related programs and services. For more information call 651-1000 or visit their website at <www.SelfHelpEnterprises.org>.

**Saturday, June 14 • 7 PM**

The Fresno Center for Nonviolence anniversary, with speaker Ron Daniels, will be held at the First Congregational Church on Van Ness Blvd. The topic will be "The

CA 12

Case for Affirmative Action and Reparations for Blacks in America." See the article on page 4 for more information.

**Monday, June 16 • 7 PM**

California Heartland, a half-hour series produced by KVIE, Inc., Sacramento, will feature a story on Supervisor Juan Arambula. KVPT channel 18 will air the program in Fresno.

**Wednesday, June 18 • 7 PM**

Community meeting on the Patriot Act I & II will be held at the Unitarian-Universalist Church of Fresno, 4144 N Millbrook. Featured speaker will be Bob Kearney from the ACLU in San Francisco. See the story on page 6 for more information.

**Thursday, June 19 • 9 AM**

Join Kevin Hall and other environmental activists as they speak out to "Clear the Air" at the air district office in Fresno, 1990 E. Gettysburg. See Kevin's article on page 5 for more information.

**Saturday, June 21**

Annual AIDS Walk-A-Thon. Held in Merced this year, featuring Waddama — call to sign up and participate in the upcoming Walk-A-Thon. Proceeds will go to the Lighthouse, HIV/AIDS Management Program, (a program under the Fresno Center for Nonviolence). If you have a booth and would like to share your information with the general public, or if you and your group would like to walk, call (209) 725-3000 to register and receive additional information.

**Saturday, June 21 • 7 PM**

Celebrate the Summer Solstice with an evening of roots music of the Americas on the evening of Saturday June 21st. The evening of music features the great Kenny Hall and a company of friends, and the well-known local duo Augustin Lira and Patricia Wells. Other musicians to be announced will appear as well. It all takes place in the lovely garden venue of Pat Wolk, 6661 N. Forkner Avenue in Fresno. This is a benefit for KFCF 88.1 FM, for more information call 559-233-2221.

**June 23-25**

Didn't make it to the WTO protests in Seattle 1999? Well, here's your chance to get out and protest against GMOs, pesticides, food irradiation, toxic sludge, the weakening of organic standards, and other industrial agricultural practices. It's people power vs. the WTO, as the USDA will be hosting a WTO ministerial-level Conference on Agricultural Science and Technology June 23-25 in Sacramento. For more information, contact Heidi McLean (of Sacramento Activists for Democratic Trade) at (916) 456-9435 or SILR@jps.net, or check out their website at <www.sacacts.org>.

**Wednesday, June 25 • 6 PM**

The Central California Criminal Justice Committee will meet at the Sarah McCordle Room of the downtown library. All welcome to attend.

**For up-to-the-minute information about what is happening in Fresno's progressive community, join the Community Alliance email alert network. We send out an updated calendar of events once a week and alert you when there is an emergency rally or demonstration. This is a free service. You can join by sending your email address to:**

**<AllianceEditor@attbi.com>**

**and saying you would like to subscribe to this service.**

**MOVING?**

If you receive this magazine by mail and are moving, please let us know. It will keep your magazine arriving on time and save us money.

# "Postwar" Does Not Mean "Slow Down"

by Ken Hudson

The term *postwar* is questionable in light of the U.S. occupation of Iraq and the overall War on Terrorism, which threatens to consume the rest of this generation and the next. Peace efforts continue in response to perpetual war. On May 12, members of California State University, Fresno's faculty in the music and art departments presented a benefit performance for Peace Fresno and the Middle East Children's Alliance. The classical arts were an amazing medium used to reflect upon and express feelings regarding the war and occupation. The audience was treated to a variety of classic art forms consisting of instrumental, vocal, interpretive reading, art, and dance. A painting by Aaron Doyle was created on a six-foot canvas during Ruth Griffin's interpretive dance to Arvo Pärt's Sanctus and Agnus Dei. The beauty of the pieces throughout the evening brought forth emotions of sadness, the despair and anger of the suffering, as well as the hope of overcoming the violence and oppression of war. A special thanks goes to organizers Dr. Benjamin Boone and Dr. Robert Strizich, who are planning another concert in the fall.

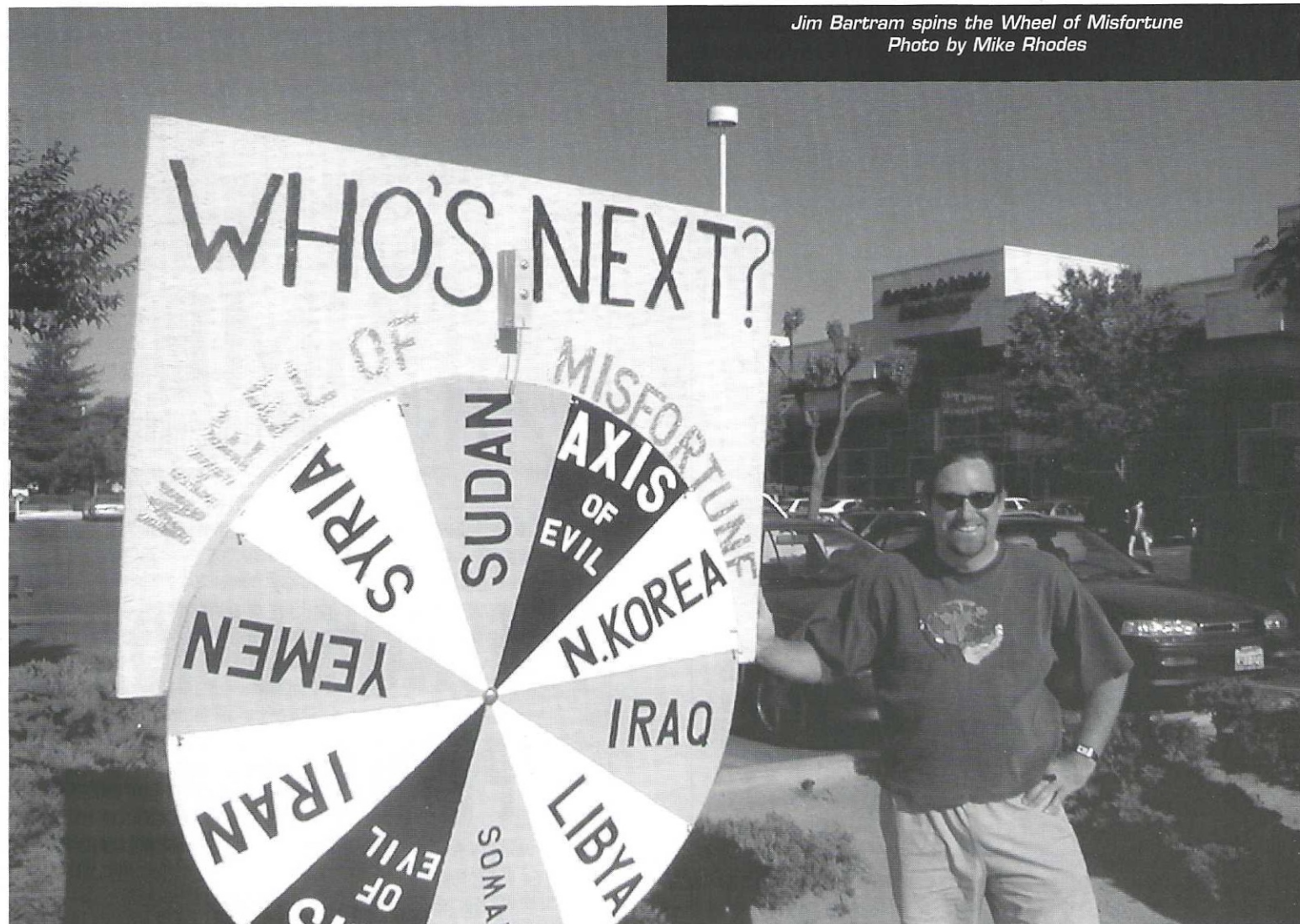
Peace Fresno is working on effecting a change in school district policies at Fresno Unified School District and Clovis Unified School District. Under the federal No Child Left Behind Act, the military has gained increased access to students' personal information, such as addresses and telephone numbers. This has some of us calling it the "No Child Left Unrecruited Act." Parents in FUSD and CUSD wishing to prohibit the districts from providing this access currently have to ini-

tiate a notice to the districts to "opt out." The obvious problem is that parents must first be aware of the military's access as well as the parents' right to opt out. We are pursuing a change in the policies of those districts, reversing the burden, in order to prohibit the districts from releasing student information unless a parent has submitted a request to "opt in." The Resource Center for Nonviolence (Santa Cruz) successfully brought about this policy change in the Santa Cruz High School District and it can happen in the Central Valley too. Our "Opt-In" committee is chaired by Diane Kallo.

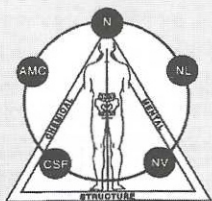
We also are conducting a petition campaign called, "For the Record," where people have the opportunity to oppose U.S. action on Iraq. The statement reads: "Let my name be a part of the public record in calling for an immediate end to the United States occupation of Iraq, for the United Nations to monitor and support the transfer of power to the people of Iraq, and for a policy ensuring that the natural resources of Iraq benefit its citizens exclusively." Names will be published on our website, <[www.peacefresno.org](http://www.peacefresno.org)>. This committee is chaired by Rebeca Rangel.

This month we were pleased to be contacted by Voices in the Wilderness and offered to host the appearance of its founder, Kathy Kelly, on May 19. She has worked for ten years to lift the sanctions on Iraq and had spent the last five months in Iraq, before and during the invasion. Her reports from Baghdad were often broadcast on Pacifica Radio. Her appearance preceded that of Dennis Kucinich on May 27, whom we, along with other groups, had worked to bring to Fresno since January.

Perpetual war demands perpetual action for peace.



Jim Bartram spins the Wheel of Misfortune  
Photo by Mike Rhodes



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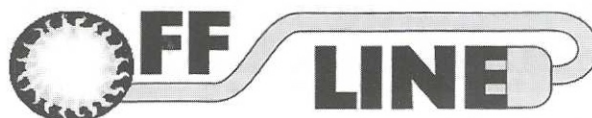
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# Community Development Credit Union Project:

## Nonprofits Ambitiously Pursue Community Development

by Amy Guerra, Daniel Guerra, Jodi Ballard, and Anna Parker

Southwest and Southeast Fresno are highly underserved, low-income areas, with little access to traditional financial services. Residents of these communities, due to the abandonment of the area by traditional financial institutions, are forced to patronize predatory businesses. These unregulated institutions are designed to strip wealth and equity from the community. Mortgage fraud, racial steering, door-to-door solicitation, and mass mailings to the elderly or minority community members further complicate financial access issues. The cyclical trend of payday lenders and other predatory businesses perpetuates poverty and powerlessness in areas where low-income and minority families live.

Rather than exploitative businesses, the community needs financial services able to meet the needs of those with socioeconomic and cultural barriers. Currently, with no place to obtain small loans besides payday lenders, community members can pay in excess of 650% in interest, losing more than \$1,000,000 a year to check-cashing and payday-lending businesses.

Based on these needs, a coalition of nonprofits, (spearheaded by Fresno West Coalition for Economic Development, California Rural Legal Assistance, Fresno Interdenominational Refugee Ministries, Hmong American Community, Fresno Center for Nonviolence and Women's International League for Peace and Freedom) has joined together in an effort to charter a community-owned credit union called a Community Development Credit Union. It is the resolution of the Proposed Fresno United Federal Credit Union to increase financial access, literacy, and stability for all residents with a focus on low-income residents; and thus to strengthen community development through increased circulation of funds.

The Community Development Credit Union Project is sponsored by Fresno West Coalition for Economic Development. Socially responsible investors, interested volunteers, and community members can get involved by calling (559) 485-1119 or emailing amy@fresnounited.com. The process of chartering a credit union is a long and arduous one; the support of the community is necessary!

## June Legislative Report

**URGENT:** On **June 2**, the Federal Communications Commission is planning on authorizing sweeping changes to the American news media. The rules change could allow your local TV stations, newspaper, radio stations, and cable provider to all be owned by one company. NBC, ABC, CBS, and Fox could have the same corporate parent. The resulting concentration of ownership could be deeply destructive to our democracy. Send a letter to the FCC and Congress at <[www.moveon.org/stopthefcc/](http://www.moveon.org/stopthefcc/)>.

The Workforce Reinvestment and Adult Education Act (**HR 1261**) jeopardizes civil rights and religious freedom because it would roll back protection against discrimination or misuse of government funds by religious organizations. For the first time ever, it allows religious organizations involved in federal job training programs to discriminate according to religion when hiring staff for these taxpayer-funded services. You can fax a letter at <[www.aclu.org/](http://www.aclu.org/)>.

Legislation sponsored by Senator Kyl (R-AZ) and Senator Charles Schumer (D-NY) would allow the shadowy FISA court to approve secret government surveillance of noncitizens even if there is no probable cause of criminal activity or any evidence that the individual is operating under direction from a foreign power. Consequently this legislation (**S 113**) would grant the government new, unprec-

edented spying powers and significantly infringe on the privacy rights protected by the Fourth Amendment. Fax letters at <[www.aclu.org/](http://www.aclu.org/)>.

A secretive new system for conducting background checks on all airline passengers threatens to create a blacklist of Americans who cannot travel freely. This new government program, called Computer-Assisted Passenger Pre-Screening System (or **CAPPS II**) would search secret intelligence and law-enforcement databases and rate every airline passenger a red-, yellow-, or green-level threat. If you are branded a "risk" due to false information, the process for correcting the error is unclear and could result in significant delays or detention for many innocent people. Urge the Transportation Safety Administration and your members of Congress to stop **CAPPS II**. Fax letters at <[www.aclu.org/](http://www.aclu.org/)>.

On May 14, seven Representatives introduced **HR 234** condemning bigotry and violence against Arab Americans, Muslim Americans, South-Asian Americans, and Sikh Americans. The resolution is similar to **SR 133**, which was introduced in the Senate on May 6. These bipartisan resolutions (1) recognize that Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans greatly contribute to American society and serve honorably in the military and law enforcement; (2) urge respect for civil rights and civil liberties; (3) condemn bias-motivated crimes against members of these communities; and, (4) call upon federal and local law enforcement to prosecute such crimes vigorously. Ask your members of Congress to support both bills by sending them a letter at <[www.naaa-adc.org/](http://www.naaa-adc.org/)>.

For more than a decade, numerous members of Congress have tried—with seemingly endless resources—to amend the U.S. Constitution to give the government the power to prohibit the physical desecration of the American flag. Civil libertarians have fought back hard, organizing coalitions of veterans, religious leaders, and other Americans who believe that such a constitutional amendment would undermine the very principles for which the American flag stands. This year, the amendment has been introduced in the Senate (**SJ Res 4**) by Senators Orrin Hatch (R-UT) and Diane Feinstein (D-CA), and in the House (**HJ Res 4**) by Reps. Randy "Duke" Cunningham (R-CA) and John Murtha (D-PA). Fax letters at <[www.aclu.org/](http://www.aclu.org/)>.

## Poetry Corner

*This month's poem is from noted spoken word performer Mike Medrano. There are no submissions stockpiled—poets, send your stuff or lose the space.*

### THE CORNER IN THE BARRIO FINALLY GETS ITS MAKEOVER

At the corner  
of Olive and Mariposa Avenue  
in East Central Fresno  
in the barrio  
the city's sanitation division  
digs out an enormous stockpile of dirt  
that will one day be the neighborhood's  
drainage system. No more  
will the children be forced to walk the middle  
of the street when the rains come  
and the winos can walk  
to the liquor store without a life  
preserver, or even take the bus downtown  
with enough change  
to thank the city for its progress.

## COMCAST, CABLE ACCESS, AND FREE SPEECH IN FRESNO

by Mike Rhodes

Public, Education, and Government (PEG) channels will be available soon in Fresno. A new franchise agreement between the City of Fresno and Comcast (our cable company) is being negotiated and it is expected to include PEG cable access. What will that mean to this community? PEG access will be the biggest free-speech soap box you have ever seen. It will give all community groups and individuals in this city the opportunity to have their own TV shows. It is probable that the studio, equipment, and training will be provided free by the terms of the agreement. I think it is realistic to expect three or four channels, a production facility, and money to operate the project by the conclusion of this process. The current contract expires in December 2004.

Just to give you an idea of what this franchise contract agreement might look like, let us compare Fresno with the City of Santa Maria & Lompoc (where Comcast signed its most recent contract). That cable network has 25,000 subscribers and Fresno has 72,000. The cable franchise renewal in Santa Maria & Lompoc (2002) gave that community two PEG access channels initially, four after 24 months, and up to seven total and an \$828,000 initial grant. They will give the PEG access channels \$355,000 each year of the 12-year franchise. The agreement between Comcast & Santa Maria/Lompoc is for a cable network that is about one-third the size of the Fresno contract! We expect to have an agreement that gives this community at least as good of a deal as Santa Maria/Lompoc's. Fresno deserves no less and Comcast can afford to pay a lot more for this exclusive and lucrative franchise agreement.

The City of Fresno has hired the Buske Group as a consultant to help negotiate the contract with Comcast. I met with Sue Buske in May 2003, and she told me that we are in a very early stage in the contract negotiation process and that the success of the agreement will depend on community participation. The City of Fresno and the Buske Group want to build a firm foundation that will show the need for PEG access in Fresno. This will be done by holding a series of focus-group meetings and community-needs-assessment meetings in Fresno. As Tim Lynch, who works with the City of Fresno explained, "you have to know what PEG access is before you know that you want it. If you had never heard of chocolate ice cream, how would you know that you want it?" That is one of the problems with PEG access TV in Fresno: Most people don't even know what it is, so they don't know what they are missing. See the accompanying article ("Public, Education, and Government (PEG) Access TV") for more details.

The task for the next several months will be to involve community groups and leaders in educating Fresno about the opportunity of PEG access. If you would like to help, contact Cable Access Now (CAN) at (559) 226-0477.

## PUBLIC, EDUCATION, AND GOVERNMENT (PEG) ACCESS TV

from the Buske Group website <[www.buskegroup.com](http://www.buskegroup.com)>

### Q: What is access?

A: Access can be subdivided into public access, educational access, and government access. The term "PEG access" is called "public, educational, and government use" under the Cable Act.

Public access consists of video programming and other electronic information produced, directed, and engineered by community volunteers. (For convenience, all types of information carried on PEG channels will be referred to as "programming," although PEG channels are used to carry video information, data, video text, and voice communications.) In the case of public access, the programming is developed or acquired by non-profit community groups, neighborhood organizations, social service agencies, and individual citizens. It focuses on many aspects of community life, ranging from the services and activities of community organizations to the opinions and beliefs of individuals in the community.

Educational access is developed or acquired by school or college employees, students, and school volunteers. It typically focuses on distance learning, school activities, and information that the school/college wants to get out to the community or share among schools.

Government access is created or acquired by local government employees, elected officials, and volunteers. It typically focuses on information about services provided by local, state, and regional governments, issues faced by local governments, and public meeting coverage. Government access is also used for other purposes, such as providing training to city employees or exchanging information between city agencies and other institutions.

The content of the material carried on PEG access is determined by the individuals, groups, or organizations that produce it. There is also "institutional" use or institutional access. Institutional use typically involves the transmission of information among public buildings, hospitals, educational institutions, and other similar institutions. The residential subscriber may not receive the transmission. This institutional use can be thought of as a subcategory of PEG access.

Access program content is controlled by the group, organization, institution, or individual that produces or provides a program. PEG access is typically noncommercial in that there are no commercial advertising spots and there are typically no so-called infomercials run on PEG access. Access channels sometimes do carry PBS-style credit for underwriters. Programming on educational channels may include credit classes for a fee that must be paid in order to obtain academic credit.

Q: Why do communities include access requirements in cable franchises?

A: Both the Cable Acts of 1984 and 1992 permit local governments to include and enforce requirements for PEG access equipment, facilities, services, and support in a franchise. The Acts explain the purposes of access well: "Public access channels are often the video equivalent of the speaker's soap box or the electronic parallel to the printed leaflet. They provide groups and individuals who generally have not had access to the electronic media with the opportunity to become sources of information in the electronic marketplace of ideas." These federal laws also permit local government to require institutional networks that can be used by local community institutions.

Q: Is the goal to produce programming of a certain type?

A: No. The goal is to create a sort of "electronic park" where everyone can be a provider as well as a recipient of information, and where everyone can participate in public debate electronically. Cable companies often argue that access channels do not get ratings the way an ESPN gets ratings. That misses the point of the PEG channels. In some ways, PEG channels are meant to allow an electronic dialogue and exchange of information. There may be a limited number of people interested in any particular dialogue, but the availability of the channels means that there is an opportunity for voices to be heard. As a result, a very typical pattern for a well-supported access channel is that relatively few people will be watching at any particular time, but that over a period of time, a large number of people will tune in to the channel.

For example, access channels expand the ability of community residents to be more active participants in government and educational meetings by cablecasting city council and school board meetings. One would not be surprised if the viewership level of any one particular meeting would be low when compared to many other television channels. But the fact that the program is carried means that, as particular issues become part of the agenda, viewers with an interest in that issue can view the public debate and participate in it. Over time, many subscribers will watch. Further, the availability of the channel means that those who could not participate "live" may be able to participate by watching a rebroadcast of a particular event. It also means that programmers can target programming to reach particular segments of the community that need help. For example, one of the problems confronted by social service agencies is outreach: a shelter for battered women may wish to produce an access program about their services, and finds this to be a more efficient way to reach the public than available alternatives. From a community's standpoint, the issue is not "Will this attract the same number of viewers that watch HBO?" but is instead "Will this allow members of the community to work together more effectively?"