



The American Civil Liberties Union of Texas  
70 Proud Years of  
Defending Rights in the  
Lone Star State

*The first publication of the Texas Civil Liberties Union, a pamphlet that referred to San Antonio as “The Cradle of Texas Liberty (and its Coffin?),” told the story of Emma Tenayuca, the Latina pecan shellers and their struggle for justice, included a call to action from U.S. Representative Maury Maverick, Sr., and invited Texans to become members of the organization. Seventy years later, this pamphlet does much the same.*

*Today the ACLU in Texas is stronger and more effective than ever, thanks to the leaders and members who built our organization. Yet even today, the ACLU confronts the same civil rights issues that troubled the pecan shellers -- the right to speak freely, the right to be free from governmental overreaching, the right of a minority to be protected from tyranny by the majority.*

*No civil liberties struggle ever stays won. It is important for ACLU members to understand how far we have come, in order to know how far we have yet to go.*

*Are you ready to pick up the torch?*

## INTRODUCTION

*A century and a half after the ratification of the Constitution and the Bill of Rights, the United States faced one of the most serious threats to the liberty that distinguished it from other nations, including other republics. More recently, protecting domestic security has appeared, to many, to be more important than freedom of speech, the right to associate and assemble, and other civil liberties.*

*Born of the Industrial Revolution, modern capitalism concentrated enormous wealth in the hands of the rich and expanded the middle class; but it had left many of the workers who produced the wealth in poverty. In mines and in factories, exploited laborers joined in unions and used their single most powerful weapon – walking off the job – to fight for a living wage, decent working conditions and basic rights. Often these fights were bloody confrontations.*

*Meanwhile, across the Atlantic, a revolution that grew out of the conviction that the workers themselves should own the means of production had toppled the czarist Romanov dynasty in Russia. Communist and socialist parties were winning substantial political influence in other European countries. Americans became worried about Communism taking hold in our nation.*

*Then, on October 28, 1929, the New York stock market crashed. Failures of major banks and seemingly rock-solid corporations quickly followed. The middle class lost its savings; hundreds of thousands of workers lost their jobs. Homeless camps appeared under bridges and in fields. Breadlines snaked through streets. Even people who had not lost everything stopped spending on anything but essentials, so the manufacturing and retailing sectors sunk deeper into despair and depression.*

*Although the struggle to get a job often trumped wages and working conditions, organized labor kept up the fight, even in the depths of the Great Depression. Not surprisingly, entrepreneurs who hung on or had even taken opportunities offered by the crash to start and grow businesses saw labor action as a threat. Even many Americans whose true economic interests lay more clearly with striking workers sided against them. The labor movement was born of ideas, ideas that were being articulated abroad, as well as at home, and therefore (they reasoned) constituted an external threat to the country.*

*If only a lid could be kept on those ideas, if only organized action could be prevented, everything could settle down, business could get back to normal, prosperity would return and the American Way of Life would be protected.*

## THE SHOW-DOWN IN SAN ANTONIO

In the early twentieth century, San Antonio was America's pecan-processing capital. Half the country's pecans came from Texas, and half of those were harvested within 250 miles of the Alamo City. On top of that, San Antonio offered abundant cheap labor: thousands of recent Mexican immigrants. Of the city's 230,000 residents in 1930, 83,000 were of Mexican descent, second only to the Hispanic community in Los Angeles.

Paying \$2 to \$3 a week, the pecan-shelling industry was one of the lowest-paid. As they went about the rough work of separating pecan meats from shells, workers endured dim lighting and an atmosphere permeated by fine brown dust. The factories lacked decent ventilation and indoor plumbing. But the shellers, most of them Latinas, relied on their meager incomes to help support their families, and they feared being separated from those families if they objected.

Throughout the 1920s and 1930s, explained Texas A&M history professor Julia Kirk Blackwelder, author of *Women of the Depression: Caste and Culture in San Antonio, 1929-1939*, the San Antonio economic and political establishment had a powerful club to hold over the heads of most of their workers: the threat of deportation. Although only a handful of individuals were actually deported, the fear of being sent back, of breaking up families, was always there. "For women, also, there was a kind of internal suppression of freedom of speech," Blackwelder added, "because what a woman did could bring disgrace on her family."

Although San Antonio had nearly 400 shelling factories, the market was dominated by the Southern Pecan Shelling Company, which processed between a quarter and a third of the country's pecans. Owned by Julius Seligmann, who co-founded the company with Joe Freeman in 1926, Southern Pecan was a prime example of the prosperous businesses built by earlier waves of immigrants to Central and South Texas and by their descendants.

"The European immigrants who came to San Antonio during the late nineteenth and early twentieth centuries took the opportunities it offered for service and mercantile businesses and did quite well," Blackwelder observed. "But the rapidity of immigration from Mexico overwhelmed the city. Compared to the Mexican Americans, who'd lived there for generations, they were transient, so the city fathers thought they didn't have to deal with them, and the middle class attitude was, 'These people just need to move on.'"

Rather than hoping the Mexican immigrants would move on, "Pecan King" Julius Seligmann built his fortune on them. Years before he founded the Southern Pecan Shelling Company, other processors had switched to machines for grading and cracking the nuts; only the delicate task of separating the meats from the shells was performed by hand. But Seligmann recognized that if he kept compensation low enough, he could actually cut costs by having the whole process conducted by cheap human labor. He also saved factory costs by transforming much of the work into a cottage industry. Many of his shellers would pick up loads of pecans and take them home, where the whole family, including young children, would sort, crack and shell. They received six cents a pound for halves, four cents for broken pieces.

In July 1934, Julius Seligmann and the other owners announced a cut of a penny and a half per pound, and, as a consequence, the newly organized International Pecan Shellers Union, a chapter of the United Cannery, Agricultural, Packing and Allied Workers of America, called a strike. Although police provided protection for strike-breakers, within two weeks strikers succeeded in closing the plants. Eventually, that strike collapsed, as did a second in March 1935. The wage cut held.

Two years later, the Congress of Industrial Organizations (CIO) sent staff to the city to organize the shellers and help them stage a more effective strike. They quickly encountered a fiery and dedicated local labor organizer, Emma Tenayuca Brooks. Although she was only 20, she had excelled in high school and had learned about radical politics from her grandfather. A self-proclaimed communist, Tenayuca had married Homer Brooks, the Communist Party's candidate for governor. She was Latina, but her San Antonio roots ran deep. Her parents and both sets of grandparents were from the city. Her English was flawless, and she had an orator's gift for stirring a crowd.

Although she was an elevator operator, Tenayuca could rally the city's pecan-shellers behind her. In 1937 she founded the Workers Alliance, built headquarters on San Antonio's West Side, and staged a sit-in at City Hall to protest relief practices biased against Latinos and Latinas.

"Emma Tenayuca was a very smart young woman, and she was fearless," Blackwelder said. "By all accounts, she was a charismatic speaker, and she didn't come from the outside. She came from a fairly well-educated background, and she had a view of the world around her, not just of her community. She was threatening because of her ethnicity and because of her radicalism. Emma Tenayuca wanted to see capitalism disappear. She was well-known as somebody who could incite."

Vowing to keep the city free of communist influences, San Antonio police chief Owen Kilday publicly denounced Tenayuca after the City Hall rally. Even leaders of the labor movement worried that her outspoken attacks on capitalism might jeopardize their goals. But she continued to lead, and the pecan-shellers and other low-wage workers continued to follow.

"She was so young and so propelled by the need to do something about the suffering she saw that she didn't give a thought about herself or about fear," explained her niece, Sharyll Soto-Tenayuca, a San Antonio attorney. "I didn't see her involvement being a planned action. It was a gut response. She saw what the horrible wages were doing to these families and these children, and she loved children. Once she knew what she knew and saw what she saw, there was no turning back."

On January 31, 1938, following Emma Tenayuca's banner, half of San Antonio's 12,000 pecan-shellers walked off the job. A week later, the CIO sent Donald Henderson, president of the United Cannery umbrella union, to take over; another CIO organizer, J. Austin Beasley, followed. Tenayuca agreed to take a back seat.

"When it became apparent that these women weren't going to just go back to work, Chief of Police Owen Kilday ordered his officers to put down the strike," explained Matt Keyworth, a Texas A&M graduate student who wrote his master's thesis on the strike.

Declaring that the strike was a red plot to take over San Antonio's Hispanic West Side, Kilday took a no-holds-barred approach to the task. A red-baiting campaign spread the rumor

that "godless communists" were trying to infiltrate the city and close the churches. One of the three soup kitchens feeding striking workers was closed, purportedly for health reasons. Police tear-gassed, roughed up and arrested the female picketers, allegedly for illegally blocking the sidewalks, then threw them into jail cells filled five or 10 times their designed capacity, taking care not to segregate the strikers from the city's prostitutes. This last touch added humiliation for the women and their families, along with anxiety about contagion in an era when misconceptions about sexually transmitted diseases were common. During the first days of the strike, Tenayuca herself was arrested but was quickly released.

Despite the worst efforts of Owen Kilday and then-Mayor C. K. Quinn, the strike held for almost three months. On March 18, both sides came to the table for arbitration. "Pecan King" Julius Seligmann and the other processors agreed to pay the shellers eight cents a pound for halves and seven for pieces.

Ironically, although the pecan-shellers prevailed against the owners, their victory was short-lived. The Fair Labor Standards Act passed Congress just a few months later, on June 25, 1938. The law set a minimum wage of 25 cents an hour. That provided the incentive for Seligmann and other processors to mechanize pecan shelling. Within three years, the shelling jobs disappeared. Instead of 12,000 workers, San Antonio's pecan-processing industry needed 3,000 at most.

Hoping to build on the momentum of the strike, Emma Tenayuca obtained a permit to hold a communist rally at the American Legion Municipal Auditorium on August 25, 1939. Although angry Legionnaires insisted that the city revoke the permit, a new mayor passionately committed to free speech and freedom of assembly had replaced C. K. Quinn. Maury Maverick refused the demand.

Maverick was San Antonio's first mayor sympathetic to labor. As a congressman during the mid-1930s, he had been alarmed by the tactics New York Mayor Boss Hague was using to control the jobless, and he vowed not to let such abuses happen in his city. Turning his focus homeward, he ran for mayor on a reform platform, promising an end to machine politics. To learn about the conditions in the local hobo camps, he dressed as one himself and visited. His solution was to provide the camps with de-commissioned streetcars as bunkhouses and to organize communal kitchens.

Rather than a sign that the city was becoming politically progressive, Maury Maverick's election as mayor in 1939 resulted from the local establishment's regard for tradition. The grandson of Samuel Augustus Maverick, the land baron who helped negotiate the terms of Texas independence, whose ranching practices gave the family name to unbranded cattle, and who became mayor in 1839: Maury Maverick was a *bona fide* Texas blueblood. He had also brought benefits to the city during his term in Congress. Although he was a New Deal Democrat, not the communist or socialist his social peers often accused him of being, Maverick was concerned about what he saw as the erosion of liberty in San Antonio, especially for people of color, and believed fervently that the city's public venues for assembly should be available to all.

Fuelled by anti-communist fervor, an angry mob gathered around the Municipal Auditorium the night of the rally. Only 150 individuals braved the intimidation to hear Emma Tenayuca and the other Workers Alliance speakers inside. Shortly after the

participants arrived, the mob began stoning the building. When he heard that a mob was attacking the Workers' Alliance meeting at the Municipal Auditorium, Maverick sent police to protect them. But it was too late. The rioters hanged the mayor in effigy, fleshing out the dummy's form with an extra pillow for his portly stomach. Then they smashed windows and stormed the interior, breaking and defacing whatever was at hand.

Emma Tenayuca and the other speakers escaped unharmed, but the Workers Alliance, and its young leader herself, had been halted. Shaken, she left town, eventually settling in California. She died in 1999.

## **BIRTH OF THE UNION**

Tagged with responsibility for the Municipal Auditorium disaster, Maury Maverick lost his next mayoral bid. But as an attorney in private practice, he continued defending the rights he held dear.

Despite suffering chronic pain from a World War I shrapnel wound near his spine, Maverick could be an electrifying speaker, especially when the subject was civil rights.

"When I was about 10 years old, he dragged me everywhere," said Maury Maverick's daughter, Terrelita, now 81. "I always remember him raising a fist when he made speeches. I remember him making a speech in an open area with a stage and no microphone, and everyone could hear every word he said."

While still a Congressman, Maverick joined with like-minded Texans to found the Texas Civil Liberties Union in January 1938, just 18 years after the American Civil Liberties Union officially began. The ACLU had its roots in the American Union Against Militarism, organized in 1915 to protest U.S. involvement in World War I. Responding to the Woodrow Wilson administration's draconian measures to silence the group, Massachusetts sociologist Roger Baldwin established a civil liberties bureau, which evolved into the ACLU as its mission expanded beyond the protection of the right to protest wars. The new group gained national recognition in 1925 for its representation of John T. Scopes, challenging Tennessee's law prohibiting the teaching of evolution. Nine years later, it took a stand defending free speech for Nazis, declaring the long-standing principle that expression of unpopular views needs to be defended, regardless of where those views may lie on the political spectrum or whom they might offend.

Although the Texas Civil Liberties Union became dormant once the San Antonio crisis had passed, over the next two decades independent civil liberties unions sprang up around the state to combat police brutality, poor jail conditions and government surveillance. By 1963, there were four independent chapters: Austin, Dallas, Houston and San Antonio. At the time, none of the dues paid by Texans to the American Civil Liberties Union national office were redistributed to the chapters. So the groups came together to form the Texas affiliate of the ACLU, making it eligible to receive 60 per cent of those dues. Other city chapters soon joined: Greater Fort Worth, Brazos, Sabine, Amarillo, Denton, Lubbock, Wichita Falls, Corpus Christi and East Texas.

"The Texas Civil Liberties Union was distinctive in that it was born out of a number of city chapters, rather than the other

way around," observed University of Houston law student Maria Carminati, who made a study of the state affiliate's history.

Even as the chapters joined forces, the ACLU of Texas continued the tradition of recognizing that the fight to defend civil liberties varied from one to the other. In Dallas, the rights of high school students to wear armbands protesting the Vietnam War and for boys to sport long hair became major issues in the late 1960s and 1970s. Dallas was highly organized with distinct Due Process, Legal and Education committees. Based in Austin, the Central Texas Chapter fought to improve and enforce jail standards, curb police brutality and defend free speech on the University of Texas campus.

In Houston, police brutality and deplorable jail conditions dominated. In order to bring these cases, the chapter needed inmate plaintiffs. "Sometimes the complaints were written on toilet paper, because the guards wouldn't let them have writing paper," recalled Sandy Rabinowitz, executive director of the Houston chapter from 1982 to 1985.

From the 1960s through the 1980s, the ACLU of Texas successfully defended the constitutional rights of the people of the state and established legal precedents that went far beyond its borders. Then in 1992, friction broke out between the Houston chapter and the national organization over allocation of finances. National terminated the activities of the Houston chapter – the largest in the state – effectively killing the Texas affiliate. Thanks to the determination and dedication of board president Greg Gladden, executive director Jay Jacobson and other champions of civil liberties, the ACLU of Texas emerged like a phoenix from the ashes a few years later and went on to win some of its most significant and highest profile cases. In the process, they educated Texans on the importance of defending such principles as the right to due process and the separation of church and state.

In 1993, the recently resuscitated ACLU of Texas took on one of its most notorious cases. Seeking to fight hate crimes, the Texas Commission on Human Rights tried to force the Texas Knights of the Ku Klux Klan to disclose its financial records and its membership list. Anthony Griffin, an African-American attorney who has offices in Houston and Galveston, took on representation of Michael Lowe, Grand Dragon of the openly racist group, before the U.S. Supreme Court, even though Lowe had once opined that America's crime problem could be solved if blacks were sent back to the cotton fields. Compounding the irony, Griffin used a 1958 ruling protecting the NAACP's membership roles from prying by the State of Alabama. It affirmed the principle that in the United States, a private group is a private group, period. Who does or doesn't belong is none of the government's business.

Recalling the shock, uproar and confusion the case stirred up, Griffin told *Civil Liberties: The National Newsletter of the ACLU* (#380 Spring 1994), "The First Amendment makes us laugh, scream, cry, scratch our heads at the wonderful contradictions—it crosses color, class and racial lines."

Despite the much-publicized cases where defense of free speech, the right of assembly and other civil liberties means defending these freedoms for racist or anti-Semitic groups, the American Civil Liberties Union of Texas finds itself far more often defending the rights of minorities. "The ACLU of Texas has always been supportive of people who've battled for racial justice," said Greg Gladden, "like attorney and Congressman

Craig Washington for arguing that you can't strike people from a jury simply for being black, or in 1972 changing the House of Representatives in the Texas legislature to single-member, rather than county-wide districts, so that black and Hispanic communities can have representation in the body that makes the state's laws." Made before that change, a poster in Gladden's Houston law office showing cameo photos of each state representative reveals a sea of middle-aged white men.

Anthony Griffin girded up again on behalf of the ACLU in 2000 to hold the line against state establishment of religion. The Santa Fe school prayer case of spring 2000 touched on two of the most firmly held beliefs in Texas: Southern Baptist evangelism and the sanctity of high school football. In Santa Fe, a staunchly Baptist and recently rural community giving way to the southward press of Houston suburbs, home football games began with a Christian prayer led over the public address system by an elected student chaplain. A similar prayer marked the opening of graduation ceremonies. Two families of different Christian persuasions, one Catholic, one Mormon, stepped forward to object to the practice, filing a case seeking to ban it before the Supreme Court with the aid of the ACLU of Texas. On January 17, 2000, the court ruled 6-3 that the ban should hold.

In a state where the strength of religious sentiments often exceeds the general understanding of the principles underlying religious freedom, the ACLU faces an ongoing challenge. "Every year cases come up in public schools that involve separation of church and state," said Gladden. "It's the hottest topic we deal with all the time."

Official oppression and related issues, such as illegal search and seizure, rank high on the list, as well. On July 23, 1999, sheriff's deputies and other law enforcement officers staged a pre-dawn raid in the Texas Panhandle town of Tulia, population 5,000, and arrested 46 men and women, allegedly participants in a well-organized drug ring. Thirty-nine of those arrested were African American, representing 10 percent of the community's black population. The others were Anglos and Latinos who were friends with African Americans. Although the Tulia drug gang was supposedly active and prosperous, a serious threat to the good citizens of the Panhandle and beyond, Tulia sported none of the garish mansions and gleaming luxury cars familiar in drug-fueled communities hundreds of miles south along the Texas-Mexico border. In fact, the Tulia residents who were arrested lived modestly; one supposed kingpin was a pig farmer whose small house could have benefited from a coat of paint.

All 46 cases were based on the testimony of one man, Tom Coleman, an undercover agent hired by the Panhandle Regional Narcotics Task Force, one of the inter-agency law enforcement units federally funded to fight the War on Drugs. Although Coleman's previous career as a deputy in another county was marred by stealing \$6,700 from merchants and filling a private vehicle at the county pump, and although he never wore a wire and had no corroborating witnesses, his testimony based on small bags of cocaine he said he had purchased from the defendants and notes he had written on his own skin was enough to convict all 46. They received sentences ranging from three to 434 years in prison. The heftiest went to an Anglo man married to an African American woman.

To many outsiders, including those in the Panhandle, the Tulia travesty looked suspiciously like the case of a town cashing in on federal allocations and seeking at the same time to run off

its small African American minority. Amarillo attorney Jeff Blackburn responded by founding the Tulia Legal Defense Project with the help of the ACLU of Texas. The project successfully attacked both Coleman's methods and his credibility. After a year of legal work on the part of a team of dedicated *pro bono* attorneys, Blackburn had the cases thrown out by the Texas Court of Criminal Appeals. Governor Rick Perry issued full pardons. In March 2004, the City of Amarillo settled for a \$6-million suit brought by the Tulia 46, distributing the money among them. In 2005 Tom Coleman was convicted of perjury, and State Senator John Whitmire drafted and passed the Tulia Law. Now, in the criminal courts of Texas, no one can be convicted based solely on the uncorroborated testimony of one witness.

## THE FIGHT FOR THE FUTURE

After seven years of strong leadership on legal issues and passionate commitment to extending the impact of the ACLU into all parts of Texas, activist attorney Will Harrell left the position of executive director in June 2007 to become the first chief ombudsman for the troubled Texas Youth Commission. Harrell presided over the most dramatic membership growth the ACLU of Texas ever experienced, exceeding even the growth of the ACLU nationally as a result of the Bush Administration's assaults on civil liberties. One of Harrell's lasting achievements was helping secure the ACLU of Texas' selection for the ACLU's Strategic Affiliate Initiative. Richard Alvarado, interim executive director in 2007, carried this singular opportunity forward and passed the torch on to Terri Burke, the ACLU of Texas' executive director as of January 2008.

Texas, as the national ACLU phrased it, is a state "where assaults on civil liberties are egregious and where the religious right is strongest." In recognition of both the need and the opportunities the Lone Star State presented in the protection and advancement of civil liberties, in 2006 the national organization targeted the Texas affiliate (as well as the Florida, Mississippi, Montana and New Mexico affiliates) to receive special resources to expand its legal, legislative and public education programs. Under this initiative, the ACLU of Texas is also receiving support to enhance fundraising capacity and organizational effectiveness. The affiliate had only one paid staff member in 2000; now it has 15.

Through the Strategic Affiliate Initiative, the Texas affiliate of the ACLU has seen rapid expansion of staffing. Much-needed lawyers and legal staff were hired, who, under the leadership of Legal Director Lisa Graybill, have developed a substantial docket for the ACLU in Texas. New field and communications departments were created, helping the organization hone its messaging and reach out to more parts of the vast state of Texas. The affiliate has recently created four new volunteer-led chapters – Corpus Christi, the Permian Basin, Laredo and the Rio Grande Valley – bringing the total to 14, and established four new campus clubs. Likewise, legislative advocacy and public policy efforts have been enhanced. Rebecca Bernhardt, Director of Policy Development, is aggressively pursuing advocacy on behalf of the foreign-born and developing a long-term plan for protecting human rights along the Texas-Mexico border. In this post-9/11 era, with the Patriot Act in full force, some of the greatest challenges to civil

liberties are arising in this arena. During the first year of the Strategic Affiliate Initiative, the ACLU of Texas successfully lobbied against more than 60 anti-immigrant legislative initiatives, including one that would have denied birthright citizenship to children born in the United States to immigrant parents and several that sought to compel local law enforcement agents to act as immigration agents.

One city ordinance, in fact, would have placed that responsibility on landlords. Voters in the Dallas suburb of Farmers Branch approved a law requiring local landlords to enforce federal immigration law in their rental properties. Landlords who failed to verify the immigration status of prospective tenants would face fines of \$500 per day. One heart-wrenching case involved the confinement of 26 children at Taylor's T. Don Hutto Immigrant Detention Center, originally a medium-security prison built and run by Corrections Corporation of America. Picked up with their parents, the children were held in deplorable conditions. They were forced to wear prison uniforms. Access to play and education were severely limited, and the families were housed in single cells with no privacy. The ACLU of Texas brought the U.S. Immigration and Customs Enforcement Agency to court, forcing improvements in conditions and the release of many of the children to the care of relatives in the free world.

When many Texans hear about such instances of injustice, when the implications are laid out clearly and accessibly, rather than glossed over with sound bites, they respond with shock, anger and a desire to correct the inequity. Essential to the Lone Star ethos of independence and personal responsibility is a sense of fair play and repugnance at the exploitation of the vulnerable. The ACLU of Texas, more than any other organization, stands in defense of these values. The problem is, many people are confused about the ACLU and its mission and goals.

"We want to present a face recognizable to all Texans as defending all our rights," said Richard Alvarado. "We want to reach out to people who understand the Constitution and the Bill of Rights but don't understand the ACLU – people who'll say, 'Aha! That's me! That's what I believe!'"

The ACLU of Texas started off its 70<sup>th</sup> year with a new executive director primed to meet that challenge. Veteran journalist Terri Burke brings a strong background in educating the public about significant issues and knowledge of the state extending well beyond the Houston-Dallas/Fort Worth-Austin/San Antonio triangle. She came to the ACLU of Texas from the Abilene Reporter-News, where she was editor-in-chief from 1999-2007. Explaining that she sees her new position as an extension of a lifelong commitment, Burke said: "Journalism is about truth telling, about exposing the abuses of power and government and telling the stories of the voiceless; as ACLU hero Molly Ivins said, "it's about comforting the afflicted and afflicting the comfortable." In so many ways the ACLU is about the same

things: speaking up and for those whose civil liberties are abridged - so often those who cannot speak for themselves or who fear doing so.

In Texas, as everywhere, the protection of civil liberties has been, and always will be, an ongoing battle, in part because it often comes down to a clash of competing goods. The virtue of tolerance collides with the right of hate groups to have their say. The interests of civic order face off against the right to assemble. Because of this conflict, the fight will continue to be in the court of public opinion, as well as the court of law. It will require the vigilance and courage of its champions, the willingness to correct misconceptions, even when expressed by friends and colleagues of otherwise progressive political views. It will require *pro bono* legal services donated by some of the state's finest lawyers. It will require astute work on the part of constituents to educate their elected representatives and their staffs. It will require the best efforts of a skilled staff and dedicated volunteers. And it will require money.

"Defending civil liberties is more important than ever," declared Terrelita Maverick, who served eight years on the board of the ACLU of Texas. "From the prisoners who don't have habeas corpus down in Guantanamo to atheists, who are the remaining minority, if a case goes before the Supreme Court, our civil liberties are protected, but we have no protection from the States."

More than an act of generosity, major gifts to the ACLU Foundation of Texas are acts of enlightened self interest. All of us benefit from freedom, not just whatever individuals and groups currently face its denial. All of our lives would be far different, and far poorer, without them. Other countries boast natural beauty. Other countries have vibrant arts and culture and prosperous economies. Other countries, in fact, have better access to education and health care. But the United States has the Bill of Rights, and that precious piece of paper needs and deserves every bit of support Texans can give it.

"The Constitution and the Bill of Rights are not self-enforcing documents," said Greg Gladden, president of the ACLU of Texas from 1998 to 2005. "Without people and our organization to champion these documents, they would not be alive today."

As the ACLU of Texas marks its 70<sup>th</sup> anniversary and embarks on the coming decades, it faces the obligation to defend the Bill of Rights from attacks by the religious right, by security zealots, by anti-immigrant factions and by all others who threaten it in letter and in spirit. But the ACLU of Texas also faces an opportunity, the opportunity to raise its influence as a principled visionary. It is our responsibility not merely to respond to crises, but also to create openings for change, to envision and build a future in which we are all free.

That opportunity deserves, and will require, every bit of support that each of us can give it. There is no more important legacy that we can leave to our state and our nation.

*Written by Sandy Sheehy, with special thanks to Maria Carminati Garbino and Alec Swafford.*

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