

**Building A New Public Face
For The
Canadian Civil Liberties Association**

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E·Y·E Inc.

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OVERVIEW

This report will make recommendations for positioning the Canadian Civil Liberties Association.

Repositioning is not a cosmetic exercise. Nor is it a band-aid solution. We see no opportunities for a 'quick fix' to the problems that ail the organization.

CCLA's fundamental challenge is to build a new and enlarged base of public support. The current support base is simply too small to secure the organization's survival in the future. And it has been eroding — due to old age, active disengagement because of particular stands CCLA has taken, or — most worrying — sheer lack of interest.

Unlike so many not-for-profit organizations in Canada today, CCLA is not scrambling to make up for lost government funding. But it is competing in a climate that has become superheated with appeals for public support. The more insistent those appeals become, the more weary, frustrated, or turned-off the public is becoming. The risk for all fund-raising organizations is that they come to be seen more for their pleading than for their value to society.

Tired organizations with tired messages cannot hope to succeed in this climate. CCLA is a tired organization.

When we talk about repositioning CCLA, we don't mean simply writing a better letter or finding a better mailing list. What we do mean is developing a new public face for the organization — establishing a *meaningful* connection with a new constituency of people. And that connection must be rooted as much in what interests them as what interests you.

We believe there are important and strong new connections CCLA can make with segments of the public. The same pressures giving rise to the "fight-for-survival" climate among fund-raising organizations are part of a major restructuring now underway in Canadian society. This is forcing an upheaval in public values and priorities; a thoughtful questioning by some; increased polarization, intolerance and scape-goating by many others. The principle and practice of civil liberties is being challenged on many fronts. But the Canadian Civil Liberties Association has not staked out a clear and visible presence on those fronts.

Staking out a presence on these fronts, establishing an agenda of arenas — not just specific cases — where civil liberties are threatened or must be considered in the light of new pressures in a very changing society is where, we believe, the major opportunity for positively repositioning CCLA lies.

We are recommending that CCLA create, and actively pursue, a set of "defining issues" — issues the organization defines as its priority concerns for the safeguarding of civil liberties in Canada over the coming years. As we will explain, these issues become the platform for CCLA's renewed marketing programme. This approach will necessarily entail significant structural changes within the organization.

Our recommendations exceed the scope of the mandated work. However, they are driven by three chief considerations:

1. In talking to Board members and staff, there was a consistent and pressing call for "reinventing" the organization.
2. CCLA is a small organization with a large mandate. It lacks the financial resources to mount an aggressive and sustained development campaign through conventional prospecting channels like advertising and direct mail (which are, in any case proving to be less and less dependable as the competition heats up and the public turns off). Internally, human resources are also severely constrained. Therefore, the organization must find a way to effectively harness volunteer energy in order to increase its capacity to engage new constituencies of support.
3. There are recent examples from other organizations — The Council of Canadians is a good one — of how repositioning and restructuring can be used to dramatically increase public support.

Our hope is that this report will help — or provoke — CCLA to move beyond its current impasse. Our recommendations are based on some research and analysis — focus group discussions with Board members and with some external observers; a survey with lapsed supporters; experience with the CSIS campaign; a series of conversations with Alan Borovoy and Danielle McLaughlin; and several discussions with other organizations. But this is not an engineer's report. There are no guarantees. CCLA has been a risk-averse organization — not in the positions it takes, to be sure — but in its response to change. Change is necessary. Revitalizing a base of support and revitalizing the organization go hand in hand. As Peter Bleyer (Executive Director of the Council of Canadians) said: "Getting an organization in touch with the times is a big challenge. You have to be prepared to take chances or it's not going to happen."

FINDINGS

PERCEPTIONS OF THE CANADIAN CIVIL LIBERTIES ASSOCIATION

Given that we are taking about building a new public face for CCLA, revitalizing the organization's image and its relationships with supporters, it is important to understand how the organization is currently perceived. It is also important to understand the broader context of social concerns in which those perceptions are framed.

The following is a distillation from the focus group discussions, the survey with members and several interviews. (Clearly, this is qualitative research of a selective nature; it cannot be assumed to represent the perceptions of the public at large. Still, it provides a number of useful insights that bear serious consideration in planning future direction for CCLA. There are some negative perceptions of the organization. From a marketing point of view, the key point here is not whether they are fair or unfair criticisms of CCLA, but that they represent real perceptions people have about the organization.)

Negative Perceptions

(key words/phrases)

- "out of touch - almost anachronistic"
- "ponderous"
- "irrelevant"
- "invisible"
- "not a champion of any cause"
- "ineffectual"
- "old"
- "like a holdover from the 60s"
- "technical/arcane"
- "legalistic"
- "nit-picking, almost obstructionist"
- "isolated"
- "not an organization ... a single voice"

Positive Perceptions

(key words/phrases)

- "a counterbalance to dogma"
- "heroic because of the unpopular stands it takes"
- "defends free speech" "...gay and lesbian issues" "... the less fortunate"
- "constant"
- "not a special interest group"
- "not out in left field"
- "not beholden to any particular interest group"
- "respectable — but not boring"
- "doesn't back off"
- "Alan: a calm voice of reason; commands respect"
- "a person and an organization that doesn't bend with the winds of fashion"
- "respect"

Overall, the focus group discussions revealed pretty equivocal impressions about CCLA. The above lists do not represent the opposing opinions of a group of critics on the one hand and defenders on the other. Rather, to a large degree, individuals themselves were divided in their feelings about the organization.

Clearly, people believe there is an important role for a civil liberties organization in this country — in this time. Alan Borovoy has described CCLA as "a third voice — a depolarizing voice" in our society. Participants in the groups would agree emphatically with the need for such a voice. They expressed concern over the increased fracturing of society into strident groups of single interests and the mounting dogmatism in public debate. This was seen not only as a threat to civil liberties, but also as a threat to CCLA as, more and more, people identify with single issue groups and locate their concept of (or struggle for) rights within this narrow context.

In the same vein, some of the participants observed that threats to civil liberties today "are not coming from the state". The carving up of the common ground appears to be deeply and personally troubling phenomenon of contemporary society for many people. As one participant said, "We have an absence of civil society now... There isn't a sense of trying to build a society built around differences." It's not just civil liberties that are at risk, but the bonds of mutual respect that hold society together.

Some of the participants in the public group (as journalists, broadcasters, researchers, etc., they all had "an ear to the ground") were convinced that there are many people in the general population who are distressed by these trends and who desire a counterbalance to the forces of intolerance and divisiveness. These are people who could be responsive to the "depolarizing voice" of CCLA.

However, there was a very serious questioning among participants as to whether the organization is effectively positioned to play a meaningful role with the public. People seemed to feel that the organization has become increasingly marginalized in the public forum. For some, the organization has little visibility. ("I'd say this is an organization with very low profile with a relatively sophisticated audience.") Rather, CCLA carries the equity of its past successes — but that equity is quickly eroding.

There is enormous respect for Alan Borovoy and his steadfast championing of civil liberties over the years. Someone called him "heroic" for the tough stands he has taken and for not buckling to popular or group pressure. "He commands respect," said another participant. "There are few enough people of passions and principle anymore. It is rare and it is a strength."

At the same time, there is also a very real concern that "there is no organization" — just Alan Borovoy and his interests, his point of view. One survey respondent wrote that CCLA seems to be "a platform for the views of Alan Borovoy and not a real organization". Some Board members felt that Alan is not very interested in what the membership thinks, and that the Board has not been engaged effectively in the decision-making process for choosing CCLA's issues and for long-term agenda-setting.

Somewhat consistent with this theme was the view that CCLA has also become more isolationist — that it does not seek or nurture alliances with kindred organizations — and that this weakens both the organization's impact and ability to attract new support.

These impressions reinforced the persistent concern that focused on the marginalization of CCLA — that its choice of issues seems both reactive and arbitrary, that its positions are often narrow and legalistic, that it is losing relevance and an ability to speak in a compelling way. "In the past, CCLA was a lot easier organization to support," said one participant. "The issues seemed much easier to understand and support."

"I worry that we have become more of a technical authority than a moral authority." This concern, expressed by a Board member, probably accurately reflects the perceptions of most of the participants.

Despite very considerable good will and respect for the organization's efforts over the years, there is also considerable apprehension that CCLA will be an organization "whose time has past" unless it can find a way to engage more effectively the hearts and minds — not just dollars — of people who care about protecting freedom, fairness and equality in these challenging times.

PRIORITY ISSUES

Besides probing current perceptions of CCLA, we used the discussions to test our premise that CCLA could effectively reposition itself by developing an agenda of priorities or "defining issues". We asked people to look ahead, to identify those areas where they felt the challenges to our civil liberties were now being shaped and where CCLA could play a useful role. (It is important to note that whereas people were equivocal in their perceptions of CCLA, there was a very positive energy around this part of the discussion.)

The discussion here was not so much on particular issues where CCLA should develop a specific stance (although some, like minimum sentencing, drug testing, voice appropriation, and "cyber censorship" were mentioned); rather, it focused on broader areas where the protection of civil liberties will require vigilance, fresh thinking and lively public discourse.

Here's where people located their primary concerns and interests:

1. Freedom of expression

This remains an area of critical interest. Clearly, people do not see the forces that would curtail freedom of expression abating in the years to come. Indeed, the pressures to silence people and points of view are probably mounting. Participants see threats from both the state and from special interest groups. Political correctness is a significant concern as is the new doctrinaire right.

Pornography and racist propaganda create moral dilemmas that are very challenging for some people. As one participant said, "How do we — caring people — protect the values [of civil liberties] when we are forced to defend those we abhor."

And, for many, the Internet is a vast new frontier where crucial censorship battles are just beginning to form.

2. Privacy

Louis Brandeis called it "the right to be let alone". People are definitely concerned that the new information technology is placing personal privacy in serious jeopardy. Those even vaguely familiar with the digital world understand that vast amounts of information about individuals is now stored, accumulated through everyday transactions and often shared or traded among the "information keepers".

Privacy is seen as a fundamental component of a democracy. And yet, as one participant said, "[right now] between your insurance company, telephone company, credit card company, and bank, there can be such a profile of you." And that makes the individual vulnerable to intrusions by governments, corporations, institutions and the police as never before.

3. Police powers and criminal justice

This was viewed as an area of serious concern because the public and political appetite for increased law enforcement is increasing. Some participants noted that it was escalating public anxiety rather than escalating crime that was fueling this trend.

They also noted that in the current climate, with favour shifting to the concept of victims' rights, there is little sympathy for the rights of the accused, the rights of prisoners, and even the rights of those who have completed their sentences.

4. Poverty

A number of people talked about the need to protect the rights of the poor particularly now as Canada enters a phase of declining welfare. The dismantling of social programmes and the rationing of services may create significant problems around access to health, education, legal aid, etc.

With governments proposing initiatives such as workfare and snitch-lines, the need for vigilance here is evident.

While someone pointed out that "not all fairness issues are civil liberties issues", some other participants voiced the opinion that CCLA should always play a strong role on behalf of "society's marginalized and the underdogs" who are much more vulnerable to abuses of their rights.

5. Academic freedoms

For some it is confusing and for others it is unconscionable that universities have become places where the free flow of ideas is threatened. Academic freedoms was a hot topic for some participants.

A York University professor wrote to CCLA with his concerns about recent losses to academic freedom. Though not part of the discussion, we believe his words express what many feel: "There is an urgent need for scrutinizing and challenging the losses to academic freedom that universities such as York have suffered over the past ten years and that we — the professoriate — have allowed to happen through misdirected idealism, misplaced guilt and a myriad of other motives." He spoke of the pernicious effects of "chill" — teachers afraid to say what they believe for fear of punitive reaction. "There is a need for addressing these issues and for formulating the defense of academic freedom in new ways."

6. Workplace

People identified the workplace as an arena where civil liberties are being tested in a number of important and different ways.

"Affirmative action is a very good example ... Those of us who believed in the traditional view of equality were opposed to discrimination period. That was easy ... Now it is a combination of people on the left and equality seekers who are challenging liberal values on the other side."

Mandatory drug-testing and the looming possibility of genetic-testing were also seen as critical civil liberties issues.

"There is a big question about what the limits to authority there should be in the workplace — what limits to intrusion on the individual."

"It is important for us to say to people who work that people who work have rights. And, in a changing society, those rights are at risk and the CCLA is going to look out for them."

7. Other Issues

Other issues mentioned by participants included: euthanasia; discrimination; new and emerging technologies; and civil society and democratic discourse.

There were also some suggestions that a civil liberties perspective could be brought to special groups: women; youth; native peoples; and racial minorities.

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

The Canadian Civil Liberties Association is at an impasse. Its problems manifest themselves most clearly in an eroding base of public support. Our recommendations are focused on rebuilding this support, but they necessarily entail structural changes within the organization. There may be simpler, "cosmetic" solutions to the problem; but we can't see them.

In an era when prospecting by direct mail was less competitive, less expensive and less risky, simply revising CCLA's communication materials and acquiring new lists may have worked as a short-term solution to rebuilding the support base. But with the inundation of charitable appeals over the last number of years, the human beings at the other end of mailing lists are increasingly resistant, frustrated and dismissive. They are — or feel — tapped out. Increased competition is forcing people to make more deliberate decisions about which organizations they will support. In this climate, successful organizations are the ones that don't just ask better — they reward better by establishing a bond of personal relevance with their supporters.

In this light, it is important to consider the perceptions of CCLA's relevance. Based on our discussions with both Board members and external observers, there does seem to be a shared impression that CCLA has lost relevance. The phrase "out of touch" was mentioned a number of times in describing CCLA. While our investigation can by no means be taken to represent confidently the views of a larger sample, this perception bears serious consideration.

There are Board members who feel that the organization has grown old (and the Board and membership along with it). They question whether CCLA can move beyond its current impasse to renew itself for a new era and a new generation. And there are external observers who view CCLA as "yesterday's organization", out of step with today's sensibilities and challenges.

As we have said earlier — and want to stress — people look at CCLA's past with enormous admiration. But they look at the future with uncertainty.

We do not.

We believe that CCLA has played and can play an essential role in Canadian society. And that there are, throughout the country, sufficient numbers

of thoughtful people, implicitly or explicitly concerned about "keeping democracy honest", who can be drawn to the cause.

In order to achieve this, though, CCLA will have to be bold — both in what it says and what it does — in staking out a new position for itself.

It will have to build a new support base from the ground up, working through many different grass-roots channels. They won't always be evident; and they won't always work. (So there must be an acceptance that trial and error comes with the territory here.)

Because financial resources are scarce, it will be necessary to harness considerable volunteer energy, and to give volunteers the latitude to go out and make a difference.

Because human resources within the organization are so limited, and because it is almost certainly too much to expect that the general counsel could also take on the role of director of development, committed Board support will be required to help transform CCLA from Borovoy's shop to the shop that Borovoy built.

AN EXAMPLE

Before laying out our recommendations, let us look briefly at the recent experience of the Council of Canadians. (Our information is based on a conversation with the organization's Executive Director, Peter Bleyer.)

Over the past two years, the Council of Canadians has experienced "massive growth", attracting somewhere in the vicinity of one thousand new members a month. Peter Bleyer attributes this growth directly to the organization's decision to aggressively reposition itself following the last federal election. Prior to that, the organization was strongly defined by its opposition to free trade. Apparently, its membership was relatively old.

After some serious soul-searching in which the organization questioned whether its time had come and gone, and whether it should exist at all, it determined to remake itself into an organization for the future ("just being a watchdog does not cut it these days"). It then embarked on a two-year organizing drive which has included:

- setting goals both for growth *and* increased effectiveness
- determining to change the demographics of its membership — to engage a younger and more diverse constituency
- communicating at the outset with its existing membership base to solicit their feelings about the proposed new direction (the response was overwhelmingly supportive)
- creating a "Citizens' Agenda" — a proactive visionary statement for the organization
- devoting approximately 50% of staff time and energy to member development
- committing significant funds to direct mail and tele-marketing campaigns
- conducting multiple grass-roots campaigns — providing volunteers in communities with membership development kits, canvassing and holding intake meetings
- revamping the Board (down from forty to sixteen members — most of them new)
- "being aggressive ... taking chances"

RECOMMENDATIONS

We offer the following recommendations:

1. Mandate

CCLA should make repositioning and membership development an organizational priority for the next two to three years.

This is a decision that will have to be made — and committed to — at the Board and executive level of the organization. It will have significant implications for the allocation of financial resources and staff attention, time and energy.

In the past, CCLA has viewed its litigation and advocacy work as the primary activity of the organization, and fund-raising as a support for this.

We strongly believe that the organization should now mandate that membership development become a parallel activity, equal in importance to litigation and advocacy.

By membership development, we do not simply mean soliciting people for financial support. Rather, we are talking about the full panoply of activities aimed at educating and engaging a new constituency around civil liberties.

Given the broad mandate of CCLA, education and engagement are important in their own right. Civil liberties cannot be protected simply in the courts and legislatures. As Alan Borovoy has said, the commitment to, and values underscoring, civil liberties have to be renewed in every generation. CCLA then should embrace, as a core part of its business, a "hearts and minds" strategy aimed at promoting the habits of thought required for the true preservation of civil liberties.

Having said this, however, new member acquisition must be the chief benchmark of success for this effort.

We believe CCLA should set two goals for membership acquisition over the next two to three years:

1. Double the current base of *active* supporters — i.e. add approximately 3000 new supporters
2. Diversify the support base — attract a younger constituency with greater representation from across the country and from different walks of life (the diversity of the membership should be one of the strengths of the organization)

2. Creating the platform

CCLA should establish a set of approximately six priority issues. These are not single cases with clear cut positions (like Latimer, CSIS or Jewish day schools), but rather areas of focus which the organization has determined are the critical fronts where our civil liberties will be tested most seriously over the coming years.

In other words, these priority issues define CCLA's civil liberties agenda for Canadian society now.

This agenda is the platform for repositioning CCLA and rebuilding its base of support. Taken as a whole, the agenda portrays a proactive organization with a broad spectrum of concerns relevant to a changing society. Taken separately, each issue is the basis for organizing outreach and development initiatives.

We have begun to explore potential priority areas for CCLA in our discussion groups, and these are profiled in a preceding section of this report. Clearly, however, it will be up to CCLA's Board and executive to engage in a thoughtful process to determine what the final agenda should be.

For the sake of argument, let's say the priorities are: freedom of expression, police powers, privacy, academic freedoms, the workplace, and the rights of the poor.

Around each of these areas, there are natural constituencies of concerned people and organizations.

In the case of academic freedoms, for example, many people across the country have been riveted by recent events at UBC. These events have touched a nerve.

Something larger is at stake and people of good will have been engaged, confused, infuriated. The clash of rights on campus brings civil liberties issues to the forefront. We need a "depolarizing voice" — new ways to think about these very thorny problems. The obvious constituencies here are university professors and administrators, students, alumni, people increasingly concerned about the encroachments of political correctness — or, conversely, discrimination on campus. Organizations too — from The Canadian Association of University Teachers to campus-based groups — are embroiled in this debate. With academic freedoms as a "defining issue", CCLA could be reaching out to all of them.

Similarly, with the rights of the poor as a "defining issue", CCLA could be engaging large numbers of people through organizations ranging from the United Church, NAPO, and trade unions to community-based service groups.

It's important to recognize here how much value CCLA can bring to these organizations and issues. (Civil liberties, after all, are not pursued or promoted in a bell jar. They are part of the fabric of our social and political decisions.) CCLA brings credibility; a disinterested, non-partisan voice; authority, respect and access in the forums where legal and political decisions are made; and an ability to remind people, in the midst of heated battles, of the fundamental principles upon which our democracy is founded.

3. Building the capacity

Having established its agenda of priorities, CCLA should develop volunteer committees around each of the issues.

As we have discussed earlier, at its present size CCLA is limited in the amount of work it can actually carry out. The persistent challenge for small social organizations like CCLA is to fulfill the role they have set for themselves, to make an impact within the context of their mandates.

The agenda of priorities will give CCLA an expanded role. The volunteer committees will give the organization an expanded capacity.

Volunteers should be solicited, for the most part, from outside the Board. Obviously, they should be smart, energetic people who are both knowledgeable and passionate about the area they are taking on. They should have a fundamental commitment to civil liberties, but we do not believe they have to be lawyers or civil liberties experts. Alan should interact with all the committees to help guide their thinking and formulate positions when necessary.

In the past, CCLA has had difficulty making effective use of volunteers. Committees structured around CCLA priority issues create the opportunity to harness and focus volunteer energies much more constructively.

It is important to emphasize that these should be working — not advisory — committees. Their primary focus should be member acquisition. This will be accomplished by identifying and engaging relevant constituencies of people and organizations around their issue area.

Whereas the goal of doubling CCLA's membership in two to three years is a fairly ambitious one, it becomes much more manageable when divided among six working groups.

The success of the committees will depend on the creativity, energy and commitment of the people who take them over, so they must be chosen carefully — and not just for their nominal value. If they are to be effective in their efforts, committee volunteers will have to be given the latitude to speak and write, and probably as well, to appear in the media. In order to build profile for the organization, they should be associated with CCLA when they do so.

4. Reaching out

With the volunteer committees in place, there are myriad opportunities for reaching out to new people. The following list is intended as suggestions for these kinds of activities rather than specific recommendations. Obviously, each committee will have to develop its own action plan.

- identify and develop links or strategic alliances with all the relevant organizations clustered around an issue area

- pursue opportunities for list-sharing and piggy-back mailings (as we did on the CSIS campaign)
- write (or assist Alan and Danielle in the writing of) letters of appeal based on the issue area
- provide personal mailing lists of friends and associates
- identify and participate in appropriate forums, conferences etc. hosted by other organizations (and ensure that CCLA recruitment materials are always on hand)
- organize discussion groups, lecture series or other public events
- develop a network of "activists" who can become involved in member recruitment in their own communities (as The Council of Canadians has done)
- prepare theme papers to help frame the discussion around the issue area (eg. "The Freedom To Teach / The Freedom To Learn: Civil Liberties on Campus")
- pursue fund-raising opportunities with foundations and corporations (for example, The Royal Bank has raised the issue of personal privacy as a critical issue and could, conceivably, be approached to support a CCLA initiative in this area)

5. Articulating the position

The agenda of priority issues is the lynch-pin of repositioning CCLA and building a new public face for the organization. We recommend, therefore, that it be strongly reflected in all CCLA's corporate communications.

First and foremost here is a new brochure for the organization. This does not have to be overly expensive or glossy, but it does have to be a bold demonstration that CCLA is refocusing itself for the future. And it

does have to give the big picture. We suggest that it be structured in three sections:

Principles: the basic principles that underscore all of CCLA's work

Practices: the kind of activities CCLA pursues to protect and promote civil liberties in Canada

Priorities: the specific areas CCLA will be focusing its attention on because these are the arenas in which civil liberties in Canada are now being tested most strenuously

For example:

THE CANADIAN CIVIL LIBERTIES ASSOCIATION

Our Principles

What We Stand For / What We Stand Against

The Canadian Civil Liberties Association stands for the freedom of the individual, for the tolerance of individual differences and for the free flow of ideas in society. We stand against discrimination, the infringement of individual rights by the state and the suppression of minority rights by the majority. These are the underpinnings of our precious and ever-fragile democracy which CCLA, throughout its history, has fought to protect and promote.

Our Practices

What We Do

CCLA does three things: We advocate. We litigate. We educate.

When civil liberties are threatened, CCLA goes into battle. We lobby government and public institutions from the education system to law enforcement agencies. When necessary, we go into the courts. With the tireless help of volunteer researchers and lawyers who have contributed countless hours to the cause, we have had some remarkable successes over the years.

But the true defense of our civil liberties cannot be waged on political and legal fronts alone. It must also be fought — and renewed in every generation — in the hearts and minds of individual Canadians. For that reason, CCLA is committed to education — to stimulating the kind of thought and dialogue, values and tolerance necessary to ensure that our civil liberties are not eroded by the changing pressures of very changing times.

Our priorities

What Our Agenda Is Now

We are living in a time of transforming technology; increased diversity of peoples and opinions; shrinking social programmes; single-issue politics; mounting anxieties, intolerance and mistrust of others. This climate is setting the stage for the crucial challenges to civil liberties now.

In response, CCLA has established an agenda of defining issues. Part of our work will always be to react and respond when civil liberties are violated. But these defining issues — our priorities — are those that will require the greatest vigilance and discourse, public understanding and support.

This is where CCLA will be most active.

(in an actual publication, each issue would have a brief description of its relevance following)

✓ **Freedom of expression.**

✓ **Civil liberties in the workplace.**

✓ **The rights of the poor.**

✓ **Protection of privacy.**

✓ **Excessive police powers.**

Freedom to teach. Freedom to Learn.

