



*Because Freedom Can't Protect Itself*

[acluofnc.org](http://acluofnc.org)

Winter 2013

Volume 46, Issue 1

## Human Rights Activist Jimmy Creech to Keynote 2013 Awards Ceremony



Jimmy Creech

### The 44th Annual Frank Porter Graham Awards

*Saturday, Feb. 16 - 5:30 p.m. See page 5 to reserve seats NOW!*

**T**he annual Frank Porter Graham Awards Ceremony is an opportunity for the American Civil Liberties Union of North Carolina to recognize those who have made important contributions to the fight for civil liberties in North Carolina. The ACLU-NC is thrilled to announce that this year's

keynote speaker will be Jimmy Creech, an LGBT and human rights activist who himself received the prestigious Frank Porter Graham Award in 2010. As an ordained elder in The United Methodist Church from 1970 to 1999, Jimmy Creech performed union ceremonies for

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### **INSIDE:**

**3-5—Event details & award recipients**

**4—Advertise in our event program**

**5—Reserve seats NOW for event**

**6—Legal News**

## State to Appeal ACLU-NC Victory in 'Choose Life' License Plate Case

**T**he State of North Carolina announced on Jan. 4 that it would appeal a December federal court ruling that struck down as unconstitutional the state's plan to offer drivers a "Choose Life" license plate but not an alternative plate with a pro-choice message.

The American Civil Liberties Union of North Carolina Legal Foundation (ACLU-NCLF) had filed a lawsuit against the state's one-sided

license plate scheme in September 2011. In a Dec. 7, 2012, ruling, U.S. District Court Judge James C. Fox concluded, "the State's offering of a Choose Life license plate in the absence of a pro-choice plate constitutes viewpoint discrimination in violation of the First Amendment."

The ACLU-NCLF had filed the lawsuit in the U.S. District Court for the Eastern District of North Carolina on behalf of North Carolina vehicle owners

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## LIBERTY

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# Keynote Speaker Has Long History of LGBT, Human Rights Activism

(Continued from page 1)

same-sex couples, each time being put on church trial and eventually losing his credentials of ordination. Creech represented the North Carolina Council of Churches to the state General Assembly on issues including criminal justice, abolishing the death penalty, and repealing sodomy laws.

He has gone on to serve in leadership roles for People of Faith Against the Death Penalty; Soulforce, an inter-religious movement that confronts spiritual violence perpetrated against LGBT people by religious institutions, and Faith in America, an LGBT advocacy organization.

Since 1998, Creech has traveled around the country preaching

in churches and speaking on college and university campuses, as well as to various community and national organizations about human and civil rights for LGBT people.

During the recent fight against Amendment One, which banned same-sex marriage and civil unions, Creech and his wife, Chris Weedy, formed a group of volunteers who produced yard signs opposing the amendment and distributed them all over the state. We are delighted that Jimmy Creech is going to be our keynote speaker this year.

**Please complete the form on page 5 and mail it to the ACLU-NC along with your payment to make your reservation and join us at this special event!** ■



**Special thanks to our wonderful friends at Replacements, Ltd. for their generous sponsorship of the Frank Porter Graham Awards Ceremony!**

# THE 2013 FRANK PORTER GRAHAM AWARDS

For 44 years, the ACLU-NC has had the distinguished honor of recognizing exemplary local civil rights leaders at our annual Frank Porter Graham Awards Ceremony. Please join us in honoring this year's recipients:

## Frank Porter Graham Award Deborah Weissman

*For longstanding and significant contributions to the fight for individual freedom and civil liberties in North Carolina.*



**T**his year's Frank Porter Graham Award, our most prestigious honor, will be given to University of North Carolina law professor Deborah Weissman for the many years she has spent working with various individuals and organizations across the state to promote a vision of North Carolina that respects individual rights, human dignity, and due process.

As a legal scholar and activist, Weissman has contributed an extraordinary amount of research, writing, teaching, mentoring, and advocacy in defense of liberty. From 1994 to 1998, Weissman was Deputy Director and then Executive Director at Legal Services of North Carolina.

In her current position at the University of North Carolina School of Law, she teaches the Immigration/Human Rights Policy Clinic and mentors students doing research projects that benefit advocates for the rights of residents across the state. Weissman has co-authored studies demonstrating the "climate of racial profiling and community insecurity" created when local police are given federal immigration powers and has testified about her findings before a U.S. House subcommittee. She serves on the organizing committee for the N.C. Commission of Inquiry on Torture and has also worked on issues concerning poverty, gender violence, workers' rights, and extraordinary rendition. ■

Join us and celebrate the 44th Annual  
***Frank Porter Graham  
Awards Ceremony***

**Saturday, February 16, 2013**

at

**The William and Ida Friday Center  
for Continuing Education**

**100 Friday Center Drive**

**Chapel Hill, NC**

**5:30 pm—Jazz Reception**

**Hors D'oeuvres • Open Bar**

**7:00 pm—Welcome Address**

**Awards Presentations**

Keynote Speech by

***Jimmy Creech***

## Reservation Information:

Individual reservations are \$100 per person. Purchase a table for ten people for \$1,000 to be a sponsor of this event. Sponsors will be recognized in the program and at the event, and a placard will be placed on your table.

Deadline to RSVP is February 8, 2013. See page 5 or call 919-834-3466 for details.

# THE 2013 FRANK PORTER GRAHAM AWARDS

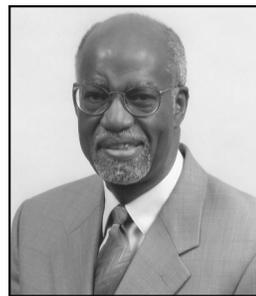


## ACLU-NC Award Rev. Dr. William Barber II

*For his deep commitment to preserving and defending civil rights in North Carolina.*

**A**s the president of the North Carolina NAACP, William Barber has tirelessly advocated for liberty and equal rights, helping to organize and rally countless people and communities across North Carolina to unite in defense of social justice, voting rights, equal protection, and other causes. Barber organizes the annual Historic Thousands on Jones Street (HK on J), which brings more than 100 groups to Raleigh to march for civil rights. In 2012, Barber lobbied to defend the Racial Justice Act, which seeks to address racial bias in the state's death penalty system, and played a major role in galvanizing opposition to the anti-LGBT Amend-

ment One. He further played a critical role in persuading the national NAACP to endorse marriage equality for same-sex couples. Barber has also been a committed proponent of the DREAM Act, a proposed law that offers legal residency to young undocumented immigrants who came here as children and graduated high school or attended college in the U.S. ■



## Paul Green Award James E. Ferguson II

*For valiant efforts to abolish or limit the death penalty in NC*

**C**harlotte attorney James E. Ferguson II has dedicated his life to civil rights work and eradicating racism in the criminal justice system, including working to oppose North Carolina's death

penalty. Ferguson recently advocated on behalf of four state death row inmates in their historical evidentiary hearings under the groundbreaking Racial Justice Act. After the first hearing, in which a client was resentenced to life without parole, Judge Gregory Weeks concluded that Ferguson had "introduced a wealth of evidence showing the persistent, pervasive, and distorting role of race in jury selection throughout North Carolina" and called for reform in capital jury selection proceedings. He has received numerous honors, including the Frank Porter Graham Award, as one of the nation's top litigators in his global pursuit of justice and fairness. ■



## Sharon Thompson Award Jen Jones

*For extraordinary efforts toward advancing equal rights for LGBT persons in North Carolina.*

**A**s the Communications Director for Equality NC and the Coalition to Protect All NC Families, Jen Jones helped generate thousands of conversations and hundreds of news stories explaining the need for LGBT equality during the campaign against Amendment One. Jones literally ran across the state during her Race to the Ballot,

*(Continued on page 5)*

## Advertise in our awards program!

Advertise your business, congratulate this year's Frank Porter Graham honorees, or celebrate the Bill of Rights!

- Full page (5" x 8") - \$100
- 1/2 page (5" x 4") - \$50
- 1/4 page (2.5" x 4" or business card) - \$35

Ads should be e-mailed to [mmeno@acluofnc.org](mailto:mmeno@acluofnc.org)

PDF, JPEG or Word formats preferred. Ads should be submitted no later than Friday, Feb. 1. Please contact Communications Director Mike Meno at (919) 834-3466 for more information. All ads may be subject to editing.

# THE 2013 FRANK PORTER GRAHAM AWARDS

(Continued from page 4)

stopping at meetings across North Carolina to rally equality supporters and explain to media why Amendment One, which banned same-sex marriage and civil unions, was so harmful. After the unfortunate passage of this discriminatory, anti-LGBT constitutional amendment last May, Jones helped organize and spoke at many town hall meetings to boost the morale of local LGBT allies, while making sure the pro-equality forces knew that our struggle is not over and that there are still many ways we can continue working toward equality. ■



## Norman Smith Award

### Katy Parker

*For volunteering extraordinary time and effort in service to the ACLU of North Carolina.*

**D**uring her six-year tenure as Legal Director of the ACLU of North Caroli-

na, Katy Parker poured her heart and soul into protecting the rights of countless North Carolinians on issues ranging from free speech and religious liberty to racial justice, reproductive rights, and due process under the law. Parker helped to fight for third-party ballot access, to combat state laws restricting reproductive rights, to overturn the state's unconstitutional anti-profanity law, and much more. She won a landmark case reaffirming that invocations delivered at government meetings must be nonsectarian.

Parker built the ACLU-NC's legal program into a powerful force for liberty. Now living in Wilmington and a partner with the law firm Tin Fulton Walker & Owen, she currently volunteers on the Legal Committee for the ACLU-NC Legal Foundation. ■

## 44th Annual Frank Porter Graham Awards Ceremony

Name(s) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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We wish to be table sponsors. Please reserve a table for ten people for \$1,000. I will submit a guest list of those to be seated at the table. (A sponsor placard will be placed on the table.)

Please reserve \_\_\_\_\_ seats for \$100 per person. Payment enclosed.

I/We cannot attend but want to help. Please accept my tax-deductible donation to support the event and/or to sponsor seats for students and people with limited incomes who wish to attend. I am enclosing payment in the amount of \$ \_\_\_\_\_.

I am interested in purchasing an ad in the program. Payment is enclosed, and I will submit the ad by e-mail no later than Friday, Feb. 1, 2013.

Please make your check payable to ACLU-NCLF or fill out credit card information above, and mail payment along with this RSVP card to:

ACLU-NCLF, P.O. Box 28004, Raleigh, NC 27611-8004.

Reservations \$100 per person. Call (919) 834-3466 for more info or to charge by phone.

# LEGAL NEWS

## Judge's License Plate Ruling a Victory for Free Speech Rights; State to Appeal

(Continued from page 1)

who want to purchase a specialty license plate that supports women's rights to reproductive freedom. Judge Fox granted a preliminary injunction in November 2011 that temporarily blocked production of the "Choose Life" plate and later made that injunction permanent with his December 2012 ruling.

Chris Brook, Legal Director of the ACLU-NCLF, heralded the ruling as a great victory for the free speech rights of all North Carolinians, regardless of their point of view on reproductive freedom.

"It's unfortunate that the state has chosen to prolong what is really a very clear-cut First Amendment issue," said Brook, upon learning of the State's plan to appeal. "The Fourth Circuit Court of Appeals has consistently ruled that any time the government creates an avenue for private speech, it cannot restrict that avenue to only one side of a contentious debate. We would have made the exact same argument if the situation was reversed and the state planned on issuing a pro-choice plate while not offering one expressing the opposite point of view."

The North Carolina General Assembly authorized this "Choose Life" license plate but rejected all proposals for a license plate supporting reproductive freedom.



***"The government cannot create an avenue of expression for one side of a contentious political issue while denying an equal opportunity to citizens with the opposite view."***

***- ACLU-NCLF Legal Director Chris Brook***

During the 2011 legislative session, the North Carolina General Assembly passed a bill authorizing the issuance of a "Choose Life" license plate. A portion of the money collected from the "Choose Life" plates would have funded so-called "crisis pregnancy centers" in North Carolina. Legislators prohibited any of the funds generated from being given to agencies that provide abortions or counsel women about abortion.

However, the legislature repeatedly refused to authorize a plate that

supported the countervailing position in favor of reproductive freedom. Six amendments were proposed in the legislature to authorize an additional new plate that stated either, "Trust Women. Respect Choice," or simply, "Respect Choice." The legislature rejected all six amendments.

The State's appeal is expected to be heard in the Fourth Circuit Court of Appeals later this year. ■

# U.S. Justice Dept. Sues Alamance Sheriff Over Failure to Address Discrimination Charges

**T**he U.S. Department of Justice (DOJ) filed a civil rights lawsuit against Alamance County Sheriff Terry Johnson on Dec. 20, charging that under his direction, the Alamance County Sheriff's Office (ACSO) has systematically and unlawfully targeted Latino residents for investigation, traffic stops, arrests, seizures, and other enforcement actions since at least 2007. The lawsuit asks a federal court to order Sheriff Johnson to refrain from discriminatory policing and for the ACSO to adopt and implement policies that would constitutionally protect and serve *all* county residents equally.

The ACLU-NC and other groups have been receiving complaints about Johnson, his deputies, and their treatment of Latinos for years. The ACLU

-NCLF launched an investigation into the ACSO's practices in 2007 and encouraged victims to come forward and speak up. Some of the findings outlined in the lawsuit - which resulted from a two-year investigation by the DOJ and interviews with more than 100 witnesses - are truly shocking.

According to the DOJ, Johnson instructed his deputies to "put heat on" predominantly Latino neighborhoods, demanding, "bring me some Mexicans," "go out there and get me some taco eaters," and "[i]f you stop a Mexican, don't write a citation, arrest him."

A 2012 statistical analysis commissioned by the DOJ found that ACSO deputies were approximately 4 to 10 times more likely to stop Latino drivers than similarly situat-



*Alamance County Sheriff Terry Johnson*

ed non-Latino drivers.

"We continue to urge Sheriff Johnson to comply with the DOJ's requests in order to ensure that discriminatory practices carried out by his office cease," said ACLU-NCLF Legal Director Chris Brook. "Doing so would save Alamance County taxpayers potentially thousands of dollars in legal fees and help to rebuild trust in the community." ■

## Judge Finds Racial Bias in 3 More Death Penalty Cases Brought by ACLU and Allies Under Racial Justice Act

**T**hree state death-row inmates were resentenced to life in prison without parole on Dec. 13 after a judge found that racial discrimination in jury selection played a key role in securing their sentences.

Tilmon Golphin, Christina Walters, and Quintel Augustine will spend the rest of their lives in prison without the possibility of parole,

under the provisions of the North Carolina Racial Justice Act (RJA). The law, passed in 2009 and one of only two such statutes in the nation, allows death-row inmates to present evidence that race influenced their sentencing process. All three were represented by attorneys Cassy Stubbs with the ACLU's Capital Punishment Project, James Ferguson II, Tye Hunter, and Jay Ferguson.

"The Court takes hope that acknowledgment of the ugly truth of race discrimination revealed by Defendants' evidence is the first step in creating a system of justice that is free from the pernicious influence of race, a system that truly lives up to our ideal of equal justice under the law," ruled Cumberland County Superior Court Judge Greg Weeks. ■



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## *Attention, Members!*

Nominations for the ACLU-NC's Board of Directors are just weeks away, and our Nominating Committee is actively recruiting hard-working, dedicated members to serve on our Board. If you are willing to take on a leadership role in the ACLU-NC and would like to be considered for nomination to the Board, contact Executive Director Jennifer Rudinger at [jrudinger@acluofnc.org](mailto:jrudinger@acluofnc.org) to find out the duties and expectations of Board membership.

We are especially interested in hearing from members in rural NC communities, members who have fundraising experience, and members who are racial or ethnic minorities, LGBT, or people with disabilities.

In addition, the ACLU-NC bylaws allow members in good standing to seek election by petition of 25 or more members rather than by nomination. The deadline for submission of petitions to run for the Board is Friday, February 15, 2013, at 5:00 p.m. Petitions may be delivered in person to our office or by mail, postmarked on or before February 15, 2013. For more information on the petition process, contact Jennifer Rudinger.

## *4th Annual HK on J*

Join the ACLU-NC as we march in support of racial justice, immigrants' rights, and the right to a sound, basic education for all North Carolina children.

*Saturday, Feb. 9*

Begin assembling at 9:30 a.m. at Shaw University on South St. in Raleigh

March to the Legislative building begins at 10:30 a.m.

**Forward Together, Not One Step Back**