



Because Freedom Can't Protect Itself

acluofnc.org

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Museum Exhibit Explores ACLU-NC's 50-Year History

To commemorate the 50th anniversary of its founding in Greensboro in 1965, the American Civil Liberties Union of North Carolina is unveiling a 10-panel history exhibit, "ACLU of North Carolina: Fifty Years of Protecting Liberty," which chronicles the organization's work defending civil liberties in North Carolina over the past half century

The exhibit, which recounts the ACLU-NC's work on eight key civil liberties issues – free speech, voting rights, privacy rights, criminal justice reform, LGBT rights, women's rights, racial justice, and religious liberty – opened at the International Civil Rights Center and Museum in Greensboro in January.

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Protecting Women's Health

ACLU-NC Policy Director Sarah Preston (above) testified before state officials on Dec. 19 to ask that new rules being crafted for abortion clinics ensure full reproductive health care for women and not be bogged down by politics.

Reserve Tickets for Feb. 28 Awards Dinner



Frank Porter Graham Award

Jim Grant

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

A longtime civil rights advocate. A courageous English teacher. Nine families who shared personal stories to help defeat a discriminatory law. A pair of lawyers who have saved people from executions. And a devoted volunteer who has given many hours of his time to the ACLU-NC.

These are the civil liberties heroes who will be honored at the ACLU-NC's 2015 Frank Porter Graham Awards Dinner in Chapel Hill on Saturday, February 28.

This year's Frank Porter Graham Award, our highest honor, is being presented to Jim Grant, who has worked to advance and defend civil liberties in North Carolina for nearly as long as the ACLU of North Carolina has existed.

Beginning with his involvement in the fight against school segregation in Hyde County in 1968, Grant committed his life to working for social justice, workers' rights, and equality. Grant was incarcerated for nearly four

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INSIDE: News roundup, awards & event details, and more!



LIBERTY

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Top 10 Stories of 2014

North Carolina faced many threats to civil liberties in 2014. Thanks to the work of the ACLU-NC and our allies, 2014 was also a year of great victories: We won the freedom to marry for same-sex couples, thwarted attacks on reproductive justice, and won new allies in the quest to fix our broken criminal justice system. Here, in reverse chronological order, are our top 10 stories:

1. The ACLU successfully argued in federal appeals court against a 2011 N.C. law that would have required doctors to show a woman an ultrasound and describe the images in detail four hours before performing an abortion, even if the woman objects. *See p. 6 for more.*
2. The ACLU won two federal lawsuits giving LGBT couples in North Carolina the freedom to marry and adopt their partner's children.
3. The ACLU-NC helped uncover information about law enforcement's use of secretive Stingray surveillance technology across the state. *See p. 6 for more.*
4. ACLU lawyers twice argued against North Carolina's voter suppression law, widely considered the worst in the country, in federal court. The full trial will take place this summer.
5. The ACLU released a report finding that the majority of SWAT raids in N.C. and other states are for low-level crimes and disproportionately target people of color.
6. The N.C. House passed a bill to raise the age of juvenile jurisdiction so that 16 and 17 year olds charged with misdemeanors would no longer be automatically sent to adult prisons.
7. An ACLU-NC report showed that virtually all of North Carolina's county jails failed to comply with new federal regulations set by the Prison Rape Elimination Act.
8. The ACLU-NC helped defeat proposals to ban on acclaimed novels "The Color Purple" and "The House of the Spirits" from public school classrooms.
9. A federal appeals court unanimously ruled North Carolina's one-sided "Choose Life" license plate law unconstitutional. ACLU-NC Legal Director Chris Brook argued the case.
10. The ACLU-NC persuaded Asheville-Buncombe Technical Community College to allow transgender students to use their preferred name on public documents.

With your continued support, we will keep fighting in 2015 and beyond to protect and expand the civil liberties of all North Carolinians. Please consider making a tax-deductible gift by visiting acluofnc.org. ■



Jennifer Rudinger

Jennifer Rudinger
Executive Director

MEET OUR 2015 AWARD RECIPIENTS

(Continued from page 1)

years in the 1970s after being arrested and charged as a “political terrorist” in a case in which the government paid witnesses against him and two other African American men, known collectively as the “Charlotte Three.”

Grant received the longest sentence of 25 years. The many injustices around the case garnered national attention, and their sentences were eventually commuted.

In 2009, the ACLU of North Carolina successfully defended Grant after he was wrongfully arrested for trespassing at an apartment complex where he and another member of the Human Justice Coalition were helping low-income residents after raw sewage backed up into apartments and management refused to help.

A Wilson resident, Grant has worked or held leadership positions with the Human Justice Coalition, Black Workers for Justice, the Southern Coalition for Social Justice, the Pitt County Coalition Against Racism, North Carolina Prisoners’ Labor Union, NC Fair Share, and Legal Aid of NC Client Counsel. ■



ACLUNC Award

Mary Kent Whitaker

For deep commitment to preserving and defending civil liberties in North Carolina.

Watauga County High School English teacher Mary Kent Whitaker gained much-deserved statewide and national attention last year for her courageous stand to defend her students’ freedom to read. Whitaker led a lengthy campaign to keep Isabel Allende’s critically acclaimed novel, “The House of the Spirits,” in her honors sophomore English class after it was abruptly removed when a parent brought a challenge. Whitaker defended the book to school and district committees, both of which voted unanimously to keep the book. The local school board ultimately voted 3-2 to fully retain the book after Whitaker’s final compelling presentation.

Whitaker has been a teacher for 38 years and was recently named the state’s 2014-15 Outstanding English Teacher by the North Carolina English Teachers Association. She is currently Watauga County Schools District Teacher of the Year, the only two-time winner in the history of Watauga County Schools. ■



Paul Green Award

Marilyn Ozer & Bill Massengale

For extraordinary efforts to abolish or limit the death penalty in North Carolina.

Chapel Hill-based attorneys Bill Massengale and Marilyn Ozer have been law partners for more than twenty years and have been representing capital defendants on appeal since 1991.

With extraordinary compassion for their clients and a relentless pursuit of justice, Massengale and Ozer have saved at least six individuals from execution and worked to increase public awareness of capital punishment’s many injustices.

In July 2014, Massengale and Ozer reached a settlement with North Carolina to convert the twice-issued death sentence of Eric Call to life in prison after it was discovered the state lost evidence that may have exonerated Call. Last year, Massengale and Ozer took on their 25th client facing the death penalty. ■

See page 5
for reservation and
sponsorship details.

MEET OUR 2015 AWARD RECIPIENTS



Norman Smith Award

Josh McIntyre

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

Josh McIntyre is a long-time volunteer who has devoted many hours to the ACLU of North Carolina and other civil liberties organizations.

As treasurer of the ACLU of North Carolina's Wake County chapter, McIntyre manages the group's finances and helps organize the chapter's annual W.W. Finlator Awards Dinner and other events. He has helped the ACLU-NC on innumerable occasions, tabling at events, volunteering at the Frank Porter Graham Awards, marching in demonstrations carrying an ACLU-NC banner, and more.

A committed civil libertarian, McIntyre also has volunteer leadership roles with NC Stop Torture Now, the Human Rights Coalition of North Carolina, and Amnesty International – Group 213, Raleigh. ■

Visit acluofnc.org to learn more about volunteer opportunities.



Sharon Thompson Award

Families Who Won the Freedom to Marry

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

This year's Sharon Thompson Award recipients are the nine courageous North Carolina families who served as plaintiffs in the ACLU's two successful federal lawsuits that helped topple North Carolina's discriminatory ban on marriage for same-sex couples. By volunteering to share their personal lives and struggles with the public, the families in *Fisher-Borne et al. v. Smith* and *Gerber and Berlin et al. v. Cooper* became the face of the fight for the freedom to marry in North Carolina. Their efforts helped countless couples across the state who now have the freedom to marry and adopt their partner's children. ■



Keynote Speaker

ACLU Executive Director Anthony Romero

An attorney with a long history of public interest activism, Romero has presided over the most successful membership growth in the ACLU's history and a large increase in national and affiliate staff. This extraordinary growth has allowed the ACLU to expand its nationwide litigation, lobbying and public education efforts, including new initiatives

focused on human rights, racial justice, religious freedom, technology and privacy, reproductive freedom, criminal law reform and LGBT rights. Romero is the ACLU's sixth executive director and the first Latino and openly gay man to serve in that capacity. ■

Join us to celebrate the 2015

Frank Porter Graham Awards Dinner

Saturday, February 28, 2015

The William and Ida Friday Center for Continuing
Education

100 Friday Center Drive, Chapel Hill, NC

5 p.m.—Jazz Reception • Buffet Dinner • Open Bar

6:30 p.m.—Welcome Address • Awards Presentations

Keynote Address by ACLU's Anthony Romero

Individual reservations are \$100 per person. Purchase a table for 8 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 20, 2015.

Visit acluofnc.org or call 919-834-3466 for details.

Advertise in the Awards Program

Advertise your business, congratulate this year's 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 emailed to keason@acluofnc.org by Monday, February 9, 2015. PDF, JPEG or Word formats preferred. Please contact Director of Operations Kevin Eason at (919) 834-3466 or keason@acluofnc.org for more information. All ads may be subject to editing.



**Special thanks to Replacements, Ltd.
for their generous sponsorship
of the Frank Porter Graham Awards!**

2015 Frank Porter Graham Awards Dinner

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We wish to be table sponsors. Please reserve a table for 8 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 Monday, February 9, 2015. See page 7 for details.

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.

NEWS ROUNDUP

Court Strikes Down Coercive Ultrasound Law

In a unanimous decision on Dec. 22, the U.S. Court of Appeals for the Fourth Circuit permanently blocked a 2011 North Carolina law that would force women to undergo a narrated ultrasound before receiving abortion care.

The law—which requires abortion providers to display the ultrasound and describe the images in detail to every woman before performing an abortion, even if the woman objects—was preliminarily blocked in October 2011 following a lawsuit filed on behalf of several physicians and medical practitioners by the ACLU and other groups. The appeals court ruling affirms that “the state cannot commandeer the doctor-patient relationship to compel a physician to express [the state’s] preference to the patient.” Attorney General Roy Cooper has announced plans to appeal the ruling to the U.S. Supreme Court.

“This law is about trying to shame a woman out of having an abortion, pure and simple,” said Louise Melling, deputy legal director for the ACLU. “Politics don’t belong in the exam room, and a doctor shouldn’t have to humiliate a woman because some politicians disagree with her decision.” ■

Court Allows Sectarian Prayer in Forsyth Co.

Four years after ordering Forsyth County Commissioners to cease opening public meetings with sectarian prayer, U.S. Judge James A. Beaty Jr. in November lifted his order but told commissioners they

Religious Journey Made Possible



Brothers Hesham and Mohamad Chehaitli work for Guilford County public schools as a custodian and guidance counselor, respectively. Last fall, they were denied sufficient time off to participate in the Hajj, the annual Islamic pilgrimage to Mecca that all Muslims must make once in their lifetime if they are able. The brothers turned to the ACLU-NC for help and, after negotiations with school officials, they were allowed to make the religious journey. “Thank you from the bottom of our hearts for helping us make this dream a reality,”

the brothers later wrote to the ACLU-NC. ■

Pictured: Hesham (left) and Mohamad Chehaitli standing in front of the Kaaba in Mecca, one of the most sacred places in Islam.

could not discriminate against individuals who sought to deliver invocations. The move came after the U.S. Supreme Court ruled 5-4 that the town of Greece, N.Y., did not violate the Constitution by allowing predominantly Christian prayers before meetings. Beaty said that further legal action could be brought against Forsyth County if their practice is discriminatory. The ACLU-NC, which represented two Forsyth County residents who were excluded by the practice, continues to monitor the situation. ■

Charlotte Police Secretly Tracking Cell Phones

The Charlotte-Mecklenburg Police Department used a secretive device called a Stingray to gather cell phone data from countless people more than 500 times in four years, according to

court orders acquired by the *Charlotte Observer* in November. Stingrays mimic a cell phone tower and trick all cell phones in a certain radius to transmit their location and other identifying data to the device, capturing information from many innocent people in the process. When submitting requests to judges, police never mentioned Stingrays or described how they worked, according to documents.

The ACLU and ACLU-NC wrote to Mecklenburg County judges to explain a list of concerns about Stingrays, including how the technology may violate the Fourth Amendment’s prohibition on unreasonable searches and seizures, and offered to submit briefs in response to future police requests. More than 40 cities across the U.S., including Raleigh, Durham, and Wilmington, use Stingrays. ■

N.C. Officials Welcome Refugee Children Fleeing Violence

The Orange County Board of Commissioners passed a unanimous resolution on Dec. 2 welcoming unaccompanied refugee children who have come to North Carolina after fleeing violence in Central America. The commissioners joined the towns of Chapel Hill and Carrboro, and the city of Durham, in passing similar resolutions, which also call on the federal government to provide the children with due process and legal representation in court. The ACLU-NC played a key role in drafting and proposing the resolutions. “We think it is patently unfair that the government pays for a trained prosecutor to advocate for the deportation of a child who came here fleeing violence while the child is forced to defend him- or herself in court,” said ACLU-NC Policy Director Sarah Preston. Nearly 1,500 unaccompanied children fleeing violence in Central America have been placed in North Carolina. The ACLU filed a class action lawsuit against the federal government in July that seeks legal representation for those children in court proceedings. ■



The civil liberties landscape can change in unexpected ways. Ten years ago, for example, we never thought we would need to defend the right to vote for millions of Americans.

What civil liberties threats will we face in 20, 30, or 40 years? Whatever they are, your future gift can help ensure that the ACLU will be there — proud, principled, unflinching, and effective.

When you name the ACLU to receive a bequest or other gift through your estate plans, you play a personal role in protecting freedom’s future.

Visit www.aclu.org/legacy
or call toll-free: 877-867-1025 for more.

ACLU-NC Exhibit Opens

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“This exhibit provides the public with an opportunity to learn more about the history of civil liberties in our state and the unique role the ACLU of North Carolina has played in many important struggles for individual rights over the last half century,” said ACLU-NC Executive Director Jennifer Rudinger.

The exhibit is sponsored by the ACLU of North Carolina, the Duke Human Rights Center at the Franklin Humanities Institute, the Human Rights Archive at the Rubenstein Library, and the John Hope Franklin Research Center for African and African American History and Culture. The research for the exhibit was compiled by Amanda Hughett, and it was designed by Pam Chastain and Jim Jarvis. ■



See the Exhibit

Greensboro: January 6—March 31:
The International Civil Rights Center and
Museum, 134 South Elm Street, Greensboro,
27401. www.sitinmovement.org

Charlotte: April 4—July 12: The Levine Museum
of the New South, 200 E. 7th Street, Charlotte,
28202. www.museumofthenewsouth.org

Stay tuned to acluofnc.org for more dates!



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Now Accepting Nominations for ACLU-NC Board of Directors

The ACLU of North Carolina's Nominating Committee is actively recruiting hard-working, dedicated members to serve on our Board. ACLU-NC bylaws allow members in good standing to seek election by petition of 25 or more members rather than by nomination. 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 to find out the duties and expectations of Board membership.

DEADLINE: The deadline to submit petitions to run for the Board is Friday, February 13, at 5 p.m. Petitions may be delivered in person to the ACLU-NC office or by mail, postmarked on or before February 13, 2015. For more information, contact Executive Director Jennifer Rudinger at 919-834-3466 or jrudinger@acluofnc.org.

