

LIBERTY



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ACLU of North Carolina Launches Investigation Into Johnston County Sheriff's Office After Sheriff Makes Racially Inflammatory Comments About Latinos to the *Raleigh News & Observer*

The American Civil Liberties Union of North Carolina Legal Foundation (ACLU-NCLF), along with representatives from other North Carolina civil rights organizations, were deeply alarmed by racially inflammatory comments attributed to Johnston County Sheriff Steve Bizzell in the *Raleigh News & Observer* on Sunday, September 7, 2008. The groups launched an investigation and filed a formal public records request, demanding public records and documents from Johnston County Sheriff Steve Bizzell pertaining to DWI checkpoints, driver's license checkpoints, arrests, jail bookings and information pertaining to whether Johnston County has fully complied with North Carolina state law that prohibits racial or ethnic profiling by law enforcement.

The ACLU-NCLF and other local civil rights groups allege that Sheriff Bizzell's statements in the September 7th article constitute direct evidence of racial discrimination and hostility toward Latino citizens and residents of Johnston County. Examples of such statements attributed to Bizzell include:

- Pointing to tiendas that have cropped up amid local barbecue joints, saying, "You can't even read the durned sign. Everywhere

you look, it's like little Mexico around here."

- Condemning undocumented Latino immigrants for "breeding like rabbits" and for spreading a culture of drunkenness and violence, despite overwhelming evidence to the contrary.

- Claiming that undocumented Latino immigrants "rape, rob and murder" American citizens, fail to pay taxes and drain social services, again despite overwhelming evidence to the contrary.

- "How long is it going to be until we're the minority?"

- "Mexicans are trashy."

- "When people think about illegal Mexicans, you know the first thing they think of? — driving drunk and shooting."

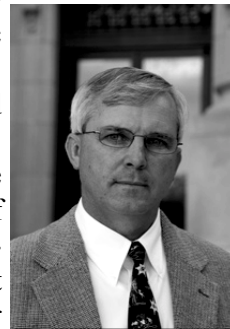
"Blanket assertions like this about an entire class of people, again despite overwhelming evidence to the contrary, if put into practice, are the very essence of racial and ethnic profiling by law enforcement that are prohibited under state law," said Jennifer Rudinger, Executive Director of the ACLU of North Carolina. "Our investigation aims to find out whether Sheriff Bizzell or any of his deputies have



Rev. William Barber, President of the NC-NAACP, Rebecca Headen, Staff Attorney for the ACLU-NCLF's Racial Justice Project, and Khalilah Sabra, Director of Muslim American Society (MAS) Freedom, attend a prayer vigil in Johnston County to call for an end to racism and bigotry. (Photo by Khalilah Sabra)

engaged in racial or ethnic profiling or discrimination in how they enforce the laws in Johnston County."

Once the ACLU-NCLF receives all of the public records we have requested, we will review the documents to determine whether there is evidence of discrimination based on race, ethnicity or national origin taking place in the Johnston County Sheriff's Office.



Sheriff Steve Bizzell

A Call to Action from the Executive Director: As We Look to the Future, We Need Your Support to Preserve and Expand Civil Liberties in North Carolina and Across America!



Jennifer Rudinger, Executive Director of the ACLU-NCLF

This is a call to action to every civil libertarian, every freedom fighter, every political activist and everyone who gives a damn: We need your help! The ACLU was founded in 1920, and here in North Carolina, our affiliate was founded in 1965, for one very simple reason – somebody has to breathe life into the Bill of Rights and the guarantees of individual liberty and freedom found in the US Constitution, the North Carolina Constitution and numerous state and federal civil rights laws. We work through the courts, through the legislative process, through grassroots mobilization and community outreach and through public education to preserve and advance civil liberties protections for all people in North Carolina. As many scholars and historians have noted, if the ACLU didn't exist, we would have to invent it.

Our overall mission never changes, nor does its urgency, regardless of who is in the White House, which party controls Congress, who is Governor or mayor, or who is in the legislature. The principles for which we stand are not expedient or easy, but they must be upheld *intact* if we are going to preserve the fundamental values of freedom, equality, fairness and justice that define what is best about America – the values that define our character as a nation.

So if you believe that torture is morally repugnant and debases us as a nation, then join with us and speak up as we work with our coalition allies to educate the public about the secret rendition flights that have been undertaken by Aero Contractors in Johnston County, North

Carolina under contract with the CIA.

If you believe that Guantanamo Bay and secret CIA prison camps are a national disgrace, join with us to call for a fair process for all people being held by the United States government. Demand restoration of the right to be notified of any charges against you, the right to have a lawyer represent you, the right to be *heard*. Join with us to fight for the basic rights to habeas corpus and due process of law so fundamental to an open society.

If you believe that religious liberty for all people rests on the notion that the government must remain neutral with regard to religion and cannot take sides in promoting or discriminating against religion, then join with us as we embark in the coming year on a massive education and outreach campaign in North Carolina to reach out to people of faith who are willing to speak out against government involvement in religion.

Join us as we work to preserve the rights of parents to direct their children's religious upbringing by preventing teachers and school officials from imposing their own religious views on children in our public schools.

If you believe that reasonable policies and restrictions should be in place in North Carolina to regulate the use of Tasers by law enforcement, that Tasers should be treated as the dangerous weapons they are, that it is unconscionable that young children are being stunned with Tasers in North Carolina schools, and that we need appropriate training for law enforcement officers

who use Tasers, then join with us as we continue to build on the tremendous success we have had this year with the Taser Safety Project that we launched in April. So far, as a result of our efforts, at least sixteen (16) sheriffs' offices in North Carolina have adopted safer Taser policies in response to our efforts, and we have only just begun this work.

If you are concerned about the erosion of women's rights, reproductive rights, students' rights, the right to protest and the rights of minorities and immigrants, then please give us your support today. We are working toward comprehensive sex education in our schools, toward full and equal rights for LGBT persons of all ages, toward an end to racial profiling and race discrimination in North Carolina and toward an end to the cruel, unjust practice known as capital punishment in our state.

I could go on, but I am sure that I am preaching to the choir. North Carolina needs a strong ACLU to fight for civil liberties, and the urgency of that need will not subside come November 4th or January 20th, regardless of the results of the elections. As I write this to you on October 21st, the excitement and enthusiasm that people feel right now as we explore our options for a new President, new Congress and new leadership, is *electrifying*. Despite the

(Continued on page 3)

ACLU-NCLF Welcomes Perryn Reyelts,
Our New Development Associate

The ACLU-NC Legal Foundation is thrilled to announce that Perryn Reyelts started work in our office in September as our new Development Associate. Reyelts received her B.A. from Rhodes College in 2002 and has completed coursework towards a masters degree in Comparative Literary and Cultural Studies at the University of Connecticut. In 2005, she worked as a Development and Group Sales Associate with Connecticut's Beardsley Zoo, where she assisted with group sales, event planning, database management and processing donations. Most recently, she served as a Development Officer at the Children's Museum of Wilmington, where she was instrumental in coordinating fundraising events, major gifts campaigns, capital campaigns and grant writing. She has experience working with Board members, volunteers and other development professionals.



Perryn Reyelts

"I'm excited to be part of this organization of committed and talented individuals who do so much to help the people of North Carolina," Reyelts said. "I'm looking forward to meeting the fundraising challenges that lie ahead as we continue to grow, fight against civil injustices and protect our Constitutional rights here and throughout the country."

Call to Action *(continued from Page 2)*

economic setbacks that many of us are currently experiencing, I have been feeling hopeful and optimistic about our country's future. The systemic change that we all agree is long overdue, for once, may actually be attainable — but not without a lot of hard work and vigilance on the part of the ACLU!

We have a long way to go as we push to restore the precious civil liberties that have been taken from us under the Bush Administration. **Please make your tax-deductible contribution today, and give as generously as you can.** With your continued support of our work, I know that however the '08 elections turn out, the ACLU will be there, ever vigilant, holding our elected officials' feet to the fire and fighting passionately to preserve and expand civil liberties and human rights for all people, in North Carolina and across America.

**PLEASE SUPPORT THE
ACLU OF NORTH CAROLINA
LEGAL FOUNDATION BY MAKING
A TAX-DEDUCTIBLE
CONTRIBUTION TODAY!**

Friends, we need your help! We see many challenges to American's fundamental freedoms looming in the courts, in Congress, in the halls of the North Carolina General Assembly, and in city councils, school boards, and boards of county commissioners across the state. As you evaluate your budget and think about your year-end charitable contributions for 2008, please put the ACLU-NCLF at the top of your list. The demand for our services has never been greater. Our legal program now processes anywhere from 200-250 requests for assistance per month!

Yes! I want to help keep the Flame of Liberty burning brightly in North Carolina. Enclosed is a check for my tax-deductible contribution in the amount of:

\$50 \$100 \$250 \$500 Other \$ _____

Name: _____

Address: _____

City: _____, NC Zip: _____

Home Phone: _____

Work Phone: _____

E-mail: _____

Make check payable to the
ACLU-NC Legal Foundation
and mail to:

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

For more information or to charge your contribution on a credit card, contact Development Associate Perryn Reyelts at 919-834-3466 or acluncdev@nc.rr.com. MasterCard and Visa accepted, and we offer monthly, quarterly and semiannual giving options to fit your budget.

You can also make a contribution through the ACLU-NCLF's secure website at: https://www.acluofnorthcarolina.org/about_us/donate/

Street Musicians Banned in Wilmington

When Peter Barbeau moved to Wilmington in March 2008, he thought he'd try his hand at the ancient craft of "busking" – performing for money in a public space. He had a degree in jazz composition and arrangement from the prestigious Berklee College of Music and had a long career as a performer and composer. Arriving in Wilmington, he wondered at the noticeable lack of street performers on city streets. He soon learned the cause.

On July 31, 2008, the ACLU-NCLF was contacted by Mr. Barbeau, who was ticketed the previous evening for playing his saxophone on a public sidewalk for money in downtown Wilmington. Officers cited Mr. Barbeau for violating Wilmington's solicitations ordinance by playing his saxophone while standing on a public sidewalk at the corner of Front and Market Streets and inviting donations by having his saxophone case open on the ground. A Wilmington police officer approached Mr. Barbeau and instructed him that he was violating Wilmington Ordinance 6-16, which prohibits "[b]egging, soliciting alms, contributions, goods, or services by intimidation" in downtown. Other musicians have also been cited under this ordinance.

Reportedly, in the spring of 2006, the City Council in Wilmington modified Section 6-16-B of its code of ordinances on begging or soliciting alms in a public space. The original ordinance, passed in May 1996, prohibited aggressive and intimidating begging throughout the city – a prohibition that has been upheld as constitutional in various courts around the country. However, the 2006 revision of the ordinance imposed a total ban on *any* kind of soliciting in three city districts: Central Business, Historic and Historic-Mixed Use.

Courts around the country have held that such total bans are overbroad and hence unconstitutional restrictions on free expression in violation of the First Amendment to the United States Constitution. Consequently, the ACLU of North Carolina Legal Foundation has agreed to defend Mr. Barbeau against his criminal citation. Additionally, we are considering pursuing civil litigation against the City of Wilmington if the City Council refuses to amend its ordinance to permit street performers to play on public sidewalks in the downtown area.



The ACLU-NC's Wall of Shame: Johnston County's Board of Commissioners

The latest addition to the Wall of Shame will come as no surprise to those who read the cover page of this newsletter: The Johnston County Board of Commissioners. The Commissioners are deemed Wall of Shamers not because they live and work in Johnston County, not because of any particular party affiliation, but because they blindly supported Sheriff Steve Bizzell, a public official who made clearly troubling, racist remarks about Hispanics. Such remarks call into question whether the sheriff's office is enforcing the law in a nondiscriminatory manner and certainly merit concern and at least some inquiry by the Board of Commissioners.

In response to the Sheriff, who stated to the press that Hispanics "rape, rob and murder" Americans, don't pay taxes and breed like rabbits, the Commissioners chose not to investigate the issue. Instead, led by Commissioner Cookie Pope — who expressed her unequivocal support for Bizzell while acknowledging that she had not read the *News & Observer* article or seen his statements — the officials issued a statement that they fully supported Sheriff Bizzell and intimated that people who were upset and sought answers for his remarks were "forces that would like to divide our community." More than 300 individuals in those "forces" came out for a peaceful prayer vigil in Smithfield recently to support the community that is reeling from this hurtful situation. During that vigil, many sheriffs' officers were on hand, but almost all stood across the street shoulder-to-shoulder with pro-Bizzell counter-protestors. Motorcyclists rode by several times, revving their engines in unison which was intimidating to attendees at the vigil.

To the public, Pope stated that the Commissioners were "committed to uniting our community," but in reality, Commissioners have yet to meet with community members concerned about the matter – flouting the notion of a united community. For choosing the lazy way out and neglecting to review their own sheriff's actions to reassure the public, the Board of County Commissioners of Johnston County have earned the dishonor of joining our Wall of Shame.

Racial Justice Project Report: Alamance Co. Residents Make Their Mark

Life isn't easy these days if you are Latino and living in Alamance County. But if the members of a new community group have anything to do with it, a change is going to come.

In the past two years Alamance County public officials and law enforcement agencies have led the charge on the issue of immigration – a legal matter ordinarily under the sole jurisdiction of the federal government. Alamance was the second North Carolina county to enter into the 287(g) program, a contractual agreement with the Department of Homeland Security that deputizes local sheriffs to enforce immigration law. The program is touted as a solution to violent and serious crimes supposedly committed by undocumented immigrants, but since the immigrant population's increase in Alamance, crime rates have gone down. The program continues nonetheless: in 2007, the first full year of the program, over 300 of the 500 people who were put through immigration interrogation came in on traffic violations such as failure to use a blinker or driving without a license.

Meanwhile, the Alamance County Jail has become a hub facility that houses immigration-related detainees from other counties, and in the process earns Alamance approximately \$67 per detainee per day. Public comment from the Sheriff and County Commissioners makes clear that the intent is to make Alamance County a difficult place to be for people who “look” undocumented – a judgment made through stereotypes and racial profiling that strikes fear into many communities of color, no matter what their immigration status or citizenship. The ACLU-NC has been working on these issues in Alamance County nonstop, but crucial to all of this work are local advocates who know the terrain and are willing to follow through on the local level.

Enter Fairness Alamance, a newly organized group of residents. They are young and old, white, African-American and Latino. They represent many education levels and careers, including clergy, local business owners, parents and grandparents, educators and librarians. Until recently, many would not have known each other in daily life. But they have two things in common: they live in Alamance County, and to the anti-immigrant initiatives and racial profiling, they say enough is enough!

The group has been meeting since a rash of law enforcement incidents sparked state- and nationwide interest in the area. First, Maria Chavira Ventura, a mother of three was arrested in the middle of the night on I-85, her three children left in the car with no keys and no help for seven hours. Next, a young woman, Marxavi Angel Martinez, who has lived in North Carolina since the age of six was arrested at her workplace in a local library by sheriffs who reportedly obtained information about her immigration status from her confidential health department records. Then, a busload of Latinos traveling to Mexico – including U.S. citizens – were stopped, detained and questioned about their status by a state trooper near Burlington.

Fairness Alamance began their response through targeted civic participation. They drew more than 175 people to their first County Commissioners' Meeting in August, drawing public attention to the 287(g) program's effect on their communities. The members who spoke at this meeting worked with the ACLU-NC Racial Justice Project to highlight specific problems and to request information and a response from County Commissioners and Sheriff Terry Johnson. Since then, the group of more than 50 people has continued attendance and input at public meetings, planned community educational events, worked behind the scenes with local officials and launched a website, www.fairnessalamance.org. They count among their successes the halt of any new anti-immigrant ordinances or resolutions that were previously up for consideration by county commissioners. The ACLU-NC will continue to partner with and learn from this indomitable group of committed citizens as they carry on with their work, showing all of us that all it takes is a little bit of outrage to make mountains move.



Over 175 concerned citizens crowded into Alamance County's Commissioners Meeting on August 2008 after a prayer vigil was held out front in support of Latinos in the county.

Getting Ready for the 2009 Legislative Session

The ACLU-NC has a lot in store for the 2009 Session. We will be moving forward with several issues that did not make it through in 2008. We will continue our work on death penalty reform, opposing Real ID, putting an end to North Carolina's involvement in extraordinary rendition and torture and fighting to protect the rights of all students. We also have three new legislative priorities that we will be fighting for in 2009, but we need your help. Sign up at www.acluofnorthcarolina.org/take_action/action_alerts to receive action alerts that will let you know when important legislation is being voted on at the North Carolina General Assembly!

Racial Justice

Amend Racial Profiling Reporting Statute: N.C. General Statute § 114-10.01, which requires law enforcement to report certain identifying characteristics of people stopped for traffic violations, such as race, ethnicity, age and gender, is intended to help advocates and law enforcement recognize when profiling occurs. The data is collected, correlated and publicly reported. The law has several flaws that keep it from being an effective racial profiling prevention tool. While local law enforcement agencies are encouraged to report information under this statute, the statute provides no enforcement mechanism if they fail to report. Additionally, the statute does not apply to DWI and/or license checkpoints, except when those stops result in a warning, search, seizure or arrest. Finally, the identity of individual law enforcement officers is not public record. These three items will hopefully be addressed in an amendment offered in 2009.



Amend Checking Stations and Roadblocks Statute: NC General Statute § 20-16.3A governs how law enforcement may set up driving checkpoints. The law allows DWI checkpoints but requires law enforcement to follow certain rules, including designating in advance the pattern both for stopping vehicles and for requesting drivers that are stopped to produce drivers license, registration or insurance information. The law also ensures that checkpoint placements are random or statistically indicated, and agencies are required to avoid placing checkpoints repeatedly in the same location or proximity. While some of this plan must be in writing, it is not clear which part. The ACLU-NC believes that a written policy should provide guidelines for who is stopped and what ID is requested, and we will work to get the statute amended to address these issues. Further, it is unclear whether the Checkpoints Statute applies to license checkpoints, in addition to DWI checkpoints. The ACLU-NC believes that the statute should apply to **ALL** checkpoints. Finally, an allegation that a checkpoint was not random or statistically indicated cannot be grounds for a motion to suppress or a defense to any offense arising out of the operation of a checking station. The ACLU-NC has received several complaints that law enforcement is setting up license checkpoints in Latino neighborhoods, near Latino churches and concerts, and outside flea markets frequently visited by Latino individuals. The ACLU-NC believes this is another form of racial profiling. Making **ALL** checkpoints subject to the racial profiling reporting statute and the Checkpoints Statute will help prevent this unconstitutional practice in the future.

Students' Rights



Parent and Student Educational Involvement Act: The ACLU-NC has seen a growing problem with young people being denied their right to sound basic education. A large contributor to this problem is the North Carolina suspension rate; our state's children are 45% more likely to be suspended than the national average. Children who are suspended or expelled often suffer long-term harms, falling behind in work and three times more likely to drop out of school. As such, this bill would require that the parent or guardian of a student who is going to be expelled or given a long-term suspension be provided with written notice explaining the rights of the student to appeal such a decision and have a hearing before the school board, among other rights.

Save the Date: **Saturday, February 7, 2009**

Please join the ACLU of North Carolina Legal Foundation for our
**40th Annual
Frank Porter Graham Awards Ceremony**

Now accepting nominations for awards recipients!

If you would like to nominate a deserving group, organization or individual for an award, please email the following information to Jennifer Rudinger, Executive Director, at aclunced@nc.rr.com:

- Nominee's name and contact info (including nominee's phone number and email address).
- State why this nominee is deserving of an award at our 2009 FPG Awards Ceremony. Please describe their efforts in the civil liberties arena and explain what kind of impact they have made.
- State for which award, specifically, you are nominating this candidate.
- YOUR name and contact info, in case our Selection Committee has a follow-up question.

DEADLINE FOR SUBMISSION OF NOMINATIONS: MONDAY, NOVEMBER 17, AT 5:00 p.m.

Awards are as follows:

- Frank Porter Graham Award -- this is our most prestigious award, given annually to a group or individual who has made a significant contribution in the efforts to advance civil liberties in North Carolina. Although there are no specific criteria, this award has traditionally been given in appreciation for longstanding dedication to the fight for individual freedom and civil liberties, reflecting work that has taken place in North Carolina over a period of years or decades.
- ACLU of North Carolina Award -- this award also reflects a deep commitment to preserving and defending civil liberties in North Carolina, but is typically given for work that is more immediate and of a more specific, finite scope than the Frank Porter Graham Award.
- Paul Green Award -- this award is given by the Paul Green Foundation every year, to honor efforts by individuals or groups to abolish or limit the death penalty in North Carolina.
- Norman Smith Award -- this award is presented from time to time by the ACLU-NC Board of Directors to someone who has volunteered extraordinary time and effort in service to the ACLU-NC.



**Join our Action Alert
E-mail List...**

Be a part of the solution!

Join the ACLU-NC's action alert list and receive e-mail alerts on pending legislation, complete with bill summaries, talking points and contact information for communicating with key legislators. We need you!

Our strength truly lies in our numbers, so please fill out this form and return it to us at ACLU-NC, P. O. Box 28004, Raleigh, NC 27611 or e-mail the information to Sarah Preston, ACLU-NC Legislative Counsel, at aclulegis@nc.rr.com.

YES! I want to help! Please sign me up for the Action Alert List.

Name: _____

Address: _____

Work Phone #: _____

Home Phone#: _____

E-mail: _____

If you know it:

Congressional District: _____

NC House District: _____

NC Senate District: _____



Support the ACLU-NC Legal Foundation while completing your holiday shopping this season!

For a limited time only, from November 28 - December 13, you can shop for holiday gifts and support the ACLU-NCLF at the same time, without spending any additional money! Twig, an eco-friendly store in Chapel Hill, will donate 20% of your entire purchase to the ACLU-NC Legal Foundation. Twig is located next to Whole Foods at:

Village Plaza
99 South Elliott Road
Chapel Hill, NC 27514
Phone (919) 929-8944
www.twigliving.com

Twig is a locally owned store that is focused entirely on eco-friendly, fairly traded and sustainable goods. Owner Shawn Slome is a longtime resident of Chapel Hill, and ACLU-NC members may recall that Twig hosted our NC Community Shares fundraising event in September. Slome is not only committed to the sustainability of our environment, but he is also a strong supporter of the ACLU-NC.

Here are some great gift ideas from Twig, as you check off your holiday shopping list: Fair Trade Artisan Bags and Purses * Bamboo cutting boards, bowls, and serving pieces * Stainless Water Bottles by Klean Kanteen * Note cards embedded with wildflower seeds * Locally made felted creations for children * Cooperative board games for ages 3 to adult * Quality clothing made from organic cotton and bamboo * Bamboo blend organic socks made in North Carolina * Handmade winter accessories * Kids organic clothes and blankets for newborns to toddlers * Safe natural rubber teething toys and pacifiers * Locally made stuffed Peculiar Pets * Domestically made toys made of safe natural materials such as wood alphabet blocks, large handmade wooden trucks and trains * Kapla Planks * Collectible wind up toys and other fun gizmos * Re-usable fashion tote bags * Hemp / organic cotton back packs and messenger bags * Solar Japanese lanterns * Solar rechargeable flashlights * Environmental enhancing Salt Lamps * Locally made quality natural soaps and lotions by Moondance ... and lots more!

Visit Twig online at www.twigliving.com for a sampling of their offerings.

Clip and present this coupon at time of purchase, or tell the cashier at check-out that you're supporting the ACLU, and Twig will donate 20% of your entire purchase to the ACLU of North Carolina Legal Foundation.

Valid November 28 - December 13, 2008

Limit one coupon per customer, may not be combined with other offers.
No cash value. No discount on prior purchases.

Chapter Updates From Around the State

Campbell Law ACLU

After a long summer break, the Campbell Law chapter has returned with a full slate of speakers and events for the school's last year in Buies Creek, before the Campbell Law chapter relocates to Hillsborough Street in Raleigh, halfway between the State Capitol and ACLU-NC headquarters. On September 29th, ACLU-NCLF Legal Director Katy Parker kicked off Campbell Law's Featured Speaker series to educate Campbell Law students about cases and issues with which the ACLU-NCLF has been involved in the past year. Later on in the year, former Finlator Award recipient Jimmy Creech will make the trip down to Buies Creek as part of our Featured Speaker series.

This semester, the Campbell Law ACLU will be hosting its annual Free Speech Party again at C&G's Sports Bar in Lillington. The date is to be determined, and as with all Campbell Law events, when the date is announced, we welcome all ACLU members and the general public to attend. As an added attraction, the Campbell Law ACLU will also be sponsoring a contest at this event for the best student-produced "Unethical Shyster Lawyer" advertisement. As the law school grows, Campbell Law ACLU has been actively recruiting our burgeoning first-year class, bringing dozens of new members into the fight for civil rights and ensuring our chapter's continued success as we move from rural Harnett County to the bright lights of downtown Raleigh.

Charlotte ACLU

The Charlotte ACLU is pushing for a big membership drive, attempting to draw new faces and fresh ideas to the chapter. By implementing an email blasting system, we are now able to organize contacts and lay out graphics and links within emails that provide more accessible and personalized communications to contacts collected at events.

A partnership is also being developed between the Charlotte chapter and the Planned Parenthood Young Advocates. The two groups hope to form an alliance to work toward reproductive rights within the Charlotte Community.

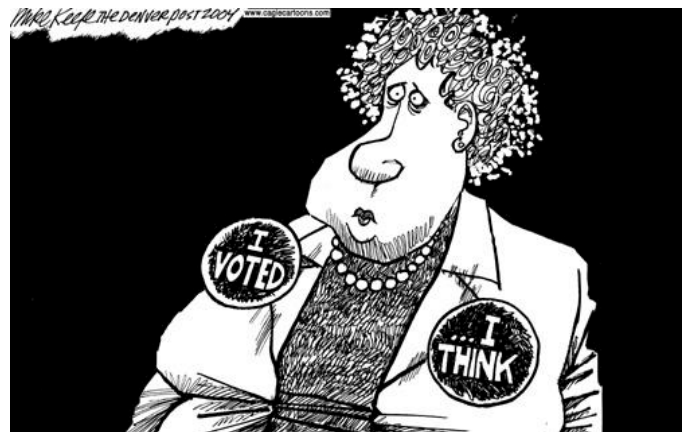
The Charlotte chapter is seeking local churches, advocacy groups and community organizations who would be interesting in hosting speaking events. Any interested groups should contact the Charlotte ACLU chapter at aclucharlotte@hotmail.com.

Western North Carolina ACLU

This Fall, the Western North Carolina chapter of the ACLU-NC has been consolidating its committee structure, gearing up for a new season of productivity. Our committees include Communication, Event Planning, Membership, Tabling, Nominations and Liaison.

Summer and Fall are art and music festival and street fair seasons in Asheville and Western North Carolina. Our chapter table is often found at WNC Pride Events, ethnic fairs and the BIG one, Bele Chere – which brings in more than 350,000 visitors during the last weekend of July – beneath a huge, classy ACLU banner with supports designed by our own chapter treasurer, Alan Robinson. We have begun sharing our table with like-minded folks such as People of Faith for Just Relationships; the League of Women Voters (with whom we staffed a voter registration booth this summer) and Parents, Families, and Friends of Lesbians and Gays. These events increase the visibility of the ACLU in the region.

We have proposed a public education forum on immigration issues for the coming months and made a worthy nomination for the North Carolina International Human Rights Award for 2008. Our WNC chapter eagerly welcomes the new Charlotte chapter, which will join us, the Wake Chapter and numerous student chapters at colleges, universities and law schools throughout the state.



Cartoon by Mike Keefe, Denver Post — 2004

The ACLU Student Chapter of Appalachian State University (ASU) is pursuing policy changes on campus. ASU has a new trademark/licensing policy partly because our university and our football program have received a lot of positive national attention over the past few years. However, the new licensing policy seems to overreach by claiming that both commercial and noncommercial material has to be licensed/approved by the university. Also, noncommercial material (including t-shirts, apparel, posters, banners, etc.) that uses ASU-trademarked terms or variations of trademarked terms referencing the university will require university approval, according to the new policy. Furthermore, the process of getting non-commercial material approved and licensed includes university censorship of content that includes sexual references, alcohol references and anything that is judged to represent the university in a bad light.

Licensing and restricting all noncommercial material that references ASU seems unenforceable and unconstitutional. Our ACLU chapter is raising awareness and asking tough questions about the new licensing policy and its impacts on free expression. We are also looking into other university policies involving free speech on campus.

At a campus theater, our chapter sponsored the short film, Busted: The Citizen's Guide to Surviving Police Encounters. Our chapter is now planning an event about the War on Drugs. We look forward to providing another update about improvements in ASU's policies and our success in spreading the message of civil liberties to students.

Elon ACLU Celebrates One Year This October

While we were just getting started last year, the Elon ACLU is chapter building this year. Thanks to materials provided by the ACLU-NC, we had a strong presence at Elon's student organizational fair in August, and we now have a total membership list of 24!

After September elections, we started planning the year's events. Taking up the great advice of Campbell Law's chapter, we finished the month with a Freedom of Speech t-shirt night. On October 8, ACLU-NC Legislative Counsel Sarah Preston spoke to the chapter about lobbying in NC and the ACLU-NC's legislative priorities at the state level.

Elon will host ACLU-NC's Rebecca Headen in November to discuss the Racial Justice Project. This event will be part of the university's first "Racial Justice Week," which we are co-sponsoring with Elon's Black Law Student's Association. Other events for the week include a presentation by Cecil Lynn, a former trial attorney in the Civil Rights Division of the U.S. Department of Justice, as well as an awareness action event in the Commons and a film night.



Elon ACLU members share a table with OutLaw, a student LGBT group, at the student organizational fair.



The ACLU of North Carolina congratulates our student chapter at Appalachian State as the chapter celebrates its 10th anniversary!



Job Opportunity:

The ACLU of North Carolina seeks qualified applicants for the full-time position of Membership Coordinator to work in our office in Raleigh. For complete job description, compensation and instructions on how to apply, visit our website at:

www.acluofnorthcarolina.org

Wake County ACLU Invites You to Our Finlator Awards Dinner!

Mark Your Calendar!

The ACLU of Wake County cordially invites you to our

24th Annual Finlator Awards Dinner

Thursday, November 13th

NCSU University Club
4200 Hillsborough Street, Raleigh
Cash Bar 6:00 PM, Dinner 7:00 PM

Keynote Address by **Jack Boger**, Dean and Wade Edwards Distinguished Professor of Law at the University of North Carolina School of Law

Tickets are \$40.00 per person.
Contact: Tish Gay, tishgay@hotmail.com
Tickets must be prepaid.
Tickets will not be sold at the door.

Honoring this year's
Finlator Awards Recipients:

Rob Schofield
— and —
Clayton Lee Stalnaker

And our Civil Liberties Award goes to:

North Carolina Stop Torture Now



Jack Boger,
Keynote Speaker



Rob Schofield,
Finlator Award Honoree

Duke ACLU

In Fall 2008, the Duke ACLU focused on preparing two events: National Coming Out Day and Security and Humanity: Keeping America Safe and Safeguarding American Values.

Since National Coming Out Day in October 2007, the “ ‘Love = Love’ t-shirts given out on [Duke’s] West Campus Plaza have become a ubiquitous item around the University,” our student newspaper reported last spring. The Duke ACLU co-sponsored the on-campus celebration last year and continues to advocate on behalf of the LGBT community. This October, we tabled and distributed educational materials on Duke’s most prominent walkway, which featured rainbow-themed decorations, free food, shirts and stickers. We collaborated with the LGBT Center; Blue Devils United, the student group for LGBT undergraduates and allies; DukeOUT, a group for LGBT graduate and professional students; OUTlaw, the law school LGBT group; and the Duke University Union, our largest student-programming body.

Our second event was a collaboration with the National Security Network, Duke Democrats, Duke Amnesty International and the Duke Human Rights Coalition. We explored the following questions: *How can the US government act to keep Americans safe and adhere to the values embodied in our Constitution? Specifically, how can the US better reconcile our critical national interest in fighting terrorism with our commitment to the rule of law, to the humane treatment of criminal suspects and to the principles of justice that unite us as Americans?* The primary speaker of the event was Lt. Col. Stuart Couch, a former military prosecutor in the Office of Military Commissions assigned to prosecute alleged al-Qaeda suspects detained at Guantanamo Bay. As detailed in a front-page article in *The Wall Street Journal*, Couch refused to bring charges in one case because he believed that critical evidence had been obtained by torture and was therefore inadmissible under US and international law.

Please contact Lauren Maisel (lm47@duke.edu) or Samson Mesele (szm@duke.edu) for more information or with proposals for future collaboration.



Duke ACLU's LGBT community t-shirt design, a popular item on campus.

The United Nations Human Rights Treaty System: Current and Future Status

By Slater Newman, International Human Rights Committee Chair, and Judith Blau, ACLU-NC Board member

The Universal Declaration of Human Rights was adopted by the United Nations General Assembly on December 10, 1948. This year is its 60th anniversary, which will be celebrated on Human Rights Day, December 10th.

One important function of the Declaration has been to provide a set of human rights standards to be included in a country's constitution or in a treaty between governments. Such has been the case for the treaties of the United Nations Human Rights Treaty system, currently comprised of eight treaties and seven optional protocols. One other treaty, that on enforced disappearances, is currently not yet in force.

These 16 treaties are listed in the table below and also on the ACLU-NC's website (www.acluofnorthcarolina.org), along with year of general assembly approval, number of state parties, whether the US is a party or not, US reservations, and whether the US is a signatory or not. This table reflects their status as of September 26, 2008. We are planning to update the table at the ACLU-NC website periodically and to reference each update in LIBERTY. The update would include, for example, the listing of new treaties, of new state parties to existing treaties and new US actions on these treaties.

Here is some additional information about the United Nations Human Rights Treaty System: (a) There are 193 members of the United Nations. (b) When a country signs a treaty it is "expressing its intention to become a party at some future date; meanwhile it is obliged to refrain from acts that would defeat the object and purpose of the treaty." (c) When a country ratifies a treaty, it becomes bound by the treaty's provisions. (d) When a treaty enters into force, a committee is appointed to monitor observance of its provisions. Committee members are chosen only from those countries that have ratified the treaty. (e) A country may ratify a treaty, attaching reservations, understandings, declarations and provisos, limiting the conditions under which the treaty applies for itself (e.g., for CEDAW, the Convention on the Elimination of All Forms of Discrimination Against Women, the US Senate added four reservations, four understandings and two declarations to be included when ratification is considered.) (f) A common declaration by the United States is that the provisions of the treaty are not self-executing, "meaning that it has no force of law without so-called implementing legislation."

We hope that you and others will find this information of interest. We welcome your questions, comments and suggestions and wish you a Happy Human Rights Day (December 10) and Human Rights Week (December 10-16).

Human Rights Treaties and US Participation, 1966-2006

(Year of General Assembly Approval, Number of State Parties, Whether the US is a Party or Not, US Reservations, Number of Signatories; Whether the US is a Signatory or Not)

International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 1965

173 parties; US is a party; "provisions are not self-executing"

85 signatories; US is a signatory

International Covenant on Economic, Social and Cultural Rights (CESCR), 1966

159 parties; US not a party

68 signatories; US is a signatory

International Covenant on Civil and Political Rights (CCPR), 1966

162 parties; US is a party; "provisions are not self-executing"

71 signatories; US is a signatory

Optional Protocol to the International Covenant on Civil and Political Rights (implements Treaty), 1966

111 parties; US is not a party

35 signatories; US is not a signatory

Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty, 1966

68 parties; US is not a party

35 signatories; US is not a signatory

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979

185 parties; US is not a party

98 signatories; US is a signatory

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984

145 parties; US is a party; “provisions are not self-executing”

75 signatories; US is a signatory

Convention on the Rights of the Child (CRIC), 1989

193 parties; US is not a party

140 signatories; US is a signatory

International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CRMW), 1990

39 parties; US is not a party

29 signatories; US is not a signatory

Optional Protocol to the Convention on the Elimination of Discrimination against Women (implements Treaty), 1999

91 parties; US is not a party

77 signatories; US is not a signatory

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 2000

123 parties; US is a party; “US under no obligation”

123 signatories; US is not a signatory

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000

129 parties; US is a party; “Federal government jurisdiction”

115 signatories; US is a signatory

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (implements Treaty), 2002

35 parties; US is not a party

61 signatories; US is not a signatory

Convention on the Rights of Persons with Disabilities, 2006

40 parties; US is not a party

136 signatories; US is not a signatory

Convention for the Protection of all Persons from Enforced Disappearances, 2006

Not yet in force; 5 parties and 74 signatories

The US is neither a party or a signatory

Optional Protocol to the Convention on the Rights of Persons with Disabilities (implements Treaty), 2006

24 parties; US is not a party

75 signatories; US is not a signatory

Source: Office of the United Nations High Commissioner for Human Rights.

<http://www2.ohchr.org/english/bodies/ratification/index.htm>; <http://www2.ohchr.org/english/law/index.htm#instruments>

Prepared by Judith Blau.



The American Civil Liberties Union of North Carolina is a non-profit, nonpartisan organization dedicated to the preservation of civil liberties and constitutional freedoms. Since 1965, the ACLU-NC has fought for the rights of all North Carolinians and improved their quality of life.

LEGAL PROGRAM

The legal program has been our most successful avenue for protecting and enhancing the constitutional rights and civil liberties of North Carolinians. Of the thousands of requests for assistance received each year, we litigate and provide amicus curiae assistance (friend of the court briefs) in approx. 15-20 cases. We respond to every request we receive, and in non-civil liberties matters, try to make appropriate referrals. Our current docket includes recently settled and ongoing cases on Freedom of Speech/Religious Liberty, Privacy Rights/Right to Travel, Disability Rights, Equal Protection, Right to Trial, Search and Seizure, Voting Rights and the Right to a Sound, Basic Education. For detailed docket information visit www.acluofnorthcarolina.org.

LEGISLATIVE PROGRAM

We provide a constant reminder to our legislators that our civil liberties should not be compromised by legislative jockeying and political posturing. The ACLU-NC's full-time lobbyist is a permanent presence at the North Carolina General Assembly and influences public policy debates and legislation that involve civil liberties issues. We invite you to join our legislative work. Visit our web site at www.acluofnorthcarolina.org to receive legislative "Action Alerts."

**PUBLIC EDUCATION
OUTREACH PROGRAM**

Through our website, literature, speaking engagements, public forums, visits to schools and universities, press interviews and television and radio appearances, we educate North Carolinians about their rights. Only when each person is informed of his/her rights can we achieve the ideals set forth in the Constitution. In 2006, we introduced new innovative outreach programs focusing on the Muslim/Middle Eastern Community, Racial Justice and Reproductive Health. For a complete list of publications and upcoming events, visit www.acluofnorthcarolina.org.

JOIN TODAY!

Your dues include memberships for the national ACLU, ACLU of North Carolina, and your local chapter if one exists in your region. You will also receive *Liberty*, the quarterly ACLU-NC newsletter, along with the national newsletter and other mailings. If you have email, your name will be added to our listserv upon your request. You will be able to vote in our statewide Board elections and will be invited to ACLU events like the Frank Porter Graham Awards Ceremony and the annual membership meeting. Simply fill out the form below and return it in a stamped envelope.

Enclosed is my check for:

\$5 Limited Income Membership
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**Please give this amount or more if you can*

Make check payable to the ACLU. Please note that membership dues are not tax-deductible because the ACLU engages in lobbying and direct advocacy.

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Would you like information regarding chapter activities in your area, if available?

YES NO

Please return this form to:
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 P.O. Box 28004
 Raleigh, NC 27611
 Phone: (919) 834-3466



THE LEGACY CHALLENGE DEFEND FREEDOM TODAY WITH YOUR GIFT FOR THE FUTURE

Did you know you can support the ACLU today with your future gift?

Through the **Legacy Challenge**, if you name the ACLU Foundation to receive a bequest through your will or living trust, the Robert W. Wilson Charitable Trust will make a *cash donation today equal to 10% of your future gift's value*, up to the maximum match of \$10,000. Your gift will provide the ACLU Foundation, at the national and local level, with the resources it needs to protect civil liberties for future generations.

To learn how to accept the Legacy Challenge or get the latest information on planned gifts and estate planning, please call the Office of Gift Planning, **toll-free at (877) 867-1025**, and our staff will personally answer all your questions. Or if you prefer, e-mail us at legacy@aclu.org.

Wondering where to start? How to update your will? How to avoid probate court? How a charitable gift will affect your estate? Visit www.legacy.aclu.org for complete estate planning information, checklists, gift calculators, articles and Legacy Challenge information.

LIBERTY

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Cartoon by Pat Bagley, Salt Lake Tribune

Save the Date!

November 13, 2008 — Wake County ACLU's Finlator Awards Dinner (See ad on Page 11 for more info)

December 9, 2008 — International Human Rights Award Dinner at the NCSU University Club, Raleigh, 6:30 p.m.

- Honoring Margaret (Peggy) Misch
- \$30.00 per person
- Deadline for RSVP Dec. 2nd
- For more info, contact Joyce Scapicchio at 919-876-0501

February 7, 2009 — ACLU of North Carolina's 40th Annual Frank Porter Graham Awards Ceremony. Now accepting nominations for awards recipients (see Page 7 for more info). Look for more details about this event in the next issue of *Liberty*.

Introducing the two Boards of Directors of the ACLU of North Carolina and the ACLU of North Carolina Legal Foundation:

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