

LIBERTY



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ACLU-NC Applauds North Carolina House of Representatives for Passing House Bill 2136, Opposing the Controversial Federal Real ID Act, and Expresses Disappointment that the Senate Failed to Act.

The American Civil Liberties Union of North Carolina (ACLU-NC) applauded the North Carolina House of Representatives for taking an important stand against the controversial federal Real ID Act, a law imposing onerous new requirements for the issuance of drivers' licenses. House Bill 2136 passed overwhelmingly on July 17th with bipartisan support, by a vote of 69-45. Eleven (11) states have already passed legislation refusing to comply with Real ID.

"This is an important first step toward putting an end to Real ID," said Jennifer Rudinger, Executive Director of the ACLU-NC. "This law is an unworkable bureaucratic boondoggle that would result in many North Carolinians not being able to renew or obtain a driver's license. Moreover, it places an enormous economic burden on the states and the American taxpayers that North Carolina simply cannot afford."

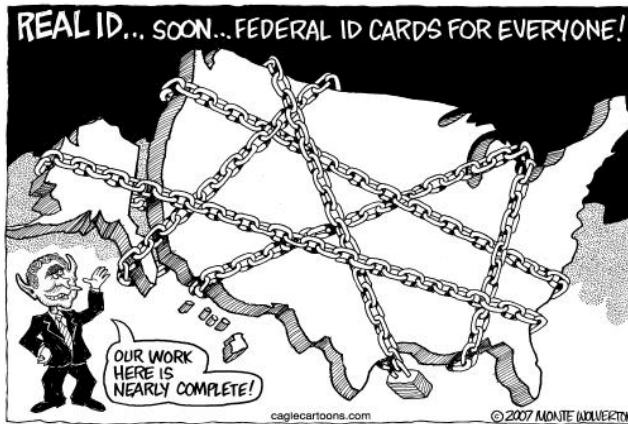
The Real ID Act passed Congress in 2005 without hearings and without debate. It was attached to a must-pass appropriations bill that provided funding to American troops overseas and victims of the South Asian tsunami. It has been at the center of controversy ever since.

Real ID requires that the databases of the Departments of Motor Vehicles of the 50 states and the U.S. territories must be linked to each other, a requirement that many privacy advocates point out actually increases the risk of identity theft. The law also requires drivers' licenses to have a

failed to take up the measure before the end of the 2008 summer session. However, the ACLU-NC and our coalition allies remain committed to getting this bill through both houses of the legislature next year.

"The fact that this bill passed by such an overwhelming bipartisan

vote is truly remarkable," noted Sarah Preston, Legislative Counsel for the ACLU-NC. "We will look to build on this success next year and see our state leaders stand up against this unworkable federal law that would infringe on millions of North Carolinians' civil liberties and privacy



Monte Wolverton, Cagle Cartoons

machine readable zone. In its final regulations on Real ID, the Department of Homeland Security did not require that this machine readable zone be encrypted, which raised the concerns of many consumer privacy advocates.

"Real ID would be a real nightmare to implement, and North Carolina should join with other states around the country to block implementation of this law," Rudinger said.

Unfortunately, the NC Senate

rights."

States that have already opted out of complying with Real ID are: Alaska, Washington, Idaho, Arizona, Montana, Louisiana, Maine, New Hampshire, Oklahoma, South Carolina and Georgia. Dozens more have similar legislation pending or have passed resolutions denouncing Real ID. For more information, go to www.realnightmare.org.

ACLU-NCLF Legal Program Updates

ACLU-NCLF Assists Native American Student Who Wanted to Wear Ceremonial Eagle Feather at High School Graduation:

The American Civil Liberties Union of North Carolina Legal Foundation (ACLU-NCLF) and the Native American Rights Fund (NARF) were contacted in May by the parent of a student at Purnell Swett High School in Pembroke who wanted to wear eagle feathers on either his cap or gown during his graduation ceremony on Friday, June 13, 2008. Samuel Bird, father of Corey Bird, contacted both organizations, seeking assistance after Principal Wilkins informed Corey that he could not wear his eagle feathers in light of a mandatory graduation dress code policy that prohibited students from wearing “[m]essages, signs, markings, stringers, ribbons, etc.” on their “cap[s] or gown[s].” Corey indicated that he wanted to wear the feathers for religious and spiritual reasons in order to honor his late mother and grandfather.

Corey and his father Samuel are members of the Sisseton-Wahpeton Tribe of South Dakota, a federally recognized tribe. Corey also has Lumbee heritage from his mother. Corey’s feathers were gifted to him by his father specifically for the occasion of Corey’s graduation from high school. The feathers had even greater meaning to Corey because he wanted to spiritually honor his mother and grandfather, both of whom are deceased. When it became apparent that school officials intended to stand by Principal Wilkins’ decision to prohibit Corey from wearing his feathers, ACLU-NCLF and NARF sent a letter to the school district on June 5, 2008, urging the district

to reconsider its decision.

In their June 5th letter, ACLU-NCLF and NARF argued that it would be good policy to permit Corey and other Native American students to wear eagle feathers at graduation. Both Bald and Golden Eagles are highly revered and considered sacred within Native American traditions, culture and religion. Their feathers are honored with great care and shown the deepest respect. They represent honesty, truth, majesty, strength, courage, wisdom, power and freedom. Native Americans believe that as eagles roam the sky, they have a special connection to God.

Typically, an eagle feather is given only in times of great honor – for example, to mark great personal achievement. The gift of an eagle feather to a youth is a great honor and is typically given to recognize an important transition in his or her life.

Our letter also explained that there is case law in this jurisdiction allowing an exception to the mandatory dress code for those students (and their parents) who demonstrate a sincerely held religious belief. Consequently, the high school could carve out an exception to the graduation dress code for expression of sincerely held religious beliefs and accommodate students like Corey.

In addition to sending the June 5th letter, Rebecca Headen, the ACLU-NCLF’s Racial Justice Project Coordinator, and Katy Parker, ACLU-NCLF Legal Director, traveled to Lumberton for the Robeson County School



Corey Bird and his cousin Olivia were permitted to wear ceremonial eagle feathers at graduation, thanks to the ACLU-NCLF.

Board meeting and spoke on behalf of Corey and his father. Corey and his father also spoke at the school board meeting. We are happy to report that the school board decided to resolve the matter informally and permitted Corey to wear his feathers at graduation.

ACLU-NCLF Challenges Excessive Delays in the Processing of Naturalization Applications:

The ACLU-NCLF was proud to announce this past spring that two of its clients have finally been sworn in as American citizens, after suffering excessive delays in the processing of their naturalization applications. It is believed that the excessive delays occurred in part as a result of the individuals’ religion and/or countries of origin.

Mugtaba Eltayeb was born in Sudan and has lived in the United States as a lawful permanent resident for the past eight years. Mr. Eltayeb filed for naturalized citizenship in May 2005. Mr. Eltayeb, who married an American citizen, is helping raise his five-year-old daughter and two-year-old son, while also working full-time and going to college to study biotechnology.

Hassan Elannani was born in Morocco and has lived in the

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United States for seventeen (17) years. Mr. Elannani is a school principal in Charlotte and holds a Ph.D. in Educational Administration. His roles as an educator and principal include preparing his students to become good citizens who contribute to the common good of society. Elannani, a lawful permanent resident, filed for naturalized citizenship in June 2002. He and his wife have three children, ages 10, 8 and five months.

While Mr. Eltayeb's and Mr. Elannani's applications were pending, they each repeatedly sought information from the federal government as to the status of their applications. Each time, the government refused to give either man detailed information, stating only that FBI background and name checks were pending on the applications. The government refused to give either man any information as to when his application would be processed. Further, the government never informed either man that it lacked any information necessary to adjudicate the applications.

The ACLU-NCLF filed a lawsuit on behalf of Mr. Elannani in November 2007, asking a court to compel the United States to adjudicate Mr. Elannani's application. Soon afterwards, the ACLU-NCLF sent a demand letter to various government agencies, advising them of our intention to file a similar lawsuit on behalf of Mr. Eltayeb. Within weeks, the government scheduled both men for their final interviews. Mugtaba



Hassan Elannani was filled with joy the day he was finally sworn in as an American citizen, after a nearly six-year ordeal, as his wife and baby looked on.

Like most immigrants, past and present, these individuals came to this country seeking a better life. Since coming to the United States, both men have paid taxes, raised families and have given back to



Mugtaba Eltayeb was finally sworn in as a U.S. citizen, thanks to help from the ACLU-NCLF, after battling bureaucratic red tape for nearly three years.

their communities. Even though Mr. Eltayeb and Mr. Elannani followed all the rules to become American citizens, their lives were placed on hold for years, while their applications were held up in

Eltayeb was sworn in as an American citizen in March 2008, nearly three years after his application was filed. Mr. Elannani was sworn in as an American citizen in April 2008, nearly six years after his application was filed.

bureaucratic limbo. Mr. Eltayeb and Mr. Elannani report that they are thrilled to finally be able to fully participate in society as American citizens, including voting in elections and serving on juries. Cynthia Aziz of Charlotte served as the ACLU-NCLF's cooperating attorney on both of these cases.

Racially Segregated Assemblies at Dillard Drive Middle School in Raleigh:

On May 29, 2008, the American Civil Liberties Union of North Carolina (ACLU-NC) filed a complaint with the U.S. Department of Education's Office of Civil Rights on behalf of two parents of African-American students at Dillard Drive Middle School in Raleigh. The students had been forced to attend one of two discipline-focused segregated assemblies, held only for African-American and Hispanic students.

Specifically, on December 4, 2007, Principal Teresa Abron directed the seventh-grade teachers to send all African-American students and Hispanic students to segregated assemblies following an argument between an African-American student and a Hispanic student. Teachers were directed to send all African-American seventh graders to the auditorium at 1:55 p.m. for an assembly on gangs, academic performance, and the school's zero tolerance and dress code policies. Teachers were further instructed that once the African-American students returned to class, they should then dismiss all Hispanic seventh graders to the auditorium for a similar assembly. Non-Hispanic and Caucasian students were not forced to attend any assembly.

After many parents' outrage and the ACLU-NCLF's strong objections were reported in the

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ACLU-NC Selects Three Student Activists as “Salitan Scholars” to Attend the 2008 Annual Membership Conference in Washington, DC

Each year, the ACLU of North Carolina awards scholarships to students who are members of the ACLU and who are active in the organization. Named for the donor who allowed us to fund this endowment with a generous bequest in his Will, the “Salitan Scholarships” are used to send young people to represent North Carolina at national ACLU conferences, with the expectation that their experience will inspire activism in defense of civil liberties when they return to their local communities, universities and law schools here in North Carolina.

This year’s Salitan Scholars were **Susan Massey**, Duke University School of Law, **Natalie Teague Morales**, Elon University School of Law; and **H. Catherine Sims**, Campbell University School of Law. All three are active leaders in their law school chapters of the ACLU, and we were thrilled to be able to send all three to the ACLU’s National Membership Conference in Washington, DC, from June 8 - 10, 2008.



Author and nationally syndicated columnist Arianna Huffington signs copies of her new book for Natalie Teague Morales (pictured left) and Catherine Sims (pictured right) at the ACLU National Membership Conference in Washington, DC, in June. Huffington was a featured speaker at the conference and a favorite among the conference attendees for her sharp wit and astute observations.

Sex, Fear and Civil Liberties

by H. Catherine Sims, Campbell University School of Law

The ACLU Membership Conference offered many opportunities to expand social and legal knowledge on a variety of topics. One workshop in particular stood out as relevant, progressive and provocative – The War on Sex.

The War on Sex refers to the all too common practice of using sexuality to offend other civil rights without public resistance. The cycle starts and ends with fear. When there is a climate of shame and condemnation surrounding sexuality, the public becomes willing to give up sexual privacy to accomplish civic or political goals. The end result of instilling this fear is that the government can use it to get people to voluntarily give up their civil rights. One example of how this type of fear is created is through the overestimation of sexually based crimes portrayed in TV shows. This leads the public to believe that sexual perversion and sex crimes are far more prevalent than the data actually shows. Another example of creating fear can be seen in the sex education programs in public schools. Many schools have an “abstinence only” teaching policy, which aims to scare young people into abstinence with pictures of sexually transmitted diseases. However there is no effort to teach these young people safe-sex practices so they can actually protect themselves from such diseases.

This type of fear can allow laws that discriminate against a certain group of people to be passed with very little opposition. An example of this can be seen in states that criminalized sodomy for same-sex couples, but not for heterosexual couples. This was blatant discrimination against homosexuals, but when the label “sodomy” was on the law, no one wanted to get involved.

Because of this “sexual expression crackdown,” outsiders must step in and protect the rights of citizens. This has impacted the way I think about my future legal career because it is an illustration of how fragile our civil rights can be, and how we need competent, zealous advocacy to protect those rights. This is a country built upon a foundation of the Constitution, which ensures that every citizen has certain rights. It is up to us to protect this country from becoming a place where civil rights are destroyed under the guise of morality.

Hope on the Horizon

by Natalie Teague Morales, Elon University School of Law

“Do we believe in these ideals all of the time, or just some of the time?” – David Nevin, the first civilian attorney to speak with Khalid Sheikh Mohammed, Guantánamo Detainee

The 2008 ACLU National Membership Conference was amazing. As Executive Director Anthony Romero remarked in his keynote address, it seems that spring has emerged after a long winter of this administration’s blatant disregard for constitutional rights. There have been remarkable victories such as *Boumediene v. Bush*, the decision to restore habeas corpus rights to Guantánamo detainees, as well as the California Supreme Court decision to recognize same sex marriage. Yet the conference also revealed that there is so much work left to be done.

On June 3, 2008, defense counsel David Nevin and others were finally poised to meet their clients: Guantánamo detainees of more than five years. That was Tuesday. Arraignment was set for Thursday. The attorneys were given one room in which to strategize between 7 am and 6 pm, only to find that the room was too small for the entire group. Though the attorneys had the same security clearance, they could not discuss classified information amongst themselves outside of that one room. When they needed to access the federal court system online, they discovered that there was no Internet access. When they requested assistance, they were told to go to Starbucks.

“This is the first war where the enemy doesn’t want the war to end. Yet we’re disarming ourselves of our greatest strength: our ideas and our ideals.” — John Hutson, President and Dean of the Franklin Pierce Law Center

Simultaneous to this manifestation of the war on terror, conference speakers described a “racially charged war that profits from the detention of human beings” right here on American soil. Tuesday morning of the conference focused on raids and detentions of immigrant communities. The most egregious story was that of the 16-year-old twin de la Torre brothers from New Mexico. Early one morning last September, their family awoke to the sound of law enforcement officers banging on the walls of their home. First, the officers claimed to be “pizza delivery” – at 5:30 am. Second, they declared themselves to be Animal Control: that the family’s dog had bitten someone. Finally, the officers demanded entry asserting that the family had an “unsafe refrigerator.” Eventually, the family opened the door and asked if the officers had a search warrant. They replied that they did not need one. The deputies proceeded to “make a disaster” by searching the entire house while exiling the family (including their grandmother who was sick with cancer) to the yard. The entire family has since been deported. No crimes were ever charged. The U.S. citizen teenage twins were left behind in the U.S. and now see their family once a month.

These scenes are becoming increasingly common. According to the Corrections Corporation of America’s 2007 Shareholder Report, “demand exceeds prison supply.” Prisons are being converted – or built – into immigrant detention centers, where immigrants are held for up to 12-18 months in detention as private corporations profit. Note that these centers do not merely hold adults. Some are family detention centers in which *children* are being detained. (For more information, go to: www.aclu.tv/hutto.)

“Is this the America they told me about?” – Luissana Santibañez, Texas Organizer for Grassroots Leadership & daughter of mother who was detained for 16 months prior to deportation

Despite these scary reminders, I was so inspired to be part of an organization that has active legal challenges and community outreach for so many issues. To be among the electric spirit of hundreds of ACLU members from ages 13 to 85+ was indescribable. The conference definitely secured my commitment to the ACLU as a young soon-to-be attorney. I plan to complete an Externship with the ACLU of North Carolina’s Racial Justice Project in Fall 2008 and hope to work in areas related to these issues upon graduation. For these reasons, I am grateful to have had the opportunity to attend this conference. Thank you so much, ACLU of NC, and keep up the good work!

Charlotte ACLU Chapter Fights for Equal Rights for LGBT Community!

The reboot of the Charlotte ACLU Chapter is already a great success. Interested members are working together to increase membership and raise the ACLU's visibility in the greater Charlotte community. Joshua James and Samantha Gellar organized tabling at Pride Charlotte 2008 in July. The event, which was attended by an estimated 10,000 people, was a fantastic success for the Charlotte ACLU. More than 300 signatures were collected for a national petition drive pushing for strong hate crimes legislation to be passed in Congress, and more than 100 interested individuals were recently added to the Charlotte ACLU e-mail banks.



The Chapter continues to plan for future events, preparing for a benefit concert to be held in November. Hartigan's Irish Pub has agreed to host the event, which will be a gathering of local bands playing in support of equal rights for the LGBT community.

The Charlotte ACLU Chapter is always searching for new opportunities to increase awareness and membership in the greater Charlotte area. For more information or to get involved, contact ACLU-NC Board member Samantha Gellar at aclucharlotte@hotmail.com.



Samantha Gellar gathers signatures in support of tougher hate crimes legislation in Congress.



Joshua James staffs the Charlotte ACLU Chapter's table at Pride Charlotte 2008.

ACLU-NCLF Files Lawsuit Against North Carolina State Board of Elections Challenging Total Ban on Lobbyist Contributions

The American Civil Liberties Union of North Carolina Legal Foundation (ACLU-NCLF) filed a lawsuit on August 19, 2008, in the federal District Court for the Eastern District of North Carolina, challenging North Carolina's Campaign Contribution Prohibition, (N.C. Gen. Stat. § 163-278.13C(a)), which imposes a year-round total prohibition on certain state campaign contributions by lobbyists.

The plaintiff in the case is Sarah Preston, the ACLU-NC's Legislative Counsel, whose First and Fourteenth Amendment rights to freedom of association and free expression are being violated by the state law barring her from contributing even one dollar to the campaign of candidates for the state legislature and many other state offices at any time during the year, as long as she is registered as a lobbyist. This year-round, zero-dollar ban applies without regard to whether the would-be recipient of the contributions is, ever has been, or will be the object of Ms. Preston's lobbying efforts.

"I understand that lobbyists may be subject to reasonable

restrictions on when we can give campaign contributions and how much we can give to campaigns, but the North Carolina law goes way too far," said Preston. "Barring lobbyists from ever being able to give even one dollar to a candidate we believe in, just because of our chosen profession, is unfair, unreasonable, and unconstitutional."

The lawsuit asks the Court to (1) declare the Campaign Contribution Prohibition to be in violation of Ms. Preston's free speech and free association rights under the First and Fourteenth Amendments to the United States Constitution; and (2) permanently enjoin the North Carolina State Board of Elections from enforcing this sweeping, overbroad prohibition.

"The state certainly has a very strong interest in preventing corruption – or even the appearance of corruption – in state government, and preventing lobbyists from wielding undue influence is a legitimate means of preserving the integrity of the electoral process," explained Katy Parker, ACLU-NCLF Legal Director. "However, such

restrictions must allow for the fact that everyone in America has the right to free speech and free association, especially when it comes to people expressing their political beliefs. By imposing a year-round, zero-dollar total ban, North Carolina's extreme prohibition goes far beyond what is reasonable or necessary to prevent actual or apparent corruption in government and far beyond the types of limits on lobbyists' contributions that have been upheld by any court in the United States."

If this law is found to be unconstitutional, it is hoped that the North Carolina legislature would revisit this issue in the 2009 session. The ACLU-NC would offer feedback and suggestions to ensure that the new law balances the First Amendment rights of individual lobbyists with the government's need to prevent actual or apparent corruption.

Ms. Preston is represented by Thomas H. Segars, Jon Sasser and Rebecca M. Rich of Ellis & Winters, LLP, in Cary, North Carolina, as Cooperating Attorneys for the ACLU-NCLF, as well as by Katy Parker, ACLU-NCLF Legal Director.

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media, Principal Abron publicly said, "If I had to do it again, I would do it exactly the same way." Consequently, concerned parents and community members contacted the Raleigh office of the Association of Community Organizations for Reform Now (ACORN) and the ACLU-NCLF for assistance. Parents then requested a meeting with Principal Abron, which was refused. After a group of parents held a public protest, they were told that they could choose two parents to meet privately with school board members and Superintendent Del Burns. No solution was reached at that meeting.

The ACLU-NCLF then filed the Office of Civil Rights complaint on behalf of the parents and students. The parents are seeking: (a) a public apology from Wake County Public School System, from Dillard Drive Middle School, and, most importantly, from Principal Teresa Abron; (b) an assurance from all school officials that this type of discriminatory treatment will not happen again; and (c) training for school officials and employees on laws and regulations regarding discrimination in public schools.

2008: A Mixed Legislative Session for Civil Liberties

The ACLU-NC's Legislative Counsel, Sarah Preston, has succeeded not only in gaining the trust and appreciation of literally dozens of organizations with whom we work in coalition, but also the respect of our Republican and Democratic lawmakers in the NC House and Senate on Jones Street. On behalf of the ACLU-NC, Sarah juggled some 80 pieces of legislation that raised civil liberties issues in the 2007-2008 term. Following is a brief summary of just a few key bills the ACLU-NC worked on during the 2008 summer "short session."

Equal protection legislation stalls in the NC Senate:

While the ACLU-NC worked tirelessly with our coalition partners to advance HB 1366, The School Violence Prevention Act, and HB 1291, The N.C. Racial Justice Act, the Senate chose not to hear either bill this session. HB 1366, commonly referred to as "the bullying bill," was drafted to provide a minimum standard definition for bullying and harassing behavior in schools and a policy to deal with bullying.

It is important to set a standard for dealing with bullying and harassing behavior so that all students are treated equally across the state. Further, the bill set out enumerated categories that were prohibited from being the basis for bullying or harassing behavior, including race, color, religion, sexual orientation, gender identity, gender, and disability — categories that have been found to be most at risk of bullying and of being most negatively affected by bullying.

In 2007, the Senate stripped all

of these crucial categories from the bill before passing it in a much weaker form. During the 2008 short session, the House voted not to concur in the Senate's action, and a conference committee with members from both the House and Senate was appointed to sort out the differences. The Senate leadership never scheduled the conference report for a hearing on the floor, believing that the bill was too controversial because it contained the term "sexual orientation." The House, having already voted on the bill twice, would not take it up again until they saw action from the Senate. The decision in the Senate to not bring up the bill effectively killed this important piece of legislation that would have protected all school children and made administrators aware that bullying and harassment cannot be ignored.

The good news is that the ACLU-NC and our coalition allies convinced the majority of the legislators to support this bill and, for the first time in North Carolina's history, one chamber of the General Assembly passed legislation affirmatively protecting the LGBT community!

HB 1291, the N.C. Racial Justice Act, was also not taken up because it was considered too controversial and because the Senate Republican caucus was threatening to push for an amendment to the bill that would restart executions. (Executions are currently on hold in North Carolina due to legal challenges pending in the courts.) The Racial Justice Act is important because it would allow defendants on death row the ability to challenge their sentence of death if they could prove that race played a role in the

sentence or in the prosecutorial decision to seek the death penalty. The bill would allow the use of statistical evidence that is currently not admissible to prove that race played a role in either determination. Republican-led amendments to restart executions could have been dealt with by Senate leadership or when the bill returned to the House if more of our legislators were seriously committed to improving racial justice. However, HB 1291 was never scheduled for a hearing in the Senate, and the mere threat of a pro-death penalty amendment was enough to kill this important bill.

However, we made significant progress on other key bills:

Although we were not able to get the bullying bill or the Racial Justice Act through both houses of the legislature, we were able to raise legislators' awareness of civil liberties in a number of other areas. We brought a number of grassroots activists to the legislature for the ACLU-NC's first Lobby Day and succeeded in getting important improvements made to HB 274, Street Gang Suppression Act, as well as some victories in the area of immigrants' rights.

On June 17th, the ACLU-NC held its first Lobby Day, and more than three dozen grassroots activists showed up to lobby their Senators and Representatives in Raleigh! The event was focused on HB 2417, Crimes of Torture and Enforced Disappearance, a bill geared at Johnston County-based Aero Contractors and other private companies that have been contracting with the U.S. government to facilitate the

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practice of extraordinary rendition. Extraordinary rendition is the practice by the U.S. government of kidnapping people for interrogation and flying them to countries where torture is permitted as an interrogation technique.

Aviation documents and flight watchers link Aero Contractors to flights that transported Khaled El-Masri, a German citizen, from Macedonia to Afghanistan, where he was tortured and interrogated for five months before his interrogators realized they had the wrong man. Aero is reported to be under contract with the CIA.

HB 2417 was introduced in response to the assertion of the N.C. Attorney General's Office that it did not have the authority or jurisdiction to investigate these allegations. This year, thanks to the efforts of the ACLU-NC and our grassroots lobbyists and coalition partners, we were able to get HB 2417 out of committee intact, our first victory with legislation of this kind.

Two separate bills addressing gang activity were passed by the General Assembly this year: HB 274, Street Gang Suppression Act,

and SB 1358, Street Gang / Prevention and Intervention. SB 1358 directed community-based groups called Juvenile Crime Prevention Councils to develop gang intervention and prevention programs for at-risk youth. Ten million dollars was appropriated in the budget to assist with these programs and to assist law enforcement with intervention and prevention. The ACLU-NC applauds this effort by legislators to address the lack of services available for at-risk youth in the state, a major cause of juvenile crime.


By contrast, HB 274, a counterproductive suppression bill with unduly harsh penalties was also passed. Recent studies have found that this type of legislation does little, if anything, to combat gangs while further alienating young people who are at risk. Further, it is often used disproportionately against young African-American and Latino males. The ACLU-NC and other advocates were successful at getting provisions into the legislation to protect children and young people, convincing legislators that the bill should not apply to youths under the age of

16. We were also able to get some protections for 16- and 17-year-olds in place, including a provision by which they can get their records cleared if they meet certain criteria. The ACLU-NC continues to be concerned about the First Amendment implications of the definition of "gangs," which could be used to punish individuals based on association. However, changes implemented due to our concerns require that a person have at least two prior convictions before s/he can be charged with participating in a "pattern" of street gang activity.

We also worked on additional legislation in the 2008 short session dealing with immigrants' rights, juvenile justice, free speech, equal protection, LGBT rights, due process, the right to privacy, and much more! For more information and to read Sarah's complete 2008 wrap-up, go to our website at www.acluofnorthcarolina.org.

We need your help!

Please help us to protect civil liberties in the NC General Assembly, as well as stay apprised of events and issues in your community, by joining our action alert list. (See below.)



**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: _____

ACLU-NC 2008 Legislative Report Card—North Carolina House of Representatives

Name	HB 274	HB 933	HB 1366	HB 2136	HB 2492	SB 1358	%
	Street Gang Suppression Act	Jessica Lunsford Act for N.C.	School Violence Prevention Act	Oppose REAL ID Act of 2005	Amend Release Juvenile Escape Info	Street Gang / Prevention and Intervention	
ACLU Position	AGAINST	AGAINST	Not Concur	FOR	AGAINST	FOR	
Adams	-	-	+	+	-	+	50%
Alexander, K	-	-	+	-	-	+	33%
Alexander, M	-	-	+	+	+	+	67%
Allen	-	-	+	+	-	+	50%
Allred	-	-	+	-	-	+	33%
Avila	-	-	-	+	-	+	33%
Barnhart	-	-	-	-	-	+	17%
Bell	-	-	+	+	-	+	50%
Blackwood	-	-	-	-	-	+	17%
Blue	-	-	+	+	-	+	50%
Blust	-	-	-	-	-	+	17%
Bordson	-	-	+	+	-	+	50%
Boylan	-	-	-	-	-	+	17%
Braxton	-	-	-	+	-	+	33%
Brisson	-	-	-	+	-	+	33%
Brown	Absent	-	-	-	-	+	17%
Brubaker	-	-	-	-	-	+	17%
Bryant	-	-	+	+	-	+	50%
Carney	-	-	+	+	-	+	50%
Church	Absent	-	+	+	-	+	50%
Clary	-	-	-	-	-	+	17%
Cleveland	-	-	-	-	-	+	17%
Coates	-	-	-	+	-	+	33%
Cole	-	-	+	+	-	+	50%
Coleman	-	-	+	+	-	+	50%
Cotham	-	-	+	+	+	+	67%
Crawford	-	-	-	+	-	+	67%
Cunningham	-	-	-	-	-	+	17%
Current	-	-	-	-	-	+	17%
Daughtridge	-	-	-	-	-	+	17%
Daughtry	-	-	-	-	-	+	17%
Dickson	Absent	-	+	+	-	+	50%
Dockham	-	-	-	-	-	+	17%
Dollar	-	-	-	+	-	+	33%
Earle	-	-	+	+	-	+	50%
England	-	-	+	+	-	+	50%
Faison	-	-	+	+	-	+	50%
Farmer-Butterfield	-	-	+	+	+	+	67%
Fisher	-	-	+	+	-	+	50%
Folwell	-	-	-	-	-	+	17%
Frye	-	-	-	+	-	+	33%
Furr	-	Absent	-	Absent	-	+	17%
Gibson	-	-	+	+	-	+	50%
Gillespie	-	-	-	+	-	+	33%
Glazier	-	-	+	+	Absent	Absent	33%
Goforth	-	Absent	+	+	-	+	50%
Goodwin	-	-	+	+	-	+	50%
Grady	-	-	-	-	-	+	17%
Gulley	-	-	-	+	-	+	33%
Hackney	Not Voting	Not Voting	Not Voting	Not Voting	Not Voting	Not Voting	N/A
Haire	-	-	+	+	-	+	50%
Hall	-	-	+	+	-	+	50%
Harrell, J.	-	-	+	+	-	+	50%
Harrell, T	-	-	+	+	-	+	50%
Harrison	+	-	+	+	+	+	83%
Hill	-	-	-	+	-	+	33%
Hilton	-	-	-	-	-	+	17%
Holliman	-	-	+	+	-	+	50%
Holloway	-	-	-	-	-	+	17%
Holmes	-	Absent	-	Absent	-	+	17%
Howard	Absent	-	-	-	-	+	17%
Hughes	-	-	+	+	-	+	50%
Hurley	-	-	-	-	-	+	17%
Insko	-	+	+	+	+	+	67%
Jeffus	-	-	+	+	-	+	50%

ACLU-NC 2008 Legislative Report Card—North Carolina House of Representatives

Name	HB 274	HB 933	HB 1366	HB 2136	HB 2492	SB 1358	%
	Street Gang Suppression Act	Jessica Lunsford Act for N.C.	School Violence Prevention Act	Oppose REAL ID Act of 2005	Amend Release Juvenile Escape Info	Street Gang / Prevention and Intervention	
ACLU Position	AGAINST	AGAINST	Not Concur	FOR	AGAINST	FOR	
Johnson	Absent	-	-	-	-	+	17%
Jones	-	-	+	+	+	+	67%
Justice	-	-	-	-	-	+	17%
Justus	-	-	-	-	-	+	17%
Killian	-	-	-	-	-	+	17%
Kiser	Not Voting	-	-	-	-	+	17%
Langdon	-	-	-	-	-	+	17%
Lewis	-	-	-	-	-	+	17%
Love	-	-	-	+	-	+	33%
Lucas	-	-	+	+	-	+	50%
Luebke	-	-	+	+	+	+	67%
Martin	-	-	+	+	-	+	50%
McAllister	-	-	+	+	-	+	50%
McComas	-	-	-	+	-	+	33%
McElraft	-	Not Voting	-	-	-	+	17%
McGee	-	-	-	-	-	+	17%
McLawhom	-	-	+	+	-	+	50%
Michaux	-	-	+	+	-	+	50%
Mobley	-	-	+	+	-	+	50%
Moore	-	-	-	-	-	+	17%
Neumann	-	-	-	-	-	+	17%
Owens	-	-	+	+	-	+	50%
Parm on	-	-	+	+	+	+	67%
Pate	-	-	-	-	-	+	17%
Pierce	-	-	+	+	-	+	50%
Rapp	-	-	-	+	-	+	33%
Ray	-	-	Not Voting	-	-	+	17%
Ross	-	-	+	+	+	+	67%
Sam uelson	Absent	Absent	-	Absent	-	+	17%
Saunders	-	Absent	-	Absent	-	+	17%
Setzer	-	-	Not Voting	-	-	+	17%
Spear	-	-	-	+	-	+	33%
Stam	-	-	-	-	-	+	17%
Stames	-	-	-	-	-	+	17%
Steen	-	-	-	-	-	+	17%
Stiller	-	-	-	-	-	+	17%
Sutton	-	-	+	-	-	+	33%
Tarleton	-	-	+	+	-	+	50%
Thom as	-	-	Not Voting	-	Absent	Absent	0%
Tillis	-	-	-	-	-	+	17%
Tolson	-	-	+	+	-	+	50%
Tucker	-	-	-	+	-	+	33%
Underhill	-	-	+	-	-	+	33%
Wainwright	Absent	Absent	+	Absent	-	+	33%
Walend	-	-	-	-	-	+	17%
Walker	-	-	-	-	-	+	17%
Warren, E.	-	Absent	+	+	-	+	50%
Warren, R.	-	-	+	+	-	+	50%
Weiss	-	-	+	+	+	+	67%
West	-	-	-	+	-	+	33%
Wiley	-	-	-	-	-	+	17%
Wilkins	-	Not Voting	+	+	-	+	50%
Williams	-	-	+	+	-	+	50%
Wom ble	-	-	+	+	-	+	50%
Wray	-	-	+	+	-	+	50%
Yongue	-	-	+	+	-	+	50%

Key:

+ = voted consistent with ACLU position

- = voted against ACLU position

ACLU-NC 2008 Legislative Report Card—North Carolina Senate

Name	SB 1358	SB 2063	HB 274	HB 933	HB 1253	HB 2492	%
	Street Gang / Prevention & Intervention	Jessica's Law / GPS Monitoring	Street Gang/ Suppression Act	Jessica Lunsford Act for N.C.	Sex Offender / Incapacity to Proceed	Amend Release Juvenile Escape Info	
ACLU Position	FOR	AGAINST	AGAINST	AGAINST	AGAINST	AGAINST	
Albertson	+	-	-	-	-	-	17%
Altran	+	-	-	Not Voting	-	-	17%
Apodaca	+	-	-	-	-	-	17%
Atwater	+	-	-	-	-	-	17%
Basnight	+	-	-	-	-	-	17%
Berger, D.	+	-	-	-	-	-	17%
Berger, P.	+	-	-	-	-	-	17%
Bingham	+	-	Absent	-	-	-	17%
Blake	+	-	-	-	-	-	17%
Boseman	+	-	Absent	-	-	-	17%
Brock	+	-	-	-	-	-	17%
Brown	+	-	-	-	-	-	17%
Brunstetter	+	-	-	-	-	-	17%
Clodfelter	+	-	-	-	-	-	17%
Cowell	+	-	-	-	Absent	Absent	17%
Dalton	+	-	-	-	Absent	Absent	17%
Dannelly	+	-	Absent	Absent	Absent	Absent	17%
Dorsett	+	-	-	-	-	-	17%
East	+	-	-	-	-	-	17%
Foriest	+	-	-	-	-	-	17%
Forrester	+	-	-	-	-	-	17%
Garrou	+	-	-	-	-	-	17%
Goodall	+	-	-	-	Absent	Absent	17%
Goss	+	-	-	-	-	-	17%
Graham	+	-	-	Absent	-	-	17%
Hagan	+	-	-	Absent	Absent	Absent	17%
Hartsell	+	-	-	-	-	-	17%
Hoyle	+	-	-	-	-	-	17%
Hunt	+	-	-	-	-	-	17%
Jacumin	+	-	-	-	-	-	17%
Jenkins	+	-	-	-	-	-	17%
Jones	+	-	-	-	-	+	33%
Kerr	+	-	-	-	-	-	17%
Kinnaid	+	-	-	-	-	-	17%
Lucas	+	-	-	-	-	-	17%
Malone	+	-	-	-	-	-	17%
McKissick	+	-	-	Not Voting	-	-	17%
Nesbitt	+	-	-	-	-	-	17%
Pittenger	+	-	-	-	-	-	17%
Preston	+	-	-	-	-	-	17%
Purcell	+	-	-	-	-	-	17%
Queen	+	-	-	-	-	-	17%
Rand	+	-	-	-	-	-	17%
Shaw	+	-	-	Absent	Absent	Absent	17%
Smith	+	-	-	-	Absent	Absent	17%
Snow	+	-	-	-	-	-	17%
Soles	+	-	-	-	-	-	17%
Stevens	+	-	-	-	-	-	17%
Swindell	+	-	-	-	-	-	17%
Tillman	+	-	-	-	-	-	17%
Weinstein	+	-	-	-	-	-	17%

Key:

- + = voted consistent with ACLU position
- = voted against ACLU position

Job Opportunity:

The ACLU-NC seeks applicants for a full-time Membership Coordinator to work in our office in Raleigh. For complete job description, compensation, and instructions on how to apply, go to our website at:

www.acluofnorthcarolina.org

ACLU-NC Legal Foundation Applauds Durham Public Schools for Rededicating Health Curricula to Comprehensive Sex Education

For the past year, our Reproductive Health Education Project Coordinator, Mary Lindsley, has been reporting to you about her work, and as we now wrap up this project, we wish to express our sincere gratitude to the Z. Smith Reynolds Foundation for funding this important project. On behalf of the ACLU-NC Legal Foundation, Mary has been conducting outreach, training and education for local parents, teens, and community members who want to push their local school districts to adopt comprehensive sex education curricula. There is a broad coalition of organizations working to fix a 12-year-old mistake. Groups like the ACLU-NC, NOW, Planned Parenthood, NARAL Pro-Choice North Carolina, The Adolescent Pregnancy Prevention Campaign of NC, Equality NC, as well as local community groups all over the state are working to make sure that our state acknowledges that our youth deserve complete and accurate information about their bodies, including their sexual health, and that it is our responsibility to provide this information through our educational system.

Since 1996, North Carolina has promoted abstinence-only-until-marriage (AUM) as the only sure way of avoiding pregnancy and STDs. To teach that pregnancy and STDs can be avoided through a variety of contraceptive methods is the basis of comprehensive sex education and gets right at the heart of what the small but vocal AUM proponents are against. Programs that promote the federal AUM agenda have been shown in studies to be ineffective. In fact, a review of 115 sex education programs found that curricula that emphasize waiting to have sex and that also provide information about using contraception effectively can significantly delay the initiation of sex, reduce the frequency of sex, reduce the number of sexual partners, and increase condom or contraceptive use among teens. (Douglas Kirby, Ph.D. et al., *Emerging Answers 2007: Research Findings on Programs to Reduce Teen Pregnancy and Sexually Transmitted Diseases*, The National Campaign to Prevent Teen and Unplanned Pregnancy, November 2007.)

In March, the ACLU-NC Legal Foundation led a coalition effort to urge the Durham school system to stop using AUM programs and return to teaching the comprehensive health program that they adopted as policy in 1997. The public hearing process, required by NC law in order to teach anything other than AUM, seems to bring out the vocal minority who oppose giving complete, medically accurate information to our young people, and most elected school board officials become afraid to take up the battle.

Durham, however, already has a comprehensive health program. So why were they using their Title V funding to purchase AUM programs designed to be distributed during health class? Most districts use the funding for AUM programs, but some use the money for parent and teacher training. Both are acceptable uses of the funding according to the Department of Public Instruction, but the ACLU-NCLF believes that using AUM programs to teach youth about sexuality education cannot be justified. In recent research, more than 80 percent of the abstinence-only-until-marriage curricula reviewed contain false, misleading, or distorted information about reproductive health. ("The Content of Federally Funded Abstinence-Only Education Programs," Prepared for Rep. Henry A. Waxman, United States House of Representatives, Committee on Government Reform – Minority Staff, Special Investigations Division, December 2004.)

Durham curriculum coordinator Larry McDonald assured us that a committee will be formed this fall consisting of Durham Public School (DPS) representatives and members of the community, to focus exclusively on the Comprehensive Health Education Program (which includes complete and accurate sexual health education). In addition, DPS will institute a quality assurance check system to ensure that the entire curriculum is being taught and that nurse educators reach every student in grades 7-12. **We are grateful to the Durham school board champions of this issue who jumped in to assist in developing a plan of action: Steve Schewel, Heidi Carter, and Minnie Forte-Brown. Thank you for your leadership!**

The Board of Directors and staff of the ACLU-NCLF also wish to thank Mary Lindsley for her tireless dedication to this cause over the past year, as well as for the spirit, passion and camaraderie she brought to the ACLU-NCLF office every week. Mary has managed to accomplish more than we ever thought possible for this Project in such a short period of time, and thousands of North Carolina teens are the better for her efforts. Thank you, Mary!

North Carolina (and the ACLU-NC) on the Front Lines of Federal Program

If you have been to an ACLU event, paid attention to political ads, or picked up a newspaper during the past year, you may already have caught on to a new term on the political landscape: “287(g).”

In the past two years, local law enforcement agencies in North Carolina, primarily county sheriff’s offices, have entered into Memoranda of Agreement (MOAs) with Immigration and Customs Enforcement (ICE) – an arm of the U.S. Department of Homeland Security – under what is called the “287(g) program.” Through this program, the federal government’s immigration enforcement responsibility is contracted out to local law enforcement agencies that take on the job of enforcing federal immigration law in the course of their daily work. 287(g) is named after that section of the Immigration and Nationality Act, the legislation that authorizes these agreements. Due in part to strong politicization of new immigrant population growth in North Carolina, our state has become a hotbed of 287(g) activity.

Increasing the role of state and local police in immigration enforcement is bad public policy for a number of reasons. First, it fundamentally changes the way officers serve and protect the public, causing fear in many communities and damaging community policing efforts. When whole groups of people are too afraid of law enforcement to report crime, the entire community becomes less safe. What’s more, victims of domestic violence who are afraid that a 911

call will end in deportation for themselves or family members are at risk, as are their children. In addition, the widespread belief that the program creates a windfall for local areas is misinformed. Most jurisdictions participating in the program bear the lion’s share of its costs. The federal government pays only for officer training and computer technology – not for the equipment, staff hours, translator services, and detention costs prior to an inmate being reclassified as an “ICE Detainee,” which can take weeks. Those costs are levied on the local sheriffs’ offices and thus passed on to North Carolina taxpayers.

Another concern for the ACLU-NC and its allies is the program’s inherent risk of racial profiling. Anecdotal reports of racial and ethnic profiling have ballooned in 287(g) counties, as the climate has become increasingly hostile toward Latinos in North Carolina. Because one cannot tell someone’s immigration status by looking at them, the resulting target becomes anyone who looks stereotypically Hispanic. Perhaps the most telling aspect of the program related to racial profiling is that 287(g) does not accomplish its stated goal – to target violent or serious criminals. In county after county, the majority of people being scheduled for deportation through the program began their encounter with police because of a traffic violation, with no serious charge ever brought.

Here in the ACLU-NC office, 287(g) issues comprise a large portion of the daily workload for our entire program staff. Eight (8) jurisdictions in North Carolina have the 287(g) program up and running – Alamance, Cabarrus, Gaston, Henderson, Mecklenburg,

Cumberland and Wake Counties and the City of Durham. Numerous additional counties have applications pending to participate in this program. Wake County has apportioned \$650,000 specifically for the program, and the North Carolina Sheriffs’ Association (NCSA) was recently given \$600,000 by the state legislature, bringing the statewide taxpayer bill from the NCSA for this program up to \$1.35 million in just the last year, in addition to the amount local taxpayers spend in counties where the program is located.

The ACLU-NC and our allies have been aggressively working on public education around this, and news of problems with 287(g) has hit the media. The ACLU-NC has done a comprehensive analysis of this program, we have vigorously publicized the program’s more troublesome elements, and we have led the call for law enforcement accountability in its implementation. Our Racial Justice Project and our Legislative Counsel meet with local advocates and community groups, and we conduct media interviews to educate the public. In some cases, we are even beginning to turn the tide on the anti-immigrant rhetoric.

If you reside in a county with a 287(g) program in operation or an application in the works, please contact ACLU-NCLF Racial Justice Project Coordinator Rebecca Headen at 919-834-3466 or aclulegal@nc.rr.com for more information on how you can take action. Every voice, every letter, every click of the mouse is invaluable assistance in this effort to make the state a livable place for every resident regardless of race, ethnicity, or national origin.

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

This new section of our newsletter will regularly shine the spotlight on one issue in North Carolina that seems to slap the Bill of Rights in the face with particular malice and reckless disregard for humanity. If you hear of such a disastrous happening in your neck of the woods, please let us know, and we'll be sure to evaluate it for the Wall of Shame.

This quarter, the dubious distinction goes to Beaufort County Commissioners Hood Richardson and Stan Deatherage, who want to institute "Juan Crow" policies in Beaufort County, North Carolina. These Wall of Shamers would cut English classes and job center access for people who cannot prove they are U.S. citizens, track users of the health department by "Hispanic surname," and cut funding for free prenatal care to *every woman* in the county. (All are actual proposals made in the past few months by the commissioners.) As Richardson told a *Raleigh News & Observer* reporter, "When you're a pregnant lady sitting there, that's a personal problem."

While they were unsuccessful in getting those measures passed, they have succeeded in striking Spanish language options from the health department phone lines, and a law that bans bilingual or non-English signs from county property remains in effect almost two years after it was enacted. The irony is that by all accounts, the Latino population in Beaufort County hovers at only around 4% (which is about 2,000 people) -- making it one of the counties *least* affected by recent immigration to North Carolina.

Thankfully, some residents of Beaufort County are sick and tired of the hateful rhetoric and actions. They have organized to regularly attend County Commissioners' meetings and show support as allies of the Latino community in Beaufort County, and they are planning actions in and around the county seat.

If you are interested in getting involved, please call the ACLU-NCLF's Racial Justice Project Coordinator, Rebecca Headen, at 919-834-3466, and we'll connect you with these fabulous folks as they work to make Beaufort County a safer, more hospitable place for Latinos and other immigrants and minorities.



Beaufort County residents join forces to oppose bigotry by County Commissioners, wearing T-shirts in support of the Latino community. Pictured left to right are: Pat Seibert, Ann Crew, Ann Cherry, Mary Alsentzer, and Frances Armstrong.

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

Friends, we need your help! As you evaluate your budget and think about your 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: _____

Email: _____

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 ACLU-NC/LF Executive Director Jennifer Rudinger at 919-834-3466 or aclunced@nc.rr.com. MasterCard and Visa accepted, and we offer monthly, quarterly and semiannual giving options to fit your budget.

Chapter Updates

Wake County ACLU

We have an exciting line-up this year for the Wake Chapter's 24th annual Finlator Dinner on November 13th. Rob Schofield and Clayton Stalnaker will each receive W. W. Finlator Awards for their outstanding and long-time efforts on behalf of civil rights.

Mr. Rob Schofield began his career with the Illinois ACLU as a lobbyist in the Springfield statehouse. For the past sixteen years he has worked for civil liberties in North Carolina, first at the North Carolina Justice Center and its predecessor, the North Carolina Legal Resources Center, then as Director of Public Policy and Government Relations at the NC Center for Non-Profits, where he was a successful strategist and coalition builder concerning lobbying reform in North Carolina. He now works at NC Policy Watch and has served on the boards of both the ACLU of North Carolina and the ACLU of Wake County.

Mr. Clayton Lee Stalnaker, retired professor (Dept. of Philosophy and Religion at NCSU), has worked tirelessly for civil liberties on varied fronts. In the late 1960's he founded and organized the Committee of 17, a group focused on equality and the desegregation of public schools and public housing. He was active on the NC Advisory Committee to the US Commission on Civil Rights from 1971-1981 and served on the Raleigh Religious Network for Gay and Lesbian Equality from 1983-1993. Mr. Stalnaker has served on the boards of both the ACLU of North Carolina and the ACLU of Wake County. He has always been ready, willing and able to take leadership roles for the cause of civil liberties.

The recipient of this year's Wake County Civil Liberties Award is NC Stop Torture Now. This organization is a coalition of peace, human rights and religious groups working to end torture and extraordinary rendition. NCSTN was formed after it was learned that Aero Contractors, a private air carrier based at the Johnston County Airport, had been working for the CIA, flying prisoners to foreign countries where torture is employed. The group's goals are to convince state and federal authorities that the charges against Aero Contractors warrant investigation and to end the rendition process.

We are honored to have John Charles (Jack) Boger as our keynote speaker. Mr. Boger is Dean and Wade Edwards Distinguished Professor of Law at the

University of North Carolina, Chapel Hill. His commitment to social justice and rights is longstanding. This native of Concord, NC labored at the NAACP Legal Defense and Educational Fund from 1978 to 1990, litigating capital punishment cases for a decade (including five years as Director of the LDF's Capital Punishment Project) and becoming Director of a poverty and justice program at LDF established to enlarge the legal rights of the minority poor in 1987. Since 2002, Jack, as Deputy Director, and Director Julius Chambers have headed the UNC Center for Civil Rights. Boger is also chair of the Washington, D.C.-based Poverty and Race Research Action Council.

Western North Carolina ACLU

The Western North Carolina Chapter of ACLU-NC held its annual membership meeting on Saturday, June 7th, at the BeBe Theatre on Commerce Street in Asheville. There were some sixty (60) regional members present, and they accepted the nominating committee's proposal to add to our WNC board Dr. Sybil Kein, scholar, composer, academic and veteran member of both Michigan and Louisiana state ACLU boards. Kein is a Hurricane Katrina refugee from New Orleans, having settled in Asheville a couple of years ago.

Our chapter's annual Evan Mahaney Champion of Civil Liberties Award was presented to the legal team which gained the release of innocent death row inmate, Glen Edward Chapman. At the request of the team, the \$500 award was passed on to Chapman -- who was present that morning -- to help him get re-established after fifteen years of incarceration for murders he did not commit. The team was headed by Frank Goldsmith, Esq., former president the ACLU-NC board, and current member of the WNC board, and included Chapel Hill attorney Jessica Leaven, UNC-A Psychology Chair and mitigation specialist Dr. Pamela Laughon, and investigator Lenora Topp.

At the end of the general meeting, the new WNC-ACLU board assembled in the nearby New York-style loft apartment of board members Kato and Fred Guggenheim and ratified the nominating committee proposal for new board officers: President P.J. Roth, Esq.; Vice-President Jim Null; Secretary Clare Hanrahan; Treasurer Alan Scott Robinson; Archivist/Historian Barbara Segraves; and Representative to the State ACLU Board Jim Cavener.

Appalachian State University ACLU

The ACLU chapter of Appalachian State University was busy last semester. We sponsored a panel discussion about post-9/11 abuses of power with the help of other students from CAN, the Campus Anti-war Network. "Authority, Liberty and the War on Terror" generated a large turnout of students. The panelists were engaging and the students offered a plethora of thoughtful questions during the Question and Answer session that went much longer than expected. In addition, the ACLU of ASU screened multiple videos about civil liberties.

Our ACLU chapter met with university administrators about alleged workplace violations, including mandatory prayer in the workplace. We also talked with administrators about improving ASU's Student Code of Conduct, which does not treat students as fairly as other universities in the UNC system.

This fall semester, our chapter will continue to lobby the student government association and the university administration for reform in the Student Code of Conduct, as well as in other policy areas like free speech. We will also educate students about their voting rights and raise awareness for prominent civil liberties issues.

International Human Rights Committee

By Slater Newman, Chair

RECOGNIZING BILL OF RIGHTS DAY (DECEMBER 15), HUMAN RIGHTS DAY (DECEMBER 10) AND HUMAN RIGHTS WEEK (DECEMBER 10 - 16)

WHAT YOU CAN DO: (1) Ask your Mayor, University/College President, Faculty and/or Student Senate to issue a proclamation. Last year, proclamations were issued by Governor Easley, by the Mayors of Asheville, Burlington, Carrboro, Cary, Chapel Hill, Durham, Forest City, Greenville, Hendersonville, Louisburg, Marion, Morrisville, Raleigh, Reidsville, Thomasville, and Zebulon, by the Board of Commissioners of Durham, Henderson and Orange Counties, and by the Chancellor of North Carolina State University. (2) Have a public reading of the Bill of Rights and/or of the Universal Declaration of Human Rights and/ or a human-rights-related event as was done last year in Carrboro, Chapel Hill, Hendersonville and Raleigh. (3) Encourage your local and campus newspapers to recognize both documents by publishing them and/or documents about them. Ask your local and campus broadcast media to give recognition to them, too. (4) Arrange for a display focusing on both documents at your local and/or campus libraries. Our Committee can provide a copy of each document, of examples of mayoral proclamations, and of editorial material that appeared last year in Carrboro, Chapel Hill, Greenville, Hendersonville and Raleigh newspapers. For more information, please contact Slater Newman at slaterpat@mindspring.com.

INTERNATIONAL HUMAN RIGHTS AWARD - NOMINATIONS DUE TUESDAY, SEPTEMBER 23rd: The Award has been presented annually since 1996 by the Human Rights Coalition of North Carolina of which ACLU-NC and our Western NC and Wake County ACLU chapters are continuing members. The nominee must be a resident of North Carolina who has made a significant contribution to international human rights. The award will be presented at a dinner in Raleigh on December 9th. Nominations must be received on or before Tuesday, September 23rd. A nomination should include the following: (1) Nominee's work and activities in support of international human rights, (2) Impact of nominee's human-rights activities, (3) Biographical information about the nominee including other awards they may have received, (4) Information about nominator's relationship to the nominee. (5) Supporting letters (1 to 3) and any other supporting documentation. Name, address, phone # and e-mail address for nominee and nominator should also be included.

Nominations and inquiries should be directed to - Human Rights Coalition of North Carolina, c/o Joyce Scapicchio, 5400 Neuse Forest Road, Raleigh, NC, 27616, E-mail jmscapicchio@yahoo.com; telephone (919) 876-0501, FAX - same as phone.



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 as a result of 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
 \$20 Basic Membership
 \$30 Joint Membership
 \$35 Contributing Membership*
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 \$75 Supporting Membership
 \$125 Sustaining 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.

NAME: _____
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 E-MAIL: _____

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

YES NO

Please return this form to:
 ACLU-NC
 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.



ACLU-NC/LF Staff: Jennifer Rudinger, Mary Lindsley, Ian Mance, Sarah Preston, Katy Parker, Emily-Mary Brown and Rebecca Headen.

LIBERTY

The Quarterly Newsletter of the ACLU of North Carolina

4 issues per year:

January, April, August, and October

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Summer 2008 Law Clerks: **Billy Corriher**, Georgia State University College of Law; **Cortney Collins**, James E. Rogers College of Law at the University of Arizona

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www.acluofnorthcarolina.org E-mail: aclunc@nc.rr.com

Support the ACLU-NC and other worthy non-profit organizations at the "Social Change Fundraiser."

Saturday, September 6th

2:00 - 5:00 p.m.

Come check out the ACLU-NC table at the "Social Change Fundraiser" being sponsored by **Twig, Chapel Hill's new eco-friendly store located at Village Plaza, 99 S. Elliott Rd, Chapel Hill, NC 27514.** The fundraising event will include live music, hourly door prize drawings and refreshments provided by Whole Foods Market. Many non-profit organizations will be on hand to share information about their important local work.

Twig is donating 20% of the event's sales proceeds to the participating non-profit organizations. Participating non-profits include ACLU-NCLF, WNCU Jazz radio, NC Justice Center, North Carolinians Against Gun Violence, Family Violence Prevention Center, North Carolina Coalition Against Sexual Assault, People of Faith Against the Death Penalty, Durham Affordable Housing Coalition, and others.

For more info, phone (919) 929-8944.

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

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Unless otherwise noted, Board members listed above serve on both Boards. A (U) next to a member's name connotes membership on the Union Board only, and an (LF) connotes membership on the Legal Foundation Board only.



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