



*Because Freedom Can't Protect Itself*

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

Winter 2014

Volume 47, Issue 1

## Trial in ACLU Challenge to North Carolina's Voter Suppression Law Set for Summer 2015

**A** federal judge on Dec. 12 ruled that a trial over North Carolina's sweeping voter suppression law will be held in 2015. U.S. District Court Magistrate Judge Joi Peake also said the court would hear requests this summer for an injunction to halt some or all of the law's provisions from taking effect until after the trial. The ACLU and the Southern Coalition for Social Justice (SCSJ), which challenged the law in August, sought judicial review before the crucial 2014 midterm elections. In con-

trast, the State of North Carolina asked the court to delay the trial date until well into 2015.

"We will continue to vigorously push for voters to have a chance to participate in next year's elections without having to encounter the unnecessary hardships imposed by this law," said Chris Brook, Legal

*(Continued on page 3)*

*Pictured: ACLU-NC Legal Director Chris Brook (left) and SCSJ Staff Attorney Allison Riggs outside the U.S. District Courthouse in Winston-Salem on Dec. 12, 2013.*



## Reserve Seats Now to See Bryan Stevenson on Feb. 15



Bryan Stevenson on "The Colbert Report" on December 4, 2013.

*Internationally Renowned Civil Rights Lawyer Is Keynote Speaker at Frank Porter Graham Awards in Chapel Hill*

**A**claimed civil rights lawyer Bryan Stevenson has successfully argued before the U.S. Supreme Court, won a MacArthur "genius" grant, garnered more than one million views on YouTube, and even kept his composure while debating Stephen Colbert's famously thick-headed character on "The Colbert Report."

On February 15, he will speak to the ACLU of North Carolina and its members when he serves as keynote speaker at our 45th Annual Frank Porter Graham Awards Ceremony in Chapel Hill. Stevenson is the founder and Executive Director of the Equal Justice Initiative, an Alabama-based nonprofit organization that provides

*(Continued on page 4)*

**INSIDE: Legal news, awards details, and in memoriam**



# Top 10 Stories of 2013

In the nearly ten years that I have served as Executive Director of the ACLU of North Carolina, I can't remember a year that brought as many attacks on civil liberties as 2013. **It's times like this that I am especially proud to work for the ACLU.** From the halls of the General Assembly to the steps of federal courthouses, from besieged immigrant communities in the mountains to City Council meetings on the coast, our staff members worked tirelessly to defend the constitutional rights of North Carolinians from all walks of life. Here, in chronological order, are our top 10 stories of 2013. You can read more about each story at [acluofnc.org](http://acluofnc.org).

1. North Carolina reinstated driver's licenses for young immigrants following relentless ACLU-NC advocacy efforts.
2. We expanded a lawsuit seeking second parent adoption rights to also challenge North Carolina's ban on marriage for same-sex couples.
3. A federal court issued a preliminary ruling in our favor, ordering Rowan County commissioners to cease the use of sectarian prayers during official government meetings.
4. We helped introduce three bills to protect privacy from government surveillance, leading to drone regulations in the state budget and formation of a drone study committee.
5. Anti-immigrant measures were defeated in the General Assembly in the wake of strong opposition by the ACLU-NC and others.
6. Along with allies, we filed a federal lawsuit challenging the most suppressive voting law in the country.
7. The Wilmington City Council abandoned a plan to ban alleged "gang members" from parks following ACLU-NC criticism.
8. Ralph Ellison's "Invisible Man" was restored in Randolph County schools following lobbying by the ACLU-NC and others.
9. The Jackson County Sheriff's Office changed its checkpoint policies following an ACLU-NC investigation into racial profiling.
10. The ACLU-NC argued against N.C.'s one-sided "Choose Life" license plate scheme at the Fourth Circuit Court of Appeals.

With your continued support, we will keep fighting in 2014 and beyond to protect and expand the civil liberties of all North Carolinians. ■

*Jennifer Rudinger*  
*Executive Director*



## *LIBERTY*

*Published 4 times per year*

*Volume 47 Issue 1 • Winter 2014*

### STAFF

Jennifer Rudinger, *Executive Director*

Sarah Preston, *Policy Director*

Christopher Brook, *Legal Director*

Mike Meno, *Communications Director*

Raul A. Pinto, *Staff Attorney*

Emily-Mary Brown, *Paralegal*

Kevin Eason, *Program Associate*

### ACLU-NC & ACLU-NCLF BOARDS

Holning Lau, *President (Both Boards)*

Dan Blau, *Vice President (ACLU-NC)*

Melody Ray-Welborn, *Vice Pres. (ACLU-NCLF)*

Tish Gay, *Secretary (ACLU-NCLF)*

Irene Godinez, *Treasurer (Both Boards)*

Jon Sasser, *Legal Committee Chair (LF)*

Carlos Mahoney, *Nat'l ACLU Board Rep. (U)*

Seth Cohen, *General Counsel (LF)*

Malik Edwards, *Affirmative Action Officer*

Dianna Wynn, *Immediate Past President*

Jillian Brevorka • Tom Burton

Lee Knight Caffery • Kicab Castañeda-Mendez

Jim Cavener (U) • Robert "Hoppy" Elliot

Bruce Elmore (LF) • Stephen Feldman

Curry First • Jason Horrell • Keith Howard •

Paula Kohut • Howard Lintz (U)

Lydia Long • Nikki McDougald

Chantelle Miles (U) • Thom Nguyen

Unless otherwise noted, Board members listed above serve on both Boards. A (U) connotes membership on the ACLU-NC Board only, and an (LF) connotes membership on the ACLU-NC Legal Foundation Board only.

# LEGAL NEWS

## Despite Delay Tactics, ACLU Seeks to Block Voter Suppression Law Before 2014 Midterm Elections

(Continued from page 1)

Director of the ACLU-NC Legal Foundation.

The ACLU's and SCSJ's lawsuit targets provisions of the law that eliminate a week of early voting, end same-day registration, and prohibit "out-of-precinct" voting. The lawsuit explains how enacting these provisions would unduly burden the right to vote and specifically discriminate against African-American voters, in violation of the U.S. Constitution's Equal Protection Clause and the Voting Rights Act of 1965.

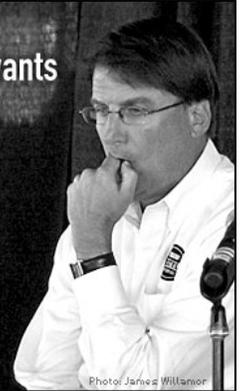
"Governor McCrory's delay

tactics would make it harder for North Carolinians to participate in the political process in 2014. Unlike the governor, we believe voters get to choose their elected officials – elected officials don't get to choose their voters," said Dale Ho, director of the ACLU's Voting Rights Project.

The case, *League of Women Voters of North Carolina, et al. v. North Carolina*, is pending in the U.S. District Court for the Middle District of North Carolina. We sued on behalf of several North Carolina voters who will face substantial hardship under the law, and on behalf of the League of Women

Governor McCrory wants to suppress the vote as long as possible.

What's he afraid of?



Voters of North Carolina, the North Carolina A. Philip Randolph Institute, North Carolina Common Cause, and Unifour Onestop Collaborative, whose efforts to promote voter participation in future elections will be severely hampered. ■

## Same-Sex Couples Make Case for Parenting Rights



*"What we are fighting for is [the right] to adopt the children that have always been ours."*

*-Marcie and Chantelle Fisher-Borne, parents and ACLU-NC plaintiffs*

Two of the couples the ACLU-NC is representing in a legal challenge to North Carolina's discriminatory bans on second parent adoption and marriage for same-sex couples recently addressed an audience in Raleigh as part of North Carolina Policy Watch's "Crucial Conversations."

Marcie and Chantelle Fisher-Borne (pictured top, left to right), and Craig Johnson and Shawn Long (pictured below, left to right) ex-

plained how state law prohibiting LGBT parents from adopting their partner's biological or adoptive children makes it harder for them to provide care and legal security for their families and the children they are raising together. "The whole reason we're [participating in the lawsuit] is for our kids," Long said. "We want them to have the same protections as kids with two legal parents ... That's all we're trying to get: basic legal protections for our kids." ■

# THE 2014 FRANK PORTER GRAHAM AWARDS

Join us and celebrate the 45th Annual

## *Frank Porter Graham Awards Ceremony*

**Saturday, February 15, 2014**

at

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

**100 Friday Center Drive, Chapel Hill, NC**

**5:00 p.m.—Jazz Reception**

Hors D'oeuvres • Open Bar

**6:30 p.m.—Welcome Address**

**Awards Presentations**

Keynote Speech by

## *Attorney & Advocate Bryan Stevenson*

Individual reservations are \$100 per person. Purchase a table for ten people for \$1,000 to be a sponsor of this event. Sponsors will be recognized in the program and at the event, and a placard will be placed on your table. Deadline to RSVP is February 7, 2014. **See page 6 for reservation details.**

Visit [acluofnc.org](http://acluofnc.org) or call 919-834-3466 for more information.

*(Continued from page 1)*

legal representation to indigent defendants and prisoners who have been denied fair and just treatment in the criminal justice system.

"If we can make progress confronting racial bias in Alabama and in South Carolina and the Deep South," Stevenson told Colbert, "we can make racial progress everywhere, and we can't tolerate [discrimination] anywhere."

A graduate of Harvard Law School and the Harvard School of Government, Stevenson has been

representing capital defendants and death row prisoners in the Deep South since 1985 when he was a staff attorney with the Southern Center for Human Rights in Atlanta and has since won national acclaim for his work challenging bias against the poor and people of color in the criminal justice system.

"We have a system of justice in [the U.S.] that treats you much better if you're rich and guilty than if you're poor and innocent," Stevenson observed in an online TED Talk. "Wealth, not culpability, shapes outcomes."

Under Stevenson's leadership, the Equal Justice Initiative has won major legal challenges eliminating excessive and unfair sentencing, exonerating innocent prisoners on death row, confronting abuse of the incarcerated and the mentally ill, and aiding children prosecuted as adults.

In 2012, Stevenson successfully persuaded the U.S. Supreme Court to rule that sentences of life imprisonment without parole imposed on children convicted of most crimes in the U.S. are unconstitutional. ■

# THE 2014 AWARD RECIPIENTS

VISIT [ACLUOFNC.ORG](http://ACLUOFNC.ORG) FOR FULL BIOS.



*Frank Porter Graham Award*  
*For longstanding and significant contributions to the fight for individual freedom and civil liberties in North Carolina*

**Lewis Pitts** has spent the last 40 years as a public interest lawyer fighting for democracy and civil and human rights. He is the founder and managing attorney of Advocates for Children's Services (ACS), a statewide project of Legal Aid of North Carolina whose work focuses on pursuing education justice and dismantling the school-to-prison pipeline for children from low-income families through legal advocacy, community education, and collaboration. Pitts currently manages a six-person office and provides legal advice and representation to families in education, child welfare, and Medicaid cases. ■



*Paul Green Award*  
*For extraordinary efforts to abolish or limit the death penalty in North Carolina*

**Bob Hurley** has worked tirelessly against the death penalty in North Carolina for nearly two decades. In 2002, Hurley was appointed the first Capital Defender in the state by the North Carolina Commission on Indigent Defense Services (IDS). During the last eleven years, he has been responsible for the appointment and oversight of counsel in capital cases throughout N.C. Working with the IDS Commission and its staff, he helped establish new requirements for counsel appointed in capital cases, including mandatory training and case consultations. He has also provided strong support for attorneys in the private bar, public defender offices, and nonprofit offices who represent capital defendants. ■



*ACLU-NC Award*  
*For deep commitment to preserving and defending civil liberties in North Carolina*

Retiring last fall after 17 years in the North Carolina Senate, **Sen. Ellie Kinnaird** has been a stalwart defender and advocate of civil liberties on a range of issues. Sen. Kinnaird authored landmark election reforms that are a model for other states and, in 2013, her vocal opposition to North Carolina's voter suppression law earned national media attention, including an appearance on "The Rachel Maddow Show" on MSNBC. Often, she was the only senator with the courage to vote her principles on tough civil liberties and criminal justice issues. In her final term in the Senate, Kinnaird was the only senator to score 100% on the ACLU-NC's annual legislative report card. ■



*Sharon Thompson Award*  
*For extraordinary efforts toward advancing equal rights for LGBT persons in North Carolina*

Attorney **Connie J. Vetter** opened her law office in Charlotte in 1994 and has focused her practice primarily on the needs of lesbians, gay men, bisexuals and transgender individuals and couples. She has been described as Charlotte's leading LGBT rights lawyer. Vetter tirelessly lobbied the Charlotte City Council for nondiscrimination policies and domestic partner benefits. She has organized three continuing legal education programs on LGBT issues for the Mecklenburg County Bar Association. She has a deep passion for educating people about the law and speaks frequently on LGBT legal issues to organizations, college classes, and professional forums. ■

# THE 2014 FRANK PORTER GRAHAM AWARDS

## Advertise in our awards program!

Advertise your business,  
congratulate our award recipients,  
or celebrate the Bill of Rights!

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

Ads should be e-mailed to [mmeno@acluofnc.org](mailto:mmeno@acluofnc.org)  
PDF, JPEG or Word formats preferred.

Please contact Communications Director Mike Meno  
at 919-834-3466 or [mmeno@acluofnc.org](mailto:mmeno@acluofnc.org) for more info.

All ads may be subject to editing. Deadline Jan. 31.



**Special thanks to our  
wonderful friends at  
Replacements, Ltd. for their  
generous sponsorship of the  
Frank Porter Graham  
Awards Ceremony for the  
11th consecutive year!**

## *45th Annual Frank Porter Graham Awards Ceremony*

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

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone # \_\_\_\_\_

E-mail \_\_\_\_\_

I prefer to charge my reservations to:

VISA  MASTERCARD  DISCOVER

Card # \_\_\_\_\_

Exp. Date \_\_\_\_\_

CVV Code (3-digit number) \_\_\_\_\_

Zip Code of Credit Card Billing Address: \_\_\_\_\_

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

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

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

I am interested in purchasing an ad in the program. Payment is enclosed, and I will submit the ad by e-mail no later than Friday, January 31, 2014.

Please make your check payable to ACLU-NCLF or fill out credit card information above,  
and mail payment along with this RSVP card to:  
ACLU-NCLF, P.O. Box 28004, Raleigh, NC 27611-8004.  
Reservations \$100 per person. Call 919-834-3466 for more info or to charge by phone.

# In Memoriam



**Julie Lapham**

*ACLU-NC Board Member*

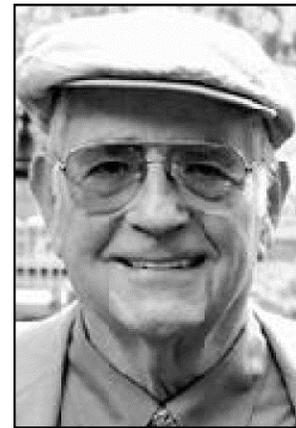
The ACLU of North Carolina is deeply saddened by the loss of Julie Lapham, Secretary of the ACLU-NC Board of Directors and a longtime community leader in Greensboro, who died on Dec. 11 at the age of 69. Lapham served on the ACLU-NC's Public Outreach and Nominating Committees, always on the lookout for ways we could expand our visibility, promote constitutional

values, and recruit top talent to serve on our Board. An immigrant from England, Lapham dedicated her life to promoting social justice causes that empower women, immigrants, and other disadvantaged groups. She also managed political campaigns, including her friend Yvonne Johnson's successful bid to become Greensboro's first African-American mayor. ■

The ACLU-NC also mourns the passing of former Board member, generous financial supporter, and civil liberties activist of nearly 50 years, Bill Knox, who died suddenly in his Greensboro home on Dec. 2. A recipient of the ACLU-NC's Norman Smith Award for extraordinary service to the organization, Knox joined the ACLU during the infamous UNC "Speaker Ban" in the 1960's, which offended him deeply as a sociology professor at UNCG.

Knox was a passionate advo-

cate for free speech and for the equal treatment of all people regardless of race, class, gender, or sexual orientation. Besides serving on our Board, Knox chaired our Nominating and Development Committees and frequently spoke to nonprofit groups in the Triad to advocate for civil liberties and to recruit new members to join the ACLU. A regular table sponsor at the Frank Porter Graham Awards, his fighting spirit and infectious humor will be dearly missed by all who knew him. ■



**Dr. William E. Knox**

*Longtime ACLU-NC Champion*

## Now Accepting Nominations for ACLU-NC Board of Directors

The ACLU of North Carolina's Nominating Committee is actively recruiting hard-working, dedicated members to serve on our Board. We are especially interested in hearing from members in rural North Carolina communities, members who have fundraising experience, and members who are racial or ethnic minorities, LGBT, women, or people with disabilities. In addition, the ACLU-NC bylaws allow members in good standing to seek election by petition of 25 or more members rather than by nomination. If you are willing to take on a leadership role in the ACLU-NC and would like to be considered for nomination to the Board, contact Executive Director Jennifer Rudinger to find out the duties and expectations of Board membership.

**DEADLINE:** The deadline to submit petitions to run for the Board is Friday, February 14, 2014, at 5:00 p.m. Petitions may be delivered in person to our office or by mail, postmarked on or before February 14, 2014.

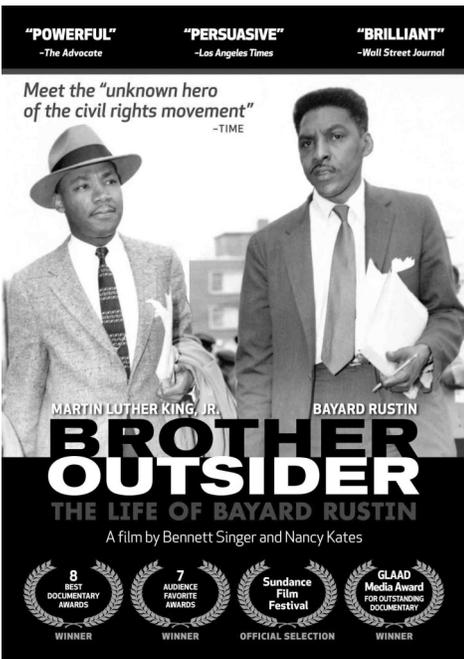
**For more information,** contact Executive Director Jennifer Rudinger at 919-834-3466 or [jrudinger@acluofnc.org](mailto:jrudinger@acluofnc.org)



P.O. Box 28004  
Raleigh, NC 27611

Non-Profit Org.  
U.S. Postage  
PAID  
Raleigh, NC  
Permit No. 2394

## Feb. 8 Film Screening: *Brother Outsider: The Life of Bayard Rustin*



**Screening of *Brother Outsider: The Life of Bayard Rustin***  
**Saturday, February 8, 2014**  
**3pm-6pm**  
**At The International Civil Rights Museum (Downtown Greensboro, NC)**

**3pm-3:30pm: Reception**  
*(light refreshments will be served)*  
**3:30pm-5pm: Screening**  
**5pm-6pm: Panel Discussion**  
*\*Captions will be provided*



A panel discussion will follow the viewing  
**Moderated by:**  
**Dr. Alexis Pauline Gumbs**

*Co-sponsored by the ACLU of North Carolina and others.*

