

# LIBERTY



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## Court Rules Against Town of Cary for Violating Homeowner's Free Speech Rights

The American Civil Liberties Union of North Carolina Legal Foundation (ACLU-NCLF) celebrated an important victory in December 2010 when U.S. District Judge Louise W. Flanagan ruled that the Town of

tion against the Town, preventing the ordinance from being enforced against Mr. Bowden.

The lawsuit was filed in November 2009 by the ACLU-NCLF in the federal district court for the Eastern District of North Carolina,



Cary had violated the free speech rights of homeowner David Bowden when it enforced its sign ordinance in such a way that would have prevented him from expressing a message of political protest on the front of his own house.

Judge Flanagan wrote, "Constitutional jurisprudence demonstrates a special sensitivity to a citizen's right to speak at his home through the use of residential signs." The Court declared the Cary sign ordinance unconstitutional as applied to Mr. Bowden and issued a permanent injunc-

tion challenging the Town's assessment of fines against Cary homeowner David Bowden for a political protest sign that he had painted on the front of his house. In July 2009, Mr. Bowden hired someone to paint "Screwed By The Town of Cary" on the front of his house because he was angry about the way he had been treated by the Town regarding damage done to his property during a road-widening project. The Town then threatened to fine Mr. Bowden hundreds of dollars per day if he did not remove this

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## Conference Highlights FBI Abuses and Repression of Peace Activists



Pictured above on a panel discussing “Grand Juries, Material Support of Terrorism, the Legal and Political Context of the September 24 Raids” are (left to right): Kosta Harlan, Triangle Committee to Stop FBI Repression; Peter Gilbert, UNC Center for Civil Rights; Lela Ali, In the Name of Humanity; Maureen Murphy, Palestine Solidarity Group; Khalilah Sabra, MAS Freedom; Jennifer Rudinger, ACLU of North Carolina; and Meredith Aby, Twin Cities Anti-War Committee.

The ACLU-NC recently co-sponsored an organizing conference in Chapel Hill, the purpose of which was to shine a spotlight on the repression of peaceful protesters and human rights activists by the FBI, misuse of the grand jury process and the federal “material support for terrorism” statute by law enforcement, and recent raids on anti-war and international solidarity activists. The conference was held on February 19th at the UNC School of Law.

Last summer, the U.S. Supreme Court upheld the broad application of a federal law that hinders the ability of human rights and humanitarian aid organizations to do their work by making it a crime to provide “material support” to designated “foreign terrorist organizations.” “Material support” is defined to include any “service,” “training,” “expert advice or assistance” or “personnel.” Under the law, individuals face up to 15 years in prison, even if their work is

intended to promote peaceful, lawful objectives.

The ruling thwarts the efforts of human rights organizations to persuade violent actors to renounce violence or cease their human rights abuses and jeopardizes the provision of aid and disaster relief in conflict zones controlled by designated groups. The ACLU filed a friend-of-the-court brief in the case, *Holder v. Humanitarian Law Project*, on behalf of the Carter Center and several other organizations known for their work to promote peace, further human rights, and alleviate human suffering around the world.

Jennifer Rudinger, Executive Director of the ACLU-NC, participated in a panel discussion on the FBI’s misuse of the material support law. She also discussed other changes in FBI powers and surveillance since 9/11 which makes us all suspects, whether or not we have visited a country associated with a group on the State Department’s list of “foreign terrorist organizations” and offered advice about what people should do if the FBI comes to your door.

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### Cary homeowner victory

*(Continued from page 1)*

sign from his house. In its complaint, the ACLU-NCLF alleged that these threats violate Mr. Bowden’s rights to free speech and to petition his government under the First Amendment to the United States Constitution and similar provisions of the North Carolina Constitution.

“We are very pleased with the Court’s ruling,” said Jennifer Rudinger, Executive Director of the ACLU-NCLF. “The Town was attempting to censor Mr. Bowden because it didn’t like what he had to say. Enforcement of the Town’s sign ordinance under these circumstances was a clear violation of the First Amendment.”

Mr. Bowden is represented by Mark Sigmon of Graebe Hanna &

Welborn, PLLC, in Raleigh, North Carolina, as Cooperating Attorney for the ACLU of North Carolina Legal Foundation, as well as by Katherine Lewis Parker, Legal Director of the ACLU of North Carolina Legal Foundation.

## State's Anti-Profanity Law Unconstitutional, Rules Superior Court Judge

The ACLU-NCLF applauded a judge's ruling in January 2011 that declared North Carolina's ban on the public use of profanity to be an unconstitutional violation of freedom of speech. The statute at issue is N.C. Gen. Stat. § 14-197, making it a misdemeanor offense to use "indecent or profane language" in a "loud and boisterous manner" within earshot of two or more people on any public road or highway in North Carolina. (Note: the law, adopted in 1913, exempts Pitt and Swain Counties from its scope but applies in all other counties in North Carolina.)

"This 98-year-old law is a blatant violation of the First Amendment," said Jennifer Rudinger, Executive Director of the ACLU-NCLF. "We applaud the judge's ruling as an important victory for free speech. Our client, Samantha Elabanjo, never should have been charged with a



Pictured above, exiting the courthouse after the district court hearing in July 2010: Katy Parker, ACLU-NCLF Legal Director; Samantha Jones Elabanjo; and Matthew D. Quinn, Cooperating Attorney for the ACLU-NCLF and lead counsel on this case.

crime just for saying 'damn' on a public street."

On February 15, 2010, Samantha Elabanjo was engaged in conversation near a bus stop in Chapel Hill and stepped into Franklin Street as two Chapel Hill police officers drove by. The officers stopped their car and directed Ms. Elabanjo to move along. As she was returning to the sidewalk, she said to the officers, "You need to clean your

damn dirty car." Then, after she was back on the sidewalk, Ms. Elabanjo referred to the officers as "a—holes." At that point, the officers got out of their car and arrested her for disorderly conduct and for the use of profanity on a public roadway. The ACLU-NCLF defended Ms. Elabanjo against both charges. At trial in July 2010, the district court judge dismissed the disorderly conduct charge but found Ms. Elabanjo guilty of the use of profanity under N.C. Gen. Stat. § 14-197 based on her use of the word "damn."

She appealed her conviction to the Orange County Superior Court, and that appeal was argued on January 3, 2011. Judge Allen Baddour dismissed the charges against Ms. Elabanjo, issuing a three-page order declaring N.C. Gen. Stat. § 14-197 unconstitutionally vague and a violation of the First Amendment's protection for freedom of speech.

The case is *State v. Samantha Elabanjo*. Ms. Elabanjo was represented by Matthew D. Quinn of the Law Offices of F. Bryan Brice, Jr. in Raleigh, as Cooperating Attorney for the ACLU-NCLF, and Katy Parker, Legal Director for the ACLU-NCLF.

### Job Opportunities:

## Major Gifts Officer (Part-time) and Communications Director

The American Civil Liberties Union of North Carolina Legal Foundation seeks experienced, articulate, mission-driven applicants for the positions of part-time Major Gifts Officer and fulltime Communications Director. For complete list of job duties, qualifications, and application instructions, see job postings at:

[www.acluofnorthcarolina.org](http://www.acluofnorthcarolina.org)

(AA/EOE)

## 42nd Annual Frank Porter Graham Awards Ceremony a huge success!

More than 270 supporters of the ACLU-NC's Legal Foundation came together for our 42nd Annual Frank Porter Graham Awards Ceremony on Saturday, February 12th, at the Friday Center in Chapel Hill. ACLU-NC members and supporters enjoyed good food and great conversation and celebrated the achievements of honorees Mandy Carter, Jay Ferguson, and Loretta Mershon.

Jennifer Rudinger, ACLU-NC Executive Director, welcomed the attendees and discussed some key victories that the ACLU-NC has had in the last few months. On behalf of the Board of Directors, Rudinger also paid tribute to the four former recipients of the Frank Porter Graham Award who have passed away in the previous year: Dan Pollitt, B Holt, Jim Mattocks, and McNeill "Mac" Smith.

Dr. Timothy Tyson, author of the much-acclaimed *Blood Done Sign My Name* and other award-winning books, both amused and inspired the audience, receiving rave reviews from our guests for his keynote speech.

The ACLU-NCLF wishes to thank all of our friends at Replacements, Ltd. for their extraordinary generosity in supporting this event as Title Sponsors for the eighth year in a row.



Board member John Boddie presented the Frank Porter Graham Award to Mandy Carter for her more than four decades of organizing for social justice, racial equality, and lesbian/gay/bisexual/transgender (LGBT) equality.



Making the evening even more special, Norman Smith personally presented the award created in his name to one of our most dedicated volunteers, Loretta Mershon, for her many years of service to the Wake County ACLU.

Thank you to Board member Rebecca Cerese, who served as our official photographer for the evening!



After enjoying great food and great company, our audience of approximately 270 guests learned about the work of the ACLU of North Carolina and were inspired by our honorees and Tim Tyson.



Board member Jennifer Lorenz presented the Paul Green Award to attorney Jay Ferguson for his extraordinary contributions to the death penalty defense community.



ACLU-NC Executive Director Jennifer Rudinger celebrated recent victories with our supporters.



ACLU-NCLF Legal Director Katy Parker and husband Worth Parker brought our newest ACLU member, Annabelle, to her first Frank Porter Graham Awards Ceremony.



Dr. Timothy Tyson delivered a rousing keynote speech and received a standing ovation from the crowd.



Honorees Mandy Carter (Frank Porter Graham Award), Jay Ferguson (Paul Green Award), and Loretta Mershon (Norman Smith Award) posed for a photo at the end of the evening.

## 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 2011, please put the ACLU-NCLF at the top of your list. The demand for our work has never been greater!

**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 Executive Director Jennifer Rudinger at 919-834-3466 or [alunced@nc.rr.com](mailto:alunced@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:

**[www.acluofnorthcarolina.org/?q=donate](http://www.acluofnorthcarolina.org/?q=donate)**

# 2011 ACLU-NC/LF Board Elections

It is time once again to act on nominations for (two!) Boards of Directors. Elected Directors run two corporate entities: the ACLU of North Carolina (ACLU-NC) and the ACLU of North Carolina Legal Foundation (ACLU-NCLF). The ACLU-NC is engaged in legislative work and membership recruitment and therefore is a separate organization, while the ACLU-NCLF is our charitable 501(c)(3) entity that runs our legal program and most of our educational activities.

Our Board members serve three-year terms and may be elected for no more than two consecutive terms. Three incumbents who are eligible for nomination this year have said that they would like to remain on the Board: **Irene Godinez, Julie Lapham, and Molly Leight.**

In addition, five new voices are seeking to be added to the Board: **Tom Burton, Stephen**

**Feldman, Tish Gay, Catherine Kim, and Nikki McDougald.** All eight of these nominees are recommended by our Nominating Committee, and this slate has been approved for your consideration by the current ACLU-NC Board of Directors.

Please read the candidates' statements inside this election pamphlet and mail in your ballot today.

**Ballots must be received by (not postmarked by) Friday, May 20th at 12:00 p.m.**

The ballot is located on Pages 11-12 of this newsletter. Please remove the ballot, vote for the candidate(s) of your choice, and return it to the ACLU-NC office so that the ballot is received no later than 12:00 p.m. on May 20, 2011.

**Please both print and sign your name on the back of your envelope (on or near the flap of the**

**envelope).**

To maintain voter confidentiality, please do not place any identifying marks on the ballot itself, and please fold the ballot as indicated in the instructions on Page 12.

Board elections will take place at the ACLU-NC's Annual Membership Meeting on Sunday, May 22nd from 3:00 - 4:00 p.m. at Congregation Beth HaTephila, 43 North Liberty St., Asheville, 28801. Our meeting immediately follows the annual meeting of the Western North Carolina ACLU chapter at the same location from 1:30 - 3:00 p.m. ACLU members are welcome to attend both events.

Members who have not voted by mail may vote in person at this meeting. For more information, call the ACLU-NC at (919) 834-3466.

## MEET THE BOARD CANDIDATES

Tom Burton



I am flattered to be considered for a seat on the ACLU of North

Carolina Board of Directors. It would be an honor to join. As a professional journalist for 30 years, I've long known where to find the ACLU: on the high road. I was consistently impressed that the ACLU always seemed to arrive there regardless of whether it was popular with majority opinion. I also noted how the ACLU's reasoning made my stories better. In every newsroom I worked, journalists respected the ACLU, not only because of its defensible positions but because it was unflinching in taking action.

For the past three years, I have worked as a news media consultant for Blueprint North Carolina, a collaborative that

includes most of North Carolina's statewide progressive advocacy organizations. From that perspective, I've been awed and inspired by the talent at the North Carolina ACLU.

My resume doesn't include an active role in public policy advocacy. My former employers prohibited it. But in my post-newsroom new world, I am eager to find ways to contribute to organizations that do the most to make our communities safe, sustainable and fair.

## Stephen Feldman



I would be honored to serve on the Board of the ACLU of North Carolina. Thank you in advance for your consideration of my candidacy.

By way of background, I grew up as one of a handful of Jewish children in Springfield, Illinois — an experience that went a long way in shaping my views on religious liberty. I earned my undergraduate degree at Washington University in St. Louis, and I then graduated from the University of Chicago Law School. My wife and I moved to the Triangle after I had practiced law in St. Louis for a short period. As a Cubs fan in Cardinals country, I decided it was time for a change.

Despite having moved here only five years ago, I have been blessed with the chance to serve as a cooperating attorney for the ACLU-NC. The cases that I have handled have focused on religious liberty (quelling patent Establishment Clause violations in public schools) and equal protection (working to uphold second-parent adoptions). As a Board member, I would work diligently to promote these issues as well as the ACLU-NC's other core objectives.

In short, this is a critical time for the ACLU to be heard by and to influence lawmakers, executives, and the judiciary. The

recently elected leadership in the General Assembly desires — among other things — to force its religious views upon all North Carolinians and to classify some citizens as second-class, not worthy of raising children or wearing wedding rings.

Opposing these efforts, and advancing the ACLU's objectives, cannot be accomplished by standing on the metaphorical sidelines. Court battles, legislative fights, and intensive lobbying are needed to educate our state's decision-makers. To do so requires the dedication of many volunteers, as well as an outpouring of financial support. I pledge to lead these efforts as a member of the ACLU-NC Board.

Ultimately, the ACLU's mission is one of basic humanity, of recognizing that every person's individual life should be accorded and is deserving of respect. This is the single core belief of mine and my family. Thank you again for your consideration.

## Tish Gay



My interest in civil liberties began when I was a teenager. I was fascinated by the Wilmington Ten case happening in this state. My respect and admiration of the work of ACLU has been a constant thread throughout my life. My areas of special interest are women's rights, specifically a woman's right to choose, and immigration rights. I was fortunate to work for Planned Parent-

hood Public Affairs of NC and NC Coalition for Choice in the late 80's and early 90's. Those experiences led me to work at the ACLU-NC state affiliate. I realized we all have to protect our rights or there would be no Planned Parenthood and fewer choices for women.

I worked at the state affiliate from 1991 to 1994 and found the work varied, fascinating, and always a challenge. It was a wonderful experience. I served on the Board of the Wake County Chapter of the ACLU for seven years and found that work to be rewarding and also a challenge. If elected to the State Board, I will work to the best of my ability and do what I can to help keep ACLU-NC strong and productive.

My background is in education and art, and I graduated from Meredith College in Raleigh.

## Irene Godinez



It has been an honor serving on the Board of Directors of the ACLU of North Carolina for the last year! The time flew by, and just as I was starting to become familiar and comfortable with how this incredible organization functions, my time on the Board was up. I wish to be re-elected to the Board of Directors of the ACLU of North Carolina and to contribute to the continued

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success of this organization in defending and protecting the civil rights and liberties of all people in North Carolina. As the daughter of immigrants, I recognize the life-changing impact that an organization like the ACLU-NC can have on a community, particularly for those who are marginalized and oppressed. In this regressive climate, the work of the ACLU-NC is more urgent than ever in “preserving the guarantees of individual liberty found in the Constitution and laws of the United States and the state of North Carolina.”

I greatly admire the work of the ACLU-NC and believe that it is one of the few organizations in my home state that is holding those who abuse the rights of others accountable. Because of this, I will gladly contribute my community organizing experience and excitement for implementing my new fundraising skills if re-elected to the Board of Directors. I believe in the equal and humane treatment of every person in these United States and abroad. Much has changed in the last year; civil rights and liberties of the most vulnerable communities are violated to the point that it's become routine in some pockets of the state. The ACLU-NC has been one of the champions of the community taking those abusers to task.

## Catherine Kim



My involvement with the American Civil Liberties Union began during my first year in law school, when I interned with the ACLU's National Immigrants' Rights Program to challenge the mandatory detention of immigrants. After graduating and clerking for the Honorable Carlos F. Lucero on the U.S. Court of Appeals for the Tenth Circuit, I returned to the ACLU as a staff attorney with the ACLU's National Legal Department's Racial Justice Program.

During my seven years at the ACLU, I was involved in institutional reform litigation, grassroots community organizing, and policy and legislative advocacy on issues ranging from challenges to racial, ethnic, and religious profiling after 9/11 to ensuring access

to a meaningful education for all children. I focused specifically on the intersection between public education and juvenile justice, frequently termed “the school-to-prison pipeline,” through which at-risk youth – particularly low-income youth and children of color – are funneled from the classroom into delinquency court. This work culminated in the publication of a book, *The School to Prison Pipeline: Structuring Legal Reform*, co-authored with colleagues from the NAACP Legal Defense and Education Fund and the Civil Rights Project at UCLA.

In 2010, I accepted a tenure-track position at the University of North Carolina School of Law, where I teach Civil Rights Law and will teach Immigration Law next year. I remain firmly committed to the institutional goals and ideals of the organization and will continue to work toward advancing them through my scholarship, engagement with students, and, hopefully, serving on the Board of the ACLU of North Carolina.

It would be a privilege to continue this work here in North Carolina, historically at the forefront of national civil rights reform and currently undergoing dramatic shifts in population and economy that will present new

### 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! You will also receive our e-newsletter and announcements of upcoming events.

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 [aclunc@nc.rr.com](mailto:aclunc@nc.rr.com).

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

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

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

If you know it:

Congressional District: \_\_\_\_\_

NC House District: \_\_\_\_\_

NC Senate District: \_\_\_\_\_



challenges.

Thank you for considering me for this important position.

## Julie Lapham



Women's issues have been front and center in Julie's life, for most of her life, following a sexual harassment incident at her place of business back in the late 1970's before much law existed on the subject. The experience jettisoned her into the middle of the Equal Rights Amendment Campaign. Organizing in several states seeking to advance legislative votes for the Amendment, supporting women candidates for high-ranking positions, creating funding opportunities for organizations focusing on advancement for women, and serving on boards and commissions have occupied her lifetime. Last year, Governor Perdue appointed her to the NC Council for Women.

Currently, she is an AmeriCorps member assigned to the Center for Women's Health and Wellness at UNC-Greensboro where she is to: create a county-wide networking group collaborating to end violence against women and girls from bullying to trafficking; develop a health clinic for Latino women; and assist refugee women in their transition of language, employment, housing, etc.

Her skills and talents extend from grassroots organization to nonprofit governance, membership, and fund development. She was appointed to the ACLU-NC Board a little over a year ago to complete a vacated Board member's term. Today, she asks you to confirm her candidacy for a full term.

## Molly Leight



It has been my great pleasure to serve the ACLU-NC for the last several years as a member of the Board. I have supported the ACLU for most of my adult life and will always work for civil liberties issues; to my mind, the most important matters in each of our hands is the protection of our constitutionally guaranteed rights.

I am retired from working as a Research Assistant at Wake Forest University School of Medicine and am in my sixth year as a Council Member on the Winston-Salem City Council. As one would expect of a "rights" advocate, I am considered the neighborhood protector on the City Council. Whether it is for individual or group rights, I am your woman!

## Nikki McDougald



*"I shall walk this way but once, therefore, whatever good I may do, let me do it now, for I shall never walk this way again."*

*~ Unknown Greek poet*

In my educational and career pursuits, I have fashioned my life to be a steward of these words. It was with the acceptance of a summer internship, after graduating from North Carolina Central University with a double-major in Criminal Justice and Political Science, that I found my passion for social justice reform as an intern with the Carolina Justice Policy Center (CJPC) in 2004. Coincidentally, I discovered an intense interest in reforming North Carolina's death penalty system and advocating for justice and equality for all walks of life.

Today, I am even more determined in working to reform North Carolina's death penalty system as CJPC's Program Associate for Community Outreach. It is with this exigency to stand up for the freedom of religious rights, freedom of speech, racial justice, and human rights that I seek to support the great work of the ACLU.

My experience on the legislative side of social justice first as an intern for the late Senator Jeanne H. Lucas, notably the first African American woman to serve in the North Carolina Senate, and

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immediately following for Senator Larry Shaw, the highest ranking Muslim elected official in the United States from 1996 until 2007, gave me the strategic insight necessary to take social justice reform to the next level in North Carolina. The greatest skill that can be learned from the legislature or any political arena is the art of listening. I respect that the ACLU-NC Board of Directors has a great responsibility that is empowered by the trust it earns from those it serves, and it is my hope to continue to build on this trust.

I am both overcome with humility and overwhelmed by the level of accomplishment that this pool has obtained. However, my sincerity to social empowerment for all is deeply embedded in my core, and I hope that you will see my commitment to justice and the ideals of the ACLU.

## The Checkpoint Experience — A Discussion of Different Strategies Used to Combat Racial Profiling in North Carolina



Raul A. Pinto

Come and join us at the ACLU-NC's Annual Membership Meeting for a panel discussion on racial profiling, led by attorney Raul A. Pinto, Racial Justice Fellow for the ACLU of North Carolina

Sunday, May 22, 2011

3:00 - 4:00 p.m.

Congregation Beth HaTephila, 43 N. Liberty Street, Asheville (immediately following the Western North Carolina ACLU's Annual Meeting, which starts at 1:30)

By including the ACLU in your will, you can leave a legacy of liberty for generations to come.



Thousands of passionate civil libertarians have stepped forward and expressed their most cherished values by making a deeply meaningful gift to the ACLU in their estate plans.

We invite you to join this special group of ACLU supporters who have made freedom, justice, and equality their personal legacy by remembering the ACLU in your estate plans.

To learn more, or to take advantage of our estate planning resources, visit [www.aclu.org/legacy](http://www.aclu.org/legacy) or call toll-free 877-867-1025.



## Election Ballot for the American Civil Liberties Union of North Carolina



**IMPORTANT VOTING INSTRUCTIONS:** For **Individual Memberships:** Vote for a maximum of seven (7) candidates under the column marked 'Individual.' An individual member may not vote for the same candidate twice. For **Joint Memberships** (two members with the same mailing address voting on the same ballot): Vote for a maximum of 14 candidates, one member voting for up to seven candidates under the column marked 'Individual' and the second member voting for a maximum of seven candidates under the column marked 'Joint.' If you have a joint membership with the ACLU, you will have two names on the mailing label of this Election-edition newsletter. To vote, simply place an 'X' in the box before the name you select.

Individual	Joint	
<input type="checkbox"/>	<input type="checkbox"/>	Tom Burton
<input type="checkbox"/>	<input type="checkbox"/>	Stephen Feldman
<input type="checkbox"/>	<input type="checkbox"/>	Tish Gay
<input type="checkbox"/>	<input type="checkbox"/>	Irene Godinez
<input type="checkbox"/>	<input type="checkbox"/>	Catherine Kim
<input type="checkbox"/>	<input type="checkbox"/>	Julie Lapham
<input type="checkbox"/>	<input type="checkbox"/>	Molly Leight
<input type="checkbox"/>	<input type="checkbox"/>	Nikki McDougald

**Each member may vote for up to seven (7) candidates. Voting for more than seven (7) candidates, or voting for a candidate twice in the case of an Individual member, will result in the disqualification of the ballot.**

**IMPORTANT:** To maintain vote confidentiality, please see the reverse of this ballot for folding instructions.

**REMEMBER:** Your ballot must be received in our office by (not postmarked by) 12:00 p.m. on Friday, May 20, 2011, or you may cast your vote in person at the Annual Membership Meeting on Sunday, May 22, 2011, in Asheville.



SEAL HERE  
WITH STAPLE OR TAPE

ACLU-NC ELECTION  
BALLOT

C

**PLEASE READ THESE IMPORTANT  
INSTRUCTIONS FOR BALLOT FOLDING  
AND MAILING!!!**

1. Before starting, read through these instructions.
2. Please note the four capital letter A's in the corners on front side of the ballot and the capital letter B's and C's located on this (the reverse) side of the ballot.
3. After reading these instructions, turn the ballot back over, so the ballot is face up.
4. Fold the ballot in half, from the bottom up, matching (touching) the A's in the four corners.
5. Fold the remaining half in thirds, first matching the B's and then matching the C's.
6. If you folded the ballot correctly, you should be looking at the words "ACLU-NC Election Ballot" on top.
7. Seal the ballot, as indicated, with some tape or a staple.
8. Mail the ballot to:  
ACLU-NC Board Elections  
P.O. Box 28004  
Raleigh, NC 27611-8004
9. **BOTH SIGN AND PRINT your name on the back of your envelope on or near the flap (two names for a joint membership) and be sure to include your return address on the envelope (legibly) in order for us to verify your membership status. We must be able to verify that you are/ were an ACLU-NC member in good standing as of December 31, 2010, before counting your vote.**
10. Put a stamp on your envelope and mail to the ACLU-NC as soon as possible. It must be received in our office by Friday, May 20, 2011, at 12:00 noon.

Members may also vote in person at the ACLU-NC's Annual Membership Meeting, which will be held on Sunday, May 22, 2011 from 3:00 - 4:00 p.m. at Congregation Beth HaTephila, 43 North Liberty St., Asheville. Our meeting immediately follows the annual meeting of the Western North Carolina ACLU chapter at the same location beginning at 1:30 p.m.

C →

B

← B

# Chapter Updates

## Elon Law School ACLU

On February 21<sup>st</sup>, the Elon Law Chapter held a Voting Restoration Program at the Guilford County Prison Farm. We had an opportunity to speak with individuals incarcerated there about how to restore their voting rights after a felony conviction and to explain to other individuals that their rights were not lost if convicted of a misdemeanor. We were able to register a total of 20 people to vote and left several registration forms for other individuals to complete after they fulfilled all their obligations under their sentence.

On March 3<sup>rd</sup>, our Chapter co-sponsored a discussion about the Arizona immigration law with the

everyone was able to have an open discussion about the problems Arizona's Senate Bill 1070 will create, the backlash, the federal government's response, and responses in other states, including similar proposed bills in the North Carolina General Assembly.

On March 7<sup>th</sup>, we held a "Know Your Rights" session at the courthouse. Students were at the main entrances to distribute the ACLU's wallet-sized card informing people "what to do if you're stopped by the police." We distributed more than 100 cards at this event!

Lastly, we held a "Know Your Rights" session at the library on March 28<sup>th</sup> with the Food not Bombs group as they are providing dinner to people of the community.



ACLU lawyer Lucas Guttentag spoke at Duke Law about immigrants' rights

Justice William Brennan to the law school. Seth Stern and Stephen Wermiel discussed Justice Brennan's personal life and professional jurisprudence in the areas of civil rights and civil liberties.

On February 24<sup>th</sup>, our chapter co-sponsored a fascinating lunch-time lecture by Lucas Guttentag, founding director of the national ACLU's Immigrants' Rights Project. The program was titled "Immigration: Enforcement, Exploitation, or Equality? A Constitutional Perspective."

On February 26<sup>th</sup>, Zachary Linowitz, current president of the Duke Law School ACLU chapter, brought home the first place trophy from the Howard University School of Law national civil rights moot court tournament. The competition was held on Howard's campus in Washington, DC.

## Wake County ACLU

The Wake County ACLU celebrated its 42<sup>nd</sup> anniversary during its annual meeting on March 9<sup>th</sup>, which featured a keynote address by the Rev. William Barber, the president of the state NAACP. Barber's speech, "The Wake County Public School System:

*(Continued on page 14)*



Elon Law ACLU members Kathy Stewart and Ben Snyder handed out "Know Your Rights" cards to people entering and leaving the state courthouse in Greensboro.

Elon Law chapter of the Federalist Society. The Legal Director for the ACLU-NCLF, Katy Parker, voiced the ACLU's position and explained why this law is unconstitutional and bad public policy. The event was well attended, and

## Duke Law School ACLU

On January 18<sup>th</sup>, the Duke Law School ACLU chapter welcomed the co-authors of the recently published biography of U.S. Supreme Court

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Rev. William Barber and Wake Chapter ACLU Board member Betty Lazo cut the cake to celebrate the chapter's 42nd anniversary.

Civil Liberties and Equal Opportunity in Jeopardy," emphasized the need to organize as a coalition to preserve civil liberties in Wake County and across the state. Along with the ACLU-NC and other local civil rights organizations, Barber and the NC-NAACP have been actively involved in fighting a move by the Wake County school board to redistrict the schools to create "neighborhood schools," which Barber argued would create segregated, racially identifiable schools.

Barber thanked the ACLU for the longstanding work it has done to protect and defend civil liberties. The Wake County ACLU also held elections for Board officers for our Chapter. Tiffany Yogman was elected to her first term on the Board, and Josh McIntyre, Zach Chen, and Khodr Zaarour were each reelected to another term.



Wake County ACLU Board member Khodr Zaarour congratulates Tiffany Yogman on being elected to her first term on the Board.



Josh McIntyre was reelected to a new term on the Wake ACLU Board.



Rev. William Barber talks about fighting for civil rights with Wake County ACLU members Loretta Mershon and Zach Chen.

## ACLU of Western NC

The WNC Chapter Board spent the winter organizing “Fiesta de Justicia: A Fund-raiser for Justice” to help defray the costs incurred by three North Carolina attorneys in their pro bono representation of five detainees being held at Guantanamo Bay. The event was held on March 3<sup>rd</sup> in the Battery Park penthouse ballroom. The speaker was Frank Goldsmith, longtime member of the WNC Chapter board, former ACLU-NC President and Frank Porter Graham Award recipient (1988). Goldsmith, along with Winston-Salem attorneys Hoppy Elliot and Griff Morgan, has devoted countless pro bono hours and expended more than \$75,000 in costs on behalf of these clients. With close to 50 sponsors and hosts and more than 130 people in attendance, we raised \$12,800 for the cause.



Lotte Meyerson

meeting, the Chapter will present the Evan Mahaney Champion of Civil Liberties Award to Lotte Meyerson for a lifetime of activism fighting discrimination in any form. Lotte was born in Hitler's Germany and came to the U.S. when she was 12, so those early years roused in her a passion for



Frank Goldsmith (right) spoke at the Fiesta de Justicia fundraising event.

The WNC Chapter of the ACLU-NC will hold its annual meeting on Sunday, May 22<sup>nd</sup>, beginning at 1:30 p.m. in Congregation Beth HaTephila at 43 N. Liberty Street in Asheville. At this

fighting discrimination. She has an astounding list of credits to her activism resume, and the local chapter is honored to be able to recognize her. Desserts will be provided, especially since we'll be

celebrating Lotte and Seymour Meyerson's 68th wedding anniversary.

This meeting is free and open to the public. This will be a shared meeting with the ACLU-NC state affiliate, whose state-wide annual membership meeting will start at 3:00 p.m. after the WNC Chapter's annual meeting concludes. Please plan to attend both events, and bring a friend!

## UNC Law School ACLU

The ACLU chapter at the University of North Carolina School of Law has been active this semester on a number of fronts. In January, the group co-hosted *From McClesky to the Racial Justice Act*, a well-attended panel discussion that focused on the landmark legislation of the same name that was passed last year by the North Carolina legislature. Among the participants were Rev. Dr. William Barber II, president of the North Carolina NAACP; Tye Hunter, Executive Director of the Center for Death Penalty Litigation; and Robert P. Mosteller, Associate Dean and Professor of Law at UNC Law. The event, in addition to examining the Racial Justice Act's likely impact, included a comprehensive overview of the historical role that racial bias has played in the administration of the death penalty in the United States, as well as an examination of the responsiveness of federal and state courts in assessing such claims.

Defending the Racial Justice Act has been a focal point for the chapter this semester. Aware of the impending threat to the law posed by the new leadership in the legislature, the chapter hosted a Lobby Day Training in February. Two dozen students attended the lunchtime session to hear ACLU-NC Policy Director

*(Continued on page 16)*

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Sarah Preston discuss the organization's initiatives in the current legislative session, as well as strategy and talking points. Also participating were a number of active members of the North Carolina legislature, including Rep. Larry Hall (D-Durham), Sen. Ellie Kinnaird (D-Orange), and Rep. Verla Insko (D-Orange), who provided insight into the thinking of the minority party as well as lobbying tips to maximize effectiveness.

On March 17<sup>th</sup>, students who participated in this training travelled to the North Carolina General Assembly in Raleigh and met with the five members of the Democratic caucus whose commitment to sustaining a Governor's veto to any future attacks on the Racial Justice Act are considered crucial. The group also met with House Minority Leader Joe Hackney, and in addition to the RJA, discussed the importance of holding firm against future attempts to

amend the state Constitution to enshrine discrimination against

LGBT couples, as well as the proposed Voter ID legislation.



The UNC Law School ACLU chapter hosted a training session in late February to prepare students to lobby in the state legislature as part of our March 17th Lobby Day. Pictured above: ACLU-NC Policy Director Sarah Preston, Kris Parks with Disability Rights NC, Sen. Ellie Kinnaird, Rep. Verla Insko, and Rep. Larry Hall.

## ACLU-NC in action at the North Carolina General Assembly

**T**he North Carolina legislative session started on January 26<sup>th</sup> and already more than 1,500 bills have been filed. The ACLU-NC has identified dozens of bills with civil liberties implications and we have testified against several of these high-priority bills as well as distributing fact sheets and meeting one-on-one with many of North Carolina's 170 legislators to discuss protection of civil liberties and civil rights.

### Drug Law Reform

*SB 7: Add Controlled Substances* makes possession and sale of several substances, including synthetic cannabinoids and mephedrone, illegal. The ACLU-NC opposed the bill because the sentencing mandated by the bill was not in line with treatment of

currently outlawed substances such as marijuana. We also encouraged the legislature to stop the criminalization of possession of drugs and, instead, to treat the issue of substance abuse as the public health issue that it is.

The NC House of Representatives agreed that the sentencing required in this bill was too harsh and adjusted both the penalties for possession of synthetic cannabinoids and the penalties provided for the trafficking of these substances. The bill, as amended, was signed into law by Governor Perdue on March 25<sup>th</sup>.

### Reproductive Freedom

*HB 215: Unborn Victims of Violence/Ethen's Law* allows a defendant who harms a pregnant woman and, in the process, also

either kills or harms the fetus to be charged with two separate crimes.

The ACLU-NC has long supported current law which allows for enhanced penalties when a person harms or kills a pregnant woman knowing her to be pregnant and also harms the fetus. The ACLU believes current law strikes the appropriate balance by protecting the woman while also acknowledging the increased loss to family and friends caused by the loss of the woman and her expected child.

However, HB 215 simply goes too far. In fact, in debate on the floor, one bill sponsor acknowledged that the real purpose of this bill is to recognize the "unborn child" as a person.

A House subcommittee

agreed to amend the bill to make sure that a woman cannot be charged for her own actions during pregnancy, as the ACLU-NC suggested in testimony in opposition to the bill. However, none of the other constitutional flaws we pointed out were addressed, and against our vigorous opposition, the House of Representatives passed HB 215 on March 24<sup>th</sup> by a vote of 75-34. The State Senate then made a minor tweak to the bill and passed it out of that chamber on April 14<sup>th</sup> by a vote of 45-4.

Only four senators, all of whom are Democrats, had the courage to stand up for women's rights by voting no: Kinnaird, Atwater, Nesbitt, and Stein. The bill, as amended is now expected to sail through the House and land on the Governor's desk very quickly.

### Voting Rights

The ACLU-NC testified in opposition to *HB 351 / SB 352: Restore Confidence in Government* which would require voters to show a government-issued photo ID before voting. The ACLU-NC has serious concerns about requiring photo ID at the polls, as it is well-documented that photo identification requirements suppress the vote of poor people and communities of color that have traditionally faced barriers to voting. The right to vote is a fundamental right, and the potential that thousands of eligible North Carolinian voters could be turned away from the polls should outweigh any perceived benefit that photo ID requirements might have. This bill is currently pending in the House.

### Immigrants' Rights

The ACLU-NC has been working in opposition to *HB 33: Consular Documents Not Acceptable as ID*. This bill would prevent foreign-born North Carolinians from using documents issued by their home country's embassy or

consulate as a form of ID and will clearly have a discriminatory impact based on national origin. The bill even prevents parents from using their matricula consular or other consulate ID to pick up their children from school if the school requires a photo ID to release a child (which many do). HB 33 was passed by the House on March 30<sup>th</sup> and is pending in the Senate.

Other pending bills of interest include:

#### *SB 106 / HB 777:*

#### *Defense of Marriage –*

SB 106 proposes amending the North Carolina Constitution “to provide that marriage

between a man and a woman is the only domestic legal union that shall be valid or recognized in this state.” Such language would not only prevent marriage, but also prevent implementation of domestic partnership or civil unions and could prevent any unmarried couple from accessing private health insurance or other benefits when made available by their employers.

While the language in the House bill would not affect domestic partnership or civil union, it would still define marriage as “the union of one man and one woman at one time.” If three-fifths of the House and Senate vote to approve either of these bills, the measure would bypass the Governor and go directly onto the statewide ballot, and a simple majority of voters in 2012 could write discrimination permanently into North Carolina's Constitution.

*HB 343: Support Law Enforcement/Safe Neighborhoods* – This bill is a copycat of Arizona's noto-

rious SB 1070, the “show me your papers” law. The bill would make it a state crime not to have one's immigration papers at all



ACLU-NC Policy Director Sarah Preston testifies against the Unborn Victims of Violence Act

times while also requiring law enforcement to determine the immigration status of every person arrested for any crime. In addition, the bill would prohibit local governments from creating their own policies that they will not inquire as to immigration status, would require many North Carolina employers to use the flawed federal E-verify system, and would allow any resident of the state to sue a law enforcement agency or other state government agency for not properly enforcing the law, among many other problematic provisions. Further, this bill would prevent undocumented students from accessing higher education even if they were brought to North Carolina at a very young age, achieved high academic success, and graduated from a North Carolina high school.

Now, more than ever, we need your help! Please sign up for the ACLU-NC's action alerts by sending in the form at the bottom of Page 8 of this newsletter or email this info to [aclunc@nc.rr.com](mailto:aclunc@nc.rr.com).

Recent Commemorations in December 2010  
of the 62<sup>nd</sup> Anniversary of the Universal  
Declaration of Human Rights and the 219<sup>th</sup>  
Anniversary of the Bill of Rights

by Slater E. Newman, Chair,  
ACLU-NC Committee on International Human Rights

1. Proclamations were issued by Governor Perdue; by the Mayors of Asheville, Burlington, Carrboro, Cary, Chapel Hill, Durham, Forest City, Garner, Greensboro, Greenville, Hendersonville, Hickory, Knightdale, Louisburg, Morrisville, Newton, Pittsboro, Raleigh, Reidsville and Zebulon; by the Commissioners of Henderson and Orange Counties; and by the Chancellor of North Carolina State University.

2. In Chapel Hill - Reading of Carrboro, Chapel Hill and Orange County proclamations and the Bill of Rights by city and county officials and the public.

3. In Selma - Display of Bill of Rights and the Universal Declaration of Human Rights at Selma Elementary School and Selma Middle School.

4. In Hickory - Bill of Rights, a number of books on the subject and the Mayor's Bill of Rights Day proclamation on exhibit at the Hickory Public Library.

5. In Greensboro - on display at the Central Library during Human Rights Week (December 10-16) - the Mayor's proclamation and a copy of the original (1789) markup of the Bill of Rights.

6. In Wake County - At ten Wake County libraries, a display focused on the Bill of Rights and the Universal Declaration of Human Rights; Signing ceremony for Human Rights Day proclamation by NCSU Chancellor; Forum speaker on Human Rights at Community United Church of Christ; Reading and demonstrating the Universal Declaration of Human Rights by eighth graders from Raleigh's Exploris Middle School; International Human Rights Award Dinner; Joint celebration of the anniversaries of the Bill of Rights and of the Universal Declaration of Human Rights; Essay and Video contests on a human rights topic at North Carolina State University.

And now on to 2011! We encourage you to begin planning for Human Rights Day/Week and Bill of Rights Day for your community. Please let us know how we may be of help by contacting Slater E. Newman at [slaterpat@mindspring.com](mailto:slaterpat@mindspring.com). We look forward to hearing from you.

# 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/our check for:**

- \$5 Limited Income Membership
- \$20 Basic Membership
- \$30 Joint Membership
- \$35 Contributing Membership\*
- \$50 Joint Contributing Membership
- \$75 Supporting Membership
- \$125 Sustaining Membership
- \$1,000 Lifetime Membership
- \$ Other

*\*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: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY/ZIP: \_\_\_\_\_  
PHONE: \_\_\_\_\_  
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



**Introducing the two Boards  
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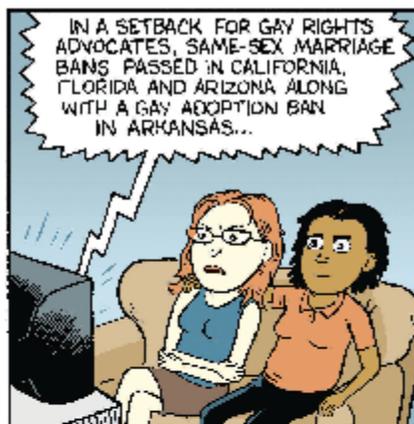
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**LIBERTY**

*The Quarterly Newsletter of the ACLU of North Carolina*

**4 issues per year:**

January, April, July, and October

**STAFF:**

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**Sarah Preston**, Policy Director  
**Emily-Mary Brown**, Paralegal  
**Raul A. Pinto**, Racial Justice Fellow  
**Kevin Eason**, Program Associate

**INTERNS (Spring 2011):**

**Morgan Stewart**, UNC School of Law

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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.



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***Save the Date!***

Mark your calendar now and plan to attend the Annual Membership Meetings of the ACLU of North Carolina and the ACLU-NC's Western NC Chapter!

Sunday, May 22, 2011

1:30 - 3:00 p.m. (Western NC Chapter)  
3:00 - 4:00 p.m. (ACLU of North Carolina)

Location: Congregation Beth HaTephila  
43 North Liberty Street, Asheville, 28801



Lotte Meyerson

The Western NC Chapter of the ACLU-NC will present its Evan Mahaney Champion of Civil Liberties Award to Lotte Meyerson for a lifetime of activism fighting discrimination in any form.

Then, starting at 3:00, the ACLU of North Carolina will host our annual membership meeting, featuring "The Checkpoint Experience - A Discussion of Different Strategies Used to Combat Racial Profiling," led by our Racial Justice Fellow, Raul A. Pinto.

Election results for ACLU-NC and ACLU-NCLF Boards of Directors will be announced. Desserts will be provided; no charge to attend. Open to the public — bring a friend!