

# LIBERTY



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## ACLU Files Lawsuits After Government Wrongfully Deports U.S. Citizen With Mental Disabilities

The American Civil Liberties Union, the ACLU of North Carolina Legal Foundation (ACLU-NCLF), and the ACLU of Georgia filed lawsuits on October 13, 2010, in federal courts in North Caro-



Mark Lyttle

lina and Georgia on behalf of Mark Lyttle, a North Carolina-born U.S. citizen of Puerto Rican descent with mental disabilities who was wrongfully deported to Mexico and forced to endure more than four months of living

on the streets and in the shelters and prisons of Mexico, Honduras, Nicaragua and Guatemala.

“What happened to Mark Lyttle is unconscionable,” said

Judy Rabinovitz, Deputy Director of the ACLU Immigrants’ Rights Project. “Our Constitution and our laws demand fair treatment for people with mental disabilities in any court, including immigra-

*(Continued on page 10)*

## ACLU Applauds Court Ruling Upholding Amazon Users’ Privacy And Free Speech

A federal judge ruled on October 25, 2010, that government requests for detailed information about Amazon.com customers violate Internet users’ rights to free speech, anonymity, and privacy. The ruling came in a lawsuit originally brought by Amazon to stop the North Carolina Department of Revenue (NCDOR) from collecting personally identifiable information about customers that could be linked to their specific purchases on Amazon. The American Civil Liberties Union,

ACLU-NCLF and ACLU of Washington intervened in the lawsuit on behalf of several Amazon.com customers whose information was at stake.

“The ACLU is not taking issue with the Department’s authority to collect taxes on these purchases, but there is no legitimate reason why government officials need to know which North Carolina residents are reading which books or purchasing which specific brands of products,” said Katy Parker, ACLU-NCLF Legal Director.

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# ACLU-NC Announces Exciting New Plan to Expand our Communications Statewide

## *A Letter from the Executive Director*

**T**his year, the ACLU of North Carolina celebrates its 45th Anniversary. Yet, as we celebrate our momentous successes and accomplishments over the past four and one-half decades, we also face unprecedented challenges. Our mission has grown ever more urgent and the demands for our work more pressing. We are currently fighting new proposals throughout North Carolina that threaten to roll the clock back decades, reversing crucial gains we have made in the areas of school desegregation, reproductive freedom, equal protection, and religious liberty, among others.

I write today with an urgent message: we need your help! The ACLU-NC/LF Board of Directors has developed a bold new plan to address the challenge before us — but we can only succeed with your support.

### **The Challenge:**

Over the past three years, we have seen a sharp drop in the number of members and donors who support our work in North Carolina. This decline is primarily due to two factors: (1) the economic recession has led many people to cut back on their charitable giving at a time when we need it the most, and (2) some of our members who became involved for the first time during the years when civil liberties were under siege by the Bush Administration have failed to realize that **the work of the ACLU is every bit as urgent now as ever.**

### **The Solution:**

So how can we address this problem, you ask? How can we convince fair-minded, socially

conscious North Carolinians to once again make the ACLU a top priority among the various worthy causes to which they contribute each year? **The answer is, communication.**

In this new, constantly changing, technological world in which people receive information on a minute-by-minute basis from media sources that most of us could not have imagined a decade ago, it is no longer enough for the ACLU-NC to simply do great work and let our successes speak for themselves. While our small staff does a masterful job of making sure that our court cases and key legislative priorities are featured in mainstream media, a much more comprehensive approach is needed if we are to reach people across the state with our messages of freedom, equality, fairness, and Constitutional integrity.

Using both traditional media and new media, we must reach out to North Carolinians with messaging that informs them of their rights, raises awareness about today's threats to civil liberties, alerts people to the work of the ACLU-NC and how to contact us for help, and dispels the patently false myths about our mission and our work that have been spreading like wildfire through lies, distortions, and Internet hoaxes disseminated by opponents of the principles for which the Constitution *really* stands. We must also be proactive in messaging around some of the most challenging issues of our day, including immigrants' rights, racial justice, the importance of preserving our right to privacy (an ever-shrinking concept in this new technological age), and the fundamental Constitutional



Jennifer Rudinger, Executive Director

requirement of government neutrality when it comes to religion. And finally, we must communicate the *urgent need* for people to continue to support the ACLU to the extent their finances allow, regardless of which party controls which branch of government.

To achieve this vision for a vibrant, effective, strategic, statewide communications program, we have created a new senior-level staff position: Communications Director. With your help, we look forward to filling that position soon and launching this exciting new program.

### **How You Can Help:**

Please tear off the donation form on Page 5 and give a generous tax-deductible contribution to support our work. We promise to use every penny wisely, and we are *very* grateful for your help.

If you prefer to charge your contribution over the phone using MasterCard or Visa, please give me a call at (919) 834-3466 or donate online through our secure website at:

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

Thank you so much for your past support. Please continue to do what you can to support our vital legal, legislative, educational, and communications programs throughout North Carolina.

# ACLU-NCLF Sues Johnston County Schools for Violating Religious Freedom of Mother and Daughter by Banning Nose Stud

**A**riana Iacono, a 14-year-old freshman at Clayton High School, wears a nose stud, a tiny gem piercing no bigger than the average freckle, as a fundamental expression of the religion which both she and her mother practice. The Johnston County Schools' dress code policy prohibits facial piercings but allows for exemptions to the policy for religious reasons. Ariana and her mother, Nikki Iacono, followed the rules and requested that the school district grant them a religious exemption, and Nikki explained that the nose stud was Ariana's way of following in the religious tradition in which Nikki wanted to raise her. Nikki offered evidence that this was a sincerely held religious belief, but her efforts were rebuffed and her religion dismissed by every school official to whom she turned for help.

Despite the fact that she had been an honor roll student in middle school, principal Clint Eaves suspended Ariana four (4) times this school year for no other reason than the fact that her left nostril is pierced with a tiny gem. She was then banished to an alternative school for the remainder of the school year, with the caveat that the same dress code applies in the alternative school



Jennifer Rudinger, ACLU-NCLF Executive Director; Ariana Iacono; Nikki Iacono; Jon Sasser, ACLU-NCLF Cooperating Attorney and Lead Counsel on this case; Mary Kristen Kelly, ACLU-NCLF Cooperating Attorney. Sasser and Kelly are with the law firm of Ellis & Winters.

so the Iaconos' rights would continue to be violated.

The ACLU-NCLF filed a lawsuit on behalf of Nikki and Ariana Iacono in federal court on October 6, 2010, alleging repeated violations of the family's constitutional rights under the First and Fourteenth Amendments to the U.S. Constitution. On October 8th, U.S. District Judge Malcolm J. Howard granted an emergency court order

allowing Ariana to return to classes and preventing the school from disciplining her for wearing her nose stud.

"We are thrilled that Ariana has been able to return to her studies while this lawsuit is pending," said Nikki Iacono. "She missed 22 days of school this fall because the school wrongfully forced her to choose between her education and our family's religion."

The lawsuit is ongoing, and the underlying constitutional issues remain to be decided.



# Highlights of the ACLU-NC/LF's Work Across North Carolina in 2010

**Graham County:** Last year, an attorney (and ACLU member) who practices in Graham County alerted us to the fact that the County had removed all secular symbols from its holiday display and was erecting a crèche on the courthouse lawn with no other holiday items on display. We notified the County Attorney that this was unconstitutional, and we may consider legal action if this happens again this year.

**Stokes County:** After receiving complaints from residents, including veterans, in the City of King about a Christian flag being flown at a city-sponsored Veterans' Memorial, the ACLU-NCLF wrote a letter to the City, urging that since the memorial is government-owned, flying the Christian flag runs afoul of the First Amendment's requirement that government must remain neutral with regard to religion. The City Attorney agreed with our analysis, and the City Council voted to take the flag down.

**Lee County:** ACLU-NCLF contacted the Lee County school board attorney in August 2010 after the father of a basketball player at Southern Lee High School reported to us that the coach had been requiring the student athletes to attend church with the coach as a team, and anyone who did not attend was disciplined with running extra laps. This coach also instructed the students not to tell their parents what is discussed during team meetings and practices. We were assured that such activities would cease immediately.



**Polk County:** ACLU-NCLF and Disability Rights NC have been assisting a 6-year-old autistic child whose teacher had been strapping him to wooden chairs, sitting on him, causing pain by holding his arms in stress positions, and putting hot sauce and vinegar in his mouth. We have secured placement in a much better educational program for this boy and are pushing for better training and policies for school officials and teachers.

**Wilson County:** On behalf of the concerned parent of an elementary school student, ACLU-NCLF persuaded the Wilson County Schools to cease allowing Gideon representatives to distribute Bibles in the elementary schools.

**Stanly County:** ACLU-NCLF signed onto a friend-of-the-court brief on behalf of a school administrator who was fired as retaliation for an earlier lawsuit she had filed against some school board members.

**Scotland County:** In October 2010, the ACLU-NC contacted officials with the Town of East Laurinburg to express our concerns regarding a proposed town ordinance that would make wearing saggy pants a misdemeanor. We informed town officials that the proposed ban would violate the First Amendment and urged them to reject the ordinance. We are monitoring this situation closely.

**New Hanover County:** ACLU-NCLF signed onto a friend-of-the-court brief and assisted the legal team representing State Sen. Julia Boseman, whose former partner is challenging the validity of the adoption of the partner's biological son. Both women had entered knowingly and willingly into this adoption and had raised their son together as co-parents prior to their break-up. If their adoption agreement is ruled invalid on the basis that they were a same-sex couple, this ruling could threaten the validity of similar adoptions by hundreds of families in North Carolina. The case is pending in the North Carolina Supreme Court.

Counties in which the ACLU-NCLF is currently investigating or litigating complaints of various egregious violations of North Carolinians' rights to religious liberty and the requirement that the government must remain neutral with respect to religion:

- Alamance
- Cumberland
- Forsyth
- Graham
- Johnston
- Robeson
- Rowan
- Stokes

**Tyrrell County:** ACLU-NCLF, in partnership with the NC Justice Center and the national ACLU, filed a lawsuit against Captain Charlie's Seafood on behalf of immigrant women crab workers, alleging gender discrimination and gender-based wage discrimination.

**Beaufort County:** ACLU-NCLF signed onto a friend-of-the-court brief in a lawsuit against the Beaufort County Board of Ed., arguing to the NC Supreme Court that students have a constitutional right to placement in an alternative school during a period of long-term suspension. Unfortunately, in October 2010, the Court refused to recognize such a right. However, the Court did rule that school administrators' denial of such placement could not be arbitrary.

**Wake County:** The Wake County school board voted earlier this year to eliminate socioeconomic diversity as a factor in student assignment to schools. The ACLU-NC spoke out against this change, challenged the process used as a violation of the state's Open Meetings Law, and continues to fight against any policy that could roll back crucial gains made in achieving diversity in schools.

## Please Support the ACLU of North Carolina Legal Foundation By Making a Tax- Deductible Contribution Today!

Friends, we need your help! We see many challenges to American's fundamental freedoms looming in the courts, in Congress, in the halls of the North Carolina General Assembly, and in city councils, school boards, and boards of county commissioners across the state. As you evaluate your budget and think about your charitable contributions for 2010, please put the ACLU-NCLF at the top of your list. The demand for our services has never been greater. Our legal program now processes anywhere from 200-250 requests for assistance per month!

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

\$50    \$100    \$250    \$500    Other \$ \_\_\_\_\_

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

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

City: \_\_\_\_\_, NC   Zip: \_\_\_\_\_

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

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

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

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

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

For more information or to charge your contribution on a credit card, contact 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)**

## Anti-Immigrant Resolution in Mecklenburg County Defeated!

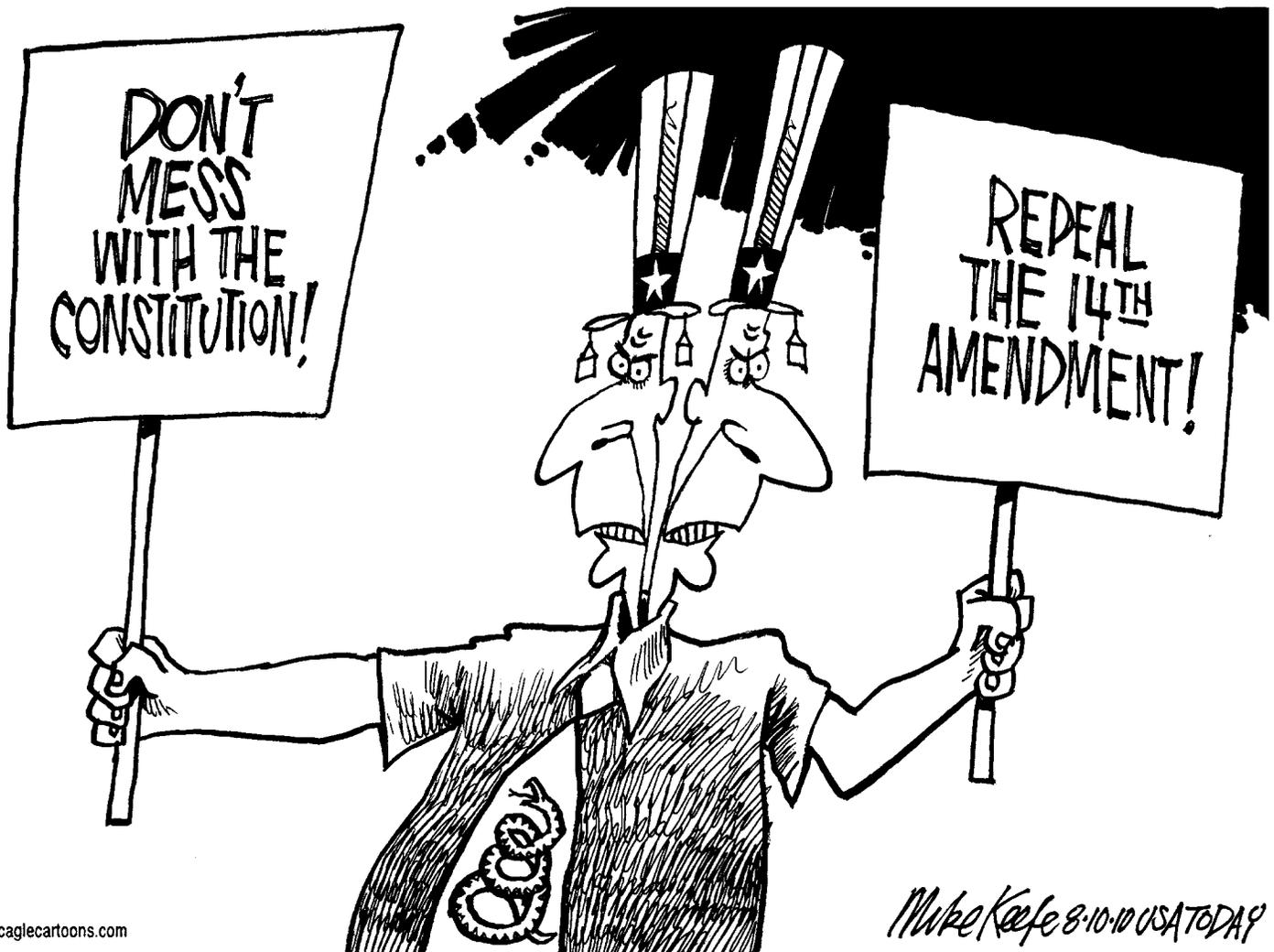
An "action item" proposed by County Commissioner Bill James would have required the Mecklenburg County Department of Social Services (DSS) to report to U.S. Immigration and Customs Enforcement and the Mecklenburg County Sheriff's Office those people it identified as ineligible for state benefits using a federal database. Not only did this resolution flatly direct the DSS to ignore state and federal regulations, but it suggested using a database that is incapable of determining whether a person is undocumented to do just that. What's more, the resolution twice used the derogatory term "anchor babies" to describe U.S. citizen children of immigrant

parents and equated all immigrants with terrorists. This resolution suggested that background checks should be performed on all immigrant parents and used inflammatory language suggesting that their U.S. citizen children may have terrorist ties.

In early October, the ACLU-NC sent a letter to the Mecklenburg County Commissioners, explaining that passage of such a resolution could dissuade parents of U.S. citizen children from seeking benefits for their children – benefits to which these children are entitled and which may be desperately needed. In addition, passage of these obviously biased types of resolutions only serves to encourage racial and

ethnic profiling by government officials while destroying trust between the Latino and immigrant populations and law enforcement and other government bodies, which poses a danger to public safety for us all.

Thankfully, Commissioner James' "action item" died because no one would second his motion. In addition, we are pleased to report that a watered-down version asking that the Commission send a letter to the Department of Homeland Security seeking information about sharing data from federal databases with other government agencies failed by a vote of 5-3.



**ACLU-NCLF is Thrilled to Announce our Honorees for the  
42nd Annual Frank Porter Graham Awards Ceremony  
on February 12, 2011, in Chapel Hill:  
Mandy Carter, Jay Ferguson and Loretta Mershon.**

**F**or 42 years, the ACLU-NCLF has had the distinguished honor of recognizing local exemplary civil rights leaders at our annual Frank Porter Graham Awards Ceremony. This year, we are thrilled that our keynote speaker will be **Dr. Timothy Tyson**, author of the much-acclaimed *Blood Done Sign My Name* and other award-winning books. Dr. Tyson is a



Dr. Timothy Tyson

Senior Research Scholar at the Center for Documentary Studies and Visiting Professor of American Christianity and Southern Culture at Duke University. *Blood Done Sign My Name*, a finalist for the National Book Critics Circle Award and winner of the Christopher Award and the North Carolina Book Award, was the 2005 selection of the Carolina Summer Reading Program at the University of North Carolina at Chapel Hill, assigned to all new undergraduate students. *Blood Done Sign My Name* was made into a movie that was released nationwide in February 2010. Tyson's previous book *Radio Free Dixie: Robert F. Williams and the Roots of Black Power* (UNC Press, 1999) won the James Rawley Prize and was co-winner of the Frederick Jackson

Turner Prize, both from the Organization of American Historians. He also co-edited, with David S. Cecelski, *Democracy Betrayed: The Wilmington Race Riot of 1898 and Its Legacy* (UNC Press, 1998), which won the 1999 Outstanding Book Award from the Gustavus Myers Center for the Study of Human Rights in North America. Tyson is a North Carolina native and a graduate of Duke (M.A. '91, Ph.D. '94).

The Frank Porter Graham Award will be presented this year to **Mandy Carter**, one of the country's leading African-American lesbian social justice activists. Carter has a history of organizing for social justice, racial equality, and lesbian/gay/bisexual/transgender (LGBT) equality that spans more than four decades. She credits her longstanding commitment to activism to the influences of the Quaker-based American Friends Service Committee, the former Institute for the Study of Nonviolence, and the pacifist War Resisters League, but her participation in the Dr. Martin Luther King, Jr.-inspired Poor People's Campaign, organized by the Southern Christian Leadership Conference in 1968, truly solidified her lifetime commitment to nonviolence.

In 1993, Carter was one of six co-founders of Southerners On New Ground (SONG), and she served as its Executive Director. Founded and based in Durham, SONG's purpose is to build progressive movements across the South by developing transformative models of organizing that connect race, class, culture, gender, and sexual identity.



Mandy Carter

Specifically, SONG integrates work against homophobia into freedom struggles in the South.

In 2003, she also helped found the National Black Justice Coalition, a national civil rights organization of concerned African-American LGBT individuals and allies dedicated to fostering equality by ending racism and homophobia.

Carter was nominated for the Nobel Peace Prize as part of the "1,000 Women for the Nobel Peace Prize 2005" in order to recognize, make visible and celebrate the often invisible peace work of thousands of women around the world. She has served on a long list of Boards of prominent social justice and political organizations, is a featured speaker at national civil rights events, and has received a number of honors from groups such as the National Gay and Lesbian Task Force, Boston Gay & Lesbian Advocates & Defenders, and the LGBT Center of Raleigh.

The Paul Green Award will be presented to **Jay Ferguson** for his extraordinary contributions to

*(Continued on page 8)*

## Victory in Amazon Case

(Continued from page 1)

U.S. District Judge Marsha J. Pechman of the Western District of Washington wrote: “The First Amendment protects a buyer from having the expressive content of her purchase of books, music, and audiovisual materials disclosed to the government. Citizens are entitled to receive information and ideas through books, films, and other expressive materials anonymously. ... The fear of government tracking and censoring one’s reading, listening, and viewing choices chills the exercise of First Amendment rights.”

According to the lawsuit filed by Amazon in April, NCDOR issued a request to Amazon for the purchase records from August 2003 through February 2010 of customers with a North Carolina shipping address as part of a tax audit of Amazon. Amazon provided NCDOR with product codes that reveal the exact items purchased – including books on the subjects of mental health, alcoholism and LGBT issues – but withheld individually identifiable user information, including names and addresses. NCDOR refused to agree that it is not entitled to such information, leading to the lawsuit.

## FPG Awards Ceremony

(Continued from page 7)

the death penalty defense community. Those of us who advocate for abolishing the death penalty know



Jay Ferguson

Ferguson to be a gifted attorney with a passion for justice and a generous heart. He has an incisive mind and keen talent as a litigator coupled with a genuinely humble spirit. Attorneys representing capital defendants regularly seek his advice, and he is always willing to listen and give wise counsel.

Ferguson has worked on a number of death penalty cases over the years, perhaps most notably winning relief for Guy LeGrande in 2008. LeGrande is a severely mentally ill man who insisted on representing himself at trial. An African-American man, LeGrande was sentenced to death by an all-white jury, having been tried by a prosecutor’s office

that rewarded assistant district attorneys who secured death sentences with noose lapel pins.



Loretta Mershon

Ferguson took the case on appeal and argued successfully that LeGrande was not competent to be executed.

This was the first time a North Carolina court found that a death-sentenced prisoner was not competent to be executed by the State.

Ferguson also played a prominent role in securing passage of the Racial Justice Act and in developing litigation strategy since this new law took effect. For his tireless efforts in these and so many more endeavors and for his unwavering passion for justice, we proudly present the Paul Green Award to Jay Ferguson of the Durham law firm Thomas, Ferguson & Mullins.

Finally, the Board of Directors of the ACLU-NC will honor one of our most dedicated volunteers, **Loretta Mershon**, with

### 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.

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If you know it:

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

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

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

**AMERICAN CIVIL LIBERTIES UNION**  
of NORTH CAROLINA

the Norman Smith Award. Mershon was nominated unani- mously by the ACLU of Wake County Board of Directors for her many years of service to the Wake County ACLU chapter. Mershon has been an active member of the ACLU since the 1970's.

She rejoined the Wake County ACLU Board in 2002 and served with distinction in several important leader- ship roles over the next eight years, including Board Secretary, Historian, Member and Chair of the W.W. Finlator Awards Nominating Committee, member of the Executive Commit- tee, and Acting Board President. Her enthusi- asm and leadership were instrumental in the ACLU of Wake County's long — and ultimately success- ful! — quest to persuade the Raleigh City Council to adopt a resolution urging Congress to amend or repeal the USA PATRIOT Act.

Her extraordinary grace provided stability

for the Wake ACLU chapter dur- ing trying times, and although Mershon, ever humble, would dis- pute this contention, there truly is no more deserving candidate for the Norman Smith Award.

Please mark your calendars and make your reservations early

to join us as we celebrate the work of these inspiring honorees:

- Saturday, February 12, 2011
- 5:30 p.m. jazz reception, light hors d'oeuvres, open bar
- 7:00 awards presentations, key- note speech by Dr. Tim Tyson
- At the Friday Center, Chapel Hill

### 42nd Annual Frank Porter Graham Awards Ceremony

Name(s) \_\_\_\_\_  
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 \_\_\_\_\_  
 Address \_\_\_\_\_  
 \_\_\_\_\_  
 Phone # \_\_\_\_\_  
 E-mail \_\_\_\_\_  
 I prefer to charge my reservations to:  
                   VISA            MASTERCARD  
 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. 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 January 26, 2011.

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.

The ACLU-NCLF is offering the opportunity to purchase an ad in the program for the Frank Porter Graham Awards Ceremony. Advertise your business, send a message of congratulations to this year's honorees, or celebrate the Bill of Rights!

**Full page (5" x 8") — \$100**

**1/2 page (5" x 4") — \$50**

**1/4 page (2.5" x 4", or business card) — \$35**

Ads should be e-mailed to [aclunced@nc.rr.com](mailto:aclunced@nc.rr.com).

PDF, JPEG or Word formats preferred.

Ads should be submitted no later than January 26, 2011.

Please call Jennifer Rudinger, Executive Director, at 919-834-3466 for more information.

(All ads may be subject to editing.)



Special thanks to our devoted friends at Replacements, Ltd. for once again sponsoring the Frank Porter Graham Awards Ceremony.

## U.S. Citizen Deported

*(Continued from page 1)*

tion courts. Pushing Mr. Lyttle through proceedings that he clearly couldn't understand and then deporting him was not only inhumane but a gross violation of his due process rights."

Lyttle's entanglement with immigration authorities began when he was about to be released from a North Carolina jail where he was serving a short sentence for inappropriately touching a worker's backside in a halfway house that serves individuals with mental disorders. Despite having ample evidence that Lyttle was a U.S. citizen – including his social security number, the names of his parents, his sworn statements that he was born in the United States, and criminal record checks – officials from the North Carolina Department of Correction referred him to Immigration and Customs Enforcement (ICE) as an undocumented immigrant whose country of birth was Mexico. Lyttle had never been to Mexico, shared no Mexican heritage, spoke no Spanish and did not claim to be from Mexico.

"Mark Lyttle was born right here in Rowan County, North Carolina," said Katy Parker, Legal Director for the ACLU-NCLF. "There was plenty of evidence indicating that fact, and with the slightest bit of effort, the government could have confirmed his U.S. citizenship instead of shipping this poor man off to a country where he didn't even speak the language."

Lyttle was left alone and penniless in Mexico with no clothes other than a prison jumpsuit, and he was completely unable to speak Spanish. Mexican authorities sent him to Honduras, where he was imprisoned and faced with guards who threatened to shoot him. Honduran officials sent him to Guatemala and eventually, he



Mark Daniel Lyttle, 33, was deported to Mexico in 2008, despite the fact that he is a U.S. citizen born and raised in North Carolina.

made his way to the U.S. Embassy in Guatemala City. Within a day, embassy officials contacted one of Lyttle's three brothers at the military base where he was serving, leading to Lyttle being issued a U.S. passport and finally getting to come home. He is now living in Griffin, Georgia, where he is recovering and receiving medication for his mental health problems.

"I didn't think what happened to my brother could ever happen in America," said David Lyttle, one of Mark Lyttle's brothers and who is currently living in South

Carolina. "Nothing can take back what he suffered, but I hope this lawsuit prevents other people from going through the same thing he did."

The widespread failure of the Department of Homeland Security and the Department of Justice to implement a system to identify immigration detainees who have severe mental disabilities and provide them assistance throughout the detention and court process was recently documented in a report jointly published by the ACLU and Human Rights Watch.

## ACLU-NCLF Assists Lesbian Couple Forced to Leave Raleigh Shopping Center After Showing Affection

On October 14, 2010, Caitlin Breedlove and her girlfriend, Shorlette Ammons, were sitting on an outdoor bench in Cameron Village shopping center in Raleigh, enjoying the beautiful weather after eating lunch at a nearby restaurant. Breedlove and Ammons had their arms around each other and exchanged a brief kiss on the cheek when a security guard approached them and told them to leave because “no one wants to see that at Cameron Village.” Breedlove asked the security guard whether they would be asked to leave if the two were a man and a woman, and the guard said that no, that would be different. Breedlove then asked the guard to call a supervisor, and the supervisor told them to leave as well.

Breedlove, who happens to be the co-director of Southerners On New Ground (SONG), then contacted the ACLU-NC for help. Our Legal Director, Katy Parker, immediately contacted York Properties, the company that manages Cameron Village, expressing our deep concern about this incident and demanding to see any company policies

related to ejecting individuals for public displays of affection.

After the ACLU-NCLF and Breedlove spoke out in the media and called for reforms, officials with York Properties apologized to Breedlove and Ammons, suspended the security guard, and indicated a willingness to adopt better training for their employees concerning nondiscrimination. Approximately 150 people attended a peaceful demonstration at Cameron Village following this incident, speaking out for equal rights and showing support for the couple.

“It is so important that LGBTQ people, especially young people, understand that we can gather our resources and collectively organize to win our dignity back when things like this happen,” said Breedlove. “In this situation, the ACLU of North Carolina was an example from the beginning of what can happen when powerful



Caitlin Breedlove and Shorlette Ammons

allies listen and respond to injustice in our communities, and join with other leaders to fight back. We know we can count on the ACLU-NC to fight injustice by our side.”

SONG and the ACLU-NC are working to make sure that this doesn't happen to any other same-sex couples at Cameron Village. Until we see York Properties actually implement strong nondiscrimination policies and better training for its employees, we do not consider this matter closed. We and our coalition partners are also advocating for nondiscrimination policies statewide, in both the public and private sectors.

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.

# Chapter Updates

## ACLU of Western NC

The ACLU of WNC Chapter sponsored booths at both the Goombay and the Blue Ridge Pride festivals this fall, talking with people about their civil liberties, distributing literature, and registering voters. One supporter created a sign describing the right of ex-felons to vote in North Carolina, which attracted much interest and attention and alerted numerous potential voters to their important civil right to vote.

The chapter board helped organize a press conference about the malfeasance in the SBI serology lab, generating news coverage by our local CBS and ABC affiliates, a good article in the *Asheville Citizen-Times*, and a feature headlining the ACLU in the *Blue Banner*. UNC-Asheville's ACLU Chapter President Alex Holsten spoke at the press conference in front of the Buncombe County courthouse, calling for criminal justice system reforms including the repeal of capital punishment in North Carolina.

In October, the chapter co-sponsored a forum at St. Eugene's Catholic Church in Asheville on "How to protect yourself from immigration laws 287(g) and Secure Communities" by immigration attorney Marty Rosenbluth from the Southern Coalition for Social Justice, as well as a talk by Steve Hendricks, author of the new book, *A Kidnapping in Milan: The CIA on Trial*, about the CIA's extraordinary rendition of an imam from Italy to Egypt, his brutal torture there, and one Italian magistrate's struggle to put the CIA's kidnapers on trial.

The chapter also continues to enlist co-sponsors and to advocate passage of the Asheville Civil Liberties Resolution drafted by the chapter board last year.

## UNC-Asheville

The UNCA ACLU student chapter shared a table with the Western NC regional ACLU chapter at the Goombay Festival in August. They discussed with festival-goers the NC Racial Justice Act and the

case of Troy Davis, a man who has been on death row in Georgia for 19 years, despite unresolved doubts about his guilt. No physical evidence links Davis to the crime and seven out of nine witnesses on whose evidence he was convicted have since changed their testimony. He has always maintained his innocence.

In other news, Chapter President Alex Holsten spoke at a press conference on the steps of the Buncombe County courthouse, calling for much-needed reforms in light of recent revelations of malfeasance by the State Bureau of Investigation.

Coming up, the chapter has several events planned, including bringing immigration attorney Marty Rosenbluth back to Asheville to discuss the correct response to anti-immigrant laws such as 287(g), as well as top leaders of the Secular Coalition for America, to discuss the importance of preserving the fundamental principle of government neutrality with regard to religion. The chapter will also be streaming the live feed of the anti-death penalty panel discussion "No Human Way To Kill," hosted in New York.

The UNCA chapter is growing in size and looks forward to many additional upcoming opportunities to increase public awareness about civil liberties issues.



Left to right: Michael Harney, WNC ACLU Chapter President Alex Cury, and UNCA Chapter President Alex Holsten registered voters and handed out literature at Goombay Festival 2010.

## Enloe High School (Raleigh)

**E**nloe High School's chapter of the ACLU started back up again this September. The students who are organizing it have high hopes for the after-school club. They have begun brainstorming a possible school-wide "bullycide" awareness week in response to the recent suicides of LGBT teens across the nation.

## Duke Law School

**T**he Duke Law ACLU has been resurrected and is rapidly expanding. The group strives to raise awareness of civil liberties within the law school by hosting speaker panels, debates, and other school-wide events. Most recently, in recognition of Banned Books Week, the chapter collected used books from students and faculty and donated them to local schools and jails.

## UNC Law School

**T**he ACLU chapter at the UNC School of Law held its first general membership meeting of the semester in early October, with 35 people in attendance to express interest in revitalizing a chapter that had fallen dormant last year.

Former ACLU-NC Legal Intern and second-year law student Jackie Azis will serve as the chapter's new President, with longtime ACLU-NC Program Associate and now first-year law student Ian Mance acting as the new Vice-President. In addition, our Treasurer for the year will be another former ACLU-NC Legal Intern, third-year law student Michael Gordon.

On October 25th, the club co-hosted its first event of the semester with the Federalist Society and Lambda Legal. Entitled



Maxine Eichner, professor at UNC School of Law, speaks to a crowd of about 100 law students and professors during the panel on marriage equality, which was jointly hosted by the UNC School of Law ACLU chapter, Lambda Law Society, and the UNC Federalist Society Chapter.

"Way(s) Forward: Gay Unions and the Role of Federal/State Authority After *Perry v. Schwarzenegger*," the forum featured current ACLU-NC Board member Holning Lau, a faculty member at UNC Law, in addition to an array of speakers discussing recent developments on the issue of marriage equality.

Besides helping to organize this forum on marriage equality, chapter members also participated in a recent demonstration in Cameron Village in support of Caitlin Breedlove and her partner Shorlette Ammons, who were ejected from the Raleigh shopping center after a security officer witnessed them sharing a kiss on a bench.

In March 2011, the ACLU chapter at UNC Law will take a group of students to Raleigh for an organized Lobby Day at the North Carolina General Assembly to meet with lawmakers from around the state on issues related to the recent scandal in the NC State Bureau of Investigation (SBI). The ACLU-NC has made SBI reform one of its top

priorities for the upcoming legislative session, and our chapter intends to support the work of Policy Director Sarah Preston in lobbying our members' respective representatives to bring meaningful change to this dysfunctional, but vital, agency.

Due to our proximity to the state office, we look forward to doing what we can to support the efforts of the ACLU in North Carolina, and we plan to be on hand to assist for events such as the annual Frank Porter Graham Awards Ceremony and other regional affiliate initiatives, campaigns, and events.

Calendar of Upcoming Events:  
Bill of Rights Day (December 15),  
Human Rights Day (December 10), and  
Human Rights Week (December 10-16)

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

December - Display focusing on the Universal Declaration of Human Rights and the Bill of Rights at the following Wake County libraries: Athens Drive, Cameron Village, Cary, East, Eva Perry, Fuquay-Varina, Green Road, North, Richard B. Harrison, and Southeast.

December 9 - 6:15 p.m., International Human Rights Award Dinner, honoring Juvencio Rocha Peralta, at the NCSU University Club. For more information, contact Joyce Scapicchio at (919) 876-0501.

**December 10-16 - Human Rights Week**

December 10 - Human Rights Day, marking the anniversary of the adoption in 1948 of the Universal Declaration of Human Rights by the United Nations.

December 13 - Reading of the Universal Declaration of Human Rights by Exploris Middle School students at the Capitol (House chamber) at noon.

**December 15 - Bill of Rights Day**, marking the addition of the Bill of Rights to the United States Constitution in 1791. At 7:00 p.m., join us for a joint celebration of the anniversaries of the Universal Declaration of Human Rights and the Bill of Rights - "Changing the World: A Close-Up Look at Two Human Rights Groups" at the Cameron Village Regional Library.

**Additional Notes:**

The Bill of Rights and the Universal Declaration of Human Rights (both the original version and a gender-neutral language version) are available on the website of the Human Rights Coalition of North Carolina, [www.hrcnc.org](http://www.hrcnc.org) - then click "Human Rights Documents."

The status as of November 1, 2010, of all treaties of the United Nations Human Rights Treaty System is available as a Narrative and Table at our website - [www.acluofnorthcarolina.org](http://www.acluofnorthcarolina.org). Then click on "human rights." This will bring you to the Narrative. The Table is accessible through a link in the narrative, at "the attached table" or at "International\_Treaties.pdf." Questions/comments/suggestions should be addressed to Slater Newman, [slaterpat@mindspring.com](mailto:slaterpat@mindspring.com).

# 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

**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: \_\_\_\_\_  
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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



# ACLU

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of NORTH CAROLINA

**Introducing the two Boards  
of Directors of the ACLU of  
North Carolina and the  
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## Job Opportunity: Communications Director

The American Civil Liberties Union of North Carolina Legal Foundation seeks experienced, articulate, mission-driven applicants for the position of Communications Director. For complete list of job duties, qualifications, and application instructions, go to [www.acluofnorthcarolina.org](http://www.acluofnorthcarolina.org). AA/EOE.

## LIBERTY

*The Quarterly Newsletter of the ACLU of North Carolina*

**4 issues per year:**

January, March, July, and October

### STAFF:

**Jennifer Rudinger**, Executive Director  
**Katherine Lewis Parker**, Legal Director  
**Sarah Preston**, Policy Director  
**Emily-Mary Brown**, Paralegal  
**Raul Pinto**, Racial Justice Fellow  
**Kevin Eason**, Office Manager

### INTERNS (Autumn 2010):

**Morgan Stewart**, UNC School of Law  
**Keith Karlsson**, Campbell University School of Law  
**Zachary Linowitz**, Duke University 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 and Reserve Seats Now!***

Mark your calendar now and plan to attend the

**42nd Annual Frank Porter Graham Awards Ceremony**

Featuring Keynote Speaker

**Dr. Timothy B. Tyson,**

**Author of *Blood Done Sign My Name***



Saturday, February 12, 2011 at 5:30 p.m.

The William and Ida Friday Center for Continuing Education  
100 Friday Center Drive, Chapel Hill, NC

Reservations \$100/person \* Table Sponsorships \$1,000 for a table for ten people

Proceeds benefit the ACLU-NC Legal Foundation \* Call 919-834-3466 to reserve seats now!