

LIBERTY



WINTER 2009

PUBLISHED 4 TIMES PER YEAR

VOLUME 42, ISSUE 1

You're Invited! Reserve Seats Now!

ACLU-NC Legal Foundation Hosts 40th Annual Frank Porter Graham Awards Ceremony on February 7th at Bay 7 in Durham

For the past four decades, the American Civil Liberties Union of North Carolina Legal Foundation (ACLU-NCLF) has had the pleasure of recognizing local exemplary civil rights leaders at our annual Frank Porter Graham Awards Ceremony. We are particularly honored to have the newly elected President of the national ACLU, **Professor Susan N. Herman**, as our keynote speaker on this special anniversary.

Professor Herman is widely regarded as an expert on the U.S. Supreme Court, particularly in the areas of criminal procedure and constitutional law. She is a 20-year veteran of the ACLU's National Board of Directors and the author of numerous articles on civil liberties issues and two books, including her latest, *The Sixth Amendment Right to Speedy and Public Trial*, part of the Praeger Press series on the Constitution. As a Centennial Professor of Law at Brooklyn Law School, Herman offers her seminar, *Terrorism and Civil Liberties*, which is an



ACLU President and keynote speaker, Susan Herman

outgrowth of her interest in post-9/11 constitutional issues. She regularly speaks to judges and lawyers around the country on behalf of the Federal Judicial Center, bar associations and CLE providers; has written amicus briefs for U.S. Supreme Court cases on criminal procedure and constitutional law; is often quoted in the media on important Supreme Court cases; and has regularly appeared as a commentator on NBC News, MSNBC and NPR.

The Board of Directors of the ACLU-NCLF is also honored to recognize three outstanding individuals selected to receive this year's awards. The Frank Porter Graham Award, which is given to honor a lifetime of distinguished service in defense of civil liberties, will be presented this year to **Bertha "B" Merrill Holt**. Born in Eufaula, Alabama, Holt attended Agnes Scott College, where she received her AB degree and, in 2007, a Doctor of Law, honoris causa. After two years at the University of North Carolina (UNC) Law School, Holt also received a LLB degree from University of Alabama Law School. She married W. Clary Holt (deceased), and they had three children, six grandchildren and two great grandchildren.

Holt served in the North Carolina House of Representatives

from 1975 until 1994 where she was involved in work to improve the lives of women, children and families.

As a member of the delegation to the Fourth United Nations Conference on Women in Beijing, she learned the need to act globally. As the first woman to be elected to the vestry of the Episcopal Church of the Holy Comforter and the first woman elected to the Bishop's Standing Committee, she added a unique dimension to legislative action and was awarded the Faith Active in Public Affairs Award by the North Carolina Council of Churches. For her lifetime of activism, fighting for women's rights, reproductive freedom, religious liberty, racial justice, the basic human rights of immigrants to fair treatment and due process under law and other treasured civil liberties guaranteed by the Bill of Rights, we are proud to honor B Holt with this year's Frank Porter Graham Award.

This year's Paul Green Award

(Continued on page 2)



Frank Porter Graham Award recipient, Bertha "B" Holt

(Continued from page 1)

recipient is **Rev. Dr. William J. Barber, II.** This award, presented jointly by the Paul Green Foundation and the ACLU-NCLF, is given to an individual or organization dedicated to abolishing the death penalty in North Carolina. As President of the North Carolina NAACP, Barber has been a leader in anti-death penalty work.

The son of Eleanor P. Barber and the late Rev. Dr. William J. Barber Sr., Barber graduated *cum laude* from North Carolina Central University in Durham with a BA degree and received his Master of Divinity degree from Duke University and doctoral degree from Drew University in Madison, NJ. In 1989, Barber was ordained by the North Carolina region of the Christian Church.

As President of the North Carolina NAACP, Barber has participated in and led a variety of anti-death penalty efforts. As a leader in the effort to push the state legislature to pass a moratorium on capital punishment and to adopt criminal justice reforms such as the Racial Justice Act, he has ensured that abolition of the death penalty is a top priority on the HK on J agenda, has spoken at numerous rallies, protests and press conferences and has been a staunch advocate for clemency and for overturning death sentences in specific cases.

Barber has won numerous awards, including an Honorary Doctorate of Divinity and the Juanita Jackson Mitchell, Esq. Award for legal activism. We are honored to present Rev. Barber with the Paul Green Award.

The Norman Smith Award, presented by the ACLU-NC Board of Directors to someone who has vol-



Rev. Dr. William J. Barber, II, Paul Green Award recipient



Shirley Andersen, Norman Smith Award recipient

unteered extraordinary time and effort in service to the ACLU-NC and its Legal Foundation, will be presented to **Shirley Andersen.** Andersen has devoted countless hours in her 21 years of service to the ACLU-NC. In a variety of roles, including fulltime paralegal, Wake County Chapter Board member and historian, state affiliate Board member, and Treasurer to the ACLU-NC Board of Directors, Andersen has shown unflinching support for the ACLU and its defense of civil liberties. She has also been a fundraiser and event planner for the Wake County Chapter, assisting with the Chapter's annual Finlator Awards Dinner. A grassroots activist at heart, Andersen tells us her favorite role has been disseminating ACLU literature and other civil rights information at civic events. We celebrate Andersen's dedication and are delighted to present her with this year's Norman Smith Award.

The 40th Annual Frank Porter Graham Awards Ceremony will take place on Saturday, February 7, 2009, at Bay 7 on the American Tobacco Campus in downtown Durham. Cocktails, hors d'oeuvres and live jazz music will begin at 5:00 PM, and the awards ceremony will begin at 6:45 PM. **We would like to take this opportunity to extend a special thank you to Replacements, Ltd., for once again sponsoring the Frank Porter Graham Awards Ceremony.**

On this special 40th Anniversary, the ACLU of North Carolina honors the past recipients of the Frank Porter Graham Award:

1. Frank Porter Graham
2. Marion A. Wright
3. John Wheeler
4. Julius Chambers
5. Paul Green
6. Alice Spearman Wright
7. Daniel Pollitt
8. McNeill Smith
9. Charles Jones
10. Charles Lambeth, Jr.
11. Norman B. Smith
12. Raymond Wheeler
13. W.W. Finlator
14. Charlotte Adams
15. James E. Ferguson
16. Father H.C. Mulholland
17. James Mattocks
18. Michael Curtis
19. Alan Galbraith
20. C. Frank Goldsmith
21. Barry Nakell
22. Adam Stein
23. Harvey Gantt
24. Allyn Robinson
25. Judge James McMillan
26. Eva Clayton
27. Chief Justice James Exum, Jr.
28. Mel Watt
29. Frank W. Ballance
30. James C. Fuller
31. Melinda Lawrence
32. George Daly
33. Chief Justice Henry Frye
34. Deborah Ross
35. Slater Newman
36. John Charles "Jack" Boger
37. John Hope Franklin
38. Sharon Thompson
39. Robert Seymour
40. Bertha "B" Merrill Holt

40th Annual Frank Porter Graham Awards Ceremony

Name(s) _____

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 30, 2009.

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) — \$30

Ads should be e-mailed to acluncdev@nc.rr.com.

PDF, JPEG or Word formats preferred.

Ads should be submitted no later than January 30, 2009.

Please call Perryn Reyelts, Development Associate, 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.**

Latest Addition to ACLU-NC's "Wall of Shame": Truth Deniers in Raleigh and Alamance County

A new year generally brings new hope, and we are hopeful that in 2009 there will be fewer incidents to add to the Wall of Shame featured in our newsletters. But rounding out 2008 on the Wall was a no-brainer: our newest members are Alamance County Sheriff Terry Johnson and the North Carolina Sheriffs' Association.

A year ago, the North Carolina Sheriffs' Association (NCSA) presented its plan for immigration enforcement to the state legislature in order to request additional funding to expand North Carolina's number of local immigration enforcement agreements with the federal government. When the ACLU-NC and others raised questions about evidence of and the potential for racial profiling through these programs, the NCSA responded by emphasizing that immigration enforcement was only conducted in jails by detention officers, and therefore only people who were arrested for other offenses were being processed.

The NCSA returned in March 2008 and again this past November

to reiterate the nonexistence of immigration enforcement in the field by sheriffs' officers. And in Alamance County, the county with the highest number of reported problems with implementation of the 287(g) immigration enforcement program, Sheriff Johnson proclaimed likewise. He stressed that his 287(g) detention officers would target only people who were arrested by officers in unrelated matters, such as violent felonies.

The problem? It just wasn't true. In December 2008, two ACLU-NC staff attorneys and several members of Fairness Alamance, a grassroots community organization in Alamance County, participated in a question-and-answer session with Sheriff Johnson during a tour of the Alamance County Jail. During this discussion, Sheriff Johnson informed the group that he did, in fact, employ an officer on an Immigration and Customs Enforcement (ICE) Task Force. This officer was continuing his duties as an employee of the Sheriffs' Office but was trained to enforce immigration law and was authorized to detain someone purely

on an immigration violation without any other offense being committed. The contract regarding this non-287(g) role actually allows for any number of sheriffs' officers to be assigned to ICE in "joint operations," and was signed in early July 2008, giving the NCSA ample time to correct itself before the state legislature and the public. But such a correction was never made, and the NCSA and Sheriff Johnson continue to claim that people processed for deportation are "self-selecting" by being arrested for other offenses (such as traffic violations). For now, the reimbursement contract for this field officer program has been "put on hold by ICE," according to Sheriff Johnson. But the work may continue without reimbursement – and we will remain vigilant in monitoring this situation and holding law enforcement accountable.

So, this quarter, the Wall of Shame dishonor goes to Sheriff Johnson and the North Carolina Sheriffs' Association for obfuscating the true character of immigration enforcement in Alamance County to elected officials and to the general public.

Fellowship Opportunity: **Immigrants' Rights Fellow**

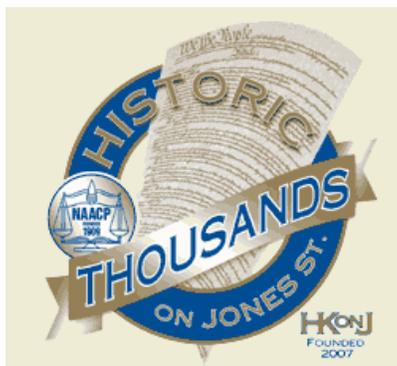
The ACLU-NCLF seeks applicants for an intensive one-year full-time research fellowship in our office in Raleigh. The Immigrants' Rights Fellow will coordinate and perform research and analysis of arrests in several counties in North Carolina, gathering data on items such as the frequency of arrests and other law enforcement encounters for certain offenses and the race and ethnicity of those arrested, information that must be noted by officers pursuant to North Carolina law. The Fellow will produce a comprehensive analysis of the resulting information, exposing possible constitutional and legal violations for potential use in the ACLU's education, advocacy, litigation and legislative programs. **Please note that no legal training or background in law is necessary.** We are looking for someone with graduate-level training or equivalent experience in statistical analysis and research.

For complete list of job duties and qualifications, compensation, and instructions on how to apply, go to

<http://www.acluofnorthcarolina.org/?q=node/55>

Applications will be reviewed on a rolling basis until the position is filled. The ACLU-NCLF is an equal opportunity/affirmative action employer. We encourage applications from all interested persons, including women, people of color, persons with disabilities and LGBT persons.

Join the ACLU of NC at the 3rd annual HK on J march and rally in Raleigh



Saturday, February 14, 2009
HK on J: Historic Thousands on Jones Street
March behind the ACLU-NC banner!



So far, more than 75 organizations have joined together and thousands of North Carolinians have marched and rallied in support of HK on J's 14-point civil rights agenda. In 2009, the HK on J coalition will commit even more vigorously to this agenda, as well as reform of the criminal justice system to prevent prosecutorial misconduct against any person, regardless of race. See the entire agenda at www.hkonj.com.

For more information and to join the rally on 2/14/09, contact:
Rebecca Headen, Staff Attorney, ACLU-NCLF Racial Justice Project
aclulegal@nc.rr.com, (919) 834-3466

**Spring 2009 Board Elections Are Just Around the Corner —
Nominating Committee Invites ACLU-NC Members to Suggest
Candidates for ACLU-NC Board of Directors**

The ACLU-NC's Nominating Committee invites our members to suggest people who would be hardworking, committed members of the ACLU-NC and ACLU-NC Legal Foundation Boards of Directors. Board members serve three-year terms and are expected to attend quarterly Board meetings, actively serve on committees, and support the organization financially both by giving a contribution themselves and by soliciting contributions from other donors. For more information or to suggest a potential nominee, contact ACLU-NC Executive Director Jennifer Rudinger at (919) 834-3466 or aclunced@nc.rr.com. We'd especially love to receive nominations of people who live outside the Triangle or Triad or who can add diversity to our Board in terms of race, religion, sexual orientation, disability, ethnicity, gender, age or other characteristics.

In addition, the ACLU-NC bylaws allow members in good standing to seek election by petition rather than by nomination. The deadline for submission of petitions to run for the Board is Friday, February 20, 2009, at 5:00 PM. The bylaws of the ACLU of North Carolina state as follows:

Nomination by Petition. Each year, in sufficient time to use this process, the membership shall be notified that additional nominations may be made by petition of twenty-five (25) or more members. These petitions may be sent to the organization by mail or delivered to the office of the ACLU of North Carolina in person, no less than thirty (30) days prior to any election.

Nominating Process. At least thirty (30) days before the Annual Meeting, the Nominating Committee shall report to the Board the names it proposes along with a brief biographical statement about each candidate. If nominating petitions have been received, it shall also report these names. Upon receiving the recommendation of the Nominating Committee, and any list of additional nominees, as appropriate, the President of the Board shall cause ballots to be printed and mailed, along with biographical statements supporting each nominee, to the members of the ACLU of North Carolina, at least four weeks prior to the date set for the annual members' meeting. The seven (7) nominees who receive the highest number of votes shall be certified by the Board.

Program Updates from Legal Director Katherine Lewis Parker

A CLU of North Carolina Legal Foundation Applauds Settlement in

“Dirty Dancing” Lawsuit Against the Town of Marshall:

In November 2008, the American Civil Liberties Union of North Carolina Legal Foundation (ACLU-NCLF) applauded the successful settlement of a six-year-old lawsuit against the Town of Marshall, NC, for unfairly imposing a lifetime ban on Rebecca Willis, prohibiting her from dancing at the Town Depot, the public music hall in Marshall. The case, *Willis v. Town of Marshall*, has been nicknamed the “Dirty Dancing” case because Mrs. Willis was banned for life from dancing at the Town Depot due to disapproval of her style of dancing and/or dress by members of the Town and its Depot Committee.

The settlement came in the wake of a Fourth Circuit Court of Appeals decision in Mrs. Willis’ favor this Spring, finding that “a reasonable jury could conclude that the Town’s actions, rather than being guided by concern for the public welfare, were actually motivated by a conscious desire to single her out for undeserved punishment” and denying the Town’s request to have the case dismissed.

Attorneys for Rebecca Willis were: Jon Sasser and Tom Segars with the law firm of Ellis & Winters in Raleigh; Marc Tucker with the law firm of Smith Moore Leatherwood LLP in Raleigh; and Katherine Lewis Parker, Legal Director for the ACLU-NCLF.

ACLU-NCLF Scores Win for Street Musicians Banned in Wilmington:

Last summer, we were contacted by an individual who was ticketed for playing his saxophone on a public sidewalk for money in downtown Wilmington. Officers cited Peter Barbeau for violating Wilmington’s solicitations ordi-

nance. Barbeau was playing his saxophone while standing on a public sidewalk in downtown Wilmington, at the corner of Front and Market Streets. While Barbeau was playing, he invited donations by placing his saxophone case open on the sidewalk in front of him. A Wilmington police officer approached Barbeau and told him that he was violating Wilmington ordinance 6-16, which prohibits “[b]egging, soliciting alms, contributions, goods, or services by intimidation . . .” in the Central Business District of Wilmington. Other musicians have also been cited under this Ordinance.

Mr. Barbeau was incredulous at being ticketed for his craft. He has a degree in jazz composition and arrangement from the prestigious Berklee College of Music and has had a long career as a performer and composer. When he moved to Wilmington in March 2008, he thought he’d try his hand at the ancient craft of “busking” – performing for money in a public space. When he arrived in Wilmington, he wondered at the noticeable lack of street performers on city streets. He soon learned the reason for this.

In the Spring of 2006, the City Council in Wilmington reportedly modified its code of ordinances on begging or soliciting alms in a public space. The original ordinance, passed in May 1996, prohibited aggressive and intimidating begging throughout the city – a prohibition that has been upheld as constitutional in various courts around the country. However, the 2006 revision of the ordinance imposed a total ban on soliciting in three city districts: Central Business, Historic and



Peter Barbeau

Historic-Mixed Use. Courts around the country have held that such total bans are overbroad and hence unconstitutional restrictions on speech in violation of the First Amendment to the United States Constitution. Consequently, the ACLU-NCLF agreed to defend Barbeau on his criminal

citation.

In October 2008, the Wilmington City Council declined to amend its ordinance to permit street music, and the district attorney declined to dismiss Barbeau’s citation. As a result, the ACLU-NCLF filed a motion to dismiss the citation. ACLU-NCLF Legal Director Katy Parker represented Peter Barbeau at the hearing. The court agreed with the ACLU-NCLF and dismissed the case, ruling that the ordinance is unconstitutional. To our great delight, the entire courtroom (about 200 people) burst into applause upon hearing the ruling!

We are still considering civil litigation against the City of Wilmington if the City Council continues to refuse to amend its ordinance to permit street performers to play on public sidewalks in the downtown area.

ACLU-NCLF succeeds in implementing reform of treatment of the homeless by Orange County Sheriff’s Office:

In August 2007,

(Continued on page 7)

Orange County Sheriff's deputies ejected a group of homeless persons, including Barbara Sims and her husband, Paul "Taz" Herbert, from land at the intersection of I-40 and Martin Luther King Blvd. in Chapel Hill. After Sims and Herbert saw their belongings confiscated and destroyed by deputies as part of the incident, they contacted the ACLU-NCLF for help. Tragically, Barbara Sims was killed on May 17, 2008, after being hit by a car while crossing a street in Chapel Hill. Sims and Herbert were nearing settlement with Orange County at the time of Sims's death, working with their attorneys to negotiate an agreement that will include a new Orange County Sheriff's Office policy regarding treatment of homeless people. As part of the new policy, deputies will be required to provide adequate notice to homeless individuals before their personal property is confiscated. The policy also ensures that homeless persons will have notice and adequate due process before any confiscated property is destroyed. The ACLU-NCLF was successful in negotiating the implementation of this new policy and also secured reimbursement to Mr. Herbert in the amount of \$500.00 for items confiscated by the deputies.

ACLU-NCLF Participates in Amicus Brief that Convinces Court of Appeals to Raise Concerns About the Constitutionality of Durham Public Schools' Gang Policy:

In the Spring of 2007, the ACLU-NCLF joined other education coalition partners in filing an amicus brief in a case related to the implementation of a gang policy in Durham Public Schools. A lawsuit filed by attorney Patti Solari alleged that several children were suspended based on a vague gang policy implemented by the Durham County School District. The lower court granted the defendant school officials' motion to dismiss the complaint.

The amicus brief related specifically to two issues: (1) the vagueness of the Durham County Schools' gang policy; and (2) the lack of procedural due process provided to one of the suspended students. The amicus brief was filed on March 30, 2007. The Court of Appeals issued its decision on October 21, 2008, and most notably reversed dismissal of the gang policy question, seemingly taking its analysis directly from our *amicus* brief. The ACLU-NCLF and our coalition partners consider this a huge success for our efforts to combat the school-to-prison pipeline problem in Durham County Public Schools!



Katy Parker, ACLU-NCLF Legal Director

North Carolina Advocates for Justice Publishes Article on 287(g) Programs by Legal Director Katy Parker:

The ACLU-NCLF continues to investigate a growing phenomenon in North Carolina, whereby local sheriffs are contracting with U.S. Immigration and Customs Enforcement (ICE). To date, Alamance, Cabarrus, Cumberland, Gaston, Henderson, Mecklenburg and Wake Counties, as well as the City of Durham, have entered into Memoranda of Agreement (MOA's) with ICE, so that certain deputies can be trained to act as federal immigration agents. The ACLU-NCLF is working with our coalition partners to determine the constitutionality and propriety of these measures. Ms. Parker's article on 287(g) was published in the October edition of the North Carolina Advocates for Justice's Trial Briefs magazine.



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

Be a part of the solution!

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

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

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

Name: _____

Address: _____

Work Phone #: _____

Home Phone#: _____

E-mail: _____

If you know it:

Congressional District: _____

NC House District: _____

NC Senate District: _____



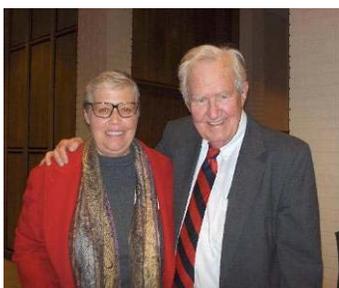
Wake County ACLU Chapter Update

The Wake County Chapter of the ACLU-NC is extremely pleased to introduce the following three new board members: **Michelle R. Kaufman**, who holds a Ph.D. in Social Psychology from the University of Connecticut, is a researcher who is primarily interested in sexually transmitted infection (STI) and HIV prevention for underserved populations, particularly women of color and women in the developing world. She approaches her research, which includes projects in South Africa and Nepal, from a human rights perspective. **Stephanie D. Kien**, who holds an M.A. in Comparative Religion from Miami University, specializes in Islamic Studies and Gender Studies. She spent this past summer at the University of Jordan to study the Arabic language and culture. The previous Spring, she presented a paper entitled *Contested Identities in Postcolonial India: Islamic Feminism and the Debates over Family Law Reforms* at the Miami University English Graduate and Adjunct Association's Symposium. As the third new board member, we welcome **Matthew Quinn**, who will receive his J.D. from Campbell University's Norman Adrian Wiggins School of Law in May 2009 and serves as editor-in-chief of the *Campbell Law Review*. He recently placed as the Third Best Oralist in the National Civil Rights Moot Court Competition. In preparation for life after law school, he clerked at the Law Offices of F. Bryan Brice, Jr. Welcome Michelle, Stephanie and Matthew!

In addition, the Wake County Chapter of the ACLU-NC celebrated its W.W. Finlator Award Dinner on the evening of November 13th with its largest group of guests ever – about 170 people in attendance! **Jack Boger**, Dean of the UNC School of Law, delivered a keynote address titled "Recovering Our Balances: Of Power and Liberty in a New Administration." It was a truly inspiring speech. This year's recipients of the Finlator Award were **Clay Stalnaker** and **Rob Schofield**, and **NC Stop Torture Now** received the Wake County ACLU Civil Liberties Award. Several past recipients of the W.W. Finlator Award were also in attendance, as were several members of the ACLU-NC staff.

We are proud to announce that **Shirley Andersen**, nominated by our very own Wake County Chapter, will receive the Norman Smith Award at the 40th Annual Frank Porter Graham Awards Dinner on February 7, 2009. Please come and help us celebrate Shirley's dedicated service to the ACLU of North Carolina and the Wake County Chapter of the ACLU!

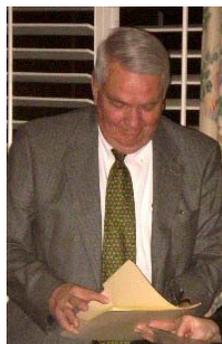
Last, but not least, we will hold our Annual Meeting during the second week of March (keep an eye and ear open for details TBA at a later date).



Wake Co. Chapter board member Jutta Street chatting with Dan Pollitt at the W.W. Finlator Award Dinner



Board member Jennifer Lorenz presents the W.W. Finlator Award to Rob Schofield



W.W. Finlator Award recipient Clay Stalnaker prepares to deliver his acceptance speech



Young ACLU-ers! The Wake Co. ACLU Chapter hosted three representatives from the Enloe High School Chapter of the ACLU at the W.W. Finlator Award Dinner. Left to right: Wilson Sayre, Treasurer; Grayson Bland, Vice-President and Zaina Alsous, President.



Jennifer Lorenz presents the Wake County ACLU Award to Stop Torture Now members Christina Cowger and Josh McIntyre

Carolina Law ACLU Chapter Update

The Carolina Law chapter welcomed about 20 new members this Fall and hosted a highly successful fundraising event: a non-partisan Election Gala, which raised more than \$1,000! That money will be directed toward grants for Carolina Law students pursuing nonprofit Summer legal work.

Continuing with the election theme, many of our members also volunteered their time with various election monitoring groups to ensure fair access to the polls. This Spring, the chapter plans to involve Carolina Law students in legal research volunteer work.

Celebrating the Anniversary of the Bill of Rights and of the Universal Declaration of Human Rights

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

In 2008, Governor Easley, Mayors of 16 communities (Asheville, Carrboro, Cary, Chapel Hill, Durham, Greenville, Louisburg, Marion, Marshall, Morrisville, Raleigh, Reidsville, Selma, Thomasville, Winston-Salem and Zebulon), the Board of Commissioners of Durham and Orange Counties and the Chancellor of North Carolina State University issued proclamations for Bill of Rights Day (December 15), Human Rights Day (December 10) and/or Human Rights Week (December 10-16) The following additional activities occurred around the state:

- Nov. 10 - Dec. 3. Exhibit created by artists in 25 countries to illustrate the articles of the Universal Declaration of Human rights (UDHR) at N.C. State.
- Dec. 3 - 10. Chapel Hill and Carrboro celebrated the 60th anniversary of the UDHR with at least one community forum on each day.
- Between Dec. 8 - 15, there were public readings of mayoral proclamations and/or of one or both documents in Carrboro, Chapel Hill, Durham, Hillsborough and Raleigh. In Raleigh, the reading was done by 8th-grade students, and this was followed by a talk by Beth Dehghan on "The Universal Declaration of Human Rights and Women."
- Dec. 8 - A talk at Warren Wilson College by Paul Magnarella on "The Universal Declaration of Human Rights - Its Origins, Its Evolution, Its Promise."
- Dec. 9 - The 13th annual International Human Rights Award Dinner in Raleigh at which Margaret (Peggy) Misch of Carrboro received the award.
- Dec. 9 - "Celebration of Light" in Winston-Salem in recognition of the festivals of the Season and of the 60th anniversary of the UDHR.
- Dec. 10 - At UNC-Asheville, the Asheville Playback Theater performed "STORIES OF FREEDOM - Our Traditions/Our Future."
- Dec. 10 - "Universal Declaration of Human Rights - Article 27 Roundtables" - events hosted by Winston Salem's arts-based elementary school, Salem College and UNC School of the Arts.
- Dec. 15 - Joint celebration of the anniversaries of the Bill of Rights and the UDHR was held in the Senate chamber of the Capitol. The ACLU of North Carolina was one of four co-sponsors.
- During December, there were displays focusing on the UDHR and the Bill of Rights at seven Wake County libraries and at one library in Johnston County.

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

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

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

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

Name: _____

Address: _____

City: _____, NC Zip: _____

Home Phone: _____

Work Phone: _____

E-mail: _____

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

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

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

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



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

LEGAL PROGRAM

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

LEGISLATIVE PROGRAM

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

**PUBLIC EDUCATION
OUTREACH PROGRAM**

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

JOIN TODAY!

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

Enclosed is my check for:

\$5 Limited Income Membership
 \$20 Basic Membership
 \$30 Joint Membership
 \$35 Contributing Membership*
 \$50 Joint Contributing Membership
 \$75 Supporting Membership
 \$125 Sustaining 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



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

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

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

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

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

LIBERTY

The Quarterly Newsletter of the ACLU of North Carolina

4 issues per year:

January, April, August, and October

STAFF:

Jennifer Rudinger, Executive Director

Katherine Lewis Parker, Legal Director

Sarah Preston, Legislative Counsel

Rebecca Headen, Racial Justice Project Attorney

Perryn Reyelts, Development Associate

Ian A. Mance, Program Associate

Emily-Mary Brown, Paralegal

INTERNS (Fall Semester 2008):

Natasha El-Sergany, UNC School of Law

Natalie Morales, Elon University School of Law

Jack Rockers, UNC School of Law

Hyunhye Angela Seo, Duke University School of Law

Liz Troutman, UNC School of Law

Contact Us:

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

Phone: (919) 834-3466 * Fax: (866) 511-1344

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



Working for a more progressive North Carolina.

The ACLU-NC Legal Foundation is proud to be a member of North Carolina Community Shares, and we thank all of our members and supporters who contribute to us through regular payroll deductions.

Payroll deduction offered by employers allows employees to make tax-deductible contributions of \$5, \$10, \$15 or more each pay period to the organizations and community initiatives they want to support. It's easy, efficient and voluntary!

To learn more, go to <http://www.ncshares.org/>

Reserve Seats Now!

40th Annual
Frank Porter Graham Awards

Saturday, February 7, 2009

American Tobacco Campus,
Bay 7
318 Blackwell Street, Durham

5:00 p.m.

Jazz Reception
Hors d'oeuvres • Cash Bar

6:45 p.m.

Welcome Address • Awards
Presentations • 2008 Highlights

Keynote Speech by

***Susan Herman, President of
the American Civil Liberties
Union***

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
your seats now!



P.O. Box 28004
Raleigh, NC 27611

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

Mark Kleinschmidt
President of both Boards

Dianna Wynn
ACLU-NC Vice-President

Carlos Mahoney
ACLU-NCLF Vice-President

Tariq Butt
ACLU-NC Secretary

Jennifer Jo Lorenz
ACLU-NCLF Secretary

Julia Leggett
Treasurer of both Boards

Jon Sasser (LF)
Legal Committee Chair

John Boddie (U)
National ACLU Board
Representative

Seth Cohen (LF)
General Counsel

Bruce Elmore
Immediate Past President

Anjail Rashida Ahmad
Judith Blau

Jim Cavener (U)
Rebecca Cerese

Zach Chen (U)
Phyliss Craig-Taylor
Mike Crum

April Gordon Dawson
Dylan Duffey (U)

Esteban Echeverria
Mike Ganley (U)

Samantha Gellar (U)
Jarvis A. Hall

Hannah Hodson (U)
Molly Leight

Lauren Maisel (U)
Natalie Morales (U)

Jack Register
Dave Shumannfang
Angelica Reza Wind

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

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