



Because Freedom Can't Protect Itself

acluofnc.org

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Noted Civil Rights Lawyer Bryan Stevenson Will Headline 2014 Awards Ceremony

“We have a system of justice in [the U.S.] that treats you much better if you’re rich and guilty than if you’re poor and innocent,” Bryan Stevenson explains in his online TED Talk that has been viewed more than 1.3 million times. “Wealth, not culpability, shapes outcomes.”

Stevenson, who will be the keynote speaker at the 45th Annual Frank Porter Graham Awards Ceremony in Chapel Hill on February 15, 2014, is the founder and executive director of the Equal Justice Initia-

tive, an Alabama-based nonprofit organization that provides legal representation to indigent defendants and prisoners who have been denied fair and just treatment in the legal system.

Stevenson has been representing capital defendants and death row prisoners in the Deep South since 1985 when he was a staff attorney with the Southern Center for Human Rights in Atlanta and has since won national acclaim for his work

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Bryan Stevenson will keynote the 45th Annual Frank Porter Graham Awards Ceremony in Chapel Hill on Feb. 15, 2014.

Four Civil Liberties Heroes to Be Honored Feb. 15



Pitts



Kinnaird



Hurley



Vetter

The 45th Annual Frank Porter Graham Awards

Saturday, February 15, 2014

at the William & Ida Friday Center in Chapel Hill

The ACLU-NC is proud to honor

- **Lewis Pitts** with the Frank Porter Graham Award
- **Sen. Ellie Kinnaird** with the ACLU-NC Award
- **Robert Hurley** with the Paul Green Award
- **Connie Vetter** with the Sharon Thompson Award

See pages 5-7 for bios and award details.

PLUS: Legal news and a message from our executive director!



LIBERTY

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Give the Gift of Liberty

Over the past year, we have seen an unprecedented onslaught of attacks on civil liberties in North Carolina, and the ACLU-NC is at the forefront of every legislative, litigation, and strategic messaging effort to combat the radical extremism we see dominating our state government. We are leaders in statewide coalitions advocating for immigrants' rights, racial justice, reproductive freedom, voting rights, students' rights, LGBT equality, and abolition of the death penalty (among others). Moreover, we are often the only statewide organization willing to advocate for free speech, religious liberty, and privacy issues, and we are leading the fight against the warrantless surveillance of North Carolinians through the use of GPS tracking devices, automated license plate readers (ALPRs), and drones.

Looking ahead to the coming year, we plan to expand our legal program so we can develop more cases and build our docket. In addition, we now have more than 10,000 members in North Carolina, and we are looking at creating a second fulltime legislative staff position in early 2015 to help Sarah Preston, our indefatigable Policy Director, who has been managing our legislative program brilliantly for seven years now but could really use some help in the North Carolina General Assembly, given the barrage of anti-civil liberties policies and proposals coming at us daily.

But none of this will be possible without your help! Please give your loved ones the gift of liberty this holiday season by making a generous tax-deductible gift in their honor, to support the work of the ACLU-NC Legal Foundation. Please tear off the form on Page 11 of this newsletter and mail it to us with your contribution, or donate through our secure website at www.acluofnc.org.

On behalf of our Board of Directors and staff, I wish you and yours a wonderful holiday season and a very happy new year! ■



Jennifer Rudinger
Executive Director

LEGAL NEWS

Appeals Court Hears Arguments in 'Choose Life' License Plate Case

The government should not be given the power to decide which sides of a political argument private citizens are allowed to express, ACLU-NC Legal Director Chris Brook told a federal appeals court on Oct. 30 during oral arguments in a case that could have a wide-ranging impact on free speech in North Carolina and other states.

North Carolina is asking the Fourth Circuit Court of Appeals, which has jurisdiction over five states, to overturn an ACLU-NC legal victory from last year in which a judge struck down a one-sided 2011 law that allowed the production of a specialty "Choose Life" license plate but not an alternative plate with a message supporting reproductive freedom.

U.S. District Court Judge James C. Fox ruled in favor of pro-choice drivers represented by the ACLU-NC in December, agreeing that offering drivers the "Choose Life" plate without offering a pro-choice alternative "constitutes viewpoint discrimination in violation of the First Amendment."

During the 2011 legislative session, the North Carolina General Assembly authorized the issuance of a "Choose Life" license plate. However, the legislature repeatedly refused to authorize a plate that supported the countervailing position in favor of reproductive freedom. Six amendments were proposed to authorize an additional new plate that stated either, "Trust Women. Respect Choice." or

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ACLU-NC at Fourth Circuit

ACLU-NC Legal Director Chris Brook (left) and Paralegal Emily-Mary Brown in front of the U.S. Circuit Court of Appeals for the Fourth Circuit in Richmond, Virginia, on Oct. 30 after Brook delivered oral arguments against North Carolina's one-sided 2011 law allowing drivers to purchase a specialty "Choose Life" license plate but not an alternative plate with a pro-choice message.

Jackson Co. Sheriff Agrees to Reform Checkpoint Policy

More than a year after the ACLU-NC launched a lengthy investigation into his department's vehicle checkpoint practices, Jackson County Sheriff Jimmy Ashe announced in October that his deputies would no longer conduct vehicle checkpoints with federal immigration officers such as Immigration and Customs Enforcement (ICE).

The original investigation stemmed from dozens of complaints the ACLU-NC received from community members about the potential targeting of Latinos at checkpoints conducted by Jackson County deputies. Several of the complaints concerned a May 15, 2012, "seat belt" checkpoint the department executed in Tuckasegee with assistance from federal ICE offic-

ACLU-NC Staff Attorney Raul Pinto successfully negotiated with the sheriff's office.



ers that resulted in the arrest of 15 undocumented immigrants.

Following talks and an in-person meeting with ACLU-NC

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THE 2014 FRANK PORTER GRAHAM AWARDS

Join us and celebrate the 45th Annual

Frank Porter Graham Awards Ceremony

Saturday, February 15, 2014

at

The William and Ida Friday Center for Continuing Education

100 Friday Center Drive, Chapel Hill, NC

5:00 p.m.—Jazz Reception

Hors D'oeuvres • Open Bar

6:30 p.m.—Welcome Address

Awards Presentations

Keynote Speech by

Attorney & Advocate Bryan Stevenson

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

Visit acluofnc.org or call 919-834-3466 for details.



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

THE 2014 FRANK PORTER GRAHAM AWARDS

(Continued from page 1)

challenging bias against the poor and people of color in the criminal justice system.

Since graduating from Harvard Law School and the Harvard School of Government, Stevenson has assisted in securing relief for condemned prisoners, advocated for low-income people and developed community-based reform litigation aimed at improving the administration of criminal justice. He is also on the faculty at New York University School of Law. He is the 1991 recipient of the ACLU's National Medal of Liberty and a 1995 recipient of the prestig-

ious MacArthur Fellowship Award Prize, commonly known as a "genius grant."

Under Stevenson's leadership, the Equal Justice Initiative has won major legal challenges eliminating excessive and unfair sentencing, exonerating innocent prisoners on death row, confronting abuse of the incarcerated and the mentally ill, and aiding children prosecuted as adults. In 2012, Stevenson successfully persuaded the U.S. Supreme Court to rule that sentences of life imprisonment without parole imposed on children convicted of most crimes in the U.S. are unconstitutional. ■

Lewis Pitts

2014 Frank Porter Graham Award

For longstanding and significant contributions to the fight for individual freedom and civil liberties in North Carolina

Lewis Pitts has spent the last 40 years as a public interest lawyer fighting for democracy and civil and human rights. He is the founder and managing attorney of Advocates for Children's Services (ACS), a statewide project of Legal Aid of North Carolina. ACS's work focuses on pursuing education justice and dismantling the school-to-prison

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45th Annual Frank Porter Graham Awards Ceremony

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Exp. Date _____

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

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

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

Please make your check payable to ACLU-NCLF or fill out credit card information above, and mail payment along with this RSVP card to:

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

Reservations \$100 per person. Call (919) 834-3466 for more info or to charge by phone.

THE 2014 FRANK PORTER GRAHAM AWARDS

(Continued from page 5)

pipeline for children from low-income families through legal advocacy, community education, and collaboration.

Pitts currently manages a six-person office and provides legal advice and representation to families in education, child welfare, and Medicaid cases. He has worked in federal and state courts to stop disparate suspensions of minority students and students with disabilities, to defend students' due process rights, to secure pre-K services for low-income students, and to defend the First Amendment rights of students and protesters, among many other causes. His work contributed to the passage of legislation that bars the shackling of juveniles in court, as well as a state Supreme Court ruling that schools cannot deny alternative education to long-term suspended students without showing just cause.

In 1980, Pitts helped start the Christic Institute, a public interest law firm headquartered in Washington, D.C., and he remained at the Christic Institute until 1991, leading their Southern work through the Christic Institute South. During that time, he participated in some high-profile civil rights cases, including winning a \$350,000 wrongful death judgment against the City of Greensboro, Ku Klux Klan, and American Nazi Party following the televised murder of five labor protesters who were shot and killed by members of the KKK and American Nazi Party but subsequently acquitted by an all-white jury. ■

Sen. Ellie Kinnaird

2014 ACLU-NC Award

For deep commitment to preserving and defending civil liberties in North Carolina

Retiring this fall after 17 years in the North Carolina Senate, Sen. Ellie Kinnaird has been a stalwart defender and advocate of civil liberties on a range of issues.

A fierce opponent of the death penalty, Kinnaird worked to curb the execution of people with mental disabilities and defend the Racial Justice Act. An ardent supporter of LGBT rights, Kinnaird spoke passionately against Amendment One in the Senate and introduced a bill to repeal North Carolina's anti-sodomy law.

A staunch advocate for religious liberty for all, Kinnaird was not afraid to question use of sectarian prayer in the state legislature, oppose a 2001 bill that would have allowed display of the Ten Commandments in public schools, or oppose a fear-mongering 2013 bill to ban the use of foreign or Sharia law.

She is also a committed supporter of reproductive rights who in 2013 denounced last-minute proposals to severely restrict abortion access, calling them a "breach of public trust."

Sen. Kinnaird authored landmark election reforms that are a model for other states and, in 2013,

her vocal opposition to North Carolina's voter suppression law earned national media attention, including an appearance on "The Rachel Maddow Show" on MSNBC.

Often, she was the only senator with the courage to vote her principles on tough civil liberties and criminal justice issues; for example, she was the only senator to vote against a 2010 bill authorizing the warrantless collection of DNA on arrest prior to conviction. In her final term in the Senate, Kinnaird was the only senator to score 100% on the ACLU-NC's annual legislative report card. ■

Robert Hurley

2014 Paul Green Award

For extraordinary efforts to abolish or limit the death penalty in North Carolina

Bob Hurley has worked tirelessly against the death penalty in North Carolina for nearly two decades.

In 2002, Hurley was appointed the first Capital Defender in the state by the North Carolina Commission on Indigent Defense Services (IDS Commission). During the last eleven years, he has been responsible for the appointment and oversight of counsel in capital cases throughout the state. Under his direction, the Office of the Capital Defender has established regional offices in Wilmington, Winston-Salem and Asheville, in addition to the main office in Durham.

THE 2014 FRANK PORTER GRAHAM AWARDS

Working with the IDS Commission and its staff, he helped establish new requirements for counsel appointed in capital cases, including mandatory training and case consultations. He has also provided strong support for attorneys in the private bar, public defender offices, and nonprofit offices who represent capital defendants. In addition, he has worked hard to ensure that attorneys have the resources they need to represent their clients effectively. With the implementation of new requirements for counsel, more resources and greater oversight of capital cases, the number of death sentences has plummeted. In the 1990's, juries in North Carolina were returning between 20 to 30 death sentences every year. In 2002, Hurley's first year as Capital Defender, there were only seven death penalty verdicts. In recent years, the number of death sentences has declined still further. In 2012, for the first time since the death penalty was reinstated in North Carolina in 1977, there were no death penalty verdicts in the state.

Hurley has also represented capital defendants at trial and in post-conviction proceedings. In the notorious case of Kawame Mays, Hurley and his co-counsel represented an African-American defendant who was charged with killing two white people in Wake County, one of whom was a police officer. Despite the fact that few people in the legal community thought they had a chance to save Mays' life, after two very contentious trials, Hurley and

his co-counsel were able to obtain two life sentences for their client. Hurley still represents two death row inmates in post-conviction proceedings. ■

Connie Vetter

2014 Sharon Thompson Award

For extraordinary efforts toward advancing equal rights for LGBT persons in North Carolina

Attorney Connie J. Vetter opened her law office in Charlotte in 1994 and has focused her practice primarily on the needs of lesbians, gay men, bisexuals and transgender individuals and couples. She has been described as Charlotte's leading LGBT rights lawyer.

Vetter tirelessly lobbied the Charlotte City Council for nondiscrimination policies and domestic partner benefits. She has organized three CLE programs on LGBT

issues for the Mecklenburg County Bar Association. She has a passion for educating people about the law and speaks frequently on LGBT legal issues to organizations, college classes and professional forums. She has arranged and spoken at numerous seminars to explain LGBT legal issues, including second parent adoption and the case against Amendment One.

Vetter has served on the boards of the Lesbian & Gay Community Center, NC GALA Institute for Equal Rights, North Carolina Gay & Lesbian Attorneys, Mecklenburg Gay & Lesbian Political Action Committee, Equality NC, Time Out Youth and OutCharlotte. She was appointed to the Charlotte-Mecklenburg Community Relations Committee by Charlotte City Council in 2004. In 2006, she was the Parade Marshall for North Carolina Gay Pride. ■

Advertise in our awards program!

Advertise your business, congratulate this year's Frank Porter Graham 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 mmeno@acluofnc.org
PDF, JPEG or Word formats preferred.

Please contact Communications Director Mike Meno
at (919) 834-3466 or mmeno@acluofnc.org for more information.

All ads may be subject to editing.

ACLU-NC Calls for Investigation Into Undercover Police Spying on Peaceful Moral Mondays Protesters

The ACLU-NC is calling on officials to investigate reports that various law enforcement agencies may have used undercover officers to secretly monitor citizens who peacefully protested at Moral Mondays rallies, which drew thousands of North Carolinians to the state legislature this year to protest a range of extremist legislation.

General Assembly Police Chief Jeff Weaver said his department collected intelligence on so-called "anarchists" at the rallies whom his officers considered to be "against government." Raleigh Police Chief Cassandra Deck-Brown said a plain-clothes officer attended two organizational meetings for Moral Mondays at the Davie Street Presbyter-

ian Church on May 6 and May 13, during the height of the rallies. The full extent of this covert surveillance of peaceful protesters is still unknown.

In an op-ed in the *Raleigh News & Observer*, ACLU-NC Executive Director Jennifer Rudinger called on officials to "conduct a full investigation into any law enforcement agency conducting surveillance of, or intelligence-gathering on, peaceful political protesters."

"These reports are extremely troubling and raise many questions that the public deserves to have answered," Rudinger wrote. "People should be able to exercise their constitutional right to speak freely about their beliefs and attend meetings about issues that concern them



in our state without having to worry that undercover government agents may be secretly monitoring and collecting information about their views and activities." ■

Court Hears 'Choose Life' License Plate Case

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simply "Respect Choice." The legislature rejected all six amendments.

North Carolina's one-sided law "is textbook viewpoint discrimination, and it goes to the heart of what the First Amendment is trying to protect," Brook told the Fourth Circuit panel in Richmond, Virginia.

The court is expected to issue its ruling in the coming months. ■

The Next Generation of Civil Rights Lawyers?



ACLU-NC Staff Attorney Raul Pinto (right) spoke to students at the Continuing Education & Industrial Center at Randolph Community College in Asheboro Oct. 31 about the ACLU and civil rights law for a career symposium.

Legal Roundup: ACLU-NC Defends First Amendment Rights

(Continued from page 3)

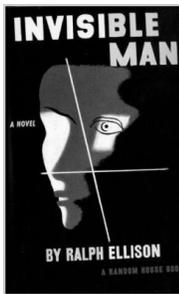
Staff Attorney Raul Pinto, the sheriff's office also agreed to provide deputies with increased training and require them to use standardized forms for reporting checkpoints, among other much-needed reforms. ■

'Invisible Man' Restored in Randolph Co. Schools

After receiving complaints and legal warnings from the ACLU-NC and other groups, the Randolph County Board of Education voted 6-1 on Sept. 25 to reverse an earlier vote banning Ralph Ellison's literary classic, "Invisible Man," from Randolph County schools. The school board had voted Sept. 16 to remove the book from all school library shelves and from an optional reading list for students after a parent complained that the content of the book, which examines issues of race and personal identity in the early 20th century, was inappropriate.

ACLU-NC Legal Director Chris Brook told the school board's legal counsel that such a ban would be unconstitutional and infringe on the First Amendment rights of students.

In a statement after the board voted to reinstate the book, Brook said the episode should serve as a reminder of the need to promote academic freedom and combat censorship. ■



Unconstitutional Prayers Halted at High School

The ACLU-NC sent a letter to officials at Randleman High School in Randolph County Sept. 6 after receiving complaints that the chair of the county's board of education regularly read a sectarian prayer over loudspeakers before the start of every school football game—a practice the U.S. Supreme Court has found unconstitutional. The prayers "have unfortunately excluded members of the Randleman High School community from an event that should bring the community together," the letter said.

After receiving the letter and reviewing applicable law, school officials decided to replace the unconstitutional pregame prayer with a more inclusive moment of silence. ■

Ultrasound Case Heard

Afederal court in Greensboro heard arguments Aug. 23 from the ACLU and other reproductive rights groups challenging the constitutionality of a 2011 law requiring physicians to perform an ultrasound four hours before providing an abortion, place the ultrasound screen in the woman's view and describe the images in detail—even if the woman objects.

Judge Catherine Eagles said a decision could be issued before year's end. ■

Wilmington Opts Against Ban on Alleged 'Gang Members' in Public Parks

The City of Wilmington has, at least for now, decided not to go forward with constitutionally suspect plans to ban alleged "gang members" from city parks, a move the ACLU-NC warned could lead to arbitrary enforcement, racial profiling and other constitutional violations.

ACLU-NC Policy Director Sarah Preston sent a letter to the Wilmington City Council and attended one of the council meetings after learning about the proposal, which would have deemed any "validated gang member" entering a city park a trespasser subject to warning or arrest.

"Not only could this invite racial profiling or other abuse of discretion by law enforcement, it could violate constitutional requirements that laws be specific enough to provide notice to the general public about what actions may violate the law," Preston wrote to the City Council in an Oct. 1 letter, adding that similar ordinances across the country have not been shown to be an effective crime deterrent.

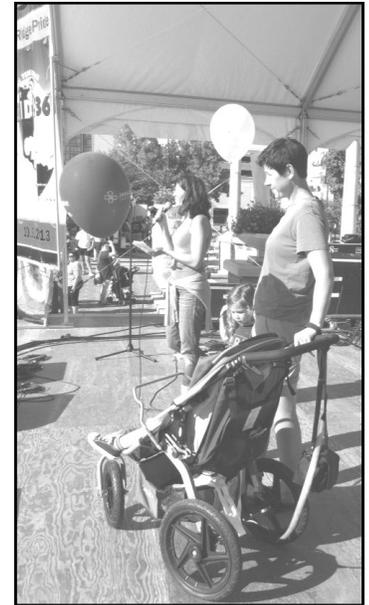
After hearing from Preston, the council voted 6-1 to delay a vote on the proposed ordinance. The ACLU-NC has since learned that the council plans to remove the ordinance from consideration. ■

ACLU-NC at NC Pride: 'You Have a Right to Love'



The ACLU and the families we are representing in *Fisher-Borne v. Smith*, a lawsuit seeking to overturn North Carolina's bans on second parent adoption and marriage for same-sex couples, were recognized and celebrated at recent LGBT pride festivals across the state.

Left: ACLU-NC Executive Director Jennifer Rudinger (left) and plaintiffs Chantelle (middle) and Marcie Fisher-Borne with their children, Eli and Miley, speak to the crowds at NC Pride in Durham Sept. 28.



Plaintiffs Crystal Hendrix (left) and Leigh Smith, with children Quinn & Joe, speak to the crowds at Blue Ridge Pride on Oct. 5. in Asheville.



ACLU-NC Policy Director Sarah Preston (left) and Executive Director Jennifer Rudinger ride in the NC Pride parade in Durham Sept. 28.



Supporting LGBT Rights Work

We wish to express our appreciation to the Guilford Green Foundation (GGF) for awarding the ACLU-NC Legal Foundation a \$5,000 grant to help defray the costs of our lawsuit seeking second parent adoption and marriage rights for LGBT couples!

ACLU-NC Executive Director Jennifer Rudinger (left) with GGF Granting Committee Co-Chairs Amy Holcombe (middle) and Sandra O'Connor.

CHAPTER UPDATES

ACLU of UNC-Asheville: “Students specializing in a variety of fields of study, who have been brought together by a shared passion for the protection of civil liberties and a desire to make our community and our state a better place” have started a new ACLU chapter at UNCA, reports chapter president Lindsey Johnson. “We are excited to be a part of this organization and look forward to working with you in the years to come.”

ACLU of Western North Carolina: On Oct. 17, the WNC chapter of the ACLU hosted “Fighting Back Against Voter Suppression,” a panel conversation about North Carolina’s voter suppression law and the ACLU’s efforts to challenge it in court. ACLU-NC Legal Director Chris Brook and other advocates spoke on the panel.

ACLU of Charlotte: Chapter president Richard Hester delivered comments to the Charlotte City Council Oct. 28 about the need to reform the city’s Citizens Review Board (CRB). The CRB has held 79 hearings without ever ruling against police and in most of those cases, the board did not even conduct a hearing. The ACLU is a member of CRB Reform Now, a coalition of groups urging greater civilian oversight of the Charlotte-Mecklenburg Police Department. Visit aclu-charlotte.org for other chapter news.



Hester

Donate a Vehicle!

Did you know you can get a tax deduction for donating a used car, boat, or other vehicle to the ACLU-NC Legal Foundation?

Contact ACLU-NC Executive Director Jennifer Rudinger at 919-834-3466 or jrudinger@acluofnc.org for details.

Will You Help Defend Civil Liberties?

Support the ACLU-NCLF by Making a Tax-Deductible Contribution Today!

o **Yes!** I want to help protect and expand civil liberties in North Carolina. Enclosed is a check for my tax-deductible contribution in the amount of:

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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 keason@acluofnc.org. MasterCard, Visa, and Discover 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 acluofnc.org





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Human Rights Coalition of N.C. Awards Dinner Dec. 12

The Human Rights Coalition of North Carolina will present **Khalilah Sabra** of Raleigh with the 18th Annual International Human Rights Award on December 12, 2013. Sabra is Executive Director of the **Muslim American Society Immigrant Justice Center**, which is dedicated to protecting human rights and access to justice for immigrants, refugees, and asylum seekers. She also serves on the Board of Directors of North Carolina Peace Action.

WHAT: Human Rights Coalition of N.C. Awards Dinner to honor Khalilah Sabra. Following dinner, Sabra will speak on "Seeking a Better World."

WHERE: NC State University Club, 4200 Hillsborough Street, Raleigh, NC

WHEN: Thursday, December 12, 2013. Social hour begins at 6:30 p.m. Dinner at 7:15 p.m.

The dinner costs \$35 per person. A cash wine bar will be available.

Visit acluofnc.org for reservation information and additional details.



*Khalilah Sabra
2013 International
Human Rights
Award Recipient*